

**From:** [Matt Kales](#)  
**To:** [Angela Burgess](#)  
**Cc:** [Theodore Stein](#)  
**Subject:** FW: Follow up from the Secretary's SENR Hearing  
**Date:** Thursday, February 26, 2015 10:09:45 AM  
**Attachments:** [image001.png](#)

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FYI: here's where we came out on this.

Thanks for your help.

**From:** Nolin, Chris [mailto:[chris\\_nolin@fws.gov](mailto:chris_nolin@fws.gov)]  
**Sent:** Thursday, February 26, 2015 8:56 AM  
**To:** Matt Kales  
**Cc:** Martha BalisLarsen; Jocelyn Hunn; Michael Thabault; Nicole Alt  
**Subject:** Re: Follow up from the Secretary's SENR Hearing

Thanks Matt, much appreciated. An edit below.

On Thursday, February 26, 2015, Matt Kales <[matt\\_kales@fws.gov](mailto:matt_kales@fws.gov)> wrote:  
Chris,

We recommend this version. Revisions are in bold. Thanks.

*Q: When will states know whether the Service has approved their sage-grouse conservation plans?*

**A: The Fish and Wildlife Service (Service), together with a constellation of public and private partners, is engaged in a West-wide campaign to conserve greater sage-grouse and the landscapes on which it depends, ideally without the need to list the species under the federal Endangered Species Act. As part of this campaign, we are heavily involved in a variety of conservation planning processes aimed at creating adequate regulatory mechanisms to conserve the species. The two primary planning processes involve federal plans under development by the Bureau of Land Management and US Forest Service; and, state plans under development by individual states. These state plans do not require Service approval.**

**We are also working on parallel tracks to deliver Candidate Conservation Agreements with Assurances on private lands and to support other voluntary private lands conservation efforts such as the Natural Resources Conservation Service's Sage-Grouse Initiative. The net effect of all of these conservation planning and delivery efforts – some regulatory, some voluntary – is to create a “quilt of conservation” across the species’ range and use the appropriate tools to provide effective protections for the bird and its habitat such that an ESA listing is not necessary.**

While the Service does not have regulatory authority to “approve” state greater sage-grouse conservation plans, we have been working closely with the states for a sustained period of time to help them develop effective plans and have also provided feedback to states on associated state regulatory mechanisms. We are in regular communication with sage-grouse states at all levels of our organization about their planning efforts and will continue to clearly indicate whether the Service supports each state's sage-grouse conservation plan. We will continue to provide dedicated support to the sage-grouse states as they work to complete their plans in advance of our September

30, 2015 Endangered Species Act decision point.

Our relationship with our state partners is collaborative; acknowledges the states' management authority for sage-grouse (and expertise in managing the species); and, is aimed at securing durable protections for greater sage-grouse and the landscapes on which the species depends. To that end, we have engaged the states in every aspect of our sage-grouse work, including development of key technical products such as the Conservation Objectives Team Report and the Conservation Efforts Database. We have also worked with the Western Association of Fish and Wildlife Agencies to fund important scientific research on invasive species and wildfire in the Great Basin and are members of various technical and policy-level teams led by the states such as the Governors' Sage-Grouse Task Force. Lastly, we maintain a high degree of transparency in conducting our Endangered Species Act status review and provide regular updates to state wildlife agency leadership on that process.

**From:** Nolin, Chris [[mailto:chris\\_nolin@fws.gov](mailto:chris_nolin@fws.gov)]  
**Sent:** Thursday, February 26, 2015 7:54 AM  
**To:** Matt Kales  
**Cc:** Jocelyn Hunn; Martha BalisLarsen; Michael Thabault; Nicole Alt  
**Subject:** Re: Follow up from the Secretary's SENR Hearing

I have been in a number of meetings lately where there has been a lot of confusion between what types of plans we are doing with whom. I would like an answer that resolves that issue, as I think the original answer will be confusing to people. I was recently asked, for example, whether we were doing Safe Harbors for the grouse.

So, if you don't like my version, please draft a version that does address the issue of the two different types of agreements we are working on, and which we approve and which we don't. Thanks, and I appreciate your help.

On Thu, Feb 26, 2015 at 9:49 AM, Matt Kales <[matt\\_kales@fws.gov](mailto:matt_kales@fws.gov)> wrote:  
Hi, Chris.

So, there's two distinct components here:

- We have been working with the states for many moons to help them develop/revise their GrSG conservation plans. We don't have any regulatory authority to "approve" these plans but we have been providing technical input and feedback, including – in some instances – formal communications that indicate whether we support a plan, and why/not. (Some of that feedback includes advising states about how to ensure regulatory certainty by codifying their plans/implementation in executive orders or similar mechanisms.) One of our primary goals in supporting the states in their planning efforts is to assess how well their plans address threats to the grouse on non-federal lands (state, private), since we are also working with BLM/FS to complete grouse conservation plans for federal lands. Our hope is to assemble a "quilt" of conservation consisting of a suite of plans and tools that address the varied land ownership patterns, threats, and geographies in sage-grouse country.

- At the same time, we are working across the range with diverse partners, including states but also livestock producers/associations, NGOs, and industry, to deliver CCAAs which, as you know, are voluntary agreements for private lands conservation. While technically we have a regulatory role in delivering CCAAs via the issuance of permits, we (a) consider CCAAs to be a non-regulatory tool and (b) a separate and distinct piece of that quilt of conservation.

In our read, the original question from the Congress that kicked off this chain centers on this\ question, and the lingering misconception that we must approve state plans as part of our ESA status review. It follows we recommend going with our original answer, which I've included below and which focuses on the state planning question. I hope this makes sense and please let us know if you have further questions. Thanks.

Matt

***Q: When will states know whether the Service has approved their sage-grouse conservation plans?***

**A:** The Fish and Wildlife Service (Service) does not have regulatory authority to “approve” state greater sage-grouse conservation plans. However, we have been working closely with the states for a sustained period of time to help the states develop effective plans and have also provided feedback on associated state regulatory mechanisms. We are in regular communication with sage-grouse states at all levels of our organization about their planning efforts and will continue to clearly indicate whether the Service supports each state’s sage-grouse conservation plan. We will continue to provide dedicated support to the sage-grouse states as they work to complete their plans in advance of our September 30, 2015 Endangered Species Act decision point.

Our relationship with our state partners is collaborative; acknowledges the states’ management authority for sage-grouse (and expertise in managing the species); and, is aimed at securing durable protections for greater sage-grouse and the landscapes on which the species depends. To that end, we have engaged the states in every aspect of our sage-grouse work, including development of key technical products such as the Conservation Objectives Team Report and the Conservation Efforts Database. We have also worked with the Western Association of Fish and Wildlife Agencies to fund important scientific research on invasive species and wildfire in the Great Basin and are members of various technical and policy-level teams led by the states such as the Governors’ Sage-Grouse Task Force. Lastly, we maintain a high degree of transparency in conducting our Endangered Species Act status review and provide regular updates to state wildlife agency leadership on that process.

**From:** Nolin, Chris [mailto:[chris\\_nolin@fws.gov](mailto:chris_nolin@fws.gov)]

**Sent:** Wednesday, February 25, 2015 4:23 PM

**To:** Matt Kales  
**Cc:** Jocelyn Hunn; Martha BalisLarsen  
**Subject:** Re: Follow up from the Secretary's SENR Hearing

Matt - slight rewrite - does this sound accurate?

*Q: When will states know whether the Service has approved their sage-grouse conservation plans?*

*A: While the Fish and Wildlife Service (Service) has a mechanism for approval of certain state plans, known as Candidate Conservation Agreements with Assurances, no states are currently pursuing this option except for Oregon. Oregon's plan was recently approved. Other states are putting together plans that do not require the Service's approval because they are not asking for regulatory assurances. However, we have been working closely with the states to help them develop effective conservation plans, and we have also provided feedback on associated state regulatory mechanisms to help states determine whether they are sufficient. We are in regular communication with sage-grouse states at all levels of our organization about their planning efforts and will continue to clearly indicate whether the Service supports each state's sage-grouse conservation plan. We will continue to provide dedicated support to the sage-grouse states as they work to complete their plans in advance of our September 30, 2015 Endangered Species Act petition finding deadline.*

On Wed, Feb 25, 2015 at 9:30 AM, Moss, Adrienne <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:  
There was a question that kept coming up at the SENR hearing yesterday and it is likely to continue to come up at the Secretary's other hearings. Can you please provide us an answer for her to use?

2) Several Senators asked when the States will know if their State Sage Grouse plans are approved. Please provide some background on the process and the timing.

If there is a short answer for this afternoon's hearing that would be great. Thank you very much.

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