

Local

Commissioners keeping close eye on sage grouse case

 Marianne Kobak McKown / MARIANNE KOBAK MCKOWN mkobak@elkodaily.com

 04.09.16

ELKO – Even if a judge hands Attorney General Adam Laxalt a summary judgment concerning a case of sage grouse and land use, it won't be the end of the County's lawsuit over the issue.

Laxalt claims that Department of Interior officials who called themselves "Grouseketeers" illegally met with environmental groups after the agency's public comment period ended.

County Commissioner Rex Steninger asked Chief Civil District Attorney Kristin McQueary what the significance would be of a summary judgment on the lawsuit over the sage grouse.

"Is that routine to file a motion for a summary judgment or is that an indication that they think they have a real strong hand?" Steninger asked.

McQueary said it is "kind of both."

"As you know, there's a difference between what you should win and what you ought to win, so why don't you just leave it at that," she said.

Steninger said the information provided by Laxalt "has some pretty strong language" such as "astonishing overreach" and "disregard for public involvement by three Interior officials." He said he thinks the information provided by the AG is "pretty significant."

"They named themselves the Grouseketeers, so they were making a joke of it," Steninger said.

Assistant County Manager Randy Brown said he thinks Laxalt is "keying in on the same things we did for our lawsuit."

Commissioner Cliff Eklund asked if the judge awarded the summary judgment in favor of the state and counties, would that eliminate the need for the lawsuit? McQueary said no. She said it could be appealed to the next level.

"It's not going to be the end, even if the judge rules 100 percent in the AG's favor," she said.

In a release Tuesday afternoon, Laxalt's office announced that the plaintiffs, which include eight other counties and the state, as well as mining and ranching interests, had requested a summary judgment.

“The state’s motion explains how the federal government has disregarded public involvement and other requirements in violation of federal law,” stated the release. “For example, internal documents released by the federal agencies as part of the administrative record in the case have revealed that three U.S. Department of the Interior officials — who dubbed themselves the “Grouseketeers” in internal correspondence — met with environmental groups after the public comment period had ended to gauge how those groups would agree to amendments created under the land-use plan.”

The motion accuses unidentified officials of ignoring the concerns of staff who wanted a supplemental environmental impact statement, socioeconomic impact analysis and further scientific data to support the proposed land-use restrictions.

The Interior Department responded to the Free Press, “We cannot comment on pending litigation however the BLM and the USFS plans reflect years of collaborative work among federal, state and local partners to develop a comprehensive, landscape-scale, science-based, collaborative approach to conserve the sage-grouse and support sustainable development and this includes many conversations with state representatives in developing the plans.”

Laxalt said the sage grouse plan withdraws nearly 3 million acres that Nevadans depend on for their economic livelihood.

“Before such a momentous decision is made, federal law clearly requires that the agencies carefully consider the concerns raised by the state and by the citizens of Nevada — not just special interest environmental groups,” he said. “As we have shown in our briefing, the record demonstrates this was not done. The self-appointed federal ‘Grouseketeers’ mock all Nevadans and show their true agenda.”



Jerret Raffety, Rawlins Daily Times via AP, File
Male sage grouses fight for the attention of a female.