United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

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In Response Reply to:
FWS/AES/R6/049812

Mr. Tom Tidwell
Chief, U.S. Forest Service
1400 Independence Ave., SW
Washington, D.C. 20250

Dear Chief Tidwell:

The U.S. Fish and Wildlife Service (Service) has recently reached a court settlement to complete a proposed listing determination for the Greater sage-grouse no later than September 30, 2015. The Service would like to take this opportunity to open a dialogue with you in consideration of the following information on how we can cooperatively address the conservation of the Greater sage-grouse.

The Greater sage-grouse is currently a candidate for listing under the Endangered Species Act (Act). This sagebrush obligate was determined to be warranted for listing based on two listing factors identified in the Act: the present or threatened destruction, modification, or curtailment of its habitat, and the inadequacy of existing regulatory mechanisms. We 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. However, 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.

Adopting protective regulatory mechanisms is one way land management agencies can provide needed assurances that the species' long-term conservation requirements will be met without the protections of the Act. Recently, the Bureau of Land Management (BLM) initiated steps to revise or amend their Resource Management Plans to add regulatory mechanisms that are more protective of Greater sage-grouse and their habitats. While the U.S. Forest Service (USFS) is responsible for less total sage-grouse habitat than BLM (8 percent), your agency is the second largest Federal landowner of sage-grouse habitats. In some parts of the species' range USFS lands proportionally provide significantly more habitat than other landowners, and include habitats that are essential to the long-term conservation of the Greater sage-grouse. Therefore, we believe that your capacity to provide regulatory mechanisms will substantively contribute to the long-term conservation of the Greater sage-grouse and its habitats and allow your agency to

actively engage in broader Federal efforts to reduce one of the major threats to this species, recognizing that the outcome of the final determination cannot be guaranteed.

Adequacy of Regulatory Mechanisms

The USFS Land Management Plans (LMPs) provide the regulatory framework for management actions on all USFS lands. Including specific conservation measures in LMPs to protect Greater sage-grouse and their habitats will provide us the assurance that appropriate regulatory measures will be incorporated into future USFS management actions. We understand that conditions and stipulations can be added independently of an LMP, and can provide a conservation benefit in specific situations. However, unless specified in and required by an LMP, we cannot project their incorporation into future permits and activities on FS lands with any certainty. The longevity of the LMPs provides additional assurances, particularly given the time required to effectively address and reverse habitat impacts in this ecosystem. For these reasons we encourage the use of LMP revisions and amendments to provide important regulatory mechanisms for the Greater sage-grouse.

The Service recognizes that not all USFS lands constitute essential sage-grouse habitat, but some Forests and Grasslands under your jurisdiction are key to the long-term conservation of the Greater sage-grouse. We encourage you to address regulatory mechanisms on these key lands as a priority, while continuing habitat conservation work within all sage-grouse habitat on USFS lands. These priority areas include the Bi-State Distinct Population Segment area of Nevada and California in the Inyo and Humboldt-Toiyabe National Forests, the Thunder Basin and Curlew National Grasslands, and the Dixie, Fishlake, Uinta, Sawtooth, Caribou, and Malheur National Forests.

The BLM has initiated a planning process to address regulatory mechanisms on a landscape-scale for Greater sage-grouse. Recognizing that populations of sage-grouse cross many jurisdictional boundaries, we encourage your agency to coordinate with the BLM on efforts they have already completed and may prove valuable in your efforts. In addition to hopefully reducing some of the work associated with this effort and expediting the process, close coordination now will translate to coordinated implementation of regulatory mechanisms, resulting in a "seamless" conservation boundary across the landscape.

While it is important to address regulatory mechanisms in LMPs, it is equally important that activities being reviewed now, prior to adopting revised LMPs, not result in cumulative loss or fragmentation of habitat that further harms the species, particularly in the key Forests and Grasslands identified above. If the grouse population and habitat continue to decline while new regulatory mechanisms are developed, those new provisions may prove to be ineffective. During this interim period, we also encourage the use of interim guidance as a temporary measure to ensure current activities are considered in light of sage-grouse conservation. Using interim guidance throughout the sage-grouse range until a LMP can be amended or revised increases the protection of the sage-grouse now. Interim guidance, protective of sage-grouse will be extremely valuable until any LMP revisions or amendments are completed.

We continue to support your attention and efforts in wildland fire management. These efforts are essential to long-term conservation of the Greater sage-grouse, especially in the Great Basin, where wildland fire has been identified as the primary habitat concern.

A final listing determination for the Greater sage-grouse range-wide must be made by the end of Fiscal Year 2016. Therefore, we respectfully request the USFS 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 USFS employees.

We will continue to make Service staff available to support your processes. We recognize your strong working relationships with State wildlife management agencies in developing conservation strategies in your LMPs. They have a wealth of expertise and data that cannot be found elsewhere and are very interested in helping resolve this issue.

We appreciate the hard work and efforts the USFS has already taken to conserve the Greater sage-grouse, and 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.

Sincerely,

Deputy Gregory E Siekaniec

DIRECTOR