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A Landowner's Approach to Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management

Using CCAs and CCAs as a Tool

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PART I – Candidate Conservation Agreement with Assurances (CCA)

CCA Basics

What is a Candidate Conservation Agreement with Assurances (CCA)?

A CCA is a voluntary agreement between the US Fish and Wildlife Service (FWS) and a private landowner whereby private landowners agree to manage their lands to remove or reduce threats to species at risk of being listed under the Endangered Species Act (ESA).

The overall goal of a CCA is conservation of the species through cooperative, voluntary conservation on non-federal land. Actions should be conducted (or not conducted) that remove or reduce threats, so there would be no need to list the species under the Endangered Species Act.

Landowners agree to carry out the actions in exchange, the Service agrees not to require additional conservation measures if the species of concern ever becomes listed.

When is a CCA appropriate?

The basis of a CCA is the threats analysis. In order to have a successful CCA, the conservation measures must reduce or remove the threats. If the threats are unknown, there is no way of reducing or removing them, and consequently, the FWS cannot enter into an agreement. Also, a willing landowner is needed to participate in the CCA – otherwise, there is no incentive for the FWS to take the time to develop the agreement.

What if after enrolling, I decide that I no longer wish to participate in the CCA?

A CCA agreement is NOT a legally binding contract and the enrolled landowner may at any time, with 30 days prior written notice to the FWS, exercise their right to discontinue participation in the CCA. By doing so, protections provided by the Section 10 permit would also be discontinued.

What is the time frame for submitting a CCA application?

Fish and Wildlife Service (FWS) is taking applications now. The listing decision is scheduled for September 2015 so to realize the maximum benefits of a CCA to private landowners, the sage-grouse and the ranching industry, the application should be submitted as soon as feasible. The FWS is continuing to discuss what the cutoff date for applications will be in relation to the listing decision.

What are the key components of an individual CCAA for Ranch Management?

Components include an individual CCAA that provides information regarding sage-grouse habitats and conservation measures applicable to an individual ranch (a template for an individual CCAA is provided within the Umbrella CCAA); a Section 10 permit application; and, an individual conservation management plan that describes implementation and monitoring. The conservation management plan should be completed within 12 months of issuance of the individual CCAA and Section 10 permit. The Fish and Wildlife Service encourages landowners to seek assistance from the partner agencies in developing their individual management plan.

If I enter into a CCAA agreement on my private lands and do not own the mineral rights, what happens if the owner of the mineral rights chooses to proceed with development?

It is suggested that you have a discussion with the mineral rights owner and the development company to develop a surface use agreement that takes the conservation measures of the CCAA and sage-grouse into consideration. Contact FWS to discuss what adjustments to the CCAA may be necessary due to impacts of the development. This may include amending the CCAA to exclude the property where the development will occur.

Greater Sage-Grouse Umbrella CCAA Basics

The Greater Sage-Grouse Umbrella CCAA for Ranch Management is designed to address identified threats affecting sage-grouse on private lands in Wyoming, while providing conservation measure options to address each threat. Individual CCAAs entered into by landowners are built on the information provided in the umbrella agreement in order to tailor a conservation package to the requirements of habitat on particular parcels of land.

With significant private landowner participation, the umbrella CCAA and subsequent individual CCAA enrollment has the potential to improve the status of sage-grouse in Wyoming.

What is the purpose of the umbrella CCAA?

Conserve target species on non-federal lands while allowing for human activities.

These conservation actions are developed with the non-federal landowner, State wildlife agency (since the State has primacy over management of the species of concern), and usually in conjunction with other State and Federal agencies. The regulatory assurances are given to the landowner via a Section 10(a)(1)(A) permit, if the species becomes listed in the future.

What are the goals of the Umbrella CCAA?

- 1 - Streamline the process for landowner enrollment;
- 2 - Promote Conservation Measures that reduce or remove threats to the sage-grouse through proactive ranch management, providing comprehensive conservation; and
- 3 - Provide landowners assurances that current ranch management practices covered by this CCAA will continue in the event the sage-grouse is listed under the ESA.

What is included in the umbrella CCAA?

- A general description of responsibilities of all involved participating agencies and landowners, and the area covered under the umbrella CCAA;
- Background, status and general threats to sage-grouse, and conservation measures needed to remove or reduce those identified threats;
- Expected benefits of prescribed actions in relation to the five threat factors the FWS is required to evaluate when considering a species for listing; and
- Level of take likely to occur from activities on enrolled lands, assurances, monitoring, and annual reporting.

What is the term of a CCAA?

The umbrella CCAA will be in effect for 40 years. Individual CCAAs will be in effect for 20 years following the approval and signing by FWS. The incidental take permit will also have a term of 20 years from the effective date of the permit.

Can the CCAA be renewed?

The FWS may renew individual CCAAs and permits based upon reevaluation of the CCAA's ability to continue to meet the CCAA standard and agreement of the PAs for up to an additional 20 years for a total of 40 years.

How will individual CCAAs be used in the FWS evaluation process during the listing determination process?

The FWS will evaluate actions and successes of the umbrella CCAA in accordance with the FWS Policy for Evaluation of Conservation Efforts during the listing determination process, as required under section 4(b)(2)(A) of the ESA. The FWS will consider the contribution to conservation made by the individual agreements in a "five-factor analysis" used to make a listing determination. The five factors include:

1. The present or threatened destruction, modification, or curtailment of the species' range;
2. Overutilization of the species for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or man-made factors affecting the species' continued existence.

What is gained by having a CCAA and the greater sage-grouse is listed?

The landowner receives assurances that current ranch management practices covered by the Umbrella CCAA will continue in the event the sage-grouse is listed under the ESA and an "incidental take" permit. If the bird is listed, take will be illegal per Section 9 of the ESA, but with the take permit, the landowner would have incidental take coverage. Enrolled participants could see impacts to the amount of time it takes to implement projects for conservation programs offered through the Farm Bill, NRCS, or other federal agencies. Any program with a "federal nexus" requires compliance with the section 7 consultation and therefore the federal agency would be required to conduct section 7 consultation with FWS. If an individual CCAA exits for the property, the Section 7 consultation required would be significantly streamlined.

Considerations of the Agreement

Is the CCAA the right tool for you?

There are several considerations that landowners should look at to determine if this is the right tool.

- 1) What are your reasons for entering into an agreement?
- 2) After analyzing the threats, can the landowner conduct conservation actions (or not conduct certain activities)?
- 3) Monitoring and reporting of the activities are a requirement of a CCAA. Are you prepared to commit to doing this?

By signing the individual CCAA and permit, the landowner agrees to implement sage grouse conservation measures on the enrolled land. While expenses related to conservation measure implementation and maintenance are the responsibility of the landowner, cost-share dollars to install the measures may be available from the Natural Resources Conservation Service (NRCS), Fish and Wildlife Service, or the State of Wyoming. For more information contact your local NRCS office.

The landowner also agrees to allow access to monitor the effectiveness of the implemented measures and compliance with the Agreement. In return, the FWS agrees not to seek further commitments of resources or additional actions from the landowner on non-Federal lands during the term of the permit if the species is listed. This assurance applies to routine ranch activities.

The landowner agrees to submit an annual compliance report by January 31st each year.

Where do I look for potential funding to help implement conservation measures?

The Natural Resources Conservation Service (NRCS) launched the Sage Grouse Initiative (SGI) in 2010 and continues to apply the power of the Farm Bill to fund or cost share with landowners to voluntary conservation projects in sage grouse strongholds across 11 western states. The SGI program complements implementation of an individual CCAA.

There are many other potential funding options listed in a document found on the Wyoming Game and Fish, Sagebrush/Sage-Grouse website page under "Funding for Sage-Grouse/Sagebrush Projects at

<http://wgfd.wyo.gov/web2011/wildlife-1000817.aspx>

What are the pros and cons for a rancher to consider when deciding whether to enroll in a CCAA?

First, realize that what may be a pro or con for one individual may be seen differently by another.

Some of the potential **advantages** of implementing an individual CCAA may include:

- Ranchers are involved in an effort to conserve sage grouse which will potentially stabilize land use on their operations and help stabilize land use throughout the rural west;
- Regulatory assurances are provided for enrolled non-Federal landowners as long as the CCAA is being properly implemented. FWS will impose no additional regulatory requirements on participating landowners should the sage-grouse be listed;
- Decreased time needed for project reviews of any related Federal programs and activities (ESA section 7 consultation);
- Landowners participate with the FWS in selecting Conservation Measures fitting their individual ranch plans;
- CCAA/section 10 permits give incidental take coverage which relieve a landowner of legal responsibility for incidentally harming a bird through normal ranch activities covered in the permit such as fencing, haying equipment operation, stock tanks, or ranch vehicles; and
- Landowners continue to play an important role in conserving sage-grouse.

Some of the potential **disadvantages** of implementing an individual CCAA may include:

- Should new information become available showing the sage-grouse may be jeopardized, additional conservation measures may be negotiated for inclusion in the CCAA; and
- Must allow access for Participating Agencies to private lands for monitoring purposes.

Are there benefits of a CCAA for the ranching industry?

Yes. An individual CCAA provides an opportunity for ranchers to tell their story and get credit for their contributions of maintaining beneficial sage-grouse habitat. This is another way to demonstrate to the public the value and conservation benefits provided by ranchers.

Confidentiality Considerations

What information about the CCAA will be published in the federal register?

The Federal Register Notice of Availability (NOA) for the processing of the Section 10 Permit application will include only the county and state where the property is located. FWS regulations require a 30-day public comment period during which an individual may provide comments, and may also request to see the application (which will be provided with name, address, and any other personal information redacted). They will see which Conservation Measures are included on the application for a property in a named county and state.

What information would be released in a Freedom of Information Act (FOIA) request and what information would be withheld?

Information on file with FWS related to individual CCAAs is considered public data. The Fish and Wildlife Service may collect and house CCAA related information from private property such as vegetative monitoring data, lek count data, and implementation of conservation measures. This information is then available to interested members of the public through a written request using the Freedom of Information Act. The information would be released with the name, address, and any other personal information blocked out (redacted).

Would the FWS notify me if they receive a Freedom of Information Act (FOIA) request which includes my CCAA?

Typically the FWS would notify the landowner of the request. To insure this occurs it is advisable to submit a letter to them for your file stating you want to be notified of any such request. You cannot prevent them from releasing information, but you will then be informed of the request and information provided to the requesting party. Refer to the "CCAA/CCA forms and templates" document for the "Freedom of Information Act Withholding Document" which is a template letter for this purpose.

For more information on confidentiality considerations, refer to the *Landowner Handbook for Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management* document.

Landowner Assurances

What assurances are provided with a CCAA?

In the event this species is listed, a participating rancher's individual CCAA ensures that no additional Conservation Measures or land, water, or resource use restrictions, beyond those voluntarily agreed to and described in the individual CCAA will be required. Any additional covered activities described in the umbrella CCAA may continue, provided the rancher is properly implementing the CCAA and no new information becomes available indicating the species may be jeopardized.

Additionally, the enrolled landowner will be issued an EOS permit for incidental take associated with covered activities.

What activities are covered by the Greater sage-grouse Umbrella CCAA for Ranch Management?

- General Ranch Operations, including grazing of forage, feeding hay and dietary supplements in feedlots and pastures; calving and branding operations, disposal of dead animals; construction and placement of watering sources; gathering and shipping livestock; general stewardship; and animal husbandry practices.

- General Farm Operations, including cultivation of fields, planting, harvesting small grain, seed, and/or hay crops; irrigation by flooding or sprinklers; weed control within fields; maintenance of houses, outbuildings, fences, and corrals.

- Recreation, the following recreational activities are defined as covered activities in individual ranch management plans: legal hunting and fishing, use of recreational vehicles both on and off roads, horseback riding, camping, and hiking. This is not intended to be an exhaustive list, additional activities may be specified in a ranch management plan.

Will data available from Wyoming Game & Fish Dept on lek density and number of birds be used to allow calculation of more realistic allowable take for general areas, if not specific ranches?

Yes. If adequate data is available on a localized scale in which a particular ranch is located, and the average number of birds differs substantially from the statewide average, the amount of allowable incidental take would be adjusted accordingly.

General Conservation Measure Information

Conservation Measures (CM) are actions which are intended to address identified threats to sage-grouse. The process of selecting specific CMs for individual properties will be based on the threats identified for the enrolled property. Each identified threat within control of the landowner will be addressed and will have one or more corresponding CM(s).

Is livestock grazing considered a threat?

No. It was determined that improper livestock management, as determined by local ecological conditions, may have negative impacts on sage-grouse seasonal habitats. Ranch and livestock management can have positive or negative impacts on sage-grouse, depending on the management techniques implemented.

What conservation measures will I be required to implement if I choose to enroll my lands?

One conservation measure is required of all enrollees in the Greater sage-grouse Umbrella CCAA for Ranch Management – that they agree to “Maintain contiguous habitat by avoiding fragmentation (e.g., do not subdivide property, consider conservation easements).” This conservation measure recognizes the value of maintaining intact ranch lands as a primary means to conserve habitat for the Greater sage-grouse.

Additional conservation measures are selected to fit a landowner’s particular operation. That is, the CCAA is deliberately flexible so that it may be tailored to a particular property. In addition, landowners are not required to enroll their entire property.

Example Conservation Measure

Avoid construction of new fences and other livestock facilities (corrals, loading chutes, water tanks, windmills, etc.) within 0.6-mile of occupied leks or within nesting habitats;

Relocate, redesign (such as with white-topped steel fence posts) or mark existing fences (e.g., wire markers) that occur within 0.6-mile of a lek and especially where previous collisions have been observed.

Benefit: Correct existing adverse impacts from problem fences and structures, and avoid new hazards.

Conservation Measures Expectations of all Enrolled Landowners:

According to the FWS 2010 listing finding, the primary threat to sage-grouse is habitat fragmentation. Therefore, in order for the CCAA to address the conservation needs of the sage-grouse, a CM to “maintain contiguous habitat by avoiding fragmentation (e.g., do not subdivide property, consider conservation easements)” must be implemented by all enrolled landowners on the enrolled portion of their property.

In addition, all enrolled landowners will agree to undertake the following measures:

- 1) Avoid impacts to populations and individual sage-grouse present on their enrolled properties to the maximum extent practicable.
- 2) Continue current practices identified as conserving sage-grouse.
- 3) Implement all agreed upon CMs in site-specific plans within the agreed upon timeframe.
- 4) Implement a conservation management plan within 12 months following approval of their individual CCAA.
- 5) Provide the FWS or their agreed upon representatives access to the enrolled property at mutually agreeable times to identify or monitor sage-grouse and their habitat, implement CMs, and monitor effectiveness and compliance with individual CCAAs.
- 6) When requested, allow Participating Agencies to share with each other habitat and other planning or monitoring information related to the enrolled properties.
- 7) Cooperate and assist with monitoring activities and other reporting requirements identified in site-specific plans.

How are the conservation measures chosen for the individual CCAA?

The process of selecting specific CMs for the individual properties will be done through a collaborative, cooperative process with the landowner, FWS and/or a participating agency. Selected CMs will be based on the threats identified for the enrolled property and the CMs will be site dependent to remove or reduce each threat.

Is there a minimum number of CMs required for a CCAA?

No. The FWS recognizes not every potential CM listed for a particular threat is appropriate for a given property. Identified enrolled property threats should be addressed. The CCAA also states “selecting site-specific CMs will be based on their likely effectiveness and ability to be implemented.”

What are the 16 identified threat categories in the umbrella CCAA that have corresponding conservation measures?

- 1) *Fragmentation of the Landscape*
- 2) *Infrastructure*
- 3) *Restoring Disturbed Habitats*
- 4) *Establishment of Non-native Monocultures*
- 5) *Management of Invasives and Non-native Plant Species*
- 6) *Surface Water Developments/Disease*
- 7) *Sagebrush Management*
- 8) *Livestock Management and Rangeland Health*
- 9) *Woodland Encroachment*
- 10) *Livestock Management in Important Sage-grouse Habitats*
- 11) *Design and Placement of Water Developments (including ponds and springs)*
- 12) *Predation*
- 13) *Insecticide Use*
- 14) *Drought*
- 15) *Big Game Populations*
- 16) *Placement of Fences*

The corresponding conservation measures, conservation benefits, and compliance monitoring for each of the 16 threats can be found in a table on pages 30-36 of the *Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management* at:

[http://www.fws.gov/wyominges/PDFs/Species Listed/Umbrella CCAA/WY%20Statewide%20Ranch%20Management%20Sage-grouse%20CCAA.pdf](http://www.fws.gov/wyominges/PDFs/Species%20Listed/Umbrella%20CCAA/WY%20Statewide%20Ranch%20Management%20Sage-grouse%20CCAA.pdf)

CCAA Enrollment Information

What is the time frame for submitting a CCAA application?

FWS is taking applications now. The listing decision is scheduled for September 2015. Applications should be submitted in a timely manner to realize the maximum CCAA benefits for landowners, sage-grouse, credit toward the listing decision, and the ranching industry.

The FWS is continuing to discuss what the cutoff date for applications will be in relation to the listing decision.

Do I have to enroll all my private lands if I wish to participate?

No. As it is a voluntary agreement, it is up to you, the landowner, to decide what lands to include. There are many reasons you may want to exclude some of your private land. An example would be if you know a particular meadow was going to be tilled and planted with a seasonal crop. Another example would be if you intend to have wind energy developed on one portion of the ranch.

What are the responsibilities a landowner incurs by enrolling in a CCAA?

- Maintain contiguous habitat by avoiding fragmentation and avoid adverse impacts to sage grouse populations to the extent possible in addition to implementing selected conservation measures.
- Monitor and report on compliance with the requirements of the CCAA permit.
- Allow federal officials to enter the enrolled land to monitor the biological status of the sage grouse habitat, and assists in this effort as much as possible.
- Implements a conservation management plan with 12 months following approval of a CCAA permit.

What if I don't have the technical expertise to write a conservation plan?

Many prospective enrollees already have a conservation plan developed by the NRCS or your local conservation district which will meet the requirement. A template/outline is available to provide the specifics needed for a plan specifically for a CCAA. Those involved with the CCAA process including FWS and PAs will work with you to find appropriate expertise.

Can I enroll lands that are in another state even though they are contiguous to Wyoming land as a part of my ranching operation based in Wyoming?

Small/minor portions of private lands that cross over state boundaries could be included; however, there would need to be additional NEPA and ESA impact assessment if this were to become a significant amount of acreage. FWS will have to evaluate this situation on a case by case basis.

What are the steps for a landowner to apply for an individual CCAA?

- 1) Contact the FWS Field Office in Cheyenne to express your intent and contact the PA(s) you choose to work with for the CCAA which may include the BLM, NRCS, FWS, USFS, WACD, WDA, WGFD, or WGO.
- 2) Complete the Information Screen (Appendix B of the Umbrella CCAA).
- 3) The PA(s) will collect additional information to help characterize the quality and quantity of sage-grouse habitat and opportunities for conservation. They will also meet with the landowner and assist in completing the CCAA application (Appendix C of the Umbrella CCAA) and to identify the conservations measures that are needed to meet the conservation objectives for the property.
- 4) Submit a CCAA and Enhancement of Species permit applications to FWS together with a \$50 application fee.
- 5) FWS prioritizes applications (if necessary) received by batch date.
- 6) FWS reviews application and if the individual CCAA is approved, issues an EOS permit (takes effect if the sage-grouse is listed under ESA) to the landowner.

For a checklist for developing an individual CCAA refer to the *Landowner Handbook for Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management* document.

Monitoring Information

What type of monitoring is required with the CCAA?

Enrolled landowners and PAs will conduct monitoring in accordance with individual CCAAs. Monitoring will include:

- 1) Compliance monitoring
 - a. Annual self-reporting by the enrolled landowner, and
 - b. Compliance evaluations conducted by the FWS and PAs; and
- 2) Biological monitoring – For the CCAA known as rangeland monitoring
 - a. Baseline assessment by enrolled landowners or designees,
 - b. Periodic but intensive sage-grouse habitat monitoring conducted by a team established by the PAs, and
 - c. Annual sage-grouse lek monitoring conducted by the WGFD and enrolled landowners trained in lek monitoring protocols.

How will I know what biological (rangeland) monitoring is required for my individual CCAA?

A scaled approach to monitoring based on the quality and type of habitat existing on the enrolled property will be identified on a site-by-site basis to assist the landowner with monitoring as appropriate.

What if I want to participate but don't have the technical expertise to conduct the biological (rangeland) monitoring?

There are several options available for landowners to meet monitoring requirements. Monitoring required with an individual CCAA will be dependent on the CMs and collaboratively identified threats. Options will vary from location to location in the state but may include: working with the participating agencies to learn monitoring techniques needed for the CCAA monitoring; obtaining the expertise and time for monitoring from a willing participating agency; or hiring a contractor to do the necessary monitoring. We will work with you to find appropriate expertise.

Will minimum productive site characteristics related to cover be reflective of the capability of specific sites?

Site-to-site variability in rangeland production and sage-grouse habitat condition is recognized. Language is included in the CCAA to clarify that Participating Agency biologists will work with landowners to define deviations from Minimum Productive Site Characteristics identified in the umbrella CCAA.

CCAA Reporting

What should be included in the annual report?

Generally speaking, the compliance and biological (rangeland) monitoring data. The annual self-reporting and any compliance evaluations conducted should be submitted.

Additionally, observational biological (rangeland) monitoring data and site-specific biological (rangeland) monitoring as required and specified by FWS and PAs. For a Sample Annual Individual CCAA Report see appendix D of the ***Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management*** at:

[http://www.fws.gov/wyominges/PDFs/Species Listed/Umbrella CCAA/WY%20State wide%20Ranch%20Management%20Sage-grouse%20CCAA.pdf](http://www.fws.gov/wyominges/PDFs/Species%20Listed/Umbrella%20CCAA/WY%20State%20wide%20Ranch%20Management%20Sage-grouse%20CCAA.pdf)

When is the annual report due?

The annual report will be due to the Wyoming Field Office, Fish and Wildlife Service no later than January 31st of each year.

Who is responsible for submission of the annual report if I am working with a participating agency or agencies to conduct monitoring?

It is the landowner's responsibility to submit the report regardless of who is conducting the monitoring as the voluntary agreement is between the landowner and the FWS. It will be important to coordinate with the participating agency or agencies about what information and data will be provided in the annual report.

Participating Agencies

Bureau of Land Management
Natural Resources Conservation Service
U.S. Fish and Wildlife Service
USDA Forest Service
Wyoming Association of Conservation Districts
Wyoming Department of Agriculture
Wyoming Game & Fish Department
Wyoming Governor's Office

NOTE:

The term participating agency is used very broadly within the context of the Umbrella CCAA to include those partners who worked closely to develop the umbrella CCAA.

Some of the entities listed above may be available to help landowners develop a CCAA. All participating agencies are able to help direct landowners to locate the resources needed to develop a CCAA.

How is the participating agency representative chosen?

It is essential that the landowner choose the Participating Agency representative with whom they have an existing working relationship or feel they can most effectively collaborate to meet the objectives of their CCAA.

Landowners should contact their participating agency of choice as soon as possible if considering a CCAA. Participating agency time and resources are limited.

PART II – Candidate Conservation Agreement (CCA)

CCA Basics

What is a Candidate Conservation Agreement (CCA)?

A voluntary conservation agreement between the FWS and one or more public or private parties – typically Bureau of Land Management or Forest Service. No assurances are provided by the FWS that additional conservation measures will not be required or additional restrictions will not be imposed should the species become listed in the future.

What additional conservation measures will be required in the CCA that are not in the CCAA?

There are no additional conservation measures with a CCA. Appropriate conservation measures for a CCA will be selected from the list of conservation measures in the umbrella CCAA and determined through discussions between the FWS, land management agency, and permittee.



CAT URBIGKIT PHOTO

What are the benefits of having a CCA?

The benefit of landowners working with BLM or FS on a CCA is two-fold. First is the opportunity to proactively address potential threats as identified on enrolled properties and provide long-term conservation of habitats for the sage-grouse. Secondly, the benefits to permittees/lessees would include the increased security of authorizations for grazing on federal lands because the conference procedures utilized to establish the agreement would streamline future consultation if the bird does end up listed under the ESA as threatened or endangered.

So, even though Federal agencies don't get assurances like the landowners do under the CCAA, doing a CCA with these agencies provides for a more streamlined consultation if the bird is listed, as well as more involvement on the part of the landowner and permitting agency. This ensures continuity of grazing operations on those Federal lands for the permittee without waiting for BLM or FS to go through a long section 7 consultation while FWS writes a biological opinion. Thus, there is great value to doing a CCA to both the Federal permitting agency as well as the permittee.

So, if the bird does end up being listed and there is sage-grouse habitat within an allotment for which BLM or FS is conducting their 10-year permit renewals, they must consult with FWS in accordance with section 7 of the ESA. If FWS has a CCA with the permitting agency for that allotment, the CCA work has the potential to significantly streamline the consultation process.

One additional value is the CCA is primarily a cooperative/collaborative process between the landowner, Federal permitting agency, and FWS. However, the section 7 process for a listed species is between the Federal permitting agency and FWS only. FWS really leads that process more so than the permitting agency in terms of developing Conservation Measures, biological opinion terms and conditions, etc.

Much of the land base in Wyoming is under a mixed pattern of ownership, with some portions owned by private individuals, the State, as well as the Federal Government. Since CCAAs cannot be developed for Federal agencies, there is still a mechanism whereby CCA and CCAA can be jointly developed so the conservation measures are the complimentary across the landscape – regardless of land ownership.

Bureau of Land Management (BLM) CCA Basics

What is the purpose of the BLM CCA?

The primary purpose of the BLM CCA is to promote grazing practices that reduce or eliminate threats to sage-grouse and their habitats on enrolled allotments and to ensure that existing, neutral or beneficial grazing practices are likely continue uninterrupted if the species is listed in the future.

What is importance of the CCA?

This CCA is an important component of a strategic, landscape-level approach to address the conservation needs of sage-grouse. Allotment-level CCAs are agreements **to implement, monitor, and report on the effectiveness** of conservation measures as to their benefit sage-grouse habitat on respective allotments. Allotment-level CCAs are intended to facilitate consistent implementation of conservation measures across public and private lands where a participating permittee also has enrolled their private lands in the *Greater Sage-Grouse Umbrella CCAA for Wyoming Ranch Management*.

Who are parties to a CCA?

The CCA is an agreement between the Fish and Wildlife Service (Service), the BLM, and includes the participating permittee/lessee.

What is meant by CCA insurance not assurance?

Neither the BLM nor the FWS can provide a participating permittee/lessee with absolute assurances against additional requirements resulting from the Resource Management Plan amendments or a possible sage-grouse listing decision. However, this CCA provides the best mechanism by which to ensure the continuation of a permittee's existing operations on Federal lands without additional regulatory burden in the event of a listing decision for the greater sage-grouse.

Has the BLM developed an "umbrella CCA" comparable to the Wyoming Umbrella CCAA?

No. The process for developing a CCA in Wyoming will rely on measures and relevant procedures from the umbrella CCAA. In this way, consistency in consideration of conservation approaches that are tailored to address individual authorizations will be achieved.

What does the individual CCA include?

The CCA will include:

- Description of the responsibilities of the Cooperators and Participants
- Description of the area to be covered under the CCA
- Habitat requirements, status, and general threats to sage-grouse
- Conservation measures designed to remove or reduce identified threats
- Expected benefits of the conservation measures
- Allotment CCA Monitoring forms to standardize data collection (Details and data collection forms aren't required in all cases and will be allotment specific.)

What benefit will be realized if the sage-grouse is listed?

When a species is listed under the ESA, both regulatory and conservation responsibilities for Federal land managers are triggered. If sage-grouse do become listed, the FWS will review the conference report or opinion in coordination with the BLM to determine if there have been any significant changes to the CCA or the information used during the conference. If there have been no significant changes in the action, or the availability of substantial new information, the FWS would confirm the conference opinion as a biological opinion and include an incidental take statement. This streamlining of the section 7 consultation process, where in-place conservation measures support the confirmation of a conference opinion as a biological opinion, is a means by which the BLM and the FWS may provide streamlined continuity of operations for allotments with CCAs.

What am I agreeing to when I sign on to a CCA on my allotment?

When a permittee/lessee signs on to an allotment-level CCA, the permittee/lessee agrees to the following on the BLM lands within the enrolled allotment:

- To implement and monitor the effectiveness of conservation measures identified in the Allotment CCA;
- To avoid negative impacts to sage-grouse on enrolled allotments;
- To cooperate and assist with monitoring activities and other reporting requirements identified in the Allotment CCA; and,
- To provide an annual implementation report to the BLM on the forms provided with the CCA.

Is there a minimum number of conservation measures required for a CCA?

No. There is no minimum number of conservation measures that must be implemented to qualify for a CCA. However, the allotment must have appropriate conservation measures that address threats in such a way that an overall conservation benefit to sage-grouse is achieved. If the BLM and the FWS cannot reach this conclusion for any specific Allotment CCA, then the agencies will not execute the Allotment CCA in question.

What impact does a CCA have on my grazing permit?

A permittee's or lessee's participation in a CCA does not by itself change or otherwise modify their existing grazing permit or Allotment Management Plan. The conservation measures for the CCA are intended to require no additional National Environmental Policy Act (NEPA) analysis to implement.

What is the duration of the CCA?

The Allotment CCA will remain in effect until the BLM, the permittee, or the Service (the signatories) terminates it. Any signatory may withdraw from this agreement at any time by providing 30 days written notice to all other signatories. Any signatory may propose changes to the CCA. Such changes will be in the form of an amendment and may be considered at any time after a 30-day notice to the signatories. No amendment shall be valid unless executed by all signatories to the agreement.

How will the BLM and FWS prioritize the applications received?

The following considerations will be used:

- Permittee has made application for a CCAA for private lands that is associated with their Federal allotment.
- Allotment occurs within occupied sage-grouse core area habitat.
- Allotment has a significant component of sage-grouse core area habitat.
- Allotment provides connectivity among core area habitats or other occupied habitat.
- Allotment has an approved Allotment Management Plan (AMP).
- Allotment meets or exceeds all land health standards (this may include allotments that are making progress toward meeting land health standards where grazing was not a factor in failing to achieve standards).

The FWS's Wyoming Ecological Services Field Office will assist the BLM to prioritize allotments for enrollment, but the BLM has full discretion to prioritize any Allotment CCA proposal it receives and to determine if it is in the best interest of the BLM to proceed with developing an Allotment CCA.

I would like BLM to participate with a CCA on an allotment I graze in common with other permittees. What percentage of the permittees (AUMs) have to agree and sign the CCA?

The BLM/FS, FWS and interested permittee(s) will have to have a discussion as this will be answered on a case by case basis, with no minimum percentage established. The key question is whether or not there will be conservation benefits for the bird on the ground. If BLM/FS and FWS are comfortable and confident that we can obtain meaningful conservation with a certain number of participants, then FWS will be willing to give it a try. Because allotments are managed as a unit through BLM/FS direction, adequate conservation could be gained if only part of the permittees participated.

Is the intent to have a separate CCA for each allotment?

It is anticipated that each permittee/lessee will have an individual CCA which may include several allotments. Conservation measures and monitoring requirements may vary from one allotment to another but will be identified in separate sections of one CCA.

What are the responsibilities of partners in development and implementation of the CCA?

The BLM will:

- Lead the assisted preparation of any Allotment-level CCA(s).
- Ensure actions proposed in an Allotment-level CCA(s) are consistent with RMP and appropriate authorizations.
- Provide technical assistance to permittees/lessees to implement the voluntary conservation measures.
- Collect and interpret monitoring data, as agreed to in the Allotment-level CCA.
- Work with participating permittees/lessees and partner agencies (e.g., agriculture extension agents) to facilitate any rangeland monitoring required to maintain the Allotment CCA.
- Assist permittees with preparing the annual reports.
- Help to compile the compliance and monitoring information received through the Allotment CCAs for an annual report for all CCAs in the Field Office/State.

The Fish and Wildlife Service will:

- Assist with preparation of Allotment CCAs.
- Assist BLM and Permittee/Lessee to ensure adequate baseline habitat assessment.
- Advise the BLM on whether conservation measures and the Allotment CCA adequately address the identified threats.
- Provide technical assistance to aid participating permittees in implementing the conservation measures.
- Review monitoring data for consistency with CCA objectives to determine if conservation measures are providing the desired benefit to sage-grouse.
- Assist permittees with preparing annual reports as needed.
- Assist the BLM with preparing its annual report as needed.
- Conduct outreach and public education to promote the conservation of sage-grouse through implementation of the Programmatic CCAA and allotment-level CCAs.

The Permittee/Lessee will:

- Assist with initial assessment and preparation of Allotment-level CCA.
- Work with participating agencies to facilitate the rangeland (biological) monitoring required to maintain the Allotment-level CCA.
- Work with BLM and FWS to collect or provide information and in preparation of annual reports.
- Work with BLM to compile the compliance and monitoring information received through the Allotment-level CCA(s) as an annual report.

What will be the first step for monitoring with the CCA?

When an allotment is enrolled, an initial assessment of habitat for sage-grouse will be conducted to establish baseline conditions, identify existing threats, and select the appropriate conservation measures for the allotment. As appropriate, the BLM will draw upon existing information from allotment/management unit files, grazing case files, rangeland improvement project files, rangeland inventory files, and other files.

What monitoring will be required with the CCA?

It is the intent of this effort that monitoring for effectiveness of chosen measures is adequately addressed. Monitoring will include both compliance and biological (rangeland) monitoring. Individual Allotment CCAs will describe the specific monitoring strategy for the allotments, including a description of the methods to be used, a description of permanent monitoring locations (e.g., transects, plots, permanent photo stations), a schedule for monitoring, and a description of who is responsible for each aspect of monitoring.

Monitoring components consist of the following:

1. Initial assessment of sage-grouse habitat condition. This should be repeated every five years, or following a significant natural event that could alter allotment vegetative conditions (i.e., large fire, flood, insect infestation or plant pathogen outbreak, etc.) to track habitat condition (periodic assessment). Components include:
 - a. Current agency land health assessment and subsequent evaluation of achievement of land health standards.
 - b. Completed basic site information form.
 - c. Completed photo-point monitoring.
 - d. Assessment of herbaceous habitat component in sage habitat.
 - e. Assessment of shrub – browse habitat component in sage habitat.
2. Compliance Monitoring. Components include:
 - a. Annual report, tailored to the allotment, of conservation measures implemented.
3. Rangeland (*biological*) Monitoring. Components include:
 - a. Agency assessment of habitat and condition based on the agreed upon monitoring plan for this allotment-level CCA.
 - b. Annual permittee observational report for the allotment.

Forest Service CCA Basics

Information Under Construction

PART III – CCAA/CCA Support Information

Sage-Grouse Status Information

There have been 8 separate petitions to list all or part of the species range.

The first finding was published in January, 2005. It was not warranted, but caution was given that if things did not change, the FWS would have to revisit their decision.

A legal challenge was filed and the decision was remanded in December 2007.

FWS's new analyses determined sage-grouse now met the definition of threatened as per ESA.

On March 23, 2010, FWS published a rangewide “warranted but precluded” finding. The 2010 finding’s determination indicates that the sage-grouse needs ESA protection, but higher priority species preclude proceeding with a listing rule at this time, thereby conferring candidate status on the sage-grouse. This determination was based on concerns related to habitat condition and lack of sufficient regulatory mechanisms.

The primary threats to the sage-grouse, as defined in the 2010 finding, are habitat loss, fragmentation, and degradation.

A final listing decision is scheduled September 2015.

Who is responsible for sage-grouse management now – candidate species?

Wyoming Game and Fish Department

Who is responsible for sage-grouse management if they are listed under the ESA?

United States Fish and Wildlife Service



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Endangered Species Act (ESA) Information

The ESA applies to all lands, private, State and Federal. However, if a landowner has a CCAA in place prior to listing, the landowner may continue to conduct activities on his/her property knowing that there will be no additional restrictions placed on those activities.

There are 5 listing factors, also called threats, that the Service is required by the Endangered Species Act to consider when making listing decisions. This 5-factor analysis is the basis of a Candidate Conservation Agreement.

1. Present or threatened destruction, modification, or curtailment of habitat or range
2. Overuse for commercial, recreational, scientific or educational purposes
3. Disease or predation
4. Inadequacy of existing regulatory mechanisms
5. Other natural or human factors affecting species continued existence

When a species becomes a “candidate”, an annual review is required to determine if the status of the species changed. If the review determines the species is warranted for listing:

- Rules will be promulgated to formally list the species

After listing:

- Federal agencies need to comply with section 7 (a)(2) (protection from adverse effects of Federal activities)
- Management flexibility is reduced (but ESA does have provisions for nearly all projects to move forward)
- ESA applies to all lands

Section 7, 9 and 10 of the ESA

Three highly relevant sections of the Endangered Species Act to CCAAs and CCAs are sections 7, 9 and 10.

Section 7 of the ESA requires Federal agencies to consult with FWS on actions that could impact an endangered species. FWS prepares a Biological Opinion outlining certain conservation measures the Federal agency must conduct in order to get permitted take of an endangered species, similar as assurances to a CCAA - but through a different vehicle relevant to federal lands.

Section 9 of the ESA outlines “prohibited acts” such as take of endangered species.

Section 10 of the ESA outlines “exceptions”. It provides non-federal landowners a permit to conduct activities that could result in take of a listed species. Under a CCAA, a Section 10(a)(1)(A) - Enhancement of Survival (EOS) permit is issued that permits certain normally prohibited acts (e.g., take of a covered species).

Acronyms pertaining to the CCAA/CCA

BLM – Bureau of Land Management

CCA – Candidate Conservation Agreement

CCAA – Candidate Conservation Agreement with Assurances

CM – Conservation Measure

ESA – Endangered Species Act

EOS – Enhancement of Survival

FWS – United States Fish and Wildlife Service

NRCS – Natural Resources Conservation Service

PA – Participating Agency

USFS – United States Department of Agriculture Forest Service

WACD – Wyoming Association of Conservation Districts

WDA – Wyoming Department of Agriculture

WGFD – Wyoming Game and Fish Department

WGO – Wyoming Governor’s Office



Definitions pertaining to the CCAA/CCA

Avoid – Used in the context of the Umbrella CCAA, avoid is to “minimize impacts from an action to the maximum extent possible.” It does not infer that a specific action will never occur.

Biological Monitoring – For the CCAA/CCA known as rangeland monitoring.

Candidate Species - Species for which FWS has sufficient information on their biological status and threats to propose them for listing under ESA, but for which development of a proposed listing regulation is precluded by higher priority listing activities. Species designated as candidates under ESA receive NO protections under ESA. States, not FWS, have authority to manage.

Conservation Measure – Specific management actions that directly benefit a species or its habitat.

Conservation Plan – A written record of overall management decisions and conservation practices landowners plan to use (Wyoming NRCS). A Grazing Management Plan (with more specific details on grazing practices that can enhance sage-grouse habitat) may be included as part of a Conservation Plan.

Enhancement of Survival (EOS) Permit – Used in the context of this presentation, the permit issued under a CCAA that authorizes incidental and intentional take associated with the land uses and conservation measures covered by the CCAA. The permit becomes effective upon listing of the covered species. The permitting authority is ESA section 10(a)(1)(A).

Federal Nexus – A conservation measure implemented on private land that is paid for by the federal government triggers an obligation for the funding agency to consult with the FWS on the impact of the project on listed threatened and endangered species. The consultation is streamlined by the existence of a completed state-wide umbrella agreement. For example, projects funded by Farm Bill dollars (EQIP, WHIP) and NRCS' SGI program, and Wildlife Services predator control.

Incidental Take – The take of a species listed under the ESA that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. An EOS permit issued under a CCAA can authorize incidental take from routine landowner activities covered by the CCAA or take associated with conservation activities for the covered species.

Surface Disturbing Activity – An action altering the vegetation, surface/near surface soil resources, or surface geologic features beyond natural site conditions and on a scale affecting other land values. Examples include: construction of well pads, roads, installation of pipelines, and several types of vegetation treatments (e.g. prescribed fire).

Grazing of domestic livestock is not considered a surface-disturbing activity.

Who can I contact for more information?

Wyoming Stock Growers Association

For more information contact:

CCAA Educational Project Coordinator – Leanne Correll, SunAgri LLC
4WyomingAg@gmail.com (307) 920-1200

To obtain a copy of the CCAA Information Packet call WSGA at
(307)638-3942 or download from www.wysga.org :

Landowner's Approach to Umbrella CCAA
Landowner Handbook
Landowner Information Brochure
CCAA/CCA Forms and Templates
CCAA Latest Updates
CCAA/CCA Education Program Calendar

Wyoming Field Office Fish and Wildlife Service (307) 772-2374
www.fws.gov/wyominges

Wyoming Natural Resources Conservation Service State Office (307)233-6750
www.wy.nrcs.usda.gov

Any local NRCS Office

Sage-Grouse Initiative Information Links

www.sagegrouseinitiative.com
www.sagegrouseinitiative.com/sagebrush-community/additional-resources/

Land Management Agencies:

Office of State Lands and Investments Field Supervisor (307)777-6525

Bureau of Land Management Contact the State Office (307)775-6101
OR

Your local BLM Range Con or Field Office

USDA Forest Service Contact your Range Con

Other Participating Agencies Contact Information:

Wyoming Game and Fish Department – Habitat Protection Program

(307)473-3436

Wyoming Association of Conservation Districts (307)632-5716

Contact your local Conservation District for details.

www.conservewy.com/DISTRICTS.html

Wyoming Department of Agriculture – Natural Resources & Policy Division

(307) 777-6576

Sage-Grouse Website Resource Links:

Wyoming Game & Fish Sagebrush/Sage-Grouse Information

<http://wgfd.wyo.gov/web2011/wildlife-1000817.aspx>

Public Lands Council www.grazingforgrouse.com

Sage-Grouse Initiative Information Links

www.sagegrouseinitiative.com

www.sagegrouseinitiative.com/sagebrush-community/additional-resources/

US Fish and Wildlife Ecological Services

<http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/>



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