

USFWS and the Conservation of Sage Grouse
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Sage Grouse- Current and Historic Distribution

Listing Petitions Received by USFWS for Sage-Grouse (2 species)

- Gunnison Sage-Grouse
 - 1 petition (Jan. 2000)

- Greater Sage-Grouse
 - 7 petitions to date
 - Washington population (May 1999)
 - Mono Basin population (Dec. 2001)
 - Western subspecies (Jan. 2002)
 - Eastern subspecies (July, 2002)
 - Range-wide petitions; 3 to date (June 2002, March 2003, and Dec. 2003)

Range-Wide Listing Petitions for Greater Sage-Grouse- Status Review Update- Where are we at?

- Petitions requested USFWS to: list as endangered, list as threatened or endangered (2)

- USFWS initiated 90-day finding in December, 2003; DOI decided to proceed; no legal action forcing issue

- USFWS published 90-day finding April 21, 2004 with outcome that information presented in petitions was substantial

Range-Wide Listing Petitions for Greater Sage-Grouse- Update Continued

- As a result of positive 90-day finding USFWS initiates status review with request for public input (all stakeholders)

- USFWS teams assess status of sage-grouse
 - included review of all scientific literature, data
 - included review of all comments submitted by public
 - included review of WAFWA Conservation Assessment (2004) of sage grouse and sagebrush habitats
 - included review of all sage-grouse conservation plans

-included structured analysis process with expert panel which rated the extinction risk of the species

USFWS Status Review- Outcome

- A final decision on the status review was made by USFWS and announced to the public January 7, 2005
- 12-month finding was published by the USFWS on January 12, 2005
- The outcome of the 12-month finding is that listing the greater sage-grouse is not warranted at this time
- Given the outcome of the USFWS finding there will not be any further action by USFWS on these petitions at this time
- USFWS asks public to submit any new information on the species status or threats whenever it becomes available

USFWS 12-Month Finding and Legal Challenge

- NOI received from Institute for Wildlife Protection (IWP) dated January 7, 2005
- NOI alleges that USFWS was arbitrary and capricious and violated ESA
- IWP intends to assess greater sage-grouse conservation plans before filing suit
- IWP hopes conservation measures will be implemented for the species and that actual lawsuit will not be necessary
 1. Listing Process
 2. Policy for Evaluating Conservation Efforts (PECE)

Listing Process:

Two Mechanisms for Initiation:

1. USFWS gathers information, performs a status review, and if appropriate, proceeds with listing the species
2. Petition from interested individual/organization

Listing by Petition:

4-Step Process

- Perform a petition evaluation to determine if the petition has substantial information (90 days)
- If substantial, proceed with public input process for a status review (9 months)
- If status review determines that listing is warranted, proceed with proposed listing (12 months)
- If information is validated by science, Final Rule published in Federal Register and the species is listed

Status Review- Possible Outcomes

- Listing is not warranted – no further action taken
- Listing as threatened or endangered is warranted
 - USFWS publishes proposed listing rule
 - Public input is sought
 - Independent scientific peer review of proposal sought
 - 1 year between proposed listing rule and final decision on that rule
- Listing is warranted but precluded by other higher priority actions
 - Species automatically added to list of federal candidate species
 - Proposal to list the species is deferred while USFWS works on listing proposals for other species at greater risk
 - Subsequent annual reviews of species until either a listing proposal is published or a not warranted finding is made based on new information.

Listing Process Requires

Minimum of 2 years (assuming there is no emergency listing) during which the USFWS will consider conservation efforts under PECE

Why is it Important to Continue Conservation Planning Efforts for Sage-Grouse Regardless of the Outcome of the Status Review

- It's the right thing to do and it is needed
- The available data on the species indicates that continuing attention is needed on a long-term basis to conserve sage-grouse and sagebrush habitats- Species still declining and habitat degradation continues
- USFWS will likely be sued on our decision- if court rules against us we will be revisiting our decision, and next time the decision may be different without efforts to halt declines in species and habitat
- If we revisit our decision your completed conservation plans would be considered
- If sage-grouse were to be listed in the future then local or state conservation plans could become the basis for a recovery plan for the species
- USFWS could be petitioned again to list sage-grouse

USFWS's PECE Policy and Greater Sage-Grouse

- PECE policy employed at time USFWS makes a listing decision
- We have learned that for a widely distributed species like sage-grouse PECE is difficult to meet
- This is first time USFWS has applied the PECE policy to a species like sage-grouse
- Getting to the level of detail required by PECE in a conservation plan is difficult to do for a wide-ranging species

USFWS's PECE Policy and Greater Sage-Grouse- continued

- With conservation planning efforts more important to focus on building a good plan than meeting PECE per se
- A value of PECE policy for conservation planning efforts is that it provides an outline of what to strive for- it provides guidance in how to write the plan
- Conservation plans can have a positive effect on sage-grouse even if they do not meet the high standards of PECE policy
- Goal should be to conserve sage-grouse and not focus on meeting PECE in and of itself

USFWS and Conservation Planning for Sage-Grouse

- USFWS is signatory on MOU (2000) with WAFWA and other federal agencies in conserving sage-grouse
- USFWS is partner in efforts to create CA state conservation plan for the species
- USFWS supports and encourages the conservation planning efforts of local working groups- will provide appropriate assistance
- However USFWS , at this time, we do not intend to sign local conservation agreements- except that a local USFWS NWR may elect to sign these
- But USFWS will sign state plans
- Bottomline- Do good things for sage-grouse and if you know what your threats are deal with them

National web page

<http://www.fws.gov>

<http://endangered.fws.gov>

Nevada Fish and Wildlife Office web page

<http://nevada.fws.gov>