

REPORT

Utah Contract 136039

Big Game Forever



October 15, 2014

Greater Sage-Grouse and the Endangered Species Act

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Executive Summary

Legislative Intent Language

This report is provided in connection with the express language of State of Utah Contract 146311 for Greater Sage-Grouse Coordinated Consulting Team, which states, “The contractor shall provide written, quarterly progress reports to the Department of Natural Resources, Agriculture, and Environment Interim Committee.”

The purpose of the contract is designed to accomplish the legislative intent language of H.B. 2 of the 2014 Legislative General Session that indicates in part that the state should:

...hire a contractor for the purpose of delaying a possible sage-grouse listing as an endangered species. The Legislature further intends that the contractor use the funding for the following purposes: (1) legal strategies; (2) educating members of Congress; and (3) engaging the public in the process.

This report is intended to provide an update on the progress on each of the three stated purposes of legal strategy, educating members of Congress and engaging the public in the process.

Utah’s Interest in Protecting State Management Authority Over Sage-Grouse

The background section of the contract helps provide further insight into some of concerns which led to the state of Utah’s procurement of the contract:

The Greater Sage-Grouse, a species of upland game birds which exists in eleven western states, has been the subject of many separate petitions to list the bird under the provisions of the Endangered Species Act. Listing the species has the fundamental effect of removing the species from the management authority of the state, in favor of the federal Fish and Wildlife Service. In 2005, the Service determined the Greater Sage-Grouse was not warranted for listing, but after a court ordered relock, the Service determined in 2010 that a Greater Sage-Grouse listing was “warranted but precluded by higher priorities.” However in a separate court action, one in which states were not invited, the Service agreed to revisit this decision, and make yet another determination about listing of the species, by September 30, 2015.

Legal, Congressional and Public Engagement

Endangered species legal analysis involves a juxtaposition of law, policy and science. These highly fact intensive inquiries involve analysis of:

- (A) Numbers, distribution and habitat of Greater Sage-Grouse;
- (B) potential threats to the species now and in the future;
- (C) policy and management responses to those threats; and
- (D) the degree to which the responses ameliorate the risks presented by those threats.

The legal framework utilized by policy makers to analyze and assess decisions related to the endangered species act and Greater Sage-Grouse is important not only in the litigation context, but also to inform the administrative process, Congressional action and engaging the public in the process.

During the first quarter of the contract, the Greater Sage-Grouse Coordinated Consulting Team has spent significant time and resources on the legal, scientific and factual analysis. The first section of this report provides a brief overview of the legal, science and factual analysis related to Greater Sage-Grouse and the Endangered Species Act. The second section will outline some of the Greater Sage-Grouse Coordinated Consulting Team’s work to build a solid foundation for solutions which allow common-sense, state-based conservation measures to continue to work through legal strategies, educating members of Congress and involving the public in the process. An important part of these efforts is to demonstrate that common-sense, state-based conservation measures not only protect balance use of managed landscapes, but also advance long-term conservation of species like Greater Sage-Grouse.

Section I. Greater Sage-Grouse and the Endangered Species Act

Overview of Sage-Grouse and Endangered Species Act

The legal/political status of Greater Sage-Grouse has become a hot topic in recent years. The September 2015 decision on whether to add Greater Sage-Grouse to the list of endangered and threatened species means this topic will become even more relevant in the coming months.

Solutions which protect jobs and economic productivity while also significantly advancing Greater Sage-Grouse conservation are achievable. This report addresses how Congressional action to delay a decision on whether to add Greater Sage-Grouse to the Endangered Species List is win/win for Western states and ongoing investment in Greater Sage-Grouse conservation.



throat feathers, conspicuous phylloplumes at the back of the head and neck, and white feather which form a ruff around the neck and upper belly. During breeding displays, males exhibit olive-green apteria (fleshy bare patches of skin) on their breasts (Schroeder et al. 1999) which are unmistakable on “lek” breeding grounds.

Sage-grouse inhabit large, treeless areas categorized as sagebrush steppe or sagebrush shrublands. These areas are semi-arid, with cold winters and hot summers. Most of the landscape is dominated by sagebrush, bitter brush, native bunchgrasses with the occasional wet meadows. 11 Western states have some sagebrush-steppe habitat: North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, Utah, Nevada, Colorado and Northern California.

Sage-Grouse and Their Habitats



Greater Sage-Grouse are one of six North America’s grouse species. State fish and game agencies categorize Greater Sage-Grouse as an upland game bird. Adult males are approximately 18-24” inches tall and display unique plumage and mating behaviors. Males and females have dark grayish-brown plumage with many small gray and white speckles. Male sage-grouse are identifiable by their blackish chin and



Sage-grouse Males Flying over Habitat
Credit: Ryan Benson-Big Game Forever

The state of Utah has very little sagebrush steppe, largely explaining the state’s low overall population of birds. Some birds in Utah do inhabit sagebrush landscapes designated as desert shrub. However, desert-shrub landscapes are fairly poor habitat for Greater Sage-Grouse populations and are not considered to contribute significantly to long-term sage-grouse conservation.

A Short Overview on ESA Listing Criteria

The goal of the Endangered Species Act is to conserve species threatened with danger of extinction by protecting the habitats they need to survive. Species that are not at risk of extinction are protected and managed under state wildlife authority. The decision on whether a species is at risk of extinction is made under the administrative regulatory authority of the U.S. Fish and Wildlife Service.

U.S. Fish and Wildlife Service applies the following statutory standard to ESA listing decisions.

The Secretary shall make determinations...on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas. *Section 4 of the Endangered Species Act-Emphasis added.*

Once a designation has been made that a species is threatened or endangered, it is added to the Federal Endangered Species List designating the animal as a federally protected imperiled species or more commonly “Endangered Species.” This is notable because this designation supersedes state regulatory primacy over the species listed.

Understanding the Legal Requirements of ESA Listing Determinations

Endangered Species Act Listing Determinations

Federal decisions to list an endangered species can be based on any of the following five factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Overutilization for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or manmade factors affecting its continued existence.

The Greater Sage-Grouse is often referred to as landscape species. Current listing decisions which affect Utah are based on the argument that the species is at risk across all of its range. 16 U.S.C 1532(b) Since Utah’s population numbers are estimated at only 2-8% of the estimated 400,000-535,000

birds, ESA listing determinations will be largely based on what is happening outside of the state.



Fencing Project to Limit Sage-grouse-Fence Collisions
Photo Credit: Ryan Benson-Big Game Forever

In contrast to the 1970’s and 1980’s, Greater Sage-Grouse population trends since the 1990’s have shown to be relatively stable. Perhaps this is one reason why Greater Sage-Grouse ranks relatively lowly on U.S. Fish and Wildlife Service’s Listing Priority Number (LPN) system. The LPN system is based on: 1) magnitude of threats, 2) immediacy of threats, and 3) taxonomic status of the species of priority. The lower the LPN number, the higher the priority with “1” being the highest risk ranking and “12” the lowest. Greater Sage-Grouse has a LPN ranking of “8,” which is considered a “moderate to low” LPN.

Brief Legal and Administrative History of Sage-Grouse Listing Decisions

As with many species, the legal and administrative history of Greater Sage-Grouse and the Endangered Species Act is long, convoluted and full of controversy.

Greater Sage-Grouse Introduced as Candidate Species

Greater Sage-Grouse were first proposed as a potential candidate for study pursuant to the Endangered Species Act on September 18, 1985. At that time, it was suggested that a potential western subspecies of Greater Sage-Grouse should be included as a “category 2” research candidate for listing consideration on the Endangered Species List (50 FR 37958). Subsequently, it was questioned whether western and eastern variations in Greater Sage-Grouse justified a subspecies separation. In 1996, use of the “category 2” designation of species for listing consideration under the Act was discontinued (61 FR 7596), effectively removing Greater Sage-Grouse as a candidate species for listing consideration.

Repeated Petitions Result in “Not Warranted” Decision

However, this was just the beginning of efforts to force U.S. Fish and Wildlife Service to list the Greater Sage-Grouse. From 1999 to 2003, individuals and special interest groups filed eight petitions with U.S. Fish and Wildlife Service to list the Greater Sage-Grouse as an endangered or threatened species. Three of these petitions pertained to Greater Sage-Grouse in Utah, as these petitions requested listing of the Greater Sage-Grouse range-wide. On January 12, 2005 the Service announced a 12-month finding that listing of Greater Sage-Grouse was not warranted, consolidating its findings on the three range-wide petitions (70 FR 2243).

Lawsuit Challenging “Not Warranted” Decision

On July 14, 2005, plaintiff Western Watersheds Project filed a complaint in a federal district court challenging the Service’s 2005 12-month request as “arbitrary and capricious.” On December 4, 2007, the U.S. District Court of Idaho ruled in favor of the plaintiff and remanded the listing decision to the Service for reconsideration. On January 30, 2008, the court approved a stipulated agreement between the Department of Justice and the plaintiff, Western Watershed Project.

New Decision “Warranted but Precluded”

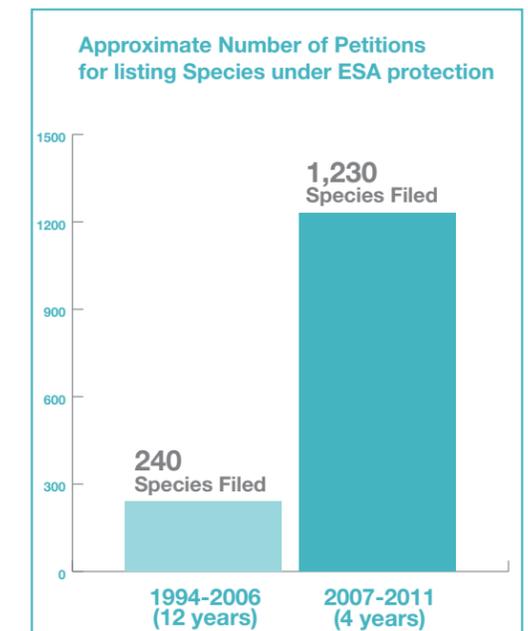
U.S. Fish and Wildlife Service published a new decision on Greater Sage-Grouse on March 23, 2010. The Service’s new findings concluded that a listing of Greater Sage-Grouse was “warranted but precluded,” designating the bird as a candidate species under the Endangered Species Act. The published finding focused on primary threats to sage-grouse that were identified as habitat destruction and/or modification. A significant focus of the “warranted but precluded” decision was whether regulatory mechanisms are adequate to protect sage-grouse and their habitats.

Mega-Petitions to List 1,230 Species Filed

From 2007 to 2011 petitions to list hundreds of species on the Endangered Species List were filed. These “mega-petitions” proposed listing 207 species in the Mountain-Prairie Region and 475 species in the Southwest Region. Considering that U.S. Fish and Wildlife Service averaged only twenty petitions per year from 1994 to 2006, the filing petitions to list 1,230 species during this period was truly unprecedented. In fact, a single special interest group filed petitions to list over 700 species in that four-year period.

Lawsuits Filed to Challenge “Warranted but Precluded”

These petitioners also filed dozens of lawsuits over findings related to the petitions to list these species as endangered. Among these lawsuits were challenges to the “warranted but precluded” determination on Greater Sage-Grouse. “Warranted but precluded” findings must demonstrate: (1) there are higher priority proposed rules that preclude the Service from issuing a proposed rule at the time of the finding;



and (2) expeditious progress is being made to add qualified species to the list.

Multi-District Litigation Settlement and September 2015 Deadline for New Decision

On May 10, 2011 a Multi-District Litigation (MDL) Settlement was announced between U.S. Fish and Wildlife Service and the private plaintiff organizations. The settlement resulted in legally mandated deadlines for 251 candidate species. The specific deadline for a decision on Greater Sage-Grouse under this agreement is September 2015. Several third parties have attempted, unsuccessfully, to challenge the MDL settlement in court.

Causative Factors in “Warranted but Precluded” Listing

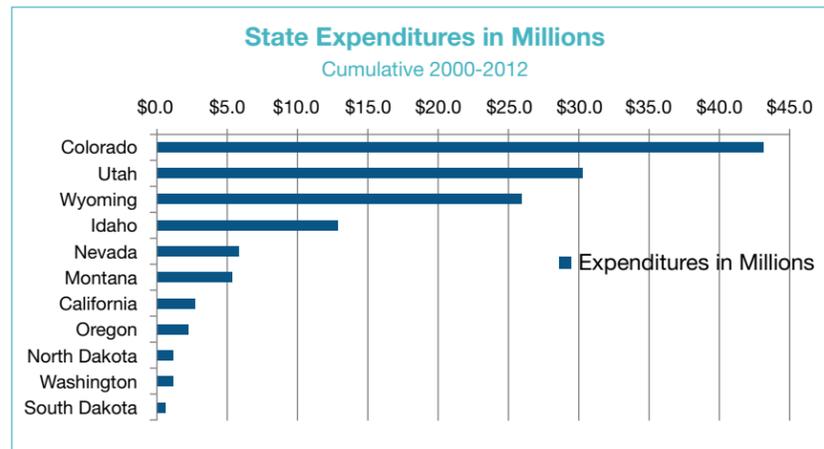
It is important to point out that the 2010 finding of “warranted but precluded” was based on two factors: (1) the present or threatened destruction, modification or curtailment of habitat or range of Greater Sage-Grouse and (2) the inadequacy of existing regulatory mechanisms.

Threats to Greater Sage-Grouse and sage-grouse habitats identified in the 2010 “warranted but precluded” decision include:

1. Direct Conversion (to agricultural or urbanized land)
2. Infrastructure (road and power lines)
3. Wildfire and change in wildfire frequency
4. Incursion of invasive plants
5. Grazing
6. Nonrenewable and renewable energy development

The adequacy of regulatory mechanism was identified as a concern in the 2010 “warranted but precluded” decision.

In the decision, the Service questioned federal BLM and Forest Service management plans, state plans and local regulations. Since 2010, the BLM and Forest Service have begun working on a new resource management plan for Greater Sage-Grouse. It is expected that these plans will be completed before September 2015. Additionally, the state of Utah and other western states have completed new sage-grouse conservation and management plans. Many of these plans are based on Wyoming's sage-grouse plans which received favorable feedback from the Service. Additionally, local working groups are working with states to implement corresponding local plans to protect, conserve and restore Greater Sage-Grouse and sage-grouse habitats.



“... The continued widespread distribution of sage-grouse...and relatively large areas providing key sagebrush habitats suggest that long-term conservation populations should be possible.”

—Knick and Connelly, Studies in Avian Biology, No. 38, page 550

Proactive conservation measures needed to address threats to sage-grouse and sage-grouse habitats can be very expensive. Since 2001, Western states have invested over \$130,000,000 dollars in Greater Sage-Grouse conservation efforts (see Wildlife Agency Sage-Grouse Expenditure Survey-December 2012, page 3). Current funding levels being invested by Western states, 70+ conservation partners, and private landowners are critical to protect the future of sage-grouse in the Western United States. In *Studies in Avian Biology*, Knick and Connelly explain that these range-wide conservation opportunities for Greater Sage-Grouse makes preservation of the species not only possible, but likely (see *Studies in Avian Biology*, no. 38, pg. 550).

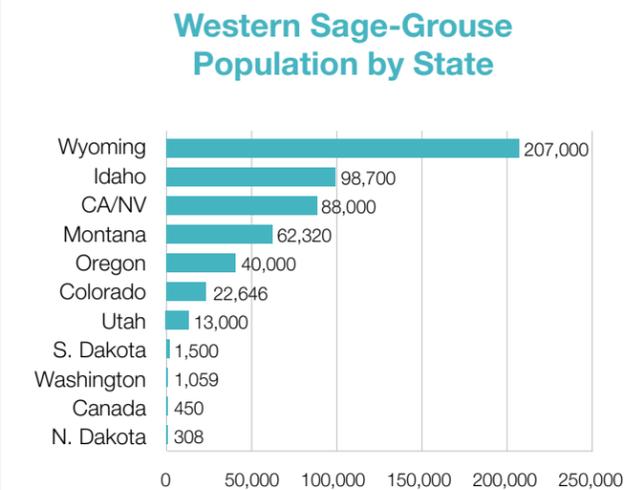
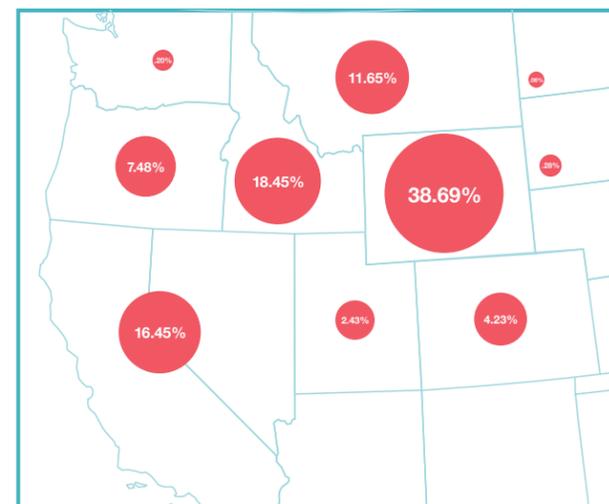
Greater Sage-Grouse Abundance

There are approximately 500,000 Greater Sage-Grouse spread across 11 Western states and 2 provinces in Canada according to a 2010 U.S. Fish and Wildlife Service decision on the status of Greater-Sage-grouse (75 FedReg 13921). Repeated petitions and lawsuits to force listing of Greater Sage-Grouse as a threatened or endangered species have raised concerns about a potential listing of the birds in Western states.

Since the year 2000 Western states have invested over \$130,000,000 in Greater Sage-Grouse conservation. The bulk of these investments are directed at preserving, enhancing and restoring habitats for Greater Sage-Grouse with a goal of maintaining state management primacy over the birds and avoid listing of the species on the Federal Endangered Species List.

Western U.S. Sage-Grouse Population

(est. by State Wildlife Agency)



Efforts in Utah to Protect and Conserve Greater Sage-Grouse

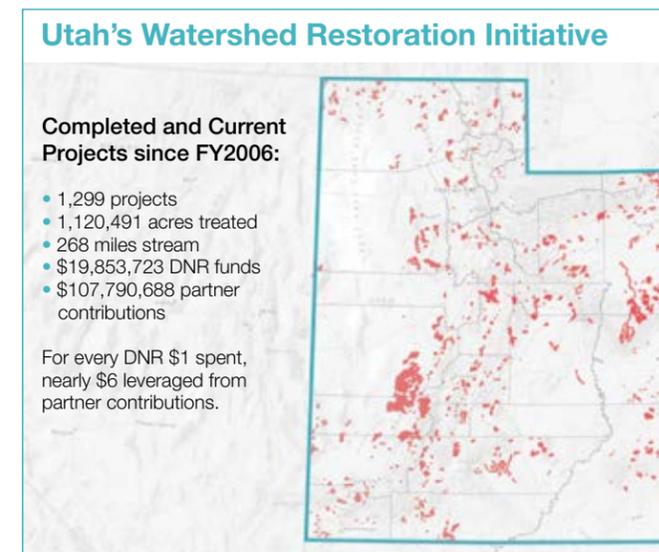
Utah is addressing threats to Greater Sage-Grouse in a big way. Since 2000, the state of Utah has been number one in annual expenditures per bird among Western states.

Since 2006, Utah's *Watershed Restoration Initiative* has treated 1,120,491 acres of wildlife habitat at a cost of over \$120 million dollars. At least 360,000 acres of these projects directly benefit Greater Sage-Grouse. The *Utah Sage-Grouse Management Plan* calls for an average of 75,000 acres of sage-grouse habitat enhancement and restoration each year. Considering the fact that Pinyon-Juniper encroachment, cheat grass, wildfire and affects of wildfire frequency are listed as key threats to Greater Sage-Grouse, these conservation measures are critical to protecting and growing habitats and populations.

The *Conservation Plan for Greater Sage-Grouse* protects over 7.4 million acres in Sage-Grouse Management Areas (SGMAs) covering 94% of Utah's sage-grouse populations. It also strictly regulates “disturbance” thresholds and provides additional regulatory controls. The scientific literature on Greater Sage-Grouse explains that SGMA's represent the best opportunity for high-value, focused conservation for Greater Sage-Grouse.

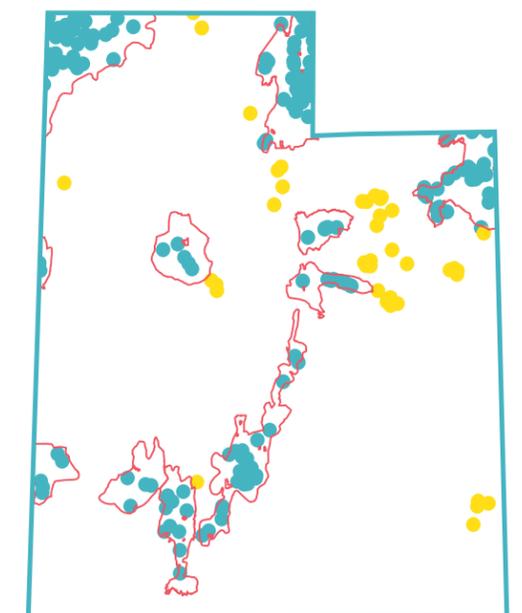
“Landscape planning to balance wildlife conservation with resource development . . . must embrace the social and political realities of the region . . . Core regions represent a proactive attempt to identify a set of conservation targets to maintain a viable and connected set of populations.”

—Knick and Connelly Studies in Avian Biology, No. 38, page 513, 515



\$5 million spent annually on sage-grouse conservation	75,000 acres of habitat restored annually
7.4 million acres of sage-grouse habitat protected by Utah plans	1.2 million acres restored since 2006
94% of Utah sage-grouse live in protected areas	98% Utah is currently at 98% of its population goal

Millions of dollars are also being invested in sage-grouse related research in the state of Utah. Forty-five research projects have been completed since the year 2000. This research enables the state of Utah to: (1) understand the nature and impacts of threats to Greater Sage-Grouse, (2) develop strategies to remedy or ameliorate impacts, and (3) efficiently and effectively improve sage-grouse habitat while also growing and protecting Greater Sage-Grouse populations using the best available science.



- Sage-Grouse Management Areas
- 94% of Sage-Grouse Populations
- 6% of Sage-Grouse Populations

Threats to Sage-grouse and Responses

Threats	Management Response
Pinyon-Juniper encroachment	Fine-scale mapping of all P/J in sage-grouse area; 360,000 acres of habitat enhanced/restored through Utah Watershed Initiative
Cheat grass	Post fire reclamation efforts, pre-emergence treatment specific to cheat grass, reseeding of shrubs and bunchgrasses
Wildfire and change in wildfire frequency	Pinyon-Juniper removal, cheat grass treatments, overall 1.2 Million acres of sage-treatments since 2006 at cost of over \$110,000,000
Direct conversion (to agricultural or urbanized Land)	Utah's Conservation Plan for Greater Sage-Grouse (Utah's Plan) protects habitat for 94% of sage-grouse in the state of Utah
Infrastructure (roads and power lines)	Utah's Plan regulates disturbance to scientifically proven thresholds to protect sage-grouse populations
Nonrenewable and renewable energy development	Utah's Plan regulates disturbance to scientifically proven thresholds to protect sage-grouse populations

Science-Based Solutions

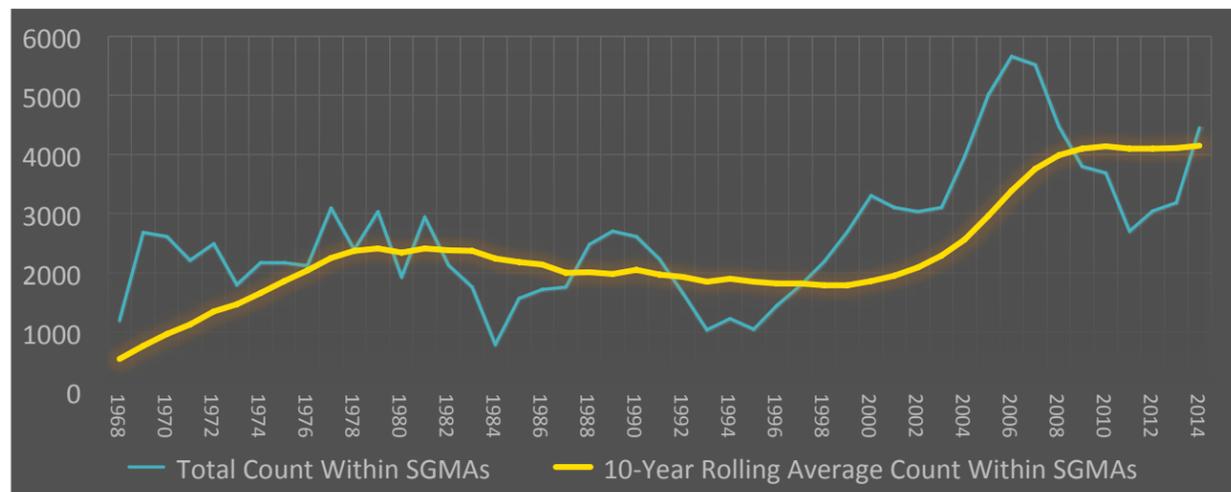
The state of Utah utilizes the best available science to address the needs of Greater Sage-Grouse. We are currently working to quantify and evaluate science-based solutions to assist in the implementation of Utah's Conservation Plan for Greater Sage-Grouse. As a part of this project, the Greater Sage-Grouse Coordinated Consulting Team is working with the state of Utah to:

- (1) Develop an in-depth analysis of each issue which has been identified as a potential "threat" to sage-grouse in the state.
- (2) Quantify each potential threat within each of the state's SGMA's.
- (3) Ascertain where and to what extent potential "threats" coincide with Greater Sage-Grouse populations and habitats.

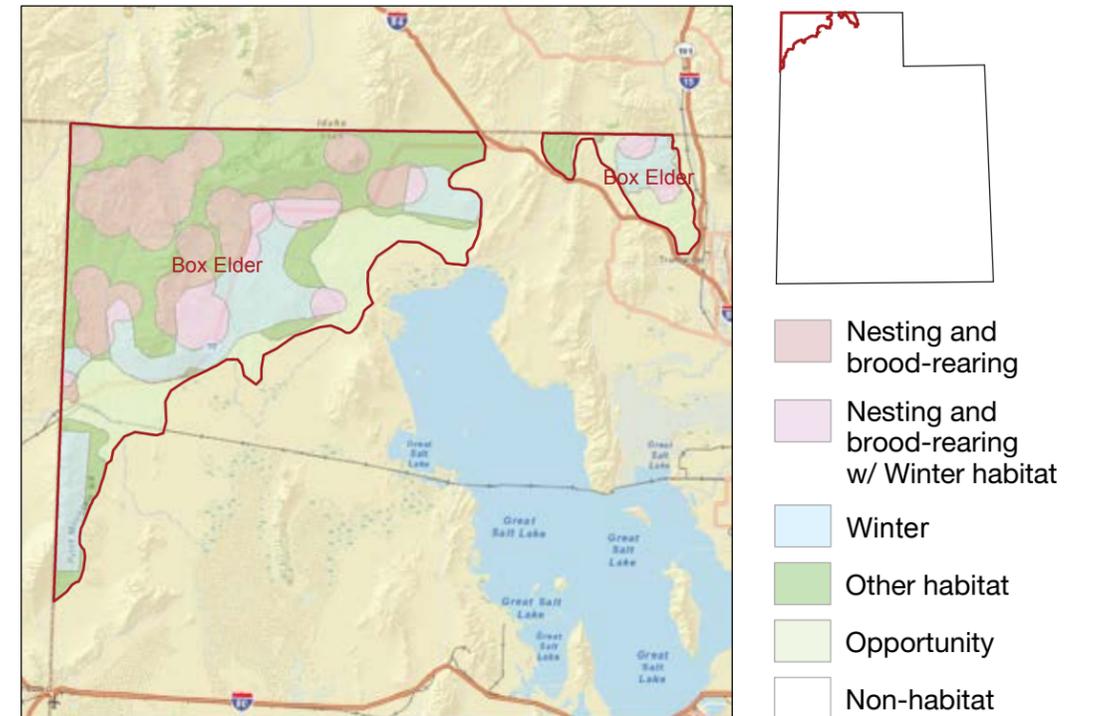
- (4) Analyze the best available science and proven practices to ameliorate the conflict within each SGMA to acceptable thresholds.

The state of Utah has affirmed a strong commitment to long-term protection of sage-grouse. In addition, the state is demonstrating the ability to address the needs of Greater Sage-Grouse by ameliorating threats, protecting and expanding habitats and ensuring that birds can grow and thrive in the state of Utah. Utah's plan not only ensures that the management responses are regulated to scientifically proven thresholds, but maximizes opportunities to improve sage-grouse habitat and populations in the state. Utah's conservation plan empowers diverse interests to implement solutions that work for Greater Sage-Grouse populations and for the needs of Utahns. This is one of the reasons that sage-grouse populations have been increasing since 1968.

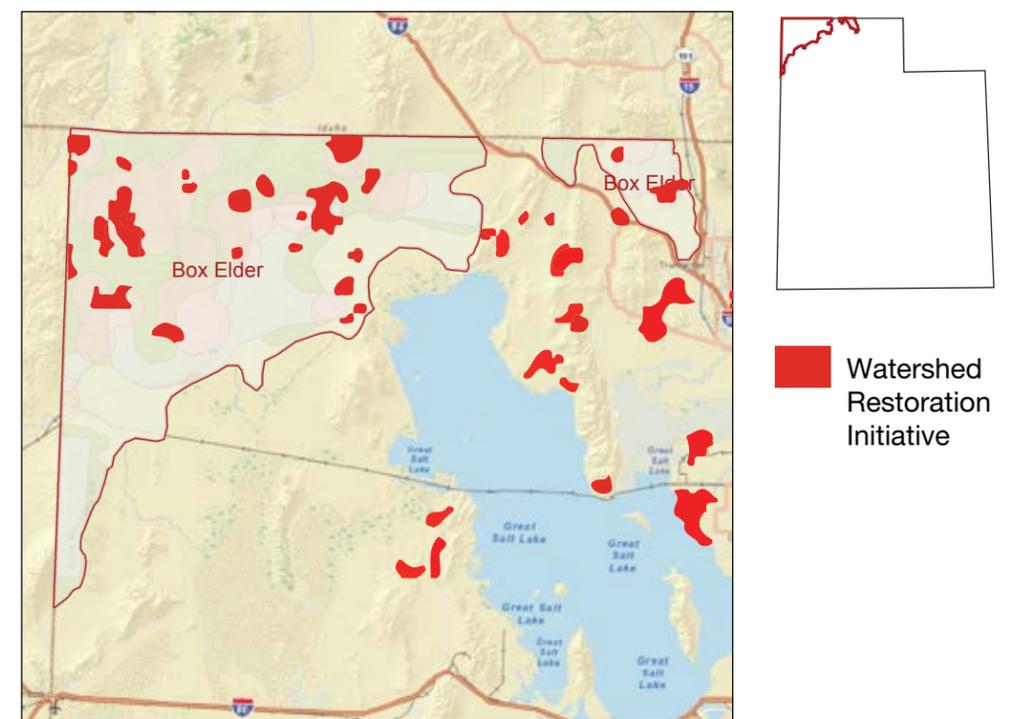
Total Sage-Grouse Population #'s Within State Sage-Grouse Management Areas 1968-2014



Box Elder Sage-Grouse Management Area



Box Elder Sage-Grouse Management Area and Watershed Restoration Initiative



Section II. Work of a Greater Sage-Grouse Coordinated Consulting Team

Legal Strategies

During the first quarter of the contract, the Greater Sage-Grouse Coordinated Consulting Team has spent significant time and resources on this legal, scientific and factual analysis. Our analysis to this point seem to clearly indicate that:

- (1) Utah has shown a clear commitment to maintain a population of sage-grouse in a manner expressly designed to be sufficient to not only avoid the threat of extinction of the species, but also to maintain robust numbers of birds in areas where sage-grouse can be successful. This is consistent with agreed upon conservation objectives between states and federal agencies and the best available science on range-wide methodology to avoid extinction of the species.
- (2) The commercial and scientific data shows that Utah's policy and management structure can, by itself, maintain identified management objectives for Greater Sage-Grouse.

We continue to work with state agencies to further refine data which is helping to quantify and assess the degree of any anticipated conflict in the future. Our goal is to:

- (3) Identify any new commercial or scientific data which might be utilized in a legal or political arena to suggest modifications to the existing management and regulatory structure that would be necessary to preserve self-sustaining populations of sage-grouse in Utah.

The state's longstanding efforts to accumulate scientific and commercial data, including investments in ongoing research activities have provided a significant foundation to draw upon as part of this analysis. Additionally, state personnel with longstanding expertise on the policy, science and conservation needs of Greater Sage-Grouse and their habitats have provided valuable insight and assistance. Considering the large numbers of potential threats cited in past ESA determinations on Greater Sage-Grouse, the vast amount of scientific and commercial data and the best available science on policy and management efforts, these coordinated efforts have been extremely helpful.

A number of entities are working on range-wide research related to Greater Sage-Grouse. As part of our legal analysis, we are also coordinating efforts to provide some baseline analysis on range-wide data, including threats and responses. Not all of this information is readily available. We are currently exploring mechanisms to help advance the range-wide portion of our research.

Educating Members of Congress

Key political and policy makers are paying attention to what is happening with Greater Sage-Grouse, including rewriting of resource management and conservation plans and activities related to the pending September 30, 2015 deadline for an ESA decision on Greater Sage-Grouse. The Greater Sage-Grouse Coordinated Consulting Team is working with Utah's Congressional delegation and educating other members of Congress on key issues relating to Greater Sage-Grouse and the Endangered Species Act.

We continue to find that there is significant bi-partisan support both in Western states and in Congress for solutions which protect balanced use of natural resources in ways that are consistent with policies and management strategies which work for long-term success of Greater Sage-Grouse.

Benefits of Delaying Listing

One of our key areas of focus is to educate leaders in Congress concerning the benefits of delaying a listing decision on Greater Sage-Grouse. Benefits for delaying the listing decision include:

1. Allowing time for state conservation plans to work for Greater Sage-Grouse and Greater Sage-Grouse habitats.
2. Developing a better understanding of the science for protecting Greater Sage-Grouse populations and Greater Sage-Grouse habitats;
3. Further developing proven methods for efficiently managing and restoring Greater Sage-Grouse and Greater Sage-Grouse habitats;
4. Continuing incentives for states, partners and landowners to continue proactive conservation efforts and funding levels needed for such efforts to be successful;
5. Stopping the continuous cycle of litigation and repeated listing petitions which will subsequently allow state and federal agencies to focus collaborative efforts on sage-grouse conservation and higher priority species; and
6. Protecting balanced use of natural resources for the benefit of Greater Sage-Grouse while protecting Utah jobs and economic productivity during a critical economic productivity period.

Progress and Results

During the first quarter we met with members of Congress and senior staff from Utah and delegations from other states. We have conducted tours of sage-grouse habitat with senior staff, sage-grouse and range land biologists and state policy makers. These tours provided an opportunity to discuss implementation of on-the-ground conversation measures to address the needs of sage-grouse. There is significant interest from members of Congress from Western states to ensure state management plans have time to work. There are several proposals being considered before Congress in the current Congress related to Greater Sage-Grouse and the Endangered Species Act. It is not anticipated that these bills will advance at least until after mid-November.



The Greater Sage-Grouse Coordinated Consulting Team is also working with policy makers in other states. Science, data and feedback from Western states has been instrumental in providing a greater breadth of understanding as we work with members of Congress. Not only does this help inform policy-making decisions to address the needs of Greater Sage-Grouse, it also helps provide a clearer understanding of impacts that could affect the citizens of the state of Utah. To date the Greater Sage-Grouse Coordinated Consulting Team efforts extend to a number of Greater Sage-Grouse states, including, but not limited to, Utah, Colorado, Wyoming, Idaho, Montana, Nevada and Oregon. We will continue to expand these efforts in coming weeks.

There are two primary areas of interest by policy makers. First, the current plans and conservation efforts to ensure long-term survival of Greater Sage-Grouse. Second, the potential impacts of a premature decision on whether to list Greater Sage-Grouse as an endangered species.

A short review of the proactive conservation measures and impacts of an endangered species listing may be instructive. As discussed in greater detail in this report, *Utah's Sage-Grouse Management Plan* ("Utah's Plan"), protects 94% of Utah's sage-grouse. Utah's plan also sets an objective of 75,000 acres of sage-grouse habitat enhancement and restoration annually, at a cost of approximately \$5 million per year. Considering the fact that Pinyon-Juniper encroachment, cheat grass, wildfire and affects of wildfire frequency are listed as key threats to Greater Sage-Grouse in Utah, these conservation measures are critical to protecting sage-grouse population and habitats. *Utah's Watershed Restoration Initiative* ("WRI") has treated 1,120,491 acres of wildlife habitat at a cost of over \$120 million dollars. At least 360,000 acres of these projects directly benefit Greater Sage-Grouse and their habitats. Not only are Greater Sage-Grouse at 98% of their population objective, populations have been steadily increasing since 1968.

State management primacy protects balance in (1) use of Utah's natural resources; (2) conservation of Greater Sage-Grouse; (3) jobs and economic productivity; and (4) education funding in the state of Utah. It has been estimated that restrictive regulatory proposals before Bureau of Land Management and U.S. Fish and Wildlife Service could have up to a \$52 billion impact in the state of Utah and prevent the creation of 250,000 jobs.

In the first quarter, we also began outreach efforts with key stake holders to further inform various aspects of the nexus between Greater Sage-Grouse, land use, conservation measures and ways in which diverse interests can work together to ensure a bright future for Greater Sage-Grouse and for the state of Utah.

Engaging the Public in the Process

Engaging the public to support common sense solutions for Greater Sage-Grouse is the third element set-forth in the state of Utah contract requirements. New and existing and team members and resources are enhancing our ability to educate and engage the public. During the first quarter, our team conducted a 180-day media analysis to develop a more complete understanding of the media environment and treatment on the issue of Greater Sage-Grouse in the media.

Our research revealed that the most active press coverage of sage-grouse protection efforts is primarily consolidated to the Western United States. Despite the fact that many news media outlets reflect readership in being environmentally conscious, many are also naturally predisposed to being skeptical of efforts by federal regulators and special interest groups when it comes to species and land use – particularly when local actors (both governmental and private) have made positive gains in sage-grouse protection.

“Sage-grouse” has been mentioned in print journalism and online media **1,899** times over the 180 days research period.

National news media seem predisposed to covering the environmental impact and federal lobbying components, particularly in the run up to the 2014 midterm elections. The most active national news outlets on the sage-grouse issue over the past 180 days include:

- *The Washington Times* (nine articles)
- *The Washington Post* (six articles)
- *Wall Street Journal* (three articles)

The greatest frequency of issue coverage was reserved to the following regional news media outlets:

- Great Falls Tribune (Montana): 195 references
- Reno Gazette-Journal (Nevada): 168 references
- The Spectrum (St. George, Utah): 66 references

Notable Recent News Clips

“Sage-grouse populations have been declining across 11 states, due in large part to loss of habitat from agriculture, energy development, West Nile virus and shrinking water supplies. Hunting is not considered a significant biological risk to the birds, according to FWP Director Jeff Hagener.” (Rob Chaney, “Montana FWP Closes Sage-grouse Hunting in Most Counties,” *Missoulian*, 7/11/14)

“Agencies seem to ignore threats to sage-grouse, including the loss, degradation, and fragmentation its habitat caused by livestock grazing.” (Travis Bruner, “Government Plans to Kill the Messenger,” *Huffington Post Blog*, 5/8/14)

“An obscure, chicken-sized bird best known for its mating dance could help determine whether Democrats or Republicans control the U.S. Senate in November. The federal

government is considering listing the Greater Sage-Grouse as an endangered species next year. Doing so could limit development, energy exploration, hunting and ranching on the 165 million acres of the bird’s habitat across 11 Western states. Apart from the potential economic disruption, which some officials in Western states discuss in tones usually reserved for natural disasters, the specter of the bird’s listing is reviving the centuries-old debates about local vs. federal control and whether to develop or conserve the region’s vast expanses of land.” (Nicholas Riccardi, “Senate Majority Could Rest on the Sage-grouse,” *Associated Press*, 7/7/14)

“With just four months until the midterm elections, a new political battle could be flying under the radar across the Western portion of the U.S. The Greater Sage-Grouse, a chicken-sized bird native to many Western states, is at the center of a multilayered debate as candidates deliberate whether they should support the federal government’s considerations of placing the bird on the endangered species list next year. Labeling the fluffy bird as such would not only affect states’ economic and environmental policies, but would also fuel the debate of whether state or federal governments have the ability to determine matters of land development and conservation.” (Alisa Wiersema, “The Note: Cell Phone Strife,” *ABC News*, 7/7/14)

Coordinated Consulting Team Outreach

During the past quarter we have learned that people not only want to know what is happening with Greater Sage-Grouse, but also to understand how those decisions impact them.

In Person

In July and August of this year, the Greater Sage-Grouse Coordinated Consulting Team employed staff, partners and volunteers in key sage-grouse states to directly engage the public. We focused these efforts in counties with sage-grouse populations where listing of the birds not only could affect conservation of the species, but also education funding, hard-working families, outdoor recreation and local economies. We found that people support state-based management efforts and want federal wildlife managers to augment state efforts, not replace state efforts with more federal regulation.

Engaging Existing Supporters

During the last quarter we began engaging tens of thousands of interested western residents on the issue of Greater Sage-Grouse. There is significant concern about the fact that a species with approximately 500,000 individuals spread across 11 Western states would be considered an endangered or threatened species. We also found that respondents felt that the restrictions of the Endangered Species Act are best utilized as a last resort. This was particularly true where the efforts of impacted states have stabilized sage-grouse population trends in recent decades. Just as importantly, the public trusts states

to implement solutions that work for conservation and for western economies. They also support funding from federal wildlife agencies to western states to help advance efforts of state wildlife professionals to implement common sense solutions for conservation priorities like Greater Sage-Grouse.

Paid Media

During the first quarter of our contract period, the Sage-grouse Coordinated Consulting Team began outreach efforts to help understand how certain demographics felt about the possibility of a listing of Greater Sage-Grouse. The most responsive demographics included parents of school-age children, outdoor recreation enthusiasts and individuals concerned about economic productivity and jobs. We learned that these individuals responded more readily to information that convey how a premature listing of Greater Sage-Grouse might impact them and their families. There was a high degree of support for state conservation measures among these individuals. This support increased when the individuals understood that these conservation measures were consistent with common sense solutions that ensure balanced use of resources in ways that protect education funding, outdoor recreation and minimized impacts to jobs and the economy.

We expect that the level of interest by the public will grow as BLM resource management plan revisions moves closer to completion. Public interest will also increase as the process of ESA evaluation on Greater Sage-Grouse continues. In the coming months, our efforts to engage the public to support common sense solutions will continue with a heightened sense of urgency. Our goal is to utilize data driven processes and direct feedback from Western constituencies to engage the public.

Conclusion

We are encourage by the efforts of states, diverse interests and Congress to support common-sense, state-based conservation measures that not only protect balanced use of our natural resources, but also long-term conservation of species like Greater Sage-Grouse. Our legal, legislative and public outreach efforts during the first quarter have been both productive and insightful. During the coming months, there will be a high level of interest in sage-grouse populations and efforts by Western states to conserve sage-grouse and their habitats. State-based, common-sense solutions are demonstrating a clear commitment to maintain sage-grouse populations in a manner expressly designed, to not only avoid the threat of extinction of Greater Sage-Grouse, but also maintain robust numbers of birds in areas where sage-grouse can be successful. Diverse interests are working together to implement science based solutions to meet agreed upon conservation objectives to ensure conservation of Greater Sage-Grouse in ways that also ensure a bright future for jobs, local communities and Western economies.

REPORT

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Big Game Forever