

No ESA Protection Warranted for Greater Sage Grouse

September 2015

On September 22, 2015, the Department of the Interior announced that the greater sage grouse needs no protection under the Endangered Species Act (ESA) because of an “epic conservation effort” in federal, state and private partnerships.¹ The determination by U.S. Fish and Wildlife Service (FWS) that a listing is not warranted under ESA is a significant victory for Western states, ranchers, energy companies, and conservationists.

Using voluntary conservation measures, concerned communities worked for five years to reverse or minimize the bird’s decline on 173 million acres of identified, suitable, sage-steppe habitat in eleven states and two Canadian provinces. Under 2011 settlements with environmentalists, FWS was nearing a deadline for making its listing determination.

Part of the solution was adoption of new federal regulations by Interior’s Bureau of Land Management (BLM) that address habitat loss on an estimated 67 million acres of public lands that account for most of the grouse’s prime breeding areas.² Among the measures to be implemented by BLM and the U.S. Department of Agriculture’s Forest Service (USFS) is a public process to “withdraw” from future mining claims millions of acres of public lands for sage grouse “strongholds.”

Going forward, expect stiff challenges from environmental advocates pushing to list the species and from industries seeking to loosen the new controls.

Practice Areas

Environment & Product Regulation

¹Press Release, U.S. Fish and Wildlife Serv., Historic Conservation Campaign Protects Greater Sage Grouse (Sept. 22, 2015).

²80 Fed. Reg. 57,633-41 (Sept. 24, 2015).