

From: [Larson, Scott](#)
To: [Pat Deibert](#)
Cc: [Terry Quesinberry](#)
Subject: GRSG Draft comments on SDGFP GRSG Management Plan
Date: Monday, January 26, 2015 10:05:13 AM
Attachments: [GRSG draft Comments on Final SD Plan 1.25.15.docx](#)
Importance: High

Pat,

SDGFP has finalized their GRSG management and we have drafted up a response. Before we send to the broader FMT could you review and let us know if you see deficiencies or have other suggestions? or if the FMT isn't the right group for the broader review, please suggest who it?

Thank You
Scott Larson
North and South Dakota Field Supervisor
U.S. Fish and Wildlife Service
Suite 400
420 South Garfield Avenue
Pierre, South Dakota 57501

Phone: 605-224-8693 ext. 224
Fax: 605-224-9974
Email: scott_larson@fws.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



January 25, 2015

DRAFT

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

Dear Mr. Hofer:

We appreciate the important role the South Dakota Department of Game, Fish and Parks (Department) has played in the collaborative conservation planning efforts for the greater sage-grouse (*Centrocercus urophasianus*) (hereafter sage-grouse). We previously provided comments on the draft *Sage-grouse Management Plan for South Dakota, 2014-2018* (Plan) in our letter dated April 15, 2014 (enclosure). We recognize that sage-grouse populations within the State of South Dakota (SD) represent a small portion of the range-wide population but continue to believe SD is a valuable portion of the sage-grouse range. Accordingly, we acknowledge the Plan's goal to maintain a sustainable sage-grouse population in SD and are providing these comments on the final Plan in case there is opportunity to amend or make adjustments to the Plan in the future.

We believe the final Plan does a good job of identifying threats and stressors to sage-grouse in SD and identifies many actions that if undertaken, will benefit sage-grouse. The six objectives in the Plan and subsequent strategies for each objective are good and will provide benefits to sage-grouse if the resources are available to implement the strategies. We also believe development of the Memorandums of Understandings or other processes identified in the Plan with key State Agencies so the Department can provide review and comment on projects potentially affecting sage-grouse is good. We like the expansion of the Priority Areas of Conservation (PACs) into the larger State Core Areas in the Plan as well as a defined process to manage potential sage-grouse hunting seasons (currently closed) and the additional features added to address wildfire.

We also note that within the sage-grouse core areas, private surface ownership entails approximately 75% of the core areas while State surface ownership/management is about 13% and federal surface management is approximately 12% (SDGFP 2014). We acknowledge that with large percentages of the sage-grouse core areas in private ownership, working cooperatively with landowners is invaluable to accomplishing the desired conservation. Accordingly, many of the strategies outlined in the Plan place a high value on collaborative conservation efforts.

However, we are concerned that because the Plan places a high emphasis on voluntary and incentive based conservation versus regulatory mechanisms that if the resources are not available to implement many of the good strategies identified for various objectives, the goal of the Plan to maintain a sustainable sage-grouse population will be unattainable. Further, as noted in comments on the draft Plan (enclosure), we do not believe there are sufficient regulatory mechanisms to achieve the conservation objectives identified in the *Greater Sage-grouse Conservation Objectives: Final Report* (COT Report). The Plan identifies strategies to collect information and data on sage-grouse but it is unclear how that information will feed back into processes that will conserve sage-grouse. Thus an adaptive management component that incorporates the annual monitoring and other data collections into future decisions would be helpful. Finally, we urge the Department to consider an amendment or addendum to the Plan that focuses on mitigation processes or a mitigation framework that can be followed as the Department or others undertake project reviews that may impact sage-grouse or their habitats. A mitigation framework can assist biologists as they review projects to help give structure to the sometimes difficult task of using mitigation sequencing to avoid, minimize or offset impacts to sage-grouse.

In summary the final Plan has these improvements:

- Development of a strategy to implement measures to prevent destructive wildfires during firearm antelope hunting season.
- Development of agreements with SPL, DENR, and PUC to allow 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

And these deficiencies:

- Uncertainty of funding/resources to implement conservation strategies.
- Lack of regulatory mechanisms.
- Lack of a mitigation strategy and incorporation of the SG Range-wide Mitigation Plan.
- Lack of a defined adaptive management component.

Final Plan consistency with COT Report Objectives

General 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 and conserve all current core areas through the appropriate level of management. Strategy 1.4b 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 believe the proposed MOUs may provide the Department an opportunity to review and comment on other State Agency proposals and applications they process and that should be beneficial. Further, the numerous voluntary conservation programs identified in the Plan have merit and may help stem population declines and habitat loss. However the Plan does not provide specific guidelines on development of regulatory mechanisms or specify appropriate levels of management within the core areas. Therefore, we believe the Plan is unlikely to meet objective #1 and lead to a substantial reduction in the threats to sage-grouse in SD unless there is an unusually high amount of resources available to incentivize broad participation in the voluntary programs.

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

The Plan outlines considerable voluntary actions for habitat management which we believe will benefit sage-grouse but we are concerned voluntary actions alone may not be enough to stop the downward trend in the SD sage-grouse population.

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

The COT Report recommends that state agencies along with interested stakeholders develop and implement conservation strategies and associated incentive-based conservation actions and regulatory mechanisms; that state agencies should develop conservation plans in coordination with the U.S. Fish and Wildlife Service (Service); and these plans should include clear mechanisms for addressing the threats to sage-grouse as identified in the COT Report. Additionally these plans should consider using the criteria identified in the *Policy for Evaluation of Conservation Efforts (PECE) when Making Listing Decisions* (Federal Register/Vol. 68, No. 60/Friday, March 28, 2003; Appendix B), the main points of which we highlight below. This will ensure that the plans address the threats contributing to the 2010 warranted but precluded determination, and that conservation strategies will meaningfully contribute to future listing analyses.

Conservation plans should:

- 1) Be based on the best available science;
- 2) Use local data on threats and ecological conditions, including status of local sage-grouse populations and their associated habitats;
- 3) Maintain the diversity of sagebrush habitats essential to provide for all sage-grouse seasonal and life history stages;
- 4) Maintain genetic and physical connectivity; and,
- 5) Maintain all current intact sage-grouse habitats according to the state management plans (developed in coordination with the Service as discussed above) or other conservation efforts (e.g., BLM priority areas), recognizing existing valid rights.

We believe the Department utilized numbers 1, 2, and 4 in the Plan development. However we believe the Plan as currently written may not have the regulatory mechanisms needed to sufficiently address numbers 3 and 5.

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

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

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

While important monitoring strategies are included in the Plan, the development of an overall monitoring plan that includes an adaptive management aspect to inform future management decisions would have been helpful.

We believe that the Plan as currently written does not provide or recommend sufficient regulatory mechanisms to achieve the conservation objectives identified in the COT Report and does not sufficiently address the threats to the SD sage-grouse population as identified in the COT Report. We recognize it will be difficult to meet the COT Report objective to abate and reverse the decline in sage-grouse numbers and loss of sage-steppe habitat in SD without the assistance of other state and federal agencies that have more regulatory authority. We believe the goal, objectives, and strategies identified in the Plan have merit but absent regulatory mechanisms to address situations where incentives or cooperative conservation may not work, we foresee continued declines in sage-grouse populations and habitat.

After careful review, we believe there have been improvements in the final Plan we continue to believe the Plan does not provide sufficient regulatory mechanisms to achieve the conservation objectives identified in the COT Report and does not sufficiently address the threats to the SD sage-grouse population as identified in the COT Report and the greater sage-grouse 12 month finding (USFWS 2010).

Sincerely,

Scott Larson
Field Supervisor
South Dakota Field Office

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.

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