COLORADO ACTION PLAN

For

Implementation of Department of the Interior Secretarial Order 3362: "Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors"

INTRODUCTION Colorado Parks and Wildlife (CPW) identified 2 priority migration corridors for elk and mule deer herd units in Colorado. These include the Bear's Ears/White River and San Juan Basin herds. Managers have collected mule deer and elk movement data in these areas and are currently working with stakeholders and agency personnel to identify related research and proactive conservation actions geared towards conserving vital habitats in these herd units.

CPW has also identified a management priority need to upgrade very high frequency (VHF) radio-collars used on mule deer does to satellite collars in our five intensive mule deer monitoring areas (Figure 1.1). Upgrading from VHF to satellite collars would allow managers to collect more robust winter range and migration corridor data. VHF collars are adequate for the primary objective of survival monitoring for mule deer population estimation but not for detailed seasonal range mapping. In order to acquire spatial locations on VHF collared animals, managers must physically locate deer with a fixed wing aircraft. Managers monitor VHF collars for a mortality signal to estimate survival regularly but typically acquire spatial location of each doe only once each winter and once each summer, which is not adequate to map such habitat characteristics as winter range, summer range, migration routes and barriers to migration. Satellite collars would add value to existing efforts by allowing continued monitoring of survival while also mapping winter range, migration routes, and summer ranges for each individually marked animal. Over several years these spatial data would allow us to map seasonal habitats for all five of these priority sentinel mule deer populations, which encompass a significant amount of our western slope mule deer range (Figure 1.1).



Figure 1.1. Colorado mule deer intensive monitoring areas.

Colorado's big game populations face the same threats as most other states in the west, perhaps more due to its geography. Also, Colorado has arguably the greatest amount of habitat and largest herds of elk and mule deer. In the CPW Mule Deer Issues Synthesis, migration corridors are listed as one of the twelve main issues facing mule deer. CPW identifies migration corridors and works with local land use authorities to try to avoid, minimize, and mitigate impacts to these important components of mule deer habitat. Identified threats include increasing human populations, high land prices in landscapes that make it desirable for recreational oriented people to live in these areas thereby increasing road density and housing development in winter range. Urban development near higher elevation ski resorts may be particularly detrimental if they occur in aspen stands or migration corridors. Colorado has also identified threats in their Wildlife Action Plan that pertain to big game migration including the infrastructure associated with oil and gas development, and roads and railroads fragment migration routes for and mule deer.

Secretarial Order 3362 (Appendix C) directs appropriate bureaus (US Fish and Wildlife Service (USFWS), National Park Service (NPS), and Bureau of Land Management (BLM)) within the Department of the Interior (DOI) to work in close partnership with the State of Colorado to

enhance and improve the quality of big-game winter range and migration corridor habitat on federal lands under the management jurisdiction of the DOI in a way that recognizes state authority to conserve and manage big-game species and respects private property rights. Through scientific endeavors and land management actions, wildlife such as Rocky Mountain elk (elk), mule deer (deer), pronghorn antelope (pronghorn), and a host of other species will benefit.

Conditions in the broader landscape may influence the function of migration corridors and sustainability of big game populations. Such conditions may include habitat fragmentation, land use patterns, resource management, or urbanization. The United States Department of Agriculture (USDA), through the USDA Forest Service and USDA Natural Resource Conservation Service, will collaborate with DOI, the state of Colorado, and other natural resource managers across the broader landscape when developing an all-lands approach to research, planning, and management, for ecological resources, to include migration corridors in a manner that promotes the welfare and populations of elk, deer, and pronghorn, as well as the ecological integrity of terrestrial ecosystems in the plan area.

Colorado has approximately 66,387,200 total acres, 23,541,190 or 35% of which are under the management authority of the federal government. The BLM manages 8,354,660 acres the USFS manages 14,509,180 acres and the NPS manages 596,700 acres. Other agencies make up the rest of federal ownership. Also, the State of Colorado owns 2,917,700 acres. There are also private lands throughout big game habitats. This ownership structure requires cooperative partnerships to work across all the habitat categories and ownerships for big game species (Appendix A).

CORRIDORS

<u>#1 Colorado Migration Corridor Priority:</u> Bears Ears and White River Landscape Conservation of Big Game Winter Range and Migratory Routes (Northwest Colorado)

Why the area selected as a priority:

The northwest corner of Colorado is home to two of the largest migratory mule deer and elk herds in Colorado and perhaps the United States. Current population estimates for the Bear's Ears and White River mule deer and elk herd units total 75,000 – 80,000 deer and 65,000 – 70,000 elk. They are also amongst the most migratory deer and elk herds in Colorado. A significant proportion of each herd migrates 60 to 70 miles in spring and fall. The migratory pattern is primarily east-west, with summer ranges in the upper reaches of the Yampa and White River drainages near the Continental Divide and winter ranges west to within about 30 miles of the Colorado-Utah state line. These herds are of high state importance, as they comprise approximately 21% of all deer on the western slope of Colorado and 25% of elk in Colorado, respectively.

Elk populations within these two herds are very robust and provide hunting opportunities for nearly 55,000 hunters annually from across the country. However, mule deer herds in these two herd units, like many other deer herds across the west, have been steadily declining over the past several decades. The White River deer herd in particular has experienced a significant decline in just the last 10-12 years.

Spatial Location:

These adjacent herd units are located within the Yampa and White River drainages between the Colorado-Wyoming state line and the White-Colorado River drainage divide (Figure 1.2).



Figure 1.2 - Bear's Ears (D2) and White River (D7) Herd Management boundaries in northwest Colorado.

Mule deer winter range in this priority area is shown in Figure 1.3, with areas of the highest density of wintering deer shown in the darkest color. Mule deer migratory patterns derived from Brownian Bridge analysis of radio-marked deer are presented in Figure 1.4. Elk winter range and migration patterns are shown in Figures 1.5 and 1.6, respectively.



Figure 1.3 - Mule deer winter ranges in the White River and Bear's Ears herds.



Figure 1.4 - Mule deer migratory routes based on Brownian Bridge movement analysis.



Figure 1.5 - Elk winter ranges in the Bear's Ears and White River herds.



Figure 1.6 - Elk migration corridors based on Brownian Bridge movement analysis.

Habitat Types:

The varied topography and elevations in the Bear's Ears and White River herd units contribute to differences in habitat types across the area. Generally, vegetation types range from the montane/subalpine zone in the eastern and central areas at higher elevations to mountain shrub-dominated vegetation at middle elevations, and to sagebrush shrublands and pinyon-juniper woodlands within the Great Basin zone at the lower elevations in the southern, western and northwestern portions of the herd units.

Spruce-fir and aspen vegetation types characterize the Montane/subalpine zone. Depending on the degree of canopy closure and resultant understory of grasses and forbs, the spruce-fir areas represent moderate to good summer and fall forage for mule deer and elk. Aspen groves and associated meadows provide high quality forage, spring through fall. The Flat Tops Wilderness Area is known for its expansive meadows interspersed with spruce/fir stands. Aspen habitat is also extremely important as fawning areas for mule deer and calving areas for elk, especially when there is sufficient understory.

Mountain shrub zone vegetation consists of native grasses and Gamble's oak interspersed with mountain big sagebrush. Also common are serviceberry, mountain mahogany and chokecherry. This zone, roughly from 6,500 to 8,500 feet in elevation, is very important for both food and cover. The lower half of the zone serves as a large portion of the traditional elk winter range in all but the most extreme winters. Mule deer use the lower fringe of this zone, and the sagebrush steppe at lower elevation for winter range.

Sagebrush steppe and grasslands dominate the Great Basin Zone, occurring generally below the 6,500-foot elevation. This zone is used primarily as winter range by mule deer and elk although there are some smaller bands of both species using these areas year-round. Pinyon-juniper stands are most prevalent on north aspects of higher ridges throughout this zone. Pinyon-juniper serves as important winter cover and provides limited winter forage. In areas where sufficient irrigation water exists, sagebrush fields have been converted for hay production of alfalfa or grasses such as timothy or orchard grass.

During the late 80's and mid-90's large scale burns across much of the winter range have converted habitats dominated by bitterbrush, sagebrush, and pinyon-juniper to grassland habitats. Prior to the burns these areas served as critical mule deer winter range that was converted into large expanses of grasslands suitable for elk but less attractive to mule deer. Wetland/riparian vegetation types are found along the river bottoms and associated irrigated meadows. Most notable is the Yampa River corridor running first north, then east to west across the northern portion of the priority area. The White River runs east to west through the southern portion of the area. Narrowleaf cottonwood and willow dominate most riparian areas in the unit. This habitat is extremely valuable as wildlife habitat and supports the greatest abundance and diversity of wildlife species.

Important Stopover areas within the corridor:

As demonstrated in Figures 1.4 and 1.6, the migratory patterns for mule deer and elk are substantial in both length and the proportion of each herd migrating significant distances seasonally. Initial findings suggest that migration tends to occur quickly and with limited use of migratory stopovers. However, further analysis is needed to identify important stopover areas within the migration corridors.

Landownership:

Landownership is mixed within the White River and Bear's Ears herd units (Figure 1.7). The combined area encompasses 6,992 square miles consisting of the following land ownership proportions: Private lands (45%), Forest Service (30%), Bureau of Land Management (BLM) (20%), State Land Board (4%), and CPW State Wildlife Areas (<1%, approximately 35 sq. mi.).



Figure 1.7 - Surface landownership and conservation easements across the Bear's Ears and White River.

Land Uses:

Federal lands within the White River and Bear's Ears herd units not designated as Wilderness are managed for multiple uses. Common uses include livestock grazing, motorized and non-motorized recreation, and extractive energy development. Mule deer and elk migrate through parcels that have been leased for oil and gas production and active open pit coal mining operations. Private lands in the herd units are primarily used for agricultural purposes and rural residential development.

There are growing concerns that coal mines on privately owned parcels that have reached their life expectancy and are transitioning towards obtaining bond release are selling these acreages to developers interested in rural residential development. This is resulting in a major change in land use for the area and is starting to have a significant impact on both mule deer and elk habitat, particularly winter range in these units.

Hunting for both big and small game is a principal business in this priority area. It is estimated that hunting directly contributes over \$43 million annually to the economy of Moffat, Routt, Rio Blanco and Garfield counties with an additional \$37 million in secondary expenditures (1990 estimates). Hunters can pursue elk, deer, pronghorn, bear, mountain lion, rabbits, and three species of grouse, waterfowl and other game animals in the priority area.

Risk/Threats:

CPW developed a West Slope Mule Deer Strategy in 2014 that identified a list of issues affecting mule deer populations in Colorado. Those issues include: habitat quality, habitat quantity, predation, weather, highway mortality, disease and disease management, competition with elk, recreation, migration corridors, hunting demands, doe harvest, and population modeling/management. Habitat quality and quantity issues are further subdivided into poor forage conditions, large-scale type conversion of habitat, loss of habitat to oil and gas and other energy development, and residential expansion.

Are the Risk/Threats Immediate or Long-term:

Some of these risks are operating over the long-term; others like rural residential development are more immediate. Winter ranges in this priority area are heavily utilized by big game wildlife and domestic livestock. Current severe drought conditions have decreased forage quantity and quality in 2018, on top of a longer term concern that key shrubs used as winter forage by big game are in relatively poor condition over significant portions of the priority area. Northwestern Colorado contains some of the richest oil, gas, oil shale and coal reserves in the state. While current energy commodity prices and relatively high cost of production have reduced the pace of oil and gas development since 2009, it is expected to ramp up quickly when natural gas prices rise. Rural residential development is proceeding at a rapid pace in several areas within the priority area. Migrating animals in this priority area are exposed to three highways (U.S. Highway 40, Colorado State Highway 13, and Colorado State Highway 64) that bisect the long migratory path. Annual mortality of mule deer from highway collisions in the area is estimated to be approximately 2% of the deer in each herd (equal to approximately 1600 deer annually). Elk mortality is lower but is substantial. Efforts to improve highway safety on these highways would devastate these migratory paths if done without proper design and installation of highway crossing mitigations.

Actions necessary to reduce or eliminate risks/threats:

CPW has completed a comprehensive program of monitoring and research in this priority area and has made substantial steps to implement habitat enhancement and land protection measures. The greatest future need in this priority area is funding to implement additional habitat enhancement, conservation easement acquisition, and highway permeability/crossing projects. Funds allocated to this priority area would contribute to an existing landscape-scale mule deer and elk management program with a demonstrated record of success. A current work plan for habitat improvement projects, included with this plan, has \$531,000 of unmet funding. The work plan identifies multiple projects that include the following actions: prescribed fire; mechanical treatment of pinyon-juniper woodlands and mesic mountain shrub stands through roller chopping, hydroaxe mastication, understory enhancement on rangelands and abandoned dryland agricultural fields through reseeding or interseeding with diverse seed mixes including sagebrush and other shrubs; and other practices to reset succession or otherwise improve forage quality, quantity, and/or availability of forage to migrating or wintering big game.

Current efforts (what is the activity; who is conducting the work; and partners involved):

In response to declining deer numbers in western Colorado, CPW implemented a mule deer strategy beginning in 2014. The goal of the mule deer strategy is to work in concert with key publics and stakeholders to stabilize, sustain, and increase mule deer populations in western Colorado, and in turn, increase hunting and wildlife-related recreational opportunities. CPW has focused considerable management efforts on the Bear's Ears and White River herds.

Since 2001, CPW has been monitoring mule deer survival in the White River herd. This management study has allowed managers to identify critical winter ranges and migratory routes across the herd unit. In 2012, a similar management study was initiated in the Bear's Ears herd unit. These two studies have provided managers with valuable insights to inform management decisions.

In addition to the survival studies, managers have also been very active in implementing landscape scale habitat treatments (Figure 1.8). Significant acreage has been treated across the Bear's Ears and White River herd units to enhance habitat quality for big game, but this acreage constitutes only a small portion of this landscape. The objective of this landscape scale project is to increase the ratio of forage to cover available for big game, primarily mule deer and elk.

CPW initiated an additional project to assess big game use and response to these landscape scale treatments. This project is ongoing and will provide managers with critical temporal and spatial data to evaluate the use of current habitat treatments and help guide future habitat improvement efforts and strategies across the landscape.

In addition to these management studies, CPW has implemented several research projects to identify potential factors limiting these herds. CPW recently completed a 10-year research

project in the Piceance Basin (the southwestern portion of the White River herd unit) to assess the effects of oil and gas development on mule deer migration and to evaluate the effectiveness of industry best management practices in alleviating these effects. CPW is in the middle of a research project in a smaller portion of the same area to assess the effects of large carnivore predation on neo-natal survival of mule deer fawns.

While all of these studies have provided wildlife managers with important data to make more informed management decisions, perhaps more importantly, they have also identified the need to secure funding to continue working at a scale that will maintain the functional integrity of the landscapes these large migratory big game herds operate on. Radio telemetry studies conducted in these two herds to date have demonstrated the scale at which wildlife managers need to apply management actions such as habitat treatments, highway crossings, and the protection of important seasonal habitats through conservation easements.

Unlike many places in Colorado, the landscapes within these two herd units are relatively open, intact and undeveloped. This provides for a unique opportunity to protect these landscapes through conservation easements if funding were available. Currently there is significant interest from private landowners in Colorado's Wildlife Habitat Program (CWHP). In fact, the interest from private landowners exceeds the funding resources available to purchase easements. Leveraging CWHP funds with additional funding sources would be ideal to fulfill the demand for conservation easements. CWHP core funding comes from habitat stamp fees, a \$10 fee charged to everyone ages 18-64 that purchases Colorado hunting or fishing license. These funds are used to protect important wildlife habitat through voluntary conservation easements or fee title acquisition. Some of the easements also provide public access to private land for hunting, fishing, and other wildlife related recreation. Often times these habitat funds are used in combination with funds from Great Outdoors Colorado (GOCO), NGOs, and land trusts to purchase conservation easements. Through 2017, a number of key areas have been protected under conservation easement through various partnerships with land trusts, NGOs, GOCO, and CWHP funds (Figure 1.9). There are still a number of important areas worthy of additional protection.



Figure 1.8 - Habitat treatments implemented across landscape in the Bear's Ears and White River herd.



Figure 1.9 - Conservation easements protecting important wildlife habitats across the Bear's Ears and White River.

Cost of current or needed habitat treatments; road crossings etc.:

The large landscape scale need for habitat treatments, conservation easements, and highway crossing/fencing structures necessary to improve the Bear's Ears and White River network for migration corridors would be very costly and could reach several million dollars. CPW is conducting approximately 2000 acres of habitat enhancement with our federal and local partners annually within this priority area. There is a large backlog of identified projects for which funding has not been acquired. CPW could implement an additional 1500 to 2000 acres of habitat enhancement annually within this area. Average cost per acre for these enhancement projects is approximately \$250/acre. Two thousand additional acres of habitat enhancement would cost approximately \$500,000. CPW's Habitat Protection Program brings \$11 million or more each year to the purchase of conservation easements that protect wildlife habitat values. Properties within this priority area consistently rank highly in each year's allocation. Easements are generally multi-million dollar expenditures, so the need for additional funding is essentially endless. Highway crossing structures can cost up to \$1 million each. Currently, CDOT and CPW has \$200,000 for the design of highway crossing structures in key crossing areas.

Other Issues for awareness:

None

#2 Colorado Migration Corridor Priority: San Juan Basin (Southwest Colorado)

Why the area selected as a priority:

This corridor spans Game Management Units (GMUs) 75/77/78/751/771 in the San Juan Basin (elk herd DAU E31 and deer herd D30). Deer and elk movement patterns have been documented in the last 15 years through a combination of CPW, Southern Ute Tribe, and consultant studies. The area is home to about 27,000 deer and 19,000 elk using several significant migration routes. This area contains the second largest deer herd in Colorado, and the third largest elk herd. This area has the added benefit of being multi-jurisdictional- USFS, BLM, Southern Ute Tribe and private, as well as interstate movements into New Mexico. This corridor has been identified as a focal area for GOCO wildlife crossing structure with CDOT.

Spatial Location:

The San Juan Basin is located in the southwest part of Colorado. The southern boundary is the New Mexico state line, and the eastern and northern boundaries are the Continental Divide, with the Animas River being the western boundary.



Figure 2.1 - Location of the San Juan deer and elk herds in southwest Colorado.

Habitat Types:

The climate is a highland or mountain climate, characterized by cool springs and falls, warm summers and moderately cold winters. Average precipitation and snowfall for Durango are 18 and 63 inches per year respectively. Snowfall increases dramatically moving to the east and toward the Continental Divide, approaching 250-300 inches per year. Vegetative types include: alpine over 12,000 feet elevation, spruce/fir stands down to 10,000 feet, oakbrush, serviceberry, and ponderosa pine above 7,000 feet, and pinyon/juniper/sagebrush and agricultural fields below 7,000 feet.

The amount and quality of winter range is the limiting factor for this deer and elk herd. Winter range is primarily on private land, with the remainder located on the Southern Ute Tribe and public lands. These lands are becoming more limited with human encroachment.

Important Stopover areas within the corridor:

Recent studies by CPW, the Southern Ute Tribe, and WEST, Inc. utilizing GPS-collars have identified numerous discrete migration corridors, highway crossings, and stop-over areas for various segments of the San Juan deer and elk herds. Previous studies with VHF-collars demonstrate landscape scale connectivity.



Figure 2.2 - Composite map of recent deer studies by CPW, Southern Ute Tribe, and West, Inc. using GPS collars. Map contains data shared by Aran Johnson (Southern Ute Tribe) and Hall Sawyer (WEST, Inc).



Figure 2.3 - Deer movement data in the San Juan Basin, Colorado, 1998-2008.



Figure 2.4 - Elk movement data from the San Juan Basin, Colorado, 1993-2006.

Landownership:

Winter range is primarily privately owned (51%), the Southern Ute Tribe owns 20%, and the remaining 28% of winter range is publicly managed. Twenty-nine percent of the winter range and 15% of the severe winter range occur on public lands.

		Winter	Winter	Severe	DAU
		Range	Concentration	Winter	
				Range	
TOTAL	DAU	1295 (46%)	135 (5%)	779 (28%)	2795 (100%)
	Square miles				
	BLM	26 (2%)	6 (4%)	12 (1%)	63 (2%)
	BOR	2 (<1%)	0	2 (<1%)	8 (<1%)
	CPW	1 (<1%)	0	1 (<1%)	2(<1%)
	USFS	332 (26%)	25 (19%)	98 (13%)	1545 (55%)
Public		361 (28%)	31 (23%)	113 (15%)	1618 (58%)
Access					
	Southern Ute	264 (20%)	7 (5%)	183 (23%)	320 (12%)
	Private	663 (51%)	94 (70%)	480 (62%)	849 (30%)
	State of CO	7 (<1%)	3 (2%)	3 (<1%)	8 (<1%)
Private		934 (72%)	104 (77%)	666 (85%)	1177 (42%)
Access					

Table 1. Land ownership in relation to deer and elk habitat use in the San Juan Basin, Colorado.

Land Uses:

The area has seen extensive exurban development in the previous 20 years, replacing a primarily agricultural setting with rural residential. Few large landowners remain. In addition, extensive natural gas extraction has occurred, with associated road and pipeline corridors. In order to accommodate the exurban development, the highway system is stressed with high volume and high speed traffic. Numerous wildlife crossings have been identified with previous radio collar studies, as well as wildlife collisions (Western Slope Wildlife Prioritization Study, CDOT).



Figure 2.5 - Deer winter activity uses of the San Juan Basin, Colorado.



Figure 2.6 - Elk winter activity areas in the San Juan Basin, Colorado.

Risk/Threats:

Development on Winter Range and Migration Corridors

Exurban development is occurring on much of the winter range and migration corridors in the San Juan Basin. Managers and the public are increasingly concerned over cumulative and prolonged impacts disrupting migration and decreasing quality and quantity of winter range. Development influences both carrying capacity and harvest management. Development is a wide spread issue, but it is a considerably larger problem in the western portions of the San Juan Basin and around Pagosa Springs.

Winter range is already limited and the habitat type that is most at risk by development. Deer and elk eat less and lose weight during the winter and to conserve energy they limit physical activity. Any type of disturbance will cause a deer or elk to use more energy during this critical time and lead to a higher chance of that animal dying. It can also influence reproduction success and survival of fawns or calves born later that same year.

Migration corridors are needed for deer and elk to access important summer and winter ranges. The largest and most productive deer populations in the west are migratory. Development and barriers that disrupt migration can have a direct bearing on an individual animal's health, survival and reproductive success.

As the primary land use continues to transition from agricultural to rural residential, it is imperative to maintain connectivity between summer ranges and winter ranges located on public and tribal lands. This will involve strategic placement of highway crossing structures and land protection through conservation easements. Secondly, the remaining winter and transition ranges must be maintained in the best condition possible.

Are the Risk/Threats Immediate or Long-term:

Immediate: Critical parcels of land continue to be developed, creating higher traffic volumes into Durango/Bayfield and Pagosa Springs. Opportunities for land protection are being replaced by subdivisions. *Long Term:* As development continues and highways are stressed, the highway corridors will be expanded in order to accommodate the volume of traffic.

Actions necessary to reduce or eliminate risks/threats:

Primarily, the need is to maintain connectivity between deer/elk summer and winter ranges, creating corridors for movement and for safe passage across Highways 160 and 84. To help identify these migration corridors, GPS-quality deer and elk data is needed in the central portion of the DAU's (called the HD Mountains, primarily publicly owned).

Current efforts (what is the activity; who is conducting the work; and partners involved):

CPW, CDOT, SUI Tribe, USFS, BLM are all partners in various efforts. The Western Slope Wildlife Prioritization Study (CPW, CDOT) is nearing completion in strategically mapping deer and elk corridors across the western slope of Colorado in relation to highways, and will result in identifying significant wildlife crossing areas. This has already led to a partnership with the Southern Ute Tribe and Great Outdoors Colorado that will develop a major wildlife crossing structure on the east side of the HD Mountains.

Cost of current or needed habitat treatments; road crossings etc.:

The large scale habitat treatments and highway crossings structures and fencing necessary to maintain the San Juan Basin deer and elk herds' network of migration corridors would be very costly and could reach several million dollars.

Other Issues for awareness: None known.

RESEARCH NEEDS

Colorado #1 Research Priority North Park Mule Deer Herd

Why the area selected as a priority:

The number of winter-resident deer in the North Park herd has declined in recent years. Preliminary radio-telemetry information from Wyoming to the north and the Middle Park herd to the south suggest that a large number of the mule deer present in North Park in the summer months migrate to either Wyoming or Middle Park and spend much of the fall hunting season and all winter in these areas outside North Park. Additional radio-telemetry data on mule deer would be of great value in understanding seasonal habitat use and migration patterns of this deer herd. In particular, fine scale (i.e., GPS/satellite) telemetry information would allow greater understanding of the changes that have occurred in mule deer wintering distribution, the proportion of mule deer migrating out of the herd unit to Wyoming and Middle Park, the specific corridors used by mule deer during these migrations, the timing of the migration relative to hunting seasons, and the out-of-area winter ranges used by these deer. This information would support a better-tuned management approach to this deer herd.

Spatial Location:

The North Park mule deer herd is located in the headwaters basin of the North Platte River in north-central Colorado. The northern boundary of the herd unit is the Wyoming-Colorado state line. The Continental Divide lies along the western boundary of the herd unit, with Rocky Mountain National Park to the southeast. The Middle Park Basin lies to the south of the North Park herd unit.

Habitat Types:

The North Park herd occupies a high-mountain park that is surrounded on the east, south and west by mountain ranges. The periphery of the Park is comprised of mountains ranging from alpine habitats at the highest elevations to coniferous timber with interspersed aspen stands. Significant areas of coniferous timber have experienced heavy pine beetle mortality over the past decade. The base of North Park is at approximately 8000 feet in elevation. It is characterized by

extensive areas of sagebrush steppe uplands, separated by large willow-dominated riparian areas and extensive irrigated hay meadows.

Important Stopover areas within the corridor:

Unknown-only limited telemetry information is available for this herd unit.

Landownership:

Land ownership in the North Park herd unit is 36% private land, 12% state land and 52% federal land. The Routt National Forest covers 32% of the herd unit and most of the mountainous areas that surround the park. The Bureau of Land Management (BLM) property, 18.2%, is primarily sagebrush habitat in the center of the park where a majority of the private land is also located. The Colorado State Forest, 6.8%, is found on the east side of the park. The Arapaho National Wildlife Refuge, 1.7%, manages important waterfowl and big game habitat in the center of the park. State Trust Lands, 4.9%, are primarily sagebrush habitat with some aspen and mixed conifer.

Land Uses:

North Park is one of the more remote and least developed areas in northwestern Colorado. The principal land use in North Park is agriculture, principally irrigated hay production on private lands and domestic livestock grazing on all land ownerships. The area receives significant recreational activity (fishing, hunting, off-highway vehicle use). Oil and gas development has ramped up over the past five years, and shows the potential to expand in the future. The rate of residential development is relatively low.

Risk/Threats:

Anthropogenic threats to wildlife are relatively low in North Park. Most current land uses appear to be consistent with long-term wildlife conservation. The area of greatest concern is the increasing pace of oil and gas development on the valley floor. Severe winter conditions are the greatest annual risk to big game in North Park.

Are the Risk/Threats Immediate or Long-term:

North Park is known for its winters-severe winter conditions are an every year possibility in North Park. Oil and gas development is increasing year-by-year, but still remains relatively low compared to other areas within northwestern Colorado.

Actions necessary to reduce or eliminate risks/threats:

Few risks/threats are amenable to intervention (e.g., severe winter conditions) or are of a sufficient degree to require intervention at present. The principal current need in this population is better knowledge of how deer use North Park and surrounding areas through the year.

Current efforts (what is the activity; who is conducting the work; and partners involved):

Some radio-telemetered deer from Wyoming and Middle Park have been observed using North Park in the summer. No Colorado-specific telemetry data is available for this herd.

Cost of current or needed habitat treatments; road crossings etc.:

Application of satellite transmitters to a minimum of 40 doe deer would provide a better assessment of habitat use and timing/pattern of migration. This information would improve understanding of seasonal habitat use and migration patterns in this deer herd. In particular, fine scale (i.e., GPS/satellite) telemetry information would allow greater understanding of the changes that have occurred in mule deer wintering distribution, the proportion of mule deer migrating out of the herd unit to Wyoming and Middle Park, the specific corridors used by mule deer during these migrations, the timing of the migration relative to hunting seasons, and the out-of-area winter ranges used by these deer. Costs to implement this action include \$60,500 for capture efforts, satellite transmitter collars, and initial year of airtime for monitoring, followed by \$10,000/year for an additional 2-3 years of monitoring and maintaining the sample of 40 deer with transmitters. This information would support a better-tuned management approach to this deer herd.

Other Issues for awareness:

None

Colorado #2 Research Priority San Juan Basin (Southwest Colorado)

Why the area selected as a priority:

Deer and elk movement patterns in the San Juan Basin have been documented in the last 15 years through a combination of CPW, Southern Ute Tribe, and consultant studies. However, our understanding of the movements of big game in this area remains limited to several significant migration routes. Specific corridors used by deer and elk have not been clearly identified. This area has the added benefit of being multi-jurisdictional- USFS, BLM, and Southern Ute Tribe, and private, as well as interstate movements into New Mexico. This corridor has been identified as a focal area for GOCO wildlife crossing structure with CDOT. In particular, fine scale (i.e., GPS/satellite) telemetry information would allow greater understanding of the changes that have occurred in wintering distribution of mule deer and elk, the proportion of both species migrating out of the herd unit to New Mexico, the specific corridors used by big game during these migrations, the timing of the migration relative to hunting seasons, and the out-of-area winter ranges used. This information would support a better-tuned management approach to both deer and elk herds.

Spatial Location:

The San Juan Basin is located in the southwest part of Colorado. The southern boundary is the New Mexico state line, and the eastern and northern boundaries are the Continental Divide, with the Animas River being the western boundary.

Habitat Types:

The climate is a highland or mountain climate, characterized by cool springs and falls, warm summers and moderately cold winters. Average precipitation and snowfall for Durango are 18 and 63 inches per year respectively. Snowfall increases dramatically moving to the east and toward the Continental Divide, approaching 250-300 inches per year. Vegetative types include: alpine over 12,000 feet elevation, spruce/fir stands down to 10,000 feet, oakbrush, serviceberry, and ponderosa pine above 7,000 feet, and pinyon/juniper/sagebrush and agricultural fields below 7,000 feet.

The amount and quality of winter range is the limiting factor for this deer and elk herd. Winter range is primarily on private land, with the remainder located on the Southern Ute Tribe and public lands. These lands are becoming more limited with human encroachment.

Important Stopover areas within the corridor:

Recent studies by CPW, the Southern Ute Tribe, and WEST, Inc. utilizing GPS-collars have identified numerous discrete migration corridors, highway crossings, and stop-over areas for various segments of the San Juan deer and elk herds. Previous studies with VHF-collars demonstrate landscape scale connectivity.

Landownership:

Winter range is primarily privately owned (51%), the Southern Ute Tribe owns 20%, and the remaining 28% of winter range is publicly managed. Twenty-nine percent of the winter range and 15% of the severe winter range occur on public lands.

Land Uses:

The area has seen extensive exurban development in the previous 20 years, replacing a primarily agricultural setting with rural residential. Few large landowners remain. In addition, extensive natural gas extraction has occurred, with associated road and pipeline corridors. In order to accommodate the exurban development, the highway system is stressed with high volume and high speed traffic. Numerous wildlife crossings have been identified with previous radio collar studies, as well as wildlife collisions (Western Slope Wildlife Prioritization Study, CDOT).

Risk/Threats:

Development on Winter Range and Migration Corridors

Exurban development is occurring on much of the winter range and migration corridors in the San Juan Basin. Managers and the public are increasingly concerned over cumulative and prolonged impacts disrupting migration and decreasing quality and quantity of winter range. Development influences both carrying capacity and harvest management. Development is a wide spread issue, but it is a considerably larger problem in the western portions of the San Juan Basin and around Pagosa Springs.

Winter range is already limited and the habitat type that is most at risk by development. Deer and elk eat less and lose weight during the winter and to conserve energy they limit physical activity. Any type of disturbance will cause a deer or elk to use more energy during this critical time and lead to a higher chance of that animal dying. It can also influence reproduction success and survival of fawns or calves born later that same year.

Migration corridors are needed for deer and elk to access important summer and winter ranges. The largest and most productive deer populations in the west are migratory. Development and barriers that disrupt migration can have a direct bearing on an individual animal's health, survival and reproductive success.

As the primary land use continues to transition from agricultural to rural residential, it is imperative to maintain connectivity between summer ranges and winter ranges located on public and tribal lands. This will involve strategic placement of highway crossing structures and land protection through conservation easements. Secondly, the remaining winter and transition ranges must be maintained in the best condition possible.

Are the Risk/Threats Immediate or Long-term:

Immediate: Critical parcels of land continue to be developed, creating higher traffic volumes into Durango/Bayfield and Pagosa Springs. Opportunities for land protection are being replaced by subdivisions. *Long Term:* As development continues and highways are stressed, the highway corridors will be expanded in order to accommodate the volume of traffic.

Actions necessary to reduce or eliminate risks/threats:

Primarily, the need is to maintain connectivity between deer/elk summer and winter ranges, creating corridors for movement and for safe passage across Highways 160 and 84. To help identify these migration corridors, GPS-quality deer and elk data is needed in the central portion of the DAU's (called the HD Mountains, primarily publicly owned).

Current efforts (what is the activity; who is conducting the work; and partners involved):

CPW, CDOT, SUI Tribe, USFS, BLM are all partners in various efforts. The Western Slope Wildlife Prioritization Study (CPW, CDOT) is nearing completion in strategically mapping deer and elk corridors across the western slope of Colorado in relation to highways, and will result in identifying significant wildlife crossing areas. This has already led to a partnership with the Southern Ute Tribe and Great Outdoors Colorado that will develop a major wildlife crossing structure on the east side of the HD Mountains.

Cost of current or needed habitat treatments; road crossings etc.:

Application of satellite transmitters to a minimum of 40 doe deer and 40 cow elk would provide a better assessment of habitat use and timing/pattern of migration. This information would improve understanding of seasonal habitat use and migration patterns in this deer herd. In particular, fine scale (i.e., GPS/satellite) telemetry information would allow greater understanding of the changes that have occurred in wintering distributions of deer and elk, the proportion of these populations that migrate out of the herd unit to New Mexico, the specific corridors used by deer and elk during these migrations, the timing of the migration relative to hunting seasons, and the out-of-area winter ranges used by both big game species. Costs to implement this action include \$121,000 for capture efforts, satellite transmitter collars, and initial year of airtime for monitoring, followed by \$20,000/year for an additional 2-3 years of monitoring and maintaining the samples of 40 deer with transmitters and 40 elk with transmitters. This information would support a better-tuned management approach to both the deer and elk herds.

The large scale habitat treatments and highway crossings structures and fencing necessary to maintain the San Juan Basin deer and elk herds' network of migration corridors would be very costly and could reach several million dollars.

Other Issues for awareness:

None

CURRENT ACTIVITIES

Colorado West Slope Mule Deer Strategy 2014 (link to web page: <u>http://cpw.state.co.us/learn/Pages/CO-WestSlopeMuleDeerStrategySummit.aspx</u>) includes seven primary strategic priorities, of which 4 are directly linked to this SO:

- 1) Landscape-scale habitat management to improve habitat quality,
- 2) Predator management where predation may be limiting deer survival,
- 3) Protect habitat and mitigate development impacts to lesson rates of habitat loss,
- 4) Reduce the impacts of highways on mule deer survival, movements and migration,
- 5) Reduce the impacts of human recreation on mule deer,

- 6) Regulate doe harvest and provide youth opportunity,
- 7) Maintain a strong ungulate population and disease monitoring program and conduct applied research to improve management of deer populations

The Western Slope Wildlife Prioritization Study (CPW, CDOT) is nearing completion in strategically mapping deer and elk corridors across the western slope of Colorado in relation to highways, and will result in identifying significant wildlife crossing areas.

SAM species activity mapping which provides information on wildlife distributions to public and private agencies and individuals, for environmental assessment, land management resource planning and general scientific reference.

Colorado Parks and Wildlife has identified threats in their Wildlife Action Plan (SWAP) that pertain to big game migration. Oil and Gas, roads and railroads, habitat fragmentation specifically mentions elk and mule deer. Link to SWAP: http://cpw.state.co.us/aboutus/Pages/StateWildlifeActionPlan.aspx)

Appendix A Landownership





Appendix B: Future work: additional corridors for future consideration:

Additional Corridors

Southwest Colorado

Two other corridor networks are nominated in descending order, considering immediacy of threats, potential for management actions to influence outcomes, and availability of partners:

1- Gunnison Basin. Kevin Blecha wrote the attached 4 page document (The Gunnison Basin Ungulate Migration Project scoping project), identifying a functioning and relatively intact "network" in the Gunnison Basin, but one under threat.

2- South San Juan Mountains, specifically GMU's 80/81 and 78. This is another well documented pattern on USFS, BLM lands, and just south in New Mexico; deer and elk herds going east (Platoro Reservoir, Conejos River), west (San Juan River) and south (New Mexico). These herds number about 6000 elk and 6000 mule deer.

Northeast Colorado

Two priority corridors have been identified involving big game crossings of major roadways:

1- A stretch of I-70 from Morrison exit through Floyd Hill (see: Deer WR and movement areas I70.PNG). Floyd Hill is already on the radar screen for CDOT work on crossing structures.

2- Across Kenosha Pass and HWY 285, near Red Hill

Southeast Colorado

1- Mule deer winter range in GMU 49 near Buena Vista: Since 1999, we have been monitoring deer that were captured in this area for our annual survival studies. Over those years, and more recently with the use of GPS collars, we have identified movements of deer from this winter range to the north through the 10-mile mountain range and into Summit County over Hoosier Pass. It has become apparent that the winter range in this area attracts deer from quite a distance on neighboring summer ranges. The movement corridor is primarily comprised of forest service lands with the primary threat being recreation. The winter range is made up of both Private and public ownership, with the primary threat on private lands being subdivision for housing.

2- Raton Pass – Historically, we have observed movement of deer and elk across I-25 at Raton pass between Trinidad and the NM state line. Recently, we found out that the NM Department of Transportation would like to fence their side of Raton Pass and end the fencing at the state line. If their plans are still the same, they do not have the funds to add many crossing structures

in this stretch. If these plans are realized, we have the potential for increased highway crossings by big game on the Colorado side of this corridor. At this time, we do not have spatial data to understand big game movement across I-25 in this area.

Our pronghorn project has helped us understand some of the movements of pronghorn on the eastern plains, but we are generally speaking of a fairly small number of animals and nothing terribly significant. We have a number of elk herds where we would like to better understand movements. Those include elk in E-22, E-27, E-28 and E-33. If an opportunity existed through this order, it would be good to examine movements in these herds and identify travel corridors and DAU boundaries.

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<u>APPENDIX C:</u> Department of the Interior Secretarial Order 3362: Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors

ORDER NO. 3362

Subject: Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors

Sec. 1 **Purpose**. This Order directs appropriate bureaus within the Department of the Interior (Department) to work in close partnership with the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enhance and improve the quality of big-game winter range and migration corridor habitat on Federal lands under the management jurisdiction of this Department in a way that recognizes state authority to conserve and manage big-game species and respects private property rights. Through scientific endeavors and land management actions, wildlife such as Rocky Mountain Elk (elk), Mule Deer (deer), Pronghorn Antelope (pronghorn), and a host of other species will benefit. Additionally, this Order seeks to expand opportunities for big-game hunting by improving priority habitats to assist states in their efforts to increase and maintain sustainable big game populations across western states.

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, as well as the Department's land and resource management authorities, including the following:

a. Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701, et seq.;

b. U.S. Geological Survey Organic Act, as amended, 43 U.S.C. 31, et seq.;

c. National Wildlife Refuge System Improvement Act of 1997, as amended,

16 U.S.C. 668dd et seq.; and

d. National Park Service Organic Act of 1916, as amended, 54 U.S.C. 100101, et seq.

Sec. 3 **Background**. The West was officially "settled" long ago, but land use changes continue to occur throughout the western landscape today. Human populations grow at increasing rates with population movements from east and west coast states into the interior West. In many areas, development to accommodate the expanding population has occurred in important winter habitat and migration corridors for elk, deer, and pronghorn. Additionally, changes have occurred across large swaths of land not impacted by residential development. The habitat quality and value of these areas crucial to western big-game populations are often degraded or declining.

The Bureau of Land Management (BLM) is the largest land manager in the United States (U.S.) with more than 245 million acres of public land under its purview, much of which is found in Western States. The U.S. Fish and Wildlife Service (FWS) and National Park Service (NPS) also manage a considerable amount of public land on behalf of the American people in the West. Beyond land management responsibilities, the Department has strong scientific capabilities in the U.S. Geological Survey (USGS) that can be deployed to assist State wildlife agencies and Federal land managers. Collectively, the appropriate bureaus within the Department have an opportunity to serve in a leadership role and take the initiative to work closely with Western States on their priorities and objectives as they relate to big-game winter range and migration corridors on lands managed by the Department.

Consistent with the American conservation ethic, ultimately it is crucial that the Department take action to harmonize State fish and game management and Federal land management of big-game winter range and corridors. On lands within these important areas, if landowners are interested and willing, conservation may occur through voluntary agreements.

Robust and sustainable elk, deer, and pronghorn populations contribute greatly to the economy and well-being of communities across the West. In fact, hunters and tourists travel to Western States from across our Nation and beyond to pursue and enjoy this wildlife. In doing so, they spend billions of dollars at large and small businesses that are crucial to State and local economies. We have a responsibility as a Department with large landholdings to be a collaborative neighbor and steward of the resources held in trust.

Accordingly, the Department will work with our State partners and others to conserve and/or improve priority western big-game winter range and migration corridors in sagebrush ecosystems and in other ecotypes as necessary. This Order focuses on the Western States of: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. These States generally have expansive public lands with established sagebrush landscapes along with robust big-game herds that are highly valued by hunters and tourists throughout the Nation.

The Department has broad responsibilities to manage Federal lands, waters, and resources for public benefit, including managing habitat to support fish, wildlife, and other resources. Secretary's Order 3356, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories," (SO 3356) was issued on September 15, 2017. SO 3356 primarily focused on physical access to lands for recreational activities, particularly hunting and fishing. This Order is focused on providing access to big game animals by providing direction regarding land management actions to improve habitat quality for big-game populations that could help ensure robust big-game populations continue to exist. Further, SO 3356 includes a number of directives related to working with States and using the best available science to inform development of guidelines, including directing relevant bureaus to:

a. Collaborate with State, tribal, and territorial fish and wildlife agencies to attain or sustain State, tribal, and territorial wildlife population goals during the Department's land management planning and implementation, including prioritizing active habitat management

projects and funding that contributes to achieving wildlife population objectives, particularly for wildlife that is hunted or fished, and identifying additional ways to include or delegate to States habitat management work on Federal lands; b. Work cooperatively with State, tribal, and territorial wildlife agencies to enhance State, tribe, and territorial access to the Department's lands for wildlife management actions; c. Within 180 days, develop a proposed categorical exclusion for proposed projects that utilize common practices solely intended to enhance or restore habitat for species such as sage grouse and/or mule deer; and d. Review and use the best available science to inform development of specific guidelines for the Department's lands and waters related to planning and developing energy,

transmission, or other relevant projects to avoid or minimize potential negative impacts on wildlife.

This Order follows the intent and purpose of SO 3356 and expands and enhances the specific directives therein.

Sec. 4 **Implementation**. Consistent with governing laws, regulations, and principles of responsible public stewardship, I direct the following actions:

a. With respect to activities at the national level, I hereby direct the BLM, FWS, and NPS to:

(1) Within 30 days, identify an individual to serve as the "Coordinator" for the Department. The Coordinator will work closely with appropriate States, Federal agencies, nongovernmental organizations, and/or associations to identify active programs focused on big- game winter range and/or migration corridors. The programs are to be organized and cataloged by region and other geographic features (such as watersheds and principles of wildlife management) as determined by the Deputy Secretary, including those principles identified in the Department's reorganization plan.

(2) Within 45 days, provide the Coordinator information regarding:

(i) Past and current bureau conservation/restoration efforts on winter range and migration corridors;

(ii) Whether consideration of winter range and corridors is included in appropriate bureau land (or site) management plans;

(iii) Bureau management actions used to accomplish habitat objectives in these areas;

(iv) The location of areas that have been identified as a priority for conservation and habitat treatments; and

(v) Funding sources previously used and/or currently available to the bureau for winter range and migration corridor conservation/restoration efforts.

(3) Within 60 days, if sufficient land use plans are already established that are consistent with this Order, work with the Coordinator and each regional Liaison (see section 4b) to discuss implementation of the plans. If land use plans are not already established, work with the Coordinator and each regional Liaison to develop an Action Plan that summarizes information collected in section 4 (a) (1) and (2), establishes a clear direction forward with each State, and includes:

(i) Habitat management goals and associated actions as they are associated with big game winter range and migration corridors;

(ii) Measurable outcomes; and

(iii) Budgets necessary to complete respective action(s).

b. With respect to activities at the State level, I hereby direct the BLM, FWS, and NPS to:

(1) Within 60 days, identify one person in each appropriate unified region (see section 4a) to serve as the Liaison for the Department for that unified region. The Liaison will coordinate at the State level with each State in their region, as well as with the Liaison for any other regions within the State. The Liaison will schedule a meeting with the respective State fish and wildlife agency to assess where and how the Department can work in close partnership with the State on priority winter range and migration corridor conservation.

(2) Within 60 days, if this focus is not already included in respective land management plans, evaluate how land under each bureau's management responsibility can contribute to State or other efforts to improve the quality and condition of priority big-game winter and migration corridor habitat.

(3) Provide a report on October 1, 2018, and at the end of each fiscal year thereafter, that details how respective bureau field offices, refuges, or parks cooperated and collaborated with the appropriate State wildlife agencies to further winter range and migration corridor habitat conservation.

(4) Assess State wildlife agency data regarding wildlife migrations early in the planning process for land use plans and significant project-level actions that bureaus develop; and

(5) Evaluate and appropriately apply site-specific management activities, as identified in State land use plans, site-specific plans, or the Action Plan (described above), that conserve or restore habitat necessary to sustain local and regional big-game populations through measures that may include one or more of the following: (i) restoring degraded winter range and migration corridors by removing encroaching trees from sagebrush ecosystems, rehabilitating areas damaged by fire, or treating exotic/invasive vegetation to improve the quality and value of these areas to big game and other wildlife;

(ii) revising wild horse and burro-appropriate management levels (AML) or removing horses and burros exceeding established AML from winter range or migration corridors if habitat is degraded as a result of their presence;
(iii) working cooperatively with private landowners and State highway departments to achieve permissive fencing measures, including potentially modifying (via smooth wire), removing (if no longer necessary), or seasonally adapting (seasonal lay down) fencing if proven to impede movement of big game through migration corridors;

(iv) avoiding development in the most crucial winter range or migration corridors during sensitive seasons;

(v) minimizing development that would fragment winter range and primary migration corridors;

(vi) limiting disturbance of big game on winter range; and

(vii) utilizing other proven actions necessary to conserve and/or restore the vital big-game winter range and migration corridors across the West.

c. With respect to science, I hereby direct the USGS to:

(1) Proceed in close cooperation with the States, in particular the Western Association of Fish and Wildlife Agencies and its program manager for the Crucial Habitat Assessment Tool, prior to developing maps or mapping tools related to elk, deer, or pronghorn movement or land use; and

(2) Prioritize evaluations of the effectiveness of habitat treatments in sagebrush communities, as requested by States or land management bureaus, and identified needs related to developing a greater understanding of locations used as winter range or migration corridors.

d. I further hereby direct the responsible bureaus and offices within the Department to:

(1) Within 180 days, to update all existing regulations, orders, guidance documents, policies, instructions, manuals, directives, notices, implementing actions, and any other similar actions to be consistent with the requirements in this Order;

(2) Within 30 days, provide direction at the state or other appropriate level to revise existing Federal-State memorandums of agreement to incorporate consultation with State agencies on the location and conservation needs of winter range and migration routes; and

(3) Consult with State wildlife agencies and bureaus to ensure land use plans are consistent and complementary to one another along the entire wildlife corridor in common instances where winter range or migration corridors span jurisdictional boundaries.

e. Heads of relevant bureaus will ensure that appropriate members of the Senior Executive Service under their purview include a performance standard in their respective current or future performance plan that specifically implements the applicable actions identified in this Order.

Sec. 5 **Management**. I hereby direct the Deputy Secretary to take is responsible for taking all reasonably necessary steps to implement this Order.

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 a 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 provision of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 **Expiration Date**. This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.