

**Statement of
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U.S. Department of the Interior
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining**

**Hearing on
BLM's Resource Management Plan Decisions to
Conserve the Greater Sage-Grouse**

June 28, 2016

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to discuss the Bureau of Land Management's (BLM's) role in the development and implementation of the conservation strategy for the Greater Sage-Grouse (GRSG). This landscape-scale, science-based, collaborative conservation strategy is the largest land conservation effort in U.S. history, and it will help us to conserve the species while facilitating responsible economic development on public lands.

Background

The BLM manages 1 out of every 10 acres of land across the United States (about 245 million acres), most of which is located in the 12 Western States, including Alaska. The Bureau also manages about 30 percent (700 million acres) of the nation's subsurface mineral estate.

In accordance with the Federal Land Policy and Management Act (FLPMA), the BLM sustains the health, diversity, and productivity of America's public lands for the benefit of present and future generations through its multiple use and sustained yield mandates. This means the BLM manages public lands for a broad range of uses, including energy development, livestock grazing, timber production, watershed protection, hunting and fishing, recreation, wildlife, and natural, scenic, cultural, and historic values. In so doing, public lands support the production of goods and services that create jobs and promote economic development in communities across all 50 states. Under FLPMA, the BLM is required to coordinate the development of its land use plans with state, local, and tribal governments, with public involvement, to guide the use and enjoyment of the diverse public lands and resources it is entrusted to manage.

The Greater Sage-Grouse is an iconic bird associated with the sagebrush landscapes of the West and its health is considered an indicator of the health of the landscape. Once seen in great numbers across these landscapes, the Greater Sage-Grouse currently occupies 56 percent of its original range because of habitat loss, degradation, and fragmentation. Of the remaining habitat, approximately 50 percent is on lands managed by the BLM, 8 percent is on lands administered by the U.S. Forest Service (Forest Service), and the rest is on other lands.

In 2010, the U.S. Fish and Wildlife Service (FWS or Service) determined that due to habitat loss and the absence of legal protections to address additional habitat destruction the Greater Sage-Grouse warranted protection under the Endangered Species Act (ESA), but its listing was precluded by other, higher priority species at the time. As a result of subsequent litigation, the FWS committed to determine whether the species was warranted for listing under the ESA by September 30, 2015.

For more than ten years, a diverse coalition of federal agencies – including the BLM, the FWS, the Forest Service, and the Natural Resources Conservation Service (NRCS) – and the Western Association of Fish and Wildlife Agencies (WAFWA), states, private landowners, and other stakeholders have worked tirelessly to conserve the Greater Sage-Grouse and prevent its demise. The purpose of these efforts was to work across the remaining range of the Greater Sage-Grouse, in collaboration with federal, state, and local partners and stakeholders, that would provide the legal mechanisms the Service had found to be absent and to avoid the need to list the species as threatened or endangered under the ESA. Building on these efforts, in September 2015, the BLM and Forest Service issued decisions that amended or revised 98 land use plans to conserve, enhance, and restore Greater Sage-Grouse habitat. When, on September 22, 2015, the FWS determined that the Greater Sage-Grouse did not need protection under the ESA – a decision that was announced in Denver, Colorado by Secretary of the Interior Sally Jewell and Governors Mead of Wyoming, Hickenlooper of Colorado, Sandoval of Nevada, and Bullock of Montana, that objective was achieved.

Federal Planning Efforts

Across ten western states, the Greater Sage-Grouse conservation plans contain land and resource management direction on approximately 67 million acres of the Greater Sage-Grouse's remaining habitat on BLM-administered lands.

The process leading up to the issuance of the BLM's and Forest Service's land use planning decisions was years in the making. It involved early analysis and policy guidance developed by the BLM and WAFWA, which includes the directors of each western state fish and game agency; the establishment of the Sage-Grouse Task Force, chaired by Governors Mead and Hickenlooper and the Director of the BLM; subsequent analysis, technical support, and guidance by the U.S. Geological Survey (USGS) and the FWS; and the direct engagement of individual states and stakeholders in developing the plans.

Early BLM & WAFWA Analysis & Policy Guidance

For more than a decade, the BLM and WAFWA have been concerned with the continued viability of the Greater Sage-Grouse. In November, 2004, the BLM released its *National Sage-Grouse Habitat Conservation Strategy*, which encouraged GRSG habitat conservation through consultation, cooperation, and communication with WAFWA, FWS, the Forest Service, the USGS, the state wildlife agencies, local GRSG working groups, and various other public and private partners.

In 2006, WAFWA completed a *Greater Sage-Grouse Comprehensive Conservation Strategy*, developed with the BLM, Forest Service, and other contributors to maintain and enhance populations and the distribution of Greater Sage-Grouse by protecting and improving sagebrush habitats and ecosystems that sustain those populations. The strategy outlined the critical need to develop associations among local, State, provincial, tribal, and Federal agencies, and local stakeholders. Over the next several years, the BLM and partner agencies and organizations concerned for declining populations and reduced distribution of GRSG designed and implemented cooperative actions to support robust populations of Greater Sage-Grouse and the landscapes and habitats they depend on.

In 2008, the BLM created two national teams to investigate possible BLM management options for GRSG conservation and to summarize the BLM's ongoing conservation efforts. One product of this investigation was one of the first range-wide maps of important Greater Sage-Grouse habitat, referred to as "key habitat." An additional outcome of this team's work was a memorandum of understanding (MOU) among WAFWA, BLM, FWS, USGS, the Forest Service and NRCS to provide for cooperation among the participating state and federal land managers and wildlife management and science agencies to conserve and manage Greater Sage-Grouse sagebrush habitats and other sagebrush-dependent wildlife throughout the western United States

In 2010, the BLM convened a conference with state wildlife agencies and, through an agreement with the FWS, mapped known active leks across the West, which served as a starting point for all states to identify priority habitat for the species.

In July, 2011 the BLM announced its intent to develop a National Greater Sage-Grouse Planning Strategy at a meeting of the Executive Oversight Committee (EOC) of WAFWA in Big Sky, Montana. Ten of the eleven state wildlife directors and five of the six federal agencies involved in sage-grouse planning and conservation were in attendance and committed to assist in developing the strategy.

In August 2011, the BLM signed a charter outlining the *National Greater Sage-Grouse Planning Strategy*, which contemplated that the BLM would evaluate its land use plans (also called Resource Management Plans or RMPs) and revise or amend them, as necessary, to incorporate regulatory mechanisms to conserve and restore the Greater Sage-Grouse and its habitat on a range-wide basis. That fall, the BLM convened a National Technical Team (NTT) to develop policy recommendations and conservation measures to be considered for conserving the bird and its habitat. The governors in Greater Sage-Grouse states designated representatives to work with the BLM as it identified proposed conservation measures and considered how to implement those measures through the BLM land use planning process. And, in October 2011, the Greater Sage-Grouse EOC of WAFWA sent a letter to the Forest Service Chief asking the agency to revise or amend its Forest Plans and to issue interim guidance adopting "appropriate elements of the BLM's NTT guidance."

In November, 2011, the Acting BLM Director sent a letter to the governors of GRSG states transmitting a copy of the BLM's draft interim management guidance for Greater Sage-Grouse conservation and requesting comments. Several states responded and their comments were incorporated into the finalized interim management guidance in December 2011 (IM 2012-043,

Greater Sage-Grouse Interim Management Policies and Procedures). In December 2011, the BLM also transmitted the final NTT Report and provided internal guidance about how to begin the process of amending and revising BLM RMPs to conserve the Greater Sage-Grouse and its Habitat (IM 2012-044, *BLM National Greater Sage-Grouse Land Use Planning Strategy*).

The Sage-Grouse Task Force

The Sage-Grouse Task Force (Task Force) was established in late 2011 following a meeting convened by former Secretary of the Interior Ken Salazar and Governors Mead of Wyoming and Hickenlooper of Colorado. Following discussions with the governors of all eleven states within the remaining range of the Greater Sage-Grouse and the four relevant federal land and resource management agencies, the Task Force issued a brief report which emphasized the “unmet need for an action plan ... to ensure a viable sage grouse population in the West and preclude the listing of the species.” In response, the Task Force called on the FWS to establish a Conservation Objectives Team (COT) consisting of state and federal experts that would make recommendations to the FWS Director “following an independent peer review to ensure their scientific validity.”

With the backing of the Task Force, the Director of FWS directed staff to develop range-wide conservation objectives for the Greater Sage-Grouse to determine the extent to which threats to the Greater Sage-Grouse needed to be reduced or ameliorated so that it is no longer in danger of extinction or likely to become in danger of extinction in the foreseeable future. Recognizing the expertise in the state wildlife agencies, the COT was composed of eight individuals from state fish and wildlife agencies and four FWS representatives. In February 2014, the FWS released a report identifying range-wide conservation objectives that the BLM ultimately reviewed and considered when making its final plan decisions.

The COT Report emphasized an “avoidance first strategy” – specifically the need to avoid or minimize additional disturbance in GRSG habitat. The report stated, “[m]aintenance of the integrity of PACs...is the essential foundation for sage-grouse conservation”. (The PACs, or Priority Areas for Conservation, were the precursor to Priority Habitat Management Areas (PHMAs) in the final land and resource management plans. To achieve this, the COT Report recommended “targeted habitat management and restoration” to be achieved by “eliminating activities known to negatively impact sage grouse and their habitats, or re-designing these activities to achieve the same goal.” The land management plans were developed to address specific identified threats to the species in order to conserve the Greater Sage-Grouse, such that the need to list it under the ESA might be avoided.

Completing the BLM Greater Sage-Grouse plan decisions

The planning associated with the National Greater Sage-Grouse Conservation Strategy was coordinated under two administrative planning regions: the Rocky Mountain Region and the Great Basin Region. The Rocky Mountain Region is composed of BLM planning areas in Montana, North Dakota, South Dakota, Wyoming, Colorado, and portions of Utah. The Great Basin Region is composed of BLM planning areas in Oregon, Idaho, Nevada, and Utah. The

BLM identified these regions based on the different threats that the FWS identified in its 2010 listing decision, along with the WAFWA Management Zones framework included in the 2006 WAFWA sage-grouse conservation strategy. In both regions, the decision area for Greater Sage-Grouse habitat management was BLM-administered lands, including the subsurface mineral estate of split-estate lands.

At quarterly meetings of the Task Force, the states and each of the federal land and resource management agencies reported on their progress in developing their Greater Sage-Grouse conservation plans as well as on efforts to continue to implement conservation measures on the ground as overall planning proceeded. This continuing dialogue provided a means to keep Task Force representatives from the states and federal agencies aware of progress in developing the plans, on measures adopted to address specific threats identified in the COT report, and the process for completing the plans. While there was debate over specific measures and management actions, the overall dialogue was collegial and constructive and intended to avoid surprises among partners as the plans took shape and moved toward completion.

In October, 2014, the FWS provided a memorandum to the BLM to provide additional guidance on the identification of measures to provide “strong, durable, and meaningful protection of federally-administered lands [to] provide additional certainty and help obtain confidence for long-term sage grouse persistence.” The memo included maps highlighting areas where the FWS stated it was most important that the BLM and Forest Service “institutionalize the highest degree of protection to help promote persistence of the species.” The BLM considered the Service’s identification of these “strongholds” in the development of the Sagebrush Focal Areas (SFAs) in the final BLM plans. The SFAs were subsequently recommended for withdrawal, to achieve the highest level of protection consistent with the recommendation of the Service. The FWS memo was circulated and discussed among the Task Force members and individually with each state.

Similarly, the USGS was asked by the BLM to conduct a review of relevant, preexisting scientific literature to help determine summarize the impacts of various activities or projects (e.g., oil and gas development and transmission lines) might be on the Greater Sage-Grouse. The Greater Sage-Grouse is a species of high fidelity that prefers to inhabit areas of limited direct and indirect disturbance. The resulting USGS “buffer study” summarized existing science regarding GRSG buffer distances and was shared with members of the Task Force to inform them of the measures to avoid adverse direct and indirect impacts to the species that might result from specific kinds of development activities reviewed by the USGS. The BLM and Forest Service plans incorporated lek buffer-distances specified as the lower end of the interpreted range in the buffer report unless justifiable departures were determined to be appropriate.

Based on extensive public comment, and partner and stakeholder feedback, the BLM released the Final Environmental Impact Statements/Proposed Resource Management Plans on May 29, 2015 and signed the Records of Decision adopting these proposed plans on September 22, 2015.

Ultimately, the BLM Greater Sage-Grouse plans were built on the foundation created by the 2006 WAFWA *Greater Sage Grouse Comprehensive Conservation Strategy*, which emphasized the need to “maintain and enhance populations and distribution of GRSG by protecting and improving sagebrush habitats and ecosystems that sustain these populations” as reaffirmed in the FWS charge to the COT.

The final plans provide a strategic management approach that offers the highest level of protection in the most important habitat areas, known as Sagebrush Focal Areas (SFAs), which are based on the “stronghold” areas identified by the FWS to be essential for the species’ survival. In PHMAs, of which SFAs are a subset, the plans seek to limit or eliminate major new surface disturbance with limited exceptions. General habitat areas are lands outside of priority habitat that require some special management to protect and sustain Greater Sage-Grouse populations, but permit more flexible management and resource development. The SFAs have been proposed for withdrawal from mineral location and entry.

While restoring lost sagebrush habitat can be very difficult in the short term, particularly in the most arid areas, it is often possible to enhance habitat quality through specific management actions. Consistent with valid existing rights and applicable law, the final BLM plans will require mitigation that provides a net conservation gain to the species by avoiding, minimizing, and compensating for any unavoidable impacts from development. In addition, the BLM plans call for coordinated monitoring and evaluation of population changes, habitat condition, and mitigation efforts so that the effectiveness of voluntary and required conservation actions can be assessed. In response to this monitoring and evaluation, the plans may be adjusted based on a series of pre-determined benchmarks (termed “triggers”) developed with state wildlife agencies to ensure that there is an immediate, corrective response to any identified declines in population or habitat that exceed previously determined triggers.

The final plans also recognize the different nature of the threats to the Greater Sage-Grouse in each planning region. While threats in the eastern portion of the Greater Sage-Grouse range are mainly associated with disturbance due to development (e.g., oil and gas leasing, pipeline or transmission line construction, roads) the greatest threat to the Greater Sage-Grouse in the Great Basin is rangeland fire. In recognition of the nature and extent of the rangeland fire threat to Greater Sage-Grouse and communities in the Great Basin, a separate though related initiative was undertaken by the Department of the Interior to develop a rangeland fire strategy, initiated by Secretarial Order 3336, and developed in coordination with several federal agencies and states. This effort was the direct result of discussions with states, especially the encouragement of Governor Otter of Idaho, and has led to a focused, strategic, and collaborative, science-based plan to improve efforts to prevent, suppress, and restore landscapes threatened and/or impacted by rangeland fire in the Great Basin.

Collectively, these measures will conserve, enhance, and restore GRSB habitat across the species’ remaining range of the Greater Sage-Grouse and to provide greater certainty that the BLM resource management plan decisions in Greater Sage-Grouse habitat can lead to conservation of the sage-grouse and other sagebrush ecosystem associated species in the region. The targeted resource management plan protections in this ROD and the land and resource management plans will benefit not only the Greater Sage-Grouse and its habitat but also over 350 wildlife species associated with the sagebrush ecosystem which is widely recognized as the most imperiled ecosystems in North America. In addition to protecting habitat, reversing the slow degradation of this valuable ecosystem will also benefit local rural communities and their economies and a variety of rangeland uses, including recreation and grazing. This also will

safeguard the long-term sustainability, diversity, and productivity of these important and iconic landscapes.

Collaboration with States

The BLM Greater Sage-Grouse plans are the product of extensive coordination and engagement among federal agencies, states, and other partners and stakeholders. The plans, overall, provide sufficient consistency and certainty across the remaining range of the species to meet the objective of providing a rangewide conservation strategy while providing the necessary flexibility to be responsive to the unique landscapes, habitats, priorities, and approaches in each state.

To protect the most important Greater Sage-Grouse habitat areas, the BLM developed range-wide habitat maps based on habitat maps provided by the states, which identified areas necessary for species conservation via breeding bird density maps and state-managed lek counts, nesting areas, sightings, and habitat distribution data. The BLM used this information to develop preliminary priority habitat (PPH) and preliminary general habitat (PGH) maps and, subsequently, to identify priority habitat management areas (PHMAs) and general habitat management areas (GHMAs), respectively, as identified in the final plans (with the exception of Wyoming which designated areas as core or general habitat).

As underlying data is updated by individual states, the BLM is working with the states to revise habitat maps in the plans. For example, Wyoming, through its Sage-Grouse Implementation Team, recommended changes in its core areas to reflect new information about habitat areas which will be incorporated through plan amendments. Nevada is also in the process of updating its habitat map based on subsequent analysis by Dr. Peter Coates from the USGS.

Further evidence of the extensive state-federal collaboration is reflected in the diverse approaches taken to deal with and/or respond to threats to the species. For example, the BLM plan in Wyoming utilizes the “core area strategy” to deal with threats to the Greater Sage-Grouse mainly associated with development threats. The core area strategy was initially developed under former Governor Dave Freudenthal and continued under Governor Mead. This strategy focusses on minimizing surface disturbance in core or “priority” habitat areas. The strategy applies to all lands in the State and is overseen by the Sage-Grouse Implementation Team consisting of a diverse array of partners including all of the relevant federal and state agencies.

The BLM plan in Idaho similarly reflects the extensive collaboration with the state in developing its conservation strategy. Unlike other state plans, the Idaho plan designates three types of Greater Sage-Grouse habitat – core, important, and general habitat – each with tiered-down surface management prescriptions to limit adverse impacts to the GRSG. The Idaho plan includes a state-developed adaptive management mechanism which requires that habitat protections for the species increase – e.g., that important habitat be managed as core habitat – should GRSG population numbers fall to a certain level or habitat quality decline.

In Nevada, the BLM adopted unique provisions to reflect state economic priorities and the habitat threats in the state. In addition, the plan accommodates the state’s mitigation strategy as a

part of its Greater Sage-Grouse plan: a credit exchange program to facilitate efforts to mitigate projects that can have an adverse impact on Greater Sage Grouse and its habitat. This program permits compensatory mitigation (for unavoidable impacts after avoidance and minimization efforts) to occur on private and public lands in the State as a means of achieving a net conservation gain for the species to minimize the likelihood of habitat loss when development occurs. In other states, credit exchanges, conservation banks, and in lieu fee approaches will be used to meet the BLM plans' mitigation objectives.

The collaboration with states was extensive throughout the plan development process and will continue into implementation. The BLM has begun an extensive outreach effort to ensure that implementation guidance and practices take into account state, local and tribal expertise and input. As part of this effort, each of the sage-grouse state BLM offices convened outreach meetings with elected officials, stakeholders, and the public during April 2016 to discuss the plans and their implementation to get feedback and advice moving forward. Some further examples of our continued collaboration include:

- The Sage Grouse Task Force agreed unanimously in January to extend its charter to inform plan implementation and any related concerns.
- Through the Task Force, the states and federal partners are working to define the key principles associated with effective mitigation, to define key concepts such as additionality and durability, and determine what parameters should apply to determining if net conservation benefit is achieved. We have agreed that mitigation should be implemented through state-developed GRSG mitigation programs, subject to review by the BLM and FWS, and consistent with the mitigation principles jointly developed by the state and federal Task Force members.
- A number of voluntary, incentive-based conservation measures have been implemented to address habitat improvement objectives, to remove or reduce threats to the species, and provide landowners with assurances against additional regulatory requirements should the species ever be listed.
 - SGI -- Through the NRCS' Sage Grouse Initiative, over 100 partners are using their resources and expertise to achieve wildlife conservation through sustainable ranching. Unprecedented cooperation aims to recover sage grouse and sustain a healthy sagebrush-steppe. Diverse partners include conservation districts, nongovernmental organizations, private corporations, land trusts, state agencies, universities and federal agencies. Today, 1,129 ranches across 11 Western states are conserving 4.4 million acres of land. SGI has also greatly enhanced 405,241 acres of otherwise suitable habitat by removing invading conifer trees.
 - CCAAs – CCAAs are voluntary agreements whereby private landowners agree to manage their lands and/or public land allotments to remove or reduce threats to species at risk of being listed under the ESA. In return for managing their lands to the benefit of species at risk, these landowners receive assurances against additional regulatory requirements should that species ever be listed under the ESA. Under a CCAA, the FWS will issue enrolled landowners Enhancement of Survival (EOS) permits pursuant to section 10(a)(1)(A) of the ESA for a period of 20 years. To date, CCAAs for sage grouse conservation have been established in WY and OR and other states.

Summary

Development of the BLM Greater Sage-Grouse plan decisions, as it evolved over many years, reflected an effort to work at a landscape-level, to incorporate new science and information in the planning process, and to emphasize close coordination and collaboration with other federal agencies and with the states.

Consistent with the comments of Secretary Jewell, in announcing the FWS “not warranted” listing determination and releasing the BLM plans, this approach reflects a new paradigm in the way in which western lands and resources can be managed. The effort to develop a landscape-level conservation strategy covering the range of the species was unprecedented in scope, scale, and process. The decision to focus the strategy on addressing specific threats to the Greater Sage-Grouse identified in the COT report placed emphasis on solutions based in sound-science. And the ongoing and extensive effort by all parties to work together across the range, in partnership between the federal agencies, governors’ offices, and with each state fish and wildlife agency, as well as NGO, industry, and local stakeholders highlighted the collaborative effort that was essential to achieving a conservation strategy that reflected local resource conditions and yet added up to a comprehensive and effective range-wide conservation plan.

In many ways, this approach to species conservation is reflective of the goals of the Endangered Species Act. A stated purpose of the ESA is “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.”

This range-wide effort, focused on protecting, restoring, and improving the endangered sagebrush ecosystem upon which the Greater Sage-Grouse depends, provided the means to avoid the need to list the Greater Sage-Grouse as threatened or endangered. Our hope is that the collective effort undertaken to create this strategy will translate into a collaborative effort to implement the GRSG plans in a manner that will benefit not only the GRSG, but the estimated 350+ species of flora and fauna associated with the sagebrush sea, thus obviating the need to list other sagebrush obligate species.

And, it is important to note that the recently released *Western Governors’ Species Conservation and Endangered Species Act Initiative* and the *Governors’ Policy Statement*, a product of the leadership of the immediate past chair of the WGA, Governor Meade, also emphasizes some of the lessons learned from our collaborative efforts to conserve the Greater Sage-Grouse.

Specifically, the *Governors’ Policy Statement* highlights the importance of: (1) enhancing the role of state governments, (2) ensuring the use of sound science, and (3) providing incentives and funding for conservation as means to more effectively implement the ESA. The statement further emphasizes the importance of a “strong federal-state partnership” in implementing the ESA.

I would agree with all of these statements, but would suggest that these principles need not only apply in implementing the ESA. As the GRSG conservation effort illustrates, applying these

principles in advance of the need to list a species is the best way to avoid the need to list the species under the ESA. As is said, “An ounce of prevention is worth a pound of cure”. Our experience with the Greater Sage-Grouse demonstrates that point. Finally, as Secretary Jewell emphasized in her remarks in Denver in announcing that listing the Greater Sage-Grouse was not warranted, and recently reiterated,

As a result of this unprecedented planning effort, the U.S. Fish and Wildlife Service determined that the greater sage-grouse does not need the protection of the Endangered Species Act. I’m not suggesting that this was an easy task. It wasn’t, by any stretch of the imagination. But the epic collaboration did result in a thoughtful, science-based roadmap for a healthy ecosystem and sustainable development across a landscape.

That’s the model for the future of conservation. That big-picture, roll-up-your-sleeves, get-input-from-all-stakeholders kind of planning is how land management agencies should orient themselves in the 21st century.

I couldn’t agree more.

Thank you, Mr. Chairman and Members of the Committee, for the opportunity to appear before you today. I look forward to our discussion and the opportunity to attempt to answer any questions you may have.

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