

2016 NDAA Greater Sage-Grouse Rider

The Administration strongly opposes the amendment, which is unnecessary for military readiness, undermines science-based decision-making, and is ill-advised for purposes of public land management. Moreover, the amendment delays the opportunity for the U.S. Fish and Wildlife Service to reach a ‘not warranted’ determination on the greater sage-grouse, which is possible this fiscal year.

Unnecessary for Military Readiness:

- The U.S. 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.
- DOD does not anticipate any significant adverse impacts to its mission from the pending listing decision, whatever its outcome.
- Existing law already allows the Secretary of DOD to obtain an exemption of any action from the requirements of the ESA for reasons of national security. In the 41-year history of the law, this exemption has never been used.

Undermines Science-Based Decision-Making:

- The mandated delay in the amendment and revision of federal land use plans effectively suspends for a decade the unprecedented and ongoing planning processes and conservation efforts that have been developed with extensive public input over the past several years.
- The amendment divests stewardship of federal land from the federal government (BLM and USFS) and requires federal agencies to manage their lands consistent with state-approved management plans that the agencies would have no authority to review, modify or reject. The state plans would not be required to meet any defined legal, scientific or other standards.
- The amendment runs counter to the fundamental principle that science should govern determinations under our nation’s environmental laws by legislating the conservation status of a species under the ESA without regard to science.

Undercuts Effective Public Lands Management and Policy:

- The amendment upends long-established public land management policies, and effectively repeals major federal land management statutes, including the Federal Land Policy and Management Act and the National Forest Management Act through the wholesale subordination of federal land management authority to undefined state land use plans.
- The amendment raises Constitutional concerns by purporting to prevent judicial review of the amendment and determinations made pursuant to it.

Delays Success:

- By preventing the FWS from determining whether the sage-grouse warrants protection under the ESA until 2025, the amendment precludes any opportunity for reaching a ‘not warranted’ determination by September of this year. Such a determination would provide certainty to public land users across the West.
- Delay is a false solution. The time to address the threats to sagebrush habitat is now - not in 5 or 10 years, when the West is more fragmented, wildfires are more intense, or invasive species have gained more ground.
- There’s a clear path forward. For example, in April, the U.S. Fish and Wildlife Service determined that the Bi-State population of sage-grouse does not require the protection of the ESA. Secretary Jewell has stated that she is optimistic that we can achieve the same ‘not warranted’ outcome for the greater sage-grouse this fiscal year if states, localities and federal land managers continue to work together with urgency to put durable conservation measures in place. It’s clear that we can conserve sagebrush habitat across the West while encouraging sustainable economic development.

Military Readiness

Department of Defense spokesman Mark Wright – April 30, 2015:

"Several DoD installations host resident populations of the greater sage-grouse. We have known for some time that the grouse population has been in decline as the bird's preferred sagebrush habitat is fragmented and lost. In view of the bird's precarious status, we have, in coordination with the Fish & Wildlife Service and appropriate State fish and wildlife agencies, taken steps to revise our installation Integrated Natural Resources Management Plans to address the sage-grouse's needs. While some of the management actions we have instituted have necessitated changes in when and how we use certain areas of our installations (especially during breeding season), none have resulted in unacceptable limits on our military readiness activities. Because we have already undertaken these actions voluntarily, and expect to need to manage for the sage-grouse indefinitely, we do not believe the listing decision--regardless of the outcome--will affect our mission activities to any great degree."

Since the implementation of the Endangered Species Act in 1973, dozens of threatened or endangered species have successfully co-existed with military installations and facilities. The U.S. 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.

Existing law already allows the Secretary of Defense to obtain an exemption of any action from the requirements of the ESA for reasons of national security. In the 41-year history of the law, this exemption has never been used.

The Sikes Act has encouraged a dynamic partnership between DOD and FWS, recognizing the importance of military lands to natural resources. As a result, Integrated Natural Resources Management Plans (INRMPs) for military installations across the United States help ensure proper consideration of fish, wildlife and habitat needs.

There are multiple military installations/facilities with confirmed populations of greater sage-grouse. Each installation has voluntarily undertaken conservation actions to benefit the sage-grouse and sagebrush habitat. The DOD does not anticipate any significant adverse impacts to its mission from the pending listing decision, whatever its outcome.

- All of these installations have worked with the FWS to put in place an approved INRMP that provides a benefit to the sage-grouse.
- None have resulted in unacceptable limits on military readiness activities. Leadership at several installations confirmed to FWS that there have been no material impacts to ongoing operations from sage-grouse conservation measures.
- In the event the greater sage-grouse is listed, the FWS would consider the INRMPs and voluntary pre-listing mitigation actions when reviewing critical habitat exclusions. Where necessary, the DOD and FWS would engage in consultation to ensure military mission obligations are fulfilled, while still meeting ESA responsibilities.

By the Base/Installation

State	Base/Installation	INRMP	Notes
CA	Marine Corps Mountain Warfare Training Center	Yes	<ul style="list-style-type: none"> • Uses USFS-managed w/ confirmed population of GSG • Maintains exclusion areas for GSG
ID	Mountain Home AFB	Yes	<ul style="list-style-type: none"> • Uses USFS-managed lands w/ population of GSG • Base activities are aviation-related, not ground-based so impacts are limited • INRMP addresses GSG conservation needs
ID	Idaho National Lab (DOE facility used by Navy)	Yes	<ul style="list-style-type: none"> • Contains primary GSG habitat • Has Candidate Conservation Agreement to conserve leks • Designated conservation areas
MT	Malstrom AFB	Yes	<ul style="list-style-type: none"> • No GSG on or around Malmstrom AFB proper, however a portion of missile field may have GSG habitat in the vicinity • FWS is working with DOD to inventory sites and provide recommendation to minimize potential impacts
NV	Naval Air Station Fallon	Yes	<ul style="list-style-type: none"> • Few to no GSG occur on lands.
NV	Hawthorne Army Depot	Yes	<ul style="list-style-type: none"> • No priority GSG habitat • Improving habitat and reducing hunting/poaching of GSG on the installation
NV	Wendover Air Force Auxiliary Air Field (includes lands in Utah)	Yes	<ul style="list-style-type: none"> • No priority GSG habitat
NV	Nellis AFB	Yes	<ul style="list-style-type: none"> • No GSG on the facility
UT	Dugway Proving Ground	Yes	<ul style="list-style-type: none"> • FWS working with DOD to mitigate concerns regarding GSG impacts on military activities
UT	Tooele Army Depot	Yes	<ul style="list-style-type: none"> • No sightings of nestings of GSG on

			installations
WA	Joint Base Lewis-McChord Yakima Training Center	Yes	<ul style="list-style-type: none"> • Manages habitat that supports one of two GSG populations in WA • YTC is working to improve habitat connectivity between populations • Operations have been modified through timing and area restrictions • YTC has successfully increased their GSG population in recent years, while meeting additional training needs
WY	Camp Guernsey	Yes	<ul style="list-style-type: none"> • Located at eastern edge of GSG range; few to no birds are in the vicinity
WY	Sheridan Local Training Area; Lander Local Training Area	Yes	<ul style="list-style-type: none"> • No birds observed on either site for over a decade; not in GSG core area as defined by WY • Minimal impacts expected if GSG is listed, based on current training requirements and conditions at LTA