EDITOR: ENDANGERED SPECIES AS WEAPON

Across the country for over a generation now, communities have been hammered by the Endangered Species Act (ESA) – a well-meaning blunt instrument from the 1960s that wealthy environmentalist groups have learned to wield as an economic weapon.

Described by former Reagan administration official William Perry Pendley as “the pit bull of environmental legislation,” this law has been the source for vast amounts of economic damage, particularly in the Western states, where so much land is under the management of the federal government.

Nearly 2100 animal and plant species have been listed as Endangered since the act was signed into law in 1973. Only 59 have been ever been delisted – and only 31 of those were because the plant or animal recovered. Ten listed species went extinct, and 18 were delisted for other reasons, mostly administrative errors.

In the meantime, the impact to individual farms, businesses, towns, and entire regional economies can be nothing short of devastating. In the 1990s, an ultimate listing of the Northern Spotted Owl resulted in timber sales from federal lands in Washington State being reduced by 98%.

In a state where nearly 30% of the land is federally owned, that is significant – and certainly was to the thousands of people who lost their jobs in the northwest timber industry between 1990 and 1998.

Now a similar situation threatens in northwest Colorado. This time it is another little-known bird, the Greater Sage Grouse, that is the center of controversy. Here’s the situation as one more human ecosystem braces against ESA’s regulatory hammer-blows.
ECONOMIC IMPACT FEARED

Like many such stories, this one begins with legal action, a petition presented to the Fish and Wildlife service to list the Greater Sage Grouse as Endangered. In 2010, the FWS released their decision, categorizing the bird as “warranted, but precluded” – meaning that the agency believed it should be listed as threatened or endangered, but that other species of higher priority needed to be addressed.

After this decision was challenged in court by environmental groups, there was a settlement which forces the agency to make a determination of the bird’s status by September 30, 2015.

Ensuing from this, the Bureau of Land Management (BLM) undertook to develop a Greater Sage Grouse habitat management plan by September 30, 2014, which the FWS could then use in its listing determination – and which stakeholders hoped might be sufficiently robust to preclude a listing under the Endangered Species Act.

Getting started, the BLM released in late 2013 its Draft Land Use Plan Amendment / Environmental Impact Statement, intended to govern land management in northwest Colorado for the conservation of the Greater Sage Grouse.

Local stakeholders, however, objected that the draft fell far short of adequately meeting the needs of private landowners and regional economy. They raised serious questions about the
scientific validity of the BLM’s draft Environmental Impact Statement, and of the process that was undertaken to produce it.

Stakeholders warned that several provisions written into the draft’s section on alternatives would severely impede virtually every industry and economic driver in the region.

**Harms were predicted for oil and gas development, mining, agriculture and grazing, transportation, hunting, and even renewable energy development.**

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**TECHNICAL STUDY FUNDAMENTALLY FLAWED?**

Back in 2011, the Department of Interior had formed a study group call the National Technical Team (NTT) to provide a scientific basis for use by the BLM in drafting its EIS. The team consisted of representatives from the BLM, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, the U.S. Geological Survey, and state fish and wildlife agencies.

It set about to provide a report outlining the current situation of grouse populations, potential hazards of the habitat, and the recommended conservation measures. The result, released later that year, was the team’s Report on National Greater Sage-Grouse Conservation Measures. It attributes the loss of grouse population to the following factors:

*Fire, invasive weeds, wild horses, and human activity such as cultivation, livestock management, energy development, roads and power line infrastructure, and outdoor recreation.*

The report was heavily relied upon by the Bureau of Land Management in drafting its Environmental Impact Statement and management alternatives. Alternative B in the document, for instance, is taken directly from the NTT report recommendations. Indeed, the entire document, and each of the action alternatives contained within, are based in large part on this report. There is very little deviation from the recommendations.

Several regional cooperating agencies – those local governments and other stakeholders who applied for cooperating status as per the National Environmental Policy Act – were actually told their own recommendations must conform to the NTT findings, with little room for maneuver. This foreclosure of dissent and contrary evidence led some critics to believe the fix was in.

There are fundamental problems with the National Technical Team’s report, however. Much of the NTT’s work has been inexplicably shrouded in secrecy. There has been no known peer

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1 NTT 2011, The Sage Grouse Conservation Objective Team Report (SOGOT) prepared by the U.S. Fish and Wildlife Service, was also relied upon to a considerable extent. Re: CI Policy Brief 2014-2
review of any of the research contained in the report, and certainly no public review. Most of the report’s raw data have not been released to undergo any sort of scrutiny, the kind that one would expect for a report whose findings are so heavily relied upon to create an important policy.

Additionally, many of the report’s findings seem to contradict existing science from a number of different sources, including exhaustive third-party studies and thoroughly peer-reviewed research conducted in Garfield County. This combination of a lack of peer-review, disinterest in local input, dismissal of more rigorously pursued studies, and apparent substitution of subjective opinion for scientific fact has eroded confidence in the NTT Report, and called into question its validity. Nevertheless, it remains the primary source for much of the BLM’s Environmental Impact Statement for the management of the Greater Sage Grouse.

DIVERGENT ALTERNATIVES

In accordance with the National Environmental Policy Act (NEPA), which directs the EIS process, the Bureau of Land Management created four possible alternatives for management in its document. The alternatives proposed in the EIS are meant to cover a wide range of options, and are subject to public comment, after which time each alternative will be analyzed thoroughly in order to select the one that the agency concludes will best maintain the Greater Sage Grouse population. Four policy alternatives are presented:

- **Alternative A**, as prescribed in the NEPA law, is a “No-Action” alternative – meaning simply that the BLM would do or require nothing new. This alternative continues current management direction, based on the most recent Resource Management Plan.

- **Alternative B** is taken directly from the NTT report, and focuses on protecting and enforcing designated conservation areas, as summarized in that report, in part by seeking to acquire state and private lands with intact mineral estate in order to best conserve Greater Sage Grouse habitat.

- **Alternative C** is the most restrictive, taking its direction from conservation groups, and expanding its planning and implementation of habitat protections over a wider area. It also calls for a more concerted effort to acquire state and private lands with intact mineral estate.

- **Alternative D** is the BLM’s preferred alternative. It relies on a combination of “sub-regional expertise” to balance out the measures taken to protect and prolong the grouse population and still allow the area to be used by local agencies and land users to an extent.

Despite being the most proportionate of the suggested alternatives, Alternative D has been criticized as flawed and biased, as unresponsive to the offers of local studies on the topic, and as failing to incorporate all the data necessary to make an informed and proper decision.
HOW PROTECTED ARE PRIVATE LANDS?

Greater Sage Grouse habitat is quite vast and specific to the grouse’s needs in particular times in their life cycles. For planning purposes, the habitat falls into one of the three following categories:

- **Preliminary Priority Habitat (PPH)** - Areas that have been identified as having the highest conservation value to maintaining sustainable grouse populations; include essential areas of breeding, late brood-rearing, leks (grounds where males display for the females), and winter concentration areas.

- **Preliminary General Habitat (PGH)** - Areas of seasonal or year-round habitat outside of priority habitat.

- **Linkage/Connectivity Habitat** - Territory bridging the Preliminary habitats together allowing for the easy migration of the birds from one area to the next. These are areas that have been identified as broader regions of connectivity important to facilitate the movement of GRSG and to maintain ecological continuity.

- **All Designated Habitat (ADH)** is the descriptor for these three categories together.

Much of the Greater Sage Grouse habitat spreads across privately owned land, ostensibly limiting BLM restriction of certain activities. Indeed a BLM fact sheet states that the bureau and the U.S. Forest Service “do not have the authority to make or enforce rules on private land, and the decisions in the EIS will not restrict use on private land.”[^3] If only it were that simple.

The Environmental Impact Statement’s executive summary also concedes that although the planning area includes private lands, binding decisions can be made only for BLM and USFS surface and mineral rights. **Private owners beware**

Further, the executive summary shows how much acreage, by county and grouse habitat category, are in BLM, Forest Service, Park Service, state, municipal, and private lands. In nearly all counties, there is a far greater amount of preliminary priority habitat land under private, rather than federal ownership. In all, over 2 million acres are privately held.

It is clear, however, that the management decisions undertaken by the Bureau of Land Management will in fact have great impacts on private land. For after claiming that the bureau will not inventory or monitor private lands and activities on them, the EIS goes on to say that the bureau will map disturbances that are already of public record and would consider impacts on private lands when a proposed project has a federal nexus. Known disturbance on private surface would be considered using air photos as appropriate and included in disturbance

To put it in plain English: the BLM acknowledges that there is a nexus between activities on private land and those on federally managed land, which cannot really be separated. Private owners beware.

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**GAMING THE MAPS**

In addition, the maps utilized by the BLM in their planning have raised concerns among many, including Garfield County officials, who criticize the maps for being too broad, inaccurate, and not scientifically justified.

On those maps, a large proportion of northwest Colorado, including much of Garfield County, is covered in red, showing preliminary priority habitat designation. Alarmed residents call this “the red blob.”

They point out the BLM’s failure to take into consideration the variety of terrain on Garfield County, nor how that terrain changes over just, in many cases, a few hundred feet. In contrast to the vast sagebrush “seas” common in places like the Garfield County landscape can vary within a few miles from aspen woodland and coniferous forest, to rocky outcroppings and high desert, to grass meadows, with grouse-friendly sagebrush occurring intermittently.

This means that in fact, the actual amount of habitat present in places like Garfield County is considerably less than what the Bureau of Land Management is portraying in its documentation – with no supporting scientific evidence.

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**DISTURBED BY THE CAPS**

A key feature of the Environmental Impact Statement, present in each action alternative, is the imposition of caps on anthropogenic disturbance – what most people would call human economic activity.

The EIS has identified 21 separate zones to monitor and manage the grouse populations. These management zones are each governed by a disturbance cap that would limit the impact of such human economic activities as building anything, expanding anything, or operating anyting on the lands designated for grouse protection inside that particular zone.

- Under Alternative B, there would be a 3% disturbance cap on priority habitat areas, with a goal of 70% of land restoration to provide adequate sagebrush habitat for the grouse.
- In Alternative C, the 3% cap would be enforced on all designated habitat.
- Alternative D differs in calling for a 5% disturbance cap on areas designated as preliminary priority habitat. The feature of D is to limit disturbance to less than 5% of ecological sites capable of...
supporting 12% canopy cover of Wyoming sagebrush, or 15% canopy cover of mountain sagebrush. (The telltale word is “capable.” It means areas not currently supporting sagebrush but with the potential to do so.)

In addition to the individual disturbance caps proposed for each management area, the BLM is calling for a total disturbance cap of less than 30% for the entire planning area, encompassing the loss of sagebrush from all causes, including anthropogenic disturbance, wildfire, plowed field agriculture including upland hay, and vegetation treatments.

Stakeholders are disturbed by how severely the caps would chill economic activity. Even if an intended project would provide large economic benefits and only disturb a miniscule amount of grouse habitat, it would be automatically rejected if the disturbance cap within that particular zone, or the cumulative cap for the region, has already been reached – with no flexibility or exceptions.

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**SCARCITY CRUNCH**

This arbitrary and unpredictable risk factor, a bureaucratic sword of Damocles, would obviously deter new economic investment across the entire region. BLM officials, in a rare acknowledgment of how incentives work, foresee a flood of project applications bidding for approval before the caps are reached, resulting in a Soviet-style scarcity crunch where those same officials choose which projects will go forward. Possibilities abound for bias, political favoritism, and economically unsound decisions. This, too, will ultimately dissuade investors and job creators looking for stable and promising prospects.

Both the 30% total disturbance cap, and the individual 3% or 5% zone caps, may have significant impacts on private landowners, as the caps would include cumulative effects of development or disturbance on private land.

The Environmental Impact Statement candidly declares: “It is presumed that actions by private landowners and other entities exercising valid existing rights would accumulate and result in an important loss of cap space.”

*To illustrate: even if a particular privately-initiated project would disturb less than 5% of the surface, it will still be denied if other existing developments in the area add up to 30%.*

A federal inventory of private lands and activities on those lands thus becomes inevitable, since bureaucrats must of necessity monitor all aspects of the private development counting toward the cumulative disturbance caps.

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4 BLM Draft Greater Sage Grouse LUPS/EIS
SWEEPING OVERREACH

Among the management proposals outlined in the Environmental Impact Statement, as provided by the National Technical Team, is a four-mile buffer zone established around leks (courtship areas), within which no oil and gas development activity would be permitted.

Leave aside the oddly industry-specific nature of this buffer, which suggests an ideological agenda at work. The problem, as we pointed out earlier, is that imposition of such a wide offset is unjustified and unworkable in the varied terrain of places like Garfield County. Within a given four miles, one could encounter several different types of terrain, much of it inhospitable to the Greater Sage Grouse.

The resulting closure of land to oil and gas leasing, along with various non-surface occupancy stipulations written into the EIS, would be devastating to the region’s oil and gas development activity.

Alternative C, and to a lesser extent, B, would close vast amounts of acreage to leasing for all time. In the preferred Alternative, D, although no additional land would be closed to leasing, almost 1.5 million acres would be subject to non-surface occupancy restrictions.

Nor is it only oil and gas that would be impacted. Other major industries, from agriculture and hunting to mining and construction, would also be hit by the disturbance caps.

And right-of-way restrictions called for in the EIS would negatively impact pipelines, roads, and electrical generation. That even includes green-power generation from solar and wind projects, which need those same transmission lines.

In addition, the proposed new management plan puts the onus on potential federal land users to fund studies to obtain data showing that the proposed use is economically and environmentally feasible—something that traditionally has been done by the federal government as part of its mandated NEPA analysis.

HEAVY ECONOMIC LOSSES

What will all of this actually cost the region in terms of dollars? Some of the costs are difficult to estimate or quantify. The magnitude of lost jobs and income from future development projects that would be delayed or abandoned as a direct result of an Endangered listing for the grouse cannot be known, for example.
Likewise, it is difficult to quantify the economic losses associated with discouraged investors and developers who may decide not to bring their business to northwest Colorado due to the restrictions and red tape presented by an ESA listing.

However, using the BLM’s own estimates in the EIS, some figures can be obtained. In the economic impacts analysis section of the EIS, the authors estimate average total oil and gas production over a 20-year period in the study area to be approximately $2.97 billion per year.

Based on this, they predict the industry will support approximately 19,070 jobs under the current habitat management regime – that is, without a listing of the grouse.

Whereas under the most restrictive of the offered habitat management alternatives, total annual production over the 20 years drops by 29% to an average of $2.1 billion – an annual loss of $866 million – and the jobs prediction drops by similar 29% to 13,530.

The anticipated loss of 5,541 jobs, each paying an average of $56,000 per year, represents almost a third of a billion dollars in annual family income, wiped out. That’s real money – a body blow to the region’s “human ecosystem.”

Even under a less restrictive alternative, the region faces at least a $300 million annual economic loss and over 2,000 lost jobs. And this is only from oil and gas production – the figures do not account for losses associated with grazing, recreation, or mining.

Another way to look at the potential economic loss is to understand the value of the resource that is at risk. A study conducted for Garfield County by BBC Research and Consulting calculated the potential development prospects for the resource-rich Piceance Basin in Garfield County, most of which the Environmental Impact Statement has labeled as critical grouse habitat, in order to illustrate the magnitude of what is at risk.

The study concludes that over a 20-year period, some 25,000 wells could be reasonably expected to be drilled in Garfield County alone. This represents 70% of the expected new wells in northwest Colorado over that time frame. According to the study, by year 20 this will equal about $12.3 billion in annual production values, supporting more than 48,000 jobs.

The report also says that it would result in over $10 billion in new county assessed value, generating over $130 million in county property tax revenue at current mill levy rates. Local governments in Colorado rely heavily on property taxes to operate and deliver their expected services, and in Garfield County, the energy industry accounts for 70% of the county’s assessed value base.

This is what is being put at risk by the aggressive federal habitat management that would result from an endangered listing of the Greater Sage Grouse.
SEEKING OTHER WAYS FORWARD

A number of preferred solutions have been proposed locally to manage habitat in such a way as to ensure conservation of the Greater Sage Grouse without shutting down economic activity to occur in the region.

Leading these was an exhaustive effort by Garfield County, which spent heavily from its tax base in conducting scientific surveys of the habitat – including highly accurate and detailed maps of grouse habitat – and in formulating a management plan that attained all desired objectives.

Unfortunately, this plan was rejected out of hand by the BLM and USFWS – and why? Because many of its provisions were voluntary – and therefore, in the eyes of the federal agencies, not harsh enough.

In Fedspeak, ‘voluntary’ means ‘not harsh enough’

Hickenlooper Steps In

Late in 2013, following calls from regional stakeholders and the Associated Governments of Northwest Colorado for the governor’s office to get involved, Gov. John Hickenlooper assigned an experienced ESA troubleshooter, John Swarthout, to lead a state-based approach.

Since that time, the state has been attempting to work on a solution. This state plan calls for the BLM to consider an alternative outside of the National Technical Team plan – one that instead comes directly from Colorado communities and conservationists.

It encourages private-public cooperation between the affected communities and the BLM. Instead of the disturbance caps, which the Hickenlooper administration refers to as a “one-size-fits-all prescription,” it suggests using adaptive management in order to tailor to the needs of the birds in different areas. This would mean allowing looser restrictions where the birds are thriving, and tighter restrictions with dwindling GSG populations – simple common sense.

Tipton-Gardner Bill

Over three years ago, way back in May 2012, Congressman Scott Tipton (R-CO) and his then-colleague Cory Gardner (since elected to the Senate), along with Congressman Rob Bishop (R-UT), Congressman Steve Daines (R-MT), and Senator Mike Enzi (R-WY), introduced their proposed Sage Grouse Protection and Conservation Act.

It would prohibit any listing of the bird under the Endangered Species Act for 10 years, while requiring individual states to develop their own management plans that would be tailored to the unique needs of each state. As Scott Tipton pointed out:

“Biologists and other experts have stated time and again that the most effective species preservation efforts are locally-tailored and take into consideration the unique ecology and topography of the region in which the habitat occurs.”

Tipton: Biologists agree local is better
And he added: “State and local species preservation efforts already underway should be given the chance to continue to work to increase the grouse population without interference from Washington.”

Cory Gardner further insisted: “A one-size-fits-all approach is not the way to best protect the sage grouse. States have proven that they are more than capable of working in tandem with the federal government to preserve wildlife. By encouraging conservation plans at the state level, those most familiar with the local habitats and economies will be directly involved throughout the species management process.”

Sub-Species Deemed ‘Threatened’

In November 2014, with the Tipton-Gardner bill still stalled in Congress, the U.S. Fish and Wildlife Service listed the Gunnison Sage Grouse as Threatened under the Endangered Species Act, setting up what many see as a precursor to the Greater Sage Grouse battle.

A smaller and less numerous cousin of the latter bird, the Gunnison Sage Grouse is located only in southwest Colorado and parts of eastern Utah. Most of the sub-species’ roughly 5,000 remaining birds are believed to reside in Gunnison County.

A Threatened designation, while not as extreme as Endangered, still indicates that the administration believes the animal to be on the verge of extinction, justifying and cementing federally-enforced measures and restrictions to protect the bird and its habitat.

The agency made this listing in spite of the extensive state and local efforts aimed at preserving the bird. In response, Gov. Hickenlooper announced Colorado’s intent to sue the Department of the Interior over the listing.

State of Colorado Files Suit

In going to court, Hickenlooper cited the USFWS’s failure to use the best available science in making a determination, along with the agency’s inexplicable disregard for the state and local conservation measures that have resulted in Gunnison Sage Grouse numbers exceeding targets and a record number of leks being discovered.

Further, the lawsuit points out that the agency ignored the roughly $40 million that the state has spent on these efforts, as well as the economic impact that their decision would have on the region and the state.

From the other flank, not to be outdone, the environmentalist lobby – led by such frequently-appearing groups as the Center for Biological Diversity and WildEarth Guardians – signaled their own intent to sue the agency for not imposing a full Endangered designation.

The Gunnison Sage Grouse showdown foreshadows an even more epic confrontation that could occur over the Greater Sage Grouse – whose habitat covers a far wider 11-state area. Stakeholders fear that the Obama administration will, as it did with the Gunnison version, simply ignore or disregard local efforts, or arbitrarily deem them insufficient, and list the bird anyway.
That would trigger all of the restrictions on land use and development we’ve already enumerated, wreaking havoc on threaten thousands of individual livelihoods, regional economies, and industries of national importance such as agriculture, mining, and energy.

**Moratorium Enacted**

But this result is at least temporarily forestalled, since the 1600-page federal budget bill currently in force, funding the government through September 30, 2015, includes a rider explicitly prohibiting federal agencies from taking any further steps towards listing either Gunnison or the Greater Sage Grouse under the ESA. Although it is of less help on the Gunnison issue, supporters of this moratorium say it buys time for states and local communities to show that their efforts and conservation plans are working.

The environmentalist lobby and the Interior Department, on the other hand, have predictably claimed that the rider “creates uncertainty” and inhibits the agencies’ plans to relax some restrictions in Gunnison County through the issuing of an amended ruling.

This interpretation of the rider’s effect is implausible – since the legislative language only precludes the agencies from taking steps towards a listing, not from working with local communities to arrive at a more sensible solution.

However, there remains the clear risk that even in continuing to “study” the Greater Sage Grouse issue, the administration could be in a position to quickly issue a ruling if the legislation expires, no matter for how brief a time.

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**WHERE THE ISSUE NOW STANDS**

It is telling that as restrictive and potentially harmful as the Bureau of Land Management’s draft Environmental Impact Statement is, the U.S. Fish and Wildlife Service has gone on record saying that the proposal does not go far enough.

The threat (not to a small winged fowl, but to the human ecosystem of an entire region) is clear: not even adoption of a land use plan incorporating as broad and array of restrictions as does the BLM EIS would satisfy the USFWS that the Greater Sage Grouse was adequately protected.

So the foreseeable result is ultimately a listing of the bird as Endangered – dealing a body blow to the economy of northwest Colorado as described above. The USFWS hardline mindset hardly inspires confidence that a state- or locally-based plan would be welcomed there.

Additionally, last year’s doctrinaire decision by Fish and Wildlife to list the Gunnison Sage Grouse as Threatened, despite clear progress being made by state and local entities to conserve the bird without the need to resort to the federal hammer, further erodes hope that an acceptable outcome will be achieved in the vastly more consequential Greater Sage Grouse battle.

Stakeholders in northwest Colorado are also concerned that a state conservation plan – one that would stand any chance for acceptance by the USFWS – would contain provisions just as
restrictive as a federal listing, thus rendering all the efforts geared towards the prevention of an ESA designation pointless from a practical standpoint.

It must be acknowledged that part of the reason for this lies in the fact that the State of Colorado involved itself in the process far too late to be of much consequence. Many local communities have spent many years studying the issue, working with stakeholders, and developing conservation plans that utilize the best scientific data and strike a good balance between preservation and economic development. Yet the state only came to the table in late 2013, and then only when pressured by local communities in northwest Colorado to do so.

**WHAT SHOULD BE DONE**

The lesson going forward is that state governments – particularly in those Western states which have large percentages of their land under federal management – must be involved early and deeply in public land issues if they hope to have any impact on the outcome of federal decisions.

Nevertheless, the belated willingness of the State of Colorado to take up the Greater Sage Grouse issue at last, and to sue over the Gunnison Sage Grouse listing – coupled with congressional action at least temporarily shielding local communities from the agencies’ actions – raises hope that some cracks could begin to develop in the USFWS armor, enough that continued concerted effort may just yet result in reforms that could spare the economy of northwest Colorado.

The obvious fourfold solution is as follows:

- More and earlier involvement of individual states and local jurisdictions in the management of the Sage Grouse and other species,
- A loosening of the grip of federal agencies over resource management in the states,
- Fundamental reform of the Endangered Species Act to allow for Items 1 and 2, and
- A concerted effort on the part of the federal government, with the cooperation of the states, to begin the process of turning federal lands over to state or private ownership.

Longer range, there is difficult, drawn-out, but indispensable work to be done in remolding American public opinion to a common-sense recognition that the task of balancing the demands of conservation with those of economic development is best left to the states. More local authority over such matters is more likely to bring about a favorable outcome, for a couple of reasons:

- First, citizens of a particular state have a vested interest in caring for what is theirs, an ingrained sense of natural stewardship that, bureaucrats living in Washington D.C., hundreds of miles from the lands in question, do not and cannot possess.

* Did state come too late? 

* Citizens feel a natural stewardship
Second, the particularities of the unique relationships between the land and the economic activities that take place on it, and the balance between the various natural resources specific to a region, are best understood and managed at the local or state level, inevitably leading to more workable solutions.

Meanwhile on the immediate political and policy front, everyone who doesn’t want to see the Spotted Owl debacle repeated here should be rooting for the kind of legislation that Cory Gardner and Scott Tipton have proposed – and for aggressive action by Western governors to a) block regulatory overreach on species protection and b) repatriate public lands from federal to state control.

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CONCLUSION: KIRK’S LAW & ITS COROLLARIES

“Separate property from private possession, and Leviathan becomes master of all,” warned the great Russell Kirk, one of the last century’s most prophetic voices for defense of the free society.

We’d propose these obvious corollaries:

- Grant control of a state’s lands to the federal government, and the federal government becomes that state’s master – with potentially ruinous consequences.

- The farther away control of land is held, the more damaging the impacts of that control on the people who actually live there.

Just ask the people in northwest Colorado who are already feeling such consequences, and fearing it could get much worse. Might it even get as awful as it got for owl-plagued and logging-dependent communities in the Pacific Northwest a few years ago? Let’s hope not.

But regardless, it’s still within our power as a self-governing Republic to avert the worst. The time is now.
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COLORADO’S SPOTTED OWL:
SAGE GROUSE REGULATORY HAMMER
THREATENS ANOTHER HUMAN ECOSYSTEM

By Kelly Sloan

Centennial Institute Policy Brief No. 2015-2

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Date: September 21, 2015