

**From:** [Gillian Bee](#)  
**To:** [Terry Quesinberry](#)  
**Subject:** RE: Questions/Concerns for USFWS  
**Date:** Monday, March 31, 2014 12:13:02 PM

---

Great, Thanks Terry!

I will get these answers back to the landowners in the area.

Gillian

**Gillian Bee**

**Range & Wildlife Conservationist**

**Pheasants Forever, Inc. and Quail Forever** ...working in partnership with SD Game, Fish, & Parks and NRCS  
1837 5th Ave. S. | Belle Fourche, SD 57717  
p. (605) 892-3368 x3 | c. (605) 461-9062 | [gbee@pheasantsforever.org](mailto:gbee@pheasantsforever.org)

---

**From:** Terry Quesinberry <[terry\\_quesinberry@fws.gov](mailto:terry_quesinberry@fws.gov)>  
**Sent:** Monday, March 31, 2014 10:38 AM  
**To:** Gillian Bee  
**Subject:** FW: Questions/Concerns for USFWS

Hey Gillian,

See below for answers. If you need more clarification let me know. Also FWS doesn't manage (or implement) predator control, especially for a non-listed species. So at this point GFP and /or USDA-Wildlife Services would be the contact for that issue.

**Terry Quesinberry**

Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
(605) 224-8693 x234  
[terry\\_quesinberry@fws.gov](mailto:terry_quesinberry@fws.gov)

**From:** Deibert, Pat [[mailto:pat\\_deibert@fws.gov](mailto:pat_deibert@fws.gov)]  
**Sent:** Friday, March 28, 2014 3:10 PM  
**To:** Quesinberry, Terry  
**Subject:** Re: Questions/Concerns for USFWS

Hi Terry -

finally getting to this after the fire drill I was focused on this a.m.

As for the other, see my suggested responses in italics and sage-green font (of course) below!

p

----- Forwarded message -----

From: **Fairbairn, Steve** <[steve\\_fairbairn@fws.gov](mailto:steve_fairbairn@fws.gov)>

Date: Fri, Mar 28, 2014 at 8:21 AM

Subject: Re: Questions/Concerns for USFWS

To: Gillian Bee <[gbee@pheasantsforever.org](mailto:gbee@pheasantsforever.org)>

Cc: Scott Larson <[scott\\_larson@fws.gov](mailto:scott_larson@fws.gov)>, Terry Quesinberry <[terry\\_quesinberry@fws.gov](mailto:terry_quesinberry@fws.gov)>

Hi Gillian, thanks for the insight. I am certainly not the sage grouse expert for the FWS so I am going to defer and forward these questions/comments on to our folks in the Ecological Services office in Pierre.

Steve

On Thu, Mar 27, 2014 at 8:55 AM, Gillian Bee <[gbee@pheasantsforever.org](mailto:gbee@pheasantsforever.org)> wrote:  
Hey Steve,

So I heard back from a few landowners about their concerns with the potential listing of Sage Grouse. It would be great if we could have these addressed by USFWS to ease the landowners minds. I think many of them feel they are not being heard, and are unable to get their questions answered. If USFWS does not have an answer for certain questions that is fine, the landowners would just like a response of some sort...a response of "we do not know" would suffice.

I just want to clarify these are questions/concerns from the landowners and in no way reflect my opinions.

These are related to if SAGR is listed...

*Preamble - these questions are specific to habitat, and the answers may be different if the species is listed AND critical habitat defined. However, its premature to even consider that as the listing analyses have not been completed. Actions that continue to contribute to habitat loss or degradation should be avoided, as that is what got sage-grouse to a warranted determination. If those actions cease, they will be considered positively in our 2015 listing determination.*

- Would USFWS be able to regulate what is done on private lands? If so, how is this regulation enforced? *The ESA applies to all land surfaces regardless of ownership. However, the ESA does not provide a right to trespass on private lands.*
- 
- Would regulations be particular to regions (i.e. Dakotas vs. Great Basin), or would the

regulations be range wide? *This question may be pre-mature as the listing analyses have not been completed. Our decision is range-wide, but we may need to look at smaller areas if we end up discussing distinct population segments. So we can't answer this at this time.*

- 
- Is habitat degradation (sodbusting, burning etc.) on private land considered a take? *If it results in the loss or injury of a bird, yes.*
- 
- Would haying of native range, combining of grass for seed. and breaking ground to plant hayland be considered a take? *If it results in the loss or injury of a bird, yes.*
- 
- What could be regulated on pastures that contain leks? *The ESA applies to all land surfaces regardless of ownership. However, the ESA does not provide a right to trespass on private lands.*

These are related to predation...

- Does USFWS consider predation a threat to SAGR? Is this threat related to the need to list the bird? *Disease and predation are one of the 5 listing factors identified in the ESA.*
- 
- If yes, how does the agency look to address this threat? *Predation did not rise to the level as a primary threat affecting sage-grouse in the 2010 decision. However, the underlying habitat concerns (such as building roads in sagebrush habitats that provide travel corridors for corvids and mammals like fox and raccoon, or providing nesting structures that support avian predators, such as storage tanks) that lead to an excess of predator abundance in localized areas were considered a primary listing factor. While predators may be a problem locally, the efficacy of predator control programs has been limited if the underlying habitat concerns are not also addressed.*
- 
- If no, could the agency explain why they do not see it as a threat? *Please see above*
- 
- Would they ever consider the use of single dose toxicants? *We do not regulate toxicants so if predator control is implemented for whatever reason this question should be posed to the applicator. No poisons should be delivered in a manner inconsistent with the labeling provided by EPA.*
- 
- Producers see more raptors than in the past *We would be happy to receive any data regarding this issue for our consideration.*
- 
- They observe raptors near leks quite often. *Sage-grouse are prey and are frequently consumed by raptors, particularly on leks. the predator/prey dynamic is the result of*

*evolutionary processes and sage-grouse show remarkable adaptations to avoiding predation (e.g. feather mottling). However, unless the predator population is out of balance with the local carrying capacity, which can happen due to changes in habitat quality for sage-grouse, there is no need to interfere with this ecological relationship.*

- 
- What is the agencies thoughts on raptors and SAGR? *Please see above*

Thanks!

Gillian

**Gillian Bee**

**Range & Wildlife Conservationist**

**Pheasants Forever, Inc. and Quail Forever** ...working in partnership with SD Game, Fish, & Parks and NRCS

1837 5th Ave. S. | Belle Fourche, SD 57717

p. (605) 892-3368 x3 | c. (605) 461-9062 | [gbee@pheasantsforever.org](mailto:gbee@pheasantsforever.org)

--

Steve Fairbairn  
DC Booth HNFH  
423 Hatchery Circle  
Spearfish, SD 57783  
office: (605) 642-7730 ext. 212  
cell: (605) 645-2179

--

Pat Deibert  
National Sage-grouse Conservation Coordinator  
U.S. Fish and Wildlife Service  
5353 Yellowstone Road, Suite 308A  
Cheyenne, WY 82009  
307-772-2374, ext. 226

got leks?