United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Response Reply to:
FWS/AES/R6/048696

JUN 21 2011

Memorandum

To: Director, Bureau of Land Management

From: Acting Director Rowan W Gould

Subject: Greater Sage-grouse Regulatory Mechanisms

Thank you for the recent opportunity to meet with you, and representatives of the State fish and wildlife agencies, the Western Governors' Association, Natural Resources Conservation Service, and my staff to continue our dialog on steps forward for the conservation of the Greater sage-grouse. We want to follow-up with our recommendations for your agency on how to best preclude the need to list the sage-grouse, recognizing that the outcome of the final determination cannot be guaranteed. As you know, the Greater sage-grouse was determined to be warranted for listing based on two listing factors identified in the Endangered Species Act (Act): the present or threatened destruction, modification or curtailment of its habitat, and the inadequacy of existing regulatory mechanisms. The U.S. Fish and Wildlife Service (Service) support the work being done by many partners to restore and conserve habitat; in particular, the Sage Grouse Initiative being led by the Natural Resources Conservation Service is an excellent example of a public-private partnership that should result in long-term improvements to sage-grouse habitat. Due to the nature of the sagebrush ecosystem, habitat restoration and the associated benefits to the Greater sage-grouse from ameliorating habitat loss and fragmentation may not be evident for several years, perhaps decades.

In the short term, affecting change to the regulatory mechanisms that govern habitat impacts is a very important strategy to ameliorate a major listing factor. Regulatory mechanisms provide the necessary assurances that the essential habitat needs will be addressed and that long-term habitat protections for this species will be instituted. Because the Bureau of Land Management (BLM) administers over 50 percent of the estimated sage-grouse habitat across its range, you have a unique opportunity to lead the way in reducing one of the major threats that led to our decision that listing was warranted.

Adequacy of Regulatory Mechanisms

The BLM Resource Management Plans (RMPs) provide the regulatory framework for future agency decisions regarding permit conditions, lease stipulations, and exception requests, thereby providing the assurance that appropriate measures will be incorporated into future BLM actions. We understand that conditions and stipulations can be added independently of an RMP, and can

provide a conservation benefit in specific situations. However, unless specified in and required by an RMP, we cannot project their incorporation into future permits with any certainty. Without specification in an RMP, any assumption that these mechanisms will be consistently utilized to be protective of Greater sage-grouse would be difficult to make and difficult to support. The longevity of the RMPs provides additional assurances, particularly given the time required to effectively address and reverse habitat impacts in this ecosystem. For these reasons we have consistently encouraged the use of RMP revisions and amendments to provide protective regulatory mechanisms for the Greater sage-grouse.

Range-wide Approach is Necessary

Populations of sage-grouse cross many jurisdictional boundaries, and activities that may threaten or negatively impact the species also cross many of these boundaries. Addressing regulatory mechanisms district by district, field office by field office, or even State by State is unlikely to yield the consistent approach that is necessary within the timeframe available for action. Given that time is limited before the Service will enter into formal rule-making to determine whether to list the species under the Act, BLM will need to move quickly to amend RMPs. We strongly support and urge the BLM to implement a process that would lead to a range-wide amendment to all relevant RMPs within the range of the species to apply a protective regulatory framework for all current and future activities that may affect the sage-grouse. This will ensure consistency of regulatory mechanisms across the species' range. Not only does this provide protection to the birds, but it also will provide planning assurances to both users of BLM's lands and your staff.

If a range-wide amendment approach is for some reason untenable, then we would encourage that any alternative revisions and amendments occur at a scale that is meaningful to the conservation of the species and proceed efficiently and timely. Minimally, these would be revisions and amendments at the level of the Western Association of Fish and Wildlife Agencies Management Zones, which were identified on the basis of their ecological and biological attributes and commonality of threats to the species.

Importance of Interim Period

While regulatory mechanisms are being addressed through the revisions of RMPs, it is very important that activities being reviewed now, prior to revised RMPs, not contribute to the cumulative loss and fragmentation of habitat that further harms the species. If the bird and its habitat continue to be lost until new regulatory mechanisms are implemented, those new provisions may be ineffective. We support your continued attention and efforts in wildland fire suppression. These efforts are essential to long-term conservation, given that this was identified as the primary habitat concern within the Great Basin area.

During this interim period, we also encourage the use of strong Instructional Memorandums (IMs) - such as the one regarding fire suppression - to use as a temporary measure to ensure current activities are considered in light of sage-grouse conservation. Using IMs on an interim basis as guidance throughout the sage-grouse range until a RMP can be amended or revised increases the protection of the sage-grouse now. IMs protective of sage-grouse will be extremely

valuable until any RMP revisions or amendments are completed. We recognize and appreciate their short-term conservation value.

A final listing determination for the Greater sage-grouse will be made by the end of Fiscal Year 2015. Therefore, we strongly encourage the BLM to quickly determine a course of action in developing adequate regulatory mechanisms for the conservation of this iconic western bird. We appreciate your commitment to the conservation of this species, and your communication of this commitment to all BLM employees.

We will continue to make Service staff available to support your processes. We also strongly encourage you to continue working with State wildlife management agencies to develop the details of the amendments or revisions to your RMPs. They have a wealth of expertise and data that cannot be found elsewhere.

We appreciate the efforts BLM has completed for this species, and we look forward to working closely with you and the State agencies to resolve the difficult issues outlined above and provide for the conservation of this species in a timely manner. If you have any questions please contact me or Ms. Noreen Walsh, the Deputy Regional Director for the Mountain Prairie Region, at 303-236-7920.