

Frequently Asked Questions Gunnison Sage-Grouse Listing

1. What is the U.S. Fish and Wildlife Service's determination regarding the status of the Gunnison sage-grouse?

After evaluating all the available scientific and commercial information regarding the Gunnison sage-grouse, including an analysis of the threats to the species and its sagebrush habitat, the U.S. Fish and Wildlife Service (Service) has determined that protection under the Endangered Species Act (ESA) is warranted for the Gunnison sage-grouse, and has finalized a rule to list the species as threatened. We have also designated critical habitat on 1,429,551 acres in southwestern Colorado and southeastern Utah.

2. Why did the Service make this decision?

The Service has determined that the Gunnison sage-grouse is threatened due to small population size, habitat loss, and fragmentation, particularly in the smaller satellite populations. The Service is required to evaluate the status of the species in light of the threats as well as the species' populations. Multiple stable populations across a broad geographic area provide for population redundancy and resiliency necessary for the species' survival. While the Gunnison Basin population currently appears to be stable, the Service has determined that the smaller populations in particular are highly vulnerable to extirpation, leaving the entire species vulnerable, and that the threats to the Gunnison Basin population may be higher in the future.

The Service's decision is based on an analysis of the threats contributing to the species' decline. The principle threats to Gunnison sage-grouse are habitat loss due to human disturbance, small population size, drought, climate change, and disease. The fragmented nature of the remaining habitat amplifies the negative effects that other factors are having on the current populations.

Other threats that are impacting Gunnison sage-grouse to a lesser degree and at a local scale include overgrazing, fences, invasive plants, fire, mineral development, piñon-juniper encroachment, large scale water development predation (often facilitated by human development or disturbance), and recreation. While the Gunnison Basin population has benefitted from Gunnison County's review of projects proposed in sage-grouse habitat, local, State, and Federal regulatory mechanisms (e.g., laws, regulations, and zoning) rangewide are not yet cumulatively adequate to protect the species against the full scope of these threats. The Service believes that because of these threats, the Gunnison sage-grouse and its habitat should be protected under the ESA.

3. The state and local counties have expressed strong opposition to this action so why is the Service moving forward with a listing decision?

The Service applauds the numerous, effective conservation actions taken by Gunnison County, Colorado Parks and Wildlife and local citizens to protect the Gunnison sage-grouse. They are truly leaders in sage-grouse conservation. In its evaluation of the status of the species as a whole,

the Service has concluded that the species meets the definition of a threatened species under the Endangered Species Act because of significant threats to the species from current and future human development, small population size and structure, drought, climate change, and disease. While the Gunnison Basin population has been relatively stable over the last several years, the smaller outlying populations are highly vulnerable to extirpation, leaving the species as a whole more vulnerable to extinction

4. Is the Gunnison sage-grouse the same as Greater sage-grouse?

No. The Gunnison sage-grouse is smaller and is recognized a separate species. The Gunnison sage-grouse is similar biologically to the closely-related greater sage-grouse. Because the species' range is much smaller, and its smaller populations are more vulnerable to extirpation, the threats to the species occur throughout a larger portion of the range and are more imminent.

5. Since the Gunnison sage-grouse was considered threatened, will the greater sage-grouse be considered the same?

The decision on Gunnison sage-grouse in no way predetermines a decision on the greater sage-grouse. The biology and the severity of the threats are different. There are significant conservation efforts across the range for the greater sage-grouse, some of which have not been completed yet. The Service will independently evaluate the status of the greater sage-grouse when making a decision on its status under the ESA.

6. Why can't counties and the state manage the species without listing?

The State, Counties, and private landowners have done a great deal of important and effective work to conserve Gunnison sage-grouse, particularly in the core Gunnison Basin population. However, the Service has determined that threats leave the species at risk of becoming endangered in the next 50 years. The Service has provided in this final rule some suggestions for ways in which we can work together to implement actions that would support recovery of the species. Our goal is to support efforts to address threats, recover the species and return management of this unique bird to the state of Colorado.

7. Will Gunnison sage-grouse be reintroduced into areas where it's not currently living?

Reintroduction is part of the Rangewide Conservation Plan, developed by state and federal agencies in 2005. Currently all sage-grouse translocation efforts are focused on areas where the bird is currently living. We will work with Colorado Parks and Wildlife and the Utah Division of Wildlife Resources to support such efforts and to maximize their effectiveness.

8. What is the population and range of Gunnison sage-grouse and how does this compare to historical levels?

It's unknown how many Gunnison sage-grouse existed prior to settlement of the Colorado Plateau. Approximately 5,000 breeding birds remain in sagebrush and adjacent meadow and riparian (streamside) habitats in and around the Gunnison Basin in southwestern Colorado and

southeastern Utah. The current range of the Gunnison sage-grouse is only seven to 12 percent of its former historical range, which included in the southwestern portion of Colorado, southeastern Utah, northeastern Arizona, and northwestern New Mexico.

9. What is being done to conserve Gunnison sage-grouse?

The Service applauds its state, federal and local working group partners as well as private landowners for their ongoing and proposed conservation efforts across the range of the Gunnison sage-grouse.

- Research by Colorado Parks and Wildlife (CPW), the U.S. Geological Survey, and other academia has and continues to provide critical biological information for the species.
- The counties across the species' range have worked to conserve the bird. Gunnison sage-grouse local working groups have developed conservation plans for six of the seven Gunnison sage-grouse populations.
- CPW has completed or is completing a total of 40 private-land Candidate Conservation Agreements with Assurances for Gunnison sage-grouse comprising 94,734 acres, including 54,436 acres in the Gunnison Basin.
- CPW was a key player in development of the Rangewide Conservation Plan, a cohesive effort to conserve Gunnison sage-grouse rangewide.
- Numerous land trust organizations, Colorado Open Lands, CPW, The Nature Conservancy and others have secured 138,008 acres of conservation easements in suitable habitat that will prevent subdivision and fragmentation of sage-grouse habitat.
- The Bureau of Land Management, CPW, Gunnison and Saguache County worked with other federal agencies and the Service to complete a Candidate Conservation Agreement addressing threats to sage-grouse habitat in the Gunnison Basin on approximately 395,000 acres of federal land, or roughly two-thirds of the occupied habitat in the largest population.
- In 2013, the eleven counties in Gunnison sage-grouse range completed a Memorandum of Understanding and Conservation Agreement to identify strategies and measures to conserve Gunnison sage-grouse.
- In 2014, the Bureau of Land Management initiated its Resource Management Plan amendment process for more than 625,000 surface acres in 10 Colorado counties and two in Utah.
- While the BLM completes its rangewide plan updates, the agency issued an Instruction Memorandum that closes oil and gas leasing, excludes new energy development, and establishes a 4-mile buffer around leks where disturbance would be avoided or minimized.
- The Service is coordinating with federal agencies to design federal projects for ESA compliance and to benefit Gunnison sage-grouse.
- The Ute Mountain Ute Tribe has adopted a species management plan to protect the bird.
- Numerous habitat improvement projects have occurred and are being proposed in Gunnison sage-grouse habitats.

The Service will continue working with agencies and landowners to facilitate these and future efforts to advance the conservation and long-term recovery of the species. The combined efforts of all private, county, state and federal partners are essential to achieve long-term conservation and recovery of Gunnison sage-grouse.

10. How might activities be impacted after listing? Are there permits that would allow them to proceed?

Only those activities on Federal lands or with a Federal nexus (such as permitting or funding) require an ESA section 7 consultation. For activities on Federal lands or with a Federal nexus that could affect Gunnison sage-grouse, the Service will work with the project proponent and the federal agency to develop conservation measures to avoid, minimize, and mitigate the effects to the species from the activities.

For private lands without a Federal nexus and where activities may lead to “take” of Gunnison sage-grouse (defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect), we will be working to provide coverage under the Act for these activities. This take may be exempted through a future 4(d) rule, or through a future Habitat Conservation Plan (section 10(a)(1)(B) of the Act). The Service plans to propose a 4(d) rule to exempt practices, such as existing agriculture, ranching and other activities that either tend to support or do not negatively affect Gunnison sage-grouse conservation. Oftentimes, counties work with the Service to develop and implement Habitat Conservation Plans. More information on Habitat Conservation Plans is available at: <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>.

11. What about landowners who are implementing conservation actions to benefit Gunnison sage-grouse?

Landowners with a Certificate of Inclusion under the Candidate Conservation Agreement with Assurances for Gunnison Sage-grouse have been provided assurances that no additional conservation measures or additional land, water, or resource restrictions, beyond those voluntarily agreed to will be required. These assurances are provided via a permit that will go into effect after the listing. Before the effective date of the listing, the Service will finalize a conference opinion with the Natural Resources Conservation Service that allows for take of Gunnison sage-grouse during activities conducted in accordance with the NRCS’ Sage Grouse Initiative or other NRCS conservation programs and activities focused on Gunnison sage-grouse conservation. Covered activities include Conservation Practices, Enhancement Activities, and implementation of NRCS programs including landowners enrolling in Working Lands for Wildlife, the SGI, as well as landowners whom are receiving other forms of Conservation Technical Assistance (CTA) and/or Financial Assistance (FA) under the 2014 Farm Bill.

The Farm Services Agency (FSA) is also requesting conferencing on its Conservation Reserve Program. A document hasn’t been submitted for conferencing yet, so the opinion may be finalized either before or shortly after listing of the Gunnison sage-grouse becomes effective.

12. Does the Service still intend to propose a 4(d) rule to reduce impacts on landowners?

In addition, the Service intends to propose a 4(d) special rule for Gunnison sage-grouse in recognition of the on-the-ground management activities taking place for the species and to tailor restrictions under the ESA to those necessary for conservation. Under a 4(d) rule, a number of traditional, ongoing activities that might result in take of individual birds but which overall maintain or improve conditions for the species as a whole would not be prohibited if they meet certain conditions. The covered activities could include properly managed grazing, continuation

of routine agricultural practices on existing cultivated fields and habitat projects implemented to improve sage-grouse habitat.

The Service recognizes that meaningful protection and restoration of Gunnison sage-grouse habitat will not occur without the voluntary assistance of private landowners and therefore intends to limit ESA restrictions to only those necessary to conserve the species. Adoption of a 4(d) rule would be meant to focus resources on the actions that are most important to conserve Gunnison sage-grouse, while avoiding the need to regulate activities that may cause small amounts of take, but instead benefit or at least not negatively impact the overall conservation of the species. The Service also hopes this step will promote land uses such as properly managed ranching that are more favorable to the bird, rather than residential development, and encourage continued participation in the U.S. Department of Agriculture's Conservation Reserve Program, particularly in the Four Corners area of Colorado and Utah.

13. What happens to landowners between the effective date of the listing and the time the 4(d) rule finalized?

We recognize that there will be some period of time between when the final listing rule is effective and when a final rule under 4(d) is effective. During this period, the full provisions of the ESA will apply and all "take" of the species will be prohibited without a permit. However, that does not mean all activities must stop. There are a number of ways the Service can work with individuals or entities that are proposing projects that may affect the Gunnison sage grouse. We encourage any individual, agency, or entity that is working within the range of the Gunnison sage grouse to contact the Service so that we can provide the best technical assistance for the specific action being proposed.

"Take" is defined as an action that would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect a member of a species; or to attempt any of these, Harm is further defined as an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which kills or injures fish or wildlife by significantly impairing essential behavioral patterns.

14. What can landowners do to conserve listed species?

In this final rule, the Service has put forward some thoughts about what Federal, State and private entities can do to support Gunnison sage-grouse conservation to the point that it would no longer need the protection of the ESA. These activities are focused primarily in four of the smaller populations and involve habitat restoration, protection, certain management practices and mitigation strategies. These activities are largely reliant on the 2005 Rangewide Conservation Plan.

The Service also provides financial and technical assistance to landowners seeking to conserve listed species on their private land through its Partners for Fish and Wildlife Program. Additional financial assistance is available through various Service grants and agreements, as well as through Farm Bill and Department of Defense programs. For more information on these tools, see <http://www.fws.gov/endangered/landowners/landowner-tools.html>.

15. What is the Service’s determination regarding the critical habitat for the Gunnison sage-grouse?

The Service is designating 1,429,551 acres of critical habitat for the species, which contains the physical and biological features essential to the conservation and recovery of the species. We have removed one of the proposed units (Poncha Pass) from the final critical habitat designation because it is not necessary for recovery due to its low population size, composition of birds entirely from the Gunnison Basin population, and questionable sustainability. Based on public comments, we have modified our proposed critical habitat, and most significantly, we have excluded from critical habitat specific properties with a conservation plan, reducing the final designation from the proposed 1,704,227 million acres to 1,429,551 acres. We have excluded land with a completed Certificate of Inclusion under the Candidate Conservation Agreement with Assurances; land under permanent conservation easement; and land owned by the Ute Mountain Ute Tribe under a species’ management plan.

16. How will ranching and grazing be affected by this listing?

Grazing will not stop because of this listing. Sustainable ranching on private lands helps conserve open space that Gunnison sage-grouse need. However, overgrazing can have localized effects on the Gunnison sage-grouse. We are working on ways to minimize the effects of overgrazing where it exists. For example, we have been working with the Bureau of Land Management on how they can meet the Land Health Assessments (LHA) for grazing allotments if those LHAs are being impacted by grazing activities. In addition, we are working the BLM to eliminate or minimize the amount of sagebrush conversion associated with grazing or other activities.

Only grazing activities on Federal lands or with a Federal nexus (such as permitting or funding) require an ESA section 7 consultation. For grazing on Federal lands or with a Federal nexus that could affect Gunnison sage-grouse, the Service will work with the project proponent and the federal agency to develop conservation measures to avoid, minimize, and mitigate the effects to the species from the activities. For ranchers with grazing permits on Federal lands in the Gunnison Basin, there is currently a Conference Opinion to cover grazing activities that may affect Gunnison sage-grouse. Once the species is listed, we will be working with the Federal agencies to convert this Conference Opinion into a Biological Opinion, thereby covering those grazing activities.

Private lands with grazing that are most likely to have a Federal nexus are those enrolled or participating in Natural Resource Conservation Service or Farm Service Agency programs such as the Sage-Grouse Initiative or the or the Conservation Reserve Program. We have been working with both agencies to complete ESA section 7 consultations prior to or shortly after the Gunnison sage-grouse being listed, so that landowners grazing these lands will not be adversely impacted by this decision.

For private lands with grazing without a Federal nexus and where activities may lead to “take” of Gunnison sage-grouse (defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture,

or collect), we will be working to provide coverage under the Act for these activities. This take may be exempted through a future 4(d) rule, or through a future Habitat Conservation Plan (section 10(a)(1)(B) of the Act). More information on Habitat Conservation Plans is available at: <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>. Oftentimes, counties work with the Service to develop and implement these Habitat Conservation Plans. In addition, the Service will propose a 4(d) rule to exempt practices, including managed ranching activities that either tend to support or do not negatively affect Gunnison sage-grouse conservation.

Ranches with a Certificate of Inclusion under the Candidate Conservation Agreement with Assurances for Gunnison Sage-grouse will have authorized take and are further provided assurances that no additional conservation measures or additional land, water, or resource restrictions, beyond those voluntarily agreed to will be required.

For those ranchers wanting to contribute to the recovery of Gunnison sage-grouse there are numerous programs available within the Service and through other agencies and organizations. Two Service specific programs include our Partners for Fish and Wildlife program and Safe Harbor Agreements. Our Partners for Fish and Wildlife Program provides technical and financial assistance to private landowners working to conserve species such as the Gunnison sage-grouse. See <http://www.fws.gov/partners/aboutus.html> for further information.

Our Safe Harbor Agreements provide landowners formal assurances from the Service that no additional or different management activities will be required (without landowner consent), if they meet the conditions of the agreement outlining the landowner's role in the species' recovery. At the end of the agreement period participants may return the enrolled property to the baseline condition that existed at the beginning of the agreement. See <http://www.fws.gov/endangered/landowners/safe-harbor-agreements.html> for further information.

17. Where can I obtain more information related to the listing?

For more information about the Gunnison sage-grouse, the final listing and critical habitat decisions, visit the Service's web site at <http://www.fws.gov/mountain-prairie/species/birds/gunnisonsagegrouse/>.