

Congress of the United States
Washington, DC 20515

March 15, 2018

The Honorable Ken Calvert
Chairman
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
2007 Rayburn HOB
Washington, DC 20515

The Honorable Betty McCollum
Ranking Member
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
1016 Longworth HOB
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

As you begin crafting the Fiscal Year 2019 Interior, Environment, and Related Agencies Appropriations bill, we encourage the subcommittee to reject the Obama Administration's unilateral actions on the Greater Sage Grouse and assert Congressional authority in preventing a future Endangered Species Act (ESA) listing for the bird.

The Department of Interior under the Obama Administration found in 2015 that a listing of the Sage Grouse under ESA was not warranted. However, the agency unilaterally chose to implement a de facto listing through overly restrictive Resource Management Plan (RMPs) Amendments and Land and Resource Management Plan (LRMPs) Amendments. These RMPs and LRMPs are in many cases more restrictive than a critical habitat designation would be under an ESA listing. The Amendments were even less warranted than a potential listing and sought to prevent responsible mineral production, grazing and other activities across 11 Western states. The bird's habitat covers roughly 165 million acres.

The Obama Administration also sought to withdraw 10 million acres of the bird's habitat from future mining activity – actions which lacked the benefit of scientific support or correlation with species recovery – but were purely targeted to shut down development. Fortunately, this massive mineral withdrawal was canceled in October of 2017 by the current Administration.

The Obama Administration's scheme to use the Sage Grouse as a rationalization to shut down large swaths of public lands across the West – particularly oil, gas, and mineral development along with grazing – has resulted in devastating impacts for local economies. Western Energy Alliance estimated in 2014 that the plans would cost more than \$5 billion in economic activity and a corresponding 31,000 good-paying jobs. As the Wall Street Journal Editorial Board [noted in an August 11, 2017 piece](#): “The land plans all but ban mining and grazing in certain areas, whereas a species listing at least allows some development after onerous conservation or mitigation planning.” We highly recommend you read the full editorial for its concise summation of how the prior Administration's efforts were misguided on the species conservation level in addition to the economic one.

We should be clear: the Greater Sage Grouse **is not endangered or threatened** by any reasonable, legally-informed interpretation of that status. The population is far greater today than it has been in recent years thanks to the concerted efforts of several states that implemented, at their own expense, comprehensive Sage Grouse recovery plans. The 2015 Western Association of Fish and Wildlife Agencies [study](#) of Sage Grouse population trends from 1965-2015 [found that mating males had increased 63% over the prior two-years](#); any argument for the species being listed has been dismantled by a steady preponderance of favorable and improving facts on the ground.

Luckily, the Bureau of Land Management has announced it is taking steps to possibly amend the restrictive Sage-Grouse land use plans implemented by the Obama administration in 2014 and 2015. However, that process is separate from the Endangered Species Act listing process. If the Executive branch makes progress reducing the overreach of the past Administration and its land use plans, there will be a renewed frenzy from radical advocacy groups to seek an ESA listing in order to prohibit responsible mining, energy, grazing and development projects. Congress must act to ensure the Sage Grouse cannot remain an arbitrary regulatory cudgel in the years ahead and provide federal agencies the protections they need to unwind previous overreach.

Section 113 of the engrossed version of the House FY 2018 Interior, Environment and Related Agencies Appropriations bill contained language which aimed to protect against a Sage Grouse listing in such occurrence.

Accordingly, we ask that you include the following language this fiscal year:

SAGE -GROUSE

*SEC _____. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) — (1) a rule for greater sage-grouse (*Centrocercus urophasianus*); (2) a rule for the Columbia basin distinct population segment of greater sage-grouse.*

We also ask that you consider including language similar to the following in the base text of the FY 2019 Interior, Environment and Related Agencies Appropriations bill, which places a moratorium on the Sage Grouse being listed as endangered or threatened for a period of five years while protecting the United States government from any lawsuits arising from the Secretary of the Interior's actions in fulfilling that moratorium:

*SEC. _____. (a) During the 5-year period beginning on the date of enactment of this Act, the Secretary of the Interior may not issue a positive finding under Section 4(b)(3) of the Endangered Species Act of 1973, (16 U.S.C. 1533 (b)(3)) for any petition to list the greater sage-grouse (*Centrocercus urophasianus*) or the Columbia basin distinct population segment of greater sage-grouse.*

*(b) For any petition under Section 4(b)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)) to list the greater sage-grouse (*Centrocercus urophasianus*) or the Columbia basin distinct population segment of greater sage-grouse that is received by the Secretary before the end of the period referred to in subsection (a), judicial review shall not be permitted —*

(1) on the basis that the Secretary of Interior's has failed make a finding under such section; or

(2) on the basis of a negative finding under section 4(b)(3)(B)(i) of such Act (16 U.S.C. 1533 (b)(3)(B)(i)).

(c) During the period referred to in subsection (a), the Secretary of the Interior may not issue any emergency regulation under section 4(b)(7) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(7) for the greater sage-grouse (*Centrocercus urophasianus*) or the Columbia basin distinct population segment of greater sage-grouse.

We thank you for your consideration of this request, and for your leadership on the Committee.

Sincerely,



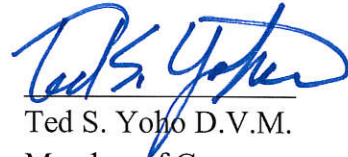
Paul A. Gosar, D.D.S.
Member of Congress



Rob Bishop
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Ted S. Yoho D.V.M.
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