

December 22, 2013

Response to Ted Koch remarks of Dec.3, 2013

Sagebrush Ecosystem Council of Dec. 18, 2013

by Max Symonds for Fred Fulstone F.I.M. Corp.

Smith, Nevada

Governor, Brian Sandoval

Sagebrush Ecosystem Council

Ted Koch,

It comes as quite a shock to the whole agriculture and livestock community of Nevada, that the USFWS went against all of their own words and assurances to us regarding the greater sage grouse, and decided to propose a listing of the Bi-State DPS of Sage grouse as “threatened”. They told all of us what we wanted to hear, and went behind our backs and did what they wanted. The USFWS State director Ted Koch said that the Bi-State working group plan was the best he had seen. He applauded the Bi-State working group for all their work and for the implementation of programs of the last 10 years on the sage grouse preservation. The programs put in place with the cooperation of NRCS, the over 16,000 acres of re-furbished pinion/juniper land, the conservation easements that have been secured, and all the hard work and sweat put forth to protect the sage grouse. Yet it all seems to be MOOT. The scientist say that the sage grouse in the Lyon/Mono county region is a separate kind of greater sage grouse than the other sage grouse in the rest of Nevada. A distinct population with a different DNA. The mtDNA [from the female side], is definitely from the Greater Sage Grouse in Nevada and linked to Canada and Washington, but the nuclear DNA[from the male side], is distinct to this area population.

In a document accepted and published in 2005 by the Blackwell Publishing LTD. Entitled “ A MULTILOCUS POPULATION GENETIC SURVEY OF THE GREATER SAGE GROUSE ACROSS THE RANGE, POPULATION GENETICS OF THE GREATER SAGE GROUSE, by S.E. Taylor, S.J.Oyler-McCance , and T.W. Quinn, { USGS Fort Collins Science Center, Rocky Mountain Center for Conservation Genetics and Systematics, Dept. of Biological Sciences, and University of Denver, Denver, Colorado.}, Benedict [et,al] [2003] “it is noted that the Lyon/Mono population represents separation by “ALLOPATRIC FRAGMENTATION” Allopatric fragmentation means, according to Biology 413{ZOOGEOGRPHY}, “ the separation of a population into two or more

geographically isolated populations.” Allopatric fragmentation is considered one of the prime, if not major processes, that promotes evolutionary diversification.” This document also states on page [1307] enclosed, “The Bi-State[Lyon/Mono] population is distinct in a way that could be significant in that genetic variation is relevant and necessary to the health and viability of populations, and should be monitored as a MANAGEMENT UNIT [MU]. As reported, the Lyon/Mono population is significant with divergent alleles of nuclear micro DNA [male], but the mtDNA [female], control region types are not reciprocally [present on both sides] monophyletic [developed from a single ancestral type] greater sage grouse despite most newly arisen DNA within this population. Although the Lyon/Mono population could and would be considered a M.U. { Management Unit} as defined by Moritz [1994], it would **NOT** be considered an **Evolutionary Significant Unit [ESU]**. In a lek breeding species such as the greater sage grouse where few males do most of the mating, sexual selection can act to influence morphological and behavioral traits at a rate much faster than can be tracked genetically. The nuclear DNA can undergo more of a bottleneck relative to mtDNA [female] inherited in most species. Preliminary comparisons of gross morphology [how they look] and the behavior between the surrounding greater sage grouse populations have revealed little or no differences. [S.E. Taylor, unpublished[, Young et al [2000].

The distinct population segment is a term used by the USFWS, BLM, FS, and environmental groups to set apart a small group of Greater sage grouse, to lock up 1.9 million acres of land for a bird they say doesn't and hasn't traveled more than a hundred miles in its thousand years history. Where did logic and science come from in this case? Not from the “best science or commercial data” available. They need to read more and see the WHOLE report, not just the pieces to fit their agenda. The State director of the USFWS stated at the December 3, 2013 meeting of the Bi-State working group, in Bridgeport, California, that the Governors Sagebrush Ecosystem Council, had NO say in the Bi-State sage grouse issue. The governors bill AB461, created a council to oversee ALL the greater sage grouse in Nevada, but according to Mr. Koch, did not apply to or have anything to do with the decisions, processes or consultations regarding the Bi-State DPS of sage grouse. I hereby challenge all the Governors AB461 council [Sagebrush Ecosystem Council], to read said bill and all its amendments, and discuss it again. It clearly states on page 4 of the document that “The State of Nevada has authority to manage ALL wildlife belonging to the State. On July 31, 2012, The Greater Sage Grouse Advisory Committee was created by Executive Order 2012-19, to develop a state specific strategy to conserve the greater sage grouse. It also states on page 4 of Bill AB461, ” Whereas, It is in the interest of this State to bring stakeholders and relevant agency experts together on an ongoing basis to guide the implementation of conservation measures sufficient to preclude the need to list the greater sage grouse, the Bi-State sage grouse, and other species that inhabit sagebrush ecosystems with the state. How can anyone, who knows how to read,

not see what this statement says and determine that the council IS required by Nevada law to address the Bi-State Sage grouse issues. They took an OATH of Office to oversee the sage hen [all species] and to PROTECT Nevada and its people from harm regarding the sage hen [all species]. When a law is broken, there are consequences. At least for most citizens of the State, anyway. This council can clearly see that the sage grouse in Nevada are ALL Greater Sage Grouse, no matter what part of the state they live in. Even the ones you call a DISTINCT POPULATION SEGMENT. They are still in Nevada, and are still Greater sage grouse, no matter how you decide to look at them. In reality, it does not matter what I believe or you believe, the reality is you are obligated by LAW to do EVERYTHING in your power to protect this bird and the people of Nevada. That starts with the Governor and goes down to the lowest Nevada employee. You are here for Us. As for Mr. Koch, of the USFWS, and the Department of the Interior, who propose to list the Bi-State population and possibly the entire greater sage grouse population, that they need to read the “Endangered Species Act of 1973, and see that in Section 4 under the heading of “Determination of Endangered Species and Threatened Species category , letter C, it states, The Secretary of the Interior shall by regulation promulgated in accordance with subsection [b] determine whether a species is an endangered or threatened species because of any or all of the following factors, [c] disease or PREDATION. You changed the original plan that showed predation as a major threat at the top of the list to a threat at the bottom of the list because you did not want to deal with the environmental groups that oppose killing any species to save another. Right or wrong, you are obligated under the law to do just that. Your own scientist, Dr. Peter Coates, wrote in his report, that over 80% of the loss of nesting and chick loss was due to predation. Yet you choose not to address the situation because of it’s political challenges. It also states under the same heading and under [b] Basis of Determination [1]a], “The Secretary shall make determination required by subsection [a][1] solely on the basis of the best scientific and commercial data available to him after the according to a review of the status of the species and after taking into accounts those efforts, if any, being made by any State or foreign nation, or any political subdivision of any state or foreign nation, to PROTECT SUCH SPECIES, WHETHER BY PREDATOR CONTROL, PROTECTION OF HABITAT OR FOOD SUPPLY, OR OTHER CONSERVATION PRACTICES, WITHIN ANY AREAS UNDER ITS JURISDICTION, OR ON THE HIGH SEAS. It is especially important for all parties involved, to read all of Section 4, for it clearly lays out the guidelines which needs to be legally followed for a “threatened or endangered species”. If you are going use the Endangered Species Act for your ulterior motives, then you must abide by the WHOLE Act, not just pieces to suit your agenda. You ALL must be held accountable to the people of Nevada and to the other 11 states which also face the determination on Greater sage grouse. Do what is right. Fight for Nevada, the Greater Sage Grouse, and the Bi-State sage grouse. **Please.**