

Congressional Testimony from

Kathleen Clarke

Utah Public Lands Policy Coordinating Office

before the

Committee on Resources  
House of Representatives

Hearing on State Conservation Efforts for Greater Sage-Grouse

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**I. Introduction: Dichotomy of State Coordinated Planning and Implementation and the Federal Mandate Process**

I find myself in an interesting position. As a former Director of the Bureau of Land Management, I have extensive insight into operations of a federal regulatory and land management agency. I respect the role of the federal government in management of lands and natural resources and oversaw BLM's development and implementation of a rigorous range wide sage grouse conservation strategy which helped to support a "non-warranted" listing determination for the greater sage grouse (GRSG) in 2006.

As the current director of the Public Lands Policy Coordinating Office for the State of Utah (PLPCO), I oversaw a year-long review of sage-grouse in Utah, and the subsequent development of a bold, science-based conservation plan, including clearly identified goals and objectives recognized as innovative by observers of the process. Based upon that work and the subsequent efforts to find common ground with the federal land management agencies, I can tell you that sadly, there is a dichotomy developing between the State of Utah's collaborative planning process and a growing federal unilateralism. What started out as a promising partnership is becoming increasingly imbalanced and adversarial.

Let me be clear, the State of Utah is committed to long-term sage-grouse conservation. Over \$50 million dollars has been invested in the last 10-years in sage-grouse conservation in Utah. The State, in a close partnership with federal agencies, has restored over 560,000 acres of sage-grouse habitat since 2006, which work was funded and undertaken *after* the U.S. Fish and Wildlife Service determined the species was "not warranted" for listing. Research and ground work have been the hallmark of sage-grouse conservation. The State has engaged in an aggressive research program through our universities to scientifically determine the conservation needs of the species. We have improved habitat and engaged in land management studies involving habitat

improvement and restoration, predator control and population augmentation. Results have been stunning, and directly contradict the recent gloom and doom predictions concerning the sage-grouse.

As a result of all this work, populations have stabilized. A recent study issued by the Pew Foundation fails to recognize this fact. The recent study failed to take into account the 9 to 12 year cyclical nature of populations in Utah, a point which was clearly recognized by the same authors in their earlier work on the topic of population viability. Our metric for success is far simpler and takes into account the cycles of population. Recognizing the cyclical nature of population numbers in Utah, the State's Conservation Plan sets the goal of stabilizing the population trends by emphasizing the most basic conservation need in Utah – the maintenance and creation of useable habitat for the populations of birds.

### **III. Detailed Conservation Planning**

The State of Utah's Conservation Plan provides a solid framework for assessing the needs of the birds within the State. Utah is not a vast sea of sagebrush, such as found in Wyoming or the Great Basin. The most important conservation strategies address the major threats to the species in Utah – wildfire and the associated invasion of undesirable grass, and the encroachment of conifer trees into the sagebrush. These natural events constitute 97% of the threat to the species in Utah. Human activities, such as energy development and exurban development, are not major threats, representing only 3% of the threat. Utah's sage-grouse conservation strategies are completely based upon the best available science developed over the past 20 years, and the most robust data.

The State's team analyzed every wildfire in our eleven separate Sage-Grouse Management Areas over a period of 18 years. We funded mapping of invasive conifer encroachment on the 7.4 million acres within the SGMAs. We analyzed every existing oil and gas well, and explored likely energy development patterns. We considered complex forward-looking models of the expansion of human towns and cities. We analyzed the nexus between these patterns and on-the-ground sage-grouse populations to identify the most effective tools for conservation. Finally the State developed complex, acre-by-acre planning for the next decade to ensure that the State has a conservation strategy to address areas where there is a nexus between the major and lesser threats and the birds. Implementation of these strategies by state agencies was recently fortified through a Governor's Executive Order.

### **III. Rationale for the Effort**

Why did the State do this? In part, this was due to invitations by federal partners to produce conservation plans sufficient to support a not warranted listing for the species.

But also because the science and other relevant information clearly demonstrate that long-term conservation of sage-grouse can be assured under science-based, strategic state management. In Utah, balance still matters. Developing solutions that protect our freedoms and private property rights still matters.

Throughout our deliberative process, we have been able to identify and implement proven solutions that will conserve sage-grouse. More importantly these solutions also work for the people and partners who live, work and raise their families in sage-grouse country. These citizens were focused on the conservation of sage-grouse through the efforts of ten Local Working Groups involving over 1,500 volunteers, long before the U.S. Fish and Wildlife Service ever considered a petition to list. Long-term success of sage-grouse can be successful only if these partnerships are protected under state-management of sage-grouse. Top-down federal mandates threaten that success.

We are experiencing numerous frustrations as we work with the federal land management agencies on proposed plan amendments which will reduce the likelihood of a listing of the species. Instead of helping cut through the red tape, federal agencies are focusing most of their effort on finding new ways to regulate human activity. As someone representing a state which has invested decades in sage-grouse conservation, the relentless efforts to force more standardized and irrelevant mandates on the use of the land not only threatens the conservation of the species, but unnecessarily imposes hardship on the hard-working citizens of the west.

Some examples may help you understand this. Utah's plan and detailed conservation strategies focus agency energy and funds into wildfire suppression and rehabilitation, the elimination of conifer encroachment and the improvement of poor quality habitat. The science behind this work demonstrates that the birds will immediately use the rehabilitated lands once a project is complete. Yet, instead of this proven approach, the federal land agencies are intent on the creation of unnecessary zones of regulation, most of which will have no effect on the primary conservation issue (more useable habitat), or on reduction of the primary threats.

We find the federal resistance to implementing the conservation programs that matter the most to be the most frustrating. Now is the time to put aside the state vs. federal electioneering that we are seeing from federal agencies. While lip service is paid to "collaboration," the focus of federal regulators is increasingly unilateral and dismissive of state conservation actions. After months of conversation, states see more and more demands for regulation for issues that pose only remote risk and/or benefit, but threaten millions of acres with unnecessary mineral withdrawal, "no-surface occupancy" rules that are counterproductive, and a strong emphasis on proposed resolution of lesser conservation threats.

The State of Utah is fully committed to conserving sage-grouse populations and the sagebrush landscape upon which they depend. Our efforts include a strong adaptive management program designed to monitor the effects of the current conservation plans, and to find solutions for future issues that may arise. The state's 15 year conifer removal program needs to be immediately and aggressively undertaken by all landowners, including the federal agencies. This, and a shift in emphasis of the wildfire suppression and rehabilitation program toward sage-grouse conservation, will do the most to benefit sage-grouse. These efforts directly address the high-risk threats to the species in Utah.

The state also places reliance upon the substantial efforts by ranchers and other concerned landowners to conserve the species. These folks are working hard to employ best available practices endorsed by the Natural Resources Conservation Service, and other agencies. They are eager to participate through conservation easements and other legal tools. More than 1,500 volunteers participate in Utah's Local Working Groups and associated conservation projects. The state's Conservation Plan contains a specific measurable goal to this effect. Yet we are informed that these efforts are meaningless, because there is no "certainty" in the immediate future attached to their contributions, according to the U.S. Fish and Wildlife Service's current and strongly expressed interpretation of its Policy for the Evaluation of Conservation Efforts (PECE).

The State of Utah supports the efforts of Congress to allow the states the opportunity to demonstrate the robust nature of their plans, and demonstrate the required level of certainty required by the Service's PECE standards. The 10 year time frame mentioned in legislation is firmly based in the science of sage-grouse in Utah, and is recognized in peer-reviewed scientific papers. We believe that Congressional action is likely the only way to ensure the states have the necessary time to demonstrate effective conservation efforts and to secure the long-term sustainability of the GRSG.

Thank you.