

December 1, 2021

The Honorable Patrick Leahy
Chair
Committee on Appropriations
United States Senate
S-128 The Capitol
Washington, DC 20510

The Honorable Richard Shelby
Ranking Member
Committee on Appropriations
United States Senate
S-146A The Capitol
Washington, DC 20510

The Honorable Jeff Merkley
Chair
Subcommittee on the Interior, Environment,
and Related Agencies Appropriations
131 Senate Dirksen Office Building
Washington, DC 20510

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

The Honorable Rosa L. DeLauro
Chair
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 Chellie Pingree
Chair
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 Exclude the Greater Sage-Grouse Rider from the Final FY 2022 Appropriations Bill

Dear Chairs and Ranking Members:

On behalf of our millions of members and supporters nationwide, we thank you for excluding the sage-grouse rider from both the FY 2022 House and Senate Interior and Environment bills. As you know, it also was not included in the FY 2022 president's budget request. This rider has prohibited the U.S. Fish and Wildlife Service (FWS) from considering greater sage-grouse for protection under the Endangered Species Act (ESA). As you enter year-end negotiations, we urge you to please ensure that this anti-science rider does not reappear in the final FY 2022 appropriations bill.

The greater sage-grouse is an imperiled western bird and the charismatic ambassador for the Sagebrush Sea, an iconic biome of the American West that is vital not only to the sage-grouse but also to more than 350 other species of conservation concern that have evolved as part of this ecosystem. These include the pronghorn, pygmy rabbit, mule deer, native trout and nearly 200 migratory and regional bird species. As many as 16 million greater sage-grouse once occurred across 297 million acres of sagebrush grasslands in the West. Today, the sagebrush biome continues to decline. Sage-grouse habitat is less than half of what it once was – diminished by invasive species, roads, grazing, mining, energy development, agricultural conversion, and wildfire – and populations have declined eighty percent range wide since 1965 and nearly forty percent since 2002.¹

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.² 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.³ FWS also determined that a five-year review in 2020 would be necessary to ensure those projected outcomes were sufficiently realized on the ground to adequately conserve the bird.

The previous administration reversed course on this unprecedented process by weakening the Obama-era plans, accelerating energy development in sage-grouse habitat, and reneging on the federal government’s commitment to conduct a five-year review to evaluate the effectiveness of the National Strategy. The harm to the sage-grouse and its habitat from four years of rollbacks under the previous administration fundamentally undermines the assumptions behind the FWS’s 2015 not-warranted decision and places the species at greater risk.

While the potential for listing the sage-grouse provided the impetus for conservation efforts under the Obama administration, the annual appropriations riders Congress has repeatedly passed since 2014 block FWS from carrying out its basic responsibilities under the ESA concerning greater sage-grouse. The rider undermines the science-based listing process that is critical to the ESA’s functionality. Our organizations have continuously 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. It is essential that FWS scientists be allowed to do their job particularly after the damage from the past four years.

¹ Coates, P.S. et al., 2021. “Range-wide Greater Sage-Grouse Hierarchical Monitoring Framework: Implications for Defining Population Boundaries, Trend Estimation, and a Targeted Annual Warning System,” U.S. Geological Survey Open-File Report (2020), <https://pubs.usgs.gov/of/2020/1154/ofr20201154.pdf>.

² 75 Fed. Reg. 13910 (Mar. 23, 2010).

³ 80 Fed. Reg. 59857 (Oct. 2, 2015).

Again, we very much appreciate that the FY 2022 House and Senate versions of the Interior bill excluded the rider. Unfortunately, while the FY 2021 House Interior bill also excluded the rider, it was included in the FY 2021 draft Senate bill and ultimately included in the final FY 2021 conference report. This has happened before; however, and the rider was ultimately included in the final conference report following negotiations. Our nation and our planet face an extinction crisis of epic proportions. Time is running out for the sage-grouse and the Sagebrush Sea. We urgently request that this destructive rider be excluded from the final FY 2022 appropriations bill once and for all. Thank you for your consideration.

Sincerely,

American Bird Conservancy
American Wild Horse Campaign
Animal Legal Defense Fund
Animal Welfare Institute
Bold Alliance
Born Free USA
Cascadia Wildlands
Center for Biological Diversity
Central Colorado Wilderness Coalition
Christian Council of Delmarva
Christians Caring for Creation
Clean Water Action
Conservation Council For Hawaii
Conservation Northwest
Defenders of Wildlife
Earthjustice
Earthworks
EcoFlight
Endangered Habitats League
Endangered Species Coalition
Environment America
Environmental Protection Information Center
FOUR PAWS USA
Friends of the Clearwater
Friends of the Earth
Friends of the Inyo
Grazing Reform Project
Great Old Broads for Wilderness
Howling For Wolves
Humane Society Legislative Fund
International Fund for Animal Welfare
International Marine Mammal Project of Earth Island Institute
John Muir Project
Kettle Range Conservation Group
League of Conservation Voters
Natural Resources Defense Council
NY4WHALES

Oregon Natural Desert Association
Pew Charitable Trusts
Potomac Valley Audubon Society
Rachel Carson Council
Resource Renewal Institute
Rocky Mountain Wild
San Juan Citizens Alliance
San Luis Valley Ecosystem Council
Save Animals Facing Extinction
Sequoia ForestKeeper®
Sierra Club
The Humane Society of the United States
The Wilderness Society
Trap Free Montana Public Lands
Union of Concerned Scientists
Western Nebraska Resources Council
Western Watersheds Project
Wild Horse Education
WildEarth Guardians
Wilderness Watch
WildLands Defense
Wildlands Network
Wildlife for All
Wyoming Untrapped
Wyoming Wildlife Advocates