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Subject: GrSG: please read: further DoD-GrSG information
Date: Wednesday, April 29, 2015 9:52:29 AM
Attachments: [AirForce_sage-grouse.pdf](#)
[Army_sage-grouse.pdf](#)
[Navy_sage-grouse.pdf](#)
Importance: High

Morning, Folks.

We continue to support HQ and DOI leadership as they engage Congress, the media and other publics to advocate FWS' position on the GrSG-DoD issues reflected in Mr. Bishop's NDAA rider.

Late yesterday, a reporter working on this issue shared the attached presentations with Theo. These presentations relate to the E&E story that ran this morning (below). **Our charge today is to quickly review the attached in the context of what you all have already kindly provided re: GrSG-DoD interface and indicate the following:**

- Do you see any major discrepancies in these presentations between what you understand to be the situation on the ground and what these presentations reflect?
- Did your local DoD POCs – including the folks you reached out to yesterday – have any awareness of or involvement with the development of these presentations?
- Are there any additional important points you want to make about these presentations as they relate to your GrSG work with local DoD?

We'll take any input on the above by 1200 MDT today and then share same with HQ and DOI.

Please holler with questions and/or feedback on any of the above.

Thanks in advance.

Matt

ENDANGERED SPECIES:

Would grouse protections hurt national defense? Republicans think so

Phil Taylor, E&E reporter

Published: Wednesday, April 29, 2015

The House Armed Services Committee **will vote today** on a defense authorization bill with contentious Republican language to postpone Endangered Species Act protections for the greater sage grouse, sparking debate over whether wildlife protections are a threat to military readiness.

Language from Rep. Rob Bishop (R-Utah) in the [National Defense Authorization Act](#) would block a Fish and Wildlife Service decision on whether the sage grouse needs federal protection in any states that have their own plans in place to protect the bird's sagebrush habitat.

It would also **stymie a broad effort by the Bureau of Land Management and**

Forest Service to bolster sage grouse protections across tens of millions of acres of Western rangelands. The land-use plans aim to convince FWS that the ground-dwelling bird -- whose population of breeding males has dropped by more than half over the past several years -- needs no additional protections.

Bishop said his grouse rider would block Obama administration restrictions that are undermining national security.

"Almost unbelievably, sage grouse restrictions, based on dubious or outdated science, are currently costing the Department of Defense millions of dollars and impacting critical training and support activities at numerous installations across the country," Bishop said in a statement yesterday. "If the Obama administration lists the bird under ESA, the needs of our military will be subordinate to an extreme environmental agenda. Our military personnel, who we ask so much of, deserve better."

That view was echoed Monday in an [op-ed](#) in *Roll Call* by three former servicemen who warned that a federal listing for sage grouse would "significantly impair the readiness and effectiveness of a number of military installations, and the military units assigned to these sorts of camps and bases."

Wildlife advocates are challenging those claims.

Dozens of environmental groups yesterday sent a [letter](#) to House members warning that Bishop's grouse rider is "one of the most egregious political attacks on the ESA in this Congress" and would do nothing to enhance military readiness. They're backing an amendment by Rep. Niki Tsongas (D-Mass.) to strike Bishop's language from the bill.

"The Department of Defense did not request this provision, nor will it benefit from it," says the letter, signed by Defenders of Wildlife, the Environmental Defense Fund, the Wilderness Society, the Natural Resources Defense Council and other groups. "It inappropriately rescinds federal authority on public lands, could wipe out populations of greater sage-grouse across much of the West, and could further jeopardize the existence of the species."

The groups claim there's little overlap between the sage grouse's best habitat and military reservations. They also note that the Interior secretary has authority to exempt DOD lands from potential critical habitat designations in areas where the military has prepared an integrated natural resources management plan. All military installations where sage grouse are found have prepared such a plan, the groups say. It's no secret that listing sage grouse would impose restrictions on the military -- as it would on a host of other land users including ranchers, miners, oil and gas developers and cities.

A listing would generally ban people from killing or disrupting sage grouse across its 165 million acres of habitat in 11 Western states.

If Fish and Wildlife decided to designate critical habitat, it would force agencies including DOD to consult with federal biologists before funding or approving activities that could harm those lands.

Military and ESA -- it's complicated

Past listing decisions have encroached on military exercises.

In 1990, Fish and Wildlife found that activities at Fort Bragg, N.C., were jeopardizing the federally protected red-cockaded woodpecker, which temporarily restricted training activities at the base. By 2009, more than 3,100 acres of previously restricted training ground became available thanks to the fort's recovery, monitoring

and management plan for the bird, the Army [reported](#).

At California's Fort Irwin, entire convoys of soldiers roll to a stop to allow the federally protected desert tortoise to cross a road, according to a DOD spokesman. The fort has had to move hundreds of tortoises out of the way of its maneuvers. Fish and Wildlife is required by court order to decide by Sept. 30 whether sage grouse need federal protections. But a final listing triggering restrictions could not happen until late 2016 at the earliest.

Whether those protections would harm military readiness depends on whom you ask.

Interior spokeswoman Jessica Kershaw said the Defense Department has not shared any concerns with Interior over a potential sage grouse listing.

"The U.S. Fish and Wildlife Service is already working closely with the Department of Defense to conserve the greater sage grouse," Kershaw said. "Fish and Wildlife Service has an exceptional record of cooperation with the Department of Defense implementing the Endangered Species Act on military lands while continuing to meet the needs of military operations."

The 1973 species law allows the secretary of Defense to obtain an exemption from restrictions to protect national security, Kershaw said.

If DOD is concerned about potential greater sage grouse protections, it's not willing to say so publicly.

Mark Wright, a DOD spokesman, yesterday said ESA listings "certainly can impact and have impacted our operations in the past," but he **declined to address FWS's Sept. 30 sage grouse decision**.

However, internal DOD reports suggest a listing could impose operational restrictions at Navy, Army and Air Force installations in Nevada, California, Washington state, Wyoming, Utah and Idaho.

An April 13 [briefing paper](#) from the Army warned that listing the greater sage grouse would restrict the availability of training grounds; decrease the size, number and types of training events; limit the use of firing points and ranges; and impose new restrictions on future development and construction.

Affected sites would include the Yakima Training Center in Washington state, the Wyoming National Guard, and the Dugway Proving Ground and Tooele Army Depot in Utah, the briefing said.

A March 26 [report](#) from the Navy warned that a grouse listing could require costly and time-consuming consultations with FWS and trigger "potential seasonal and spatial limitations for maneuver on and over areas used by the greater sage grouse and/or designated as critical habitat for the species." Affected installations would include Naval Air Station Fallon in Nevada and the Marine Corps' Mountain Warfare Training Center in California, the document said.

An undated [report](#) from Air Force headquarters noted that the service is currently spending \$200,000 annually to protect sage grouse habitat by reducing wildfires and addressing invasive weeds. A listing could reduce "operational flexibility" and cost an additional \$500,000 annually, it said.

"This story is repeated at other military installations," says the *Roll Call* op-ed, written by Joseph Schmitzm, a former DOD inspector general and retired Naval Reserve captain; Lt. Gen. Marc Rogers, a former inspector general of the Air Force; and Lt. Gen. William Boykin, a former deputy undersecretary of Defense. Boykin,

who served during the George W. Bush administration, is now executive vice president of the Family Research Council, a conservative Christian group.

"Due to the ESA's inflexible nature, conflicts at these military installations are likely if the grouse is regulated under the ESA," they wrote. "Even if the bird is not added to the ESA list, enormous economic effects seem unavoidable if it's managed under the increasingly draconian rules FWS wants on national forests and Bureau of Land Management lands."

Veto threat for Senate bill

Bishop is not the first to propose delaying federal protections for sage grouse. Colorado Sen. Cory Gardner (R) last week filed separate legislation that would allow states at least six years to develop their own conservation plans for the greater and Gunnison species of sage grouse before either bird could be listed for protection under ESA, among other provisions ([Greenwire](#), April 22).

A bill such as Gardner's would presumably be vetoed by President Obama if it were passed by itself. But tucking a similar provision into the defense bill -- which has passed annually for more than the past half-century and provides funding authorization for the military -- would change the political calculus for the president. Obama administration officials are publicly opposing the move.

"Rather than helping communities, legislation that delays conservation actions or a determination from the U.S. Fish and Wildlife Service only creates uncertainty and undermines the immense progress already underway," Interior's Kershaw said.

Conservation agreements among landowners and federal agencies along the Nevada-California line earlier this month allowed Fish and Wildlife to withdraw its proposed threatened listing for the bi-state sage grouse, a similar but genetically distinct population of the greater sage grouse.

ESA defenders say court-ordered listing deadlines for both birds are key catalysts for jump-starting habitat protections.

"The time to address the threats to sagebrush habitat is now -- not five or 10 years from now, when the West is more fragmented, wildfires are more intense, or invasive species have gained more ground," Kershaw said.

"We will continue our work with the states, ranchers, sportsmen, industry, and other stakeholders who are putting effective conservation measures in place with the shared goal of reaching a 'not warranted' determination at the end of the fiscal year," she said.

<http://www.eenews.net/eedaily/stories/1060017632>

From: Stein, Theodore [mailto:theodore.stein@fws.gov]

Sent: Tuesday, April 28, 2015 5:24 PM

To: Noreen Walsh; Michael Thabault; Matt Kales; Matt Hogan

Cc: Marla Trollan; John Bryan

Subject: Re: U.S. Department of the Interior News Briefing for Tuesday, April 28, 2015

Noreen, Mike, Matt:

Here are 3 DOD presentations that Phil Taylor/E&E shared with me.
I've been away from workspace for a while - I just got a look at these.
Each goes into specific facilities and specific impacts.

Of the 3, Army's is most pessimistic, as it assumes an endangered listing.
Army presentation has a 4/13 date; Navy's is 26 March.

This is what other reporters, I'm sure, are getting.
Phil would like to talk about these probably today

DOI had asked we keep our discussion w reporters re: our work w facilities "at a high level"

In several places, these reports reference "impacts" at facilities where our staff heard today
that there was no significant operational concern.

Your guidance on how to proceed pls.

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