March 12, 2015

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C. Street NW
Washington, D.C. 20240

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue NW
Washington, D.C. 20250

Dear Secretaries Jewell and Vilsack:

You are aware the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) are engaged in an unprecedented planning effort to conserve greater sage-grouse and its habitat, which requires strong leadership embracing the best available science to develop and implement adequate conservation measures needed to foreclose protecting greater sage-grouse under the Endangered Species Act (ESA). We strongly encourage you to direct federal planners to finalize conservation plans that prescribe objective, measurable and robust conservation measures based on the best available science across the species' range, as discussed below.

Federal agencies organized a National Technical Team (NTT) in 2011 to review the best available science and make recommendations for conserving greater sage-grouse. Many scientists and biologists described this report as a "comprehensive compilation of the scientific knowledge needed for conserving Sage-Grouse" that "offers the best scientifically supportable approach to reduce the need to list Sage-Grouse as a Threatened or Endangered species." Letter from Michael Soulé, Ph.D. and Clait Braun, Ph.D. *et al.* to the Honorable Ken Salazar, January 13, 2013, p. 1. Indeed, many portions of the NTT Report provide a scientific baseline for managing greater sage-grouse habitat using consistent, measurable conservation standards. However, other parts of the report contained questionable statements that are not supported by the best available science. For example, the report contains the assertion that "Prescribed fire… can assist in the recovery of sagebrush habitat in some vegetation types.…" This statement ignores a large body of evidence showing just the opposite. Thus, conservation measures embraced by the current BLM/USFS planning effort must be tightened to account for more robust scientific evidence.

We are concerned that federal agencies appear to be abandoning science-based conservation measures reflected in the published scientific literature as well as in the NTT Report in favor of more elastic, subjective measures identified in the U.S. Fish and Wildlife Service's Conservation Objectives Team Report (COT Report). The COT Report adequately identifies the threats to sage-grouse populations, but it does not include adequate conservation measures to address these threats. This report was largely a review of previously published information. It also introduced ambiguous concepts (representation, redundancy, and resilience) to guide conservation actions. Unfortunately, these parameters are not measured by state wildlife agencies when assessing sage-grouse populations (in fact, no information was provided on how to measure them or even if they could be adequately measured), and their use may further confuse the issue. Thus, the COT Report cannot reasonably serve as either a guide or gauge for planning and assessing the adequacy of federal sage-grouse conservation plans.

We are particularly concerned that federal agencies are failing to adhere to the following conservation measures in the NTT Report:

- **Mining and Minerals Management**: Closing and recommending for immediate withdrawal lands from leasing or sale (including coal) under federal mineral laws for the maximum period allowed under law (NTT 2011: 22, 24-25, 26). Where fluid minerals development is already permitted, require conditions of approval for existing fluid minerals leases to include a 4-mile no-surface-occupancy lek buffer to protect Sage-grouse breeding, nesting and brood-rearing habitat (NTT 2011: 22-24). Sage-grouse concentrate their habitat use within 4-6 miles of leks during breeding and nesting (NTT 2011: 21, Table 1; Coates et al. 2014), and the presence of oil and gas wells within 1.9-4 miles of leks causes reductions of breeding populations (Holloran 2005, Walker et al. 2007; Manier et al. 2014).

- **Disturbance Footprint**: Limiting discrete anthropogenic surface disturbance to less than 3 percent per section in priority habitat (NTT 2011: 7-8; Knick et al. 2013: 9, Fig. C; Baruch-Mordo et al. 2013: 237, Fig. B.), and restricting development to one site per section in priority habitat (NTT 2011: 21, 24; Holloran 2005; Doherty 2008; Doherty et al. 2010). Sage-grouse are sensitive to habitat disturbance; the best available science recommends capping disturbance (including existing disturbance) at less than 3 percent per section to maintain sage-grouse populations (NTT 2011: 7).

Moreover, additional scientific evidence suggests that the conservation measures for livestock grazing, land treatments, vegetation projects and fire in the NTT Report must be revised and strengthened, including in the following ways:

- **Livestock Grazing**: Requiring grazing strategies to maintain a minimum average grass height in sage-grouse nesting and early brood-rearing habitat (Connelly et al. 2000; *see also* Braun et al. 2005; Hagen et al. 2007; Rebholz 2007; Herman-Brunson et al. 2009; Taylor et al. 2010; Kaczor et al. 2011; Doherty et al. 2014). Tall, dense, vegetation appears to provide scent, visual, and physical barriers to predation on nesting sage-grouse hens, sage-grouse nests and chicks, and may enhance nest success (Gregg et al. 1994; Herman-Brunson et al. 2009).

- **Vegetation Treatments**: Prohibiting all sagebrush control projects in sage-grouse breeding and winter habitat (Beck et al. 2012; Connelly 2014). The acting BLM Director issued an Instruction Memorandum (IM) in 2013 that established actions for fire operations and fuels management related to sage-grouse conservation This IM directed field offices to plan and implement fuel breaks and vegetation treatments. The IM did not provide guidance on relative size of treatments or timing with respect to sage-grouse breeding activities. Although the IM acknowledged that treatments may fragment habitats, it did not indicate that they can increase invasive species, enhance access into remote sagebrush steppe, and (with respect to roads) result in more wildfire (Miller et al. 2011). Moreover, the IM included lists of "best management practices" emphasizing sagebrush treatments. Clearly this IM and other similar guidance should be substantially revised to reflect appropriate, science-based actions.

- **Prescribed Fire**: No prescribed fire should be allowed in sage-grouse nesting, early brood rearing or winter habitat. Beck et al. (2012) provided compelling evidence that these kinds of treatments have few or no positive effects on sage-grouse; the evidence is clear that prescribed burning in sage-grouse nest habitat harms sage-grouse populations (Connelly et al. 2000; Beck et al. 2012).

The proposed alternatives in draft BLM resource management plans and sub-regional environmental impact statements (as well as the one final plan available – for the Lander Field Office) fail to adopt all of these prescriptions, and, instead, identify a series of measures that side-step these objective, measurable conservation protections. For example, in the Lander RMP, BLM uses a so-called Disturbance Density Calculation Tool (DDCT), which will allow greater surface disturbance than the science supports. These plans also fail to adhere to the current science on vegetation treatments and prescribed fires in important sage-grouse habitat, as discussed above. This must be fixed in all final BLM RMPs if there is any reasonable hope to avoid an ESA listing.

We support the federal planning process and are prepared to assist your Departments in developing measures to conserve and recover greater sage-grouse, but federal planners must commit to science-based planning to achieve this goal. Adhering to the COT Report will not accomplish this goal. Please let us know if we can assist in any way, and we can provide a complete list of all references cited upon request.

Sincerely,

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