

LEGISLATURE 2013:

Who's afraid of a chicken? Mining, energy, ranching

The sage grouse is a 2-ton elephant when it comes to making some Nevada industries sweat



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CARSON CITY —

Sage Grouse



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A looming threat to rural Nevada industries such as mining, energy and ranching turns out to be a real chicken.

Although the number of sage grouse, also known as sage chickens, nesting in the great expanses of Northern Nevada may seem trivial to anyone in Clark County, the bird's potential listing as an endangered species has many of the state's important industries worried.

That's because a listing would require more regulations, stricter permitting and a curtailed use of federal lands, all of which could cost Nevada jobs, stymie the state's slow economic recovery and ultimately frustrate the state's ability to pay for schools, roads and other essential programs, Nevada business representatives and political leaders say.

The U.S. Fish and Wildlife Service plans to make its listing decision in September 2015, meaning the Nevada Legislature must act now to set policy and dedicate money to programs that could avert a listing.

How worried are industries and legislators? Here's a sampling of the superlatives used to describe the consequences of listing the sage grouse:



Courtesy

Assemblywoman Maggie Carlton of the 77th (2013) Nevada Assembly District.

- "We will shut down this state," said Assemblywoman Maggie Carlton, D-Las Vegas, who chaired an interim committee on public lands last year. "Everything will shut down if we're not able to avoid listing this bird."
- "Literally, you could see the use of federally managed lands close down," said Doug Busselman of the Nevada Farm Bureau, which represents ranching interests in rural Nevada. "You could basically wipe out that industry."
- "We're highly concerned, and the reason why is the uncertainty with how we might deal with the sage grouse issues," said Tim Crowley, lobbyist and spokesman for the Nevada Mining Association.

- “If the sage grouse is listed as an endangered species, it will bring renewable energy development in Northern Nevada to a halt,” said Tom Clark, renewable energy lobbyist with the Holland & Hart firm.
- “We’re concerned about any endangered species getting listed that might impact our operations,” said David Stover, CEO of Noble Energy, which is conducting oil and natural gas exploration in rural Nevada. “It’s just a cloud of uncertainty until that happens.”

So although a world in which a 2-foot tall bird exerts power over major industries may seem better suited for a fantasy novel, one grouse to rule them all and one grouse to bind them is the reality.

Gov. Brian Sandoval has committed about \$2 million to prevent the listing of the sage grouse.

In addition to a working group that produced a report in 2012, Sandoval has brought together multiple state agencies and 12 representatives from agricultural, environmental, energy, mining, ranching and local government interests to form a Sagebrush Ecosystem team.

“Precluding the listing of the greater sage grouse is of utmost importance to our state,” Sandoval said in a statement in January. “I am pleased that these 12 Nevadans have agreed to work together to serve our state and ensure the continued survival of the greater sage grouse.”

The team has a high-stakes game ahead, and there’s no room for missing the mark in the state’s plan.



Courtesy

Assemblyman David Bobzien of the 77th (2013) Nevada Assembly District.

“It’s 'horseshoes and hand grenades'; we either avoid the listing or we don’t,” said Assemblyman David Bobzien, D-Reno, who has a bill draft request about sage grouse conservation programs. “If all the industries that have to come together, are they being aggressive enough in modifying their approach to business? Maybe there’s a little medicine they need to take to avoid the disease.”

Bobzien said the governor’s sage grouse committee may not have recommended enough changes to industry practices to avoid a listing.

For instance, the plan regards land uses such as grazing as “de minimis,” or of no impact to the sagebrush ecosystem, he said.

Noting that existing uses do affect the ecosystem, he said the state can both strengthen its plan and industry can do more to mitigate its effect on sage grouse habitat.

The bird's fate relates directly to the viability of sagebrush ecosystems. The bird cannot live without sagebrush, which it uses for shelter and food.

Habitat destruction through wildfires, invasive species and predation threaten the sage grouse.

Record low snowfall in the Sierra Nevada range this winter does not bode well for the summer wildfire season.

"Right now, the needle is leaning toward a listing," said Shawn Espinosa, biologist with the Nevada Department of Wildlife. "It all comes back to having healthy sagebrush communities, and unfortunately we are losing those."

Meanwhile, the potential for a listing has already affected business.

At a legislative hearing in February, Assemblyman John Ellison, R-Elko, decried the potential jobs and property tax revenue Elko lost when NV Energy canceled a renewable energy project because of the sage grouse.

The developers got into a tangle with the federal Bureau of Land Management over the project.

Proponents of the project had estimated it would have brought \$7.6 million in tax revenue to the state and \$13.6 million to Elko County.

The federal and state governments are crafting a plan that could include a "mitigation bank" in which industries that disturb sage grouse habitat would mitigate the impact through habitat restoration elsewhere.

That seems to be the favored industry approach — continuing existing practices but making up for the damage by restoring habitat elsewhere.

That's the plan the Southern Nevada Water Authority is taking with its proposed pipeline that would bring water from Northern Nevada to Clark County. There, too, the sage grouse could affect crucial access to water for Southern Nevada.

The water authority is planning to build the pipeline around existing grouse nests — or leks — and may reduce construction activity during breeding season, said Scott Huntley, communications director for the Southern Nevada Water Authority.

Although the sage grouse has been a sleeper issue at the Legislature, lawmakers have fewer than 90 days left to act.

"Fish and Wildlife Services needs to have enough defensible information to say why they should not list the bird," Bobzien said. "A lot of that is state effort. They'll ask: What is the regulatory policy to save the bird? Are we spending money on something that won't work, or is this robust enough to work?"

The federal government should have that answer come September 2015.