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WARRANTED BUT PRECLUDED: WHAT DOES THE DECISION MEAN FOR ME?

By Lorien Belton, Utah State University, and Renee Chi, U.S. Fish and Wildlife Service

On March 5, 2010, the U.S. Fish and Wildlife Service (USFWS) released its decision that greater sage-grouse are “warranted but precluded” from a federal listing under the Endangered Species Act. In other words, the USFWS decided that because of greater sage-grouse population declines, the species deserves federal protection. However, it will not be listed because other species are a higher priority. The new status of sage-grouse means that the bird is now a “Candidate Species” for listing under the Endangered Species Act. That just means that each year, the USFWS will check with the states to see how the bird is doing.



Photo courtesy of Todd Black

So who’s in charge now?

Nothing has changed in terms of who has management authority over greater sage-grouse. Although the USFWS will be paying closer attention to what happens with greater sage-grouse each year, the state wildlife agencies, like the Utah Division of Wildlife Resources (UDWR), still have full jurisdiction over sage-grouse management.

What does this “Precluded” thing mean?

There are many other Candidate Species all across the country. Some of them are in much worse situations than sage-grouse, so they are a higher priority for listing. The process of listing a species involves designating critical habitat and clarifying what is good or bad for the species, which takes time and money. The USFWS focuses their limited resources to protect the highest priority species. For now, greater sage-grouse have been assigned a listing priority number of 8, on a scale of 1 to 12, with 12 being the lowest priority. At the time of the annual status review, the priority number will be revisited. Depending on the information from the status review, the priority number could change, the bird could be listed, or it could even be removed from the Candidate List entirely if populations rebound and threats are mitigated sufficiently.

In 2005, the USFWS said that sage-grouse was not warranted for listing. What changed?

Several things have changed since the “not warranted” decision in 2005. Primarily, there is new information about the severity of a few key threats. We now know more about the negative effects of West Nile Virus, as well as how cheatgrass-fueled fires and intensive energy development can degrade sage-grouse habitat. The cumulative effect of all of these and other factors can have even more detrimental impacts on sage-grouse. Many good things also

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have happened for sage-grouse as well, but the USFWS determined that they have not been enough to counteract the negative influences. An example of the good that has been done for greater sage-grouse is the Local Working Groups (LWGs) in Utah and elsewhere, which have improved habitat, and worked to reduce a suite of threats to sage-grouse in many local areas.

So what should we do now?

In Utah, the UDWR has revised the statewide management plan for greater sage-grouse. This plan identifies conservation actions that can be implemented locally and statewide to benefit greater sage-grouse. UDWR and the LWGs have established goals for how to help sage-grouse. They want to continue doing good projects as well as learning about sage-grouse populations and how to help them. It will be particularly important to track what we do in Utah so that when the USFWS conducts its annual status review of greater sage-grouse, we can account for projects that are good for sage-grouse and new things we learn.

I'm a landowner with sage-grouse habitat. What can I do?

There are a lot of things you can do. If you are interested in doing habitat projects for sage-grouse on your property, contact your LWG, your local UDWR, or your Natural Resources Conservation Service (NRCS) office. (See article on page 4 about NRCS contacts.) The NRCS has received funding specifically to help sage-grouse, and they can help you design a project. If you have sage-grouse on your property or a lek nearby, your project will receive higher priority. You can also come to your local working group meeting to discuss ideas, and learn from others who are working to conserve sage-grouse.

How will this affect BLM management of energy development and grazing leases?

BLM managers in sage-grouse areas will be paying more attention to sage-grouse conservation needs. A March 5, 2010, memorandum circulated by BLM outlines new efforts the agency will be putting toward sage-grouse, specifically directed at more careful energy development decisions. BLM will also be working to identify priority areas that are particularly important for sage-grouse. We do not anticipate that administration of grazing leases will be affected by the new finding.

What is happening in Utah that is helping sage-grouse?

Many different partners throughout Utah have been working together for over a decade to benefit sage-grouse. Noxious weed removal, carefully planned sagebrush treatments, radio-telemetry studies, changes in rotational grazing, and measures to lessen impacts of energy development, roads, and predators on sage-grouse are all going on around the state. Local working groups coordinate projects and identify additional local needs.

Is it likely that sage-grouse will be listed?

It is impossible to predict, because it depends on the relative priority of other Candidate species. If good conservation work continues to be done for sage-grouse, and populations remain stable, it is possible that the grouse may never be listed.

What would happen if sage-grouse were listed?

If sage-grouse are listed, it would mean that projects that could affect sage-grouse, particularly those involving federal or state funding, would need to be reviewed by the USFWS to ensure that they would not harm grouse. This would create more paperwork and likely delay some projects due to the review process. Projects deemed to be detrimental to sage-grouse might need to be redesigned so they minimize negative impacts to the maximum extent possible. Private land projects would not require review unless federal money, land, or permitting was involved.

Where do I learn about other threats to sage-grouse, like predators, fences, or weather?

Each local working group in Utah has a conservation plan online at www.utahcbcp.org that has many details about threats to sage-grouse. If you have specific questions, contact the facilitator of your local group and they can direct you to individuals who can answer your questions. For Strawberry Valley, Uintah Basin, Morgan or Summit Counties, and the West Desert, contact Lorien Belton at 435-770-2413. For Parker Mountain, Box Elder County, Rich County, and Carbon/Emery Counties, contact Todd Black at 435-770-9302. For Southwest Desert and Color Country, Nicki Frey can be reached at 435-559-0360.

I've heard about something called a CCAA. What is it and how does it work?

A CCAA is a Candidate Conservation Agreement with Assurances. This is an agreement that the USFWS can develop with private landowners to provide assurances that, if private activities are determined to have a net benefit for sage-grouse, then if the species ever becomes listed, their activities will not be further restricted. For more information, see the article on page 3 about CCAAs.

CCAAs AND GREATER SAGE-GROUSE IN UTAH: ARE THEY A MECHANISM FOR ACHIEVING SUSTAINABILITY?

By Terry A. Messmer, Utah State University

On March 5, 2010, the U.S. Fish and Wildlife Service (USFWS) announced that greater sage-grouse would be placed on the Endangered Species Candidate List (see page 1). On page 2, we provide a brief one-paragraph response to a question we were asked about a regulatory mechanism called a Candidate Conservation Agreement with Assurances or CCAAs. Are they right for Utah?

A Candidate Conservation Agreement with Assurances (Agreement or CCAA) is an agreement between the USFWS and any non-federal property owner who voluntarily agrees to manage his or her lands or waters to remove threats to species at risk of becoming listed as threatened or endangered under the Endangered Species Act (ESA). In return, those property owners receive assurances against additional regulatory requirements should that species ever be listed.

In response to a potential listing and the associated potential impacts to property owners, the State of Idaho, in coordination with the USFWS, the Natural Resources Conservation Service (NRCS) and the West Central Sage-grouse Local Working Group (LWG) recently completed the first CCAA for greater sage-grouse. Under the Agreement, the USFWS will issue the State of Idaho, Idaho Department of Fish and Game (IDFG), an Enhancement of Survival permit pursuant to Section 10(a)(1)(A) of the ESA for a period of 30 years. Subsequent Certificates of Inclusion can now be issued to participating property owners.

The CCAA covered the West Central Planning Area (WCPA) in west-central Idaho. The WCPA contains major blocks of sagebrush habitat, 64% is privately owned, and private lands provide important sage-grouse habitat. Because of the amount of private lands within the planning area, the State of Idaho believed the CCAA was the best mechanism to achieve sage-grouse conservation and meet the ongoing needs of property owners in the area.

A CCAA typically includes general description of the area and activities, the background and status of the species to be covered, discussion of the sagebrush steppe community and sage-grouse habitat within the area covered, identification of the threats to sage-grouse to be reduced or removed through implementation of the agreement, general conservation measures needed to reduce identified threats, obligations of participating property owners and other parties to the Agreement, expected benefits of prescribed actions in relation to the threat factors that USFWS is required to evaluate when considering a species for listing, and funding, assurances, duration of the Agreement, monitoring and reporting, and level of take.

The foundation of a CCAA is to identify threats to the species and implementation of measures to reduce or eliminate those threats. The Utah Greater Sage-grouse Strategic Management Plan originally written in 2002, and revised in 2009, lists threats to sage-grouse across the state and conservation measures that could be implemented to mitigate them. This information was subsequently incorporated by Utah's 10 sage-grouse LWGs (see www.utahcbcp.org). Thus, most of the information needed to complete a CCAA for each LWG area has already been compiled. A CCAA written to cover a specific area, rather than a specific landowner, is referred to as "programmatic." While a programmatic CCAA identifies threats and conservation measures to address them within a specific area, they are only implemented through individual site-specific plans between the participating property owners, the state agency permit holder, and the USFWS. These individual site-specific plans describe each ownership and specific conservation practices that will be implemented on enrolled lands to reduce or eliminate any unfavorable impacts to the species arising from the management and use of these lands, as well as to achieve the habitat guidelines described in the Utah and LWG plans.

These conservation agreements are authorized by Section 10 of the ESA, as a means through which private property owners can meet their obligations under the ESA for species listed as threatened or endangered and also undertake proactive measures for species that might be listed in the future. A key aspect of the CCAA is the certainty it affords participating property owners. By entering into this contract with USFWS, property owners can be confident that covered activities on their private lands are not likely to be further restricted if sage-grouse become listed. See <http://www.fws.gov/ENDANGERED/factsheets/CCAAsNon-Federal.pdf> for more information.



Photos courtesy of Todd Black

CCAAs:
Are they
right for
Utah?



If it's not good for communities, it's not good for wildlife.

Utah's Community-Based Conservation Program Mission

Utah's Community-Based Conservation Program is dedicated to promoting natural resource management education and facilitating cooperation between local communities and natural resource management organizations and agencies.

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This publication is issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Noelle E. Cockett, Vice President for Extension and Agriculture, Utah State University.

www.utahcbcp.org

USDA ANNOUNCES MONIES FOR PRIVATE LANDOWNER PROJECTS TO BENEFIT SAGE-GROUSE

By Todd Black, Utah State University

Agriculture Secretary, Tom Vilsack announced in late March a new initiative specifically designed to assist landowners who want to do good things for sage-grouse. The initiative will be run through the WHIP and EQIP programs.

The NRCS is looking for projects that will enhance and preserve sage-grouse and their habitat. This is a good opportunity for landowners and ranchers to improve their management practices while doing good things for the grouse. Examples of approved practices include: Retrofitting existing fences to increase their visibility and reduce sage-grouse mortality; installing escape ramps for wildlife in watering facilities; deferring grazing in nesting areas to increase residual cover and increase brood survival rates; and treating noxious or invasive weeds to improve range condition and sage-grouse habitat.

This is another great opportunity to get projects going on the ground and work with landowners to assist them in implementing conservation strategies from our local working group sage-grouse plans.

NOTE that Utah signup has been extended from April 23rd to **May 15th**. See the announcement at: <http://www.utahcbcp.org/files/uploads/Document1.pdf>

To find the Utah Farm Bill biologist in your area, visit our Web page at <https://utahcbcp.org/index.cfm?got-sage-grouse-need-habitat> or call us at 435-797-3974.