

Utah sues feds over sage grouse plan

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SALT LAKE CITY (AP) — Utah has decided to sue the federal government over its new set of rules intended to protect the greater sage grouse — following similar lawsuits lodged by Idaho and nine Nevada counties, ranchers and two mining companies.

Utah state officials argue that the guidelines announced in September impose unnecessary restrictions for activities on and near sage grouse habitat. A state plan unveiled in 2013 is sufficient for the conservation of the hen-sized bird, the Utah Attorney General contends in the lawsuit filed Thursday.

State officials and members of Utah's all-Republican congressional delegation called the lawsuit an important stance against federal overreach.

"This one-size-fits-all decision does not reflect the tremendous diversity in greater sage-grouse habitats across the West," Gov. Gary Herbert said in a statement. "Utah is better positioned to manage our sage-grouse population than the federal government."

U.S. Interior Secretary Sally Jewell announced the new policies for Forest Service and Bureau of Land Management lands Sept. 22 at the same time she decided against listing the greater sage grouse as threatened or endangered. She said the added protections were necessary to reverse the department's decision in 2010 that the bird warranted protection under the Endangered Species

The regulations establish buffer zones as large as 3 miles in diameter around sage grouse "leks," the traditional breeding grounds for the bird whose numbers have dwindled from 16 million to between 500,000 and 200,000 due in large part to wildfires, mining, livestock grazing and other development.

Department of Interior spokesman Blake Androff said in a statement the plans were developed with input from state and local representatives.

"We believe the plans are both balanced and effective—protecting key sage-grouse habitat and providing for sustainable development," Androff said.

Allison Jones, director of the Wild Utah Project, called the lawsuit counterproductive to helping sage grouse recover. The new federal plan doesn't preclude the state from instituting its own sage grouse measures on state and private lands, Jones said.

Utah should allow the federal plan time and see if it can reverse a long-term downward population trend no matter how the state portrays the numbers, Jones said. "Why would Utah try to stop that?"

The previous lawsuits in Idaho and Nevada were filed on the heels of Interior Secretary Sally Jewell's announcement. The Nevada counties, mining companies and several ranchers filed their suit in federal court in Reno the following day. Idaho Gov. C.L. Butch Otter and the Idaho Legislature filed theirs several days later in federal court in Washington D.C.

Lawyers in the Idaho case have until April to file new response briefs. The Nevada case isn't expected to go to trial until mid-summer. A judge in the Nevada case has refused to immediately suspend all sage grouse protections recently adopted in new land planning amendments.

Herbert, a Republican, said in a statement that the new regulations are more restrictive in many ways than an Endangered Species Act designation. He said the state is better positioned to know how to manage sage grouse, as evidenced by the restoration of 500,000 acres of the bird's habitat and small increase in the animal's population.

He is backed by the state's top politicians. Sen. Mike Lee said there's no need for the federal government to control public lands in Utah. Rep. Rob Bishop said the plan is an example of the Obama administration imposing its "misguided will on the West."

Longtime Sen. Orrin Hatch also took the opportunity to blast the President: "The Obama administration has decided to fudge the facts and flout the law in pursuit of its radical anti-development agenda," Hatch said in a statement. "I applaud Gov. Herbert for his efforts to hold the administration accountable and protect our lands and jobs from this latest federal overreach."