



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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To: District Managers and Deputy State Directors

From: State Director

Subject: Implementation of the Greater Sage-Grouse Candidate Conservation Agreement (CCA) for Range Management on Bureau of Land Management Lands (BLM) in Wyoming

Program Area: Rangeland and Wildlife Management

Purpose: This Instruction Memorandum (IM) clarifies the relationship of the Greater Sage-Grouse Candidate Conservation Agreement (CCA) for Range Management on BLM Lands in Wyoming (Attachment 1) with the Statewide Grazing and Greater Sage-Grouse (sage-grouse) Umbrella Candidate Conservation Agreement with Assurances (CCAA) and the BLM Wyoming (BLM WY) grazing administration/permit renewal process. Additionally, this IM describes the value and importance of the BLM Wyoming CCA and provides direction for the process Field Office personnel are to use with grazing permittees/lessees that are interested in becoming CCA participants.

Policy/Action: The Greater Sage-Grouse CCA for Range Management on BLM Lands in Wyoming is an umbrella tool BLM WY will use to further coordinate the collaborative management strategy for sage-grouse populations and habitats by including those interested in relevant, voluntary conservation actions in Wyoming. The CCA promotes proper livestock grazing and management through implementation of voluntary conservation measures and management practices that are consistent with sage-grouse population management and habitat conservation objectives on BLM administered lands.

While all voluntary conservation measures selected as part of a CCA are separate from grazing authorizations, all such voluntary measures must be consistent with existing grazing permit/lease stipulations. For grazing permittees/lessees, the voluntary CCA measures must also comply with applicable grazing regulations (43 CFR 4100). BLM WY will not seek to modify existing grazing permit/lease terms or conditions as a result of this non-regulatory, voluntary CCA implementation or maintenance. It is possible that where BLM conducts a separate review, analysis, or evaluation for purposes of grazing administration (lease/permit renewal), the BLM

may consider very similar, or even identical, measures to ensure consistency with the Resource Management Plan (RMP) or other regulatory requirements, but the CCA, as an agreement, is separate from the RMP or other regulatory requirements of grazing administration. Therefore, BLM WY will not just attach voluntary CCA measures for the non-listed Greater sage-grouse as permit/lease terms and conditions. The CCA measures are truly voluntary and to make them required would be counterproductive to engender voluntary conservation commitments from our partners. It should be noted that if the species does become listed as threatened or endangered under the Endangered Species Act (ESA), participants and the BLM must adhere to the voluntary measures agreed to as part of the CCA in order to maintain agency compliance with Section 7 of the ESA, or else the BLM must undergo further consultation with the Fish and Wildlife Service (FWS).

The CCA benefits participating livestock grazing permittee/lessee by: providing them with an opportunity to participate and select the appropriate and applicable, voluntary conservation measures to be implemented on BLM administered lands; facilitating consistent implementation of conservation measures across public and private lands; and, by helping to ensure continuity of grazing operations involving BLM administered lands even if the sage-grouse becomes listed under ESA.

The CCA benefits BLM by providing necessary information that would be needed for any ESA consultation if the sage-grouse is listed as a threatened or endangered species. It would also benefit BLM because once allotments are enrolled, the CCA and its associated conferencing procedures under ESA Section 7, will result in decreased workloads and streamlined consultation proceedings if final ESA listing occurs. Finally, participation in both the CCAA and/or CCA are among several factors considered by the FWS when determining whether or not full listing status under the ESA as threatened or endangered remains warranted for sage-grouse. Recent Omnibus Appropriations Act riders will not impact FWS obligations to provide determination on whether the species remains warranted for ESA protection, or not, by September 30, 2015. The bill does not affect Interior agencies' ability to develop, implement and analyze conservation efforts that support sage-grouse.

BLM WY staff will respond to all permittees and lessees who are interested in obtaining a CCA by following the 5-step process outlined in Appendix A of the attached CCA (Attachment 1). BLM WY has contemplated the need to prioritize applications if other priority workloads may hinder progress in processing applications. This prioritization is discussed on page 9 of the CCA and may be modified on a case-by-case basis as necessary with the agreement of the State Director. As applications are developed, BLM WY staff will utilize information gathered according to CCA Appendix A, to fill in all appropriate information requested in the CAA, Appendix B. Once all the necessary information is gathered, including GIS shapefiles, it must be forwarded to the FWS via CCAA/CCA point of contact. If for any reason email systems cannot accommodate transfer of the above described information as gathered, BLM WY personnel will directly speak with their point of contact, or the Wyoming FWS Office, Deputy Field Supervisor, Tyler Abbott, to make arrangements for transferring the necessary information to the FWS for consideration. The FWS Wyoming Ecological Service Field Office phone number in Cheyenne is (307) 772-2374. Once the FWS receives all necessary information from the BLM, the FWS

will assist BLM in reaching out to the permittee/lessee to schedule a collaborative meeting where all parties will review and discuss the voluntary measures from the CCA (Appendix C). The meeting with permittee/lessee, FWS, BLM Manager, Rangeland Management Specialist and Field Office Wildlife Biologist, will facilitate completion of Step 3 from the CCA Basic Steps outlined in Appendix A. Steps 4 and 5 will be completed by the FWS upon receiving a signed application (i.e., signed by the participating permittee/lessee and the appropriate BLM Field Manager).

Timeframe: Effective immediately.

Budget Impact: There may be budget impacts in some cases due to increased staff workload related to development of allotment scale CCA applications and subsequent monitoring and reporting.

Background: On March 23, 2010 (75 FR 13910), the FWS determined that listing the sage-grouse under the protections of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.) was warranted, but precluded by higher priorities. Based on this preclusion, the sage-grouse is referred to as a Federal “candidate species” and conservation status is typically reviewed annually by the FWS. The FWS is currently working to resolve candidate status for the Greater sage-grouse and recent FY 2015 Omnibus Appropriations rider has not relieved the FWS from their obligation to determine whether ESA protection for the species remains warranted or not. Further, the FWS, the BLM and interested and involved partners will continue to develop, implement and analyze conservation efforts that support the species.

In an effort to conserve sage-grouse and avoid future listing, States within the current sage-grouse range have taken steps to reduce impacts to the species and maintain habitat, including the development of the Wyoming Core Population Area management strategy. In addition, following the 2010 warranted determination, the Wyoming Governor's Office (WGO) requested assistance from the FWS in developing a sage-grouse strategy for ranch management activities that would offer landowners assurances that their livestock operations could continue without additional restrictions, in the event the Greater Sage-Grouse were to become listed. As a result, several offices and agencies including: FWS, WGO, BLM WY, Natural Resources Conservation Service (NRCS), Wyoming Game and Fish Department (WGFD), Wyoming Department of Agriculture (WDA), Wyoming Association of Conservation Districts (WACD), Wyoming Stock Grower's Association (WSGA) and the U.S. Forest Service (USFS) partnered with the State and FWS to develop a CCAA titled *Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management* (Nov. 2013) (available at: <http://www.fws.gov/wyominges/>).

The Umbrella CCAA is intended to document proper management and conservation of sage-grouse habitats in Wyoming. A list of conservation measures is identified in the Umbrella CCAA to address potential impacts to the species that may occur as a result of ranching practices. The table of conservation measures is included in the BLM WY Statewide Umbrella CCA application document as Appendix C.

Where non-federal partners participate in the CCAA program, property owners themselves will voluntarily commit to implementing specific conservation measures on their non-Federal lands to benefit conservation of sage-grouse. In exchange, private landowners receive assurances from the FWS that, if the species is listed in the future, additional conservation measures will not be required on their lands, and additional land, water, or resource use restrictions under the ESA will not be imposed, provided measures from the CCAA continue to be properly implemented (see 50 CFR 17.22(d)(5)). The process works similarly for CCA and Federal partners and their participants. The main difference between CCA and CCAA is the lack of assurances under a CCA.

When livestock grazing permittees/lessees participate in the CCA program with BLM and the FWS, the participant works with the BLM to voluntarily identify and commit to implementing specific conservation measures on the federally administered lands to benefit conservation of sage-grouse. There are no assurances conveyed to BLM or the authorized users of these Federal lands, but there is increased certainty relative to the associated livestock operations on those BLM administered lands as long as the CCA continues to be properly implemented.

It is typical that livestock grazing operations in Wyoming include some proportion or mix of private/non-federal and public BLM lands during yearly seasonal operations. Given this mix within sage-grouse range in Wyoming, the BLM can help to facilitate and support the complementary implementation of voluntary conservation across both the public and private lands grazing operations that may also further reduce and/or eliminate existing or potential threats to sage-grouse and their habitats. Conservation measures in the CCA related to BLM WY administered public lands support livestock grazing practices that are beneficial or neutral to sage-grouse on enrolled allotments in Wyoming. The CCA provides necessary consideration between private CCAA practices with agreement to maintain complementary practices on intermingled Federal and non-federal lands. The list of possible conservation measures in the CCA (see Appendix C of the attached CCA) is identical to the list found within the *Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management* developed for private landowners.

Manual or Handbook Sections Affected: No manual or handbook sections are affected.

Coordination: This IM was coordinated among all BLM Wyoming Field Offices, BLM Wyoming District Offices, the U.S. Fish and Wildlife Service and the BLM Wyoming State Office.

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Signed by:
Mary Jo Rugwell
Acting State Director

Authenticated by:
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1 Attachment:

- 1 – Greater Sage-Grouse Candidate Conservation Agreement (CCA) for Range Management on Bureau of Land Management Lands in Wyoming (38 pp)

Distribution

Director (230), Room 204, LS	1 (w/o atchs.)
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