

Special Report to the Western Governors



Inventory of State and Local Governments' Conservation Initiatives for Sage-Grouse

2013 UPDATE
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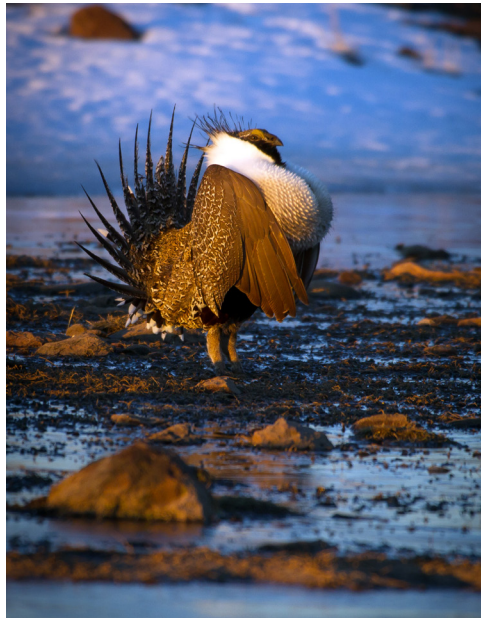
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Photo: Scott Root,
Utah Division of
Wildlife Resources

About This Inventory

The greater sage-grouse needs large expanses of land for the stages of its lifecycle. Sagebrush, key habitat for the species, is found throughout 11 of the Western Governors' Association (WGA) member states. But today, evidence shows greater sage-grouse now occupy just 56% of their historic range.

In 2010 the U.S. Fish and Wildlife Service (FWS) listed the greater sage-grouse as "warranted but precluded" under the Endangered Species Act, meaning that the species deserves federal protections but that FWS does not have the resources to support those measures.



Lynn Chamberlain, Utah Division of Wildlife Resources

Western Governors and former Interior Secretary Ken Salazar formed the State-Federal Sage-Grouse Task Force (SGTF) in 2012 to implement high priority conservation actions and integrate ongoing efforts necessary to preclude the need for fully listing the sage-grouse. If fully listed, the economic impacts to states with sage-grouse habitat could be significant.

Since then Western states, through the WGA and Western Association of Fish and Wildlife Agencies (WAFWA), have worked collaboratively to address challenges facing sage-grouse and their habitat. With the passage of WGA Policy Resolution 11-09 (*Sage-Grouse and Sagebrush Conservation*), Western Governors demonstrated support for all reasonable management efforts necessary to avoid a threatened or endangered listing of the species.

At the Governors' request – and as a resource for FWS and the public – WGA and WAFWA created the first annual inventory in 2011 to illustrate how states and counties were taking proactive, voluntary steps to preclude the need to put the greater sage-grouse and Gunnison sage-grouse on the federal endangered species list.

Since that initial report, a second WGA inventory of sage-grouse conservation initiatives was released for 2012. This third WGA report highlights new sage-grouse conservation activities in 2013, along with an appendix that contains all initiatives reported by the relevant states and counties between 2011 and 2013.

2013 a busy year for Sage-Grouse Task Force

Representatives appointed by Governors from the 11 states with sage-grouse populations participated in four State-Federal Sage-Grouse Task Force (SGTF) meetings in 2013 with federal representatives from the U.S. Fish and Wildlife Service (FWS), U.S. Department of the Interior (DOI), Bureau of Land Management (BLM), U.S. Forest Service (USFS), Natural Resources Conservation Service (NRCS), and U.S. Geological Survey (USGS).

During the meetings members shared individual state and agency progress reports. Members also engaged in discussions to define the metrics that would demonstrate successful conservation of the species for FWS decision-making purposes.

The task force weighed options for addressing threats to sage-grouse, such as invasive species and wildfire. The task force, for example, commissioned a Near-Term Fire Conservation Action Team comprised of sage-grouse and fire experts. The group issued a report to the SGTF on near-term conservation actions, identifying what policy makers can do to address the wildfire threat, while recognizing the operational realities of fire response.



Scott Root, Utah Division of Wildlife Resources

The Inventory

Western Governors' Association staff asked states and counties to update the 2012 inventory spreadsheet of state and local governments' conservation initiatives for sage-grouse. The resulting list of policies and conservation measures illustrate the methods used to conserve sage-grouse and sagebrush habitat, including: type of action taken, stage of implementation, description of the action, plus achieved and/or expected outcomes.

California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and **Wyoming** have reviewed and updated the inventory. Counties with inventory updates include, from Colorado: Delta, Dolores, Gunnison, Mesa, Montrose, Ouray, Saguache and San Miguel. Hot Springs County in Wyoming and San Juan County in Utah also participated. The updated data can be found in the appendix.

This inventory provides a catalog of management

approaches by state and local authorities to conserve sage-grouse and their habitat. State and local governments, and their partners, are strongly encouraged to review the elements included in this inventory and give strong consideration to the initiatives recorded here when evaluating their own sage-grouse conservation efforts.

The following is a look at conservation measures of note in the inventory.

Working Groups

All the states have Local Working Groups (LWGs) actively engaged in sage-grouse conservation activities. Many of the groups are instrumental in overseeing implementation of sage-grouse conservation plans. Several counties also are actively involved in LWGs, such as the Crawford Area Local Working Group and the Bi-State/ Tri-County Sage Grouse Working Group.

Conservation Plans

All states reported having greater sage-grouse conservation plans, most of which have been in existence for several years. Counties also are utilizing conservation plans for Gunnison sage-grouse, which establish goals and initiatives to ensure adequate work is being conducted to conserve the Gunnison sage-grouse and its habitat.

The office of **Idaho Gov. Butch Otter** developed and submitted a state plan of regulatory mechanism as an alternative in BLM's Environmental Impact Statement. On Nov. 1, 2013, the Idaho Governor's Alternative was named a co-preferred alternative in the BLM Idaho and Southwestern Montana Draft Land Use Plan Amendment and Environmental Impact Statement.

The state of **Nevada**, through the Governor-appointed Sagebrush Ecosystem Council, submitted a state alternative for inclusion in the Nevada and Northeast California Sub-Regional Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (EIS). The alternative focuses on addressing the primary habitat threats of fire and invasive species, and includes regulatory mechanisms to avoid, minimize and mitigate impacts while establishing a Conservation Credit System to protect and restore critical habitat. The Council provided clarifying comments to the BLM and USFS with the intent of the state alternative being selected as the preferred plan in the Final EIS. The elements of the state alternative serve as the foundation for Nevada's state plan for sage-grouse conservation efforts.

The **South Dakota** Department of Game, Fish and Parks began revising its sage-grouse conservation plan in the fall of 2012 with expected completion in the spring of 2014. The revised plan will identify additional conservation opportunities beyond what are identified in the current management plan. The plan will also include sage-grouse

core areas, which identify the most important sage-grouse landscapes in the state.

In February of 2013 **Utah** released its final conservation plan for sage-grouse. The plan is designed to protect high quality sage-grouse habitat, enhance impaired habitat, and restore converted habitat. It also aims to eliminate threats facing the sage-grouse while balancing the economic and social needs of Utah residents. The plan provides for an incentive-based program for private, local government and school trust lands and a cooperative regulatory program on other state- and federally-managed lands. The plan focuses on conservation within 11 specific Sage-Grouse Management Areas that represent more than 90 percent of the species in Utah. The Plan Implementation Council monitors activities related to the plan.

Eight **Wyoming** LWGs completed sage-grouse conservation plans in 2007-08 and since then have been implementing conservation efforts in the form of habitat treatments, applied research, public outreach and enhanced population monitoring. In response to the 2010 FWS listing decision, the Wyoming Sage-Grouse Executive Orders and other new information, the LWGs have revised and updated their plans. All eight of the final revised plans will be presented to the Wyoming Game and Fish Commission in March 2014.

Implementation of the **Washington** State Recovery Plan for the Greater Sage-Grouse began in 2004, guiding management and research activities in the state. Activities include translocations to re-establish or augment populations, population monitoring, support of federal farm programs in greater sage-grouse management zones, establishment and prioritization of management zones, research, and support of sage-grouse management activities for agency-specific and area-specific management plans.

Oregon's sage-grouse conservation plan documents the state's All-Lands/All-Threats approach to sage-grouse conservation. It is tied to the SageCon Partnership co-convened by the Governor's office, BLM and NRCS. The plan documents the efforts undertaken since 2010 to reduce threats to sage-grouse conservation in Oregon and the strategies and actions (programmatic, voluntary and regulatory) the state will take in addressing gaps tied to those threats.

North Dakota Game and Fish developed a Sage-Grouse Nesting Resource Selection Model that predicts high, medium and low nest use locations. The model will be

used to identify priority habitat and to prioritize areas for conservation efforts.

Initiatives

Nearly all states have initiatives to protect or enhance sage-grouse populations or sagebrush habitat. Several states have hired additional biologists to help landowners implement conservation practices such as habitat restoration, fencing removal and rangeland management.

In 2013 the states of **Colorado** and **Utah**, along with nine local governments, entered into a Conservation Agreement for cooperation, collaboration and partnership for fostering conservation efforts for the Gunnison sage-grouse. **Oregon** Department of State Lands (DSL) is working with the FWS to develop a Candidate Conservation Agreement with Assurances (CCAA) for State Common School Fund Rangelands to implement conservation measures on over 610,000 acres of sage-grouse habitat. **Wyoming** also has a CCAA for greater sage-grouse. In addition, the state mapped sagebrush habitat by canopy cover category, using remote sensing and modeling efforts through a collaboration with industry, NGOs, academia and federal partners.

On the local level, 11 governments from Colorado and Utah signed a 2013 MOU creating a coalition for coordinated action to increase the abundance, viability and vitality of the Gunnison sage-grouse and its habitat. One outcome of the MOU was the execution of the Conservation Agreement between Colorado, Utah and nine local governments. It identified a commitment to amending the 2005 Gunnison Sage-Grouse Rangewide Conservation Plan, and adoption of the same, along with implementing the Habitat Prioritization Tool.

Gunnison County in Colorado utilizes a 1% county sales tax to finance the Gunnison County Land Preservation Fund. The fund generates approximately \$300,000 annually to pay for open space and conservation easements, including areas within the Gunnison Sage-Grouse Occupied Habitat. The Fund has provided funding (all or part) for 29 conservation easements, totaling 8,422 acres,

in Gunnison sage-grouse occupied habitat as of December 2013. Gunnison County also has a Gunnison Sage-Grouse Conservation Trust Fund used to fund research and habitat enhancements.

San Miguel County in Colorado has a Land Heritage Program providing private landowners with financial incentives to maintain land ownership while protecting open space and wildlife habitat.

\$7.9 M

Amount the Wyoming legislature has appropriated for sage-grouse conservation since 2005

\$8.8 M

Amount spent in Utah during 2013 on improving and enhancing sage-grouse habitat

Executive Orders and Agreements

In 2013 Montana **Gov. Steve Bullock** issued Executive Order No 2-2013, which established a Greater Sage-Grouse Habitat Conservation Advisory Council. The council crafted recommendations for addressing the threats identified by the FWS to sage-grouse in Montana. Final recommendations will be submitted to the Governor in early 2014.

Idaho Gov. Butch Otter established the Governor's Sage-Grouse Task Force by executive order in 2012. **Wyoming Gov. Matt Mead** issued an Executive Order in 2011 that reiterated and clarified the intent of Wyoming's Core Area Strategy, originally developed under former Gov. Dave Freudenthal.

In May of 2013, **Washington Gov. Jay Inslee** and **Oregon Gov. John Kitzhaber** made a Declaration of Cooperation with Secretary of the Interior Sally Jewell on the Pacific Northwest Regional Infrastructure Team. This agreement recognized the need to mitigate and protect sage-grouse as energy projects are permitted.

Statutes and Regulations

The **Washington** legislature by statute authorized the Department of Natural Resources to fight fires on non-forested land that may include sage-grouse habitat. In **Wyoming**, the legislature has appropriated \$7.9 million for sage-grouse conservation since 2005.

Seven states, up from four states in 2012, reported having regulations in effect for sage-grouse. **California, Idaho, Montana, Oregon** and **South Dakota** cited special hunting season rules

or recommendations. **Wyoming** Public Service Commission regulations ensure consistency of proposed public utility projects with the Governor's Executive Order.

The **Oregon** Statewide Planning Program provides a legal framework to protect rural lands for rural uses. The state statute is implemented through county comprehensive plans and zoning ordinances. A review conducted by the seven Oregon sage-grouse counties shows that almost all of the non-federal land identified as sage-grouse habitat is included in some type of Exclusive Farm Use Zoning District.

Under Oregon's Energy Facility Siting Standards, there is a requirement that a proposed energy facility comply with the habitat mitigation goals and standards of the Oregon Department of Fish and Wildlife.

Nevada has several regulations. Assembly Bill 461 formally created and gave regulatory authorization for the Sagebrush Ecosystem Program. After being approved by the state legislature, **Gov. Brian Sandoval** signed the bill into law in July, 2013. The state also has a pesticide registration fee where revenue from a fee increase will provide additional funding to the state noxious weed program. Funds from that fee will go to the statewide effort toward sage-grouse habitat conservation, as well as continue the program's ability to provide effective, efficient service in pesticide registration. The funds will also be used to fund a position on the Sagebrush Ecosystem Technical Team (SETT) and allow for greater statewide weed mapping and control efforts. This funding source will be leveraged with other federal and local sources to maximize the benefit. The state also has a Nevada Cheatgrass Action Team, a voluntary multi-disciplinary group of individuals to assist the SETT with planning and managing projects to address cheatgrass and other invasive or noxious weeds that impact greater sage-grouse habitat.

Counties are also using regulatory tools to support sage-grouse. Three **Colorado** counties—Delta, Dolores and Montrose—passed 2013 resolutions giving the counties authority to help preserve Gunnison sage-grouse and its habitat. Saguache County and Ouray County in Colorado have regulations for seasonal road closures near active leks.

Partnerships

All states participating in this inventory take part in the **Natural Resources Conservation Service (NRCS) Sage Grouse**



Larry Dalton, Utah Division of Wildlife Resources

Initiative. States are also cooperating with BLM to identify strategic habitat, provide feedback on draft EISs and provide technical assistance.

In **Nevada**, collaborative funding through state and federal agencies is being used to support three new positions within the Department of Conservation and Natural Resources' Conservation District Program. The positions were created within the conservation district program to assist local conservation districts in their efforts to lead Local Area Work Group meetings and planning efforts as well as assisting the SETT with habitat evaluations, "groundtruthing" local conditions for the administration of the Conservation Credit System, and implementing sage-grouse habitat conservation projects.

There is also a new agreement in Nevada to provide additional services under the Wildland Fire Protection Program, under which the Nevada Division of Forestry and the state's counties will work closely to maintain effective wildfire management. Better wildfire management translates into reduced loss of sage-grouse habitat due to fire.

The **North Dakota** Game and Fish Department funded a cooperative monitoring project with the Little Missouri Grazing Association to identify grazing practices that are beneficial to nesting sage-grouse. North Dakota is also collaborating with local and private partners to introduce private landowners to the CCAA program with the FWS.

The **South Dakota** Department of Game, Fish and Parks has partnered with the Intermountain West Joint Venture

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Major Federal Activities

Bureau of Land Management (BLM) / U.S. Forest Service (USFS)

The BLM and USFS are currently revising and amending a total of 98 land use plans across 10 western states. By Feb. 1, 2014, all 15 planning efforts in those states associated with the National Greater Sage-Grouse Planning Strategy will have released draft versions for public review. The Wyoming 9-Plan and Oregon Draft greater sage-grouse land use plan amendments are the only two efforts that have existing open public comment periods (ending on Feb. 20, 2014, and March 24, 2014, respectively). The BLM and Forest Service expect to release proposed plans and final environmental impact statements associated with this strategy throughout the summer and fall of 2014, with the expectation that these planning efforts will be completed by year's end.

U.S. Fish and Wildlife Service (FWS)

In March 2013, the FWS released the Conservation Objectives Team (COT) report to help guide efforts by the states and other partners to conserve the greater sage-grouse. The landscape-level strategy outlined in the report, which was developed by a team of federal and state wildlife biologists and managers, describes the conservation status of the sage-grouse, identifies the threats facing the species, and establishes long-term conservation objectives. The report represents a collaborative state and federal effort to evaluate species conservation before the FWS is required to make a decision in 2015 on whether to propose protecting the species under the Endangered Species Act. It also provides state, federal, local and private entities with permitting or land management authority with information to support conservation actions for the sage-grouse.

FWS has also worked closely with federal land managers and state wildlife agencies to help guide the development of their respective sage-grouse conservation plans at both the technical and policy levels, while at the same time building the tools for evaluating the status of sage-grouse conservation efforts in a consistent, transparent and thorough manner. Finally, FWS has invested heavily in funding research aimed at addressing key scientific questions about sage-grouse conservation, including the invasive species-fire nexus.

Natural Resources Conservation Service (NRCS)

The NRCS-led Sage Grouse Initiative (SGI) partnership carries out conservation in 11 western states. SGI proactively conserves sage-grouse, cares for other wildlife sharing the same extensive sagebrush country, and helps ranchers pass on their rural way of life. The paradigm for at-risk wildlife works through voluntary cooperation, incentives and community support. Applying the power of the Farm Bill to target lands where habitats are intact and sage-grouse numbers are highest, SGI has invested more than \$145 million, generating \$70 million in matching contributions since 2010. As of 2013, more than 700 ranchers have enrolled and reduced sodbusting and subdivision threat on more than 240,000 acres; increased hiding cover for nesting birds on 2+ million acres; removed invading conifers on more than 200,000 acres, and marked or removed 500+ miles of high-risk fences to prevent bird collisions.

U.S. Geological Survey (USGS)

At the request of the Western Association of Fish and Wildlife Agencies (WAFWA), the USGS led the development of a Greater Sage-Grouse National Research Strategy. The Strategy, published in 2013, was requested as a way to connect existing research and conservation plans with persisting or emerging information needs. It documents information gaps and identifies priority research topics to inform future planning and management activities. The USGS also completed a report for the BLM that summarizes several decades of work on sage-grouse populations, sagebrush as habitat, and sagebrush ecological functions. This Baseline Environmental Report (BER) summarizes scientific information in the context of threats identified in the FWS's "warranted but precluded finding." In addition, the USGS completed an analysis and mapping of ecological conditions necessary to support sage-grouse across large expanses of its range. This Ecological Minimums publication examined environmental factors surrounding 3,000 active leks, within a 355,000 square-mile portion of the sage-grouse's historic range.

(IWJV), Pheasants Forever and the NRCS to place a Farm Bill biologist position in western South Dakota, emphasizing the implementation of the NRCS Sage-Grouse Initiative.

Montana Fish, Wildlife and Parks, BLM, NRCS, IWJV, and Montana Association of Conservation Districts developed a partnership to purchase bulk orders of fence markers and use volunteer groups to mark fences within core areas determined to be at the highest risk for collision (using the NRCS risk model).

Programs

Annual sage-grouse lek counts, which establish population trends and habitat protection needs, are featured in most states. **Montana** has translocated greater sage-grouse to augment populations in Alberta, Canada. **Idaho** has a new Rural Land Fire Protection Association program, with three rural fire protection associations created allowing private landowners and agency (local, state, and federal) fire management coordination to improve initial response on wildfires.

The **Washington** departments of Fish and Wildlife and Natural Resources are acquiring and conserving sagebrush habitat through the Natural Heritage and Wildlife Area programs. In **Utah**, more than \$8.8 million dollars was spent in 2013 on improving and enhancing sage-grouse habitat. The **Wyoming** Wildlife and Natural Resources Trust focuses on sage-grouse habitat enhancement and conservation easements. In addition, the Wyoming Department of Environmental Quality administers the process for industrial permits, working with developers to ensure the **Governor's Sage-Grouse Executive Order** is being implemented.

Management Tools

Nevada is making quick progress with the development of the Nevada Conservation Credit System (NCCS). In December, 2013, the Sagebrush Ecosystem Council and the interdisciplinary Sagebrush Ecosystem Technical Team began working with a contractor on the development of biological metrics for the NCCS as well as the framework for implementation. The NCCS is a key management tool for the state to achieve no net unmitigated loss of sage-grouse habitat. The system is being designed to utilize the Habitat Suitability Model that the state contracted with USGS for development. The scale of this mitigation system will be the first of its kind for greater sage-grouse mitigation and can serve as a model for other conservation efforts.

In addition, Nevada has contracted with the USGS to complete Habitat Suitability Modeling and Mapping for the greater sage-grouse. A preliminary draft of the map and suitability index was completed and will be reviewed by an expert review team in February of 2014 for refinement and final inclusion in the BLM/Forest Service EIS. The model incorporates greater sage-grouse telemetry data along with environmental data at multiple scales, such as land cover, vegetation communities, physiographic indices and anthropogenic attributes. The habitat suitability model will be used to inform management decisions on protecting the most critical habitat and to provide strategic decision tools to identify where conservation activities will have the greatest beneficial impact on the habitat.

In three **Colorado** counties (Delta, Gunnison and Montrose) a GIS "Habitat Prioritization Tool" is used to assess all land use applications for impacts to sage-grouse habitat.

WESTERN GOVERNORS' ASSOCIATION

1600 Broadway
Suite 1700
Denver, CO 80202
303.623.9378

westgov.org



The Western Governors' Association represents the Governors of 19 Western states and 3 U.S.-flag islands. The association is an instrument of the Governors for bipartisan policy development, information exchange and collective action on issues of critical importance to the Western United States.

For more information, contact

Katie Kalinowski, WGA Policy Advisor
303.623.9378 • kkalinowski@westgov.org