United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

In Reply Refer To:
ES-61411/WY11TA0313

June 24, 2011

The Honorable Matthew H. Mead
Governor of Wyoming
State Capitol
Cheyenne, Wyoming 82002

Dear Governor Mead:

Thank you for your letter of June 3, 2011, regarding Executive Order 2011-5, Greater Sage-Grouse Core Area Protection (Executive Order), signed on June 2, 2011. We are pleased with the implementation of this conservation strategy and commend the work of your office and that of the Sage-Grouse Implementation Team (Implementation Team) for the continuing commitment to conserve the Greater sage-grouse in Wyoming.

In your letter, you specifically request a response from our office as to whether the U.S. Fish and Wildlife Service (Service) continues to view implementation of the Executive Order as an adequate mechanism to preclude the need to list this species and if the Executive Order remains a sound policy to manage and protect sage-grouse populations in Wyoming. The Service believes the Executive Order can result in the long-term conservation of the Greater sage-grouse and thus reduce the need to list the species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*.). If fully implemented, we believe the Executive Order can provide the conservation program necessary to achieve your goal of precluding listing of the Greater sage-grouse in Wyoming. As you are well aware, actions outside the State borders and by entities not falling under the jurisdiction of the State of Wyoming may influence any final listing decision. However, implementation of the Executive Order is one of the most significant efforts that the State of Wyoming can implement to conserve the Greater sage-grouse.

We believe the Executive Order, along with the guidelines outlined by the Implementation Team and the Inter-agency Implementation working subgroup, is a sound policy framework by which to conserve Greater sage-grouse in Wyoming. As stated in our March 23, 2010, status determination for the Greater sage-grouse (Decision; 75 FR 13910), "the Service believes that the core area strategy … if implemented by all landowners via regulatory mechanisms, would provide adequate protection for sage-grouse and their habitat in that State." This is a critical point and remains true for your new Executive Order. To be effective, State, Federal and private landowners must all implement this Executive Order.

Implementation of the Executive Order will need to keep current with the best available science in order to meet the information requirements of the Act (section 4(b)(1)(A)). This may include incorporation of other important seasonal habitats into core areas as they are identified. The Implementation Team actively engaged this topic, but due to lack of data on the location of those habitats, the final resolution was left to local working groups once data become available. While we support the development of local solutions to address the protection of seasonal habitats as they are identified, these local solutions must be based on sound scientific data. It is also critical that the protections for seasonal habitats address the real conservation concerns for these potentially limiting habitat areas. Additionally, local solutions need to have mechanisms to ensure they will in fact be implemented, for example be regulatory in nature to the extent practicable.

The Service encourages the State to continue to actively advocate for sage-grouse conservation, and perhaps more importantly, healthy sagebrush ecosystems. We understand the reservations you considered in making the decision to execute Executive Order 2011-5. We recognize that the conservation of sage-grouse will involve difficult choices in prioritizing management objectives for a variety of needs within Wyoming. While we do not advocate for elimination or preclusion of any activity, we do encourage the State and project proponents to consider all alternatives that minimizes or removes impacts to the sagebrush ecosystem. We offer our assistance in these efforts if desired. Additionally, we encourage the State to continue to be active participants in the decision-making processes conducted by land managers in Wyoming, including State agencies, which affect sage-grouse and sagebrush. We recognize the State of Wyoming's expertise in sage-grouse and encourage use of that information to inform these planning processes.

In summary, the Service believes the Greater Sage-grouse Core Area Protection provides an excellent model for meaningful conservation of sage-grouse if fully supported and implemented. We believe that when fully realized, this effort could ameliorate many threats to the Greater sage-grouse in Wyoming. We fully recognize and appreciate your commitment and financial obligation to this important conservation effort. This long-term, science-based vision for the conservation of greater sage-grouse has set the stage for similar conservation efforts across the species' range, a notable feat onto itself.

We look forward to continuing to work with the State of Wyoming on Greater sage-grouse conservation. The Service again commends the State's leadership for your proactive and insightful efforts and your commitment to the long-term conservation of this species.

If you have any questions regarding the information provided here, please do not hesitate to contact me at 307-772-2374, extension 234, or Pat Deibert of my staff at extension 226.

Sincerely,

/s/ R. Mark Sattelberg

R. Mark Sattelberg
Field Supervisor
Wyoming Field Office

cc: BLM, Acting State Director, Cheyenne, WY (D. Simpson)
USFS, Regional Forester-Region 2 (R. Cables)
USFS, Regional Forester-Region 4 (H. Forsgren)
WGFD, Director, Cheyenne, WY (S. Talbott)
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