

US Fish and Wildlife Service
Greater Sage-Grouse Conservation
“Snapshot” of State Conservation Planning Efforts
Draft, Information current as of 11/21/13

State: California

Status of state plan: The State of California Greater sage-grouse (GrSG) plan was originally completed in 2004 in coordination with Nevada. Since this time three additional localized plans have and continue to be developed at the Population Management Unit (PMU) scale. These three PMU plans encompass the entirety of GrSG habitat in California outside the areas occupied by the Bi-State DPS. These plans were not put forward as specific alternatives in the draft Nevada/Northeastern California BLM Land Use Plan Amendment & Environmental Impact Statement by the State of California but the state was involved in alternatives development and content within these plans were incorporated into the federal land managing agencies preferred alternative.

State’s assessment of their plan/FWS assessment of state plan: FWS’ Nevada Fish and Wildlife Office has received and reviewed the state’s self-assessment of their plans. The state’s assessment appeared to be fair and accurate, and only minor differences in rankings between their assessment and the FWS assessment were found. The three PMU plans are advisory in nature, providing guidelines to conservation. They are not supported by regulatory authority. Future regulatory assurances and changes will depend on the direction taken by the EIS for the portions of the state plan incorporated into the federal land management plan. In the recent past, the only regulatory change administered by the State has been the alteration and restriction to hunting. Due to a 2012 wildfire and the resulting significant habitat loss the State closed the hunting season throughout Northeastern California.

Interface between State planning efforts and Federal conservation planning efforts in your state: There appears to be good communication between the BLM, FS and the State of California at the staff level, via the California Department of Fish and Wildlife (CDFW). It does not appear that within CDFW or the Governor’s Office the issue has been elevated to a senior level. FWS continues to have a strong working relationship with the CDFW and the federal land managers in the area. There are, however, several key challenges affecting GrSG conservation in California. Specifically, remaining sage-grouse populations and habitat in California are small. A 300,000 acre wildfire in 2012 has placed additional stress on the remaining population and has functionally fragmented these areas from populations in Nevada. Concern is apparent over invasive weed species and probability of additional habitat loss.

State: Colorado

State plan status: Colorado completed its *Colorado Greater Sage-Grouse Conservation Plan* in 2008. The state is assessing implementation of the 2008 plan, but is not currently planning to revise or amend it at this point.

Information on implementation of the plan to date has been compiled by the Colorado Division of Natural Resources over this past year and is referred to as the “Colorado Package.” The Colorado Package is a series of tables summarizing the responses of stakeholders detailing what they have done to implement the plan since its completion in 2008. Some strategies contained in the plan have been initiated, some completed, and others have not yet been attempted (such as adoption of county land use regulations).

State’s assessment of their plan: Colorado has submitted a partially complete self assessment spreadsheet. They are still waiting for an independent third party assessment to be completed on implementation of conservation strategies for energy development and infrastructure.

FWS assessment of state plan: The Colorado state plan is strong on biology and strategies needed to conserve Greater sage-grouse (GrSGS). Some of the positive aspects include the acquisition of numerous conservation easements, the many acres of habitat treated to benefit GRSG, and the development of oil and gas permitting rules with increased

wildlife protection. The state plan identifies 18 issues (threats) to GrSG, including oil and gas development and housing development as important issues. While grazing was identified as a threat, it appears to be a localized issue, not widespread. Colorado Parks and Wildlife (CPW) has partnered with a number of conservation organizations to fund private land biologists that are housed in Natural Resources Conservation Service (NRCS) offices to ensure NRCS treatments support sagebrush conservation. However, according to the preliminary state assessment, the “NRCS and Colorado State Land Board have missions that prioritize livestock management over other habitat considerations.”

Implementation of the strategies in the plan is voluntary; thus, implementation has been, and likely will continue to be, sporadic. Oil and gas development is a significant issue. The final report from the GrSG Conservation Objectives Team (COT) recommends that energy development be avoided in Primary Areas for Conservation (PACs), or if avoidance is not possible, the best habitat should be avoided to ensure that GrSG populations do not decline. GrSG protections from oil and gas development are imposed by the Colorado Oil and Gas Conservation Commission (COGCC) during the permit application and issuance process. Colorado Parks and Wildlife (CPW) staff make conservation recommendations to COGCC on oil and gas development applications that might affect GrSG. FWS believes these recommendations are, as a rule, sufficiently protective of GrSG., however, the implementation of those recommendations is discretionary and permits continue to be issued for oil and gas drilling in PACs. It is not clear that the best GrSG habitats are always avoided, particularly on state and private land. The state review was unable to comprehensively identify which recommendations, if any, have been implemented. We indicated to the state that this deficiency in record keeping is a weakness in our ability to consider those regulations as providing certainty of conservation. Thus, they have since contracted for a thorough review of their files to investigate whether CPW recommendations are being implemented, but the results won't be known until January.

Exurban development is not much of a threat to some GrSG populations in Colorado, but it is a slowly developing, long-term threat to others. Individual county governments regulate housing development. Some counties take GrSG conservation into consideration when reviewing housing development applications, some do not.

Interface between state planning efforts and federal conservation planning efforts in this state:

The Bureau of Land Management (BLM)/Forest Service (FS) GrSG Environmental Impact Statement (EIS) in Colorado will amend five BLM field office Resource Management Plans (RMPs) and one Forest Plan. Unlike the situation in some other states, no state plan was incorporated in the Colorado EIS as one of the alternatives. CPW was just about to submit its comments to BLM during the public comment period on the EIS, but held back because the governor's office wants the state as a whole to provide input to BLM. We understand now that the state is preparing some version of their own GrSG conservation plan and comments appropriate to BLM's planning process, although late in the game.

Local county and municipal governments provided their own comments to BLM. Garfield County submitted a GrSG plan of its own, which was incorporated into the EIS as an appendix, but was not analyzed in detail. The Garfield County plan has become somewhat contentious, and challenges the use by BLM/USFS of CPW's GrSG maps (Preliminary Primary Habitat, Preliminary General Habitat). Other counties with GrSG habitat may have become sympathetic to Garfield Counties' efforts to some extent, and are doing some of their own GrSG habitat mapping through paid consultants.

State: Idaho

State plan status: In response to the Department of the Interior's 2011 request for each state to collaboratively develop a state specific plan to conserve greater sage-grouse, the State of Idaho convened, via a Governor's executive order, a stakeholder Task Force process to craft a biologically-based approach to long-term GrSG conservation in Idaho. That effort has produced a draft state strategy (State Plan) that is currently a co-preferred alternative in the BLM/USFS Idaho Sub-Regional EIS. The Service believes that the State Plan is close to completion and expects a collaborative process

between the BLM/USFS, FWS and the state will address and resolve aspects of the plan that need to be included or refined to complete the plan.

Key upcoming milestones include: (1) the state, FWS and BLM/USFS are and will continue to work jointly to address differences, shortcomings and refinements in the 2 co-preferred alternatives in the Idaho Sub-Regional EIS to refine the State Plan; (2) the Idaho Legislature in 2014 is expected to provide financial support for 5 additional Rural Fire Protection Associations (a total of 9) that will result in complete rural fire protection coverage of all properties (state, federal and private) in the core and important habitat in the State Plan; (3) the Idaho Legislature in 2014 will fund the Idaho Department of Fish and Game with general funds to ensure data required in the State Plan is collected; (4) the Governor may re-convene the Task Force in 2014 to help inform state perspectives on #1 above; and (5) the Idaho Legislature may also adopt legislation for additional measures in the State Plan on state and private land, though that may occur in the 2015 session.

Prior to and since the inception of the Idaho sage-grouse Task Force, the FWS has been actively providing technical assistance to the State of Idaho and local BLM/USFS staff. FWS attended all Task Force meetings as a technical advisor and has worked closely with the BLM/USFS, Idaho Department of Fish and Game, the Governor's Office of Species Conservation, and the Governor's staff directly.

Implementation of the State Plan to date has included establishing within the Department of Fish and Game: (1) the 4 Conservation Areas; (2) 3 habitat zones; and (3) the monitoring of the data requirements associated with the adaptive triggers in the plan. Additionally, the Idaho Department of Lands, via a new state statute and with funding from the Legislature and FWS, has established Rural Fire Protection Associations to ensure rapid response to fires on private, state and federal lands. Both of these are significant steps by the State mid-way through the BLM/USFS process. The State requested their plan be adopted and implemented as interim measures by the BLM but to our knowledge that did not occur.

State's assessment of their plan: The FWS strongly supports the State Plan referenced above in the state plan status section that is the co-alternative in the BLM/USFS planning process (see comments below). However, the State's self-assessment was not conducted on that plan; but rather it reflects the status of current conservation efforts through various means that are in place in Idaho currently. Idaho interpreted the self-assessment to identify the current status of conservation measures implemented within Idaho. They did not interpret the assessment to include measures identified in the State Plan. **Therefore, the Idaho self-assessment does not indicate whether the State Plan being developed would meet the objectives of the COT.**

FWS assessment of state plan: The FWS believes State Plan developed by the Task Force and refined through further discussion is close to meeting the COT if implemented on Federal properties and the necessary state and private properties. It has four foundational components that are supported by the FWS, these include 1) three habitat zones (core, important, and general), 2) four separate conservation areas, 3) adaptive management triggers for population and habitat changes, and 4) a state-wide population objective. We also support the state's approach to grazing management. The FWS continues to work with the State of Idaho to refine and strengthen the State Plan, but we commend the state for developing a plan that is both proactive and forward thinking. The State's Plan details proactive conservation actions that address the threats on the landscape and also embraces the uncertainty of how those threats will affect GrSG in the long term by adopting a population objective tied to adaptive management triggers for population and habitat changes. The State Plan is a robust, outcome-based scientific strategy that is collaborative and adaptive. It is designed to utilize monitoring and empirical data to inform an adaptive management process in collaboration with stakeholders. This is a fundamental component of Strategic Habitat Conservation and Adaptive Management. Additionally the statutory authority and financial support for Rural Fire Protection Associations is an implemented robust regulatory mechanism that addresses the primary threat in Idaho.

The specific elements we continue to work with the state on to refine and strengthen include infrastructure, mitigation, restoration, wildfire management, Greater sage-grouse conservation on non-Federal properties and how the implementation team functions. We have had an open and ongoing dialogue with the state and BLM/USFS regarding these elements and the overall conservation of GrSG in Idaho.

Interface between state planning efforts and federal conservation planning efforts in this state:

The State of Idaho's Alternative and the BLM/USFS Sub-regional Alternative have been selected by the BLM/USFS as co-preferred alternatives in the DEIS. FWS has been providing technical assistance to the state and the BLM/USFS as they identify the most effective and efficient approach to develop a final alternative that will meet the purpose and need of the BLM/USFS's planning process; thereby incorporating appropriate conservation measures in Land Use Plans to conserve, enhance and restore GrSG habitat. In coordination with BLM/USFS and the State, the Governor may reconvene the stakeholder taskforce to assist with feedback through the Governor to BLM/USFS on the work of refining preferred alternatives. FWS is committed to continued coordination with the State of Idaho and BLM/USFS as they develop a final proposed alternative for the final EIS.

State: Montana

State plan status: Montana developed an advisory, voluntary action-based management plan in 2005 that did not function as a regulatory mechanism for sage-grouse. Governor Bullock's February 2, 2013 Executive Order established the Greater Sage-grouse Habitat Conservation Advisory Council. The purpose of the Council, co-chaired by the Montana Department of Fish, Wildlife and Parks (FWP) Director and the Governor's Natural Resources Policy Advisor, is to "to gather information, furnish advice, and provide to the Governor recommendations on policies and actions for a state-wide strategy to preclude the need to list the greater sage-grouse under the Endangered Species Act, by no later than January 31, 2014." Council members include representatives from agriculture and ranching, conservation and sportsmen, energy, mining and power transmission, tribal government, local government, and the legislature. While not a Council member, FWS committed to participation by attending all eight two-day Council meetings in an advisory capacity, answering questions, presenting information on the PECE Policy and Mitigation, reviewing draft documents, and on September 24, 2013, providing written informal comments on the preliminary draft Strategy. A public review draft of the Strategy was issued November 1, 2013 with comments due December 4, 2013. FWS will be providing fairly extensive comments, as many of our informal comments were not fully addressed in the public draft Strategy. FWS met with the state and BLM in late October to discuss the general nature of our forthcoming comments. A final Council meeting will be held to address all public comments on January 7/8, 2014; our dialogue with the state is ongoing.

State's assessment of their plan: Since the State's draft Strategy will not be finalized until January 2014, the state's self-assessment did not include activities/measures related to the draft Strategy. The state generally classified most threats in the overall summary table as "partially addressed" or "unknown", with a few classified in the "not addressed" category. Highest individual numeric rankings (relative to conservation measures) were assigned to fire (elimination of intentional fires in sage-grouse habitat; rank 4-5) and re-evaluation of PACs (rank 6). The vast majority of other conservation measure numeric rankings ranged from 3 to 4 ("partially addressed"). The state expressed optimism that assessment of the final Strategy would allow for assignment of "threat addressed" classifications for many of the listed threats. The primary (four of the six) Montana populations were included in the self-assessment. The assessment did not include the Powder River Basin and Wyoming Basin populations, which occur mainly in Wyoming but also extend into southeast Montana.

FWS assessment of state plan: We generally agree with the state's self-assessment, with the understanding that the assessment does not yet include the State Strategy. We were not aware that intentional fires are not implemented by the state in sage-grouse habitat, as mentioned above and assigned a high numeric ranking per the self-assessment, and will clarify this with the state. This could alleviate some of our concerns with respect to how the state plan addresses fire. Whether the final Strategy would adequately address all threats, allowing for assignment of "threat addressed" classifications in the self-assessment (as discussed above), depends on what revisions/clarifications are ultimately incorporated into the final Strategy. Most importantly, we are still unaware of what the regulatory authority of any conservation actions taken by the state might be. Without this information it is difficult to determine how much conservation benefit these conservation actions might provide.

During our review of the public draft Strategy, we were unable to determine consistency with the COT final report conservation objectives for the majority of threats due to the voluntary nature of measures, absence of measures,

and/or our uncertainty with measure implementation or effectiveness. We did find the Strategy to be consistent with the COT final report objectives for sagebrush removal. Consistency was unknown, but appeared to be trending positively for range management structures, agricultural conversion, ex-urban development, and fences. Consistency was unknown for fire, invasive plant species, energy development (although consistent for wind energy in core areas), improper grazing, conifer expansion, mining, and recreation. The Strategy appears to be inconsistent with the conservation objectives for infrastructure. Given the amount of and exceptions for core habitat proposed (see below), the health of general habitat areas is a critical element in the effort to maintain the abundance and distribution of greater sage-grouse in Montana.

Primary draft Montana Strategy Strengths:

- 5% disturbance cap in core habitat; 1 mile core NSO lek buffers; core-wide seasonal restrictions; 1 disturbance per 640 acre oil and gas and mining density limitations (core habitat); wind energy exclusion (core habitat); sagebrush eradication prohibition (core and general habitats), cropland agriculture conversion prohibition (core habitats, pending Board of Land Commission approval), monitoring / adaptive response (within 4 miles in core).
- Proposed addition of the Garfield / McCone County core area.
- Proposed appointment of Montana Sage-grouse Oversight Team to oversee implementation.
- Proposed Montana Stewardship and Conservation Fund to conserve sagebrush habitat and grazing lands within sage-grouse habitats on private lands; recommendation for the Governor to prioritize state agency conservation funding for protection, enhancement, and restoration of sage-grouse habitat in core, connectivity, and general areas; commitment to fund at least 5.5 FTEs in conjunction with Strategy implementation.

Primary draft Montana Strategy Weaknesses:

- Proposed core areas include approximately 76% of the Montana sage-grouse population, however, strategy proposes “Special Management Core Areas” within up to 3% of total core habitat **that would allow for projects in selected core areas to exceed Strategy stipulations.**
- **Proposed exemption of proposed coal mining projects from compliance with elements of the Strategy that are more restrictive than the existing permitting program** requirements under the Montana Strip and Underground Mine Reclamation Act and the Surface Mining Control and Reclamation Act.
- **Lacks clear statement / enactment of an “avoidance first” approach to proposed surface disturbance activities to sage-grouse habitats; particularly core areas,** and clear direction as to when compensatory mitigation for proposed surface disturbance activities would be required.
- Management recommendations for important issues including range management / grazing, wildfire response, and invasive plant species are depicted as 100% voluntary, even on State lands; several key specifics are missing from Rangeland, Fire, and Invasive Species sections.
- **Proposed 0.25-mile NSO from active leks in general habitat is inadequate; core area stipulations for Transportation (2 mile haul road NSO) and Power Lines / Communication Towers (1 mile NSO) are inadequate** and we provide recommendations for improvement.
- Prescribed burns in sagebrush habitat are not prohibited (nor conditioned to only be allowed on a case-by-case basis if can be determined / assured to be neutral or beneficial to sage-grouse).
- Management practices for minimizing impacts in general habitat are not included or referenced.

Interface between state and federal planning efforts: Like FWS, the BLM has attended all Council meetings in an advisory capacity. At this time we are not aware of any BLM intent to incorporate the State Strategy into any Montana RMP EISs as a stand-alone alternative. All five Montana RMP/DEISs have completed, or are currently within, the 90-day public review process.

State: Nevada

State plan status: The State of Nevada completed their initial plan in July, 2012. We provided input during the process, shared concerns and questions in informal written comments in September, 2012, and indicated in verbal comments to state leadership that we did not view the 2012 product as a clear, concrete “plan,” but more as an aggregation of ideas that were sometimes conflicting (e.g., “no net loss” of habitat, and “5% disturbance cap” for habitat).

The state created a Sagebrush Ecosystem Council in 2013 and tasked them with developing a more specific state plan. Some revisions were made initially to facilitate the plan's inclusion as Alternative E in the Nevada/Northeastern California BLM Land Use Plan Amendment & EIS (hereafter EIS). Key issues to be resolved include differences between the State Plan and the EIS, including specifics regarding monitoring, grazing and mining. As of last week, a tentative award has been made to a consulting firm to develop the Compensatory Mitigation Program, a key necessary point. FWS has taken an active role in helping the State with their revisions, including sitting on the State of Nevada Sagebrush Ecosystem Council Board (as *Ex-Officio* member), and discussion between the respective staffs.

State's assessment of their plan: FWS has received and reviewed the State's Self-Assessment of their Plan. The state's assessment appeared to be fair and accurate, and only minor differences in rankings between their assessment and the FWS assessment were found. It appeared to be fairly self-critical, with no COT threat ranked as 5 or 6. **The current State Plan process includes many components related to issues identified in the COT report, but essentially all of those components are currently insufficient or incomplete.**

FWS assessment of state plan: Items where the State assessment and the FWS assessment differ are:

COT Objective	State's Assessment Ranking	FWS's Assessment Ranking	Notes:
Agricultural Conversion	0	1	The State assessment indicates that this is not an issue. Nevertheless it mentions that should it occur, it would fall under agency review, indicating that there could potentially be a problem.
Fire - Implementing Monitoring Programs for Restoration Activities	3	2	There is no specific mention of monitoring for restoration in the State Plan as it is currently written. It does mention that monitoring takes place where State funds have been used for restoration following fires, but is not specified in the Plan. Alternative E (BLM EIS) indicates that they will "continue to focus research and monitoring effort through demonstration projects..."
Non-native, Invasive Species	2	1	The difference in ranking is primarily to an interpretation of where things stand now. Both rankings indicate that the COT objective is not met.
Mining	3	2	The State's ranking indicates that the COT objective "may be sufficient to address the threat..." while FWS ranking indicates that the COT objective is not of "...sufficient scale, distribution or intensity to remove the threat." The FWS ranking is more accurate since no timelines are stated as to the completion of the proposed "centralized impact assessment process", thus not providing the regulatory assurance appropriate for a "may be sufficient" call.
Grazing	3	4	While both rankings indicate that the threat "may be" ameliorated, "4" is a more appropriate ranking since many of the controls on grazing are outside the scope of State control, and reside with Federal agencies.
Range Management Structures	2	1	The State Plan indicates that these issues "will be addressed" and so are not currently in place, hence a rating of "1" by FWS.

Interface between State planning efforts and Federal conservation planning efforts in this state: There appears to be good communication between the BLM, FS and the State of Nevada (via the Sagebrush Ecosystem Technical Team; SETT) in attempting to develop consistency between the preferred EIS alternative (D) and the State alternative (E). BLM and the SETT have completed an initial review of the State plan and found it to be approximately 57% consistent with Alternative D (preferred alternative), another 25% that could potentially become consistent if minor differences could be

worked out, 12% where an action is in one but not the other plan, and 6% in actions that most likely will not ever be consistent. They continue to work together to realize the highest consistency possible. Many of the current inconsistencies are relatively more important for addressing COT concerns, so the state plan needs much more work to be sufficient.

State: North Dakota

State Plan Status: The North Dakota Game and Fish Department (NDGF) currently has a *Management Plan and Conservation Strategies for the Greater Sage-Grouse in North Dakota* (Plan), which was finalized in July, 2005. NDGF released a draft revision of the July 2005 Plan on July 2, 2013. FWS communicated comments on August 20, 2013, in a meeting attended by the NDGF Director and other key NDGF managers and staff. We commended the state for their accurate description of the status of and threats to the species in North Dakota. We also communicated that the current version of the Plan in our opinion relies too heavily on voluntary conservation actions to provide certainty that the threats identified in the COT final report are addressed. We recommended the state revise the Plan, including land management on state trust lands. Due to the time required to address the comments provided by FWS, the NDGF Director set a final due date for the final plan for Dec 31, 2013. NDGF is currently still revising the Plan. NDGF has requested another review by FWS following completion of the second draft of the Plan, which is anticipated by mid-December 2013.

State Self-Assessment of their plan (July 2, 2013, Draft Revision of the ND State Plan): The Plan identifies threats hierarchically from greatest threat to lowest as follows:

- Renewable and non-renewable energy development (oil, gas, mining, and wind)
- Infrastructure (roads, power lines, tall structures, fences, and generation facilities)
- Livestock grazing management
- Vegetation (sagebrush removal, conversion, and invasives)
- Fire
- Predation
- Noxious weed management
- Recreational disturbance
- Harvest management
- Outreach/education

The state, in their self-assessment, indicated no threats are considered fully addressed in the current version of the Plan.

FWS Assessment of state plan (July 2, 2013, Draft Revision of the ND State Plan): FWS agrees with the results of the NDGF self-assessment and with the state's hierarchy of threats. Accordingly, FWS does not expect the Plan to fully address the primary specific threats to the GrSG population in North Dakota specified in the COT final report, namely: disturbance and fragmentation of sagebrush habitat due to oil and gas development; localized conversion of habitat to cropland; and, also in localized areas, degradation of habitat from over-grazing. FWS will continue to provide this and related feedback to NDGF as the state works to revise and refine the Plan.

NDGF leadership has expressed interest in the development of one or Candidate Conservation Agreements with Assurances in North Dakota, possibly in conjunction with neighboring states (MT and SD). These potential CCAAs would provide conservation benefits for GrSG habitat on private lands and would focus primarily on grazing management. NDGF and FWS, in conjunction with BLM, NRCS, and the local Soil Conservation District, have scheduled a December 11,

2013, workshop for interested producers in Rhame, ND. The Service would like to assist ND and neighboring states in the development of this tool if staffing capacity allows.

Interface between State and Federal Conservation Planning Efforts: The Service and the state have engaged with BLM in their planning process. The state has not submitted a state-based alternative to be included in the draft BLM plans.

State: Oregon

State Plan Status: Oregon's "SageCon" (Sage-grouse Conservation) partnership and its workgroups are aggressively working to complete the draft "All Lands, All Threats" (ALAT) plan called for by Governor Kitzhaber; a draft is expected in March/April and is 3-4 months behind the original schedule. SageCon is co-convened by the Governor's Office, the NRCS, and BLM; has dedicated staff; and, includes a state-wide range of stakeholders. FWS' Oregon Fish and Wildlife Office is engaged at all levels and actively supporting workgroups, which are drafting the critical sections of the ALAT document and how threats are addressed (e.g. Fire and Invasives, Habitat Fragmentation, Mitigation, and others).

Concurrent to the SageCon effort, Oregon Department of Fish and Wildlife (ODFW) is in the process of updating its Sage Grouse Conservation Strategy with specific revisions to core area and mitigation policies, with both efforts being mutually supportive and closely timed.

FWS Assessment of State Plan Self-Assessment: Oregon has not submitted the requested self-assessment, and FWS has not had a chance to review. The ALAT plan is not yet in complete draft form, and while we are familiar with sections of what will be a complete draft document, critical pieces remain undeveloped and pre-decisional.

FWS Assessment of State Plan: A highlight of the ALAT plan includes a draft proposal to allow development within core area but only under specific conditions and capped at 4 percent. This is less than the 5 percent cap proposed in other state plans but more than the 3 percent recommended by Knick et al. (2013) and currently used in BLM's Draft EIS to revise eight RMPs in Oregon. The plan also includes a wide array of mitigation options for sage brush habitat, such as establishment and support of additional Rural Fire Protection Associations, and additional efforts to combat invasive species. **While we have not seen a complete draft, FWS conceptually supports the plan.**

FWS is supportive of both the SageCon and other state efforts. The plans partially address several key threats in the Great Basin greater sage-grouse (sage-grouse) populations and is integral to FWS' "quilt of conservation" concept in Oregon. This "quilt" stitches together various landscape-level conservation efforts to blanket Oregon's sage-brush habitats, such as the recently completed CCA with BLM and Oregon (10 million acres), the draft Harney County CCAA (one million acres), the draft Oregon Department of State Lands CCAA (630,000 acres) and several large private ranches.

The state is taking the "inadequacy of regulatory mechanisms" listing factor very seriously. The draft ALAT plan is focused on protecting the core areas (with some provisions for development) with an emphasis on avoidance and minimization. The SageCon effort in particular has gone to great lengths to engage all key stakeholders including county jurisdictions, private landowners, the ranching community, and conservation organizations.

Bottom line: It is too early in the development process to determine if the ALAT plan will adequately address the threats to sage-grouse in Oregon as identified in the Conservation Objectives Team (COT) report in a timely manner. However the development of the plan thus far has been robust, thorough and inclusive; it appears to be stronger than several other states we are familiar with. We will have a better grasp of this within 60-90 days.

Interface between state planning efforts and federal conservation planning efforts in this state:

The Oregon BLM DEIS, revising eight RMPs in Oregon, includes the *Greater Sage-Grouse Conservation Assessment and Strategy for Oregon* (ODFW's state conservation plan for sage-grouse; 2011) as one of the alternatives. ODFW is a cooperating agency in the development of the DEIS and BLM is a co-convenor of the state's SageCon effort as noted above. Information is being shared between both efforts. However, there has been some frustration from ODFW on

BLM's transcribing of the state conservation strategy into the DEIS. This, however, appears to be an issue with BLM's contractor in responding to ODFW's (and BLM staff) comments and corrections.

ODFW was a member in the development of the COT report. As also assisting in the development of the BLM's DEIS, ODFW and FWS have commented on the conservation of current sage-grouse habitat on BLM lands. A primary conservation objective from the COT final report states that sage-grouse habitat should be retained in PACs. The Oregon BLM DEIS plan's preferred alternative does not stress the need to retain sage-grouse habitat. As an example, under right-of-ways (ROW), BLM notes that only those lands in preliminary priority management areas (PPMAs) (PPMAs should match up to PACs) currently managed as exclusions would remain as excluded. All other habitat within PPMAs would be designated as avoidance areas for new ROWs (not to exceed a three percent disturbance cap). Habitat loss would be mitigated. The concern is that sage-grouse habitat loss is not easily mitigated. It can take years for habitat to develop into usable habitat for sage-grouse. Another example is the use of fire as a tool used by BLM for habitat management. The COT final report calls for eliminating intentional fires in sagebrush habitats (including prescribed fire in breeding and winter habitats). This is especially true in areas with less than 12 inches of annual rainfall. The Oregon BLM DEIS plan's preferred alternative continues to promote the use of prescribed fire by treating approximately 30 percent of sage-grouse habitat over 10 years (averaging 3 percent per year). The intent is to reduce the probability of large homogeneous burn patterns and unacceptable wildfire effects. However, this further reduces the ability to retain sage-grouse habitat as noted above.

State: South Dakota

State plan status South Dakota Game Fish and Parks Department (SDGFP) is revising their 2008 - 2017 Sage Grouse Management Plan. SDGFP indicates they hope to have the revision completed by December 31, 2013.

SDGFP has indicated that FWS will be given an opportunity to review the revision while in draft before it has been finalized but after it has been vetted internally through state agencies. We have met and discussed various considerations for the revision including the COT final report objectives.

State assessment of their plan/FWS assessment of state plan: We don't yet have the benefit of reviewing the revised state plan. The state's self-assessment was quite modest, but without a revised state plan to review, we are unable to offer an opinion on whether the state plan will meet the COT objectives or if the state's self-assessment is accurate. We do have a good working relationship with SDGFP and will discuss differences of opinion if we have them.

Interface between state planning efforts and federal conservation planning efforts in this state:

SDGFP has been engaged in the with BLM RMP process. FWS, SDGFP, SDDOA have received joint updates from and participated in informational BLM meetings on the RMP revisions. The State of South Dakota has not expressed an interest to have the revised South Dakota State Sage Grouse Plan put forth as an alternative in the BLM RMP.

State: Utah

State plan status: The State of Utah issued a final *Conservation Plan for Greater Sage-grouse* (Plan) on April 23rd, 2013.

State assessment of their plan/FWS assessment of state plan: The State of Utah has indicated they do not intend to complete a self-assessment (as discussed by and agreed to by the representatives of the Governors Sage-grouse Task Force, including Utah, in September, 2013) until such time as the ongoing conservation metrics process is finalized.

FWS sent a letter dated 5/8/13 that detailed areas of agreement and areas we would like to continue discussion on as they refine and implement the state's plan. In our letter, **we commended the strength of the Plan, which lies in its ambitious goals and objectives to increase GrSG populations and protect habitat for the year-round life-cycle needs of the species.** These objectives identify increasing sage-grouse numbers and maintaining viable populations within the eleven identified GrSG management areas (SGMAs); annually protecting (e.g., leases, easements) 10,000 acres of sage-grouse habitat on private and State Trust Lands; enhancing 25,000 acres of sage-grouse habitat in the SGMAs annually; and managing opportunity areas to increase sage-grouse habitat acreage by an average of 50,000 acres per year.

Furthermore, the Plan incorporates a tiered approach for resolving impacts to sage-grouse habitat—avoidance, minimization, and mitigation.

However, **we also identified five primary outstanding items that we recommended the state further consider based on information in the COT final report and available literature**, including: 1) lack of protection for the Anthro and West Tavaputs sage-grouse populations—these populations may provide important connectivity habitat for sage-grouse in northeastern Utah, 2) voluntary nature of conservation measures on non-federal lands and subsequent lack of regulatory certainty, 3) the calculation/limit for surface disturbances in priority habitats—the Plan recommended that surface disturbances be limited to 5% in addition to existing disturbances whereas our recommendation is for a maximum 5% inclusive of existing disturbances, 4) insufficiency of the lek buffers—the Plan recommended a one mile lek buffer in priority habitats which does not provide protection for nesting habitat (we recommend a four mile lek buffer), and 5) the impact and appropriate mitigation for transmission lines in priority sage-grouse habitats.

Although communication with the State is good, we do not expect significant changes in the Plan in response to our concerns. For example, the state does not believe it can successfully implement regulatory mechanisms on private lands and believes landowner incentives will be successful. We have agreed to move forward with helping the State plan and implement conservation efforts. As such, the state invited FWS to serve as a member of an advisory group to implement the recently adopted Plan. Along with other federal agencies (FS, BLM, etc.) we have notified the state that we will contribute to the group by serving in an advisory role. FWS personnel recently participated in site visits to GrSG habitat and toured voluntary conservation projects on private lands. As mentioned above, the state to date has declined to provide an assessment of how their Plan is being implemented and we are not aware of any completed conservation easements or agreements on non-federal lands.

Interface between state planning efforts and federal conservation planning efforts in this state: As part of the on-going BLM/FS land management revision process in Utah, the BLM has prepared a DEIS (released 10/01/13), which contains an alternative based on the state's Plan. FWS worked closely with BLM/FS to develop Alternative D, which includes conservation planning and population protection measures based largely on the COT final report and available literature. The BLM is evaluating both of these, and other, alternatives in the DEIS public comment period, which closes on January 29, 2014. We anticipate that BLM's final selected alternative will be a combination of the alternatives presented in the DEIS.

State: Washington

Status of state plan: WA Department of Fish and Wildlife (WDFW) is currently working on a "Recovery Strategy Review" document that will be submitted to FWS by 12/31/13. That report will include:

- Updating the recovery status for 2013, including a population trend report;
- An analysis of implementation of the 2004 WDFW Sage Grouse recovery plan actions to date; and,
- An analysis of what's been done to reduce threats using the metrics identified in the COT final report.

State assessment of their plan/FWS assessment of state plan: WDFW elected not to complete a self-assessment of their plan and instead are focusing their efforts on the above activities. WDFW, the Washington Department of Natural Resources and the Washington Department of Agriculture are working together to develop a shared vision and landscape-scale commitment for recovering sage grouse across public and private land ownerships based on the WDFW recovery plan and COT report final. We expect to have a status report on these efforts in early 2014 and will then have a greater body of information to assess.

Interface between state planning efforts and federal conservation planning efforts in this state: The Spokane District of BLM is not included in the earlier BLM Instructional Memorandum provided to BLM offices that directed RMPs to be updated. Consequently, the Spokane RMP revision is not on the same schedule and is lagging in their revision process. The BLM OR/WA state director is aware of the slow pace of that RMP. Consequently, FWS needs to follow up on this issue and consider the timing of the Columbia Basin Distinct Population Segment evaluation in the context of the range-wide DPS review and sequencing with the 2014 expert panel schedule.

State: Wyoming

State plan status: The state plan is complete and is currently being implemented. The state is currently working on how to track the success of the plan and allow FWS to use those data in the listing determination. FWS will be meeting with the state the week of November 25th, 2013 to review the proposed tracking mechanism. FWS has been working continuously with the state on the plan and its implementation through the Governor's Sage-Grouse Implementation Team (SGIT). Implementation of the plan is running smoothly. Industry has mostly embraced the core area strategy and works well within the system. Exceptions to the core area strategy are not numerous and are typically vetted before the SGIT.

State's self-assessment their plan: The State of Wyoming will not be completing a self-assessment due the fact that the state's plan has been supported by FWS as being complete and in line with the COT report. They are moving forward on assessing the performance of the core area strategy and determining how to get that information to FWS.

FWS assessment of state plan: We are in agreement with the state.

Interface between state planning efforts and federal conservation planning efforts in this state: Since FWS has accepted the state's core area strategy as meeting the COT final report guidance the state has moved to keep the BLM/FS land management planning revisions in line with the core area strategy. The Governor has negotiated a "Governor's consistency review" step into the planning revision process to ensure that the land management documents are consistent with the core area strategy.