From:	Noreen Walsh
To:	Dan Ashe; Gary Frazer; Matt Kales
Subject:	FW: GRSG: final SGTF materials
Date:	Friday, March 27, 2015 2:53:09 PM
Attachments:	FWS.GrSG.SGTF prep.March 2015.RR TPs.docx GRSG2015_OverviewSGTF.March 2015.final.pptx FWS.GrSG.summary of recent correspondence challenging science and conservation measures.RD review _draft.032615.docx 2015_3_27_CCAA_SGI (2).pdf FWS.GrSG.stronghold QA.final.032715.docx
Importance:	High

FYI for SGTF next week

Thanks to Matt Kales for pulling the information together.

Noreen Walsh
Regional Director
Mountain-Prairie Region
U. S. Fish and Wildlife Service
303 236 7920

From: Matt Kales [mailto:matt_kales@fws.gov]
Sent: Friday, March 27, 2015 2:32 PM
To: Noreen Walsh
Cc: Michael Thabault; Nicole Alt; Kristine Martin; Trina Vigil; Theodore Stein; Mary Grim; Pat Deibert; Angela Burgess
Subject: GRSG: final SGTF materials
Importance: High

Noreen,

Please see attached the following items for you and Dan for next week's SGTF meeting (3/30-31):

- Revised TPs;
- Revised .ppt (updated to include the additional issues/opportunities slide and CCAA acreages);
- Internal table showing selected recent correspondence challenging federal GrSG science and conservation measures;
- Revised internal stronghold Q&A; and,
- The final NRCS-FWS 2-page outreach document highlighting interface between SGI and CCAAs (this is packaged with the original, existing FWS-NRCS fact sheet; the novel content is on the last 2 pages)

Please note we have not yet posted the stronghold products. Similarly, we will later today distro the final NRCS-FWS product to GrSG RDs and ARDs for final/fatal flaws review and hope to distro it at

TF.

Many thanks to all who helped build and review these products.

Please let me know if you have any questions or need anything further in preparation for TF. Thanks.

(Trina: please use the attached to prepare Nicole's meeting packet. Thanks.)

Matt

Matt Kales, Senior Advisor for Greater Sage-Grouse Conservation
Office of the Regional Director
US Fish and Wildlife Service, Mountain-Prairie Region
Office: (303) 236-4576
Mobile: (720) 234-0257

US Fish and Wildlife Service
Greater Sage-Grouse Conservation: Sage-Grouse Task Force Meeting, 3/30-31/2015
Talking Points for "Round Robin" Session

Fire and Invasives

- We are working closely with BLM and other partners to support the **Fire and Invasive Species Assessment Team's (FIAT) efforts** to develop spatial planning tools to strategically address fire and invasive species in priority habitat in the Great Basin.
- We are also actively helping to deliver **Secretarial Order 3336**: Rangeland Fire Prevention, Management, and Restoration.
-

Private Lands Conservation

- We continue to aggressively pursue **CCAAs** in sage-grouse range and are rapidly increasing the number of agreements and enrolled acres in sage-grouse country:
    - 3 completed or pending CCAAs in **OR** (State Lands, Multi-County, Harney County).
    - Implementation and expansion of **WY** Umbrella Statewide Grazing CCAA
    - Pursuit of CCAAs with oil and gas interests in **CO**; development of traditional, single-permit CCAAs for ranches in **UT, NV** and CO; and, development of programmatic CCAAs for grazing and development in WY and **MT.**
    - Enhanced coordination with NRCS to deliver **seamless conservation on private land** via SGI, CCAAs, and FWS' PFW program.

Mitigation

- We recently stood up an FWS **Mitigation Review Team** to improve range-wide consistency of mitigation program review and conduct technical review of **emerging mitigation programs in CO, WY, NV, and OR.**

External Input

- FWS, and DOI, continue to receive correspondence from external entities with clear ideas about how FWS should advise our partners and how we should proceed with our ESA status review.

External Input, cont.

- For example:
  - We recently received 2 letters from sage-grouse scientists and NGOs expressing their opinion the NTT report should form the basis for all land use decisions in the final federal plans; and, that FWS' recommended sage-grouse "strongholds" should be larger and subject to more restrictive management regimes.
  - We recently received 3 letters from stakeholders groups (grazing, mining, energy development) expressing opinions that FWS should not have identified strongholds; that the NTT and COT fail to meet basic science standards; and, that post-fire restoration expectations in certain sagebrush habitats are unrealistic.

Greater Sage-Grouse

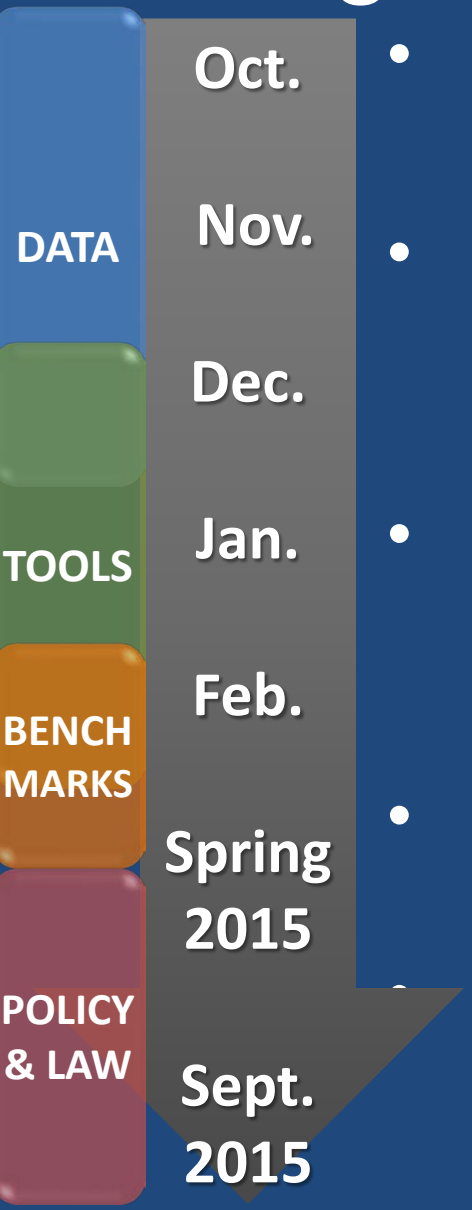
March 31, 2015

Goals for today:

Provide an update regarding the 2015 greater sage-grouse status review

Provide information regarding on-going private land conservation efforts

Timing



- **Data Collection:** We request initial data call responses by October 31, 2014
- **Conservation Efforts Database:** Spatial data and narratives related to conservation are captured in the database.
- **Review and Analysis of Information:** We are reviewing literature, submitted information, and existing models.
- **Information Synthesis**
- **Determination Due:** September 30, 2015

Status Review Update

DATA

CED update

43 groups (including agencies from 10 states, federal agencies, soil and water conservation districts, industry, and NGOs)

Number of Projects Entered: 6,148

Number of Plans Entered: 110

Data sharing

NRCS, States

TOOLS

Information Analysis

Analyze current & future benefits and impacts using spatially explicit analysis

Remaining issues and opportunities

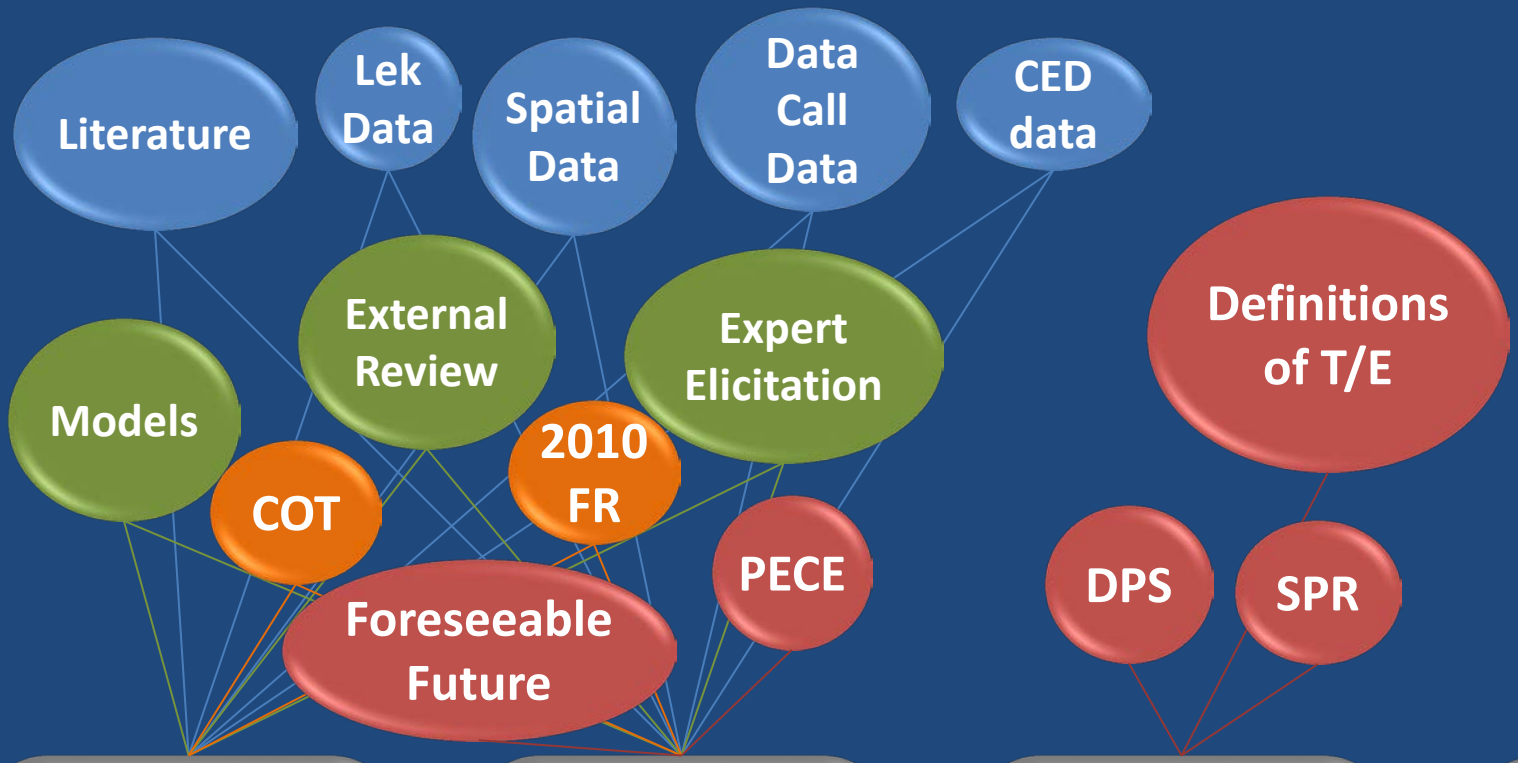
- Ensuring conservation efforts reflect the recommendations in the final COT Report
- Completing final, robust federal conservation plans
  - Fully and successfully implementing federal plans
- Delivering final, robust state conservation plans
- Implementing effective strategies to combat wildfire and invasive species

Private Land Conservation Efforts

- Candidate Conservation Agreements with Assurances
  - Primary focused to date on rangeland management
- Coordination with NRCS and FWS Partners for Fish and Wildlife Program for conservation delivery
- OR CCAAs (3): ~ Nearly 1 million ac enrolled or in progress ; potential for significantly more acres depending on landowner participation
- Wyoming CCAA: ~ 300,000 ac enrolled or in progress

Questions

https://www.fws.gov/greatersagegrouse/documents.php



Current Status

- Trends, Abundance, Distribution (lek data, modeling)
- Threats (literature, modeling)
- Conservation Efforts (CED)

Projected Future

- Projected Future Trends, Abundance, Distribution (modeling)
- Projected Future Threats (literature, modeling)
- Projected Future Conservation Efforts (CED)

Legal and Policy Evaluation

- Definitions of Threatened and Endangered
- DPS (listable entity)
- SPR
- PECE
- Foreseeable Future

Determine Status

- Due to FR on September 30, 2015

Selected Recent Correspondence to Federal Agencies re: Sage-Grouse Science as of March 26, 2015

Product and Author/Date	Receiving Agency	Summary Argument
Letter from Sage-grouse scientists, 3/12/15	DOI/USDA leadership	Federal plans should contain "…objective, measurable and robust conservation measures based on best available science..." Federal agencies appear to be abandoning NTT in favor of more "elastic, subjective" measures in COT (which authors claim is a summary of existing information, doesn't contain adequate conservation measures, and introduced ambiguity to conservation actions).
Report from American Exploration & Mining Association, 3/17/2015	Public	BLM's ES&R Program imposes arbitrary deadlines and technical constraints that impede successful rehabilitation of fire-impacted low-elevation subspecies of sagebrush. Recommended policy changes include more realistic timelines for measuring success and providing funding for low-elevation restoration efforts.
DQA from Western Energy Alliance and "Western Coalition" (counties and other industry groups), 3/18/15	BLM (NTT); FWS (COT; USGS (Monograph)	Federal agencies are imposing "one size fits all" measures on Western states and are "justifying a top-down approach with selective and faulty information that ignores a large body of scientific literature on the species." "Prescriptions from the three reports are heavily influencing policies not just for federal lands but the full 186 million acres of GRSG habitat, yet the reports fail to meet basic standards of science…"
Letter from National Cattlemen's Beef Association 3/20/15	Secretary Jewell	"…inclusion of Sagebrush Focal Areas (SFAs), as noted in Director Ashe's October 27, 2014 memorandum, in federal resource management plans is very concerning and may undermine this entire [sage-grouse conservation planning] process." Authors note concerns about last-minute nature of SFAs; lack of understanding of proposed SFA locations and management implications; targeting of landowners; lack of benefit to species; confusion and mistrust surrounding SFAs.
Letter from CBD and other NGOs, 2/20/2015	DOI leadership	"SuperPACs" (strongholds) should not diminish importance of PACs…" Existing SuperPACs are inadequate and should include key areas (as defined by CBD et al) SuperPACs should include a suite of robust conservation measures (e.g., lek buffers, fire management, restrictions on grazing, O&G development, etc. SuperPACs should be codified in specific, restrictive management designations for these landscapes, e.g., National Wildlife Refuges, National Monuments SuperPACs should be venues for LTER

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United States Department of Agriculture

Working Lands for Wildlife

Greater Sage-Grouse

ESA Predictability

Frequently Asked Questions

What is Working Lands for Wildlife? Working Lands for Wildlife (WLFW) is a partnership between the USDA Natural Resources Conservation Service (NRCS), the U.S. Fish and Wildlife Service (FWS) and farmers, ranchers and forest landowners. The partnership provides participants with Endangered Species Act (ESA) predictability for their voluntary conservation activities. These efforts will help restore populations of specific declining species and strengthen rural economies by protecting the productivity of working lands.

Why should I enroll? WLFW provides technical and financial assistance to voluntarily implement conservation practices for the greater sage-grouse, while continuing to manage the property as working lands. These conservation practices and associated conservation measures were selected cooperatively by NRCS and FWS to benefit this species. WLFW also provides ESA predictability relative to these practices.

Where do I go to get started? Contact your local NRCS service center. An NRCS planner will determine if your property has habitat that is suitable or can be improved (or created) to benefit the greater sage-grouse. If so, the NRCS planner will work with you to develop a conservation plan that includes a combination of conservation practices and measures.

Greater Sage-Grouse

What am I responsible for if I create more habitat for the greater sage-grouse? Through WLFW, participants receive ESA predictability connected to the WLFW conservation practices and measures with “incidental take” coverage through July 30, 2040. By taking this step, the FWS encourages the long-term implementation of the conservation practices and measures.

For the duration of practice implementation, the participant must adhere to the conservation measures tied to each conservation practice and maintain any existing habitat and created habitat. No additional actions or responsibilities under ESA are required for implementation of the conservation practices and conservation measures identified through WLFW.

What are my responsibilities for managing the greater sage-grouse and its habitat after my WLFW contract ends? You are encouraged to continue the conservation practices and measures after the contract ends. If you voluntarily continue the WLFW conservation practices and measures beyond the contract duration as outlined in the conservation plan, you will have no additional responsibilities under the ESA through July 30, 2040. If you change the management of the land that supports the greater sage-grouse and stop following the WLFW conservation practices and measures, you will not be covered by the ESA predictability provided by the WLFW agreement. You may want to discuss anticipated management changes with your local NRCS service center.

What if I want to pursue activities on my land that aren’t covered by WLFW? The specific conservation practices covered under WLFW relate to routine agricultural operations and actions that benefit working landscapes and wildlife conservation. WLFW does

not cover activities such as development for residential or industrial land uses, conversion to intensive commercial timber management, installation of energy-related infrastructure, or any other non-traditional agricultural activity. If you have specific questions, please contact your local NRCS service center at http//offices.usda.gov.

How is WLFW predictability different from the assurances of a Safe Harbor Agreement (SHA)? A SHA is a voluntary agreement between a farmer, rancher or forest landowner and FWS benefiting a particular, listed species through specific conservation measures. These are usually related to all management actions on a property that can impact the species. Through a SHA, FWS agrees to not request more than the agreed-to conservation actions and allows a certain level of "incidental take" related to the specified management actions. The participant may also return the habitat maintained or created to the original (baseline) condition at the end of the agreement.

Under WLFW, no baseline condition of the species is documented, which is different than a SHA. The participant cannot return the habitat maintained or created to the original condition AND continue to be qualified for predictability. The predictability under WLFW is tied specifically to the implementation of the conservation practices developed by the NRCS–FWS partnership and the landowner conservation plan.

Does my participation in WLFW preclude my participation in a SHA if the greater sage-grouse is listed? No. A logical next step may be to move from the WLFW partnership to a SHA which will usually address other management actions in addition to agricultural uses, and allows for a return to the original baseline conditions.

How is the predictability provided to me under WLFW different from the assurances received under a Candidate Conservation Agreement with Assurances (CCAA)?
A CCAA is a voluntary agreement between FWS and a farmer, rancher or forest landowner to benefit a species by specific land management actions that address threats to the species. Through a CCAA, FWS agrees to not request more than the agreed-to conservation practices and allows a certain level of "incidental take". The predictability provided by CCAA and WLFW can be similar; however, WLFW only covers specific agricultural actions. Landowners who want to implement other conservation practices and are managing their properties for other purposes not identified under WLFW are encouraged to enter into a CCAA.

Does my participation in WLFW preclude my participation in a CCAA?
No. Landowners may enroll in a CCAA to address threats to the species on their land, to cover diverse management actions in addition to agriculture and to be provided assurance regarding those actions. For more information on CCAAs and how they can provide regulatory assurances for landowners, contact your local FWS office.

What is incidental take? **"Take"** is defined as: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in any such conduct; may include significant habitat modification or degradation if it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

"Incidental take" is defined as: Take that results from, but is not the purpose of, carrying out an otherwise lawful activity.

Does WLFW offer predictability for state regulations? No. The predictability offered under WLFW applies only to the ESA and not to any other state or federal law or regulation.

For more information about WLFW, visit http://goo.gl/mE74va or contact your local NRCS service center. Visit www.nrcs.usda.gov, to learn more about NRCS conservation programs.

CCAAs and SGI

	Candidate Conservation Agreement with Assurances (CCAA)	NRCS Sage-grouse Initiative (SGI)
Purpose of the Tool	Conserve proposed and candidate species and species likely to become candidates. Potentially remove the need to list species under the Endangered Species Act (ESA).	Conserve sage-grouse by removing enough threats to species to preclude the need to list.
Participants	Any non-federal landowners (public and/or private).	Any non-federal landowners (public and/or private).
Benefits for Landowners	ESA assurances*. Technical assistance. Improved grazing conditions often result from conservation measures that benefit sage-grouse.	ESA predictability*. Technical and financial assistance. Improved grazing conditions often result from NRCS conservation practices that benefit sage-grouse.
Regulatory Certainty for Enrolled Landowners	Assurances that additional measures and restrictions, beyond those agreed to in the CCAA, would not be required, as long as they are properly implementing their conservation measures. A permit issued under section 10 of the ESA authorizes the incidental take should the covered species be listed.	Predictability that additional measures and restrictions would not be required, as long as they are properly implementing their conservation practices. In the unlikely event that changes to practices become necessary, they would be required only of future enrollees. Should the species be listed, incidental take that may result from the conservation practices would be authorized through section 7 of the ESA.
Species Covered	Proposed, candidate, or species likely to become candidates.	Sage-grouse only.
Activities Covered	Potentially any and all management activities occurring on a property, if permit issuance criteria are met.	Routine agricultural, ranching, and silvicultural operations and actions that provide benefits for both working landscapes and wildlife.
Regulatory Standard	The benefits of the conservation measures, combined with the benefits if similar conservation measures were to be implemented on other necessary properties, would remove the need to list the species covered by the CCAA.	No regulatory standard. However, an ESA section 7 conference report on the SGI conditioned the conservation practices to avoid and minimize expected incidental take to the extent feasible.
Financial Assistance	None. However, funding for implementation may be available from other FWS programs or Federal and State agencies.	Financial assistance for plan implementation may be available to qualifying landowners but is not required for incidental take coverage. ESA predictability is tied to the conservation practices implemented rather than to the financial assistance provided.
Landowner Personal Information	Physical address, phone number, or other personal identifying information is protected by the Privacy Act. The landowner's name and general property location (town or county) may or may not be required to be published during the public review process, depending on the CCAA permit structure.	Any gathered personal information is fully protected by the privacy provision in the Farm Bill. Aggregated data may be shared with the USFWS, but only in a manner that maintains individual privacy.

***See discussion of ESA assurances and predictability on back**

Note: Implementation of CCAAs and SGI may vary depending on location.
For specific information, please contact your local NRCS and/or FWS office.

Regulatory Certainty with NRCS's SGI and FWS's CCAAs

3/23/2015

There is essentially no difference in the level of regulatory certainty for enrolled landowners under the Sage-Grouse Initiative (SGI) and greater sage-grouse Candidate Conservation Agreements with Assurances (CCAAs) for grazing. Under section 7 of the Endangered Species Act, the Natural Resources Conservation Service and the U.S. Fish and Wildlife Service conducted in-depth analysis of the effects of SGI's conservation practices on the greater sage-grouse, agreed on conditions to avoid and minimize impacts, and concluded that the program would be beneficial to the sage-grouse without additional measures. This approach provides landowners enrolled in SGI with predictability that the practices they agree to implement would not be modified and additional measures would not be added without their consent. Should new circumstances require changes to conservation practices, those modified practices would apply only to those landowners who enroll in SGI after the changes are made. For CCAAs, the Service provides assurances to enrolled landowners that they will not require any additional measures or restrictions, as long as the CCAA is being properly implemented. Therefore, should the greater sage-grouse become listed, landowners enrolled in SGI, a CCAA, or both, will be able to continue their land management practices as described in their respective plan with no additional measures or restrictions.

Note: Implementation of CCAAs and SGI may vary depending on location.
For specific information, please contact your local NRCS and/or FWS office.

US Fish and Wildlife Service
Greater Sage-Grouse Conservation
Questions and Answers about the Service's "Stronghold" Recommendations for the Federal Greater Sage-Grouse Conservation Planning Process

Background

- Greater sage-grouse conservation is a complex conservation issue, unprecedented in scope and scale. **The US Fish and Wildlife Service has been and remains an active partner in a broad and historic campaign to protect this bird and the 350 other wildlife species that depend on heathy sagebrush.**

- The Service has invested significantly in the ongoing sage-grouse conservation effort to secure adequate on-the-ground protections to make an Endangered Species Act listing unnecessary. **Our role has been to provide the best available technical and scientific information to help our federal, state and other partners understand what the bird needs to persist into the future and what measures can help secure those needs in a meaningful way and provide certainty** .

- Throughout the federal planning process, we have worked closely with BLM and Forest Service at all levels of our respective organizations to develop conservation measures to address threats to sage-grouse on federal lands. As part of that collaborative effort, in the fall of 2014 **we responded to a request from BLM leadership to identify those areas within which it is most important for BLM (and USFS) to apply the highest levels of protection.** We produced a series of landscape-scale maps identifying highly important areas for sage-grouse conservation and transmitted those maps via a memo to BLM and USDA leadership in late October, 2014.

- These areas are informally known as "**strongholds**" and the Service has advised BLM and USFS that "**strong, durable, and meaningful protection of federally-administered lands in these areas will provide additional certainty and help obtain confidence for long term-sage-grouse persistence."**

Questions and Answers about the Service's "Stronghold Recommendations"

Q: *What are sage-grouse "strongholds" and why did the Service map these areas?*

A: Sage-grouse strongholds are those landscapes in sage-grouse range that contain *federally-administered* lands that the current scientific literature indicates are important for the persistence of the species. These landscapes also contain other key criteria, including:

- Existing high-quality sagebrush habitat for sage-grouse;
- Highest breeding densities of sage-grouse; and,
- A preponderance of current federal ownership, and in some cases, adjacent protected areas that serve to anchor the conservation importance of the landscape.

The Service mapped these areas in response to a request from BLM leadership to identify a subset of priority habitat most vital to the species' persistence, within which the Service recommended BLM and USFS provide the strongest level of protection in the final federal sage-grouse conservation plans. An example of such protections includes the withdrawal of locatable minerals on the federal estate from further entry where applicable.

It is important to note that the landscape-scale maps we provided the federal partners do not represent "new" recommendations. (All priority habitat necessary for protection was previously identified; these areas are largely a subset of that priority habitat.) In addition, the conservation community has for more than a decade indicated these areas are "strongholds" for sage-grouse and critical to the long term persistence of the species. The Service is highlighting these areas as especially important for meaningful and durable conservation because the scientific literature assigns so much value to these places.

Q: *Why did the Service include non-federal lands in the strongholds?*

A: To identify the strongholds, the Service mapped larger landscapes containing those federal lands that met the above criteria. In so doing, we effectively created a boundary to delineate that landscape, within which lie some non-federal lands. However, we identified these landscapes specifically in response to a request from our federal land management partners. While we will always encourage and support effective sage-grouse conservation efforts on other lands within these strongholds (and across the range of the species), the Service is in no way prescribing management for non-federal lands in these landscapes.

Similarly, we are not prescribing specific management actions on the federal estate. Rather, we are recommending BLM and USFS adopt a conservative approach to managing these landscapes because they are so vital to the species persistence. In addition to supporting healthy sage-grouse populations, these landscapes support other ecological attributes critical for the long-term health of America's sage-steppe ecosystem, which supports numerous other wildlife species, including big game. Many of the strongholds also provide important habitat for shrub-steppe passerine birds and mule deer winter range.

Q: *What about other federal lands located within the strongholds?*

A: One criterion we considered in mapping these areas was the presence of existing protected areas (e.g., wilderness, National Park System units, National Wildlife Refuge System units) that could serve as "anchors" for a larger landscape conservation effort on BLM and USFS lands that will be managed pursuant to the final federal sage-grouse conservation plans. The Service's position is that these protected areas already have in place management regimes that – directly or indirectly – protect sage-grouse and sagebrush habitat. For example, in the Northern Great Basin stronghold area, Craters of the Moon National Monument in Idaho, administered by the National Park Service, closes certain parts of the monument seasonally to protect nesting sage-grouse. Likewise, in the North Central Montana stronghold area, the Charles M. Russell National Wildlife Refuge in Montana, administered by the

Service, is managed for "wildlife first" (including sage-grouse) and serves as a potential anchor for the BLM sage-grouse conservation planning efforts for the larger landscape surrounding the refuge.

Q: *Did the Service inform partners and other stakeholders about Director Ashe's memo*?

A: Yes. Immediately following Director Ashe's transmittal of the strongholds memo and maps to BLM Director Neill Kornze and USFS Chief Tom Tidwell, the Service held a series of briefings for members of the Governors Sage-Grouse Task Force, including states and federal agencies. We explained our rationale and methodology for the mapping effort and emphasized we were responding to a request from BLM for technical assistance. We then held a series of follow-on meetings at the staff level with interested partners to further discuss technical aspects of the mapping process and also posted the memo and maps on a public website (USGS Science Base) so any interested party could view and download the maps and associated GIS layers. To enhance access to the memo and maps, we then posted these materials on the Service's national sage-grouse conservation site and created a link from that site to the Science Base site:
Memo and
maps: http://www.fws.gov/greatersagegrouse/documents/ESA%20Process/GRSG%20Strongholds%20memo%20to%20BLM%20and%20USFS%20102714.pdf

Data layers: https://www.sciencebase.gov/catalog/item/546cf30be4b0fc7976bf1d4e

We continue to work with our federal planning partners and other stakeholders to explain and help operationalize the stronghold concept and maps and are committed to a robust and transparent public dialogue about our recommendations to conserve sage-grouse and the larger landscapes on which the species depends. To learn more about our broader, West-wide sage-grouse and sagebrush conservation efforts and constellation of partners, please visit: http://www.fws.gov/greatersagegrouse/index.php

Q: *What is the relationship between the Service's stronghold recommendations and wildfire management efforts in sage-grouse range?*

A: The Service recommends that our federal partners apply a risk-based, cross-boundary approach to fire response planning and preparedness across planning areas identified by the federal Fire and Invasive Species Assessment Team and by incorporating recommendations from the January 5, 2015 Secretarial Order 3336 – Rangeland Fire Prevention, Management and Restoration issued by Secretary Jewell, which calls for "targeted, strategic investments of Departmental resources to enhance the management of rangeland fire in the Great Basin." We recommend this approach apply to all such areas, including sage-grouse strongholds.

In addition, to reduce the loss of critically important sage-grouse habitat to rangeland fire, the Service supports recent interagency recommendations to design and implement comprehensive, integrated fire response plans that prioritize protection of the low resilience landscapes that are the most at-risk to detrimental impacts of wildfire and invasive species.

Lastly, the Service will continue to work closely with our federal partners to ensure a consistent approach and delivery of effective products across the FIAT planning area, including where that area overlaps with a recommended sage-grouse stronghold.