

FIELD STATIONS ROUTING SLIP

ECOLOGICAL SERVICES OFFICES

- Bismarck, ND MS 62410
- Missouri River Coord MS 61150
- Cheyenne, WY MS 61411
- Cody Suboffice MS 61411
- Colorado River Rcvy Program MS 65115
- Grand Island, NE MS 64412
- Helena, MT MS 61130
- Billings Suboffice MS 61131
- Kalispell Suboffice MS 61132
- Gray Wolf Rcvy Coord MS 61130
- Grizzly Bear Rcvy Coord MS 61140
- Lakewood, CO MS 65412
- Grand Junction Suboffice ... MS 65413
- Laramie, WY / Sybille MS 65417
- Manhattan, KS MS 64411
- Pierre, SD MS 64413
- West Valley City, UT MS 65411

F & W MGMT ASST OFFICES

- CO - Lakewood MS 65320
- MT - Bozeman MS 61310
- Native Fish Coord ... MS 61330
- ND - Missouri River ... MS 62230
- SD - Great Plains MS 64310
- UT - Roosevelt MS 65310
- WY - Lander MS 61320

O T H E R O F F I C E S

- Regional Solicitor's Office MS USDI-SOL-CO

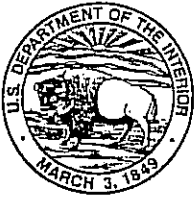
COMMENTS: _____

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ATTENTION: A. PFISTER *AMP*

FROM: C. DAVIS

DATE: 07/06/2004



United States Department of the Interior

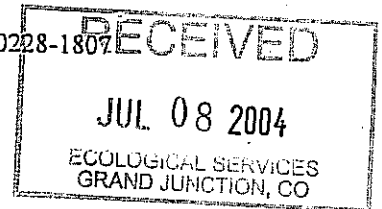
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:
FWS/R6
ES

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807



JUL 02 2004

Memorandum

To: Director (AES/DCC)
Attention: Linus Chen

From: ~~John A. Blawie~~ Regional Director, Region 6

Subject: Proposed Settlement Dates for Listing of the Gunnison Sage-Grouse

In the case of American Lands Alliance et al. v. Norton et al. (1:04CV00434 (RBW)) the Plaintiffs allege that we are in violation of the Endangered Species Act because we have failed to emergency list the Gunnison sage-grouse (*Centrocercus minimus*). The complaint was filed in Federal District Court in Washington, D.C.

The Fish and Wildlife Service designated the Gunnison sage-grouse a candidate species on October 1, 2000, and was assigned a listing priority of 5. While the candidate form was in process a petition was received from American Lands Alliance and others to list the species. Petitioners sued the Service alleging that the candidate status did not preclude the need for a 90-day and/or 12-month finding on the petition. Judge Walton ruled that the Service's Petition Management Handbook is invalid because we did not complete public review on the guidance as required by the Administrative Procedures Act. However, the Judge also concluded that our current Candidate Notice of Review (CNOR) process and forms are equivalent to 12-month findings, thus validating our current warranted but precluded status for the species.

The Gunnison sage-grouse listing priority number was raised from a 5 to a 2 in the 2003 CNOR, because persistent drought continues to hamper conservation actions for the species. This change means that the grouse in one of three highest priority candidates in our Region.

We submit the following date for presentation to the plaintiffs and the court:

Submit a draft listing rule to the Federal Register — September 2, 2005.

Submit a final listing rule to the Federal Register — September 1, 2006.

Please direct any questions on this matter to Jill Parker, Chief of Ecological Services Operations, at (303) 236-4251.

APPROVE _____

DISAPPROVE _____

Date _____

Date _____