THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3353

Subject: Greater Sage-Grouse Conservation and Cooperation with Western States

Sec. 1 **Purpose**. The purposes of the Order are to: (1) enhance cooperation between the Department of the Interior (Department) and the States of Oregon, Washington, California, Nevada, Idaho, Utah, Montana, North Dakota, South Dakota, Wyoming, and Colorado (the Eleven Western States) in the management and conservation of the Greater Sage-Grouse (Sage-Grouse) and its habitat; (2) support a partnership with clearly defined objectives and roles for Federal and State entities responsible for Sage-Grouse management and conservation in order to sustain healthy populations of the species; and (3) establish a team to review the Federal land management agencies' Sage-Grouse plan amendments and revisions completed on or before September 2015.

Sec. 2 **Authorities**. This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and pursuant to the land management and programmatic authorities of the bureaus identified below in section 4b.

Sec. 3 **Background**. The Department has broad responsibilities to manage Federal lands and resources for the public's benefit, including, but not limited to, permitting authorized uses; managing habitat to support fish, wildlife, and other resources; protecting cultural resources; and providing recreational and educational opportunities on Federal lands and waters.

The State agencies responsible for fish and wildlife management possess broad powers for the protection and management of fish, wildlife, and plants within their borders, except where preempted by Federal law. State agencies are at the forefront of efforts to maintain healthy fish and wildlife populations and to conserve at-risk species to ensure that protection under the Endangered Species Act (ESA) is not required.

The State-Federal Sage-Grouse Task Force (SGTF) was established in 2011 as a forum for high-level State and Federal representatives to meet and evaluate policies, programs, management actions, data sharing, and other actions affecting conservation of the Sage-Grouse and the sagebrush ecosystem, as well as the health of the communities and economies of the American West.

In September 2015, the Department and the United States Department of Agriculture (USDA) adopted amendments and revisions to 98 Bureau of Land Management (BLM) and U.S. Forest Service (USFS) land use plans across the Eleven Western States addressing, in part, the Sage-Grouse and its habitat (the 2015 Sage-Grouse Plans). The 2015 Sage-Grouse Plans govern management of 67 million acres of Federal lands. More than half of remaining Sage-Grouse habitat is on land managed by BLM and USFS. As the Department moves forward in the management of Sage-Grouse habitat, it is imperative that it does so in a manner that allows both

wildlife and local economies to thrive and incorporate the expertise of Federal employees in the field, local conditions, and proven State and local approaches.

In October 2015, in reliance upon the conservation commitments and progress reflected in Federal land use plan amendments and revisions and other private, State, and Federal conservation efforts, the U.S. Fish and Wildlife Service (FWS) determined that the Sage-Grouse did not warrant listing under the ESA. In making that finding, FWS committed to work with State and Federal partners to conduct a Sage-Grouse status review in 5 years.

Sec. 4 **Policy**.

a. Cooperation with the Eleven Western States on Sage-Grouse Conservation Efforts.

Consistent with governing laws, regulations, and policies, the Department will implement a multifaceted strategy to enhance cooperation with the Eleven Western States primarily responsible for the management and conservation of Sage-Grouse. The strategy will include supporting a partnership that allows the Department and the Eleven Western States to maintain healthy populations of Sage-Grouse and improve collaboration and integration of State and local concerns and approaches into sagebrush management and conservation on Federal lands. Accordingly, and subject to paragraph 4b, below, the BLM Director, working with other heads of bureaus and offices within the Department, USFS, and affected States through the SGTF, shall develop:

(i) memorandums of understanding and other agreements with states and other partners regarding implementation of the 2015 Sage-Grouse Plans;

(ii) training for BLM staff regarding implementation of the 2015 Sage-Grouse Plans, including direction to consider state and local information, as appropriate; and

(iii) memorandums of understanding and other agreements with States and other partners regarding integration of information on Sage-Grouse populations into Federal land management decisions.

b. Department of the Interior Sage-Grouse Review Team.

This Order establishes the Sage-Grouse Review Team (Team). The Team will be made up of land managers and other professionals from bureaus and offices, including BLM, FWS, and the U.S. Geological Survey (USGS). The Team will closely coordinate with USDA and USFS. The Team will engage with appropriate State agencies through the SGTF to coordinate its work. The Team is hereby directed to conduct:

(i) a review of the plans and programs that States already have in place to ensure that the 2015 Sage-Grouse Plans adequately complement state efforts to conserve the species;

(ii) a further examination, through the framework established by the Integrated Rangeland Fire Management Strategy, of issues associated with preventing and fighting the proliferation of invasive grasses and wildland fire, which are leading threats to Sage-Grouse habitat;

(iii) an examination of the impact on individual States disproportionately affected by the large percentage of Federal lands within their borders, recognizing that those lands are important to resource use and development, and to the conservation of the Sage-Grouse;

(iv) a review of the 2015 Sage-Grouse Plans and associated polices, including seven BLM Instruction Memoranda (IM) issued in September 2016. The review will include (1) identification of provisions that may require modification or rescission, as appropriate, in order to give appropriate weight to the value of energy and other development of public lands within BLM's overall multiple-use mission and to be consistent with the policy set forth in Secretary's Order 3349, "American Energy Independence," implementing the Executive Order signed by the President on March 28, 2017, "Promoting Energy Independence and Economic Growth"; and (2) opportunities to conserve the Sage-Grouse and its habitat without inhibiting job creation and local economic growth;

(v) as appropriate, the Team should provide recommendations with regard to (1) captive breeding; (2) opportunities to enhance State involvement; (3) efficacy of target populations on a State-by-State basis; and (4) additional steps that can be taken in the near term to maintain or improve the current population levels and habitat conditions.

Sec. 5. **Implementation**.

a. Within 10 days of the signing of this Order, the Deputy Secretary will designate individuals from within the Department to serve on the Team.

b. The BLM Director will designate an individual to coordinate all activities by and within the Department with respect to implementation of this Order.

c. All bureaus and offices are directed to immediately begin implementing section 4 of this Order by identifying opportunities for cooperative management agreements and collaborative partnerships with the Eleven Western States and by outlining any specific steps to be undertaken.

d. Within 60 days of the date of this Order, the Team shall provide a report to the Secretary summarizing the review set forth in section 4b of this Order and provide recommendations regarding additional steps the Department should take to address any issues identified as a result of that review.

Sec. 6 **Effect of Order**. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to and

do not create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 **Expiration Date**. This Order is effective immediately and will remain in effect until its provisions are accomplished, amended, superseded, or revoked, whichever occurs first.

Secretary of the Interior

Date: June 7, 2017