



# Position Statement

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## SAGE-GROUSE HABITAT CONSERVATION

### EXECUTIVE SUMMARY

The sage-grouse is a keystone species of the western United States sagebrush ecosystem. Significant declines in the populations of Greater sage-grouse (GRSG) have occurred. Their sagebrush-steppe habitat, impacted by development, invasive grasses, and wildfire, covers only about half the area it once did. More than half of the remaining GRSG habitat is on public land managed by the Bureau of Land Management. In response to a growing pressure for listing GRSG under the Endangered Species Act (ESA), a major collaborative effort to protect and restore habitats and to rebuild populations resulted in the Greater Sage-Grouse Comprehensive Conservation Strategy (2006), signed by the western state wildlife agencies, Western Governors' Association, and BLM, along with a full range of public land users and wildlife conservation interests.

In 2010, the Fish and Wildlife Service concluded that listing of the GRSG was warranted due to habitat loss and the absence of legal protections to address additional habitat destruction, but listing was precluded by other, higher priority species at the time. However, in response to land use plan amendments completed by BLM and the U.S. Forest Service in 2015 to address GRSG habitat loss, the FWS concluded that the species did not warrant protection under the ESA. Further amended land use plans were completed in 2019 under a new administration. These plans were challenged by lawsuits and a Preliminary Injunction is currently in effect that directs implementation of the 2015 land use plan decisions. In November 2021, BLM initiated a new public scoping process to consider further amendments to both the 2015 and 2019 land use plans.



BLM photo - Bob Wick

While there has been some disagreement about the extent and rate of losses and declines and about the relative impact of various human activities, there is general agreement that this is a serious situation that requires significant effort by multiple partners to halt and reverse. Decisions made in BLM land use plans in 2015 and 2019 and policies for oil and gas leasing and development and mining in core GRSG habitat have called into question the adequacy of regulatory mechanisms relied upon by the FWS decision in the not warranted listing decision in 2015. There continues to be strong public concern regarding whether existing BLM policies and plans continue to assure the maintenance of the ecological health of western landscapes.

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The PLF recommends that a GRSG Conservation Assessment be completed by FWS as soon as possible before any subsequent listing decision is made, in order to adequately assess the efforts currently being made to reverse historic trends and to rebuild and restore productive sagebrush habitat and GRSG populations. In addition, BLM should accelerate management efforts, including the new land use planning effort initiated in 2021, to protect, rebuild and restore sagebrush habitat and continue to cooperate with western state wildlife agencies as it manages GRSG habitat while providing wise multiple-use and sustained-yield management of the public lands.

## BACKGROUND

Over the past three decades, declines in distribution of sage-grouse over their historic range in the sagebrush landscape in the west (56 percent decline for GRSG) has been a matter of concern to hunters, wildlife agencies, conservationists, public land stakeholders, and public land managers. The seriousness of the declines led to multiple petitions for listing the GRSG under the ESA and multiple reviews by FWS. A recent U.S. Geological Survey report found that the GRSG population estimate plummeted by 80 percent since 1965 across the bird’s 11-state western range.

The loss of GRSG habitat is the result of a combination of intentional and unintentional human activities, together with natural occurrences and processes such as wildfire, the explosive spread of non-native invasive plants, drought, disease, and weather patterns. Loss of sagebrush habitat from increased wildfire activity (grass / fire cycle) has had negative effects on greater sage-grouse populations over the past 30 years and is considered a primary threat to the species’ remaining



BLM photo - Bob Wick

habitat. Human activities that result in habitat loss include urbanization; agricultural development; overgrazing by livestock; mineral and oil and gas development; the proliferation of roads and trails; off-road vehicle recreation; and vegetation manipulation, including burning, plowing, and use of herbicide.

In 2004, recognizing its management responsibility for lands that contain over 50 percent of the remaining viable GRSG habitat, BLM developed a “National Sage-Grouse Habitat Conservation Strategy” to protect and restore sagebrush habitat for GRSG and for the numerous other wildlife species, such as pygmy rabbits, which are dependent

on sagebrush habitat. In 2006, the Western Association of Fish and Wildlife Agencies (WAFWA) published the “Greater Sage-grouse Comprehensive Conservation Strategy” with an overall goal of maintenance and enhancement of populations and distribution of sage-grouse by protecting and improving sagebrush habitats and ecosystems that sustain these populations. The causes of population declines, according to the 2006 Strategy, are attributed to “the loss, degradation, and fragmentation of sagebrush habitats essential for their survival”. In 2008, a Memorandum of Understanding among WAFWA, U.S. Forest Service, BLM, FWS, USGS, the Natural Resources Conservation Service, and USDA Farm Service Agency provided for the cooperation among the participating agencies in the conservation and management of GRSG sagebrush habitats and other sagebrush-dependent wildlife throughout the Western United States and Canada.

The BLM and numerous others have developed partnerships and made strong commitments over the last several years to manage GRSG habitat and maintain and restore sagebrush landscapes. Greater sage-grouse conservation efforts include collaborative restoration projects, surveys,

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research, and monitoring on Federal, state, tribal, and private lands. Travel management planning and maps indicating approved, restricted, and closed routes of travel in managed habitat for many species of wildlife, including GRSG habitat, have been developed by BLM. Threat assessments to GRSG habitat and the mapping of sagebrush plant communities are taking place (i.e., using the Fire and Invasives Assessment Tool and the Habitat Assessment Framework). Advanced planning, prompt action during fires (under the Integrated Rangeland Fire Management Strategy), and effective rehabilitation of burned areas are helping to limit the damage from unwanted wildfires in sagebrush habitat.

In March 2010, the FWS review found that listing of the GRSG as an endangered species under the ESA was warranted, but listing was precluded by the need to complete other listing actions of higher priority. In response, BLM issued guidance documents for improving and stabilizing sagebrush lands when implementing land use plans and initiated a land use planning and NEPA process to incorporate regulatory mechanisms to conserve and restore the GRSG and its habitat on a range-wide basis. In September 2015, BLM announced the signing of Records of Decision for land use plan amendments across the west. The FWS in October 2015 determined that listing of the GRSG as an endangered species under the ESA was “not warranted”. It was based on the regulatory framework provided by the 2015 state and Federal plans.

The FWS decision was monumental and cited the regulatory mechanisms in BLM land use plans, as well as other state and Federal plans as a major factor in their decision, including monitoring and adaptive management programs that would enable managers to track and quickly adjust plans in response to biological feedback mechanisms. The FWS also cited the importance of the compensatory mitigation framework included in the BLM management plans as a critical component. However, the BLM-issued Instruction Memorandum IM-2018-093 in July 2018 and Instruction Memorandum IM-2019-018 in December 2018 that rescinded these compensatory mitigation policies and placed significant restrictions on the use of compensatory mitigation. The BLM in July 2021 subsequently issued IM-2021-038 that rescinded IM-2019-018 and allowed for the use of compensatory mitigation on a case-by-case basis. In September 2021, BLM issued IM-2021-046 that reinstated policies and guidance in the BLM Mitigation Manual and Handbook (H-1794) on implementing mitigation to address impacts to resources from public land uses.

In October 2017, under a new administration, BLM initiated a new planning and NEPA process to further amend the 2015 plans for states across the range, with the exceptions of Montana and the Dakotas. The Supplemental Environmental Impact Statements were completed in March 2019. The BLM also issued policies easing restrictions on activities that could impact GRSG habitat. Lawsuits were filed that challenged the 2019 plans and the new policies. A Preliminary Injunction against the 2019 BLM plans is currently in effect that directs implementation of the 2015 land use plan decisions. In November 2021, BLM initiated a new public scoping process to consider amendments to both the 2015 and 2019 land use plans. The BLM in August 2021 also published a notice to reinstate consideration of a proposed withdrawal of some 10 million acres of public land from location and entry under the mining laws to protect the GRSG and its habitat in Sagebrush Focal Areas (SFAs) identified by the land use plans.

Also included in the FWS 2015 “not warranted” determination was a commitment to work with Federal and state partners to conduct a status review in five years to gauge how the conservation plans were working and guide the future direction of GRSG management. That effort is currently underway and being led by WAFWA. The five-year review of the status of the species is using USGS population trend information, BLM habitat information, state and Federal mitigation information, a summary of scientific research and tools, and a compilation of proactive on-the-ground efforts from the Conservation Efforts Database to develop the

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Sage-Grouse Conservation Assessment. One challenge is that the states use different population monitoring protocols. The scientific information provided in the Assessment includes a review of the new USGS hierarchical monitoring framework for sage-grouse. This framework shows some promise for consistent range-wide population monitoring and recognizes the challenges of incorporating and/or adopting new methods by the states to monitor greater GRSG populations in the range of the species.

#### PUBLIC LANDS FOUNDATION POSITION

1. The Sage-Grouse Conservation Assessment must be completed before any subsequent listing decision is made by FWS, in order to adequately assess the efforts currently being made to reverse historic trends and to rebuild and restore productive sagebrush habitat and GRSG populations.
2. The BLM needs to continue to use the best science available to improve land use planning and decision-making to conserve sage-grouse habitat while providing for other appropriate uses. This includes improving strategies for on- and off-site mitigation. This information needs to be incorporated into the new land use planning efforts currently underway.
3. The BLM needs to continue to cooperate with western state wildlife agencies, non-profit organizations and private landowners, as it manages GRSG habitat while providing wise multiple-use and sustained-yield management of the public lands.
4. The BLM should accelerate management efforts, including the new land use planning effort initiated in 2021, to protect, rebuild and restore sagebrush habitat and work hand-in-hand with the western state wildlife agencies, non-profit organizations, and private landowners toward a common goal.
5. The BLM should accelerate management efforts to implement “The Integrated Rangeland Fire Management Strategy” to identify effective actions to prevent and suppress rangeland fire and restore fire-affected sagebrush landscapes and implement the “Actionable Science Plan” to identify key science needs and research priorities that would promote more efficient and effective use of identified management strategies.
6. The BLM needs to continue to review, and update and revise where necessary, the effectiveness of off site compensatory mitigation guidelines and policies to facilitate the reduction of landscape-scale resource impacts on GRSG habitat from other authorizations on the public lands.

*April 2022*