

## **EVENT MEMORANDUM FOR THE SECRETARY**

### **MEETING WITH WYOMING GOVERNOR MATT MEAD**

DATE: December 6, 2014  
LOCATION: Four Seasons, Sierra Boardroom, 39<sup>th</sup> Floor  
TIME: 7:30AM - 8:00AM PST  
FROM: Sarah Greenberger, Counselor; John Blair, Director OIEA

#### **I. PURPOSE**

You will be meeting with Governor Mead to:

- Resolve outstanding issues related to Wyoming Greater sage-grouse plans including:
  - o The need for a hard-wired adaptive management response when a trigger is hit;
  - o Locatable mineral withdrawals throughout the Stronghold areas (outside of Lander, which is final);
  - o The need to require mitigation for activity in habitat
- Introduce your plans to develop an enhanced rangeland fire strategy.

We know that Governor Mead would also like to discuss wolves and grizzly bears with you during this meeting.

#### **II. ATTENDEES**

- Governor Matt Mead
- Jeremiah Rieman, Natural Resource Policy Advisor, Governor Mead's Office
- Sarah Greenberger, Counselor
- John Blair, Director OIEA

#### **III. TALKING POINTS**

##### **BLM Plans**

- We remain committed to the principles of the Core Area strategy and continue to be grateful for WY leadership.
- We will ask for no changes in buffers, disturbance cap, or density requirements in WY -- two of which are outside the range recommended in reports to the Department (USGS Buffer Report and NTT Report), and are therefore a potential source of a legal challenge - - because of our confidence in your range-wide approach and the benefits of the layered protections and detailed monitoring it includes.
  - o For this reason, WY plans look very different from every other state which will have NSO or closure to oil and gas development throughout core areas.
- It has, however, recently come to leadership attention that there are critical elements being included in the rest of our plans that are missing from the WY plans, including:
  - o A hard-wired adaptive management response when a hard trigger is hit
  - o Locatable mineral withdrawals in Stronghold areas (outside of Lander)
  - o BLM Wyoming plans need to require mitigation for activity in habitat

- Our team will continue to work with yours to include these elements in a way that is as sensitive as possible to impacts on the coalition and system you have built.

## **Fire**

- FWS has identified the downward spiral of invasive grasses and fire in the Great Basin as one of the greatest threats to Greater sage-grouse.
- Our team, led by Assistant Secretary Janice Schneider, is engaged in an effort to develop an enhanced approach to combatting rangeland fire that will give the Service something to consider in their listing process.
- I am planning to issue a Secretarial Order in the near future directing my Department to develop this approach focusing on research, efficient resource allocation, seed banking, and streamlined administrative processes, among other things.
- While I know that rangeland fire is not as big an issue in Wyoming, we will want to work closely with you and your office to be sure this effort has no unintended consequences.

## **KEY FACTS/HOT TOPICS (IF APPLICABLE)**

### **Adaptive Management**

- Current WY plan:
  - Soft Triggers and Response:
    - Any deviation from normal trends in any given year or observed across 2-3 consecutive years leads to a team assessment of factors and recommended plan implementation response.
  - Hard Triggers and Response:
    - If population or habitat metrics exceed 60% of normal variability for a single year or 40% of normal variability for a three-year time period then authorizations would stop for 60 days while a team assessed causal factors and made recommendations for an interim response.
    - What happens when the 60 day time period expires is uncertain.
- Requested Change:
  - IN ALL OTHER PLANS: if a hard trigger is hit in a core area, a more restrictive management regime is implemented in that core area until causes are identified and a planning process is initiated to tailor management to address that cause.
- Rationale:
  - Rationale for triggering a pre-determined hard-wired response before a cause has been identified is that the level of decline that would trigger such response clearly indicates that a plan is not working and more restrictive measures should be imposed, at least until it can be shown that the decline is attributable to some factor unrelated to the plan. This provides FWS the certainty that, at a minimum, a more restrictive measure is implemented immediately.

### **Withdrawal in Strongholds**

- FWS would like to see BLM propose withdrawal from locatable minerals in strongholds since withdrawal is the only way to prevent future mining claims and development.
- BLM intends to propose withdrawals for locatable minerals in Stronghold areas; only WY & NV have objected.

- WY's Position: Because of proposed withdrawals in Lander and existing protections in the rest of the Stronghold, about 50% of the WY Stronghold areas are already withdrawn or proposed for withdrawal, which is sufficient protection (see attached letter).

### **Mitigation**

- The BLM is proposing a mitigation framework for all sage-grouse plans which will fully offset impacts, including accounting for the uncertainty of effectiveness, and when possible, benefit the species (in all sage-grouse habitat).
- The WY core area strategy provides for the protection of core areas, in part as mitigation for development in non-core areas. WY has concerns that requiring mitigation to fully offset disturbance in all sage-grouse habitat is contrary to their strategy.
- However, the BLM's sage grouse mitigation framework is consistent with the Department's overall strategy to avoid, minimize, and compensate impacts from all authorizations permitted on all federal lands.

### **Prioritizing Oil and Gas Leasing and Development Outside Habitat**

- At the leadership meetings in DC on November 24 and 25 it was resolved that each BLM plan would include language prioritizing leasing and development outside sage-grouse habitat.
- Governor Mead may have concerns that the Core Area strategy contemplates restricting development inside Core Areas (representing over 80% of the birds) but not habitat more broadly which covers a significant portion of the state.

*Recommended Response:* The purposes of the BLM's prioritization of development is to encourage development in areas of little-no value to sage-grouse before offering such opportunities in areas of more value to the species, subject to valid existing rates. This objective is consistent with the Core Area restrictions.

### **Wolves**

- On September 23, 2014, the Federal District Court for the District of Columbia vacated the delisting of wolves in Wyoming. The primary issue noted by the court was the Service's improper reliance on Wyoming's commitment to a buffer contained in a wolf management plan that was not codified in regulations.
- The effect of the decision is the reinstatement of Federal protections that were in place prior to our 2012 delisting. Therefore, wolves are again listed as a nonessential experimental population in all of Wyoming.
- Most of Wyoming is now managed by the USFWS under authority of the original 1994 10(j) rule. The one exception is Wind River Indian Reservation which is managed under the more flexible 2005 10(j) rule as they have a Service approved management plan.
- Although the 1994 10(j) rules are more restrictive than those most recently employed across most of Wyoming, we continue to work with the State, Tribes, Wildlife Services, other Federal landowners, and the public to manage wolves to ensure the species continues to thrive while minimizing the impact on the public.
- The Service continues to look for opportunities to work with Wyoming to include them in management decisions and/or management actions as they determine appropriate.

- The Service, in coordination with our partners, is also continuing to monitor the wolf population.

### **Grizzly Bears**

- Grizzly bear populations in the Greater Yellowstone Ecosystem (GYE) have recovered with current population estimates between 750-1000 bears. Wyoming constitutes approximately 54% of the GYE recovery zone (not including National Parks).
- In 2013, the Service proposed revised recovery criteria that called for a minimum population of 500 bears and at least 48 females with cubs in the recovery zone; 16 of 18 management units with the recovery zone must be occupied by females with young, with no 2 adjacent management units unoccupied; and a stable grizzly bear population within the recovery zone by limiting human caused mortality.
- **We expect that any proposed delisting rule will be litigated.** The Service leadership has been working with representatives from the environmental community to understand the conditions under which they would not legally challenge a delisting.
- **The 3 states that compose the GYE (WY, ID, and MT) believe that they need the flexibility to manage below current population levels.** The states have asked to manage bears below a stable population (but above the 500 bear minimum) based on their professional judgment. Wyoming in particular believes that in certain parts of the state, bears have exceeded social carrying capacity and conflicts between bears and humans are increasing (Upper Green River is a major concern for them).
- **Governor Mead will likely urge you to support a rule to delist the GYE population of grizzly bears that does not include the requirement to manage for a stable population.**
- It is uncertain at this time if Wyoming will agree to anything other than committing to manage for a minimum population of 500 bears, as stated in the recovery criteria. **In the absence of an agreement that both the Service and the states can support, a proposed delisting of the GYE population of grizzly bears is currently on hold.**

### **IV. BACKGROUND**



Governor Matt Mead (R) is the 32nd and current Governor of Wyoming since 2011. In 2001, Mead was appointed United States Attorney for the District of Wyoming by President George W. Bush. He served until June 2007, when he resigned to seek the Senate seat vacated by the death of fellow Republican Craig L. Thomas. Mead won the Republican gubernatorial primary in 2010 and defeated Leslie Petersen, the former chairwoman of the Wyoming Democratic Party. In 2014, Governor Mead was re-elected and defeated Pete Gosar, receiving 62% of the vote.