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To: [Kristen \(Kris\) Sarri](#); [Adrianne Moss](#)
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Subject: Sage-grouse rider/Anti-Deficiency Q&A
Date: Wednesday, February 25, 2015 11:26:54 AM

Sorry to be late with this. Been in meetings all day. Here's a Q&A:

Q: Is the settlement agreement that commits the FWS to make a listing determination for the greater sage-grouse in FY15 subject to the Anti-Deficiency Act? Given the sage-grouse rider language in the FY15 appropriations bill, is your decision to proceed in FY15 with a determination of whether an ESA listing proposal is still warranted in compliance with the Anti-Deficiency Act?

A: Our commitments under the MDL settlement agreement are explicitly subject to the limitations of the Anti-Deficiency Act. The sage-grouse rider prohibits the expenditure of funds to write or issue a proposed rule to list the greater sage-grouse, and our course of action this year will be in full compliance with that funding prohibition and the Anti-Deficiency Act.

We will comply this year with our obligation to the Court to make a determination by the end of FY15 as to whether a listing proposal is still warranted. That determination does not involve writing or issuing a listing rule. If we determine that listing is not warranted, we will have satisfied our obligation to the Court. If we find that listing is still warranted, the rider language and the Anti-Deficiency Act will prevent us from proceeding to write or issue a proposed listing rule, and I have made clear that we will not do so.

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