

**U.S. Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, and Mining
Oversight hearing on sage-grouse conservation**

June 28, 2016

Testimony by Catherine Macdonald
Oregon Director of Conservation Programs
The Nature Conservancy

Chairman Barrasso, Ranking Member Wyden, and Members of the Subcommittee:

Thank you for providing me with this opportunity to testify at this oversight hearing on the status of the Bureau of Land Management and U.S. Forest Service's efforts to implement amendments to land use plans and specific management plans regarding Greater Sage-Grouse conservation, and those agencies' coordination with affected states.

I currently serve as the Oregon Director of Conservation Programs for The Nature Conservancy where I lead our state's conservation efforts, including our work on Greater Sage-Grouse. Over the past six years my staff and I have partnered with a wide range of stakeholders to develop an "all lands, all threats" approach to Greater Sage-Grouse conservation. Together we worked to identify measures that would reduce threats to Greater Sage-Grouse populations while allowing for agricultural production and development needed to generate economic returns vital to the region's rural communities.

As an organization, The Nature Conservancy has over 60 years of experience working with private landowners, federal, state, local, and tribal governments across the nation. We are the world's largest conservation organization with over one million members, including 25,000 household members in Oregon. We work in 69 countries around the world to conserve the lands and waters upon which all life depends.

Stabilizing and increasing populations of the Greater Sage-grouse across its range is a priority for the Conservancy. Our efforts are grounded in sound science and collaboration. Our philosophy is not to stop all development activity and economic use of land, but rather find solutions that prevent those activities from impacting the most critical lands and waters. Our work on the Greater Sage-Grouse across the West has been designed to use our scientific

expertise to inform the federal and state land use plans, and to provide our hands-on habitat protection and restoration expertise working directly with public and private landowners.

The story of the Greater Sage-Grouse is one of hope and opportunity. Actions to benefit the Greater Sage-Grouse will provide conservation benefits for many other species. Healthy sagebrush steppe habitats benefit more than 350 sagebrush-associated plants and animals of conservation concern as well as important game species such as elk, mule deer and pronghorn antelope. Just as importantly, people also benefit from healthy Greater Sage-Grouse habitat. In Oregon, a common refrain in ranching communities is that, “what’s good for the bird is good for the herd.” For example, efforts to prevent uncharacteristically severe fires protect forage for livestock.

The Bureau of Land Management (BLM) and USDA Forest Service (USFS) land use plans for Greater Sage-Grouse represent a historic effort among a large number of partners and a new model for imperiled species: working together to design and implement conservation actions for species before they warrant listing under the Endangered Species Act. These plans are an integral part of the effort to conserve Greater Sage-Grouse habitat. The federal agencies should be given the opportunity and resources they need to succeed in implementing the plans.

The federal plans provide a cohesive strategy for addressing threats across the range of the species. It was because of these plans that the U.S. Fish and Wildlife Service (USFWS) was able to make the determination that the Greater Sage-Grouse did not warrant listing under the Endangered Species Act. This averted a situation where every major project or permit affecting the Greater Sage-Grouse on federal lands would have had to undergo consultation with the USFWS. Additionally, a listing would have meant that private landowners and states would have been required to get permits from USFWS if their actions could harm the bird or its habitat.

Greater Sage-Grouse habitat crosses all ownership jurisdictions in 11 states, making both federal and state management plans essential for addressing threats to the species. The BLM and the USFS manage nearly two-thirds of the remaining Greater Sage-Grouse habitat; therefore, it is critical that both federal and state partners work proactively and collaboratively to implement the needed conservation actions.

In Oregon, the federal agencies began working with state officials in 2010 in response to the “Warranted but Precluded” Greater Sage-Grouse listing status in order to share information about the needs and issues related to renewable energy development and habitat conservation. They recognized that the future of Greater Sage-Grouse populations and the rural economies within its range are dependent on a coordinated landscape-scale approach to

conservation and economic decisions. Their efforts further evolved into the Greater Sage-Grouse Conservation Partnership in 2012. The Partnership was charged with the goal of developing a unified all-lands approach to Greater Sage-Grouse conservation in Oregon.

The Partnership engaged representatives from local governments, Oregon Cattlemen's Association, Oregon Hunter's Association, energy companies and conservation organizations, all of the relevant state agencies and our congressional delegation. Over the ensuing three years, a core team met almost every week and over sixty stakeholders met quarterly and at times monthly to discuss challenges, compare potential policy and management options and develop coordinated solutions.

Other early collaboration between the Oregon Cattleman's Association, the BLM and the USFWS resulted in the development of a Candidate Conservation Agreement which was signed in May 2013. In 2014, USFWS and Harney County Soil and Water Conservation District signed a Greater Sage-Grouse Candidate Conservation Agreements with Assurances. A year later Candidate Conservation Agreements with Assurances had been signed by all eight Oregon counties within the range of the Greater Sage-Grouse.

These agreements collectively establish a foundation for private landowners to implement conservation measures benefiting Greater Sage-Grouse in exchange for assurances that they will not be burdened by additional regulations if the species is listed as a federal threatened or endangered species. In Harney County alone, more than 53 landowners have signed agreements covering more than 320,000 acres.

Now that the land use plans are in place, The Nature Conservancy urges the Congress to give the Departments of the Interior and Agriculture agencies the support and resources needed to implement the plans. I know that Oregon is counting on our federal agencies to be full partners in advancing our all lands, all threats Greater Sage-Grouse conservation vision.

The Nature Conservancy remains concerned about legislative attempts to stall, delay or permanently limit the ability of federal agencies from collaborating to implement resource management plans. These plans deserve a chance to succeed. The Nature Conservancy believes we will realize the best results – for people and nature – when we tackle difficult challenges together. Working to protect and recover species before they are listed under the Endangered Species Act provides greater flexibility and allows state and federal agencies to put measures in place to help private landowners and development interests. In order to implement the plans and deliver the management needed to support recovery of the Greater Sage-Grouse the agencies need the resources to support coordination and collaboration amongst each other as

well as with— state and local governments, nonprofits, and businesses that rely on sagebrush habitat. Precisely because so much is at stake, we believe now is the time for all parties to focus on implementation and solutions that work for the Greater Sage-Grouse and are broadly supported.

We are aware that concerns have been raised about whether BLM and USFS are committed to continued coordination with stakeholders, including the States, in implementing the land use plans. The challenge of developing plans that were sufficiently comprehensive and consistent to avoid a listing was a high bar. Given the complexity of the effort and what is at stake, it is understandable that there have been challenges.

We recognize and are concerned by the remaining disagreements about the actions called for in the plans. The plans appear to allow for adaptive management that can support innovation and creativity at the local level to address many of these concerns. In our experience, the federal agencies have been working hard to continue to seek input from all of the stakeholders with an interest in the BLM's plan implementation. There have been numerous hearings across the West to examine how the plans' provisions covering activities such as mining, grazing and energy development should proceed. Opportunities for written comments have also been provided.

We hope that federal and state leaders and stakeholders will redouble their efforts and work together to narrow any remaining disagreements. The Nature Conservancy stands ready to work with the federal agencies, States and stakeholders.

In my state, collaboration between the Department of Interior agencies, the state of Oregon, local governments and all of the stakeholders continues today. We are building a common path forward to implement the Oregon and BLM plans. For example, BLM is working with the State and counties to share data and develop joint methodologies for determining how to best avoid, minimize and where necessary, provide offsets for disturbances within core Greater Sage-Grouse habitats. In addition, BLM is partnering with the Oregon Department of Forestry and the Rural Fire Protection Association to coordinate wildfire response in priority habitats. Finally, the BLM is working closely with the State to refine and update sage-grouse population monitoring in Oregon. Regular meetings continue to occur, and the BLM has agreed to sign a new memorandum of agreement with the State and local governments to coordinate a strategic and adaptive approach to implementation of the plans.

The agencies' response to the threat of wildfire across the West provides another example of their readiness to engage with state and local governments and stakeholders. In 2014, the

Conservancy came together with BLM and a wide ranging set of partners to address questions regarding catastrophic wildfires in Greater Sage-Grouse habitat. This led to the issuance of Secretarial Order 3336, Rangeland, Fire Prevention, Management, and Restoration by Secretary Jewell. The Department of the Interior has issued a series of recommendations to identify implementation actions based on interagency federal task groups working with tribes, state and local governmental partners, and other stakeholders.

Even where there is conflict over the plan, these efforts are bearing fruit. In response to the massive Soda Fire that burned over 285,000 acres — more than 400 square miles — of federal, state and private lands in southwest Idaho and eastern Oregon, the federal government entered into a formal partnership and provided funding for the Owyhee Watershed Council to provide opportunities for rangeland and habitat restoration on private lands in Owyhee County, Idaho.

We should not let disagreements over the plans slow down the work on the ground. Despite a population that was once estimated to number 16 million, today, the population has dwindled to 200,000 to 500,000 birds range-wide. The BLM and USFS land use plans are an integral part of the effort to conserve Greater Sage-Grouse habitat. These agencies should be given the chance and resources they need to succeed in implementing the plans. It is particularly important to fully fund and implement the great work on-the-ground already begun. It is equally important to closely monitor the success of those actions and be prepared to correct our course if necessary, to avoid the possibility of a future listing.

Again, thank you for the opportunity to present my testimony to the Subcommittee. I welcome any questions that you have for me.