From:	Iverson, Chris -FS
To:	Kathleen Clarke
Cc:	pblackham@utah.gov; carmenbailey@utah.gov; terry.messmer@usu.edu; eellis@utah.gov; Rasure, Nora -FS; Erickson, John R -FS; Noreen Walsh; Bambrough, Dustin J -FS; Crist, Larry; Iverson, Chris -FS; Groves, Kristy L -FS; Christensen, Robert -FS; Palma, Juan
Subject:	RE: Lease and sage grouse info and maps
Date:	Monday, February 16, 2015 9:42:04 PM
Attachments:	image001.png image002.png image003.png image004.png 2002to2008_SageGrouse_Telemetry_Locations.jpg Winter_2002to2008_SageGrouse_Telemetry_Locations.jpg Sage Grouse habitat with lease info.pdf SG_Hab_Lease_Map.pdf

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Kathleen – I believe we have a meeting set up for Friday Feb. 20 in SLC to discuss Anthro Sage-grouse. I have not yet received the map you referenced. I'll try to respond to your questions in advance of our meeting.

There may be any number of 'scientific' definitions of sage-grouse habitat that we could discuss – but perhaps the most important is one defined by the birds themselves – where they lek/breed/winter (see attached maps). It is that definition that we reply on to redeem our statutory/regulatory/and policy requirements that I'll outline per your request:
1.National Forest Management Act (NFMA) 16 U.S.C. Section 6 (g)(3)(B) National Forest System Planning - requires that National Forest "provide for the diversity of plant and animal communities based upon the suitability and capability of the specific land area… ".
2. The 1982 Code Of Federal Regulations (36 CFR 219.19) interpreted and implemented the NFMA 'diversity' requirement as :
"Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area".
"For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area".
"In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area".

We have been implementing this requirement on all of our National Forests for over 30 years and failing to adequately address this regulation exposes the agency to a substantive challenge under NFMA.

Further – the sage grouse is a Regional Forester Sensitive Species and our agency Forest Service Manual (FSM) 2670.22 provides direction for Sensitive Species to maintain viable populations of all native and desired nonnative wildlife, fish, and plant species in habitats distributed through their geographic range on NFS lands. Further, FSM 2670.32 and 2672.1 directs the National Forests to avoid or minimize impacts to species whose viability has been identified as a concern and listed by the Regional Forester as a sensitive species.

At your request, we believe that we have crafted an acceptable compromise using a solution

developed by the BLM – placing a 3.1 mile buffer around all 5 leks on Anthro and managing sage-grouse habitat within those buffers as Priority. Habitat outside that buffer would be managed as General habitat – including a substantial amount of habitat previously identified as Priority to the northwest where no leks have been identified. After consultation with the Forest Supervisor and his staff, as well as the FWS, we believe this is an acceptable, but not ideal, compromise to both conserve sage grouse habitat that redeems our regulatory and policy requirements and attempts to address State interests for economic development of oil and gas resources. As I reminded you and we discussed thoroughly, holders of existing oil and gas leases have valid existing rights that we must and will honor – including those that may exist within the Priority habitat 3.1 mile buffer - including the Berry and Vantage leases (copies of lease maps developed by the Ashley attached).

I've attached 2 figures that document sage-grouse telemetry relocations on Anthro both lek/breeding and winter. During summer – grouse use virtually all of the previously identified Priority habitat available from birds on the 5 leks. Some of this habitat will be excluded from Priority under our compromise. Virtually all of the habitat to the northwest – used both in summer and winter will be managed as General under the compromise.

We do not believe we can further diminish the protection of these sage-grouse on Anthro beyond the 3.1 mile Priority habitat buffer – they represent only 1 of 2 areas (clusters of leks – Anthro and Southeast Uintas) and nearly 50% of the leks on the entire Ashley National Forest. Redundancy is one of the key principles of conservation biology and our effort to maintain 'well-distributed' populations on the Ashley – both clusters of leks are considered essential to conservation on the Ashley National Forest and meeting our regulatory requirements. I am not aware of any interpretation or precedent that would allow the Forest Service/Ashley National Forest to consider the Anthro population as surplus/non-essential (via a General Habitat designation) because larger populations are found on non-NFS lands somewhere in Utah. We also believe that managing viable populations well-distributed on the Ashley represents a Forest Service contribution to our mutual efforts to avoid the need to list this species under ESA.

Chris Iverson
Deputy Regional Forester

Forest Service
Intermountain Region

p: 801-625-5605
civerson@fs.fed.us

324 25th Street
Ogden, UT 84401
www.fs.fed.us

Caring for the land and serving people

From: Kathleen Clarke [mailto:kathleenclarke@utah.gov]
Sent: Friday, February 13, 2015 12:17 PM
To: Iverson, Chris -FS

Subject: Fwd: Lease and sage grouse info and maps

The map I spoke of is on it's way. Could you share with me the specific viability criteria language that you believe compels the FS to designate the Anthro as priority SG habitat. Thanks.

Sent from my iPhone

Begin forwarded message:

> **From:** Work <kathleenclarke@utah.gov>
> **Date:** February 13, 2015 at 9:51:57 AM PST
> **To:** "Iverson, Chris -FS" <civerson@fs.fed.us>
> **Cc:** Pam Blackham <pblackham@utah.gov>, Juan Palma <jpalma@blm.gov>, Carmen Bailey <carmenbailey@utah.gov>, Terry Messmer <terry.messmer@usu.edu>, Eric Ellis <eellis@utah.gov>
> **Subject: Re: Lease and sage grouse info and maps**
>
> I am not convinced that there is a science basis for a priority designation. I would like to meet with and Norah next week. My assistant will reach out to set it up. Thanks.
>
> Sent from my iPhone
>
> On Feb 11, 2015, at 4:24 PM, Iverson, Chris -FS <civerson@fs.fed.us> wrote:
>
>> Kathleen –as we discussed today, I've attached the 2 maps I've been referencing and that the Ashley Forest Supervisor – John Erickson's staff developed. Once you've had a chance to review – please give me a call in the next day or 2.
>
> <image001.png>
> **Chris Iverson**
> **Deputy Regional Forester**
>
> **Forest Service**
> **Intermountain Region**
>
> **p: 801-625-5605**
> **civerson@fs.fed.us**
>
> 324 25th Street
> Ogden, UT 84401
> www.fs.fed.us
> <image002.png><image003.png><image004.png>
>
> **Caring for the land and serving people**

From: Erickson, John R -FS
Sent: Thursday, January 29, 2015 3:56 PM
To: Iverson, Chris -FS
Cc: Groves, Kristy L -FS; Christensen, Robert -FS
Subject: FW: Lease and sage grouse info and maps

Chris,
Enclosed are two maps that I would like explain with the Ranger and biologist at 0930.

John

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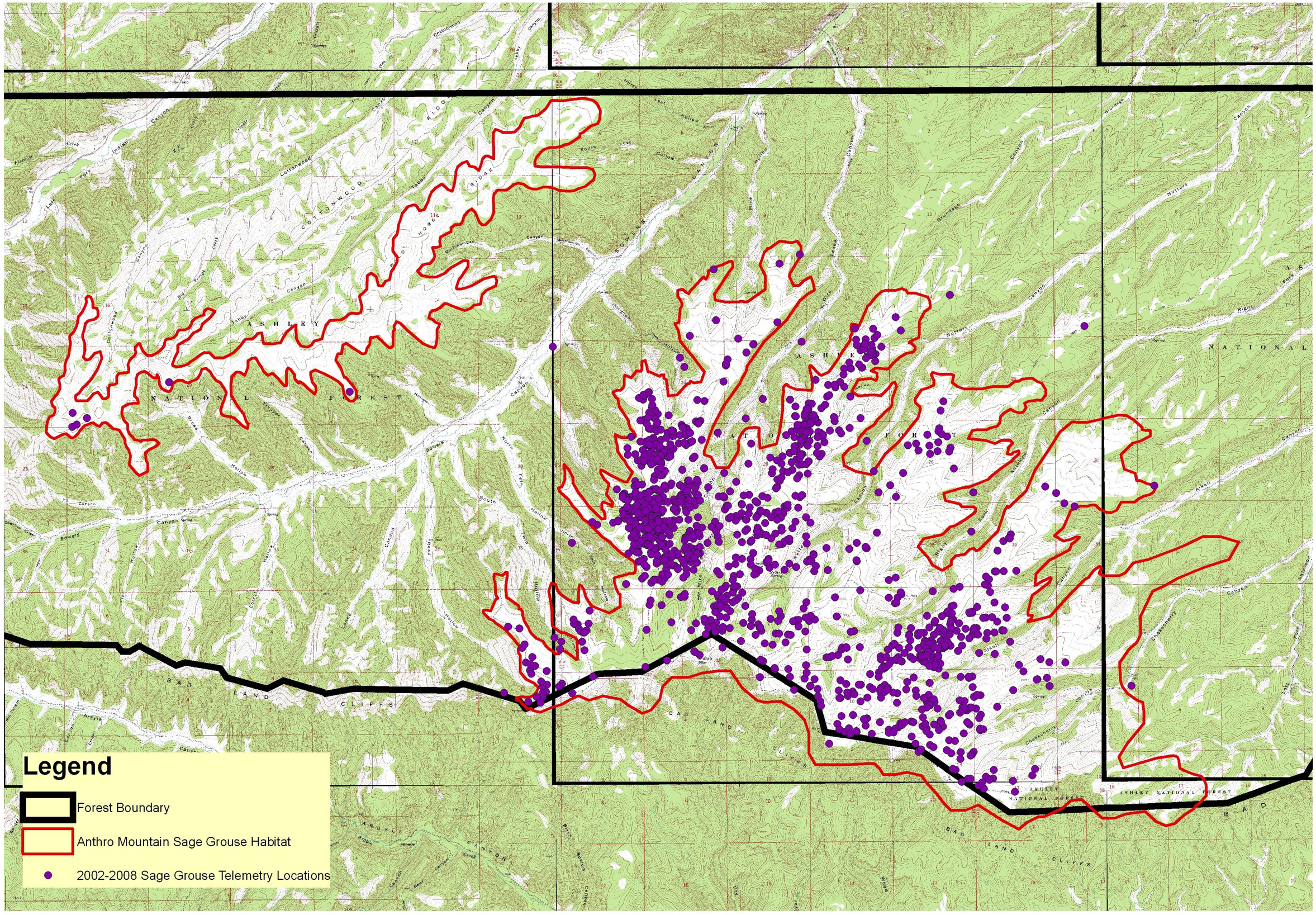
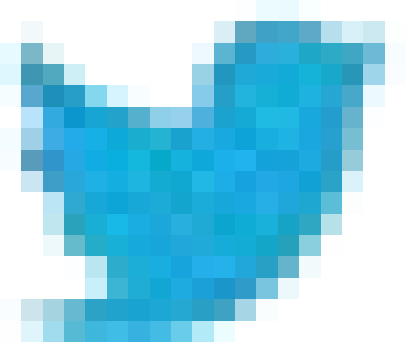
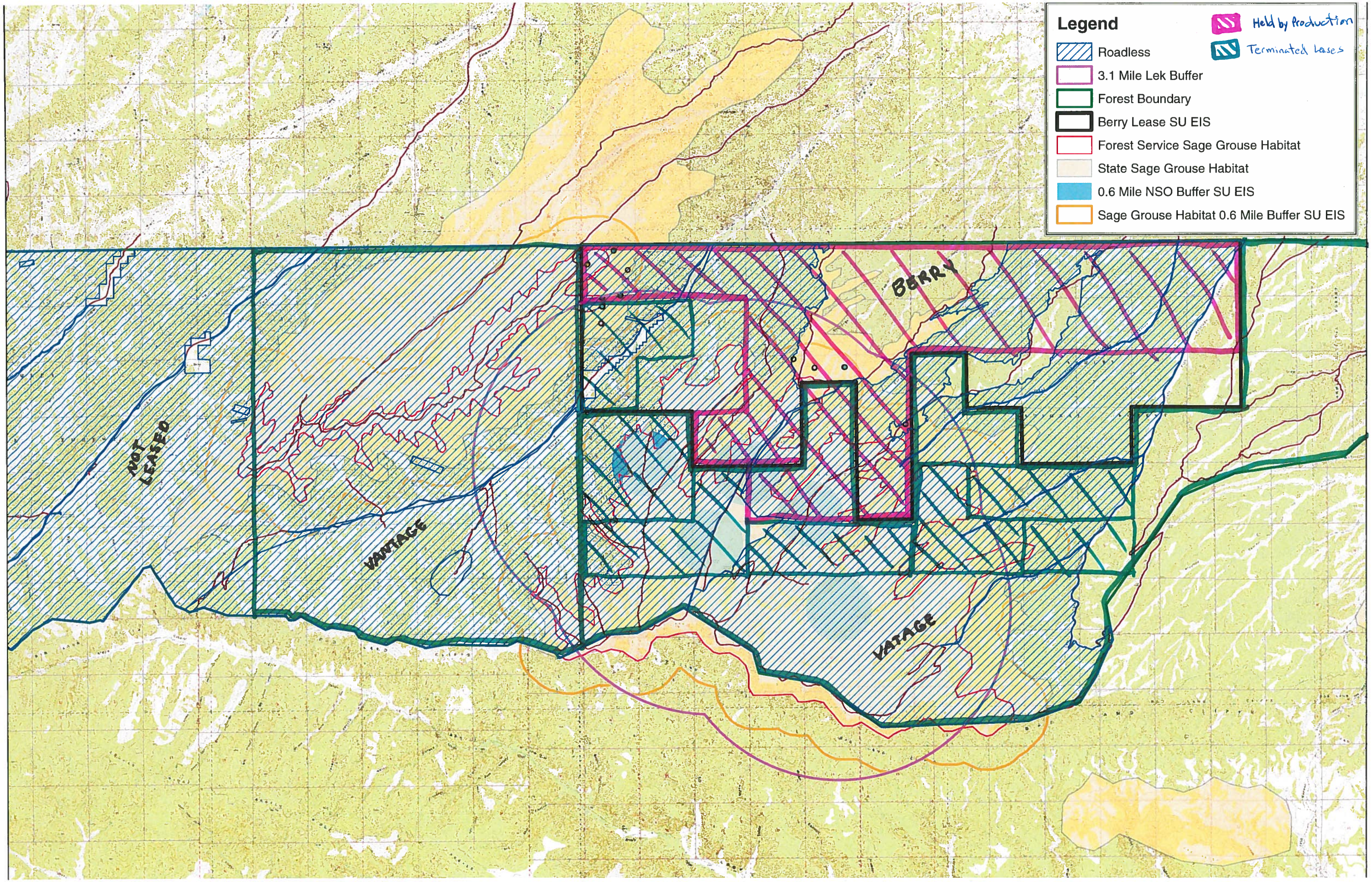
<Sage Grouse habitat with lease info.pdf>

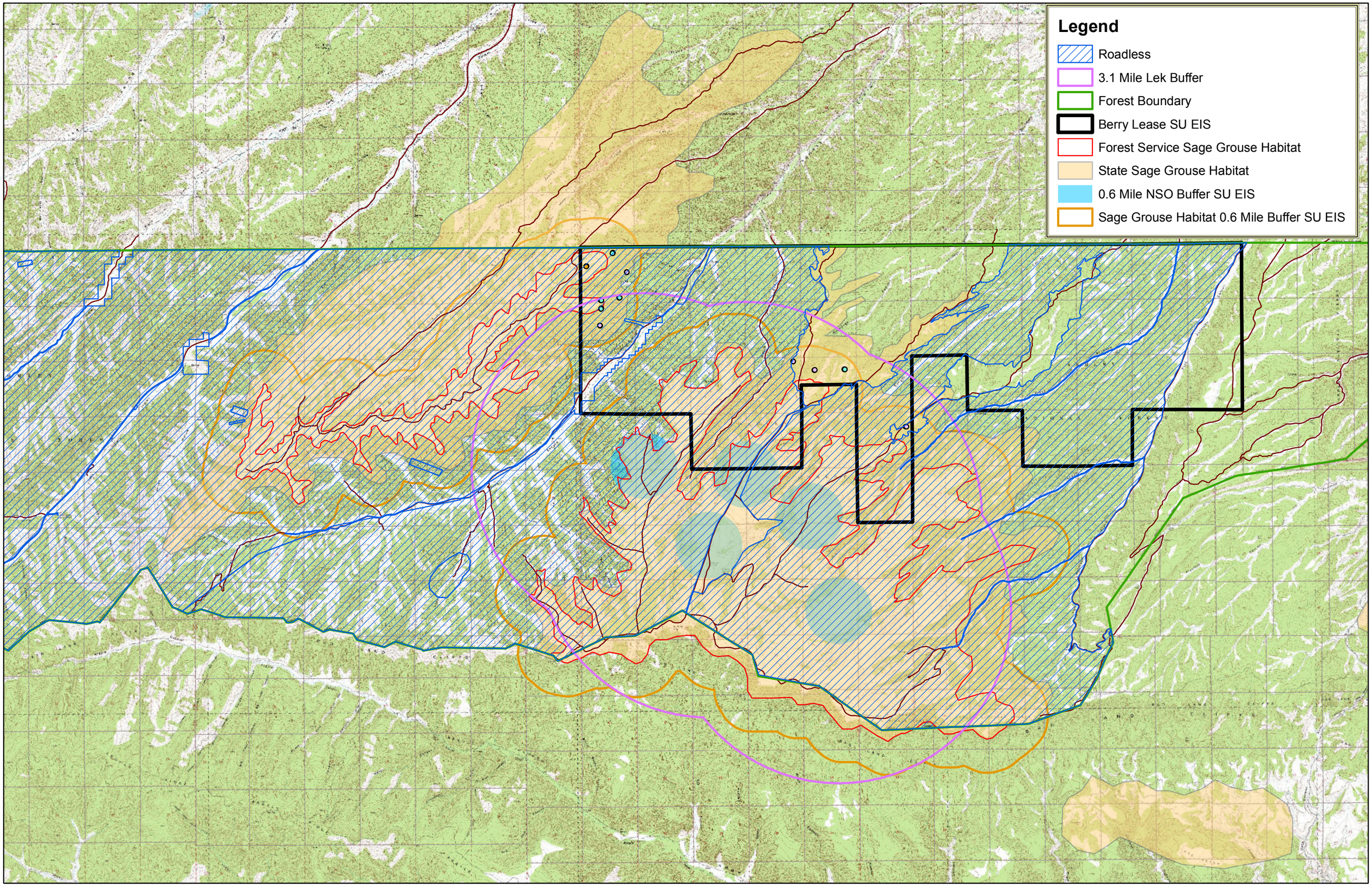
<SG_Hab_Lease_Map.pdf>

ANTHRO MOUNTAIN SAGE GROUSE
2002-2008 TELEMETRY LOCATIONS






Legend
Roadless
3.1 Mile Lek Buffer
Forest Boundary
Berry Lease SU EIS
Forest Service Sage Grouse Habitat
State Sage Grouse Habitat
0.6 Mile NSO Buffer SU EIS
Sage Grouse Habitat 0.6 Mile Buffer SU EIS
Held by Production
Terminated Leases
BERRY
NOT LEASED
VANTAGE
VATAGE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Forest Service Sage Grouse Habitat
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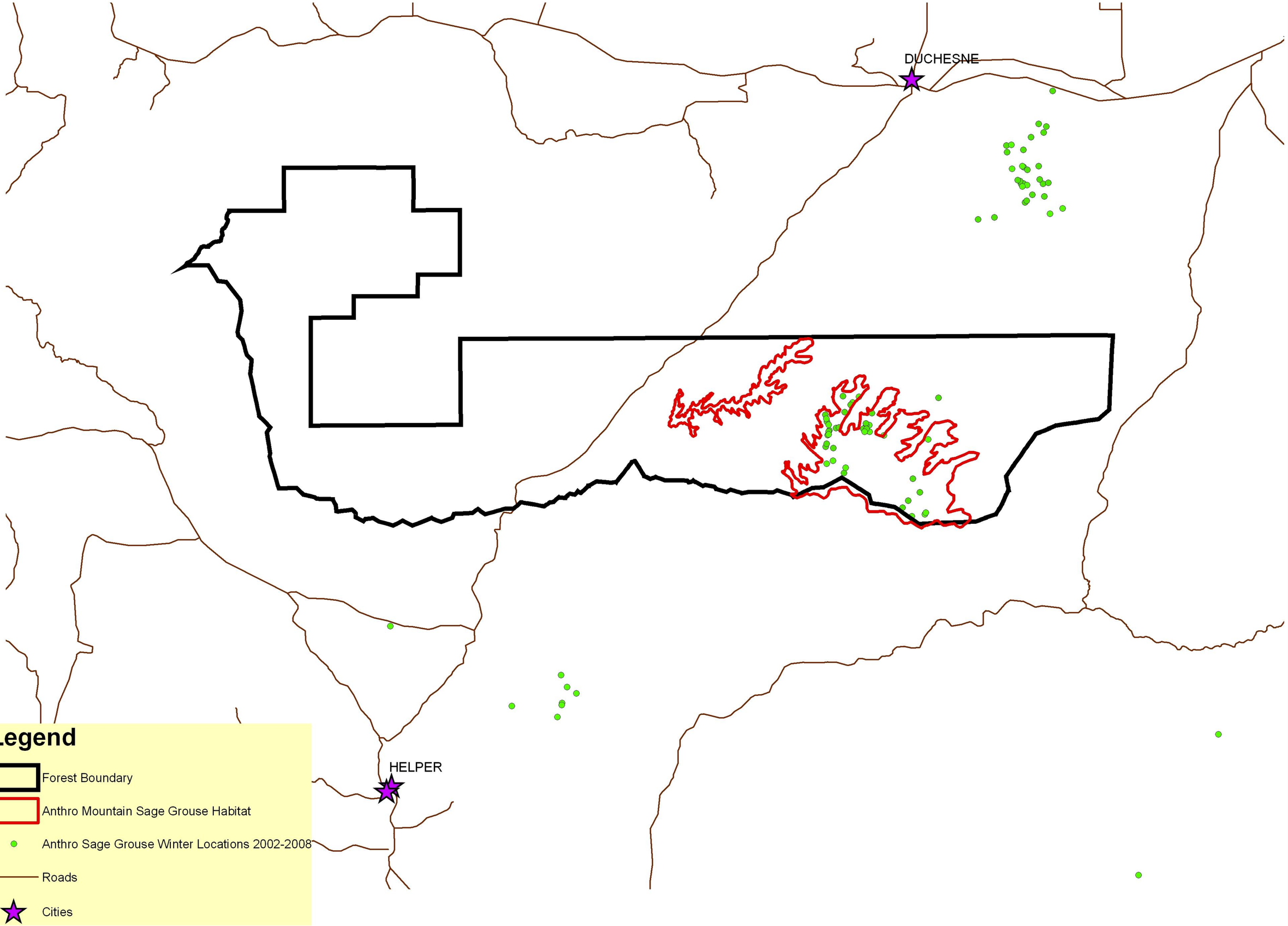
ANTHRO SAGE GROUSE
2002-2008 WINTER TELEMETRY LOCATIONS