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## **Western Energy Alliance Challenging Federal Sage Grouse Land Use Plans**

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- Oil and natural gas association files lawsuit in federal court against BLM and Forest Service
- Agency's plans ignore successful conservation plans implemented by states and stakeholders
- Centralized species management on public lands estimated to cost 31,000 jobs

**DENVER** – Western Energy Alliance, along with the North Dakota Petroleum Council, today filed a [lawsuit](#) [2] challenging Bureau of Land Management (BLM) and U.S. Forest Service land use plan amendments for the [Greater Sage Grouse](#) [3] that impose top-down, centralized conservation plans, ignore sound science and cost jobs. The litigation, filed in the U.S. District Court for the District of North Dakota, covers four Records of Decision signed by Interior Secretary Sally Jewell and Agriculture Secretary Tom Vilsack last September involving land use plans in California, Colorado, Idaho, Montana, Nevada, North Dakota and Utah.

“Western Energy Alliance is challenging plans with oil and natural gas restrictions that fail to conform to state plans, meaning plans in all producing states except for Wyoming. Before the federal sage grouse plans were finalized, oil and natural gas companies had implemented [more than 770 specific protections](#) [4] for sage grouse, while [reducing impact on the land by 70 percent](#) [5] with horizontal drilling and advanced hydraulic fracturing,” said Kathleen Sgamma, vice president of government and public affairs at the Alliance. “In addition, states, counties, federal agencies, industries, ranchers, private landowners and conservation groups had come together to successfully protect the sage grouse and its habitat. As a result, sage grouse populations have not only rebounded but are stable over the long-term. [Local and state efforts](#) [6] tailored to actual conditions on the ground are effectively protecting the sage grouse and its habitat. Despite that success, the federal government has imposed top-down, centralized plans that are less effective than state and private efforts and will needlessly [kill jobs and economic growth](#) [7] in the West.”

On Sept. 22, 2015, Secretary of Interior Sally Jewell announced the Greater Sage Grouse would not be listed under the Endangered Species Act. Concurrently, she announced records of decisions for plans that include restrictions upon oil and natural gas development and other public land users. The land use plans have proven contentious. Lawsuits challenging them have been filed by the states of Idaho and Utah, Nevada counties, American Exploration & Mining Association, Wyoming Coalition of Local Governments, Wyoming Stock Growers Association, and Western Watersheds Project. Western Energy Alliance has filed a motion to intervene in the latter.

“Western Energy Alliance’s complaint is narrowly targeted to challenge key procedural violations related to the promulgation and imposition of habitat designations and related restrictions and prohibitions on oil and natural gas leasing and development,” said Bret Sumner, shareholder at [Beatty & Wozniak](#) [8] and lead attorney for the Alliance. “The Alliance is challenging the agencies’ failure to follow basic procedures, such as unilaterally and substantively amending BLM’s oil and gas regulations in violation of the Administrative Procedures Act, resulting in unlawful plans that have shut out the public from the decision-making process. We are joining a long list of western states, counties, ranchers, and other industry groups that are challenging these plans.”

“[By ignoring sound science](#) [9], the agencies are exaggerating the impact of oil and natural gas development on sage grouse, and failing to recognize that oil and natural gas development coexists with sage grouse conservation,” added Sgamma. “The draconian measures go well beyond reasonable mitigation of impact. We are disappointed BLM and the Forest Service persist with top-down, centralized management of sage grouse on public lands that discourages more effective western efforts.”

More information about the Greater Sage Grouse and successful conservation programs is available on the Alliance’s [website](#) [3].

### **Additional Background**

- Governors across the West [protested the land use plans](#) [9] and argued that the federal plans should defer to state conservation efforts. The Western Governors’ Association’s [inventory of initiatives](#) [6] across the West highlights the comprehensive conservation work to protect sage grouse, including investments of \$425 million that preceded the federal plans.

- [Economic analysis](#) [7] shows these land use plans could cost as many as 31,000 jobs and \$5.6 billion in lost annual economic activity. Impacts from [lost oil and natural gas development](#) [10] are projected at 9,267 jobs lost and nearly \$2.5 billion in lost annual economic growth.
- The Western Association of Fish & Wildlife Agencies' (WAFWA) [2015 population update](#) [11] shows a 63 percent increase in sage grouse population over the last two years, with a total breeding population of 424,645. WAFWA also found that the population in core sage grouse areas is essentially unchanged over the 50-year period beginning in 1965.

**Press Date:**

Thursday, May 12, 2016

**Source URL:** <https://www.westernenergyalliance.org/press-room/western-energy-alliance-challenging-federal-sage-grouse-land-use-plans>

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- [6] [http://westgov.org/images/dmdocuments/2014\\_WGA\\_Sage\\_Grouse\\_Inventory\\_Final\\_lo\\_res.pdf](http://westgov.org/images/dmdocuments/2014_WGA_Sage_Grouse_Inventory_Final_lo_res.pdf)
- [7] <http://cdn.westernenergyalliance.org/sites/default/files/Sage%20Grouse%20Economic%20Report%20-%20Final%20from%20Minuteman%20Press.pdf>
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