

April 16, 2020

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
S-128 The Capitol
Washington, DC 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
S-146A The Capitol
Washington, DC 20510

The Honorable Lisa Murkowski
Chairwoman
Subcommittee on the Interior, Environment, and
Related Agencies Appropriations
125 Senate Hart Office Building
Washington, DC 20510

The Honorable Tom Udall
Ranking Member
Subcommittee on the Interior, Environment, and
Related Agencies Appropriations
131 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Nita M. Lowey
Chairwoman
Committee on Appropriations
United States House of Representatives
H-307 The Capitol
Washington, DC 20515

The Honorable Kay Granger
Ranking Member
Committee on Appropriations
United States House of Representatives
1016 Longworth House Office Building
Washington, DC 20515

The Honorable Betty McCollum
Chairwoman
Subcommittee on Interior, Environment, and
Related Agencies
House Committee on Appropriations
2007 Rayburn House Office Building
Washington, DC 20515

The Honorable David Joyce
Ranking Member
Subcommittee on Interior, Environment, and
Related Agencies
House Committee on Appropriations
1016 Longworth House Office Building
Washington, DC 20515

Re: Please Conserve Greater Sage-Grouse in the FY 2021 Interior and Environment Appropriations Bill

Dear Chairs and Ranking Members:

On behalf of our millions of members and supporters nationwide, we urge you to please ensure that a rider from previous years prohibiting the U.S. Fish and Wildlife Service (FWS) from considering greater sage-grouse for protection under the Endangered Species Act (ESA) is excluded from the final FY 2021 appropriations bill for Interior, Environment, and Related Agencies.

The greater sage-grouse is an imperiled western bird and the charismatic ambassador for the Sagebrush Sea, an ecosystem that is vital to fish and wildlife, recreation, communities, and sustainable economic development in eleven western states. As many as 16 million greater sage-grouse once occurred across 297 million acres of sagebrush grasslands in the West. Today, sage-grouse range is half of what it once was, and populations have declined to less than ten percent of historic numbers.

Sage-grouse populations have experienced sharp declines in recent years. Montana's population fell

more than 40 percent between 2016-2019; Utah has seen a 61 percent drop since 2015;¹ and Wyoming's sage-grouse population dropped 21 percent between 2018-2019, while the state has counted 44 percent fewer birds since 2016.² Idaho reported a loss of 52 percent since 2016;³ Nevada's 2019 lek counts found a 33 percent decline from 2016; and Oregon's estimated population suffered a 24.9 percent decline in just one year.⁴

Nearly half of sage-grouse habitat has been lost to historic development patterns, while less than 3 percent of the bird's current range is federally protected. Remaining habitat is compromised by impacts from oil and gas drilling, livestock grazing, mining, unnatural fire, invasive weeds, off-road vehicles, roads, fences, pipelines, and utility corridors.

In 2010, the Obama administration found that the greater sage-grouse warranted protection under the ESA, but other, higher priorities precluded the agency from proposing a listing rule at that time.⁵ Recognizing the urgent need for conservation action, the administration took the extraordinary step of amending nearly one hundred federal land use plans across the West with new conservation prescriptions for sage-grouse. The effort engaged states and other key stakeholders in a public planning process to enhance habitat while providing for continued resource management across the bird's range. Citing the "National Greater Sage-Grouse Planning Strategy" (National Strategy) and relying heavily on its projected conservation outcomes, FWS determined in October 2015 that the sage-grouse did not warrant protection under the ESA at that time.⁶ FWS also determined that a status review in 2020 would be necessary to ensure those projected outcomes were sufficiently realized on the ground to keep the bird off the list.

Unfortunately, the Trump administration has reversed course on this unprecedented effort to conserve sage-grouse and its habitat. Both the Bureau of Land Management and the U.S. Forest Service rolled back protections in dozens of public lands management plans that comprise the National Strategy, jeopardizing the 4-year, \$45 million planning effort that enjoyed broad support from diverse stakeholders and competing interests. The amended plans reduce or eliminate protective management buffers around breeding and nesting habitat in designated conservation areas. They also relax critical mitigation and adaptive management requirements. The administration restarted large-scale leasing in priority sage-grouse habitats. And it is now pursuing a slate of regulatory revisions that would elevate land use and development over conservation on millions of acres of public lands. These rollbacks fundamentally undermine the assumptions behind the FWS's 2015 not-warranted decision and significantly increase the chances that sage-grouse listing under the ESA may be required to save the bird from extinction.

¹ Brown, M. "Sage grouse numbers stumble in Montana, across US West," *AP News* (Sept. 12, 2019), <https://apnews.com/86a00a14ee3647d0a775d93b883e5d16>.

² Thuermer, A.M. "Wyoming's 2019 sage grouse count dips 21%," *WyoFile* (Aug. 28, 2019), <https://www.wyofile.com/wyomings-2019-sage-grouse-count-dips-21/>.

³ Sewell, C. "Idaho sage grouse numbers have dropped 52% since 2016. Will management changes help them?," *East Idaho News* (August 11, 2019), <https://www.eastidahonews.com/2019/08/idaho-sage-grouse-numbers-have-dropped-52-since-2016-will-management-changes-help-them/>.

⁴ Thuermer, A. M. "Greater sage grouse counts show 3-year downward trend," *Casper Star Tribune* (Aug. 7, 2019), https://trib.com/news/state-and-regional/greater-sage-grouse-counts-show--year-downward-trend/article_7fc4bd5e-bf1c-500f-be2f-dcca80a9a53c.html.

⁵ 75 Fed. Reg. 13910 (Mar. 23, 2010).

⁶ 80 Fed. Reg. 59857 (Oct. 2, 2015).

Congress has continuously passed annual appropriations riders blocking FWS from carrying out its basic responsibilities under the ESA concerning greater sage-grouse since 2014. Our organizations have previously expressed concerns that this Congressional intervention would unduly prevent the FWS from properly assessing the condition of the species and would remove necessary incentives to achieve conservation progress under the National Strategy. It is essential that FWS scientists be allowed to do their job in light of the clear and present threats to sage-grouse posed by the current administration's agenda.

We very much appreciated that the FY 2020 House version of the Interior bill excluded the rider; unfortunately, the Senate version of the bill, and then the final conference report, retained it. Time may be running out for the greater sage-grouse and the Sagebrush Sea. Our organizations urge the Appropriations Committee to ensure that the final FY 2021 Interior appropriations bill is free of the rider restricting FWS's ability to take any needed steps to protect this species. We appreciate your consideration of this request and look forward to providing any additional information that might be useful.

Sincerely,

American Bird Conservancy
American Birding Association
Animal Legal Defense Fund
Animal Welfare Institute
Asociacion Ecosistemas Andinos (ECOAN)
Audubon Naturalist Society
Audubon Rockies
Born Free USA
Center for Biological Diversity
Central Colorado Wilderness Coalition
Christian Council of Delmarva
Clean Water Action
Coalition to Protect America's National Parks
Conejos Clean Water
Conservation Congress
Conservation Council For Hawaii
Conservatives for Responsible Stewardship
Cumberland Harpeth Audubon Society
Defenders of Wildlife
Earthjustice
Earthworks
EcoFlight
Endangered Habitats League
Endangered Species Coalition
Environmental Protection Information Center
Friends of Nevada Wilderness
Friends of the Earth
Friends of the Sonoran Desert

Fyke Nature Association
Gaviota Coast Conservancy
Grand Canyon Trust
Great Old Broads for Wilderness
High Country Conservation Advocates
Hoosier Environmental Council
Illinois Ornithological Society
International Fund for Animal Welfare
Iowa Wildlife Federation
Klamath Forest Alliance
League of Conservation Voters
Maryland Ornithological Society
Montana Audubon
National Audubon Society
Natural Resources Defense Council
NY4WHALES
NYC Audubon
Operation HomeCare, Inc
Oregon Natural Desert Association
OVEC-Ohio Valley Environmental Coalition
Pelican Island Audubon Society
Rachel Carson Council
Rocky Mountain Wild
Salem Audubon Society
San Juan Citizens Alliance
San Luis Valley Ecosystem Council
Save Animals Facing Extinction
Save Our Sky Blue Waters
Sequoia ForestKeeper®
Sheep Mountain Alliance
Sierra Club
South Bend-Elkhart Audubon Society
Southeastern Avian Research
Southern Maryland Audubon Society
Southern Utah Wilderness Alliance
Sycamore Audubon Society
Tennessee Ornithological Society
Tennessee Ornithological Society-Memphis
Chapter
Tennessee Ornithological Society-Nashville
Chapter
The Lands Council
The Mountain Pact
The Wilderness Society

Turtle Island Restoration Network
Unexpected Wildlife Refuge
Union of Concerned Scientists
Western Watersheds Project
Western Values Project
WildEarth Guardians
Wildlands Network
Wildlife Alliance of Maine
WildWest Institute
Yellowstone to Uintas Connection