

April XX, 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 FY 2022 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 2022 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 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 Western 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 its populations have declined eighty percent range wide since 1965 and nearly forty percent since 2002.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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. Litigation on the 2015 federal plans and the more recent plans of the previous administration continues as do numerous challenges to energy development projects within sage-grouse habitat. 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.

We very much appreciated that the FY 2020 and 2021 House versions of the Interior bill excluded the rider; unfortunately, in both years, the Senate version of the bill, and then the final conference report, retained it. Our nation and our planet face an extinction crisis of epic proportions. Time is running out for the sage-grouse and the Sagebrush Sea. Again, 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,

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<sup>1</sup> 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>.

<sup>2</sup> 75 Fed. Reg. 13910 (Mar. 23, 2010).

<sup>3</sup> 80 Fed. Reg. 59857 (Oct. 2, 2015).