

Public Comment Presented to the  
Bureau of Land Management Northeastern Great Basin Resource Advisory Council  
April 19, 2012

**Sage Grouse Selective Management – Budgets over Birds**

**Introduction**

Just as they did with the spotted owl, state and federal agencies are persecuting producers in order to protect the sage grouse. By preventing timber production, the agencies destroyed jobs in building materials, furniture and paper goods – printing stock but also a myriad of filter products. So much for agencies helping the environment. The agencies destroyed industries, devastated communities, displaced people and increased fire hazards with absolutely no accountability for their political science of spotted owl protection. The barred owls were eating the spotted owls all along. Hunting the barred owls now is being considered.

Coates & Casazza (2012) indicate that invasive plants, wildfire, and subsidized predation are likely the most important factors affecting sage grouse survivability. The least costly and most effective way of dealing with the first two factors is to simply restore the public lands to agricultural productivity. The onslaughts of agency employees and current management practices have not effectively diminished invasive weeds nor have they diminished wildfires. They are simply policies contributing to our regulatory burden and national debt.

It is crucial to understand that there are 535,000 sage grouse by agency count. The minimum viable population for genetic survivability – the Endangered Species Act listing criteria, is 5,000 birds (USFWS, 2010a). We have over 100 times the number of sage grouse for an effective population. Yet the agencies threaten they will list the bird unless citizens and local government acquiesce to the agency habitat management plans. Apparently we have over 100 times the number of bureaucrats for an effective population.

Further to this, consider the current eleven-state and two-province range of the sage grouse. It encompasses over 159,000 square miles, yet only 3.9 percent of the range supports twenty five percent of the birds (Dougherty et al., 2010). This indicates that in order to protect the listing limit of 5,000 birds, a mere 421 mi<sup>2</sup> of the choice ground will suffice. Much more than that amount of choice ground is available in existing Wilderness Areas, National Parks and Grasslands, and National Forests.

Though I do not advocate reducing the existing sage grouse population, the range-wide persecution of producers is unfounded with regard to both the healthy sage grouse population and the extensive suitable habitat. Since persecution of producers is underway, it apparently is founded exclusively on political science, rather than natural science.

Even allowing for their unwarranted worry about the sage grouse, the agency solutions are the epitome of misplaced action. They add insult to the injury already inflicted on producers.

### **Predator Control is Habitat Management**

Ranchers, energy developers, miners and recreational land users all have been and will continue to be severely restricted by both existing and proposed habitat management policies. Conforming to the central planning prime directive, there is greater agency benefit to managing habitat than managing predators. Managing habitat alone requires significant personnel and equipment, but due to the time to implement, it may create the impression of a sage grouse population crisis – which ultimately would enhance agency power. Managing predators can be done almost exclusively by individual citizens, does not detract from other management techniques, solves the problem and ultimately diminishes the need for a large bureaucracy.

Ironically, by agency research, habitat management is critical primarily because of anthropogenic subsidization of predators. Although 94% of nesting failures are due to predation, agencies refuse to acknowledge that predator control can be effective. As Quinton Barr has shown (Steninger & Barr, 2012), from the 1920s through the 1950s, predator control using government hunters, along with bounties and incentives for civilian hunters, resulted in the highest verified sage grouse counts on record. From the 1960s forward, predator control was eliminated. Re-establishing predator control also would allow the bird to more fully utilize its range. The introductory statement the State of Wyoming makes concerning predation reads ‘As should be expected, predation is and has always been the major cause of sage-grouse mortality’ (WGFD, 2003).

The predation control studies indicate the territorial ravens, knowing their normal hunting range, are three times as effective at nest depredation as the transitory birds (Coates, 2012). When the territorial ravens are removed by predation control, the transitory ravens, no longer harassed out, may replace the territorial birds at twice the density. The two replacement birds thus hunt at a combined two-thirds the effectiveness of the removed raven. There is an immediate benefit in using predator control, despite the government scientist and agency bureaucrat conclusions to the contrary.

An important consideration is the nesting phase kill ratio of seven to one. There is an average of seven eggs per clutch. Since sage grouse abandon depredated nests, all seven eggs are lost with each predation event, whether the predators eat one or all seven. This kill ratio is not met in any other phase of the sage grouse life cycle. Common sense and common decency cry for predator control.

In a March 22 public comment on the Western Region Greater Sage-Grouse Planning Strategy (Sacrison, 2012), I proposed predator bounties. The reader is directed to that document for an

approach which manages animals rather than people, and will lead to a rapid and significant sage grouse population increase. Regarding ravens, this can be done with depredation permits (USFWS, 2010b) under 50 CFR 21.41. Further to that is Wyoming's suggestion that USFWS do a species assessment on ravens and consider including ravens in the 50 CFR 21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies (WGFD, 2003, USFWS, 2010c).

### **The Central Planning Philosophy**

How then do the agencies justify wielding the perfect as the enemy of the good? How do the agency employees explain that because they cannot save two-thirds of the preyed-upon sage grouse, they will not nor will they allow us to save the other one-third?

Sadly, the agency insistence on centrally-planned habitat management alone is both cruel and selective. While ranchers and others are persecuted in the northern part of Nevada, the sage grouse itself is assaulted in the center and south. State and Federal agencies are cooperating in the Southern Nevada Water Authority plan which will dewater sage grouse habitat for the benefit of Las Vegas. A time is coming when water poured in Las Vegas will kill sage grouse to the north. What is the agency justification in allowing that killing, and how do the agency employees explain their decisions?

There is no clear natural science basis for the bureaucratic control of people and land on behalf of sage grouse. In fact, there is no legal basis. The birds themselves are not the object, for the population is healthy and they do not fully utilize the available habitat. The object of habitat management alone is for the agencies to obtain large budgets and exercise control over people and land.

Again, controlling predation solves the most significant problem affecting the sage grouse. Solving a problem is anathema to the agencies, because they cannot be assured another problem will arise to justify their size and perhaps very existence. The political science of central planning encourages if not requires an expansion rather than contraction in the size of government.

If the agencies honestly were concerned with saving sage grouse, they would immediately adopt aggressive predator control. Additionally, they would halt the impending killing of sage grouse by planned water removal. Could it be they are willing to sacrifice thousands of birds in order to create examples and heighten arguments against future developments elsewhere? Is it unreasonable to speak so? Only if you think awarding bonuses and promotions to the lynx hoax perpetrators was reasonable (GAO, 2002).

## **A Taxpayer's Regulatory Mechanism**

The agencies claim regulatory mechanisms are needed. They are, and I suggest here an equitable mechanism based on well understood metrics. While the range-wide sage grouse population exceeds 100,000 or the habitable range exceeds the range necessary to support 100,000, for every dollar of costs the agencies inflict on counties and states in the sage grouse matter, the agencies should lose an equal amount of actual funds. Those county and state losses will be remunerated from general funds out of the U.S. Treasury. Furthermore, the agencies cannot incorporate expected county and state costs into their own budgets, because doing so simply perpetuates their proclivity to profit from their political science.

The general fund aspect provides a critical oversight of the sage grouse program since other offices and agencies will not only be aware of the disbursement, they will see how it affects their portion or potential in general funds. The loss of inflicted costs will remove the existing incentive to maximize the budget by maximizing the alarm.

As an example, the BLM is costing Elko County \$700,000 per year in lost wind energy revenues over the coming ten years. No birds are expected to be killed by the China Mountain production facilities. It is expected they will move some leks away from wind turbines. Perhaps not unlike teenagers moving a lover's lane when houses start going up. Life goes on somewhere else, and agency research shows the sage grouse have a broad, fruitful and underutilized range.

The \$700,000 should be paid from the U.S. Treasury to Elko County. There are additional revenues which the State of Nevada is losing. In like manner, Nevada also should be compensated for what is politically scientific oppression and persecution of producers. Though different costs and producers are involved, this example is applicable throughout the federally-controlled sage grouse range.

The taxpayer deserves and must demand this or a similar regulatory mechanism. Without it, all we are witnessing and funding is agencies profiteering from their political science on sage grouse. They did so with the spotted owl, and now are practicing even more contrived and contorted machinations to justify their bureaucracies.

Thank you for this opportunity to present a taxpayer's perspective.

Respectfully,

Ralph R. Sacrison

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**Sage Grouse Counts, Areal Extents, and Breeding Densities**

Population		Areal Extent					Breeding Density				
pct	count	pct	ha	ac	km <sup>2</sup>	mi <sup>2</sup>	ha/n	ac/n	n/km <sup>2</sup>	n/mi <sup>2</sup>	
25	133,750	3.9	2.92E+06	7.21E+06	29,192	11,271	21.8	53.9	4.6	11.9	a
50	267,500	10.0	7.58E+06	1.87E+07	75,782	29,259	28.3	70.0	3.5	9.1	a
75	401,250	27.0	2.04E+07	5.03E+07	203,633	78,621	50.7	125.4	2.0	5.1	a
100	535,000	54.5	4.12E+07	1.02E+08	411,810	158,997	77.0	190.2	1.3	3.4	a
83	294,423	30.0	2.27E+07	5.60E+07	226,629	87,500	77.0	190.2	1.3	3.4	b
0.9	5,000	0.1	1.09E+05	2.70E+05	1,091	421	21.8	53.9	4.6	11.9	c
183	980,966	100.0	7.55E+07	1.87E+08	755,088	291,535	77.0	190.2	1.3	3.4	d

Ralph R. Sacrison, June 4, 2012, *after*

- a Doherty et al. (2010) Mapping breeding densities of greater sage-grouse: A tool for range-wide conservatin planning, Prepared for the Bureau of Land Management, BLM Completion Report: Interagency Agreement #L10PG00911, Sept. 24, 2010, Figure 1.
- b USFS & BLM controlled lands; population density from nearest quartile density.
- c Areas deduced from prime breeding ground density, using listing limit population.
- d Population deduced from Schroeder et al. (2004, *in* Doherty, 2010) estimate of range extent.

Agency declarations of historical sage grouse populations on the order of 1-2 M do not correlate with written history, bone fragments, predator residue nor the statistical distribution across existing range.

It does appear that the agencies seek effective control of land well beyond their existing mandate. The agencies state they must control habitat across their estimate of historic sage grouse range. They state this is to comply with the Endangered Species Act and deny the US Fish & Wildlife Service a reason to list the bird. Their estimated historic range is shown in the final row of the table.

It does appear that the agencies seek effective control of land well beyond their existing mandate. The agencies state they must control habitat across their estimate of historic sage grouse range. This is to comply with the Endangered Species Act and avoid listing the bird. In doing so, they will effectively triple the land they manage without requiring any administrative or legislative permission.

Using existing range-wide breeding densities, fully populating the estimated historic range will nearly double the existing population. The existing population already is more than 100 times the requirement for genetic survivability.

The listing population of 5,000 requires 421 square miles, and there currently are more than ten such areas of prime habitat each of which will support the listing population.

While range-wide sage grouse population exceeds 100,000 or the habitable range exceeds that necessary to support 100,000, for every dollar of costs the agencies inflict on counties and states in the sage grouse matter, the agencies should lose an equal amount of actual funds. Those county and state losses will be remunerated from general funds out of the US Treasury. Furthermore, the agencies cannot incorporate expected county and state reimbursements into their own agency budgets.