


GREATER SAGE-GROUSE CONSERVATION

Fish and Wildlife Service:
Current Status and Next Steps



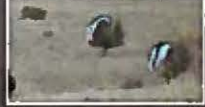


A summary briefing for the
United States Congress

Prepared by the Fish and Wildlife Service
United States Department of the Interior • December 4, 2014


Objective

- FWS' objective:
conservation
- Lead, support, facilitate, accomplish, and sustain conservation such that ESA protection is unnecessary.
- Complete a thorough and objective listing determination.

Background on GrSG

- Social/ecological/economic significance
- Threats: **we must achieve certainty of threat reduction now and into the future**
- Key threats
 - Habitat loss/fragmentation
 - Energy development
 - Agricultural conversion
 - Invasive species/wildfire nexus
 - Lack of existing adequate regulatory mechanisms
- Timeframe
 - September 2015 not warranted finding or proposed rule



The West-wide Campaign to Conserve Sage-Grouse

- **Scale and scope**
 - Unprecedented effort (11 states, 2 provinces, multiple federal agencies)
 - "All of the above approach" (planning, on the ground delivery, science, communication)
- **Constellation of partners**
 - WAFWA, SOTF, SGR
 - Private landowners
- **Multiple efforts underway**
 - Federal and state planning
 - Private lands partnerships
 - Science
 - Invasives fire management



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2015 FWS Status Review

In order to determine whether listing is still warranted, we will ask:

1. What scientific information exists?
2. What has changed in the species status and trend?
3. What future do we project given known threats?
4. What is the impact on those threats of conservation efforts already accomplished?

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FWS Status Review (cont'd)


5. What conservation efforts are projected to occur in the future?
 - And: what is the certainty the efforts will be implemented and effective?
6. Does that change the future for sage grouse?
7. Does the species meet the definition of threatened or endangered?

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Timing

Oct.	• Initial Collection: We requested initial data call responses by October 1, 2014
Nov.	
Dec.	• Conservation Efforts Database Closes: Spatial data and narratives captured until 12/31/14.
Jan.	• Review and Analysis of Information: We will review literature, submitted information, and existing models.
Feb.	
Spring 2015	• If new questions arise, we may examine these through additional workshops/expert panels.
Sept. 2015	• Publish determination: September 30, 2015

Summary



• **FWS objective:** work with all partners to conserve the species and its habitat.


Conserving sage-grouse will:

- benefit other sagebrush-dependent wildlife species
- help sustain traditional Western communities
- support economically-important outdoor recreation activities

• Successful sage-grouse conservation will require strong conservation actions **now** that are also certain to occur into the **future**.

GREATER SAGE-GROUSE CONSERVATION

Questions?



www.fws.gov/greatersagegrouse

**U.S. Fish and Wildlife Service
Greater Sage-Grouse Congressional Briefing, 12/04/14
Draft Internal Q&A, version 11/26/14**

Part I: General Q&A

Q: How is FWS working with the following entities to conserve sage-grouse?

- states?
- federal land management agencies?
- private landowners?
- Industry?

A: The Service continues to engage all partners in a West-wide effort to conserve greater sage-grouse and its habitat. We are supporting our state partners – with whom we have worked for many years on sage-grouse conservation on both an individual state basis and through the Western Area Fish and Wildlife Association - by providing technical assistance as they work to revise and/or complete state plans or related sage-grouse conservation strategies and implement the 2006 WAFWA rangewide conservation strategy.

We are heavily engaged in the federal planning process at the technical and policy levels and are working shoulder-to-shoulder with BLM and FS as they finalize their sage-grouse conservation plans. Through our Partners for Fish and Wildlife program, we are delivering direct, on-the-ground conservation actions for sage-grouse through non-regulatory, voluntary agreements with private landowners. We are also working with numerous partners to identify opportunities to develop and deliver Candidate Conservation Agreements with Assurances to protect sage-grouse and its habitat on private lands.

In addition, we are working closely with the wind power industry to determine impacts of wind development on sage-grouse, as well as with the Avian Power Line Interaction Committee on transmission line impacts and best management practices. We are also working with industry on how to incorporate their data on their conservation activities into our status review process. Finally, in the mining sector, Barrick Gold is pursuing a CCAA in Nevada, and several large coal mining companies are engaged in CCAA planning efforts in northeastern Wyoming.

Q: What is FWS' overarching goal with regard to greater sage-grouse conservation?

A: As stated above, we are actively working with a constellation of partners, both public and private, to conserve sage-grouse and the larger sagebrush steppe ecosystem for the long term, ideally without invoking the protections of the federal Endangered Species Act. We believe it is imperative for the conservation community, and the public, to make significant investments in the conservation of sagebrush landscapes now in order to proactively conserve the many other species (e.g., nongame migratory birds, pronghorn) that depend on this ecosystem and avoid

other, future regulatory decisions that could affect future land management activities in this large and economically important region.

Q: What are some of the science gaps affecting sage-grouse conservation and how is FWS helping to address those gaps?

A: FWS, through our Science program and our landscape conservation cooperatives, is investing heavily in scientific research aimed at addressing key questions and gaps related to sage-grouse conservation. Examples of this research include:

- Range-wide sampling design for population size and trend estimation in Greater Sage-grouse. (Paul Lukacs, University of Montana)
- Range-wide mapping of conifer encroachment on sage-grouse habitat to target removal to benefit sage-grouse (Dave Naugle, University of Montana).
- Designing regional fuel breaks to protect large tracts of sage-grouse habitat in Nevada, Idaho, Oregon and Utah. (Louis Provenchur, The Nature Conservancy)
- Annual grass cover mapping for Greater Sage-grouse conservation. (Matt Bobo, BLM National Operations Center)
- Development of a comprehensive genetic connectivity map for Greater Sage-grouse across its range by combining genetic data with habitat abundance and habitat quality data. (Steve Knick , USGS Boise; Sara Oyler-McCance; USGS Ft. Collins; Todd Cross, University of Montana, Michael Schwartz, University of Montana).
- Long-term changes in environmental characteristics required by sage-grouse predicted under climate change. (Steve Knick, USGS Boise)
- Modeling plant community composition and vegetation structure in core sage-grouse habitats as affected by climate change. (Bill Lauenroth, University of Wyoming and John Bradford, USGS Flagstaff)
- Greater sage-grouse response to wind energy development in Wyoming. (San Stiver, WAFWA)

In addition, FWS has partnered with WAFWA to fund a team of scientists to identify critical science, policy and funding gaps in the invasive-species/wildfire nexus and to develop tools to support land managers' efforts to prioritize various aspects of fire management in the Great Basin, including wild land firefighting and restoration. This partnership produced a valuable USFS technical report using landscape resistance and resilience concepts to identify appropriate

prevention, suppression and restoration management options which will form the basis for landscape-scale planning to tackle the key threat to sage-grouse in the Great Basin - invasive annual grasses and their impact on wildfire regimes. Also, USGS has identified additional research priorities in its' recently-completed national research strategy for sage-grouse conservation. Lastly, we have, as part of our status review, identified some key questions we believe require further exploration to ensure our listing determination is based on robust and relevant information.

Q: What is FWS doing on its National Wildlife Refuge System units to support and advance sage-grouse conservation?

A: While our refuge lands only contain a small (~1.5%) portion of the overall sage-grouse range, we are actively working to ensure our management of those lands supports larger conservation goals for the species. Specifically, FWS is: (a) analyzing current management activities and practices across NWRS units in sage-grouse range to confirm our management is consistent with and complementary of the land management recommendations we have identified for BLM and FS lands in the federal planning process; (b) identifying opportunities to conduct targeted scientific research on NWRS lands to address key questions about sage-grouse conservation as well as build science capacity at broad spatial scales across the sage-grouse range; (c) exploring potential enhancements of existing refuge lands and boundaries to maximize our conservation footprint in important sage-steppe landscapes; and (d) enhancing our work with private landowners, including ranchers, by leveraging our Partners for Fish and Wildlife program and other private lands partnerships to improve habitat conditions on important private lands; and, promoting cross-program efficiency to ensure we are targeting high-value landscapes on which to deliver private lands conservation.

Q: What is the role of tribes in sage-grouse conservation?

A: There are multiple tribes that manage land within the sage-steppe ecosystem. We are currently working to determine which tribes are actively working on sage-grouse conservation and to determine what funding sources (e.g., BIA) tribes have applied to sage-grouse conservation and identify opportunities to partner with tribes on sage-grouse conservation planning. As we move forward with our status review, we will determine potential approaches for active consultation processes with tribes (which would follow the established guidelines that govern any FWS actions that could affect a tribe). For ESA specific actions and established guidelines see <http://www.fws.gov/endangered/what-we-do/tribal-secretarial-order.html>.

ESA Status Review Q&As:

Q: What is FWS' approach to the ESA status review for sage-grouse?

A: The Service is committed to meeting our September 30, 2015 deadline to determine whether to withdraw our 2010 warranted but precluded decision for greater sage-grouse or propose the species for threatened or endangered status under the Endangered Species Act.

We are also committed to conducting the most comprehensive, transparent, and defensible status review in our agency's history.

We have invested heavily in the human and technical resources necessary to meet these goals:

- We have developed and deployed innovative tools such as the Conservation Efforts Database to gather and analyze spatially explicit information about ongoing efforts to conserve greater sage-grouse.
- We are working with our partners to acquire information about current locations and trends of sage-grouse populations.
- We are enlisting expert assistance from states, other federal agencies, including US Geological Survey, universities, and non-governmental organizations to inform our modeling efforts to support our analyses of the species' status.
- We are reaching out to experts to better understand areas of uncertainty surrounding the greater sage-grouse and hosting workshops to help us comprehend the current state of the science.
- We have reallocated funding and repurposed positions to add additional capacity within the Service's ranks to manage the numerous components of the status review.

Regardless of the outcome of our status review, the Service is in the sage-grouse conservation business for the long-term and will work with all our partners for as long as necessary to restore and protect sage-grouse and the sage-steppe ecosystem.

Lastly, it is important for all our partners and publics to understand we have not "made up our mind" on whether to list greater sage-grouse. We recognize the unparalleled efforts our partners are making to conserve sage-grouse and its habitat. Our determination will be based upon the best scientific and commercial data and will consider these efforts. As we work on parallel tracks to conserve the species on the ground and build and implement our status review process, we remain positive and objective, and we are confident the final results of our work will bear up to both scientific and legal scrutiny.

Q: How will FWS consider/address the following in its status review:

- invasive species and fire?
- climate change impacts?
- predation?

A: For all of these, and other, threats identified and discussed in our 2013 Conservation Objectives Team final report, we will review available commercial and scientific information. We may also rely upon models or expert input to assess the relative impacts – both individual and synergistic – to sage-grouse persistence. We will consider those impacts, and the degree to which they are ameliorated by current and pending federal and state regulatory mechanisms (as well as other conservation actions underway on the landscape), against the conservation status of the species in order to determine whether the protections of the federal Endangered Species Act are warranted at this time.

Q: How can/will FWS ensure it is using the best available science and highest quality data to inform its sage-grouse status review?

A: All relevant aspects of our status review process will be consistent with the applicable IQA standards. Further, USGS' direct involvement with our status review process is intended to ensure science quality and transparency. One of the workshops in our structured decision making process (which will underpin our larger status review) will be a peer review workshop - consisting of a group of experts with no stake in the status review outcome – to review the status review process and outcomes to ensure information quality and transparency. In addition, we will be seeking input from others outside FWS (while complying with FACA) so our decision will benefit from input of scientists outside the agency.

Q: If FWS lists the species, what will impacts be on land use?

A: If FWS publishes a final rule to list Greater sage-grouse under the ESA, daily life, including economic development, will not “shut down” in the affected range. For example, on federal lands, we will consult with land managers on potential development activities to ensure such activities don't undermine conservation efforts, including those codified in BLM and Forest Service land use plans. Similarly, for state and private lands, there are a wide variety of flexible and effective tools available under the ESA for implementing conservation while allowing landowners to exercise their rights and develop resources. However, and to be clear, there will be restrictions and limitations on land use and disturbance, especially on the federal estate, which is why we are working closely with all our partners to try and conserve the species without an ESA listing.

Q: Can we extend the current time frame for our listing determination?

A: Pursuant to the terms of the 2011 Multi-District Litigation settlement, we are bound by that settlement to make a determination whether to propose a listing or withdraw our previous finding by September 30, 2015.

Q: Do you anticipate using the six month extension for the sage-grouse determination that you've used on several recent decisions?

A: The Endangered Species Act allows for a six month extension to a proposed regulation to solicit additional data when there is a substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination. We are currently still gathering initial data and are not yet at the point in which we have a proposal, or know if there is disagreement on available data, it is too early to determine.

Q: You recently listed the Gunnison sage-grouse as threatened under the Endangered Species Act. Many people are saying this is a harbinger for the greater sage-grouse and there is concern conservation work for the bird could slow. What do the recent proposed/final listing determinations for other native grouse species mean for greater sage-grouse?

A: The Gunnison sage-grouse is a distinct species from the greater sage-grouse. The decision to list the Gunnison sage-grouse in no way predetermines a decision on the Greater sage-grouse. The Service is independently evaluating the status of the Greater sage-grouse, which exists across a much broader range and, in some places, faces different threats. There are parties who would have the public believe that the decision to list Gunnison sage-grouse is in some way a harbinger of what will happen to the Greater sage-grouse. This is unequivocally not true.

The conservation status of several native grouse species and our regulatory decisions – whether pending, proposed or final – regarding these species point up the simple fact these birds, and their habitat, are in decline and at risk. While there are many similarities between these species and the issues that affect them (e.g., habitat fragmentation), we are evaluating the conservation status of each species, including Greater sage-grouse, independently and thoroughly, and our partners and publics should not assume, for example, that a listing decision for one species portends the same listing decision for another species. Indeed, for Greater sage-grouse, our stated goal in working in close fashion with our federal and state partners is to conserve the bird and the larger sagebrush-steppe ecosystem without invoking the protections of the federal Endangered Species Act. Going forward, we will continue to engage our partners and deploy every human and technical resource available to us to ensure whatever regulatory decision we ultimately make regarding the Greater sage-grouse is comprehensive, transparent, and informed by scientific and legal rigor.

Q: We heard there was a genetics workshop held by the Service in October. Why were there no participants from industry/NGOs/states/tribes?

A: We held a workshop for experts on the genetics of the greater sage-grouse in October. Experts from the States of Colorado and Washington attended the workshop. Additionally, our State partners at WAFWA reviewed our list of potential invitees and suggested several expert participants.

We invited the individuals participating in this expert meeting based solely on their scientific qualifications, rather than as a representative of a particular organization or interested party. We identified potential experts based on their established scientific expertise related to the genetics of the greater sage-grouse, similar lekking birds, and conservations genetics. We investigated potential participants from industry, NGOs, and Tribes; however, we did not identify potential experts from these affiliations.

Q: In an August 2013 oversight hearing, FWS Director Dan Ashe promised to send all sage-grouse data to the House Committee on Natural Resources. Have you made the underlying data available on which you based your 2010 12-month finding of the Greater sage-grouse? Can you make those data available?

A: FWS' policy on data is when the data is owned by FWS or funded by FWS, we will make it available to the public.

Q: Do you anticipate holding more workshops similar to the genetics workshop you held in October? Will you invite the public to these?

A: No additional workshops are planned at this time.

Q: Will you make the data compiled from the workshops available for public review and comment prior to a listing decision?

A: To date, we have organized only one workshop for scientific experts on the genetics of the greater sage-grouse. We are currently finalizing the workshop notes and summary report. When complete, we will post a summary report to our national greater sage-grouse website (<https://www.fws.gov/greatersagegrouse/>).

Q: When do you plan to involve the landowners in the listing process?

A: We have engaged public landowners including our state and federal partners throughout this process. We hosted an introduction to the Endangered Species Act law and policies in October, 2014 and a webinar focused on our process specifically for our state partners in December, 2014.

We have continued to work with private landowners through ongoing conservation efforts (Candidate Conservation Plans with Assurances and our Partners for Fish and Wildlife Program, as well as close coordination with and support for NRCS' Sage-Grouse Initiative).

Q: You recently released maps of "Super Priority Areas for Conservation" " to BLM. Are those maps public? Are you requiring the BLM to conduct business any differently on those lands?

A: On October 27th, 2014, FWS Director Ashe – acting in response to a request from BLM asking FWS to identify high-value landscapes where we recommend BLM consider maximizing conservation for sage grouse - provided BLM and USFS leadership with a memo transmitting maps identifying areas within sage-grouse range that the scientific literature indicates is essential to the persistence of the species. These maps, which represent a synthesis of current spatial data showing large, contiguous blocks of high-value sage-grouse habitat on federal lands, and the associated transmittal, have been made available to all partners and interested parties. Our response does not *require* BLM to manage differently on those lands; rather, it recommends BLM consider taking steps to effectively safeguard these areas from further anthropogenic disturbance. One example of such as approach could be the withdrawal of locatable minerals from further development in these areas.

Questions from the 10/16/14 letter from House Natural Resources Committee (Majority)

Q: Describe *how* and for *what purpose* the October 22-23, 2014 "Expert Elicitation Workshop on the Genetics of the Greater Sage-Grouse" in Ft. Collins, CO was arranged.

A: Workshop Purpose: The workshop addressed uncertainty in the degree to which genetic differences separate or isolate populations of the greater sage-grouse. We know that genetic differences exist among individuals and populations across the range of the greater sage-grouse; however the degree to which these genetic differences separate or isolate populations is largely unclear. The workshop also investigated new techniques and metrics developed since our last status review that are used by geneticists to address genetic connectivity. The workshop collected information from scientific experts regarding the magnitudes, sources, and implications of potential impediments to gene flow for the greater sage-grouse.

Approach: This expert elicitation workshop brought together a diverse body of scientific experts to share and discuss their individual knowledge regarding genetic analyses, conservation genetics, and the greater sage-grouse. Facilitators from the U.S. Geological Survey (USGS) led discussion on topics relevant to the genetics of the greater sage-grouse. The elicitation involved facilitated discussion and formal scientific elicitation on specific technical questions.

Q: What specific scientific concerns with the federal agencies' Greater Sage-Grouse data is the workshop designed to address?

A: The workshop was designed to address questions relating to genetics of the greater sage-grouse including: Increased vulnerability as a result of genetic interactions (e.g. inbreeding depression) and potential barriers or areas of isolation.

Topics for Discussion and Elicitation:

- Recent and upcoming genetic studies of the greater sage-grouse;
- Evaluating genetic evidence for barriers to gene flow between populations or groups of populations;
- Evaluating evidence of genetic divergence or isolation; and,
- Evaluating evidence for other genetic mechanisms or processes that potentially impact the greater sage-grouse.

Q: Were any formal information quality guidelines or federal authorities used to sponsor the workshop and develop the criteria for eliciting expert opinions for this workshop? If so, please describe in detail.

A: FWS worked with USGS to coordinate this meeting, structure the agenda, and identify questions for elicitation. The workshop also complied with the Administrative Procedures Act (APA), the Federal Advisory Committee Act (FACA), and the Endangered Species Act (ESA).

We did not seek any form of group consensus at the expert workshop. Rather, information was exchanged and individual comments were discussed and compiled. Participants followed standard norms of behavior. The workshop obtained facts, information, and, as appropriate, professional opinions from each individual expert.

The criteria that we used to identify experts and USGS's approach to eliciting expert judgment followed established practice based on published literature (Runge et al. 2011, Martin et al. 2012, Gregory et al. 2012, Drescher et al. 2013).

Q: Will the FWS schedule subsequent workshops or forums relating to the DNA or genetics of greater sage-grouse? If so, please outline where and when? If not, why not?

A: We do not currently plan to host additional workshops relating to DNA or genetics. The workshop achieved its purpose and another workshop would be unnecessary.

Q: With regard to the Bi-State, Columbia Basin, Gunnison populations of the greater sage-grouse, what is the FWS' current policy regarding separation of populations at the subspecies level, and what will this mean regarding the current process for the FWS listing determinations for each?

A: The Act instructs us to list species, subspecies, or distinct population segments for vertebrates. We do not have a policy that addresses taxonomy. Instead, at the time of listing

FWS relies on the best available scientific and commercial data to understand and evaluate any taxonomic subdivisions. When evaluating taxonomic data, we do not presume that we must rely on the established taxonomy in the absence of contradictory data. Rather, we use the best scientific and commercial information currently available to assess any taxonomic subdivisions. (There are no recognized sub-species of sage-grouse.)

Q: Did the FWS consult with any of the affected states, their Governors, or other state officials regarding participation in the October 22-23 workshop? If so, please describe the consultation in detail, with whom you consulted and whether and when they were invited.

A: FWS requested input on our list of experts from the Western Association of Fish and Wildlife Agencies (WAFWA). WAFWA reviewed the list of potential participants that we already identified and responded with additional suggestions for consideration.

Q: Did the FWS consult with any published experts, including federal, non-federal, academic, non-profit, industry, or others before assembling a list of potential invitees? If so, please indicate who the FWS consulted with.

A: FWS reviewed recent greater sage-grouse genetics publications to identify potential workshop invitees. The Service and USGS developed and finalized the invitation list alone. We did not consult outside experts for assistance developing the list of potential invitees. We received input on potential invitees from our State partners at WAFWA.

Q: Who developed the participation criteria and invitation list relating to the workshop and how were the invitations announced and conveyed?

A: FWS developed the criteria together with the workshop facilitators from USGS. The USGS facilitators emailed the invitations directly to the invitees with follow-up telephone calls as needed. Several experts had conflicts and replacements were selected to represent similar expertise.

Q: Were any public notices or Federal Register Notices published about the workshop?

A: No, but the workshop was openly discussed during presentations to WAFWA.

Q: Explain the role of USGS facilitators at this workshop.

A: USGS acted as facilitators and also assisted in designing the agenda, crafting questions, clarifying ground rules, and setting expectations for workshop participants. The USGS facilitators are trained in meeting facilitation and expert elicitation.

The role of the USGS facilitators, based on training and scholarship in the area of expert elicitation of scientific judgment, was to provide recommendations on established practices for eliciting expert judgment for planning, conducting, and summarizing results from an expert elicitation workshop. Also, the USGS scientists facilitate discussions and formalized questions during the workshop.

Q: List all invited participants that were team members, were cited as sources, or who had any involvement at all with the "Report on National Greater Sage-Grouse Conservation Measures" (NTT Rep01i, 2011), or the "Greater Sage-grouse Conservation Objectives: Final Report" (COT Report, 2013).

A:

Name	Affiliation	NTT Team member	NTT – Cited	COT Team member	COT - Cited	Attended
Brad Fedy	University of Waterloo	NO	NO	NO	YES	No
Mevin Hooten	USGS Colorado Cooperative Fish and Wildlife Research Unit	NO	NO	NO	NO	YES
Steve Knick	USGS Forest and Rangeland Ecosystem Science Center	YES	YES	NO	YES	NO
Sarah Oyler-McCance	USGS Fort Collins Science Center	NO	YES	NO	YES	YES
J.L. Bouzat	University of Illinois	NO	NO	NO	NO	NO
Michael Schwartz	University of Montana and USFS	NO	NO	NO	NO	YES
Lisette Waits	University of Idaho	NO	NO	NO	NO	NO
Robert Zink	University of Minnesota	NO	NO	NO	NO	NO
Mike Schroeder	Washington Department of Fish and Wildlife	NO	YES	YES	YES	YES
Christin Pruett	Florida Institute of Technology	NO	NO	NO	NO	YES
Jesus Maldonado	Smithsonian Center for Conservation and Evolutionary Genetics	NO	NO	NO	NO	YES
Chris Funk	Colorado State University	NO	NO	NO	NO	YES
Robert Gibson	University of Nebraska – Lincoln	NO	YES	NO	NO	YES

Name	Affiliation	NTT Team member	NTT – Cited	COT Team member	COT - Cited	Attended
Jeffrey Olson	Anchorage Conservation Genetics Laboratory, FWS, Alaska	NO	NO	NO	NO	YES
Brad Fedy	University of Waterloo	NO	NO	NO	YES	NO
Andrew Martin	University of Colorado at Boulder	NO	NO	NO	NO	NO
Rob Fleischer	Smithsonian Center for Conservation and Evolutionary Genetics	NO	NO	NO	NO	NO
Melanie Murphy	University of Wyoming	NO	NO	NO	NO	Not Invited
Ephraim Hanks	Pennsylvania State University	NO	NO	NO	NO	Not Invited
Todd Cross	University of Denver	NO	NO	NO	NO	Not Invited
Sergei Drovetski	University of Alaska	NO	NO	NO	NO	Not Invited
Tom Quinn	University of Denver	NO	NO	NO	YES	Not Invited
Krissy Bird (Bush)	University of Alberta	NO	NO	NO	NO	Not Invited
Christian Hagen	Oregon State University	NO	YES	NO	YES	Not Invited
Sue Haig	Oregon State University	NO	NO	NO	NO	Not Invited
Ron van den Bussche	Oklahoma State University	NO	NO	NO	NO	Not Invited

Q: As you know, the ESA requires that listings determinations be based on the "best available scientific and commercial data available." Other than "individual opinions", "professional experience" or "unpublished studies" offered by the participants of this workshop, what efforts will the FWS or the Department make to allow qualified scientists or biologists with expertise in sage grouse to submit actual data or information regarding greater sage-grouse populations, DNA or genetics?

A: FWS is conducting extensive literature reviews that will take into consideration peer reviewed journal articles, publications, and other sources of commercial and scientific information. The Service requested data submissions of our partners through a direct data call this summer (2014); each year, the Service requests new information from the general public through the Candidate Notice of Review in the Federal Register.

The opportunities for qualified scientists and biologists with expertise in sage grouse to submit data and information on greater sage-grouse populations, DNA, or genetics are extensive.

Q: Will interested individuals from the public be permitted to observe this workshop? If not, why not?

A: We did not invite outside observers to attend the workshop; no one was present beyond the individuals invited to attend and the workshop team]. The USGS facilitators purposefully limited the size of the meeting attendance to maximize discussion among the experts. The goal of the workshop was to facilitate an open scientific discussion among recognized experts; the presence of a large numbers of observers can be contrary to that goal. The notes from the meeting along with a summary will be made public and will become part of the administrative record.

Q: Will the workshop be recorded or transcribed, or will minutes be taken? If so, how and when will this information be made available to the public? If not, why not?

A: Notes were taken and are currently being reviewed by the workshop team and the participants. A report and executive summary will be available to the public on our national greater sage-grouse website (<https://www.fws.gov/greatersagegrouse/>). Additionally, the entire report and all supporting documents will be publically available as part of the administrative record.

Q: Describe the process on how the results of this workshop will be utilized by the Service.

A: FWS will consider information obtained during the workshop along with other genetics data in the overall review of the species' status. We will evaluate current and future trends, abundance, and distribution, threats, and conservation efforts. Understanding new science, barriers to gene flow and areas where genetics may limit a population's resiliency to other threats will be part of that assessment. The workshop was one component of FWS' information gathering process for the status review. Information gathered during the workshop will be

used by the Service in conjunction with other information, such as published literature or other information submitted by interested parties, to evaluate the status of the species.

U.S. Fish and Wildlife Service
Congressional Briefing on Greater Sage-Grouse Conservation
December, 2014
Background and Schedule
(Version: December 3rd, 2014)

BACKGROUND

Date and Purpose: The briefing is scheduled for Thursday, December 4 from 10:00 a.m. - 12:00 p.m. EST in EPW Hearing Room - 406 Dirksen Senate Office Building. The purpose of this briefing is to provide an update on the Service's Endangered Species Act status review for greater sage-grouse and conservation activities underway on the range and ensure all affected members and committees have current information about this issue.

Participants: Noreen Walsh, Regional Director, Mountain-Prairie Region; Ren Lohofener, Regional Director, Pacific Southwest Region; and, Richard Hannan, Deputy Regional Director, Pacific Region will lead the briefing for the Service.

Megan Kelhart, Office of Congressional and Legislative Affairs and Matt Kales, Mountain-Prairie Region, will provide staff support.

Stephene Harding, Office of Congressional and Legislative Affairs, Department of the Interior, will also attend.

Format/topics: The Service will hold one briefing for all affected and interested Congressional staff (personal offices in sage-grouse range and relevant authorizing committees); and, one separate briefing for appropriations staff.

The primary briefing will run approximately 60 minutes, with 30 minutes for presentations and 30 minutes for discussion. Key topics we will cover during our presentation include the following:

- The Service's ESA status review for sage-grouse and how we plan to analyze conservation measures against threats to the species
 - Status review process, including guiding principles and foundational elements
 - Tools and approaches, including our Conservation Efforts Database, expert elicitation, and modeling
 - Role of partners, including states, in the status review
- The Service's investment in long-term sage-grouse conservation
 - The Service's role in the federal and state planning processes.
 - Conservation Partnerships with private landowners (PFW, CCAAs)
 - Ongoing support for new science and tools (resistance & resiliency matrix; Battalion Pro; mitigation framework)

Products: The Service will deliver a short PowerPoint presentation to frame the briefing and will post the presentation to our national sage-grouse conservation website following the briefing. We have also developed

a set of internal questions and answers to guide our responses to anticipated questions from Congressional staff.

SCHEDULE (All times EST)

Wednesday – December 3rd

4:00 - 5:00 pm

Debrief from appropriations staff briefing (as necessary)

Main Interior Building, Room 3038

Contact: Megan Kelhart, (202) 365-7255

Thursday – December 4th

9:00 am

Service/DOI Participants meet to ride to Capitol Hill

Rendezvous point: FWS Hallway

9:20 am

Van from MIB - Garage location TBD

10:00 am – 11:00 am**

Briefing for Congressional delegation/authorizing committee staff

366 Dirksen Senate Office Building (Senate Energy and Natural Resources Hearing room)

Contacts: Megan Kelhart (202-365-7255); Matt Kales (720-234-0257)

**The Service has the briefing room reserved from 9:30 am – 12:15 pm to provide adequate time for post-briefing discussions.

12:15 pm

Briefing concludes; participants leave Capitol Hill

Note: The numbers and general language below match the information previously provided by Headquarters Division of Budget to both the Office of Management and Budget and the Appropriations Committees in response to Congressional questions for the record regarding the FY2015 President's budget request. The only significant change is to correct the number of actual hired FTEs (27) from what was projected last spring (35). These differ from the current request to the Director for FY 2015 because the Questions for the Record needed to be consistent with information previously provided by the Division of Budget.

General talking point

The Service is committed to sage-grouse conservation and the working with our partners to conserve the greater sage-steppe ecosystem. The Service's commitment to the is effort includes support from the Partners for Fish and Wildlife Program to provide technical assistance and aid private lands conservation, technical and staff support from the National Wildlife Refuge System, staff and expertise from Science Applications and appropriate Landscape Conservation Cooperatives, and the Ecological Services' Program.

Q: What has FWS proposed to spend on Greater sage-grouse conservation for FY15?

A: The FY 2015 budget request supports additional capacity across 3 regions of the FWS and 11 states. The majority of these positions will be on-the-ground support to implement conservation on private lands, and to provide technical assistance for state and federal conservation planning and implementation. Currently, FWS has approximately 30 FTEs dedicating to collaborating with the Bureau of Land Management, U.S. Forest Service, Natural Resource Conservation Service, states and private landowners on conservation efforts. In FY14 we added 27 FTEs to increase our capacity to achieve real and lasting conservation for sage-grouse in advance of our listing decision.

The following table and cost estimates are based on the estimate of 30 FTEs currently working on sage-grouse conservation actions supported by the Service's Ecological Services' Program and includes the 28 additional positions added in FY2014 and early 2015 to almost double the existing capacity.

Sage Grouse Funding, including Energy Team			
Location	FY 2013¹	FY 2014	FY 2015 PB
Region 6 Regional Office - Denver	\$847,000	\$1,207,000	\$1,500,000
Colorado	\$450,000	\$600,000	\$600,000

Sage Grouse Funding, including Energy Team			
Location	FY 2013¹	FY 2014	FY 2015 PB
Montana	\$300,000	\$400,000	\$400,000
North Dakota	\$75,000	\$100,000	\$100,000
South Dakota	\$75,000	\$100,000	\$100,000
Utah	\$300,000	\$400,000	\$400,000
Wyoming	\$600,000	\$800,000	\$800,000
Region 1 Regional Office - Oregon	\$412,000	\$619,000	\$1,000,000
Idaho	\$225,000	\$380,000	\$600,000
Oregon	\$225,000	\$380,000	\$600,000
Washington	\$150,000	\$253,000	\$400,000
Region 8 Regional Office - Sacramento	\$150,000	\$150,000	\$150,000
Nevada	\$562,000	\$982,000	\$1,000,000
HQ	\$0	\$0	\$300,000
Total	\$4,371,000	\$6,371,000	\$7,950,000
¹ Includes Ecological Services resources and scientific support for the status review.			

Q: Per the above FY15 budget information, FWS recently requested new employees for sage-grouse. How many employees will be on the ground and where will these positions be located?

A: At present, we have added 3 scientific experts (Oregon, Wyoming, Colorado); 9 biologists and support staff specifically devoted to the status review (Colorado, Oregon, Nevada, and Wyoming); 12 staff to assist with on-the-ground conservation (Washington, Colorado, Oregon, Nevada, Wyoming, Idaho, Montana and Utah); and, 3 communications professionals (Colorado, Oregon, Nevada). The Service is supporting a cost-share position in Oregon to collaborate with partners to increase private lands conservation.

Role	Region	Location
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Additional Scientific Expertise:		
Expert - WY	6	Denver Regional Office (Telework)
Expert - OR	1	Portland Regional Office
Expert- CO	6	Denver Regional Office
Status Review and Process Support:		
Administrative Support - CO	6	Denver Regional Office
FTE Biologist - CO	6	Denver Regional Office
FTE Biologist - CO	6	Denver Regional Office (Telework)
FTE Biologist - OR	1	Portland Regional Office
Administrative Support Records - CO	6	Denver Regional Office
Administrative Support Records - OR	1	Portland Regional Office
Administrative Support Records - NV	8	Reno Field Office
Biologist - WY	6	Wyoming Field Office
Biologist - NV	8	Reno Field Office
Collaboration and On-the-Ground Support:		
FTE for Greater Sage-Grouse - WA	1	Wenatchee, WA
FTE for Greater Sage-Grouse - CO	6	Grand Junction Sub-Office
FTE for Greater Sage-Grouse - NV	8	Reno Field Office
FTE for Greater Sage-Grouse - NV	8	Reno Field Office
FTE for Greater Sage-Grouse - WY	6	Wyoming Field Office
FTE for Greater Sage-Grouse - MT	6	Montana Field Office
FTE for Greater Sage-Grouse - OR	1	Oregon Field Office
FTE for Greater Sage-Grouse - UT	6	Utah Field Office

FTE for Greater Sage-Grouse - OR	1	LaGrande, OR
FTE for Greater Sage-Grouse - ID	1	Boise Field Office
FTE for Greater Sage-Grouse - ID	1	Boise Field Office
FTE for Sage-Grouse - CO	6	Grand Junction Sub-Office
Cost-shared position with local partners	1	Oregon Field Office
Communications:		
Communication - CO	6	Denver Regional Office
Communication - NV	8	Reno Field Office
Communication - OR	1	Portland Regional Office

FWS GRS Hill Briefing, 12/04/14, .ppt presenter notes

Slide 2: Objective

As part of our objective, we are working to execute a thorough, transparent, and **defensible** process to determine whether listing under the ESA is warranted.

Slide 3: Background

Social/economic/ecological significance: sage-grouse are an iconic species of the American West, with deep cultural meaning for Native Americans and for all Westerners. Sage-grouse are an “umbrella” species: conserving sage-grouse and its habitat benefits many of the nearly 350 other wildlife species – including big-game species that are important economic drivers for Western states - that share the sage-steppe landscape.

The lack of regulatory mechanisms we identified in our 2010 finding is particularly important for the nearly 2/3 (~63%) of the species’ range that is on the federal estate, which is why we are strongly encouraging BLM and Forest Service to put in place real and lasting conservation measures through the RMP revision/amendment process.

Slide 4: West-wide campaign

Partnerships w/ranchers, industry (“coalition of the willing”)

Slide 5: Status Review

- 1. New scientific information:** e.g., new peer reviewed literature (such as genetics, climate change, fire and invasives, population dynamics, anthropogenic disturbance)
- 2. Change in species status and trend:** e.g., population trends (locally and rangewide)
- 3. What threats are operating on the species?** 2013 COT Final Report, which FWS developed in concert with states, reaffirmed threats to the species and where those threats are present on the landscape (and provided a non-prescriptive approach to threat amelioration).
- 4. Impact of conservation efforts:** e.g., active habitat restoration /improvement; protection of habitat

Slide 6: Status Review, cont.

5. What conservation efforts will continue into the future; and, what is the certainty the efforts will be implemented and effective?

- What are the efforts? What threats/risks are these efforts ameliorating? Do they occur in conjunction with birds; and, threats/risks?
- Certainty of Implementation
- Certainty of Effectiveness

6. Does that change the future for sage-grouse? We will evaluate the overall future for the sage-grouse by considering:

- Projected future trends
- Projected future threats
- Projected future conservation

7. Does the species meet the definition of not warranted, or threatened, or endangered?

- The status review will conclude with a finding of either (1) listing is not warranted or (2) the species should be proposed for listing as either threatened or endangered, with the attendant public notice and comment associated with our rulemaking process.

Slide 6, cont.

- This determination will be based on the best available scientific and commercial data regarding: population trends, threats, and conservation efforts.

Slide 8: Summary

Our two takeaway messages are: (1) Our objective is to conserve the bird, not list it; and (2) Achieving our objective requires our partners to take strong actions that are certain to continue. That is why we place a primacy on regulatory, versus voluntary actions: while we applaud and support voluntary conservation measures, there is no guarantee such measures will continue into the future, whereas regulatory measures do offer such certainty.

And, while achieving certainty may entail tough choices, we should not view certainty and economic development as an “either - or” equation. For example, in Montana, approximately 80% of high and medium potential oil and gas development on federal lands is outside of priority habitat (PHMA), creating the opportunity for federal land managers to avoid or minimize disturbance to priority habitat without significantly restricting oil and gas production in that state.

Slide 8, cont.

In closing, much has been accomplished to date, and we have hope we can achieve our collective goal. However, we don't have much time to achieve that goal, and we need Congress' support as the constellation of partners involved in sage-grouse conservation do the heavy lifting to secure conservation now and for the future.



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 02 2014

**COPY FOR YOUR
INFORMATION**

The Honorable Doc Hastings
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of October 16, 2014, cosigned with several of your colleagues, regarding a recent workshop that the U.S. Fish and Wildlife Service (Service) held to explore genetic issues related to conservation of the greater sage-grouse.

The Service is committed to make a finding on whether an Endangered Species Act listing of the greater sage-grouse is warranted by September 30, 2015. The expert elicitation workshop that you referenced is one small component of a comprehensive process the Service is undertaking to ensure that it possesses and understands the best scientific and commercial data available to inform that decision.

During the genetics workshop, the Service asked scientific experts to help ensure that the Service is aware of and understands relevant and recently completed or upcoming genetic studies. The Service also asked these experts to provide background on the latest laboratory and statistical techniques used by conservation geneticists to answer questions regarding barriers to gene flow, isolation, and divergence of populations. The Service consulted with the chair of the Western Association of Fish and Wildlife Agencies' Sage-Grouse Executive Committee in developing the list of invited experts. They took meeting minutes and will prepare a post-workshop executive summary as the official record of the meeting.

The Service has been actively soliciting information relevant to a listing determination since they made the 2010 petition finding that a listing proposal was warranted. At that time, and in every subsequent year through the annual Candidate Notice of Review, the Service requested that the public provide any information relevant to a listing determination. In addition, in August of this year the Service solicited all interested parties to submit information relevant to greater sage-grouse status, population trends, threats, and conservation efforts. The Service anticipates that they will benefit from an upcoming analysis by the Western Association of Fish and Wildlife Agencies that will update the 2008 report on the range-wide population status and trend of the species.

The Service is preparing to brief interested Members of Congress and staff in early December on the process they will employ this coming year to gather, analyze, and evaluate information for determining whether to propose listing of the greater sage-grouse. They will be prepared at that time to discuss the genetics workshop and the other elements of the assessment process that we will employ this year.

Thank you for your interest in the Service's review of the status of the greater sage-grouse. Please feel free to contact the Service's Director, Mr. Dan Ashe at (202) 208-4545 if you should have any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Sally Jewell". The signature is written in a cursive, flowing style.

Sally Jewell

Questions for
Mr. Michael Bean
Counselor, Fish and Wildlife and Parks
U.S. Department of the Interior

Representative Jason Chaffetz
Subcommittee on Energy Policy, Health Care and Entitlements
Committee on Oversight and Government Reform

Hearing: "Examining the Endangered Species Act"

1. It is widely documented that taxpayer funded studies and data are used by the Fish and Wildlife Service (FWS) when making its endangered species determinations. Current FWS practices preclude the sharing of studies and data related to ESA listings, even though public funding was used. Please describe the internal policy, guidance, regulations, and/or statute that allow FWS to keep publicly funded data from the public.

Response: The Administration is committed to decision-making that is transparent and supported by public participation and collaboration. In line with this commitment and because high-quality science and scholarly integrity are crucial to advancing the Department's mission, the Department carefully documents and fully explains its decisions related to the listing of species under the Endangered Species Act, and provides public access to that the supporting information and data through established Department and Bureau procedures. By creating the Scientific and Scholarly Integrity Policy in January 2011, the Department of the Interior was the first federal agency to respond to the Presidential Memorandum on Scientific Integrity and the guidance provided by the Office of Science and Technology Policy Memorandum on Scientific Integrity.

While certain information and data may occasionally be withheld from disclosure under the terms of the Freedom of Information Act (e.g., confidential commercial information obtained from a person), current FWS policies and practices do not keep publicly funded data from the public. Under Federal Acquisition Regulations, the government's access and distribution rights extend only to data "first produced in the performance of" a contract. The FWS routinely provides data that it produces or obtains with respect to endangered species determinations upon request. It also posts on regulations.gov a list of the publications, reports, and studies on which it relied in making its listing determinations. Often, however, the Service contracts for studies to analyze data that were first produced

by States, universities, or other non-federal entities. Such was the case with study by Garton et al. that was discussed at the hearing which was undertaken by researchers affiliated with the Idaho, Oregon and Washington State wildlife agencies. In these instances, FWS neither obtains, nor has any right to release, the underlying data. State law regarding release of wildlife data can be restrictive. For example, Texas Government Code Section 403.454 prohibits the disclosure to any person of information that “relates to the specific location, species identification, or quantity of any animal or plant life” for which a conservation plan is in place or even under consideration.

2. How does the FWS intend to define and establish a baseline habitat disturbance metric, that is based on the most recent and scientifically accurate data, within Greater Sage-Grouse habitat areas in Utah?

Response: The Fish and Wildlife Service bases all of its listing decisions on the best available scientific data and actively solicits data from stakeholders, including local and state governments. Habitat loss and fragmentation has been identified in the scientific literature as the primary cause of declining sage-grouse populations. These two items, along with the lack of sufficient regulatory mechanisms to address habitat loss and fragmentation, were the primary factors in the FWS’s 2010 warranted but precluded determination for the greater sage grouse. In March 2013 the FWS released the Conservation Objectives Team Report, developed by state and FWS employees, which identifies the degree to which threats that resulted in the 2010 warranted determination need to be reduced or ameliorated to conserve sage-grouse so that the species is no longer in danger of extinction or likely to become in danger of extinction in the foreseeable future. For each individual state within the range of sage-grouse, the report identified Priority Areas of Conservation (PACs), which are key habitats necessary for sage-grouse conservation. Recommendations in the report are focused on conserving these areas of highest conservation value to the species. The extent to which disturbance within these areas can be avoided or minimized will determine the extent to which this threat to the species is reduced, a fact that will be fully considered in our 2015 listing determination.

Disturbance caps are being considered as a key method to address continuing habitat loss and fragmentation, the primary cause of sage-grouse population declines and the key factors contributing to the 2010 warranted but precluded finding. The FWS has not set such caps but is instead working closely with the

species experts (including state biologists) and the primary species habitat managers (The Bureau of Land Management and the Forest Service) to address this issue. However the FWS continues to support avoidance and minimization of all impacts to Priority Areas of Conservation, as identified by the Conservation Objectives Team report, as critical to species conservation.

3. How does the FWS plan to partner with and utilize state wildlife agency expertise and data pursuant to Congressional intent outlined in the Fiscal Year 2014 Omnibus Appropriation law?

Response: The U.S. Fish and Wildlife Service, recognizing that collaborative efforts are critical to species recovery, maintains strong partnerships with a wide variety of stakeholders including Federal, State and local agencies, tribes, conservation organizations, industry, private landowners and other concerned citizens. In each listing determination, the Service requests information from the states and when species are identified as candidates to be listed under the Endangered Species Act, the Service works very closely with States, as well as Tribes, private landowners, partners, and other Federal agencies to carry out conservation actions for these species to prevent further decline. For example, the Fish and Wildlife Service's sage grouse "conservation objectives team" relied largely upon state data in identifying "primary areas for conservation." In this and other examples, the Department and its various agencies recognize and utilize the wildlife data that the states maintain.

Partnerships with States are critical to the Service's efforts to conserve listed species. Section 6 of the ESA encourages States to develop and maintain conservation programs for threatened and endangered species. Federal funding is available to promote State participation.

Finally, recognizing the value of working closely with States, the Service and States formed the Joint Federal/State Task Force on Endangered Species Act Policy (ESA JTF) in 2010. It was designed to be an executive-level opportunity for discussion among the state and federal fish and wildlife agencies. It is made up of eight state fish and wildlife agency directors and four representatives from each of the Services, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. It was created to provide a process to work together to identify, address, and make recommendations on policy affecting fish and wildlife resources.

In addition, late last year Interior Secretary Sally Jewell took part in announcing the Western Governors Association's regional Crucial Habitat Assessment Tool, or CHAT. Like the several individual state CHATs that preceded it, this CHAT uses state wildlife data to identify crucial habitats and important wildlife corridors so that developers and land use decision-makers can site new projects where they are unlikely to entail significant resource conflicts. Interior Department agencies, including not only the Service, but also the Bureau of Land Management and U.S. Geological Survey, provided both financial and technical support for the development of these CHATs and expect to use them in future decision-making.

4. Please describe the internal policy, guidance, regulations, and/or statute that allow FWS to disregard wildlife populations found on non-federal land?

Response: FWS does not disregard wildlife populations found on non-federal land. The 2012 revised recovery plan for the Utah prairie dog states that "we emphasize conserving extant colonies, many of which occur on non-Federal lands [and] establishing additional colonies on Federal and non-Federal lands." The recovery objectives set forth in that plan make no distinction between prairie dogs on federal and non-federal lands. Moreover, FWS has underscored the importance of Utah prairie dogs on non-federal lands by entering into Safe Harbor Agreements and Habitat Conservation Plans for such lands as well as working with the School and Institutional Trusts Lands Administration to establish a Utah prairie dog conservation bank on State lands.

5. Please provide me with any and all data – including but not limited to raw data such as statistics or figures, scientific literature, studies, tests, or any other type of information – used by FWS in making its endangered species determinations for the Greater Sage Grouse, Gunnison Sage Grouse and prairie dog.

Response: Attached, please find a list of the scientific literature used by the FWS in making its endangered species determinations for the Greater Sage Grouse, Gunnison Sage Grouse, and the Utah prairie dog. Since the complete scientific record for each of these species is quite voluminous, the Department will be happy to work with the Committee to identify specific documents that will assist the Committee in its oversight of the Endangered Species Act.