OVERVIEW OF GREATER SAGE-GROUSE AND ENDANGERED SPECIES ACT ACTIVITIES

Notes from the Lek

Greater Sage-grouse Conservation Primer Series
Primer # 4

The Greater sage-grouse (*Centrocercus urophasianus*) is a game bird managed under State authorities. The species is not designated as a migratory bird under the Migratory Bird Treaty Act. Therefore, the U.S. Fish and Wildlife Service (FWS) has no regulatory or management authority over this species except where the bird occurs on Service lands (e.g. National Wildlife Refuges). Management authorities on those properties are limited to habitat – the States retain full control of management of the birds themselves.

The FWS became engaged in Greater sage-grouse when they received several petitions to list the species under the Endangered Species Act (ESA). From 1999 through 2003 the FWS received 8 petitions to list the Greater sage-grouse throughout all or parts of its range (Table 1).

When the FWS receives a petition to list a species the petition is reviewed to determine if it has sufficient information to support the action requested. Other than information that may be contained within the FWSs files, no additional data are collected for this initial review. If the Service determines that the requested action is not supported by the information presented they will publish a non-substantial petition finding (also known as a 90-day finding) and no further action is taken, barring legal challenges. Conversely if the requested action is supported by the information presented the Service will publish a substantial finding (90-day finding) and proceed with a status review (12-month finding). During the status review the FWS will solicit and consider all available scientific and commercial data pertinent to the requested action. Based on these data, the FWS determines if the species is warranted for listing under the Act, at which time a listing proposal is drafted; not-warranted for listing and no further action is taken; or is warranted but precluded by higher priority actions, at which time the species is designated as a candidate species for listing under the Act. Candidate species receive no protection under the Act. Each candidate species is assigned a listing priority number (LPN) which essentially determines the order in which their review for a final listing decision will be conducted. However each candidate species is reviewed annually to determine if their status has changed. These annual reviews consider all new information that may identify changes in the species' status, if any. Potential outcomes of these annual reviews include a change in the specie's LPN, moving to propose the species for listing, removing the species from the candidate list, or no change in the specie's status.

The results of the FWS's review of each of the eight petitions are summarized in Table 1. All but one of the FWS's actions on the petitions was challenged, either at the 90-day or 12-month finding. The initial range-wide finding, published in January, 2005, (http://www.fws.gov/wyominges/Pages/Species/Species_Listed/GSG.html) determined that the species was not-warranted for listing under the Act, but did caution that if habitat management activities did not change the FWS would likely be re-visiting their decision. The not warranted determination was challenged in 2007, and the decision was remanded to the FWS, in part over concerns by the court that the not-warranted determination had been politically influenced.

The status review published on March 23, 2010 was a result of the 2007 remand. Given the similarity of threats and the breadth of the review, the FWS opted to address all of the remaining legal challenges for all of the findings in this one effort. The March 2010 finding determined that the species was warranted, but precluded, for listing range-wide, that the Bi-state population constituted a Distinct Population Segment (DPS; isolated and unique), and that neither the western or eastern subspecies constituted a listable entity based on scientific review. Only the Columbia Basin populations in Washington State were left unresolved. The original listing determination on this group designated it as a DPS of the western subspecies. Since the Service does not recognize subspecies of the Greater sage-grouse based on an exhaustive scientific review (which used data collected after the designation of the

Columbia Basin DPS), its status as a DPS is under review. However, it is still considered part of the range-wide population. (http://www.fws.gov/wyominges/PDFs/Findings/SageGrouse/FR03052010.pdf)

The Multi-District Litigation (MDL) settlement reached between the Service, Wild Earth Guardians and Center for Biological Diversity provides a schedule by which to address the candidate status of 251 species (http://www.fws.gov/endangered/improving_ESA/listing_workplan.html). Greater sage-grouse are part of this settlement, with final listing determinations due by the end of fiscal year 2013 (Bi-State) and fiscal year 2015 (range-wide). At those key points the Service will need to make the determination of whether the species should be proposed for listing under the Act, or if the species be removed from the candidate list and receive no further consideration.

Table 1: Summary of petitions to list the Greater sage-grouse that were submitted to the U.S. Fish and Wildlife Service.

Year received	Portion of Greater sage-grouse range addressed	Service's conclusion	Litigation status
1999	Columbia Basin populations (Washington State)	Populations designated as a DPS and determined to be warranted for listing but precluded	None received
2001 and 2005	Bi-State population (NV and CA)	Petitions contained insufficient information for further consideration	Yes – Service agreed to enter into a status review that was incorporated into the range-wide finding.
2002	Western subspecies (roughly encompassing the birds in WA and OR with a small portion of ID and northern CA).	Petition contained insufficient information for further consideration	Yes – the Service was directed to conduct a status review
2002	Greater sage-grouse (range-wide)	Petition had sufficient information to proceed, but the status review determined the species did not meet the definition of threatened or endangered under the Act.	Yes – became part of the remanded decision
2002	Eastern subspecies (the majority of the species range outside what is listed under western above)	Petition contained insufficient information for further consideration	Yes but legal challenges were dismissed and no further action was necessary
2003	Greater sage-grouse range-wide (2 additional petitions received.	Petitions had sufficient information to proceed, but the status review determined the species did not meet the definition of threatened or endangered under the Act.	Yes – became part of the remanded decision