

INTERIOR

## Legal brawl over sage grouse reaches 9th Circuit

Niina H. Farah, E&E News reporter • Published: Tuesday, December 17, 2019



The greater sage grouse. The Trump administration is appealing a federal ruling that blocked its sage grouse plan from being carried out. Bureau of Land Management/Wikimedia Commons

*Correction appended.*

The Trump administration is appealing a decision by a federal judge in Idaho that temporarily stopped the government's greater sage grouse plan from taking effect.

Interior Department officials yesterday asked the 9th U.S. Circuit Court of Appeals to review a preliminary injunction issued by Judge B. Lynn Winmill blocking the Trump administration's changes to sage grouse plans while litigation proceeds ([Energywire](#), Oct. 17).

In the meantime, the federal government must follow the sage grouse plan the Obama administration finalized in 2015.

Winmill, a Clinton appointee, said in his decision that while the stated intent of the Trump administration's changes was to better align federal and state plans for the birds, "the effect on the ground was to substantially reduce protections for sage grouse."

He said the Bureau of Land Management did not cite factors like changes in habitat, improved population numbers or revisions to the best science in making the plan changes.

The decision prompted BLM to cancel one lease sale and defer other tracts scheduled for sale in November and December ([Energywire](#), Nov. 14).

In a statement, an agency spokesperson said the 2019 sage grouse plans were "overwhelmingly supported by Western states on a bipartisan basis."

"These common sense amendments are legally sound and struck the appropriate balance in effectively managing these important public lands for multiple use," a statement from the agency read.

In addition to appealing the preliminary injunction to the 9th Circuit, Interior is also challenging Winmill's order denying the government's motion to dismiss for improper venue, or to allow the claims to be heard in a different court.

The judge said at the time that splitting up the case across different states could lead to either duplicative or potentially conflicting decisions ([Energywire](#), Oct. 4).

Interior's appeal will also fight the court's May decision to allow challengers to file a supplemental complaint.

Sarah Stellberg, a staff attorney for Advocates for the West, said the environmental groups opposing the Trump administration's sage grouse plan had expected the government to challenge Winmill's ruling.

"We feel confident about our chances of succeeding on appeal," she said.

**Correction:** An earlier version of this article said the Bureau of Land Management canceled a series of lease sales scheduled for November and December. BLM only canceled one lease sale and deferred other tracts scheduled for sale.

---

Twitter: [@niina\\_h\\_farah](#) | Email: [nfarah@eenews.net](mailto:nfarah@eenews.net)

---

---

*The essential news for energy & environment professionals*

© 1996-2019 Environment & Energy Publishing, LLC [Privacy and Data Practices Policy](#) [Site Map](#) [Contact Us](#)

---