United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825

IN REPLY REFER TO:
FWS/R8/

November 29, 2013

Governor Brian Sandoval
101 North Carson Street
Carson City, Nevada 89701

Dear Governor Sandoval:

While I appreciate your efforts and the State's efforts to conserve sagebrush ecosystems in Nevada, I am concerned that the efforts will not achieve the desired outcome. As you know, the Service is working with all willing partners to plan and implement the measures needed to conserve the greater sage grouse throughout its range. In 2010 the Service acted on a petition to list the greater sage grouse and found proposing the species for Endangered Species Act protection was warranted. We make these determinations based on assessing five threat factors: loss of habitat, overuse for human purposes, disease or predation, inadequate existing regulations, and other natural or human caused threats. Since 2010, the greater sage grouse has been a candidate for the Endangered Species Act protection.

By September 2015 the Service must decide whether or not to propose protection for the greater sage grouse under the Endangered Species Act. Our determination in 2015 will be made using the same assessment used in 2010 and will compare the 2010 findings with changes that lessen or increase the threats in the ensuing five years. To find that federal protection as a threatened or endangered species is not needed, the threats identified in 2010 will have to be significantly reduced. Given the complexity of the threats to the bird and sagebrush habitat and the time it will take to prepare the finding, the Service will have to make a decision well before the settlement's deadline.

Nevada is a key state for conservation of greater sage grouse and its habitat. Of the eleven states with greater sage grouse, Nevada has more area recognized as Priority Areas for Conservation[1] than any other state. The degree to which threats have been ameliorated in Nevada will play a large role in the 2015 decision. To ensure transparency and best efforts to conserve the species, the Service is reviewing State and Federal draft land management plans. The purpose of this letter is to indicate the areas in the Nevada state plan we believe need strengthening to ensure adequate conservation of Priority Areas of Conservation in Nevada.

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[1] Greater Sage-Grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report February 2013 (see Figure 2). The report, referred to as the "COT Report" was authored by representatives from 10 states and the U.S. Fish and Wildlife Service. The COT Report describes the conservation objectives that need to be met to ensure persistence of the greater sage-grouse on the western landscape.

(1) The draft plan needs to establish a clear goal for habitat conservation. We believe Nevada should have a goal that ensures persistence of Priority Areas of Conservation through adequate regulatory mechanisms and addresses the threats of invasive species and fire.
(2) The draft plan needs to outline how sufficient resources will be available to accomplish habitat conservation and adequately address the threats posed by invasive species and fire. While the draft plan recognizes these threats, the means the State will use to address the threats lacks specificity.
(3) The draft plan needs to state clear goals, and define the means to achieve the goals, that will address the threats identified in the Conservation Objectives Team report.
(4) A robust monitoring strategy will be needed to ensure the Nevada plan is being implemented and is working to conserve the bird and its habitat.
(5) The draft plan needs a strong adaptive management component to deal with uncertainties and unforeseen circumstances that may require action.
(6) Because the majority of sagebrush habitat in Nevada is on federally managed lands, the draft plan needs to clearly articulate how the State's conservation actions will mesh with federal conservation planning efforts. Where can Nevada best direct its efforts to make a difference?
(7) Nevada's plan proposes to use a conservation credit system to mitigate habitat loss. While crediting systems can be effective mechanisms to manage habitat loss and wise development, especially when implemented in collaboration with other land managers, it can be hard to predict the actual conservation benefits to species. In most areas where crediting systems are successful, the mitigation is through conservation easements on private lands. This is probably not possible in Nevada. We encourage more clarity on how the conservation crediting system will ensure sagebrush conservation, especially the revenue expected and how the revenue will be used to mitigate for habitat loss in habitats that require decades to restore.
(8) Overgrazing by domestic livestock and feral horses is a factor limiting habitat conservation in some areas. The draft plan should provide more detail on how this this threat will be reduced.

The Service largely agrees with Nevada's "self-assessment" of the draft Nevada plan. I hope you will accept these comments on Nevada's draft plan in the spirit they are offered: We share the same goal of conserving greater sage grouse and its habitat throughout its range to preclude the need of Endangered Species Act protection.

The Service appreciates the hard work of the Sagebrush Ecosystem Technical Team (SETT) you established and we stand ready to continue our collaboration. I would be happy to meet if you wish to discuss our concerns and how we can work together to ensure conservation of the greater sage grouse.

Sincerely,

Regional Director