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Office of the Governor

November 18, 2013

The Honorable Sally Jewell
Secretary, U.S. Department of Interior
1849 C Street, N.W., Room 6151
Washington, DC 20240

Dear Secretary Jewell:

I am deeply disappointed and concerned about the U.S. Fish and Wildlife Service's proposal to list the Bi-State Distinct Population Segment (DPS) of greater sage-grouse as threatened under the Endangered Species Act (ESA). It is especially troubling that this listing has been proposed in the face of more than a decade of conservation and restoration initiatives, and in spite of the fact that over the last twelve years, sage-grouse populations in the Bi-State DPS have exhibited a stable-to-increasing trend in Nevada, and monitored leks in California have displayed record- to near-record-high numbers.

Through this proposal, more than 1.8 million acres of habitat could be declared "critical" under the ESA. If ultimately approved, the listing could result in gratuitous impediments for Nevada ranchers, renewable energy companies, and everyday citizens who enjoy access to our beautiful public lands. Beyond these unwarranted impacts, proposing this listing – in light of all the work that has been done – raises serious concerns about the sincerity of the USFWS in working with states to develop programs that can help protect species, while avoiding the need to list under the ESA.

The Bi-State Local Area Working Group (LAWG), comprised of local, state, and federal partners as well as the private and non-profit sector, has been working for more than a decade to develop and implement strategies to conserve the Bi-State DPS. In 2002, the group began work on a conservation plan that was approved in 2004 and has been implemented over the course of the past decade; it has yielded significant results for the Bi-State DPS.

Since the 2004 plan was approved, 298 projects aimed at conserving, expanding and improving habitat for sage-grouse have been implemented in both Nevada and

California by various agencies. Conservation easements have been established on more than 16,000 acres; more than 7,000 acres of important seasonal sage-grouse habitats have been acquired; greater than 16,000 acres of encroaching pinyon and juniper have been removed; grazing management strategies aimed at improving habitat on more than one million acres have been instituted through permit terms and conditions modifications. Again, these actions have yielded meaningful results for the Bi-State DPS: population trends are stable-to-increasing in Nevada and biologists have observed record and near-record lek attendance in California.

Recognizing the need for continued focus, the 2004 conservation plan was reviewed in 2011. In 2012, the 2012 Bi-State Action Plan was endorsed by the Bi-State Executive Oversight Committee, which includes state and federal resource agency directors. The 2012 Bi-State Action Plan is currently being implemented by private, state and federal entities. Notably, the efforts of the Natural Resources Conservation Service to secure conservation easements are proving to be successful in providing habitat protection that is beneficial to sage-grouse.

The value of the 2012 Action Plan, as well as the work of the LAWG, cannot be understated; it is a model effort, demonstrating consistent engagement and presenting a comprehensive set of objectives, strategies, and actions to accomplish specific goals. The conservation actions that have occurred to date, coupled with the 2012 Action Plan and measure that will be implemented are effective for the long-term conservation of the Bi-State DPS. Unfortunately, the USFWS has chosen to cast aside these important efforts and meaningful, measurable outcomes, instead opting to propose listing the species.

Moreover, through the 4(d) special rule, the listing proposal essentially endorses the Action Plan and the work of the Natural Resources Conservation Service's Sage Grouse Initiative. It is my understanding that our Action Plan may likely serve as the foundation – if not the entirety – of the recovery plan that the USFWS must develop after listing the species. The proposed listing will not enhance or expedite conservation actions for the Bi-State DPS; it will call for the same conservation measures we have already identified. What then will the federal government accomplish through this proposed listing, other than alienating the groups who have been working so diligently on this issue for more than a decade and taking management responsibility of this species away from the states?

Finally, although viewed biologically as distinct from the greater sage-grouse, the Bi-State DPS has important policy implications for the greater sage-grouse. States across the West are currently engaged in unprecedented efforts to develop plans to address the potential listing of the greater sage-grouse. Many parallels can be drawn between the significant effort and action that has gone into addressing the Bi-State DPS and the initiatives also underway for the greater sage-grouse. In light of all the work that has been done, this proposed listing puts into question the USFWS's sincerity in promising to work with states and to truly value and honor our efforts.

Madam Secretary, Nevada remains committed to protecting, restoring and enhancing habitat for the Bi-State DPS. We will continue to implement the strategies identified in our 2012 Action Plan. I respectfully urge you to work with the USFWS and BLM, as well as with your partner agencies at the USDA, to help identify ways to support the implementation of the 2012 Action Plan, while protecting local economies and land users. It is my hope that with your full support, we can preclude the need to list the Bi-State DPS.

Should you wish to discuss this matter further, please do not hesitate to contact me at (775) 684-5670, or Mr. Tony Wasley, Director of the Nevada Department of Wildlife at (775) 684-1599.

Sincere regards,



BRIAN SANDOVAL
Governor

CC: Bi-State Local Area Working Group
Carson City Board of Supervisors
Lyon County Commission
Mineral County Commission
Esmeralda County Commission
Douglas County Commission
Nevada Congressional Delegation
California Governor Jerry Brown
Honorable Tom Vilsack, Secretary, USDA
Jason Weller, Chief, NRCS
Bruce Petersen, State Conservationist, NRCS
Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest
Dan Ashe, Director, USFWS
Ren Lohofener, Regional Director, USFWS
Ted Koch, State Director, USFWS
Principal Deputy Director Neil Kornze, BLM
Amy Lueders, State Director, BLM