

Posted April 11, 2016 - 9:37am

# Lawsuit: US grouse protections driven by politics, not science

By SCOTT SONNER

THE ASSOCIATED PRESS

RENO — Rural Nevadans suing to block the Obama administration's greater [sage grouse protection](#) plan say a trail of internal government documents they cite in a new federal court filing shows politics was the driving force behind a predetermined policy that flies in the face of its experts' own best science.

The latest motion seeks to void the protections that have severely restricted the development of millions of acres of federal land across 10 Western states. In some cases, the protections have made sections of federal land totally off limits.

Nevada Attorney General Adam Laxalt and lawyers for nine Nevada counties, ranchers and miners say three top Interior Department officials who dubbed themselves the "Grouseketeers" illegally sought input from conservationists outside the planning process.

The motion for summary judgment filed in Reno last week also says the U.S. Bureau of Land Management ignored its staff's advice to reopen the process to prepare a supplemental environmental impact statement, and "reverse-engineered studies with pre-determined conclusions designed to defend the land management restrictions."

"There was a political agenda rather than a scientific basis for requiring withdrawals and absolute prohibitions on development and use," Reno attorney Laura Granier wrote on behalf of the plaintiffs who first filed the lawsuit in September to block [protections of the greater sage grouse](#).

They argue the public has been "unlawfully deprived of the disclosure and impact analysis required" under the National Environmental Policy Act and the Federal Land Planning Management Act. They've asked Judge Miranda Du — twice before, unsuccessfully — to at least suspend the protections until the government conducts a supplemental environmental impact statement analyzing significant changes made to the plans after the original environmental impact statement was subjected to public comment.

Administration officials did not immediately respond to requests for comment. In the past, they have said agency officials do not comment on pending litigation. Judge Du has given the government until April 25 to respond.

Interior Secretary Sally Jewell decided in September that the greater sage grouse didn't warrant protection under the Endangered Species Act and instead launched land-use amendments intended to ensure the survival of the bird.

Environmentalists argue Jewell had no basis to reverse her department's earlier finding in 2010 that listing the bird was warranted but precluded. They recently filed their own lawsuits saying the land-use regulations don't do enough to protect it, especially in areas with oil and gas reserves.

The ranchers, miners and Nevada counties say the Fish and Wildlife Service, Forest Service and the Bureau of Land Management “rushed through the process” because they considered meeting a deadline for a listing decision more important than complying with the law.

“The administrative record reveals astonishing overreach and disregard for public involvement and statutory requirements to impose a top-down policy engineered by three officials in the Department of Interior,” Granier wrote.

She identified the three “Grousketeers” — a phrase apparently based on the “Mousketeers” featured in Mickey Mouse cartoons — as Deputy Assistant Interior Secretaries Jim Lyons and Michael Bean, and Sarah Greenberger, legal counsel to Jewell. She said the trio met after the public comment period with environmental leaders to “get insight as to what would be required for (them) to ‘buy-in’” on the plans.

Laxalt said the current protections halt development on nearly 3 million acres “that Nevadans depend on for their economic livelihood.” He said federal law requires the government to carefully consider concerns raised by the state and its citizens “not just special interest environmental groups.”

“The self-appointed ‘Grouseketeers’ mock all Nevadans and show their true agenda,” Laxalt said.

The motion says the Fish and Wildlife Service drew boundaries around what became priority grouse habitat areas “based on maps and information from the ‘conservation community’ and then BLM unlawfully ignored the Nevada Department of Wildlife who demonstrated the boundaries were inconsistent with the state’s data and actual science.”

It says the government prepared “form responses” to Nevada Gov. Brian Sandoval’s objections “before even receiving them, and cookie-cutter responses to the public and county protests, which are identical in form regardless of the issues raised.”