

What the Sage-Grouse Rider Means

The FY 2015 Omnibus Appropriations Bill contained a rider that includes specific provisions for greater sage-grouse. We know that this development – and statements in the media – have created significant uncertainty within our team and among our partners across the range about what the rider means and what the future holds. So we want to take the opportunity to clarify where we stand, where we're headed and how we're going to get there.

The key point is that the Omnibus is very targeted. We intend to move full speed ahead in every aspect of greater sage-grouse conservation activities where we are still allowed to. It is critically important that we maintain the momentum that has developed over the past few years as a result of our status review process and deadlines.

- The Omnibus limits the Services' ability to publish rules regarding sage-grouse, as further detailed below, until the Fiscal Year 2015 appropriations law restrictions are lifted.
- The Omnibus does not affect our ability to develop, implement, and analyze conservation efforts to support the species. In fact, it continues funding for Interior and USDA to conserve sagebrush habitat and to advance the unprecedented collaboration happening across 11 Western states.
- It does not relieve BLM or the states from their obligation to finalize management plans that address threats to greater sage-grouse across the range.
- It does not relieve us of our obligation to determine by Sept. 30, 2015 whether ESA protection is still warranted. We will continue to collect data and conduct analysis, and reach a decision as to whether listing is warranted or not.

That means we must stay on track and:

- **Continue to assist the BLM, USFS and states in finalizing land use plans that are protective of sage-grouse and sage-grouse habitat.**
- **Continue to work with BLM, NRCS and our other partners to develop and finalize CCA/As and other conservation efforts that provide tangible and durable on-the-ground benefits to sage-grouse and its sagebrush habitat.**
- **Continue with the status review process – which means we are transitioning from data collection to data analysis to determine by Sept. 30 if “warranted” is still the appropriate designation for the species.**

The sage-grouse campaign truly does represent a remarkable and historic moment in the history of the ESA- and the North American model of wildlife management. Success will hinge on the work of many, many people, most of all you. If we don't get it right now, we'll surely be back in sagebrush country soon, wrestling with petitions for other species, like pygmy rabbits and Brewer's sparrows. If we do get it right now, we will send a loud and clear message that conservation is a shared responsibility that provides shared benefits for people and wildlife.

Here's some additional information:

Text of Rider:

SAGE GROUSE

SEC. 122. None of the funds made available by this or any other Act may be used by the Secretary of the Interior **to write or issue pursuant to section 4** of the Endangered Species Act of 1973 (16 U.S.C. 1533)-

- (1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);
- (2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse;
- (3) a final rule for the bi-state distinct population segment of greater sage-grouse; or
- (4) a final rule for Gunnison sage-grouse (*Centrocercus minimus*).

Duration

- We will not be able to proceed in these areas until the FY 2015 appropriations law restrictions are lifted.
- Any FY15 carryover funds will carry the existing restriction.
- Riders are often incorporated into future spending bills.

Greater Sage-Grouse (incl. Columbia Basin DPS)

The Service cannot propose a threatened or endangered designation.

The Service could:

- Write and issue a not-warranted finding (if supported by the record)
- Issue a warranted but precluded finding (state that Section 122 prohibits FWS from writing or issuing a proposed rule promptly as required by Sec. 4.)
- Complete the analysis required for the above determination rule - but not write it until the Fiscal Year 2015 appropriations law restrictions are lifted.
- Write and issue an emergency listing rule for a period of 240 days under the authority of section 4(b)(7). [There is no judicial precedent on whether a new emergency listing can follow the initial one.] However, we could not write or issue a proposed rule to accompany an emergency listing until the Fiscal Year 2015 appropriations law restrictions are lifted.
- Complete analysis required for a proposed 4(d) rule – but not write it until the Fiscal Year 2015 appropriations law restrictions are lifted.

Bi-State Population

The Service cannot write or issue a final rule [or finalize the 4(d) rule] for the Bi-State DPS

The Service could:

- Write and issue a not-warranted finding (if supported by the record)
- Issue a warranted but precluded finding (state that Section 122 prohibits FWS from writing or issuing a proposed rule promptly as required by Sec. 4.)
- Complete the analysis required for a final listing rule, but not write it until the Fiscal Year 2015 appropriations law restrictions are lifted.
- Complete analysis of final 4(d) rule (if warranted) but not write it until restrictions are lifted.

Gunnison Sage-Grouse

The prohibition on writing final rules is moot. Final rule and CH issued 11/12, effective 12/22.

The Service cannot finalize a 4(d) rule until the Fiscal Year 2015 appropriations law restrictions are lifted

The Service could:

- Write and issue a proposed 4(d) rule but not finalize it until the Fiscal Year 2015 appropriations law restrictions are lifted.
- Do the analysis required for a final 4(d) rule (without writing a final 4(d) rule)