United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

APR 6 2015

Mr. Kelly Hepler, Secretary
South Dakota Department of Game, Fish and Parks
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3182

Dear Mr. Hepler,

We appreciate the important role the South Dakota Department of Game, Fish and Parks (Department) plays in the collaborative conservation planning efforts for the greater sage-grouse (*Centrocercus urophasianus*) (sage-grouse). We provided comments on the previous draft *Sage-grouse Management Plan for South Dakota, 2014-2018* (Plan) in our April 15, 2014, letter (enclosure). Sage-grouse populations within the State of South Dakota (SD) represent a small, yet important portion of the range-wide population.

The Final Plan (Plan) identifies threats and stressors to sage-grouse in SD and describes actions that, if fully implemented, should benefit sage-grouse. However, implementation of the Plan objectives and strategies will depend on the availability of sufficient resources.

The Plan now includes strategies to facilitate Departmental review and comment with key state agencies on projects potentially affecting sage-grouse. Most notably, a Memorandum of Understanding (MOU) with School and Public Lands (SPL) should prove beneficial, as the agency manages a relatively large land base in sage-grouse range. The addition of wild fire suppression strategies during hunting seasons and a defined process to manage potential sage-grouse hunting seasons should also be beneficial. Additional benefit is achieved through the incorporation of Priority Areas of Conservation into the State Core Areas.

Given the large amount of sage-grouse core areas in private ownership, working cooperatively with landowners will be essential to conservation efforts in SD. Accordingly, the strategies in the Plan place an emphasis on collaborative conservation. However, it is unclear if sufficient resources will be available to implement the collaborative strategies outlined in the Plan. Further, as we previously noted in comments (enclosure), the Plan does not include sufficient regulatory mechanisms to achieve the conservation objectives identified in the *Greater Sage-grouse Conservation Objectives: Final Report* (COT Report).

The Plan proposes to collect sage-grouse data, but it is unclear how the data will feed back into sage-grouse management. The addition of an adaptive management component that incorporates the annual monitoring and other data collections into future decisions is strongly encouraged.

Finally, we recommend that the Department add guidance on how mitigation of sage-grouse impacts will be achieved. Mitigation guidance should increase consistency and effectiveness as biologists review projects and make recommendations to avoid, minimize, and if necessary seek compensatory mitigation for unavoidable impacts to sage-grouse and their habitats.

We note the following improvements in the Plan:

- Development of agreements or processes with SPL, Department of Environment and Natural Resources (DENR), and Public Utilities Commission (PUC) to encourage Department review and comment on oil and gas leases on SPL lands, oil and gas drilling permits issued by DENR and certain wind energy permits issued by PUC.
- A strategy to implement measures to prevent destructive wildfires during the firearm hunting season for antelope.

We identified the following issues in the previous draft and note they have not been addressed in the Plan:

- Uncertainty of funding/resources to implement conservation strategies.
- Lack of regulatory mechanisms.
- Lack of a mitigation strategy and incorporation of the Fish and Wildlife Service Sage-grouse Range-wide Mitigation Framework standards.
- Lack of a defined adaptive management component.

Final Plan consistency with COT Report Objectives

We reviewed the consistency of the Plan with the COT Report Objectives and COT identified threats for SD sage-grouse.

General COT Conservation Objective #1: *Stop population declines and habitat loss.*

The objective is to eliminate or redesign activities that negatively impact sage-grouse and their habitats in order to conserve all current core areas.

Strategy 1.3b of the Plan recommends that policy makers utilize the conservation measures in the COT Report, along with other guidance documents, to develop regulatory mechanisms that could reduce negative impacts to sage-grouse habitat. We recognize the potential benefit that the proposed MOUs could provide as the Department reviews and comments on other state agency proposals and applications, especially if a mitigation strategy is developed.

The voluntary conservation programs identified in the Plan may help stem population declines and habitat loss. However, the Plan does not provide details on the development of needed regulatory mechanisms or specify core area management needs. Therefore, we believe the Plan is unlikely to meet Objective #1 of the COT Report. The Plan would also require significant resources and broad participation in voluntary conservation programs to substantially reduce threats to sage-grouse in SD.

We share the Department's concern about West Nile Virus (WNV) and the precipitous population declines following WNV outbreaks in the mid- to-late 2000's. If WNV continues to impact sage-grouse populations in South Dakota, it will add an additional layer of complexity to conservation efforts. The Plan identifies three strategies (6.1-6.3) that may improve understanding of how WNV may be impacting SD sage-grouse populations.

General COT Conservation Objective #2: *Implement targeted habitat management and restoration.*

The Plan outlines 14 strategies for sage-grouse habitat management. However, as the strategies depend on voluntary action and uncertain funding, we are concerned that participation may not be sufficient to stop the downward sage-grouse population trend in SD.

General Conservation COT Objective #3: *Develop and implement state and federal sage-grouse conservation strategies and associated incentive-based conservation actions and regulatory mechanisms.*

The Plan identifies several incentive based-conservation strategies for sage-steppe habitats. However, neither funding levels nor funding projections are included in the Plan. We appreciate that state funding will be supplemented by external funding that will incentivize participation in voluntary efforts, such as the Natural Resource Conservation Service Sage Grouse Initiative. However, the level of future investment that will be made in incentive-based strategies is unclear.

The only regulatory mechanism included in the Plan is the sage-grouse hunting season, which is currently closed.

General COT Conservation Objective #4: *Develop and implement proactive, voluntary conservation actions.*

We note that the Department and partners have contributed to this objective and will continue to do so as indicated by the 14 Strategies in Objective #1 of the Plan. Specifically, the Department's private lands habitat program, the collaboration efforts with Natural Resource Conservation Service Sage Grouse Initiative and the Pheasants Forever Farm Bill Biologist are in place and will continue to implement actions on the ground to conserve sage-grouse.

General COT Conservation Objective #5: *Develop and implement monitoring plans to track the success of state and federal conservation strategies and voluntary conservation actions.*

While monitoring is included, the Plan does not include a comprehensive monitoring plan with an adaptive management component that could inform and improve future management.

General COT Conservation Objective #6: *Prioritize, fund, and implement research to address existing uncertainties.*

The Plan identifies uncertainties regarding WNV. Research planned in Harding County should help address those uncertainties.

Summary

The Department has developed a solid Plan that will attempt to conserve sage-grouse to the extent possible, given the state's limited authority to ensure conservation on private and School lands. However, given the dire status of the bird in South Dakota and the lack of regulatory mechanisms, we do not have confidence that the Plan goal to "Maintain a sustainable sage-grouse population primarily by protecting, enhancing, and establishing sage/steppe habitat" will be achieved. We also do not have confidence that the Plan will sufficiently address the threats identified in the COT Report and the greater sage-grouse 12-month finding (USFWS 2010). While we support the goal, objectives, and strategies identified in the Plan, we do not believe that the goal to maintain a sustainable sage-grouse population will be realized.

We look forward to working with your agency on conservation of sage-grouse and will support the State in this process. Please contact me at 605-224-8693 x 224 if you have any questions regarding these comments.

Sincerely,

Scott Larson

Scott Larson
Field Supervisor

Enclosure

Literature Cited

South Dakota Department of Game, Fish and Parks, Division of Wildlife. 2014. Sage-grouse management plan for South Dakota 2014-2018. Wildlife Division Report Number 2014-02. South Dakota Department of Game, Fish and Parks, Pierre, South Dakota. 42 pp.

U. S. Fish and Wildlife Service. 2010. 50 CFR Part 17 Endangered and threatened wildlife and plants; 12-month findings for petitions to list the greater sage-grouse (*Centrocercus urophasianus*) as threatened or endangered. 103 pp.

U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013. 91 pp.