

MATTHEW H. MEAD
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

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Office of the Governor
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OFFICE OF THE
EXECUTIVE SECRETARIAT

February 24, 2015

The Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Jewell,

On March 18, 2015, I will host the Sweetwater River Conservancy for a press event formally recognizing the U.S. Fish and Wildlife Service's approval of the Sweetwater River Conservancy Greater Sage-Grouse Habitat Bank, LLC Conservation Bank Agreement. This Agreement – finalized on December 23, 2014 – represents the culmination of nearly a decade of studies, reviews, document drafts, field tours, and analysis. This success demonstrates another federal and state cooperative effort to protect Sage-grouse habitat without a formal listing.

The Sweetwater River Conservancy Greater Sage-grouse Bank complements the State of Wyoming's Core Area Strategy. It reflects your call for landscape scale conservation. Thousands of acres of private lands have been added to the State's conservation ledger and the agreement further demonstrates state and private dedication to conserving important Greater Sage-grouse habitat while advancing oil and gas, mining, transmission and other projects elsewhere in Wyoming.

Given the national interest in Greater sage-grouse conservation and the precedent setting work of the Sweetwater River Conservancy, I ask that you join me in Cheyenne on March 18. The U.S. Fish and Wildlife Service and the Bureau of Land Management played significant roles in reviewing and approving the Sweetwater River Conservancy Greater Sage-grouse Bank. I have also extended an invitation to Directors Ashe and Kornze.

I look forward to hearing from you.

Sincerely,


Matthew H. Mead
Governor

MHM:mdm



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: FWS Weekly Meeting Agenda Items

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Mon, Mar 16, 2015 at 3:30 PM

To: "Basey, Sheila" <sheila_basey@ios.doi.gov>

Cc: Barry Roth <barry.roth@sol.doi.gov>, Craig Dorsett <craig_dorsett@ios.doi.gov>, Dan Ashe <d_m_ashe@fws.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, Israpom Pananon <Israpom_Pananon@ios.doi.gov>, Jim Kurth <jim_kurth@fws.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Maxine Morgan <rasheedah_morgan@ios.doi.gov>, "Munoz, Anna" <anna_munoz@fws.gov>, Robert Dreher <Robert_Dreher@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, "Williams, Julie" <julie_williams@ios.doi.gov>

Report out from Omaha meeting (grizzly bears, red wolves, gray wolves, etc.)

Status of several conservation banking efforts

- Sweetwater River Conservancy (WY)
- Barrick Gold (NV)
- Lesser Prairie-chicken

Proposed closure of Job Corps Center at Wichita NWR

Arapahoe eagle feather decision

On Fri, Mar 13, 2015 at 11:09 AM, Basey, Sheila <sheila_basey@ios.doi.gov> wrote:

Please forward your agenda items for Tuesday's meeting **no later than 3:00 PM on Monday, March 16.**

Thank you.

—

Sheila Basey
Executive Assistant
Dept of the Interior
1849 C Street, N.W.
Room 7253
Washington, DC 20240
202-208-3582

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Michael J. Bean

5/5/2015

DEPARTMENT OF THE INTERIOR Mail - Re: FWS Weekly Meeting Agenda Items

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Mar 11, 2015 at 12:05 PM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Israpom Pananon <israpom_pananon@ios.doi.gov>, Julie Williams <julie_williams@ios.doi.gov>

Cc: Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Rowan Gould <r_w_gould@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>

Hi All,

Attached is this week's FWS Secretarial Report. Please let me know if you have any questions.

Thanks,
Anna

Anna Muñoz
Chief of Staff - Office of the Director
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FWS Secretarial Week Ahead Report 3-11-15 .docx
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FWS SECRETARIAL WEEK-AHEAD REPORT
March 11, 2015

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

REPEAT: March 12: FWS Director will announce the recipients of the 2014 Rachel Carson and Science Leadership awards for scientific excellence at the North American Wildlife & Natural Resources conference in Omaha, Nebraska. Outreach planned. HQ.

UPDATE: March 16: FWS and NPS will hold a joint briefing for local staff for Representative Jamie Herrera Beutler regarding the ongoing grizzly bear recovery Environmental Impact Statement (EIS) for the North Cascades ecosystem. R1

UPDATE: Turnbull NWR staff will provide a tour to local staff for Rep. Cathy McMorris Rodgers (R-WA-5). They have been in ongoing discussions regarding refuge management, including fencing issues, with the Congresswoman's staff. The inquiry was precipitated by a constituent request. R1

REPEAT: March 18: Wyoming Governor Matt Mead will announce an agreement among FWS, BLM, Wyoming Game and Fish Department, other Wyoming state agencies, and private landowners has created the largest conservation bank in the country and Wyoming's first conservation bank for greater sage-grouse. Former Governor Dave Freudenthal is a driving force behind the project. Also invited: Secretary Jewell and BLM Director Neil Kornze. The Sweetwater River Conservancy Conservation Bank is a working cattle ranch with associated grazing leases and permits on approximately 245,000 acres of state and federal land and could grow to 700,000 acres by planned expansion on lands already owned by the habitat conservation bank. R6

REPEAT: March 18: FWS will participate in a signing ceremony with several Soil and Water Conservation Districts for a Multi-County Candidate Conservation Agreement with Assurances for greater sage-grouse in Ontario, Oregon. R1

Public Announcements

Thursday, March 12

REPEAT: FWS will announce the successful completion of Hurricane Sandy recovery funded debris and tree removal from eight units at the Long Island NWR Complex. The announcement will focus on the removal of 277 tons of debris and 290 trees, with all contracts valued at more than \$3 million. Outreach planned. R5

Friday, March 13

Nothing to report

Monday, March 16

UPDATE: The week of March 16, FWS will announce a joint NMFS-FWS rule proposing to list 11 DPSs of green sea turtle; eight as threatened and three as endangered under the Endangered Species Act. This rule also constitutes the 12-month finding on a petition to reclassify the Hawaiian population of green sea turtles as a DPS (warranted) and delist the DPS (not warranted). Outreach planned (NMFS lead). Some controversy expected. HQ

NEW: The U.S. Army Corps of Engineers plans to release the Record of Decision (ROD) associated with its Final EIS and management plan aimed at reducing predation by double-crested cormorants on ESA-listed salmonids in the Columbia River estuary. The ROD will identify a management plan to cull a total of 10,912 adult cormorants and oil 15,184 nests over a four-year period. FWS anticipates receiving a permit application on March 18, with a decision expected on that permit in early April. Likely controversial. R1

NEW: FWS will send to the *Federal Register* a final rule to designate critical habitat for the Neosho mucket and rabbitsfoot freshwater mussels under the ESA. The proposed designation generated interest due to its scope (four states for Neosho mucket and 12 states for rabbitsfoot). The critical habitat designations will be smaller than originally proposed after receiving new relevant information provided during four public comment periods totaling 210 days. Announce date: April 2. Due to the high interest in this issue, FWS will hold briefing calls for congressional offices, media and affected stakeholders prior to issuing a news release to the media and the public. R4

UPDATE: During the week of March 16, FWS will publish the Notice of Availability for the Record of Decision (ROD) for the Final Revised Comprehensive Conservation Plan (CCP) and EIS for Arctic NWR. The ROD will recommend approximately 12.28 million acres of the refuge for Wilderness designation and the inclusion of four rivers into the Wild and Scenic Rivers System. This best provides long term protection of fish and wildlife habitat while providing recreational and other opportunities in a natural environment while minimizing and preventing human-caused change. R7

NEW: The Wild Fish Conservancy plans to file a motion or preliminary injunction regarding operations at the Leavenworth National Fish Hatchery in Leavenworth, Washington. The scope of the injunction and issues they will raise is unknown at this time. Timeline: April 9 - defendants (US and tribes) file responses, April 16 - WFC files its reply, April 29 - hearing on the motion. R1

Tuesday, March 17

Nothing to report

Wednesday, March 18

Nothing to report

Thursday, March 19

Nothing to report

Friday, March 20

Nothing to report

TBD

NEW: In mid-March, the Mexican Wolf Recovery Program intends to send written notification to landowners, tribes, counties and the U.S. Forest Service regarding anticipated spring 2015 release(s) of Mexican wolves in New Mexico. Initial releases will be limited to the Gila Wilderness Area; cross-fostering of pups and translocations may occur elsewhere in the Mexican Wolf Experimental Population Area in New Mexico. Notifications are being conducted to comply with New Mexico Game and Fish Commission's recent ruling on the release of wolves. R2

UPDATE: In late-March, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish, to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area. R7

Major Press Inquiries

Tom Oder, a freelancer writing for Mother Nature Network, inquired about the potential effects of the harsh winter on Northeast wildlife. FWS is pulling together information to send him early next week and expect a story to run late in the week. R5

Multiple, print web and TV media outlets (Idaho): Continuing coverage of Deer Flat NWR's final Comprehensive Conservation Plan for the refuge. It was released to the public on Feb. 20. Controversial. R1

Phoenix New Times (Miriam Wasser) contacted FWS regarding the Arizona State Senate resolution seeking U.S. legislation exempting U.S. military bases and training facilities from the regulations and restrictions of the ESA. Publication of an article is uncertain. R2

CNN (Anderson Cooper show), will be visiting the Miami airport and conducting interviews with FWS law enforcement personnel for a program about wildlife trafficking. Discussions are ongoing about how best to provide them additional access to law enforcement activities. HQ

World Media Rights signed a contract with Animal Planet to produce a series focused on FWS special agents and wildlife trafficking. Staff from World Media Rights will tour the U.S. in mid-late March and will visit the National Forensics Laboratory, National Wildlife Repository, the Port of Los Angeles at LAX and FWS Headquarters in Falls Church, VA. The producers are interviewing FWS employees and filming clips for the series. Edward Grace and the HQ Office of Law Enforcement are aware of the production and have approved all travel and interviews. HQ

Items of Note/Expected Legislative, Legal, Policy Issues

NEW: Proposed state legislation in Montana would require the Montana Department of Fish, Wildlife and Parks (MFWP) to allocate and spend a \$500,000 of its hunting and fishing license

revenues on the development and creation of shooting ranges. FWS responded to a request from MFWP with an opinion that the proposed legislation would represent a loss of control and potential diversion of license revenue contrary to federal law and regulation. However, a Montana constituent has questioned this opinion, continuing to lobby the Montana legislature and contacting FWS and the national AFWA legal counsel. FWS has responded to the constituent in writing. R6

NEW: A private company proposes construction of an oil pipeline originating in the Bakken shale formation of North Dakota, crossing South Dakota, Iowa to deliver oil to Patoka, Illinois. Impacts to listed species are expected to both waters and uplands. However, the Corps of Engineers is encouraging dividing the pipeline into "upland" sections and "waters of the U.S." sections and only addressing impacts to the latter. This would make ESA regulations regarding "interrelated" and "interdependent" effects and jeopardy analysis extremely difficult and would compromise our existing interpretation of section 7 regulations. R6

NEW: On March 5, a train carrying crude oil derailed near the confluence of the Galena River and Mississippi River, near Galena, Illinois. The derailment site is close to the Savanna District of the Upper Mississippi River National Wildlife and Fish Refuge. Seventeen cars derailed, and at least seven cars caught fire. Due to the intense fire and explosion hazard, there were no control actions conducted at the time of the incident. Cleanup began March. The railroad has made substantial efforts to contain the crude oil that was spilled. At this time, no oil has spilled onto the refuge, and it appears most of the spilled oil burned off. R3

NEW: FWS and the Arizona Game and Fish Commission signed a Cooperative Agreement on March 4 that offers a mutually beneficial solution to repairing the water supply at the Willow Beach National Fish Hatchery. Aging infrastructure at the caused a loss of a reliable water supply and the death of 40,000 fish in 2013. FWS worked closely with the Arizona Game and Fish Department and many other partners to find a viable solution for repairing the intake water pipeline at the hatchery. These efforts led to this cost-share partnership agreement. R2

NEW: The Arizona State Senate has introduced two Endangered Species Act-related resolutions (CMS 1009 and 1012). One requests that the U.S. Congress enact the 21st Century Endangered Species Transparency Act. The other requests that the U.S. Congress enact legislation exempting U.S. military bases and training facilities from the regulations and restrictions of the Endangered Species Act. Both have been through committees and are recommended for passage. R2

UPDATE: A pipeline failure discovered Jan. 6 released an estimated 3 million gallons of produced waters that included Bakken crude oil into Blacktail Creek, a tributary of the Little Muddy River, near Williston, North Dakota. Contractors are working to clean up the released material with oversight from North Dakota Department of Health and EPA. FWS collected fish samples during the first week of March from under the ice on Blacktail Creek. These fish samples will be used to assess exposure risk and potential injury from the spill. The spill is upstream and in close proximity to endangered pallid sturgeon habitat in the Missouri River. R6

UPDATE: Several falconers have expressed concern through their local Congressional and Senate offices that they have not been authorized to take golden eagles. The Mountain-Prairie Regional

Migratory Bird Office participated in a conference call March 6 with staff from the Utah Congressional delegation, along with falconers, ranchers and state and federal officials from both Wyoming and Utah, to discuss the FWS processes for addressing golden depredation issues and potential ways to streamline this process. FWS has been contacted by Representative Lummis (Wyoming) with similar questions. R6

30-60 Day Look Ahead

NEW: President of Gabon is visiting the United States April 24-29. FWS is discussing the trip with Gabonese officials to include visits to national parks/refuges and meetings with the Secretary and Directors of FWS and NPS. HQ

NEW: On April 1, FWS will announce the final rule to list the northern long-eared bat as threatened under the ESA, with an interim 4(d) rule. On Oct. 2, 2012, FWS proposed to list the bat – which is found in much of the eastern, central, and small portions of the western United States (37 States) and Canada – as an endangered species. However, following public comment and additional evaluation of the best available information, FWS proposed a species-specific rule under section 4(d) of the ESA that outlines the prohibitions, and exceptions to those prohibitions, necessary and advisable to provide for the bat's conservation. Section 4(d) special rules can only be implemented on threatened species, not endangered. The public comment period on the FWS proposed listing and 4(d) rule ends March 17. FWS intends to reopen a comment period in conjunction with the interim 4(d) rule and engage stakeholders to explore if further categories of activities should be considered. Interest is high. R3

REPEAT: On April 6-12, FWS is supporting a journalism field tour (Sagebrush Country Institute) hosted by the Institutes for Journalism and Natural Resources. The institute will help a diverse group of selected journalists gain a better appreciation for the many facets of this issue by immersing them in the landscape where sage-grouse conservation is playing out. R6

REPEAT: A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR in Colorado after former Congresswoman Pat Schroeder (D-CO-1) is scheduled for April 8. R6

NEW: Fort Huachuca in southeast Arizona and Patuxant River Naval Air Station in Maryland have been selected as Sentinel Landscapes for 2015. The Sentinel Landscapes Program is a collaboration of the U.S. Department of Agriculture, Department of Defense, and Department of the Interior working with state, local and private partners to preserve and restore habitat around military bases to ensure at-risk species can survive, while also improving military readiness by ensuring training activities can proceed unimpeded. Selection as a Sentinel Landscape will provide resources for expanding conservation efforts to the broader landscape outside of the base's boundaries. A joint news release announcing the selection of both sentinel landscapes is planned for April. R2

NEW: In mid-April, FWS will announce a notice of availability of a draft economic analysis and a draft environmental assessment for the Zuni bluehead sucker, which occurs in Arizona and New Mexico. The public comment period on the proposed critical habitat designation will also be reopened at this time. Outreach is planned. R2

UPDATE: in mid-late April, FWS will announce two decisions regarding importation of hunting trophies of endangered species from Africa: two applications for import permits for black rhino hunting trophies from Namibia; and whether to continue through 2015 the current suspension on the importation of sport-hunted elephant trophies taken in Zimbabwe. Both decisions are expected to garner significant public attention, particularly the rhino trophy import. A decision is being made on whether to announce these decisions together or independently.

UPDATE: The draft Comprehensive Conservation Plan and EIS for Rocky Mountain Arsenal NWR near Denver, Colorado, will be released for a 60-day public review in April. R6

UPDATE: FWS is considering a final rule to list all populations of chimpanzee as endangered under the ESA. FWS received a petition to list all chimpanzees, including those in captivity, as endangered. In our 12-month finding on this petition, we determined that providing separate legal status to captive specimens of listed species is not permissible under the ESA. Outreach planned for late April. HQ.

NEW: FWS will award two Hurricane Sandy-funded resilience project contracts to restore coastal marshes at Forsythe NWR in New Jersey. The first contract will focus on improving nine areas of nearly 3,600 acres of degraded salt marsh habitat. The second will cover restoration of the impoundments at refuge headquarters near Oceanville and implementation of a new water management plan for a series of constructed wetlands. Both contracts are valued at close to \$3 million each, with awards expected by end of March. Outreach planned. R5

NEW: FWS will award one Hurricane Sandy-funded recovery project contract with an estimated value of \$1 million to install a generator and photovoltaic solar panels at Forsythe NWR, Cape May and Supawna Meadows NWR. Award date expected by end of April or early May. Outreach planned. R5

NEW: On May 20, FWS will hold a news conference announcing a proposal to consider the delisting of the Louisiana black bear. If this action is signed and published, it will be an historic ESA success story. It is the result of a collaborative effort bringing together partners, funding, habitat restoration and population management focusing on the future recovery of the Louisiana black bear. FWS anticipates the Louisiana Department of Wildlife and Fisheries will host the event. DOI Secretary Jewell is invited, along with Mississippi Governor Phil Bryant and Texas Governor Greg Abbott. The U.S. congressional delegation, representing Louisiana, Mississippi, and eastern Texas also will be invited. R4.



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Mar 4, 2015 at 12:03 PM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Israporn Pananon <israporn_pananon@ios.doi.gov>, Julie Williams <julie_williams@ios.doi.gov>

Cc: Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Rowan Gould <r_w_gould@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>

Hello!

Attached is this week's FWS Weekly Secretarial Report. Please let me know if you have any questions.

Thanks,
Anna

Anna Muñoz
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FWS Secretarial Week Ahead Report 3-4-15.docx
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FWS SECRETARIAL WEEK-AHEAD REPORT
March 4, 2015

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

NEW: March 3-5, 9-11: FWS and NPS will hold a series of public meetings in northern Washington on the North Cascades Ecosystem Grizzly Bear Restoration Plan/EIS. FWS and NPS are joint lead agencies. Very controversial. R1

UPDATE: March 6: FWS Director is scheduled to announce banning the importation and interstate transportation of four large constrictor snakes: reticulated python, DeSchauensee's anaconda, green anaconda and Beni anaconda at A.R.M. Loxahatchee NWR near Boynton Beach, Florida. The boa constrictor is being removed from consideration for listing as an injurious wildlife species. Although the boa constrictor has traits of injurious wildlife, the circumstances surrounding the snake, which include current widespread ownership and domestic breeding, render the importation and interstate prohibitions less effective. Controversy expected. Outreach planned. R4.

NEW: March 10-11: Pursuant to the Water Resources Reform and Development Act (2014), FWS is meeting in Dubuque, Iowa, with state, tribal and federal partners from the Upper Mississippi River Basin to discuss Asian carp management. R3

Public Announcements

Thursday March 5

Nothing to report

Friday, March 6

UPDATE: March 6: FWS Director is scheduled to announce banning the importation and interstate transportation of four large constrictor snakes: reticulated python, DeSchauensee's anaconda, green anaconda and Beni anaconda at A.R.M. Loxahatchee NWR near Boynton Beach, Florida. (See above.)

Monday, March 9

REPEAT: The week of March 9, FWS will send to the Federal Register a joint NMFS-FWS rule proposing to list 11 DPSs of green sea turtle; eight as threatened and three as endangered. This rule also constitutes the 12-month finding on a petition to reclassify the Hawaiian population of green sea turtles as a DPS and delist the DPS. Announcement date is TBD. Outreach planned (NMFS lead). R1 Some controversy expected. HQ

Tuesday, March 10

Nothing to report

Wednesday, March 11

FWS, in partnership with NPS, The Nature Conservancy and Catalina Island Conservancy, will host a local media event in Ventura, California, at the Channel Islands National Park Visitor Center to announce the final recovery plan for four subspecies of island fox. FWS will also announce the initiation of status reviews for these subspecies to determine if any warrant consideration for reclassification or removal from the list of Federally Threatened and Endangered Species. R8

Thursday, March 12

NEW: FWS will announce the successful completion of Hurricane Sandy recovery funded debris and tree removal from eight units at the Long Island National Wildlife Refuge Complex. The announcement will focus on the removal of 277 tons of debris and 290 trees, with all contracts valued at more than \$3 million. Targeted media pitches are planned and coordination with Congressional offices. R5

FWS Director will announce the recipients of the 2014 Rachel Carson and Science Leadership awards for scientific excellence at the North American Wildlife & Natural Resources conference in Omaha, Nebraska. Outreach planned. HQ.

Friday, March 13

REPEAT: FWS will announce its decision on two applications for import permits for black rhino hunting trophies from Namibia. One application is the result of an auction for a hunt permit by the Dallas Safari Club that has garnered significant media attention. Outreach planned. HQ.

TBD

UPDATE: In early March, FWS expects to publish a Notice of Availability in the Federal Register announcing that NiSource Inc., an energy company with a network of natural gas pipelines and storage facilities, has requested an amendment to their incidental take permit and their revised HCP to include take of the northern long-eared bat. The Notice of Availability will open a 30-day public comment period. R3

NEW: In early/mid-March, Arctic NWR will publish the Notice of Availability for the Record of Decision (ROD) for the Final Revised Comprehensive Conservation Plan (CCP) and EIS, in the *Federal Register*. The ROD will adopt Alternative E (the Preferred Alternative), as described in the final revised CCP and EIS. The decision recommends approximately 12.28 million acres of the refuge for Wilderness designation. Relevant issues, concerns and opportunities, including public input received throughout the planning process; comments on the draft and final revised CCP and EIS, and other factors including refuge purposes and relevant laws, regulations and policies, were carefully considered before making the final decision. Alternative E best accomplishes refuge purposes; best achieves the missions of the National Wildlife Refuge System; and best meets the visions and goals identified in the plan. It best provides long term protection of fish and wildlife habitat while providing recreational and other opportunities in a natural environment while minimizing and preventing human caused change. R7

Major Press Inquiries

NEW: On February 11, PBS News Hour nationally aired a special Inside Energy report on small-scale hydropower. The reporter failed to note any of the conservation issues related to the topic. In response, FWS reached out to the reporter, Dan Boyce, and coordinated an informational call. The call generated interest on the part of the reporter and is anticipated to result in a follow-up piece. R3

Multiple reporters inquired about the North Cascades ecosystem grizzly bear recovery and the upcoming public open houses scheduled in Washington. R1

Items of Note/Expected Legislative, Legal, Policy Issues

NEW: FWS fielded two inquiries from the public (including an inquiry from the President of the National Hound and Tree Dog Association) and one inquiry from a congressional staffer expressing concern about land access for houndsman and field trialers on state managed land affiliated with Pittman-Robertson (PR) dollars. The concern is that state managers are restricting this group from using lands managed or purchased by PR dollars, yet this group has supported PR funding through their purchases of hunting equipment. FWS is continuing to provide information for these inquiries. R3

NEW: On January 15, the Garden Peninsula Foundation and others filed suit in U.S. District Court in Western Michigan against FWS and Heritage Sustainable Energy LLC opposing operation and proposed expansion of Heritage's 14-turbine wind energy facility on Michigan's Garden Peninsula in Delta County on the north shore of Lake Michigan. Plaintiffs claim violations of the ESA, MBTA, NEPA and Administrative Procedures Act, saying the existing facility was constructed and will be expanded with no environmental assessment by federal or state agencies. According to the plaintiffs, operation and expansion will affect migratory birds, bald eagles and federally endangered Kirtland's warblers and piping plovers as well as bats, including the northern long-eared bat, a species proposed for listing. The plaintiffs seek compensation for negative impacts to their health and well-being, use and enjoyment of their property and diminution in value of their property due to the turbines. R3

NEW: To prevent the illegal or unintentional release of grass carps into the Great Lakes, FWS requested that the Mississippi Interstate Cooperative Resource Association (MICRA) examine grass carp regulations and commercial use in the United States. The final report contains eight recommendations from MICRA on how to potentially improve grass carp production, certification, shipping, stocking and regulation. MICRA's report concludes that state grass carp regulations are varied and inconsistent, and a national policy strategy is needed to effectively minimize the risks of additional fertile and sterile grass carp introductions in the Great Lakes. R3

NEW: Last week, Michigan filed an appeal against the December decision to return gray wolves to the federal endangered species list in Michigan and Wisconsin, and to the federal threatened species list in Minnesota. Also last week, Wisconsin filed a notice of appeal. R3

NEW: District offices of Senators Patty Murray (D-WA) and Maria Cantwell (D-WA), and Representative Jaime Herrera Beutler (R-WA-3) have requested briefings on the upcoming EIS process related to grizzly bear recovery in the North Cascades ecosystem. Staff from FWS and NPS will provide briefings to staff for Senators Murray and Cantwell on March 11, and Rep. Herrera Beutler on March 16. R1

NEW: Refuge staff from Turnbull NWR will provide a tour to local staff for Rep. Cathy McMorris Rodgers (R-5th) on March 17. They have been discussing an ongoing inquiry regarding refuge management, including fencing issues, with the Congresswoman's staff. The inquiry was precipitated by a constituent request. R1

NEW: The National Wildlife Refuge Association and the National Fish and Wildlife Foundation announced the 2015 National Wildlife Refuge System Awards winners March 3. These awards are presented each year to individuals and groups demonstrating a commitment to our natural resources, through the use of innovation and/or technical skills, and effectiveness in advancing the cause of wildlife conservation. Three of this year's recipients are in the FWS Southwest Region, they are: Refuge Employee of the Year, John Vradenburg, Bosque del Apache NWR, San Antonio, New Mexico; Friends Group of the Year, Friends of the Bosque, Bosque del Apache NWR, San Antonio, New Mexico; Volunteer of the Year, Wiley Lyon, Balcones Canyonlands NWR, Marble Falls, Texas. Tom Kerr, the Refuge Manager at St. Croix Wetland Management District and at Whittlesey Creek National Wildlife Refuge both in Wisconsin, will receive the Paul Kroegel Refuge Manager of the Year Award. R2

NEW: A pipeline failure discovered January 6 released an estimated 294,000 gallons of produced waters that included Bakken crude oil into Blacktail Creek, a tributary of the Little Muddy River, near Williston, ND. Contractors are working to clean up the released material with oversight from North Dakota Department of Health and EPA. FWS will collect fish samples during the first week of March from under the ice on Blacktail Creek. These fish samples will be used to assess exposure risk and potential injury from the spill. The spill is upstream and in close proximity to endangered pallid sturgeon habitat in the Missouri River. R6

UPDATE: The Bald and Golden Eagle Protection Act (Eagle Act) provides that "only golden eagles which would be taken because of depredation on livestock or wildlife may be taken for the purposes of falconry." Several falconers have expressed concern through their local Congressional and Senate offices that they have not been authorized to take golden eagles. The Mountain-Prairie Regional Migratory Bird Office will participate in a conference call March 6 with staff from the Utah Congressional delegation, along with falconers, ranchers and state and federal officials from both Wyoming and Utah, to discuss the FWS processes for addressing golden depredation issues and potential ways to streamline this process. R6

UPDATE: An agreement among FWS, BLM, Wyoming Game and Fish Department, other Wyoming state agencies, and private landowners has created the largest conservation bank in the

country and Wyoming's first conservation bank for greater sage-grouse. The Sweetwater River Conservancy Conservation Bank (SRCCB) is a working cattle ranch with associated grazing leases and permits on approximately 245,000 acres of state and federal land and could grow to 700,000 acres by planned expansion on lands already owned by the habitat conservation bank. . The project will be announced on March 18 at 11am in the Wyoming Capitol Rotunda at an event hosted by Governor Matt Mead that will include a national phone-in telepresser. The FWS Director will attend. Former Governor Dave Freudenthal is a driving force behind the project. SRCCB invited Secretary Jewell and BLM Director Neil Kornze. Three mountain ranges, a long stretch of the Oregon Trail and the Miracle Mile, world famous for its trout fishing, are within the project's boundaries. R6

NEW: To date FWS has received eight Notice of Intents (NOI) to sue and complaints regarding the final listing designation for Gunnison sage-grouse. Two NOIs and two complaints are from environmental groups (one group consisting of WildEarth Guardians, Wild Utah Project and Great Old Broads for Wilderness, and one group consisting of the Center for Biological Diversity and the Western Watersheds Project) stating FWS should have listed the species as endangered. The other complaint and one of the NOIs is from Colorado, arguing the species does not warrant listing. The remaining NOIs are from San Juan County, Utah and Dolores, Gunnison, Montrose counties in Colorado, as well as the Gunnison County Stock Growers Association, also arguing the species does not warrant listing. FWS expects other counties may send NOIs as well. R6

30-60 Day Look Ahead

NEW: On March 18, FWS will participate in a signing ceremony with several Soil and Water Conservation Districts for a Multi-County Candidate Conservation Agreements with Assurance (CCAA) for greater sage-grouse in Ontario, Oregon. Not controversial. R1

UPDATE: In mid-March, FWS will announce its decision on whether to continue the suspension, established in April 2014, on the importation of sport-hunted elephant trophies taken in Zimbabwe during the 2014 hunting season, as well as a decision on whether trophies taken during Zimbabwe's 2015 season can be imported under the ESA. The FWS decision is based on whether the killing of the animals that are being imported as trophies enhances the survival of the species in the wild. In addition, a *Federal Register* notice announcing the decision will be published in March. HQ

REPEAT: The draft Comprehensive Conservation Plan and EIS for Rocky Mountain Arsenal NWR near Denver, Colorado, will be released for a 60-day public review in March. R6

UPDATE: FWS is considering a final rule to list all populations of chimpanzee as endangered under the ESA. FWS received a petition to list all chimpanzees, including those in captivity, as endangered. In our 12-month finding on this petition, we determined that providing separate legal status to captive specimens of listed species is not permissible under the ESA. Announcement likely to occur mid to end of April. Outreach planned. HQ.

NEW: On March 27, Montana, Idaho and Wyoming will submit annual reports to the FWS documenting the status of their respective wolf populations. Based on preliminary estimates, the

2014 wolf population is expected to decline slightly in Idaho, remain about the same in Montana and Yellowstone National Park, and increase slightly in Wyoming. Wolf populations in all the Northern Rocky Mountain (NRM) states will remain well above recovery goals in 2014 for the 13th consecutive year. FWS' 2014 Annual Report will be posted on the FWS website April 3. Most NRM states will provide their commissioners with their annual report prior to April 3, but partners agreed to inform FWS when their reports will go public. FWS news release planned April 3. R6

REPEAT: FWS will propose to delist the eastern puma (aka cougar) due to extinction within the next 30-60 days. In 2011, FWS conducted a five-year status review and recommended this course of action due to scientific evidence that the species is no longer present and reproducing in the wild. The eastern puma was originally listed in 1973. Occasional sightings of eastern pumas are believed to be escaped captive animals or transient animals from populations in the Midwest. Outreach planned. R5

REPEAT: In March, FWS expects to announce a proposed rule to amend the ESA special rule for the African elephant. If enacted, this would further restrict the import, export and domestic sale of ivory. The most significant change would be a prohibition on interstate commerce in African elephant ivory with certain exceptions for items that qualify as antiques or that contain *de minimis* quantities of ivory. HQ

NEW: FWS' Valley Stream, NY, and Concord, NH, offices are coordinating with the Department of State to host a visiting judicial delegation from Thailand. The delegation will be visiting Washington D.C., New York City and Vermont to study best practices in the investigation and prosecution of wildlife trafficking cases. The delegation will visit JFK Airport to observe field operations and learn about wildlife interdiction efforts, and meet with partners from the U.S Attorney's office, University of Vermont Environmental Law School, and Vermont Department of Fish and Wildlife. The visit is planned for April 7-10.

NEW: On April 2, FWS will decide whether to list the Northern Long-Eared Bat and the appropriate status: threatened or endangered. A 4(d) rule is being developed that may accompany the final rule if listed as threatened. Interest is high. R3

REPEAT: In the coming weeks, trustees are expected to announce that Enbridge will fund multiple resource restoration projects along the Kalamazoo River and will pay an additional sum of nearly \$4 million under a natural resource damage (NRD) settlement reached with federal, state and tribal officials acting as natural resource trustees. The NRD settlement, made in conjunction with a comprehensive settlement between the state of Michigan and Enbridge, addresses environmental injuries caused by the 2010 rupture of its Line 6B pipeline in Michigan that resulted in one of the largest inland oil spills in U.S. history. The settlement between the state of Michigan and Enbridge requires Enbridge to comply with state law requirements for cleanup, mitigation, compensation and restoration. R3

REPEAT: A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR in Colorado after former Congresswoman Pat Schroeder (D-CO-1) is scheduled for April 8. R6

REPEAT: On April 6-12, FWS is supporting a journalism field tour (Sagebrush Country Institute) hosted by the Institutes for Journalism and Natural Resources. The institute will help a diverse group of selected journalists gain a better appreciation for the many facets of this issue by immersing them in the landscape where sage-grouse conservation is playing out. R6

REPEAT: April 13-17: 20th Meeting of the Canada/Mexico/U.S. Trilateral Committee for Wildlife and Ecosystem Conservation and Management in San Diego. The plight of the monarch butterfly and conservation efforts required to save it will be among the topics of conversation. R8

REPEAT: On Earth Day, April 22, DOI and FWS will host a ceremony marking the establishment of Mountain Bogs NWR in West Jefferson, North Carolina. The first national wildlife refuge in western North Carolina, Mountain Bogs could eventually protect bogs at 31 sites in North Carolina and eastern Tennessee. The refuge is being established through the donation of land by the Carolina Mountain Land Conservancy (CMLC) and the donation of easements by CMLC and The Nature Conservancy. Ultimately the refuge should help recover 12 federally threatened and endangered species, including five that require bog habitat, 20 state-listed (North Carolina and Tennessee) species as threatened or endangered, and 11 at-risk species. R4

NEW: FWS will publish to the Federal Register a NEPA document and a concurrent summary of changes to the proposed critical habitat rule for the western yellow-billed cuckoo and open a 30-day comment period for the proposed critical habitat rule. R8

The following endangered species actions are scheduled to be sent to the *Federal Register* in March and April (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Black Pine Snake, Proposed Critical Habitat, TBD R4
- 2 Arkansas Mussels (Neosho Mucket and Rabbitsfoot), Final Critical Habitat, March 16, R4
- Northern Long-Eared Bat, Final Listing, March 19 (must publish by April 2), R3
- Zuni Bluehead Sucker, Notice of Intent, March 20, R2
- New Mexico Meadow Jumping Mouse, Final Critical Habitat, March 27, R2
- Eastern Puma, Proposed Delisting, March 27, R5
- Two Pine Rockland Plants, Final Critical Habitat, March 27, R4
- Dakota Skipper and Poweshiek Skipperling, Final Critical Habitat, March 27, R3
- Northern Spotted Owl, 90 Day Petition Finding, March 31, R1
- Egyptian Tortoise, 90 Day Petition Finding, March 31, HQ
- Wild Horse DPS, 90 Day Petition Finding, March 31, HQ
- Long-tailed Chinchilla, , 90 Day Petition Finding, March 31, HQ
- Golden Conure, 90 Day Petition Finding, March 31, HQ
- Miami Tiger Beetle, 90 Day Petition Finding, March 31, HQ
- Big Sandy Crayfish, 12 Month Petition Finding, April 1, R5
- Humboldt Marten, 12 Month Petition Finding, April 1, R8
- Black-Footed Ferret Statewide Wyoming 10(j), Listing - 10(j) Experimental, April 1, R6

- Chimpanzee, Final Listing, April 3, HQ
- 2 Arizona Plants (*Echinomastus erectocentrus* var. *acunensis*, *Pediocactus peeblesianus fickeiseniae*), Final Critical Habitat, April 3, R3
- Bi-State DPS of the Greater Sage Grouse, Final Listing, April 10, R8
- Johnston's Frankenia, Final Delisting, April 15, R2
- Hualapai MX vole, 12-Month Finding and Proposed Delisting, April 15, R2
- Borax Lake Chub, Proposed Downlisting, April 29, R1
- Washington Ground Squirrel, 12 Month Petition Finding, April 30, R1



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Report

1 message

Porcari, Emily <emily_porcari@fws.gov>

Wed, Feb 18, 2015 at 2:01 PM

To: Joan Padilla <joan_padilla@ios.doi.gov>, Craig Dorsett <craig_dorsett@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Israporn Pananon <israporn_pananon@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>
Cc: Dan Ashe <d_m_ashe@fws.gov>, Anna Munoz <anna_munoz@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Jim Kurth <jim_kurth@fws.gov>, Stephen Guertin <stephen_guertin@fws.gov>, Roslyn Sellars <roslyn_sellars@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>

This week's report is attached. Let me know if you have any questions. Thank you!

—
Emily Porcari
Special Assistant
U.S. Fish and Wildlife Service
202-273-3288
Emily_Porcari@fws.gov



FWS Secretarial Week Ahead Report 2-18-15 FINAL.docx

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FWS SECRETARIAL WEEK-AHEAD REPORT
Feb. 18, 2015

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Feb. 16-19: FWS will sponsor a congressional tour of the Texas Coast. The tour will focus on sites that demonstrate: economic benefits of wildlife; connecting wildlife corridors; protecting the border for people and wildlife; and energy development. Anticipated participants include staffers from the offices of Reps. Lujan Grisham (D-NM-1), Tsongas (D-MA-3), Vela (D-TX-34), Lowenthal (D-CA-47), Cartwright (D-PA-17), McCollum (D-MN-4), Lummis (R-WY-at large) and Bishop (R-Utah-1), and Sens. Cornyn (R-Texas), Coons (D-DE).

Feb. 24: FWS Midwest Deputy Regional Director and FWS chair of the Asian Carp Regional Coordinating Committee will lead two Hill briefings on the Water Resources Reform and Development Act report, which provides strategies, expenditures, and progress made in addressing the threat of Asian carp in the Upper Mississippi River and Ohio River basins. The first was organized by the Northeast-Midwest Institute. The second was requested by the White House's Council on Environmental Quality. R3

Feb. 24-25: The Sport Fishing and Boating Partnership Council Winter Meeting is being held at Ding Darling NWR in Florida. The tentative agenda includes updates on the National Park Service's access plans for Key Biscayne, Federal Interagency Council on Outdoor Recreation (FICOR), federal agency budget updates, and a report on their review of the FWS National Outreach and Communication Program/Recreational Boating and Fishing Foundation. HQ

Feb. 27: FWS Northeast Region Regional Director Wendi Weber will participate at a press event in Plymouth, Mass., announcing a 2015 National Coastal Wetlands Conservation Grant to the State of Massachusetts for the largest freshwater wetlands restoration in the state. The \$1.2 million project at a privately owned retired cranberry bog includes a unique monitoring component. Project partners include the Massachusetts Department of Fish and Game, NRCS, NOAA, Massachusetts Audubon, Town of Plymouth and the landowner. Outreach is planned. R5

Public Announcements

Thursday Feb. 19, 2015

A final rule to comply with two court orders that have the effect of reinstating the regulatory protections under the ESA for the gray wolf in Wyoming and the western Great Lakes will appear in the reading room on this date, preceding its publication on Friday, February 20th in the *Federal Register*. Gray wolves in Montana, Idaho, the eastern third of Washington and Oregon, and north central Utah retain their delisted status and are not impacted by this final rule. FWS will notify impacted states and congressional delegations of the FR publication. HQ

Friday Feb. 20, 2015

FWS will announce the Deer Flat NWR Final Comprehensive Conservation Plan. The Service has developed an outreach strategy that includes notification of and meetings with local congressionals, stakeholders and partners. Local media interest is expected. Potentially controversial. R1

By Feb. 20, FWS will announce its decision on whether to continue the suspension, established in April 2014, on the importation of sport-hunted elephant trophies taken in Zimbabwe during the 2014 hunting season, as well as a decision on whether trophies taken during Zimbabwe's 2015 season can be imported under the Endangered Species Act. The FWS decision is based on whether the killing of the animals that are being imported as trophies enhances the survival of the species in the wild. In addition, a *Federal Register* notice announcing the decision will be published by Feb. 27. HQ

Monday, Feb. 23

FWS will plan to release a Finding of No Significant Impact (FONSI) on the Environmental Assessment (EA) for the structures on the Timber Point property of the Rachel Carson NWR in Maine. FWS also plans to release a summary of comments received during the draft EA comment period and our responses. The FONSI will reaffirm the FWS preferred alternative that supports preservation of National Historic Register-eligible buildings, as well as enhancing interpretation of the buildings. Some key constituents who are very interested in the future use of the buildings have elevated the issue to their representatives, so congressional interest is high. Outreach planned. R5

Tuesday, Feb. 24

FWS will send to the *Federal Register* a joint NMFS-FWS rule proposing to list 11 DPSs of green sea turtle; 8 as threatened and 3 as endangered. This rule also constitutes the 12-month finding on a petition to reclassify the Hawaiian population of green sea turtles as a DPS and delist the DPS. Announcement date: TBD. Outreach planned (NMFS lead). R1

Wednesday, Feb. 25

Nothing to report

Thursday, Feb. 26

Nothing to report

Friday, Feb. 27

FWS will issue a draft biological opinion to the EPA for their review and comment on their proposal to approve Idaho water quality standards for 11 inorganic metals and 11 organic toxic chemicals. The draft is expected to determine the action, as proposed, is likely to jeopardize listed species and to adversely modify critical habitat. A final biological opinion is expected to be issued in July in accordance with a settlement agreement on litigation initiated by Northwest Environmental Advocates. Potential for controversy. R1

FWS will release an EA and open a 30-day public comment period to restore a 4,000-acre tidal salt marsh at Prime Hook NWR in Delaware. The project, funded with \$16.7 million of

Hurricane Sandy disaster relief funding, will begin in 2015 and is contingent on final environmental review, permitting and the completion of related work to restore dunes and barrier beaches damaged during the storm. Congressional interest is high and outreach is planned. R5

TBD

The National Wildlife Refuge System will celebrate its 112th anniversary on March 14. A press release announcing some celebratory events will be distributed in the next 10 days. The story also will be carried on the Recreation.gov website, and social media will be employed extensively to celebrate and to encourage citizens to visit their national wildlife refuges. HQ

REPEAT: In the next two weeks, FWS expects to publish a Notice of Availability in the *Federal Register* that will announce that NiSource, Inc., an energy company with a network of natural gas pipelines and storage facilities, has requested an amendment to their incidental take permit and their revised HCP to include take of the northern long-eared bat. The Notice of Availability will open a 30-day public comment period. R3

REPEAT: FWS is publishing a Notice of Intent to prepare a programmatic environmental impact statement on a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (MBTA). Public scoping meetings will be held in coming weeks to seek comments on potential rulemaking to authorize incidental take. Outreach planned. HQ

REPEAT: FWS will announce its decision on two applications for import permits for black rhino hunting trophies from Namibia. One application is the result of an auction for a hunt permit by the Dallas Safari Club that has garnered significant media attention. Announcement likely to occur after Feb. 20. Outreach planned. HQ.

Major Press Inquiries

Boise State Public Radio requested comment on a lawsuit filed Feb. 11 by five litigants over the U.S. Department of Agriculture Animal and Plant Health Inspection Service's alleged lack of NEPA compliance for the work of its Wildlife Service's program in Idaho. No comment was provided due to it being ongoing litigation. Controversy expected. R1

Bend Bulletin (Bend, OR) inquired about the greater sage-grouse rider and the potential to affect the 2015 ESA listing decision as well as the newly released NRCS Conservation Report. R1

Positive and wide media coverage in all major Cameroonian TV, radio, print and blog outlets followed a Cameroon visit by FWS Acting Chief of International Affairs' Africa Branch. The coverage highlighted the U.S. government's desire to increase its partnership with Cameroon to defend its wildlife and strengthen its security. The visit emphasized U.S. support as Cameroon suffers a serious threat posed by Boko Haram. HQ

New York Times had follow-up questions from the Feb. 2 Delta tour observing FWS early warning monitoring program for delta smelt. Publish date undetermined. R8

National Geographic had follow-up questions from the Feb. 4 winter-run Chinook salmon release in Redding. Publish date undetermined. R8

The return of the manatee called Trinidad to Florida planned to occur on Feb. 18 is expected to have high media interest. R2

A joint restoration project between Customs and Border Protection, Cabeza Prieta NWR and Organ Pipe National Monument is anticipated to begin on Feb. 19, near Ajo, Arizona. It may draw media interest due to public concerns regarding the use of mechanical restoration techniques within designated wilderness. R2

Items of Note/Expected Legislative, Legal, Policy Issues

NEW: FWS is progressing through its review of management activities associated with the Red Wolf Recovery Program's non-essential experimental population located in five eastern North Carolina counties. FWS expects to complete the review of the Wildlife Management Institute's evaluation of the population, FWS files, and more than 47,000 comments by late February. FWS has prepared a response to a letter from Rep. Walter B. Jones (D-NC-3) that affirms it will share the decision about the future of the red wolf and results of the review as soon as it is finalized and ahead of a public announcement that is expected by early April. Potential for controversy. R4.

NEW: Don Edwards SF Bay NWR will host a tour of the South Bay Salt Ponds Restoration Project for San Jose Assembly member Kansen Chu and California State Sen. Bob Wieckowski to highlight public access features of the restoration and the need for an engineered flood control levee in the South. R8

REPEAT: An agreement among FWS, BLM, Wyoming Game and Fish Department, other Wyoming state agencies, and private landowners has created the largest conservation bank in the country and Wyoming's first conservation bank for greater sage-grouse. The Sweetwater River Conservancy Conservation Bank (SRCCB) is a working cattle ranch with associated grazing leases and permits on approximately 245,000 acres of state and federal land and could grow to 700,000 acres by planned expansion on lands already owned by the habitat conservation bank. Project proponents would like to announce the launch of the project with a formal event coordinated with Governor Mead's office, perhaps with a national teleconference. Former Governor Dave Freudenthal is a driving force behind the project. SRCCB would like to invite Secretary Jewell in recognition of her leadership on cooperative large landscape conservation projects and sage-grouse conservation. BLM Director Neil Kornze has already been invited by project proponents. The event will be held in the State Capitol at a time to be determined on March 18. R6

UPDATE: FWS is seeking the Secretary's approval to transfer the former Innoko NWR administrative office property in McGrath, Alaska, to the Bureau of Indian Affairs, so that BIA can transfer the property to the McGrath Native Village Council, which wishes to acquire the property. The transfer utilizes the Indian Self Determination and Education Act. R7

30-60 Day Look Ahead

UPDATE: In early/mid-March, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area .R7

NEW: In March, 100 wood bison are to be transported by truck from Portage to Anchorage and then shipped by aircraft to Shageluk, Alaska. FWS awarded a \$345,000 Wildlife Restoration grant to the Alaska Department of Fish and Game for the transport and release of these animals into interior Alaska. R7

REPEAT: FWS expects to open a comment period in mid-March for its updated draft Native American Policy. The policy is intended to promote and guide broader, more open and collaborative dialogue and working relations with federally recognized tribes and Alaska Natives. The updated policy will encourage efficient, effective and creative ways to maximize resources for the benefit of tribal resource conservation through improved federal-tribal working relationships. Outreach planned. HQ

REPEAT: FWS will publish a notice of intent to prepare a National Environmental Policy Act document for a pending habitat conservation plan and incidental take permit application from OwnEnergy, Inc., for the proposed construction and operation of a 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Local outreach is planned. R5

REPEAT: In the coming weeks, trustees are expected to announce that Enbridge will fund multiple resource restoration projects along the Kalamazoo River and will pay an additional sum of nearly \$4 million under a natural resource damage (NRD) settlement reached with federal, state and tribal officials acting as natural resource trustees. The NRD settlement, made in conjunction with a comprehensive settlement between the state of Michigan and Enbridge, addresses environmental injuries caused by the 2010 rupture of its Line 6B pipeline in Michigan that resulted in one of the largest inland oil spills in U.S. history. The settlement between the state of Michigan and Enbridge requires Enbridge to comply with state law requirements for cleanup, mitigation, compensation and restoration. Trustees include the Service, Michigan Department of Environmental Quality, Michigan Department of Natural Resources, Michigan Department of the Attorney General, NOAA, the Nottawaseppi Huron Band of the Potawatomi Tribe, the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Tribe (Gun Lake Tribe). R2

REPEAT: In March, FWS expects to announce a proposed rule to amend the ESA special rule for the African elephant. If enacted, this would further restrict the import, export and domestic

sale of ivory. The most significant change would be a prohibition on interstate commerce in African elephant ivory with certain exceptions for items that qualify as antiques or that contain *de minimis* quantities of ivory. HQ

REPEAT: The draft Comprehensive Conservation Plan and Environmental Impact Statement for Rocky Mountain Arsenal National Wildlife Refuge near Denver, Colorado, will be released for a 60-day public review in March. R6

REPEAT: A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR in Colorado after former Congresswoman Pat Schroeder (D-CO-1) is scheduled for April 8. R6

REPEAT: On April 6-12, FWS is supporting a journalism field tour (Sagebrush Country Institute) hosted by the Institutes for Journalism and Natural Resources. The Institute will help a diverse group of competitively selected journalists gain a better appreciation for the many facets of this issue by immersing them in the landscape where sage-grouse conservation is playing out. R6

REPEAT: April 13-17: 20th Meeting of the Canada/Mexico/U.S. Trilateral Committee for Wildlife and Ecosystem Conservation and Management in San Diego. The plight of the monarch butterfly and conservation efforts required to save it will be among the topics of conversation. R8

REPEAT: On Earth Day, April 22, DOI and FWS will host an afternoon ceremony marking the establishment of Mountain Bogs NWR in West Jefferson, North Carolina. The first national wildlife refuge in western North Carolina, Mountain Bogs could eventually protect bogs at 31 sites in North Carolina and eastern Tennessee. The refuge is being established through the donation of land by the Carolina Mountain Land Conservancy (CMLC) and the donation of easements by CMLC and The Nature Conservancy. Ultimately the refuge should help recover 12 federally threatened and endangered species, including five that require bog habitat, 20 state-listed (North Carolina and Tennessee) species as threatened or endangered, and 11 at-risk species. R4.

The following endangered species actions are scheduled to be sent to the *Federal Register* in February and March (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Eleven DPSs of green sea turtle (led by NOAA-NMFS), Feb. 24, R1
- Black Pine Snake, proposed critical habitat, Feb. 13, R4
- Taxonomy of the Hawaiian Monk Seal, Final Listing, Feb. 26, HQ
- 2 Arkansas Mussels (Neosho Mucket and Rabbitsfoot) , final critical habitat, March 16, R4
- Chimpanzee, final listing, March 18, HQ
- Zuni Bluehead Sucker, notice of intent, March 20, R2
- Black-Footed Ferret Statewide Wyoming 10(j), Listing - 10(j) Experimental, March 26,R6
- Northern long-eared bat, final listing, March 19, R3



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Feb 11, 2015 at 11:18 AM

To: Joan Padilla <joan_padilla@ios.doi.gov>, "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Israpom Pananon <israpom_pananon@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>
Cc: Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>, Jim Kurth <Jim_Kurth@fws.gov>

Hello,

Attached is this week's FWS Secretarial Report. Please let me know if you have any questions.

Thanks,
Anna

Anna Muñoz
Chief of Staff - Office of the Director
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**FWS Secretarial Week Ahead Report 2-11-15 .docx**

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FWS SECRETARIAL WEEK-AHEAD REPORT
Feb. 11, 2015

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Feb. 9-13: FWS Chief (Acting) of International Affairs' Africa Branch will travel to northern Cameroon with Ambassador Hoza. Bouba-Njida, the site of a large poaching incident by horsemen from the east, is one of the places to be visited along with Garoua's College of Wildlife, where we support training and capacity-building.

Feb. 12: FWS is hosting meetings to discuss the proposed revisions to the Native American Policy. The meetings have been held across the country with the remaining one scheduled for Arlington, Virginia. R5

Feb. 16-20: FWS will sponsor a Congressional tour of the Texas Coast. The tour will focus on sites that demonstrate: economic benefits of wildlife; connecting wildlife corridors; protecting the border for people and wildlife; and energy development. Anticipated participants include staffers from the offices of Reps. Lujan Grisham (D-NM-1), Tsongas (D-MA-3), Vela (D-TX-34), Lowenthal (D-CA-47), Cartwright (D-PA-17), McCollum (D-MN-4), Lummis (R-WY-at large) and Bishop (R-Utah-1), and Sens. Cornyn (R-Texas), Coons (D-DE).

Feb. 17: The Marine Mammal Commission will visit the Three Sisters Spring unit of Crystal River NWR to see wintering manatees. FWS is currently finalizing an Environmental Assessment for the refuge related to manatee viewing at Three Sisters Spring, where FWS manages the property under an agreement with the State of Florida and the City of Crystal River. The Commission is seeking to understand how this relates to provisions under the Marine Mammal Protection Act that do not allow harassment of marine animals. R4.

Public Announcements

Thursday, Feb. 12

FWS will announce the Kilauea Point NWR Draft Comprehensive Conservation Plan. Outreach strategy includes notification of and meetings with local congressionals, stakeholders and partners. Local media interest is expected and public meetings will be held Feb. 24 and 25. R1

Friday, Feb. 13

FWS will send to the *Federal Register* a final rule to comply with two court orders that have the effect of reinstating the regulatory protections under the ESA for the gray wolf in Wyoming and the western Great Lakes. This rule reinstates the former special rules designating the gray wolf in the state of Wyoming as a nonessential experimental population and reinstates the 1978 reclassification rule to govern management of gray wolves in the western Great Lakes (under which wolves in Minnesota are considered threatened with a special rule under section 4(d) of

the act to govern their management, and wolves in the remainder of the western Great Lakes states are considered endangered). Gray wolves in Montana, Idaho, the eastern third of Washington and Oregon, and north central Utah retain their delisted status and are not impacted by this final rule. No outreach planned. HQ

FWS will announce it is reopening the public comment period on the proposed delisting of Modoc sucker. The Modoc sucker is a small species of fish that occurs in streams within the Pit River basin in northeastern California and southern Oregon. R8

FWS will send to the *Federal Register* a proposal for nine critical habitat areas encompassing approximately 338,100 ac (136,824 ha) in two states for the black pine snake. The proposed critical habitat is located in Mississippi including parts of Forrest, George, Greene, Harrison, Jones, Marion, Perry, Stone, and Wayne Counties; and in Clarke County, Alabama. Local outreach planned. Announce date: TBD. R4

FWS expects to announce results of the annual survey of the Mexican wolf population in Arizona and New Mexico. Media interest is high. Outreach planned. R2

The U.S. Army Corps of Engineers Engineers will officially release a Final Environmental Impact Statement (EIS) for its Management Plan for double-crested cormorants in the Columbia River Estuary. The Corps did a web release on Feb. 6. The plan is aimed at reducing predation by cormorants on ESA-listed salmonids in the estuary (as directed by NOAA in a Biological Opinion). The Final EIS will identify a preferred alternative which proposes to cull a total of 10,912 adult cormorants and oil 15,184 nests over a four year period. FWS is a cooperating agency on the Final EIS. The Corps anticipates submitting an MBTA depredation permit application upon finalizing a Record of Decision, targeted for mid-March. R1

Monday February 16, 2015

This week, FWS and NPS will announce a public comment period and series of open houses as part of the EIS process for restoring grizzly bears to the North Cascades ecosystem. The Grizzly Bear Recovery Plan calls on the agencies to fully consider the restoration of the grizzly bear in the region. Dates for the informational open houses have not yet been set, but locations will be Omak, Winthrop, Wenatchee, and Bellingham, Washington. The U.S. Forest Service and the Washington Department of Fish and Wildlife are cooperating agencies on the EIS. Outreach planned (NPS lead). Potentially controversial. R1

Tuesday February 17, 2015

FWS will announce the final delisting of the Oregon chub, the first fish delisted under the ESA due to recovery. Director Ashe is expected to attend, along with numerous state officials. R1

Wednesday February 18, 2015

Nothing to Report

Thursday February 19, 2015

Nothing to Report

Friday February 20, 2015

FWS will announce the Deer Flat NWR Final Comprehensive Conservation Plan. The Service has developed an outreach strategy that includes notification of and meetings with local congressionals, stakeholders, and partners. Local media interest is expected. Potentially controversial. R1

By February 20, FWS will announce its decision on whether to continue the suspension, established in April 2014, on the importation of sport-hunted elephant trophies taken in Zimbabwe during the 2014 hunting season, as well as a decision on whether trophies taken during Zimbabwe's 2015 season can be imported under the Endangered Species Act. The FWS decision is based on whether the killing of the animals that are being imported as trophies enhances the survival of the species in the wild. In addition, a Federal Register notice will be published by February 27 announcing the decision. HQ

TBD

Between Feb. 17-20, FWS will approve the transfer of the former Innoko NWR administrative office property in McGrath, Alaska, to the Bureau of Indian Affairs, so that BIA can transfer the property to the McGrath Native Village Council, which wishes to acquire the property. The transfer utilizes the Indian Self Determination and Education Act. R7

In the next two weeks, FWS expects to publish a Notice of Availability in the *Federal Register* that will announce the NiSource, Inc. application for an amendment to their incidental take permit and their revised HCP. The Notice of Availability will open a 30-day public comment period to allow for review and comment on the draft Environmental Assessment and revised HCP. NiSource, an energy company with a network of natural gas pipelines and storage facilities, has requested that their incidental take permit and Habitat Conservation Plan (HCP) be amended to include the northern long-eared bat. R2

FWS is publishing a Notice of Intent to prepare a programmatic environmental impact statement on a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (MBTA). Public scoping meetings will be held in coming weeks to seek comments on potential rulemaking to authorize incidental take. HQ

In late February, FWS plans to sign a Finding of No Significant Impact (FONSI) and release a summary of public comments on the draft Environmental Assessment for the structures at Timber Point on the Rachel Carson National Wildlife Refuge in Maine. The FONSI will reaffirm the FWS preferred alternative that supports enhancing interpretation at the main buildings. Some key constituents who are very interested in the future use of the buildings have elevated the issue to their representatives, so congressional interest is high. Outreach planned. R5

FWS and partners will remove three barriers to fish passage in the Holston River Watershed in southwestern Virginia in mid-February 2015. The Holston River watershed is a priority area for FWS, with 21 federally listed, proposed or candidate aquatic species. The projects include removing the former Marion Ice Plant Dam and two bridges. Another dam removal on the Middle Fork Holston River is planned for mid-2015. Cumulatively, these four fish passage projects will open over 40 miles of river to fish passage, provide valuable habitat for aquatic species including game fish populations, enhance a parallel greenway river connection for the

public, and open the river for paddling and recreation. In total, the projects will provide over \$20 million in socioeconomic benefits to the surrounding communities. Outreach planned. R5

FWS will announce its decision on two applications for import permits for black rhino hunting trophies from Namibia. One application is the result of an auction for a hunt permit by the Dallas Safari Club that has garnered significant media attention. Announcement likely to occur late in the week of Feb. 16. HQ

FWS anticipates finalizing the approval of the Lesser Prairie-Chicken Programmatic Conservation Bank (PCBA) in Kansas, Oklahoma, New Mexico, Texas and Colorado in mid- to late February. This is the first PCBA to be approved by FWS, the goal of which is to streamline the process for lands to be approved as conservation banks and therefore provide for the conservation of the lesser prairie-chicken and its habitat. The PCBA benefits the landowner by generating income, keeping large parcels of land intact for future generations, and may reduce their taxes. No *Federal Register* publication is required for this action. Outreach planned. R2

Major Press Inquiries

On Feb. 4, FWS was notified of an incident that occurred in the afternoon of Feb. 3, in Catron County, New Mexico. According to the initial report, a rancher and his dogs encountered eight unknown canid species at a possible depredation site of a calf. FWS and USDA Wildlife Services are conducting a thorough review of the incident. R2

Cronkite News Service, Gannett Broadcasting (Southwest Border Bureau) and an independent documentary producer (Alan Lacy) accompanied the Mexican Wolf Interagency Field team on field activities for the annual Mexican wolf count in New Mexico. Media was able to document processing/confirmation of a cross-fostered pup. Cronkite and Gannett will broadcast this week and the documentary is anticipated late 2015. R2

Valle de Oro NWR in New Mexico will be in a National Science Foundation-funded series called *The Crowd & The Cloud* to air on public television. The series will highlight how citizen science and technology can be used to help find solutions to conservation issues such as pollution, dirty water and climate change. Filming is scheduled to take place March 12-15.

The Houston Chronicle called with questions related to the monarch butterfly listing process. R2

There were several media inquiries on the American Burying Beetle and conservation credits to offset impacts from construction projects within the beetle's range in Oklahoma. R2

There was significant media interest in the reward offered by FWS and others for information about the suspicious death of a whooping crane in Texas. A local hunting guide discovered the badly decomposed, adult bird on the morning of Jan. 4 near a duck blind. R2

Multiple local, regional and national media outlets are reporting on the Feb. 4 derailment of a Canadian Pacific Railroad freight train which sent 11 rail cars down the right descending bank of the Mississippi River near Dubuque, Iowa. Approximately 20,000-30,000 gallons of ethanol

carried by the train has discharged, with an unconfirmed amount impacting the Mississippi River and the Upper Mississippi NWR. There is a potential for a major inland release of 186,000 gallons of product. As a result of the derailment, one rail car ignited but has since been extinguished. No injuries have been reported. FWS is working with EPA (the lead agency), and has staff from refuge on scene to assess possible environmental damages. Canadian Pacific officials and contractors have developed a sampling plan in coordination with the Iowa Department of Natural Resources. R3

KITV News (Honolulu, HI) wanted to know if any wind projects in Hawaii have ever been fined for bird strikes, or if any fines are currently pending. FWS was unable to coordinate a response with local law enforcement office to meet the report deadline. No publication date. Potential for controversy. R1

Pacific Island Fish and Wildlife Office was contact by a writer currently at work on a book (Princeton University Press) that is exploring the issue of outside cat predation on birds. FWS declined comment and referred the reporter to local experts with Hawaii Division of Forestry and Wildlife. No known publication date. Potential for controversy. R1

FWS is in early conversations with three UK-based production companies regarding photography permitting processes and filming opportunities for southern sea otters in their natural habitat. Oxford Scientific Films is producing a new series for ITV1 and BBC Worldwide about the surprising ways in which animal mothers instinctively raise their young. Filming is expected to begin in April. Producers with BBC Natural History Unit are also interested in exploring filming opportunities for two series titled Big Blue Live and Oceans. Filming is anticipated to begin this summer. R8

The LA Times (Ralph Vartabedian) inquired on a letter FWS sent in response to the High Speed Rail Authority's (HSRA) notification that in the summer of 2014 they discovered the contractor for the Fresno/Madera line had staged equipment on two nine-acre parcels of endangered San Joaquin kit fox habitat that were outside the authorized construction footprint. In addition, a kit fox den on one of the parcels was monitored and collapsed after four days. Work on the project continues while they consult with the HSRA. FWS Law Enforcement has not been asked to intervene, and it may not be necessary depending how cooperative the HSRA is with FWS. R8

CBS News reporter Bigad Shaban is working on a story about the comeback and future for the bald eagle. The story will be distributed to CBS affiliates for airing Thursday, Feb. 12. HQ

Items of Note/Expected Legislative, Legal, Policy Issues

FWS awarded a \$16.7 million contract to AMEC Environment and Infrastructure, Inc., to restore a 4,000-acre tidal salt marsh at Prime Hook National Wildlife Refuge. The project, funded with Hurricane Sandy disaster relief funding, will begin in 2015 and is contingent on final environmental review, permitting and the completion of related work to restore dunes and barrier beaches damaged during the storm. FWS will release an environmental assessment in late February 2015 with outreach planned accordingly. R5

A letter from Sen. Deb Fischer (R-AK) to Secretary Jewell was received on Feb. 4, expressing opposition to any expansion of federal authority in the Niobrara River and Ponca Bluffs areas, and requesting an update of the current standing of the project. FWS will work with NPS, a cooperating agency in the project, to prepare a response by Feb. 20. R6

Rep. Jaime Herrera Beutler's (R-Washington) district staff requested follow-up information regarding the auto tour at Ridgefield NWR in effort to work together on this issue. R1

FWS is briefing Rep. Peter DeFazio (D-OR-4) and his local staff on FWS issues in his district, including timber harvest, litigation and gray wolves. R1

The Department of Justice (on behalf of FWS) filed a motion to dismiss the complaint challenging FWS's failure to prepare (update) a recovery plan for the Mexican wolf. The suit was filed by Center for Biological Diversity and others in U.S. District Court - Arizona. R2

On January 15, the Garden Peninsula Foundation and others filed suit in U.S. District Court in Western Michigan against FWS and Heritage Sustainable Energy LLC opposing operation and proposed expansion of Heritage's 14-turbine wind energy facility on Michigan's Garden Peninsula in Delta County on the north shore of Lake Michigan. Plaintiffs claim violations of the Endangered Species Act, Migratory Bird Treaty Act, NEPA and Administrative Procedures Act, claiming that the existing facility was constructed and will be expanded with no environmental assessment by federal or state agencies. According to the plaintiffs, operation and expansion will affect migratory birds, bald eagles, and federally endangered Kirtland's warblers and piping plovers as well as bats, including the northern long-eared bat, a species proposed for listing. The plaintiffs seek compensation for negative impacts to their health and well-being, use and enjoyment of their property and diminution in value of their property due to the turbines. R2

National Invasive Species Awareness Week takes place Feb. 23-28 across the country with associated public events. In Washington, D.C., the National Invasive Species Council is organizing several events including seminars, an awards ceremony, a congressional reception, and a kids' day at the Smithsonian's National Museum of Natural History. HQ

FWS is finalizing an agreement with the Sweetwater River Conservancy to create a large-scale habitat conservation bank on more than 50,500 deeded acres of prime habitat for the greater sage-grouse within the Pathfinder Ranch in central Wyoming. Project proponents would like to coordinate outreach through Governor Mead's office, perhaps with a national teleconference, in an event in Mead's formal office either the week of March 9 or March 16. Pathfinder Ranch is a working cattle ranch with associated grazing leases and permits on approximately 181,000 acres of state and federal land. It was originally purchased for wind energy development, but a combination of less productive winds and sage-grouse issues caused the owners to convert their investment into a conservation bank. R6

A South Dakota legislature committee voted to effectively kill for this session a bill that would restrict conservation easements to 100 years in duration. R6

The planned spring prescribed fire at the Rocky Flats NWR has been postponed. Instead the refuge will focus on outreach and other weed and fuel management techniques. Prescribed fire is a management tool that was considered, but concerns from the public indicated that FWS needed to engage in further dialogue on these issue. R6

30-60 Day Look Ahead

FWS will propose to delist the eastern puma (aka cougar) due to extinction within the next 30-60 days. In 2011, FWS conducted a five-year status review and recommended this course of action due to scientific evidence that the species is no longer present and reproducing in the wild. The eastern puma was originally listed in 1973. Occasional sightings of eastern pumas are believed to be escaped captive animals or transient animals from populations in the Midwest. Expected timeline is late February 2015. Outreach planned. R5

The Service expects to open a comment period in mid-March for its updated draft Native American Policy. The policy is intended to promote and guide broader, more open and collaborative dialogue and working relations with federally recognized tribes and Alaska Natives. The updated policy will encourage efficient, effective and creative ways to maximize resources for the benefit of tribal resource conservation through improved federal-tribal working relationships. Outreach planned. HQ

FWS will publish a final rule to reduce the information collection requirements for participants in the light goose conservation order, which authorizes methods of take to increase harvest of certain populations of light geese in the Atlantic, Central, Mississippi and Pacific Flyways, and to reduce the burden on state and tribal wildlife agencies that are required to submit annual light goose harvest reports to FWS. This action will eliminate reporting requirements that FWS believes to be unnecessary and will relieve requirements on individuals, states, and tribes. Possible for end of February or early March. HQ

FWS will publish a notice of intent to prepare a National Environmental Policy Act document for a pending habitat conservation plan and incidental take permit application from OwnEnergy, Inc., for the proposed construction and operation of a 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Local outreach is planned. R5

In the coming weeks, trustees are expected to announce that Enbridge will fund multiple resource restoration projects along the Kalamazoo River and will pay an additional sum of nearly \$4 million under a natural resource damage (NRD) settlement reached with federal, state and tribal officials acting as natural resource trustees. The NRD settlement, made in conjunction with a comprehensive settlement between the state of Michigan and Enbridge, addresses environmental injuries caused by the 2010 rupture of its Line 6B pipeline in Michigan that resulted in one of the largest inland oil spills in U.S. history. The settlement between the state of Michigan and Enbridge requires Enbridge to comply with state law requirements for cleanup, mitigation, compensation and restoration. Trustees include the Service, Michigan Department of Environmental Quality, Michigan Department of Natural Resources, Michigan Department of

the Attorney General, NOAA, the Nottawaseppi Huron Band of the Potawatomi Tribe, the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Tribe (Gun Lake Tribe). R2

On March 6, the Service plans to announce a final rule that would list four species of large constrictor snakes (reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda) as injurious under the Lacey Act . A fifth species (boa constrictor) will not be listed. Controversy expected. Outreach planned. HQ

In March, FWS expects to announce a proposed rule to amend the ESA special rule for the African elephant. If enacted, this would further restrict the import, export and domestic sale of ivory. The most significant change would be a prohibition on interstate commerce in African elephant ivory with certain exceptions for items that qualify as antiques or that contain *de minimis* quantities of ivory. HQ

The draft Comprehensive Conservation Plan and Environmental Impact Statement for Rocky Mountain Arsenal National Wildlife Refuge near Denver, Colorado, will be released for a 60-day public review in March. R6

A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR in Colorado after former Congresswoman Pat Schroeder (D-CO-1) is scheduled for April 8. R6

FWS is progressing through its review of management activities associated with the Red Wolf Recovery Program's non-essential experimental population located in five eastern North Carolina counties. FWS expects to complete the review of the Wildlife Management Institute's evaluation of the population, FWS files, and more than 47,000 comments by late February. FWS has prepared a response to a letter from Rep. Walter B. Jones (D-NC) that affirms it will share the decision about the future of the Red wolf and results of the review as soon as it is finalized and ahead of a public announcement that is expected by early April. R4.

On April 6-12, FWS is supporting a journalism field tour (Sagebrush Country Institute) hosted by the Institutes for Journalism and Natural Resources. The Institute will help a diverse group of competitively selected journalists gain a better appreciation for the many facets of this issue by immersing them in the landscape where sage-grouse conservation is playing out. The itinerary is built around a series of field visits, meetings and discussion forums, where journalists will be connected with subject matter experts – such as state and federal regulators, scientists, ranchers, industry officials, tribal members, lawmakers and local citizens – in a learning model that will provide them with a thorough understanding of the many aspects of this complex issue. R6

April 13-17: 20th Meeting of the Canada/Mexico/U.S. Trilateral Committee for Wildlife and Ecosystem Conservation and Management in San Diego. The plight of the monarch butterfly and conservation efforts required to save it will be among the topics of conversation. R8

On Earth Day, April 22, DOI and FWS will host an afternoon ceremony marking the establishment of Mountain Bogs NWR in West Jefferson, North Carolina. The first National Wildlife Refuge in western North Carolina, Mountain Bogs could eventually protect bogs at 31 sites in North Carolina and eastern Tennessee. The refuge is being established through the

donation of land by the Carolina Mountain Land Conservancy (CMLC) and the donation of easements by CMLC and The Nature Conservancy. Ultimately the refuge should help recover 12 federally threatened and endangered species, including five that require bog habitat, 20 state-listed (North Carolina and Tennessee) species as threatened or endangered, and 11 at-risk species. R4.

The following endangered species actions are scheduled to be sent to the *Federal Register* in Feb. and March (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Modoc sucker, reopening comments on delisting, Feb. 11, R8
- Eleven DPSs of green sea turtle (led by NOAA-NMFS), Feb. 16, R1
- Reinstatement of Protections for the Gray Wolf in Wyoming and WGL, Feb. 13, HQ
- Black Pine Snake, proposed critical habitat, Feb. 13, R4
- Oregon Chub, final delisting, Feb 19, R1
- New Mexico Meadow Jumping Mouse, final critical habitat, Feb. 27, R2
- 2 Pine Rockland Plants, final critical habitat, Feb. 27, R4
- Zuni Bluehead Sucker, notice of intent, March 6, R2
- 2 AZ Plants (*Echinomastus erectocentrus* var. *acunensis*, *Pediocactus peeblesianus fickeiseniae*), final critical habitat, March 6, R2
- 2 Arkansas Mussels (*Neosho Mucket* and *Rabbitsfoot*) , final critical habitat, March 6, R4
- Chimpanzee, final listing, March 18, HQ
- Black-Footed Ferret Statewide Wyoming 10(j), Listing - 10(j) Experimental, March 19, R6
- Northern long-eared bat, final listing, March 19, R3



Padilla, Joan <joan_padilla@ios.doi.gov>

ASFWP Weekly Report to the Secretary - 4 FEB 2015

1 message

Pananon, Israporn <israporn_pananon@ios.doi.gov>

Wed, Feb 4, 2015 at 10:43 AM

To: Weekly Reports OS <weeklyreports@ios.doi.gov>

Cc: Michael Bean <michael_bean@ios.doi.gov>, Joan Padilla <Joan_Padilla@ios.doi.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, "Pelstring, Lisa" <lisa_pelstring@ios.doi.gov>, Sheila Basey <sheila_basey@ios.doi.gov>, Maxine Morgan <rasheedah_morgan@ios.doi.gov>, Anna Munoz <anna_munoz@fws.gov>, Maureen Foster <maureen_foster@nps.gov>

Katie/Erin,

Please see the attached - thank you for your time and attention.

Isra

—

Isra Pananon
Chief of Staff
Office of the Assistant Secretary for Fish, Wildlife, and Parks
Room 7246
Office: 202-208-5914
Cell: 202-641-0524
israporn_pananon@ios.doi.gov



ASFWP Weekly Report to the Secretary - 04FEB15 final.docx

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WEEK-AHEAD REPORT: FISH, WILDLIFE AND PARKS
February 4, 2015

Message to the Secretary

The President's budget sends a strong message to the American public about our commitment to conservation and tackling the challenge of climate change. As you prepare for your budget hearings, FWP will support information requests regarding ESA, sage grouse conservation, landscape-scale mitigation, and other issues as needed. I would like to note that the Army Corps' FY 2016 President's Budget includes a \$61 million increase for Everglades restoration work in South Florida, work that is vital to Everglades National Park and to its wildlife. The news was very well received by Florida and the South Florida Congressional delegation.

Highlights of Travel, Meetings, and other Public Events

February 4: Susan Glimcher, Director of Communications, Education and Outreach for the Advisory Council on Historic Preservation (ACHP), will meet with Joan Padilla, Theodora Chang and Isra Pananon regarding outreach programs and potential partnerships between DOI and ACHP.

Lisa Pelstring (Urban Waters Federal Partnership) is meeting with OMB on performance measures and future budget issues for the urban waters program.

Joan Padilla is meeting with Andrew Potts, Executive Director of US International Council on Monuments and Sites at his request to discuss one of the US/ICOMOS 50th Anniversary themes: *Telling the Stories that Make Up America's Diverse National Identity*. US/ICOMOS is launching Pathways to Diversity, the objective of which is to establish research partnerships connecting diverse American communities whose heritage draws context and meaning from places outside the US to international research, resources and experts on those places, including Spanish colonial resources. Stephanie Toothman, Associate Director, Cultural Resources, Partnerships and Science, NPS, will also participate, as well as other NPS staff.

February 5: Michael Bean is meeting with Ryan Lance who represents the Sweetwater River Conservancy with former Wyoming Governor, Dave Freudenthal. The conservancy is establishing a large sage grouse conservation bank in Wyoming.

Craig Dorsett will meet with Colin Sheldon of the Wildlife Conservation Society to hear about their proposal for an executive action related to Bison.

February 6: California condors, bald eagles, and other wildlife are put at risk by eating carrion from animals shot with lead bullets. Efforts to transition from lead ammunition to non-toxic alternatives where such risks exist are complicated by the fact that many of those alternatives may meet the definition of prohibited "armor-piercing ammunition." Michael Bean, Dan Ashe, and others from FWS will meet with ATF representatives to discuss potential solutions to this problem.

Craig Dorsett is attending the 'Every Kid in a Park' initial design studio/planning meeting with attendees from PMB, NPS, GSA/18F, and others. The goal of the meeting is to perform some initial scoping and collaborate on concrete next steps for the design and implementation of tools.

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February 12: Pending ethics approval, Joan Padilla will attend the Natural Resources Committee Leaders Reception. Congressman Grijalva, Ranking Member, House Natural Resources Committee, is the honorary guest.

Public Announcements

None

Major Press Inquiries

None

Items of Note/Expected Legislative, Legal, Policy Issues

Conservation Easements: In the President's budget is a Treasury Department proposal that could result in replacing the longstanding and popular practice of deducting the value of donated conservation easements with a program under which a finite amount of tax credits would be made available annually to land trusts for use in securing easements. The land trust community has a major interest in this initiative, and has voiced concerns about potential changes. Kris Sarri and Michael Bean are working on this issue for DOI.

30-60 Day Look Ahead

Early February: Michael Bean will meet with representatives of the Ivanpah Solar plant to discuss the project's impact on birds, an issue that has generated much press attention of late.

Mid-February: Isra Pananon will serve as a moderator for a White House Initiative on AAPIs and NPS webinar that will discuss the NHL process. The target audiences are the AAPI and cultural and historic preservation communities.

Mid-February: Preserve America Executive Order Report to the President will be delivered on Feb. 17, 2015. This triennial report includes information from DOI bureaus and all federal agencies, as well as a message from/photo of Secretary Jewell on management of historic

properties held in stewardship for the American people. The report is issued from the Advisory Council on Historic Preservation, in accordance with Executive Order 13287.

Mid-February: An internal meeting of the bureau senior accountable officials on Youth will be scheduled to discuss progress towards the Secretary's Youth Initiative goals, provide updates and hear about next steps on upcoming activities.

Early March: The RESTORE Council Steering Committee (Libby Washburn and/or Ben Milakofsky w/Don Jodrey) will meet to begin discussions on developing a suite of Gulf Coast ecosystem restoration projects to fund in the five Gulf Coast states; total amount of projects to be funded is estimated at \$150-180 million and Council will select from 50 project proposals totaling approximately \$787 million.

March: Don Jodrey and Shannon Estenoz will travel to Atlanta to meet with NPS, FWS, and the Army Corps to discuss Everglades coordination. This is in preparation for the Everglades quarterly briefing, scheduled for March 23.

March 11: Michael Bean will co-chair a session on early action to preclude the need to list species under the ESA at the North American Wildlife and Natural Resources Conference.

Mid-March: The Advisory Council on Historic Preservation meets in San Francisco. Michael Bean expects to attend.



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: Draft - 04FEB15 - Weekly Report to the Secy

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Tue, Feb 3, 2015 at 9:32 PM

To: "Pananon, Israporn" <israporn_pananon@ios.doi.gov>

Cc: Joan Padilla <Joan_Padilla@ios.doi.gov>, "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, "Pelstring, Lisa" <lisa_pelstring@ios.doi.gov>

Thanks, Isra. Attached is a version with my edits;

On Tue, Feb 3, 2015 at 4:58 PM, Pananon, Israporn <israporn_pananon@ios.doi.gov> wrote:

Michael:

Please see the attached draft. In red is what needs editing/review.

Isra

—

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**ASFWP Weekly Report to the Secretary - 04FEB15 DRAVT v1 Bean edits.docx**

18K

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Early March: Meeting with Andrew Potts, Executive Director of US International Council on Monuments and Sites at his request to discuss one of the US/ICOMOS 50th Anniversary themes: *Telling the Stories that Make Up America's Diverse National Identity*. US/ICOMOS is launching Pathways to Diversity, the objective of which is to establish research partnerships connecting diverse American communities whose heritage draws context and meaning from places outside the US to international research, resources and experts on those places, including Spanish colonial resources. Stephanie Toothman, Associate Director, Cultural Resources, Partnerships and Science, NPS, will also participate, as well as other NPS staff.

March: Don Jodrey and Shannon Estenoz will travel to Atlanta to meet with NPS, FWS, and the Army Corps to discuss Everglades coordination. This is in preparation for the Everglades quarterly briefing, scheduled for March 23.

March 11: Michael Bean will co-chair a session on early action to preclude the need to list species under the ESA at the North American Wildlife and Natural Resources Conference.

Mid-March: The Advisory Council on Historic Preservation meets in San Francisco. Michael Bean expects to attend.



Padilla, Joan <joan_padilla@ios.doi.gov>

Draft - 04FEB15 - Weekly Report to the Secy

1 message

Pananon, Israporn <israporn_pananon@ios.doi.gov>

Tue, Feb 3, 2015 at 4:58 PM

To: Michael Bean <michael_bean@ios.doi.gov>

Cc: Joan Padilla <Joan_Padilla@ios.doi.gov>, "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, "Pelstring, Lisa" <lisa_pelstring@ios.doi.gov>

Michael:

Please see the attached draft. In red is what needs editing/review.

Isra

—

Isra Pananon

Chief of Staff

Office of the Assistant Secretary for Fish, Wildlife, and Parks

Room 7246

Office: 202-208-5914

Cell: 202-641-0524

israporn_pananon@ios.doi.gov



ASFWP Weekly Report to the Secretary - 04FEB15 DRAVT v1.docx

18K

WEEK-AHEAD REPORT: FISH, WILDLIFE AND PARKS

February 4, 2015

Message to the Secretary

The President's budget sends a strong message to the American public about our commitment to conservation and climate change. As you prepare for your budget hearings, FWP will support information requests in regards to ESA, sage grouse, landscape restoration, and other issues as needed. I would like to note that the Army Corps' FY 2016 President's Budget includes a \$61 million increase for Everglades restoration project work in South Florida. The news was very well received by Florida and the South Florida Congressional delegation.

Highlights of Travel, Meetings, and other Public Events

February 4: Susan Glimcher, Director of Communications, Education and Outreach for the Advisory Council on Historic Preservation (ACHP), will meet with Joan Padilla, Theodora Chang and Isra Pananon regarding outreach programs and potential partnerships between DOI and ACHP.

Lisa Pelstring (Urban Waters Federal Partnership) is meeting with OMB on performance measures and future budget issues for the urban waters program.

February 5: Michael Bean is meeting with Ryan Lance of the Sweetwater Conservation Bank to discuss

Craig Dorsett will meet with Colin Sheldon of the Wildlife Conservation Society to hear about their proposal for an executive action related to Bison.

Mitigation Webinar

February 6: Michael Bean and Dan Ashe will meet with the ATF to discuss armor piercing ammo.

Craig Dorsett is attending the 'Every Kid in a Park' initial design studio/planning meeting with attendees from PMB, NPS, GSA/I8F, and others. The goal of the meeting is to perform some initial scoping and collaborate on concrete next steps for the design and implementation of tools.

February 9: Michael Bean is meeting with Steve Jester and Jim Faulstich of Partners for Conservation to discuss Sage Grouse issues. Jim Lyons, Bob Dreher, and Sarah Greenberger will also participate in the meeting.

February 10: Craig Dorsett is slated to attend a portion of the Corps Network's semi-annual Partnership for 21 CSC meeting at USDA. David Jayo and Mary Pletcher will also likely attend various segments of the meeting.

February 12: Pending ethics approval, Joan Padilla will attend the Natural Resources Committee Leaders Reception. Congressman Grijalva, Ranking Member, House Natural Resources Committee, is the honorary guest.

Public Announcements

None

Major Press Inquiries

None

Items of Note/Expected Legislative, Legal, Policy Issues

HSUS Wolf Petition? (b) (5)

**UPDATE Conservation Easements: In the President's budget is a proposal to create a program or system of pre-determined tax credits that would be allocated to agencies and NGOs. Easement donors would then use credits to purchase conservation easements. The land trust community has a major interest in this initiative, and has voiced concerns about potential changes. Kris Sarri and Michael Bean are working on this issue for DOI.

Grizzly Bear?

30-60 Day Look Ahead

Early February: Michael Bean will meet with representatives of the Ivanpah Solar plant to discuss the project's impact on birds, an issue that has generated much press attention of late.

Mid-February: Isra Pananon will serve as a moderator for a White House Initiative on AAPIs and NPS webinar that will discuss the NHL process. The target audiences are the AAPI and cultural and historic preservation communities.

Mid-February: Preserve America Executive Order Report to the President will be delivered on Feb. 17, 2015. This triennial report includes information from DOI bureaus and all federal agencies, as well as a message from/photo of Secretary Jewell on management of historic properties held in stewardship for the American people. The report is issued from the Advisory Council on Historic Preservation, in accordance with Executive Order 13287.

Mid-February: An internal meeting of the bureau senior accountable officials on Youth will be scheduled to discuss progress towards the Secretary's Youth Initiative goals, provide updates and hear about next steps on upcoming activities.

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Padilla, Joan <joan_padilla@ios.doi.gov>

Re: Weekly Meeting Agenda Items

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Mon, Feb 2, 2015 at 9:42 AM

To: "Basey, Sheila" <sheila_basey@ios.doi.gov>

Cc: Barry Roth <barry.roth@sol.doi.gov>, Craig Dorsett <craig_dorsett@ios.doi.gov>, Dan Ashe <d_m_ashe@fws.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, Israporn Pananon <Israporn_Pananon@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Maxine Morgan <rasheedah_morgan@ios.doi.gov>, "Munoz, Anna" <anna_munoz@fws.gov>, Robert Dreher <Robert_Dreher@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, James Kurth <Jim_Kurth@fws.gov>

HSUS wolf petition

Conservation easements and the FY16 budget

ATF meeting (2/6)

Draft Mitigation Policy Webinar

Modoc sucker delisting extension of time

Red wolf (state developments)

DRECP (industry/enviro joint request for extension of time and supplemental DEIS)

Shasta Dam

Meeting with Ryan Lance (2/5) re Sweetwater River Conservation Bank

On Thu, Jan 29, 2015 at 8:36 AM, Basey, Sheila <sheila_basey@ios.doi.gov> wrote:

Please forward agenda items for Tuesday's AS-FWP FWS meeting **no later than COB Monday, February 2nd.**

Thanks

-

Sheila Basey
Executive Assistant
Dept of the Interior
1849 C Street, N.W.
Room 7253
Washington, DC 20240
202-208-3582

-

Michael J. Bean

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

5/5/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Weekly Meeting Agenda Items

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Jan 21, 2015 at 11:42 AM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Israporn Pananon <israporn_pananon@ios.doi.gov>
Cc: Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>, Jim Kurth <jim_kurth@fws.gov>

Hello!

Attached is this week's FWS Secretarial Report. Please let me know if you have any questions.

Thanks,
Anna

Anna Muñoz
Chief of Staff - Office of the Director
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Washington, DC 20240
Work: 202-208-3843
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anna_munoz@fws.gov

**FWS Secretarial Week Ahead Report 1-21-15 .docx**
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FWS SECRETARIAL WEEK-AHEAD REPORT
Jan. 21, 2015

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Jan. 22-Feb. 12: FWS is hosting meetings to discuss the proposed revisions to the Native American Policy (NAP). The meetings are scheduled for Phoenix, Arizona (Jan 22); Norman, Oklahoma (Jan 26); Las Vegas, Nevada; (Feb. 3); Reno, Nevada; (Feb. 5); Sacramento, California (Feb. 9); Arlington, Virginia (Feb. 9); Yreka, California, (Feb. 10) and Carlsbad, California, (Feb. 12). R2, R5, R8

Jan. 21-23: The Federal Subsistence Board is holding a public meeting to consider and take action on proposed changes to federal subsistence fish and shellfish regulations. The Board will also take action to adopt a new process for making rural determinations, as recommended to and approved by the secretaries of Interior and Agriculture. R7

Jan. 24: Top officials of Phi Beta Sigma, an African-American fraternity founded more than 100 years ago, will be touring Wapanocca NWR, Tennessee. FWS is working to solidify the fraternity's local involvement as part of a Memorandum of Understanding. HQ

Jan. 26-27: The Recreational Boating and Fishing Foundation will meet in San Diego, California. RBFF receives approximately \$12 million annually from FWS through a cooperative agreement to implement the National Outreach and Communications Program, which was originated by the Sport Fishing and Boating Partnership Council. HQ

Jan. 27, 29: FWS will hold a series of public meetings and public hearings in Guam and the Commonwealth of the Northern Marianas Islands (CNMI). They are a result of public requests received during the comment period to list 23 species in Guam and the CNMI. There is potential for controversy, though the original proposed listing announcement didn't create any. R1

Jan. 28: FWS will travel to Puebla, Mexico, to transfer endangered masked bobwhite to Africam Safari. Africam is a private zoological park and the first in Latin America to be accredited by the Association of Zoos and Aquariums. The quail will be used to start a captive breeding program to support eventual release of birds into suitable habitat in Mexico. This partnership is an important step in conservation of this species, which is thought to be extinct in the wild. R2

Public Announcements

Thursday, Jan. 22

Nothing to report

Friday, Jan. 23

Nothing to report

Monday, Jan. 26

A Notice of Intent to formally initiate public scoping for the North Cascades Ecosystem Grizzly Bear Restoration Plan/Environmental Impact Statement (EIS) is expected to publish in the *Federal Register* around Jan. 26. Public meetings will be held in February in northern Washington. The National Park Service and FWS are joint lead agencies, however the National Park Service will be taking the lead for issuing this Notice of Intent. R1

Tuesday, Jan. 27

Nothing to report

Wednesday, Jan. 28

Nothing to report

Thursday, Jan. 29

Nothing to report

Friday, Jan. 30

Nothing to report

TBD

FWS will announce a new unit to the Oregon Islands NWR. The 10.87 acre Whale Cove Unit was transferred to FWS in December 2014. The initial acquisition was funded by the Federal Highway Administration, Oregon Parks and Recreation (OPRD) and over \$1 million in donation by the landowner Bryce Buchanan. The Oregon Department of Transportation was also a critical partner in the acquisition. Outreach TBD, to be led by OPRD. R1

The Implementation Plan for the National Strategy for Combating Wildlife Trafficking is being revised to reflect input from the Advisory Council. The plan will be circulated again to the Task Force agencies and the White House, with public release expected within the next 30 days. Building upon the three objectives outlined in the National Strategy for Combating Wildlife Trafficking – strengthening enforcement, reducing demand for illegally traded wildlife and expanding international cooperation – the implementation plan lays out next steps, identifies lead and participating agencies for each objective, and defines how progress will be measured. Examples include: Continuing efforts to implement and enforce administrative actions to strengthen controls over trade in elephant ivory in the United States; leveraging partnerships to reduce demand both domestically and abroad; and strengthening enforcement capacity, cooperation, and partnerships with counterparts in other countries, among others. HQ

Towards the end of January/beginning of February, at a national press event, FWS intends to announce the signing of an MOU with the National Wildlife Federation regarding conservation of monarch butterflies. At this time, FWS will also announce key FWS conservation activities and investments that will be located along the I-35 corridor. The National Fish and Wildlife

Foundation may also participate in the event to announce key funding initiatives for monarch conservation. HQ

FWS anticipates finalizing the approval of the Lesser Prairie-Chicken Programmatic Conservation Bank (PCBA) in Kansas, Oklahoma, New Mexico, Texas and Colorado in early to mid-February. This is the first PCBA to be approved by FWS, the goal of which is to streamline the process for lands to be approved as conservation banks and therefore provide for the conservation of the lesser prairie-chicken and its habitat. The PCBA benefits the landowner by generating income, keeping large parcels of land intact for future generations, and may reduce their taxes. No *Federal Register* publication is required for this action. Outreach planned. R2

Within the next two weeks FWS expects to announce the revised comprehensive conservation plan and final environmental impact statement for the Arctic NWR. The plan calls for the addition of 12.8 million acres within the refuge to the National Wilderness Preservation System and four rivers – the Atigun, Hulahula, Kongakut and Marsh Fork Canning – into the National Wild and Scenic Rivers System. If enacted by Congress, this would be the largest wilderness area ever created.

Major Press Inquiries

Media has begun inquiring about possible damage to fish and wildlife resources resulting from the Yellowstone River oil spill. Investigations into the extent of the spill and the damages to protected species are still ongoing. FWS is part of the incident command response. EPA is the lead agency. R6

Audubon Magazine is doing a feature for the May-June issue on a law enforcement case from last year concerning Jim Neiger, a professional photographer and photography instructor and guide who pled guilty in February 2013 to violating the ESA by harassing snail kites in Florida to get better photos of them. In addition to finding out our stance on this, if this is a trend, if this is a precedent setting case, and what punishment resulted, they also would like to include guidance to photographers seeking to photograph species protected under the ESA. R4

Letitia Stein, Tampa-based correspondent with Thomson Reuters, is writing about the winter protections for manatees at Three Sisters Springs on Crystal River NWR (see story in Items of Note section). This story is following the release of a draft Environmental Assessment that was available for public review last month which proposes new measures to increase manatee protection at the springs while still allowing public access during the winter season. R4.

Coverage continues of the bill to remove gray wolves from federal protection in Wisconsin, Michigan, Minnesota and Wyoming continues (see legislative section below). Media calls have been received in HQ and regions for comments on the bill, whether FWS will be appealing the court decisions, and the status of the proposal to delist the wolf in the remainder of its range. HQ

There was significant media interest and widespread coverage continues on the announcements regarding the Mexican wolf experimental population 10(j) rule revision and the rule listing the Mexican wolf as an endangered subspecies. R2

Associated Press contacted FWS regarding black-footed ferret recovery efforts. R2

Cronkite News, D.C. Bureau and Arizona Daily Star contacted FWS regarding the proposed Sunnyside exploratory (mining) drilling project in the Patagonia, Arizona area. US Forest Service withdrew its permit as a result of FWS withdrawing ESA section 7 concurrence. DOI and Forest Service are named in litigation on this project; FWS is now declining comment. R2

BBC Natural History Unit is producing a new series, "Ocean." An early episode titled "Forests" focuses on kelp forest ecosystem, with the sea otter as the focusing 'character.' FWS will be working with USGS, Monterey Bay Aquarium and California Fish and Wildlife Department in coming months on requests to film sea otters in their natural habitat. Filming is planned to begin this summer and continue over the next two years. R8

FWS continues to receive media inquiries on the pending trophy import permit applications for black rhinos. Interest flared when the Dallas Safari Club announced they would be holding another auction for an elephant hunt, but this auction was subsequently canceled. HQ

CBS News is investigating producing a story about endangered species, focusing primarily on the bald eagle and its status following delisting, as well as other charismatic species that may be listed, are listed or have been delisted. Craig Baker, writing for the Saturday Evening Post, is also working on a story about endangered species. HQ

Items of Note/Expected Legislative, Legal, Policy Issues

FWS has been working with U.S. Army Corps of Engineers on a management plan/EIS to reduce predation by double-crested cormorants on ESA-listed salmonids in the Columbia River Estuary. The Corps released a Draft EIS in June 2014 identifying a preferred alternative with lethal control of approximately 16,000 birds over a four-year period, resulting in a total. Over 150,000 public comments (37 substantive) were received, identifying scientific issues that needed to be addressed, as well as voicing opposition to lethal control. FWS has been working with the Corps to develop a modified management strategy combining reduced lethal control (to about 11,000 individuals) with egg oiling (about 15,000 nests). The Corps is currently targeting to release the final EIS on Feb. 12. Some controversy. R1

Since 2008, FWS has partnered with Bureau of Ocean Energy Management (BOEM) to better understand the potential impacts from offshore wind development to high priority marine birds. FWS developed a database of seabird distribution, conducted satellite telemetry for three important seabirds, and completed a pilot "nanotag" study to determine precise locations of birds. Research results have helped BOEM determine specific areas to remove from lease consideration to minimize impacts to birds. BOEM has decided to invest an additional \$450,000 in nanotag work on roseate terns and piping plovers, two high priority listed species. Staff are working with BOEM to develop a communications strategy to announce these important new investments. R5

On Jan. 15, U.S. District Judge Barbier ruled that 3.19 million barrels of oil is the amount that will be considered when determining civil penalties under the Clean Water Act for the Deepwater Horizon disaster. In September 2014, Judge Barbier ruled that BP was grossly negligent in its actions. Both rulings set the stage for Phase 3 of the trial that started on Jan. 20 in New Orleans to determine the penalties, which could be as much as \$13.7 billion. R4

FWS is addressing current management needs at Crystal River NWR related to manatee viewing where it manages the property under an agreement with the State of Florida and the City of Crystal River. The agreement limits the refuge's ability to restrict public access in a 1.5-acre section where up to 450 wintering manatees are crowded into confined warm water spring (not a designated no-entry sanctuary) with large numbers of snorkelers and paddlers. The emergency Environmental Assessment (EA) proposes interim crowd control measures to better protect manatees from disturbance while also working on the refuge's comprehensive conservation plan to address long-term management needs consistent with those proposed in the EA. R4

FWS is progressing through its review of management activities associated with the Red Wolf Recovery Program's non-essential experimental population located in five eastern North Carolina counties. FWS expects to complete the review of the Wildlife Management Institute's evaluation of the population, FWS files, and more than 47,000 comments by late February. FWS has prepared a response to a letter from Rep. Walter B. Jones (D-NC) that affirms it will share the decision about the future of the Red wolf and results of the review as soon as it is finalized and ahead of a public announcement that is expected by early April. R4

The office of California Assemblyman Marc Steinforh (R-Rancho Cucamonga) contacted FWS Jan. 8 to inquire whether FWS plans to review the listing status of the federally endangered San Bernadino kangaroo rat, which the assemblyman's staff characterized as an obstruction to development in his district. R8

U.S. Rep. Reid Ribble (R-WI), is sponsoring a bill to remove gray wolves from federal protection in Wisconsin, Michigan, Minnesota and Wyoming. Co-sponsors include U.S. Reps. Collin Peterson (D-MN), Dan Benishek (R-MI), and Cynthia Lummis (R-WY). R3

Aaron Wasserman, staffer for Rep. Derek Kilmer (D-WA), requested clarification on the FWS 2010 consultation/biological opinion regarding noise, air quality and biological resources in regard to increases in flights and type of aircraft the Navy is planning to use at Whidbey Island. R1

On Jan. 15, the province of British Columbia initiated operations to aurally remove wolves in the South Selkirk caribou recovery area close to the US border. The action is intended to maintain the dwindling caribou herd, which is on the Idaho-Canada border. Potential for controversy. R1

FWS is finalizing responses to internal review comments on the Wind Energy Programmatic EIS that encompasses all or parts of the states of Iowa, Minnesota, Montana, Nebraska, North Dakota and South Dakota. FWS is working with Western Area Power Administration on the process.

The Notice of Availability will be forwarded to the Regional Director for signature by end of January 2015. R6

30-60 Day Look Ahead

FWS is finalizing an agreement with the Sweetwater Conservancy to create a large-scale habitat conservation bank on approximate 50,576 deeded acres of prime habitat for the greater sage-grouse within the Pathfinder Ranch in central Wyoming. Pathfinder Ranch is a working cattle ranch with associated grazing leases and permits on approximately 181,000 acres of state and federal land. Most of the Sweetwater River Conservancy Conservation Bank (SRCCB) is classified as core sage-grouse habitat by the State of Wyoming. In addition to sage-grouse, the Conservancy will manage the property to preserve and enhance for other wildlife habitat and to promote improved water quality and quantity within the SRCCB. The main agreement has been signed, and the final details should be worked out in February. Project proponents want to coordinate outreach through Governor Mead's office, perhaps with a national teleconference. R6

A proposed Safe Harbor Agreement with Garrapata State Park is planned to go out for a 30-day public comment period toward the end of January/early February. The 2,900-acre Garrapata State Park provides approximately 1,450 acres of suitable habitat for the federally endangered Smith's blue butterfly and approximately 107 acres of suitable habitat for the federally threatened California red-legged frog. Working collaboratively with the park district, Service biologists are developing a proposed 15-year agreement that identifies management activities on park lands to support recovery efforts for both species. This agreement expands upon existing conservation efforts on adjacent lands at neighboring Palo Corona Regional Park, which signed a Safe Harbor Agreement with FWS in 2011. R8

A decision regarding two applications for import permits for black rhino hunting trophies from Namibia is expected within the next two or three weeks. HQ

Thom Dammrich, president National Marine Manufacturers Association and former chair and current member of the Sport Fishing and Boating Partnership Council, has invited Secretary Jewell to announce the FY2015 Boating Infrastructure Grant Program awards during the industry breakfast at the Miami Boat Show on Feb. 12. Council members participated in a joint proposal ranking/review process with FWS personnel that resulted in the funding recommendations for these competitive awards. HQ

On February 10-12, the Southeastern Association of Fish and Wildlife Agencies' (SEAFWA) Wildlife Diversity Committee will hold its third annual meeting at the Charlie Elliott Wildlife Center in Georgia. FWS and the Wildlife Management Institute also will participate. Discussions will focus on the implementation of the At-Risk Species Strategy developed by SEAFWA in partnership with the FWS. This strategy is helping to prioritize conservation of more than 400 species that FWS must evaluate for potential federal listing over the next decade. SEAFWA continues to lead efforts in identifying conservation actions and information needed for species deemed "conservation ready," aimed at precluding the need to list those species. R4.

On Feb. 17, the Marine Mammal Commission (MMC) will visit the Three Sisters Spring unit of the Crystal River NWR to see firsthand recreational wildlife viewing activities focused on wintering manatees (see entry in Items of Note section). After public review, FWS is now in the process of finalizing an Environmental Assessment for management actions to protect manatees and still allow public access at Three Sisters Springs during the winter season. The MMC is seeking to understand how this relates to provisions under the Marine Mammal Protection Act that do not allow harassment of marine animals. R4.

The Sport Fishing and Boating Partnership Council will meet Feb. 24-25 in Florida. The tentative agenda includes a wide range of topics associated with Department of Interior programs, including updates on the National Park Service's access plans for Key Biscayne, Federal Interagency Council on Outdoor Recreation (FICOR), federal agency budget updates, and a report on their review of FWS' National Outreach and Communication Program/Recreational Boating and Fishing Foundation. HQ

FWS is nearing completion of a proposed rule to amend the ESA special rule for the African elephant. The proposed rule, if enacted, would further restrict the import, export and domestic sale of ivory. The most significant change would be a prohibition on interstate commerce in African elephant ivory with certain exceptions for items that qualify as antiques or that contain de minimis quantities of ivory. Once the proposed rule is signed, it will be subject to OMB review before publication; OMB has up to 90 days to complete their review, but it is anticipated that they will take considerably less time. FWS expects to deliver the proposed rule to OMB within the next two weeks. HQ

The Water Resources Reform and Development Act of 2014 requires that the FWS Director provide an annual report to Congress about strategies, expenditures, and progress made in addressing the threat of Asian carp in the Upper Mississippi River and Ohio River basins. The report was approved by the FWS Director's office on Jan. 7 and was assigned to the Assistant Secretary for Fish Wildlife and Parks. R3

In early 2015, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area. R7

Early in 2015, Alaska Maritime NWR will release for public review and comment a draft environmental impact statements and compatibility determinations on the issue of unauthorized cattle grazing on two refuge islands (Chirikof and Wosnesenski). The issue is contentious and will likely generate local interest. R7

FWS will announce public meetings on the draft Environmental Impact Statement (dEIS) and the Southern Edwards Plateau draft Habitat Conservation Plan (dHCP). The dHCP, dEIS and incidental take permit request published on Dec. 19, 2014. The applicants and FWS will conduct public meetings on Feb. 3 in Helotes, Texas, and Feb. 4 in Kerrville, Texas. These will include

an open house, presentation and opportunity for the public to submit comments. Outreach planned for least two weeks prior to the public meetings. R2

The 2014 Mexican wolf population survey results will be announced mid-February. An increase from 2013 count (83) is anticipated. Media interest in annual results is typically high. Outreach planned. R2

In early February, FWS will reopen the comment period on the 12-month finding to delist the southern Selkirk Mountains population of woodland caribou. This is in light of an assessment by the Committee on the Status of Endangered Wildlife in Canada, which is currently considering a change to the Southern Mountain caribou population's status from threatened to endangered under the federal Species at Risk Act in Canada. The assessment was not available during the previous comment periods. Not controversial. R1

FWS is publishing a Notice of Intent to prepare a programmatic environmental impact statement that will evaluate possible environmental impacts of a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (MBTA). Public scoping meetings will be held in February and March to seek comments on potential rulemaking to authorize incidental take. HQ

FWS is working with NOAA on the proposed DOI conveyance of submerged lands (0-3 nautical miles) around three islands within the Marianas Trench Marine National Monument to the Commonwealth of the Northern Mariana Islands (CNMI). The agencies continue coordination with CNMI representatives, and per Proclamation 9077, a Memorandum of Agreement and Patent have been drafted, along with a NEPA compliance document. The NEPA compliance document is tentatively scheduled to go out for public review in mid-February. R1

FWS will propose to delist the eastern puma (aka cougar) due to extinction. In 2011, FWS conducted a five-year status review and recommended this course of action due to scientific evidence that the species is no longer present and reproducing in the wild. The eastern puma was originally listed in 1973. The target date for this action is February, 6 2015. Outreach planned. R5

FWS will publish a notice of intent to prepare a NEPA document for a pending habitat conservation plan and incidental take permit application from OwnEnergy Inc. for the proposed construction and operation of the 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Outreach planned. R5

FWS awarded a \$16.7 million contract to AMEC Environment and Infrastructure, Inc., to restore a 4,000-acre tidal salt marsh at Prime Hook NWR. The project, funded with Hurricane Sandy disaster relief funding, will begin in 2015 and is contingent on final environmental review, permitting and the completion of related work to restore dunes and barrier beaches damaged during the storm. Outreach is planned to coincide with the release of the supplemental

environmental impact statement, which is expected to be released in late January/early February 2015. R5

FWS and the Massachusetts Department of Environmental Protection have identified three projects to preserve over 330 acres in western Massachusetts using funds acquired to restore natural resources injured from the Housatonic Natural Resource Damage Assessment and Restoration process. The agencies previously provided \$5 million for restoration. The agencies will provide \$869,500 to the Berkshire Natural Resources Council to acquire 218 acres along Thomas and Palmer Brook in Great Barrington; \$90,000 to the Massachusetts Department of Fish and Game (MADFG) to preserve 90 acres adjacent to the Hinsdale Flats Wildlife Management Area in Duquette; and \$187,500 also to MADFG to preserve 23.4 acres along the Green River in Rawlings. Outreach is planned. R5

The following endangered species actions are scheduled to be sent to the *Federal Register* in Jan. and Feb. (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Adding five Species of Sawfish to the List of Endangered and Threatened Wildlife (led by NOAA-NMFS), Jan. 16, HQ
- Eleven DPSs of green sea turtle (led by NOAA-NMFS), Feb. 2, R1
- Modoc sucker, reopening comments on delisting, Feb. 11, R8
- Black Pine Snake, proposed critical habitat, Feb. 13, R4
- Florida Bristle Fern, proposed critical habitat, Feb. 16, R4
- White-haired goldenrod delisting, proposed delisting, Feb. 16, R4
- Oregon chub, Final delisting, Feb 18 (tentative), R1
- Chimpanzee, final listing, Feb. 27, HQ
- Dakota Skipper & Poweshiek, final critical habitat, Feb. 20, R3
- Reinstatement of Protections for the Gray Wolf in Wyoming and WGL, Feb. 20, HQ



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Jan 14, 2015 at 11:37 AM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Israporn Pananon <israporn_pananon@ios.doi.gov>
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Hello!

Attached is this week's FWS Secretarial Report. If you have any questions, please let me know.

Thanks,
Anna

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FWS Secretarial Week Ahead Report 1-14-15 .docx
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FWS SECRETARIAL WEEK-AHEAD REPORT
Jan. 14, 2015

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Jan. 15- 26: FWS is hosting meetings to discuss the proposed revisions to the Native American Policy (NAP). The meetings are scheduled for Lac du Flambeau, Wisconsin (Jan 15); Albuquerque, New Mexico (Jan 20); Phoenix, Arizona (Jan 22); Norman, Oklahoma (Jan 26); and Arlington, Virginia (Feb. 9). R2 & R3

Jan. 16: FWS will meet with Undersecretary Perez (the Fisheries Chief) from the Philippines to discuss Chambered Nautilus conservation issues. HQ

Jan. 20: A public meeting will take place on the Santa Rosa Plain Draft Recovery Plan, which outlines recovery measures for the endangered Sonoma County Distinct Population Segment of the California tiger salamander and three endangered plants: Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam,. FWS released the Draft Recovery Plan for the Santa Rosa Plain to the public on Dec. 11. The deadline for comments is Feb. 9. R8

Jan. 21-23: The Federal Subsistence Board is holding a public meeting to consider and take action on proposed changes to federal subsistence fish and shellfish regulations. The Board will also take action to adopt a new process for making rural determinations, as recommended to and approved by the secretaries of Interior and Agriculture. R7

Jan. 24: Top officials of Phi Beta Sigma, an African-American fraternity founded more than 100 years ago, will be touring Wapanocca NWR, Tennessee. This will be the first time officials of the fraternity's Sigma Beta program for young men, ages 8-18, officially visit a national wildlife refuge as FWS works to solidify the fraternity's local involvement as part of the Service's Memorandum of Understanding with this important constituency.

Public Announcements

Thursday, Jan. 15

FWS will announce a proposed 4(d) rule for the northern long-eared bat, with a public comment period. With publication of this rule, FWS also reopens the comment period on its proposal to list the species as endangered. Although proposed to be listed as endangered, FWS is considering whether a threatened listing may be appropriate and, if so, would attempt to finalize a 4(d) rule concurrent with a final listing determination. The proposed 4(d) rule would exempt take of the species resulting from specific forest management activities and other categories of activities from the take prohibitions of the Act. In conjunction with the announcement, FWS will conduct information briefings for states, tribes, industry, NGOs and members of Congress in the 38-state

range the bat on Jan. 14, (states, tribes and members of Congress) and Jan. 15 (industry and NGOs). Outreach planned. R3

The Strategic Growth Policy for the National Wildlife Refuge System and response to public comments will publish in the *Federal Register*. This policy instructs FWS to focus on acquiring interests in lands and waters that support the following three priorities: recovery of threatened and endangered species, implementation of the North American Waterfowl Management Plan, and conservation of migratory birds of conservation concern. While the policy has already been available online for some months, FWS will conduct limited outreach to ensure the *Federal Register* notice is publicized appropriately. HQ

Friday, Jan. 16

FWS will send a rule to the *Federal Register* adding five species of sawfish – narrow, dwarf, largetooth, green, and the non-U.S. distinct population segment of smalltooth – to the List of Endangered and Threatened Wildlife. These additions are based on previously published proposed and final listing determinations by the National Marine Fisheries Service, which has jurisdiction over these species. HQ

The final rules revising the regulations for the nonessential experimental 10(j) population of the Mexican wolf and listing the Mexican wolf as an endangered subspecies will publish in the *Federal Register*. Outreach was conducted earlier in the week when the rule was submitted. R2

A briefing with DOI Solicitors and NOAA General Counsel is scheduled on the proposed DOI conveyance of submerged lands (0-3 nautical miles) around three islands within the Marianas Trench Marine National Monument to the Commonwealth of the Northern Mariana Islands (CNMI). FWS and NOAA continue coordination with CNMI representatives and per Proclamation 9077. A Memorandum of Agreement and Patent have been drafted, along with a NEPA compliance document. R1

Monday, Jan. 19

Nothing to report – FEDERAL HOLIDAY

Tuesday, Jan. 20

A Notice of Intent to formally initiate public scoping for the North Cascades Ecosystem (NCE) Grizzly Bear Restoration Plan/Environmental Impact Statement (EIS) is expected to publish in the *Federal Register* near this date. Public meetings will be held in February in northern Washington. The National Park Service and FWS are joint lead agencies. R1

Wednesday, Jan. 21

A joint NOAA Fisheries-FWS rule will be sent to the *Federal Register* proposing to list 11 DPSs of green sea turtle; eight as threatened and three as endangered. This proposed rule also constitutes the 12-month finding on a petition to reclassify the Hawaiian population of green sea turtles as a DPS and delist the DPS.

Thursday Jan. 22

Nothing to report

Friday, Jan. 23
Nothing to report

TBD

The Implementation Plan for the National Strategy for Combating Wildlife Trafficking has been cleared by the inter-agency Task Force and is currently under review by the White House. The final draft plan has also been shared with the Advisory Council for review. We anticipate that the plan will be finalized and released later this month. HQ

FWS anticipates finalizing the approval of the Lesser Prairie-Chicken Programmatic Conservation Bank (PCBA) in Kansas, Oklahoma, New Mexico, Texas and Colorado in January. This is the first PCBA to be approved by FWS, the goal of which is to streamline the process for lands to be approved as conservation banks and therefore provide for the conservation of the lesser prairie-chicken and its habitat. The PCBA benefits the landowner by generating income, keeping large parcels of land intact for future generations, and may reduce their taxes. No *Federal Register* publication is required for this action. Outreach planned. R2

A proposed Safe Harbor Agreement with Garrapata State Park is planned to go out for a 30 day public comment period toward the end of January. The 2,900-acre Garrapata State Park provides approximately 1,450 acres of suitable habitat for the federally endangered Smith's blue butterfly and approximately 107 acres of suitable habitat for the federally threatened California red-legged frog. Working collaboratively with the park district, Service biologists are developing a proposed 15-year agreement that identifies management activities on park lands to support recovery efforts for both species. This agreement expands upon existing conservation efforts on adjacent lands at neighboring Palo Corona Regional Park, which signed a Safe Harbor Agreement with FWS in 2011, and provides an existing 204 acres of suitable Smith's blue butterfly habitat and 55 acres of suitable California red-legged frog habitat. R8

Towards the end of January/beginning of February, at a national press event, FWS intends to announce the signing of an MOU with the National Wildlife Federation regarding conservation of monarch butterflies. At this time, FWS will also announce key FWS conservation activities and investments that will be located along the I-35 corridor. The National Fish and Wildlife Foundation may also participate in the event to announce key funding initiatives for monarch conservation. HQ

Major Press Inquiries

FWS continues to receive international media inquiries regarding two applications for import permits for black rhino hunting trophies from Namibia. No details are currently available as to when this request will be processed, but it is expected within the next two to three weeks. HQ

Media interest continues in FWS's potential response to the court decisions for Wyoming and the Western Great Lakes gray wolf populations. An opinion piece by Center for Biological Diversity

published in the Minneapolis Star Tribune. The Minnesota State Cattlemen's Association recently wrote a letter to Secretary Jewell urging file an appeal to the court ruling. R3HQ

Associated Press (Medford, OR), Medford Mail Tribune (Medford, OR), Oregonian (Portland, OR), Bend Bulletin (Bend, OR) and KTVL CBS (Medford, OR) interviewed John Stephenson, wolf biologist in FWS Bend Field Office, on the naming of gray wolf OR-7's new pack, designated the Rogue Pack. Printed, posted and aired Jan. 7-8. R1

There was significant media interest this week regarding a suspicious death of Whooping Crane. The Texas Parks and Wildlife Department issued a news release on Jan. 6 seeking information to assist in the joint investigation. R2

Texas Tribune reporter Colin McDonald is doing a story about his trek along the Rio Grande and stopping at points of interest along the route, including Santa Ana NWR. He will be at the refuge to discuss wildlife use, pollinators and riparian management. R2

The Progressive Farmer interviewed Mexican Wolf Recover Program staff regarding programs addressing wolf-livestock interactions and livestock producers' acceptance of and resistance to wolf recovery. Much of the focus was on the Mexican Wolf-Livestock Coexistence Council, and the Coexistence Plan and pay-for-presence program. Publication expected in February issue of The Progressive Farmer Magazine. R2

Articles continue to appear in local and national media about a collared northern Rocky Mountain wolf that was mistakenly killed by a hunter in Beaver County, Utah, on Dec. 28. Media and environmental groups speculated that the animal was a wolf that has repeatedly been observed and photographed on Kaibab National Forest, just north of Grand Canyon National Park. This incident remains under investigation. R2

The Sacramento Bee asked for comments on the FWS proposal to list the West Coast population of fisher as a threatened species. The reporter wanted to know what other species may be impacted by rodenticide use and illegal pot farms. Response was that FWS is concerned about impacts on forests, streams and has funded studies to determine potential impacts to Northern Spotted Owls. R8

Items of Note/Expected Legislative, Legal, Policy Issues

On Jan. 5, the Minnesota Department of Natural Resources announced to the public that a water sample from southeastern Minnesota pools of the Mississippi River tested positive for bighead eDNA. The positive sample was one out of 500 collected in August and analyzed in December by FWS. R3

The Arizona Game and Fish Department has served a notice of intent to sue with Interior Department officials regarding the FWS recovery plan for endangered Mexican wolves. On Wednesday, Jan. 7, Congressman Paul A. Gosar (R-AZ-04) released a statement supporting the State agency's position. R2

A coalition of conservation groups (including the Defenders of Wildlife and the Center for Biological Diversity [CBD]) will file a notice of intent to sue FWS on the 10(j) rule for Mexican wolves in the coming weeks. Defenders of Wildlife and CBD also recently filed a lawsuit (November, 2014) that would require the Service to complete a Mexican wolf recovery plan within one year. R2

FWS is finalizing an agreement with the Sweetwater Conservancy to create a large-scale habitat conservation bank on approximate 50,576 deeded acres of prime habitat for the greater sage-grouse within the Pathfinder Ranch in central Wyoming. Pathfinder Ranch is a working cattle ranch with associated grazing leases and permits on approximately 181,000 acres of state and federal land. Most of the Sweetwater River Conservancy Conservation Bank (SRCCB) is classified as core sage-grouse habitat by the State of Wyoming. In addition to sage-grouse, the Conservancy will manage the property to preserve and enhance for other wildlife habitat and to promote improved water quality and quantity within the SRCCB. Outreach planned but no firm date. R6

30-60 Day Look Ahead

A Memorandum of Understanding with Zeta Phi Beta, a historically African-American sorority, is expected to be signed in late January 2015. This would create a partnership to reach an audience that has not traditionally visited national wildlife refuges. HQ

FWS will issue a draft biological opinion on the EPA's proposal to approve Idaho water quality standards for 11 inorganic metals and 11 organic toxic chemicals. The draft is expected to determine the proposed action is likely to jeopardize listed species and to adversely modify critical habitat. It is expected to be issued to the EPA about Feb. 1 for their review and comment. A final biological opinion is expected to be issued about Mar. 31 in accordance with a proposed settlement agreement on litigation initiated by NW Environmental Advocates. Potential for controversy. No outreach planned. R1

The Phoenix Zoo has received two California condors for eventual public display and interpretation. An announcement of the addition and dedication ceremony is planned for Feb. 11. The Phoenix Zoo continues to be a significant partner in endangered species research, recovery and public education efforts. Coordinated outreach planned. R2

FWS will finalize the designation of critical habitat in Arizona for the acuña cactus and Fickeisen plains cactus. The final rule designates approximately 18,535 acres in Maricopa, Pima and Pinal Counties for the acuña cactus and 17,456 acres in Coconino and Mohave Counties for the Fickeisen plains cactus. Anticipated *Federal Register* publication is Feb. 13. Outreach planned. R2

In mid-February, FWS will hold an event to announce the final delisting of the Oregon chub, the first fish delisted under the ESA due to recovery. State and congressional officials are expected to attend. Not controversial. Outreach planned. R1

In mid-February, FWS will hold an event announcing two greater sage-grouse Candidate Conservation Agreements with Assurances (CCAAs) that will cover all non-federal sage grouse land in Oregon. The final Multi-County CCAA covers more 2 million acres in seven counties. The draft Oregon Division of State Lands CCAA will cover 630,000 acres. This is an important, positive announcement because it highlights the partnership of the Service with ranchers, the state and elected officials. Not controversial. Outreach planned. R1

The Sport Fishing and Boating Partnership Council will meet Feb. 24 and 25 in Florida. The tentative agenda includes a wide range of topics associated with Department of Interior programs, including updates on the National Park Service's access plans for Key Biscayne, Federal Interagency Council on Outdoor Recreation (FICOR), federal agency budget updates, and a report on their review of FWS' National Outreach and Communication Program/Recreational Boating and Fishing Foundation. HQ

FWS is nearing completion of a proposed rule to amend the ESA special rule for the African elephant. The proposed rule, if enacted, would further restrict the import, export and domestic sale of ivory. The most significant change would be a prohibition on interstate commerce in African elephant ivory with certain exceptions for items that qualify as antiques or that contain de minimis quantities of ivory. Once the proposed rule is signed, it will be subject to OMB review before publication; OMB has up to 90 days to complete their review. FWS expects to deliver the proposed rule to OMB within the next two weeks. HQ

The Water Resources Reform and Development Act of 2014 requires that the FWS Director provide an annual report to Congress about strategies, expenditures, and progress made in addressing the threat of Asian carp in the Upper Mississippi River and Ohio River basins. The report was approved by the FWS Director's office on Jan. 7 and was assigned to the Assistant Secretary for Fish Wildlife and Parks. R3

In early 2015, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area. R7

Early in 2015, Alaska Maritime NWR will release for public review and comment a draft environmental impact statements and compatibility determinations on the issue of unauthorized cattle grazing on two refuge islands (Chirikof and Wosnesenski). The issue is contentious and will likely generate local interest. R7

FWS Southwest Region will announce public meetings on the draft Environmental Impact Statement (dEIS) and the Southern Edwards Plateau draft Habitat Conservation Plan (dHCP). FWS published the dHCP, dEIS and incidental take permit request on Dec. 19, 2014. The applicants and FWS will conduct public meetings in early February in Helotes and Kerrville, Texas. Outreach announcing the public meetings planned at least two weeks before the public meetings. R2

The annual aerial and ground survey of the Mexican wolf experimental population in Arizona and New Mexico will be conducted in late January and early February. The 2014 population results will be announced mid-February. An increase from 2013 count (83) is anticipated. Media interest in annual results is typically high. Outreach planned. R2

FWS will publish a notice of intent to prepare a NEPA document for a pending habitat conservation plan and incidental take permit application from OwnEnergy Inc. for the proposed construction and operation of the 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Outreach planned. R5

FWS awarded a \$16.7 million contract to AMEC Environment and Infrastructure, Inc., to restore a 4,000-acre tidal salt marsh at Prime Hook NWR. The project, funded with Hurricane Sandy disaster relief funding, will begin in 2015 and is contingent on final environmental review, permitting and the completion of related work to restore dunes and barrier beaches damaged during the storm. Outreach is planned to coincide with the release of the supplemental environmental impact statement, which is expected to be released in late January/early February 2015. R5

FWS and the Massachusetts Department of Environmental Protection have identified three projects to preserve over 330 acres in western Massachusetts using funds acquired to restore natural resources injured from the Housatonic Natural Resource Damage Assessment and Restoration process. The agencies previously provided \$5 million for restoration. The agencies will provide \$869,500 to the Berkshire Natural Resources Council to acquire 218 acres along Thomas and Palmer Brook in Great Barrington; \$90,000 to the Massachusetts Department of Fish and Game (MADFG) to preserve 90 acres adjacent to the Hinsdale Flats Wildlife Management Area in Duquette; and \$187,500 also to MADFG to preserve 23.4 acres along the Green River in Rawlings. Outreach is planned. R5

Visitor centers open at Kenai NWR, Alaska (Feb. 13) and two at Desert National Wildlife Refuge Complex in Nevada: Pahrnagat NWR (Jan. 24) and Ash Meadows NWR (Feb. 21).

FWS is working on a final rule that addresses listing of five species of large constrictor snakes: reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda and boa constrictor – as injurious under the Lacey Act. Announcement date TBD.

The following endangered species actions are scheduled to be sent to the *Federal Register* in Jan. and Feb. (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Adding five Species of Sawfish to the List of Endangered and Threatened Wildlife, Jan. 16, HQ

- Eleven DPSs of green sea turtle (led by NOAA-NMFS), Jan. 21, R1
- Vandenberg Monkeyflower, final critical habitat, Jan. 30, R8
- White-haired goldenrod delisting, proposed delisting, Feb. 6, R4
- eastern cougar, proposed delisting, Feb. 6, R5
- Black-Footed Ferret Statewide 10(j) in Wyoming, Listing - 10(j) Experimental, Feb. 13, R6
- Black Pine Snake, proposed critical habitat, Feb. 13, R4
- 2 AZ Plants (*Echinomastus erectocentrus* var. *acunensis*, *Pediocactus peeblesianus fickeiseniae*), final critical habitat, Feb. 13, R2
- Florida Bristle Fern, proposed critical habitat, Feb. 16, R4
- Zuni Bluehead Sucker, notice of intent, Feb. 16, R2
- Oregon chub, Final delisting, Feb 18 (tentative), R1
- Reinstatement of Protections for the Gray Wolf in Wyoming and WGL, Feb. 20, HQ



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Secretarial Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Tue, Dec 16, 2014 at 11:43 AM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Spencer Rearden <spencer_rearden@fws.gov>, Israporn Pananon <israporn_pananon@ios.doi.gov>

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Hello!

Attached is the FWS Secretarial Report for the next 3 weeks. If you have any questions, please let me know. Given that we were asked to cover an extended period of time in this submission, I will continue to coordinate with all of you if any of the key dates/info change or if additional items pop up that are not reflected in this submission.

Thanks,
Anna

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FWS SECRETARIAL WEEK-AHEAD REPORT
Dec. 17, 2014

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Dec. 18: FWS will hold a public hearing, requested by Senator Feinstein (D-CA), on the proposed rule to designate critical habitat for the threatened western yellow-billed cuckoo in Sacramento, California. R8

Dec. 18: FWS and the Eskimo Walrus Commission will meet to discuss new walrus research, local observations and the co-management agreement between FWS and the Commission. R7

Dec. 29: FWS is updating its Native American Policy (NAP), and it is rolling out a working draft version and seeking input from only federally-recognized Native American tribes at this time. The Midwest Region is hosting two webinars to discuss the proposed revisions to the NAP (Dec. 5 and 29), and there will be an in-person meeting held in Lac du Flambeau, Wisconsin, on Jan. 15, 2015. A public comment period will follow in the spring. R3

Public Announcements

Thursday, Dec. 18

The public comment period closes on the proposal to list the northern long-eared bat. R3

FWS announces a \$7.2 million contract with Perini Management Services, Inc., for salt marsh restoration at three national wildlife refuges on Long Island, New York. Funded with Hurricane Sandy disaster relief funding, the project will restore 432 acres of marsh. Outreach planned. R5

FWS will announce the availability of the draft Environmental Impact Statement (DEIS) and the Southern Edwards Plateau draft Regional Habitat Conservation Plan (DRHCP) for the Southern Edwards Plateau. Led by the City of San Antonio, Texas, and Bexar County, Texas, the DRHCP is an effort to address the potential impacts of infrastructure and commercial and residential development. The DEIS describes potential impacts of issuing a 30-year permit to authorize incidental take of nine federally endangered species including the golden-cheeked warbler, black-capped vireo, Government Canyon Bat Cave Spider, Madla Cave meshweaver, Braken Cave meshweaver, Government Canyon Bat Cave meshweaver, two beetles with no common name (*Rhadine exilis* and *Rhadine infernalis*) and the Helotes mold beetle. FWS anticipates that there will be local interest in this issue. Outreach will be distributed when announcement becomes available in the Federal Register Reading Room. It will publish Dec. 19. Public meetings on the DHCP and DEIS are expected in late January/early February. R2

Friday, Dec. 19

Nothing to Report

Monday, Dec. 22

The Gunnison sage-grouse final listing and critical habitat rules become effective. FWS is in the process of adopting existing Conference Opinions for the Gunnison Basin Candidate Conservation Agreement (CCA), State of Colorado Candidate Conservation Agreement with Assurances (CCAA), and the BLM's Tres Rios Resource Management Plan as biological opinions. FWS will also issue a biological opinion for National Resource Conservation Service Sage Grouse Initiative and Farm Bill programs prior to Dec. 22. On Dec. 17, a meeting is scheduled between Region 6 staff and key stakeholders, including Gunnison County, and Colorado Parks and Wildlife, to discuss the status of the species and steps going forward. R6

FWS will send to the *Federal Register* a notice of an extension of the public comment period on the proposed threatened listing for the West Coast DPS of the fisher. This species is located in Washington, Oregon and California. Announcement date TBD, outreach planned. HQ

Tuesday, Dec. 23

Nothing to Report

Wednesday, Dec. 24

Nothing to Report

Thursday, Dec. 25

Nothing to Report

Friday, Dec. 26

Nothing to Report

Monday, Dec. 29

Nothing to Report

Tuesday, Dec. 30

Nothing to Report

Wednesday, Dec. 31

A general swan hunt for tribes in northern Minnesota, Wisconsin and Michigan ends. All harvested swans must be taken to mandatory check stations. This hunt is targeting migrant tundra swans, but trumpeter swans are similar in appearance, and in order to protect recovering trumpeter swan populations, the tundra swan season will be closed early by emergency action if a total of 10 trumpeter swans are harvested. The approved hunt has attracted some media and public interest, along with an inquiry for Rep. Duffy (R-WI-7th). R3

The first annual report to Congress on strategies, expenditures and progress made in addressing the threat of Asian carp in the Upper Mississippi River and Ohio River basins is due Dec. 31. The report is mandated by the Water Resources Reform and Development Act of 2014. R3

FWS will send to the *Federal Register* a proposed rule to designate 4,411 acres of critical habitat for the Florida semaphore cactus in Miami-Dade and Monroe counties, Florida, and 3,444 acres for the aboriginal prickly-apple in Manatee, Charlotte, Sarasota and Lee counties, Florida. R4

Thursday, Jan. 1

Nothing to Report

Friday, Jan. 2

Nothing to Report

Monday, Jan. 5

The 45-day public comment period for the Wyoming Toad Conservation Area Draft Environmental Assessment and Land Protection Plan closes. The planning team has reached out to the Congressional delegation and to Wyoming Game and Fish Department to keep them informed about the project. The project seeks to protect habitat for the endangered Wyoming toad through conservation easements and limited fee-title acquisition in Albany County, Wyoming. R6

Tuesday, Jan. 6

FWS will join Ducks Unlimited and other partners at San Pablo Bay NWR, California, to celebrate completion of the 1,500-acre Cullinan Ranch wetland restoration and witness a levee breach. U.S. Rep. Mike Thompson (D-CA-5th) and U.S. Sen. Barbara Boxer (D-CA) are invited but yet to be confirmed. Regional media coverage is expected. R8

FWS published a notice of intent to prepare a joint environmental impact statement and environmental impact report for the proposed Yuba-Sutter Regional Conservation Plan (a joint habitat conservation plan and natural community conservation plan). Public scoping meetings will be held in the area on Jan. 6, 2015. The plan outlines strategies to avoid, minimize and offset potential indirect effects to 18 plant and animal species expected from development of 35,000 acres in Yuba and Sutter counties, California. R8

Wednesday, Jan. 7

Nothing to Report

Thursday, Jan. 8

Nothing to Report

Friday, Jan. 9

FWS will send to the *Federal Register* a proposal to remove the white-haired goldenrod from the ESA due to recovery. The recovery criteria for the species have been met, and threats have been reduced or managed, such that the species no longer requires the protections of the ESA. The U.S. Forest Service and the Kentucky State Nature Preserves Commission have been active partners in protecting and monitoring the majority of the species' habitat and occurrences, 95% of which are within Daniel Boone National Forest. Announcement date TBD. Outreach planned. R4

TBD

Possibly as early as Dec. 23, FWS will announce positive 90-day findings on petitions to list the coastal California gnatcatcher and monarch butterfly under the ESA. Findings will be combined in the Federal Register but announced independently. Potential for controversy on both. HQ (monarch), R8 (gnatcatcher)

In mid-January, the FWS will be announcing the signing of an MOU with the National Wildlife Federation regarding conservation of monarch butterflies. At this time, the FWS will also announce key FWS conservation activities and investments that will be located along the I-35 corridor.

The week of Dec. 15, the Department of Defense (DOD) will announce that Fort Huachuca in Arizona has been selected as one of two new Sentinel Landscapes, and will be funded to conserve 5,900 acres of land on and near the installation being threatened by encroaching development. FWS is playing a key partnership role in these efforts. The project landscape includes crucial wetlands and grasslands on military and private lands, and provides critical habitat for three endangered species (the Huachuca water umbrel, the jaguar and the Chiricahua leopard frog). The project will benefit ranches, enhance wildlife habitat, and assist the Fort in maintaining its missions. In addition to FWS, other DOD partners on the project include BLM, U.S. Forest Service, Natural Resources Conservation Service, National Fish and Wildlife Foundation, Arizona Department of Emergency and Military Affairs, Arizona Land and Water Trust and the Walton Family Foundation. Together, the partners anticipate leveraging over \$10 million for key acquisitions and conservation project implementation. R2

In late December/early January, FWS will announce over \$21 million will be provided to 25 projects in 13 coastal and Great Lakes states to protect, restore or enhance 11,353 acres of coastal wetlands and adjacent upland habitats under the National Coastal Wetlands Conservation Grants Program. Funding is provided by Sport Fish Restoration Act revenue – money generated from an excise tax on fishing equipment, motorboat and small engine fuels. Over \$35 million in additional matching funds will be provided by partner contributions from state and local governments, private landowners and conservation groups. HQ

FWS anticipates finalizing the approval of the Lesser Prairie-Chicken Programmatic Conservation Bank (PCBA) in Kansas, Oklahoma, New Mexico, Texas and Colorado in December. This is the first PCBA to be approved by FWS, the goal of which is to streamline the process for lands to be approved as conservation banks and therefore provide for the conservation of the lesser prairie-chicken and its habitat. The PCBA benefits the landowner by generating income, keeping large parcels of land intact for future generations, and may reduce their taxes. No *Federal Register* publication is required for this action. Outreach TBD. R2

FWS anticipates publishing the Strategic Growth Policy for the National Wildlife Refuge System and response to public comments in the *Federal Register* in mid- to late December. This policy instructs FWS to focus on acquiring interests in lands and waters that support the following three priorities: recovery of threatened and endangered species, implementation of the North American Waterfowl Management Plan, and conservation of migratory birds of conservation concern. HQ

A notice of intent to formally initiate public scoping for the North Cascades Ecosystem Grizzly Bear Restoration Plan/Environmental Impact Statement is expected to publish in the *Federal Register* by the first week of January 2015. Public meetings will be held in mid- to late January in northern Washington. The National Park Service and FWS are joint lead agencies. R1

In early January, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area. R7

Major Press Inquiries

National Geographic Traveler will feature seven national wildlife refuges (Aransas, Chincoteague, Minnesota Valley, Oregon Islands, Rachel Carson, Seney and St. Marks) in an upcoming online piece in December 2014 or January 2015 as great places to visit. HQ

Smithsonian Magazine requested an interview and additional information for a story on U.S. captive tigers, with specific questions on the Service's proposed rule to repeal the exemption for generic tigers from registration under the Captive-Bred Wildlife Program. HQ

A producer with the BBC in Bristol, U.K., contacted the Desert Research Institute (DRI) in Las Vegas to lay the groundwork for an April 2015 visit to the Great Basin, Mojave, and Sonoran deserts to shoot a new natural history program. DRI included the FWS in the initial discussions and suggested that some of the program's video could be gathered at the Ash Meadows NWR. R8

FWS is working with Beacon Media profile wildlife inspector Alli Goldman at LAX. R8

Francie Diep, a freelance writer working on an article for Popular Science, contacted FWS regarding sensitive species using invasive species for habitat (e.g., monarch butterflies using eucalyptus and the western yellow-billed cuckoos using tamarisk). R8

NPR-Capitol Public Radio interviewed FWS California Condor Coordinator John McCamman during a 15-minute live segment on Capitol Public Radio's Insight program. McCamman spoke from approved talking points and provided background on condor recovery and California state legislation passed last year banning lead ammunition for hunting. R8

Silver City Sun News contacted FWS' Mexican Wolf Recovery Program regarding Mexican wolf attacks on two dogs in the New Mexico community of Gila Hot Springs. Dog injuries were minor and Mexican Wolf Interagency Field team was able to haze the wolves out of the vicinity and back into the Gila Wilderness Area. Other newspapers have picked up the story. R2

National Public Radio foreign affairs correspondent Jackie Northam will shadow wildlife inspectors at a JFK airport the week of Dec. 15 and visit the Service's wildlife repository in Denver in early January as part of a story about international trade. R5

FWS and the Oregon Department of Fish and Wildlife is sending a joint letter to the editor to the *Oregonian* in response to an op-ed criticizing efforts to recollar wolf OR7 and other wolf pack members in western Oregon. R1

Associated Press-Michigan interviewed Ecological Services personnel in Twin Cities and East Lansing on potential impacts of wind energy on wildlife; inquiry is associated with proposed wind development in Huron County, Michigan. No publication date has been determined. R3

Yakima Herald (Yakima, Washington) inquired about the status of investigations into a collared wolf found dead Oct. 28 in Washington. FWS has issued a blanket response that acknowledges the wolf's death, general location and asks for tips from the public. R1

Items of Note/Expected Legislative, Legal, Policy Issues

On Dec. 10, The Center for Biological Diversity filed a notice of intent to sue FWS for failing to determine whether 17 rare amphibians in the Southeast warrant consideration for Endangered Species Act protection. The species include the alligator snapping turtle, six snakes, Carolina gopher frog, Cedar Key mole skink, Florida scrub lizard, and seven lungless salamanders. With the Southeast Region's At Risk initiative, FWS is working with partners to undertake proactive measures to conserve species before they require protection. FWS plans to complete 90-day findings for these 17 species by the beginning of October 2015. Controversial. R4.

On Dec. 17, FWS hosted an all-day meeting with the Director General of the Canadian Wildlife Service, Ms. Sue Milburn-Hopwood; the Wildlife Director for the Nunavut, Mr. Drikus Gissing; and others to discuss polar bear conservation. Topics addressed included: updates from both countries on recent conservation actions, the range wide circumpolar conservation action plan, traditional ecological knowledge, improved collaboration on science, polar human conflict, management, and CITES. HQ

FWS issued a permit to the State of Maine in early November for the incidental take of Canada lynx in the statewide trapping program. Two weeks ago, the state reported that 19 Canada lynx had been incidentally captured in traps since the beginning of the trapping season and one lynx was killed. Last week, the state reported that an additional lynx was captured and killed in a legally set trap. The second fatality triggered a provision in the state's incidental take plan that now requires trappers to implement lynx exclusion devices with any above-ground sets that use these lethal trapping techniques. Recognizing that implementing that change may take time for trappers, the state took more immediate action by implementing an emergency regulation to ban above ground traps that may take additional lynx for the remainder of the current furbearer trapping season that runs through the end of December. The Maine Trapping Association has been quoted as supporting the state's actions. Coordinated outreach ongoing. R5

The FWS is completing the third in a series of videos highlighting communities impacted by Hurricane Sandy, this one featuring work at Great Dismal Swamp National Wildlife Refuge in Suffolk, VA. The video showcases how more than \$3.1 million in DOI funding for Hurricane

Sandy recovery is working to manage water levels on the refuge. We will share the video internally next week and plan to release to the public the first week in January 2015. R5

This week, FWS will announce a \$7.2 million contract for salt marsh restoration at three national wildlife refuges on Long Island, NY. This funding was also part of the DOI Sandy recovery funds and will restore 432 acres of marsh, creating additional natural storm protection as part of our coastal resilience efforts. R5

The Environmental Assessment for the National Bison Range Annual Funding Agreement with the Confederated Salish and Kootenai Tribes (CSKT) was provided for public comment and FWS has been reviewing those comments. FWS will soon make a final decision regarding a Finding of No Significant Impact vs. the need for an Environmental Impact Statement, and if the former, which alternative FWS will choose to adopt and implement. The potential to enter into another agreement with the tribe is controversial with some members of the public (PEER, Blue Goose Alliance). FWS is in regular communication with CSKT and they have been concerned about the timing of the decision and ultimate finding. R6

Sweetwater River Conservancy submitted a final response to comments on the Greater Sage-Grouse Habitat Conservation Bank to FWS, the Conservation Bank Review Team, and the Solicitor's Office. The banking agreement will now likely be signed the week of Dec. 15. R6

30-60 Day Look Ahead

On Jan. 13, 2015, FWS will hold an open house on the Preliminary Environmental Assessment and Section 810 Evaluation of the Karluk Lake nutrient enrichment project. The Environmental Assessment has been drafted in response to the Kodiak Regional Aquaculture Association's application for a special use permit to conduct a nutrient enrichment project on Karluk Lake within the Kodiak Refuge to increase lake productivity and, ultimately, sockeye salmon populations. Refuge representatives will be available to discuss the project and get additional information from the public to help inform the decision. R7

Between Jan. 21 and 23, 2015, the Federal Subsistence Board is holding a public meeting to consider and take action on proposed changes to federal subsistence fish and shellfish regulations. R7

Early in 2015, Alaska Maritime NWR will release for public review and comment a draft environmental impact statements and compatibility determinations on the issue of unauthorized cattle grazing on two Refuge islands (Chirikof and Wosnesenski). The issue is contentious and will likely generate interest. R7

FWS completed the Draft Recovery Plan for the Santa Rosa Plain and is planning to hold at least one public meeting in early 2015 to gather input. The recovery plan will cover four endangered species (Sonoma County Distinct Population Segment of the California tiger salamander and three endangered plants: Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam) and focuses on preserving remaining habitat and reducing fragmentation and buffering against

encroaching development. FWS currently estimates the total incremental economic effect of this habitat recovery plan at \$463 million over the next fifty years. R8

The Recreational Boating and Fishing Foundation will meet on Jan. 26 and 27 in San Diego, California. RBFF receives approximately \$12 million annually from FWS through a cooperative agreement to implement the National Outreach and Communications Program, which was originated by the Sport Fishing and Boating Partnership Council. HQ

The Sport Fishing and Boating Partnership Council will meet Feb. 24 and 25 in Florida. The tentative agenda includes a wide range of topics associated with Department of Interior programs, including updates on the National Park Service's access plans for Key Biscayne, Federal Interagency Council on Outdoor Recreation (FICOR), federal agency budget updates, and a report on their review of FWS' National Outreach and Communication Program/Recreational Boating and Fishing Foundation. HQ

FWS anticipates the final rule revising the regulations for the nonessential experimental (10(j)) population of the Mexican wolf will publish in the *Federal Register* on Jan. 12, 2015. Simultaneously, a final rule revising the listing of the Mexican wolf as a separate entity from the gray wolf will publish. The regulation changes will expand the experimental population area for the Mexican wolf and clarify provisions for take of wolves exhibiting nuisance and depredation behavior or having an unacceptable impact on wild ungulate populations. Other substantial program changes are included in the revision. Controversy regarding the changes to the 10(j) rule is expected to continue with this announcement. Outreach is planned and will be initiated when the regulation changes appear in the *Federal Register* reading room the day prior to publication. R2

The Phoenix Zoo has received two California condors for eventual public display and interpretation. An announcement of the addition and dedication ceremony is planned for Feb. 11, 2015. The Phoenix Zoo continues to be a significant partner in endangered species research, recovery and public education efforts. Coordinated outreach planned. R2

A Memorandum of Understanding with Zeta Phi Beta, an historically African-American sorority, is expected to be signed in January 2015. This would create a partnership to reach an audience that has not traditionally visited national wildlife refuges, managed by FWS. R2

A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR after former Congresswoman Pat Schroeder (D-CO-1st) will take place in January. Ms. Schroeder was instrumental in the superfund clean-up efforts at the site and introduced the legislation to establish the site as a refuge. Congresswoman Diana DeGette (D-CO-1st), who has been coordinating with Ms. Schroeder has asked that the Service hold Jan. 15 or 16 open for the ceremony until the event activities are more defined. R6

In mid-January, FWS will submit the Oregon Department of State Lands Candidate Conservation Agreement with Assurances (CCAA) to the *Federal Register*. This CCAA covers approximately 630,000 acres of state grazing allotments in greater sage-grouse habitat in eight counties within southeast Oregon. Outreach planned. R1

In the first quarter of 2015, FWS expects to publish a positive 90-day finding on a petition requesting the northern spotted owl be uplisted from threatened to endangered. Controversial. R1

FWS will propose to delist the eastern puma (aka cougar) due to extinction within the next 30-60 days. In 2011, FWS conducted a five-year status review and recommended this course of action due to scientific evidence that the species is no longer present and reproducing in the wild. The eastern puma was originally listed in 1973. Occasional sightings of eastern pumas are believed to be escaped captive animals or transient animals from populations in the Midwest. Outreach planned. R5

FWS will publish a notice of intent to prepare a NEPA document for a pending habitat conservation plan and incidental take permit application from OwnEnergy Inc. for the proposed construction and operation of the 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Outreach planned. R5

FWS awarded a \$16.7 million contract to AMEC Environment and Infrastructure, Inc., to restore a 4,000-acre tidal salt marsh at Prime Hook National Wildlife Refuge. The project, funded with Hurricane Sandy disaster relief funding, will begin in 2015 and is contingent on final environmental review, permitting and the completion of related work to restore dunes and barrier beaches damaged during the storm. Outreach is planned to coincide with the release of the supplemental environmental impact statement which is expected to be released in late January/early February 2015. R5

FWS will remove the Fall River Dam Spillway in Massachusetts. Removal of the stone and wood dam will re-open fish passage to approximately 35 miles of upstream coldwater habitat, benefiting American eel, sea lamprey, eastern brook trout, and Atlantic salmon. The project is a partnership with the state of Massachusetts, American Rivers and landowners. Date TBD, but likely early January. R5

The week of Feb. 9, 2015, FWS will host a Tribal government-to-government consultation session to hear comments from more than 20 tribes on a pre-public draft of the Service's new Native American Policy. The tribal consultation session will be held in conjunction with the United South and Eastern Tribes, Inc., Impact Meeting, in Arlington, Virginia. R5

FWS is working on a final rule that addresses listing of five species of large constrictor snakes: reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda and boa constrictor – as injurious under the Lacey Act. The rule is expected to be forwarded to the Office of the Solicitor for review by the end of 2014. Announcement date TBD.

The following endangered species actions are scheduled to be sent to the *Federal Register* in Dec. and Jan. (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Monarch butterfly and California gnatcatcher, 90-day findings, TBD, likely late December, HQ
- Florida semaphore cactus and Aboriginal Prickly-Apple (From 3 Southern FL Plants) , proposed critical habitat, Dec. 31, R4
- White-haired goldenrod, proposed delisting, Jan. 9, R4
- Mexican wolf, Final reclassification as a subspecies, Jan. 12, R2
- Mexican wolf, final 10(j) rule, Jan. 12, R2
- Eastern cougar, Proposed delisting, Jan. 15, R5
- New Mexico meadow jumping mouse, Final CH, Jan. 15, R2
- Chimpanzee final listing, Feb. 04, HQ



Padilla, Joan <joan_padilla@ios.doi.gov>

REVISED FWS Weekly Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Dec 3, 2014 at 2:42 PM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Spencer Rearden <spencer_rearden@fws.gov>

Hello,

Please accept this revised FWS Weekly Secretarial Report that contains a few key items that were missing in my earlier submission, including a description of the World Bank event on Wildlife Trafficking on Dec 8-10 that Dan will attend and some additional ES actions in Jan.

If you have any questions, please let me know.

Thanks,
Anna

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FWS SECRETARIAL WEEK-AHEAD REPORT
Dec. 3, 2014

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Dec. 2-4: Members of the Sport Fishing and Boating Partnership Council will meet with FWS staff to jointly review and make recommendations on 2015 grant proposals under the Boating Infrastructure Grant program. The meeting will include review of projects previously completed with grant funds. HQ

Dec. 4: The public meeting for the Wyoming Toad Conservation Area Draft Environmental Assessment and Land Protection Plan will be held in Laramie, Wyoming. The 45-day public comment period began on Nov. 20. The project seeks to protect habitat for the endangered Wyoming toad through conservation easements and limited fee-title acquisition in Albany County, Wyoming. R6

Dec. 6: Bank of America volunteers will assist FWS and the city of Houston with planting a garden in Buffalo Bayou Park near Houston's Waugh St. Bridge with a significant amount of native milkweed to support monarch butterfly conservation. Bank of America is one of the major funders of the Connecting People with Nature grant that made the creation of the gardens possible. Outreach planned. R2

Dec. 8-10: Director Ashe will attend an anti-corruption conference at the World Bank where HRH the Duke of Cambridge will give the keynote address, and will attend a private lunch attended by the Duke to discuss efforts to stem wildlife trafficking. HQ

Public Announcements

Thursday, Dec. 4

FWS will release a preliminary Environmental Assessment on a Kodiak Regional Aquaculture Association proposal to fertilize Karluk Lake on Kodiak NWR to boost sockeye salmon returns. The assessment will be open for 60 days public comment. The proposal was submitted during a period when sockeye salmon returns to Karluk Lake were down. Since that time, the fishery has rebounded. There has been strong support for the proposal from the commercial fishing industry and residents of Kodiak Island; however, environmental groups may express opposition to this proposal. The proposal has raised the interest of Senators Murkowski and Begich. Outreach planned and a public open house will be held in Kodiak. The Refuge will meet individually with key stakeholders. R7

Friday, Dec. 5

Nothing to Report

Monday, Dec. 8

Nothing to Report

Tuesday, Dec. 9

FWS is holding a media call to announce the final rule to list the red knot as threatened under the ESA. The red knot is a migratory shorebird that breeds in the Canadian Arctic, primarily uses major spring and fall stopover areas on the Atlantic coast of the United States, and winters in parts of the United States, the Caribbean, and South America. This action is expected to garner attention because land managers may be concerned about the potential effects the listing may have on their land use policies. This is particularly relevant on popular recreational beaches in Massachusetts, North Carolina, and Florida, and the horseshoe crab harvest in Delaware Bay. Publish date of Dec. 11 expected. R5

Wednesday, Dec. 10

FWS will submit the Oregon Department of State Lands Candidate Conservation Agreement with Assurances (CCAA) for greater sage-grouse to the *Federal Register*. This CCAA covers approximately 630,000 acres of State grazing allotments in greater sage-grouse habitat in eight counties in southeast Oregon. This CCAA follows on from the Oregon Multi-County CCAA, which published Dec. 2. This CCAA includes seven counties and over 2 million acres – the majority of sage-grouse habitat on private lands in Oregon. Over 45 landowners intend to enroll so far. R1

Thursday, Dec. 11

Nothing to Report

Friday, Dec. 12

Nothing to report

TBD

FWS anticipates publishing the Strategic Growth Policy for the National Wildlife Refuge System and response to public comments in the *Federal Register* in early December. This policy instructs FWS to focus on acquiring interests in lands and waters that support the following three priorities: recovery of threatened and endangered species, implementation of the North American Waterfowl Management Plan, and conservation of migratory birds of conservation concern. HQ

FWS will finalize the Greater Sage-Grouse Habitat Conservation Banking Agreement with the Sweetwater River Conservancy. The agreement, Conservation Easement language, and Management Plan have been reviewed by the Solicitor's Office in Denver. Once final changes have been approved and final documents are produced, the Banking Agreement will be signed. R6

FWS is preparing an environmental assessment for public review and comment that will examine options to reduce impacts related to increasing visitation at Three Sisters Springs, part of the Crystal River NWR. The assessment will propose options and steps that could be taken to minimize impacts related to increasing visitation at the refuge and maintain opportunities to observe the charismatic Florida manatee in the warm springs there. The Three Sisters Springs unit of Crystal River National Wildlife Refuge is owned by the City of Crystal River and the

Southwest Florida Water Management District and is administered by FWS under a management agreement. Date TBD. R4

Major Press Inquiries

On Nov. 5, FWS agents executed search warrants at various locations in Northern Michigan and Eastern Wisconsin holding wholesaler records of fish taken from Lakes Michigan and Superior. The searches are related to an investigation into potential violations of the Lacey Act. FWS has provided no comments on recent law enforcement operations. Media interest is high in Wisconsin and Michigan. R3

CBS News Investigative Producer Laura Strickler contacted FWS for information on the Bracken Bat Cave meshweaver for a story on matters that can delay highway construction. R2

Multiple media outlets have continued to inquire about a collared wolf found dead Oct. 28 in Washington. FWS has issued a blanket response that acknowledges the wolf's death, general location and asks for tips from the public. R1

Items of Note/Expected Legislative, Legal, Policy Issues

Rep. Herrera-Beutler's staff has asked for a discussion on fish passage opportunities in her district. Dates TBD, but will likely take place within next three weeks at Lower Columbia Fisheries Resource Office. R1

The Regional Director, Mountain Prairie Region; Deputy Regional Director, Pacific Region; Regional Director, Pacific Southwest Region and HQ staff will brief staff from the delegations of Washington, Oregon, Idaho, Montana, North Dakota, eastern California, Nevada, Utah, Colorado, South Dakota and Wyoming and authorizing Committee staff from Senate Committees on Environment and Public Works, Energy and Natural Resources, and Agriculture and House Committees on Natural Resources and Agriculture on the conservation status of sage-grouse (Dec. 4). HQ

FWS staff has met and will meet again with local aides for Senators Wyden and Merkley. Topics of interest are timelines for the Candidate Conservation Agreements with Assurances (see above) and water issues related to the Oregon spotted frog listing (Dec. 8). R1

Texas Mid-coast Refuge Complex received a Connecting People With Nature grant to install three pollinator gardens in the Houston region. On Nov. 12, the first of the three gardens was planted in Houston's east end. The pollinator garden is a 200' x 30' project, and will include planting native milkweed to improve and expand monarch butterfly habitat. R2

Members of the Zeta Phi Beta sorority joined FWS staff on a tour of Anahuac and Trinity River NWRs last month. FWS and the African American sorority are in the process of finalizing a memorandum of understanding to connect the 800+ chapters to the National Wildlife Refuge System. The Zetas have several chapters within the Houston area, and their regional leadership

has expressed an interest in doing additional tours and learning more about how they might work together with FWS Southwest Region. R2

In an effort to offset impacts from three large copper mines in southwestern New Mexico, FWS partnered with the New Mexico Department of Game and Fish to acquire two ranches in watersheds affected by mine activities. The River Ranch (1,010 acres) and the rights to use associated grazing leases (2,920 acres) on Bureau of Land Management and States lands was purchased for the purpose of wildlife management by the State agency. This property has valuable riparian and wetland habitat on the Mimbres River where three federally listed species reside. In Nov. the Double E Ranch (5,828 acres) and its associated grazing leases (13,457 acres) was purchased through a 50/50 match from FWS' State Wildlife Fund grants (\$1,645,053) and NRDAR funds. The total acquisition cost was more than \$3 million. It is anticipated that both properties will be open for public use in the year 2016. R2

FWS is undertaking several efforts in the coming week related to monitoring and assessing coastal restoration and resilience investments so that FWS and partners can access the best available science for decision making. First, as part of the work on the DOI Hurricane Sandy Metrics Team, FWS staff will present at a workshop on community-level climate and hazard resilience indicators sponsored by NOAA, FEMA and CEQ. The workshop will identify key indicators of community climate and hazard resilience to support a National Resilience Score Card. Second, staff in coordination with the North Atlantic LCC will bring together partners to evaluate the first year of Hurricane Sandy tidal marsh resilience-related science projects. This evaluation will help ensure coordination of science and monitoring in the next two years to achieve common outcomes. Finally, FWS Regional Director Wendi Weber will attend the *A Community on Ecosystem Services* conference in Washington, DC, Dec. 8-12. The conference is focused on advancing the use of ecosystem services science for better decision making. She will share DOI's efforts to assess and incorporate ecosystem services into coastal resilience and restoration investments. R5

Congressional interest remains high in the proposal to list the Northern Long-eared Bat, with the most recent letter coming from Michigan Sen. Stabenow on Nov. 13. A public information meeting and public hearing was to be held Dec. 2 in Sundance, Wyoming, at the request of the Crook County, Wyoming, commissioners. The comment period ends Dec. 18. R3

Media, public and congressional (Rep. Duffy (R-WI-7th)) interest continues in the FWS-approved general swan hunt for tribes in northern Minnesota, Wisconsin and Michigan. The hunt began Nov. 11 and ends Dec. 31. This hunt is targeting migrant tundra swans, but trumpeter swans are similar in appearance. To protect recovering trumpeter swan populations, the tundra swan season will be closed by emergency action if a total of 10 trumpeter swans are harvested. R3

Wisconsin's current wolf hunting season began Oct. 15 and ends Feb. 28, or when a quota of 150 wolves in various zones has been reached. The hunt has prompted multiple emails and phone calls to FWS expressing concern over the hunt and Wisconsin's wolf management policies. FWS is responding with information on its current role in wolf management and post-delisting monitoring plan. As of Nov. 19, 142 wolves had been harvested. R3

FWS staff attended the Gunnison Strategic Committee meeting in Gunnison, Colorado, on Nov. 19. Staff spent several hours answering questions from the committee and the public on the Gunnison sage-grouse. There was a high degree of interest on the consultation requirements and finalization of the 4(d) rule. A stakeholders meeting will be scheduled in Gunnison in the upcoming weeks. R6

South Dakota has confirmed that Angostura Reservoir, near Hot Springs, South Dakota, may have invasive quagga mussels. An FWS dive team did not find adult mussels in the lake. Follow-up water samples from the reservoir did result in a positive DNA finding of quagga mussel. This is significant because Angostura is on a tributary of the Cheyenne River, which feeds into the Missouri River and quagga mussels have not previously been found this far up the basin. R6

30-60 Day Look Ahead

FWS will propose to delist the eastern puma (aka cougar) due to extinction within the next 30-60 days. In 2011, FWS conducted a five-year status review and recommended this course of action due to scientific evidence that the species is no longer present and reproducing in the wild. The eastern puma was originally listed in 1973. Occasional sightings of eastern pumas are believed to be escaped captive animals or transient animals from populations in the Midwest. Outreach planned. R5

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FWS will publish a notice of intent to prepare a NEPA document for a pending habitat conservation plan and incidental take permit application from OwnEnergy Inc. for the proposed construction and operation of the 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Local outreach is planned. R5

In early Dec., FWS will announce approval of the Lesser Prairie-Chicken Programmatic Conservation Bank Agreement (PCBA) submitted by Common Ground Capital and finalized May 1. This is the first PCBA to be approved by FWS, with the goal of streamlining the process for lands to be approved as conservation banks to provide for the conservation of the lesser prairie-chicken and its habitat. Outreach planned. R2

The first annual report to Congress on strategies, expenditures and progress made in addressing the threat of Asian carp in the Upper Mississippi River and Ohio River basins is due Dec. 31. The report is mandated by the Water Resources Reform and Development Act of 2014. R3

A Notice of Intent to formally initiate public scoping for the North Cascades Ecosystem (NCE) Grizzly Bear Restoration Plan/Environmental Impact Statement (EIS) is expected to publish in the *Federal Register* by the first week of January 2015. Public meetings will be held in mid- to late January in northern Washington. The National Park Service and FWS are joint lead agencies. R1

A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR after former Congresswoman Pat Schroeder (CO-1) will take place in January. Ms. Schroeder was instrumental in the superfund clean-up efforts at the site and introduced the legislation to establish the site as a refuge. Congresswoman Diana DeGette (CO-1), who has been coordinating with Ms. Schroeder has asked that the Service hold January 15 or 16 open for the ceremony until the event activities are more defined. R6

In early January, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area. R7

FWS is working on a final rule that addresses listing of five species of large constrictor snakes – reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda and boa constrictor – as injurious under the Lacey Act. The rule is expected to be forwarded to the Office of the Solicitor for review by the end of 2014.

The following endangered species actions are scheduled to be sent to the *Federal Register* in Dec. and Jan. (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Rufa red knot, final listing, sent to Nov. 28, announcement Dec. 10, R5
- Monarch butterfly and California gnatcatcher, 90-day findings, TBD, possibly early January, HQ
- Northern spotted owl 90-day Finding, TBD, possibly early January, R1
- Two Arizona plants (*Echinomastus erectocentrus* var. *acunensis*, *Pediocactus peeblesianus fickeiseniae*), final critical habitat, Dec. 15, R2
- Reinstatement of protections for the gray wolf in Wyoming, final amendment, Dec. 17, HQ
- White-haired goldenrod, proposed delisting, Dec. 19, R4
- Black pine snake, proposed critical habitat, Dec. 30, R4
- Florida semaphore cactus and Aboriginal Prickly-Apple (From 3 Southern FL Plants), proposed critical habitat, Dec. 31, R4
- Proposal to downlist the Borax Lake chub from Endangered to Threatened, Dec. 31, R1
- Listing 11 DPSs of green sea turtle, proposed listing, Dec. 31, R1
- Final downlist of Santa Cruz cypress from Endangered to Threatened, Dec. 31, R8
- Final reclassification of Mexican wolf as a subspecies, Jan. 12, R4

- Mexican wolf final 10(j) rule, Jan 12, R4
- Proposed delisting of eastern cougar, Jan. 15, R5
- Final CH for New Mexico meadow jumping mouse, Jan 15, R2
- Chimpanzee final listing, Jan 15, HQ



Padilla, Joan <joan_padilla@ios.doi.gov>

FWS Weekly Report

1 message

Munoz, Anna <anna_munoz@fws.gov>

Wed, Dec 3, 2014 at 11:17 AM

To: "Dorsett, Craig" <craig_dorsett@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Katherine Rupp <katherine_rupp@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Weekly Reports OS <weeklyreports@ios.doi.gov>, Spencer Rearden <spencer_rearden@fws.gov>
Cc: Dan Ashe <d_m_ashe@fws.gov>, Emily Porcari <emily_porcari@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Roslyn Sellars <Roslyn_Sellars@fws.gov>, Rowan Gould <r_w_gould@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>

Hello!

Attached is the FWS Weekly Secretarial Report. Please let me know if you have any questions.

Thanks,
Anna

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FWS SECRETARIAL WEEK-AHEAD REPORT

Dec. 3, 2014

Message to the Secretary

None

Highlights of Travel, Meetings and other Public Events

Dec. 2-4: Members of the Sport Fishing and Boating Partnership Council will meet with FWS staff to jointly review and make recommendations on 2015 grant proposals under the Boating Infrastructure Grant program. The meeting will include review of projects previously completed with grant funds. HQ

Dec. 4: The public meeting for the Wyoming Toad Conservation Area Draft Environmental Assessment and Land Protection Plan will be held in Laramie, Wyoming. The 45-day public comment period began on Nov. 20. The project seeks to protect habitat for the endangered Wyoming toad through conservation easements and limited fee-title acquisition in Albany County, Wyoming. R6

Dec. 6: Bank of America volunteers will assist FWS and the city of Houston with planting a garden in Buffalo Bayou Park near Houston's Waugh St. Bridge with a significant amount of native milkweed to support monarch butterfly conservation. Bank of America is one of the major funders of the Connecting People with Nature grant that made the creation of the gardens possible. Outreach planned. R2

Public Announcements

Thursday, Dec. 4

FWS will release a preliminary Environmental Assessment on a Kodiak Regional Aquaculture Association proposal to fertilize Karluk Lake on Kodiak NWR to boost sockeye salmon returns. The assessment will be open for 60 days public comment. The proposal was submitted during a period when sockeye salmon returns to Karluk Lake were down. Since that time, the fishery has rebounded. There has been strong support for the proposal from the commercial fishing industry and residents of Kodiak Island; however, environmental groups may express opposition to this proposal. The proposal has raised the interest of Senators Murkowski and Begich. Outreach planned and a public open house will be held in Kodiak. The Refuge will meet individually with key stakeholders. R7

Friday, Dec. 5

Nothing to Report

Monday, Dec. 8

Nothing to Report

Tuesday, Dec. 9

FWS is holding a media call to announce the final rule to list the rufa red knot as threatened under the ESA. The red knot is a migratory shorebird that breeds in the Canadian Arctic, primarily uses major spring and fall stopover areas on the Atlantic coast of the United States, and winters in parts of the United States, the Caribbean, and South America. This action is expected to garner attention because land managers may be concerned about the potential effects the listing may have on their land use policies. This is particularly relevant on popular recreational beaches in Massachusetts, North Carolina, and Florida, and the horseshoe crab harvest in Delaware Bay. Publish date of Dec. 11 expected. R5

Wednesday, Dec. 10

FWS will submit the Oregon Department of State Lands Candidate Conservation Agreement with Assurances (CCAA) for greater sage-grouse to the *Federal Register*. This CCAA covers approximately 630,000 acres of State grazing allotments in greater sage-grouse habitat in eight counties in southeast Oregon. This CCAA follows on from the Oregon Multi-County CCAA, which published Dec. 2. This CCAA includes seven counties and over 2 million acres – the majority of sage-grouse habitat on private lands in Oregon. Over 45 landowners intend to enroll so far. R1

Thursday, Dec. 11

Nothing to Report

Friday, Dec. 12

Nothing to report

TBD

FWS anticipates publishing the Strategic Growth Policy for the National Wildlife Refuge System and response to public comments in the *Federal Register* in early December. This policy instructs FWS to focus on acquiring interests in lands and waters that support the following three priorities: recovery of threatened and endangered species, implementation of the North American Waterfowl Management Plan, and conservation of migratory birds of conservation concern. HQ

FWS will finalize the Greater Sage-Grouse Habitat Conservation Banking Agreement with the Sweetwater River Conservancy. The agreement, Conservation Easement language, and Management Plan have been reviewed by the Solicitor's Office in Denver. Once final changes have been approved and final documents are produced, the Banking Agreement will be signed. R6

FWS is preparing an environmental assessment for public review and comment that will examine options to reduce impacts related to increasing visitation at Three Sisters Springs, part of the Crystal River NWR. The assessment will propose options and steps that could be taken to minimize impacts related to increasing visitation at the refuge and maintain opportunities to observe the charismatic Florida manatee in the warm springs there. The Three Sisters Springs unit of Crystal River National Wildlife Refuge is owned by the City of Crystal River and the Southwest Florida Water Management District and is administered by FWS under a management agreement. Date TBD. R4

Major Press Inquiries

On Nov. 5, FWS agents executed search warrants at various locations in Northern Michigan and Eastern Wisconsin holding wholesaler records of fish taken from Lakes Michigan and Superior. The searches are related to an investigation into potential violations of the Lacey Act. FWS has provided no comments on recent law enforcement operations. Media interest is high in Wisconsin and Michigan. R3

CBS News Investigative Producer Laura Strickler contacted FWS for information on the Bracken Bat Cave meshweaver for a story on matters that can delay highway construction. R2

Multiple media outlets have continued to inquire about a collared wolf found dead Oct. 28 in Washington. FWS has issued a blanket response that acknowledges the wolf's death, general location and asks for tips from the public. R1

Items of Note/Expected Legislative, Legal, Policy Issues

The Regional Director, Mountain Prairie Region; Deputy Regional Director, Pacific Region; Regional Director, Pacific Southwest Region and HQ staff will brief staff from the delegations of Washington, Oregon, Idaho, Montana, North Dakota, eastern California, Nevada, Utah, Colorado, South Dakota and Wyoming and authorizing Committee staff from Senate Committees on Environment and Public Works, Energy and Natural Resources, and Agriculture and House Committees on Natural Resources and Agriculture on the conservation status of sage-grouse (Dec. 4). HQ

Rep. Herrera-Beutler's staff has asked for a discussion on fish passage opportunities in her district. Dates TBD, but will likely take place within next three weeks at Lower Columbia Fisheries Resource Office. R1

FWS staff has met and will meet again with local aides for Senators Wyden and Merkley. Topics of interest are timelines for the Candidate Conservation Agreements with Assurances (see above) and water issues related to the Oregon spotted frog listing (Dec. 8). R1

Texas Mid-coast Refuge Complex received a Connecting People With Nature grant to install three pollinator gardens in the Houston region. On Nov. 12, the first of the three gardens was planted in Houston's east end. The pollinator garden is a 200' x 30' project, and will include planting native milkweed to improve and expand monarch butterfly habitat. R2

Members of the Zeta Phi Beta sorority joined FWS staff on a tour of Anahuac and Trinity River NWRs last month. FWS and the African American sorority are in the process of finalizing a memorandum of understanding to connect the 800+ chapters to the National Wildlife Refuge System. The Zetas have several chapters within the Houston area, and their regional leadership has expressed an interest in doing additional tours and learning more about how they might work together with FWS Southwest Region. R2

In an effort to offset impacts from three large copper mines in southwestern New Mexico, FWS partnered with the New Mexico Department of Game and Fish to acquire two ranches in watersheds affected by mine activities. The River Ranch (1,010 acres) and the rights to use associated grazing leases (2,920 acres) on Bureau of Land Management and States lands was purchased for the purpose of wildlife management by the State agency. This property has valuable riparian and wetland habitat on the Mimbres River where three federally listed species reside. In Nov. the Double E Ranch (5,828 acres) and its associated grazing leases (13,457 acres) was purchased through a 50/50 match from FWS' State Wildlife Fund grants (\$1,645,053) and NRDAR funds. The total acquisition cost was more than \$3 million. It is anticipated that both properties will be open for public use in the year 2016. R2

FWS is undertaking several efforts in the coming week related to monitoring and assessing coastal restoration and resilience investments so that FWS and partners can access the best available science for decision making. First, as part of the work on the DOI Hurricane Sandy Metrics Team, FWS staff will present at a workshop on community-level climate and hazard resilience indicators sponsored by NOAA, FEMA and CEQ. The workshop will identify key indicators of community climate and hazard resilience to support a National Resilience Score Card. Second, staff in coordination with the North Atlantic LCC will bring together partners to evaluate the first year of Hurricane Sandy tidal marsh resilience-related science projects. This evaluation will help ensure coordination of science and monitoring in the next two years to achieve common outcomes. Finally, FWS Regional Director Wendi Weber will attend the *A Community on Ecosystem Services* conference in Washington, DC, Dec. 8-12. The conference is focused on advancing the use of ecosystem services science for better decision making. She will share DOI's efforts to assess and incorporate ecosystem services into coastal resilience and restoration investments. R5

Congressional interest remains high in the proposal to list the Northern Long-eared Bat, with the most recent letter coming from Michigan Sen. Stabenow on Nov. 13. A public information meeting and public hearing was to be held Dec. 2 in Sundance, Wyoming, at the request of the Crook County, Wyoming, commissioners. The comment period ends Dec. 18. R3

Media, public and congressional (Rep. Duffy (R-WI-7th)) interest continues in the FWS-approved general swan hunt for tribes in northern Minnesota, Wisconsin and Michigan. The hunt began Nov. 11 and ends Dec. 31. This hunt is targeting migrant tundra swans, but trumpeter swans are similar in appearance. To protect recovering trumpeter swan populations, the tundra swan season will be closed by emergency action if a total of 10 trumpeter swans are harvested. R3

Wisconsin's current wolf hunting season began Oct. 15 and ends Feb. 28, or when a quota of 150 wolves in various zones has been reached. The hunt has prompted multiple emails and phone calls to FWS expressing concern over the hunt and Wisconsin's wolf management policies. FWS is responding with information on its current role in wolf management and post-delisting monitoring plan. As of Nov. 19, 142 wolves had been harvested. R3

FWS staff attended the Gunnison Strategic Committee meeting in Gunnison, Colorado, on Nov. 19. Staff spent several hours answering questions from the committee and the public on the

Gunnison sage-grouse. There was a high degree of interest on the consultation requirements and finalization of the 4(d) rule. A stakeholders meeting will be scheduled in Gunnison in the upcoming weeks. R6

South Dakota has confirmed that Angostura Reservoir, near Hot Springs, South Dakota, may have invasive quagga mussels. An FWS dive team did not find adult mussels in the lake. Follow-up water samples from the reservoir did result in a positive DNA finding of quagga mussel. This is significant because Angostura is on a tributary of the Cheyenne River, which feeds into the Missouri River and quagga mussels have not previously been found this far up the basin. R6

30-60 Day Look Ahead

FWS will propose to delist the eastern puma (aka cougar) due to extinction within the next 30-60 days. In 2011, FWS conducted a five-year status review and recommended this course of action due to scientific evidence that the species is no longer present and reproducing in the wild. The eastern puma was originally listed in 1973. Occasional sightings of eastern pumas are believed to be escaped captive animals or transient animals from populations in the Midwest. Outreach planned. R5

FWS will remove the Fall River Dam Spillway in Massachusetts. Removal of the stone and wood dam will re-open fish passage to approximately 35 miles of upstream coldwater habitat, benefiting American eel, sea lamprey, Eastern brook trout, and Atlantic salmon. The project is a partnership with the state of Massachusetts, American Rivers and landowners. Date TBD, but likely early January.

FWS will publish a notice of intent to prepare a NEPA document for a pending habitat conservation plan and incidental take permit application from OwnEnergy Inc. for the proposed construction and operation of the 47-turbine Copenhagen Wind Farm in Jefferson and Lewis counties, New York, within the next 30-60 days. The company seeks to minimize effects from the project to federally endangered Indiana bats and proposed endangered northern long-eared bats. Local outreach is planned. R5

In early Dec., FWS will announce approval of the Lesser Prairie-Chicken Programmatic Conservation Bank Agreement (PCBA) submitted by Common Ground Capital and finalized May 1. This is the first PCBA to be approved by FWS, with the goal of streamlining the process for lands to be approved as conservation banks to provide for the conservation of the lesser prairie-chicken and its habitat. Outreach planned. R2

The first annual report to Congress on strategies, expenditures and progress made in addressing the threat of Asian carp in the Upper Mississippi River and Ohio River basins is due Dec. 31. The report is mandated by the Water Resources Reform and Development Act of 2014. R3

A Notice of Intent to formally initiate public scoping for the North Cascades Ecosystem (NCE) Grizzly Bear Restoration Plan/Environmental Impact Statement (EIS) is expected to publish in the *Federal Register* by the first week of January 2015. Public meetings will be held in mid- to

late January in northern Washington. The National Park Service and FWS are joint lead agencies. R1

A ceremony to officially name the visitor center at the Rocky Mountain Arsenal NWR after former Congresswoman Pat Schroeder (CO-1) will take place in January. Ms. Schroeder was instrumental in the superfund clean-up efforts at the site and introduced the legislation to establish the site as a refuge. Congresswoman Diana DeGette (CO-1), who has been coordinating with Ms. Schroeder has asked that the Service hold January 15 or 16 open for the ceremony until the event activities are more defined. R6

In early January, Kenai NWR will propose to amend its public use regulations through publication of a draft rule that would: clarify existing regulations; implement management decisions from the refuge's June 2010 Revised Comprehensive Conservation Plan; establish regulations for managing wildlife attractants, including food, refuse and retained fish to decrease the potential for negative human-bear interactions; and revise regulations for hunting and trapping, including those governing these activities within the Skilak Wildlife Recreation Area. R7

FWS is working on a final rule that addresses listing of five species of large constrictor snakes – reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda and boa constrictor – as injurious under the Lacey Act. The rule is expected to be forwarded to the Office of the Solicitor for review by the end of 2014.

The following endangered species actions are scheduled to be sent to the *Federal Register* in Dec. and Jan. (announcement dates TBD but most will coincide with the date each notice is placed on public inspection in in the reading room):

- Rufa red knot, final listing, sent to Nov. 28, announcement Dec. 10, R5
- Monarch butterfly and California gnatcatcher, 90-day findings, TBD, possibly early January, HQ
- Northern spotted owl 90-day Finding, TBD, possibly early January, R1
- Two Arizona plants (*Echinomastus erectocentrus* var. *acunensis*, *Pediocactus peeblesianus fickeiseniae*), final critical habitat, Dec. 15, R2
- Reinstatement of protections for the gray wolf in Wyoming, final amendment, Dec. 17, HQ
- Black pine snake, proposed critical habitat, Dec. 30, R4
- Florida semaphore cactus and Aboriginal Prickly-Apple (From 3 Southern FL Plants), proposed critical habitat, Dec. 31, R4
- Proposal to downlist the Borax Lake chub from Endangered to Threatened, Dec. 31, R1
- Listing 11 DPSs of green sea turtle, proposed listing, Dec. 31, R1
- Final downlist of Santa Cruz cypress from Endangered to Threatened, Dec. 31, R8



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: Weekly Report Items

1 message

Jorge Silva-Bañuelos <jorge@ios.doi.gov>

Tue, Jun 24, 2014 at 5:03 PM

To: "Bean, Michael" <michael_bean@ios.doi.gov>

Cc: "Basey, Sheila" <sheila_basey@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Rachel Jacobson <rachel_jacobson@ios.doi.gov>

Public Announcements

June 30: We are still on track to publicly release the DOI Bison Report. NPS is the lead on developing the comms plan in coordination with DOI Comms and External Affairs. Jorge Silva has conducted multiple pre-briefs with primary stakeholders (including the state of Montana, InterTribal Buffalo Council, National Wildlife Federation and various conservation groups) and the response has been positive. Additional state wildlife agency directors will be briefed on Friday, June 27.

Jorge Silva-Bañuelos | Special Assistant | Office of the Assistant Secretary for Fish and Wildlife and Parks

Department of the Interior | 1849 C Street NW | Room 3148 | Washington, DC 20240

☎ 202.208.6211 (desk) | 202.615.8542 (cell) | 202.208.4684 (fax)

jorge@ios.doi.gov

On Tue, Jun 24, 2014 at 3:37 PM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

Highlights of Travel, Meetings, and other Public Events

On June 25, Michael Bean will meet with former Wyoming Governor Dave Freudenthal and Ryan Lance to discuss the status of the Sweetwater River Conservancy mitigation bank and related sage-grouse matters.

On June 26, Bean will meet with representatives of Environmental Defense Fund who are working on a sage-grouse "habitat credit exchange" (a form of mitigation bank) in the Green River area of western Wyoming.

Items of Note/Expected Legislative, Legal, Policy Issues

A series of follow-up meetings to discuss ESA regulatory improvement initiatives with CEQ, OMB and other OEP offices is scheduled for this week and next. Michael Bean is part of the small DOI team taking part in these.

On Tue, Jun 24, 2014 at 12:25 PM, Basey, Sheila <sheila_basey@ios.doi.gov> wrote:

Please forward your weekly report items to me by COB today, Tuesday, June 24th.

Thanks

—

Sheila Basey
Executive Assistant
Dept of the Interior
1849 C Street, N.W.
Washington, DC 20240
202-208-3582

—

Michael J. Bean
Counselor to the Assistant Secretary for Fish and Wildlife and Parks
Room 3152, Department of the Interior
Washington, DC 20240
202-208-4416
202-208-4684 (fax)
michael_bean@ios.doi.gov



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: Weekly Report Items

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Tue, Jun 24, 2014 at 3:37 PM

To: "Basey, Sheila" <sheila_basey@ios.doi.gov>

Cc: Jorge Silva-Banuelos <jorge_silva-banuelos@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Rachel Jacobson <rachel_jacobson@ios.doi.gov>

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Thanks

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Sheila Basey
Executive Assistant
Dept of the Interior
1849 C Street, N.W.
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202-208-3582

5/5/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Weekly Report Items

Michael J. Bean

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202-208-4684 (fax)

michael_bean@ios.doi.gov



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: FWP Secretary's Weekly Report for 2/27

1 message

Jorge Silva-Bañuelos <jorge@ios.doi.gov>

Wed, Feb 26, 2014 at 3:38 PM

To: "Bean, Michael" <michael_bean@ios.doi.gov>

Cc: "Wheeler, Richard" <richard_wheeler@ios.doi.gov>, Rachel Jacobson <rachel_jacobson@ios.doi.gov>, Jorge Silva-Bañuelos <jorge@ios.doi.gov>, Donald Jodrey <donauld_jodrey@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>

White House Rural Council - Jorge Silva (AS/FWP) and Aris Evia (BLM) represented Interior at the White House Rural Council meeting on February 26. Topics included the National Drought Resilience Partnership, the inter-agency Pollinator Initiative, promotion of rural exports, development of a workshop on "Building with Wood", and development of the agenda for a conference in July on investing in rural America. Secretary Vilsack reemphasized a point that he has made at previous meetings - that the federal government needs to do a better job of highlighting the investments it makes in states and local communities. To this end, USDA has developed information on how much it invests in each state in order to educate state and local governments and the public. It may be beneficial for Interior to take similar steps.

Jorge Silva-Bañuelos | Special Assistant | Office of the Assistant Secretary for Fish and Wildlife and Parks

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jorge@ios.doi.gov

On Wed, Feb 26, 2014 at 2:38 PM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

Grizzly Bears: Michael Bean joined FWS leaders in a discussion with environmental groups concerning grizzly bears. In light of the recent recommendation of the Interagency Grizzly Bear Committee to end SA protection for bears in the Yellowstone population, the meeting constructively addressed a range of issues that need to be addressed in the event of a future delisting.

Sweetwater River Conservancy conservation bank. The Sweetwater River Conservancy has proposed to establish a conservation bank for greater sage-grouse and possibly other species on in its very large ranch in Wyoming. Former Wyoming Governor Dave Freudenthal and other representatives of the Conservancy met with several DOI officials to discuss the banking proposal.

Endangered Species Act hearing. Michael Bean is slated to testify on the afternoon of February 27 at a hearing of a subcommittee of the House Oversight Committee concerning implementation of the Endangered Species Act.

On Tue, Feb 25, 2014 at 9:23 AM, Wheeler, Richard <richard_wheeler@ios.doi.gov> wrote:

Please submit any input NLT 4:30 PM tomorrow. If you have nothing to report, please let me know.

—
Richard Wheeler
Executive Assistant
U.S. Department of the Interior
1849 C Street, N.W.
MS-3150
Washington, D.C. 20240

Richard_Wheeler@ios.doi.gov
Office: (202) 208-7626

The greatness of a nation and its moral progress can be judged by the way its animals are treated.
Gandhi

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michael_bean@ios.doi.gov



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: FWP Secretary's Weekly Report for 2/27

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Wed, Feb 26, 2014 at 2:38 PM

To: "Wheeler, Richard" <richard_wheeler@ios.doi.gov>

Cc: Rachel Jacobson <rachel_jacobson@ios.doi.gov>, Jorge Silva-Banuelos <jorge@ios.doi.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>

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Michael J. Bean

5/5/2015

DEPARTMENT OF THE INTERIOR Mail - Re: FWP Secretary's Weekly Report for 2/27

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Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Padilla, Joan <joan_padilla@ios.doi.gov>

Re: Friendly Reminder for Weekly Report Input

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Wed, Jan 8, 2014 at 4:36 PM

To: "Wheeler, Richard" <richard_wheeler@ios.doi.gov>

Cc: Jorge Silva-Banuelos <jorge@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>

Tribal Fishery Matters in Maine: The Passamaquoddy Tribe in Maine has been in a dispute with the State of Maine over the regulation of the eel fishery. (b) (5)

[REDACTED]

Youth Involvement in Hurricane Sandy Projects: Michael Bean and Sarah Greenberger met with Mary Ellen Ardouny, CEO of the Corps Network, to discuss opportunities for conservation Corps participation in some of the Hurricane Sandy restoration projects of the Fish and Wildlife Service.

Sage Grouse Mitigation Banking Proposal in Wyoming: The Sweetwater River Conservancy, which operates on about 230,000 acres of rangeland in Wyoming, is strongly interested in pursuing the establishment of a sage grouse conservation bank on its lands. A concept paper on the proposal was shared with Michael Bean, who provided comments on it to the Conservancy and to the Fish and Wildlife Service. Former Wyoming Governor Dave Freudenthal is providing assistance to the Conservancy.

On Wed, Jan 8, 2014 at 1:22 PM, Wheeler, Richard <richard_wheeler@ios.doi.gov> wrote:

Please send to me NLT 4:00 PM today. This is for the Secretary's weekly report. If you have nothing to report, let me know.

Thanks!

--

Richard Wheeler
Executive Assistant
U.S. Department of the Interior
1849 C Street, N.W.
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Washington, D.C. 20240

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Office: (202) 208-7626

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Michael J. Bean

5/5/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Friendly Reminder for Weekly Report Input

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Washington, DC 20240

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202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Fwd: FW: Conceptual Plan

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Wed, Dec 18, 2013 at 2:55 PM

To: Edward Boling <ted.boling@sol.doi.gov>, James Lyons <james_lyons@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>

Regarding our discussion yesterday with Barrick, you may want to take a look at the attached sage grouse banking "conceptual plan" sent to me by Ryan Lance. Ryan worked for Dave Freudenthal when he was Governor, and now works with him in the Cheyenne office of Crowell and Moring.. Like the Barrick proposal, Ryan's conceptual plan contemplates the earning of credits through various actions to be carried out on several ranches. According to Ryan, this conceptual plan was recently given to Mark Saddleburg (sp?) of FWS in Wyoming.

----- Forwarded message -----

From: Lance, Ryan <RLance@crowell.com>

Date: Wed, Dec 18, 2013 at 2:15 PM

Subject: FW: Conceptual Plan

To: "michael_bean@ios.doi.gov" <michael_bean@ios.doi.gov>

Michael,

Per our conversation, please find the Conceptual Plan we discussed attached. Just so you know the context of the current state of play related to the bank, I have forwarded the Conceptual Proposal with the email from WEST (our consultant) to Mark with the Wyoming ES office set forth below. As this is a "revised" version, I am happy to send the earlier draft so you can see the changes that were made - but I will say that the changes were very slight.

My cell phone number is below, as is my direct office line. I am happy to visit with you any time. Again, thank you for taking me call. I look forward to your candid evaluation of the proposal.

Ryan M. Lance

Crowell & Moring LLP

205 Storey Blvd, Suite 120

Cheyenne, Wyoming 82009-3565

(p) (307) 996-1404

(c) (307) 631-3116

RLance@crowell.com

www.crowell.com

From: Dale Strickland [mailto:dstrickland@west-inc.com]
Sent: Tuesday, December 17, 2013 2:43 PM
To: Mark Sattelberg
Cc: Jeff Meyer; Michael Fraley; Freudenthal, Dave; Lance, Ryan; Holly Wold; Greg Johnson
Subject: Conceptual Plan

Mark,

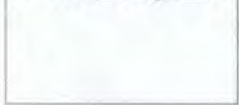
I trust you made it through training ok and are ready to get back to the grind. I have attached a slightly revised conceptual plan. The first change is found on page 19 under "Habitat Characteristics." We added language to clarify how we are applying Stiver et al. (2010). The second change is found on page 26 and is a sentence added to the first paragraph in section 4.7.1. Would you please distribute this version to the Conservation Bank Review Team (CBRT).

In regard to the CBRT, did you receive responses from all the agencies you invited to participate? Do you have a date established for the first meeting of the CBRT? We are anxious to move forward with their review of the conceptual plan.

Regards,

Dale Strickland, PhD
 President and Senior Ecologist

WEST_Logo_NC



Western EcoSystems Technology, Inc.
 415 West 17th Street, Suite 200
 Cheyenne, WY 82001

Phone: 307.634.1756
 FAX: 307.637.6981
 www.west-inc.com

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—

Michael J. Bean

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michael_bean@ios.doi.gov



Revised Conceptual Proposal 12-17-13.doc
11482K

**Sweetwater River Conservancy
Greater Sage-Grouse Habitat Conservation Bank**

Conceptual Proposal



Sweetwater River Conservancy

36695 West Highway 220
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Executive Summary

The greater sage-grouse (hereafter sage-grouse) is a ground dwelling bird utilizing large areas of western North America's sagebrush ecosystems. Sage-grouse require large, contiguous tracts of habitat where they use distinct seasonal habitat types. Males are known for their distinctive courtship displays when gathering at leks in early spring to compete for females. The species currently occupies 56 percent of its historic range, and overall abundance has decreased by up to 93 percent from presumed historic levels. These decreases are the result of habitat loss, fragmentation, and degradation as the result of agricultural conversion, increased fire regimes, and energy development as well as diseases such as West Nile virus. Development in the western United States continues to create additional conflicts with the species.

Eligible

Recent attempts to reverse the sage-grouse decline include regulatory changes and conservation programs. These include classifying the sage-grouse as a candidate species under the Endangered Species Act (ESA) and as a "sensitive species" by the Bureau of Land Management, state actions, and coordinated conservation planning. State and industry stakeholders expressed concern over the potential economic impacts of a federal threatened or endangered listing. On the state level, the Wyoming Governor's Executive Order established sage-grouse core population areas (Core Areas) and regulations to ensure development in these areas was compatible with maintaining administrative sage-grouse populations. These regulatory and conservation efforts precluded federal listing and created a market demand for conservation banking. Habitat conservation banking provides mitigation credits available to offset impacts to sage-grouse habitat in the bank's service area. Conservation banking will be a critical factor for recovery of sage-grouse, especially as the U.S. Fish and Wildlife Service considers whether the species should be listed as a threatened species pursuant to a federal court order, which mandates that the listing determination shall be made no later than September 2015.

A habitat conservation bank (HCB) protects an area under an easement for use as mitigation credit. The credit is then available for purchase as mitigation for project impacts in the bank service area. Bank establishment follows the procedures in the 2003 U.S. Fish and Wildlife Service conservation banking guidance. This guidance includes establishment of a Service-led multi-stakeholder Conservation Bank Review Team overseeing development of a conservation bank conceptual proposal, proposal, and agreement. The agreement is an operational plan with bank crediting procedures, bank service area, regulatory approvals, management, and other aspects of the bank described in detail. The U.S. Fish and Wildlife Service is responsible for review and approval of the agreement.

This conceptual proposal is for the Sweetwater River Conservancy Greater Sage-grouse HCB. The conceptual proposal introduces the project, the sponsor and the owners, and it proposes the functional habitat assessment method for determining bank credits, and the agreement process. The bank sponsor and owner will be the Sweetwater River Conservancy, LLC. The

proposed HCB location will be based on the outcome of the functional habitat assessment. The functional habitat assessment is a habitat assessment tool that will allow quantification of habitat credits at both the bank area and potential impact sites. The sage-grouse HCB agreement will include procedures for calculating habitat credits, the service area description, land and conservation terms, and an operational and management plan. This conceptual proposal initiates the sage-grouse HCB review team process. It will be followed with completion of a HCB proposal and agreement.

Habitat conservation banking presents a unique mechanism to reverse the decline of greater sage-grouse using a landscape scale approach. It engages and promotes the concept of collaborative conservation for private landowners, sage-grouse stakeholders, Wyoming's economic development, and wildlife interests.

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1.0 Introduction

This document presents the conceptual proposal for a greater sage-grouse (hereafter sage-grouse) HCB on Sweetwater River Conservancy (SRC) private lands. The SRC lands include approximately 50,576 acres of deeded private surface ownership in Carbon and Natrona counties, Wyoming (Figure 1). The Greater Sage-grouse HCB will include sage-grouse habitat within the referenced 50,576 acres. The HCB will provide saleable habitat credits as mitigation, on a landscape scale, for proposed impacts to sage-grouse habitat elsewhere.

Generally speaking, a conservation bank is a parcel of land containing natural resource values that are conserved and managed in perpetuity, through a conservation easement. The bank is specifically managed and protected by the banker for certain natural resource values, with these values being translated into quantified "credits" that may be bought, sold, or traded for the purposes of offsetting the impacts of private, State, local, or Federal activities within the bank service area. Conservation banking pro-actively provides assured resource protection in advance of the impact. It also reduces conflicts between conservation and development.

The establishment of conservation banks follows the process in the U.S. Fish and Wildlife Service (USFWS) 2003 conservation banking guidance. The process includes interagency oversight of a conservation bank conceptual proposal, proposal, and agreement. This conceptual proposal includes sections describing the following topics:

- The need for sage-grouse habitat conservation
- A habitat conservation banking overview
- A description of the proposed SRC sage-grouse HCB

The conceptual proposal initiates the USFWS review process. Section 2.0 describes the specific need for sage-grouse conservation. Section 3.0 provides an overview of conservation banking. Section 4.0 describes the components of the forthcoming sage-grouse habitat conservation banking agreement. The conceptual proposal will be expanded into the HCB proposal and then followed with completion of the HCB agreement in accordance with the USFWS process.

2.0 Sage-Grouse Conservation Need

The greater sage-grouse is a native chicken-sized gamebird closely tied to the sagebrush ecosystems of western North America. The greater sage-grouse utilizes large contiguous habitat with sagebrush (*Artemisia* spp.) as the dominant vegetation type. Stiver et al. (2010) recognizes three seasonal sage-grouse habitats: breeding, summer late brood-rearing, and fall-winter. In early spring, adult sage-grouse gather on breeding leks where males use behavioral displays to court females. These leks are key habitat components because seasonal habitats used by sage-grouse are generally tied to the location of the lek.

The species currently occupies 56 percent of its historical range (Schroeder et al. 2004; Figure 2) and overall abundance has decreased by up to 93 percent from presumed historic levels (Braun 2006). The highest numbers currently occur in Wyoming, although Idaho, Montana,

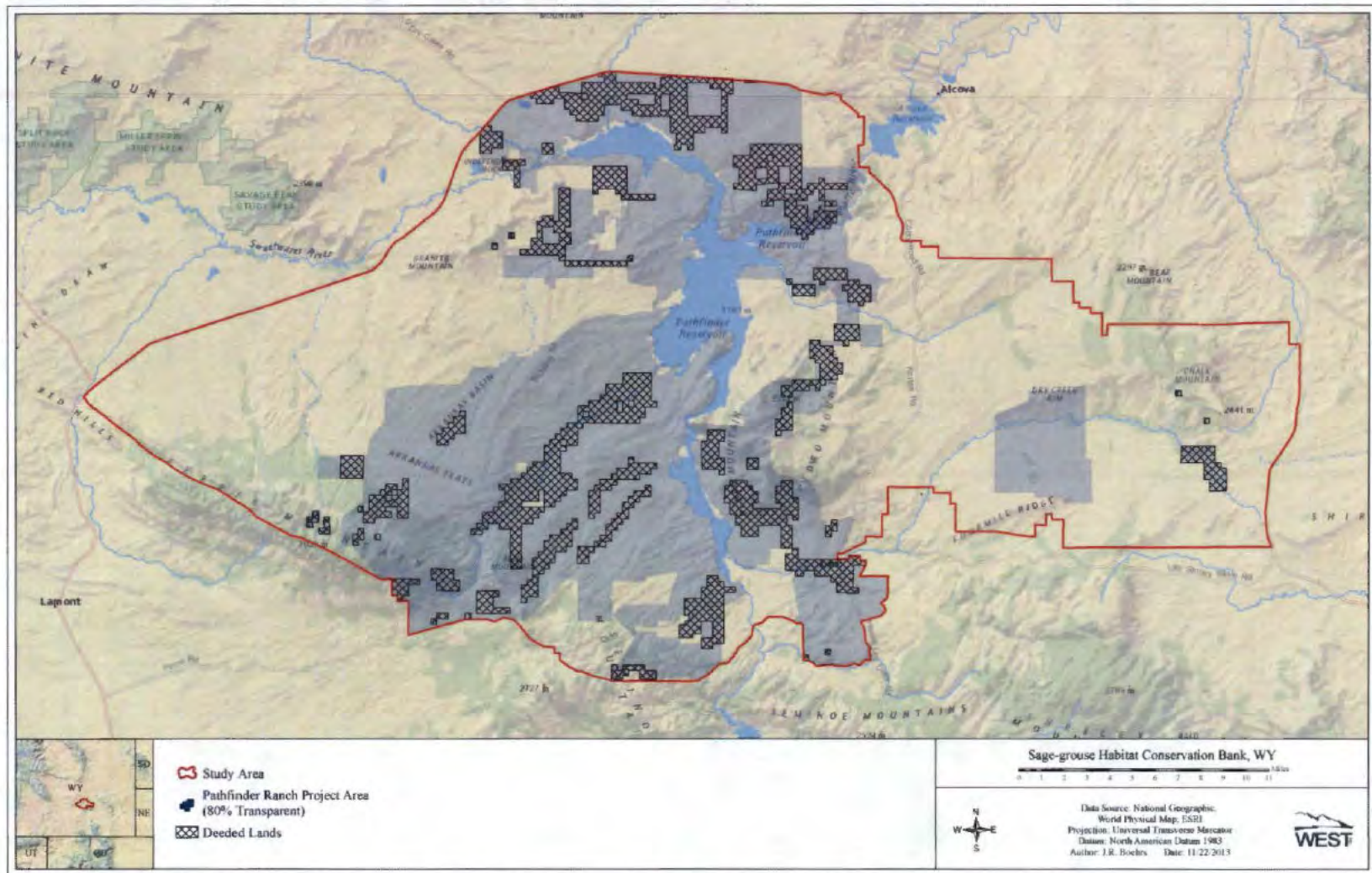


Figure 1. Location of the Sweetwater River Conservancy Study Area, Pathfinder Ranch, and Sweetwater River Conservancy deeded lands.

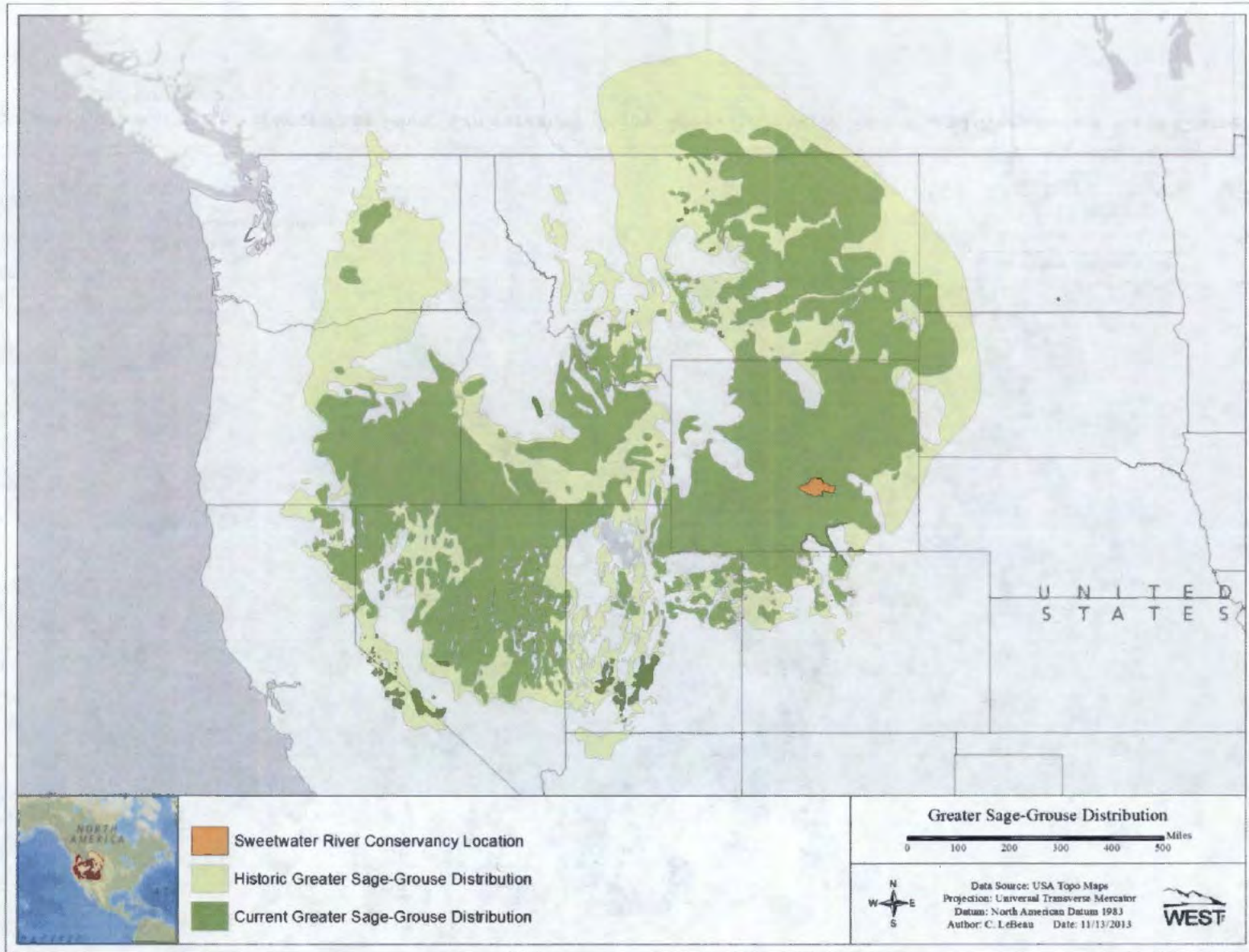


Figure 2. Current and historic sage-grouse range in North America.

Nevada, and Oregon also have relatively large populations (USFWS, 2012). Decreases in sage-grouse populations are the result of habitat loss, fragmentation, and degradation, as well as diseases such as West Nile virus. Development in the western United States continues to create additional conflicts with the species.

The greater sage-grouse is currently listed as a candidate species under the federal ESA. In 2004, conservation proponents filed the first of several petitions to list the species as federally threatened or endangered. Industries and states expressed concerns with the potential for negative economic consequences posed by a threatened or endangered listing for sage-grouse. Stakeholder working groups instigated subsequent state and federal regulatory and policy changes, and this led to voluntary state and private sector conservation actions within the framework of regional sage-grouse working groups. In a recent finding, the USFWS determined that listing is warranted, but precluded by higher priorities. The USFWS is currently reviewing its decision to preclude listing pursuant to a federal court order. The court order requires a final listing decision no later than September of 2015.

In 2011, the Wyoming Governor's Executive Order established state guidelines for activities in sage-grouse habitat. In the development of the Executive Order, sage-grouse habitats and defined Core Area habitats that require special protection were mapped. The Executive Order includes development stipulations, permitting procedures, and habitat assessment and monitoring guidelines for Core Areas. These include habitat impact minimization and avoidance requirements for electric transmission, mineral, and wind development.

Nationwide, there is a strong precedent for habitat conservation banking. The first conservation banks were established in the early 1990s in Florida and California. Subsequently, interest in conservation banking expanded to other states as well as at the federal level. In 2003, the USFWS issued Guidance for the Establishment, Use, and Operation of Conservation Banks (USFWS, 2003). Establishment of this HCB will follow the procedures in the 2003 guidance.

In 2012, the USFWS proposed ESA regulatory changes supporting conservation banking (USFWS, 2012a). The USFWS acknowledged that existing mitigation is not achieving species recovery plan goals. As an alternative, the USFWS announced that regulatory changes being evaluated include the use of conservation banking for listed species mitigation. The Service is also evaluating regulatory changes promoting conservation banking by private landowners and entrepreneurs as incentives for conservation. This represents a change from using project-specific practices in favor of conservation banking as mitigation for impacts to federally-listed species.

To avoid listing under ESA, the sage-grouse needs a comprehensive recovery strategy that includes pro-active stakeholders, cooperative approaches, and mitigation using habitat conservation banking. As well, domestic energy independence will likely require development of a portion of the sagebrush ecosystem. Conservation and development do not need to conflict. Both species recovery and sensible development can be achieved with a comprehensive partnership that includes habitat conservation banking.

3.0 Habitat Conservation Banking Overview

In areas where proposed development and sage-grouse habitat overlap, habitat conservation banking is a potential approach to fully mitigate sage-grouse habitat loss associated with the development project. A conservation bank is a unit of land with natural resource values conserved, maintained and protected within a perpetual easement. The use of easements that include land protections and long-term management ensures the protection and enhancement of the land and resource values. Conservation banks provide credits for purchase to off-set resource impacts occurring elsewhere. These credits are quantified into resource units and “deposited” in the bank for future purchase. A conservation bank is a market-based system that provides a supply of credits for a demanding market. This is a win-win marketplace for private enterprise, development, and resource conservation.

In addition to satisfying project mitigation requirements, HCBs provide other benefits. The HCB will provide regulatory compliance in advance of the impact. This assures the up-front protection of the habitat. Thus, once conservation banks are established, each credit that is sold becomes part of the secured, environmental baseline for the species. As a result, future project evaluations and listing or delisting decisions can be made in a more stable ecological context, including review by the USFWS under the Policy for Evaluating Conservation Efforts. In the event that a species that is protected by a conservation bank is listed, the HCB is a functional tool to more efficiently achieve the policy goals for both the Section 7 and Section 10 processes under the ESA. Banking also provides preservation of large habitat blocks, a conservation biology principle increasingly difficult to achieve in a growing human population. In short, the goal of a HCB is focused on producing conservation *benefits* for the species for which the bank is being established, as opposed to merely offsetting the loss of habitat, which is beneficial for the species, the landowner, the project proponent and any practice that would be negatively impacted by federal ESA listing.

Mitigation banking has a long history in the U.S., originating in the early 1970s with U.S. Army Corps of Engineers wetland banking. Mitigation banks established and protected wetland systems to sell as credits. The credits could then be purchased as mitigation for permitted wetland impacts occurring elsewhere. This banking approach has since been extended to address other types of resource mitigation.

In 2003, the USFWS published a document titled *Guidance for The Establishment, Use, and Operation of Conservation Banks* (USFWS, 2003). This document provides a process and framework for USFWS evaluation of conservation bank proposals. The guidance defines conservation banking and differentiates it from wetland banking. The regulatory need is identified along with economic and entrepreneurial incentives for developing a bank. The guidance provides a conservation banking planning and approval process, as well as operational and long-term management frameworks.

Unlike historic mitigation practices, a HCB establishes the resource credits in advance of the impact. The credits are developed and maintained with long term monitoring and management.

Just like any bank or asset, the values are established prior to the sale or market. Therefore, credit purchasers and permitting agencies have assured mitigation off-sets available for future use.

A functional assessment method developed for this process quantifies the habitat credit in the bank, and the mitigation required at the impact site. The assessment tool is science-based and robust to support consistent credit area to impact area comparisons.

4.0 Proposed Habitat Conservation Bank

The sage-grouse HCB will establish mitigation credits in advance of anticipated sage-grouse impacts within the bank's service area. The credit and impact metrics will be assessed using a functional habitat assessment method developed during the interagency review process. Eligibility and the amounts of credits to be purchased will be determined through a permitting or approval process completed in advance of the purchaser's project or action. The USFWS is the agency charged with approving HCBs. SRC sage-grouse HCB establishment will involve an agency stakeholder oversight process.

Under the USFWS 2003 guidance, the bank development process begins with submittal of an HCB conceptual proposal (this document), followed with a HCB proposal, and will conclude with approval of a HCB agreement. Oversight will occur through the Conservation Bank Review Team (CBRT) composed of state and federal agencies, the HCB proponent, and possibly other stakeholders. The CBRT for the SRC HCB should include the USFWS, Wyoming Game and Fish Department, BLM, Wyoming Department of Environmental Quality - Land Quality Division, and the Natural Resources Conservation Service. The CBRT should also be structured to seek input and advice from other state and federal agencies, where appropriate.

The following items will be developed with input from the CBRT:

- The Conceptual Proposal (this document)
- The HCB Proposal (includes these sections)
 - Project description
 - HCB sponsor and ownership
 - Functional habitat assessment
 - Habitat suitability
 - Proposed service area
 - Management plan
 - Monitoring plan
 - Operations plan
- The HCB Agreement with the following
 - HCB debit and credit procedures
 - Land and conservation terms
 - Management plan
 - Monitoring plan
 - Operations plan

This conceptual proposal will be expanded to the HCB proposal through CBRT oversight. The proposal will be the preliminary plan for the HCB. The HCB agreement will be the detailed implementation and operational plan. The USFWS will approve the HCB agreement and maintain the administrative record.

Upon completion of the process and approvals, the HCB will be to sell conservation credits. Developers within a designated HCB service area can purchase credits from the conservation bank to off-set sage-grouse habitat impacts resulting from their projects or actions. Developers outside the service area may also request to use the bank for out of service area off-sets.

The HCB will establish credits by using habitat protection, preservation, enhancement, and management. Management and maintenance of the credits will be accomplished through monitoring and management in perpetuity. This includes using adaptive management strategies identified in the Agreement. Upon the sale of a credit unit, that particular HCB credit is withdrawn from the HCB available bank credit balance.

Developers will be subject to various regulatory reviews and permitting requirements to determine the suitability of HCB credits as impact compensation. The lead agency and other regulatory authorities will establish these approval or permitting processes for sage-grouse.

4.1 Sponsor and Ownership

The Sweetwater River Conservancy, LLC is the sponsor and owner of the HCB. In the Conservation Bank Agreement, the sponsor will provide the LLC operating agreement as it relates to mitigation banking and relevant bylaws. These will identify entity ownership principals, management structure, and transferability of ownership/responsibilities (if any). The HCB will provide a disclosure of any legal liability.

Sweetwater River Conservancy, LLC is organized to own and operate the SRC properties including the sage-grouse HCB. An organizational chart is in Exhibit A. The Sweetwater River Conservancy, LLC is a wholly owned subsidiary whose ultimate parent's organizational structure includes leadership partners, a board of directors, and investors. The organization's mission for the properties is conservation and mitigation banking and sustainable land use practices.

The Sweetwater River Conservancy, LLC is experienced in ecological capital markets, real estate, land management, renewable energy, and financial management. The team includes professional service providers for conservancy natural resource, regulatory, and economic operational support. The Sweetwater River Conservancy, LLC team core values include:

- Landscape scale conservation, preservation, and stewardship
- Ecosystem and habitat integrity restoration, enhancement, and management
- Local quality of life improvement and economic development
- Commitment to long term stakeholder partnerships

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4.2 Project Area Description

The area evaluated for developing the HCB includes approximately 525,000 acres, referred to as the "study area." Within the study area, SRC has 50,576 deeded acres and associated grazing leases on approximately 232,000 acres, referred to as the "Pathfinder Ranch" (Figure 1). The SRC landscape is mostly sagebrush valleys surrounded by mountain ranges. Most of the Conservancy drains to the North Platte River and the centrally located Pathfinder Reservoir (Figure 1). Sagebrush is the dominant regional land cover (Figures 3 and 4) with lesser amounts of riparian vegetation in drainages and forested mountains. The barren, rocky San Pedro Mountains bisect the southern portion of the conservancy. Average annual precipitation is 12 inches and the majority of the conservancy is 6,000 feet in elevation or higher. SRC also controls grazing permits and leases on federal and state lands surrounding a majority of the private parcels and is seeking assurance from the federal permitting and state leasing agencies regarding the compatibility of the proposed HCB and federal and state grazing authorization. Further, because SRC does not control all of the mineral estate within the project area, it has initiated an evaluation of the mineral development potential of the lands within the project area, including federal lands, to fully disclose the potential for oil and gas or other mineral development within the proposed bank. While early indications suggest that mineral development is likely to be very limited within the project area, should development occur that adversely impacts bank lands, the SRC will ensure that the HCB is made whole through appropriate remedial actions.

Sage-grouse Core Areas overlap a large portion of the SRC (Figure 5). Wildlife surveys were initiated on SRC deeded lands and surrounding areas in 2009 and these surveys continue through the present. These surveys include sage-grouse radio telemetry (Figure 6), sage-grouse GPS telemetry, habitat surveys at sage-grouse use points, winter surveys, and opportunistic observations concurrent with other ecological studies. Results indicate that sage-grouse use the SRC habitat extensively throughout their life history (Figure 5). The acreage included in the HCB will ultimately depend on the results of the functional habitat assessment for this project (Section 4.4 below).



Figure 3. Representative sage-grouse habitat on the Sweetwater River Conservancy.



Figure 4. Sage-grouse habitat is a mosaic of sagebrush, grasses and forbs.

4.3 Conservation Bank Review Team

As a part of the process, the USFWS establishes the Conservation Bank Review Team (CBRT). The review team should include representatives from the following agencies.

- U.S. Fish and Wildlife Service (USFWS)
- Wyoming Game and Fish Department (WGFD)
- Wyoming Department of Environmental Quality, Land Quality Division (WYDEQ)
- Bureau of Land Management (BLM)
- Natural Resource Conservation Service (NRCS)

The USFWS will be the lead agency as part of their oversight of the ESA. The WGFD manages Wyoming's wildlife resources, including sage-grouse. WYDEQ is responsible for protecting, conserving, and enhancing the environment and supporting responsible stewardship of Wyoming's natural resources. The BLM also has sage-grouse habitat oversight on natural resource lands and controls development leasing on federal lands. The NRCS policies and programs affect private landowners and sage-grouse. Additional advisory stakeholders may be included on the CBRT, where appropriate.

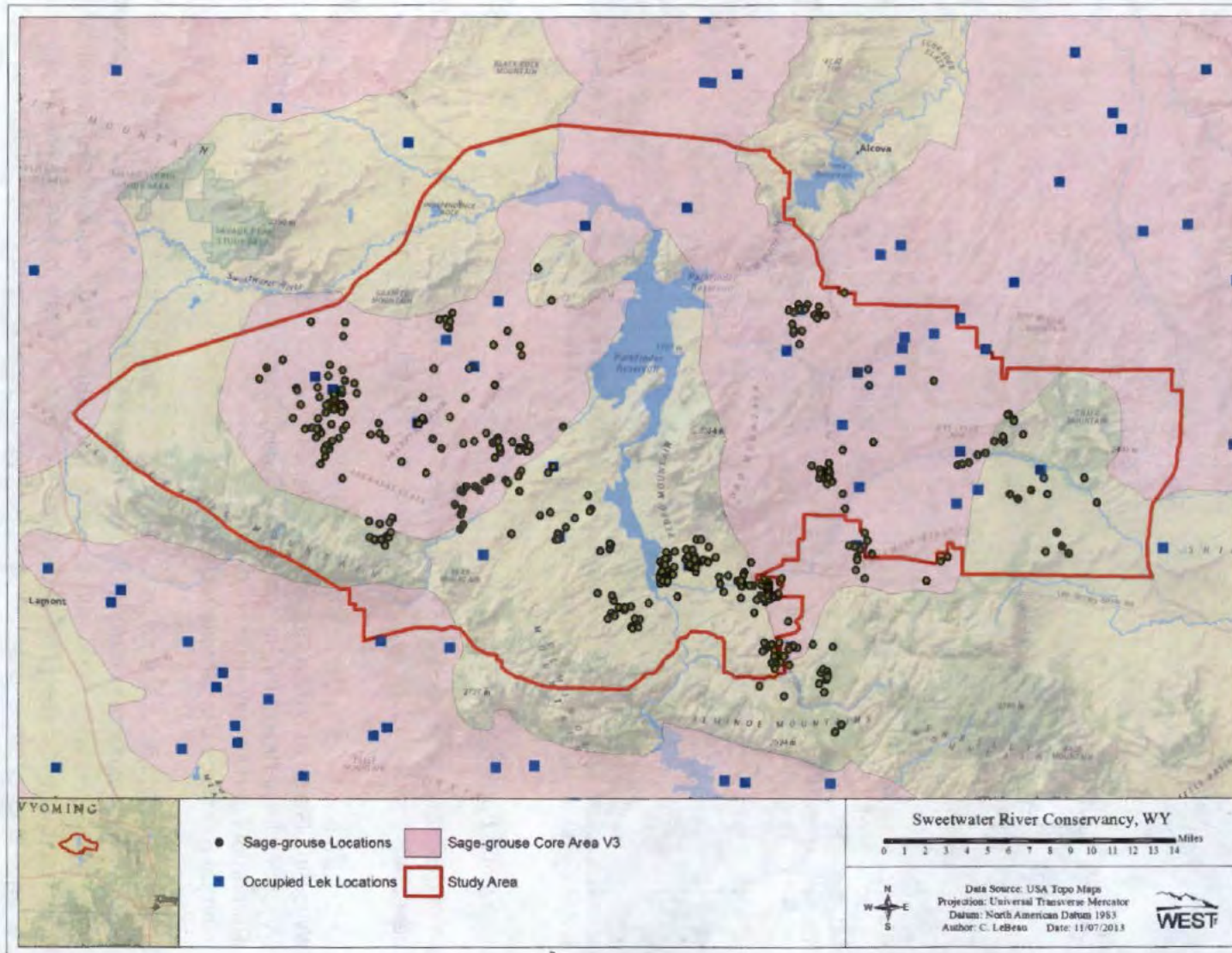


Figure 5. Sage-grouse Core Areas, leks and telemetry use locations within the Sweetwater River Conservancy Study Area.



Figure 6. WEST biologists Greg Johnson and Chad LeBeau attach a VHF transmitter to a female sage-grouse in Carbon County, Wyoming.

4.4 Functional Habitat Assessment

The habitat inventory is based on a field assessment and available GIS layers of vegetation communities, shrub cover, distance to water, and other parameters that provide sage-grouse habitat. These data are all compiled using GIS for analysis and quantification. Function refers to habitat performance and service for a particular species or community. It measures how a given area provides habitat. The habitat inventory and ecological function then form the basis of the credit/debit methodology through comparison of proposed project disturbances with the HCB area.

The main premise behind using a habitat assessment to define credits is that the unit of credit will be acres of functional habitat, not individual birds. In most cases it will not be possible to determine the *exact* number of birds lost at an impact site or present within the bank area. However, it is possible to determine whether sage-grouse are present, have been present or will likely be present in the future. Using habitat as the credit will provide a meaningful yet

straightforward way to quantify impacts and determine the number of credits required to offset those impacts.

Numerous studies suggest sage-grouse have large home ranges and complex habitat selection patterns (e.g., Doherty et al 2008, Atamian et al. 2010, Carpenter et al. 2010) selecting multiple habitat types during their annual cycle (Connelly et al. 2000, Stiver et al. 2010). The characteristics of high-quality habitats will differ depending on the time of year, and consequently, HCCs need to be developed in a way that addresses the seasonally-specific habitat requirements of sage-grouse. Accordingly, we propose that HCC on the HCB be developed within 'functional units' i.e. contiguous blocks of land that provide habitat for lekking, breeding, late-summer brood rearing, winter habitat and a buffer. Functional units are likely to comprise parcels of land that are larger than the deeded SRC lands, and will extend onto adjacent public (Bureau of Land Management or Wyoming State Trust) lands. The HCC generating model proposed here assumes that federal and state land management agencies will approve grazing practices, under existing federal permits and state leases held by the SRC, which are consistent with sage-grouse habitat conservation.

An additional feature of high-quality habitat is that it needs to be buffered from future anthropogenic disturbance to ensure impacts from adjacent activities do not reduce the value of HCC. The size of the buffers will be determined in consultation with the CBRT. In some cases the buffers will necessarily extend beyond the HCB perimeter. In such cases it is assumed that lands that function as a buffer and that are owned by the SRC will be incorporated into the HCB and be covered by the easement, with the remaining non-SRC owned lands being committed to the extent allowed under federal permitting and state leasing authority. SRC also assumes that sage-grouse core habitat as defined by the Wyoming Game and Fish Department outside of the HCB will comprise an adequate buffer to HCB lands. In cases where neither SRC holdings nor core habitat is available as a buffer, potential impacts from future disturbance will occur as a gradient of increasing impact with proximity to the disturbance, and the value of HCC may be discounted accordingly compared to HCB functional units that include full buffers.

We propose a two-stage process for determining the number of available HCC: first, identifying viable functional units within the deeded HCB lands and adjacent public lands, and second, calculating the number of HCC available on each functional unit. Viable functional units will be sited in such a way as to maximize the number of high-quality habitat credits occurring on deeded SRC lands because these are the saleable credits. An outline of the key steps in valuing HCC is presented at the end of this section.

4.4.1 Habitat Assessment

Valuation of habitat is central to defining functional units. One general approach to valuing habitat is to rank lands as suitable or unsuitable based on expert opinion and published studies that have assessed habitat suitability (e.g., Stiver et al. 2010). This approach is typically called a habitat equivalency analysis (HEA) and has the advantage of integrating large amounts of data, but risks missing locally important factors that determine habitat suitability for sage-grouse.

The HEA approach can be enhanced through the use of a resource selection function (RSF) model that describes habitat quality of the HCB directly (Manly et al. 1993). In general, RSF models can be used to calibrate HEA habitat variables with information on habitat use by wildlife. More specifically, resource selection functions use statistical techniques to combine information on habitat use such as telemetry data with measured habitat characteristics (i.e., the data from a HEA) to predict the relative probability of habitat selection by animals (Manly et al. 1993, 2002). Output from the RSF will hereafter be referred to as 'habitat value'. Resource selection functions account for the relative availability of habitat features on the landscape. Resource selection functions are attractive because they can take advantage of expert opinion and published results to choose the habitat variables with which to determine habitat quality through the HEA process, but the importance of each variable is objectively weighted according to the patterns of actual habitat use by sage-grouse. For a more detailed comparison of HEA and RSF methods, refer to the text box on the next page.

The objective is to use habitat values as indicators of habitat quality within the lekking, breeding, late summer, and winter periods (Stiver et al. 2010) within the HCB. Once the RSF model is developed (see methods below), habitat values will be predicted across a 30 m x 30 m grid within the established bank area. Habitat values will be used to assign landscape pixels into one of five classes of habitat quality, with 1 being the best and 5 being the lowest habitat quality for each season. More HCC will derive from high-quality habitat than from low-quality habitat, but it is expected that restoration activities that improve habitat quality can result in the generation of additional HCC from those lands as described below, both sold and unsold.

4.4.2 Functional Unit Definition

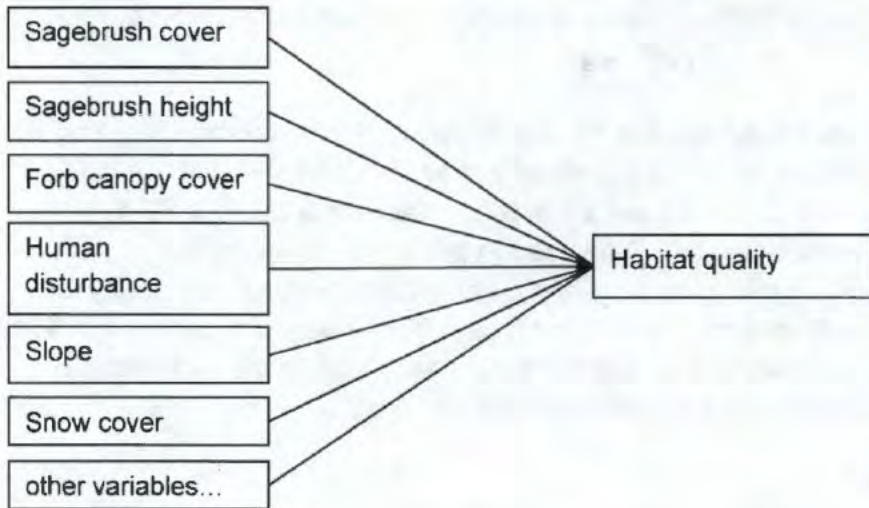
The functional unit within the HCB is defined as contiguous blocks of land that provide lekking, breeding/nesting, late-summer brood-rearing, winter habitat, and a buffer. Numerous studies suggest that habitats surrounding lek locations are the most important to sage-grouse population viability as sage-grouse breed, nest, and brood-rear in close proximity to lek locations. However, the extent of these habitats relative to the lek varies among populations as some populations are migratory, traveling >10 km between seasonal periods (Connelly et al. 2000).

Mean distance from lek of capture to nest locations varies from 2.5 km to 7.8 km across the range of sage-grouse (Connelly et al. 2011). In a multi-year telemetry study in Carbon County Wyoming, approximately 30 miles southeast of the HCB, the mean distance of nests from lek of capture was 2.6 km (LeBeau 2012). Similarly, the mean distance of nests from lek of capture within the HCB during 2010 and 2011 was 2.8 km. Following the desiccation of herbaceous vegetation during the late brood-rearing and summer period, sage-grouse begin to use a variety of habitats, including riparian, wet meadows, and areas at higher elevation where pockets of moisture still exist (Connelly et al. 2011). During this period sage-grouse can make large movements in search of these habitats (e.g., >10 km; Connelly et al. 2000). However, the

Habitat equivalency analysis (HEA) and resource selection functions (RSF) both use information about resources within the habitat. They differ in that HEA evaluates habitat quality solely on the basis of habitat characteristics (Figure 1a), but RSF models evaluate habitat quality on the basis of habitat characteristics and on observed patterns of animal use within the habitat (Figure 1b). This is illustrated in the figure below.

Figure A. Schematic depiction of the difference between habitat equivalency analysis and resource selection functions.

a) Habitat Equivalency



b) Resource selection function

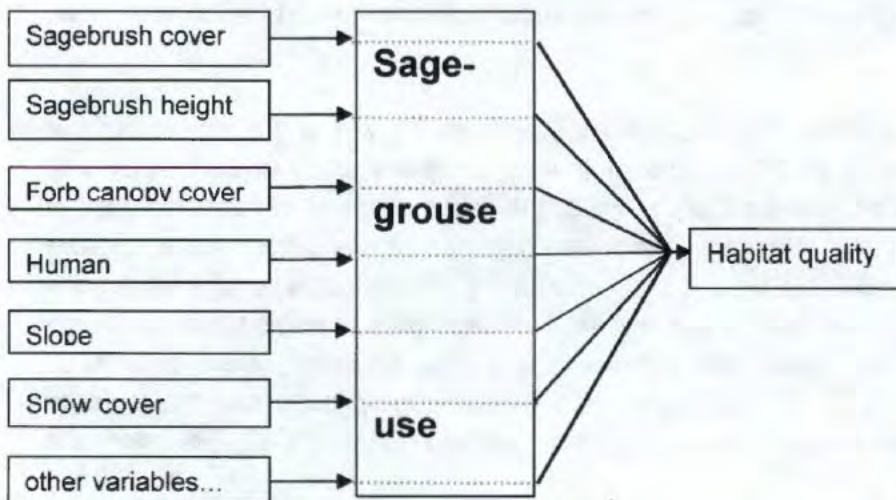
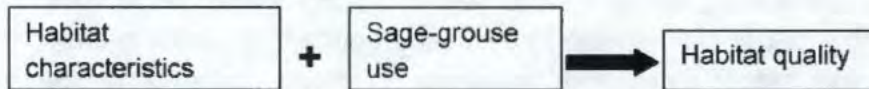


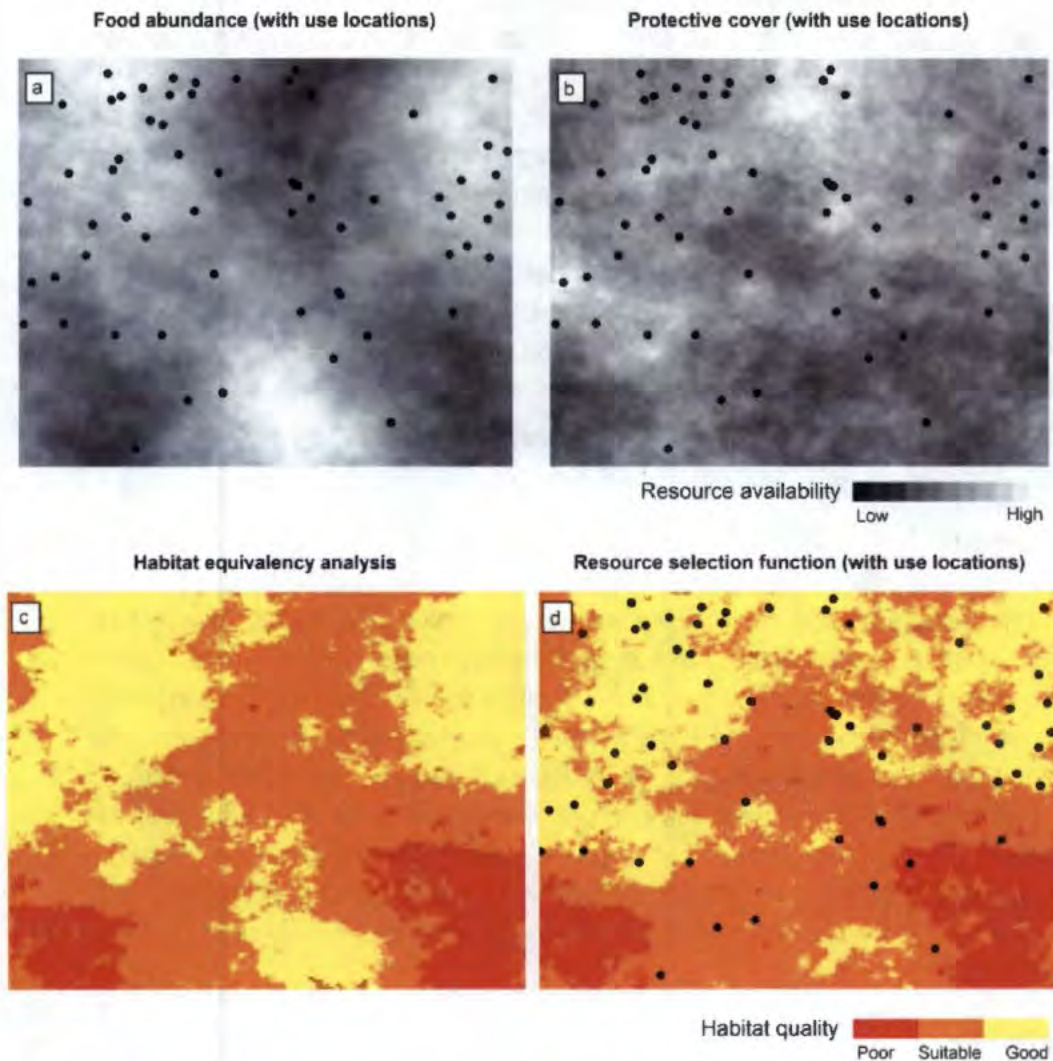
Figure B. Habitat Equivalency Analysis and Resource Selection Functions contrasted.

The top two maps show availability of two resources: food resource (a) or protective cover (b) with observed sage-grouse locations plotted as points on both maps.

The lower left map (c) indicates what an HEA might look like; it combines information from the two resource availability maps to produce map showing an index of habitat quality.

The lower right map (d) incorporates the information on habitat use (plotted points; figure a, b, & d) by sage-grouse to determine the relative importance of the two resources.

In this hypothetical example, the differences between the HEA and the RSF habitat valuations arise because the sage-grouse are nearly twice as responsive to the availability of protective cover (a) as to the availability of food (b).



sage-grouse within the HCB appear not to be a migratory population, traveling an average distance of 3.2 km from the nearest lek during the late brood-rearing and summer period. The proximity to lek locations and winter use areas is often related to snow depth and can be variable among years (Connelly et al. 2011). In addition, winter use areas often overlap breeding and summer habitats because they are characterized by similar habitat features (e.g., topography, vegetation height and cover; Connelly et al. 2011). The telemetry locations observed during the winter were on average 3.2 km from an occupied lek within the HCB, suggesting there will likely be some habitat overlap between the winter and the other seasonal periods.

It appears most of the seasonal use occurs within 3.2 km of occupied leks. Because there is some variability among individuals and lek locations, seasonal habitat components of the functional units will be defined based on characteristics of the landscape within 6.4 km of known leks ('lek areas'), twice the maximum average distance observed during the breeding/nesting, late-brood/summer, and winter period. The 6.4 km distance has also been identified by the Wyoming Game and Fish department as the radius around a lek to define the core area. As stated above, the 6.4 km radius around leks must by definition capture the seasonal habitat component of the functional units. Each cell within the lek areas will be categorized as the seasonal habitat type for which it receives the highest standardized habitat value. For each lek area, the number of habitat cells with >5% sagebrush cover [defined as suitable sage-grouse habitat by State of Wyoming, (2011)], of each seasonal habitat type will be tabulated, and the average calculated across the HCB. This exercise will define an idealized functional unit in terms of a requisite quantity (acreage) of breeding/nesting, late-brood/summer, winter habitat and buffer.

4.4.3 Enumeration of Credits

Functional units that can generate saleable credits can be identified by finding contiguous blocks of land that capture the requisite acreage of habitat for each season and a buffer. Such a practice will be in the interests of the sage-grouse and will allow the SRC to identify functional units that concentrate as much high-quality habitat on SRC deeded lands as possible. The process of defining a functional unit according to landscape characteristics in the vicinity of existing leks ensures that each functional unit will capture some minimum land area, but the land area may be greater if (for example) a contiguous block of land that captures the minimum amount of winter habitat also captures an excess of breeding habitat. The proposed SRC approach to credit enumeration is designed to incorporate a landscape scale approach to sage-grouse habitat conservation.

4.4.4 Enumeration of Debits

We assume that debtors will calculate debit obligations for lands determined *a priori* to be within functional habitat units. Debits can be enumerated by calculating habitat values for the land on which debits are incurred. This does not require the development of new RSF models by debtors, but rather the calculation of habitat values based on the RSF model developed for SRC. This is based on the premise that sage-grouse within the statewide service area exhibit

similar habitat selection as sage-grouse within the HCB area. Debtors will be required to assemble empirical habitat data matching those data sets in the HCB model, but not sage-grouse use data. Alternatively, debtors may opt to assume that every acre occurring within 6.4 km of a lek that is also within their project area is suitable habitat, and purchase credits on a comparable habitat acre basis.

4.4.5 Details of the Resource Selection Function Data and Analysis

A VHF telemetry study was conducted in 2010 and 2011 within the study area. During this study, 46 female sage-grouse were captured from occupied leks within the study area and 417 use locations were recorded from April 2010 to December 2011 (Figure 5). These use locations along with a number of habitat layers will be used to develop a RSF to predict the relative probability of use within the breeding, late summer, and winter periods. Lek locations rather than use locations will be used to assess lekking habitat quality within the study area.

SRC proposes using logistic regression to estimate resource selection functions (RSF) within the study area to identify the odds of female sage-grouse habitat selection as a function of environmental and infrastructure covariates (Manly et al. 2002). Habitat selection (aka resource selection) is the process by which a sage-grouse chooses habitat components to use during its annual cycle (Johnson 1980). Animals select particular resource units within available habitats to satisfy particular life requirements. The used resource units can be compared to available resource units to estimate resource selection of that animal (Manly et al. 2002) and produce the RSF. An example RSF map developed for sage-grouse in Carbon County, Wyoming, is provided in Figure 7.

Habitat Characteristics

Stiver et al. (2010) developed a suite of habitat characteristics that appear to be important for sage-grouse habitat selection. Stiver et al. (2010) represents current state-of-the-art in HEA for sage-grouse, and consequently provides much of the background for the RSF described in this conceptual proposal, including habitat variables to be included. It is important to note, however, that the habitat sampling procedures prescribed by Stiver et al. (2010) and the associated data sheets provided therein assume that the HEA is occurring at the scale of individual sites, rather than across multiple sites within a landscape. As a consequence, the habitat sampling procedures suggested by Stiver et al (2010) for the fourth order habitat selection (site-scale) are prohibitively labor-intensive for areas as large as the SRC. The RSF proposed here employs Stiver et al (2010) for the definition of life-history stages and for the enumeration of habitat characteristics that are important to those life-history stages, but the methods to quantify habitat characteristics at the fourth order of habitat selection are different. Specifically, Stiver et al. (2010) recommends the use of strip transect sampling to quantify vegetation data. The RSF proposed here will use the relevé method to describe vegetation on reference plots. The relevé reference data will be used in concert with remote-sensing products to produce GIS layers of the relevant habitat characteristics. The habitat variables proposed for use here are the same as those proposed by Stiver et al (2010), but the methods used to obtain them differ.

The relevé method for plant community description was developed in Europe (Braun-Blanquet, 1932) where it has seen broader use than in the United States. However it is recommended for use by the US Forest Service (e.g. USDA 1993), the Minnesota Department of Natural Resources (MN DNR 2013) and the California Native Plant Society (Sawyer and Keeler-Wolf 1995), among others.

Different habitat characteristics are important for the lekking, breeding, late summer, and winter periods (Stiver et al. 2010; Table 1). Habitat characteristics included in the RSF are mapped as habitat layers and are drawn largely from the list developed by Stiver et al (2010; Table 1) but predictive characteristics for each season are more inclusive; this is feasible because the inclusion of sage-grouse use data provides an objective means of weighting the predictor variables.

The Wyoming Governor's Executive Order for Greater Sage-Grouse Core Area Protection (State of Wyoming, 2011) includes a process for determining an allowable amount of sage-grouse habitat disturbance using a Density Disturbance Calculation Tool (DDCT). A disturbance layer from the DDCT will be included as one of the variables used to determine functionality of sage-grouse habitat within the CB. The Executive Order is based on research which shows that areas with >5% disturbance have less value to sage-grouse than areas with less disturbance. To conduct a DDCT analysis, all areas of disturbance are digitized from aerial photography and the percent disturbance within an area of interest is summed to determine what proportion of the total area is disturbed. In addition to using the results of the DDCT analysis as a variable in the functional habitat assessment, the areas of disturbance identified during the DDCT analysis will be excluded from the acreage available for the HCB, as these areas are not considered sage-grouse habitat.

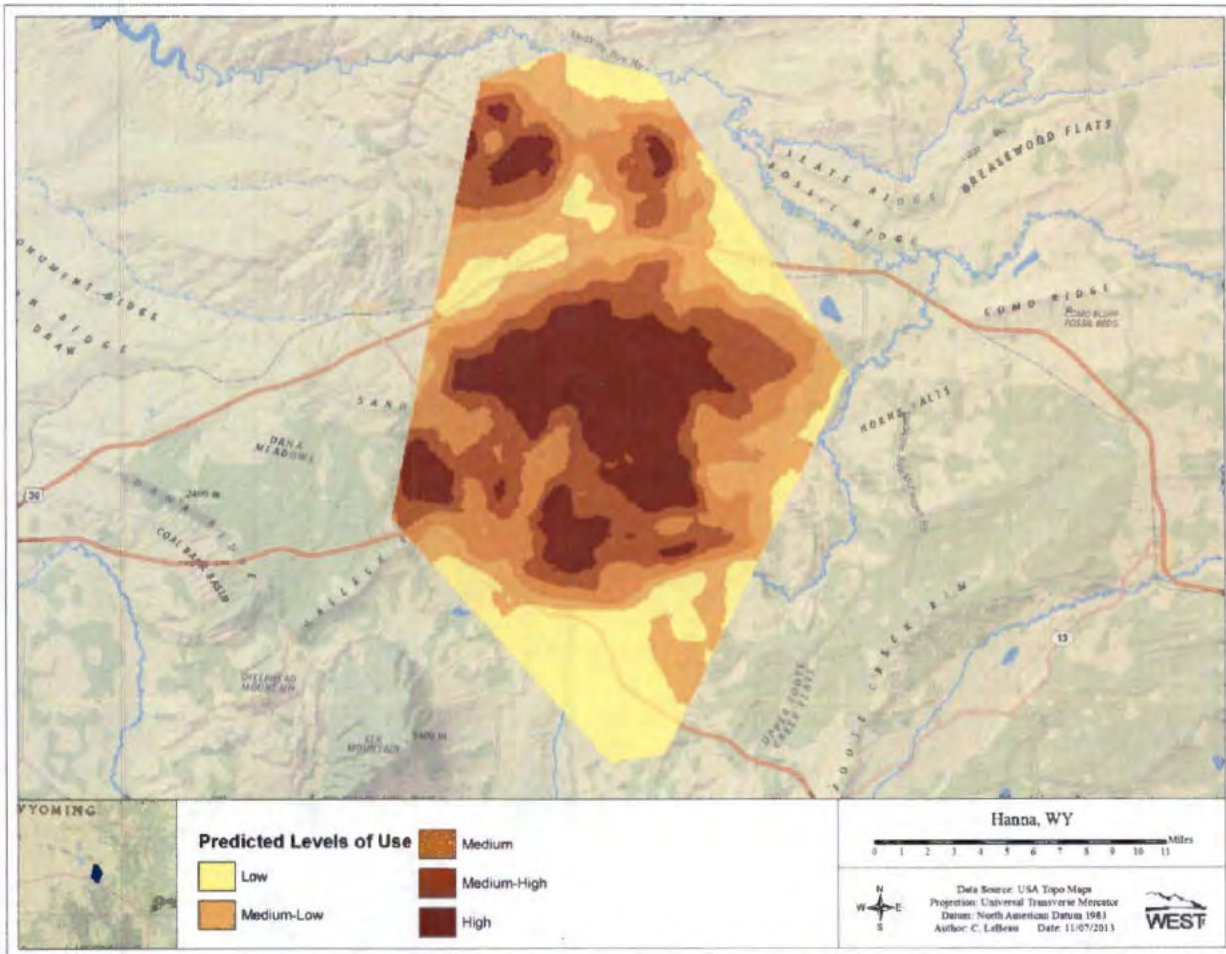


Figure 7. Results of a Resource Selection Function analysis to characterize sage-grouse habitat quality during the summer season at a study area in Carbon County, Wyoming (From LeBeau 2012).

Table 1. Explanatory anthropogenic and environmental habitat characteristics to be used in model selection for sage-grouse, lekking, breeding, late summer, and winter habitat selection within the bank area.

Habitat characteristic	Description	Relevant seasonal RSFs
Sagebrush cover	% of sagebrush cover	All
Sagebrush height	Sagebrush height (cm)	All
Sagebrush shape	Sagebrush classification within each land-cover classification	All
Herbaceous plant height	Average height of herbaceous plants (cm) within each land-cover classification	Lekking, breeding, late summer
Perennial grass cover	% of perennial grass cover	Lekking, breeding, late summer
Forb canopy cover	Average forb canopy cover within each land-cover classification	Lekking, breeding, late summer
Preferred forb availability	Forb classification within each land-cover classification	Lekking, breeding, late summer
Riparian/Wet meadow moisture regime	Distance to and proportion of land-cover class	Breeding, late summer
Trees	Distance to trees	All
Met towers	Distance to met towers	All
Power lines	Distance to power lines	All
Water tank and wind mills	Distance to water tanks and wind mills	All
Rock outcrop	Distance to rock outcrops	All
Roads	Distance to paved roads	All
DDCT	Disturbance layer developed within the Density Disturbance Calculation Tool (DDCT)	All
Elevation	Elevation (m)	All
Slope	Degrees of slope	All
Snow cover	Index to snow cover	Winter
Lek	Distance to nearest lek (m)	Breeding, late summer, winter

Use Data

Lekking Habitat.—Habitat use for lekking will be determined according to lek locations, rather than telemetry data, because lekking is a well-defined activity and lek locations are well known.



Breeding Habitat. —SRC will use nest locations and early brood-rearing locations to model sage-grouse habitat selection during the breeding period. In addition, all locations observed between capture date and June 15 will be included during this period. SRC will include distance to nearest occupied lek as a covariate because sage-grouse are known to select habitats in the vicinity of their leks (Aldridge and Boyce 2007).

Late Brood-rearing/Summer. —Sage-grouse may select different habitats between the breeding and late brood-rearing/summer periods (late summer period) (Connelly et al. 1988, Kirol et al. 2012). All locations associated with late brood-rearing (30-35 days post hatch) and the late summer period (June 16 through September 31) will be used to estimate habitat selection during this period. SRC will include distance to nearest occupied lek as a covariate because sage-grouse are known to select habitats in the vicinity of their leks (Aldridge and Boyce 2007).



Winter Habitat. —Winter habitat use data consist of 41 locations from one winter telemetry flight in December 2011. Because use data during winter are limited, WEST may use existing, published RSFs for winter habitat (Doherty et al. 2008, Carpenter et al. 2010).

Model Development

To maximize the value of the number of locations per season for each marked sage-grouse, SRC will pool each individual's data within seasons and across years and employ a Type I study design where habitat selection and availability are estimated at the population level (Thomas and Taylor 2006). However, to estimate precision of final estimated model coefficients, individual grouse will be treated as the primary sampling units (Thomas and Taylor 2006) through bootstrapping to estimate confidence intervals (Manly 2007).

The form of the RSF to be used is (Manly et al. 2002)

$$w(x) = \exp(\beta_0 + \beta_1 x_1 + \beta_2 x_2 + \dots + \beta_k x_k),$$

where $w(x)$ is the odds of selection, x are model covariates and β are coefficients to be estimated.

Defining the scale and amount of available habitat is an important step in modeling habitat selection (Thomas and Taylor 2006). Available habitat will be defined as the area within the bank area because we are interested in sage-grouse use within the bank area. Prior to the analysis SRC will remove areas within the bank area that are not available to sage-grouse (e.g., Pathfinder Reservoir, forests). A geographic information system (GIS) will be used to randomly generate 5 available locations for every observed location (Baasch et al. 2009). Odds of selection in the model above will be calculated based on the characteristics of these available locations and the observed use locations.

Model development will include standard statistical best practices including checking of model assumptions, and mutual exclusion of correlated predictor variables. Akaike's Information Criterion (Burnham and Anderson 2002) will be used to determine the best RSF models, and parameter uncertainty will be quantified with confidence intervals calculated with the percentile method (McDonald et al. 2006) from a bootstrapping exercise (Manly et al. 2002). Each seasonal RSF will be validated using a K-fold cross-validation process (Boyce et al. 2002).

Key Steps in the Enumeration of Habitat Conservation Credits

1. Develop resource selection functions (RSF) for each life history stage (hereafter, 'season') within the HCB based on habitat characteristics and sage-grouse telemetry data
 - a. Lekking
 - b. Breeding
 - c. Late Brood-Rearing/Summer
 - d. Winter
2. Assign standardized habitat values for each season to entire HCB based on habitat characteristics and RSF output
 - a. 30 m x 30 m cells assigned a habitat value between 0 and 1 for each life history stage

- b. Each grid cell is assigned to the season in which it scores highest or identified as a buffer
 - c. Grid cells are scored for their habitat quality class based on the habitat value
3. Define Functional Units
 - a. Examine landscape within 6.4 km of leks that occur on the HCB
 - b. Count suitable habitat cells for each season in each area within 6.4 km of a lek
 - c. Determine mean of seasonal acreage across all occupied leks within HCB
 - d. Identify the necessary buffer
 - e. Resulting mean acreages are the minimum habitat abundance for a functional unit
4. Calculate Habitat Conservation Credits
 - a. Identify contiguous parcels of land within the HCB that have minimum acreages of all 4 seasonal habitats and a buffer.
 - b. One HCC is awarded for each acre of suitable habitat (in any season or a buffer) within the contiguous parcel.

4.5 Habitat Enhancements for Future Credits

In addition to identifying high quality sage-grouse habitats, the Functional Habitat Assessment will identify areas with low to moderate sage-grouse habitat, and it is expected that functional units identified for the first phases of the bank will contain some areas not classified as high-quality habitat. If it is determined to be feasible to enhance these habitats so that they become high quality habitat credits even after they have initially been sold, the added value, or “lift” on these banked lands will be available for sale as additional habitat credits. For example, if the original bank area contained 100 credits that had been sold, and habitat enhancements resulted in the same land area to be worth 150 credits in five years, the additional 50 credits could then be sold. The ability to obtain additional credits through enhancing habitat on existing bank areas will provide incentives to continue to improve sage-grouse habitat within the bank lands, even in areas that have already been sold. Methods possibly used to enhance habitats include tree removal, water development for livestock and/or sage-grouse, modification of grazing management (e.g., intensity, frequency, timing and duration), reclamation of disturbed areas, and vegetation treatments.

4.6 Service Area

The service area is proposed as the occupied range of the sage-grouse within Wyoming (Figure 8). The SRC sage-grouse HCB will sell banked sage-grouse habitat credits as off-site mitigation to developers of projects within the service area.

The USFWS 2003 guidance provides a framework for defining service areas. Typically, the conservation bank and service area should share any or all of the following:

- Similar physical or ecological attributes
- The same species phylogenetic characteristics
- A shared geopolitical or regulatory boundary
- A USFWS Recovery Plan boundary (for federally listed species)

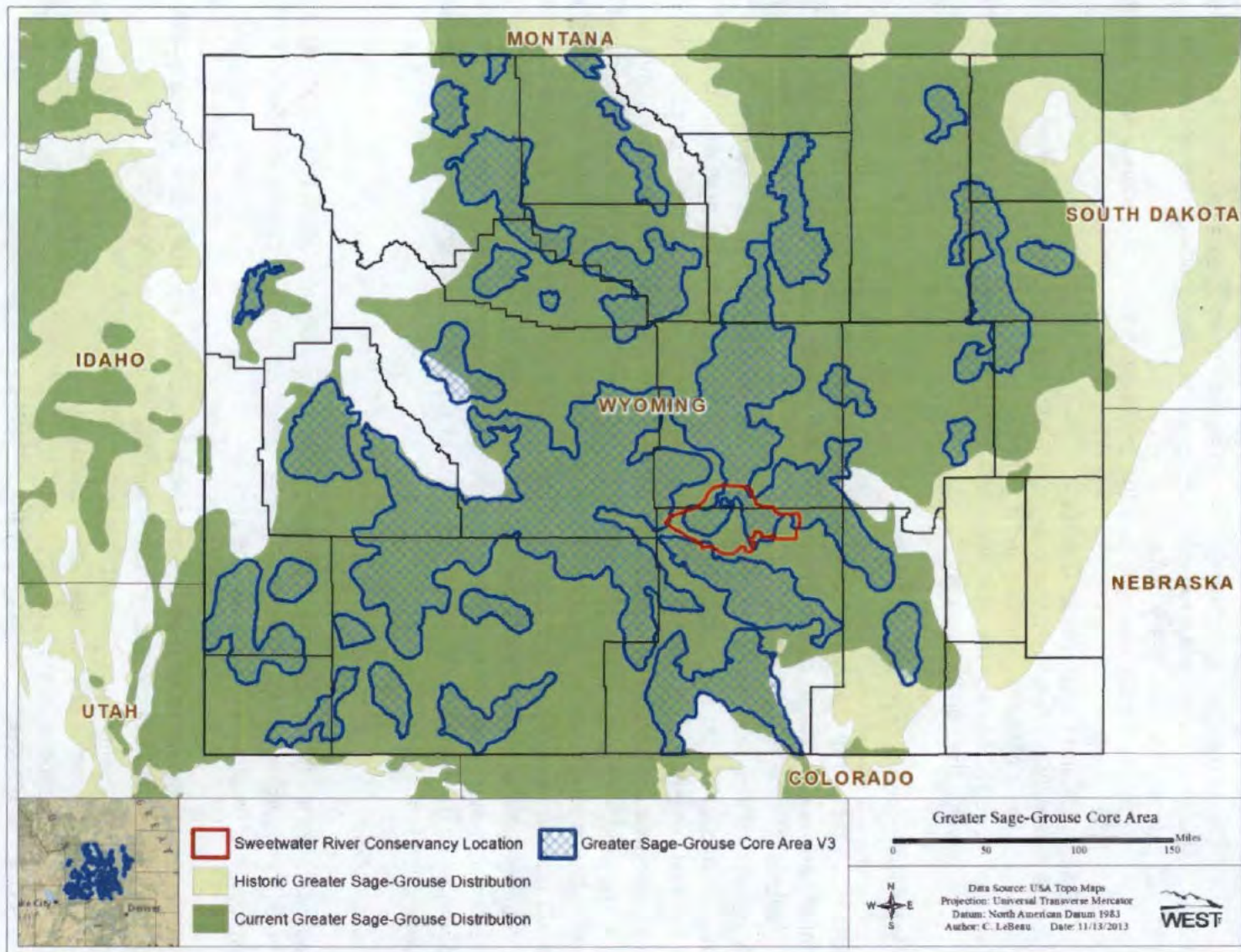


Figure 8. Sage-grouse distribution and Core Area in Wyoming.

The proposed HCB Service Area is based on concepts in the USFWS Sage-grouse Comprehensive Conservation Strategy (Stiver et. al, 2006, Figure 9), the sage-grouse Core Area concept (Figure 8), BLM Instruction Memorandum 2012-043 - Greater Sage-Grouse Interim Management Policies and Procedures, BLM Instruction Memorandum 2013-142 - Interim Policy, *Draft - Regional Mitigation Manual Section - 1794* and the recently announced Secretary of the Interior Order 3330 – Improving Mitigation Policies and Practices of the Department of the Interior. The proposed service area encompasses those portions of Management Zone (MZ) I and MZ II located within the State of Wyoming. Each management zone is defined by discrete differences in ecosystem and species biology. While these management zones are not defined by subspecies or ecotypes, they do represent range-wide variation for the species. The HCB is located in a geographic area with attributes of both MZ I and MZ II. This area also is a sagebrush biogeographical corridor connecting MZ I and MZ II. The corridor is bounded by the Laramie Mountains to the south and the Bighorn Mountains to the north.

The proposed Service Area follows the USFWS Sage-grouse Comprehensive Conservation Strategy, the Wyoming Governor's Executive Order for Greater Sage-Grouse Core Area Protection, and other science and market based principles.

4.7 HCB Banking Agreement

The HCB agreement will be prepared when USFWS approves the HCB proposal. The agreement includes details related to development, operations, and implementation of the HCB. The HCB agreement contents described below will be subject to modifications during CBRT engagement.

4.7.1 Proposed Debit and Credit

An HCB credit will be the amount of habitat credited in the mitigation bank account. A purchaser can then buy the credits from the HCB to mitigate impacts occurring elsewhere in the service area. Once credited, the SRC will have full discretion to transact credits and debits with any party.

Credits will be determined using functional habitat assessment results. These qualitative habitat data measurements will establish credit. Mitigation credit values will be determined on the HCB. The functional assessment will be used at the project site to measure the mitigation credit needed from the HCB as impact offsets.

Credits will incorporate acreage and habitat quality. This could include establishing habitat mitigation replacement ratios. These and other credit-mitigation mechanics will be developed with the CBRT during the bank agreement process.

HCB debits and credits will be tabulated in a mitigation bank account. Credit and debit transactions will be approved through permits or approvals by regulating agencies, presumably the USFWS and BLM. Habitat dedicated as available credit will be subject to the land

restrictions, monitoring, and management and operation plans also established during the bank

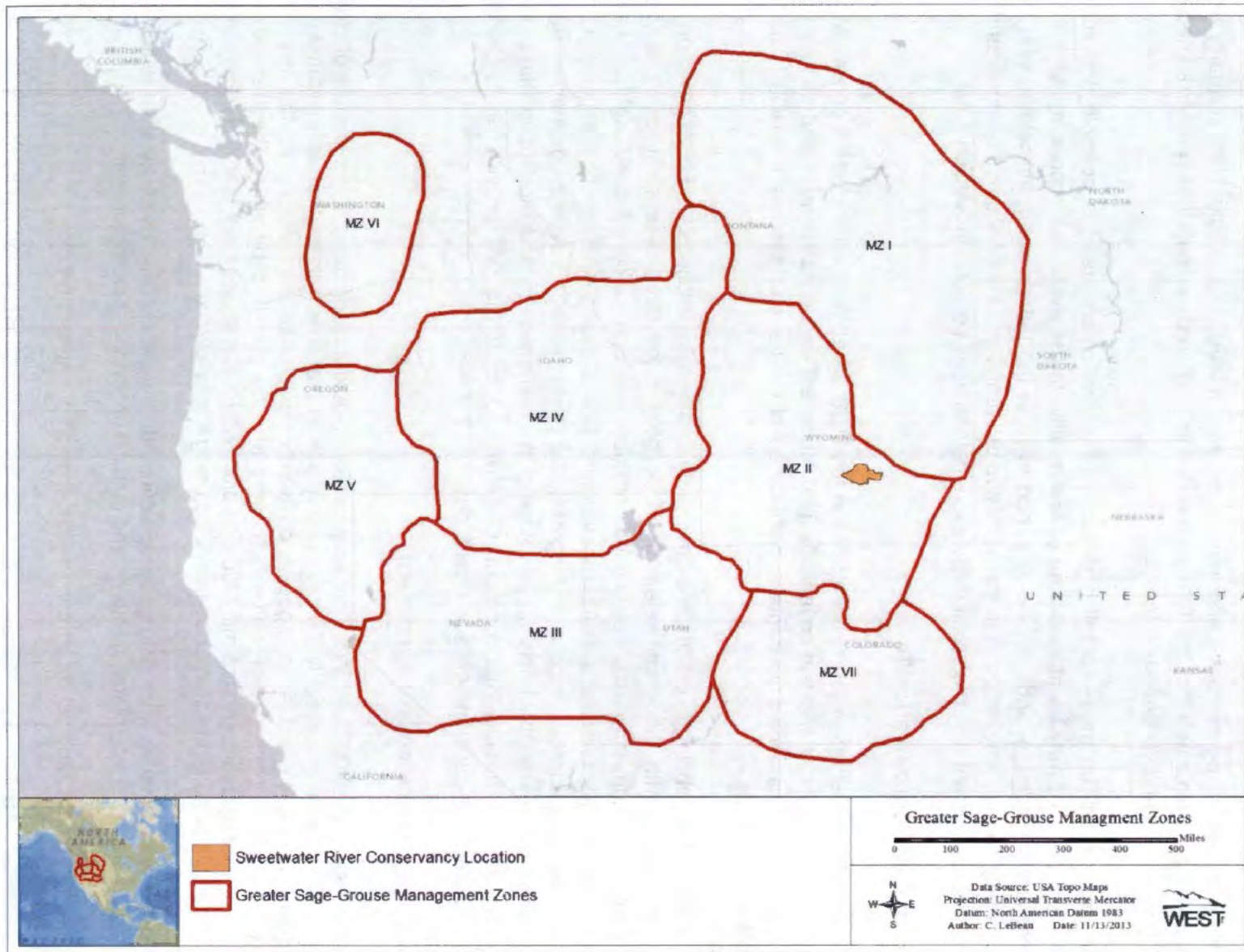


Figure 9. Sage-grouse Management Zones (MZ) in the western United States.

agreement process. The HCB sponsor will be responsible for implementation, management, accounting, promotions, and other business operations.

The HCB credits will be managed and maintained after a credit unit is sold. Habitat quality and function will be maintained into the future. The details and credit assurances will be defined in the following land and conservation terms.

While an effort will be made to sell high value conservation credits, it is possible that some credits that are sold may be of moderate or low quality. In the event this occurs, management and restoration of those lands will be designed to raise the habitat value associated with the lower quality credits. Any increase in habitat value will result in additional credit being extended to the SRC, consistent with the credit calculation methodology set forth in Section 4.4.3.

4.7.2 Land and Conservation Terms

Land use and conservation terms developed in the HCB agreement will include a conservation easement, deed restrictions and covenants, and other real estate instruments and documents. The conservation easement guarantees certification of credits and assures the HCB is under restrictive covenants.

Prior to the initial debiting of credits, the covenants and deed restrictions will be recorded on the lands associated with this credit release. These govern the deeded property using specific provisions, including land use restrictions, prohibitions, and owner-retained rights. Land management related provisions include improvements and best management practices. Land control provisions address access and egress, title terms, restrictions, and covenants. These terms will also provide the basis for developing the management and monitoring plans, and conservation and habitat management objectives. The terms will provide an important framework for HCB development and operations.

4.7.3 Management Plan and Agreement

As discussed in the 2003 USFWS Conservation Bank Guidance document, the amount of credit earned by a bank is implicitly contingent on the management plan that is instituted to safeguard the habitat values or species on which the credits are based. To this end, the species or habitat conservation value outcomes are the standard by which the Service will evaluate the HCB and authorize mitigation credits. An HCB management plan will be prepared detailing habitat and land use management including the following:

1. Property description, including geographical setting, adjacent land uses, location relative to regional open space plans, geology, and cultural or historic features on-site.
2. Description of biological resources on-site, including vegetation map.
3. Identification of activities allowed and prohibited on the conservation banks land.
4. Identification of biological goals and objectives for the bank.

5. Management needs of the property, including control of public access, restoration or enhancement of habitats, monitoring of resources, maintenance of facilities, public uses, start-up funding necessary, budget needs and necessary endowment funds to sustain the budget, and yearly reporting requirements. Any special management requirements that are necessary to implement the biological goals and objectives of the bank will also be discussed in detail.
6. Any monitoring schedules and special management plan activities, including adaptive management practices.
7. Any decision trees or other structures for future management.

Because an increase in credits through management is likely to be pursued by the SRC, the management plan will be updated to reflect the added management needs on the bank as additional credits are earned.

The proposed HCB management plan will be included in the HCB agreement between the SRC and USFWS. The agreement will include the following:

1. A general location map and legal description of the property, including GPS coordinates if possible.
2. Accurate map(s) of the bank property on a minimum scale of 7 minutes. U.S. Geological Survey quad map or finer scale, if available.
3. Name of the conservation bank.
4. Name of the person(s)/organization(s) to hold fee title to the conservation bank.
5. Name of the person(s)/organization(s) who will have management responsibility for the conservation bank and for how long. This entity must have demonstrated experience in natural lands management.
6. Name of the person or entity who will hold a conservation easement on the property.
7. Preliminary title report indicating any easements or encumbrances on the property.
8. An enumeration of the types of potential activities that may include public access and that are compatible with the property's primary function as habitat for species.
9. A description of the biological value of the bank, including habitats and species. This may include a vegetation map and biological resources inventory.
10. Number and kind of conservation credits within the bank. Final credit numbers and any constraints on types of credits to be sold will be determined by the Service in accordance with a methodology clearly set forth in the agreement.
11. An accounting system to track credits, funding, and other reporting requirements.
12. Description of the Service Area of the bank. The appropriate Service Area will be determined by the Service and with the bank owner/manager.

13. Description and delineation of each bank phase, if more than one phase is proposed. The description will include phase boundaries, the number of conservation credits associated with each phase, explanation for why the use of phases is preferred, and the agreed upon process for terminating the bank prior to the implementation of all phases.
14. Compliance with applicable State and Federal laws.
15. Results of a Phase I hazardous materials survey for the property.
16. A review of mineral and water rights associated with the property.
17. Discussion of any prescriptive rights on the property (e.g., road access, etc.),
18. An agreement to accurately delineate in the field all boundaries of the bank property, including any bank phases, and construct any required fences before the first conservation credit is sold, fee title transferred, or conservation easement granted.
19. An agreement to remove any trash, structures, or other items on-site that would otherwise reduce the long-term biological value of the site before the first conservation credit is sold, unless otherwise agreed to.
20. Provisions for the Service to enter the property for inspections, quality control/assurances and other duties as needed.
21. Performance standards that must be achieved.
22. Contingency management, funding, and ownership plans in the event that the bank owner and/or manager fails to fulfill the obligations as listed under the bank agreement and management plans, including an applicable dispute resolution process to address these contingencies.

4.7.4 Monitoring

A monitoring plan will also be prepared, and will include monitoring methods, schedules, and reporting details. The existing habitat conditions will serve as the baseline. The functional habitat assessment described above will continue to be used to monitor habitat function and value. In addition to habitat, sage-grouse population status will continue to be monitored through use of lek counts or other methods as appropriate.

Pursuant to the 2003 USFWS Conservation Bank Guidance document, monitoring must be commensurate with the scope of the conservation actions undertaken by the bank. In its monitoring plan, the SRC will: (1) evaluate compliance based on current levels of credit authorization; (2) determine if biological goals and objectives are being met; (3) provide feedback information for subsequent management changes and adaptations, including remedial actions if necessary; and (4) substantiate and authorize additional increases in bank credits resulting from habitat restoration or creation activities, including phase-in of additional bank lands.

4.7.5 Operations

The HCB will be operated and administered in accordance with the terms set forth in the bank agreement, CBRT process, and management plan. The SRC will establish an administrative practice for business management, oversight, public relations, intergovernmental coordination, and marketing of the HCB. Additional details and plans will be developed during the bank agreement with the CBRT.

4.7.6 Funding Assurances

All funding necessary for the ongoing management of the HCB will be clearly identified in the bank agreement. Because an outcome-based credit system is contemplated by the SRC, funding to maintain the increased habitat value on the landscape, on which the increase in credits is based, will also be described in the bank agreement.

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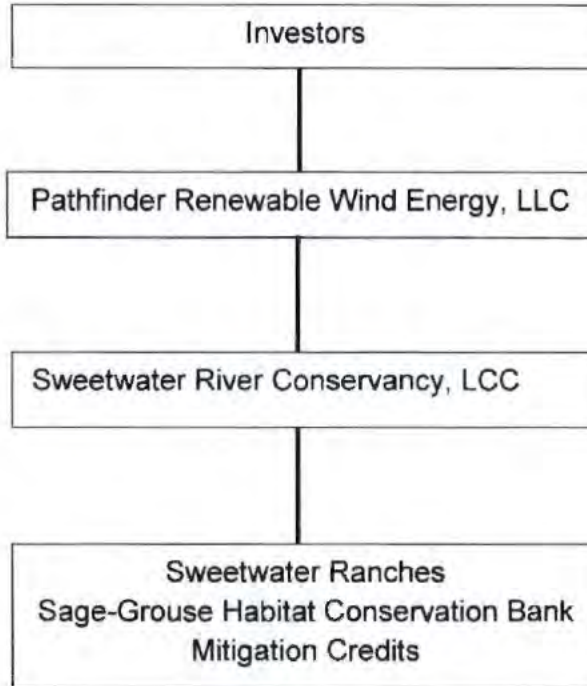
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- U.S. Fish and Wildlife Service (USFWS). 2012a. Endangered and Threatened Wildlife and Plants; Expanding Incentives for Voluntary Conservation Actions under the Endangered Species Act. Federal Register, Volume 77, Number 51, pp 15352 – 15354. United States Department of Interior, Fish and Wildlife Service. Washington, D.C.

Exhibit A – Sweetwater River Conservancy Organization

Organizational Structure Sweetwater River Conservancy, LLC





Bean, Michael <michael_bean@ios.doi.gov>

RE: Meeting with Secretary Jewell

1 message

Lance, Ryan <RLance@crowell.com>

Fri, Jan 31, 2014 at 7:16 PM

To: "Bean, Michael" <michael_bean@ios.doi.gov>

I will and would welcome the discussion. Do you want to simply schedule it around when we will be at Interior on the 25th?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Bean, Michael"

Date: 01/31/2014 3:15 PM (GMT-07:00)

To: "Lance, Ryan"

Subject: Re: Meeting with Secretary Jewell

Ryan: Are you likely to accompany Governor Freudenthal at his February 25 meeting here regarding the proposed habitat conservation bank? If so, and if your schedule allows, I would welcome the opportunity to hear any thoughts you (or the Governor) may have regarding the recent Secretarial Order on mitigation. I don't want to impinge on the time intended for a discussion of the Sweetwater bank, but if you have time before or after that, I would value your input. Best wishes.

On Thu, Jan 2, 2014 at 4:35 PM, Lance, Ryan <RLance@crowell.com<mailto:RLance@crowell.com>> wrote: Michael,

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- (1) The Sweetwater River Conservancy and the Habitat Conservation Bank Concept; and
- (2) A potential approach to finally address the remaining state lands within Grand Teton National Park.

I also left you a voicemail.

Ryan M. Lance
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205 Storey Blvd, Suite 120
Cheyenne, Wyoming 82009-3565
(p) (307) 996-1404
(c) (307) 631-3116
RLance@crowell.com<mailto:RLance@crowell.com>
www.crowell.com<http://www.crowell.com>

-

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

4/29/2015

DEPARTMENT OF THE INTERIOR Mail - RE: Meeting with Secretary Jewell

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov<mailto:michael_bean@ios.doi.gov>



Bean, Michael <michael_bean@ios.doi.gov>

Re: Meeting with Secretary Jewell

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Tue, Feb 4, 2014 at 11:13 AM

To: "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

Thank you. There is no need to involve Nikki. There are a few others that I would like to attend if possible, including Jim Lyons, Letty Belin, Jamey Anderson, Ted Boling, Brett Birdsong, and Joel Clement. 11:30am would be fine with me.

On Tue, Feb 4, 2014 at 10:17 AM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov> wrote:

Good Morning,

Did you need Nikki to participate in the third meeting too? I could ask Mr. Lance if 11:30AM would work (that would be right after the other meetings) and you guys can stay in the conference room (room 6119). Please let me know if you would like others to join you. I'll contact Mr. Lance later today with the time proposal. Gisella

On Sun, Feb 2, 2014 at 8:18 AM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

Gisella: See the email chain below. I would like to schedule a meeting with Ryan Lance, who will be accompanying Governor Freudenthal on the 25th, to discuss yet a third matter (the Secretary's mitigation order). Are you organizing the scheduling of the meetings? It would be best if this third matter could be scheduled just after the Grand Teton and Sweetwater River Conservancy meetings.

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Ryan M. Lance
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(c) (307) 631-3116
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www.crowell.com<http://www.crowell.com>

—

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202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov<mailto:michael_bean@ios.doi.gov>

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michael_bean@ios.doi.gov

—
Gisella Ojeda-Dodds
Executive Assistant to Nikki Buffa, Deputy Chief of Staff
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U.S. Department of the Interior
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Washington, D.C. 20240
Telephone: (202) 208-4123/4105
Facsimile: (202) 208-4561
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

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Counselor to the Assistant Secretary for Fish and Wildlife and Parks
Room 3152, Department of the Interior
Washington, DC 20240
202-208-4416
202-208-4684 (fax)
michael_bean@ios.doi.gov

Re: Meeting with Secretary Jewell

1 message

Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov>
To: "Bean, Michael" <michael_bean@ios.doi.gov>

Tue, Feb 4, 2014 at 1:27 PM

Hi Mr. Bean,

It seems that Letty Belin may be traveling that day (though it is still unconfirmed). If so, she may not be able to attend, the others however are available. I'm only waiting to hear back from Joel Clement's office. Gisella

On Tue, Feb 4, 2014 at 11:13 AM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

Thank you. There is no need to involve Nikki. There are a few others that I would like to attend if possible, including Jim Lyons, Letty Belin, Jamey Anderson, Ted Boling, Brett Birdsong, and Joel Clement. 11:30am would be fine with me.

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Sent from my Verizon Wireless 4G LTE smartphone

4/29/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Meeting with Secretary Jewell



4/29/2015

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I also left you a voicemail.

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Bean, Michael <michael_bean@ios.doi.gov>

Fwd: Bullets for Michael Bean

1 message

Michael Thabault <michael_thabault@fws.gov>
To: Michael Bean <michael_bean@ios.doi.gov>

Tue, Feb 25, 2014 at 12:00 AM

Michael FYI.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

Begin forwarded message:

From: Mark Sattelberg <mark_sattelberg@fws.gov>
Date: February 24, 2014 at 5:28:50 PM MST
To: Thabault Michael <michael_thabault@fws.gov>
Subject: **Bullets for Michael Bean**

1. The WY Field Office has worked with the Sweetwater River Conservancy (SRC) for about a year and a half on a mitigation bank and the habitat conservation bank. The ranch was toured twice in that time.
2. SRC submitted the latest conceptual proposal for the Habitat Bank at the end of November.
3. The Conservation Bank Review Team was formed in mid-December and started to review the proposal.
4. The review team had their first meeting late January and met with SRC.
5. The review team submitted their written comments last week.
6. The review team will go to the Ranch in April for a tour and meeting.

Sent from Mark's iPhone



Bean, Michael <michael_bean@ios.doi.gov>

Re: Bullets for Michael Bean

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Tue, Feb 25, 2014 at 2:28 PM

To: Noreen Walsh <Noreen_Walsh@fws.gov>, Mark Sattelberg <mark_sattelberg@fws.gov>

Cc: Michael Thabault <michael_thabault@fws.gov>

Noreen and Mark:

Thanks for the update this morning. Here is a summary of the subsequent meeting. Former Governor Freudenthal, Ryan Lance, Jeffrey G. Meyer and a fourth person (Rob?) were present on behalf of Sweetwater River Conservancy. From Interior agencies were Steve Ellis (BLM), Brett Birdsong (SOL), Amy Sosa (SOL), Liz Klein (Dep. Secretary's office), Nikki Buffa (advisor to the Secretary), and for part of the meeting, Secretary Jewell.

The Conservancy group showed a short video about the ranch and gave a powerpoint presentation about their banking plans. They emphasized that the sage grouse credits they seek to generate will require commitments with respect to all seasonal habitats, not just to one type of habitat (Governor Freudenthal said that he had some prior experience in which easements failed to accomplish their purpose because they did not protect the habitats needed for all seasons, referring apparently to some of the mitigation for the Jonah Field development). They are very interested in generating eagle and other raptor credits as well, but acknowledged the difficulties associated with that (interestingly, Governor Freudenthal said that the idea of a raptor credit bank was originally suggested to him by Dan Ashe). Steve Ellis asked about the potential problems of trying to increase both sage grouse and raptor populations, but this issue was not pursued at length.

They indicated that some of the ranch lands are subject to split estates, but it wasn't clear to me whether this is an area of high or low oil and gas potential. If I understood correctly, none of the ranch is in a designated core area or PAC, and all of the grouse habitat on BLM land on the ranch is preliminary general habitat rather than preliminary priority habitat. I did not ask this question, but that fact made me wonder about the value of siting a grouse mitigation bank outside of a PAC (particularly if the bank is to be used to offset impacts of development in PACs). Governor Freudenthal said that they would like to have a service area for the bank that encompasses all of WAFWA management zones 1 and 2.

Governor Freudenthal indicated that someone may have suggested that the BLM land on the ranch be designated as an ACEC. However, he thought this would be perceived negatively by local interests and would be highly detrimental to the initiative.

The Conservancy group gave high praise to the agency personnel with whom they are working on this project, mentioning Mark by name. There was no specific ask of us. Rather, the meeting was intended to bring to the attention of the Secretary and others here a mitigation proposal that they believe reflects the purposes of the Secretary's recent mitigation order and that is on a scale much bigger than any earlier banking effort.

On Tue, Feb 25, 2014 at 12:00 AM, Michael Thabault <michael_thabault@fws.gov> wrote:

Michael FYI.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

Begin forwarded message:

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Date: February 24, 2014 at 5:28:50 PM MST
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Sent from Mark's iPhone

—
Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Fwd: Bullets for Michael Bean

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Tue, Feb 25, 2014 at 2:30 PM

To: Sarah Greenberger <sarah_greenberger@ios.doi.gov>

Sarah: I thought you might be interested in the summary below of the meeting with Governor Freudenthal and others today regarding a proposed sage grouse mitigation bank.

----- Forwarded message -----

From: **Bean, Michael** <michael_bean@ios.doi.gov>

Date: Tue, Feb 25, 2014 at 2:28 PM

Subject: Re: Bullets for Michael Bean

To: Noreen Walsh <Noreen_Walsh@fws.gov>, Mark Sattelberg <mark_sattelberg@fws.gov>

Cc: Michael Thabault <michael_thabault@fws.gov>

Noreen and Mark:

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Sent from Mark's iPhone

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

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michael_bean@ios.doi.gov

4/29/2015

DEPARTMENT OF THE INTERIOR Mail - Fwd: Bullets for Michael Bean

--

Michael J. Bean

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michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Re: FWP Secretary's Weekly Report for 2/27

1 message

Jorge Silva-Bañuelos <jorge@ios.doi.gov>

Wed, Feb 26, 2014 at 3:38 PM

To: "Bean, Michael" <michael_bean@ios.doi.gov>

Cc: "Wheeler, Richard" <richard_wheeler@ios.doi.gov>, Rachel Jacobson <rachel_jacobson@ios.doi.gov>, Jorge Silva-Bañuelos <jorge@ios.doi.gov>, Donald Jodrey <donald_jodrey@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>

White House Rural Council - Jorge Silva (AS/FWP) and Aris Evia (BLM) represented Interior at the White House Rural Council meeting on February 26. Topics included the National Drought Resilience Partnership, the inter-agency Pollinator Initiative, promotion of rural exports, development of a workshop on "Building with Wood", and development of the agenda for a conference in July on investing in rural America. Secretary Vilsack reemphasized a point that he has made at previous meetings - that the federal government needs to do a better job of highlighting the investments it makes in states and local communities. To this end, USDA has developed information on how much it invests in each state in order to educate state and local governments and the public. It may be beneficial for Interior to take similar steps.

Jorge Silva-Bañuelos | Special Assistant | Office of the Assistant Secretary for Fish and Wildlife and Parks

Department of the Interior | 1849 C Street NW | Room 3148 | Washington, DC 20240

☎ 202.208.6211 (desk) | 202.615.8542 (cell) | 202.208.4684 (fax)

jorge@ios.doi.gov

On Wed, Feb 26, 2014 at 2:38 PM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

Grizzly Bears: Michael Bean joined FWS leaders in a discussion with environmental groups concerning grizzly bears. In light of the recent recommendation of the Interagency Grizzly Bear Committee to end SA protection for bears in the Yellowstone population, the meeting constructively addressed a range of issues that need to be addressed in the event of a future delisting.

Sweetwater River Conservancy conservation bank. The Sweetwater River Conservancy has proposed to establish a conservation bank for greater sage-grouse and possibly other species on its very large ranch in Wyoming. Former Wyoming Governor Dave Freudenthal and other representatives of the Conservancy met with several DOI officials to discuss the banking proposal.

Endangered Species Act hearing. Michael Bean is slated to testify on the afternoon of February 27 at a hearing of a subcommittee of the House Oversight Committee concerning implementation of the Endangered Species Act.

On Tue, Feb 25, 2014 at 9:23 AM, Wheeler, Richard <richard_wheeler@ios.doi.gov> wrote:

Please submit any input NLT 4:30 PM tomorrow. If you have nothing to report, please let me know.

—

Richard Wheeler
Executive Assistant
U.S. Department of the Interior
1849 C Street, N.W.
MS-3150
Washington, D.C. 20240

Richard_Wheeler@ios.doi.gov
Office: (202) 208-7626

The greatness of a nation and its moral progress can be judged by the way its animals are treated.
Gandhi

—

Michael J. Bean
Counselor to the Assistant Secretary for Fish and Wildlife and Parks
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202-208-4416
202-208-4684 (fax)
michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Re: Sage Grouse Weekly - Thoughts?

1 message

Bean, Michael <michael_bean@ios.doi.gov>
To: James Lyons <james_lyons@ios.doi.gov>
Cc: "Greenberger, Sarah" <sarah_greenberger@ios.doi.gov>

Tue, Mar 25, 2014 at 12:03 PM

Yes, that all sounds good to me.

Re mitigation, there have been some recent calls and meetings with Barrick and others scheduled, so there is some movement there (as well as in Wyoming with the Sweetwater River Conservancy ranch property).

On Tue, Mar 25, 2014 at 11:04 AM, James Lyons <james_lyons@ios.doi.gov> wrote:
Sounds good to me. (Just happen to be checking email)

If we meet on Monday I'm sure we can sort things out and prepare briefing materials in advance of Secretary's briefing.

Re: mitigation strategy I think that can wait until the 10th. There are a number of things to sort out in advance of a larger meeting on this subject that we should discuss before we sit down with the larger group.

Make sense to you, Michael?

Jim

Sent from my iPhone

> On Mar 25, 2014, at 7:55 AM, "Greenberger, Sarah" <sarah_greenberger@ios.doi.gov> wrote:
>
> Michael (and Jim who I hope is away from email) FWS can't make this Thursday because of LPC rollout. Next Thursday I am out of the office at a Sandy project review session. I would like to try the following if it works and hoping there are not any obvious conflicts (like a leadership retreat or something, for the bureaus).
>
> 1) I would like to see if we can reschedule this week's meeting for Monday 3/31 to discuss: (1) Rec on Lander - go or no go for June; (2) FWS policy memo follow-up; (3) briefing mats for the Secretary.
>
> 2) Set a mitigation meeting for 4/4 or it can wait until 4/10 to discuss: Where we stand with mitigation: the pre-listing credit policy, can we position ourselves to take advantage of pilot opportunities and/or offers of help? I would need both of your help to make it productive.
>
> Thoughts?
>

-

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

4/29/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Sage Grouse Weekly - Thoughts?

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

For weekly report

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Wed, Apr 9, 2014 at 10:03 AM

To: Rasheedah Morgan <Rasheedah_Morgan@ios.doi.gov>

Endangered Species Hearing: Michael Bean testified before the House Committee on Natural Resources concerning four bills to amend the Endangered Species Act. The bills are narrow in scope, focusing on the public availability of data used in ESA decisions and on expenses associated with litigation. Chairman Hastings indicated his intent to move a series of what he regards as incremental amendments rather than a comprehensive ESA reauthorization.

Mitigation Banking for Sage Grouse and Golden Eagles: Former Wyoming Governor Dave Freudenthal met with Michael Bean and FWS representatives this week to update them on the status of a proposed mitigation bank for greater sage grouse and golden eagles. The planned bank would be sited on a large ranch owned by the Sweetwater River Conservancy. FWS and BLM are working closely with the Conservancy in Wyoming to develop this concept.

-

Michael J. Bean

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Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Re: VPCA Policy: Section 6 and Trading Credits

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Sat, Apr 12, 2014 at 9:21 AM

To: "Bright, Larry" <larry_bright@fws.gov>

Cc: "Frazer, Gary" <gary_frazer@fws.gov>, Jim Serfis <jim_serfis@fws.gov>, Paul Souza <paul_souza@fws.gov>, Julie Moore <julie_h_moore@fws.gov>, Karen Anderson <karen_anderson@fws.gov>, Deborah Mead <deborah_mead@fws.gov>, "Newman, Jeff" <jeff_newman@fws.gov>, Jason Miller <Jason_Miller@fws.gov>

Gary, Larry, and others:

Thank you all for your work on this and for your thoughts. Here are mine.

1. The ability of a landowner to earn credits that can be used by a third party to whom the credits have been transferred creates a much stronger incentive to undertake a voluntary pre-listing conservation action than if only the landowner herself can use the credits. (b) (5)

(b) (5)

2. Implicit in Larry's comment below is that (b) (5)

(b) (5)

note that EPA and the Corps made very clear in their 2008 compensatory mitigation rule that all three forms of compensatory mitigation (permittee-responsible mitigation, banking, and in-lieu fee programs) would be held to standards of equal rigor. (b) (5)

(b) (5)

3. (b) (5)

Nevada and Oregon are both developing sage grouse mitigation programs that appear to be quite rigorous, and in Wyoming the state is fully engaged in a very ambitious sage grouse mitigation project on the Sweetwater River Conservancy ranch that makes sense only if the ranch can sell credits to third parties.

4. Notwithstanding the above beliefs, I think we should not lock ourselves into any particular outcome. We have yet to offer a draft policy for public comment. (b) (5)

(b) (5)

Where we currently have disagreements or are uncertain of the best course, perhaps we should simply flag the issue for public comment and defer any decision until we have the benefit of that comment. I am concerned that the clock is ticking and the need for a policy regarding pre-listing mitigation is growing.

On Fri, Apr 11, 2014 at 11:59 AM, Bright, Larry <larry_bright@fws.gov> wrote:

Gary - I'll do my best to answer your question, but request we discuss this with you in person, possibly after the April 22 Chief's Meeting. Deblyn needs to be there and she'll be out all of next week.

(b) (5)

(b) (5)

Many thanks,
Larry

Larry K. Bright
Chief, Branch of Conservation Planning Assistance
4401 N. Fairfax Drive, Room 830B
Arlington, VA 22203
Office: 703-358-2440
Cell: 703-447-8322

On Thu, Apr 10, 2014 at 11:34 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

Jim -- My gut tells me that very few states would contemplate developing a conservation plan and crediting system for a species that is not a candidate for listing. Did the team think differently? What would be the effect of limiting the proposed policy to pre-listing mitigation crediting for candidate species?

Larry/Deblyn -- Why do you think that the plans/crediting systems would result in standards lower than for conservation banks? Isn't that precisely why we have a Service concurrence step in the process?

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Thu, Apr 10, 2014 at 10:32 AM, Newman, Jeff <jeff_newman@fws.gov> wrote:

Hello Gary, Michael and Paul,

I meet with Don, Jim, Karen, and Julie to discuss the language of the Draft Policy Regarding Voluntary Prelisting Conservation Actions (VPCA) that references the use of Section 6 grant funding to support measuring, monitoring, and oversight obligations associated with the draft policy.

We have determined that the language regarding the use of Section 6 grant funds may constrain the State's implementation of this proposed policy because:

Section 6(d)(1)(c) of the ESA specifically identifies those species to which funds may be allocated (see allocation of funds paragraph below). They include candidate species pursuant to subparagraph (C) of section 4(b)(3), but does not include other at-risk species, nor does it include non-petitioned candidates.

(b) (5)

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(d) ALLOCATION OF FUNDS.—(1) The Secretary is authorized to provide financial assistance to any State, through its respective State agency, which has entered into a cooperative agreement pursuant to subsection (c) of this section to assist in development of programs for the conservation of endangered and threatened species or to assist in monitoring the status of candidate species pursuant to subparagraph (C) of section 4(b)(3) and recovered species pursuant to section 4(g).

We also had a meeting with Larry and Deblyn regarding consistency with the new mitigation policy and they provided the following comments as they relate to trading credits in the VPCA proposed policy.

(b) (5)

4/29/2015

DEPARTMENT OF THE INTERIOR Mail - Re: VPCA Policy: Section 6 and Trading Credits

Let me know if you have any questions,
Thanks,
Jeff

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Re: VPCA Policy: Section 6 and Trading Credits

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Mon, Apr 14, 2014 at 6:54 AM

To: "Frazer, Gary" <gary_frazer@fws.gov>, Jeff Newman <jeff_newman@fws.gov>, Lois Wellman <lois_wellman@fws.gov>

Jeff: I am going to be away on the 21st, but could meet on the 22nd at any of the following times: 8:30-9:30am, noon-1pm, and 4-6pm. I can also meet any time on the morning of the 23rd.

On Sat, Apr 12, 2014 at 7:52 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

We're going backwards here. Time to get re-centered and bring this home. We are way behind schedule with this proposal, and we are running out of time to get it to final if we don't publish soon.

I think you all know what we're trying to do in the big picture -- provide additional incentive for parties, especially states, to develop and implement conservation programs for species in trouble before they have to be listed. There are, of course, uncertainties and challenges associated with doing so. That's no doubt at least partly why this hasn't been tackled before. So our task now is to figure out how to resolve these issues you've raised most recently without being so constraining as to make the tool unattractive and of little value to accomplishing our original objective.

Jeff, would you assemble folks this week to revise the draft proposed policy along the following lines:

1) solve the Sec 6 funding issue. May be as simple as, "(b) (5)"

(b) (5)

2) find a way forward on the 3rd party issue. The proposed policy must maintain the flexibility to allow for credits to be sold or traded to 3rd parties. (b) (5)

(b) (5)

But if there's a need for additional protective language or a request for comment on the issue, propose something.

3) clarify that Service approval of the mitigation scheme and acceptance of credits will be for the purpose of ensuring that all mitigation is held to equally rigorous standards. We included a paragraph in our recent LPC 4(d) rule discussing the range-wide plan that might be mined for language. Mitigation is mitigation is mitigation -- we can't hold some parties to higher standards than others, particularly if we want to have market-based approaches on the menu. (b) (5)

4) if there are other issues remaining, propose solutions that do not undermine our overall objective for the policy.

Pls work with Lois to schedule an hour on Monday the 21st, if that will work for Michael, for us to walk through these revisions and get this back on track.

Thanks -- GDF

Gary Frazer
Assistant Director -- Ecological Services

U.S. Fish and Wildlife Service
(202) 208-4646

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Larry

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Let me know if you have any questions,
Thanks,
Jeff

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

—

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

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Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Eagle Conservation Bank

1 message

Jeff Meyer (b) (6)

Thu, May 15, 2014 at 3:14 PM

Reply-To: Jeff Meyer (b) (6)

To: "david_cottingham@fws.gov" <david_cottingham@fws.gov>, "brian_a_millsap@fws.gov" <brian_a_millsap@fws.gov>, "Michael_Bean@ios.doi.gov" <Michael_Bean@ios.doi.gov>, "Jerome_Ford@fws.gov" <Jerome_Ford@fws.gov>, "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "mark_sattelberg@fws.gov" <mark_sattelberg@fws.gov>

Please see the attached letter regarding the Sweetwater River Conservancy Eagle Conservation Bank for your review. If you have any questions please contact me at (b) (6)

Sincerely,
Jeff

Jeff Meyer
Pathfinder Renewable Wind Energy, LLC
cell (b) (6)
fax (b) (6)
jmeyer@pathfinderwind.com

Pathfinder Ranch
36695 W. Highway 220
Alcova Wyoming 82620

Florida Office
2720 Park Street, Suite 223
Jacksonville FL 32205

"Victory is not won in miles but in inches. Win a little now, hold your ground, and later win a little more." Louis L'Amour

Sweetwater Letter, HDWA draft 5 Letterhead.pdf
5914K



Eagle Conservation Bank

Please see the attached letter regarding the Sweetwater River Conservancy. Eagle Conservation Bank is your partner. If you have any questions please

Secretary

John D. ...

Partner: Renewable Wind Energy LLC

Call 804-553-7020

Tax 804-764-1030

Energy Capital Partners

Partner: Ranch

Deer W. Highway 230

Deer Wyoming 83020

Field Office

2730 Tank Station Drive

Jacksonville, TN 37203

Victory is not won in minutes but in inches. Win a little now, hold your ground, and later win the more. Louis L'Amour



Bean, Michael <michael_bean@ios.doi.gov>

Re: Sweetwater River Conservancy Conservation Bank Agreement and Management Plan

1 message

Boling, Edward <ted.boling@sol.doi.gov>

Fri, Jun 20, 2014 at 5:36 PM

To: "Jacobsen, Dana" <dana.jacobsen@sol.doi.gov>, Bret Birdsong <bret.birdsong@sol.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>

Cc: "Nitta, Kendra" <kendra.nitta@sol.doi.gov>, "Shattuck, Sarah" <sarah.shattuck@sol.doi.gov>, "Hawbecker, Karen" <KAREN.HAWBECKER@sol.doi.gov>

Barrick Mitigation Banking Team: Thanks to all of you for your comments. I've sent a clean version of the attached to Barrick with the necessary caveats about it not being cleared, needs further legal analysis, etc. Attached for your eyes only is some of our back-and-forth legal analysis of how this should be drafted. (b) (5)

(b) (5)

I'm going off the grid for a week, but I look forward to catching up when I get back.

Best,

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

On Thu, Jun 19, 2014 at 4:31 PM, Jacobsen, Dana <dana.jacobsen@sol.doi.gov> wrote:

And my comments are added to the version that Sarah and Kendra commented on.

On Wed, Jun 18, 2014 at 4:22 PM, Nitta, Kendra <kendra.nitta@sol.doi.gov> wrote:

I added my comments onto Sarah's document. (b) (5)

(b) (5)

Let me know if you have questions. Thanks for letting us weigh in. --Kendra

On Wed, Jun 18, 2014 at 3:42 PM, Shattuck, Sarah <sarah.shattuck@sol.doi.gov> wrote:

Ted-

Attached are my staff level comments on this document. Others in DLW (Bret, Laura,

Amy) may have additional comments, but I wanted to get these to you now in light of your timeframe.

Thanks for the opportunity to review.

Sarah

On Wed, Jun 18, 2014 at 9:19 AM, Boling, Edward <ted.boling@sol.doi.gov> wrote:

Attached is my attempt at setting aside the Barrick draft agreement and placing its elements into the FWS template for a mitigation banking agreement. (b) (5)

(b) (5)

(b) (5)

I expect that

we'll send the latest version of it to Barrick tonight, with all appropriate caveats (b) (5)

(b) (5)

ll incorporate any comments received today, and all comments will be appreciated.

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

On Thu, May 29, 2014 at 12:41 PM, Shattuck, Sarah <sarah.shattuck@sol.doi.gov> wrote:

Ted-

I have reviewed this version of the Barrick Agreement and have a few remaining edits/concerns reflected in the attached. Please let me know when you would like to discuss.

Thanks,
Sarah

On Wed, May 28, 2014 at 12:47 PM, Boling, Edward <ted.boling@sol.doi.gov> wrote:

I've taken a shot at edits to the Barrick agreement based on the attached draft conservation bank agreement. Attached in Word is the Barrick agreement mark-up, (b) (5)

(b) (5)

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)

202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

----- Forwarded message -----

From: **Jacobsen, Dana** <dana.jacobsen@sol.doi.gov>
Date: Wed, May 21, 2014 at 12:51 PM
Subject: Fwd: Sweetwater River Conservancy Conservation Bank Agreement and Management Plan
To: Edward Boling <ted.boling@sol.doi.gov>

FYI, see below.

I am trying to get a few other deadline driven items done today, and then I will take a look at the Barrick Agreement.

----- Forwarded message -----

From: **Sattelberg, Mark** <mark_sattelberg@fws.gov>
Date: Tue, May 20, 2014 at 3:15 PM
Subject: Fwd: Sweetwater River Conservancy Conservation Bank Agreement and Management Plan
To: Dana Jacobsen <dana.jacobsen@sol.doi.gov>

Dana,

This is the draft Conservation Banking Agreement from Sweetwater River Conservancy for a greater sage-grouse bank. I also got a draft management plan for the Upper Green River Habitat Conservation Exchange, if you would like to see that too. The Bank Review Team just got the Sweetwater River agreement and will get the Upper Green River documents later this week.

I'll be at the FOIA Forum on Thursday, if you want to talk. Otherwise give me a call. Thanks for any help you can give us.

Mark

R. Mark Sattelberg

Field Supervisor
U.S. Fish and Wildlife Service
Wyoming Ecological Services Field Office
5353 Yellowstone Boulevard, Suite 308A
Cheyenne, Wyoming 82009

Phone: 307.772.2374 ext.234
Cell Phone: 307.631.8186
Fax: 307.772.2358
mark_sattelberg@fws.gov

----- Forwarded message -----

From: **Lance, Ryan** <RLance@crowell.com>
Date: Tue, May 20, 2014 at 2:07 PM
Subject: Sweetwater River Conservancy Conservation Bank Agreement and Management Plan
To: Craig Smith <Craig.Smith@wyo.gov>, Susan Child <susan.child@wyo.gov>, "Sattelberg, Mark" <mark_sattelberg@fws.gov>, Mark Konishi <mark.konishi@wyo.gov>, "Morton, Jennifer" <j75morto@blm.gov>, "Brian M. - NRCS, Casper, WY Jensen" <Brian.M.Jensen@wy.usda.gov>

Cc: jeff meyer (h) (6) "Freudenthal, Dave" <DFreudenthal@crowell.com>, Michael Fraley (b) (6) >, (b) (6) Greg Johnson <gjohnson@west-inc.com>, Dale Strickland <dstrickland@west-inc.com>

Members of the Conservation Bank Review Team,

Please find attached three (3) documents: A cover letter from Mr. Jeff Meyer, a working draft of the Sweetwater River Conservancy Conservation Bank Agreement and the Conservation Bank Agreement Management Plan.

In the coming days, you will receive the same cover letter, Bank Agreement and Management Plan, together with the remaining exhibits to the Bank Agreement. However, Mr. Meyer asked me to forward the attached documents to allow you additional time to become acquainted with two of the more important and substantive documents in the Bank Agreement package that you will soon receive.

As is noted in the Cover Letter, we look forward to hearing your thoughts and comments on the Bank Agreement and Exhibits.

Warm regards,

Ryan M. Lance

Crowell & Moring LLP

205 Storey Blvd, Suite 120

Cheyenne, Wyoming 82009-3565

(p) (307) 996-1404

(c) (307) 631-3116

Rlance@crowell.com

www.crowell.com

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Assistant Regional Solicitor
Rocky Mountain Regional Office
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755 Parfet, Suite 151
Lakewood, CO 80215
(303) 231-5353 x 336

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 **Draft Barrick Bank Enabling Instrument +ss kn 6 18 14 DEJ MB Comments added June 19.docx**
119K

DRAFT BARRICK MITIGATION BANK ENABLING INSTRUMENT AGREEMENT

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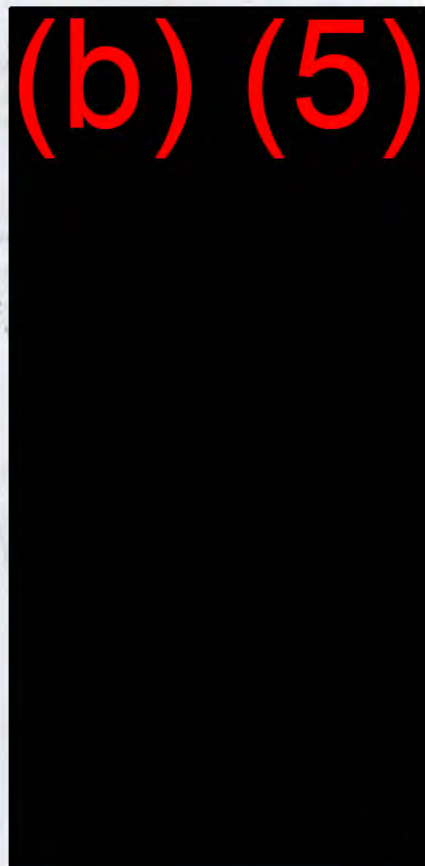
1

BANK ENABLING (b) (5) AGREEMENT
BARRICK MITIGATION BANK

This Bank Enabling (b) (5) Agreement ("BEA"), dated this _____ day of _____, 20__, is made by and among Barrick Gold of North America, a U.S. corporation ("Bank Sponsor"), [Barrick ranch subsidiaries] ("Property Owner"), the Nevada State Office of the U.S. Fish and Wildlife Service ("FWS"), and the Nevada State Office of the Bureau of Land Management ("BLM"). The Bank Sponsor, Property Owner, the FWS and BLM are hereinafter referred to jointly as the "Parties". This (b) (5) BEA sets forth the agreement of the Parties regarding the establishment, use, operation and maintenance of the [Bank name] Mitigation Bank (the "Bank").

RECITALS

- A. The Bank Sponsor is responsible for establishing and operating the Bank. (b) (5) _____ on lands in Nevada that are under BLM's jurisdiction, and on lands owned by Barrick. Barrick also holds approximately 80,000 animal unit months for cattle operations on public lands in Nevada administered by the BLM, and also owns approximately 250,000 acres of private lands in Nevada that are used for livestock ranching purposes. Barrick's mining and ranching operations occur in areas that include habitat for the Greater sage-grouse.
- B. The Property Owner (b) (5) _____ is the owner of real property [e.g., the Hay Ranch, the Dean Ranch, the JD Ranch] containing approximately _____ acres (the "Property"), located at _____ [insert address and county], State of Nevada, designated Assessor's Parcel No(s) _____. The Property is generally shown on the Bank Location Maps (Exhibit A) and legally described in the Real Estate Records and Assurances (Exhibit E) attached hereto.
- C. Barrick Gold of North America, as Bank Sponsor and Property Owner desires to create the Bank over the Property (the "Bank Property"). The Bank Property is generally shown on the Bank Location Maps (Exhibit A) and legally described in the Conservation Easement (Exhibit E-4) attached hereto. The Bank Property is to be conserved in perpetuity by the Conservation Easement, which shall be recorded as provided in Section V.
- D. FWS, an agency within the U.S. Department of the Interior, has jurisdiction over the conservation, protection, restoration and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of these species within the U.S. pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531, *et seq.*, the Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661-666c, the Fish and Wildlife Act of 1956, 16 U.S.C. § 742(f), *et seq.*, and other provisions of federal law.
- E. BLM, an agency within the U.S. Department of the Interior, has jurisdiction over the public lands in Nevada under the Federal Land Policy and Management Act, which



allows BLM to participate in cooperative agreements involving the management, protection, and development of public lands, such as this BLM (b) (5) 43 U.S.C. § 1737(b). BLM Manual, Section 6840 (Special Status Species Management), provides overall policy direction to BLM managers to ensure that actions authorized on BLM-administered lands do not contribute to the need to list species deemed by the BLM to be "sensitive" and to conserve on BLM-administered lands species that have been listed as Federal candidate species, proposed species, and delisted species in the 5 years following delisting the species as threatened or endangered under the ESA. The Fish and Wildlife Coordination Act also provides authority for BLM to enter into agreements with federal and state agencies, and public and private organizations, to assist in the protection of fish and wildlife and their habitats. This Agreement is also consistent with and furthers the purposes of BLM regulatory jurisdiction, including under 43 CFR Part 3809, and Instruction Memorandum 2013-142, Interim Policy, Draft - Regional Mitigation Manual Section – 1794.

- F. The FWS and BLM [in coordination with agencies of the State of Nevada as appropriate] constitute the interagency group which provides technical assistance to the Bank Operator on oversees the establishment, use, operation, and maintenance of the Bank.
- G. The goals and objectives for the Bank are set forth in the Development Plan (Exhibit C) and the Bank Management and Operation Documents (Exhibit D). The purpose of this Agreement is to set forth the agreement of the Parties regarding the establishment, use, operation, and maintenance of the Bank to compensate for impacts to, and conserve and protect, the habitat of the Greater Sage-grouse (sage-grouse). The Bank will provide for the preservation, restoration, creation, and/or enhancement of habitat for the sage-grouse and then manage and maintain that habitat in accordance with this Agreement and the Development Plan for Barrick ranch lands (b) (5)

(b) (5)

Through implementation of this Agreement, BLM and FWS will obtain assurance (1) that Barrick will voluntarily manage existing and potential sage-grouse habitat on the company's private Nevada ranch lands for the benefit of sage-grouse, and (2) that such management practices will achieve a net conservation benefit for sage-grouse when measured against the impacts of certain of the company's reasonably-foreseeable future mining operations in Nevada. Through implementation of this agreement, Barrick will obtain assurance that the voluntary conservation and compensatory mitigation measures taken by the company (b) (5)

(b) (5)

(b) (5)

H. Initially-capitalized terms used and not defined elsewhere in this (b) (5) BEA are defined in Section II.

AGREEMENT

(b) (5)

(b) (5)

Section I: Purpose and Authorities

A. Purpose

The purpose of this (b) (5) BEA is to set forth the agreement of the Parties regarding the establishment, use, operation, and maintenance of the Bank to compensate for unavoidable impacts to, and conserve and protect, Covered Species, and Covered Habitat. The Bank Sponsor [and Property Owner] shall preserve, restore, create, and/or enhance and then manage and maintain Covered Species, and Covered Habitat in accordance with this (b) (5) BEA, the Development Plan, Interim Management Plan and Long-term Management Plan.

B. Authorities

The establishment and use of the Bank for off-site compensatory mitigation or conservation is governed by one or more of the following (b) (5)

(b) (5)

a. National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*);

b. Endangered Species Act (16 U.S.C. § 1531 *et seq.*) ("ESA"), (b) (5)

(b) (5)

c. Fish and Wildlife Coordination Act (16 U.S.C. § 661 *et seq.*);

d. National Historic Preservation Act (16 U.S.C. § 470);

Not Responsive

e. Guidance for the Establishment, Use and Operation of Conservation Banks (U.S. Department of Interior Memorandum, dated May 2, 2003); and

f. Federal Land Policy and Management Act (43 U.S.C. §§ 1701 *et seq.*).

Section II: Definitions

The initially-capitalized terms used and not defined elsewhere in this (b) (5) BEA are defined as set forth below.

1. “Adaptive Management” means an approach to natural resource management which incorporates changes to management practices, including corrective actions as determined to be appropriate by the FWS and BLM in discussion with the Bank Sponsor and/or the Property Owner, as appropriate, based upon Bank annual report results and FWS and BLM review of overall Bank performance and compliance.

2. “Bank Establishment Date” is the date determined pursuant to Section V, when the Bank is considered established and Transfer of Credits may begin.

(b) (5)

3.5. “Catastrophic Event” shall mean an unforeseen event that has a material and detrimental impact on the Bank Property, and over which neither the Bank Sponsor nor the Property Owner has control.

4.6. “Conservation Easement” means a perpetual conservation easement in the form of Exhibit E-4 attached hereto.

5.7. [“Construction Security” OR “Restoration Security”] means the financial assurance specified in Section VI.A. and Exhibit C-2, to be provided by the Bank Sponsor to guarantee the completion of construction and planting to create, restore or enhance Covered Habitat on the Bank Property in accordance with the Development Plan.

6.8. “Covered Habitat” means habitat of concern or habitat located on the Bank Property upon which the Covered Species depend for their continued viability that the FWS and AND BLM determines (b) (5) will be adequately conserved as a result of implementation of this (b) (5) BEA. Covered Habitat Credits are identified in Exhibit F-1.

7.9. “Covered Species” means the Greater sage-grouse for which the Bank has been established and for which Credits have been allocated as set forth in Exhibit F-1.

8.10. “Credits” are units of measure representing the accrual, attainment, or protection of (b) (5) the Covered Species or Covered Habitat on the Bank Property. One Credit is equivalent to one acre, or as otherwise defined in Exhibit F-1.

9.11. “Credit Release” means an action by the FWS and BLM to make specified Credits available for Transfer pursuant to this (b) (5) BEA.

10.12. “Development Plan” means the document attached as Exhibit C-1 that is the overall plan governing construction and habitat establishment activities required to be conducted on the Bank Property to establish Credits, including, without limitation, creation, restoration and enhancement of Covered Habitat on the Bank Property, Performance Standards, monitoring requirements and reporting requirements.

(b) (5)

- 1.13. "Endowment Deposit" is the deposit or series of deposits made or required to be made by the Bank Sponsor to the Bank Manager (b) (5) to fully fund the initial Endowment Principal. Endowment Deposits received by the Bank Manager (b) (5) shall be paid into the Special Deposit Fund or subsequent state-authorized trust fund established pursuant to state law.
- 2.14. "Endowment Fund" is a sum of money, held in the Special Deposit Fund or subsequent state-authorized trust fund established pursuant to state law. The purpose of the Endowment Fund is to provide income to the Bank Manager fund perpetual management, maintenance, monitoring, and other activities on the Bank Property consistent with the Long-term Management Plan. The term "Endowment Fund" as used in this BEA (b) (5) shall refer to the Endowment Deposit and all interest, dividends, other earnings, additions and appreciation thereon.
- 3.15. "Endowment Principal" means that portion of the Endowment Fund that is non-wasting and that is to be maintained and managed in perpetuity by the Bank Manager to generate earnings and appreciation in value for use by the Bank Manager in funding perpetual management, maintenance, monitoring, and other activities as required by the Long-term Management Plan. Endowment Principal shall consist of the Endowment Deposit and any additions to the principal that are made from earnings, appreciation in value or subsequent deposits for the purpose of compensating for inflation and ensuring the real value of the principal does not decline over time.
- 4.16. "Force Majeure" shall mean war, insurrection, riot or other civil disorder, flood, earthquake, disease, governmental restriction or the failure by any governmental agency to issue any requisite permit or authority, or any injunction or other enforceable order of any court of competent jurisdiction, which has a material and detrimental impact on the Bank or the Bank Property and over which neither the Bank Sponsor nor the Property Owner has control; provided, however, that (i) a riot or other civil disorder shall constitute an event of Force Majeure only if the event has broad regional impacts and is not endemic to the Bank Property and its immediate locale; (ii) a flood shall be considered an event of Force Majeure only if it is greater than a presently projected 100-year flood, where "flood" refers to a runoff event; (iii) an earthquake shall constitute an event of Force Majeure only if the ground motion it generates at the Bank Property is greater than that presently projected from an earthquake with a return period of 475 years; (iv) disease shall constitute an event of Force Majeure only if such event has broad regional impact and is not endemic to the Bank Property and its immediate locale; and (v) governmental restriction or the failure by any governmental agency to issue any requisite permit or authority, or any injunction or other enforceable order of any court of competent jurisdiction shall not constitute an event of Force Majeure unless there is no other feasible means of Remedial Action.
- 5.17. "HCP" means a Habitat Conservation Plan prepared pursuant to § 10(a)(2)(A) of the ESA (16 U.S.C. § 1539(a)(2)(A)).

(b) (5)

6.18. "Interim Management Period" means the period from the Bank Establishment Date until the first anniversary of the full funding of the Endowment Fund has occurred and all the Performance Standards in the Development Plan have been met.

7.19. "Interim Management Plan" means the document attached as **Exhibit D-4** that describes the management, monitoring, Adaptive Management, reporting and other activities to be implemented by the Bank Sponsor during the Interim Management Period.

8.20. "Interim Management Security" is the financial assurance specified in Section VI.C. and **Exhibit D-1**, to be provided by the Bank Sponsor to guarantee the implementation of the Interim Management Plan.

9.21. "Long-term Management Period" means the period beginning upon conclusion of the Interim Management Period and continuing in perpetuity, during which the Bank Property is to be managed, monitored and maintained pursuant to the Long-term Management Plan.

10.22. "Long-term Management Plan" means the document attached as **Exhibit D-5** that is intended to ensure the Bank Property is managed, monitored and maintained in perpetuity to conserve and protect its (b) (5) Covered Species and Covered Habitat.

11.23. "Performance Security" means the financial assurance specified in Section VI.B. and **Exhibit C-3**, to be provided by the Bank Sponsor to guarantee that the Performance Standards are met and all Remedial Action required under Section VIII.F is completed.

12.24. "Performance Standards" means the minimum standards set forth in the Development Plan to define the successful development of Covered Habitat for Credit accrual.

13.25. "Phase I Environmental Site Assessment" is an assessment of the environmental condition of the Property performed in accordance with the American Society of Testing and Materials (ASTM) Standard E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process," or any successor to such ASTM Standard which is active at the time of the assessment.

14.26. "Preservation" means the protection of existing ecologically important wildlife, habitat or other ecosystem resources in perpetuity.

15.27. "Property Assessment and Warranty" means the written Property evaluation and assurance signed by the Property Owner and attached as **Exhibit E-2**.

16.28. "Property Owner" means the owner(s) of fee simple title to the Bank Property.

17.29. (b) (5) corrective Action" means any corrective measures which the Bank Sponsor or Property Owner is required to take to ameliorate any injury or adverse impact to the Bank Property as preserved, restored or enhanced or as a result of a failure to achieve the Performance Standards.

(b) (5)

(b) (5)

28.30.

(b) (5)

(b) (5)

29.31. "Special Deposit Fund" means [define].

30.32. "Subordination Agreement" means a written, recorded agreement in which the holder of an interest in, or lien or encumbrance on the Bank Property makes the lien or encumbrance subject to and of lower priority than the Conservation Easement, even though the lien or encumbrance was recorded before the Conservation Easement.

31.33. "Transfer" means the use, sale, or conveyance of Credits by the Bank Sponsor.

32.34. "Unlawful Act" shall mean the unlawful act of any person or entity other than the Bank Sponsor or Property Owner and shall include an event or series of events, such as the intentional release within the Bank Property, or any connected watercourse, of any Hazardous Substance, or the discharge of such a substance in violation of a statute, ordinance, regulation or permit, which event or series of events has a material and detrimental impact on the Bank Property.

Section III: Stipulations

A. Baseline Condition

The current condition of the Bank Property is described in the Development Plan (Exhibit C-1) and the Biological Resources Survey (Exhibit H).

(b) (5)

(b) (5)

C-B. Exhibits

The following Exhibits are attached to and incorporated by this reference into this

(b) (5) BEA:

1. "Exhibit A" - Bank Location Maps
 - A-1 General Vicinity Map
 - A-2 Map showing [*if applicable, include:* Property and] Bank Property
2. "Exhibit B" - Service Area Map(s) and Description(s)
 - B-1 Map(s) of the Bank's Service Area(s)
 - B-2 Narrative description(s) of the Bank's Service Area(s)

3. "Exhibit C" - Development Plan
 - C-1 Development Plan
 - C-2 Construction Security Analysis and Schedule
 - C-3 Performance Security Analysis and Schedule
4. "Exhibit D" - Bank Management and Operation Documents
 - D-1 Interim Management Security Analysis and Schedule
 - D-2 Endowment Fund Analysis and Schedule
 - D-3 Instructions and Forms for Submission or Disbursement of Funds
 - D-4 Interim Management Plan
 - D-5 Long-Term Management Plan
 - D-6 Bank Closure Plan
5. "Exhibit E" - Real Estate Records and Assurances
 - E-1 Preliminary Title Report, Legal Description, and Parcel Map(s)
 - E-2 Property Assessment and Warranty
 - E-3 Plat Map(s)
 - E-4 Approved-as-to-form Conservation Easement Deed or Grant Deed
6. "Exhibit F" - Bank Crediting and Credit Transfers
 - F-1 Credit Evaluation and Credit Table
 - F-2 Credit Purchase Agreement and Payment Receipt Templates
 - F-3 Credit Transfer Ledger Template
7. "Exhibit G" - Phase I Environmental Site Assessment
8. "Exhibit H" - Biological Resources Survey
9. "Exhibit I" - Cultural Resources
10. "Exhibit J" - Other Environmental Documentation, Permits, Amendments or Revisions

Section IV: Bank Evaluation and Development

A. Bank Site Assessment by the FWS and BLM

(b) (5)

(b) (5)

B. Bank Sponsor's Responsibilities for Bank Development

The Bank Sponsor agrees to perform all necessary work, in accordance with the provisions of this (b) (5) BEA, to establish, monitor, and maintain the Covered Species and Covered Habitats, as described in the Development Plan, on the Bank Property (b) (5)

(b) (5)

C. Phase I Environmental Site Assessment

Bank Sponsor or Property Owner has provided a current Phase I Environmental Site Assessment of the Bank Property, attached hereto as Exhibit G, showing that the Bank Property is not subject to any recognized environmental conditions as defined by the American Society for Testing and Materials (ASTM) Standard E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (i.e., the presence or likely presence of any Hazardous Substances or petroleum products). (b) (5)

(b) (5)

(b) (5)

D.C. Permits

The Bank Sponsor will obtain all appropriate permits and other authorizations needed to construct and maintain the Bank. This (b) (5) BEA does not constitute or substitute for any such approval. (b) (5)

(b) (5)

F.D. Modification of the Development Plan

In the event that after the (b) (5) BEA is signed by the Parties, the Bank Sponsor and the FWS and BLM determine that modifications must be made in the Development Plan to ensure successful creation, restoration, and enhancement of Covered Habitat within the Bank, or in order to comply with specific permits or other authorizations needed to establish the Bank, the Parties shall meet to discuss the required modifications, and the

Bank Sponsor shall submit a written request for approval of such modifications to FWS and BLM within 60 days of the meeting. Upon written approval from each member of the FWS and BLM, the Bank Sponsor shall then implement all approved modifications. The Bank Sponsor shall provide revised [as-built] drawings to the FWS and BLM members within 90 days of completion of the modifications.

G.E. Property Assessment and Warranty

Property Owner shall notify the FWS and BLM of any errors or discrepancies in the Property Assessment and Warranty (**Exhibit E-2**) discovered subsequent to Property Owner's signing of this (b) (5) BEA. The FWS and BLM shall evaluate any impacts of the errors or discrepancies on the Bank Property and the Conservation Easement, and may reduce the number of available Credits as a result of such impacts according to the policies of the FWS and BLM in effect at the time of notice to the FWS and BLM.

Section V: Bank Establishment Date

The Bank Establishment Date will occur and Transfer of Credits may begin only when all of the following actions have occurred:

1. The (b) (5) BEA has been fully executed by all of the Parties,
2. The Conservation Easement has been accepted by a Grantee approved by the [FWS or BLM?] and recorded in the Official Records of the county in which the Bank Property is located, and;
3. The Bank Sponsor has complied with its obligation to furnish financial assurances in accordance with Section VI.

Within 30 days of the Bank Establishment Date, the Bank Sponsor shall provide an electronic copy of the final, signed (b) (5) BEA including all of its Exhibits, to FWS and BLM.

Section VI: Financial Assurances

The Bank Sponsor is responsible for providing financial assurances for the performance and completion of Bank construction, management, monitoring, and Remedial Action in accordance with this (b) (5) BEA, as set forth in this Section VI. The financial assurances shall be held in accordance with Section VIII.E. The Bank Sponsor shall notify FWS and BLM in accordance with Section XII.K. upon furnishing each of the following financial assurances:

A. [Construction or Restoration] Security

Prior to the first Credit Release, the Bank Sponsor shall furnish to (b) (5) (b) (5) Construction Security in the amount of 100% of a reasonable third party estimate or contract to create, restore or enhance Covered Habitat on the Bank Property in accordance with the Development Plan as specified in **Exhibit C-2**. The Construction Security shall be in the form of (b) (5) (b) (5). The Bank Sponsor shall ensure that the full amount of the Construction Security shall remain in effect throughout the performance of construction and planting to create, restore or enhance Covered Habitat on the Bank Property in

(b) (5)

accordance with the Development Plan. *Provided, however*, that if all such construction and planting is completed in accordance with the Development Plan prior to the date on which Bank Sponsor would otherwise be required to furnish the Construction Security then no Construction Security shall be required.

(b) (5)

B. Performance Security

Concurrent with the Transfer of the first Credit, Bank Sponsor shall furnish to (b) (5) (b) (5) performance Security in the amount of 20% of the Construction Security as specified in Exhibit C-3. The Performance Security shall be in the form of (b) (5). The Bank Sponsor shall ensure that the full amount of the Performance Security shall remain in effect until the FWS and BLM determines that all of the Performance Standards have been met and all Remedial Action required under Section VIII.F has been completed.

C. Interim Management Security

Concurrent with the Transfer of the first Credit (b) (5) Bank Sponsor shall furnish to [BLM] Interim Management Security in the amount specified in Exhibit D-1. The amount of the Interim Management Security shall be equal to the estimated cost to implement the Interim Management Plan during the first year of the Interim Management Period, as set forth in the Interim Management Security Analysis and Schedule (Exhibit D-1). Cost estimates should be based on tasks implemented by a third party in present day dollars or equipment prices in present day dollars. The Interim Management Security shall be (b) (5). The Bank Sponsor shall ensure that the full amount of the Interim Management Security shall remain in effect until the end of the Interim Management Period.

D. Letters of Credit

Letters of credit, when selected, shall be submitted to and approved by the holding agency before they satisfy any financial assurance requirement. Any letter of credit shall be issued for a period of at least one year, and shall provide that the expiration date will be automatically extended for at least one year on each successive expiration date unless, at least 120 days before the current expiration date Bank Sponsor and the holder have received notice from the issuing institution of its decision not to extend the expiration date, as evidenced by the return receipts. The letter of credit shall provide that any unused portion shall be available for 120 days after the date Bank Sponsor and the holder have received such notice, as shown on the signed return receipts. If the issuer fails to extend the expiration date of any letter of credit, Bank Sponsor shall provide the holder with replacement security in the form of a letter of credit or cashier's check, as determined by the holder, within 60 days after receiving notice of the issuer's failure to extend. If Bank Sponsor does not provide such replacement security on or before the expiration of the 60-day period, then the holder shall have the right to immediately draw upon the letter of credit for which the replacement security was required.

E. Endowment Fund

Comment [SOL53]: This sounds like a long term trust under 3809. If so, it has some significant uncertainties

1. The Endowment Fund shall be in an amount sufficient to fully provide (b) (5) (b) (5) the long-term management of the Bank in accordance with the Long-term Management Plan and the Endowment Fund Analysis and Schedule (**Exhibit D-2**). Cost estimates should be based on tasks implemented by a third party in present day dollars or equipment prices in present day dollars (b) (5)
2. The Endowment Fund shall be held in the Special Deposit Fund or subsequent state authorized trust fund pursuant to state law. The Bank Sponsor shall fund the Endowment Principal through Endowment Deposits according to the schedule below. The Endowment Principal shall be funded as follows:
 - a. A minimum of 15% of the Endowment Principal shall be funded prior to the earliest of: 1) the second Covered Species and Covered Habitat Preservation Credit Release; or 2) the second Covered Species and Covered Habitat creation Credit Release;
 - b. A minimum of 40% of the Endowment Principal shall be funded prior to the earliest of: 1) the third Covered Species and Covered Habitat Preservation Credit Release; or 2) the third Covered Species and Covered Habitat creation Credit Release;
 - c. A minimum of 70% of the Endowment Principal shall be funded prior to the earliest of: 1) the fourth Covered Species and Covered Habitat Preservation Credit Release; or 2) the fourth Covered Species and Covered Habitat creation Credit Release;
 - d. 100% of the Endowment Principal shall be funded prior to the earliest of: 1) the fifth Covered Species and Covered Habitat Preservation Credit Release; or 2) the fifth Covered Species and Covered Habitat creation Credit Release.
3. Until the Endowment is fully funded, the amount of the Endowment Principal shall be adjusted by the Bank Sponsor annually, on January 2 of each year following the Bank Establishment Date (each such date is referred to as an "Adjustment Date"), by a percentage equal to the percentage increase, if any, in the [Consumer Price Index,]. Adjustment of the Endowment Principal is the percentage increase of the CPI published most immediately preceding the Adjustment Date, as compared to the CPI published most immediately preceding the date of this (b) (5) BEA. The adjustment shall be applied to the amount of the initial Endowment Principal.
4. Bank Sponsor shall notify the FWS and BLM of each Endowment Deposit made, within 30 days of such deposit (b) (5) (b) (5)

F. Section VII: Covered Species and Covered Habitat Credit Release

Each Credit Release must be approved in writing by the FWS and BLM.

1. Credits for Covered Species and Covered Habitat shall be determined and released as

described in this Section VII.B and the Credit Table (**Exhibit F-1**). Anticipated Credits have been assigned to the Bank based upon Credit methodologies developed by [TNC and approved by the FWS and BLM].

2. Upon the Bank Sponsor's submittal of all documentation required under this (b) (5) BEA by the Bank Sponsor, and approval by the FWS and BLM, the FWS and BLM will release Credits for Covered Species and Covered Habitat as described below. The actual number of Credits released shall be determined by FWS, in consultation with BLM, based upon attainment of the Performance Standards (if applicable) and upon funding of the Endowment Principal in accordance with Section VI.E. No Credit Transfer shall occur until the applicable Credit Release has occurred.

(b) (5) Credits described in the Credit Table (**Exhibit F-1**) for Covered Species and Covered Habitat shall be released as follows:

- 1) 15% of the total anticipated Preservation Credits upon the Bank Establishment Date.
- 2) 25% of the total anticipated Preservation Credits upon funding the Endowment Principal according to Section VI.E.2.a.
- 3) 15% of the total anticipated Preservation Credits upon funding the Endowment Principal according to Section VI.E.2.b.
- 4) 15% of the total anticipated Preservation Credits upon funding the Endowment Principal according to Section VI.E.2.c.
- 5) The remaining Preservation Credits upon full funding of the Endowment Principal according to Section VI.E.2.d.

(b) (5)

3. The Bank Sponsor shall submit as-built drawings, with accurate maps of the

constructed habitats (b) (5) to the FWS and BLM no later than 90 calendar days following completion of construction associated with the establishment of the constructed habitats on the Bank Property. The as-built drawings and any attachments must describe in detail any deviation from the Development Plan.

4. Any deviation from the Development Plan or failure to meet Performance Standards may reduce the number of Covered Species and Covered Habitat creation Credits available for releases determined by BLM and/or FWS, as appropriate, in consultation with the other agency. The Bank Sponsor shall revise the Credit Table in Exhibit F-1 (b) (5) to reflect any reduction in the available Covered Species and Covered Habitat Creation Credits (b) (5)

(b) (5)

Section VIII: Operation of the Bank

A. Service Area

The Service Area is described and shown in Exhibit B.

B. Transfer of Credits

1. (b) (5)
2. In no case shall the number of Credits or any particular type Transferred or obligated exceed the total number of Credits of that type which have been released for Transfer, as evidenced by written approval of the FWS and BLM.
3. (b) (5)
4. Bank Sponsor shall notify FWS and BLM upon any Credit Transfer in accordance with Section IX.C. of this BEA.
5. If the Bank Property is damaged after the Bank Establishment Date, and such damage materially impairs habitat values on such damaged Bank Property, then the FWS and BLM may, at their discretion, direct Bank Sponsor to suspend the Transfer of Credits and/or reduce the number of Credits allocated to the Bank in proportion to such damaged area unless and until the Bank Sponsor has reasonably restored such damaged area pursuant to a Remedial Action plan approved by the FWS and BLM.
6. If FWS approves an HCP [CCAA or CCA?] covering all or any part of the Service Area, and that plan uses habitat categories different from those set forth in Exhibit F-1, then, at the request of the Bank Sponsor, the remaining Credits for Covered Species or Covered Habitat may be reallocated at the discretion of the FWS to conform to the habitat categories in the approved HCP [CCAA or CCA?], as

(b) (5)

applicable.

7. Credit modifications due to expansion, restoration or other means that have been approved in writing by the FWS and BLM, shall be set forth in an amendment to this **BEA** according to Section XII.D.1.
8. Each Credit Transfer shall be made pursuant to a written purchase agreement in the form of **Exhibit F-2**.

C. Interim and Long-term Management and Monitoring

1. Interim Management and Monitoring

Bank Sponsor shall be responsible for conducting management and monitoring activities on **Bank Property** according to the Interim Management Plan (**Exhibit D-4**) until all of the Performance Standards are met and the Endowment Fund has been fully funded for one year.

2. Long-term Management and Monitoring

Once the Performance Standards have been met and the Endowment Fund has been fully funded for one year, the Property Owner shall implement long-term management and monitoring of the Bank Property according to the Long-term Management Plan. Property Owner shall be obligated to manage and monitor the Bank Property in perpetuity to preserve its habitat and conservation values in accordance with this **BEA**, the Conservation Easement and the Long-term Management Plan (**Exhibit D-5**). Such activities shall be funded through the Endowment Fund according to Section VIII.E.2.k **(b) (5)**

(b) (5)

(b) (5)

D. Bank Closure Plan

1. Upon Bank closure, no further Credit Transfer shall occur.
2. The Bank closure shall be deemed to take place upon occurrence of all of the following:
 - a. All Performance Standards have been met; and
 - b. Either:
 - 1) The last authorized Credit has been Transferred; or
 - 2) The Bank Sponsor requests bank closure by written notice to the FWS and BLM and **(b) (5)**

(b) (5) and

- c. All financial responsibilities of the Bank Sponsor have been met, including 100% funding of the Endowment Fund for not less than one year.

(b) (5)

E. Financial Operations

All financial transactions shall be reported in accordance with Section IX.

1. Securities

a. Construction Security

- 1) The holder shall be entitled to draw upon the Construction Security if:
 - a) any Transfer of Credits has been made; and
 - b) either (i) at any time after the Bank Establishment Date, the FWS and BLM determine that the Bank Sponsor is not making good faith efforts to complete construction and planting in accordance with the Development Plan, or (ii) two years has elapsed since the Bank Establishment Date, and construction and planting in accordance with the Development Plan is not complete.
- 2) The Construction Security (or any portion of such security then remaining) shall be released to the Bank Sponsor after the Bank Sponsor completes the construction and planting activities in accordance with the Development Plan, as demonstrated by:
 - a) Bank Sponsor's submission of as-built drawings in accordance with Section VII.A.2 and Section VII.B.3;
 - b) An on-site inspection by the FWS and BLM; and
 - c) Written approval from the FWS and BLM.

b. Performance Security

- 1) The holder shall be entitled to draw upon the Performance Security in accordance with Section VIII.F.1.
- 2) If any portion of the Performance Security is drawn upon pursuant to this Section VIII.F.1, then the Bank Sponsor shall replenish the Performance Security to the amount specified in **Exhibit C-3** within 90 days after written notice from the holder.
- 3) The Performance Security (or any portion of such security then remaining) shall be released to the Bank Sponsor after all of the Performance Standards have been met and all Remedial Action, if any, has been completed, as evidenced by:

- a) Timely submission of all required annual reports in accordance with Section IX.B;
- b) The third anniversary of the completion of all Remedial Action, if any, in accordance with the applicable Remedial Action plan(s);
- c) An on-site inspection by the FWS and BLM; and
- d) Written approval from the FWS and BLM.

c. Interim Management Security

- 1) The holder shall be entitled to draw upon the Interim Management Security if any Transfer of Credits has been made and the FWS and BLM determine that during any 12-month period the Bank Sponsor has not performed all tasks as required under the Interim Management Plan.
- 2) In the event that the Interim Management Security is drawn upon pursuant to this section, the Bank Sponsor shall replenish the Interim Management Security to the amount specified in **Exhibit D-1** within 90 days after written notice from the holder.
- 3) Provided that the Bank Property has been managed in accordance with the Interim Management Plan, the Interim Management Security (or any portion of such security then remaining) shall be released to the Bank Sponsor one year after the Endowment Fund has been fully funded and all Performance Standards in the Development Plan have been met.

2. Endowment Fund

a. Endowment Fund Deposits

- 1) **(b) (5)** shall deposit the Endowment Deposits it receives into the Special Deposit Fund or subsequent state authorized trust fund established pursuant to state law.

b. Endowment Fund Management

- 1) The Endowment Principal amount should not decrease in value through expenditure or investment strategy. The Endowment Principal amount is intended to increase in value to keep up with inflation. Therefore a portion of the interest and earnings on the Endowment Principal balance shall be reinvested into the Endowment Fund as required to adjust the Endowment Principal using the same CPI adjustment formula as set forth in Section VI.E.3. After the Endowment Principal is fully funded, even if interest earnings are insufficient to increase the Endowment

Principal to keep up with inflation, no additional Endowment monies will be required from the Property Owner or the Bank Sponsor.

- 2) Interest earnings beyond those necessary to provide for Endowment Principal growth commensurate with inflation will be made available to fund annual management of the Bank Property in accordance with the terms of this (b) (5) BEA and the Long-term Management Plan.
- 3) Any Endowment Fund revenues (including earnings and interest) remaining after the Endowment Principal is adjusted for inflation that exceed the anticipated annual management expenses of the Bank Property shall be retained in the Endowment Fund and may be made available to fund unexpected expenses and Adaptive Management needs.
- 4) Property Owner shall invoice [Trustee] for management activities of Bank Property following the invoicing instructions in **Exhibit D-3**.
- 5) If there is not sufficient funding available from the Endowment Fund interest and earnings or if Long-term Management expenses exceed those estimated in the Endowment Fund Analysis and Schedule (**Exhibit D-2**), the Bank Sponsor or Property Owner shall consult with the FWS and BLM to identify the most effective means to implement the management measures and tasks with the resources available. After consultation with the FWS and BLM, the Bank Sponsor or Property Owner shall submit the resulting proposal in writing to the FWS and BLM within 60 days after completion of its consultation with the FWS and BLM. Upon written approval of the FWS and BLM, the Bank Sponsor or Property Owner shall implement the approved management measures and tasks.

3. Financial Records and Auditing

The Bank Sponsor and/or Property Owner, as appropriate, shall maintain complete and accurate records relating to the financial operation of the Bank using generally accepted accounting methods, principles and practices consistently applied. The financial operation of the Bank includes all financial assurances received or expended during the establishment and operation of the Bank. At the request of the FWS and BLM, no more frequently than annually, the Bank Sponsor and/or Property Owner, as appropriate, shall have records relating to the financial operation of the Bank audited by an independent, licensed Certified Public Accountant and shall submit the auditor's report to the FWS and BLM upon completion.

The signatory agencies or their designated representatives shall also have the right to review and copy any records and supporting documentation pertaining to the performance of this (b) (5) BEA. Bank Sponsor and Property Owner agree to maintain such records for possible audit for a minimum of three years after Bank Closure, or

three years after the date of performance, whichever is later. Bank Sponsor and Property Owner agree to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employee or representative who might reasonably have information related to such records. Further, Bank Sponsor and Property Owner agree to include a similar right of State and federal auditors to audit records and interview employees and representatives in any contract related to the performance of this ^{(b) (5)} BEA.

F. Remedial Action Plan

Prior to Bank closure, if any Party discovers any failure to achieve the Performance Standards or any injury or adverse impact to the Bank Property as preserved, restored, or enhanced, the Party making the discovery shall notify the other Parties. The FWS and BLM may require the Bank Sponsor to develop and implement a Remedial Action plan to correct such condition, as described below. The annual report required under Section IX.B. shall identify and describe any Remedial Action proposed, approved, or performed and, if the Remedial Action has been completed, evaluate its effectiveness.

1. Within 60 days of the date of written notice from the FWS and BLM, the Bank Sponsor shall develop a Remedial Action plan and submit it to the FWS and BLM for approval. The Remedial Action plan must identify and describe proposed actions to achieve the Performance Standards or ameliorate injury or adverse impact to the Bank Property and set forth a schedule within which the Bank Sponsor will implement those actions. The Bank Sponsor shall, at Bank Sponsor's cost, implement the necessary and appropriate Remedial Action in accordance with the Remedial Action plan approved by the FWS and BLM. In the event the Bank Sponsor fails to submit a Remedial Action plan to the FWS and BLM in accordance with this section, the FWS and BLM will notify the Bank Sponsor that the Bank Sponsor is in default and may identify Remedial Action the FWS and BLM members deems necessary. If (a) the Bank Sponsor fails to develop a Remedial Action plan or to implement Remedial Action identified by the FWS and BLM, in accordance with this section, or (b) conditions have not improved or continue to deteriorate two years after the date that the FWS and BLM approved a Remedial Action plan or notified Bank Sponsor of Remedial Actions the FWS and BLM deemed necessary, then the holder of the Performance Security may draw upon that security to undertake Remedial Action on the Bank Property.
2. If the FWS and BLM determine that the Bank is operating at a Credit deficit (i.e., that Credit Transfers made exceed the Credits authorized for release, as adjusted in accordance with this ^{(b) (5)} BEA), then the FWS and BLM shall notify the Bank Sponsor. Upon the FWS and BLM giving such notice, Bank Sponsor shall immediately cease Transfer of Credits. The FWS and BLM will determine what Remedial Action is necessary to correct the Credit deficit, and Bank Sponsor shall implement such Remedial Action, in accordance with this Section VIII.F.

Section IX: Reporting

A. Annual Inflation Adjustments to Endowment Fund Report

On January 2nd of each year following the Bank Establishment Date and until the Endowment Fund is fully funded, the Bank Sponsor shall report to the FWS and BLM, in hard copy and in editable electronic format, the following values:

1. The adjusted Endowment Principal, determined in accordance with Section VI.E.3; and
2. The resulting adjusted Endowment Deposit amounts.

B. Annual Report

Bank Sponsor or Property Owner, as appropriate, shall submit an annual report to each member of the FWS and BLM, in hard copy and in editable electronic format, on or before August 15th of each year following the Bank Establishment Date. Each annual report shall cover the period from July 1 of the preceding year (or if earlier, the Bank Establishment Date for the first annual report) through June 30th of the current year (the "Reporting Period"). The Bank Sponsor shall be responsible for the reporting tasks described below until Bank closure. After Bank closure, the Property Owner shall be responsible for such reporting, annually, as per the Long-term Management Plan. The annual report shall address the following:

1. Bank Development

The annual report shall document the degree to which the Bank is meeting the Performance Standards. The annual report shall describe any deficiencies in attaining and maintaining Performance Standards and any Remedial Action proposed, approved, or performed. If Remedial Action has been completed, the annual report shall also evaluate the effectiveness of that action.

2. Interim Management and Long-term Management

The annual report shall contain an itemized account of the management tasks conducted during the reporting period in accordance with the Interim Management or Long-term Management Plan, including the following:

- a. The time period covered, i.e. the dates "from" and "to";
- b. A description of each management task conducted, the dollar amount expended and time required; and
- c. The total dollar amount expended for management tasks conducted during the reporting period.

3. Transfer of Credits

The annual report shall include an updated Credit Transfer Ledger (**Exhibit F-3**)

(b) (5)

showing all Credits transferred since the Bank Establishment Date and an accounting of remaining Credits.

4. Financial Operation

The annual report shall set forth an itemized account of any and all activity of Bank Sponsor and/or Property Owner regarding the Construction Security, Performance Security, Interim Management Security, and the Endowment Fund.

C. Credit Transfer Reporting

Upon the Transfer of each and every Credit the Bank Sponsor shall submit to FWS and BLM:

1. A copy of the fully executed Credit Purchase Agreement in the form provided at **Exhibit F-2**; and
2. An updated Credit Transfer Ledger, in hard copy and in editable electronic format in the form provided at **Exhibit F-3**.

Section X: Responsibilities of the Bank Sponsor and Property Owner

3.35. Without limiting any of its other obligations, including without limitation, under the Conservation Easement, Bank Sponsor and Property Owner each hereby agrees and covenants that:

a.

(b) (5)

b. Bank Sponsor shall be responsible for all activities and costs associated with the establishment and operation of the Bank, including but not limited to construction, planting, Remedial Action, documentation, maintenance, management, monitoring, and reporting, until the Endowment Principal has been fully funded for one year and all Performance Standards have been met.

c.

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d. It shall not discharge or release to or from the Bank Property, or permit

(b) (5)

others to discharge or release to or from the Bank Property, any material, waste or substance designated as hazardous or toxic or as a pollutant or contaminant under any federal, state, or local environmental law or regulation (each a "Hazardous Substance").

e. Property Owner shall not create or suffer any lien or encumbrance upon the Bank Property other than as set forth in the Property Assessment and Warranty approved by the FWS and BLM, and Property Owner shall not execute, renew, or extend any lien, lease, license, or similar recorded or unrecorded right or interest in the Bank Property (b) (5)

f.e. It shall not construct or install any structure or improvement on, or engage in any activity or use of, the Bank Property, including mineral exploration or development, excavation, draining, dredging, or other alteration of the Bank Property that is not consistent with and in accordance with this (b) (5) BEA and its Exhibits.

g.f. Bank Sponsor shall ensure that the Bank Property is managed and maintained in accordance with this (b) (5) BEA and its Exhibits.

h.g. Property Owner shall allow, or otherwise provide for, access to the Bank Property by Bank Sponsor, Grantee, the FWS and BLM agencies and third parties, as described in the Conservation Easement.

i.h. The Property Owner shall grant to Bank Sponsor all rights and authority necessary to carry out, and shall not limit the Bank Sponsor in performing, its responsibilities and obligations on and affecting the Bank Property in accordance with this (b) (5) BEA.

34.36. Reasonably foreseeable technical problems, or unanticipated or increased costs or expenses associated with the implementation of actions called for by this (b) (5) BEA, or changed financial or business circumstances in and of themselves shall not serve as the basis for modifications of this (b) (5) BEA or extensions for the performance of the requirements of this (b) (5) BEA.

35.37. An extension of one compliance date based upon or related to a single incident shall not extend any subsequent compliance dates. The Bank Sponsor or Property Owner must show cause for any or every delayed step or requirement for which an extension is sought.

Section XI: Responsibilities of the FWS and BLM

A. FWS and BLM Oversight

(b) (5)

B. FWS and BLM Review

The FWS and BLM will make a good faith effort to provide comments on the annual reports and Remedial Action plans within 60 days from the date of complete submittal. If

the FWS and BLM are unable to review Remedial Action plans within the time specified, this fact will be reflected in any schedule established for performance of Remedial Action and any evaluation of timely performance of Remedial Action by Bank Sponsor or Property Owner.

C. Compliance Inspections

The FWS and BLM shall conduct (b) (5) as necessary:

1. To verify the Credits currently available in the Bank; and/or
2. Recommend Remedial Action as needed; or
3. For any other purpose determined by the FWS AND BLM as necessary to assess compliance with this (b) (5) BEA.

Section XII: Other Provisions

A. Force Majeure

1. The Bank Sponsor and Property Owner shall be responsible to maintain the Bank Property and perform Remedial Action except for damage or non-compliance caused by Catastrophic Events, events of Force Majeure or Unlawful Acts. In order for such exception to apply, the Bank Sponsor and Property Owner shall bear the burden of demonstrating all of the following:
 - a. That the damage or non-compliance was caused by circumstances beyond the control of the Bank Sponsor, Property Owner, and any person or entity under the direction or control of the Bank Sponsor or Property Owner, including its employees, agents, contractors and consultants;
 - b. That neither the Bank Sponsor, Property Owner, nor any person or entity under the direction or control of the Bank Sponsor or Property Owner, including its employees, agents, contractors and consultants, could have reasonably foreseen and prevented such damage or non-compliance; and
 - c. The period of damage or non-compliance was a direct result of such circumstances.
2. The Bank Sponsor and Property Owner shall notify the FWS and BLM within 24 hours of occurrence of a Catastrophic Event, event of Force Majeure, or Unlawful Act, and as promptly as reasonably possible thereafter Bank Sponsor, Property Owner, and the FWS and BLM shall meet to discuss the course of action in response to such occurrence. In the meantime, Bank Sponsor and Property Owner shall continue to manage and maintain the Bank Property to the full extent practicable.

B. Dispute Resolution

1. The FWS and BLM, the Bank Sponsor, and the Property Owner agree to work

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together in good faith to resolve disputes concerning this (b) (5) BEA, but any of the Parties may seek any available remedy. Unless any of the Parties has initiated legal action, any Party may elect to employ an informal dispute resolution process whereby:

- a. The electing Party shall notify the other Parties of the dispute, the position of the aggrieved Party (including, if applicable, the basis for contending that a violation has occurred), and the remedies the electing Party proposes;
- b. The notified Parties shall have 30 days (or such other time as the Parties may mutually agree) to respond. During this time, any such other Parties may seek clarification of the initial notice;
- c. Within 30 days after such notified Parties' response was provided or due, whichever is later, the Parties shall confer and negotiate in good faith toward a mutually satisfactory resolution, or shall establish a specific process and timetable to seek such resolution.
- d. The dispute resolution process may be terminated by any Party upon written notice to all other Parties.

C. Conveyance of Bank Property or Other Interests

1. All transfers of any interest in the Bank Property or the Conservation Easement are subject to the applicable provisions of the Conservation Easement.
2. The Property Owner shall have the right to sell, assign, transfer or convey (each a "transfer") its interest in the Bank Property at any time; *provided, however*, that any such transfer on or after the execution date of this (b) (5) BEA must be made in accordance with this (b) (5) BEA and the Conservation Easement, and shall be subject to written concurrence by the FWS and BLM and Bank Sponsor. Such concurrence shall be subject to the requirement that the transferee assumes and agrees in writing to observe and perform all of the Property Owner's obligations pursuant to this (b) (5) BEA and the Conservation Easement. From and after the date of any transfer by Property Owner of its interest in the Bank Property, the transferor shall have no further obligations hereunder and all references to Property Owner in this (b) (5) BEA shall thereafter refer to such transferee, except that the transferor's liability for acts, omissions, or breaches occurring prior to the transfer shall survive the transfer. Any transfer of the Property Owner's interest in the Bank Property made without the prior written concurrence of the FWS and BLM may, at the discretion of the FWS and BLM, result in the termination of this (b) (5) BEA according to Section XII.D.2.c.
3. The Bank Sponsor may sell or convey its interest in the Bank at any time, provided that Bank Sponsor is in full compliance with all requirements of this (b) (5) BEA (including all financial assurance requirements), and subject to the prior written approval of the FWS and BLM. If any of the financial assurances required under this (b) (5) BEA are not completely funded at the time the Bank Sponsor requests FWS and BLM approval of a sale or conveyance, then the FWS and BLM shall not

approve such sale or conveyance unless and until either the current Bank Sponsor, or the proposed replacement Bank Sponsor, shall have provided all required financial assurances. In addition, prior to sale or conveyance, the Bank Sponsor shall provide to the FWS and BLM a written agreement signed by the replacement Bank Sponsor in which the Bank Sponsor assigns to the replacement Bank Sponsor, and the replacement Bank Sponsor assumes and agrees to perform, all of the responsibilities and obligations of the Bank Sponsor under the (b) (5) BEA. Any such sale or conveyance made without the prior written concurrence of the FWS and BLM may, at the discretion of the FWS and BLM, result in the termination of this (b) (5) BEA according to Section XII.D.2.c.

D. Modification and Termination of the (b) (5) BEA

1. Amendment and Modification

This (b) (5) BEA, including its Exhibits, may be amended or modified only with the written approval of the Parties. All amendments and modifications shall be fully set forth in a separate document signed by all Parties that shall be appended to this (b) (5) BEA.

2. Termination

- a. The Bank Sponsor and Property Owner may jointly withdraw the entire Bank Property and terminate this (b) (5) BEA at any time prior to any Credit Transfer, provided that habitat values existing on the Bank Property prior to the initiation of any efforts to restore or enhance the Bank Property shall be preserved in a condition at least equal to that which existed prior to initiation of Bank establishment efforts, and as the Conservation Easement may require.
- b. In the event this (b) (5) BEA is terminated or the Bank is closed prior to the Transfer of all authorized Credits, any remaining Credits shall be extinguished and will no longer be available for Transfer.
- c. The FWS and BLM may terminate this (b) (5) BEA if the Bank Sponsor or Property Owner sells or conveys the Bank or the Bank Property without the (b) (5) as required by Section XII.C.
- d. The FWS and BLM may terminate their participation in this (b) (5) BEA upon 30 days' notice to the other Parties, on the condition that each of the following has occurred:
 - 1) Bank Sponsor or Property Owner has breached one or more covenants, terms or conditions set forth herein;
 - 2) Bank Sponsor or Property Owner, as applicable, has received notice of such breach from the terminating FWS and BLM in accordance with paragraph XII.B., if applicable, and XII.K.; and

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- 3) Bank Sponsor or Property Owner, as applicable, has failed to cure such breach within 30 days after such notice; provided that in the event such breach is curable in the judgment of the FWS and BLM, but cannot reasonably be cured within such 30 day period, the FWS and BLM agency shall not terminate this (b) (5) BEA so long as Bank Sponsor or Property Owner has commenced the cure of such breach and is diligently pursuing such cure to completion.
- e. Nothing in this Section XII.D.2 is intended or shall be construed to limit the legal or equitable remedies (including specific performance and injunctive relief) available to the FWS or BLM in the event of a threatened or actual breach of this (b) (5) BEA.

E. Default

The Bank Sponsor and/or Property Owner shall be in default if that Party fails to observe or perform any obligations or responsibilities required of it by this (b) (5) BEA. In the event the Bank Sponsor and/or Property Owner realizes it is in default, it shall promptly notify the other Parties. Once the Parties receive notification or otherwise become aware that the Bank Sponsor and/or Property Owner is in default, the Parties may elect to either pursue informal dispute resolution consistent with Section XII.B or may cause the holder to draw upon and expend the appropriate financial security as necessary to continue Bank development, management, or operation, as provided in Section VI and VIII E. In the event the informal dispute resolution process is invoked, the (b) (5)

(b) (5) This Section XII.E shall not be construed to modify or limit any specific right, remedy, or procedure in any Section of this (b) (5) BEA or any remedy available under applicable State and/or Federal Law.

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F. Controlling Language

The Parties intend the provisions of this (b) (5) BEA and each of the documents incorporated by reference in it to be consistent with each other, and for each document to be binding in accordance with its terms. To the fullest extent possible, these documents shall be interpreted in a manner that avoids or limits any conflict between or among them. However, if and to the extent that specific language in this (b) (5) BEA conflicts with specific language in any document that is incorporated into this (b) (5) BEA by reference, the specific language within the (b) (5) BEA shall be controlling. The captions and headings of this (b) (5) BEA are for convenient reference only, and shall not define or limit any of its terms or provisions.

G. Entire Agreement

This (b) (5) BEA, and all exhibits, appendices, schedules and agreements referred to in this (b) (5) BEA, constitute the final, complete and exclusive statement of the terms of the agreement between and among the FWS and BLM and the Bank Sponsor and Property Owner pertaining to the Bank, and supersede all prior and contemporaneous discussions,

negotiations, understandings or agreements of the Parties. No other agreement, statement, or promise made by the Parties, or to any employee, officer, or agent of the Parties, which is not contained in this (b) (5) BEA, shall be binding or valid. No alteration or variation of this (b) (5) Agreement shall be valid or binding unless contained in a written amendment in accordance with Section XII.D.1. Each of the Parties acknowledges that no representation, inducement, promise or agreement, oral or otherwise, has been made by any of the other Parties or anyone acting on behalf of any of the Parties unless the same has been embodied herein.

H. Reasonableness and Good Faith

Except as specifically limited elsewhere in this (b) (5) BEA, whenever this (b) (4) BEA requires Bank Sponsor, Property Owner, or the FWS and BLM to give its consent or approval to any action on the part of the other, such consent or approval shall not be unreasonably withheld or delayed. If the Bank Sponsor, Property Owner, or the FWS and BLM disagrees with any determination covered by this provision and reasonably requests the reasons for that determination, the determining Party shall furnish its reasons in writing and in reasonable detail within 30 days following the request.

I. Successors and Assigns

This (b) (5) BEA and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns subject to the limitations on transfer set forth in this (b) (5) BEA.

J. Partial Invalidity

If a court of competent jurisdiction holds any term or provision of this (b) (5) BEA to be invalid or unenforceable, in whole or in part, for any reason, the validity and enforceability of the remaining terms and provisions, or portions of them, shall not be affected unless an essential purpose of this (b) (5) BEA would be defeated by loss of the invalid or unenforceable provision.

K. Notices

1. Any notice, demand, approval, request, or other communication permitted or required by this (b) (5) BEA shall be in writing and deemed given when delivered personally, sent by receipt-confirmed facsimile, or sent by recognized overnight delivery service, addressed as set forth below, or five days after deposit in the U.S. mail, postage prepaid, and addressed as set forth below.
2. Notice by any Party to any other Party shall be given to all Parties. Such notice shall not be effective until it is deemed to have been received by all Parties.
3. Addresses for purposes of giving notice are set forth below. Any Party may change its notice address by giving notice of change of address to the other Parties in the manner specified in this Section XII.K.

FWS AND BLM Members:

U.S. Fish and Wildlife Service

Office
[FIELD OFFICE ADDRESS]
Attn: Field Supervisor
Telephone:
Fax:

L. Counterparts

This (b) (5) BEA may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute a single executed agreement.

M. No Third Party Beneficiaries

This (b) (5) BEA shall not create any third party beneficiary hereto, nor shall it authorize anyone not a Party hereto to maintain any action, suit or other proceeding, including without limitation, for personal injuries, property damage or enforcement pursuant to the provisions of this (b) (5) BEA. The duties, obligations and responsibilities of the Parties to this (b) (5) BEA with respect to third parties shall remain as otherwise provided by law in the event this (b) (5) BEA had never been executed.

N. Availability of Funds

Implementation of this (b) (5) BEA by the FWS and BLM is subject to the requirements of the Anti-Deficiency Act, 31 U.S.C. § 1341, and the availability of appropriated funds. Nothing in this (b) (5) BEA may be construed to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury (b) (5) State Treasury]. No agency of the FWS and BLM is required under this (b) (5) BEA to expend any appropriated funds unless and until an authorized official affirmatively acts to commit to such expenditures as evidenced in writing.

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O. No Partnerships

This (b) (5) BEA shall not make or be deemed to make any Party to this (b) (5) BEA an agent for or the partner or joint venturer of any other Party.

P. Governing Law

This (b) (5) BEA shall be governed by and construed in accordance with the Federal Endangered Species Act, 16 U.S.C. § 661-666 (b) (5) (b) (5) the Fish and Wildlife Act of 1956, 16 U.S.C. § 742(f) et seq. (b) (5) (b) (5) the laws of the State of Nevada, including but not limited to the [Fish and Game Code], and other applicable federal and State of Nevada laws and regulations. Nothing in this Agreement is intended to limit the authority of the United States government to seek

(b) (5)

civil or criminal penalties or otherwise fulfill its enforcement responsibilities under the ESA, FLPMA, or other applicable law. Nothing in this agreement is intended to:

1. Characterize, define, quantify, or otherwise pre-judge any environmental impacts that may or may not be associated with any past, current, or future mining operations undertaken by (b) (5). The proposed agreement (b) (5) is, however, intended to define the methodology by which those impacts would be quantified.
2. Characterize, define, quantify, or otherwise pre-judge any avoidance, minimization, or compensatory mitigation activities undertaken by Barrick. The proposed agreement (b) (5) is, however, intended to define the methodology by which mitigation would be quantified.
3. Reduce, constrain, or frustrate fulfillment of the (b) (5) (b) (5) applicable under existing federal law, including FLPMA and ESA, to mining activities that may be undertaken by Barrick. It does, however, provide that Barrick will perform compensatory mitigation actions to benefit sage-grouse.
4. Reduce, constrain, or frustrate application of BLM's discretion to approve or disapprove any plan of operations that may be proposed by Barrick.
5. Reduce, constrain, or frustrate application of the USFWS's discretion to determine the conservation status of greater sage-grouse, including any decision related to designation of the sage-grouse as a threatened or endangered species, or establishment of critical habitat for the greater sage-grouse, if listed. This (b) (5) Agreement (b) (5) outlines the mitigation requirements that Barrick would be expected to satisfy (b) (5).

(b) (5)

Section XIII: Execution

Each of the undersigned certifies that he or she has full authority to bind the Party that he or she represents for purposes of entering into this (b) (5) BEA. This (b) (5) BEA shall be deemed executed on the date of the last signature by the Parties.

IN WITNESS WHEREOF, the Parties have executed this (b) (5) BEA as follows:

Bank Sponsor

By: _____

Name: _____

Title: _____

Date: _____

Property Owner

By: _____

Name: _____

Title: _____

Date: _____

Field Supervisor Date
Office
U.S. Fish and Wildlife Service

Field Supervisor Date
Office

(b) (5)

(b) (5)

Appendix 1 –Required Exhibits

1. **“Exhibit A” - Bank Location Maps**

A-1. General Vicinity Map

This map should show the Bank location in relation to cities, towns, or major roads, and other distinguishable landmarks.

A-2. Map of Property including Bank Property

This map should illustrate Property and Bank Property boundaries on a topographic map.

2. **“Exhibit B” – Service Area Map(s) and Description(s)**

B-1. Map(s) of the Bank’s Service Area(s)

Include Service Area map(s) showing the area within which each type of Credit (i.e., Covered Species or Covered Habitat) may be sold or obligated.

(b) (5)

B-2. Narrative description(s) of the Bank’s Service Area(s)

Include a detailed description of the area within which each type of Credit may be sold or obligated

3. **“Exhibit C” - Development Plan**

C-1. Development Plan

This plan should include the baseline conditions of the Bank Property including biological resources, geographic location and features, topography, hydrology, vegetation, past present and adjacent land uses, species and habitats occurring on the Bank Property; a description of the activities and methodologies for creating, restoring or enhancing Greater sage grouse habitat types; a map of the approved modifications, overall habitat establishment goals, objectives and Performance Standards; monitoring methodologies required to evaluate and meet the Performance Standards; an approved schedule for reporting monitoring results; a discussion of possible Remedial Actions; and any other information deemed necessary by the FWS and BLM.

(b) (5)

C-2. Construction Security Analysis and Schedule

Provide a copy of the third-party estimate or contract that is being relied upon to determine the amount of the Construction Security.

C-3. Performance Security Analysis and Schedule

Specify the amount of the Performance Security based upon the amount of Construction Security in Exhibit C-2.

4. **“Exhibit D” - Bank Management and Operation Documents**

Any and all standard required forms to be used for the submission of financial information shall be included in this **Exhibit D** in template form.

D-1. Interim Management Security Analysis and Schedule

This analysis and schedule shall consist of a table and/or spreadsheet that shows all of the tasks (management, monitoring, reporting); task descriptions; labor (hours); cost per unit; cost, frequency, timing or scheduling of the tasks; the total annual funding necessary for each task; and any associated assumptions for each task required by the Interim Management Plan. The total annual expenses should include administration and contingency costs.

D-2. Endowment Fund Analysis and Schedule

This analysis and schedule shall consist of a table and/or spreadsheet that shows all of the tasks (management, monitoring, reporting); task descriptions; labor (hours); cost per unit; cost, frequency, timing or scheduling of the tasks; the total annual funding necessary for each task; and any associated assumptions for each task required by the Long-term Management Plan. The total annual expenses should include, but are not limited to, administration, contingency, and the FWS AND BLM-approved annual capitalization rate.

D-3. Instructions and Forms for Submission or Disbursement of Funds

The information and forms which shall be attached as Exhibit D-3 include:

- 1) Mitigation Account Setup Procedures;
- 2) Processing Procedures for Mitigation Payment Transmittal Forms and Mitigation Funds;
- 3) Mitigation Payment Transmittal Form;
- 4) Conservation and Mitigation Account Disbursement Procedures;
- 5) Payee Notification (information explaining the purpose of the STD 204 and instructions for submitting the STD 204);
- 6) Payee Data Record form coversheet (for sending in the completed STD 204); and
- 7) Payee Data Record form (STD 204).

D-4. Interim Management Plan

The Interim Management Plan identifies the short-term management of Bank Property, monitoring and reporting activities to be conducted from the time the Bank is established until the Endowment Fund has been fully funded for one year and all the Performance Standards in the Development Plan have been met.

D-5. Long-term Management Plan

The Long-term Management Plan identifies the perpetual management, monitoring and reporting activities to be conducted after the Interim Management Period, and should include at minimum:

- 1) Purpose of Bank Establishment and Purpose of Long-term Management Plan;

- 2) A baseline description of the setting, location, history and types of land use activities, geology, soils, climate, hydrology, habitats present (once Bank meets Performance Standards) and species descriptions;
- 3) Overall management, maintenance and monitoring goals; specific tasks and timing of implementation; and a discussion of any constraints which may affect goals;
- 4) The Endowment Fund Analysis and Schedule (**Exhibit D-2**);
- 5) Discussion of Adaptive Management actions for reasonably foreseeable events and possible thresholds for evaluating and implementing Adaptive Management;
- 6) Rights of access to the Bank Property and prohibited uses of the Bank Property as provided in the CE; and
- 7) Procedures for Bank Property transfer, land manager replacement, amendments, and notices.
- 8) Include a reference to the Historic Properties Treatment Plan (**Exhibit J-3**), if applicable.

D-6 Bank Closure Plan

Provide Bank closure plan.

5. **"Exhibit E" - Real Estate Records and Assurances**

The Property Owner shall provide FWS and BLM the following, with the understanding that the Bank will not be deemed established and authorized to sell Credits until the Bank Property has been protected in perpetuity by acceptance and recording of the Conservation Easement or Grant Deed and all of the other requirements for Bank establishment have beset forth in the (b) (5) BEA have been met:

- E-1. Preliminary Title Report, Legal Description, and Parcel Map(s)**
Parcel map(s) and a legal description, as well as a Preliminary Report which includes pertinent exceptions (e.g., excepted or reserved easements or rights, liens, encumbrances and other matters affecting title), of the Bank Property.
- E-2. Property Assessment and Warranty**
Property Assessment and Warranty utilizing the FWS and BLM template.
- E-3. Plat Maps**
Plat maps supporting the Property Assessment and Warrant which illustrate the physical extent of the title exceptions and identify the locations of all structures, roads, fences, and other physical improvements.

E-4. Conservation Easement Deed or Grant Deed

The Conservation Easement or Grant Deed approved as to form by the Grantee and third-party beneficiaries.

6. **“Exhibit F” - Bank Crediting and Credit Transfers**

F-1. Credit Evaluation and Credit Table

A “Credit Evaluation” is an explanation of the evaluation undertaken to formulate the value of each type of Credit and the total number of each type of Credit. The “Credit Table” should show the number and type of

(b) (5)

(b) (5)

F-2. Credit Purchase Agreements and Payment Receipts Templates

F-3. Credit Transfer Ledger Template

Credit Transfer Ledger shall include at a minimum:

- 1) Bank name;
- 2) Total number of each type of Bank Credit;
- 3) Initial Credit purchaser name, address and phone number;
- 4) Project name;
- 5) Project applicant name, address, and phone number;
- 6) Agency project file numbers;
- 7) Date of Credit Transfer;
- 8) Type(s) of Credit(s) sold or obligated;
- 9) Number of Credits sold or obligated;
- 10) Number of Credits applied; and
- 11) Balance of each type of Credit remaining.

The Credit Transfer Ledger requirements may be amended at the discretion of the FWS and BLM when an electronic tracking database is implemented, at which time each Bank Sponsor will be notified of the new database, and instructed as to how to implement it for Credit Transfers and tracking purposes.

7. **“Exhibit G” - Phase I Environmental Site Assessment**

8. **“Exhibit H” - Biological Resources Survey**

The Biological Survey of the Bank Property shall include a general description of geographic location and features, topography, soils, vegetation (assessment of native

vs. exotic species), past and present land use including grazing practices, species present and potentially present, and a quality assessment of all habitat types (i.e. life history requirements of Covered Species, habitat diversity, connectivity to other habitats and protected areas), and species presence based on the results of protocol surveys.

9. **“Exhibit I” Cultural, Historical, Archeological, and Native American Resources**
(“Cultural Resources”).

I-1 Identification, Inventory and Evaluation

This inventory and evaluation shall include the following: a) a description and map of the area of potential effects (“APE”), b) a description of each cultural resource and a brief statement identifying the specific location of each cultural resource within the APE, c) a description of its surface characteristics that serves to locate the resource and its boundaries, and d) a determination of eligibility for the National Register of Historic Places, as determined by the BLM in consultation with the State Historic Preservation Officer (SHPO), and e) where appropriate, eligibility for listing under the Nevada Register of Historical Resources.

I-2 Compliance Documentation*[include as applicable]*

If the BLM finds that the undertaking (i.e. project) will have no effect or no adverse effect upon cultural resources, the (b) (5) BEA shall include the BLM’s determination of effect and the required concurrence by the SHPO and the Advisory Council on Historic Preservation, as applicable. However, if it is determined that the undertaking will have an adverse effect or may cause a substantial adverse change in the significance of a cultural resource, the (b) (5) BEA is to include either an executed Programmatic Agreement or Memorandum of Agreement as documentation of compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. If the undertaking will have an adverse effect or may cause a substantial adverse change in the significance of a cultural resource then, preparation of an environmental impact report is required.

I-3 Historic Properties Treatment Plan*[include as applicable]*

A historic properties treatment plan, approved by BLM and the SHPO, shall be prepared prior to any ground-disturbing activities conducted on the Bank Property. Ground disturbing activities must be in accordance with the stipulations of either the Programmatic Agreement or Memorandum of Agreement (**Exhibit J-2**). The plan shall include both short and long-term management of the cultural resources eligible for the National Register of Historic Places.

10. **“Exhibit J” – Other Documentation, Permits, Amendments or Revisions**

To the extent not already obtained, the Bank Sponsor or Property Owner will be responsible for obtaining all appropriate environmental documentation, permits or other authorizations needed to establish and maintain the Bank, including but not limited to the following.

Include only those that apply:

- a. (b) (5)
- b. (b) (5)
- c. Water Quality Certification or Waiver under § 401 of the Clean Water Act;
- d. Streambed Alteration Agreement (Fish and Game Code § 1600 *et seq.*);
- e. Federal Endangered Species Act (§ 7 or § 10) compliance.

(b) (5)



Bean, Michael <michael_bean@ios.doi.gov>

Re: Weekly Report Items

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Tue, Jun 24, 2014 at 3:37 PM

To: "Basey, Sheila" <sheila_basey@ios.doi.gov>

Cc: Jorge Silva-Banuelos <jorge_silva-banuelos@ios.doi.gov>, Joan Padilla <joan_padilla@ios.doi.gov>, Rachel Jacobson <rachel_jacobson@ios.doi.gov>

Highlights of Travel, Meetings, and other Public Events

On June 25, Michael Bean will meet with former Wyoming Governor Dave Freudenthal and Ryan Lance to discuss the status of the Sweetwater River Conservancy mitigation bank and related sage-grouse matters.

On June 26, Bean will meet with representatives of Environmental Defense Fund who are working on a sage-grouse "habitat credit exchange" (a form of mitigation bank) in the Green River area of western Wyoming.

Items of Note/Expected Legislative, Legal, Policy Issues

A series of follow-up meetings to discuss ESA regulatory improvement initiatives with CEQ, OMB and other OEP offices is scheduled for this week and next. Michael Bean is part of the small DOI team taking part in these.

On Tue, Jun 24, 2014 at 12:25 PM, Basey, Sheila <sheila_basey@ios.doi.gov> wrote:

Please forward your weekly report items to me by COB today, Tuesday, June 24th.

Thanks

--
Sheila Basey
Executive Assistant
Dept of the Interior
1849 C Street, N.W.
Washington, DC 20240
202-208-3582

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Re: Retreat agenda

1 message

Bean, Michael <michael_bean@ios.doi.gov>
To: "Lyons, James" <james_lyons@ios.doi.gov>
Cc: Sarah Greenberger <sarah_greenberger@ios.doi.gov>

Mon, Jun 30, 2014 at 8:39 AM

The agenda is focused exclusively on the plans, and that may be fine. However, if there is time, we might also want to add brief discussion of the mitigation banking efforts under way (Barrick and Sweetwater River Conservancy), and the Conservation Efforts Database.

I think it would be good to invite Comms and OCL.

On Mon, Jun 30, 2014 at 7:24 AM, Lyons, James <james_lyons@ios.doi.gov> wrote:

We have the room in the Penthouse for 9 - 1pm on Thursday morning.

Attached is a draft agenda for our meeting.

My goal is to be clear about what we need to do moving forward to get done with plans and deliver them to FWS, considering, as well, factors like outreach and communications.

Please review this draft and get back to me before COB today so I can get it out.

Participants will be a small group including:

Sarah, Michael, Jim
Ed R, Kathy
Chris Iverson and Glen Stein
Noreen and Gary (need to check on Gary), possibly Bob D
Bret, Ted, Aaron
Should I invite Comms and OCL?

Trying to keep it limited and focused.

Please get back to me later today so I can get this out to participants by COB.

Thanks.

Jim

--

Jim Lyons
Deputy Assistant Secretary
for Land and Minerals Management
Jim_Lyons@ios.doi.gov
202-208-4318 (direct)
202-815-4412 (mobile)

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

Greater Sage-Grouse Planning Retreat

DOI Penthouse Conference Room

Thursday, July 3

9 am – 12:30 pm

Objective: Assess progress to date; specify next steps; clarify goals and strategy for completing BLM and FS land use plans and delivery to FWS for listing decision

Agenda

9:00 – 9:15 am

Restate what we need to accomplish this morning

Review agenda

9:15 – 10:00 am

Progress to date:

- LUP development/status of BLM and FS plans
- Status of “other” plan components
 - Adaptive management
 - Inventory and monitoring
 - Mitigation
- FWS preparations for listing decision
- Status of state GSG conservation plans
- Status of mitigation discussions
 - Barrick
 - Sweetwater River Conservancy

10:00 – 10:45 am

Next steps:

- Roll-up
 - What we need to get out of roll-up
 - How the process would work
 - Engaging the states
 - Preparations, participants, schedule

GSG Retreat Agenda/page 2

- Process for completing plans
- Process working with states/governors – post roll-up

10:45 – 11:00 BREAK

11:00 – Noon

Strategy for completing final plans and delivering plans to FWS

- Critical plan elements
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
- Communications and outreach strategy
 - (b) (5)
 - (b) (5)
 - (b) (5)
- Internal communications (Depts/agencies/OSEC/CEQ/WH)
- Agency coordination
- Timeline for delivery

Noon – 12:30 pm

Final thoughts on coordination/collaboration/communications



Bean, Michael <michael_bean@ios.doi.gov>

Sweetwater River Conservancy Habitat Bank Telephone Conference

1 message

Lance, Ryan <RLance@crowell.com>

Wed, Oct 29, 2014 at 12:52 PM

To: "Bean, Michael" <michael_bean@ios.doi.gov>, "rasheedah_morgan@ios.doi.gov" <rasheedah_morgan@ios.doi.gov>, "Freudenthal, Dave" <DFreudenthal@crowell.com>, Jeff Meyer

(b) (6)

Call In Information

US Toll free: **Not Responsive**

Passcode: **Not Responsive**



Bean, Michael <michael_bean@ios.doi.gov>

Fwd: Sweetwater River Conservancy Sage-Grouse Conservation Bank

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Thu, Oct 30, 2014 at 9:51 AM

To: Blake Androff <blake_androff@ios.doi.gov>, Francis Iacobucci <francis_iacobucci@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>

I want to bring this to your attention as well. According to Freudenthal, Governor Mead would like Secretary Jewell to take part in announcing this agreement when it is done.

----- Forwarded message -----

From: **Bean, Michael** <michael_bean@ios.doi.gov>

Date: Fri, Oct 24, 2014 at 2:29 PM

Subject: Sweetwater River Conservancy Sage-Grouse Conservation Bank

To: "D. M. Ashe" <D_M_Ashe@fws.gov>, Noreen Walsh <Noreen_Walsh@fws.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Kate Kelly <kate_kelly@ios.doi.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>

Former WY Governor Dave Freudenthal has visited or called several times over the past months to discuss progress in developing a conservation bank for the sage-grouse on ranch land owned by the Sweetwater River Conservancy. According to today's call, Freudenthal thinks final approval of a conservation bank agreement is likely in the next two weeks. He asserts that Governor Mead would like to make the approval of the bank a major press event. I pass this along just to make you aware and so that we can begin thinking about whether we also view this as an opportunity to highlight another positive initiative benefiting the sage-grouse.

--

Michael J. Bean

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

--

Michael J. Bean

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Re: Sweetwater River Conservancy Sage-Grouse Conservation Bank

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Thu, Oct 30, 2014 at 11:59 AM

To: "Androff, Blake" <blake_androff@ios.doi.gov>

Cc: Francis Iacobucci <francis_iacobucci@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>

Freudenthal thought it could be ready as soon as the week after the election, but I have not confirmed that with FWS.

On Thu, Oct 30, 2014 at 10:50 AM, Androff, Blake <blake_androff@ios.doi.gov> wrote:

Any sense on general timing?

On Thu, Oct 30, 2014 at 9:51 AM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

I want to bring this to your attention as well. According to Freudenthal, Governor Mead would like Secretary Jewell to take part in announcing this agreement when it is done.

----- Forwarded message -----

From: **Bean, Michael** <michael_bean@ios.doi.gov>

Date: Fri, Oct 24, 2014 at 2:29 PM

Subject: Sweetwater River Conservancy Sage-Grouse Conservation Bank

To: "D. M. Ashe" <D_M_Ashe@fws.gov>, Noreen Walsh <Noreen_Walsh@fws.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Kate Kelly <kate_kelly@ios.doi.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>

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-

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Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

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-

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Washington, DC 20240

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202-208-4684 (fax)

michael_bean@ios.doi.gov

--

Blake Androff

Deputy Director of Communications

U.S. Department of the Interior

Office: (202) 208-6416 | Cell: (202) 725-7435

--

Michael J. Bean

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Sweetwater River Conservancy Conservation Bank Update:

1 message

Noreen Walsh <noreen_walsh@fws.gov>

Tue, Dec 23, 2014 at 3:33 PM

To: Gary Frazer <gary_frazer@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Dan Ashe <d_m_ashe@fws.gov>, michael_bean@ios.doi.gov, Richard Hannan <richard_hannan@fws.gov>, Ren Lohofener <ren_lohofener@fws.gov>

Cc: Mark Sattelberg <mark_sattelberg@fws.gov>, Michael Thabault <michael_thabault@fws.gov>, Matt Kales <matt_kales@fws.gov>

Sweetwater River Conservancy Conservation Bank Update:

The WY ESFO Field Supervisor will soon be signing this Conservation Bank Agreement, for the first conservation bank in the State of Wyoming and the first conservation bank dedicated to the conservation of greater sage-grouse and its habitats.

BACKGROUND

The Sweetwater River Conservancy has proposed a large-scale habitat conservation bank on approximately 50,576 deeded acres of prime habitat for the greater sage-grouse (*Centrocercus urophasianus*), within the Pathfinder Ranch Properties in central Wyoming, immediately to the east of the identified Wyoming stronghold area. Pathfinder Ranch has associated grazing leases and permits on approximately 181,000 ac. of state and federal land. The Sweetwater River Conservancy Greater Sage-Grouse Habitat Conservation Bank (SRCCB) currently supports a healthy, intact greater sage-grouse population as evidenced by the large number of active leks on and near the SRCCB. Some of the SRCCB is classified as core sage-grouse habitat by the State of Wyoming.

Conservation of sage-grouse is best served by maintaining well distributed, secure populations across the species' continental range. The purpose of the SRCCB is not to simply provide acre-for-acre mitigation for local projects, but to conserve the species at a landscape scale. The SRCCB is designed to maintain existing habitats necessary to meet all lifecycle needs of the sage-grouse population on Pathfinder Ranch properties. The SRCCB will ensure long-term protection of habitat for a sage-grouse population. The Bank Agreement is in conformance with the Service's policy on Conservation Banking and has been reviewed by the Regional Solicitor's Office. In the future, Sweetwater River Conservancy will also evaluate the potential to enhance lower-quality sage-grouse habitat to generate additional credits where feasible within the SRCCB; however, the current bank will cover only preservation credits.

We are working together with the bank proponents to determine appropriate outreach.

Please call if questions,

Noreen

Noreen Walsh

Regional Director

Mountain-Prairie Region

U. S. Fish and Wildlife Service

303 236 7920

The Mountain-Prairie Region of the U. S. Fish and Wildlife Service: We provide conservation stewardship of some of America's most scenic lands, to ensure healthy fish and wildlife for the enjoyment and benefit of all people.



Bean, Michael <michael_bean@ios.doi.gov>

RE: Sweetwater River Conservancy Conservation Bank Update:

1 message

Noreen Walsh <noreen_walsh@fws.gov>

Tue, Dec 23, 2014 at 4:06 PM

To: Katherine Kelly <kate_kelly@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>

Cc: Gary Frazer <gary_frazer@fws.gov>, Robert Dreher <robert_dreher@fws.gov>, Dan Ashe <d_m_ashe@fws.gov>, Richard Hannan <richard_hannan@fws.gov>, Ren Lohofener <ren_lohofener@fws.gov>, Mark Sattelberg <mark_sattelberg@fws.gov>, Michael Thabault <michael_thabault@fws.gov>, Matt Kales <matt_kales@fws.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>

Hi Kate, It is in progress with the bank proponents. We will share as it develops.

Happy holidays,

Noreen

Noreen Walsh

Regional Director

Mountain-Prairie Region

U. S. Fish and Wildlife Service

303 236 7920

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From: Kelly, Katherine [mailto:kate_kelly@ios.doi.gov]

Sent: Tuesday, December 23, 2014 2:05 PM

To: Michael Bean

Cc: Noreen Walsh; gary frazer; Robert Dreher; Dan Ashe; richard_hannan@fws.gov; Ren Lohofener; mark_sattelberg@fws.gov; Michael Thabault; matt kales; Betsy Hildebrandt

Subject: Re: Sweetwater River Conservancy Conservation Bank Update:

That's great. What's the press plan here?

On Tue, Dec 23, 2014 at 3:49 PM, Michael Bean <michael_bean@ios.doi.gov> wrote:

+ Kate Kelly and Betsy H.

From: Noreen Walsh [mailto:noreen_walsh@fws.gov]
Sent: Tuesday, December 23, 2014 01:33 PM
To: Gary Frazer <gary_frazer@fws.gov>; Robert Dreher <robert_dreher@fws.gov>; Dan Ashe <d_m_ashe@fws.gov>; michael_bean@ios.doi.gov <michael_bean@ios.doi.gov>; Richard Hannan <richard_hannan@fws.gov>; Ren Lohofener <ren_lohofener@fws.gov>
Cc: Mark Sattelberg <mark_sattelberg@fws.gov>; Michael Thabault <michael_thabault@fws.gov>; Matt Kales <matt_kales@fws.gov>
Subject: Sweetwater River Conservancy Conservation Bank Update:

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Noreen

Noreen Walsh

Regional Director

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--

Kate Kelly
Director of Communications
Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Sweetwater River Conservancy

1 message

Lance, Ryan <RLance@crowell.com>
To: "Bean, Michael" <michael_bean@ios.doi.gov>

Wed, Jan 28, 2015 at 10:32 AM

I hope that all is well in our nation's capital. I look forward to visiting your fair city next week and was hoping to drop by and visit with you about the progress we are making related to the Sweetwater River Conservancy sage grouse and bald and golden eagle banks. I was looking to come by main Interior between 11:00 and 2:00 and after 3:30 on Wednesday, February 4th. I could also stop by on Thursday or Friday morning.

If any of these times work, it would be great to catch up with you and visit about the project. I look forward to hearing from you.

Ryan M. Lance

Crowell & Moring, LLP

205 Storey Boulevard, Suite 120

Cheyenne, WY 82009-3565

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Crowell & Moring LLP

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Attorney-Client Communication

Attorney Work Product

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Bean, Michael <michael_bean@ios.doi.gov>

RE: Sweetwater River Conservancy

1 message

Lance, Ryan <RLance@crowell.com>

Thu, Jan 29, 2015 at 5:34 PM

To: "Bean, Michael" <michael_bean@ios.doi.gov>

Cc: "Hepler, Vickie" <VHepler@crowell.com>, "Freudenthal, Dave" <DFreudenthal@crowell.com>, Jeff Meyer

(b) (6)

11:15 should work fine.

Ryan M. Lance

Crowell & Moring, LLP

205 Storey Boulevard, Suite 120

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Crowell & Moring LLP

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Attorney-Client Communication

Attorney Work Product

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From: Bean, Michael [mailto:michael_bean@ios.doi.gov]

Sent: Thursday, January 29, 2015 3:07 PM

To: Lance, Ryan

Subject: Re: Sweetwater River Conservancy

Ryan:

Apologies, but I need to reschedule. Here are some available time:

Thursday: 11:15am, 1:30pm, 3:30-5pm

Friday: 10-10:30am

On Wed, Jan 28, 2015 at 11:34 AM, Lance, Ryan <RLance@crowell.com> wrote:

Absolutely. I will be there at 10:15.

Topics:

- (1) SRC grouse bank including discussions related to EDF exchanges
- (2) SRC eagle bank (in conjunction with 404 wetland bank)
- (3) Listing decision for sage grouse and interaction with the states
- (4) Compensatory mitigation

I have also reached out to Jerome Ford, Linda Lance and Jamey Anderson to discuss a similar set of topics but have not heard back from them, although that was only this morning. Any opportunity to meet with everyone if a defined block of time is obviously best for me...but I can make most anything work.

Thanks, sir.

Ryan M. Lance

Crowell & Moring, LLP

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From: Bean, Michael [mailto:michael_bean@ios.doi.gov]

Sent: Wednesday, January 28, 2015 9:26 AM

To: Lance, Ryan

Subject: Re: Sweetwater River Conservancy

Ryan: Best time for me is 10:15am on Thursday, Feb. 5. Will that work for you?

On Wed, Jan 28, 2015 at 10:32 AM, Lance, Ryan <RLance@crowell.com> wrote:

I hope that all is well in our nation's capital. I look forward to visiting your fair city next week and was hoping to drop by and visit with you about the progress we are making related to the Sweetwater River Conservancy sage grouse and bald and golden eagle banks. I was looking to come by main Interior between 11:00 and 2:00 and after 3:30 on Wednesday, February 4th. I could also stop by on Thursday or Friday morning.

If any of these times work, it would be great to catch up with you and visit about the project. I look forward to hearing from you.

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--

Michael J. Bean

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--

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202-208-4416

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4/29/2015

DEPARTMENT OF THE INTERIOR Mail - RE: Sweetwater River Conservancy

michael_bean@ios.doi.gov



Bean, Michael <michael_bean@ios.doi.gov>

Fwd: I am told...

1 message

Bean, Michael <michael_bean@ios.doi.gov>

Mon, Mar 9, 2015 at 10:36 PM

To: Kate Kelly <kate_kelly@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>

Kate: Ryan represents the landowner establishing the sage grouse mitigation bank in Wyoming (the Sweetwater bank).

----- Forwarded message -----

From: **Lance, Ryan** <RLance@crowell.com>

Date: Mon, Mar 9, 2015 at 7:02 PM

Subject: I am told...

To: "Bean, Michael" <michael_bean@ios.doi.gov>

Michael,

I am told that Mr. Stein has forwarded the Sweetwater River Conservancy release to his superiors in Washington for review and to collect quotes for the halls of the Secretary. Per our earlier discussions, any help you can provide in gathering a quote from the Secretary would be most appreciated.

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-

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Conversation Contents

Fwd: CO CEA

Attachments:

/1. Fwd: CO CEA/1.1 CEA_NWColorado_20150403_MZII_jmm.docx

/1. Fwd: CO CEA/2.1 CEA_NWColorado_20150403_MZII_jmm_klk.docx

"Magaletti, Matthew" <mmagalet@blm.gov>

From: "Magaletti, Matthew" <mmagalet@blm.gov>
Sent: Thu Apr 16 2015 06:58:09 GMT-0600 (MDT)
To: Karen Kelleher <kkelleh@blm.gov>
Subject: Fwd: CO CEA
Attachments: CEA_NWColorado_20150403_MZII_jmm.docx

----- Forwarded message -----

From: **David Batts** <david.batts@empsi.com>
Date: Wed, Apr 15, 2015 at 8:11 AM
Subject: CO CEA
To: "Matthew Magaletti (mmagalet@blm.gov)" <mmagalet@blm.gov>

David Batts

EMPSi Environmental Management and Planning Solutions, Inc.

3775 Iris Avenue, Suite 1A

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--

Matthew Magaletti

Planning and Environmental Analyst
Bureau of Land Management, WO-210
(202) 912-7085

"Kelleher, Karen" <kkelleh@blm.gov>

From: "Kelleher, Karen" <kkelleh@blm.gov>
Sent: Thu Apr 16 2015 12:49:55 GMT-0600 (MDT)
To: "Magaletti, Matthew" <mmagalet@blm.gov>
Subject: Re: CO CEA
Attachments: CEA_NWColorado_20150403_MZII_jmm_klk.docx

On Thu, Apr 16, 2015 at 8:58 AM, Magaletti, Matthew <mmagalet@blm.gov> wrote:

----- Forwarded message -----

From: **David Batts** <david.batts@emp.si.com>
Date: Wed, Apr 15, 2015 at 8:11 AM
Subject: CO CEA
To: "Matthew Magaletti (mmagalet@blm.gov)" <mmagalet@blm.gov>

David Batts

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--

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--

Karen Kelleher

BLM Analyst-Liaison

ASLM

kkelleh@blm.gov

202-208-4555

5.1 GREATER SAGE-GROUSE CUMULATIVE EFFECTS ANALYSIS: NORTHWEST COLORADO SUB-REGION

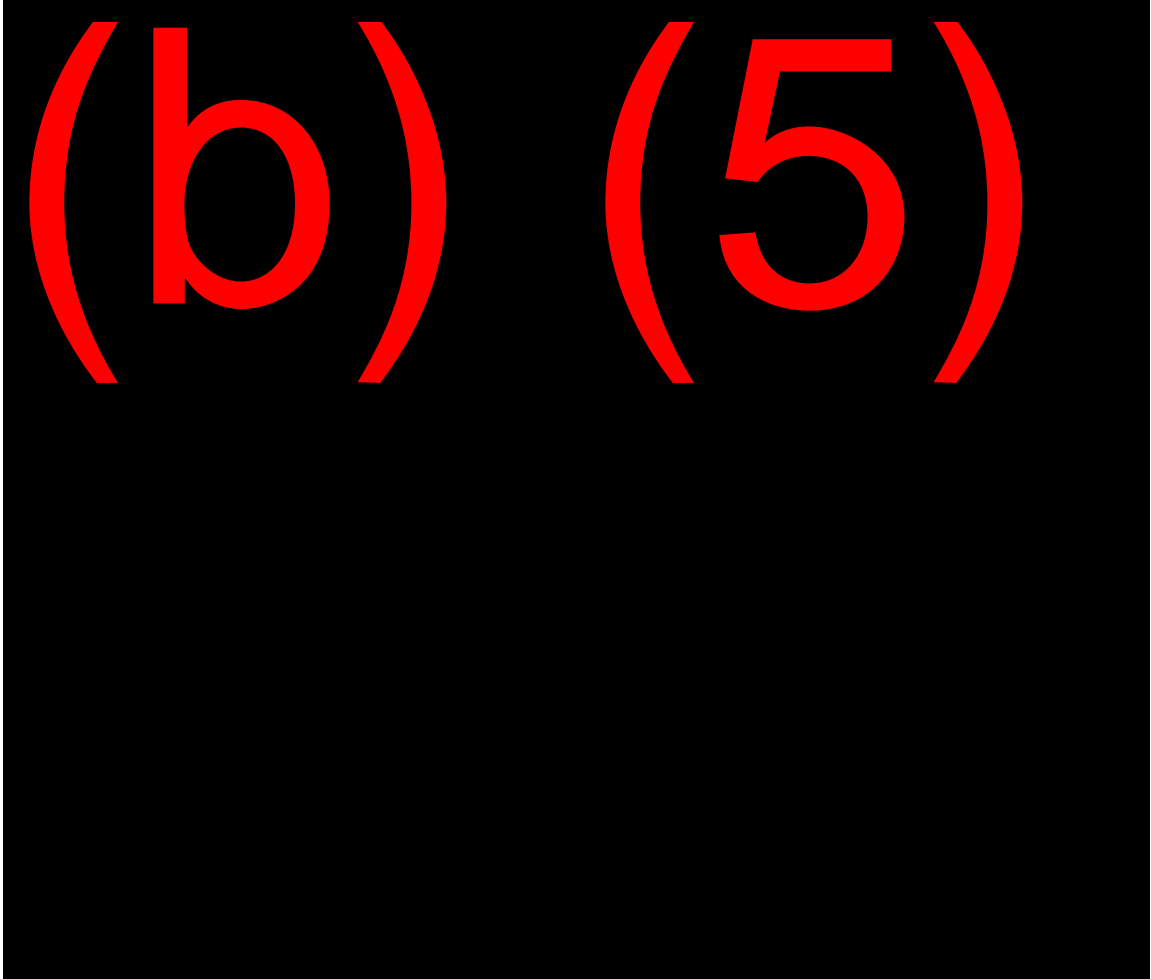
This cumulative effects analysis (CEA) discloses the long-term effects on Greater Sage-Grouse (GRSG) from implementing each RMP/EIS alternative in conjunction with other past, present, and reasonably foreseeable future actions.

The cumulative effects analysis study area extends beyond the Northwest Colorado Sub-region planning area boundary and consists of Western Association of Fish and Wildlife Agencies (WAFWA) Management Zone (MZ) II/VII. MZs II and VII are combined for the purpose of characterizing GRSG habitat conditions and impacts, as was done in the Summary of Science, Activities, Programs, and Policies That Influence the Range-Wide Conservation of Greater Sage-Grouse (Manier et al. 2013). The analysis of BLM and Forest Service actions in MZ II/VII is primarily based on MZ-wide datasets developed by the BLM National Operations Center (NOC).

The analysis of nonfederal actions is more qualitative and includes a review and analysis of the following:

- State plans
- Coordination with states and agencies during consistency reviews
- Additional data from non-BLM-administered (b) (5) lands

The diagram on the following page shows the boundaries of the WAFWA Management Zones and the BLM and Forest Service planning areas. The (b) (5) planning area has a relatively small influence in the context of MZ II/VII, because it contains relatively few priority habitat management areas (PHMA) or general habitat management areas (GHMA): (b) (5) of PHMA out of 14,105,000 total acres in MZ II/VII, and (b) (5) of GHMA out of 17,771,500 total acres in MZ I. As a result, actions in the (b) (5) (b) (5) RMP/EIS may have less impact on GRSG than those in larger planning areas in MZ II/VII.



Section 5.1.1 describes the methods used in the analysis, and **Section 5.1.2** lists assumptions used. **Section 5.1.3** describes existing conditions in MZ II/VII and in the (b) (5) planning area. **Section 5.1.4**, Regional Efforts to Manage Threats to GRSG, provides a broad-scale description of past, present, and reasonably foreseeable future federal, state, local, and private actions influencing GRSG in MZ II/VII. **Section 5.1.5** summarizes the relevant cumulative actions occurring in MZ II/VII. **Section 5.1.6** analyzes threats to GRSG in MZ II/VII and discusses the potential cumulative effects resulting from each threat for each alternative. **Section 5.1.7**, Conclusions, determines the cumulative effects on GRSG as a result of implementing each alternative in the (b) (5) in combination with other past, present, and reasonably foreseeable future actions in MZ II/VII.

5.1.1 Methods

The CEA uses the following methods:

- Data from the USGS publication Summary of Science, Activities, Programs, and Policies That Influence the Range-Wide Conservation of Greater Sage-Grouse (Manier et al. 2013) establish the baseline environmental condition against which the alternatives and other past, present, and reasonably foreseeable future actions are compared.
- USFWS's 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered (USFWS 2010) and USFWS publication Conservation Objectives: Final Report (i.e., the COT report; USFWS 2013) were reviewed to identify the primary threats facing GRSG in each WAFWA MZ. Table 2 of the COT report lists threats to GRSG that are present and widespread in each population in the MZ.
- For MZ II/VII, the list of threats that are directly or indirectly affected by BLM/Forest Service actions are energy development/mining, infrastructure, grazing/free roaming equids, conversion to agriculture/urbanization, fire, spread of weeds, recreation, and conifers (USFWS 2013). Two other threats listed in the COT report, sagebrush eradication and isolation/small population size, affect GRSG populations in MZ II/VII. While they are not addressed separately in this analysis, they are discussed as elements of other threats.
- Predation was not included as a threat in the final COT report and was not identified by USFWS as a significant threat to GRSG populations (USFWS 2010). Predation is a natural occurrence that may be enhanced by human habitat modifications, such as construction of infrastructure, that may increase opportunities for nesting and perching or increase exposure of GRSG nests. In such altered habitats, predators may exert an undue influence on GRSG populations. Predation is discussed in this CEA in the context of these other threats.
- Sagebrush eradication is a component of many threats. Isolation/small population size is not analyzed separately because no management actions directly address this threat. These two threats are discussed as a component of other threats and in the conclusions. Not all the threats discussed in this section represent major threats to GRSG in each planning area in the MZ, but each poses a present and widespread threat to at least one population.

- Each threat is analyzed, and a brief conclusion for each threat is provided.
 - The BLM NOC compiled MZ-wide datasets for quantifiable actions in all proposed (b) (5) LUPs/EISs in MZ II/VII. These datasets provide a means by which to quantify direct impacts of the threats identified in the COT report.
 - Data and information were gathered from other federal, state, and local agencies and tribal governments, where available, and were used to inform the analysis of cumulative impacts on GRSG from each of the threats in MZ II/VII. (b) (5)
- (b) (5) is provided for each alternative in **Section 5.1.7**. Each alternative considers the cumulative impacts on GRSG from each of the threats. It also considers whether those threats can be ameliorated by implementing that particular alternative in conjunction with non-BLM/Forest Service actions in MZ II/VII.
- The list of (b) (5) in **Section 5.1.5** was derived from each proposed BLM/Forest Service LUP in MZ II/VII to provide an overview of the ongoing and proposed land uses there.
- Baseline data that are consistent across planning areas and that analyze cumulative effects for each alternative, including the No Action Alternative and Proposed LUPA, are used in this analysis.
- Although PHMA and GHMA are not designated under Alternative A, spatial data was clipped to these boundaries by the BLM's NOC to provide a consistent lens for comparison across all alternatives.
- This analysis uses the most recent information available. For purposes of this analysis, the BLM (b) (5) determined that the Proposed LUPs for the other ongoing GRSG planning efforts in MZ II/VII are reasonable foreseeable future actions.

5.1.2 Assumptions

This cumulative analysis uses the same assumptions and indicators as those established for the analysis of direct and indirect effects on GRSG in **Section 4.4.9**. In addition, the following assumptions have been made:

- The timeframe for this analysis is 20 years.

- The CEA area extends beyond the planning area and encompasses all of WAFWA MZ II/VII; the quantitative impact analysis focuses on impacts across the MZ.
- The magnitude of each threat would vary geographically and may have more or less impact on GRSG in some parts of the MZ, depending on such factors as climate, land use patterns, and topography.

- (b) (5)

- A management action or alternative would result in a net conservation gain to GRSG if there is an actual benefit or gain above baseline conditions. Baseline conditions are defined as the pre-existing conditions of a defined area and/or resource that can be quantified by an appropriate metric(s). (b) (5)

(b) (5)

- The CEA quantitatively analyzes GRSG habitat. Impacts on habitat are likely to correspond to impacts on populations within MZ II/VII, because reductions or alterations in habitat could affect reproductive success through reductions in available forage or nest sites. Human activity could cause disturbance to the birds preventing them from mating or successfully rearing offspring. Human activities also could increase opportunities for predation, disease, or other stressors (Connelly et al. 2004; USFWS 2010; Manier et al 2013).

5.1.3 Existing Conditions in WAFWA MZ II/VII and the Northwest Colorado Sub-region Planning Area

This section summarizes existing conditions and past and present actions in the Northwest Colorado Sub-region planning area (provided in more detail in **Chapter 3**) and MZ II/VII as a whole.

GRSG Habitat and Populations

MZ II/VII consists of nine populations: Eagle-South Routt, Middle Park, Laramie, Jackson Hole, Wyoming Basin, Rich-Morgan, Uintah, North Park, and Northwest Colorado. The bulk of the (b) (5)

planning area contains the (b) (5) population. Leks in the Wyoming Basin portion of MZ II/VII are the most highly connected in the range (Knick and Hanser 2011), while populations in southern portions of MZ II/VII (i.e., Colorado Plateau) are less robust, with low lek connectivity and a 96 percent chance of populations declining below 200 males by 2037 (Garton et al. 2011; Knick and Hanser 2011).

In MZ II/VII, state and private lands account for approximately 43 percent of GRSG habitat, with BLM-administered and other federal land accounting for 57 percent (Manier et al. 2013, p. 118). The BLM also has some management authority over split-estate lands, with privately held surface land and federal subsurface mineral rights. The higher percentage of GRSG habitat on BLM-administered and other federal land means BLM/Forest Service management could play a key role in alleviating threats to GRSG in MZ II/VII.

Table 5-1 provides a breakdown of land ownership and acres of GRSG habitat in MZ II/VII. As the table shows, approximately 30 percent of PPH (PHMA) and 30 percent of PGH (PGMA) is on BLM-administered lands. Less than 1 percent of PPH and 2 percent of PGH is on Forest Service lands. In the (b) (5) planning area, there are approximately (b) (5) million acres of GRSG habitat, including approximately (b) (5) million acres (b) (5) on BLM-administered lands and (b) (5) acres (b) (5) lands. The remaining (b) (5) million acres (b) (5) of GRSG habitat comprise private, local, state, and other federal and tribal lands.

Table 5-1

Management Jurisdiction in MZ II/VII by Acres of Priority and General Habitats (PPH and PGH)

	Total Surface Acres	PPH Acres	PGH Acres	Nonhabitat Acres
MZ II and VII	92,776,100 (100%)	17,476,000 (19%)	19,200,200 (21%)	56,099,900 (60%)
BLM	30,295,000 (33%)	9,021,200 (30%)	9,012,500 (30%)	12,261,300 (40%)
Forest Service	23,558,800 (25%)	162,000 (<1%)	452,500 (2%)	22,944,300 (97%)
Tribal and other federal	7,086,200 (8%)	784,000 (11%)	1,354,600 (19%)	4,947,600 (51%)
Private	27,405,400 (30%)	6,233,900 (22%)	7,394,800 (27%)	13,776,700 (50%)
State	4,053,900 (4%)	1,244,800 (31%)	979,800 (24%)	1,829,300 (45%)

Other	376,700 (<1%)	30,100 (8%)	6,000 (2%)	340,600 (90%)
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Source: Manier et al. 2013, p. 118

The BLM and Forest Service have incorporated management of Sagebrush Focal Areas (SFAs) into its Proposed LUP management approach for GRSG. SFAs are a subset of PHMA and represent recognized “strongholds” for the species that have been noted and referenced by the conservation community as having the highest densities of the species and other criteria important for the species’ persistence. Those portions of SFAs on BLM and Forest Service-administered lands would be petitioned for withdrawal from mineral entry, (b) (5) and prioritized for management and conservation actions, including, but not limited to, review of livestock grazing permits/leases. Management of SFAs would enhance protection of GRSG in these areas, providing a net conservation gain to the species in light of other past, present, and reasonably foreseeable future actions considered in this CEA. Within MZ II/VII there are two SFAs (Bear River Watershed Area and Southwestern/South Central Wyoming) totaling approximately 3,895,500 acres.

Planning Area Habitat Conditions

(b) (5)

planning area, including sagebrush steppe, agriculture/irrigated meadow, mountain shrub, desert shrub/scrub, grasslands subalpine meadow, pinyon juniper, other forests and woodlands, and riparian/wetlands areas.

(b) (5)

Population Trends in Management Zone II/VII

The Wyoming Basin population within MZ II/VII is the largest population in the GRSG range with over 20,000 males attending leks annually. Although recent data suggest a population increase, long-term monitoring is trending downward, and population modeling suggests this trend will continue (Garton et al. 2011).

Wyoming data suggest a cyclic pattern, with population lows in 1995, 2002, and 2013, and peaks in 2000 and 2006. Actual trends are difficult to discern due to the lower survey effort prior to 2007, meaning the number and proportion of active to inactive leks is unknown. Since 2007, the number of active leks in Wyoming has remained stable (approximately 1,100 active leks), but the number of males per active lek

has declined by more than half (from 42 to 17 males per active lek) (Christiansen 2013).

(b) (5)

The isolation of many other populations on the fringes of MZ II/VII makes them particularly vulnerable to habitat loss and fragmentation.

(b) (5)

5.1.4 Regional Efforts to Manage Threats to GRSG

(b) (5)

(b) (5)

Across the GRSG range, other BLM and Forest Service sub-regions are undergoing LUP revision or amendment processes similar to this one for the (b) (5) planning area. The Final EIS associated with each of these efforts has identified a Proposed Plan that meets the purpose and need of conserving, enhancing, and/or restoring GRSG habitat by reducing, eliminating, or minimizing threats. The management actions from the various Proposed LUPs will cumulatively decrease the threat of GRSG habitat loss and will limit fragmentation throughout the range. Key actions present in many of the Proposed LUPs include an adaptive management strategy, anthropogenic disturbance cap, and lek buffers. (b) (5)

(b) (5)

Colorado Statewide Efforts

In 2008, the Colorado Division of Wildlife (now Colorado Parks and Wildlife [CPW]) developed a state conservation plan that prioritized threats and identified key issues facing conservation. The plan detailed issues, objectives, and strategies. The conservation strategies discussed responsible parties, lead agency, timeline, and cost associated with implementation of the strategy.

In 2012, a state conservation plan revision process began, and in consultation with stakeholders, a matrix summarizing implementation and

effectiveness of the strategies was developed (Colorado Package), along with a subsequent Synthesis Report. The Colorado Package identified a number of conservation efforts within Colorado that have resulted in positive impacts on GRSG, including acquisition of conservation easements and habitat improvement projects (Colorado Department of Natural Resources 2013). The Synthesis Report provided additional information on the effectiveness of conservation efforts, such as county zoning ordinances that support protection of GRSG habitat, and measures from the Colorado State Board of Land Commissioners that will support adaptive management techniques to improve GRSG habitat (Colorado Department of Natural Resources 2014).

Idaho Statewide Efforts

In 2006, Idaho developed a statewide plan for the conservation of GRSG (Idaho Sage-grouse Advisory Committee 2006). The plan includes a toolbox of conservation measures to address threats to the species, as well as research, monitoring, and evaluation guidelines and recommendations. The plan was designed to provide guidance, tools, and resources to the local working groups in Idaho, and to facilitate development of their local plans.

Similar to efforts in nearby states, the governor of Idaho is expected to issue an executive order providing direction for GRSG conservation in Idaho on state lands. This executive order is expected to be largely consistent with BLM and Forest Service direction in the GRSG LUPs, although exact details are not known at the time of this FEIS publication.

Montana Statewide Efforts

The Montana Department of Fish, Wildlife, and Parks is tasked with implementing the range-wide WAFWA Sage-Grouse Strategy (Stiver et al. 2006) in Montana. (b) (5)

(b) (5)

In addition, the Montana Department of Fish, Wildlife, and Parks *Montana Management Plan and Conservation Strategy for Sage-Grouse* was initiated in 2005 to protect, maintain, and restore GRSG habitat. The plan ranks threats to the species across the state and provides an overall strategy for public and private cooperation in conservation actions. In 2013, the Greater Sage-Grouse Habitat Conservation Advisory Council provided a plan to the governor to update and advance the conservation agenda for GRSG in Montana.

Montana Executive Order. The Montana governor issued an executive order on September 9, 2014 (State of Montana 2014), based on the council recommendations that provided the direction for GRSG conservation in Montana. The executive order and Montana Management Plan and Conservation Strategy for Sage-Grouse call for:

- A 0.6-mile NSO buffer around active leks i (b) (5)
- Locating new overhead power lines and communication towers a minimum of (b) (5) from the perimeter of active leks
- A 5-percent limit on anthropogenic surface disturbance within the Density and Disturbance Calculation Tool examination area (b) (5)

The approach of the Montana executive order/Montana Management Plan and Conservation Strategy for Sage-Grouse is similar to the Wyoming executive order. Montana's plan will apply a disturbance cap in Core Areas and will limit well density and apply timing limitations. The 0.6-mile buffer would protect males in the vicinity of leks during the breeding season; the density limits and disturbance cap would protect GRSG during nesting, brood-rearing, and winter concentration activities. The timing restrictions would reduce the potential for displacement or disruption during the breeding season.

Utah Statewide Efforts

The Conservation Plan for Greater Sage-grouse in Utah (2013) was designed to protect, enhance, and restore GRSG habitat in an effort to reduce the threats to the species. The plan identifies 11 GRSG management areas throughout the state (including lands within MZ II/VII), which represent areas of high habitat value. The plan calls for state and local efforts to obtain incentive-based negotiated covenants, easements, leases, or other legal tools in order to protect habitat. Additionally, the plan identifies a 5-percent disturbance limitation of habitat on state or federally managed lands, intended to limit the effects of large-scale disturbances.

Wyoming Statewide Efforts

Wyoming has established Core Population Areas to help delineate landscape planning units by distinguishing areas of high biological value. These areas are based on the locations of breeding areas and are intended to help balance GRSG habitat requirements with demand for energy development (Doherty et al. 2011).

In 2000, the Wyoming Sage-Grouse Working Group was formed to develop a statewide strategy for GRSG conservation. This group prepared the Wyoming GRSG Conservation Plan (Wyoming Sage-Grouse Working Group 2003) to provide coordinated management and

direction across the state. In 2004, local GRSG working groups were formed to develop and implement local conservation plans. Eight local working groups around Wyoming have completed conservation plans, many of which prioritize addressing past, present, and reasonably foreseeable threats at the state and local levels, and prescribe management actions for private landowners to improve GRSG conservation at the local scale, consistent with Wyoming's Core Population Area Strategy.

Wyoming Executive Order. Wyoming Governor Matt Mead issued an executive order on June 2, 2011 (State of Wyoming 2011), that complemented and replaced several executive orders issued by his predecessor. The 2011 Wyoming executive order articulates Wyoming's Core Population Area Strategy as an approach to balancing GRSG conservation and development. It also provides an approach to mitigating human disturbances to GRSG. (b) (5)

(b) (5)

The Wyoming executive order applies to state trust lands starting in 2008. These trust lands cover almost 23 percent of GRSG habitat and benefit approximately 80 percent of the estimated breeding population in the state (USFWS 2010). All proposed activities are evaluated through a density/disturbance calculation tool to determine if the project would exceed recommended density/disturbance thresholds. Additionally, the order has stipulations to be included in permits, with varying restrictions depending on whether the proposed development activity occurs within or outside delineated Core Population Areas (State of Wyoming 2011).

In Core Population Areas, the executive order requires a 0.6-mile no surface occupancy (NSO) buffer around occupied leks, (b) (5)

(b) (5)

(b) (5) breeding and winter concentration habitat. This buffer provides protection of males during lekking season and acts in coordination with the density disturbance cap. The combination of protections could offer GRSG considerable regulatory protection when large oil/gas and other development projects are being considered in Wyoming (USFWS 2010; Manier et al. 2013).

Statewide modeling of trends under Wyoming's Core Population Area Strategy suggests that with effective enforcement statewide, the strategy could reduce population losses by 9 to 15 percent across Wyoming. Moreover, the number of Core Population Areas predicted to maintain 75

percent of their current populations could increase from 20 to 25 under long-term scenarios (Copeland et al. 2013). Combining Wyoming's Core Population Area Strategy with \$250 million in target conservation easements could reduce population declines by another 9 to 11 percent (Copeland et al. 2013).

Sweetwater River Conservancy Habitat Conservation Bank. The Sweetwater River Conservancy Habitat Conservation Bank is the first conservation bank established for GRSG. Located in central Wyoming, the bank manages habitat for GRSG allowing energy development and other activities to proceed on other lands within Wyoming. A conservation bank is a site or suite of sites established under an agreement with the USFWS, intended to protect, and improve habitat for species. Credits may be purchased which result in perpetual conservation easements and conservation projects on the land to offset impacts occurring elsewhere. The Sweetwater River Conservancy Habitat Conservation Bank launched with 55,000 deeded acres of GRSG habitat, and could expand up to 700,000 acres on other lands owned by the Sweetwater River Conservancy contingent upon demand (USFWS 2015).

Wyoming Landscape Conservation Initiative. The Wyoming Landscape Conservation Initiative is a long-term science based effort to assess and enhance aquatic and terrestrial habitats at a landscape scale in southwest Wyoming, while facilitating responsible development through local collaboration and partnership. Collaborative efforts address multiple concerns at a scale that considers all activities on the landscape, and can leverage resources that might not be available for single agency projects. GRSG initiatives from the Wyoming Landscape Conservation Initiative have included habitat enhancement efforts (e.g., invasive weed treatment, prescribed grazing strategies), and GRSG research studies (Wyoming Landscape Conservation Initiative 2013).

Natural Resource Conservation Service Sage-Grouse Initiative

The US Department of Agriculture, Natural Resources Conservation Service's Sage-Grouse Initiative (SGI) is working with private landowners in 11 western states to improve habitat for GRSG (Manier et al. 2013). With (b) (5) acres of GRSG habitat in private ownership within MZ II/VII (Manier et al. 2013, p. 118), a unique opportunity exists for the Natural Resources Conservation Service to benefit GRSG and to ensure the persistence of large and intact rangelands by implementing the SGI.

Participation in the SGI program is voluntary, but willing participants enter into binding contracts (b) (5) to ensure that conservation practices that enhance GRSG habitat, such as fence marking, protecting riparian areas, and maintaining vegetation in nesting areas, are implemented. Participating landowners are bound by a contract (usually 3 to 5 years) to

implement, in consultation with Natural Resources Conservation Service staff, conservation practices if they wish to receive the financial incentives offered by the SGI. These financial incentives generally take the form of payments to offset costs of implementing conservation practices and easements or rental payments for long-term conservation.

While potentially effective at conserving GRSG populations and habitat on private lands, incentive-based conservation programs that fund the SGI generally require reauthorization from Congress under subsequent farm bills, meaning future funding is not guaranteed.

As of 2015, SGI has secured conservation easements on (b) (5) acres within MZ II/VII (Natural Resources Conservation Service 2015). On these and additional lands in the MZ, SGI has completed specific GRSG conservation actions, including implementation of grazing systems, conifer removal, vegetation seeding, and fence marking. These conservation actions are targeted at the critical threats in the MZ. Additionally, SGI clusters implementation to achieve landscape benefits (Natural Resources Conservation Service 2015).

Other Regional Efforts

Tribes, counties, and local working groups are playing a critical role in promoting GRSG conservation at the local level. Individual conservation plans have been prepared by most local working groups to develop and implement strategies to improve or maintain GRSG habitat and reduce or mitigate threats. The proposed conservation actions and recommendations in these plans are voluntary actions, and are used as instruments to inform the Wyoming executive order.

Local working group projects include monitoring, research, and mapping habitat areas, as well as public outreach efforts, such as landowner education and collaboration with federal, state, and other local entities. These efforts provide a net conservation gain to GRSG through increased monitoring and public awareness.

Local working group GRSG conservation plans in MZ II/VII include the following:

- Northwest Colorado (Northwest Colorado Greater Sage-Grouse Conservation Plan; Northwest Colorado Greater Sage-Grouse Working Group 2008)
- Piceance/Parachute Roan Creek, Colorado (Parachute-Piceance-Roan Greater Sage-Grouse Conservation Plan; Parachute-Piceance-Roan Greater Sage-Grouse Work Group 2008)
- Northern Eagle/Southern Routt, Colorado (Northern Eagle County and Southern Routt County Greater Sage-Grouse Conservation

- Plan; Northern Eagle County and Southern Routt County Sage-Grouse Work Group 2004)
- North Park, Colorado (North Park Greater Sage-Grouse Conservation Plan; North Park Sage Grouse Working Group 2001)
 - Middle Park, Colorado (Middle Park Sage Grouse Conservation Plan; Middle Park Sage Grouse Working Group 2001)
 - Rich County, Utah (Rich County Sage-grouse Conservation Plan; Rich County Coordinated Resource Management Sage-grouse Subcommittee 2006)
 - Morgan-Summit, Utah (Morgan-Summit Greater Sage-Grouse Local Conservation Plan; Morgan-Summit Adaptive Resource Management Local Working Group 2006)
 - Uintah Basin, Utah (Uinta Basin Greater Sage-Grouse Local Conservation Plan; Uinta Basin Adaptive Resource Management Local Working Group 2007)
 - Upper Green River Basin, Wyoming (Upper Green River Basin Sage-Grouse Grouse Conservation Plan; Upper Green River Basin Sage-Grouse Working Group 2007)
 - Upper Snake River Basin, Wyoming (Upper Snake River Basin Sage-Grouse Conservation Plan; Upper Snake River Basin Sage-Grouse Working Group 2008)
 - Wind River/Sweetwater River Basin, Wyoming (Wind River/Sweetwater River Local Sage-Grouse Conservation Plan; Wind River/Sweetwater River Basin Local Sage-Grouse Working Group 2007)
 - Southwest Wyoming (Southwest Wyoming Sage-grouse Conservation Assessment and Plan; Southwest Wyoming Local Sage-grouse Working Group 2007)
 - South-Central Wyoming (South Central Sage-Grouse Conservation Plan; South Central Sage-grouse Working Group 2007)
 - Bates Hole/Shirley Basin, Wyoming (Bates Hole/Shirley Basin Sage-grouse Conservation Plan; Bates Hole/Shirley Basin Sage-grouse Working Group 2007)
 - Bighorn Basin, Wyoming (Sage grouse Conservation Plan for the Bighorn Basin; Bighorn Basin Sage-grouse Local Working Group 2007)

5.1.5 Relevant Cumulative Actions

This cumulative effects analysis considers past, present, and reasonably foreseeable future actions on federal, state, tribal, local, and private lands in MZ II/VII. Where these actions interface with GRSG habitat, they would cumulatively add to the impacts of BLM- and Forest Service-authorized activities. Relevant cumulative actions occurring in MZ II/VII are described in the Northwest Colorado, Wyoming Greater Sage-Grouse, Lander,

Bighorn Basin, Billings, Idaho and Southwestern Montana, and Utah RMPs/LUPAs, which are hereby incorporated by reference.

The following list includes large-scale past, present, and reasonably foreseeable future actions in MZ II/VII that could cumulatively affect GRSG (see **Table 5-12** for more detail):

- Hiawatha Regional Energy Development EIS
- LaBarge Platform Exploration and Development Project
- Continental Divide-Creston Natural Gas Project
- Moneta Divide Natural Gas and Oil Development Project
- Pinedale Anticline Project
- Black Fork Project (formerly Moxa Arch Area Infill)
- Oil Shale and Tar Sands Programmatic EIS
- Atlantic Rim Natural Gas Field Development Project
- Chokecherry Sierra Madre Wind Farm
- Gateway South Transmission Line Project
- TransWest Express Transmission Line Project
- Gateway West Transmission Line Project
- Riley Ridge to Natrona Pipeline Project
- Invasive Plan Management EIS for the Medicine Bow–Routt National Forests and Thunder Basin National Grassland

These projects are incorporated into the following analysis as the relevant past, present, and reasonably foreseeable future projects associated with each threat to GRSG in MZ II/VII.

5.1.6 Threats to GRSG in Management Zone II/VII

In its COT report, USFWS identifies energy development, infrastructure, grazing/free-roaming equids, conversion to agriculture and urbanization, fire, spread of weeds, recreation, and conifers as the “present and widespread” threats facing GRSG in MZ II/VII (USFWS 2013). These threats impact GRSG mainly by fragmenting and degrading their habitat. The loss of sagebrush steppe across the West approaches or exceeds 50 percent in some areas. Habitat fragmentation and degradation is a primary factor in long-term declines in GRSG abundance across its historical range (USFWS 2010).

Habitat fragmentation reduces connectivity of populations and increases the likelihood of extirpation from random events such as drought or outbreak of West Nile virus. Furthermore, climate change is likely to affect habitat availability to some degree by decreasing summer flows and limiting growth of grasses and forbs, thereby limiting water and food supply (BLM 2012). Sensitive species such as GRSG, which are already stressed by declining habitat, increased development, and other factors, could experience additional pressures as a result of climate change.

Each COT report threat considered present and widespread in at least one population in MZ II/VII is discussed below. For more detail on the nature and type of effects and the direct and indirect impacts on GRSG in the planning area, see **Chapter 4** of the (b) (5) FEIS.

Energy Development (b) (5)

The COT report states that energy development should be designed to ensure that it will not impinge on stable or increasing GRSG population trends. For mining, the objective is to maintain stable to increasing GRSG populations and no net loss of GRSG habitats in areas affected by mining (USFWS 2013).

There are approximately 1,144,800 acres of GRSG habitat in MZ II/VII where energy development is presently occurring, and over 30,000,000 acres are indirectly influenced by energy development, including oil and gas, coal leasing, mineral materials, and renewables (Manier et al. 2013, pp. 55-71). (b) (5)

(b) (5)

Oil and Gas

Nature and Type of Effects. As discussed in **Chapter 4**, oil and gas development impacts GRSG and sagebrush habitats through direct disturbance and habitat loss from well pads, construction activities, seismic surveys, roads, power lines, and pipeline corridors. Indirect disturbances result from noise, gaseous emissions, vehicle traffic, changes in water availability and quality, and human presence. These factors could cumulatively or individually lead to habitat fragmentation in the long term (Connelly et al. 2004; Holloran 2005).

Oil and gas development also directly impacts GRSG through the species' avoidance of infrastructure. This development can also impact GRSG survival or reproductive success. Indirect effects include habitat quality changes, predator communities, and disease dynamics (Naugle et al. 2011).

Several studies completed in the Great Plains and Wyoming Basin have shown that breeding GRSG populations are affected at oil and gas well densities commonly permitted in Montana and Wyoming (Naugle et al. 2011). Doherty et al. (2010) found that although impacts were indiscernible at densities of less than one well per square mile, lek losses were two to five times greater in areas with development above this threshold. They also found that the abundance (number) of males per lek at the remaining leks declined by approximately 30 to 80 percent. These and other studies demonstrate that both direct and indirect impacts result

from the impacts of energy development and geophysical exploration in GRSG habitat.

Studies have researched the efficacy of NSO stipulations for leasing and development within certain distances of a lek (Holloran 2005; Walker et al. 2007). Walker et al. (2007) found that in the Powder River Basin, buffer sizes of 0.25, 0.50, 0.60, and 1.00 mile resulted in an estimated lek persistence (the ability of leks to remain on the landscape) of approximately 5, 10, 15, and 30 percent, respectively. Conversely, lek persistence in areas without oil and gas development averaged approximately 85 percent. In addition, NSO lease stipulations of .25 miles were found to be insufficient to conserve breeding GRSG populations in Wyoming and Montana when nearly 100 percent of the area within approximately 2 miles of leks remained open to full-scale development (Walker et al. 2007).

Research has also studied the effects of energy development on GRSG at distances greater than 1 mile. Naugle et al. (2011) reported that impacts of energy development on leks had been documented at distances greater than 3.5 miles from the lek. Holloran (2005) found impacts on abundance at a distance between 3 and 4 miles in western Wyoming. However, Naugle et al. (2011) also stated that impacts on leks caused by energy development were most severe nearer the lek.

Naugle et al. (2011) also found that impacts from energy development often extirpate leks in gas fields. Doherty (2008) documented that lek losses increased and male abundance decreased as well density increased in the Powder River Basin. Lek extirpation in areas with 8 wells per section (40 to 100 wells total) within 2 miles of the lek was 5 times more likely to occur than in areas with no wells within 2 miles. Male attendance at the remaining leks in these areas declined approximately 20 to 60 percent (Doherty 2008).

Lyon and Anderson (2003) reported that oil and gas development influenced the rate of nest initiation of GRSG in excess of approximately 2 miles of construction activities. GRSG numbers on leks within approximately 1 mile of natural gas compressor stations in Campbell County, Wyoming, were consistently lower than numbers on leks unaffected by this noise disturbance (Braun et al. 2002). Holloran and Anderson (2005) reported that lek activity decreased downwind of drilling activities, suggesting that noise caused measurable impacts.

In addition to activities directly associated with oil and gas development, road traffic also generates noise. Knick et al. (2003) indicated that there were no active GRSG leks within approximately 1 mile of Interstate 80 across southern Wyoming; only 9 leks were known to occur between approximately 1 and 2.5 miles of Interstate 80.

Conditions in MZ II/VII (b) (5)
 (b) (5) MZ II/VII, the Greater Green River Basin, Uintah-Piceance Basin, and North Park Basin are all important oil and gas reserves, (b) (5)
 (b) (5)

Oil and natural gas development-related wells indirectly influence 78 to 84 percent of PPH and PGH respectively across MZ II/VII. BLM-administered lands are host to 54 percent of wells in PPH and 50 percent in PGH within MZ II/VII (Manier et al. 2013). Therefore, BLM actions are likely to have a greater potential to ameliorate the effects of oil and gas development than any other single land management entity.

Oil and gas conservation measures across MZ II/VII are more widespread than in the past. Much oil and gas development on private lands previously occurred with minimal mitigation efforts, but restrictions are now in place to protect GRSG habitat under the Wyoming and Montana executive orders. Additionally, in Colorado, operators may be subject to consultation requirements under the Colorado Oil and Gas Conservation Commission rules, to determine if conditions of approval are necessary to minimize adverse impacts from proposed oil and gas operations in sensitive wildlife habitat (such as GRSG PHMA).

Impact Analysis. **Tables 5-2**, Acres Open and Closed to Fluid Mineral Leasing in GRSG Habitat in MZ II/VII, and **5-3**, Acres with NSO and CSU/TL Stipulations in GRSG Habitat in MZ II/VII, provide a quantitative summary of present fluid mineral leasing conditions on BLM-administered lands across MZ II/VII. An analysis of this summary along with other past, present, and reasonably foreseeable actions in MZ II/VII (see **Table 5-12**) follows.

As stated under **Section 5.1.1**, Methods, and **Section 5.1.2**, Assumptions, acreages in these tables are limited to BLM-administered and National Forest System lands and always assume implementation of Proposed LUPs in other RMP planning areas across MZ II/VII. Tables displaying fluid mineral acreage include the federal mineral estate.

Table 5-2

Acres Open* and Closed to Fluid Mineral Leasing in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
	Open* to Fluid Mineral Leasing			
Alternative A	(b) (5)	100%	(b) (5)	(b) (5)

Alternative B	0	0%	(b) (5)
Alternative C	0	0%	
Alternative (b) (5)	(b) (5)	(b) (5)	
Proposed LUPA	0	0%	

Closed to Fluid Mineral Leasing

Alternative A	(b) (5)	3%	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	1,290,000	(b) (5)	1,165,000	(b) (5)

Source: BLM 2015

*Open with standard lease terms and conditions. This table displays the acres of PHMA and GHMA open and closed to fluid mineral leasing in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

Table 5-3

Acres with NSO and CSU/TL Stipulations in GRSG Habitat in MZ 1I/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
NSO Stipulations				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	0%	(b) (5)	(b) (5)
Alternative C	(b) (5)	0%	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	4,442,000	(b) (5)	1,281,000	(b) (5)
CSU/TL Stipulations				
Alternative A	(b) (5)			

Alternative B	(b) (5)	0%	(b) (5)	(b) (5)
Alternative C	(b) (5)	0%	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	5,407,000	(b) (5)	6,957,000	(b) (5)

Source: BLM 2015

This table displays the acres of PHMA and GHMA with NSO Stipulations and CSU/TL Stipulations in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

As shown in Tables 5-2 and 5-3, fluid mineral closures and stipulations within the (b) (5) planning area exert limited influence due to their small acreage compared to the broader MZ. However, other relevant cumulative actions within the planning area, such as closing PHMA and GHMA to leasing, establishing 0.6-mile lek buffers in accordance with the Wyoming executive order, applying the disturbance cap, and implementing NSO and CSU/TL stipulations, would help to reduce the threat of oil and gas development within the MZ.

Under Alternative A, (b) (5) acres of PHMA in MZ II/VII would be open to fluid mineral leasing under standard lease terms and conditions (all of which would be located in the (b) (5) planning area). Additionally (b) (5) acres of GHMA would be open to leasing in the MZ. (b) (5)

(b) (5) The lack of protective restrictions in these areas would increase the potential for harm or disturbance associated with new leasing projects. GRSG would be most vulnerable to disturbance from oil and gas leasing and development in the (b) (5) planning area; implementing other BLM/Forest Service Proposed LUPAs throughout the remainder of the MZ would result in greater long-term protections on BLM (b) (5) lands in those areas. Conservation actions at the state and local level (e.g., state GRSG plans and conservation easements) would complement other BLM/Forest Service Proposed LUPAs while oil and gas-related past, present, and reasonably foreseeable future actions that cause surface disturbance would result in a continued threat to GRSG, specifically within the planning area.

Acres of PHMA and GHMA closed to fluid mineral leasing in MZ II/VII

(b) (5) (b) (5) (b) (5) The risk of habitat fragmentation or disturbance due to new oil and gas development would be reduced. The

incremental effect of implementing Alternatives B or (b) (5) in conjunction with BLM/Forest Service Proposed LUPs elsewhere in the MZ and the past, present, and reasonably foreseeable future actions disclosed in Table 5-12 would result in a net conservation gain to GRSG habitats and populations in MZ II/VII on BLM and National Forest System lands because these two alternatives are the most restrictive for oil and gas development. (b) (5)

(b) (5)

(b) (5)

(b) (5) Implementation of the BLM/Forest Service Proposed LUPAs in other planning areas within MZ II/VII would help to ameliorate the threat of oil and gas development outside of the Northwest Colorado planning area.

Under the Proposed LUPA, no PHMA would be open to fluid mineral leasing with standard terms and conditions in MZ II/VII; approximately 2,378,000 acres of GHMA would be open with standard terms and conditions. Closing PHMA to fluid mineral leasing or applying major or moderate stipulations in MZ II/VII would benefit GRSG by limiting new development in important habitat areas. While new oil and gas development is likely to occur on lands not administered by the BLM or Forest Service, such projects may be subject to the requirements of the Wyoming executive order and other state conservation plans, which would limit disturbance. (b) (5)

(b) (5)

(b) (5) The incremental effects of implementing the Proposed LUPA in conjunction with other GRSG conservation plans in MZ II/VII would result in a net conservation gain for GRSG because of the additional restrictions in important habitat areas.

All BLM/Forest Service Proposed LUPAs within MZ II/VII include BMPs and RDFs to minimize impacts on GRSG from oil and gas development on (b) (5) lands. Examples include locating new compressor stations outside of PHMA to reduce noise disturbance, clustering operations and facilities as closely as possible, placing infrastructure in already disturbed locations where the habitat has not

been fully restored, and restoring disturbed areas at final reclamation to the predisturbance landforms and desired plant communities. State plans contain similar measures to reduce impacts. Together, these measures would help protect unfragmented habitats, minimize habitat loss and fragmentation, and maintain conditions that meet GRSG life history needs. Recent research (Arkle et al. 2014) indicates that restored habitats lack many of the features sought by GRSG in their habitat areas and may not support GRSG for long periods following restoration activities. In order to conserve GRSG populations on the landscape, protection of existing habitat through minimizing development would provide the best hope for GRSG persistence (Arkle et al. 2014).

Implementation of the Proposed LUPA, in combination with other BLM (b) (5) planning efforts within MZ II/VII, could affect proposed oil and gas development projects. Large-scale oil and gas projects that could potentially occur on GRSG habitat within MZ II/VII (such as the Hiawatha Regional Energy Development EIS, LaBarge Platform Exploration and Development Project, and Continental Divide-Creston Natural Gas Project, as discussed in Table 5-12) would be subject to the disturbance cap limitations of the Wyoming executive order and/or other BLM/Forest Service Proposed LUPAs (b) (5)

(b) (5)

(b) (5) mitigation requirements in BLM/Forest Service LUPAs and state and other GRSG conservation plans would offset disturbances from future projects and result in a net conservation gain for GRSG.

(b) (5)

(b) (5)

Coal

Nature and Type of Effects. Coal extraction is a major mining activity in GRSG habitat (Braun 1998), and environmental effects include soil erosion, dust, noise, water pollution, acid-mine drainage, and air emissions. These environmental effects can result in GRSG behavioral disruptions and habitat removal or degradation. Although land disturbed by coal mining can be restored to a point that supports a diversity of vegetation, including big sagebrush, reclamation projects require long durations, and GRSG habitat may fail to be restored (Arkle et al. 2014).

Conditions in MZ II/VII. (b) (5)

(b) (5) Coal surface leases indirectly influence 8 to 10 percent of (b) (5) and (b) (5) respectively across MZ II/VII. Approximately 50 percent of coal leases in PPH (and 57 percent in PGH) occur on private lands within MZ II/VII (Manier et al. 2013). Therefore, private actions are likely to have a greater potential to ameliorate the effects of coal development on GRSG than any other single land management entity.

Impact Analysis. (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5) The requirements of 43 CFR, Part 3461.5, Criterion 15, in combination with BLM and Forest Service planning efforts and state plans, would help reduce the threat from coal extraction and would provide a net conservation gain to GRSG (b) (5) in MZ II/VII.

Mineral Materials

Nature and Type of Effects. Development of surface mines (e.g., for sand, gravel, and other common mineral materials found in MZ II/VII) may negatively impact GRSG numbers and disrupt their habitat and life cycle, similar to other types of mining activities (Braun 1998; Manier et al. 2013).

Conditions in MZ II/VII. Mineral material disposal sites indirectly influence 17 percent of PPH and 11 percent of (b) (5) across MZ II/VII. Approximately 65 percent of mineral material disposal sites in (b) (5) and 60 percent of sites in (b) (5) occur on BLM-administered lands within MZ II/VII (Manier et al. 2013). Therefore, BLM actions are likely to have a greater potential to ameliorate the effects of mineral material disposal on GRSG than any other single land management entity.

Impact Analysis. As shown in **Table 5-4**, Acres Open and Closed to Mineral Material Disposal in GRSG Habitat in MZ II/VII, acres of PHMA and GHMA closed to mineral material disposal within the planning area generally have a relatively smaller influence when compared to the broader MZ.

Table 5-4

Acres Open and Closed to Mineral Material Disposal in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
	Open to Mineral Material Disposal			
Alternative A	(b) (5)			
Alternative B				
Alternative C				
Alternative				

(b) (5)				
Proposed LUPA	7,181,000	(b) (5)	9,762,000	(b) (5)
Closed to Mineral Material Disposal				
Alternative A				
Alternative B				
Alternative C				
Alternative (b) (5)				
Proposed LUPA	3,495,000	(b) (5)	1,390,000	(b) (5)

Source: BLM 2015

This table displays the acres of PHMA and GHMA open and closed to mineral material disposal in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

Under Alternative A, (b) (5) acres of PHMA are closed to mineral material disposal in MZ II/VII, and (b) (5) acres of GHMA are closed. In PHMA, (b) (5) acres would remain open, as would (b) (5) acres of GHMA. Reasonably foreseeable future mineral material disposals in MZ II/VII could affect GRSG through habitat disturbance, fragmentation, or behavior disruptions, depending on the location and extent of the project; however, implementation of BLM/Forest Service Proposed LUPs in other areas of MZ II/VII would restrict development, thereby reducing the risk of removing or fragmenting habitat, particularly on federal lands. There would be a net conservation to GRSG habitats and populations in MZ II/VII, but it would be concentrated in areas outside the Northwest Colorado planning area.

Under Alternatives B and (b) (5) and the Proposed LUPA, additional acres of PHMA are designated as closed to mineral material disposal. These closures would restrict new developments on GRSG habitat on BLM and Forest Service-administered lands, thereby contributing to the protection of habitat. Designating GRSG habitat as open or closed to mineral material disposal would not preclude existing facilities from continued operation. In areas where existing mineral material disposal sites affect

GRSG (e.g., through noise disturbance or vehicle collision risk), these impacts would likely continue.

Under the Proposed LUPA, 3,495,000 acres of PHMA would be closed to mineral material disposal in MZ II/VII, and 1,390,000 acres would be closed in GHMA. On nonfederal lands, the development limitations applied under the Wyoming executive order would reduce impacts to GRSG habitat across the state and would encourage mineral material

(b) (5)
(b) (5)

Locatable Minerals

Nature and Type of Effects. Locatable minerals include gold, silver, uranium, and bentonite. Activities associated with locatable mineral development, such as stockpiling topsoil and extracting and transporting material, can have direct impacts on GRSG through mortality and nest disruption. These actions also reduce the functionality of the surrounding habitat via noise and light disturbance, resulting in lost and degraded PHMA and GHMA.

As with fluid mineral development, reclamation practices may reduce long-term impacts on GRSG and their habitat. Although disturbed areas have not been restored to near pre-disturbance conditions in the past, recent efforts have been directed toward restoring functional habitat. However, even with effective restoration, restored areas may not support GRSG populations at the same level as prior to disturbance (Arkle et al. 2014).

Conditions in MZ II/VII. Within MZ II/VII, bentonite, gypsum, gold, and uranium are all commonly mined for commercial use. (b) (5)

(b) (5)

Impact Analysis. As shown in **Table 5-5**, acres of GRSG habitat recommended for withdrawal within the planning area generally represents a relatively small proportion compared to the broader MZ

(b) (5)

Table 5-5
Acres Open and Recommended for Withdrawal from Mineral Entry in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
Open to Mineral Entry				
Alternative A	(b) (5)			
Alternative B				
Alternative C	(b) (5)	0%	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	8,190,000	(b) (5)	8,940,000	(b) (5)
Recommended for Withdrawal from Locatable Mineral Entry				
Alternative A	(b) (5)			
Alternative B				
Alternative C				
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	893,000	(b) (5)	235,000	(b) (5)

Source: BLM 2015

This table displays the acres of PHMA and GHMA open to mineral entry and recommended for withdrawal from locatable mineral entry in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

Under Alternative A (b) (5) acres of PHMA would be recommended for withdrawal from locatable mineral entry in MZ II/VII (b) (5) acres of GHMA would be recommended for withdrawal. These acres would remain the same under Alternative (b) (5) and the Proposed LUPA. (b) (5)

(b) (5)

(b) (5)

Under all alternatives and the (b) (5)

(b) (5)

(b) (5)

within MZ II/VII (b) (5) such as clustering operations and facilities as closely as possible, placing infrastructure in already disturbed locations where the habitat has not been fully restored, and restoring disturbed areas at final reclamation to the pre-disturbance landforms and desired plant communities.

(b) (5)

(b) (5) would recommend SFAs for mineral withdrawal. As such,

(b) (5)

net conservation gain to GRSG populations by reducing disturbance to birds (b) (5) by mining activities.

Nonenergy Leasable Minerals

Nature and Type of Effects. Nonenergy leasable minerals include materials such as sulfates, silicates, and trona (sodium carbonate). Impacts on GRSG are similar to those from other types of mining described above.

Conditions in MZ II/VII. (b) (5)

(b) (5)

(b) (5) In MZ II/VII, existing federal mineral prospecting permits for nonenergy leasable resources have a direct footprint on 378,400 acres of PPH and 557,100 acres of PGH (Manier et al. 2013 p. 79).

(b) (5)

Impact Analysis. Table 5-6, Acres Open and Closed to Nonenergy Leasable Mineral Leasing in GRSG Habitat in MZ II/VII, shows acres of GRSG habitat open and closed to nonenergy mineral leasing in the MZ.

Table 5-6
Acres Open and Closed to Nonenergy Leasable Mineral Leasing in GRSG Habitat in MZ II/VII

PHMA		GHMA	
MZ II/VII (acres)	Percent Within	MZ II/VII (acres)	Percent Within

	<i>Planning Area</i>		<i>Planning Area</i>	
Open to Nonenergy Leasing				
Alternative A	(b) (5)	(b) (5)	7,939,000	(b) (5)
Alternative B		0%	7,939,000	
Alternative C		0%	7,939,000	
Alternative (b) (5)		(b) (5)	(b) (5)	
Proposed LUPA	5,921,000	0%	7,939,000	
Closed to Nonenergy Leasing				
Alternative A	(b) (5)	(b) (5)	1,114,000	(b) (5)
Alternative B			1,114,000	
Alternative C			1,114,000	
Alternative (b) (5)			(b) (5)	
Proposed LUPA	3,646,000		1,114,000	

Source: BLM 2015

This table displays the acres of PHMA and GHMA open and closed to nonenergy leasing in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

(b) (5)

(b) (5)

(b) (5) Precluding nonenergy leasable development in PHMA and GHMA would reduce the (b) (5) habitat disturbance and fragmentation, as well as direct disturbance to GRSG, improving the likelihood of successful breeding and reproduction.

In combination with the disturbance cap applied under state plans, BLM and (b) (4) actions in other planning areas in MZ II/VII, and other past, present, and reasonably foreseeable future actions, the Proposed LUPA would provide a net conservation gain to GRSG.

Infrastructure

Rights-of-Way and Special Use Authorizations

Nature and Type of Effects. As discussed in **Chapter 4**, power lines can directly affect GRSG by posing a collision and electrocution hazard. They also can indirectly decrease lek attendance and recruitment by providing perches and nesting habitat for potential avian predators, such as golden eagles and ravens (Connelly et al. 2004). In addition, power lines and pipelines often extend for many miles. The ground disturbance associated with construction, as well as vehicle and human presence on maintenance roads, may introduce or spread invasive weeds over large areas, degrading habitat. Impacts from roads may include direct habitat loss from road construction and direct mortality from collisions with vehicles. Roads may also present barriers to migration corridors or seasonal habitats, facilitate predator movements, spread invasive plants, and increase human disturbance from noise and traffic (Forman and Alexander 1998).

Numerous studies have researched the impact of infrastructure on GRSG. For example, GRSG avoided nesting and summering near major roads (for example, paved secondary highways) in south-central Wyoming (LeBeau 2012), and traffic disturbance (1 to 12 vehicles per day) within 1.9 miles of leks during the breeding season reduced nest-initiation rates and increased distances moved from leks during nest site selection of female GRSG in southwestern Wyoming (Lyon and Anderson 2003). Nesting propensity (i.e., nest initiation rates) was 24 percent lower for females breeding on road-disturbed leks compared with undisturbed females, 56 percent of females breeding on disturbed leks initiated nests in consecutive years compared to 82 percent of females breeding on undisturbed leks, and females moved twice as far from leks to nest locations if breeding on disturbed leks (Lyon and Anderson 2003). Increased length of road (correlated with use), increased traffic levels on roads, and traffic activity during the early morning on roads within approximately 1.9 miles of leks negatively influence male lek attendance (Manier et al. 2013).

An examination of leks within 62 miles of Interstate 80 in Wyoming and Utah found no leks within 1.25 miles of the interstate, reduced numbers of leks within 4.7 miles of the interstate, and a positive distance-effect with higher rates of decline in lek counts between 1970 and 2003 on leks within 4.5 miles compared to leks 4.7 to 9.3 miles from the interstate (Connelly et al. 2004). Rates of decline in GRSG male lek attendance increased as traffic volumes on roads near leks increased, and vehicle activity on roads during the daily strutting period (i.e., early morning) had a greater influence on male lek attendance compared with roads with no vehicle activity during early morning in southwestern Wyoming (Holloran 2005). In central Wyoming, peak male attendance (i.e., abundance) at leks experimentally treated with noise recorded at roads decreased 73 percent relative to paired controls (Blickley 2012; Manier et al. 2013).

Transmission lines are especially prevalent in MZ II/VII (Manier et al. 2013), and their impact on GRSG in the MZ has been studied. Negative effects of power lines on lek persistence were documented in northeastern Wyoming; the probability of lek persistence decreased with proximity to power lines and with increasing proportion of power lines within a 4-mile window around leks (Walker et al. 2007). Braun reported that use of areas near transmission lines by GRSG, as measured by pellet counts, increased as distance from transmission line increased up to 600 meters (1968 feet) (Braun 1998). GRSG avoided brood-rearing habitats within 2.9 miles of transmission lines in south-central Wyoming (LeBeau 2012; Manier et al. 2013).

Power lines may also cause changes in lek dynamics, with lower growth rates observed on leks within 0.25-mile of new power lines in the Powder River Basin of Wyoming as compared with those further from the lines. This was attributed to increased raptor predation (Braun et al. 2002). Raptors and corvids forage on average 3.1 to 4.3 miles from perching sites, potentially impacting 32 to 40 percent of the GRSG conservation area (Connelly et al. 2004). Removing or reducing the number of perching structures and landfills in key nesting, brood-rearing, and lekking habitats may reduce predation pressure on GRSG (Bui 2009; Leu and Hanser 2011; Manier et al. 2013).

Conditions in MZ II/VII. Infrastructure, such as ROWs and associated facilities and urbanization, is prevalent throughout MZ II/VII. Although not representative of all infrastructure ROWs, transmission lines (greater than 115 kilovolt) indirectly influence 60 to 63 percent of PPH and PGH, respectively, across MZ II/VII. Approximately 50 percent of transmission lines in PPH (and 45 percent in PGH) are located on BLM-administered lands across GRSG habitats in MZ II/VII (Manier et al. 2013). Therefore, BLM actions are likely to have a greater potential to ameliorate the effects

of transmission line ROWs on GRSG than any other single land management entity.

Impact Analysis. **Table 5-7**, Acres of Rights-of-Way/Special Use Authorization Management in GRSG Habitat in MZ II/VII, lists the areas of ROW/SUA avoidance and exclusion in GRSG habitat by alternative.

Table 5-7

Acres of Rights-of-Way/Special Use Authorization Management in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
Open to Rights-of-Way/Special Use Authorizations				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	0%	(b) (5)	(b) (5)
Alternative C	77,000	0%	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	77,000	0%	5,954,000	(b) (5)
Right-of-Way/Special Use Authorization Exclusion				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	564,000	(b) (5)	674,000	(b) (5)
Right-of-Way/Special Use Authorization Avoidance				
Alternative A	(b) (5)			
Alternative	(b) (5)			

B

Alternative

C

Alternative

(b) (5)

Proposed
LUPA

(b) (5)	(b) (5)	(b) (5)	(b) (5)
8,336,000	(b) (5)	3,134,000	(b) (5)

Source: BLM 2015

Open with standard terms and conditions. This table displays the acres of PHMA and GHMA within rights-of-way designations in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

Past, present, and reasonably foreseeable projects within MZ II/VII identified in **Table 5-12** indicate ROW applications are anticipated to continue to increase within MZ II/VII. Major interstate transmission lines are currently proposed in MZ II/VII and may contribute to the cumulative impacts on GRSG and their habitat. However, by managing BLM- and Forest Service-administered lands as ROW/SUA avoidance and exclusion areas, proposed transmission lines would be restricted in GRSG habitat. Exclusion areas would strictly prohibit ROW/SUA development, while avoidance areas may allow ROW/SUA development subject to restrictions and mitigation.

(b) (5) exclusion and avoidance areas are intended to minimize disturbance to GRSG populations by limiting the siting of roads and other ROWs/SUAs, which can increase bird mortality, habitat avoidance, and habitat fragmentation. Additionally, the location of tall structures can increase predation (Connelly et al. 2004). These impacts would be most prevalent under Alternative A, as this alternative has the fewest ROW/SUA avoidance and exclusion areas in GRSG habitat within MZ II/VII.

(b) (5)
(b) (5)

Reasonably foreseeable future actions (as discussed in **Table 5-12**) include multi-state transmission lines that cross multiple land jurisdictions, including private, state, and federally owned lands. ROW/SUA exclusion and avoidance areas under the Proposed LUPA or any of the alternatives would not apply to nonfederal lands. Therefore, the disturbance cap limitation under the Wyoming executive order and other state plan incentives would have a greater impact on ameliorating the threat.

Alternative A has the most acres of PHMA open to ROW/SUA development in MZ II/VII (822,000 acres), of which most are located

within (b) (5) planning area. All other action alternatives and the Proposed LUPA reduce the number of PHMA acres open to ROW/SUA in MZ II/VII by (b) (5) percent. (b) (5)

(b) (5)

Acres of GRSG habitat in ROW/highest under Alternative B and (b) (5)

(b) (5)

The Proposed LUPA relies more on ROW/SUA avoidance areas to protect GRSG habitat rather than ROW/SUA exclusion. (b) (5)

(b) (5)

(b) (5) As a result, the incremental effect of implementing the Proposed LUPA, including the anthropogenic disturbance cap, in conjunction with past, present, and reasonably foreseeable future actions would be a reduction in disturbance of GRSG leks, nests, and brood-rearing and wintering areas compared to other alternatives.

The cumulative impact of installing multi-state transmission lines and other ROWs/SUAs would include adverse effects to some populations of GRSG within MZ II/VII. These effects may include lek abandonment; removal, degradation, and fragmentation of habitat; direct mortality through collisions with vehicles; impeding migration; increased risk of predation; and spread of noxious or invasive weeds. Construction of access roads and ancillary facilities in GRSG habitat would contribute to these negative effects. BMPs, design features, state or BLM field office-specific stipulations, and Forest Standards and Guidelines are incorporated into the NEPA documents for many of these proposed transmission lines in MZ II/VII. However, the extent to which these measures are to be implemented during construction is uncertain. GRSG would be particularly vulnerable to the effects of new transmission lines in Colorado, where reasonably foreseeable future transmission line routes are proposed in both GHMA and PHMA.

Presidential Priority transmission projects that are proposed in MZ II/VII (such as the TransWest Express and Gateway West projects), would not be subject to GRSG conservation requirements in BLM/Forest Service LUPAs, but would be subject to those requirements in applicable state plans and other state and federal laws and regulations. They would also develop their own suite of protective measures analyzed in project-

specific NEPA documents. Whether or not these project-specific measures would adequately protect GRSG is unknown because the measures have not been finalized. Regardless, impacts would likely be greater in Colorado where the TransWest Express proposed route would impact approximately 26 miles in PACs (key habitats that are essential for GRSG conservation) and 57 miles in PHMA in the BLM Little Snake and White River Field Offices. This impact would be especially harmful to fringe GRSG populations in Colorado, as some are less robust than those in Wyoming and southern Montana.

The effect of the alternatives and other conservation actions in the MZ (most notably the Montana and Wyoming executive orders) could be synergistic. By implementing restrictions on infrastructure in PHMA and on state and private lands together, the cumulative beneficial effect on GRSG would be greater than the sum of their individual effects because protections would be applied more consistently across the landscape. This is especially important in areas of mixed land ownership patterns where complementary protections can benefit leks, early brood rearing habitat, or other important areas that do not follow geopolitical boundaries.

Under all alternatives and the Proposed LUPA, the cumulative effect of constructing multiple new transmission lines and other ROWs/SUAs is likely to negatively affect GRSG and their habitat. However, implementation of the BLM/Forest Service Proposed LUPs, in combination with other regional efforts, would restrict the extent to which proposed ROWs could be located in or near GRSG habitat, providing more benefit to the species than current management.

Renewable Energy

Nature and Type of Effects. Impacts on GRSG from renewable energy development, such as that for wind and solar power, are similar to those from nonrenewable energy development. Additional concerns associated with wind energy developments are rotor blade noise, structure avoidance, and mortality caused by collisions with turbines (Connelly et al. 2004).

A study on specific effects of wind development on GRSG in south-central Wyoming showed that the relative probability of a GRSG nest failing (eggs not hatching) or brood failing (all chicks lost within 35 days post-hatch) increased with proximity to the nearest wind turbine. This study investigated short-term response of GRSG to a wind energy facility; additional impacts may be realized in the longer term following addition of wind turbines, due to the time lags associated with responses of breeding populations to infrastructure (Garton et al. 2011).

Conditions in MZ II/VII. While most BLM and Forest Service lands are not currently leased or developed for wind or solar energy resources, areas of potential development coincide closely with GRSG habitats in MZ II (Manier et al. 2013). Although not representative of all renewable energy development, wind turbines indirectly influence less than 1 to 2 percent of PPH and PGH respectively across MZ II/VII. Private lands are host to 70 percent of wind turbines affecting GRSG in PPH (and 73 percent in PGH) within MZ II/VII (Manier et al. 2013). If this trend continues into the future, actions on private land are likely to have a greater potential to ameliorate the effects of wind energy development than any other single land management entity.

Impact Analysis **Table 5-8**, Acres of Wind Energy Management Designations in GRSG Habitat in MZ II/VII, lists areas of wind energy ROW by alternative.

Table 5-8
Acres of Wind Energy Management Areas in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
Open to Wind Rights-of-Way/Special Use Authorization				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	0	0%	5,461,000	(b) (5)
Wind Right-of-Way/Special Use Authorization Exclusion				
Alternative A	(b) (5)	0%	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative	(b) (5)	(b) (5)	(b) (5)	(b) (5)

(b) (5)				
Proposed LUPA	3,796,000	(b) (5)	958,000	(b) (5)
Wind Right-of-Way/Special Use Authorization Avoidance				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	5,184,000	(b) (5)	3,323,000	(b) (5)

Source: BLM 2015

Open with standard terms and conditions. This table displays the acres of PHMA and GHMA within wind energy management designations in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

Managing wind ROW/SUA avoidance and exclusion areas in GRSG habitat would reduce or minimize impacts from wind utility infrastructure on BLM- and Forest Service-administered land by prohibiting or restricting new ROWs. In addition, renewals or upgrades of existing facilities could incorporate additional conservation actions. Collocation or clustering of facilities would reduce impacts on GRSG habitat. (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Reasonably foreseeable future projects within MZ II/VII include renewable energy developments, such as the Chokeycherry/Sierra Madre Wind Farm in southern Wyoming. Projects that require state agency review or approval would be subject to the Wyoming executive order permitting process for development in Core Population Areas, which would encourage ROW/SUA development outside of Core Areas and restrict surface occupancy within 0.6-mile of occupied leks.

Impacts would be minimized on BLM- an (b) (5) administered land across all alternative (b) (5) adhering to the wildlife protection provisions of the Wind Energy Development Programmatic EIS (BLM 2005). Implementation of wind energy ROW avoidance in PHMA for all BLM/Forest Service Proposed LUPs, in combination with the disturbance caps under the state plans, exclusion zones in other BLM and Forest Service planning areas, and other past, present, and reasonably foreseeable future actions, would provide the greatest net conservation gain to GRSG in MZ II/VII.

Grazing/Free-Roaming Equids

Nature and Type of Effects. In general, livestock can influence habitat by modifying plant biomass, plant height and cover, and plant species composition. As a result, livestock grazing could cause changes in habitat

that alter species abundances and composition in GRSG insect prey. Changes in plant composition could occur in varying degrees and could change vegetative structure, affecting cover for nesting birds. Grazing could also alter fire regimes (Davies et al. 2010).

If not managed properly, cattle and sheep grazing could compact soil, enrich soil with nutrients, trample vegetation and nests, directly disturb GRSG, and negatively affect GRSG recruitment. Cattle and sheep also can reduce invertebrate prey for GRSG or increase their exposure to predators (Beck and Mitchell 2000, pp. 998-1,000; Knick 2011; Coates 2007, pp. 28-33). Grazing in riparian areas can destabilize streams and riverbanks, cause the loss of riparian shade, and increase sediment and nutrient loads in the aquatic ecosystem (George et al. 2011). Stock watering tanks can contribute to stream and aquifer dewatering and may concentrate livestock movement and congregation in sensitive areas (Vance and Stagliano 2007).

Grazing can be used to reduce fuel load and reduce the risk of wildfire (Connelly et al. 2004, p. 7, 28-30). Under certain conditions, grazing can reduce the spread of invasive grasses, if applied early in the season before the grasses have dried (Strand and Launchbaugh 2013). Light to moderate grazing does not appear to affect perennial grasses, which are important to nest cover (Strand and Launchbaugh 2013). However, excessive grazing can eliminate perennial grasses and lead to expansion of invasive species such as cheatgrass or Japanese brome (Reisner et al. 2013).

A well-developed understory of grass, forbs, and deciduous shrubs is critical for GRSG and other wildlife. Impacts on habitat vary with livestock densities and distribution; the more evenly livestock is distributed, the lower its impact on any given area (Gillen et al. 1984). However, cattle show a strong preference for certain areas, leading to high use in some areas and little to no use in others. Livestock grazing is generally limited by slopes of greater than 60 percent, dense forests and vegetation, poor or little upland forage, and lack of water (Holecheck et al. 2010).

Although livestock grazing is the most widespread land use across the sagebrush biome, it exerts a more limited influence on soils and vegetation than land uses that remove or fragment habitat (e.g., mineral extraction or infrastructure development). Thus, reducing AUMs or acres open to grazing would not necessarily restore high-quality GRSG habitat.

Reducing grass height caused by livestock grazing in GRSG nesting and brood-rearing areas has been shown to negatively impact nesting success. (b) (5)

[REDACTED] Livestock grazing could reduce the suitability of

breeding and brood-rearing habitat, which would impact GRSG populations (USFWS 2010).

Since the passage of the 1934 Taylor Grazing Act, range conditions on BLM-administered lands have improved due to improved grazing management practices and decreased livestock numbers and annual duration of grazing. In addition, the BLM has applied Standards for Rangeland Health since 1997. The purpose of this practice is to enhance sustainable livestock grazing and wildlife habitat, while protecting watersheds and riparian ecosystems.

For BLM-administered lands, Standards for Rangeland Health require the BLM to ensure rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat. Habitats that support or could support threatened species, endangered species, or species of special concern sensitive species will be maintained or enhanced. The BLM Washington Office Instruction Memorandum 2009-018 serves as an aid to BLM field offices in determining priorities for focusing resources when processing permits and leases. The IM is based upon rangeland health, and considers critical habitat conditions, conflicts with GRSG, and whether projects have been proposed for implementing the Healthy Lands initiative. The authorized officer shall take appropriate action upon determining that existing management needs to be modified to ensure that standards are met or are making significant progress towards meeting standards. Modifying management could involve a variety of actions including, but not limited to, changing animal kind, changing season of use, adjusting AUMs, adjusting livestock numbers, implementing a grazing prescription or implementing range improvement projects.

On National Forest Systems lands, livestock grazing is administered in accordance to the Multiple Use and Sustained Yield Act of 1960. As with BLM-administered lands, the Forest Service issues livestock grazing permits for a period of up to 10 years that are generally renewable if it is determined that the terms and conditions of the permit are being met and the ecological condition of the rangelands are meeting the fundamentals of rangeland health.

Range improvements could result in livestock overusing important GRSG areas. For example, developing springs would generally change vegetative composition from a high diversity of grasses and forbs important to broods to one dominated by grasses; (b) (5)

[REDACTED]

Concentrated livestock use can remove standing vegetation and subsequently reduce associated insects and forbs, both of which are

important to GRSG broods. Allowing spring developments along ephemeral streams and wetlands and allowing livestock watering tanks would decrease GRSG habitat. Springs, seeps, and wetland areas are vitally important to GRSG broods; therefore, allowing spring developments could reduce resources for GRSG.

Other direct and indirect effects may occur from range improvements. Water developments may also contribute to the increased occurrence of West Nile virus (Walker and Naugle 2011). Barbed wire fences contribute to direct mortality through fence collisions (Stevens et al. 2011).

Conditions in MZ II/VII. Livestock grazing is widespread across MZ II/VII and may, if improperly conducted, pose a substantial threat to GRSG habitat (Stiver et al. 2006).

A large portion of the central regions of MZ II/VII (approximately 5 million acres) is federally managed wild horse and burro range, suggesting potential effects to GRSG from livestock grazing and the compounding effects of feral grazers (Manier et al. 2013). Within MZ II/VII, 19.9 percent of priority habitats are negatively influenced by free-roaming equids (Manier et al. 2013). Two designated HMAs occur on BLM-administered lands in the planning area, both which contain PHMA and GHMA.

Impact Analysis. **Table 5-9**, Acres Available and Unavailable to Livestock Grazing in GRSG Habitat in MZ II/VII, lists the acres of PHMA and GHMA available and unavailable for grazing by alternative.

Table 5-9

Acres Available and Unavailable to Livestock Grazing in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
Available to Livestock Grazing				
Alternative A	8,901,000	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	8,901,000	10%	9,705,000	(b) (5)

Unavailable to Livestock Grazing				
Alternative A	28,000	0%	16,000	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	28,000	0%	16,000	(b) (5)

Source: BLM 2015

This table displays the acres of PHMA and GHMA available and unavailable to livestock grazing in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

Under Alternative A, 8,901,000 acres of PHMA would be available to livestock grazing in MZ II/VII; (b) (5) acres of GHMA would be available. Under Alternatives B and the Proposed LUPA, a similar amount of GRSG habitat acres are available for livestock grazing on (b) (5) lands. (b) (5) grazing by designating more acres of PHMA and GHMA within the MZ as unavailable to livestock grazing. These restrictions would help to protect GRSG habitat from livestock grazing on (b) (5) lands; however, greater restrictions on could increase grazing pressure on adjacent private lands.

As literature suggests that moderate grazing is compatible with GRSG habitat (Strand and Launchbaugh 2013), closing acres to grazing may not itself benefit or harm GRSG. As described above under *Nature and Type of Impacts*, possibly equally or more beneficial is restricting range improvements in GRSG habitat, limiting fencing, and effectively implementing range health standards on grazing allotments in GRSG habitat.

The COT report objectives for livestock grazing are to manage grazing in a manner consistent with local ecological conditions. This type of management would maintain or restore healthy sagebrush shrub and native perennial grass and forb communities and conserve essential habitat components for GRSG. Restoration to meet these standards and adequate monitoring would be required. The COT report also states that land managers should avoid or reduce the impact of range management structures on GRSG habitat.

Under the Proposed LUPA, management actions specifically related to GRSG would help reduce the threat of grazing throughout the MZ to meet the COT report objectives. For example, the Proposed LUPA would prioritize review of grazing permits/leases (b) (5)

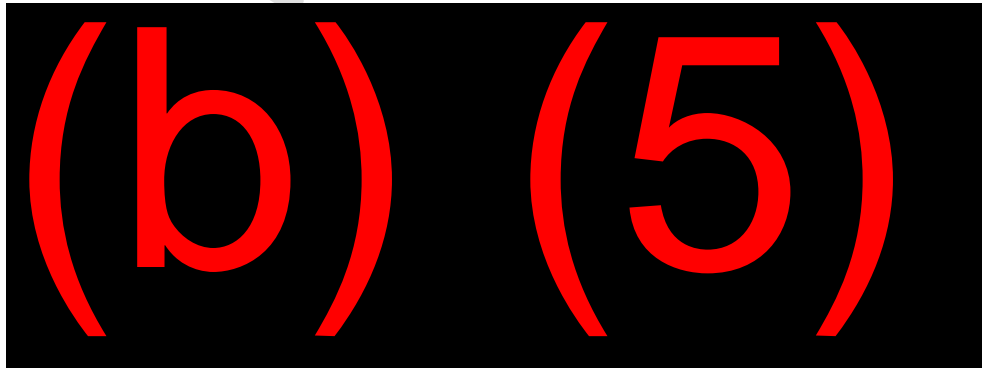


The BLM establishes an appropriate management level (AML) for each HMA, which represents the population objective for free-roaming equids. Under all alternatives and the Proposed Action, the BLM has the ability to adjust AMLs of wild horses if resource damage occurs. Additionally, under all action alternatives and the Proposed LUPA, HMA plans would be updated to include GRSG objectives. This would result in a net conservation gain for GRSG in MZ II/VII.

BLM/Forest Service grazing and free-roaming equid management actions in MZ II/VII would not apply on nonfederal lands. Conservation initiatives conducted through Natural Resources Conservation Service's SGI would have a greater direct impact towards ameliorating the threat on these lands. Since 2010, SGI has enhanced rangeland health through rotational grazing systems, revegetating former rangeland with sagebrush and perennial grasses, and control of invasive weeds. On privately owned lands, SGI has developed a prescribed grazing approach that balances forage availability with livestock demand. This system allows for adjustments to timing, frequency, and duration of grazing, ensuring rangelands are managed sustainably to provide continued ecological function of sagebrush-steppe. A primary focus of the prescribed grazing approach is maintenance of key plant species, such as deep-rooted perennial grasses that have been shown to be essential for ecological resistance to invasive annual grasses (Reisner et al. 2013, pp. 1047-1048). These actions help to alleviate the adverse impacts associated with improper grazing practices outlined above under *Nature and Type of Effects*. Within MZ II/VII, SGI has implemented 552,600 acres of prescribed grazing systems. This program is likely the largest and most

impactful program on private lands within MZ II/VII. Because of its focus on priority areas for conservation, which often overlap PHMA, the SGI's past, present, and reasonably foreseeable work has had and likely will continue to have a cumulative beneficial impact on GRSG when considered alongside protective BLM and Forest Service management actions in PHMA.

Candidate Conservation Agreements with Assurances are another tool being implemented to protect private lands from the threat of improper grazing. Candidate Conservation Agreements with Assurances are voluntary conservation agreements between the USFWS and one or more federal or private partners (e.g., the BLM). In return for managing lands to benefit GRSG, landowners receive assurances against additional regulatory requirements should GRSG be listed under the Endangered Species Act. Within Wyoming, the USFWS and Wyoming Governor's Office in conjunction with the BLM, Natural Resources Conservation Service, Forest Service, and other agencies, have developed an umbrella Candidate Conservation Agreement with Assurances for range management activities. Enrolled landowners are expected to comply with grazing specific conservation measures including but not limited to: avoid (or rotationally utilize) known nesting and brood-rearing habitat as a location for activities that concentrate livestock such as stock tank placement branding and roundup; place salt or mineral supplements in sites minimizing impacts to GRSG habitat; and within 24 months develop and implement a written grazing management plan to maintain or enhance the existing plant community as suitable GRSG habitat (USFWS 2013).



Spread of Weeds

Nature and Type of Effects. As discussed in **Chapter 4**, invasive weeds alter plant community structure and composition, productivity, nutrient cycling, and hydrology. Invasive weeds also may cause declines in native plant populations, including sagebrush habitat, through such factors as competitive exclusion and niche displacement. Invasive weeds reduce and may eliminate vegetation that GRSG use for food and cover. Invasive weeds fragment existing GRSG habitat and reduce habitat quality by

competitively excluding vegetation essential to GRSG. Invasive weeds can also create long-term changes in ecosystem processes, such as fire cycles and other disturbance regimes that persist even after an invasive plant is removed (Connelly et al. 2004).

Roads and recreation can promote the spread of invasive weeds through vehicular traffic. Weed infestations can further exacerbate the fragmentation effects of roadways. Irrigation water has also supported the conversion of native plant communities to hayfields, pasture, and cropland, thus fragmenting sagebrush habitats. Excessive grazing in these habitats can lead to the demise of the most common perennial grasses in this system and an abundance of invasive species such as cheatgrass or Japanese brome (Reisner et al. 2013).

Conditions in MZ II/VII. Via seeds carried by wind, humans, machinery, and animals, invasive and noxious weeds have invaded and will continue to invade many locations in MZ II/VII, including the planning area. Cheatgrass (one of the primary invasive species threatening GRSG habitat) is found throughout MZ II/VII. (b) (5)

The BLM (b) (5) currently manage weed infestations through integrated weed management, including biological, chemical, mechanical, manual, and educational methods. Weed management on BLM-administered lands is guided by the 1991 and 2007 Records of Decisions for Vegetation Treatment on BLM Lands in Thirteen Western States (BLM 1991) and by the 2007 Programmatic Environmental Report (BLM 2007). Weeds are managed in cooperation with county governments and represent a landscape-level approach across management jurisdictions.

Impact Analysis. Increased (b) (5) surface disturbance, motorized transportation, and animal and human activity, would increase the chance for the establishment and spread of invasive plants.

The BLM and Forest Service manage weed infestations through integrated weed management practices, which include biological, chemical, mechanical, manual, and educational methods. This approach for combating infestations would continue under all alternatives and the Proposed LUPA. Increased activity (e.g., surface disturbance, motorized transportation, and animal or human activity) would increase the likelihood for the spread and establishment of invasive plants, regardless of surface land ownership. (b) (5)

the most acres of surface disturbance within GRSG habitat in MZ II/VII; therefore, the potential for invasive weed spread and establishment would be greatest under Alternative (b) (5) and effects to GRSG (e.g.,

reduction in habitat quality) would be more pronounced. (b) (5)

Relevant cumulative actions that result in surface-disturbing activities would increase the potential for the spread of invasive weeds on federal and nonfederal lands. Projects subject to the general stipulations outlined in the Wyoming and Montana executive orders are required to control noxious and invasive weed species and to use native seed mixes during reclamation processes. These stipulations would benefit GRSG habitat by limiting the spread or establishment of invasive species, particularly on lands that lack BLM or Forest Service protective regulatory mechanisms. Additionally, the Colorado Package identifies GRSG conservation strategies related to invasive weeds, such as interagency cooperation, mapping, monitoring, and integrated weed management treatments.

(b) (5)

However, complete weed eradication within MZ II/VII is not anticipated under any alternative or the Proposed LUPA because of the scale and scope of efforts needed for complete eradication.

Conversion to Agriculture/Urbanization

Nature and Type of Effects. Converting sagebrush habitat to agricultural use, commonly referred to as sodbusting, causes direct loss of habitat available for GRSG. Habitat loss also decreases the connectivity between seasonal habitats, increasing population isolation and fragmentation. Fragmentation then increases the probability of population decline, reduced genetic diversity, and extirpation from stochastic events (Knick and Hanser 2011).

In addition to reducing the land area available to support GRSG, habitat loss and fragmentation also results in other disturbances, such as human traffic, that increases the potential for wildfire and invasive plant spread.

Converting cropland has eliminated or fragmented sagebrush on private lands in areas with deep fertile soils or irrigation potential. Sagebrush

remaining in these areas has been limited to the agricultural edge or to relatively unproductive environments that are ill-suited to sustaining leks.

Biofuel production and small grain prices have increased the conversion to cropland of native grasslands or lands formerly enrolled in the US Department of Agriculture’s Conservation Reserve Program. This conversion of private lands further emphasizes the cumulative importance of BLM-administered lands and associated private grazing lands in maintaining large blocks of native grassland and shrubland habitats suitable for GRSG.

Conditions in MZ II/VII. Less than 1 percent of PPH and 2 percent of PGH in MZ II/VII are directly influenced by agricultural development (Manier et al 2013). Approximately 4 percent of habitat has been converted for agricultural use in the Wyoming Basin (Knick et al. 2011).

Urban development also results in permanent loss of GRSG habitat. Human population centers continue to grow and expand across the range. The direct footprint of urban development is higher in PPH in MZ II/VII compared to other parts of the GRSG range, though it is still low (approximately 1 percent) compared to other threats (Manier et al. 2013). However, percentages and associated disturbance are higher in some areas. In some Colorado counties, 50 percent of GRSG habitat has been subdivided, while an estimated 3 to 5 percent of all historical habitat in Colorado has been converted into urban areas (Braun 1998; USFWS 2010).

Impact Analysis. The BLM (b) (5) do not convert public lands to agriculture. As such, the only direct authority both agencies have over conversion to agriculture is by retaining or disposing lands in the realty program.

Disposing lands could increase the likelihood they would be converted to agriculture, depending on their location and the policies of the new management authority. Lands retained under BLM and Forest Service management would not be converted to agriculture under any alternative.

As shown in **Table 5-10**, Acres Identified for Retention and Disposal in GRSG Habitat in MZ II/VII, these acreages have relatively little variance between alternatives.

Table 5-10

Acres Identified for Retention and Disposal in GRSG Habitat in MZ II/VII

Priority Habitat Management Areas		General Habitat Management Areas	
MZ II/VII (acres)	<i>Percent Within Planning Area</i>	MZ II/VII (acres)	<i>Percent Within Planning Area</i>

Acres Identified for Retention				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	7,301,000		8,928,000	

Acres Identified for Disposal				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative C	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative (b) (5)	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Proposed LUPA	24,000	0%	156,000	

Source: BLM 2015

This table displays the acres of PHMA and GHMA identified for retention and disposal in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

BLM (b) (5) land tenure adjustments require site-specific NEPA analysis, and land sales must meet specific disposal criteria. Lands identified for disposal in MZ II/VII are typically small isolated parcels that are difficult to manage and do not have high resource value. BLM (b) (5) (b) (5) land tenure adjustments are not anticipated to be a significant contributing element to the threat of agricultural conversion because of the small number of acres involved and the criteria in place that would reduce the likelihood of disposing of parcels containing significant wildlife value, (such as those lands containing leks, early brood-rearing habitat, or winter habitat). As a result, cumulative impacts would vary relatively little across alternatives, and BLM/Forest Service management would have little impact on alleviating this threat.

Studies of agricultural conversion risk on grasslands have shown a high probability of grassland plots being converted to cropland under current

economic and climatic conditions (Rashford et al. 2013). The recent federal Farm Bill discouraged converting prairie to cropland by denying crop insurance for such conversions. Nevertheless, if corn and other crop prices remain high, the economic incentive to convert parcels to cropland in GRSG habitat areas would continue and potentially increase.

The COT Report objectives for converting land to agriculture are to avoid further loss of sagebrush habitat for agricultural activities (both plant and animal production) and to prioritize restoration. In areas where taking agricultural lands out of production has benefited GRSG, the programs supporting these actions should be targeted and continued (USFWS 2013). In accordance with this objective, the Natural Resources Conservation Service's SGI program focuses on maintaining rangeland that provides habitat for GRSG.

This voluntary program provides private landowners with monetary incentives to protect GRSG habitat, often through conservation easements. As a result, private land containing GRSG habitat is protected from conversion to agriculture or other development for the life of the conservation agreement. The conservation easements and other conservation incentives, such as water feature restoration and fence marking, can enhance the ability of private ranchlands to support GRSG. As of 2015, SGI has secured conservation easements on 243,400 acres within MZ II/VII, and marked or removed 23 miles of fence (Natural Resources Conservation Service 2015). This has preserved habitat and reduced the risk of direct mortality on these lands.

These efforts, in conjunction with BLM (b) (5) management, would provide a net conservation gain to GRSG in MZ II/VII, but its impact would be localized and not likely to ameliorate the threat because of limited management authority.

Fire

Nature and Type of Effects. Sagebrush killed by wildfire often requires many years to recover, especially after large fires. Contiguous old-growth sagebrush sites are at high fire risk, as are large blocks of contiguous dead sagebrush and sagebrush sites with a substantial cheatgrass understory. Before recovering, these sites are of limited use to GRSG, except along the edges and in unburned islands.

Because of its widespread impact on habitat, fire has been identified as a primary factor associated with GRSG population declines. Depending on the species of sagebrush and the size of a burn, a return to a full pre-burn community cover can take from 25 to 120 years (Baker 2011). In addition, fires can reduce invertebrate food sources and may facilitate invasive weed spread.

While most sagebrush subspecies are killed by fire and slow to reestablish, cheatgrass recovers within one to two years of a fire from seed in the soil. This annual recovery leads to a reoccurring fire cycle that prevents sagebrush reestablishment (USFWS 2010, p. 13932).

BL (b) (5) management to prevent or control wildfires can also (b) (5) habitat. Increased human activity and noise associated with fire suppression, fuels treatments, and prescribed fire in areas occupied by GRSG could affect nesting, breeding, and foraging behavior. Important habitats could be altered because of the use of heavy equipment and hand tools, as well as noise.

In addition, suppression may initially result in higher rates of conifer encroachment in some areas. In the initial stages of encroachment, fuel loadings remain consistent with the sagebrush understory. As conifer encroachment advances, fire return intervals are altered by decreasing understory abundance. The depleted understory causes the stands to become resistant to low-intensity wildfires; over years, the accumulating conifer loads contribute to larger-scale wildfires and confound control efforts due to extreme fire behavior.

Conditions in MZ II/VII. Fuels models predict fire risk as generally low across MZ II/VII, with 10 percent of PPH and PGH at high risk for fire (Manier et al. 2013).

Impact Analysis. BLM/Forest Service management actions in MZ II/VII that emphasize wildfire suppression in GRSG habitat would benefit the species by limiting habitat loss in the event of a wildfire. (b) (5)

[REDACTED]

The Wyoming and Montana executive orders emphasize fire suppression in Core Population Areas, while recognizing other suppression priorities may take precedent. This would benefit GRSG habitat during wildfire planning and response, particularly on non-BLM-administered and non-National Forest System lands.

WAFWA's guidance on fire and fuels management for GRSG conservation (WAFWA 2014) promotes coordination among local fire response agencies similar to a "natural disaster" response. It emphasizes the importance of fuel breaks and the need to incorporate GRSG habitat objectives in fire management, as well as the use of grazing as a fuel-reduction tool.

On the local level, (b) (5)

(b) (5)

Recognition of the importance of sagebrush habitat during interagency wildfire response would benefit GRSG in the event of an unplanned fire. The Interagency Standards for Fire and Fire Aviation Operations “Red Book” includes a BMP for GRSG habitat conservation for wildland fire and fuels management (BLM 2013). This document serves as supplemental policy or guidance for the BLM, Forest Service, and USFWS. This BMP would benefit the GRSG (particularly during interagency wildland fire operations) by utilizing spatial habitat data and using predictive services to prioritize and preposition firefighting resources in critical habitat areas. The coordination of federal, state, and local fire prevention actions, changes in fire management, and other past, present, and reasonably foreseeable future actions would provide a net conservation gain to GRSG habitat and populations in MZ II/VII (b) (5)

The gain would be greatest under the Proposed LUPA because of increased fire and fuels management flexibility, interagency coordination, and emphasis on preserving and restoring GRSG habitat.

Recreation

Nature and Type of Effects. Recreation, such as camping, bicycling, wildlife viewing, horseback riding, fishing, and hunting, can be dispersed; concentrated, such as OHV use and developed campsites; and permitted, such as via BLM Special Recreation Permits. The BLM also manages Special Recreation Management Areas where recreation is a primary resource management consideration.

Recreation on (b) (5) lands that use the extensive network of single- and double-track routes impact sagebrush and GRSG. Ecological impacts of roads and motorized trails are mortality due to collisions; behavior modifications due to noise, activity, and habitat loss; alteration of physical environment; nutrient leaching; erosion; invasive plants spread; increased use; and alteration by humans due to accessibility (Knick et al. 2011). Recreation activities can degrade GRSG habitat through direct impacts on vegetation and soils, introduction or spread of invasive species, and habitat

fragmentation. This occurs in areas of concentrated use, trailheads, staging areas, and routes and trails.

Motorized activities, including OHV use, are expected to have a larger footprint on the landscape. They are anticipated to have the greatest level of impact due to noise levels, compared to nonmotorized uses, such as hiking or equestrian use. Cross-country motorized travel, which is permitted in designated areas on BLM-administered lands but not on National Forest System lands, would increase the potential for soil compaction and perennial grasses and forbs loss, and would reduce sagebrush canopy cover. Losses in sagebrush canopy could be the result of repeated, high-frequency, cross-country OHV use over long periods. In addition, the chances of wildfire are increased during the summer, when fire dangers are high and recreation is at its highest.

Dispersed uses expand the human footprint. Closing areas to recreation and reclaiming unused, minimally used, or redundant roads in and around sagebrush habitats during seasonal use by GRSG may reduce the footprint and presumably impacts on wildlife. Restricting access to important habitat areas during seasonal use (lekking, nesting, brood-rearing, and wintering) may decrease the impacts associated with humans. However, access restriction would not eliminate other impacts, such as invasive plant spread, predator movements, cover loss, and erosion (Manier et al. 2013).

Conditions in MZ II/VII. The BLM, Forest Service, and other agencies provide a variety of dispersed recreation opportunities within MZ II/VII governed by laws, policy, and guidance. Recreation also occurs on private land with fewer restrictions. Within the planning area, year-round dispersed recreational opportunities are available. Increased visitation to small towns and destination resorts contribute to the increased use of BLM and Forest Service lands. (b) (5)



Impact Analysis. **Table 5-11**, Acres of Travel Management Designations in GRSG Habitat in MZ II/VII, shows acres of GRSG habitat open, limited, or closed to travel in MZ II/VII.

Table 5-11

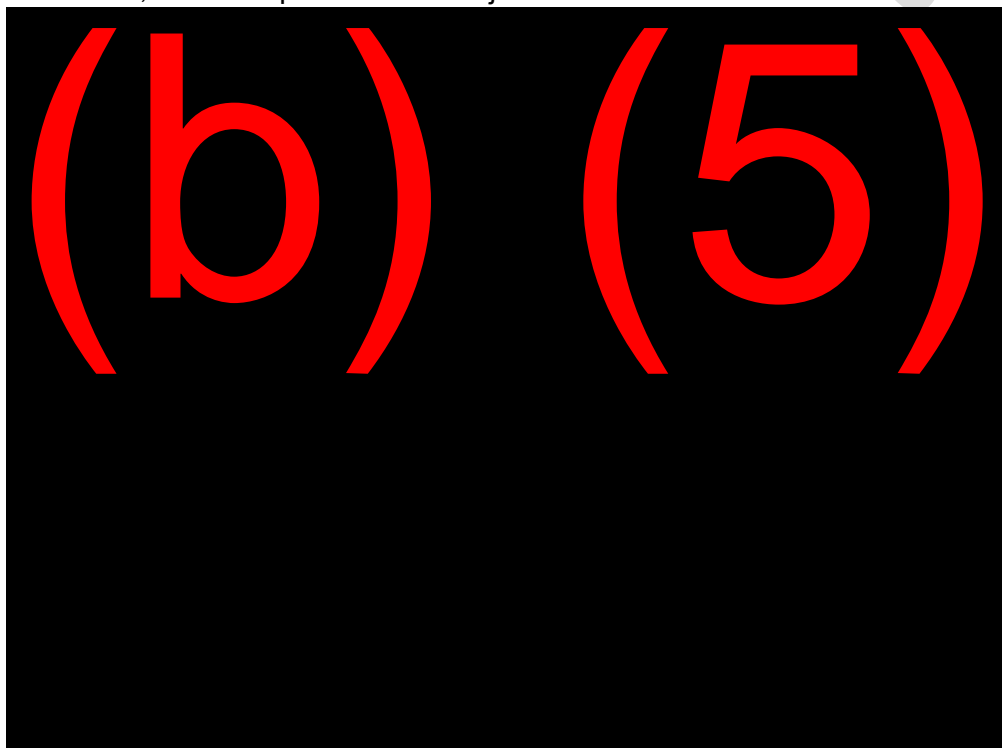
Acres of Travel Management Designations in GRSG Habitat in MZ II/VII

	Priority Habitat Management Areas		General Habitat Management Areas	
	MZ II/VII (acres)	Percent Within Planning Area	MZ II/VII (acres)	Percent Within Planning Area
Open				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B	5,000	0%		
Alternative C	5,000	0%		
Alternative (b) (5)	(b) (5)	(b) (5)		
Proposed LUPA	5,000	0%	58,000	
Limited				
Alternative A	(b) (5)		(b) (5)	
Alternative B	(b) (5)		(b) (5)	
Alternative C	(b) (5)		(b) (5)	
Alternative (b) (5)	(b) (5)		(b) (5)	
Proposed LUPA	8,861,000	(b) (5)	9,331,000	(b) (5)
Closed				
Alternative A	(b) (5)	(b) (5)	(b) (5)	(b) (5)
Alternative B				
Alternative C				
Alternative (b) (5)				
Proposed LUPA	112,000		366,000	

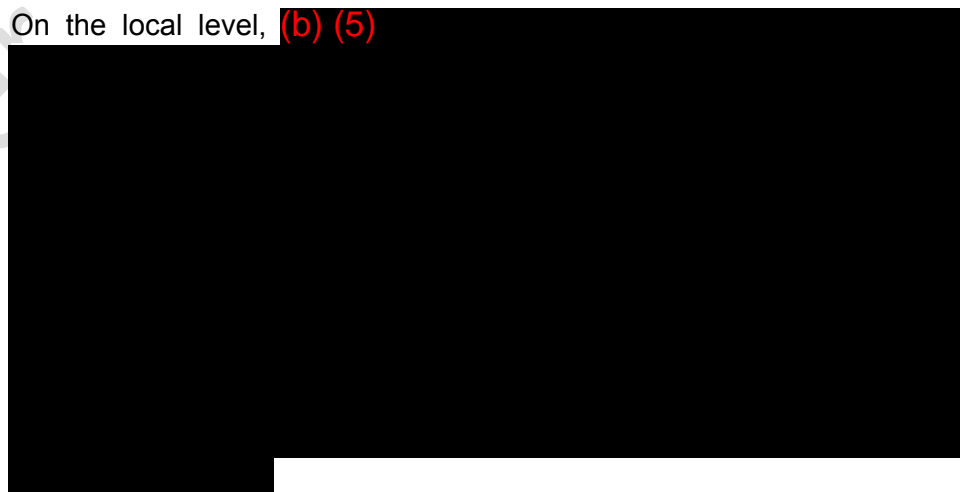
Source: BLM 2015

This table displays the acres of PHMA and GHMA within travel management designations of open, limited and closed in MZ II/VII; it also displays the percentage of those acres that are found within the planning area.

The COT Report objectives for recreation are to maintain healthy native sagebrush communities, based on local ecological conditions, and to manage direct and indirect human disturbance (including noise) to avoid interruption of normal GRSG behavior (USFWS 2013). Limits on road use under the action alternatives and Proposed LUPA, as well as restrictions for OHVs, would help meet these objectives.



On the local level, (b) (5)



(b) (5)

Implementation of the action alternatives and Proposed LUPA described above, in concert with travel management planning on BLM and National Forest System lands within MZ II/VII, the disturbance caps applied under the state plans, and other past, present, and reasonably foreseeable future actions, would help reduce the threat of recreation and travel on GRSG populations and habitats and would provide a net conservation benefit to GRSG habitats and populations in MZ II/VI.

Conifers

Nature and Type of Effects. Conifer woodlands, especially juniper (*Juniperus* spp.) and, in some regions, pinyon pine (*Pinus edulis*), may expand into sagebrush habitat and reduce habitat availability for GRSG. Conifer expansion may be encouraged by human activities, including fire suppression and livestock grazing (Miller et al. 2011). If woodland development is sufficient to restrict shrub and herbaceous understory growth, habitat quality for GRSG would be reduced (Connelly et al. 2004). Mature trees offer perch sites for raptors; thus, woodland expansion may also increase the threat of predation, as with power lines (Manier et al. 2013). Locations within approximately 1,000 yards of current pinyon-juniper woodlands are at highest risk of expansion (Bradley 2010). The greatest risks from conifer encroachment are thought to be in the Great Basin, with smaller risks (6 to 7 percent of PPH and PGH) in the Wyoming Basin (Connelly et al. 2004; Manier et al. 2013). Studies have shown that GRSG incur population-level impacts at very low levels of conifer encroachment (Baruch-Mordo et al. 2013).

Conditions in MZ II/VII. Approximately 46 percent of conifer encroachment risk in PPH (and 43 percent in PGH) occur on BLM-administered lands within MZ II/VII (Manier et al. 2013). Therefore, BLM actions are likely to have a greater potential to ameliorate the effects of conifer encroachment on GRSG than any other single land management entity.

Impact Analysis. (b) (5)

Specific RDFs common to all BLM/Forest Service Proposed LUPAs in MZ II/VII include removal of standing and encroaching trees within 100 meters (328 feet) of occupied leks and other habitats (e.g., nesting, wintering, and brood-rearing). Additionally,

reintroduction of appropriate fire regimes would limit conifer encroachment into sagebrush plant communities. These actions would benefit GRSG by improving habitat quality throughout the MZ.

(b) (5)

Recommendations within the Wyoming GRSG Conservation Plan (Wyoming Sage-Grouse Working Group 2003) call for removal of juniper and other conifers where they have invaded sagebrush sites important to GRSG, which could help ameliorate the threat (b) (5)

(b) (5), the CPW has conducted 6 treatment projects within the northwest Colorado population totaling 2,600 acres (Colorado Department of Natural Resources 2013). (b) (5)

The SGI has helped reduce the threat of early succession conifer encroachment through mechanical removal on 10,500 acres of private lands within MZ II/VII. The majority of these efforts were located inside PACs (Natural Resources Conservation Service 2015), helping to preserve historic fire-return intervals and important GRSG habitat. While the threat of conifer encroachment is likely to continue under all alternatives and the Proposed LUPA, implementing mechanical treatments, reintroduction of appropriate fire regimes, and implementing BLM/Forest Service RDFs and BMPs (e.g., removing standing and encroaching trees within 100 meters [328 feet] of occupied leks and other GRSG habitats) under the Proposed LUPA would result in a net conservation gain for GRSG.

5.1.7 Conclusions

In addition to BLM (b) (5) management in the (b) (5) planning areas throughout MZ II/VII, GRSG will also be impacted by management and conservation at state, regional, and local levels. This analysis takes into account each alternative in the (b) (5) in conjunction with state and private initiatives and past, present, and reasonably foreseeable future

actions. For purposes of this analysis, the BLM and Forest Service have determined that the Proposed LUPs for the other ongoing GRSG and RMP planning efforts in MZ II/VII are reasonable foreseeable future actions.

Some of the most important past, present, and reasonably foreseeable future actions benefitting GRSG populations on private land in MZ II/VII are the conservation easements coordinated by the Natural Resources Conservation Service SGI, State of Wyoming, State of Colorado, BLM, Forest Service, and other agencies and organizations. As of 2015, the SGI has secured conservation easements on 243,400 acres within MZ II/VII. Additionally, the SGI has worked with landowners to increase fence marking, native vegetation seeding, and conifer removal, and to implement prescribed livestock grazing systems to help alleviate the adverse impacts associated with historic improper grazing practices. Future coordination of private landowners within SGI is expected to provide further benefits to GRSG habitat.

This coordination with private landowners enhances conservation in (b) (5) ent can accomplish on (b) (5) lands. Ranchers in MZ II/VII are also using Candidate Conservation Agreement with Assurances with USFWS. Under these instruments, ranchers voluntarily agree to manage lands to reduce threats to GRSG in exchange for a guarantee that they will not be subject to additional regulations should the species become listed. While ranchers have used these agreements across the GRSG range, thus far the agreements have been applied to only a small number of ranches in Wyoming and Montana.

As discussed in **Section 5.1.4**, Regional Efforts to Manage Threats to GRSG, Colorado, Idaho, Montana, Utah, and Wyoming have adopted statewide plans to promote GRSG conservation throughout MZ II/VII. Wyoming's plan implements a Core Population Area Strategy with well density limitations, timing restrictions, and a uniform 5-percent disturbance cap across all land ownership types. These measures would improve GRSG population levels if effectively enforced (Copeland et al. 2013). Other state plans include similar, if sometimes less aggressive, measures to reduce impacts on state lands.

Alternative A: Current Management

Under Alternative A, current management would continue on BLM-administered (b) (5) lands (b) (5) planning area. (b) (5) would not designate PHMA or GHMA, and w (b) (5) nal ROW avoidance or exclusion areas within the Northwest Colorado planning area. Appropriate and allowable uses and restrictions with regard to such

activities as mineral leasing and development, recreation, utility corridors, and livestock grazing would also remain unchanged.

In the remainder of MZ II/VII, other BLM/Forest Service LUPA planning efforts would implement their Proposed LUPs to improve protection of GRSG and their habitat. In addition, other regional GRSG conservation strategies, as discussed in **Section 5.1.4**, would be implemented on nonfederal lands. As a result, the lack of protections under the Alternative A would be offset to an extent by more-protective management elsewhere in MZ II/VII. However, in the (b) (5) planning area, current management would do little to reduce the threats from energy development, mining, and infrastructure on GRSG wintering and breeding grounds. Although current management actions, including the temporary BLM GRSG Instruction Memoranda, provide a limited array of conservation measures that are intended to avoid continued degradation of GRSG habitat in MZ II/VII, they would not be subject to the same development restrictions in GRSG habitat under Alternative A as they would under the action alternatives or the Proposed LUPA. Thus, Alternative A would not meet the goals and objectives in this LUPA to identify and incorporate conservation measures for GRSG; it may meet the COT report objectives for present and widespread threats to GRSG, but only in localized areas and not on BLM-administered and (b) (5) lands within the (b) (5) planning area.

Alternative B

(b) (5)

Implementing these protective measures on BLM-administered and National Forest System lands within the (b) (5) planning area would help preserve GRSG habitat, (b) (5)

In addition, other regional GRSG conservation strategies, as discussed in **Section 5.1.4**, would be implemented on nonfederal lands. The incremental effects of other regional efforts, combined with implementation of Alternative B, would result in a net conservation gain for GRSG in MZ II/VII.

Alternative C

Management actions under Alternative C would result in the most protection to GRSG on BLM-administered and National Forest System lands in MZ II/VII. ACECs would be designated on all PHMA administered by the BLM within the planning area, and fluid mineral leasing closures would protect the most acres of habitat under this alternative. However, similar to Alternative B, extensive restrictions on energy, infrastructure, and resource use on BLM and Forest Service lands could push development onto state and private lands in Colorado. Grazing restrictions would reduce GRSG disturbance, although exclusion of livestock from BLM and Forest Service lands would require additional fencing, which would increase predation and collision risk and contribute to fragmentation. An indirect impact from excluding livestock grazing from BLM and Forest Service lands is the potential conversion of adjacent private grazing lands to agriculture or other land uses, including development, within the planning area.

In the remainder of MZ II/VII, other BLM/Forest Service planning efforts would implement their Proposed LUPs to improve protection of GRSG and its habitat. In addition, other regional GRSG conservation strategies, as discussed in **Section 5.1.4**, would be implemented on nonfederal lands. The COT report objectives for fire, invasive plants, range management, recreation, infrastructure, energy, and mining would likely be met. The incremental effects of other regional efforts, combined with implementation of Alternative C, would result in a net conservation gain for GRSG in MZ II/VII. However, the strict protective measures on BLM-administered and National Forest System lands in the Northwest Colorado planning area may have an unintended effect of increasing resource development pressure on nonfederal lands as described above, thereby reducing conservation gains.

Alternative ^{(b) (5)}



In the rest of MZ II/VII, other BLM/Forest Service planning efforts would implement their Proposed (b) (5) to improve protection of GRSG and their habitat. In addition, other regional GRSG conservation strategies, as discussed in Section 5.1.4, would be implemented (b) (5) lands. (b) (5). The incremental effects of other regional efforts, combined with implementation of Alternative (b) (5) would result in a net conservation gain for GRSG in MZ II/VII.

Proposed LUPA

The Proposed LUPA (b) (5) would reduce development pressure on nonfederal lands where less regulatory protections are afforded to GRSG. (b) (5) The Proposed LUPA would meet the COT report objectives for fire, invasive plants, range management, recreation, infrastructure, energy, and mining by targeting these threats in the LUPA and implementing management actions that specifically address these threats.

In the remainder of MZ II/VII, other BLM/Forest Service LUPA planning efforts would implement their Proposed LUPs to improve protection of GRSG and their habitat. In addition, other regional GRSG conservation strategies, as discussed in Section 5.1.4, would be implemented on nonfederal lands. Reasonably foreseeable future actions in MZ II/VII, such as proposed oil and gas developments, interstate transmission lines, and other land-disturbance projects, would be subject to the requirements of the BLM/Forest Service Proposed LUPs that encompass MZ II/VII, where those projects occur on BLM/Forest Service decision area lands. On nonfederal lands, reasonably foreseeable future projects may be subject to disturbance caps, buffer restrictions, and other requirements of GRSG state plans, as well as site-specific mitigation measures.

Regional efforts, combined with the incremental effect of implementing the Proposed LUPA, would result in a net conservation gain for GRSG in MZ II/VII.

Summary

The primary threats affecting GRSG populations throughout MZ II/VII are energy development, infrastructure, grazing/free-roaming equids, weed spread, conversion to agriculture, fire, recreation, and conifer spread (USFWS 2013).

Infrastructure and energy development are of particular concern in MZ II/VII because they affect the greatest land area. Numerous multi-state transmission lines are proposed through GRSG habitat, as are large-scale oil and gas field developments in excess of 100,000 acres. Implementation of the BLM/Forest Service Proposed LUPs in MZ II/VII is unlikely to preclude such projects from proceeding, especially Presidential priority transmission line projects that are not subject to GRSG protective measures in the BLM/Forest Service planning efforts. The cumulative effect of reasonably foreseeable future infrastructure and energy development projects over the next 10 years, when combined with unplanned events such as wildfires, drought, or West Nile virus outbreaks, could increase the likelihood of GRSG population extirpation, particularly for the less-robust populations that are considered at risk. However, restrictions on land use, in combination with project-specific BMPs and RDFs and other regional efforts, would help mitigate the effects.

Implementation of Alternatives (b) (5) and the Proposed LUPA is anticipated in a net conservation gain for GRSG in MZ II/VII. Alternatives (b) (5) emphasize conservation of biological resources and (b) (5)

While not as extensive as Alternatives B or C, Alternative (b) (5) and the Proposed LUPA include GRSG conservation measures and resource use allocations that would improve baseline conditions and exert less development pressure on nonfederal lands.

Although small fringe populations (b) (5) implementing Alternatives (b) (5) or the Proposed LUPA, in combination with other regional efforts (such as the Proposed LUPs for other BLM/Forest Service planning areas; conservation strategies in the Colorado, Idaho, Montana, Utah, and Wyoming state plans; increased land protections via Natural Resources Conservation Service SGI; and local habitat restoration efforts) would effectively conserve the region-wide GRSG population in MZ II/VII.

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5.1.9 Reasonably Foreseeable Future Actions in MZ II/VII Likely to Impact GRSG Habitat

Table 5-12, Reasonable Foreseeable Future Projects Occurring Within MZ II/VII, shows those actions in the MZ which are likely to impact GRSG habitat, regardless of land ownership. This list is not intended to be a comprehensive description of all reasonably foreseeable future actions in GRSG habitat within MZ II/VII. Rather, this list highlights those actions which may result in cumulative effects on the landscape level. Additional relevant cumulative actions occurring in MZ II/VII are described in the RMPs/LUPAs for Northwest Colorado, Wyoming Greater Sage-Grouse, Lander, Bighorn Basin, Billings, Idaho and Southwestern Montana, and Utah, which are hereby incorporated by reference.

Internal Working Draft

Table 5-12
Reasonably Foreseeable Future Projects Occurring Within MZ II/VII

MZ	Planning Area	GRSG Population(s) Affected	Project Name	Project Location	Project Description, Estimated Footprint	Project Status
Energy and Mining						
II/VII	Northwest Colorado, Wyoming Greater Sage-Grouse	Wyoming Basin, Northwest Colorado	Hiawatha Regional Energy Development EIS	Sweetwater County, Wyoming; Moffat County, Colorado	Proposed development of up to 4,208 new natural gas wells on approximately 157,361 acres of mixed federal, state, and private lands. The project area overlaps with lands identified as GRSG Core Areas. 91% of the project area is managed by the BLM. ¹	Proposed
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	LaBarge Platform Exploration & Development Project	Lincoln and Sublette County, Wyoming	Proposed development of up to 838 new oil and gas wells on 218,000 acres of private, state, and federal lands. Approximately 154,000 acres of surface lands are administered by the BLM. ²	Proposed
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	Continental Divide-Creston Natural Gas Project	Carbon and Sweetwater Counties, Wyoming	Proposed development of up to 8,950 additional natural gas wells on 1.1 million acres of land, including GRSG Core Areas. The proposed facilities would add to the existing network of wells, pipelines, access routes and electrical distribution systems. Approximately 59 percent of the project area is on federally-owned lands. ³	Proposed
II/VII	Lander, Wyoming Greater Sage-Grouse	Wyoming Basin	Moneta Divide Natural Gas and Oil Development Project	Fremont and Natrona Counties, Wyoming	Proposed development of approximately 4,250 natural gas and oil wells on 265,000 acres of land (including approximately 169,500 acres of land administered by the BLM). The project area includes GRSG Core Areas. ⁴	Proposed
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	Pinedale Anticline Project	Sublette County, Wyoming	Proposed development of natural gas resources within nearly 200,000 acres of land, of which approximately 80 percent is federal surface ownership. The project area occurs within GRSG Core Areas. ⁵	Ongoing
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	Blacks Fork Project (Formerly Moxa Arch Area Infill)	Sweetwater, Uinta, and Lincoln Counties, Wyoming	Proposed infill drilling project, on approximately 7,500 hydrocarbon wells within 633,532 acres of mixed federal, state, and private lands. ⁶	Proposed

WORKING DRAFT DO NOT CITE OR CIRCULATE 5. Cumulative Impacts (Greater Sage-Grouse)

II/VII	Wyoming Greater Sage-Grouse, Northwest Colorado, Utah	Wyoming Basin, Northwest Colorado	Oil Shale and Tar Sands Programmatic EIS	Colorado, Utah, and Wyoming	Amendment of 10 BLM RMPs to designate certain public lands as available for application for leasing and future exploration and development of oil shale and tar sands resources. A ROD was signed in 2013 which made approximately 678,000 acres available for potential development of oil shale, and approximately 132,000 acres available for development of tar sands. ⁷	Ongoing
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	Atlantic Rim Natural Gas Field Development Project	Carbon County, Wyoming	Ongoing development of oil gas resources on 270,080 acres of land, of which 173,672 are federal surface estate. A ROD was signed in 2007. The project area includes GRSG Core Areas. ⁸	Ongoing
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	Chokecherry/Sierra Madre Wind Farm	Carbon County, Wyoming	Proposed development of approximately 1,000 wind turbines and associated ancillary facilities on 220,000 acres of land. The project area includes private, state, and federally managed lands, and overlaps with GRSG Core Areas. ⁹	Proposed
Rights-of-way						
II/VII	Wyoming Greater Sage-Grouse, NW Colorado, Utah	Wyoming Basin, Rich-Summit-Morgan, Uintah, North Park, NWCO, Strawberry Valley, Carbon	Gateway South Transmission Line Project	17 Counties in Wyoming, Colorado, and Utah	Proposed 500 kV transmission line which would begin near Medicine Bow, Wyoming, and would extend south and west to a proposed substation near Mona, Utah. The proposed transmission line would span over 400 miles, with a 250-foot right-of-way, and would cross multiple land jurisdictions including lands administered by the BLM. ¹⁰	Proposed
II/VII III	Wyoming Greater Sage-Grouse, NW Colorado, Utah	Wyoming Basin, Northwest Colorado, Sheeprock, Strawberry Valley, Carbon, Bald Hills.	TransWest Express Transmission Line Project	Wyoming, Colorado, Utah, and Nevada	Proposed 600 kV transmission line extending from south-central Wyoming to southern Nevada. The transmission line corridor would span over 700 miles and would cross private, state, and federally owned lands. The proposed route and alternative routes under consideration would cross PPH and PGH. ¹¹	Proposed

WORKING DRAFT DO NOT CITE OR CIRCULATE 5. Cumulative Impacts (Greater Sage-Grouse)

II/VII IV	Wyoming Greater Sage-Grouse, Idaho and Southwest Montana	Wyoming Basin, East Central, Northern Great Basin, Box Elder	Gateway West Transmission Line Project	Wyoming and Idaho	Proposed 230 kV and 500 kV transmission line project between Glenrock, Wyoming, and Melba, Idaho. Approximately 1,000 miles of new high-voltage transmission lines would be constructed. The project would cross multiple land jurisdictions, including sage grouse Core Areas in Wyoming. ¹²	Proposed
II/VII	Wyoming Greater Sage-Grouse	Wyoming Basin	Riley Ridge to Natrona Pipeline Project	Sublette, Sweetwater, Fremont, and Natrona Counties, Wyoming	Proposed 243-mile pipeline from Riley Ridge to Big Piney, Wyoming. The pipeline would consist of a 50-foot right-of-way, and would cross GRSG Core Areas. ¹³	Proposed
Weeds						
II/VII I	Wyoming Greater Sage-Grouse, Northwest Colorado	Wyoming Basin, Northwest Colorado, Powder River Basin, North Park	Invasive Plant Management EIS for the Medicine Bow - Routt National Forests, and Thunder Basin National Grassland	Wyoming and Colorado	Proposed treatment of invasive plant species using adaptive and integrated invasive plant treatment methods. These include manual, mechanical, biological, aerial, and ground herbicide applications. Potential treatment areas include GRSG Core Areas. ¹⁵	Proposed



Lyons, James <james_lyons@ios.doi.gov>

Fwd: Sweetwater coverage

1 message

Kershaw, Jessica <jessica_kershaw@ios.doi.gov>

Tue, Mar 24, 2015 at 12:59 PM

To: Sarah Greenberger <sarah_greenberger@ios.doi.gov>, James Lyons <james_lyons@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>

Cc: Kate Kelly <kate_kelly@ios.doi.gov>

Sharing coverage from Sweetwater.

——— Forwarded message ———

From: **Gavin Shire** <gavin_shire@fws.gov>

Date: Tue, Mar 24, 2015 at 11:43 AM

Subject: Sweetwater coverage

To: betsy_hildebrandt@fws.gov, Matthew Huggler <matthew_huggler@fws.gov>, Blake Androff <blake_androff@ios.doi.gov>, Emily Beyer <emily_beyer@ios.doi.gov>, Hugh Vickery <hugh_vickery@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Kate Kelly <kate_kelly@ios.doi.gov>

Media report from the folks at Sweetwater attached.

G

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 **Press and Social Media Coverage of 3.18.15 SRC Press Conference.pdf**
5533K



**U.S. Fish and Wildlife Service, State of Wyoming,
Sweetwater River Conservancy
Launch Nation's First Greater Sage-Grouse
Conservation Bank**





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Stories and Press Coverage

Source: Chron (AP)

Title: Wyoming sage grouse conservation bank system announced

Date: March 17, 2015

A new way to protect sage grouse, called a conservation bank, will allow energy developers and others to offset their use of the birds' habitat by arranging for it to be protected and in some cases improved elsewhere in the state.

Under the system to be formally announced Wednesday in Cheyenne, anybody wanting to develop sage grouse habitat will be able to get credit toward doing so by helping to secure conservation easements in sage grouse habitat elsewhere. A conservation easement is an agreement that generally prohibits new development of wildlife habitat on private land.

The ultimate goal is to protect sufficient habitat so the **U.S. Fish and Wildlife Service** doesn't need to list the greater sage grouse as a threatened or endangered species.

The conservation bank will involve lands held by large ranches in Wyoming, according to Fish and Wildlife spokesman **Theo Stein**.

"It's really, really good wildlife habitat to begin with," Stein said Tuesday. "This is a tool that will allow developers to continue to move their projects forward and also to contribute to sage grouse conservation."

Wednesday's announcement will involve Gov. **Matt Mead**, top **Interior Department** officials and the Sweetwater River Conservancy based at the Pathfinder Ranch southwest of Casper.



Source: WRAL (AP)

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Habitat loss is one of the biggest threats to the greater sage grouse, whose numbers have dwindled from perhaps well over a million in pre-settlement times to no more than 500,000 today. Development of homes, oil and gas fields, and wind farms are the biggest threats to habitat for the chicken-sized, ground-dwelling birds that inhabit 11 states from California to the Dakotas.

Fish and Wildlife faces a Sept. 30 court-ordered deadline to decide whether the greater sage grouse warrants federal protection. Congress voted late last year to withhold funding that would allow Fish and Wildlife to list the greater sage grouse as threatened or endangered.



Source: [KULR--NBC Montana Affiliate \(AP\)](#)

Title: [Wyoming sage grouse conservation bank system announced](#)

Date: **March 17, 2015**

A new way to protect sage grouse in Wyoming will allow energy developers to offset their use of the birds' habitat by arranging for it to be protected elsewhere in the state.

Under the sage grouse conservation bank system, anybody wanting to develop sage grouse habitat can get credit toward doing so by helping to secure conservation easements in sage grouse habitat elsewhere. A conservation easement is an agreement that generally prohibits additional development of wildlife habitat on private land.

The ultimate goal is to protect enough habitat so the U.S. Fish and Wildlife Service doesn't need to list the greater sage grouse as a threatened or endangered species.

Fish and Wildlife spokesman Theo Stein said Tuesday the conservation bank will involve lands held by several large ranches in Wyoming.



Source: Sheridan Media (AP)

Title: Wyoming sage grouse conservation bank system announced

Date: March 18, 2015

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Source: Bakken.com (AP)

Title: [Wyoming sage grouse conservation bank system announced](#)

Date: March 18, 2015

A new way to protect sage grouse, called a conservation bank, will allow energy developers and others to offset their use of the birds' habitat by arranging for it to be protected and in some cases improved elsewhere in the state.

Under the system to be formally announced Wednesday in Cheyenne, anybody wanting to develop sage grouse habitat will be able to get credit toward doing so by helping to secure conservation easements in sage grouse habitat elsewhere. A conservation easement is an agreement that generally prohibits new development of wildlife habitat on private land.

The ultimate goal is to protect sufficient habitat so the U.S. Fish and Wildlife Service doesn't need to list the greater sage grouse as a threatened or endangered species.

The conservation bank will involve lands held by large ranches in Wyoming, according to Fish and Wildlife spokesman Theo Stein.

"It's really, really good wildlife habitat to begin with," Stein said Tuesday. "This is a tool that will allow developers to continue to move their projects forward and also to contribute to sage grouse conservation."

Wednesday's announcement will involve Gov. Matt Mead, top Interior Department officials and the Sweetwater River Conservancy based at the Pathfinder Ranch southwest of Casper.

Habitat loss is one of the biggest threats to the greater sage grouse, whose numbers have dwindled from perhaps well over a million in pre-settlement times to no more than 500,000 today. Development of homes, oil and gas fields, and wind farms are the biggest threats to habitat for the chicken-sized, ground-dwelling birds that inhabit 11 states from California to the Dakotas.

Fish and Wildlife faces a Sept. 30 court-ordered deadline to decide whether the greater sage grouse warrants federal protection. Congress voted late last year to withhold funding that would allow Fish and Wildlife to list the greater sage grouse as threatened or endangered.



Source: Seattle PI (AP)

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Source: Eagle Ford Texas (AP)

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Source: KULR--NBC Montana Affiliate (AP)

Title: Wyoming grouse bank could preserve Rhode Island-sized area

Date: March 18, 2015

A new system to conserve sage grouse habitat in Wyoming will start by making 55,000 acres of ranchland available for preservation by those who want to develop the birds' habitat elsewhere.

Eventually the sage grouse conservation bank announced Wednesday in Cheyenne could facilitate preservation of 700,000 acres - an area the size of Rhode Island.

The U.S. Fish and Wildlife Service, state of Wyoming and owner of several large, private ranches between Casper and Rawlins helped to develop the sage grouse conservation bank.

The energy industry and others who want to develop sage grouse habitat would get credit toward doing so by investing in conservation easements on the ranches.

Fish and Wildlife Deputy Director Jim Kurth says it's an important approach because 40 percent of sagebrush habitat is privately owned.



Source: The Republic (AP)

Title: [New Wyoming sage grouse conservation bank could conserve habitat in Rhode Island-sized area](#)

Date: March 18, 2015

A new system announced Wednesday to conserve habitat for the greater sage grouse will start by making 86 square miles of Wyoming ranchland available for preservation through arrangements with oil and gas companies and others who, in exchange, want to develop the birds' habitat elsewhere in the state.

Eventually the sage grouse conservation bank announced Wednesday in Cheyenne could preserve almost 1,100 square miles — a region about the size of Rhode Island — through a series of conservation easements. A conservation easement is a legally binding agreement that generally prohibits new development of wildlife habitat on private land.

The U.S. Fish and Wildlife Service, state of Wyoming and the Sweetwater River Conservancy cooperated to develop the sage grouse conservation bank. The conservancy owns several large, private ranches on either side of Pathfinder Reservoir and in the Muddy Gap area between Casper and Rawlins.

The approach is an important one because 40 percent of sagebrush habitat is in private hands, said Fish and Wildlife Service Deputy Director Jim Kurth.

"There are people out there that would say it's a victory if we have to list sage grouse. We at the Fish and Wildlife Service certainly don't feel that way," Kurth said.

The announcement comes a little more than six months before a Sept. 30 court-ordered deadline for the Fish and Wildlife Service to determine whether the greater sage grouse needs federal protection under Endangered Species Act.

Even if Fish and Wildlife were to determine protection is necessary, if and when the greater sage grouse might be listed as threatened or endangered would remain an open question. Congress late last year voted to withhold funding from Fish and Wildlife to list the species.

The greater sage grouse is a chicken-sized bird whose numbers have dwindled by more than half since pre-settlement times. The bird ranges across 11 states, from California to the Dakotas, and numbers no more than 500,000 today.

Wyoming is home to about 200,000 greater sage grouse, more than any other state.

Through the conservation bank, developers wouldn't necessarily offset an acre of developed habitat with an acre conserved, but would purchase credits that represent land preserved for sage grouse on the Sweetwater River Conservancy ranches.

The Wyoming Stock Growers Land Trust, a land preservation arm of the Wyoming Stock Growers Association, would help to secure the conservation easements.



"This bank strikes a balance between conservation of sage grouse and enabling oil and gas and other development across Wyoming. It also secures a large expanse of land with structured public access for hunting, fishing and other outdoor opportunities," Gov. Matt Mead said.

Livestock grazing on the ranchland will continue, Mead pointed out.



Source: Casper Star Tribune (AP)

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Title: Wyoming grouse conservation could preserve area for birds

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Source: [Houston Chronicle \(AP\)](#)

Title: [Wyoming grouse conservation could preserve area for birds](#)

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Source: NewsOK (AP)

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Source: San Francisco Gate (AP)

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Source: Jackson Hole News and Guide (AP)

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Fish and Wildlife faces a Sept. 30 court-ordered deadline to decide whether the sage grouse warrants federal protection. Congress voted late last year to withhold funding that would allow Fish and Wildlife to list the bird as threatened or endangered.

In related developments, Wyoming is planning to allow sage grouse hunting this fall. The state Game and Fish Department proposes a Sept. 19-30 hunting season.



Source: Daily Journal (AP)

Title: New Wyoming sage grouse conservation bank could conserve habitat in Rhode Island-sized area

Date: March 18, 2015

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Livestock grazing on the ranchland will continue, Mead pointed out.



Source: Sweetwater NOW

Title: Governor Mead, US Fish and Wildlife Service, Sweetwater River Conservancy Launch Nation's First Greater Sage-Grouse Conservation Bank

Date: March 18, 2015

Governor Matt Mead, the U.S. Fish and Wildlife Service and Sweetwater River Conservancy announced the launch of the nation's first conservation bank for greater sage-grouse today.

The bank will consist of an expanse of land in central Wyoming that contains key sage-grouse habitat and robust sage-grouse population. The bank provides conservation credits allowing energy development and other activities to proceed on lands elsewhere in the state.

The conservation bank is located on private Wyoming ranchland, including a 55,000-acre working cattle ranch – the Pathfinder Ranch. As the demand for credits grows, the bank could expand to 700,000 acres using lands owned, or managed by the Sweetwater River Conservancy.

"We continue to lead the nation, demonstrating that energy, the environment and the economy working together can complement each other. Private landowners, industry and conservationists along with state and federal agencies have worked together on this innovative conservation plan. It conserves habitat while facilitating oil and gas, mining and other economic drivers in Wyoming," Governor Mead said. "I thank the Sweetwater River Conservancy and all the groups that took part."

In 2010, the Service determined that the greater sage-grouse warranted protection under the Endangered Species Act (ESA), but was precluded by higher priorities. Since then, a remarkable, broad-based coalition of different disciplines has come together across the bird's 165 million-acre, 11-state range to address threats and prevent the need for a listing. Market-based mitigation tools, for example, conservation banks – and the financial incentives they provide – are valuable for conserving the habitat required for abundant, well-distributed sage-grouse populations.

Most of the Sweetwater River Conservancy Greater Sage-Grouse Conservation Bank is classified as a sage-grouse core area by the State of Wyoming.

"For this effort to work, the BLM, Forest Service and other land managers must be a full partner allowing the credits to be used and establishing clear guidelines for projects to proceed. Using credits as an offset paves the way for effective management of sage-grouse and other species," Governor Mead said.



Source: Cody Enterprise

Title: [Grouse plan will impact basin leks](#)

Date: March 18, 2015

Providing the best protection for the greater sage grouse in Wyoming – while trying not to limit nearby human activity – is the marching order from the governor’s office.

During a hearing at Game & Fish headquarters in Cody on March 13, the Big Horn Basin Local Working Group entertained proposals to alter 5-year-old core area boundaries that provide buffers to sage grouse nests around the state.

The task was to review the plan implemented in 2010 and tweak map boundaries where it makes sense to aid the dwindling sage grouse – yet not shut out, where practical, property development, government land management and mining.

Meanwhile, a seemingly similar new plan, called “a conservation bank,” was scheduled to be formally introduced in Cheyenne Wednesday.

The idea being presented by Gov. Matt Mead, officials of the Department of the Interior, and the Sweetwater River Conservancy would enable businesses and land owners to develop habitat in one area while helping to secure conservation easements in another location.

In Cody, the seventh of eight meetings around the state was facilitated by G&F sage grouse biologist Tom Christiansen who introduced a series of potential changes for endorsement.

The issue of balance is not necessarily a matter of trading acre for acre on a one-to-one basis, Christiansen said.

It may be advantageous to include fewer acres in a core area if it protects more birds, he said.

About 23 percent of Wyoming land is included in the core area which “protects about 80 percent of sage grouse,” Christiansen said.

A group of recommendations applying to specific Big Horn Basin areas were forwarded to the Sage Grouse Implementation Team, scheduled to meet in Casper on March 19.

Public input also will be taken at that meeting and results will be forwarded to the governor.

The goal, Christiansen says, is to end up with either the same amount of protection for sage grouse nests or increased protection.

While this plays out at the state level, federal officials are exploring the possible need for placement of the greater sage grouse on the threatened or endangered species list.

That investigation by the U.S. Fish and Wildlife Service results from the decline of the species to 500,000 from an estimated all-time high of 1 million birds. A precipitous



population drop occurred 1998-2012, likely caused by habitat loss and decline. A court ruling requires a decision on endangered species status by Sept. 30.

The greater sage grouse is found in 11 states, down from 16, and parts of western Canada.

Greater sage grouse, – the largest of North American grouse – survive on sagebrush, insects and plants. Protecting leks (nests) and their sagebrush habitat are a major goal of the core area boundaries.

Monitoring, studies and radio-collaring tracking have produced information in recent years that helped the local working group decide what trade-off proposals could satisfy the sage grouse’s needs and human desires.

Maps were displayed at the meeting and fresh lines were drawn as a crowd of about 35 watched.

Matt Call, the mining representative on the working group, advanced three proposals, all of which gained favor. Just the minor shifting of boundary lines seemed to offer better protection for some grouse, yet also allowed mining interests to pursue projects.

While acknowledging it was not final, Call said, “I am happy with the group’s decisions.”

BLM biologist Tim Stephens, a member of the group, said, “Balance is the governor’s core area strategy.”

Although sage grouse may not be as popular in Wyoming as grizzlies, elk and bison, it is well known statewide, Stephens said.

“During the last 10 years they have been pretty high profile,” he added. “The average Wyoming resident is outdoorsy. They know about them. They’re affected by the sage grouse.”



Source: KGWN-TV (Cheyenne, WY CBS Affiliate)

Title: [Sage Grouse Protection Plan Decided](#)

Date: March 18, 2015

"As Yellowstone was our nation's first national park and Devil's Tower our first national monument, Sweetwater River Conservancy is our nation's first ecosystem wide conservation bank," said Jeff Meyer, from the Sweetwater River Conservancy.

The debate between the state and conservationists was settled Wednesday morning with a decision that will help oil companies and [protect](#) the sage grouse.

"Finding a way for us to meet the needs of sage grouse across the landscape while preserving the working landscape for the people of Wyoming and the west was a complex challenge," said Jim Kurth from US Fish and Wildlife [Services](#).

The decision allows oil [companies](#) to buy credits in order to drill outside of the conservation bank and those credits go back to protecting the sage grouse.

"We're located in some of the best sage grouse habitat inside the core areas of the state," said Meyer.

The Bureau of Land [Management](#), US Fish and Wildlife Services and the state spent a lot of time trying to come up with a plan they were all happy with.

"We put in a five year effort because to know where you're going you have to know where you are," said Meyer.

Governor Mead believes that has finally happened. "In so many ways we view it as a win win situation because it allows that activity that supplies the [wealth](#) to the state," said Governor Mead.

Video clip of news story can be found by visiting:

<http://www.kgwn.tv/home/headlines/Sage-Grouse-Protection-Plan-Decided-296796991.html?ref=991>



Source: Oil City News

Title: Portions of Natrona County included in Nation's First Greater Sage-Grouse Conservation Bank

Date: March 18, 2015

Senior Department of the Interior and U.S. Fish and Wildlife Service officials joined Wyoming Governor Matt Mead today in announcing the launch of the nation's first conservation bank for greater sage-grouse. The bank will manage a vast expanse of central Wyoming for sage-grouse, mule deer and other wildlife, allowing energy development and other economic activities to proceed on lands elsewhere in the state.

At a ceremony in the State Capitol hosted by Governor Mead, Interior Deputy Assistant Secretary Jim Lyons, Deputy Director for the Service Jim Kurth and Jeff Meyer, Managing Partner of the Sweetwater River Conservancy, formalized the agreement creating the project, which will rank as the largest conservation bank in the country.

Interior Secretary Sally Jewell praised the announcement. "The long-term health of the greater sage-grouse throughout the West depends on strong and innovative partnerships to conserve and restore its habitat in ways that embrace traditional uses of the land such as cattle ranching," Jewell said. "As the first conservation bank for greater sage-grouse, the Sweetwater River Conservancy provides one model for how we can work with states, landowners, tribes, local communities and others to conserve our working, western landscapes."

At the heart of the project is the Pathfinder Ranch, a 235,000-acre cattle ranch located west of Casper near Pathfinder Reservoir that provides significant wildlife habitat for the greater sage-grouse and other native species. Originally purchased for wind energy development, the project was converted to a conservation bank and deeded to the newly created Sweetwater Conservancy with the encouragement of former Governor Dave Freudenthal, who was in the process of building Wyoming's Core Area sage-grouse strategy. The conservation bank will launch with 55,000 deeded acres. As the demand grows, it could expand to 700,000 acres on other lands owned by the Conservancy.

A conservation bank is a site or suite of sites established under an agreement with the Service to protect, and where feasible, improve habitat for species. Entities can purchase "credits" that result from perpetual conservation easements and conservation projects on the land to offset impacts occurring elsewhere.

"Wyoming continues to work on practical and effective means to ensure a healthy population of sage-grouse," said Governor Mead. "Here private landowners, state and federal agencies worked together and the result is this innovative conservation plan. I applaud everyone who took part."

In 2010, the Service determined that the greater sage-grouse warranted protection under the Endangered Species Act (ESA), but was precluded by higher priorities. Since



then, a remarkable, broad-based coalition of stakeholders has come together across the bird's 165 million-acre, 11-state range to address threats in an effort to prevent the need for a listing. Market-based mitigation tools such as conservation banks, and the financial incentives they provide, are valuable for conserving the habitat required for abundant, well-distributed sage-grouse populations.

Most of the Sweetwater River Conservancy Conservation Bank is classified as core sage-grouse habitat by the State of Wyoming, a designation applied to areas of the highest sage-grouse populations. In addition to sage-grouse, the Conservancy will manage the property for the benefit of other wildlife and to promote improved water quality and quantity on the property. The Wyoming Stock Growers Agricultural Land Trust has been selected to hold and administer the conservation easements in perpetuity.



Source: PR Newswire

Title: [U.S. Fish and Wildlife Service, State of Wyoming, Sweetwater River Conservancy Launch Nation's First Greater Sage-Grouse Conservation Bank](#)

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"Protecting the very best sage-grouse habitat is a vital part of the long-term conservation strategy for this bird and the hundreds of species that depend on healthy sagebrush ecosystems," added Service Director Dan Ashe. "The Service is committed to continually exploring new and innovative ways to work with states, industry and private landowners to sustain sage-grouse populations and the vitality of rural communities across the West."

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A review team has guided the conservation bank's creation and will continue overseeing its long-term management. Team members include representatives from Wyoming Department of Environmental Quality, Wyoming Game and Fish, Wyoming Office of State Lands and Investments, Bureau of Land Management, Natural Resources Conservation Service, private landowners, and the Service.

"Meaningful mitigation is central to the BLM's mission to manage the public lands under the principles of multiple use and sustained yield," said BLM Director Neil Kornze.

"Today's announcement demonstrates that forward-looking approaches to mitigation can provide real benefits for investors, for industry, and for conservation."

Note: Media can find project area maps, photos, a history of the ranches and B-roll at the following site: <https://pathfinderwindenergy.egnyte.com/fl/6NR6GtYjSh#folder-link/>

The U.S. Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.



For more information, visit www.fws.gov, or connect with us through any of these social media channels: <http://www.fws.gov/home/socialmedia/mountain-prairie.html>



Source: County 10—Fremont County

Title: Nation's First Greater Sage-Grouse Conservation Bank includes part of SE Fremont County

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Source: The Salmon River Mountain Press

Title: USFWS, Wyoming, Sweetwater Conservancy launch nation's first greater sage-grouse conservation bank

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Source: [The Washington Times](#)

Title: [Western states coalition disputes 'biased' federal science on sage grouse](#)

Date: March 18, 2015

A coalition of rural Western counties and business interests is contesting the science being used to decide whether to list the Greater sage-grouse as endangered or threatened, accusing the Obama administration of relying on “selective, false and biased” research.

Denver attorney [Kent Holsinger](#) filed three [Data Quality Act](#) challenges Wednesday with the Department of the Interior on behalf of the coalition, which includes the Western Energy Alliance, ranchers, mining and drilling companies and 19 counties in Colorado, Montana, Nevada and Utah.

“We’ve documented real issues with transparency and scientific integrity,” said [Mr. Holsinger](#) in a statement.

He cited “extensive flaws in the agencies’ science,” saying the data demonstrate that federal agencies “exaggerate impacts from human activities while ignoring real threats like predation as well as natural fluctuations.”

“The steadfast reliance and perpetuation of flawed information reveals these agencies aren’t as much interested in sage-grouse conservation as they are in controlling our economy and Western way of life,” [Mr. Holsinger](#) said.

He added that obtaining the research wasn’t easy, calling it “unacceptable that we’ve had to resort to multiple lawsuits under the [Freedom of Information Act](#) and other maneuvers to obtain basic scientific information that should have already been provided to the public.”

The [Fish and Wildlife Service](#) has until Sept. 30 to decide whether to list the Greater sage-grouse as endangered or threatened under the Endangered Species Act, a move with potentially devastating economic consequences for the Western United States.

The Greater sage-grouse’s habitat is enormous, spanning 165 million acres in 11 Western states, 64 percent of which sits on federal land. Western governors and lawmakers have urged Interior officials to leave sage-grouse habitat recovery in state hands, pointing to the strides made by a multitude of local initiatives, while environmental groups have pushed for a federal listing.

Randi Spivak, director of the public lands program for the Center for Biological Diversity, said the coalition’s data challenge represents “the [energy](#) industry sort of reacting to conclusions that they just don’t like.”

She said the Bureau of Land Management [study](#), known as the NTT Report, is “based on the best available science,” while the [Fish and Wildlife Service](#) Conservation Objectives Team Final Report “would mean restrictions for the oil and gas industry in



sage-grouse habitat.”

“Any time there are any restrictions, whether it’s for wildlife or health or [safety](#), you hear the oil and gas industry complain,” Ms. Spivak said.

The coalition’s data challenges focus on three “highly influential” scientific reports, prepared by the BLM, FWS and U.S. Geological Survey, that rely on data from “an insular group of “scientist-advocates” who skew their research to advance “policies they personally support,” according to the executive summary.

“The Reports were developed with unsound research methods resulting in a partial and biased presentation of information, and peer reviewers have found them to be inaccurate, unreliable, and biased,” the summary says. “They contain substantial technical errors, including misleading use of authority and failure to address [studies](#) that do not support a federal, one-size-fits-all narrative.”

For example, the coalition says the reports are quick to blame human activity for the bird’s decline but fail to give proper weight to the impact of predators such as ravens, even though their population has increased by 300 percent and local raven-management efforts in states like Nevada have shown success in boosting grouse habitat.

The three reports “all fail to recognize predation as the single most important factor affecting the abundance” of the Greater sage grouse,” according to one of the coalition challenges.

Interior officials emphasize that they are working with state governments, local communities, ranchers and others to restore sage-grouse habitat, including the restoration of 4.4 million acres of habitat through the Sage Grouse Initiative.

Meanwhile, state and local officials have been scrambling to demonstrate their commitment to saving sage-grouse habitat in order to avoid a listing.

Wyoming Gov. Matt Mead and Interior officials unveiled at a ceremony Wednesday in Cheyenne the nation’s first Greater sage-grouse conservation [bank](#), which allows energy companies and others working on sage-grouse habitat to offset it by arranging for the protection of habitat elsewhere in the state.

“Wyoming continues to work on practical and effective means to ensure a healthy population of sage-grouse,” Mr. Mead said in a statement. “Here private landowners, state and federal agencies worked together, and the result is this [innovative](#) conservation plan.”

The Fish and Wildlife Service estimates the Greater sage-grouse population at between 200,000 and 500,000, which represents a 30 percent decline since 1985.



Source: Virtual Press Office

Title: U.S. Fish and Wildlife Service, State of Wyoming, Sweetwater River Conservancy Launch Nation's First Greater Sage-Grouse Conservation Bank

Date: March 18, 2015

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Source: [Magic Valley.com \(AP\)](#)

Title: [Wyoming Grouse Conservation Could Preserve Area for Birds](#)

Date: March 19, 2015

A new system announced Wednesday to conserve habitat for the greater sage grouse will start by making 86 square miles of Wyoming ranchland available for preservation through arrangements with oil and gas companies and others who, in exchange, want to develop the birds' habitat elsewhere in the state.

Eventually the sage grouse conservation bank announced Wednesday in Cheyenne could preserve almost 1,100 square miles — a region about the size of Rhode Island — through a series of conservation easements. A conservation easement is a legally binding agreement that generally prohibits new development of wildlife habitat on private land.

The U.S. Fish and Wildlife Service, state of Wyoming and the Sweetwater River Conservancy cooperated to develop the sage grouse conservation bank. The conservancy owns several large, private ranches on either side of Pathfinder Reservoir and in the Muddy Gap area between Casper and Rawlins.

The approach is an important one because 40 percent of sagebrush habitat is in private hands, said Fish and Wildlife Service Deputy Director Jim Kurth.

"There are people out there that would say it's a victory if we have to list sage grouse. We at the Fish and Wildlife Service certainly don't feel that way," Kurth said.

The announcement comes a little more than six months before a Sept. 30 court-ordered deadline for the Fish and Wildlife Service to determine whether the greater sage grouse needs federal protection under Endangered Species Act.

Even if Fish and Wildlife were to determine protection is necessary, if and when the greater sage grouse might be listed as threatened or endangered would remain an open question. Congress late last year voted to withhold funding from Fish and Wildlife to list the species.

The greater sage grouse is a chicken-sized bird whose numbers have dwindled by more than half since pre-settlement times. The bird ranges across 11 states, from California to the Dakotas, and numbers no more than 500,000 today.

Wyoming is home to about 200,000 greater sage grouse, more than any other state.

Through the conservation bank, developers wouldn't necessarily offset an acre of developed habitat with an acre conserved, but would purchase credits that represent land preserved for sage grouse on the Sweetwater River Conservancy ranches.

The Wyoming Stock Growers Land Trust, a land preservation arm of the Wyoming Stock Growers Association, would help to secure the conservation easements.

"This bank strikes a balance between conservation of sage grouse and enabling oil and



gas and other development across Wyoming. It also secures a large expanse of land with structured public access for hunting, fishing and other outdoor opportunities," Gov. Matt Mead said.

Livestock grazing on the ranchland will continue, Mead pointed out.



Source: Natural Gas Intel

Title: First Sage Grouse Conservation Bank Created in Wyoming

Date: March 19, 2015

The nation's largest conservation bank -- and a first for greater sage grouse -- has been established in central Wyoming to provide credits that would allow energy development in other parts of the state.

The heart of the project, created by the U.S. Fish and Wildlife Service (FWS), the Department of the Interior and the Sweetwater River Conservancy (SRC), consists of the 235,000-acre Pathfinder Ranch, a cattle ranch west of Casper near Pathfinder Reservoir that provides wildlife habitat for grouse and other native species. Close to 55,000 acres are set aside that contain a "robust" grouse population, with most of the bank classified as a sage grouse core area by the state.

As demand for the bank grows, it could expand to 700,000 acres on other lands managed and owned by the SRC.

"The long-term health of the greater sage grouse throughout the West depends on strong and innovative partnerships to conserve and restore its habitat in ways that embrace traditional uses of the land, such as cattle ranching," Interior Secretary Sally Jewell said. "As the first conservation bank for greater sage grouse, the Sweetwater River Conservancy provides one model for how we can work with states, landowners, tribes, local communities and others to conserve our working, western landscapes."

A conservation bank is a site or suite of sites established under an agreement with the FWS to protect, and where feasible, improve habitat for species. Entities can purchase "credits" that result from perpetual conservation easements and conservation projects on the land to offset impacts occurring elsewhere.

Originally purchased for wind energy development, the Pathfinder project was converted to a conservation bank and deeded to the newly created SRC with the encouragement of former Democratic Gov. Dave Freudenthal, who was in the process of building Wyoming's core area sage grouse strategy.

The bank would manage not only sage grouse, but also mule deer and other wildlife, to allow energy development and other economic activities to proceed on lands elsewhere in Wyoming.

Wyoming is demonstrating that "energy, the environment and the economy working together can complement each other," Republican Gov. Matt Mead said. "Private landowners, industry and conservationists along with state and federal agencies have worked together on this innovative conservation plan. It conserves habitat while facilitating oil and gas, mining and other economic drivers in Wyoming."

Five years ago the FWS determined that the greater sage grouse warranted protection



under the Endangered Species Act (ESA), but it was "precluded by higher priorities," officials said. "Since then, a remarkable, broad-based coalition of different disciplines has come together across the bird's 165 million-acre, 11-state range to address threats and prevent the need for a listing. Market-based mitigation tools, for example, conservation banks -- and the financial incentives they provide -- are valuable for conserving the habitat required for abundant, well-distributed sage grouse populations."

For the effort to work, the Bureau of Land Management, U.S. Forest Service and other land managers "must be a full partner allowing the credits to be used and establishing clear guidelines for projects to proceed," said the governor. "Using credits as an offset paves the way for effective management of sage grouse and other species."

Last December the FWS said it was shifting from data collection to data analysis as it proceeded toward a Sept. 30 decision about whether the greater sage grouse still deserves protection under the ESA (see *Daily GPI*, Dec. 30, 2011). To ensure that the FWS had the best available information, officials were asked to submit documentation pertaining to the many conservation efforts that had been completed or were under way to benefit the species.

The Western Governors' Association, of which Mead is a member, in January asked the Department of Interior for clarification about efforts to protect the bird (see *Daily GPI*, Jan. 20). The seven governors sought Jewell's thoughts about when a final ESA decision regarding the grouse may be made. A budget bill signed by President Obama in December prohibits FWS from writing or issuing a rule to list the bird as threatened or endangered.

Jewell has indicated in recent months that state-federal measures may be enough to avoid a listing (see *Daily GPI*, Dec. 12, 2014).

Last month the U.S. Department of Agriculture (USDA) reported that since 2010 its partners in the Sage Grouse Initiative have worked with private landowners to restore 4.4 million acres of habitat while maintaining working landscapes across the West.

"American ranchers are working with us to help sage grouse because they know they are helping an at-risk bird while also improving the food available for their livestock," said Under Secretary for Natural Resources and Environment Robert Bonnie. "As the saying goes, 'What's good for the bird is good for the herd.'" USDA also said it would commit another \$200 million to sage grouse conservation work over the next four years.



Source: Casper Star Tribune

Title: [Conservation bank appears unlikely to spare the sage grouse from court](#)

Date: March 19, 2015

Wednesday's announcement of a sage grouse conservation bank in central Wyoming comes amid a pair of growing controversy's over the bird's status as a potential endangered species.

One concerns the discovery of a large wintering ground in the middle of a planned 2,000 well natural gas field in western Wyoming. The other involves a lawsuit filed Wednesday by a coalition of western counties and energy and agriculture interests. The groups claim the government's sage grouse science is faulty.

Those controversies will further complicate the government's sage grouse efforts. The Fish and Wildlife Service faces a court ordered September deadline to decide the bird's status and has announced a series of initiatives in recent months designed to protect it.

Against that backdrop, state and federal officials appeared Wednesday at a press conference in Cheyenne and heralded the new conservation bank as a way to preserve the sage grouse without hindering energy development. Off-setting development in one area by conserving land in another makes an endangered species listing unnecessary, they argued.

"There are people out there who would say it is a victory if we had to list the sage grouse," said Jim Kurth, Fish and Wildlife Service deputy director. "We in the Fish and Wildlife Service don't feel that way. (The Endangered Species Act) is a safety net. We can show that working with people that live on the land, we can do this conservation work."

Under the arrangement, a public agency like the U.S. Bureau of Land Management would examine an energy companies' development plans and determine its impact on sage grouse. If the company could not avoid or minimize the impacts, the government would allow the firm to buy credits to compensate for the development. Credits will be purchased from a private company, the Sweetwater River Conservancy, which has protected the 10 ranches it operates between Casper and Rawlins for sage grouse conservation.

Gov. Matt Mead framed the measure as a compromise and noted it is one in a string of efforts made by Wyoming to preserve sage grouse. Last year, Mead and Interior Secretary Sally Jewell [announced a plan](#) to work with land owners to employ sage grouse conservation measures on their properties. In exchange, the land owners received a guarantee they would not be subject to endangered species regulations should the bird be listed.

"This bank strikes a balance between conservation of sage grouse and enabling oil and



gas and other development across Wyoming," Mead said Wednesday.

Others were less sanguine. The bank is a political solution to conserving the bird, not a scientific one, said Clait Braun, a critic of the government's conservation efforts who studied sage grouse for three decades at the Colorado Division of Wildlife. A loss in sage grouse numbers in one area cannot be compensated in another. That would require habitat improvements in the latter region, and such improvements have not been scientifically proven to boost sage grouse numbers, he said.

"It reminds me of a ship, the Titanic. The ship is sinking," Braun said. "I don't give sage grouse much hope in the next 40 years, and here the governor is rearranging the deck chairs on the Titanic."

Meanwhile controversy continues. New research suggests that some 2,000 sage grouse winter in the expanse of sagebrush known as the Naturally Pressurized Lance southwest of Pinedale, making it the largest wintering grounds for the bird in Wyoming. The region has been tabbed for a 2,000 well natural gas field and is not designated as core area under Wyoming's sage grouse conservation plan, which would restrict energy development. Members of a local group charged with overseeing sage grouse conservation efforts recently sparred over whether to designate the area for protection. But the matter went unresolved and will now go before state officials at the Wyoming Sage Grouse Working Group.

The bank will allow Wyoming officials to say they are protecting the bird while enabling drilling in the Naturally Pressurized Lance to move forward, Braun said.

"I look for this one to be easily litigated and defeated," he said.

At the other end of the spectrum, the coalition of energy and ranching interests said they were going to court because the federal government is "using selective and faulty information that ignores a large body of scientific literature on the species." That information is being used to justify top-down government solutions to sage grouse conservation efforts, the groups said.

The controversies signal one of the few certainties facing sage grouse today: Regardless of whether the conservation bank saves the bird, sage grouse appear headed for court.



Source: Summit County Citizens Voice

Title: Conservation bank eyed as solution to sage-grouse woes

Date: March 19, 2015

Biologists, politicians and land-use planners enmeshed in the thorny issue of greater sage-grouse conservation hope that a new conservation bank in Wyoming can help save the dwindling birds without crimping energy development and ranching.

The country's first-ever sage grouse conservation bank will manage a vast expanse of central Wyoming for sage-grouse, mule deer and other wildlife as a hedge against impacts to greater sage-grouse in energy development zones.

A conservation bank is a site or suite of sites established under an agreement with the Service to protect, and where feasible, improve habitat for a species. Similar banks have long been used to conserve important wetlands. Entities pursuing development that require mitigation can purchase "credits" generated by perpetual conservation easements and conservation projects to offset impacts occurring elsewhere.

In a prepared statement, Interior Secretary Sally Jewell said the agreement serves as a model for collaboration.

"The long-term health of the greater sage-grouse throughout the West depends on strong and innovative partnerships to conserve and restore its habitat in ways that embrace traditional uses of the land such as cattle ranching," Jewell said. "As the first conservation bank for greater sage-grouse, the Sweetwater River Conservancy provides one model for how we can work with states, landowners, tribes, local communities and others to conserve our working, western landscapes."

The heart of the project is the Pathfinder Ranch, a 235,000-acre cattle ranch located west of Casper near Pathfinder Reservoir that provides significant wildlife habitat for the greater sage-grouse and other native species.

The property was originally purchased for wind energy development but has now been converted to a conservation bank and deeded to the newly created Sweetwater Conservancy with the encouragement of former Governor Dave Freudenthal, who was building Wyoming's Core Area sage-grouse strategy.

The conservation bank will launch with 55,000 deeded acres. As demand grows, it can expand to 700,000 acres on lands the Conservancy owns.

"Protecting the very best sage-grouse habitat is a vital part of the long-term conservation strategy for this bird and the hundreds of species that depend on healthy sagebrush ecosystems," said U.S. Fish and Wildlife Service Director Dan Ashe.

"Wyoming continues to work on practical and effective means to ensure a healthy population of sage-grouse," said Governor Mead. "Here private landowners, state and federal agencies worked together and the result is this innovative conservation plan. |



applaud everyone who took part.”

Officials hope that market-based mitigation tools like conservation banks, and the financial incentives they provide, help conserve the habitat required for abundant, well-distributed sage-grouse populations.

“Sweetwater’s goal is to protect and enhance some of the nation’s best sage-grouse habitat while delivering an important tool that will contribute to the long-term health of Wyoming’s business community,” said Jeff Meyer, Managing Partner of the Sweetwater River Conservancy. “Mitigation credits created on this landscape will be available to offset unavoidable impacts of economic development by supporting permanently protected, high-quality habitat for the greater sage-grouse.”

A review team has guided the conservation bank’s creation and will continue overseeing its long-term management. Team members include representatives from Wyoming Department of Environmental Quality, Wyoming Game and Fish, Wyoming Office of State Lands and Investments, Bureau of Land Management, Natural Resources Conservation Service, private landowners, and the Service.

“Meaningful mitigation is central to the BLM’s mission to manage public lands under the principles of multiple use and sustained yield,” said BLM Director Neil Kornze. “Today’s announcement demonstrates that forward-looking approaches to mitigation can provide real benefits for investors, industry, and conservation.”



Source: Gillette News Record

Title: Wyoming home of first ever sage grouse conservation bank

Date: March 19, 2015

With a court-mandated deadline to decide whether to list the sage grouse under the Endangered Species Act about six months away, officials are eager to show progress on conservation efforts that could steer the U.S. Fish and Wildlife Service away from a listing.

Those efforts have been underway for years, and Wednesday saw a strategy new to sage grouse conservation get off the ground.



Source: North American Wind Power

Title: [Wyoming To Protect Greater Sage-Grouse Population](#)

Date: March 19, 2015

Thanks to a first-of-its-kind **conservation bank** restricting energy development across a large swath of central Wyoming land, the greater sage-grouse can breathe a little easier. Working with the U.S. Department of the Interior (DOI) and the U.S. Fish and Wildlife Service (FWS), Wyoming enacted a conservation bank to protect the greater sage-grouse habitat. According to the DOI, the conservation bank sets aside a vast expanse of central Wyoming for sage-grouse and other habitat, including mule deer and other wildlife. As such, the land parcel will restrict energy development, as well as other economic activities.

A conservation bank is a site or suite of sites established under an agreement with the FWS to protect and, where feasible, improve habitat for species. Entities can purchase credits that result from perpetual conservation easements and conservation projects on the land to offset impacts occurring elsewhere.

According to the DOI, the Pathfinder Ranch, a 235,000-acre cattle ranch located west of Casper near Pathfinder Reservoir, provides significant wildlife habitat for the greater sage-grouse and other native species.

Originally purchased for wind energy development, the project was converted to a conservation bank and deeded to the newly created Sweetwater Conservancy with the encouragement of former Gov. Dave Freudenthal, who was in the process of building Wyoming's Core Area sage-grouse strategy. The conservation bank will launch with 55,000 deeded acres. As the demand grows, it could expand to 700,000 acres on other lands owned by the Conservancy.

"Protecting the very best sage-grouse habitat is a vital part of the long-term conservation strategy for this bird and the hundreds of species that depend on healthy sagebrush ecosystems," says Dan Ashe, FWS director. "The Service is committed to continually exploring new and innovative ways to work with states, industry and private landowners to sustain sage-grouse populations and the vitality of rural communities across the West."

In 2010, FWS determined that the greater sage-grouse warranted protection under the Endangered Species Act (ESA) but was precluded by higher priorities. Since then, broad-based coalition of stakeholders has come together across the bird's 165 million-acre, 11-state range to address threats in an effort to prevent the need for a listing. Market-based mitigation tools such as conservation banks - and the financial incentives they provide - are valuable for conserving the habitat required for abundant, well-distributed sage-grouse populations.



Most of the Sweetwater River Conservancy Conservation Bank is classified as core sage-grouse habitat by the state of Wyoming, a designation applied to areas of the highest sage-grouse populations. In addition to sage-grouse, the conservancy will manage the property for the benefit of other wildlife and for promoting improved water quality and quantity on the property.



Twitter Coverage

Tweets

WCFF @WCFF_org 19 March 2015

@USFWSHQ & #Wyoming announced launch of nation's first **#conservation** bank for greater **sage-grouse** & other **#wildlife**

WTEOpinion @WTEOpinion 19 March 2015

#Wyoming **"conservation bank"** unlikely to keep **sage grouse** issue out of court, experts say. <http://ow.ly/Kxaei>

PLPCO @UtahPLPCO 19 March 2015

USFWS, State of Wyoming, Sweetwater River Conservancy Launch Nation's First Greater Sage-Grouse Conservation Bank |

<http://www.theoutdoorwire.com/story/1426740571yrk5gtnqj79> ...

The Upland Almanac @UplandAlmanac 19 March 2015

USFWS, State of Wyoming, **Sweetwater River Conservancy** Launch Nation's First Greater Sage Grouse Conservation Bank

<http://shar.es/1fEX6c>

Hits 106 @myhits106 19 March 2015

Governor Mead, U.S. Fish and Wildlife Service, **Sweetwater River Conservancy** Launch Nation's First Greater... <http://fb.me/1zNWBMQDq>

SalmonRiverMtnPress @SalmonRiverMTNP 19 March 2015

USFWS, Wyoming, **Sweetwater River Conservancy** launch nation's first greater sage-grouse conservation bank <http://salmonrivermountainpress.weebly.com/salmon-river-mountain-press-news/usfws-wyoming-sweetwater-river-conservancy-launch-nations-first-greater-sage-grouse-conservation-bank> ...

Chris Young @Norsunenergy 19 March 2015

Wyoming To Protect Greater **Sage-Grouse** Population <http://ift.tt/1B5YCuX> Thanks to a first-of-its-kind **conservation** bank restricting ener...

Ben Storrow @bstorrow 19 March 2015

More on the **sage grouse conservation** bank from @meadgruver <http://bit.ly/1FIYDuO>



Ben Storrow @bstorrow 19 March 2015

A new **sage grouse conservation** bank aims to prevent an ESA listing. But it likely won't keep the bird out of court <http://bit.ly/1MN8aTO>

Natural Gas Intel @NGInews 19 March 2015

First **Sage Grouse Conservation** Bank Created in Wyoming <http://dlvr.it/9245rN>

Emily B @eebock 19 March 2015

Good news @Sagehens @USFWSHQ: We just launched the first Greater **Sage-Grouse Conservation** Bank <http://1.usa.gov/1GZ48UD>

Bob Berwyn @bberwyn 19 March 2015

Conservation bank eyed as solution to **sage-grouse** woes <http://wp.me/pJ91e-hS8>

Casper Star-Tribune @CSTribune 19 March 2015

Conservation bank appears unlikely to spare the **sage grouse** from court <http://bit.ly/1FJ9uF6>

Jon Goldstein @jonwgoldstein 19 March 2015

New Wyoming **sage grouse conservation** bank could conserve habitat in Rhode Island-sized area: <http://bit.ly/1xjauOZ> via @cstribune

US Fish and Wildlife @USFWSHQ 18 March 2015

We just launched the first Greater **Sage-Grouse Conservation** Bank (and we didn't do it alone) <http://1.usa.gov/1GZ48UD> **Turtle Island** @AboriginalNews 18 March 2015

First Greater Sage-Grouse Conservation Bank

The **Sweetwater River Conservancy** Conservation Bank <http://www.fws.gov/>

Buffalo WY Chamber @BuffWyChamber 18 March 2015

Governor Mead, U.S. Fish and Wildlife Service, **Sweetwater River Conservancy** Launch Nation's First Greater... <http://fb.me/3eDCpFzZ8>

Adi Liberman @CleanWaterAdi 18 March 2015

Pathfinder Wind announces that its **Sweetwater River Conservancy** will be the largest conservation bank in the country.



Adi Liberman @CleanWaterAdi 18 March 2015

Here's the link to the **Sweetwater River Conservancy**.

<http://sweetwaterriverconservancy.com/banks-projects/>

Governor Matt Mead @GovMattMead 18 March 2015

I was joined by @USFWSHQ & **Sweetwater River Conservancy**, announcing the nation's first sage-grouse conservation bank.

SweetwaterNOW @SweetwaterNOW 18 March 2015

Governor Mead, U.S. Fish and Wildlife Service, **Sweetwater River Conservancy** Launch Nation's First Greater Sage-Gro... <http://ift.tt/1AGeHYX>

Go Green and DIY @tweetsfortune 18 March 2015

U.S. Fish and Wildlife Service, State of Wyoming, **Sweetwater River Conservancy** Launch Nation's First Greater S... <http://prn.to/1BPYino>

NEWS.GNOM.ES @newsgnomes 18 March 2015

U.S. Fish and Wildlife Service, State of Wyoming, **Sweetwater River Conservancy** Launch Nation's First Greater Sage... <http://goo.gl/fb/XP7A3>

PRNenv @PRNev 18 March 2015

U.S. Fish and Wildlife Service, State of Wyoming, **Sweetwater River Conservancy** Launch Nation's First Greater S... <http://prn.to/1FCW112>

Michael Sprague @troutheadwaters 18 March 2015

Vast Western Conservation Project Underway

http://sweetwaterriverconservancy.com/m_sprague.php

Michael Sprague @troutheadwaters 18 March 2015

Vast Western Conservation Project Underway

http://sweetwaterriverconservancy.com/m_sprague.php



Re: Sweetwater River Conservancy News Release

1 message

Linda Lance <llance@blm.gov>

Wed, Mar 11, 2015 at 8:36 AM

To: Neil Komze <nkomze@blm.gov>

Cc: "Boddington, Celia" <cbodding@blm.gov>, Joseph Stout <j2stout@blm.gov>, James Anderson <jeanderson@blm.gov>, Craig Leff <cleff@blm.gov>, Jeff Krauss <jkrauss@blm.gov>, Mary Jo Rugwell <mrugwell@blm.gov>, Michael D Nedd <mnedd@blm.gov>, Edwin Roberson <eroberso@blm.gov>, Steven A Ellis <sellis@blm.gov>, "james_lyons@ios.doi.gov" <james_lyons@ios.doi.gov>

Nice release and nice project. Thx

Sent from my iPhone

On Mar 10, 2015, at 11:18 PM, Neil Komze <nkomze@blm.gov> wrote:

I like it. Small edit to the second line:

Today's announcement demonstrates that forward-looking approaches to mitigation can provide meaningful benefits for investors, for industry, and for conservation.

On Mar 10, 2015, at 5:03 PM, Boddington, Celia <cbodding@blm.gov> wrote:

Neil – below for your approval is your proposed quote for next week's FWS press release announcing the Sweetwater Conservancy. Thanks, Celia

"Meaningful mitigation is central to the BLM's mission to manage the public lands under the principles of multiple use and sustained yield," said BLM Director Neil Kornze. "Today's announcement demonstrates that this approach is (b) (5) for investors, (b) (5) for industry, and (b) (5) for conservation."

U.S. FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

134 Union Boulevard

Lakewood, Colorado 80228

For Immediate Release

March 18, 2015

Contact: Theo Stein, (303) 236-4336 theodore_stein@fws.gov

**U.S. Fish and Wildlife Service, Sweetwater River Conservancy
Launch Nation's First Greater Sage-Grouse Conservation Bank**

CHEYENNE, WY – Service Director Dan Ashe and Wyoming Governor Matt Mead today announced the launch of the nation's first conservation bank for greater sage-grouse, a vast expanse of central Wyoming that will be set aside for sage-grouse, mule deer and other wildlife so that energy development and other activities can proceed on lands elsewhere in the state. At a signing ceremony in the rotunda of the State Capitol building, Ashe and Mead joined Jeff Meyer, Managing Partner of the Sweetwater River Conservancy in formalizing the agreement creating the project, which will rank as the largest conservation bank in the country.

The heart of the conservation bank is the Pathfinder Ranch, a working cattle ranch located west of Casper

near Pathfinder Reservoir that has significant wildlife values on 55,000 deeded acres. Originally purchased for wind energy development, the project was converted to a conservation bank with the encouragement of former Governor Dave Freudenthal, who was in the process of building Wyoming's Core Area sage-grouse strategy. As the demand for credits progresses, the bank could expand to 700,000 acres on lands already owned by the Conservancy.

"Protecting the very best sage-grouse habitat is a vital part of the long-term conservation strategy for this bird and the hundreds of species that depend on healthy sagebrush ecosystems," Ashe said. "The Service is committed to continually exploring new and innovative ways to work with states, industry and private landowners to protect sage-grouse and the vitality of rural communities across the West."

A conservation bank is a site or suite of sites, established under a conservation bank agreement with the Service, which provides ecological functions and services for species expressed as credits that are conserved and managed in perpetuity and used to offset unavoidable impacts occurring elsewhere. Credits, which are only sold in perpetuity, can be used to purchase conservation easements or generate by projects to improve habitat quality.

"Wyoming continues to work on practical and effective means to ensure a healthy population of sage grouse," said Governor Mead. "Here private landowners, state and federal agencies worked together and the result is this innovative conservation plan. I applaud everyone who took part,"

In 2010, the Service determined that the greater sage-grouse warranted protection under the Endangered Species Act, but was precluded by higher priorities. Since then, a remarkable, broad-based conservation campaign designed to preclude the need for a listing has been working to address threats to the bird across its 165 million-acre, 11-state range.

Most of the Sweetwater River Conservancy conservation bank is classified as core sage-grouse habitat by the State of Wyoming, a designation applied to areas of the highest sage-grouse populations. In addition to sage-grouse, the Conservancy will manage the property to preserve and enhance for other wildlife habitat and to promote improved water quality and quantity on the property. The Wyoming Stock Growers Agricultural Land Trust has been selected to hold and administer the conservation easements in perpetuity. The Conservancy and the Service are establishing this landscape-scale conservation bank to help preclude the need to list the bird. If sage-grouse were to be listed as threatened or endangered, the conservation bank will assist in recovery of the species.

"Sweetwater's goal is to protect and enhance some of the nation's best sage-grouse habitat while delivering an innovative new tool that will contribute to the long-term health of Wyoming's business community," said Jeff Meyer, Managing Partner of the Sweetwater River Conservancy. Meyer said. "Mitigation credits created on this landscape will be available to offset unavoidable impacts of economic development by supporting permanently protected, high-quality habitat for the greater sage-grouse."

Market-based mitigation tools, and the financial incentives they provide, are seen as key to conserving wildlife habitat needed to maintain the abundant, well-distributed sage-grouse populations that are needed to avoid a listing.

"Meaningful mitigation is central to the BLM's mission to manage the public lands under the principles of multiple use and sustained yield," said BLM Director Neil Kornze. "Today's announcement demonstrates that this approach is (b) (5) for investors, (b) (5) for industry, and (b) (5) for conservation."

As credits are purchased, funds are deposited in a trust account to maintain and operate the Conservancy for the long-term. The Sweetwater River Conservancy has agreed to establish a \$5 million dollar trust, adjusted over time for inflation. The account corpus remains in place while interest generated provides for the Conservancy's long-term operation.

A conservation bank review team has guided the bank's creation and will continue overseeing the bank's long-term management. Team members include representatives from Wyoming Department of Environmental Quality, Wyoming Game and Fish, Wyoming Office of State Lands and Investments, Bureau of Land Management, Natural Resources Conservation Service, private landowners, and the Service.

The Service is currently working to meet a September 30, 2015 deadline to determine whether the species still warrants protection. If the Service finds protection is still warranted, language in the 2015 Omnibus Appropriations Bill would prevent the agency from taking the next step to evaluate whether a threatened or

endangered designation would be appropriate. However, Interior Secretary Sally Jewell has said that despite the rider, conservation programs designed to preclude the need for a listing are proceeding “full steam ahead.”

The U.S. Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more information, visit www.fws.gov, or connect with us through any of these social media channels:

-
FWS

<Sweetwater River Conservation Bank NR 03052015.docx>



Lyons, James <james_lyons@ios.doi.gov>

Fwd: Sweetwater River Conservancy Press Conference

1 message

Cardinale, Richard <richard_cardinale@ios.doi.gov>
To: James Lyons <james_lyons@ios.doi.gov>

Thu, Feb 26, 2015 at 8:45 AM

Jim,

Good Morning. Please see the invitation for a GSG event in WY. I believe you're scheduled to be in Casper on the 19th. Is this an event you'd like to attend?

Rich

—— Forwarded message ——

From: **Stout, Joseph** <j2stout@blm.gov>
Date: Thu, Feb 26, 2015 at 6:39 AM
Subject: Fwd: Sweetwater River Conservancy Press Conference
To: Richard Cardinale <richard_cardinale@ios.doi.gov>
Cc: Maritiza Harris <mtharris@blm.gov>, Claudia Walker <cbwalker@blm.gov>

Rich,

See the invite to a sg event in WY. Sending up to see if anyone from ASLM could attend. Let me know.

Thanks
Joe

—— Forwarded message ——

From: **Harris, Maritiza** <mtharris@blm.gov>
Date: Wed, Feb 25, 2015 at 3:36 PM
Subject: Fwd: Sweetwater River Conservancy Press Conference
To: Joseph Stout <j2stout@blm.gov>
Cc: Claudia Walker <Claudia_Walker@blm.gov>

Hello Joe,

Per the scheduling meeting, this invite needs to be forwarded to ASLM.

—— Forwarded message ——

From: **Boddington, Celia** <cbodding@blm.gov>
Date: Fri, Feb 20, 2015 at 4:36 PM
Subject: Fwd: Sweetwater River Conservancy Press Conference
To: Claudia Walker <cbwalker@blm.gov>, Maritiza Harris <mtharris@blm.gov>
Cc: Joseph Stout <j2stout@blm.gov>, Celia Boddington <cbodding@blm.gov>, Jeff Krauss <Jeff_Krauss@blm.gov>

For scheduling – there is a chance that DOI may have someone there. Note that this is the day before Neil's budget hearing.

From: Mary Rugwell <mrugwell@blm.gov>
Date: February 11, 2015 at 9:11:15 PM MST

To: Neil Komze <nkomze@blm.gov>, Steven Ellis <sellis@blm.gov>
Subject: Fwd: Sweetwater River Conservancy Press Conference

FYI.

Mary Jo Rugwell

Begin forwarded message:

From: "Lenhardt, Kristen" <klenhard@blm.gov>
Date: February 11, 2015 at 11:44:36 AM MST
To: Mary Jo Rugwell <mrugwell@blm.gov>, Larry Claypool <lclaypoo@blm.gov>
Cc: Buddy Green <bwgreen@blm.gov>
Subject: Sweetwater River Conservancy Press Conference

Hi everyone,

I gathered a bit more information about the recently scheduled event between the Sweetwater River Conservancy mitigation bank, Governor Matt Mead and Fish and Wildlife Service. Apparently Governor Freudenthal was in DC the past few days and invited Director Komze to a media event at the Wyoming capitol building in Cheyenne on March 18 to mark the launch of the first greater sage-grouse conservation bank and deliver remarks celebrating the development of this tool in conserving sage-grouse and the sage-steppe landscape. The Sweetwater River Conservancy is a working cattle ranch with associated grazing leases and permits on approximately 245,000 acres of state and federal land and could grow to 700,000 acres by planned expansion on lands already owned by the habitat conservation bank. This would be the largest mitigation bank in the country.

This past fall, the BLM reviewed and signed a document that supported the concept of this private land mitigation bank. However, no public lands are involved at this time nor is direction set on how they would be, (b) (5)

(b) (5)

BLM will remain involved in the coordination discussions of the event should Director Komze decide to attend.

Here is a youtube video on the project put together by the conservancy:
<https://www.youtube.com/watch?v=JlcvP7YrycA>

Here is a list of the those to be invited:

- Secretary of the Interior Sally Jewel
- Gov. Matt Mead
- Gov. Dave Freudenthal
- Jeff Meyer, Sweetwater River Conservancy
- US Representative Cynthia Lummis
- US Senator Michael Enzi
- US Senator John Barrasso
- FWS Director Dan Ashe
- BLM Director Neil Komze
- WY BLM Acting State Director Mary Jo Rugwell
- FWS Regional Director Noreen Walsh
- FWS Wyoming Field Supervisor Mark Sattelberg
- FWS National Sage-Grouse Coordinator Pat Deibert
- Bob Budd, Executive Director Wyoming Wildlife & Natural Resource Trust
- Jim Magagna- Executive Vice President, Wyoming Stock Growers Association
- Scott Talbot- Director, Wyoming Game and Fish Department

—
Kristen Lenhardt
Chief of Communications
BLM Wyoming State Office
307-775-6015 | 307-214-7968

Connect with BLM Wyoming



—
Maritza T. Harris
Executive Assistant
BLM Director's Office
1849 C Street NW Suite 5662
Washington, DC 20240
202-208-3801 (desk)
202-208-5242 (fax)

—
Joe Stout
Acting Chief of Staff
Bureau of Land Management
Washington DC
202-208-4586 (o)
202-658-8191 (c)



Lyons, James <james_lyons@ios.doi.gov>

Fwd: Sweetwater Conservancy Briefs

1 message

Lyons, James <james_lyons@ios.doi.gov>
To: Michael Anderson <michael_anderson@ios.doi.gov>

Fri, Feb 21, 2014 at 6:58 PM

Please print

——— Forwarded message ———

From: **Ojeda-dodds, Gisella** <gisella_ojeda-dodds@ios.doi.gov>

Date: Thu, Feb 20, 2014 at 11:29 AM

Subject: Sweetwater Conservancy Briefs

To: Sarah Greenberger <Sarah_Greenberger@ios.doi.gov>, Dan Ashe <D_M_Ashe@fws.gov>, James Lyons <jim_lyons@ios.doi.gov>, "Elizabeth Klein, Associate Deputy Secretary, IOS" <elizabeth_klein@ios.doi.gov>, Letty Belin <letty_belin@ios.doi.gov>

Cc: Markee Connors <markee_connors@ios.doi.gov>, Roslyn Sellars <roslyn_sellars@fws.gov>, Thomas Irwin <thomas_irwin@fws.gov>, Michael Anderson <michael_anderson@ios.doi.gov>, Catherine Gulac <catherine_gulac@ios.doi.gov>

Good Morning,

The attached presentation and memorandum was sent to us from Steve Ellis, BLM for next week's Sweetwater Conservancy meeting with Ryan Lance and former Wyoming Governor Dave Freudenthal.

—
Gisella Ojeda-Dodds
Executive Assistant to Nikki Buffa, Deputy Chief of Staff
Immediate Office of the Secretary
U.S. Department of the Interior
1849 "C" Street, NW, MS: 7229-MIB
Washington, D.C. 20240
Telephone: (202) 208-4123/4105
Facsimile: (202) 208-4561
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

— Forwarded message —

From: Simpson, Donald <dsimpson@blm.gov>

Date: Wed, Feb 19, 2014 at 10:59 AM

Subject: Sweet Water River Conservancy Information

To: Nicole Buffa <nicole_buffa@ios.doi.gov>, Neil Komze <nkomze@blm.gov>, Steven Ellis <sellis@blm.gov>, Edwin Roberson <eroberso@blm.gov>, Michael Nedd <mnedd@blm.gov>

Attached is a summary letter and a power point for the visit by Gov Freudenthal and Ryan Lance next week with Jeff Meyer to discuss the Sweet Water River Conservancy. I think they are trying to set up briefings with the Department and the BLM Director's Office. I have visited with them on several occasions and wanted to share some information they have provided and introduce the issue to you from my vantage point. They are aware that

I am sending this information.

They are looking at a large mitigation bank for wetlands, grouse, and raptors. They own some really well located property for high wildlife values and low mineral potential. We are working with them and FWS on the banking piece. The area is somewhere around 700K acres with 100K acres private and the balance state and Fed. (b) (5)

(b) (5)

We worked with both Ryan and Gov Fruedenthal during his administration on many large scale offsite mitigation efforts so we have a history of trying things on for size and then learning and moving forward. We developed the Jonah mitigation, the Pinedale Anticline mitigation, the Wyoming Landscape Conservation Initiative and others. These efforts are underway and are ran by interagency staffs as a way to compensate for human impacts in SW WY.

(b) (5)

Let me know if you need additional info.

-

Jim Lyons

Counselor to the Assistant Secretary
for Lands and Minerals Management

Jim_Lyons@ios.doi.gov

202-208-4318 (direct)

202-815-4412 (mobile)

2 attachments



DC Memo-c.pdf

84K



SRC Final Presentation DOI-c.pdf

3587K

crowell moring
Memorandum

To: Don Simpson, Wyoming State BLM Director
From: Ryan Lance
Date: February 18, 2014
Re: Sweetwater River Conservancy Primer

The Sweetwater River Conservancy (SRC) is proposing to establish a Greater Sage-Grouse Habitat Conservation Bank (HCB) to conserve sage-grouse habitat in central Wyoming on a landscape scale. The HCB is likely to encompass nearly 100,000 acres of private land together with associated state and federal lands held by the SRC under state grazing leases and federal grazing permits. All told, SRC holdings encompass nearly 700,000 acres of land along the Sweetwater and North Platte Rivers, are bounded by three mountain ranges (Seminoe, Pedro and Ferris Mountains) and embrace wide swaths of the Oregon Trail and other historical sites.

In its most simple form, the HCB is a parcel of land containing natural resource values that will be conserved and managed in perpetuity, through a conservation easement. The bank will be specifically managed and protected by the banker for certain natural resource values, with these values being translated into quantified “credits” that may be bought, sold, or traded for the purposes of offsetting the impacts of private, State, local, or Federal activities within the bank service area. At its core, the conservation bank is a market-based system that incentivizes the investment of private capital to develop a supply of credits that will ultimately be used to facilitate responsible energy development. This is a win-win marketplace for private enterprise, development and resource conservation.

In addition to satisfying project mitigation requirements, HCBs provide other benefits. The HCB will provide regulatory compliance in advance of development impacts to the sage-grouse, which has been the source of considerable and costly analysis, reanalysis and litigation. This approach assures the up-front protection of the habitat. Thus, once the conservation bank is established, each credit that is sold becomes part of the secured, environmental baseline for the species. As a result, future project evaluations and listing or delisting decisions can be made in a more stable ecological context. In the event that a species that is protected by a conservation bank is listed, the HCB is a functional tool to more efficiently achieve the policy goals for both the Section 7 and Section 10 processes under the ESA.

The SRC approach appears to dovetail quite well with the recently issued U.S. Department of the Interior Order No. 3330, entitled *Improving Mitigation Policies and Practices of the Department of the Interior*. The Order contemplates certain “central” elements of an overall mitigation strategy at the Department of the Interior. First among these elements is to use a “landscape-scale approach to identify and facilitate investment in key conservation priorities in the region.”

Second, is the notion of “early integration of mitigation considerations in project planning and design.” Third is ensuring “the durability of mitigation measures over time.” Fourth, the Department is directed to ensure “transparency and consistency in mitigation decisions.” The fifth element focuses the Department’s attention on mitigation efforts that would improve the resilience of the country’s resources in the face of climate change.

The Order goes on to charge each federal agency to identify improvements to mitigation policies “to provide project developers with added predictability, facilitate landscape-scale mitigation based on conservation plans and regional environmental assessments, facilitate interagency mitigation plans where appropriate, and ensure accountability and long-term effectiveness of mitigation activities.” Federal agencies are directed to coordinate a Department-wide, science-based strategy to enhance mitigation strategies to “effectively offset impacts of large development projects of all types through the use of landscape-level planning, banking, in lieu fee arrangements, or other possible measures,” which should “promote permit efficiencies and financial predictability for developers and also enhance the ability of the Federal and state agencies to invest in larger-scale conservation efforts.” The SRC bank is tailored to fit the appropriate rigor of Secretarial Order 3330.

The SRC will be seeking sage grouse habitat conservation bank credit for its privately held acreage that is currently providing quality habitat for the species. Through the application of thoughtful grazing management and other recognized habitat restoration practices, SRC is confident that it can improve sage grouse habitat that is currently less productive. As it gains “lift” in habitat value, SRC will seek additional credit for the improvements it makes to the private land habitat within the bank. The question for the Department of the Interior is whether processes exist (i.e. 43 CFR 2920 leasing) to make improvements to federal lands, achieve lift and yield benefits for the species and enhance federal revenues? If so, the question is whether the Department wishes to engage those processes to expand the reach and positive net effect of the project for the sage grouse?

No matter the Department’s position on the inclusion of federal lands for purposes of crediting, it is critical to note that the SRC is not asking for preferential treatment on any of the applicable project approval standards. We do ask continued support for the federal agencies and the personnel (USFWS, BLM, NRCS) that have been assigned to the Team charged with reviewing and approving the bank as they move expeditiously towards a decision. The SRC is also seeking any suggestions as to ideas to improve the project’s adherence to the guidelines and the evolving science.

Because the SRC lands also may have benefit for eagles and other raptors, and in the face of fairly significant, recent federal prosecutions associated with the take of eagles and other raptors at wind farms and other facilities, the potential inclusion of eagle “banking” into the SRC model will be raised during our meetings in Washington, DC.

Historically, habitat-based mitigation has not been sought to offset impacts to raptor species. In fact, the recently released US Fish and Wildlife Service Eagle Conservation Plan Guidance for Land-based Wind Energy facilities focuses predominantly on power line retrofit to reduce occurrences of raptor electrocutions as the primary method of eagle impact mitigation. (See

Appendix G.) In the absence of research to quantify the value of other mitigation, including habitat banking for raptors, power line retrofitting and, to a lesser degree, carrion removal, will be the only recognized options to offset project impacts to raptors. SRC wishes to discuss potential alternatives for raptor impact mitigation, including habitat conservation banking, with Department personnel. If Interior indicates that it is interested in pursuing these alternatives, such an approach would likely be developed in the context of already approved habitat conservation banks from California for the Swainson's hawk and Western burrowing owl.

DC Memo.docx



Mitigation and Conservation Banking Projects

February, 2014

Sweetwater River Conservancy



Sweetwater River Conservancy

720,000 acres of land

0 12.5 25 50 Miles
A scale bar with markings at 0, 12.5, 25, and 50 miles.

November 2013

Horse Creek Demonstration Project

Before Restoration: August 2012



Horse Creek Demonstration Project

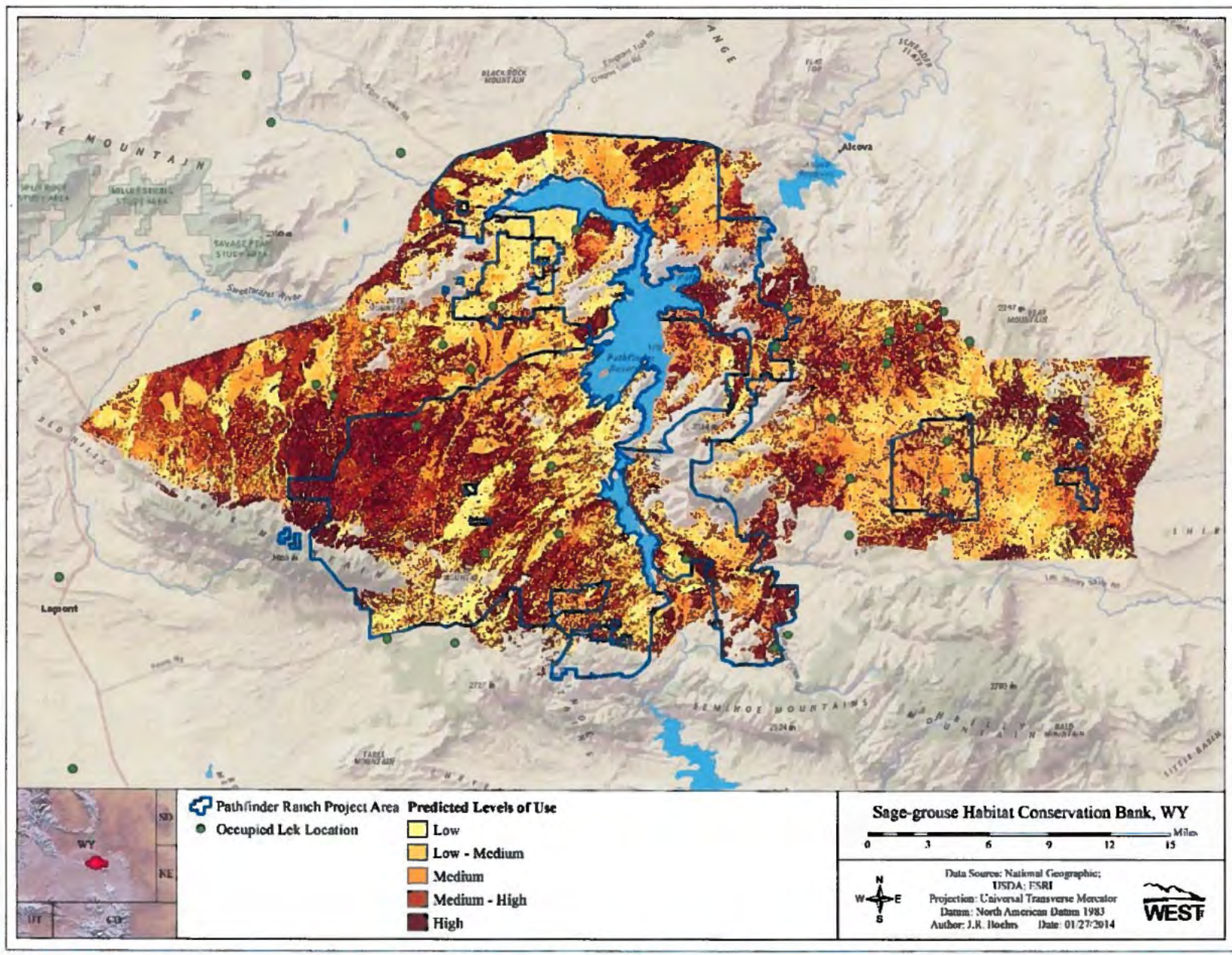
1 year later: August 2013



Sweetwater River Conservancy

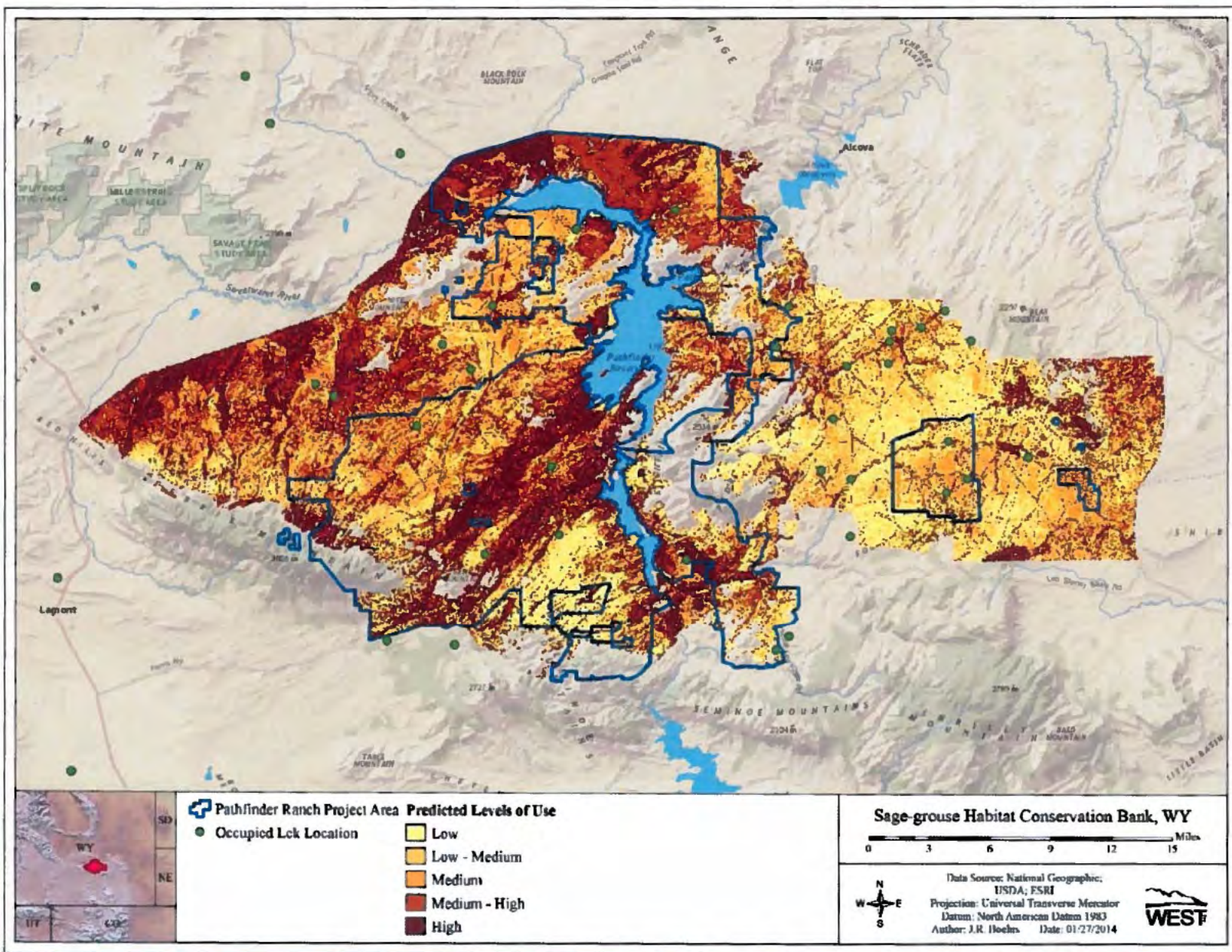
- Ecosystem-wide approach to the conservation of raptors, sage grouse and other wildlife through the restoration of sage brush habitat and riparian communities
- SRC has spent over five years and millions of dollars developing the science and groundbreaking environmental solutions to balance environmental impacts of energy development
- Privately managed and funded projects sited on nearly 720,000 acres (900 square miles) of Wyoming ranch lands
- Diverse in history and cultural resources including 100 miles of Blue Ribbon Oregon trail, Independence Rock, the Pony Express Trail

Lek and Nesting Habitat Quality



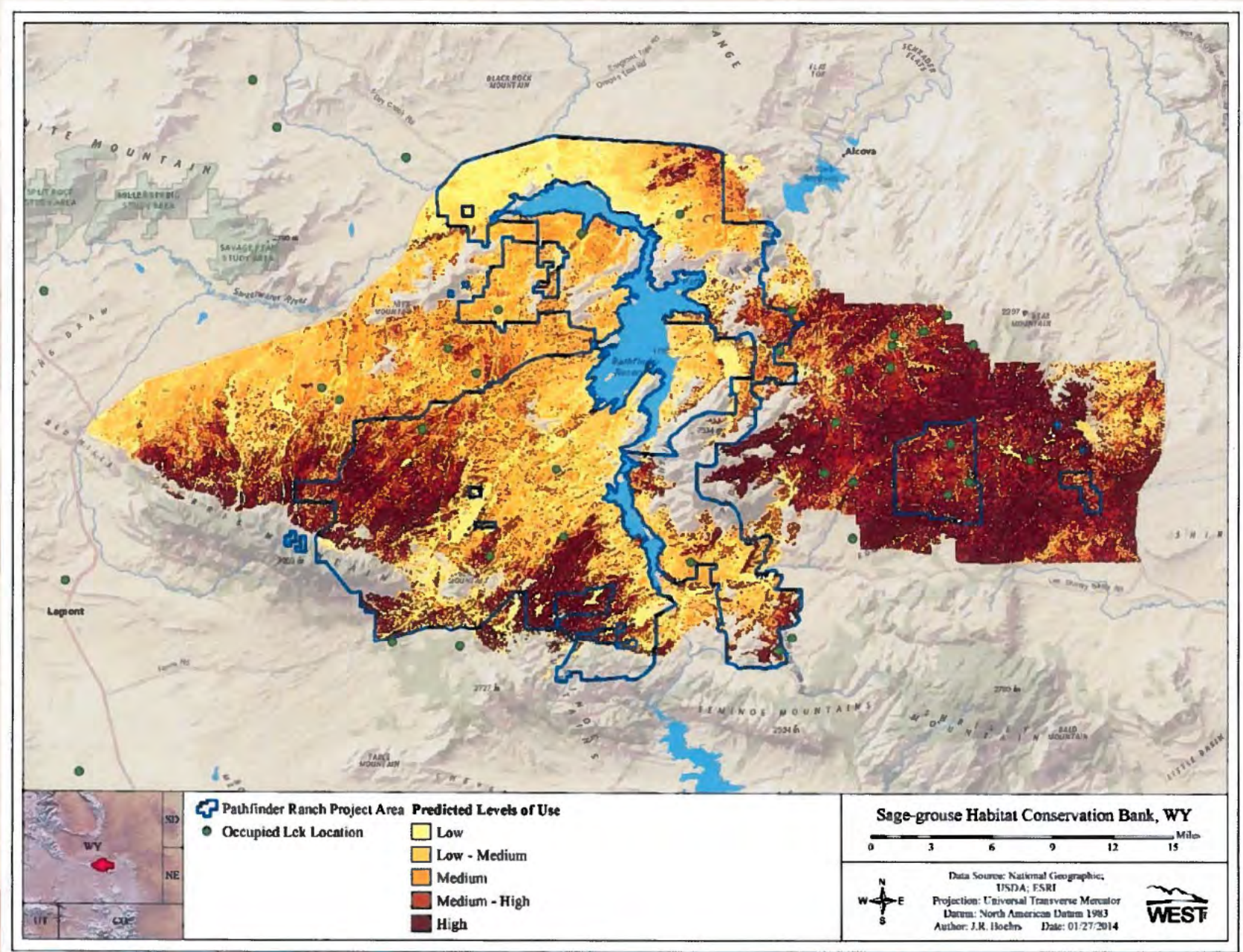
*Images are for illustrative purposes only

Summer Habitat Quality



*Images are for illustrative purposes only

Winter Habitat Quality



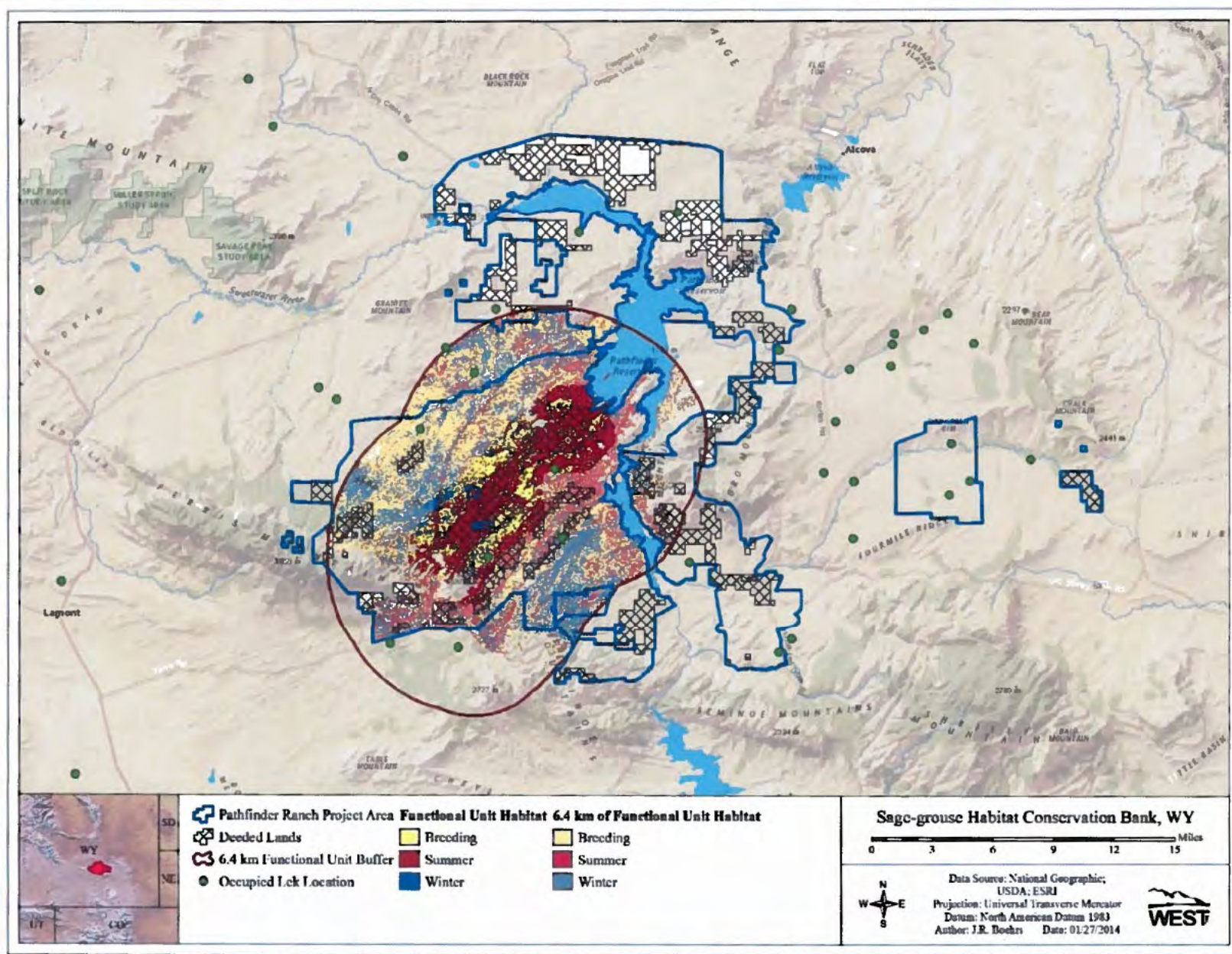
*Images are for illustrative purposes only

Functional Unit

- A contiguous parcel of land providing habitat for a particular group of sage-grouse during their entire annual life cycle
 - Incorporates a known occupied lek, or leks
 - Summer, Nesting and Winter habitat + BUFFER
 - Based on sage grouse use data, including extensive telemetry studies
- Minimum quantities of seasonal habitat are determined based on the landscape configuration near known leks



Hypothetical Functional Unit



Conceptual Raptor Conservation Bank

Osprey



Bald Eagle



Golden Eagle



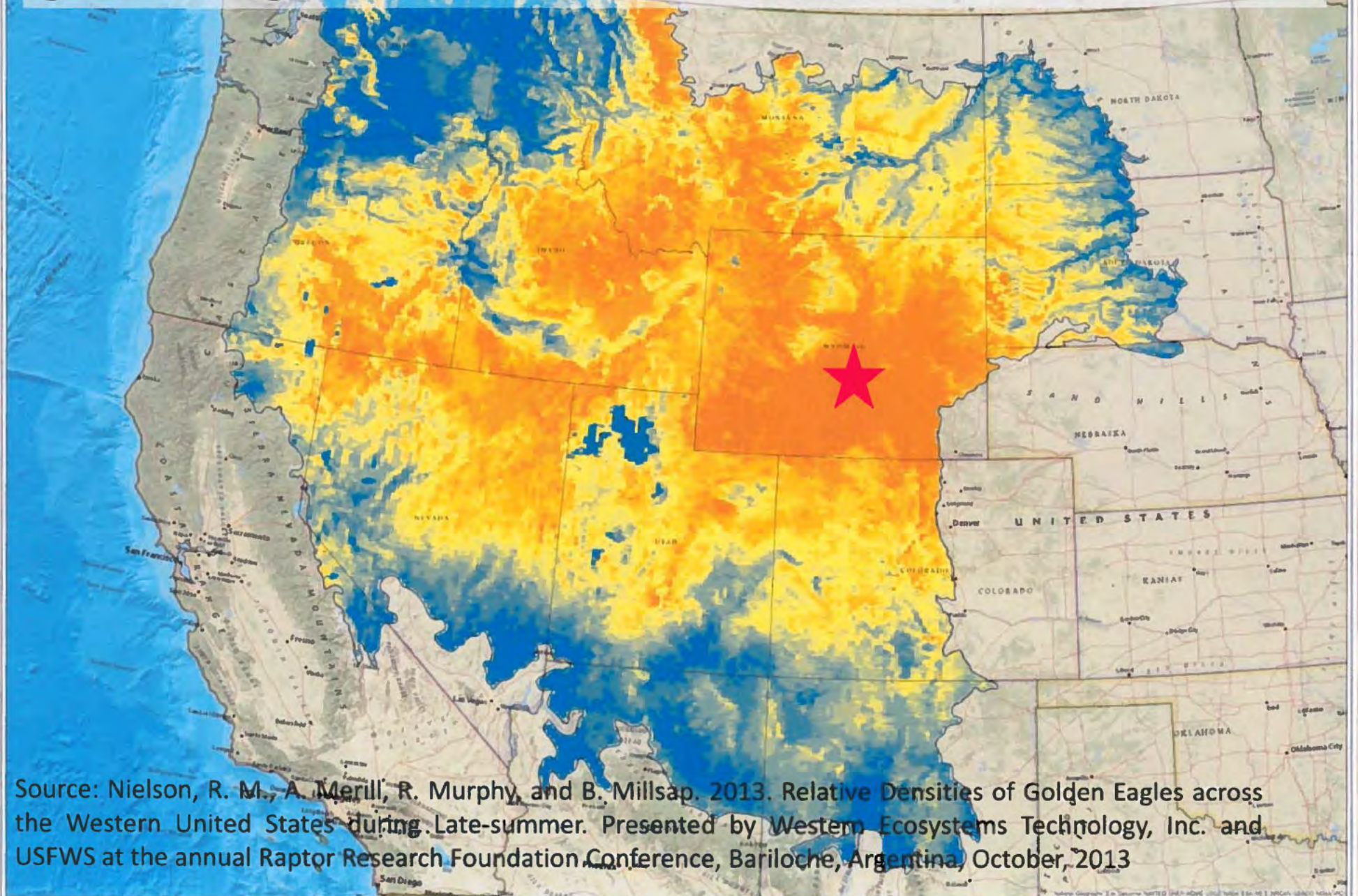
Rough-legged hawk



Ferruginous hawk



SRC encompasses ~720,000 acres of some of the best golden eagle habitat in North America.



Source: Nielson, R. M., A. Merrill, R. Murphy, and B. Millsap. 2013. Relative Densities of Golden Eagles across the Western United States during Late-summer. Presented by Western Ecosystems Technology, Inc. and USFWS at the annual Raptor Research Foundation Conference, Bariloche, Argentina, October, 2013



Abundant Prey Species

Prairie dog colonies



Rainbow Trout



Chipmunk

Yellow-bellied marmot



Cottontail rabbit



Features Advantages Benefit to Conservation Banking

Feature	Advantage	Benefit
Management in Perpetuity	Wildlife has sufficient land and habitats to sustain healthy populations	Long term survival of species within ranches
Financial Assurances	Perpetual management funds are derived through every credit sale	Funds are reserved to pay for ongoing and future wildlife and habitat management activities
Scientific Foundation	Wildlife and other natural resources are managed objectively, through scientific practices tested and proven on SRC lands.	Populations and habitats are managed according to biological and sustainability needs
Private Property	Resource management can be implemented quickly and without regard to regulatory or permitting processes	Resources are managed more effectively, and neither federal funds nor human resources are strained through the process
All Habitats + Buffer	Wildlife resources have sufficient access to all necessary survival habitats throughout a calendar year	Long term survival of numerous species
Landscape Scale Conservation Project	No postage stamp mitigation or land developed into ranchettes	Preservation of open space and ranching heritage

Agency Discussion

SRC strongly desires to work with the US Fish and Wildlife Service, BLM and other federal agencies to engage in a Conservation Bank Review Team process in order to develop a habitat bank for raptors on a landscape scale, encompassing private, federal and state lands in central Wyoming.

