Appendix Q

State of Idaho Governor's Alternative

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Q. Brief Description of Governor's Alternative for the State of Idaho

In December 2011 Secretary of the Interior Ken Salazar invited western governors to create state-specific GRSG conservation plans to provide for the needs of GRSG and help preclude he need to list the species. In response to this invitation Governor Otter issued Executive Order 2012-02 on March 9, 2012 establishing the Governor's Sage-Grouse Task Force (Task Force). The Task Force was a diverse group of stakeholders comprised of representatives from local sage-grouse working groups, conservation interests, state and local officials and industry. The Task Force was charged with providing recommendations on actions for developing a state-wide regulatory mechanism to preclude the need to list the species under the ESA.

From March through May 2012, the Task Force met eight times in various locations across the State of Idaho. The Task Force conducted an information gathering and decision-making process consistent with state laws and regulations. Each meeting was open to the public and provided an opportunity for the public to comment on GRSG conservation and its potential effects. Additionally, the IDFG hosted a Web page displaying the times and locations of Task Force meetings, agenda, meeting notes, and presentations made during the meetings (IDFG 2012b).

On June 15, 2012, after much deliberation and discussion, the Task Force - aided by the technical expertise of IDFG including that of GRSG expert Dr. Jack Connelly, USFWS, and other relevant State and Federal agencies—delivered its recommendations to Governor Otter for review and consideration. After carefully reviewing those recommendations, the Governor developed a set of "guiding principles" used to develop a draft alternative for the State of Idaho for incorporation into the BLM and Forest Service land-use plan (LUP) amendment process. After 30-days of public comments, modifications to the Governor's alternative were made followed by the submission of the alternative to the BLM and Forest Service on September 5, 2012.

The Governor's Alternative has continued to be collaboratively refined since September 5th, 2012. In March 2013, Governor Otter wrote to the USFWS to clarify elements of the Alternative, but to also request the agency's "concurrence" with the strategy. Brian Kelly, Idaho State Supervisor for the Service replied to the Governor in April 2013 concurring with the general structure of the alternative and its major foundational elements, including the grazing management component. Since then, the State of Idaho has worked closely with the relevant state and federal agencies to further refine aspects of the Governor's alternative for the BLM and Forest Service analysis and submitted additional clarification and management actions to the agencies on July 1, 2013.

Alternative E was based on inputs from the Idaho Governor's Office (for federal lands within Idaho) and the Utah Governor's Office (for the portion of the Sawtooth National Forest in Utah that would be analyzed within the Idaho/southwest Montana sub-region). Lands in Montana would be managed under Alternative A for this alternative. Alternative E focuses primarily on management for the threats of wildfire, invasive species, and large infrastructure projects, and secondarily on management for the threats of improper livestock grazing management and related infrastructure, West Nile Virus, and recreation. It

recommends use of an adaptive management approach and implementation of triggers or thresholds that adjust zone criteria.

The refined Idaho Governor's Alternative has been incorporated as Idaho's portion of Alternative E, and draws heavily from recommendations developed by the Task Force. The Utah Governor's Alternative has been incorporated as the Utah portion of Alternative E. The intent of the Idaho and Utah's Governor's Alternative is to provide specific multiple-use management and direction for the conservation and management of the GRSG in lands administered by the BLM and Forest Service.

The actions described in this alternative for Idaho build upon, supplement, or replace the Idaho 2006 State Plan and LWG plans by identifying habitat zones, adaptive regulatory triggers and concrete best management practices for primary threats (e.g., wildfire, invasive species and infrastructure) and some secondary threats (e.g., recreation, improper livestock grazing and West Nile virus) as identified by the Service necessary to preclude a listing (for the sake of completeness, Idaho's 2006 Plan is incorporated herein by reference). Activities not addressed by this alternative, such as predation issues, will continue to be guided by the 2006 State Plan, LWG plans or relevant federal resource management plans. This alternative would replace land management plan direction inconsistent with the GRSG management actions described, unless otherwise prescribed by statute, regulation or valid existing authorizations. This alternative would retain land management plan direction that is not inconsistent with actions described to provide guidance for projects and activities within the Sage-Grouse Management Area (SGMA). It is important to note that any action taken under these provisions would have to undergo a site-specific NEPA analysis.

This alternative includes measurable population objective (e.g., population within the CHZ), and utilizing monitoring to ensure that objective is met; and setting metrics that trigger changes in practices or review of current practices to ensure the conservation objective is met long-term. Specifically, the use of four separate Conservation Areas (CAs), described below, in which the adaptive triggers are individually applied adds an increased level of sensitivity to change.

This alternative includes the establishment, through Idaho Governor's Executive Order, of an Implementation Task Force following the implementation model based on the State's success in developing a federal rule for the management and conservation of the inventoried roadless areas within Idaho (73 Federal Register 61,456 October 16, 2008).

Habitat restoration and vegetation management under Alternative E would focus on prioritizing conifer removal and restoring sagebrush and perennial grasslands. Native vegetation would be used for restoration to the extent practicable. In addition, invasive species would be controlled for three years after wildfire treatments. Alternative E provides guidance to reduce wildfire response time, create fuel breaks, and improve the wildfire suppression baseline. Targeted grazing would be allowed in all habitat management zones to reduce fine fuels and mitigate for the risk of wildfire.

This alternative emphasizes the need for livestock permittees to achieve the Idaho Rangeland Health Standards while also achieving flexibility and management predictability through the use of the state's adaptive construct.

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Executive Department
State of Idaho

C.L. "BUTCH" OTTER
GOVERNOR

State Capitol
Boise

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2012-02

ESTABLISHING THE GOVERNOR'S SAGE-GROUSE TASK FORCE

WHEREAS, the greater sage-grouse inhabits significant portions of the sage-steppe habitat in Idaho;

WHEREAS, the State of Idaho currently enjoys viable and widespread populations of the species;

WHEREAS, the State of Idaho by and through the Sage-grouse Advisory Committee (SAC) and the Local Working Groups (LWGs) has a long track record of successful engagement in managing and conserving the species and its habitat;

WHERAS, the State by and through the involvement of the SAC and the LWGs developed a state-wide management plan for the species in 2006 and amended in 2009 (2009 Plan);

WHEREAS, the sage-grouse has been the subject of several petitions to list, federal regulatory actions and multiple rounds of litigation regarding its status under the Endangered Species Act (ESA);

WHEREAS, on March 23, 2010, the U.S. Fish and Wildlife Service (Service) determined the species warrants listing over all of its range, including Idaho, but is precluded by higher-priority listing actions;

WHEREAS, due to the Service's decision, the sage-grouse is currently considered a "candidate" species under the ESA;

WHEREAS, on February 2, 2012, the United States District Court for the District of Idaho ruled the Service must reevaluate the status of the species under the ESA by September 30, 2015;

WHEREAS, in response to this decision, the Secretary of the Interior has invited the eleven (11) western states impacted by a potential listing of the species to develop state-specific regulatory mechanisms to conserve the species and preclude the need to list under the ESA;

WHEREAS, the development of a state-specific regulatory mechanism in Idaho will be critical in demonstrating to the Service the species does not warrant federal protection;

WHEREAS, the Bureau of Land Management (BLM) is currently implementing national Instruction Memoranda to guide interim management of public lands and to develop sage-grouse conservation measures for incorporation into the agency's existing Resource Management Plans (RMPs) by September 2014;

WHEREAS, the development of a state-specific regulatory mechanism, consistent with the objectives of this Executive Order, may allow the State the opportunity to be exempted from the applicability of these Instruction Memoranda guiding interim management of public lands within Idaho;

WHEREAS, the development of a state-specific regulatory mechanism will enable the BLM to incorporate the State's plan as an alternative in its environmental analysis pursuant to the National Environmental Policy Act (NEPA);

WHEREAS, it is vital to the interests of the State to develop a state-specific regulatory mechanism as the listing of the species would adversely impact the economy of Idaho, including the ability to generate revenues from private property and State endowment lands;

WHEREAS, the listing of the species would have a significant impact on the State's custom, culture and way of life; and

WHERAS, development of the State's regulatory mechanism must be driven by the most current scientific information, input from a variety of stakeholders and aimed at conserving the species and its habitat while maintaining predictable and multiple uses of private, state and public lands.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby create the Sage-Grouse Task Force.

1. *The creation of the Governor's Sage-Grouse Task Force:*

   A. *The members of the Governor's Sage-Grouse Task Force (Task Force) shall be appointed by and serve at the pleasure of the Governor through calendar year 2012.*

      i. *The Task Force shall be composed of fifteen (15) members, representing the various geographic areas of the State within the range of the species.*

      ii. *The Office of the Governor will chair this entity.*

      iii. *The Office of Species Conservation and the Idaho Department of Fish and Game will staff this entity.*

   B. *The Task Force members shall be appointed from the following categories:*

      i. *Individuals who:*
         - *Represent agricultural interests; or*
         - *Represent energy or mineral development interests.*

      ii. *Individuals representing:*
         - *A local working group; or*
         - *A nationally, regionally or locally recognized environmental organization; or*
         - *Nationally or locally recognized wildlife or sportsmen's groups.*

      iii. *Individuals who:*
         - *Hold State elected office; or*
         - *Hold county elected office; or*
         - *Represent the public at large.*

2. *Duties of the Task Force:*

   A. *Provide the Governor recommendations on policies and actions, using the 2009 Plan and other on-going activities as a backdrop, for developing a state-wide regulatory mechanism to preclude the need to list the species;*

B. The recommendations must be based on the following objectives and/or criteria:

i. Conserve the species and its habitat while maintaining predictable and multiple uses of private, state and public lands;

ii. Identify and designate key/core sage-grouse habitat based on the biological needs of the species;

iii. Tailor the management recommendations to the import of the habitat and is attuned to the interests of the State;

iv. Address the following primary threats to the species as identified by the Service:
- *Habitat fragmentation due to wildfire and invasive species;*
- *Conversion of habitat for agriculture or urbanization; and*
- *Energy development/infrastructure.*

v. Address the following secondary threats to the species as identified by the Service:
- *Disease/West Nile virus;*
- *Management issues related to livestock grazing;*
- *Collisions with fences and power lines;*
- *Mining;*
- *Prescribed fire and range treatments;*
- *Water development; and*
- *Conifer invasion.*

vi. Identify opportunities for pro-active sage-grouse habitat enhancement projects; and

vii. Recognize, encourage and incentivize land use practices that are actively maintaining or improving sage-grouse habitat as evidenced by improvements in habitat quality, active lek routes or stable/increasing populations of the species.

C. The duties of the Task Force are solely advisory.

D. The Task Force will provide its recommendations to the Governor no later than May 31, 2012.

E. Technical Expertise:

i. The Task Force may request consultation, information and technical expertise from Directors or their designees of state agencies regarding the biological needs of the species, activities on state, federal and private lands potentially impacted by the status of the species, and requirements of the ESA and other relevant statutory requirements, including but not limited to the Office of Species Conservation, the Idaho Department of Fish and Game, the Idaho Department of Lands, the Office of Energy Resources, the Idaho State Department of Agriculture and the Idaho Department of Parks and Recreation.

ii. The Task Force may request comments, information and technical expertise from the American Indian Tribes of Idaho, the universities of the State, federal agencies, including but not limited to the Service, the BLM, the U.S. Forest Service and the Natural Resources Conservation Services, and members of the public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of March, in the year of our Lord two thousand and twelve, and of the independence of the United States of America the two hundred thirty-sixth and of the Statehood of Idaho the one hundred twenty-second.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

July 13, 2012

Brian Kelly, State Director
U.S. Fish and Wildlife Service
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709-1657

RE: Governor's Draft Alternative for Sage-Grouse Management

Dear Brian,

I appreciate your attendance and participation on my annual trail ride to discuss the State of Idaho's effort to conserve the sage-grouse and its habitat while maintaining predictable levels of land use across all ownerships. As I stated during our discussion, Idaho's sage-grouse plan must work for the State and preclude the need to list the species under the Endangered Species Act (ESA). We can only achieve this meaningful objective and solve this complex natural resource issue if the State, federal government and other important stakeholders truly view this as an opportunity to form a partnership. I believe this was Secretary Salazar's intent when he invited the affected states to craft state-specific plans for the species.

To this end, and as you are fully aware, my Sage-Grouse Task Force (Task Force) was assigned to provide recommendations and policies to serve as a foundation for a successful management strategy. I'm confident you would agree the Task Force made significant inroads in developing such a strategy within a very aggressive timeframe. Based largely on these recommendations, I recently released a draft plan for the species and requested public input.

I believe the draft plan provides a solid framework and moves us one step closer to completing this difficult and important task. Recognizing that further detail and refinement need to take place based on continued stakeholder input, I request feedback on the following questions:

- Whether the management framework – based on a thematic habitat continuum and population metrics – outlined in my Draft Alternative represents a sound policy that should move forward; and

- Whether or not the habitat zones, especially the Core Habitat Zone and Important Habitat Zone, are consistent with the U.S. Fish and Wildlife Service's understanding of the most important sage-grouse habitats in the State.

I look forward to continuing our dialogue and discussion of this important issue. It is essential that we keep the lines of communication open to ensure we achieve our mutual objectives.

As Always—Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

Cc: Idaho Department of Fish and Game, Director (V. Moore)
Governor's Office of Species Conservation, Acting Administrator (D. Miller)
BLM, State Director (S. Ellis)
U.S. Forest Service, Regional Forester (H. Forsgren)
Governor's Sage-Grouse Task Force

United States Department of the Interior

Fish and Wildlife Service

Idaho Fish And Wildlife Office
1387 S. Vinnell Way, Room 368
Boise, Idaho 83709
Telephone (208) 378-5243
http://www.fws.gov/idaho

AUG 0 1 2012

The Honorable C.L. "Butch" Otter
Governor of Idaho
State Capitol
Boise, Idaho 83702

Subject: Draft Federal Alternative of Governor C.L. 'Butch' Otter for Greater Sage-Grouse Management in Idaho-June 29, 2012

Dear Governor Otter:

Thank you for your letter of July 13, 2012, regarding your Draft Alternative for Sage-Grouse Management. Let me begin by following up on the trail ride discussion you hosted in June, and reiterate the U.S. Fish and Wildlife Service's (Service) appreciation for your leadership on this important issue. Your staff, the Task Force you appointed, Idaho Department of Fish and Game and the Office of Species Conservation worked diligently to develop a draft state strategy under an aggressive timeline. Their work built on years of effort by many in Idaho, in particular the foundational accomplishments of the local working groups. My staff and I appreciated the opportunity to serve as technical advisors throughout the Task Force process. Your letter requested that the Service provide feedback regarding (1) whether the "management framework – based on a thematic habitat continuum and population metrics" was a sound policy that should move forward, and (2) whether or not the "habitat zones, especially the Core Habitat Zone and Important Habitat Zone" are consistent with the Service's understanding of the most important sage-grouse habitats in the State.

The Service believes the management framework that you have developed provides a sound policy outline from which to build upon to meet the long-term conservation goals of greater sage-grouse in Idaho. The thematic approach based on conservation objectives that are monitored in an adaptive management construct that your framework incorporates, are fundamental attributes of the Service's own approach to strategic conservation (USFWS and USGS 2006). My staff and I look forward to continuing to work with you (and the Bureau of Land Management and U.S. Forest Service as they work through their land management planning processes) to identify and resolve issues that will help solidify the adequacy of this framework, and associated policy, necessary for our 2015 Endangered Species Act listing review.

The Core and Important Habitat Zones, as currently drafted by the Task Force, are indeed among the most important sage-grouse habitats in the State. Inidentifying these zones, the Task Force had the foresight to address not only the conservation of what are now the most important habitats, but also a means to provide for long-term conservation and restoration of sage-steppe habitat and rangelands in Idaho. Addressing the threats to sage-grouse across jurisdictional boundaries in these areas will be important for our listing review in 2015. Specifically, I look forward to continued conversations regarding how the State will approach implementation of long-term conservation on State and private lands where necessary.

Thank you for the opportunity to provide feedback on the draft alternative. The compressed timeframes which you have worked within to assemble this framework is commendable. In closing, the Service agrees that success in this endeavor hinges on our ability to work with many in a partnership. We look forward to our continued role as one of those partners with you and others to assist the conservation of greater sage-grouse in Idaho. If you have any questions regarding the information provided here please do not hesitate to contact me at 208-378-5243 or Jason Pyron of my staff at 208-685-6958.

Sincerely,

Brian T. Kelly, State Supervisor
Idaho Field Office

cc: USFWS, National Greater Sage-grouse Coordinator, Cheyenne, WY (P. Deibert)
BLM, State Director, Boise, ID (S. Ellis)
USFS, Regional Forester (H. Forsgren)
IDFG, Director and Sage-Grouse Task Force Co-Chair, Boise, ID (V. Moore)
Governor's Office of Species Conservation, Administrator, Boise, ID (D. Miller)
Governor's Sage-Grouse Task Force Co-Chair, Boise, ID (T. Perry)
USFWS Region 1 Director, Portland, OR (R. Thorson)

Literature Cited:

U.S. Fish and Wildlife Service and U.S. Geological Survey. 2006. Strategic Habitat Conservation: final report of the National Ecological Assessment Team. U.S. Department of Interior, Washington, D.C. 48p.

C.L. "BUTCH" OTTER
GOVERNOR

August 17, 2012

Steve Ellis, State Director
Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657

Dear Steve,

I appreciate your attendance and participation on my annual trail ride to discuss the State of Idaho's effort to conserve the sage-grouse and its habitat while maintaining predictable levels of land use across all ownerships. As I stated during our discussion, Idaho's sage-grouse plan must work for the State and preclude the need to list the species under the Endangered Species Act (ESA). We can only achieve this meaningful goal and solve this complex natural resource issue if the State, federal government and other important stakeholders truly view this as an opportunity to form a partnership. I believe this was Secretary Salazar's intent when he invited the affected states to craft state-specific plans for the species.

As you are fully aware, my Sage-Grouse Task Force (Task Force) was assigned to provide recommendations and policies to serve as a foundation for a successful management strategy. I'm confident you would agree the Task Force made significant inroads in developing such a strategy within a very aggressive timeframe. Based largely on these recommendations, I released a draft plan for the species and requested public input.

I believe the draft plan provides a solid framework and moves us one step closer to completing this difficult and important task. As the State continues working with stakeholders to refine my proposal, I request feedback on the following questions prior to submitting a revised version of the State's Alternative:

- Whether the management framework outlined in my Draft Alternative – based on a thematic habitat continuum and population metrics – represents a sound policy that should move forward; and

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- Whether my Draft Alternative is consistent with the agency's multiple-use mandate as well as the National Greater Sage-Grouse Land Use Planning Strategy.

It is essential that I receive answers to these questions to ensure all stakeholders are striving to achieve the mutual objectives outlined by the Secretary and my Executive Order (2012-02). One near-term objective, as noted in my Executive Order, is to have the "opportunity to be exempted from the applicability of these Instruction Memoranda guiding interim management of public lands within Idaho." This aim was recently affirmed in a Nevada BLM Instruction Memo (NV 2012-058) stating, "Nevada BLM may adopt the Governor's strategy through a subsequent Instruction Memorandum and upon concurrence by the U.S. Fish and Wildlife Service…."

As you are aware, I sent a similar letter to Brian Kelly, state director of the U.S. Fish and Wildlife Service (Service), requesting his agency's perspective on my draft plan. As the agency charged with implementing the ESA, the Service opined:

> The Service believes the management framework that you have developed provides a sound policy outline from which to build upon to meet the long-term conservation goals of greater sage-grouse in Idaho. The thematic approach based on conservation objectives that are monitored in an adaptive construct that your framework incorporates, are fundamental attributes of the *Service's own approach to strategic conservation* (USFWS and USGS 2006).

(emphasis added).

Thus, from your answers to these two questions the State can discern whether the agencies are moving in the same direction with regard to my plan, ultimately affording Idaho the opportunity for a state-specific Instruction Memorandum. Thank you for your consideration and support on this issue.

As Always—Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

Cc: U.S. Secretary of the Interior, The Honorable Ken Salazar
Counselor to the Assistant Secretary for Fish, Wildlife and Parks (M. Bean)
Idaho Department of Fish and Game, Director (V. Moore)
Governor's Office of Species Conservation, Administrator (D. Miller)
USFWS, State Director (B. Kelly)
U.S. Forest Service, Regional Forester (H. Forsgren)
Governor's Sage-Grouse Task Force

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

August 30, 2012

In Reply Refer To:
6500/6515/6520 (930)

Honorable C. L. "Butch" Otter
Office of the Governor
PO Box 83720
Boise, ID 83720

Dear Governor Otter:

I appreciate your letter of August 17, 2012, and our discussion about sage-grouse management at your annual trail ride in June. As I indicated during our discussion on the trail ride, I am encouraged by the efforts of your Sage-Grouse Task Force (Task Force) and look forward to receiving your final alternative for consideration in our resource management planning effort. I share Idaho's goal of long term conservation of sage-grouse and its habitat, which may make it unnecessary to list the species under the Endangered Species Act.

We support the efforts of the State of Idaho and your Task Force to advance sage-grouse conservation across public lands, state lands, and private lands. The State of Idaho and local working groups have been the foundation for advancing sage-grouse conservation in Idaho in coordination with federal agencies and other partners. Your Task Force represents a diversity of interests and expertise that worked diligently under an aggressive timeframe to develop a draft alternative. This spring we committed $75,000 towards the task force planning effort and my staff actively participated in all task force meetings as technical advisors. My technical staff has thoroughly reviewed the State of Idaho's Draft Alternative released to the public in June and we believe it is a thoughtful approach to sage-grouse conservation on public lands. Jeff Foss and wildlife specialists on my staff have had follow-up discussions with Tom Perry and Virgil Moore to share ideas as the Draft Alternative is being finalized.

Your letter requested feedback on two questions: 1) Whether the management framework outlined in the State of Idaho's Draft Alternative—based on a thematic habitat continuum and population metrics—represents a sound policy that should move forward; and 2) Whether the State of Idaho's Draft Alternative is consistent with the agency's multiple-use mandate as well as the National Greater Sage-grouse Land Use Planning Strategy. The management framework detailed in the Idaho's Draft Alternative provides a sound management platform and represents one in a range of alternatives we will fully consider in our resource management planning process that is underway. The management framework outlined in the Draft Alternative incorporates habitat information and population metrics that are central to developing a sound management strategy. The adaptive regulatory triggers and emergency response outlined in the

Draft Alternative represent an innovative approach to addressing the complex and dynamic threats that influence the sage-grouse habitat. Adaptive management is of particular importance in Idaho where the threats of wildfire and invasive species are actively impacting habitat conditions and maintenance of large, intact stands of sagebrush.

The management framework for the Draft Alternative addresses many of the issues we received from the public during scoping and many of the responsibilities the BLM has as a multiple-use agency. For example, the Draft Alternative provides a strategy for guiding land management activities to address the primary threats of wildfire, invasive species, and fragmentation of habitat resulting from large-scale infrastructure projects. The Draft Alternative also provides a strategy to address impacts to sage-grouse habitat from improper livestock grazing and recreation activities. A rigorous analysis of a range of alternatives in BLM's draft Environmental Impact Statement (EIS) will provide the basis to evaluate the effectiveness of the alternatives in achieving sage-grouse conservation. Upon public review and comment and development of a final EIS, I will have a reasoned basis for issuing a final decision to amend our resource management plans by 2014.

BLM's National Greater Sage-grouse Land Use Planning Strategy provides guidance for incorporating the National Technical Team report "into at least one alternative in the land use planning process." The National Greater Sage-grouse Land Use Planning Strategy also provides guidance for use and update of preliminary priority habitat and preliminary general habitat maps that were developed in coordination with the Idaho Department of Fish and Game. The State of Idaho's Draft Alternative meets the purpose and need of the sage-grouse program and is responsive to BLM's National Sage-grouse Planning Strategy which calls for explicit objectives, desired habitat conditions, management actions, and area-wide use restrictions. Given that the National Greater Sage-grouse Land Use Planning Strategy is largely guiding the planning process, I believe it is reasonable to add the State of Idaho's Alternative to the range of alternatives analyzed in the EIS.

BLM's interim management of sage-grouse is outlined in IM 2012-043 which provides policies and procedures for management while the resource management plans are undergoing amendment and revision. The instruction memorandum states *"BLM field offices do not need to apply the conservation policies and procedures described in this IM in areas in which (1) a state and /or local regulatory mechanism has been developed for conservation of the Greater Sage-grouse in coordination and concurrence with the FWS; and (2) the state sage-grouse plan has subsequently been adopted by the BLM through the issuance of a state level BLM IM. If BLM programs are not addresses in the adopted state Greater Sage-grouse Plan then program direction will default to the policies and procedures set forth in this WO IM."* If the U.S. Fish and Wildlife Service provides concurrence on Idaho's regulatory mechanism for the conservation of Greater Sage-grouse, Idaho BLM will initiate discussions with your staff about BLM policy considerations and organizational capacity for potentially adopting the State's Final Alternative as interim direction until the BLM issues the final EIS and Record of Decision, by the end of 2014.

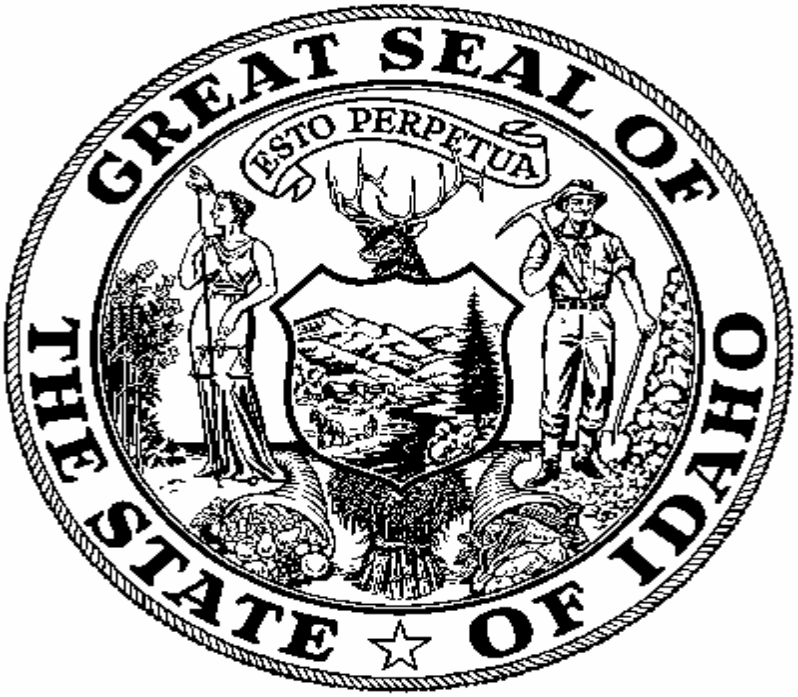
I appreciate the continued strong coordination between the State of Idaho and Idaho BLM in the conservation of sage-grouse and public land management. We will continue to be actively engaged with sage-grouse planning efforts led by the State of Idaho and look forward to receiving your final alternative for inclusion in our EIS effort. My primary management point of contact for sage-grouse conservation is Jeff Foss, Deputy State Director for Resource Services (208-373-3801).

Thank you for your leadership in advancing conservation of sage-grouse and close coordination with Idaho BLM regarding public land management in Idaho.

Sincerely,

Steven A. Ellis
State Director
Idaho BLM

FEDERAL ALTERNATIVE OF GOVERNOR C.L. "BUTCH" OTTER



FOR GREATER SAGE-GROUSE MANAGEMENT IN IDAHO

September 5, 2012 Version

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BACKGROUND

As Governor of the State of Idaho, I hereby submit to the U.S. Secretary of the Interior and U.S. Secretary of Agriculture (collectively, "the Secretary") the State of Idaho's Alternative ("Idaho's Alternative") for incorporation into the National Greater Sage-Grouse Land Use Planning Strategy ("Strategy") of the U.S. Bureau of Land Management ("BLM") and U.S. Forest Service ("USFS") (*see* BLM/USFS 2012). The Strategy aims to incorporate objectives, desired habitat conditions and management actions into land use plans for Federal lands – for the BLM, the Resource Management Plans ("RMPs") required by the Federal Land Policy and Management Act ("FLPMA") and for the USFS, the land management plans ("LMPs") required by the National Forest Management Act ("NFMA")—by September 30, 2014. The ultimate outcome for the Strategy is to conserve the Greater sage-grouse (*Centrocercus urophasianus*) ("sage-grouse") and its habitat and potentially avoid a listing under the Endangered Species Act ("ESA") (*see* BLM 2011a).

The State of Idaho wishes to express its appreciation for the Secretary's recognition of the important role states can play in managing and conserving the sage-grouse. This recognition is also evinced in the ESA as it directs the Secretary to "take[ing] into account those efforts" being made by a state prior to a listing determination. 16 U.S.C. § 1533(b)(1)(A). Accordingly, I believe the recommendations contained herein not only provide a balanced approach to this complex natural resource issue, but also ensure the long-term sustainability of those habitat attributes necessary to preclude the need to list the species under the ESA.

In order to place Idaho's Alternative in proper context, it is necessary to set out a brief overview of the process the State employed. As Idaho currently enjoys viable and widespread populations of sage-grouse, I was fully aware of the need for a carefully planned process to ensure we conserved the species and its habitat while maintaining predictable levels of land use. I would strongly urge our Federal partners to approach the issue in this fashion.

GOVERNOR'S SAGE-GROUSE TASK FORCE

On March 9, 2012, I issued Executive Order 2012-02 establishing the Governor's Sage-Grouse Task Force, hereafter "Task Force" (*see* Task Force Website, available at: http://fishandgame.idaho.gov/public/wildlife/?getPage=310). The Task Force was a diverse group of stakeholders comprised of representatives from local sage-grouse working groups, conservation interests, state and local officials and industry. The Task Force was charged with providing recommendations on actions for developing a state-wide regulatory mechanism to preclude the need to list the species under the ESA.

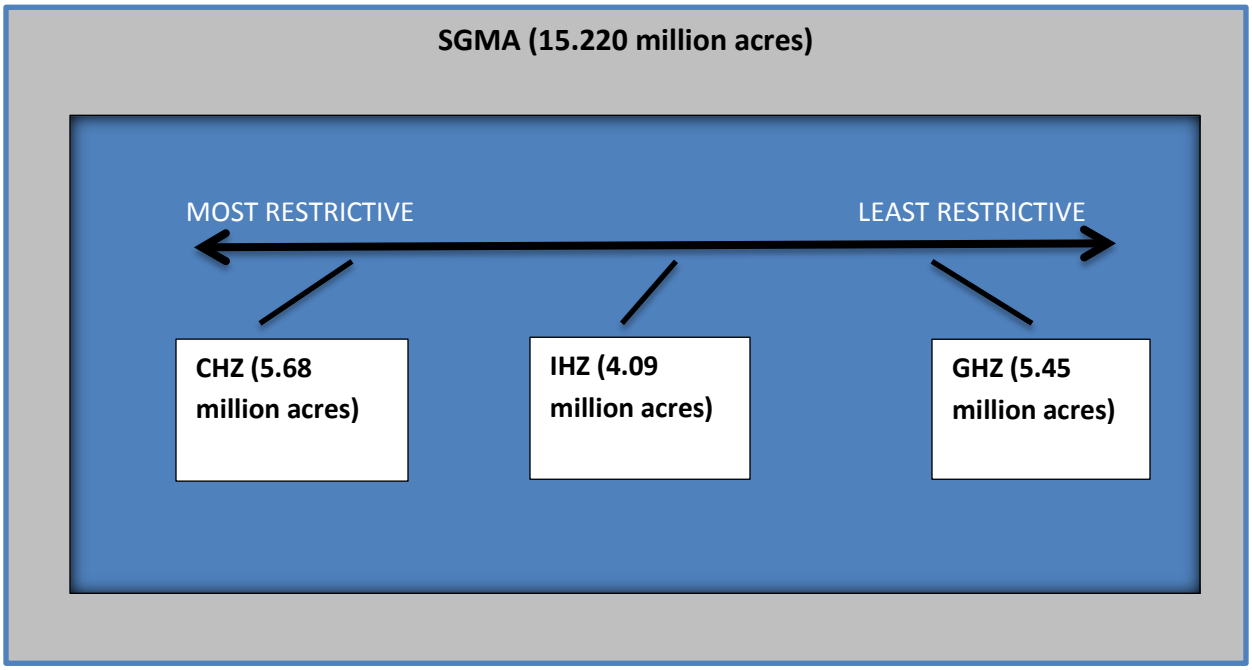
In March through May 2012, the Task Force met eight times in various locations across the State of Idaho. Each meeting was open to the public and provided an opportunity for the public to comment on sage-grouse conservation and its potential effects. Additionally, the Idaho Department of Fish and Game ("IDFG") hosted a Web page displaying the times and locations of Task Force meetings, agenda, meeting notes, and presentations made during the meetings. *See* IDFG 2012b. Thus, the Task Force conducted an open and transparent information-gathering and decision-making process.

After much deliberation and discussion, the Task Force on June 15, 2012—aided by the technical expertise of IDFG, the U.S. Fish and Wildlife Service ("Service"), and other relevant State and Federal agencies—delivered its recommendations to me for review and consideration. After carefully reviewing those recommendations, I developed a set of "guiding principles" to help evaluate the strength of the Task Force's recommendations, public comments and other important considerations. These guiding principles will be discussed in further detail under section I.

OVERVIEW OF THE STATE'S ALTERNATIVE

Consistent with the unanimous recommendation of the Task Force, the State is adopting the designation of a Sage-Grouse Management Area ("SGMA") with three distinct management zones: Core Habitat ("CHZ"), Important Habitat ("IHZ") and General Habitat ("GHZ").

Figure 1. Idaho's Sage-Grouse Management Area[1]



[1] The acreages displayed in Figure 1 are approximate values.

Generally, these management zones outline a suite of basic management activities that may, under certain conditions, or may not occur within a given area. In other words, the three management zones within the SGMA represent a management continuum that includes at one end, a relatively restrictive approach aimed at providing a high level of protection to the species within the CHZ, and on the other end, a relatively flexible approach for the GHZ allowing for more multiple-use activities. While the IHZ provides greater flexibility than in the CHZ, the overall quality and ecological importance of the habitat within this zone is more closely aligned with the habitat in the CHZ than in the GHZ.

Allocation to a specific management zone does not mandate or direct the relevant Federal agency to propose or implement any action; rather, the three habitat zones provide an array of permitted and prohibited activities. Activities not specifically addressed by the Alternative are still subject to the allowances and restrictions of the applicable resource management plan.

The measures set forth below are essential to sage-grouse conservation in Idaho and should receive not only priority consideration in the Strategy, but also in the shaping of future agency budgets. In order to accomplish the objectives set out below, I strongly urge State and Federal agencies, including the Service, BLM, USFS and other federal agencies to work collaboratively to ensure uniform and consistent application of Idaho's Alternative. In particular, BLM needs to make federal funding for fire suppression, especially in the CHZ, a top priority.

It is important to note that this document does not represent a complete list of sage-grouse actions for the State of Idaho. This document only provides special management for sage-grouse on lands managed by the BLM and USFS, and while beneficial to other sage-steppe species, agencies will still have the obligation to analyze other values when considering a proposed action.

That said, with this management framework in place, the State will approach willing private parties, local governments, other Federal partners, and the Idaho Department of Lands to see what actions are necessary and appropriate to complement the State's Federal Alternative. Furthermore, it is important to note that the relevant Federal agencies in considering these measures as part of environmental analyses, planning updates and ESA listing determinations, should recognize that actions on these lands can have direct and indirect impacts on State endowment trust lands managed by the Idaho Department of Lands. Thus, it is important to evaluate sage-grouse management in a comprehensive and holistic manner.

STATE OF IDAHO'S ALTERNATIVE

The following section further explains the "guiding principles" used to develop Idaho's Alternative.

I. GUIDING PRINCIPLES

A. Task Force Recommendations

Because the Task Force represents the diverse stakeholders associated with this issue, the State has made a concerted effort to defer to their recommendations. In areas where the Task Force provided alternative recommendations and/or left actions to the discretion of the State, we have endeavored to capture the intent of the Task Force consistent with the parameters set out in the Governor's Executive Order.

B. ESA Considerations

On March 23, 2010, the Service determined the species warrants listing over all of its range, including Idaho, but is precluded by higher listing actions. 75 Fed. Reg. 13,910 (Mar. 23, 2010). Specifically, the Service found Federal resource management plans deficient with respect to addressing the primary threats to the species—namely, habitat fragmentation due to wildfires, invasive species and infrastructure development. *See* 75 Fed. Reg. at 13,973-80.

Following the Service's decision, the United States District Court for the District of Idaho ruled that pursuant to a D.C. District Court settlement, the agency must reevaluate the status of the species under the ESA by September 30, 2015. In response to this deadline, the Secretary of the Interior in December 2011 invited the eleven western states impacted by a potential listing of the species to develop state-specific regulatory mechanisms to address these cited deficiencies in an effort to preclude a listing under the ESA. Accordingly, one of the State's primary objectives in submitting this Alternative is to develop a management framework that passes muster under the ESA.

C. Idaho's Management Approach

The State's management approach was designed to be clear and measurable over varying spatial and temporal scales. This approach consists of management objectives attempting to address key decision points outlined in the Service's 2010 determination. As mentioned above, the Service's 2010 decision cited lack of regulatory mechanisms and habitat loss as the primary drivers for its warranted but precluded decision. Importantly, both of these factors affect the population status of the species. The Idaho Sage-Grouse Management Approach includes: (1) implementation of regulatory mechanisms to support the overall management and conservation objectives of the species; (2) stabilization of habitats and populations, including a systematic review of habitat and

population status; and (3) development of adaptive regulatory triggers and a wildfire emergency clause to address sudden and unanticipated changes.

The best available information indicates that wildfire, invasive species and infrastructure, as defined below, are the primary threats to sage-grouse in Idaho. The State aided by the valuable contributions of the Task Force developed a suite of regulatory measures to address these primary threats as well as some activities identified by the Service as secondary threats (e.g., recreation, improper livestock grazing and West Nile virus). The State believes that implementation of these measures will provide significant conservation benefits to sage-grouse, other sage-steppe obligate species, and should be sufficient to preclude a listing under the ESA in Idaho.

Notwithstanding these efforts, unexpected and catastrophic events (e.g., major wildfire event(s), West Nile virus) may result in a substantial loss of habitat and concomitant decline in sage-grouse populations sufficient to trigger a change in the regulatory approach to the issue. Hence, the State has developed adaptive regulatory triggers and an emergency wildfire clause to ensure the populations and habitats within the CHZ, and to a lesser extent, the IHZ are maintained and enhanced. These adaptive triggers are intended to provide a regulatory backstop for navigating unanticipated and deleterious impacts to the species.

If these measures prove necessary, the State would still be well positioned to conserve the species and its habitat, while maintaining predictable levels of land use. It is important to note the development and implementation of regulatory triggers, primarily to deal with wildfire, is a new approach for managing this particular species. With that recognition, the State anticipates continuing to work with its partners to refine this feature of the plan to ensure the triggers are properly attuned to the needs of the State and the species.

To aid in the assessment of this management approach, the State has divided the SGMA into four individual Conservation Areas ("CA") across the State: two north (Mountain Valleys, Desert) and two south (West Owyhee, Southern) of the Snake River. Each Conservation Area is divided into Core, Important, and General management zones ("MZs") based upon modeling of sage-grouse breeding bird density, habitat connectivity and persistence, scientific knowledge based on surveys and radio-telemetry studies, and the recommendations of the Task Force.

Although wildfire, infrastructure, and invasive species pose threats for sage-grouse in all CAs, wildfire and invasive species tend to be a greater issue in the Desert and West Owyhee CAs than in the Mountain Valleys or Southern CAs. Additionally, sage-grouse habitats in the Desert and West Owyhee CAs are relatively contiguous, while those in the Mountain Valleys and Southern CAs tend to be more fragmented. North of the Snake River, the CHZ is approximately three million acres, while the CHZ south of the Snake River is approximately 2.7 million acres.

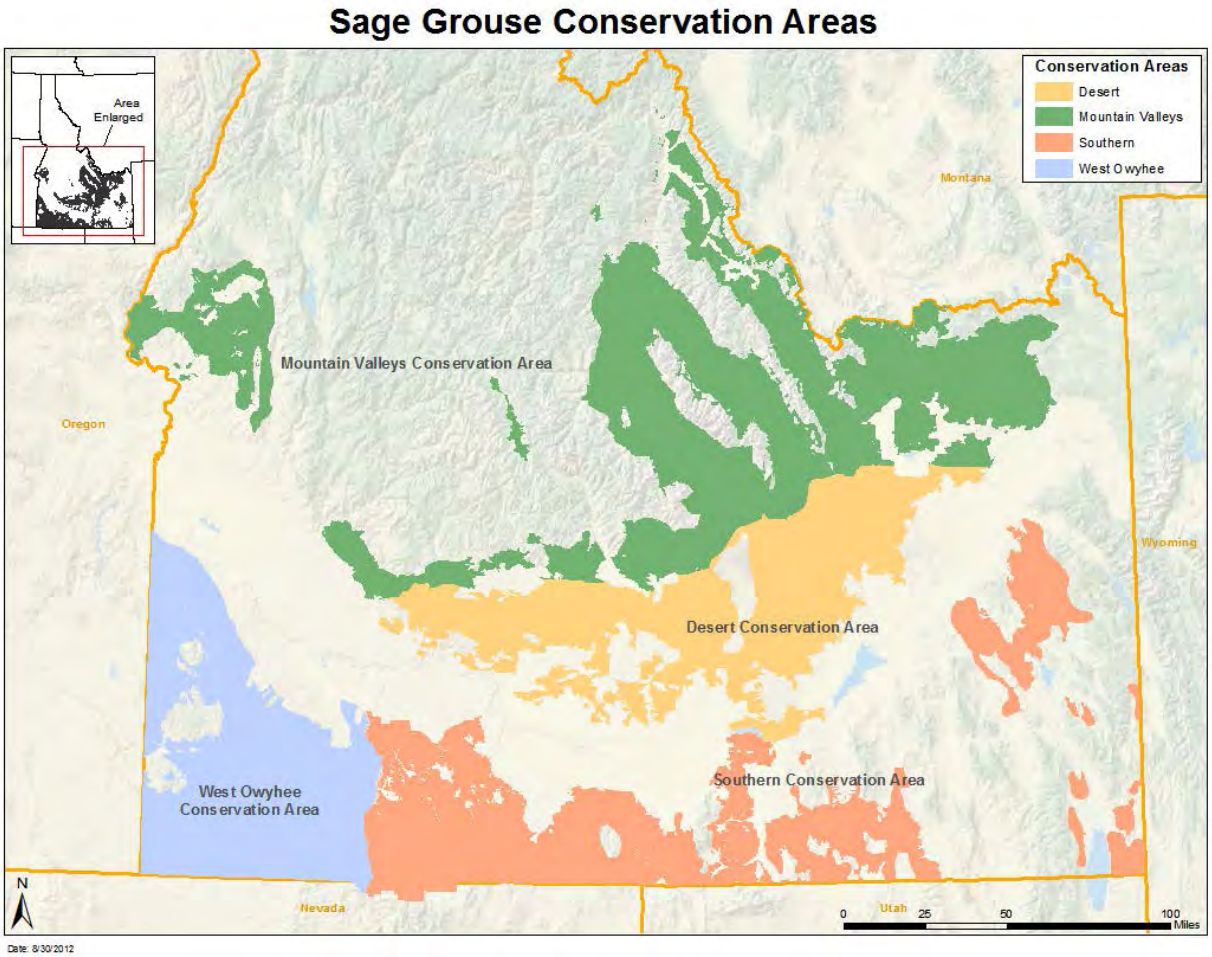
Acreage for the CHZ and IHZ in the four CAs is presented in Table 1. These four CAs are further described below:

North of the Snake River

- Mountain Valleys CA— Starting at Rexburg and extending west, sage-grouse habitat north and west of Highway 33 to Howe, Highway 33/22 to Arco, Highway 26/20/93 to Carey, Highway 20 west to Mountain Home, south from Mountain Home on Highway 51 to the Snake River. West-Central is included in this area.
- Desert CA—South of the above CA.

South of the Snake River

- West Owyhee CA—West of the Jarbidge River.
- Southern CA—East of the Jarbidge River, including East Idaho uplands and Bear Lake Plateau.



MANAGEMENT OBJECTIVES

Objective 1: Implement Regulatory Mechanisms – The State's first objective is to implement the regulatory mechanisms provided herein to maintain and enhance sage-grouse habitats, populations and connectivity in areas within the CHZ, buffered by strategic areas within IHZ, dominated by sagebrush. Through the implementation of these mechanisms, the State will be able to provide a level of protection sufficient to conserve at least 65% of the current known leks within the State, which are fully captured in the CHZ. Recognizing the risk and difficulty of controlling wildfire, invasive species and providing the opportunity to consider limited high-value infrastructure development, the IHZ provides an additional population buffer.

The effectiveness of this objective with respect to the primary threats of wildfire, invasive species and infrastructure will be assessed every three years for each Conservation Area. Secondary threats addressed in this Alternative will be evaluated according the various schedules contained in the regulatory language. IDFG will serve as the lead in conducting these assessments in concert with the Governor's Office of Species Conservation and relevant Federal agencies as the management of the species is currently under the jurisdiction of the State of Idaho.

Objective 2: Stabilize Habitats and Populations – The second management objective examines the effectiveness of the regulatory measures by monitoring the stability of habitat and population trends over time. As described above, the State recognizes the need to regularly analyze the effectiveness of the regulatory measures as well as to discern whether active conservation and restoration efforts, including conifer control, wildfire suppression, and more passive habitat protection techniques such as fuel breaks are effective strategies. Areas within the CHZ, and to a lesser extent the IHZ, will be used for baseline comparison to evaluate progress in achieving this objective.

During the first three-year period (2012-2015) of implementation, Idaho's management approach will emphasize limiting habitat loss in the CHZ and IHZ respectively to no more than a ten percent (10%) loss due to fire and/or infrastructure development resulting in a proportionate reduction of males counted on leks within a particular Conservation Area. This allowance is made because of the difficulty in developing effective wildfire suppression programs, including allocation of appropriate resources and infrastructure projects currently planned and/or underway.

Should a ten percent loss occur within this timeframe, IDFG in coordination with the Governor's Office of Species Conservation and other relevant State and Federal agencies will initiate a management review of the State's regulatory approach to assess the causal factors for declines. Conceptually, the review would include a determination of whether the loss is based on a population-related decline (e.g., West Nile virus, drought) or is driven by habitat loss. If the loss

is habitat-driven, the review team will assess the effectiveness of current best management practices, funding levels and restoration efforts in order to preclude the triggering of the adaptive regulatory triggers.

Three primary indicators provide a baseline for population status:

1) Maximum number of males counted on lek routes in 2011 within CHZ.
2) Number of active leks counted in 2011 within CHZ.
3) Average rate of population change.

Males counted on lek routes, numbers of leks and rate of population change provide a solid baseline against which future comparisons will be made to assess the success of the approach or indicate when populations may be in trouble potentially triggering additional conservation actions.

Using the average value for λ (finite rate of change) for 2009-2011 within CHZ is a relatively new approach for monitoring sage-grouse populations. Under this evaluation, population growth calculations (λ) will be compared to a value of 1.0 which indicates a stable population and evaluated for statistical significance.

Recognizing that this indicator was not discussed in any detail with the Task Force, the State will continue working with its partners to better understand this population evaluation tool to ensure a consistent on-the-ground application. In addition, the State may request a review of this approach by Dr. Oz Garton (Bio-statistician, University of Idaho). The State reserves the right to modify or remove the evaluation tool if it's application would lead to the regulatory triggers being tripped unnecessarily, or conversely, not being sensitive enough to changes on the landscape.

Table 1. Acreage of the CHZ and IHZ by Conservation Area in 2011.

Area	Core	% Core	Important	% Imp
North of the Snake River	2,994,000	34	2,480,000	28
Desert	1,044,000	33	751,000	24
Mountain Valleys	1,949,000	36	1,729,000	32
South of the Snake River	2,686,000	41	1,609,000	24
Southern	948,000	25	975,000	26
West Owyhee	1,738,000	61	634,000	22
Grand Total	5,680,000	37	4,089,000	27

Table 2. Species Population in the CHZ and IHZ by Conservation Area based on 2011 lek data.

	Males Counted				Active leks			
Zone	Core	%Core	Important	% IMP	Core	%Core	Important	% IMP
North of Snake River	4710	79	907	15	196	71	57	21
Desert CA	2332	83	294	10	101	78	17	13
Mountain Valleys CA	2378	77	613	20	95	64	40	27
South of Snake River	2468	64	1203	31	142	63	67	30
Southern CA	642	41	758	48	59	49	47	39
West Owyhee CA	1826	80	445	20	83	80	20	19
Grand Total	7178	73	2110	22	338	67	124	25

ADAPTIVE REGULATORY TRIGGERS AND WILDFIRE EMERGENCY RESPONSE CLAUSE

As mentioned above, sage-grouse adaptive regulatory triggers were developed to provide a regulatory backstop to prevent further loss and stabilize habitats and populations in the CHZ and IHZ where a demonstrated significant loss has either occurred over time or unexpectedly. These adaptive triggers are used when dramatic shifts in population or habitat occurs. Additionally, an emergency wildfire clause was developed to direct immediate response following a significant loss of sage grouse habitat due to catastrophic wildfire.

Whereas a review of the management approach is initiated when a Conservation Area exceeds a ten percent loss, an adaptive regulatory trigger—extending the conservation benefit of the measures in the CHZ to the IHZ—automatically occurs if two out of the three criteria outlined below are demonstrated. In developing these triggers it is important to note that sage-grouse populations often lag in their response to habitat loss and fragmentation. A negative population response may not be detected for three to five years following the habitat disturbance. Therefore, a habitat measure is also a component of the adaptive management trigger.

i. Maximum number of males on lek routes declines by >20% over a three-year period compared to 2011 values.
ii. A 30% or greater loss of sagebrush habitat is documented within defined breeding or winter habitat during a three-year period.
iii. The finite rate of change (λ) over 3 years starting with the baseline years 2009- 2011 is significantly less than 1.0.

As mentioned above, the number of active leks is a valuable indicator of population status and can be used to further inform decisions guided by the above triggers. Declines by >20% over a three-year period compared to 2011 values would indicate a problem. With the stated caveat above, the State may add, modify or remove criterion (iii) replacing the rate of change for evaluating whether to apply the adaptive regulatory trigger.

When the adaptive regulatory trigger is operative, population data and associated habitats will be reviewed to determine whether the problem is habitat related (e.g., fire) or caused by some other population-related issue (e.g., West Nile virus). If the problem is habitat related, the CHZ best management practices (*see* Section V, below) will be applied to areas in the IHZ within the same Conservation Area. For example, and while the trigger is operational, a project proponent in the IHZ would have to meet the more stringent criteria of the CHZ for developing new infrastructure. If the problem is not habitat related, appropriate management actions will be employed to minimize or alleviate the threat.

As mentioned previously, the State is also proposing an emergency clause to address dramatic habitat loss due to wildfire similar to the losses experienced in the Murphy Complex Fire. The current emergency clause states that where a wildfire burns 200,000 acres or more of CHZ habitat, and at least 50% of the burned acres contained important breeding or wintering habitat, the CHZ regulatory provisions shall apply to the IHZ within the relevant Conservation Area. The State may revise this clause based on a better understanding—e.g., mapping—of the important breeding and wintering habitat within the CHZ and IHZ.

D. Existing State Sage-Grouse Plan

In 1997, the then Idaho Sage-grouse Task Force, under the direction of the IDFG Commission, completed the Idaho Sage-grouse Management Plan ("1997 Plan"). The 1997 Plan divided Idaho into sage-grouse management areas and called for the creation of Local Working Groups ("LWGs") to develop sage-grouse management plans for each of Idaho's sage-grouse planning areas. Currently, for twelve local planning areas, nine LWG plans are completed, one LWG plan is nearly complete, and one plan is in progress.

Between 1999 and 2003, the Service received eight petitions to list the species as endangered or threatened under the ESA. In April 2004, the Service determined three of the petitions to list the species provided substantial information that listing might be warranted, thus initiating a comprehensive range-wide status review.

Based on the status review, the Idaho State Sage-Grouse Advisory Committee ("SAC") in 2003 was convened to assist the State in updating the 1997 Plan. The Conservation Plan for the Greater Sage-Grouse in Idaho was completed in 2006 ("2006 Plan"). The 2006 Plan was amended in 2009 to include the completion of the Implementation Chapter.

This Alternative builds upon, supplements, and in some instances replaces the 2006 State Plan and LWG plans by identifying habitat zones, adaptive regulatory triggers and concrete best management practices for primary and some secondary threats as identified by the Service necessary to preclude a listing. For activities not addressed by this Alternative, including predation issues, the 2006 State Plan and LWG plans will continue to be operative. For the sake of completeness, Idaho's 2006 Plan is incorporated herein by reference.

E. Valid Existing Rights

All management zones and recommendations are intended to be subject to and protect all valid existing rights. It is critical, especially for areas within the CHZ and IHZ that existing land uses and landowner activities continue to occur, particularly agricultural activities on all land ownerships.

F. Maps

The State recognizes that any attempt to map sage-grouse habitat must, by necessity, be at a broad, programmatic scale. The mapping of boundaries presented above is not intended to equate to verified boundary locations or on-the-ground habitat types from which the public can determine with certainty whether any particular location is inside or outside of a particular management zone.

Rather, the mapping exercise is intended to give governmental entities, land managers, project proponents and the public a general idea of where certain types of habitat and conservation priorities are spatially located as of the date of the map. The State also recognizes that this mapping exercising depicting current habitat for the species is not static, and any map must be verified through site-specific environmental analysis. Moreover, the map does not alleviate the duty of State and Federal agencies to determine the actual quality and trends of the habitat at a specific location where, for example, a project is proposed or grazing permit is up for renewal.

G. Infrastructure

When the Alternative refers to measures regarding infrastructure, it is referring to discrete, large-scale anthropogenic features, including highways, high voltage transmission lines, commercial wind projects, energy development (e.g., oil and gas development, geothermal wells), airports, mines, cell phone towers, landfills, residential and commercial subdivisions, etc.

Infrastructure related to small-scale ranch, home and farm businesses (e.g., stock ponds, fences, range improvements) do not fall within this definition. These issues are not included within this definition, and are addressed in other sections of the Alternative or through local resource management plans.

H. Mitigation Framework

Where compensatory mitigation—such as, for new infrastructure project authorized in the CHZ—is required to off-set impacts to sage-grouse or their habitats, the Idaho Sage-Grouse Mitigation Framework (see ISAC 2011) is the preferred mechanism to plan, select, implement and monitor these types of projects. Potential compensatory mitigation should be guided by a science-based statewide strategy to guide the selection of mitigation actions that will receive funding based on the benefits to sage-grouse populations. For example, restoration efforts are

likely to target perennial grasses and conifer encroachment areas within or adjacent to the CHZ, and secondarily, on perennial grasses and conifer encroachment areas within the IHZ with low fire risk. The Task Force recognized the importance of these targeted restoration efforts by including areas within the management regime of the CHZ current not meeting the general biological standard of 25-50% breeding bird density as described below in order to ensure these areas would still retain high restoration potential.

Mitigation efforts will focus on increasing the resiliency and productivity of sage-grouse populations and habitats, especially within the CHZ. Should these efforts materialize; the State will consider establishing a mitigation bank of sage-grouse habitation restoration projects that future development projects would repay through compensatory mitigation requirements. The State recognizes that this is a key provision in this Alternative, and intends to provide more detail on this component through the Governor's Implementation Commission.

I. Livestock Grazing Management

No studies exist directly relating livestock grazing systems or stocking rates to sage-grouse abundance or productivity. Most concerns about the effects of grazing on sage-grouse are localized in nature, whereas the species is demonstrated to be more responsive to stressors at a larger landscape. Therefore, grazing should be viewed as a landscape stressor with monitoring and management actions tailored accordingly.

Numerous studies have been published providing detailed information on characteristics of sage-grouse seasonal habitats (Knick and Connelly 2011). These studies provide insight on heights and cover of sagebrush and herbaceous plants needed for productive habitats (Connelly et al. 2000).

Based on this information, opportunities exist for livestock permittees, Federal and State agencies and university researchers to collaborate in an effort to fine-tune knowledge of current conditions and needed management actions in sage-grouse habitats throughout southern Idaho. This work would provide needed insight into current conditions within sage-grouse habitat and guide specific management actions necessary for ensuring healthy and stable sage-grouse populations.

Approach:

While grazing management options should be considered at a landscape scale, livestock grazing is typically considered in a site-specific context over time where vegetative condition can be manipulated by the timing and intensity of grazing practices. Currently, this is being done by designating allotments and scheduling grazing periods based on factors such as elevation, weather and plant growth (e.g., high elevations are grazed during summer months).

The three habitat zones provide additional options for scheduled grazing and should be considered. Altering grazing schemes in allotments within the CHZ, where needed and

appropriate, may be facilitated by enhanced grazing opportunities with introduced seedings or areas with lower value to sage-grouse (e.g., GHZ). The unintended consequences of altering grazing use, such as a possible increased risk of wildfire, must be carefully considered in any management proposal.

Guidelines for managing sage-grouse habitats and populations have been published (Connelly et al. 2000, Hagen et al. 2007) and are often included in various management plans. These guidelines describe *characteristics* of productive sage-grouse habitats based on a large number of studies conducted throughout the species' range. However, they do not reflect data collected in all parts of the range nor do they reflect data collected from randomly sampled locations. Thus, this information should not be considered as providing *standards* by which to judge effects of livestock grazing on the ultimate quality of sage-grouse seasonal habitats.

Proper grazing management greatly benefits from flexibility and the opportunity to schedule and adjust intensity, timing, duration, and frequency of grazing use over time in a manner that maintains rangeland health and habitat quality. In addition, vegetative characteristics of sage-grouse seasonal ranges can change spatially and temporally due to a wide variety of other influences. Therefore, these sage-grouse habitat characteristics should be viewed as a tool for assessing habitats and guiding management actions but not as a means of dictating grazing strategies or stocking rates. On-the-ground management actions and strategies to meet these habitat characteristics should be informed local resource knowledge and conditions.

Management Framework:

Grazing within the CHZ and IHZ will be managed according to the process outlined in the text below. The first step, and perhaps the most important, is to inform and educate affected permittees regarding sage-grouse habitat needs and conservation measures. These habitat needs or characteristics outlined in Tables 3-5 will be incorporated into relevant resource management plans as the desired conditions with the understanding that these desired conditions may not be achievable: (a) due to the existing ecological condition, ecological potential or the existing vegetation; or (b) due to casual events unrelated to existing livestock grazing.

Based on these habitat characteristics, conduct fine and site scale-habitat assessments to help inform grazing management. Where necessary, a determination of factors causing any failure to achieve the habitat characteristics (Tables 3, 4 and 5) will be conducted at a resolution sufficient to document the habitat condition. This determination will include consideration of local spatial and inter-annual variability. A determination of issues attributable to livestock grazing management should not result from one year of data at a specific location within an allotment.

The assessment process will be completed in conjunction with scheduled term grazing permit renewals (i.e., every ten years). Given limited agency resources, prioritization will be given to areas that have the potential to provide the greatest benefit to sage-grouse. Allocation of resources should be concentrated on allotments within the CHZ that have declining sage-grouse populations. Following those permits within the CHZ, resources will be further prioritized to

allotments within the IHZ with breeding habitats that have decreasing lek counts. (*See* Flow Chart below). Sage-grouse populations that are stable or trending upward will be a lower priority for permit renewal and the assessment process.

Typically, summer habitats will be managed to provide the conditions described in Table 3; winter Table 4; and breeding habitats in Table 5. However, the assessment/determination process must rely on published characteristics of sage-grouse habitat and the Ecological Site Descriptions, existing vegetation, habitat inventories/assessments (Stiver et al. 2010), and where available, state and transition models that describe vegetation and other physical attributes for sage-grouse. The related characteristics within the categories shown below will also be included. These characteristics indicate the ability of a given area to provide sage-grouse habitat.

> Category 1: The grazing allotment (or any pasture/significant area therein) has the existing vegetation and/or existing ecological condition (seral state) to provide sage-grouse habitat
>
> Category 2: The grazing allotment (or any pasture/significant area therein) has the ecological potential to provide sage-grouse habitat.

If the process and conditions outlined above demonstrate that livestock grazing is limiting achievement of the habitat characteristics (Tables 3-5), renewed permits will include measures, including but not limited to the actions outlined in (J), to achieve desired habitat conditions. These measures must be tailored to address the specific management issues.

Additionally, adaptive management changes related to existing grazing permits should only be undertaken if improper grazing is determined to be the causal factor in not meeting habitat characteristics, specific to site capability, based upon monitoring over time with appropriate site variability.

Table 3. General Characteristics of Late Brood Rearing Habitat.

Habitat Features	**Habitat Indicators**	**Habitat Characteristics**	
		Upland Sagebrush Communities	Riparian/Wet Meadow Communities
Protective Cover	Sagebrush Canopy Cover	10-25%	N/A
	Sagebrush Height	16-31 inches	N/A

	Sagebrush Proximity	N/A	Protective sagebrush cover (10-25%) is is within 300 m of of riparian/meadow feeding area.
Protective Cover and Food	Grass/forb canopy cover	>15%	N/A
Food	Forb Availability	Succulent forbs are available during the summer. Generally applies to higher elevations, such as mtn. big sage sites.	Riparian and wet meadow conditions are such that succulent forbs are available during the summer.

Table 4. General Characteristics of Winter Habitat.

Habitat Features	**Habitat Indicators**	**Habitat Characteristics**
Protective Cover and Food	Sagebrush Canopy Cover	10-30% exposed above snow
	Sagebrush Height	10-14 inches exposed above snow

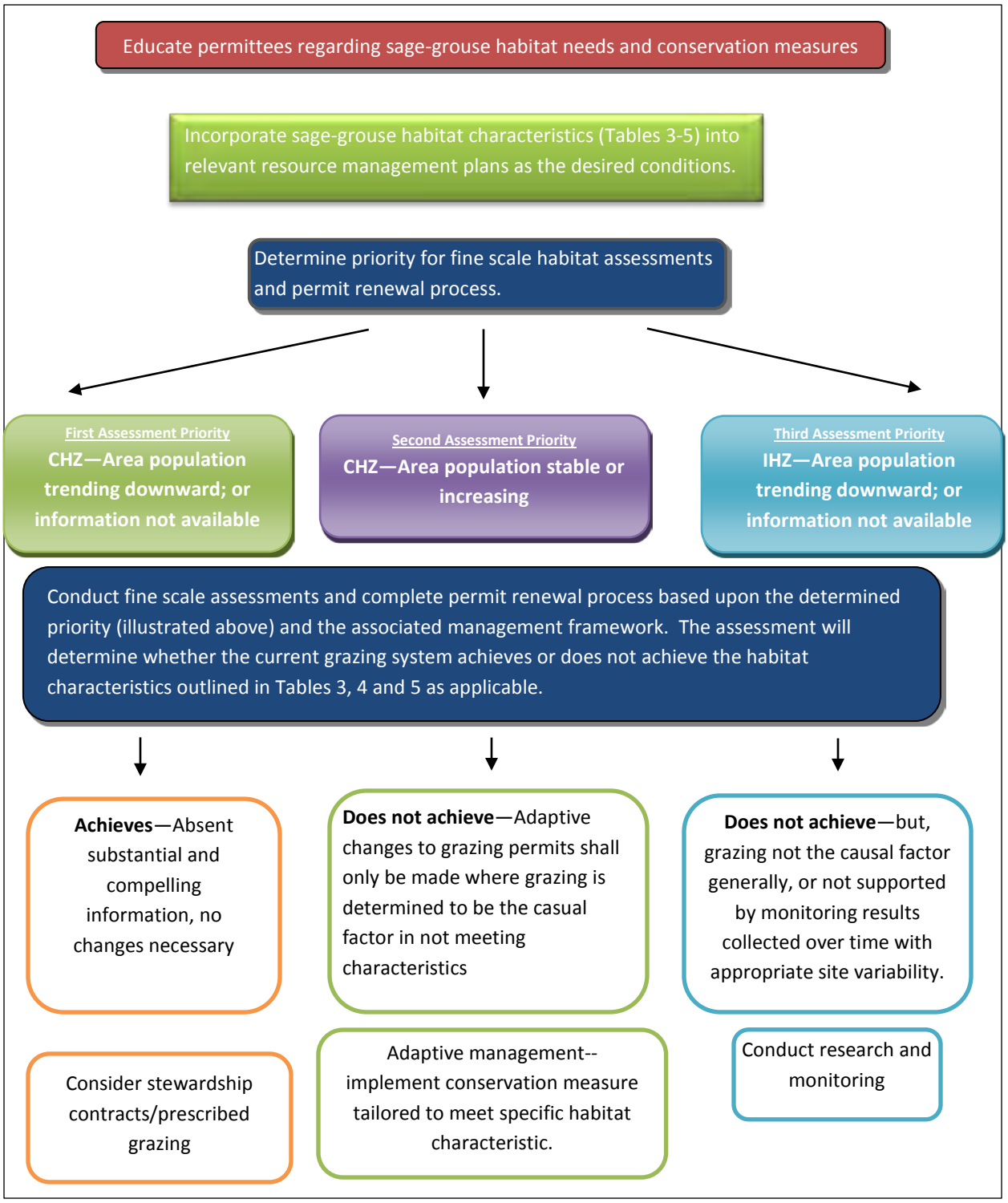
Table 5. General Characteristics of Productive Breeding/Nesting and Early Brood Rearing Habitat.

Habitat Features	Habitat Indicators	Habitat Characteristics	
		Arid Sites	**Mesic Sites**
Protective Cover	Sagebrush Canopy Cover	15-25%	15-25%
	Sagebrush Height	12-31 inches	16-31 inches
	Sagebrush Growth Form	Spreading	Spreading
	Perennial Grass/Forbs Heights (post hatch)	Adequate residual nesting cover[2]	
	Perennial Grass Canopy Cover	Not specified	>15%
Protective Cover and Food	Forb Canopy Cover	Not specified	>10%
	Total Grass/Forb Cover	>15%	>25%

[2] As defined by Connelly et al. 2000, Hausleitner 2003, and Holloran et al. 2005.

Food	Forb Availability	Good abundance and availability relative to ecological site potential

Figure 3. Livestock Grazing Management in CHZ and IHZ



J. Implementation of Idaho's Alternative

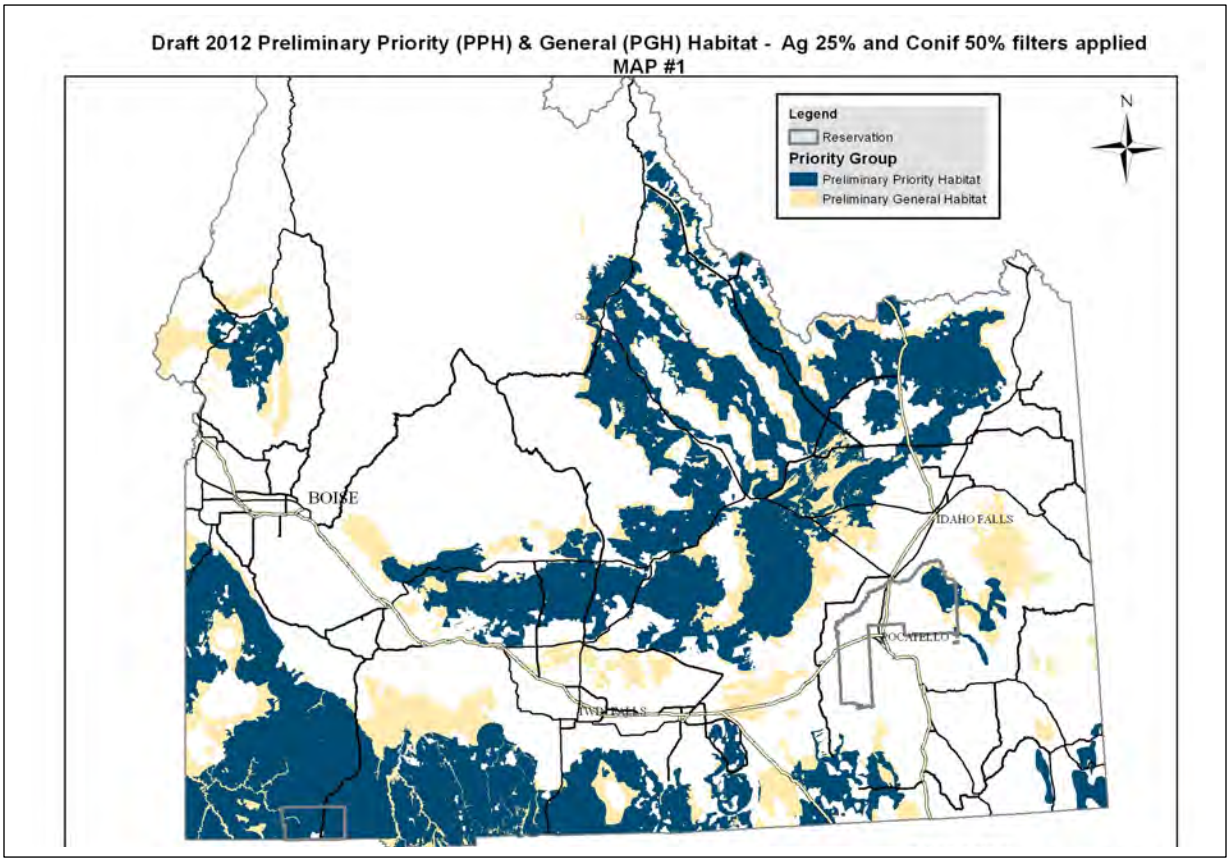
The Governor's Task Force has been a good model of collaborative problem-solving and decision-making. Should Idaho's Alternative be selected and incorporated into relevant resource management plans, I intend to establish by Executive Order an Implementation Task Force to ensure the intent of the State's Alternative is properly implemented. Specifically, the newly-formed group will examine situations where project proponents attempt to develop new infrastructure in the CHZ using the exemption process as described below; and whether proposed projects comply with the criteria outlined in the IHZ. This implementation model has proven successful in implementing the Idaho Roadless Rule.

Additionally, a key component to this alternative is adaptive management. While the State firmly believes the regulatory measures and other features of the plan effectively preclude the need to list, there is a need to continuously evaluate new information as it becomes available. For example, the U.S. Forest Service's research on *Pyrenophora semeniperda* ("black fingers of death") has shown effectiveness in eliminating the cheatgrass carryover seed. The State strongly encourages the Federal government to continue its research on this topic, and may modify this plan to make the application of this tool as an integral part of fire suppression.

II. IDAHO'S SAGE-GROUSE MANAGEMENT AREA (SGMA)

As mentioned previously, the State is adopting the designation of the SGMA with three distinct management zones CHZ, IHZ and GHZ. Recognizing and identifying distinct management zones within the SGMA enables the State and the Federal government to prioritize conservation and restoration efforts to those areas that provide the most effective opportunities to benefit sage-grouse populations and their habitat while maintaining predictable levels of land use. **Map 1,** as developed by the BLM, depicts two habitat areas and provided the Task Force with an initial starting point for discussions.

Map 1. Idaho Sage-Grouse Preliminary "Priority" and "General" Habitat Areas.

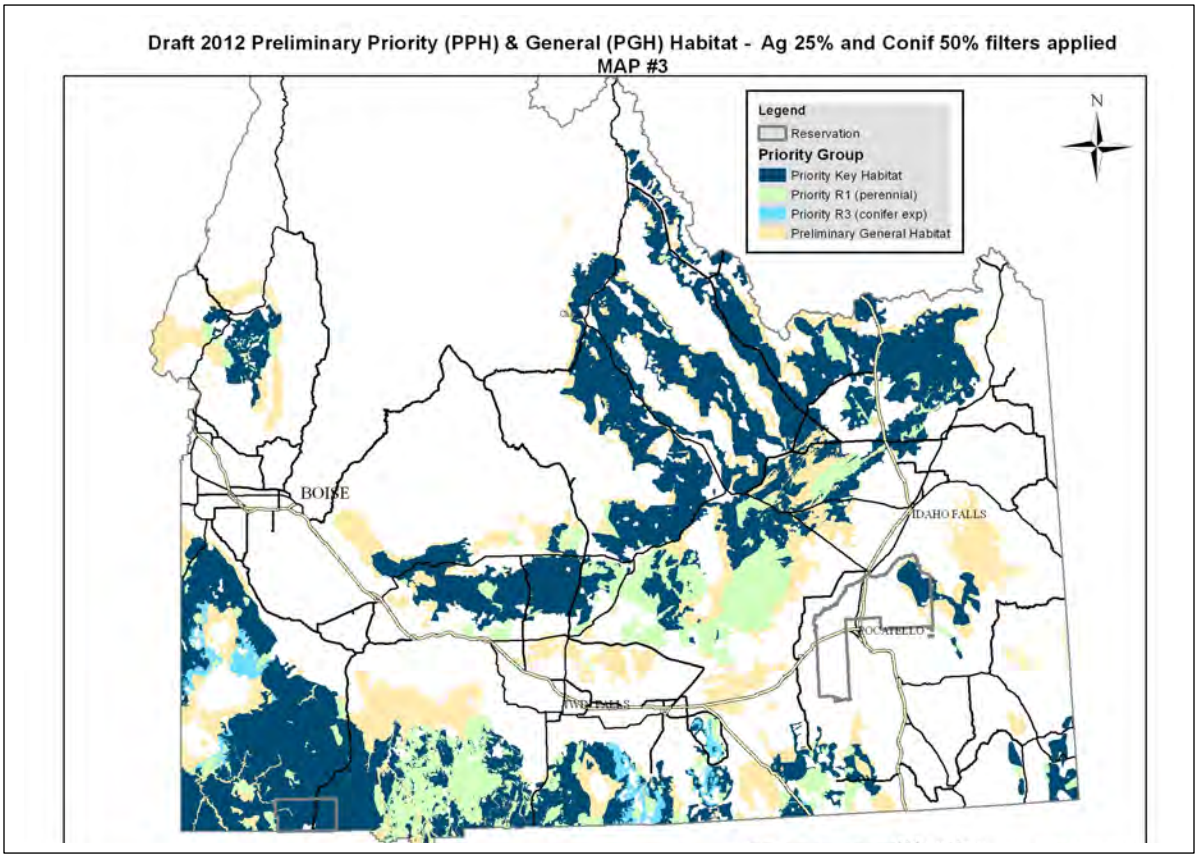


The two habitat areas in **Map 1** are referred to as preliminary "priority" habitat ("PPH") and preliminary "general" habitat ("PGH"). BLM defines PPH as those areas having the highest conservation value to maintaining greater sage-grouse populations, while PGH is defined as areas of occupied seasonal or year-round habitat outside of "priority" habitat. (Makela and Major 2012).

The State believes this mapping approach fosters an "in or out" management regime that does not adequately take advantage of the opportunity to provide better and more precise management direction based on the quality and location of sage-grouse populations and habitats in Idaho.

The need to refine habitat areas for Idaho-specific management purposes led to the development of **Map 2**. It improves on **Map 1** by differentiating three different vegetative types within the "priority" habitat areas: sagebrush, perennial grasses and conifer encroachment. The latter two types offer opportunities for restoration of sagebrush habitat for the species.

Map 2. Refined Idaho Sage-Grouse Areas.



For the development of Idaho's Alternative, I am adopting the Task Force's creation of the SGMA and the three management zones: CHZ, IHZ and GHZ. These are depicted on **Map 3**.

Map 3. Idaho SGMA Habitat Zones.

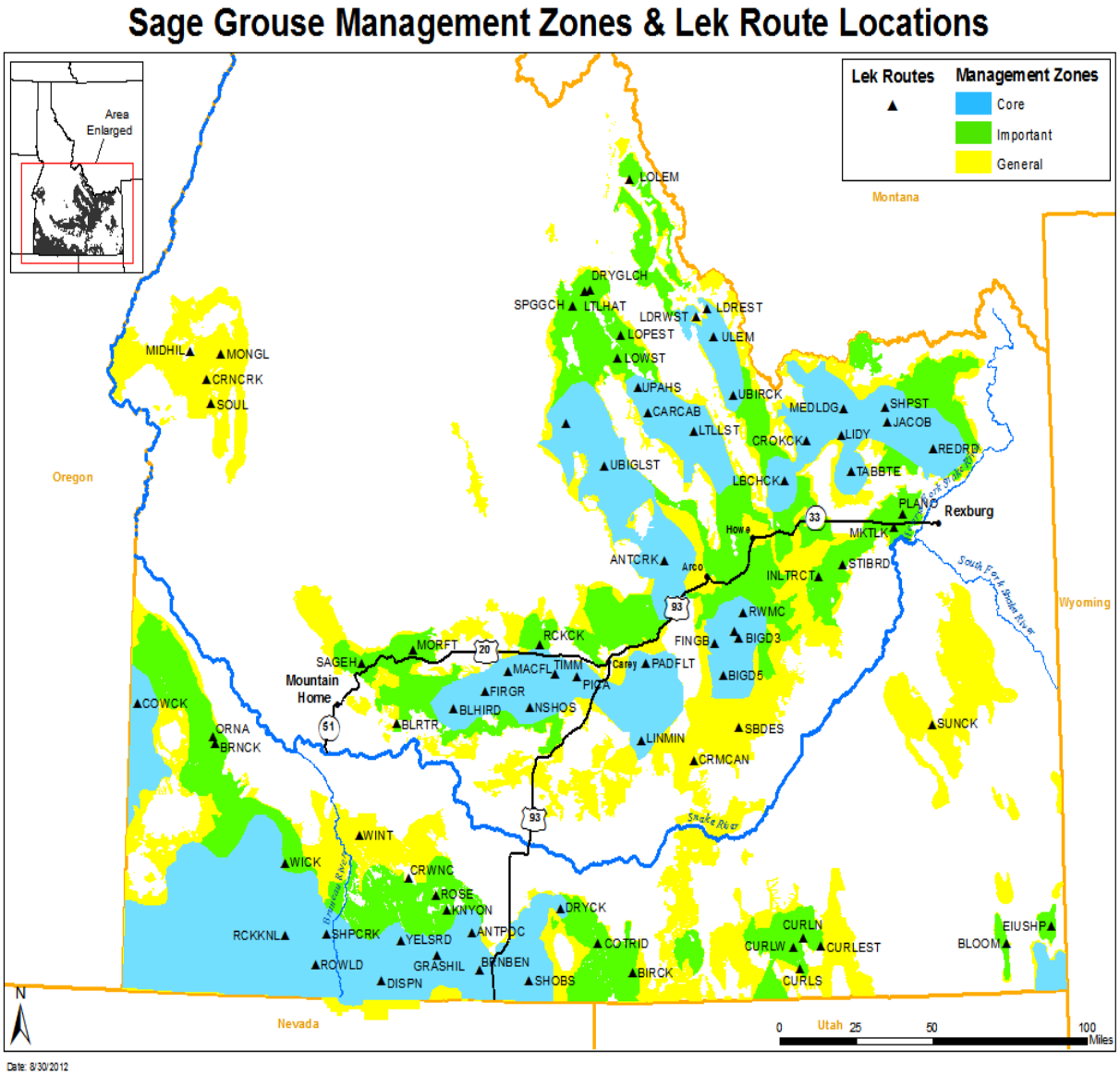


Table 6. Map 3 Lek Legend

Map Label	Lek Route Name	Map Label	Lek Route Name
ANTCRK	Antelope Creek	LOWST	Lower Pahsimeroi West
ANTPOC	Antelope Pocket	LTLHAT	Little Hat Creek
BIGD3	Big Desert #3	LTLLST	Little Lost
BIGD3	Big Desert #3	MACFL	Macon Flat
BIGD5	Big Desert #5	MEDLDG	Medicine Lodge
BIGD5	Big Desert #5	MIDHIL	Midvale Hill
BIRCK	Birch Creek	MIDMTN	Middle Mountain
BLHIRD	Bliss-Hill City Road	MKTLK	Market Lake
BLOOM	Bloomington	MONGL	Monday Gulch
BLRTR	Blair Trail	MORFT	Mores Flat
BRNBEN	Brown's Bench	NSHOS	North Shoshone
BRNCK	Brown's Creek	ORNA	Oreana
CARCAB	Carlson Cabin	PADFLT	Paddelford Flat
COTRID	Cottonwood Ridge	PICA	Picabo
COWCK	Cow Creek	PLANO	Plano
CRMCAN	Cream Canyon	RCKCK	Rock Creek
CRNCRK	Crane Creek	RCKCK	Rock Creek
CROKCK	Crooked Creek	RCKKNL	Rocky Knoll
CRWNC	Crow's Nest - Clover	REDRD	Red Road
CURLEST	Curlew East	ROSE	Roseworth
CURLN	Curlew North	ROWLD	Rowland Road
CURLS	Curlew South	RWMC	RWMC/INL
CURLW	Curlew West	SAGEH	Sagehen Flat
DISPN	Dishpan	SBDES	South Big Desert
DRYCK	Dry Creek	SHOBS	Shoshone Basin
DRYGLCH	Dry Gulch	SHPCRK	Sheep Creek
EIUSHP	EIU Sheep Creek	SHPST	Sheep Station
FINGB	Fingers Butte	SOUL	Soulen Center
FIRGR	Fir Grove	SPGGCH	Spring Gulch
GRASHIL	Grassy Hills	STIBRD	Stible Road
INLTRCT	INL/Tractor Flat	SUNCK	Sunday Creek
JACOB	Jacoby	TABBTE	Table Butte
KNYON	Kinyon	TIMM	Timmerman
LBCHCK	Lower Birch Creek	UBIGLST	Upper Big Lost
LDREST	Leadore East	UBIRCK	Upper Birch Creek
LDRWST	Leadore West	ULEM	Upper Lemhi
LIDY	Lidy	UPAHS	Upper Pahsimeroi
LINMIN	Lincoln/Minidoka	WICK	Wickahoney
LOLEM	Lower Lemhi	WINT	Winter Camp
LOPEST	Lower Pahsimeroi East	YELSRD	Yellow Sign Road

In sum, the CHZ and IHZ on **Map 3** total approximately 9.770 million acres, account for ninety percent (90%) of the known leks or breeding display areas in Idaho, and are believed to harbor the vast majority of the State's sage-grouse populations. Evidence for this includes census data that ninety-five percent (95%) of the male sage-grouse counted at leks are in these two zones. By contrast, the GHZ encompasses approximately 5.45 million acres, on which are found ten percent (10%) of the known leks and five percent (5%) of the male sage-grouse attending leks. Thus, the GHZ is the lowest priority for conservation or restoration efforts.

The three management zones within the SGMA take into account the distribution of sage-grouse populations in Idaho. Specifically, the CHZ and IHZ focus on protecting each of the two key meta-populations in the State. These meta-populations consist of a large aggregation of

interconnected breeding subpopulations of sage-grouse that have the highest likelihood of long-term persistence. One meta-population is located north of the Snake River and includes the North Magic Valley, Big Desert, and Basin and Range areas; the other is located south of the Snake River and includes south central Idaho, the upper Bruneau-Jarbidge Plateau, and the Owyhee Uplands.

Approximately sixty-five percent (65%) of the SGMA is administered by the BLM, and another seven percent (7%) by the USFS. Any proposed actions on lands managed by the Federal government, regardless of the management zone such projects may fall in, will still require appropriate site-specific environmental analysis under the National Environmental Policy Act ("NEPA") and any requisite site-specific decision-making, e.g. 43 C.F.R. Subpart 4160 (BLM) and 36 C.F.R. Part 251 (USFS) prior to approving proposed management actions.

Additionally, applicable resource management plan components must be followed during the planning and implementation of a project. For example, infrastructure development within the GHZ does not contain any special conservation measures for sage-grouse. However, within this management theme, some resource management plan components set sideboards or conditions for development. In particular, there may be other species listed under the ESA that mandates direction to reduce or minimize adverse effects. This direction is not inconsistent with this Alternative. Therefore, these consistent conditions would still apply to actions permissible under the Alternative and if the project cannot comply with the plan requirements, the proposed project would have to be modified, abandoned, or the specific plan component amended.

In addition to the overall desired conditions and ecosystem characteristics discussed earlier, this management zone addresses the following general conditions and uses.

III. IDAHO'S MANAGEMENT ZONES

A. CHZ

Current Condition: The CHZ encompasses approximately 5.68 million acres and supports the highest breeding densities of sage-grouse in Idaho. These areas include approximately sixty-five percent (65%) of the known active leks and are occupied by approximately seventy-three percent (73%) of male sage-grouse counted at leks throughout the SGMA. This management theme represents, and generally exceeds, the State's base population objective for the species.

The CHZ represents strongholds for sage-grouse populations in Idaho and supports the largest populations. Thus, this zone should represent the highest priority for conservation efforts and policies to address the primary threats to the species, such as wildfire, as described in the Service's 2010 listing determination.

Areas designated within the CHZ were mapped based on the following key data sets:

Twenty-five (25%) and fifty (50%) breeding bird density classes, which represent the top fifty (50%) of all leks in terms of male attendance, buffered at times by portions of the seventy-five (75%) class, depending on location, and the top two categories of the BLM's connectivity and persistence model (Makela and Major).[3] The lek connectivity model estimates the likelihood that those leks or population are likely to persist through time (Knick and Hanser 2011).

Depending on location, additional lands beyond the 25% and 50% thresholds have been included in the CHZ to consolidate key breeding areas, to include wilderness areas and lands within national monuments, and to foster population connectivity with neighboring states. The State recognizes that these are fluid boundaries because the habitat is not static, and as new information regarding the species becomes available, it may be necessary to adjust the boundaries for the three management zones.

Desired Future Condition: Maintaining or improving the status of the species within this management zone requires Federal agencies, in conjunction with the State and local partners, to work collaboratively to increase the resiliency of the habitat to disturbances, such as wildfire, and limit habitat fragmentation and loss only to projects pursuant to valid existing rights or incremental upgrades and/or that demonstrate, among other things, a significant high value benefit to the State of Idaho as well as provide compensatory mitigation consistent with the guiding principles above.

Management Focus: Management by Federal agencies should focus on the maintenance and enhancement of the habitats, population and connectivity areas identified in this zone.

Federal agencies need to marshal existing—and target future Federal resources—to reduce the number and size of wildfires, especially in the West Owyhee Conservation Area.

Idaho landowners and sage-grouse local working groups have already invested significant efforts in the CHZ and should continue to be informed and involved as these recommendations are refined and implemented. The State encourages local landowners to continue practices that aid in meeting conservation objectives for the CHZ.

[3] In 2010, the BLM entered into an agreement with the Service to model sage-grouse "breeding bird density" ("BBD") at three scales: across the range of the species; by WAFWA sage-grouse zones; and by State (Doherty et al. 2011). The BBD analyses involve ranking leks by attendance (i.e., highest to lowest number of males counted on leks) and summing the number of males until a desired percent-population threshold is met, hence the categories used—top 25%, 50%, 75% and 100% of the population.

Table of Generally Suitable Uses and Activities in CHZ[4]

Use/Activity	Yes	No	Conservation Measures
Fire Management	**X**		**Only human safety and structure protection shall take precedence.**
Invasive Species	**X**		**Actively manage exotic undesirable species sufficiently to prevent invasion.**
Infrastructure		**X**	**Limited exceptions are permissible.**
Recreation	**X**		**Prioritize the completion of comprehensive travel planning.**
Livestock Grazing	**X**		**Prioritize allotments for permit renewal and assessment process for allotments with declining sage-grouse populations.**

As illustrated in the table above, prospective infrastructure development authorized by the State Director is presumptively prohibited unless conducted pursuant to valid existing rights or as part of an incremental upgrade. The Task Force also recommended that a limited exemption process should be available to facilitate limited situations where a project proponent can satisfy stringent criteria and provide compensatory mitigation. It is important to note that a proponent would have to meet all the criteria outlined in the regulatory language.

[4] This table, along with the successive tables for each management zone, is for general illustrative purposes only. *See* Section V for Idaho's Alternative regulatory language for a complete understanding of the prohibitions and permissions for each management zone.

As the Task Force recommended, one of the key criterion for obtaining an exemption was a project proponent's demonstration that the project would provide a high-value benefit to meet critical existing needs and/or important societal objectives to the State of Idaho. In the draft Alternative, several commenters noted a discomfort with having federal officials determine what projects meet the exemption criteria. Because this Alternative is aimed at providing special management direction for sage-grouse on lands managed by the Federal government, the State does not have the authority to make land allocation decisions. More specifically, these commenters argued that these same Federal officials are not well-positioned to determine whether a project under this exemption provides a "high value" benefit to the State.

The State agrees with this line of reasoning. Thus, the factor is retained as part of the analysis, and should this Alternative be implemented, the State intends as part of the Implementation Commission to evaluate this factor as part of its responsibility to provide the Governor recommendations on site-specific projects developed through this plan.

Recognizing that maintaining and improving sage-grouse populations within the CHZ is important to the State's overall population objective, the balance between the economic value of future infrastructure projects and conserving the species to prevent an ESA listing clearly tilts in favor of the species within this the management zone. That said, it is impossible to predict projects that could be important to the economic vitality of the State in the future. Thus, the "high value" evaluation by the Implementation Commission will be critical in balancing these interests.

B. IHZ

Current Condition: The IHZ encompasses approximately 4.09 million acres. These areas include approximately twenty-five percent (25%) of the known active leks and are occupied by an estimated twenty-two percent (22%) of sage-grouse males. This management zone generally captures high-quality habitat and populations necessary for providing a management buffer for the CHZ, connecting patches of the CHZ, and supporting important populations and habitat independent of the CHZ.

The IHZ is primarily defined by the seventy-five (75%) breeding bird density areas. Given the migratory life history of many sage-grouse populations, a portion of the birds breeding in CHZ may make seasonal use of areas within the IHZ. The IHZ also includes areas of value for migration corridors, connectivity among breeding areas, and long-term persistence of each of the two key meta-populations of sage-grouse in Idaho.

Desired Future Condition: Maintaining or improving the status of the species within this management zone requires Federal agencies, in conjunction with the State and local partners, to work collaboratively to increase the resiliency of the habitat to disturbances, such as fire, and

limit unnecessary and undue habitat fragmentation to projects that demonstrate, among other things, a high value benefit to the State of Idaho.

Management Focus: Management by Federal agencies should focus strategically on areas within this zone that have the best opportunities for conserving, enhancing or restoring habitat for sage-grouse. Management by Federal agencies should employ more aggressive wildfire and invasive species management practices to prevent further encroachment of these two primary threats into the CHZ. The IHZ should also afford project proponents greater flexibility than in the CHZ with the understanding that the project still must demonstrate, among other things, a high value benefit to the State.

Table of Generally Suitable Uses and Activities in IHZ

Use/ Activity	Yes	No	Conservation Measures
Fire Management	**X**		**Where appropriate, develop more aggressive strategies to reduce fuel loads.**
Invasive Species	**X**		**Actively manage exotic undesirable species to prevent invasion in the CHZ without impairing sage-grouse populations.**
Infrastructure	**X**		**Permissible subject to certain criteria. Mitigate unavoidable impacts.**
Recreation	**X**		**Same as CHZ.**
Livestock Grazing	**X**		**Same as CHZ.**

C. GHZ

Current Condition: The GHZ encompasses approximately 5.45 million acres. This management zone generally includes few active leks, and fragmented or marginal habitat. The GHZ also includes habitat for two isolated populations of sage-grouse in the East Idaho Uplands and West Central Idaho. While these two areas generally represent better habitat than the remainder of the GHZ, the isolated nature of these populations make it unlikely that they will contribute to the long-term persistence of the two key meta-populations in the State of Idaho. Thus, local working group efforts will be key in these areas.

Desired Future Condition: Rely on efforts of local working groups to maintain populations where applicable.

Management Focus: Management by Federal agencies should focus, to the extent practicable, on facilitating multiple-use activities in order to avoid siting conflicts in the other management zones. Management by Federal agencies should employ a more aggressive wildfire and invasive species management practices to prevent further encroachment of these two primary threats into the CHZ/IHZ.

Table of Generally Suitable Uses and Activities in GHZ

Use/Activity	YES	NO	Conservation Measures
Fire Management	**X**		**Aggressive fire suppression techniques should be utilized.**
Invasive Species	**X**		**Employ aggressive invasive species measures in conjunction with CWMAs.**
Infrastructure	**X**		**Consistent with local resource management plans.**
Recreation	**X**		**No special application for sage-grouse.**
Livestock Grazing	**X**		**No special application for sage-grouse.**

IV. COOPERATING AGENCY STATUS

The State of Idaho formally requests cooperating agency status in this process. The Governor's Office of Species Conservation in conjunction with IDFG will serve as the State's

representatives in this process. The Task Force will continue to serve in an advisory capacity to ensure the State's Alternative is properly analyzed.

V. IDAHO'S REGULATORY LANGUAGE FOR LANDS MANAGED BY THE FEDERAL GOVERNMENT

A. Purpose.

The purpose of this Alternative is to provide, in the context of multiple-use management, Idaho-specific direction for the conservation and management of the greater sage-grouse in lands administered by the Bureau of Land Management and the U.S. Forest Service.

B. Definitions.

The following terms and definitions apply to Idaho's Alternative:

Adaptive Regulatory Triggers: Provides a regulatory backstop where a significant and unanticipated loss of sage-grouse habitats and populations occurs by applying the conservation benefits of the CHZ to the IHZ within the relevant Conservation Area.

Infrastructure: Discrete, large-scale anthropogenic features, including but not limited to, highways, high voltage transmission lines, commercial wind projects, energy development (e.g., oil and gas development, geothermal wells), airports, mines, cell phone towers, landfills, residential and commercial subdivisions. Infrastructure related to small-scale ranch, home and farm businesses, including but not limited to, stock ponds, fences, range improvements do not meet this definition and are addressed in other portions of the Alternative or relevant resource management plans.

Sage-Grouse Management Objective for the State of Idaho: Maintain and enhance the habitat and populations of sage-grouse located within the Core Habitat Zone ("CHZ"), while strategically buffered by areas within the Important Habitat Zone ("IHZ") having the best opportunities for conserving, enhancing or restoring habitat for sage-grouse. In the first three years of implementation, the approach will emphasize limiting habitat loss in the CHZ and IHZ respectively to no more than ten percent (10%) resulting in a proportionate reduction of males counted on leks within an individual Conservation Area.

Sage-Grouse Management Area: The Sage-Grouse Management Area ("SGMA") pursuant to this Alternative identified in **Map 3** that accounts for the entire known sage-grouse population in the State of Idaho.

State Director: The Idaho State Director for the Bureau of Land Management ("BLM"). Where relevant and appropriate, the term "State Director" also means "Regional Forester" for lands subject to the management of the U.S. Forest Service.

C. SGMA.

1. *Designations*. All relevant National Forest System lands and BLM lands as designated in **Map 3** are hereby designated as the SGMA. Notwithstanding the need to make technical corrections, absent substantial and compelling evidence, these designations pursuant to **Map 3** should not be altered for at least five (5) years.
2. *Management Classifications.* Management classifications for the SGMA express a management continuum. The following classifications are established: Core Habitat Zone ("CHZ"), Important Habitat Zone ("IHZ") and General Habitat Zone ("GHZ").
3. *Conservation Areas.* In order to achieve the State's Management Approach, the following Conservation Areas are established: West Owyhee Conservation Area; Southern Conservation Area; Desert Conservation Area; and Mountain Valleys Conservation Area.
4. *Maps.* The State Director and the Director of the Idaho Department of Fish and Game shall maintain and make available to the public a map of the SGMA, including records regarding any corrections or modifications of such maps pursuant to this Alternative.

D. CHZ. Management by Federal and State agencies should focus on the maintenance and enhancement of habitats, populations and connectivity in areas within this management zone.

1. *Wildfire*
   - i. Incorporate the BLM Washington Office Instruction Memorandum ("WO IM") 2011-138 to reduce the number and size of wildfires in sage-grouse habitat.
   - ii. Only human safety and structure protection shall take precedence over the protection of sage-grouse habitat.
   - iii. Evaluate and decrease wildfire response time by twenty-five percent (25%). In order to achieve this objective:
     - a. Prioritize, maintain and improve a high initial attack success rate in suppression response and staging decisions;
     - b. Utilize available maps under (C)(4) and spatial data depicting sage-grouse habitats within this zone;
     - c. Redeploy firefighting resources not being fully utilized outside the SGMA to the extent such redeployment will not cause harm to human safety and structure protection; and
     - d. Request the necessary federal appropriations to achieve this objective.

iv. Evaluate the current fire suppression baseline, and in conjunction with the measures below, develop a consistent plan that improves on this baseline by twenty-five percent (25%).

a. Federal firefighters shall ensure close coordination with State firefighters, local fire departments and local expertise to create the best possible network of strategic fuel breaks and road access to minimize and reduce the size of a wildfire following ignition;

b. To the extent practicable, the close coordination described in (a) should result in consistent fire response plans and mutual aid agreements necessary to achieve the management objective in (iv);

c. Request and place additional firefighting resources and establish new Incident Attack Centers, with particular emphasis in the West Owyhee Conservation Area;

d. Create and maintain effective fuel breaks in strategic locations that will modify fire behavior and increase fire suppression effectiveness according to the following criteria:

- Target establishment of fuel breaks along existing roads or other disturbances.
- Identify and target higher-risk roads for fuel break construction and maintenance based on fire history maps.
- Implement a strategic approach to using these roads for rapid fire response.
- Analyze the benefits of the fuel break against the additional loss of sagebrush cover and risk on invasive weeds.
- Fire breaks must be properly maintained.

e. Request the necessary federal appropriations to achieve this objective.

2. *Invasive Species*

i. Actively manage exotic undesirable species to limit presence.

ii. Monitor and control invasive vegetation post-wildfire treatment for at least three years.

iii. Emphasize the use of native seeds for fuels management treatment based on availability, adaptation (site potential), and probability of success.

a. Reallocate native plant seeds for Emergency Stabilization and Rehabilitation (ES&R) from outside the SGMA and the GHZ to this management zone if necessary.

b. Where the probability of obtaining sufficient native seed is low, non-native seeds may be used provided sage-grouse habitat objectives are met.

3. *Habitat Restoration*

i. Prioritize the removal of conifers through methods appropriate for the terrain and most likely to facilitate expeditious sage-grouse population and habitat recovery. To the extent possible, utilize removal methods creating the least amount of disturbance.

a. Efforts should focus on areas with highest restoration potential typically evidenced by low canopy cover, existing sagebrush understory, and adjacent current populations.

b. Refrain from using prescribed fire and conducting removal projects in juniper stands older than one hundred years.

c. Maximize the use of Natural Resource Conservation Service funding through permittee grants under the Environmental Quality Incentives Program (EQUIP) and Wildlife Habitat Improvement (WHIP) programs.

ii. In perennial grasslands, actively restore sagebrush canopy cover and the ecological functions of the site. To the extent practicable, utilize native understory.

a. Prioritize areas for restoration with lower risks of wildfire and exotic species invasion.

4. *Infrastructure*

i. The development of infrastructure authorized after the effective date of the record of decision in areas designated as CHZ is prohibited, except if developed pursuant to valid existing rights or incremental upgrade and/or capacity increase of existing development (authorized prior to the record of decision) subject to best management practices in (G).

a. Impacts of proposed actions authorized in (i) shall be limited to the authorized existing footprint with no more than a fifty percent (50%), depending on industry practice, increase in footprint size and associated impacts; and

b. Projects authorized under (i) would only be subject to compensatory mitigation if new significant and unavoidable impacts are demonstrated to be associated with the project.

ii. Notwithstanding the limited prohibition in (4)(i), the State Director may authorize infrastructure development only in situations where the development:

a. Cannot be reasonably accomplished outside of the CHZ; and

b. Demonstrates the population trend for the species within the relevant Conservation Area is stable or increasing over a three-year period; and

c. Demonstrates the individual or cumulative exceptions under this provision must best reduce habitat fragmentation ensuring the impacts will not accelerate and/or cause a population decline of the species within the relevant Conservation Area; and

d. Co-locate with existing infrastructure to the maximum extent practicable; and

e. Shall mitigate unavoidable impacts through an appropriate compensatory mitigation plan.

iii. Proposed development authorized under (4)(ii) are subject to the applicable best management practices in (G).

iv. Notwithstanding the limited prohibition in 4(i), the State Director may authorize, after the record of decision, oil and gas development only under the following circumstances:

a. Exploration activities utilizing temporary roads are permissible provided site disturbance is minimized.

b. There shall be no surface use or occupancy unless the State Director finds that the surface development, based on site-specific analysis, will not accelerate and/or cause declines in sage-grouse populations within the relevant Conservation Area based on the application of the criteria in 4(ii) and the best management practices in (G).

5. *Secondary Threats*

i. *Recreation*

a. Prioritize the completion of Comprehensive Transportation Management Travel Plans ("CTMTPs") to minimize disturbance to sage-grouse populations and reduce the risk of wildfire and other habitat disturbances associated with cross-country travel.

b. Prior to the completion of CTMTPs, restrict vehicles to existing routes.

c. Adopt a “restricted to designated routes” approach where appropriate to the extent such designation does not interfere with administrative use.

d. Discourage the creation of new roads and trails. Re-route existing routes where appropriate.

e. Identify and reduce activities demonstrating repeated displacement of nesting birds. Where existing routes are demonstrated to affect occupied leks, apply seasonal and time based use-restrictions tailored to address the site-specific conditions of the area.

ii. *West Nile Virus*

a. Reduce the risk of transmission of West Nile Virus to sage-grouse by minimizing the creation of breeding habitat for mosquitoes.

b. Consider the potential impacts of West Nile Virus transmission prior to permitting new ponds or reservoirs.

c. Minimize the construction of new ponds or reservoirs except as needed to meet important resource management and/or restoration objectives.

d. Non-pond/reservoir watering facilities, such as troughs and bottomless tanks, should be developed and maintained to provide high quality water that minimizes the development of habitat for mosquitoes.

e. Maintenance of functioning float valves and water return features should be constructed to prohibit water from being spilled on the ground surrounding the trough and/or tank.

f. To the extent practicable, water should be returned to the original water source to reduce suitable habitat for mosquitoes.

iii. *Livestock Grazing Management*

a. Incorporate the sage-grouse habitat characteristics in **Tables 3-5** and management considerations into relevant resource management plans as desired conditions recognizing that these conditions may not be achievable (1) due to the existing ecological condition, ecological potential, or the existing vegetation; or (2) due to casual events unrelated to existing livestock grazing.

b. Prioritize permit renewal and the land health assessments outlined in (iii)(c) in allotments with declining sage-grouse populations.

c. Conduct fine and site scale-habitat assessments and, where appropriate, a determination of factors causing any failure to achieve the habitat characteristics in Tables 3-5. The assessment(s) shall be conducted at a resolution sufficient to document the habitat condition and will include local spatial and inter-annual variability. Any determination relative to the habitat characteristics (Tables 3-5) shall be based upon existing ecological condition, ecological potential, and existing vegetation information to ensure the assessment recognizes whether or not these habitat characteristics are achievable.

d. The assessment will rely on published characteristics of sage-grouse habitat and the Ecological Site Descriptions, and **Tables 3-5**, and where available and applicable, rangeland health determinations made in accordance with 43 C.F.R. 418.2(c).

e. After conducting the assessment in (iii)(c), if the current grazing system achieves the habitat characteristics (Tables 3-5), absent substantial and compelling information no further grazing management changes are necessary.

f. If the process and conditions outlined in (iii)(c) demonstrate that livestock grazing is limiting achievement of the habitat characteristics (Tables 3-5), renewed permits will include measures, including but not limited to the actions outlined in (J), to achieve desired habitat conditions. These measures must be tailored to address the specific management issues.

g. Adaptive management changes related to existing grazing permits should only be undertaken where improper grazing is determined to be the casual factor in not meeting habitat characteristics, specific to site capability, based upon monitoring over with appropriate spatial variability.

h. Where management changes are needed and necessary pursuant to (f), implement management actions that are narrowly tailored to address the specific habitat objective applied at the allotment and/or activity plan level, including but not limited to the actions outlined in (J).

iv. *Livestock Grazing Infrastructure*

a. To the extent practicable, reduce the impacts of fences and livestock management facilities on sage-grouse.

b. Mark fences with permanent flagging or other suitable device to reduce sage-grouse collisions on flat to gently rolling terrain in areas of moderate to high fence densities (i.e., more than one kilometer of fence per square kilometer) located within two kilometers of occupied leks.

c. Identify and remove unnecessary fences.

d. Placement of new fences and livestock management facilities, including corrals, loading facilities, water tanks and windmills, should consider their impact on sage-grouse.

e. Avoid constructing new fences within one kilometer (0.6 miles) of occupied leks.

f. To the extent practicable, place new, taller structures, including corrals, loading facilities, water storage tanks, windmills, at least one kilometer from occupied leks.

E. **IHZ.** Management by Federal and State agencies should focus on areas within this zone that have the best opportunities for conserving, enhancing or restoring habitat for sage-grouse. Management by Federal agencies should also provide the necessary flexibility to permit high-value infrastructure projects.

1. *Wildfire*

i. Incorporate the BLM WO IM 2011-138 to reduce the number and size of wildfires in sage-grouse habitat.

ii. Only human safety and structure protection shall take precedence over the protection of sage-grouse habitat.

iii. Evaluate and decrease wildfire response time by twenty percent (20%) in the West Owyhee Conservation Area. Decrease wildfire response time in all other conservation areas by fifteen percent (15%). In order to achieve this objective:

a. Prioritize, maintain and improve a high initial attack success rate in suppression response and staging decisions;

b. Utilize available maps under (C)(4) and spatial data depicting sage-grouse habitats within this zone;

c. Redeploy firefighting resources not being fully utilized outside the SGMA to the extent such redeployment will not cause harm to human safety and structure protection; and

d. Request the necessary federal appropriations to achieve this objective.

iv. Evaluate the current fire suppression baseline, and in conjunction with the measures below, develop a management plan that improves on this baseline by fifteen percent (15%).

a. Federal firefighters shall ensure close coordination with State firefighters, local fire departments and local expertise (i.e., livestock grazing permittees and road maintenance personnel) to create the best possible network of strategic fuel breaks and road access to minimize and reduce the size of a wildfire following ignition;

b. To the extent practicable, the close coordination described in (a) shall result in consistent fire response plans and mutual aid agreements necessary to achieve the objective in (1)(v); and

c. Request the necessary federal appropriations to achieve this objective.

v. Create and maintain effective fuel breaks in strategic locations that will modify fire behavior and increase fire suppression effectiveness.

a. Target establishment of fuel breaks along existing roads or other disturbances.

b. Identify and target higher-risk roads for fuel break construction and maintenance based on fire history maps.

c. Implement a strategic approach to using these roads for rapid fire response.

d. Closely evaluate the benefits of the fuel break against the additional loss of sagebrush cover and risk of invasive weeds.

e. Fire breaks must be properly maintained.

vi. Prescribe or target livestock grazing where demonstrated to be appropriate as a tool for reducing fuel loads, reducing invasive species populations and maintaining functional fire breaks.

a. Test the effectiveness and monitor the results on a site-specific basis through stewardship contracting.

vii. Reduce human-caused ignitions by coordinating with Federal, State and local jurisdiction on fire and litter prevention programs.

2. *Invasive Species*

i. Actively manage exotic undesirable species to limit presence in the CHZ.

ii. Monitor and control invasive vegetation post-wildfire treatment for at least three years.

iii. Emphasize the use of native seeds for fuels management treatment based on availability, adaptation (site potential), and probability of success.

a. Reallocate native plant seeds for Emergency Stabilization and Rehabilitation (ES&R) from outside the SGMA and the GHZ to this management zone.

b. Where the probability of success or native seed availability is low, non-native seeds may be used provided sage-grouse habitat objectives are met.

iv. Require best management practices for construction projects to prevent invasion.

v. Actively pursue eradication or control of noxious weeds and/or invasive species posing a risk to sage-grouse habitats using a variety of chemical, mechanical and other appropriate means in coordination with the local Cooperative Weed Management Area (CWMA).

vi. Establish an effective monitoring program to evaluate the success of weed control efforts in conjunction with the CWMAs.

3. *Habitat Restoration*

i. Prioritize the removal of conifers through methods appropriate for the terrain and most likely to facilitate expeditious sage-grouse habitat recovery. Especially prioritize and target removal treatments adjacent to the CHZ. To the extent possible, utilize methods creating the least amount of disturbance.

a. Areas with highest restoration potential will typically have low canopy cover, existing sagebrush understory, and adjacent current populations.

b. Refrain from using prescribed fire and conducting removal projects in juniper stands older than one-hundred years.

c. Maximize the use of Natural Resource Conservation Service funding through permittee grants under the Environmental Quality Incentives Program (EQUIP) and Wildlife Habitat Improvement (WHIP) programs.

ii. In perennial grasslands, actively restore sagebrush canopy cover and the ecological functions of the site. To the extent practicable, utilize native understory.

a. Prioritize areas for restoration with lower risks of wildfire and exotic species invasion, especially in areas adjacent to the CHZ.

4. *Infrastructure*

   i. The State Director may authorize new infrastructure development where in the State Director's judgment the circumstances set out below exist.

      a. Cannot reasonably be achieved, technically or economically, outside of this management zone; and

      b. To the extent practicable, co-locate the project with existing infrastructure. In the event co-location is not practicable, the siting should best reduce cumulative impacts and/or impacts to other high value natural, cultural, or societal resources; and

      c. Should not result in unnecessary and undue habitat fragmentation or other impacts causing a decline in the population of the species within the relevant Conservation Area; and

      d. Mitigate unavoidable impacts through an appropriate compensatory mitigation plan; and

      e. Comply with the applicable best management practices in (G).

   ii. For oil and gas leases issued after the effective date of the record of decision, exploration activities utilizing temporary roads shall be exempt, provided site disturbance is minimized. Surface use or occupancy is permissible if projects can demonstrate, based on site-specific analysis, that such activities will not cause declines in sage-grouse populations through implementation of the best management practices in (G). Projects authorized under (ii) must mitigate unavoidable impacts through an appropriate compensatory mitigation plan.

5. *Secondary Threats*

   i. *Recreation*

      a. Prioritize the completion of Comprehensive Transportation Management Travel Plans ("CTMTPs") to minimize disturbance to sage-grouse and reduce the risk of wildfire and other habitat disturbances associated with cross-country travel.

      b. Prior to the completion of CTMTPs, restrict vehicles to existing routes.

      c. Adopt a "restricted to designated routes" approach where appropriate to the extent such designation does not interfere with administrative use.

d. To the extent practicable, discourage the creation of new roads and trails. Re-route existing routes where appropriate.

e. Identify and reduce activities demonstrating repeated displacement of nesting birds. Where existing routes are demonstrated to affect occupied leks, apply seasonal and time based use-restrictions tailored to the site-specific conditions of the area.

ii. *West Nile Virus*

a. Reduce the risk of the transmission of West Nile Virus to sage-grouse by minimizing the creation of breeding habitat for mosquitoes.

b. Consider the potential impacts of West Nile Virus transmission prior to permitting new ponds or reservoirs.

c. Minimize to the extent practicable, construction of new ponds or reservoirs except as needed to meet important resource management and/or restoration objectives.

d. Non-pond/reservoir watering facilities, such as troughs and bottomless tanks, should be developed and maintained to provide high quality water that suppresses development of habitat for mosquitoes.

e. Maintenance of functioning float valves and water return features should be constructed to prohibit water from being spilled on the ground surrounding the trough and/or tank.

f. To the extent practicable, water should be returned to the original water source to reduce suitable habitat for mosquitoes.

iii. *Livestock Grazing Management*

a. *See* V.D.5.iii.

iv. *Livestock Grazing Infrastructure*

a. To the extent practicable, reduce the impacts of fences and livestock management facilities on sage-grouse.

b. Mark fences with permanent flagging or other suitable device to reduce sage-grouse collisions on flat to gently rolling terrain in areas of moderate to high fence densities (i.e., more than one kilometer of fence per square kilometer) located within two kilometers of occupied leks.

c. Identify and remove unnecessary fences.

d. Placement of new fences and livestock management facilities, including corrals, loading facilities, water tanks

and windmills, should consider their impact on sage-grouse.

e. Avoid constructing new fences within one kilometer of occupied leks.

f. To the extent practicable, place new, taller structures, including corrals, loading facilities, water storage tanks, windmills, at least one kilometer from occupied leks.

F. GHZ. Management by Federal agencies should focus on multiple-use management consistent with local resource management plans.

1. *Wildfire*

i. Incorporate the BLM WO IM 2011-138 to reduce the number and size of wildfires in sage-grouse habitat.

ii. Fire suppression efforts should be emphasized, recognizing that other local, regional, and national fire suppression priorities may take precedent.

iii. Aggressively create and maintain effective fuel breaks in strategic locations that will modify fire behavior and increase fire suppression effectiveness. The fire breaks should target areas necessary to provide a buffer between the GHZ and the other management zones.

a. Target establishment of fuel breaks along existing roads or other disturbances.

b. Identify and target higher-risk roads for fuel break construction and maintenance based on fire history maps.

c. Implement a strategic approach for using these roads to enable rapid fire response.

d. Fuel breaks must be properly maintained and sited with consideration of active leks and risk of invasive weeds.

iv. Actively employ prescribed or targeted grazing as a primary tool for reducing fuel loads, reducing invasive species populations and maintaining functional fire breaks to the extent such activities do not adversely affect breeding habitats (i.e. occupied leks, nesting and early brood-rearing).

2. *Invasive Species*

i. Aggressively manage exotic undesirable species sufficient to prevent invasion into other management zones.

ii. Aggressively pursue eradication or control of noxious weeds and/or invasive species posing a risk to sage-grouse habitats using a variety of chemical, mechanical and other appropriate means in

coordination with the local Cooperative Weed Management Area (CWMA).

iii. Establish an effective monitoring program to evaluate the success of weed control efforts in conjunction with the CWMAs.

3. *Infrastructure*

i. A responsible official may authorize infrastructure construction consistent with the relevant land management components as provided for in (H).

4. *Secondary Threats*

i. *Recreation*

a. Nothing in this Alternative shall be construed as affecting the use of motorized equipment and mechanical transport in this management zone.

ii. *West Nile Virus*

a. Minimize the creation of breeding habitat for mosquitoes in sage-grouse habitat.

b. Prior to permitting new ponds or reservoirs, consider the impacts of West Nile Virus transmission.

c. Non-pond/reservoir watering facilities, such as troughs and bottomless tanks should be developed and maintained to provide high quality water that suppresses the development of habitat for mosquitoes.

iii. *Livestock Grazing Management*

a. Nothing in this Alternative shall be construed as affecting existing grazing permits in this management zone. Grazing permits are still subject to the grazing regulations (43 C.F.R. Part 4100, including Fundamentals of Rangeland Health, 43 C.F.R. Subpart 4160.

iv. *Livestock Grazing Infrastructure*

a. Identify and remove unnecessary fences.

G. Infrastructure—Best Management Practices.

1. For proposed actions authorized in the CHZ and IHZ, the following best management practices are applicable:

i. Utilize existing roads, or realignments of existing routes to the extent possible.

ii. Construct new roads to minimum design standards needed for production activities.

iii. To the extent possible, micro-site linear facilities to reduce impacts to sage-grouse habitats.

iv. Locate staging areas outside the CHZ to the extent possible.

v. To the extent possible, co-locate linear facilities within one kilometer of existing linear facilities.

vi. New transmission lines, excluding those lines under (viii), will be deemed co-located and/or permissible if construction occurs between July 1 and March 14 (or between July 1 and November 30 in winter concentration areas) and within one kilometer either side of existing 115-kilovolt (kV) or larger transmission lines to create a corridor no wider than two kilometers.

vii. New transmission lines, excluding those lines under (viii), outside of this two kilometer corridor can only be constructed where it can be demonstrated that the activity will not cause declines in sage-grouse populations or if the activity reduces cumulative impacts and/or avoids other important natural, cultural or societal resources.

viii. Locate essential public services, including but not limited to, distribution lines, domestic water lines and gas lines, at least one kilometer from active sage-grouse leks. If one kilometer avoidance is not possible, construct lines outside of March 15 to June 30.

ix. In addition to the applicable best management practices (i-viii), wind energy development, projects must also comply with the 2012 U.S. Fish and Wildlife Service's Wind Energy Guidelines.

2. For oil and gas leases issued after the effective date of the record of decision, the following best management practices are applicable:

i. Evaluate the affected area in accordance with the process outlined in the State of Wyoming's Executive Order 2011-5.

ii. For development within the CHZ, surface disturbance will be limited to three percent of suitable habitat per an average of 640 acres. Development within the IHZ will be limited to five percent of suitable habitat per an average of 640 acres.

iii. There shall be no surface occupancy ("NSO") within one kilometer of the perimeter of occupied sage-grouse leks; provided this distance is supported by the best available science at the time the development undergoes site-specific environmental analysis.

iv. Activity (production and maintenance activity exempted) will be allowed from July 1 to March 14 outside of the one kilometer perimeter of a lek where brood rearing, nesting and early brood-rearing habitat is present.

v. Areas solely used as winter concentration areas, exploration and development activity will be allowed March 14 to December 1.

vi. Locate main roads used to transport production and/or waste products >1.5 kilometers from the perimeter of occupied sage-grouse leks. Locate other roads used to provide facility site access and maintenance >1.5 kilometers from the perimeter of occupied sage-grouse leks. Construct roads to minimum design standards needed for production activities.

vii. New noise levels, at the perimeter of a lek, should not exceed 10dBA above ambient noise (existing activity included) from 6:00 PM to 8:00 AM during the initiation of breeding (March 1-May 15). Ambient noise level should be determined by measurements taken at the perimeter of a lek at sunrise.

viii. Absent some demonstration to the contrary, the proposed sagebrush treatment associated with this activity will not reduce canopy cover to less than 15 percent.

H. Scope and Applicability.

1. This Alternative does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of the applicable Federal lands prior to the effective date of the record of decision and prior to the completion of any statutory or regulatory decision-making process to revoke, suspend, or modify such permit, contract or legal instrument.
2. This Alternative does not revoke, suspend, or modify any project or activity decision made prior to the effective date of the record of decision.
3. Nothing in this Alternative shall be construed as restricting mineral leases, contracts, permits, and associated activities prior to the effective date of the record of decision.
4. Nothing in this Alternative shall affect mining activities conducted pursuant to the General Mining Law of 1872.
5. For the purposes of sage-grouse management, the provisions set forth in this Alternative shall take precedence over any inconsistent land management plan component unless prescribed by statute or regulation. Land management components that are not inconsistent with this Alternative will continue to provide guidance for projects and activities within the SGMA.
6. The best management practices in (G) and other protective stipulations in this Alternative should be evaluated on a continuous basis and at a

minimum, as new science, information and data emerge regarding the habitats and behaviors of the species.

7. Nothing in this Alternative waives any applicable requirements regarding site-specific environmental analysis, public involvement, consultation with Tribes and other agencies, or compliance with applicable laws.

I. Corrections and Adaptive Regulatory Triggers.

Correction or modification of designations made pursuant to this Alternative may occur under the following circumstances.

1. *Administrative Corrections.* Administrative corrections to the map of lands identified in **Map 3** include, but are not limited to, adjustments that remedy clerical errors, typographical errors, mapping errors, or improvements in mapping technology. The State Director may issue administrative corrections after a 30-day public notice.
2. *Adaptive Regulatory Trigger*. Where two out of the following three criteria are demonstrated within a Conservation Area, excluding areas within the GHZ, the measures in (D) shall apply to the IHZ containing wintering or breeding habitat in the relevant Conservation Area:
   i. Finite rate of change (λ) over three years starting with the baseline years 2009- 2011 is significantly less than 1.0. This is a moving average for rate of change (i.e. 2011-2013, 2012-2014, 2013-2015, etc.) when compared to 1.0 (indicating a stable population).
   ii. Number of males on lek routes declines by >20% over a three-year period compared to 2011 values.
   iii. A 30% or greater loss of sagebrush habitat is documented within defined breeding or winter habitat during a three-year period.
3. *Regulatory Trigger No Longer Necessary.* Where the core population data within the relevant Conservation Area meets or exceeds the 2011 values over a three-year period, areas within the IHZ are no longer subject to the CHZ management provisions.
4. *Emergency Wildfire Clause.* Where a wildfire burns 200,000 acres or more of the CHZ, and at least fifty percent of the burned acres contained important breeding or wintering habitat, the CHZ regulatory provisions in (D) shall apply to the IHZ within the appropriate Conservation Area.

J. Adaptive Management Measures for Livestock Grazing: Based upon the assessment process, the ecological conditions, the ecological potential and the status of sage-grouse populations, the following measures could be employed singly, or in combination where appropriate, in the development and

implementation of grazing management programs. Flexibility in administering grazing programs and providing offsetting grazing options over relatively large landscapes will help successfully implement these measures.

1. Employ grazing management systems that ensure adequate nesting and early brood rearing habitat within the breeding landscape.
2. When use-pattern mapping or monitoring demonstrates an opportunity to adjust livestock distribution to benefit occupied sage-grouse breeding habitat, include as appropriate herding, salting, and water-source management (e.g., turning troughs/pipelines on/off, extending pipelines/moving troughs) in grazing programs.
3. If available and feasible, utilize exotic perennial grass seedings and/or annual grasslands to avoid breeding season of use of occupied sage-grouse habitat.
4. Modify authorized seasons of use within grazing permits to provide greater flexibility in managing livestock for the benefit of sage-grouse.
5. Where appropriate, maintain residual herbaceous vegetation at the end of the growing/grazing season to contribute to nesting and brood-rearing habitat during the coming nesting season. Table 5.
6. Insure that permittees are informed of management and movement requirements related to avoidance of recent burns, rehabilitation seedings or other restoration sites.
7. Manage grazing of riparian areas, meadows, springs, and seeps in a manner that promotes vegetative structure and composition appropriate to the site. In some cases enclosure fencing may be a viable option. However, recognize the availability and quality of desired herbaceous species may be improved by periodic grazing use of the enclosure.
8. Implement management actions (grazing decisions, allotment management plan/conservation plan development, or other agreements) to modify grazing management to meet seasonal sage-grouse habitat requirements. Employ proper grazing management by providing flexibility in scheduling the intensity, timing, duration and frequency of grazing use over time that best promotes management objectives. During drought periods, prioritize evaluating effects of drought in the CHZ relative to grouse needs for food and cover. Ensure that post-drought management allows for vegetation recovery that meets sage-grouse needs in priority sage-grouse habitat areas.
9. When using salt or mineral supplements: a) place them in existing disturbed sites, areas with reduced sagebrush cover—e.g., seedings or cheatgrass sites—to reduce impacts to sage-grouse breeding habitat, b)

where feasible use salts or mineral supplements to improve management of livestock for the benefit of sage-grouse habitat.

10. In general, avoid constructing new fences within 2 km of occupied leks. Where feasible, place new, taller structures, such as corrals, loading facilities, water-storage tanks, windmills, etc., at least 2 km from occupied leks to reduce opportunities for perching raptors. Careful consideration, based on local conditions, should also be given to the placement of new fences or structures near other important seasonal habitats (winter-use areas, movement corridors etc.) to reduce potential impacts.
11. New spring developments in sage-grouse habitat should be designed to maintain or enhance the free-flowing characteristics of springs and wet meadows. Analyze developed springs, seeps and associated pipelines to determine if modifications are necessary to maintain the continuity of the predevelopment riparian area within priority sage-grouse habitat. Make modifications where necessary, considering impacts to other water users when such considerations are neutral or beneficial to sage-grouse.
12. Ensure that new and existing livestock troughs and open water storage tanks are fitted with ramps to facilitate the use of and escape from troughs by sage-grouse and other wildlife. Do not use floating boards or similar objects, as these are too unstable and are ineffective. Use BMPs to mitigate potential impacts from West Nile virus.
13. When placing new water developments in sage-grouse breeding habitat, choose sites and designs that will provide the greatest enhancement for sage-grouse and sage-grouse habitat.
14. Avoid new water developments in higher quality native breeding/early brood habitats that have not had significant prior grazing use except in situations in which water developments may aid in better livestock distribution across the allotment and will not adversely impact the species.
15. Identify and when feasible, establish strategically located forage reserves focusing on areas unsuitable for sage-grouse habitat restoration or lower priority habitat restoration areas.
16. Monitor for, and treat invasive species associated with, existing range improvements.
17. Consider initiating vegetative manipulation projects where sagebrush canopy cover exceeds optimal characteristics to promote grass and forb understory growth. These projects should only be undertaken where it can be achieved without negatively impacting the species.

REFERENCES CITED

(Note: all World Wide Web URLs were last accessed on June 9, 2012)

Aldridge, C. L., S. E. Nielson, H. L. Beyer, M. S. Boyce, J. W. Connelly, S. T. Knick, and M. A. Schroeder. 2008. Range-wide patterns of greater sage-grouse persistence. Diversity and Distributions 14:983-994.

Baker, W. L. 2011. Pre-Euro-American and recent fire in sagebrush ecosystems. Studies in Avian Biology 38: 185-202.

BLM (U.S. Bureau of Land Management). 2011a. BLM national greater sage-grouse land use planning strategy. Instructional Memorandum No. 2012-044. Available online at http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-044.html

BLM (U.S. Bureau of Land Management). 2011b. A report on national greater sage-grouse conservation measures. Sage-grouse National Technical Team. Available online at http://www.blm.gov/pgdata/etc/medialib/blm/co/programs/wildlife.Par.73607.File.dat/GrSG%20Tech%20Team%20Report.pdf

BLM (U.S. Bureau of Land Management). 2011c. Breaking the current fire cycle. Proceedings, Collaborative Resource Management Symposium, BLM Idaho State Office, Boise District Resource Advisory Council, March 2011, Boise, ID. Several presentations on fuel breaks, available online at http://www.blm.gov/id/st/en/res/resource_advisory/boise/boise_district_rac.html

BLM (U.S. Bureau of Land Management). 2012. Sage-grouse and sagebrush conservation webpage, available online at http://www.blm.gov/wo/st/en/prog/more/sagegrouse.html

BLM/USFS (U.S. Bureau of Land Management and U.S. Forest Service). 2012. National greater sage-grouse planning strategy: land use plan amendments and environmental impact statements scoping summary report. Accessible online from BLM 2012, Sage-grouse and sagebrush conservation webpage at http://www.blm.gov/wo/st/en/prog/more/sagegrouse.html

Connelly, J.W., M.A. Schroeder, A.R. Sands, and C.E. Braun. 2000. Guidelines to manage sage-grouse populations and their habitats. *Wildlife Society Bulletin* 28: 967-985. Available online as Appendix D, Conservation plan for the greater sage-grouse in Idaho (ISAC 2009) at http://fishandgame.idaho.gov/public/wildlife/sageGrouse/conservPlanAppendices.pdf

Connelly, J. W., K. P. Reese, R. A. Fischer, and W. L. Wakkinen. 2000a. Response of a sage-grouse breeding population to fire in southeastern Idaho. Wildlife Society Bulletin 28:90-96.

Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000b. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28:967-985.

Connelly, J. W., S. T. Knick, C. E. Braun, W. L. Baker, E. A. Beever, T. J. Christiansen, K. E. Doherty, E. O. Garton, S. E. Hanser, D. H. Johnson, M. Leu, R. F. Miller, D. E. Naugle, S. J. Oyler-McCance, D. A. Pyke, K. P. Reese, M. A. Schroeder, S. J. Stiver, B. L. Walker, and M. J. Wisdom. 2011a. Conservation of greater sage-grouse: a synthesis of current trends and future management. Studies in Avian Biology 38: 549-564.

Connelly, J. W., E. T. Rinkes, and C. E. Braun. 2011b. Characteristics of greater sage-grouse habitats: a landscape species at micro and macro scales. Studies in Avian Biology 38: 69-84.

Doherty, K. E., D. E. Naugle, B. L. Walker, and J. M. Graham. 2008. Greater sage-grouse winter habitat selection and energy development. Journal of Wildlife Management 72:187-195.

Doherty, M.K. 2007. Mosquito populations in the Powder River Basin, Wyoming: a comparison of natural, agricultural and effluent coal bed natural gas aquatic habitats. M.S. thesis. Montana State University, Bozeman, MT.

Doherty, M.K., J.D. Tack, J.S. Evans, and D.E. Naugle. 2010. Mapping breeding densities of greater sage-grouse: A tool for range-wide conservation planning. BLM Completion Report. Interagency Agreement # L10PG00911.

Garton, E. O., J. W. Connelly, J. S. Horne, C. A. Hagen, A. Moser, and M. A. Schroeder. 2011. Greater sage-grouse population dynamics and probability of persistence. Studies in Avian Biology 38: 293-382.

Hagen, C.A., J.W. Connelly, and M.A. Schroeder. 2007. A meta-analysis of sage-grouse *Centrocercus urophaisanus* nesting and brood rearing habitats. *Wildlife Biology* 13 (Supplement 1): 42-50.

Hausleitner, D. 2003. Population dynamics, habitat use and movements of greater sage-grouse in Moffat County, Colorado. M.S. thesis, University of Idaho, Moscow, ID.

Holloran, M.J., B.J. Heath, A.G. Lyon, S.J. Slater, J.L. Kuipers, and S.H. Anderson. 2005. Greater sage-grouse nesting habitat selection and success in Wyoming. *Journal of Wildlife Management* 69: 638-649.

IDFG (Idaho Department of Fish and Game). 2012b. Idaho sage-grouse task force webpage, available online at http://fishandgame.idaho.gov/public/wildlife/?getPage=310

ISAC (Idaho Sage-grouse Advisory Committee). 2009. Conservation plan for the greater sage-grouse in Idaho. Idaho Department of Fish and Game, July 2006, available online at http://fishandgame.idaho.gov/public/wildlife/sageGrouse/conservPlan.pdf with Chapter 6 --

Implementation milestones amended in October 2009 and available online at http://fishandgame.idaho.gov/public/wildlife/sageGrouse/conservPlanChapter6.pdf

ISAC (Idaho Sage-grouse Advisory Committee). 2011. Executive summary of the mitigation framework. Pages 6-7, in Idaho sage-grouse local working groups statewide annual report 2010. Available from Idaho Department of Fish and Game, Boise, ID. [Note: URL at IDFG Sage-grouse webpage does not function properly.]

Johnson, D. H., M. J. Holloran, J. W. Connelly, S. E. Hanser, C. L. Amundson, and S. T. Knick. 2011. Influences of environmental and anthropogenic features on greater sage-grouse populations, 1997-2007. Studies in Avian Biology 38: 407-450.

Knick, S.T., and J.W. Connelly (editors). 2011. Greater sage-grouse: ecology and conservation of a landscape species and its habitats. *Studies in Avian Biology* 38. University of California Press, Berkeley, CA.

Knick, S.T. and S.E. Hanser, 2011. Connecting pattern and process in greater sage-grouse populations and sagebrush landscapes. Pages 383-405 in S.T. Knick and J.W. Connelly, editors, Greater Sage-Grouse Ecology and Conservation of a Landscape Species and Its Habitats. Studies in Avian Biology No. 38. Cooper Ornithological Society. University of California Press. Berkely and Los Angeles, CA.

Knick, S.T., S.E. Hanser, R.F. Miller, D.A. Pyke, M.J. Wisdom, S.P. Finn, E.T. Rinkes, and C.J. Henny. 2011. Ecological influence and pathways of land use in sagebrush. *Studies in Avian Biology* 38: 203-252.

Leu, M. and S. E. Hanser. 2011. Influences of the human footprint on sagebrush landscape patterns: implications for sage-grouse conservation. Studies in Avian Biology 38: 253-272.

Makela, P., and D. Major. 2011. A framework to identify greater sage-grouse Preliminary Priority Habitat [PPH] and Preliminary General Habitat {PGH} for Idaho. Unpublished white paper, U.S. Bureau of Land Management, Idaho State Office, Boise, ID. 41 p. at http://fishandgame.idaho.gov/public/wildlife/SGtaskForce/BLMpriorityAreasWhitePaper.pdf

Miller, R. F., S. T. Knick, D. A. Pyke, C. W. Meinke, S. E. Hanser, M. J. Wisdom, and A. L. Hild. 2011. Characteristics of sagebrush habitats and limitations to long-term conservation. Studies in Avian Biology 38: 145-184.

Naugle, D. E., Doherty, K. E., B. L. Walker, M. J. Holloran, and H. E. Copeland. 2011. Energy development and greater sage-grouse. Studies in Avian Biology 38: 489-504.

Pellant, M., P. Makela, B. Dragt, B. Washa, P. Ryan, J. Rose, and D. Major. 2010. Considerations for strategically reducing fuels and wildfires on public lands in the Great

Basin with targeted grazing. BLM Idaho State Office, Great Basin Restoration Initiative Workgroup. Report available online at http://www.blm.gov/pgdata/etc/medialib/blm/id/Great_basin_lcc.Par.35362.File.dat/Suggestions%20For%20Strategically%20Reducing%20Fuels%20and%20Wildfires%20in%20the%20Great%20Basin%20with%20Targeted%20Grazing-Final.pdf

Sage-grouse National Technical Team. 2011. A report on national greater sage-grouse conservation measures. USDOI Bureau of Land Management, Washington, DC.

Scheaffer, R. L., W. Mendenhall, III, and R. L. Ott. 1996. Elementary survey sampling. Wadsworth Publishing, Belmont, CA.

Stevens, B. S., J. W. Connelly, and K. P. Reese. 2012a. Multi-scale assessment of greater sage-grouse fence collision as a function of site and broad scale factors. Journal of Wildlife Management. *In press*.

Stevens, B. S., K. P. Reese, J. W. Connelly, and D. D. Musil. 2012b. Greater sage-grouse and fences: does marking reduce collisions? Wildlife Society Bulletin. *In press*.

Stiver, S.J., E.T Rinkes, and D.E. Naugle. 2010. Sage-grouse habitat assessment framework. U.S. Bureau of Land Management. Unpublished report, U.S. Bureau of Land Management, Idaho State Office, Boise, ID.

USFWS (U.S. Fish and Wildlife Service). 2010. 12-month finding for petitions to list the greater sage-grouse (*Centrocercus urophasianus*) as threatened or endangered. 75 *Federal Register* 13910, March 23, 2010. Accessible online from USFWS endangered species: greater sage-grouse webpage at http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/

USFWS (U.S. Fish and Wildlife Service). 2012. Wind energy guidelines. Accessible from USFWS wind energy development information webpage at www.fws.gov/windenergy/

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STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER

Order 2011-5
(Replaces 2010-4)

GREATER SAGE-GROUSE CORE AREA PROTECTION

WHEREAS, the Greater Sage-Grouse (Centrocercus urophasianus) inhabits much of the sagebrush-steppe habitat in Wyoming; and

WHEREAS, the sagebrush-steppe habitat type is abundant across the state of Wyoming; and

WHEREAS, the state of Wyoming currently enjoys robust populations of Greater Sage-Grouse; and

WHEREAS, the state of Wyoming has management authority over Greater Sage-Grouse populations in Wyoming; and

WHEREAS, the Greater Sage-Grouse has been the subject of several petitions to list the species as a threatened or endangered species pursuant to the Endangered Species Act; and

WHEREAS, the United States Department of the Interior has determined that listing the Greater Sage-Grouse as a threatened or endangered species is warranted over all of its range, including the populations in Wyoming; and

WHEREAS, the United States Department of the Interior has determined that listing the Greater Sage-Grouse as a threatened or endangered species is currently precluded by higher priority listing actions; and

WHEREAS, the Greater Sage-Grouse is currently considered a "candidate" species under the auspices of the Endangered Species Act; and

WHEREAS, the United States Department of the Interior is required to review the status of all candidate species every year; and

WHEREAS, the listing of the Greater Sage-Grouse would have a significant adverse effect on the economy of the state of Wyoming, including the ability to generate revenues from state lands; and

WHEREAS, the listing of the Greater Sage-Grouse would have a significant adverse effect on the custom and culture of the state of Wyoming; and

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WHEREAS, the Wyoming State Legislature and other agencies have dedicated significant state resources to conserve Greater Sage-Grouse populations in Wyoming; and

WHEREAS, the state of Wyoming has developed a "Core Population Area" strategy to weave the many on-going efforts to conserve the Greater Sage-Grouse in Wyoming into a statewide strategy; and

WHEREAS, members of the Sixtieth Legislature of the State of Wyoming signed a Joint Resolution recognizing "the Greater Sage Grouse Core Area Strategy [then embodied under Governor's Executive Order 2008-2] as the State of Wyoming's primary regulatory mechanism to conserve sage-grouse and preclude the need for listing the bird as a threatened or endangered species pursuant to the Endangered Species Act of 1973."; and

WHEREAS, on April 17, 2008, the Office of the Governor requested that the U.S. Fish and Wildlife Service review the "Core Population Area" strategy to determine if it was a "sound policy that should be moved forward" and on May 7, 2008, the U.S. Fish and Wildlife Service responded that the "core population area strategy, as outlined in the Implementation Team's correspondence to the Governor, is a sound framework for a policy by which to conserve greater sage-grouse in Wyoming"; and

WHEREAS, on November 10, 2010, the U.S. Fish and Wildlife Service again confirmed that "This long-term, science-based vision for the conservation of greater sage-grouse has set the stage for similar conservation efforts across the species range," and that "the Core Population Area Strategy for the greater sage-grouse provides an excellent model for meaningful conservation of sage-grouse is fully supported and implemented"; and

WHEREAS, several western states have adopted or are considering adopting the Wyoming Core Area Strategy, thus making the concept consistent across the species range; and

WHEREAS, new science, information and data continue to emerge regarding "Core Population Areas" and the habitats and behaviors of the Greater Sage-Grouse, which led the Governor's Sage-Grouse Implementation Team to re-evaluate the original "core population areas" and protective stipulations for Greater Sage-Grouse.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State, and to the extent such actions are consistent with the statutory obligations and authority of each individual agency including those found in Title 9, Chapter 5, Article 3 of Wyoming State Statutes, otherwise cited as the Wyoming Regulatory Takings Act, I, Matthew H. Mead, Governor of the State of Wyoming, do hereby issue this Executive Order providing as follows:

1. Management by state agencies should focus on the maintenance and enhancement of Greater Sage-Grouse habitats, populations and connectivity areas identified in Attachment A. Absent substantial and compelling information, these Core Population Areas should not be altered for at least five (5) years.

2. Existing land uses within Core Population Areas should be recognized and respected by state agencies. It is assumed that activities existing in Core Population Areas prior to August 1, 2008 will not be managed under Core Population Area stipulations. Examples of existing activities include oil and gas, mining, agriculture, processing facilities, housing and other uses that were in place prior to the development of the Core Population Areas (prior to August 1, 2008). Provided these activities are within a defined project boundary (such as a recognized federal oil and gas unit, drilling and spacing unit, mine plan, subdivision plat, etc.) they should be allowed to continue within the existing boundary, even if the

use exceeds recommended stipulations (see Attachment B) recognizing that all applicable federal actions shall continue.

3. New development or land uses within Core Population Areas should be authorized or conducted only when it can be demonstrated that the activity will not cause declines in Greater Sage-Grouse populations.

4. Development consistent with the stipulations set forth in Attachment B shall be deemed sufficient to demonstrate that the activity will not cause declines in Greater Sage-Grouse populations.

5. Funding, assurances (including efforts to develop Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances), habitat enhancement, reclamation efforts, mapping and other associated proactive efforts to assure viability of Greater Sage-Grouse in Wyoming should be focused and prioritized to take place in Core Population Areas.

6. To the greatest extent possible, a non-regulatory approach shall be used to influence management alternatives within Core Population Areas. Management alternatives should reflect unique localized conditions, including soils, vegetation, development type, predation, climate and other local realities.

7. For activities outside of Core Population Areas, no more than a one-quarter (1/4) mile no surface occupancy standard and a two (2) mile seasonal buffer should be applied to occupied leks. Incentives to enable development of all types outside Core Population Areas should be established (these should include stipulation waivers, enhanced permitting processes, density bonuses, and other incentives). Development scenarios should be designed and managed to maintain populations, habitats and essential migration routes where possible. It is recognized that some incentives may result in reduced numbers of sage-grouse outside of Core Population Areas.

8. Incentives to accelerate or enhance required reclamation in habitats adjacent to Core Population Areas should be developed, including but not limited to stipulation waivers, funding for enhanced reclamation, and other strategies. It is recognized that some incentives may result in reduced numbers of sage-grouse outside of the Core Population Areas.

9. Existing rights should be recognized and respected.

10. On-the-ground enhancements, monitoring, and ongoing planning relative to sage-grouse and sage-grouse habitat should be facilitated by sage-grouse local working groups whenever possible.

11. Fire suppression efforts in Core Population Areas should be emphasized, recognizing that other local, regional, and national suppression priorities may take precedent. However, public and firefighter safety remains the number one priority for all fire management activities.

12. State and federal agencies, including the U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, and other federal agencies shall work collaboratively to ensure a uniform and consistent application of this Executive Order to maintain and enhance Greater Sage-Grouse habitats and populations.

13. State agencies shall work collaboratively with local governments and private landowners to maintain and enhance Greater Sage-Grouse habitats and populations in a manner consistent with this Executive Order.

14. It is critical that existing land uses and landowner activities continue to occur in core areas, particularly agricultural activities on private lands. For the most part, these activities on private lands are not subject to state agency review or approval. Only those activities occurring after August 1, 2008 which state agencies are required by state or federal statute to review or approve are subject to consistency review. This Executive Order in no way adds or expands the review or approval authority of any state agency. It is acknowledged that such land uses and activities could have localized impacts on Greater Sage-Grouse. To offset these impacts, Core Population Areas have been mapped to include additional habitat beyond that strictly necessary to prevent listing of the species. The additional habitat included within the Core Population Area boundaries is adequate to accommodate continuation of existing land uses and landowner activities. As a result, state agencies are not required to review most existing land uses and landowner activities in Core Population Areas for consistency with this Executive Order. Attachment C contains a list of existing land uses and landowner activities that do not require review for consistency.

15. It will be necessary to construct significant new transmission infrastructure to transport electricity generated in Wyoming to out-of-state load centers. New transmission lines constructed within Core Population Areas will be consistent with this Executive Order if they are constructed between July 1 and March 14 (or between July 1 and November 30 in winter concentration areas) and within one half (1/2) mile either side of existing (prior to Governor's Executive Order 2010-4) 115 kV or larger transmission lines creating a corridor no wider than one (1) mile. New transmission lines outside this one (1) mile wide corridor within Core Population Areas should be authorized or conducted only when it can be demonstrated that the activity will not cause declines in Greater Sage-Grouse populations.

16. For purposes of consistency with this Executive Order there is established a transmission line corridor through Core Population Areas in south central and southwestern Wyoming as illustrated on Attachment D. This two (2) mile wide corridor represents the state of Wyoming's preferred alternative for routing transmission lines across the southern portion of the state while reducing impacts to Core Population Areas and other natural resources. New transmission lines constructed within this corridor shall be considered consistent with this Executive Order if construction occurs within the corridor between July 1 and March 14 (or between July 1 and November 30 in winter concentration areas).

17. New distribution, gathering, and transmission lines sited outside established corridors within Core Population Areas should be authorized or conducted only when it can be demonstrated by the state agency that the activity will not cause declines in Greater Sage-Grouse populations.

18. State agencies shall strive to maintain consistency with the items outlined in this Executive Order, but it should be recognized that adjustments to the stipulations may be necessary based upon local conditions and limitations. The goal is to minimize future disturbance by co-locating proposed disturbances within areas already disturbed or naturally unsuitable.

19. The protective stipulations outlined in this Executive Order should be reevaluated on a continuous basis and at a minimum annually, as new science, information and data emerge regarding Core Population Areas and the habitats and behaviors of the Greater Sage-Grouse.

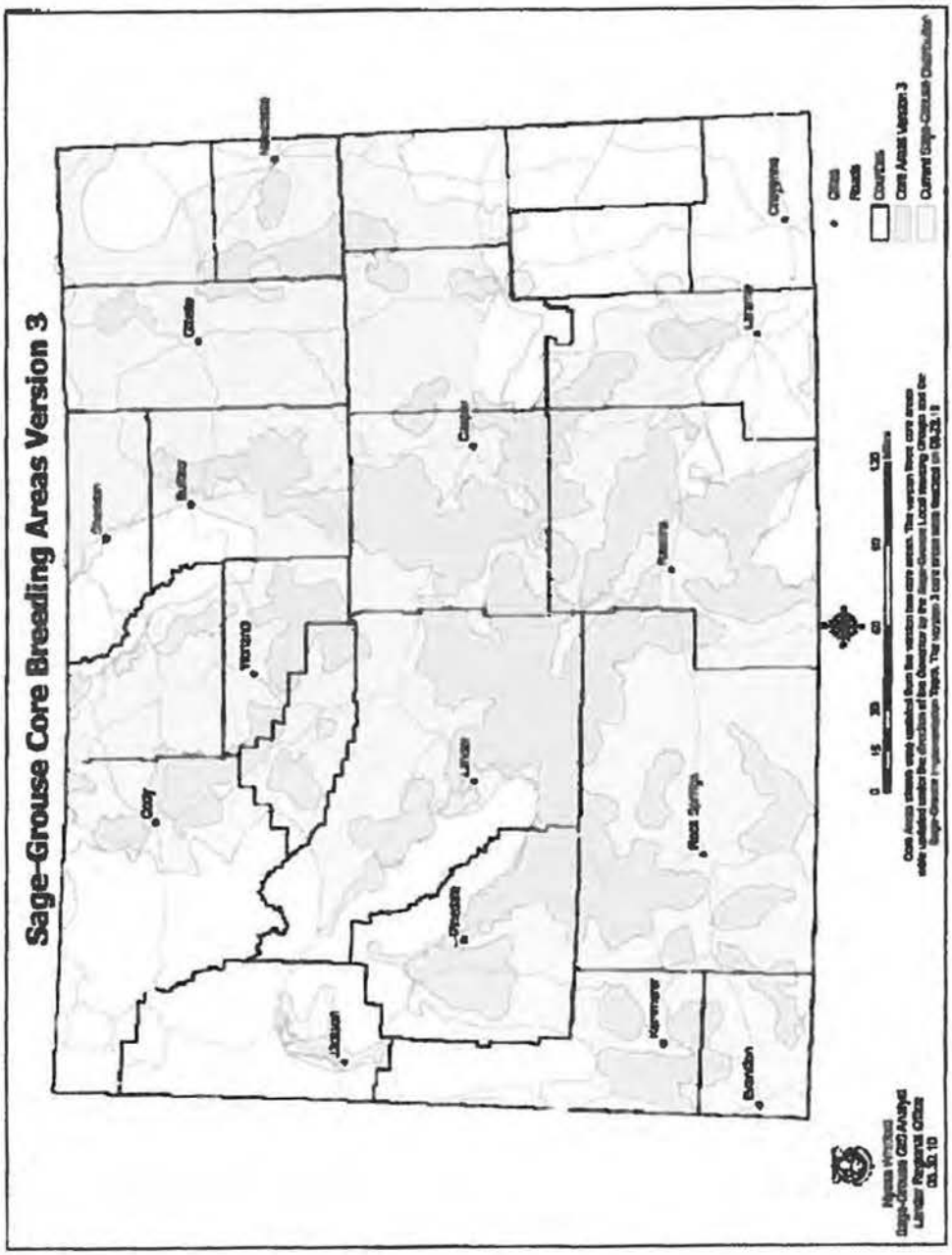
20. State agencies shall report to the Office of the Governor within ninety (90) days of signing and annually thereafter detailing their actions to comply with this Executive Order.

This Executive Order shall remain in effect until August 18, 2015, at which time all provisions of this Executive Order shall be reevaluated.

Given under my hand and the Executive Seal of the State of Wyoming this 2 day of June, 2011.

Matthew H. Mead
Governor

ATTACHMENT A



ATTACHMENT B

Permitting Process and Stipulations for Development in Sage-Grouse Core Areas

PERMITTING PROCESS

Point of Contact: The first point of contact for addressing sage-grouse issues for any state permit application should be the Wyoming Game and Fish Department (WGFD). Project proponents (proponents) need to have a thorough description of their project and identify the potential effects on sage-grouse prior to submitting an application to the permitting agency (details such as a draft project implementation area analysis, habitat maps and any other information will help to expedite the project). Project proponents should contact WGFD at least 45-60 days prior to submitting their application. More complex projects will require more time. It is understood that WGFD has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny the project. The purpose of the initial consultation with the WGFD is to become familiar with the project proposal and ensure the project proponent understands recommended stipulations and stipulation implementation process.

Maximum Disturbance Process: All activities will be evaluated within the context of maximum allowable disturbance (disturbance percentages, location and number of disturbances) of suitable sage-grouse habitat (See Appendix 1 for definition of suitable sage-grouse habitat and disturbance of suitable sage-grouse habitat) within the area affected by the project. The maximum disturbance allowed will be analyzed via a Density/Disturbance Calculation Tool (DDCT) process conducted by the Federal Land Management Agency on federal Land and the project proponent on non-federal (private, state) land. Unsuitable habitat occurring within the project area will not be included in the disturbance cap calculations.

1. Density/Disturbance Calculation Tool (DDCT): Determine all occupied leks within a core population area that may be affected by the project by placing a 4 mile boundary around the project boundary (as defined by the proposed area of disturbance related to the project). All occupied leks located within the 4 mile boundary and within a core population area will be considered affected by the project.

   A four-mile boundary will then be placed around the perimeter of each affected lek. The core population area within the boundary of affected leks and the 4 mile boundary around the project boundary creates the DDCT for each individual project. Disturbance will be analyzed for the DDCT as a whole and for each individual affected lek within the DDCT. Any portion of the DDCT occurring outside of core area will be removed from the analysis.

   If there are no affected leks within the 4 mile boundary around the project boundary, the DDCT area will be that portion of the 4 mile project boundary within the core population area.

2. Disturbance analysis: Total disturbance acres within the DDCT will be determined through an evaluation (Appendix 1) of:

   a. Existing disturbance (sage-grouse habitat that is disturbed due to existing anthropogenic activity and wildfire).

b. Approved permits (that have approval for on the ground activity) not yet implemented.

3. Habitat Assessment:

a. A habitat assessment is not needed for the initial DDCT area provided that the entire DDCT area is considered suitable.
b. A habitat assessment should be conducted when the initial DDCT indicates proposed project will cause density/disturbance thresholds to be exceeded, to see whether siting opportunities exist within unsuitable or disturbed areas that would reduce density/disturbance effects.
c. When a habitat assessment is conducted it should create a baseline survey identifying:
   i. Suitable and unsuitable habitat within the DDCT area
   ii. Disturbed habitat within the DDCT area
   iii. Sage-grouse use of suitable habitat (seasonal, densities, etc.)
   iv. Priority restoration areas (which could reduce the 5% cap)
      A. Areas where plug and abandon activities will eliminate disturbance
      B. Areas where old reclamation has not produced suitable habitat
   v. Areas of invasive species
   vi. Other assurances in place (CCAA, easements, habitat, contracts, etc.)

4. Determination of existing and allowable suitable habitat disturbance: Acres of disturbance within suitable habitat divided by the total suitable habitat within the DDCT area times 100 equals the percent of disturbed suitable habitat within the DDCT area. Subtracting the percentage of existing disturbed suitable habitat from 5% equals new allowable suitable habitat disturbance until plant regeneration or reclamation reduces acres of disturbed habitat within the DDCT area.

Permitting: The complete analysis package developed by consultation and review outlined herein will be forwarded to the appropriate permitting agency. WGFD recommendations will be included, as will other recommendations from project proponents and other appropriate agencies. Project proponent shall have access to all information used in developing recommendations. Where possible and when requested by the project proponent, state agencies shall provide the project proponent with development alternatives other than those contained in the project proposal.

Exempt Activities: A list of exempt ("de minimus") activities, including standard uses of the landscape is available in Attachment C.

GENERAL STIPULATIONS

These stipulations are designed to maintain existing suitable sage-grouse habitat by permitting development activities in core areas in a way that will not cause declines in sage-grouse populations. General stipulations are recommended to apply to all activities in core areas, with the exception of exempt ("de minimus") actions defined herein (Attachment C) or specifically identified activities. The specific industry stipulations are considered in addition to the general stipulations.

1. **Surface Disturbance:** Surface disturbance will be limited to 5% of suitable sage-grouse habitat per an average of 640 acres. The DDCT process will be used to determine the

level of disturbance. Distribution of disturbance may be considered and approved on a case-by-case basis. Unsuitable habitat should be identified in a seasonal and landscape context, on a case-by-case basis, outside the 0.6 mile buffer around leks. This will incentivize proponents to locate projects in unsuitable habitat to avoid creating additional disturbance acres. Acres of development in unsuitable habitat are not considered disturbance acres. The primary focus should be on protection of suitable habitats and protecting from habitat fragmentation. See Appendix 1 for a description of suitable, unsuitable habitat and disturbance.

2. **Surface Occupancy:** Within 0.6 miles of the perimeter of occupied sage-grouse leks there will be no surface occupancy (NSO). NSO, as used in these recommendations, means no surface facilities including roads shall be placed within the NSO area. Other activities may be authorized with the application of appropriate seasonal stipulations, provided the resources protected by the NSO are not adversely affected. For example, underground utilities may be permissible if installation is completed outside applicable seasonal stipulation periods and significant resource damage does not occur. Similarly, geophysical exploration may be permissible in accordance with seasonal stipulations.

3. **Seasonal Use:** Activity (production and maintenance activity exempted) will be allowed from July 1 to March 14 outside of the 0.6 mile perimeter of a lek in core areas where breeding, nesting and early brood-rearing habitat is present. In areas used solely as winter concentration areas, exploration and development activity will be allowed March 14 to December 1. Activities in unsuitable habitat may also be approved year-round (including March 15 to June 30) on a case-by-case basis (except in specific areas where credible data shows calendar deviation). Activities may be allowed during seasonal closure periods as determined on a case-by-case basis. While the bulk of winter habitat necessary to support core sage-grouse populations likely occurs inside Core Population Areas, seasonal stipulations (December 1 to March 14) should be considered in locations outside Core Population Areas where they have been identified as winter concentration areas necessary for supporting biologically significant numbers of sage-grouse nesting in Core Population Areas. All efforts should be made to minimize disturbance to mature sagebrush cover in identified winter concentration areas.

4. **Transportation:** Locate main roads used to transport production and/or waste products > 1 .9 miles from the perimeter of occupied sage-grouse leks. Locate other roads used to provide facility site access and maintenance > 0.6 miles from the perimeter of occupied sage-grouse leks. Construct roads to minimum design standards needed for production activities.

5. **Overhead Lines:** Bury lines when possible, if not; locate overhead lines at least 0.6 miles from the perimeter of occupied sage-grouse leks. New lines should be raptor proofed if not buried.

6. **Noise:** New noise levels, at the perimeter of a lek, should not exceed 10 dBA above ambient noise (existing activity included) from 6:00 p.m. to 8:00 a.m. during the initiation of breeding (March 1 - May 15). Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.

7. **Vegetation Removal:** Vegetation removal should be limited to the minimum disturbance required by the project. All topsoil stripping and vegetation removal in suitable habitat

will occur between July 1 and March 14 in areas that are within 4 miles of an occupied lek. Initial disturbance in unsuitable habitat between March 15 and June30 may be approved on a case-by-case basis.

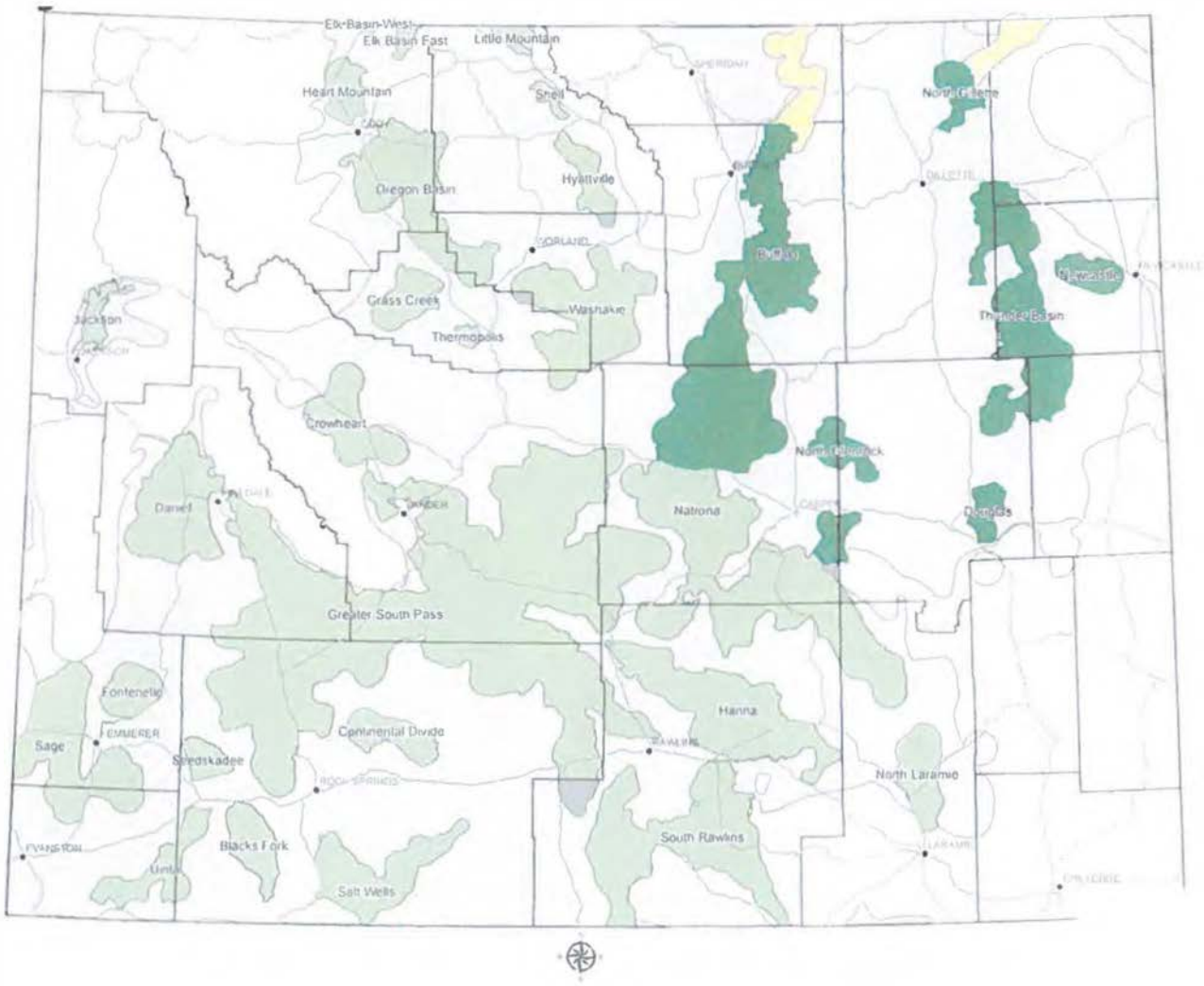
8. **Sagebrush Treatment:** Sagebrush eradication is considered disturbance and will contribute to the 5% disturbance factor. Northeast Wyoming, as depicted in Figure 1, is of particular concern because sagebrush habitats rarely exceed 15% canopy cover and large acreages have already been converted from sagebrush to grassland or cropland. Absent some demonstration that the proposed treatment will not reduce canopy cover to less than 15% within the treated area, habitat treatments in northeast Wyoming (Figure 1) should not be conducted. In stands with less than 15% cover, treatment should be designed to maintain or improve sagebrush habitat. Sagebrush treatments that maintain sagebrush canopy cover at or above 15% total canopy cover within the treated acres will not be considered disturbance. Treatments that reduce sagebrush canopy cover below 15% will be allowed, excluding northeast Wyoming (Figure 1), if all such treated areas make up less than 20% of the suitable sagebrush habitat within the DDCT, and any point within the treated area is within 60 meters of sagebrush habitat with 10% or greater canopy cover. Treatments to enhance sagebrush/grassland will be evaluated based upon the existing habitat quality and the functional level post-treatment.

9. **Monitoring/adaptive response:** Proponents of new projects are expected to coordinate with the permitting agency and local WGFD biologist to determine which leks need to be monitored and what data should be reported by the proponent. Certain permits may be exempted from monitoring activities pending permitting agency coordination. If declines in affected leks (using a three-year running average during any five year period relative to trends on reference leks) are determined to be caused by the project, the operator will propose adaptive management responses to increase the number of birds. If the operator cannot demonstrate a restoration of bird numbers to baseline levels (established by pre-disturbance surveys, reference surveys and taking into account regional and statewide trends) within three years, operations will cease until such numbers are achieved.

10. **Reclamation:** Reclamation should re-establish native grasses, forbs and shrubs during interim and final reclamation to achieve cover, species composition, and life form diversity commensurate with the surrounding plant community or desired ecological condition to benefit sage-grouse and replace or enhance sage-grouse habitat to the degree that environmental conditions allow. Seed mixes should include two native forbs and two native grasses with at least one bunchgrass species. Where sagebrush establishment is prescribed, establishment is defined as meeting the standard prescribed in the individual reclamation plan. Landowners should be consulted on desired plant mix on private lands. The operator is required to control noxious and invasive weed species, including cheatgrass. Rollover credit, if needed, will be outlined in the individual project reclamation plan.

    Credit may be given for completion of habitat enhancements on bond released or other minimally functional habitat when detailed in a plan. These habitat enhancements may be used as credit for reclamation that is slow to establish in order to maintain the disturbance cap or to improve nearby sage-grouse habitat.

Figure 1. Wyoming Core Area with northeast Wyoming core (dark green) and connectivity areas (yellow).



11. **Existing Activities:** Areas already disturbed or approved for development within Core Areas prior to August 1, 2008 are not subject to new sage-grouse stipulations with the exception existing operations may not initiate activities resulting in new surface occupancy within 0.6 mile of the perimeter of a sage-grouse lek. Any existing disturbance will be counted toward the calculated disturbance cap for a new proposed activity. The level of disturbance for existing activity and rollover credit may exceed 5%.

12. **Exceptions:** Any exceptions to these general or specific stipulations will be considered on a case by case basis and must show that the exception will not cause declines in sage-grouse populations.

SPECIFIC STIPULATIONS (To be applied in addition to general stipulations)

1. Oil and Gas: Well pad densities not to exceed an average of one pad per square mile (640 acres) and suitable habitat disturbed not to exceed 5% of suitable habitat within the DDCT. As an example, the number of well pads within a two mile radius of the perimeter of an occupied sage-grouse lek should not exceed 11, distributed preferably in a clumped pattern in one general direction from the lek.

2. Mining

   a. For development drilling or ore body delineation drilled on tight centers, (approximately 100'X100') the disturbance area will be delineated by the external limits of the development area. Assuming a widely-spaced disturbance pattern, the actual footprint will be considered the disturbance area.
   b. Monitoring results will be reported annually in the mine permit annual report and to WGFD. Pre-disturbance surveys will be conducted as required by the appropriate regulatory agency.
   c. The number of active mining development areas (e.g., operating equipment and significant human activity) are not to exceed an average of one site per square mile (640 acres) within the DDCT.
   d. Surface disturbance and surface occupancy stipulations will be waived within the Core Area when implementing underground mining practices that are necessary to protect the health, welfare, and safety of miners, mine employees, contractors and the general public. The mining practices include but are not limited to bore holes or shafts necessary to: 1) provide adequate oxygen to an underground mine; 2) supply inert gases or other substances to prevent, treat, or suppress combustion or mine fires; 3) inject mine roof stabilizing substances; and 4) remove methane from mining areas. Any surface disturbance or surface occupancy necessary to access the sites to implement these mining practices will also be exempt from any stipulation.
   e. Coal mining operations will be allowed to continue under the regulatory and permit-specific terms and conditions authorized under the federal Surface Mining Control and Reclamation Act.

3. Connectivity:

   a. The suspension of federal and state leases in connectivity corridors (Figure 1) is encouraged where there is mutual agreement by the leasing agency and the operator. These suspensions should be allowed until additional information

clarifies their need. Where suspensions cannot be accommodated, disturbance should be limited to no more than 5% (up to 32 acres) per 640 acres of suitable sage-grouse habitat within connectivity corridors.

b. For protection of connectivity corridors (Figure 1), a controlled surface use (CSU) buffer of 0.6 miles around leks or their documented perimeters is required. In addition, a March 15 to June 30 timing limitation stipulation is required within nesting habitat within 4 miles of leks.

4. Process Deviation or Undefined Activities: Development proposals incorporating less restrictive stipulations or development that is not covered by these stipulations may be considered depending on site-specific circumstances and the proponent must have data demonstrating that the alternative development proposal will not cause declines in sage-grouse populations in the core area. Proposals to deviate from standard stipulations will be considered by a team including WGFD and the appropriate land management and permitting agencies, with input from the U.S. Fish and Wildlife Service. Project proponents need to demonstrate that the project development would meet at least one of the following conditions:

a. No suitable habitat is present in one contiguous block of land that includes at least a 0.6 mile buffer between the project area and suitable habitat;

b. No sage-grouse use occurs in one contiguous block of land that includes at least a 0.6 mile buffer between the project area and adjacent occupied habitat, as documented by total absence of sage-grouse droppings and an absence of sage-grouse activity for the previous ten years;

c. Provision of a development/mitigation plan that has been implemented and demonstrated by previous research not to cause declines in sage-grouse populations. The demonstration must be based on monitoring data collected and analyzed with accepted scientific based techniques.

5. Wind Energy Development: Wind development is not recommended in sage-grouse core areas, but will be reevaluated on a continuous basis as new science, information and data emerges.

Appendix I
Suitable Sage-Grouse Habitat Definition

Sage-grouse require sornewhat dif f erent seasonal habitats distributed over large areas to complete their life cycle. All of these habitats consist of, are associated with, or are immediately adjacent to, sagebrush. If sage-grouse seasonal habitat use maps do not exist for the project site the following description of suitable habitat should be used to determine areas of unsuitable sage-grouse habitat for development siting purposes. An abbreviated description of a complex system cannot incorporate all aspects of, or exceptions to, what habitats a local sage-grouse population may or may not utilize.

Suitable sage-grouse habitat (nesting, breeding, brood-rearing, or winter) is within the mapped occupied range of sage-grouse, and:

1) has 5% or greater sagebrush canopy cover as measured by the technique developed by interagency efforts. "Sagebrush" includes all species and sub-species of the genus Artemisia except the mat-forming sub-shrub species: frigida (fringed) and pedatifida (birdfoot); or
2) is riparian, wet meadow (native or introduced) or areas of alfalfa or other suitable forbs (brood rearing habitat) within 60 meters of sagebrush habitat with 10% or greater canopy cover and the early brood rearing habitat does not exceed 20% of the suitable sagebrush habitat present within the DDCT, Larger riparian/wet meadow, and grass/forb producing areas may be considered suitable habitat as determined on a case by case basis.

Transitional sage-grouse habitat is land that has been treated or burned prior to 2011 resulting in <5% sagebrush cover but is actively managed to meet a minimum of 5% sagebrush canopy cover with associated grasses and forbs by 2021 (by analysis of local condition and trend) and may or may not be considered disturbed. Land that does not meet the above vegetation criteria by 2021 should be considered disturbed.

Land treatments post 2010 must meet sagebrush vegetation treatment guidelines or the treatment will be considered disturbed. Following wildfire, lands shall be treated as disturbed pending an implementation management plan with trend data showing the area returning to functional sage-grouse habitat.

To evaluate the 5% disturbance cap per average 640 acres using the DDCT, suitable habitat is considered disturbed when it is removed and unavailable for immediate sage-grouse use.

The following items are guidelines for determining suitable habitat:

a. Long-term removal occurs when habitat is physically removed through activities that replace suitable habitat with long term occupancy of unsuitable habitat such as a road, well pad or active mine.
b. Short—term removal occurs when vegetation is removed in small areas, but restored to suitable habitat within a few years of disturbance, such as a successfully reclaimed pipeline, or successfully reclaimed drill hole or pit.
c. There may be additional suitable habitat considered disturbed between two or more long term (greater than 1 year) anthropogenic disturbance activities with a footprint greater than 10 acres each if the activities are located such that sage-grouse use of the suitable habitat between these activities is significantly reduced due to the close proximity (less than 1.2 miles apart, 0.6 miles from each activity) and resulting in cumulative effects of these large scale activities. Exemptions may be provided.

d. Land in northeast Wyoming (Figure 1 of Attachment B) that has had sagebrush removed post-1994 (based on Orthophoto interpretation) and not recovered to suitable habitat will be considered disturbed when using the DDCT.

ATTACHMENT C
Exempt ("de minimus") Activities

Existing Land Uses and Landowner Activities in Greater Sage-Grouse Core Population Areas That Do Not Require State Agency Review for Consistency With Executive Order No. 2011-02

1. Existing animal husbandry practices (including branding, docking, herding, trailing, etc).

2. Existing farming practices (excluding conversion of sagebrush/grassland to agricultural lands).

3. Existing grazing operations that utilize recognized rangeland management practices (allotment management plans, NRCS grazing plans, prescribed grazing plans, etc).

4. Construction of agricultural reservoirs and habitat improvements less than 10 surface acres and drilling of agriculture and residential water wells (including installation of tanks, water windmills and solar water pumps) more than 0.6 miles from the perimeter of the lek. Within 0.6 miles from leks no review is required if construction does not occur March 15 to June 30 and construction does not occur on the lek. All water tanks shall have escape ramps.

5. Agricultural and residential electrical distribution lines more than 0.6 miles from leks. Within 0.6 miles from leks no review is required if construction does not occur March 1 5 to June 30 and construction does not occur on the lek. Raptor perching deterrents shall be installed on all poles within 0.6 miles from leks.

6. Agricultural water pipelines if construction activities are more than 0.6 miles from leks. Within 0.6 miles from leks no review is required if construction does not occur March 15 to June 30 and construction is reclaimed.

7. New fencing more than 0.6 miles from leks and maintenance on existing fence. For new fencing within 0.6 miles of leks, fences with documented high potential for strikes should be marked.

8. Irrigation (excluding the conversion of sagebrush/grassland to new irrigated lands).

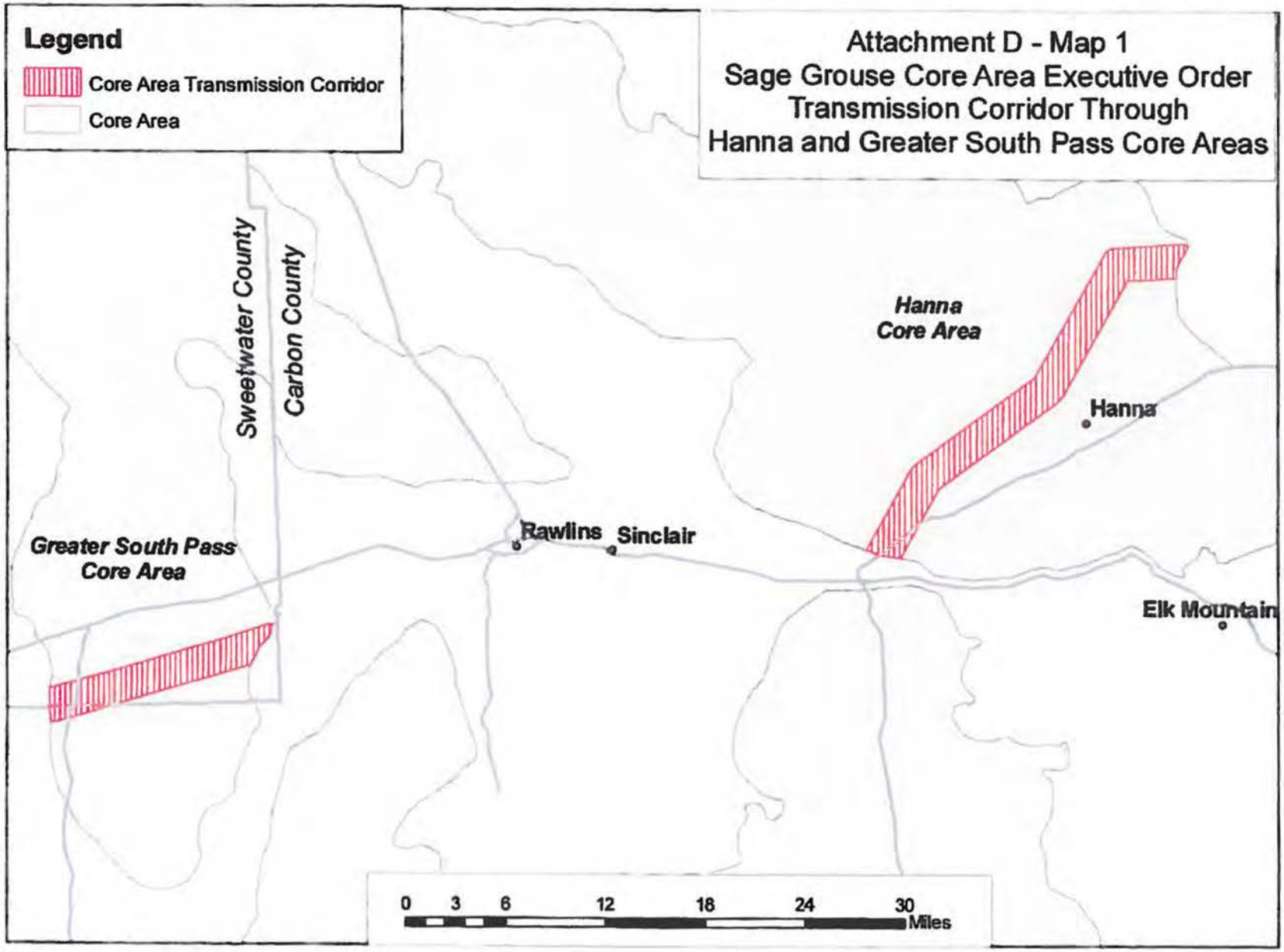
9. Spring development if the spring is protected with fencing and enough water remains at the site to provide mesic (wet) vegetation.

10. Herbicide use within existing road, pipeline and power line rights-of-way. Herbicides application using spot treatment. Grasshopper/Mormon cricket control following Reduced Agent-Area Treatments (RAATS) protocol.

11. Existing county road maintenance.

12. Cultural resource pedestrian surveys.

13. Emergency response.


Legend
Core Area Transmission Corridor
Core Area
Attachment D - Map 1
Sage Grouse Core Area Executive Order
Transmission Corridor Through
Hanna and Greater South Pass Core Areas
Sweetwater County
Carbon County
Hanna
Core Area
Hanna
Rawlins
Sinclair
Greater South Pass
Core Area
Elk Mountain
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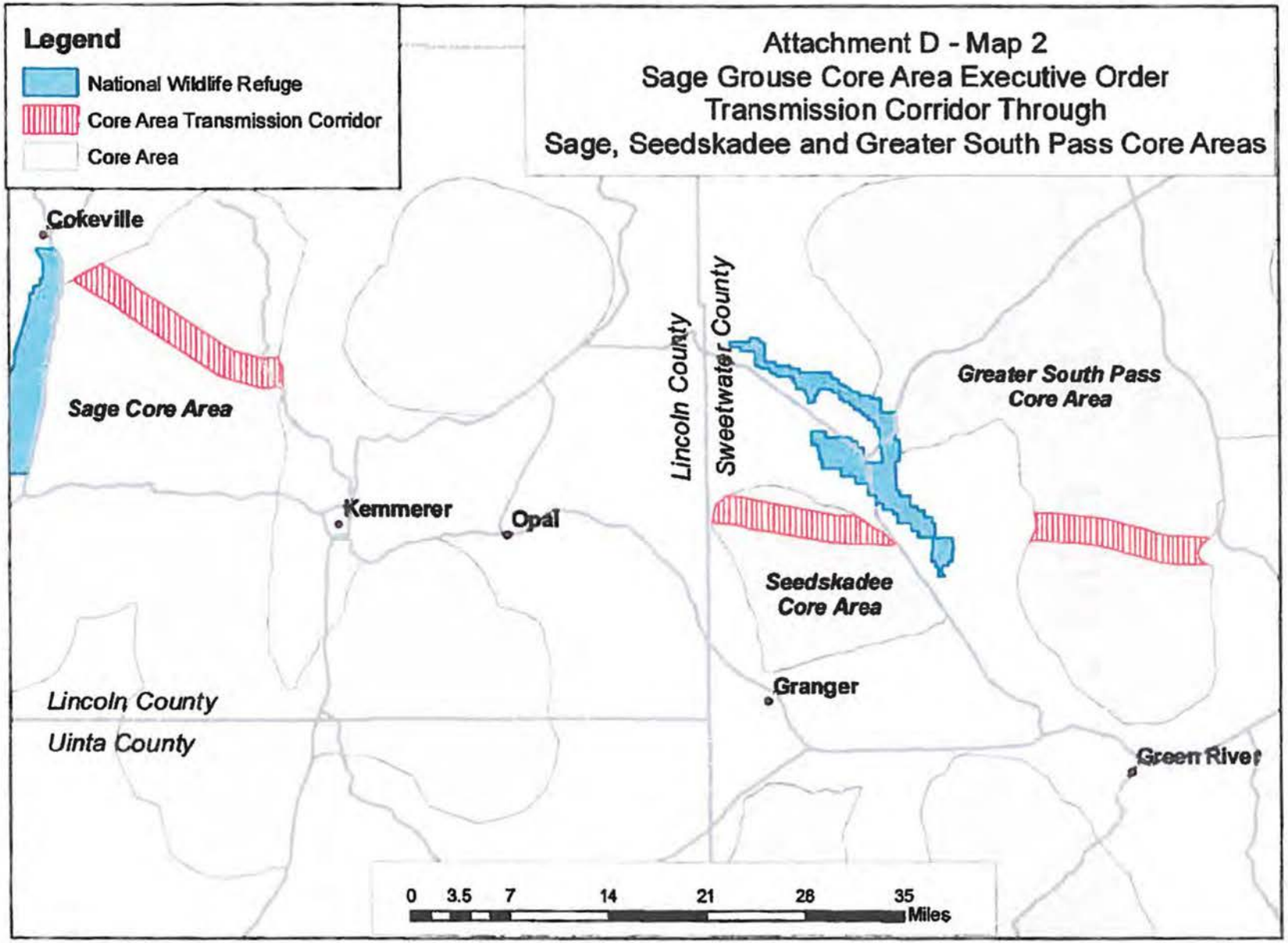
Legend
National Wildlife Refuge
Core Area Transmission Corridor
Core Area
Attachment D - Map 2
Sage Grouse Core Area Executive Order
Transmission Corridor Through
Sage, Seedskadee and Greater South Pass Core Areas
Cokeville
Sage Core Area
Kemmerer
Opal
Lincoln County
Sweetwater County
Greater South Pass
Core Area
Seedskadee
Core Area
Granger
Green River
Lincoln County
Uinta County
0 3.5 7 14 21 28 35
Miles

C.L. "Butch" Otter
Governor

March 14, 2013

Brian Kelly
State Director
U.S. Fish and Wildlife Service
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709-1657

Dear Brian,

This letter continues our discussion and collaboration on Idaho's contribution to Greater Sage-Grouse (GSG) management and conservation in order to avoid its listing under the Endangered Species Act (ESA) I greatly appreciate the personal attention and leadership you dedicated to this issue.

On December 18, 2012, Interior Secretary Ken Salazar responded to a series of questions posed by several western members of Congress about the Department of Interior's National Greater Sage-Grouse Land Use Planning Strategy (GSG Strategy). I was pleased that Secretary Salazar reiterated his commitment that "the BLM has every intention of taking actions to conserve the Greater Sage-Grouse in a manner that is *consistent with its multiple use mission* and with due regard for site specific on-the-ground considerations." (emphasis added).

I also noted with great interest that Secretary Salazar outlined the process for a Bureau of Land Management (BLM) state office to be exempted from Instruction Memorandum (IM) No. 2012-043 dated December 22, 2011. I believe IM No. 2012-043 coupled with the National Technical Team Report (NTT Report) represents a one-size-fits-all management scheme that fails to account for the site-specific information contained in my management plan. Secretary Salazar's response indicates that such an exemption can occur where "a state or local conservation mechanism has been developed with concurrence of the Fish and Wildlife Service." In short, I write to pursue the "concurrence" option for Idaho as a necessary precondition for state exemption from the national IM.

Moreover, I believe that a state-based solution for public land management – similar to Idaho's effort on roadless areas – will be a win-win for the species and the Idahoans who economically depend on access to lands managed by the federal government.

Concurrence by the Service on the Idaho approach is particularly important as your agency will carefully weigh all conservation commitments by my State and others in determining whether listing of the species is warranted under the ESA.

To briefly summarize where we are in the process, I sent you a letter in July 2012 requesting preliminary feedback on Idaho's draft Sage-Grouse Alternative. Specifically, I posed two questions fundamental to the overall structure of the plan:

(1) Whether the management framework – based on a thematic habitat continuum and population metrics – outlined in my Draft Alternative represents sound policy that should move forward; and
(2) Whether the habitat zones, especially the Core Habitat Zone and Important Habitat Zone, are consistent with the U.S. Fish and Wildlife Service's understanding of the most important sage-grouse habitats in the state.

Your written response was especially encouraging and signaled that the State of Idaho was moving in the right direction in developing a sound GSG strategy. Based on this early feedback, the State took public comment, refined the draft Alternative and submitted it to the BLM for incorporation into its Strategy. *See* Governor C.L. "Butch" Otter's Greater Sage-Grouse Management Alternative, Sept. 5, 2012. ("Idaho Alternative").

Following submission to the BLM, you reaffirmed that the Service still had confidence with the aforementioned components in particular, but needed additional clarification and targeted revisions for the remainder of the Idaho management plan. Your point was taken in the spirit of collaboration, and I believe that in addition to the September 2012 Idaho Alternative, the attachment below resolves these outstanding issues, and thus provides the path for Service concurrence consistent with Secretary Salazar's policy directive. For the sake of completeness, the Idaho Alternative is adopted herein by reference, and only where specifically noted below should the Idaho Alternative be construed as revised or modified.

I have sincerely appreciated your leadership in helping the State of Idaho develop a collaborative, science-based management plan that meets the needs of the species and Idaho citizens. Of course, the Service's concurrence is a necessary and foundational part of this process, but the State of Idaho is mindful that further clarification may be beneficial as part of the Department's ongoing GSG Strategy consistent with the National Environmental Policy Act and the ESA in coordination with the State. Please let me know if you have any questions during your review. I look forward to the Service's concurrence and our continued discussions on this critically important issue.

As Always – Idaho, "Esto Perpetua"

C. L. "Butch" Otter
Governor of Idaho

Request for U.S. Fish and Wildlife Service Concurrence:

1. Thematic Conservation Approach

An effective plan for managing the greater gage-grouse must include both population and habitat metrics. The Idaho Alternative accomplishes both.[1] As to the habitat component, the Idaho Alternative at 2-3 identifies a Sage-Grouse Management Area (SGMA) that is divided into four conservation areas (CA) across the known range of sage-grouse in southern Idaho. These CAs are important for achieving Idaho's population objectives as well as to properly tailor adaptive management responses where necessary and appropriate.

There are two CAs north of the Snake River and two CAs south of the Snake River. The first CA north of the Snake River is the Mountain Valley CA, which starts at Rexburg and extends west, including sage-grouse habitat north and west of Highway 33 to Howe, Highway 33/22 to Arco, Highway 26/20/93 to Carey, Highway 20 west to Mountain Home, south from Mountain Home on Highway 51 to the Snake River. The second is the Desert CA, which is south of the Mountain Valley CA.

South of the Snake River is the West Owyhee CA, which is west of the Jarbidge River. The Southern CA is east of the Jarbidge River, and includes the East Idaho Uplands and Bear Lake Plateau. *See* Idaho Alternative at 6.

Each CA is divided into three management zones: Core Habitat Zone (CHZ), Important Habitat Zone (IHZ) and the General Habitat Zone (GHZ). Idaho Alternative at 24. These management zones were the result of the Idaho Department of Fish and Game's (IDF&G) on-the-ground information provided by Dr. Jack Connelly and Don Kemner based on decades of research and monitoring data. As mentioned above, you indicated that Idaho's thematic approach *based on conservation objectives that are monitored in an adaptive management construct are fundamental attributes of the Service's own approach to strategic conservation.*[2] (emphasis added).

These management zones outline a suite of basic management activities that may or may not occur within a given area. Idaho Alternative at 3, 24-29. The thematic approach represents a management continuum that includes a relatively restrictive approach at one end in the CHZ and a relatively flexible approach in the GHZ. These three zones provide an array of permitted and prohibited activities. Idaho Alternative at 33-47.

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[1] The Idaho Alternative is attached as Appendix I.

[2] "The thematic approach based on conservation objectives that are monitored in an adaptive management construct that your framework incorporates, are fundamental attributes of the Service's own approach to strategic conservation (USFWS and USGS 2006)." Letter from Brian Kelly (U.S. Fish and Wildlife Service) to Governor Otter re: "Draft Federal Alternative of Governor C. L. 'Butch' Otter for Greater Sage Grouse Management in Idaho," August 1, 2012.

At the outset of the Governor's Task Force deliberations, the group noted the initial BLM mapping proposal (i.e., preliminary priority habitat/general habitat) as well as the National Technical Team (NTT Report) needed to be refined to reflect the state-specific concerns and the on-the-ground monitoring information. The Alternative notes, "[t]he State believes this [BLM's] mapping approach does not adequately take advantage of the opportunity to provide better and more precise management direction based on the quality and location of sage-grouse populations and habitats in Idaho." Idaho Alternative at 20.

Moreover, in developing these management zones, population objectives, and regulatory mechanisms, Idaho carefully considered the collaborative recommendations of the Governor's Task Force, current Resource Management Plans, the NTT Report, the recently published volume on greater sage-grouse ("*Greater Sage-Grouse: Ecology and Conservation of a Landscape Species and its Habitats*" (co-editors Drs. Steven T. Knick and John W. Connelly)), and other current and relevant scientific information. The State of Idaho did not adopt or endorse any of these sources to the exclusion of the others. To put a finer point on this issue, the state believes that all of these sources, to some degree, constitute the best available science for sage-grouse, and must be considered in our effort to preclude the need to list the species under the ESA.

Furthermore, dividing the current range into four CAs with three distinct management zones provides several important conservation benefits for the species:

- The management themes and adaptive management triggers provide a critical part of the needed direction and flexibility to address wildfire—the most significant threat to the species.
- The management themes also ensure that precious resources are directed toward dealing with the most important threats in stronghold areas.
- In conjunction with the threat of wildfire, the state adopted the Task Force's recommendations to expand the CHZ beyond the 25% breeding bird density to include areas that may not currently meet that benchmark, but could offer solid opportunities for habitat restoration in the future. Idaho Alternative at 25.
- Using three management zones facilitates opportunities for collaboration as resource considerations can be more appropriately tailored across the range of the species.
- This thematic approach is not without precedent. The Idaho Alternative is based largely on Idaho's successful model for managing and conserving inventoried roadless areas. In fact, the Idaho Roadless Rule has been affirmed by both the District of Idaho and the Ninth Circuit Court of Appeals.

2. State of Idaho Population Objectives

These population indicators are critical to gauging the effectiveness of the state's conservation efforts. In conjunction with the management zones, the population indicators ensure there is an appropriately tailored response to significant fluctuations in habitat and population.

The first objective is to implement regulatory mechanisms that maintain and enhance sage-grouse habitats, populations, and connectivity within the CHZ. Recognizing the impact of wildfire, the IHZ provides both important management flexibility and a strategic conservation buffer. Through the implementation of the state's proposed regulatory mechanisms, Idaho will be well-positioned to maintain a viable population of at least 65% of the sage-grouse leks for the foreseeable future. It is important to note that IDF&G estimates that approximately 95% of Idaho's known sage-grouse population is encompassed in the CHZ and IHZ themes. *See generally* Idaho Alternative at 7-9. By contrast, the GHZ only accounts for 5% of the state's total population.

The second objective is to stabilize sage-grouse habitats and populations by monitoring the effectiveness of the regulatory measures over time. A significant component of this objective is to minimize habitat loss within Core Habitat Zone (CHZ), and to a lesser extent, the Important Habitat Zone (IHZ). For more detail see Idaho's Alternative.

3. Adaptive Regulatory Triggers

The Adaptive Regulatory Triggers have been clarified and refined since the September 5th version. Idaho Alternative 9-11.[3] The adaptive triggers provide a regulatory backstop to prevent further loss and stabilize habitats and populations in the CHZ, and to a lesser extent in the IHZ, where a demonstrated significant loss has either occurred over time or unexpectedly (i.e., Murphy Complex Fire). These adaptive triggers are employed when dramatic shifts in population or habitat occurs based on an average over a three year period compared to 2011 values. Additionally, these adaptive triggers place the primary and secondary threats to the species in proper context to appropriately evaluate the cause(s) of the decline.

In addition to the below description, Idaho's Alternative utilizes two types of triggers to help determine whether changes in management are necessary. This is a refinement from the September 5th version of the Idaho Alternative. The triggers are broken down into a "soft" trigger and a "hard" trigger. The "soft" trigger becomes operative when one of the following occurs:

- 10% decline in maximum number of males counted and a finite rate of change below 1.0 but not significantly on CHZ over a period of three years; or
- 10% loss of nesting and wintering habitat in a Conservation Area over a period of three years.

[3] Not only do the revisions apply to the referenced narrative portions of the Idaho Alternative, but also where relevant and applicable to the regulatory language beginning on page 30.

When the monitoring information indicates that the "soft trigger" may be tripped, an Implementation Team – aided by the technical expertise of IDF&G – will assess the factor(s) leading to the decline and identify potential management actions. *See* Idaho Alternative at 7. The Implementation Team may consider possible changes in management to the CHZ. As to the IHZ, the Implementation Team may review the causes for decline and potential management changes only to the extent those factors significantly impair the state's ability to meet the overall management objective. It is anticipated IDF&G will collect data annually and will make recommendations to the Implementation Team by August 31st for population triggers and January 15th for habitat triggers.

The "hard" trigger becomes operative when one of the following occurs:

- 20% loss in CHZ nesting wintering habitat over a period of three years; or
- 20% decline in maximum number of males counted and a finite rate of change significantly below 1 within a Conservation Area over a period of three years.

If the hard trigger becomes operative according to the monitoring information, management changes are no longer discretionary and will be implemented in the following manner:

First, the IHZ will be managed according to the CHZ provisions primarily impacting the ability to consider infrastructure projects. Like the "soft trigger", the Implementation Team will analyze the actual cause(s) of the decline. The flow chart (Appendix II) illustrates the process used to determine which threat(s) caused the habitat or population loss.

As the illustration denotes, the Service identified wildfire, invasive species, and infrastructure as the primary threats and West Nile Virus, improperly managed grazing, and recreation as secondary threats. This adaptive trigger strategy focuses the analysis on mitigating the primary threats to the species in the CHZ. Only where the monitoring information indicates the cause(s) of the decline is not a primary threat will the Implementation Team analyze the secondary threats to the species and determine whether further management actions are needed.

Population and habitat objectives are measured against baselines are illustrated in the tables below. The baseline for habitat within each CA is the 2011 nesting and wintering habitat for the CHZ and IHZ. (See Tables 1 and 2). The population baseline is the maximum number of males counted on lek routes in 2011 within the CHZ and the average finite rate of change of population for 2009-2011 within the CHZ. It is measured the same way in IHZ. CHZ and IHZ triggers are analyzed separately. The habitat triggers are also analyzed separately from the population triggers. The foregoing represents additional clarification from Idaho's Alternative.

Table 1. Population Trigger (for illustrative purposes only).

Conservation Area	Population Baseline	Soft Trigger (10%)	Hard Trigger (20%)
Desert			
Mountain Valley			
Southern			
Western Owyhee			

Table 2. Habitat Triggers

Conservation Area	Breeding & Wintering (acres) (baseline)	10% loss (acres) (soft trigger)	20% loss (acres) (hard trigger)
Desert	840,291	84,029	168,058
Mountain Valleys	1,640,415	164,042	328,083
Southern	568,921	56,892	113,784
West Owyhee	1,416,135	141,614	283,227

4. Wildfire/Invasive Species

This section has been refined since the September 5th version. As mentioned above, the Idaho Alternative utilizes conservation areas, management zones and adaptive triggers to maintain and enhance sage-grouse populations in the CHZ to mitigate the impacts of wildfire. This approach provides stability in the short-term to enable the more proactive measures (i.e., fuel breaks, habitat restoration) the time necessary to demonstrate positive change on the landscape.

Additionally, the Idaho Alternative organizes its regulatory measures into three categories: Prevention, Suppression, and Restoration. This change reflects the state's intent to provide BLM with a method to prioritize wildfire management and resources, while providing flexibility to make adjustments when necessary.

During the 2013 Idaho Legislative session, Governor Otter made it a priority to provide ranchers and landowners in rural areas with the necessary tools and training to allow them to play an active role in fire prevention and suppression, especially in sage-grouse habitat. Idaho Code § 38-104B amends existing law to provide for the creation of non-profit Rangeland Fire Protection Associations (Appendix III).

In conjunction with this change in Idaho Code, the Idaho Legislature also provided the Idaho Department of Lands with additional funding to assist in the creation of four protection associations in southwest Idaho, modeled from the Mountain Home Rural Fire Protection

Association. Appendix IV provides a preliminary map depicting areas in sage-grouse habitat that are considered "no man's lands" where these associations can help in early fire detection, suppression and prevention efforts.

5. Infrastructure

This section remains unchanged from the Idaho Alternative. The state recognizes that more detail in the mitigation policy and its implementation may be needed to achieve the overall conservation objectives. *See* Section G of the Idaho Alternative and pages 33-34, 40, 43-45.

6. Livestock Grazing on Lands Managed by the Federal Government

The State Alternative only applies to those lands managed by the Federal government that are part of the GSG Strategy. It is important, especially in the context of livestock grazing management, that the following management framework is applicable only to the extent it involves the BLM's administration of Standard 8 of the Idaho Rangeland Health Standards (IRHS) with respect to sage-grouse. An important footnote, the IRHS do not apply to the U.S. Forest Service, and this management framework should in no way be construed as imposing those standards on the Forest Service. While this framework may benefit other sage-steppe species, those species-specific or other resources issues are not addressed herein.

Management Framework:

There are two pathways where this management framework is applicable: (1) in conjunction with scheduled term grazing permit renewals; and (2) where the adaptive regulatory trigger has been tripped (as described in section 3 above) and livestock grazing is identified as a potential causal factor.

Under the first path, this management plan provides a framework for BLM to assess Standard 8 with respect to sage-grouse as grazing permits are scheduled for renewal. As described in more detail below, if no trigger has been tripped across a CA, then the Standard 8 analysis for sage-grouse is a straightforward process. Under the second path, this adaptive framework aides in determining whether improperly managed livestock grazing may be a causal factor that potentially requires adaptive change to existing permits within a CA.

The first step in this process is to inform and educate permittees within the SGMA regarding sage-grouse habitat needs and conservation measures. These habitat needs or characteristics, as applicable, are outlined in Tables 3-5 of the Idaho Alternative (14-17).

Second, Standard 8 of the IRHS establishes a "maintain a viable population" threshold for listed species. 43 C.F.R. Subpart 4160. Consistent with the overall approach of the Idaho Alternative – namely, an outcome-based conservation strategy within an adaptive construct – the State of Idaho has identified an overall population target buttressed by regulatory mechanisms and adaptive regulatory triggers. Where these population and habitat triggers are being maintained, there is a rebuttable presumption that current grazing systems within that CA are adequate to

maintain viable sage-grouse populations. Therefore, absent compelling information, no further changes to grazing permits will be required pursuant to the Standard 8 analysis insofar as it relates to sage-grouse. In sum, if no trigger has been tripped within a CA, the allotments and pastures are presumed to have met Standard 8 with respect to sage-grouse.

This rebuttable presumption does not preclude adaptive change to grazing permits based on the other standards contained in the IRHS. Again, it is important to note that the Forest Service is not subject to the IRHS; however, the conservation objectives established in the Idaho's Alternative should meet the applicable standards in National Forest Management Act (NFMA).

If an adaptive regulatory trigger is tripped consistent with the process outlined above, and livestock grazing is identified as a potential limiting factor, the presumption that the current grazing operations within the Conservation Area have met Standard 8 with respect to sage-grouse will no longer be applicable.

Following such a determination, the following process will be utilized:

BLM will individually analyze those allotments and pastures within the relevant Conservation Area. Given limited agency resources, prioritization will be given to areas that have the potential to provide the greatest benefit to sage-grouse. Allocation of resources should be concentrated on allotments within the CHZ that have declining sage-grouse populations. Following those permits within the CHZ, resources will be further prioritized to allotments within the IHZ with breeding habitats that have decreasing lek counts. (*See* Flow Chart, Appendix V). Sage-grouse populations that are stable or trending upward will be a lower priority for permit renewal and the adaptive assessment process.

The assessment/determination process for sage-grouse pursuant to Standard 8 must rely on published characteristics of sage-grouse habitat and the Ecological Site Descriptions, existing vegetation, habitat inventories/assessments (Stiver et al. 2010), and where available, state and transition models that describe vegetation and other physical attributes for sage-grouse. The related characteristics within the categories shown below will also be included. These characteristics indicate the ability of a given area to provide sage-grouse habitat.

> Category 1: The grazing allotment (or any pasture/significant area therein) has the existing vegetation and existing ecological condition (seral state) to provide sage-grouse habitat
>
> Category 2: The grazing allotment (or any pasture/significant area therein) has the ecological potential to provide sage-grouse habitat.

Where an allotment or pasture meets one of these Categories above, Tables 3-5 (Idaho Alternative at 14-16) will be incorporated into relevant resource management plans as the desired conditions with the understanding that these desired conditions may not be achievable: (a) due to the existing ecological condition, ecological potential or the existing vegetation; or (b) due to causal events unrelated to existing livestock grazing. Allotments will only be managed for

the primary seasonal habitat that it has the potential to support. Typically, summer habitats will be managed to provide the conditions described in Table 3; winter Table 4; and breeding habitats in Table 5.

Based on these habitat characteristics, BLM will conduct fine and site scale-habitat assessments to help inform grazing management. Where necessary, a determination of factors causing any failure to achieve the habitat characteristics (Tables 3-5) will be conducted at a resolution sufficient to document the habitat condition. This determination will include consideration of local spatial and inter-annual variability. A determination of issues attributable to livestock grazing management shall not result from one year of data at a specific location within an allotment.

If the process and conditions outlined above demonstrate that livestock grazing is limiting achievement of the habitat characteristics (Tables 3-5), renewed permits will include measures, including but not limited to the actions outlined in (Idaho Alternative, Section J at 46-48) to achieve desired habitat conditions. These measures must be tailored to address the specific management issues associated with seasonal habitat limitations identified in the fine-scale assessments.

Additionally, adaptive management changes related to existing grazing permits should only be undertaken if improper grazing is determined to be the causal factor in not meeting habitat characteristics, specific to site capability, based upon monitoring over time with appropriate site variability.

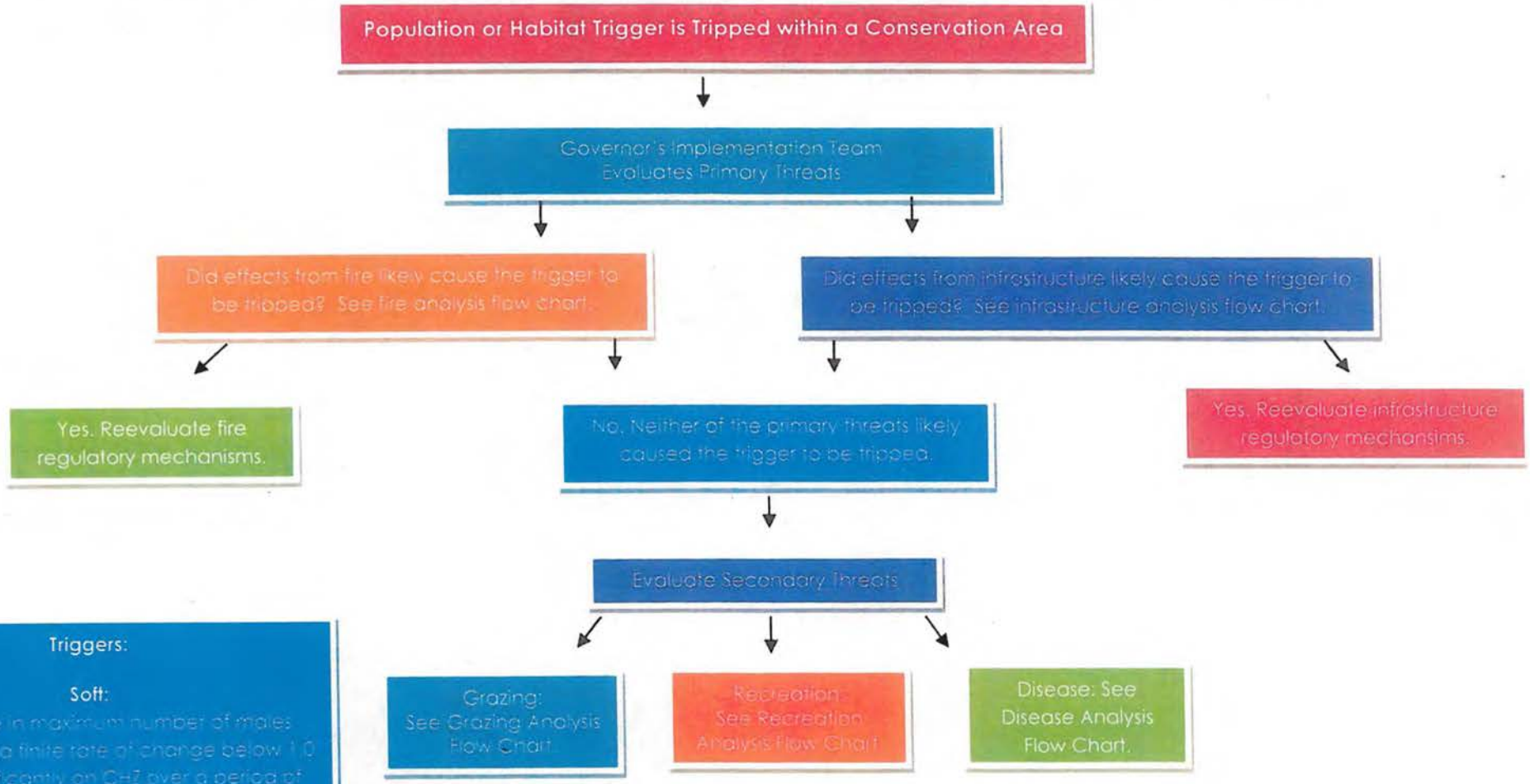
The Implementation Team will maintain oversight capabilities throughout the process and will be given the ability to review proposed management changes, the implementation of conservation measures, and the on-the-ground monitoring to ensure the measures are appropriately applied.

APPENDIX I: IDAHO ALTERNATIVE

Previously Included

APPENDIX II: ADAPTIVE TRIGGER STRATEGY

Appendix II: Adaptive Trigger Strategy
Determine What Caused a Hard Trigger to Become Operative and What Management Actions are Necessary



Triggers:

Soft:

10% decline in maximum number of males counted and a finite rate of change below 1.0 but not significantly on CHZ over a period of three years; or

10% loss of nesting and wintering habitat in a Conservation Area over a period of three years.

Hard:

20% loss in CHZ nesting wintering habitat over a period of three years; or

20% decline in maximum number of males counted and a finite rate of change significantly below 1 within a Conservation Area over a period of three years

APPENDIX III: IDAHO RANGELAND FIRE PROTECTION ASSOCIATIONS

LEGISLATURE OF THE STATE OF IDAHO

Sixty-second Legislature First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 93

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO FOREST AND RANGE FIRES; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-104B, IDAHO CODE, TO PROVIDE FOR NONPROFIT RANGELAND FIRE PROTECTION ASSOCIATIONS, TO DEFINE A TERM AND TO PROVIDE PROCEDURES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 38-104B, Idaho Code, and to read as follows:

38-104B. NONPROFIT RANGELAND FIRE PROTECTION ASSOCIATIONS. (1) "Nonprofit rangeland fire protection association" means a nonprofit corporation or nonprofit unincorporated association, that has entered into an agreement for the detection, prevention or suppression of forest and range fires with the state of Idaho or any agency of the state of Idaho pursuant to title 38, Idaho Code.

(2) A group of rangeland owners wishing to establish a rangeland fire protection association shall petition the director of the department of lands. The director may accept petitions where:

(a) Petitioners meet the requirements established by the director concerning the legal status of the association, liability insurance and governing and managing structure; and

(b) Petitioners demonstrate financial ability to form a rangeland fire protection association; or

(c) Adequate state funding exists, as determined by the director, to assist in the initial establishment of the association.

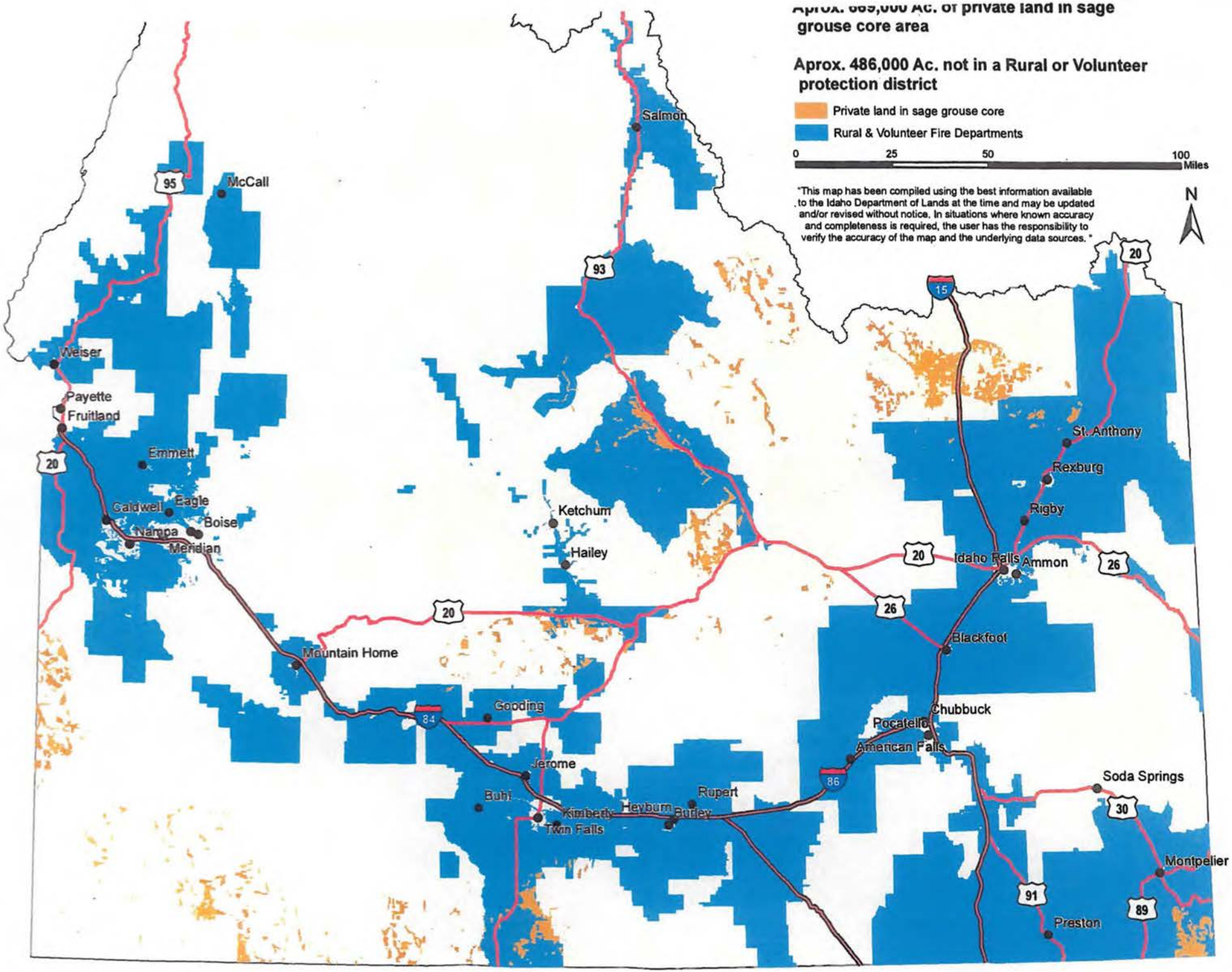
(3) Prior to entering into an agreement, and annually thereafter, the director shall review and inspect the association for the following:

(a) The governing and managing structure of the association;

(b) The adequacy of liability insurance; and

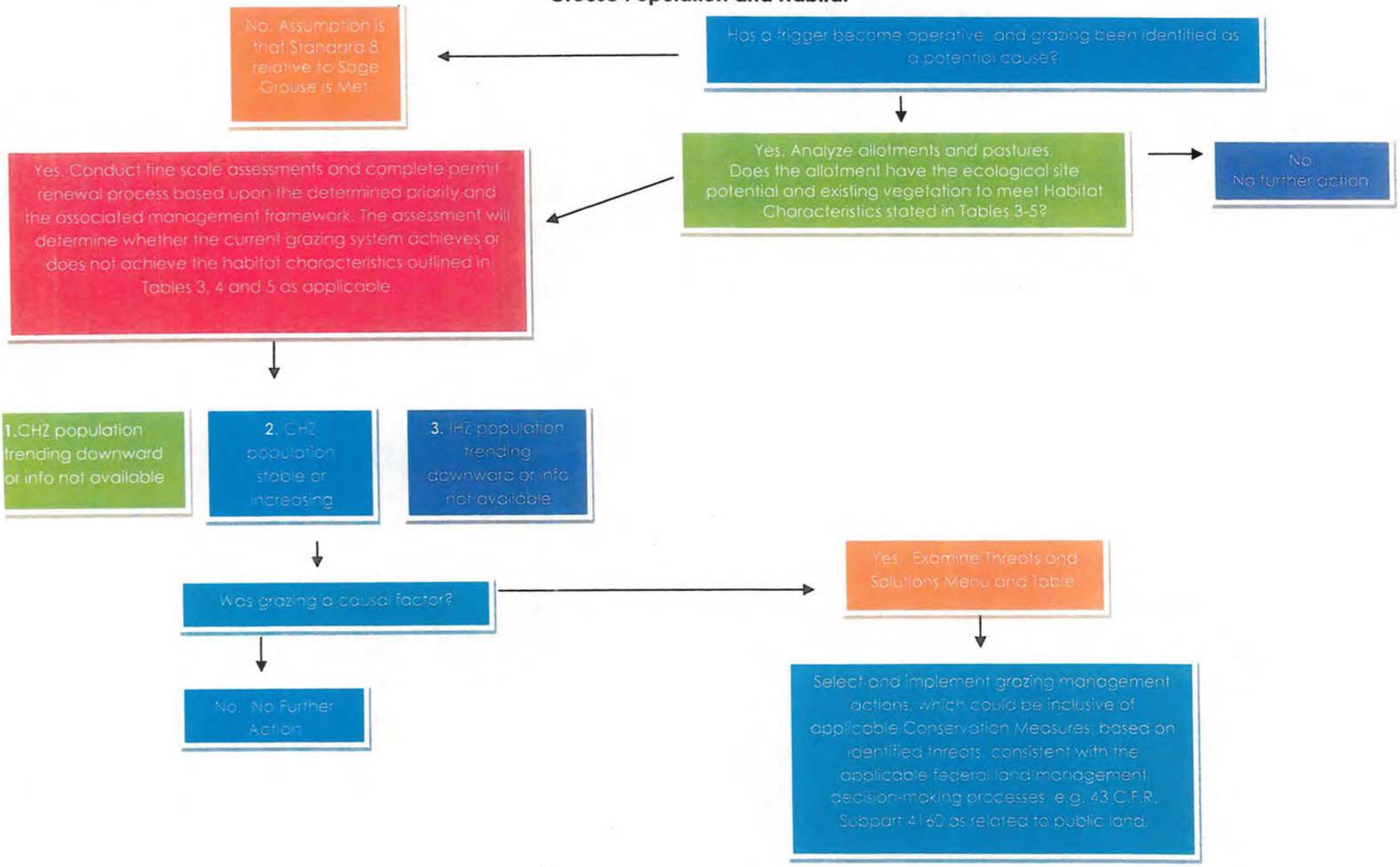
(c) The training of all association personnel.

APPENDIX IV: RFPA MAP


Aprox. 669,000 Ac. of private land in sage grouse core area
Aprox. 486,000 Ac. not in a Rural or Volunteer protection district
Private land in sage grouse core
Rural & Volunteer Fire Departments
0
25
50
100
Miles
"This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources."
N
Salmon
McCall
95
93
Weiser
Payette
Fruitland
20
Emmett
Caldwell
Eagle
Boise
Nampa
Meridian
Ketchum
Hailey
Mountain Home
Gooding
84
Jerome
Buhl
Kimberly
Twin Falls
Heyburn
Burley
Rupert
86
American Falls
Pocatello
Chubbuck
Blackfoot
Idaho Falls
Ammon
15
26
St. Anthony
Rexburg
Rigby
Soda Springs
30
Montpelier
91
89
Preston

APPENDIX V: LIVESTOCK MANAGEMENT FRAMEWORK

Appendix V: Livestock Grazing on Lands Included Within Greater Sage-Grouse Strategy
Determine Whether Current Grazing Practices Within a Conservation Area are Adequately Maintaining Viable Sage Grouse Population and Habitat



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

FISH AND WILDLIFE SERVICE
Idaho Fish and Wildlife Office
1387 South Vinnell Way, Room 368
Boise, Idaho 83709

MAR 2 2 2013

Governor C.L. "Butch" Otter
Idaho State Capitol Building
Boise, Idaho 83720

Dear Governor Otter,

We would like to reiterate our appreciation for your leadership with respect to the conservation of Greater sage-grouse in Idaho and, in particular, your work forming and supporting the collaborative work of the Idaho sage-grouse task force. The commitment of the task force, your staff, the Idaho Office of Species Conservation and the Idaho Department of Fish and Game to conserve Greater sage-grouse in a manner that respects multiple use of the land and contributes to a future where listing the species under the Endangered Species Act (ESA) is unnecessary, is a commitment we share. We write today to reassure you of this commitment with respect to the revisions you have made to the State of Idaho Alternative that was transmitted to the U.S. Fish and Wildlife Service (FWS) on March 14, 2013.

The FWS and Bureau of Land Management (BLM) each have a separate and distinct role to play in the review of the State's plan. Although FWS has been working closely with the State on specific revisions, the formal review for concurrence that you have requested will allow FWS to determine whether the State alternative or parts thereof are consistent with and will meet the conservation objectives outlined in the Conservation Objectives Team report. Such a determination will provide a basis for BLM to consider potential interim measures based on the State alternative that can be implemented in a manner consistent with the bureau's multiple-use mandate and organizational capacity.

At this time, the FWS and BLM have not completed their respective detailed analysis of the State's revisions to determine adequacy and implementation/capacity possibilities, respectively. At first glance, much of the State's plan contains direction consistent with the FWS's long-term needs to ensure the conservation of sage-grouse and BLM's multiple-use mandate. There are also some aspects of the plan which both BLM and the FWS in Idaho believe need clarification and refinement.

The FWS and the BLM are jointly committed to work in partnership with the State to achieve such clarity and refinement. We look forward to convening with your team and hope to do so early next week. It is our intent that through this partnership the Idaho BLM, consistent with organizational capacity, would be able to adopt those portions that are aligned with current policy/regulations as interim direction for Greater sage-grouse management on Idaho's public lands. Idaho BLM also commits to continue to fully analyze the State alternative in their subregional Sage Grouse EIS to be completed by December, 2014.

Sincerely,

Steven A. Ellis
BLM Idaho State Director

Brian T. Kelly
FWS Idaho State Supervisor

United States Department of the Interior

Fish and Wildlife Service

Idaho Fish And Wildlife Office
1387 S. Vinnell Way, Room 368
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Telephone (208) 378-5243
http://www.fws.gov/idaho

APR 10 2013

The Honorable C.L. "Butch" Otter
Governor of Idaho
State Capitol
Boise, Idaho 83702

Dear Governor Otter:

Thank you for your letter of March 14, 2013 requesting U.S. Fish and Wildlife Service (Service) "concurrence" in regards to Idaho's Greater sage-grouse (GRSG) conservation strategy (Strategy). Before the Service responds to this request, we would like to express our continued appreciation for your leadership in guiding the collaborative approach in which your staff in the Governor's Office, the Office of Species Conservation and the Idaho Department of Fish and Game has worked with us to refine the State's approach to conserving GRSG in Idaho.

The Service remains impressed with and supportive of the science-based adaptive conservation strategy for GRSG you have crafted collaboratively in Idaho, for Idaho-specific needs. In brief, the foundation of the Strategy and most of the specific elements that complete it, are solid and are grounded in scientific concepts and approach important to both the Service and Department of the Interior . While there is much about the current draft that the Service supports; there remain elements that need refinement, clarification, or need to be incorporated into the Strategy for the Service to conclude the entire strategy is consistent with the Service's Greater sage-grouse Conservation Objectives Team (COT) report.

A detailed response to your inquiry is attached. In summary, the integrated nature of the Strategy makes it difficult to "concur" with specific elements as most are interrelated and depend on other elements of the Strategy to function effectively. Nonetheless, our review revealed that the 4 foundational elements of the Strategy (Habitat Zones, Conservation Areas, Population Objective and Adaptive Triggers) are consistent with the COT as is the Livestock Grazing Management element. Therefore, this determination of consistency with the COT reflects "concurrence" for these elements, with the necessary elements noted in our detailed comments (see attachment), for the purpose of BLM IM 2012-043. This "concurrence" should not be construed as being automatically implementable by the BLM. The Service looks forward to working with your Task Force, and BLM as appropriate, to refine, clarify and add aspects of the Strategy as needed for similar support of, for example, the Wildfire Management and Infrastructure elements; and the Implementation Team/Commission. The latter, while an element of the Strategy that that

needs clarity and refinement is an issue the Service believes is easily addressed. There are numerous examples of such bodies, including as the State has verbally referenced, the process used on the Idaho Roadless Rule. The Service looks forward to assisting the State craft such a process for the Strategy.

Conservation of GRSG is a challenge. It is a challenge due to the geographic scale of the issue; the need of the species for large intact undisturbed geographies of habitat; the difficult nature of the threats in the Great Basin portion of the range; and the relevance of the habitat in questions to myriad conservation and economic needs and interests. Long-term conservation of GRSG will require a strong and sustained commitment by stakeholders across multiple jurisdictions to work together collaboratively. It is for these reasons that the Service commends the State of Idaho for acknowledging and crafting a Strategy that on one hand details proactive conservation actions to address the threats on the landscape, but equally important embraces the uncertainty of how those threats will play out on the landscape and how they will affect GRSG over time by crafting a robust, outcome based scientific strategy that is collaborative and adaptive. This balance between proactive conservation design/actions based on empirical data and assumptions, with a feedback loop from monitoring to inform adaptation in design/action, with stakeholders in the decision loop as an integral part of that process, is a fundamental component of the both the Strategic Habitat Conservation approach the Service employs, and Adaptive Management that the Department of the Interior employs.

We hope this review is helpful. The Service looks forward to continuing our role in this process of on-going refinement of the Strategy, its implementation over time, and as part of the adaptive process it embraces.

Sincerely,

Brian T. Kelly
Idaho State Supervisor

cc: Idaho BLM, State Director (S. Ellis)
Idaho Department of Fish and Game, Director (V. Moore)
Idaho Office of Species Conservation, Administrator (D. Miller)
U.S. Forest Service, Region 4, DeputyRegional Forester (M. Finley)

ATTACHMENT

Purpose of the Service's Comments

We want to be clear regarding the purpose of our comments. First, our comments serve to continue the collaborative and iterative process we have been engaged in with you. We see this review as an important "check-in" and continuation of that process to ensure the Strategy is ultimately best positioned to contribute to a future where listing GRSG under the ESA is unnecessary.

Our comments also provide the requested feedback regarding "concurrence" as referenced in BLM Instructional Memorandum 2012-043. While the Service and BLM are both Department of the Interior Agencies, and we together with the State of Idaho and other partners, are collaborating in the conservation of GRSG; the BLM and Service have different legal authorities and policy requirements. As such, any "concurrence" we may offer on elements of the Strategy should not be construed a priori as being implementable by the BLM. That is a determination BLM must make. The Service acknowledges and respects BLM authority in this regard. The Service stands ready to assist the State and BLM in BLM's approval process where appropriate (e.g., Service review of elements of the Strategy that are modified to be implementable by BLM). Our comments on the Strategy at this juncture are not part of the on-going BLM process to amend and or revise various Resource Management Plans across the range of GRSG. That review process will be completed separately.

Service support of the Strategy in part or whole should not be interpreted as a decision by the Service commensurate with a listing decision under the Endangered Species Act (ESA). That determination will be made when the Service formally reviews the status of the species in 2015. However, our purpose in developing the COT report was to guide the States in the development of conservation actions and strategies so that when we review those efforts in 2015 they would contribute to the conservation of the species in a manner that collectively would address threats such that listing would not be necessary. It is for this reason, our review of the Strategy herein is provided in the context of the COT report.

Components of the Strategy

We frame our review in the context of the three primary elements of the strategy: (1) Foundational Elements, (2) Specific Elements, and (3) Implementation Team/Commission. Foundational elements of the Strategy are those that transcend specific management and conservation actions or reactive adaptive processes once population or habitat triggers are tripped. We refer to four Foundational Elements: Thematic Approach, Conservation Areas, Adaptive Triggers, and Population Objective. Specific Elements identified in the Strategy are those that target specific threats including: wildfire, invasive species, and infrastructure, as primary threats; and recreation, West Nile virus, improper livestock grazing management, and livestock grazing infrastructure as secondary threats. The Implementation Team/Commission

referenced in the Strategy is meant to ensure proper action is taken when a trigger is tripped. As such, for the purposes of our review, we will evaluate the Implementation Team/Commission as a separate operational element of the strategy.

Foundational Elements

Our review of the Strategy revealed a thoughtful, science-based and outcome-driven adaptive management approach to the conservation of GRSG in Idaho. This approach is consistent with the COT report. The Thematic Approach, Conservation Areas, Adaptive Triggers, and Population Objectives are consistent with the COT report and the Service strongly supports these aspects of the State's Strategy.

Examples of how the four Foundational Elements of the Strategy are consistent with the General Conservation Objectives and Specific Conservation Objectives related to Priority Areas for Conservation (PACs) in the COT report include:

1. The designation of a Core Habitat Zone (CHZ) of approximately 5.5 million acres which by itself is currently home to approximately 73% of the male GRSG in Idaho. The CHZ captures the COT report intent of avoiding development in priority areas for conservation (PACs). The Strategy reflects that the development of infrastructure (a primary threat to GRSG) is prohibited in CHZ; with a process for limited exceptions. The Service commends the State for ensuring that any exceptions to the prohibition to infrastructure in CHZ, must meet the conservation standard in the Important Habitat Zone (IHZ; see discussion in next paragraph). While we support the configuration and intent of the CHZ, we look forward to working with the State to clarify how exceptions are determined and specific mitigation strategies if exceptions occur are implemented (see Specific Elements and Implementation Team/Commission headings, below).

2. The designation of an Important Habitat Zone (IHZ), of approximately 4 million acres which by itself is currently home to 22% of the male GRSG in Idaho. The IHZ also captures the COT report intent of stopping the population decline in that while infrastructure is permitted; it is permitted in a way that must demonstrate it will not affect the population trend for the Conservation Area in question. IHZ serves an equally important role in the Strategy as it can serves to buffer loss of habitat due to fire (see #5).

3. The Strategy's use of a measureable population objective, and utilizing monitoring to ensure that objective is met; and setting metrics that trigger changes in practices or review of current practices to ensure the Strategy's conservation objective is met long-term.

4. The use of four separate Conservation Areas in which the adaptive triggers are individually applied adds an increased level of sensitivity to change, that we expect to translate to more timely changes in management if necessary, which will translate to an enhanced ability to ensure the population objective of the

Strategy is met state-wide (the Service appreciates and concurs with the State's desire to have additional peer review of the adaptive triggers).

5. The use of a "hard trigger" that, if tripped, requires IHZ be managed as CHZ, with infrastructure development subject to the same standards in both zones. In essence, if applied to all Conservation Areas, the CHZ would almost double in size. This would add the conservation benefit of CHZ to IHZ until no longer necessary.

6. The COT report also references the importance of incentive-based conservation actions in developing a conservation strategy. The foundational elements of the Strategy provide a context for incentivizing actions to maintain population numbers and intact habitat; and help ensure the conservation and restoration of GRSG in Idaho. The structure of these foundational elements of the Strategy (and specific elements consistent with the COT report and others as they are refined) will help provide stakeholders predictability with regard to GRSG conservation needs.

Specific Elements

Livestock Grazing Management: This specific element of the Strategy is consistent with the COT report. The Service supports this aspect of the Strategy because it requires Idaho Rangeland Health Standards (IRHS) be met and it does so in the context of the Strategy. The COT report identifies that if the riparian (IRHS 2) and upland (IRHS 4) rangeland health standard is met, that is the minimum needed to address the threat of grazing on GRSG based on our expertise under the ESA. To achieve this, the Strategy provides an adaptive management process by which adjustments in grazing based on ecological site potential and habitat characteristics would be prioritized as needed outside of normally scheduled permit renewals based on population triggers and cause of declines within each Conservation Area in the Strategy. Additionally, the adaptive management approach the Strategy provides an important framework for deciding what, in addition to IRHS 2 and 4, might be required under IRHS 8 (Threatened, Endangered or Sensitive Species) for GRSG conservation.

As noted above, the COT also references the importance of incentive-based conservation actions in developing a conservation strategy. The Service believes the Livestock Grazing Management Element address the conservation needs of GRSG while providing an important incentive to permitees to be good stewards.

An additional important benefit to the Service of the Livestock Grazing Management element is that the regulation of improper grazing as a threat to GRSG when permits had not yet been analyzed by BLM to meet IRHS for GRSG (IRHS 2, 4; and 8 as needed) would be accomplished through the Strategy on an as needed basis based on population status. This approach is in contrast to requiring all individual permits be conditioned to meet IRHS 2, 4 and 8 (as needed), by the time the Service makes its listing determination—a goal that is likely not achievable. To be clear, the Service supports

adherence to IRHS. Our support for the approach of this element is due to it being a wise approach for regulating the appropriate conservation action for the secondary threat of improper grazing to GRSG where needed, until IRHS necessary for GRSG conservation are achieved at the management area scale. This adequacy of regulatory mechanisms under ESA is an important consideration. Pending more clarity in how the Implementation Team/Commission is staffed and operates once a trigger is tripped; the Service would expect to fully support this element of the Strategy. While we would defer to the BLM on their permit-specific application of these triggers in the context of requirements to enhance and restore rangelands under Federal Lands Policy and Management Act (FLPMA), the Service supports the Livestock Grazing Element in the interim as long as no triggers have been tripped within a Conservation Area.

Infrastructure: The specific actions in the infrastructure element are consistent with the COT pending a clearer understanding how the Implementation Team/Commission operates to determine exceptions to CHZ development, development in IHZ, and how referenced mitigation of impacts will work.

Mitigation: Mitigation is referenced in multiple elements in the Strategy but there is no explanation of the how mitigation for impacts in CHZ, IHZ and potentially GHZ will work. The Service is aware of preliminary work by your Task Force and the work of the Idaho Sage-grouse Advisory Council and this element and encourages the State to build on these efforts for this element of the Strategy.

Restoration: The Service recognized in our letter of August 1, 2012, that one of the many strengths of the Strategy is that habitat in need of restoration was included in and adjacent to CHZ as a priority commitment for restoration and to expand Core habitat. However, the Strategy is largely silent on the important relationship between mitigation and restoration for restoration to occur; what constitutes habitat that is lost versus gained back; and restoration monitoring. The need for how direct and indirect loss of habitat is quantified and what constitutes restored habitat is a missing component of the habitat trigger as well.

Wildfire Management: Wildfire and invasive species associated with fire are the greatest threat to long-term persistence of GRSG in the Great Basin and the threat most difficult to manage. The Strategy has been refined to help manage this threat in a significant way. The addition of legislative changes and funding to support the creation of Rural Fire Districts (RFDs) is a significant addition to the Strategy and one the Service supports and that is consistent with the COT report. Viewing wildfire management in the context of Prevention, Response and Restoration and tailoring actions within each is likewise an important refinement. The Service looks forward to working with the State and other partners to help establish more RFDs; and to identify more specifics actions under each category of Prevention, Response and Restoration.

One aspect of the strategy that is not a specific fire management action but that the Strategy notes and the Service likewise acknowledges as one of the strongest attributes of the Strategy is how the overarching construct of the Strategy is designed with fire in

mind. The conservation objective of maintaining between 95% and 73% of the males on leks, the establishment of refined habitat triggers that catch declines and adapt practices earlier and by Conservation Area, the identification of areas in need of restoration, the commitment to IRHS are all mechanisms to reduce fire, buffer the effects of fire, and provide for refinement in management in an adaptive construct to reduce the effects of fire in the long term.

Management on non-Federal Property: The Strategy to date has focused on Federal properties. This is understandable due to the ongoing Resource and Land Use Management Plan revisions and amendments underway by BLM and the U.S. Forest Service. The Service looks forward to working with the State to ensure the Strategy applies where necessary and appropriate to all properties with adequate state or local regulatory mechanisms.

Implementation Team/Commission

Many of the specific elements of the Strategy are in the Service's view conditionally consistent with the COT pending more clarity how the Implementation Team/Commission is staffed and operates; and how it interacts with scientific support. Because the Strategy is an outcome-based, adaptive strategy, its efficacy is achieved through a balance between proactive actions and reactive steps to adapt and or change actions if necessary. Therefore, the Service needs to understand in more detail how the Implementation Team/Commission functions to evaluate data and inform decisions to adapt management that ensure the Strategy objective is met (e.g., see Infrastructure, above).

Summary

In summary the Strategy is a robust approach to conserving GRSG in the Great Basin. Many components of the Strategy are strong, in particular the underlying foundational elements and grazing management; with wildfire and infrastructure similarly strong pending additional clarity and refinement as noted. The State of Idaho and the stakeholders on the Governor's Task Force have done remarkable work in a compressed timeframe as these aspects of the plan address threats to GRSG in the Great Basin in a way that gives the Service more regulatory certainty, stakeholders more operational certainty, and provides for the conservation of GRSG and sage-brush in Idaho that helps ensure more resiliency to large wildfires. The elements of the Strategy that the Service would welcome more conversations with the State to refine, add or clarify in the Strategy include non-federal properties, restoration, mitigation, and the operation of the Implementation Team/Commission.

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
1785 (930)

MAY 06 2013

The Honorable C.L. "Butch" Otter
Governor of Idaho
P.O. Box 83720
Boise, Idaho 83720

Dear Governor Otter:

I appreciate the continued coordination and partnership with the State of Idaho in conserving sage-grouse. The purpose of this letter is to describe Idaho Bureau of Land Management's (BLM) progress in considering the State of Idaho's Sage-grou e Plan (the Idaho Plan) as submitted to the U.S. Fish and Wildlife Service (FWS) on March 14, 2013. This letter will address consideration of Idaho's Plan as both an alternative in the Idaho/S.W. Montana Sub-regional Environmental Impact Statement (EIS) and as potential interim guidance to supplant BLM IM 2012-043.

First and foremost, I share your goal of a science-based approach to amending resource management plans in Idaho by 2014 so that it becomes unnecessary to list the sage-grouse under the Endangered Species Act. It is essential that we accomplish the EIS and associated resource management plan (RMP) amendments on schedule so that the FWS can fully consider BLM's amended RMPs as it assesses threats to the species and adequacy of regulatory mechanisms in 2015.

There are two pathways for considering Idaho's Plan for BLM administered lands: 1) through the sub-regional EIS and RMP amendment process planned for completion in 2014, and 2) as potential interim management as outlined in IM 2012-043.

Idaho's Plan & the Sub-Regional EIS and RMP Amendment Effort

As noted in my letter of August 30, 2012, Idaho's Plan is one of six alternatives being fully analyzed in the Draft EIS (DEIS) to be released for public comment this fall. Our regulations for implementing the National Environmental Policy Act (NEPA) require federal agencies to "rigorously explore and objectively evaluate all reasonable alternatives." Our EIS planning team continues to work closely with staff from the Office of Species Conservation and Idaho Department of Fish and Game as cooperating agencies to incorporate State input into development of the DEIS.

An immediate priority for our EIS effort is to ensure that Idaho's Plan is fully understood by our analysis team, accurately analyzed as an alternative in the DEIS, and fully disclosed to facilitate public comment. Our review of the March 14 version of Idaho's Plan has identified several elements for which we are seeking additional clarification, including the sections describing the adaptive management triggers, the wildfire suppression and emergency clause, and the direction for infrastructure development. We are in the process of clarifying those issues with your staff at this time.

As we conduct our cumulative effects analysis of past, present, and reasonably foreseeable actions, we will need to analyze activities on both federal and non-federal lands. This requires our understanding of Idaho's existing and proposed management of state lands intermingled within and adjacent to federal public lands. At this time, BLM still needs more assistance on that front so that we can complete the DEIS on schedule.

In order to insure that Idaho's Plan is properly considered and analyzed as an alternative in the DEIS planned for release this fall, Idaho BLM must receive any clarifications/additional details no later than June 30, 2013.

Idaho's Plan & its Potential to Inform Interim Guidance

As noted in my letter to you dated March 22, 2013, upon concurrence by the FWS, Idaho BLM will consider adopting Idaho's Plan as interim guidance so long as the proposed interim measures can be implemented in a manner consistent with our multiple use mandate, current policy and regulations, and consistent with organizational capacity (current funding and staffing).

Our preliminary review of Idaho's Plan has identified elements that fit within existing regulations and policy, would not require new NEPA, and are within our current funding and staffing capability to implement. These include: 1) some of the Best Management Practices for infrastructure and wildfire suppression/restoration, 2) parts of the invasive species direction, 3) the general characteristics of habitat as indicators, and 4) identification of a sage-grouse management area divided into four conservation areas. We have initiated discussions with your staff regarding these potential interim management measures with the goal of reaching closure this summer.

Our preliminary review of Idaho's Plan has also identified portions of the Plan which are not consistent with direction in our current RMPs and would require new analysis under NEPA before they could be considered for implementation as interim guidance. These portions include the adaptive management triggers (population and habitat thresholds), the livestock grazing management framework and standards, and the infrastructure direction and exemption process. We are unable to dedicate staffing to complete the new NEPA necessary for adopting these portions as interim management without impacting our ability to complete the EIS and RMP amendments by 2014. We remain committed to analyzing all of these potential management solutions and corresponding actions as part of the EIS.

We are very appreciative of the State's support for the Rangeland Fire Protection Associations and are committed to close coordination between Idaho BLM and the State of Idaho in reducing the threat of wildfire, the primary threat to sage-grouse habitat in Idaho. We are actively working with the Idaho Department of Lands and the Rangeland Fire Protection Associations to leverage our collective effectiveness in preventing, suppressing, and reducing the impacts of wildfire on sage-grouse habitat. We continue to work closely with Idaho Department of Fish and Game when taking emergency stabilization and rehabilitation actions following wildfire.

Thank you for your leadership in advancing conservation of sage-grouse and close coordination with Idaho BLM regarding public land management in Idaho.

Sincerely,

Steven A. Ellis
State Director

The following questions were posed to the State of Idaho during a coordination meeting on April 30th, 2013. At a subsequent follow-up meeting on May 2nd, 2013 attended by Don Kemner (IDF&G); Cally Younger (OSC); Dustin Miller (OSC); and Brent Ralston (BLM), many of these questions were discussed and answered – see noted answers within table; others required additional follow-up and were part of the overall state response received by BLM on July 1st, 2013, and subsequently incorporated into the State Alternative (Alternative E).

State Plan Language		BLM/FS Questions for Analysis
Manage sage-grouse habitats to achieve the conditions described in Tables 3, 4 & 5 of the Governors Alternative, where appropriate, recognizing these conditions may not be achievable in all areas due to the existing ecological condition, ecological potential or the existing vegetation; or to causal events unrelated to existing livestock grazing.		1. Are these desired conditions or standards? These are desired conditions to help guide management; they are not standards or requirements. 2. Apply when and where achievable? If so curtail management stressors until achieved? Or only allow management that does not impede achievement? Or apply management as long as progress toward achievement is being made? As desired conditions management would continue with the potential to adjust management where necessary to achieve or move towards achievement of these conditions.
Develop a consistent wildfire suppression plan that improves on the wildfire suppression baseline by twenty-five percent (25%) through: a. Ensuring close coordination with Federal and State firefighters, local fire departments and local expertise to create the best possible network of strategic fuel breaks and road access to minimize and		3. What is the wildfire suppression baseline derived from? 4. Is there specific rationale for 25% or 15%? Do these

State Plan Language		BLM/FS Questions for Analysis
reduce the size of a wildfire following ignition; b. Developing consistent fire response plans and mutual aid agreements necessary to achieves a 25% improvement in the fire suppression baseline; c. Requesting and placing additional firefighting resources and establish new Incident Attack Centers, with particular emphasis in the West Owyhee Conservation Area; d. Creating and maintaining effective fuel breaks in strategic locations that will modify fire behavior and increase fire suppression effectiveness according to the following criteria: • Targeting establishment of fuel breaks along existing roads or other disturbances. • Identifying and targeting higher-risk roads for fuel break construction and maintenance based on fire history maps. • Implementing a strategic approach to using these roads for rapid fire response. • Analyzing the benefits of the fuel break against the additional loss of sagebrush cover and risk on invasive weeds. • Maintaining fire breaks to meet objectives. e. Requesting the necessary federal appropriations to achieve this objective.		represent environmental thresholds related to wildfire? 5. How would the 15% or 25% be measured? Is this an improvement in response time or an increase in chains per hour of firefighter capability? 6. Is there some measurable way to determine higher risk roads for fuel breaks?
Utilize and employ more aggressive wildfire and invasive species management practices to prevent further encroachment of these two primary threats into the CHZ on Federal lands.		7. Are there specific techniques or approaches in mind here? There are no specific actions in mind presently but the advent of new practices and techniques which better address the threat are valid for consideration as they are developed.
Decrease wildfire response time by twenty-five percent (25%) through: a. Prioritizing, maintaining and improving a high initial attack success		8. Is this referring to average response time?

State Plan Language		BLM/FS Questions for Analysis
rate in suppression response and staging decisions; b. Utilizing available Sage-Grouse Management Area maps and spatial data depicting sage-grouse habitats within this zone in accordance with action # 31; c. Redeploying firefighting resources not being fully utilized outside the SGMA to the extent such redeployment will not cause harm to human safety and structure protection; and d. Requesting the necessary federal appropriations to achieve this objective.		9. How is this measured? Data available to measure this? 10. Redeployment of resources not needed occurs all the time - is there some measurable way to describe this?
Develop more aggressive strategies to reduce fuel loads, where appropriate.		11. Specific techniques or practices in mind? See #7. 12. Is there some target amount? There is no specific target identified.
Prioritize permit renewal and land health assessment processes for allotments with declining sage-grouse populations.		13. Is this within the 10-year schedule or in addition to the 10-years schedule? For example permit in place for 4 years and GRSG populations declining does this reinitiate permit evaluation or does existing permit run the course of 10-year authorization and then become high priority for renewal in year 10? This would apply when adaptive regulatory triggers have been tripped and where the Implementation Task Force has determined that grazing

State Plan Language		BLM/FS Questions for Analysis
		is a causal factor. 14. How does evaluation of causal factors figure in to Permit Renewal NEPA priorities?
Establish strategically located forage reserves focusing on areas unsuitable for sage-grouse habitat restoration or lower priority habitat restoration areas when feasible.		15. Since most BLM land is under permit are there State lands under consideration for these areas or is this contingent on BLM permit revocation or voluntary relinquishment? There are no specific state lands under consideration at this point.
Objective 1: Implement the regulatory mechanisms to maintain and enhance sage-grouse habitats, populations and connectivity in areas within the CHZ, buffered by strategic areas within IHZ, dominated by sagebrush.		16. How are strategic areas defined/identified? This implies a subset of IHZ and that the entire IHZ would not be the strategic buffer area. The strategic areas are the IHZ within the same CA as the CHZ.
Designate CHZs as ROW avoidance areas with limited exemptions permissible.		17. What is the exemption process?
Prohibit the development of infrastructure, except if developed pursuant to valid existing rights or incremental upgrade and/or capacity increase of existing development (authorized prior to the record of decision) subject to best management practices in Gov. Alt Section G. a. Limit impacts of proposed actions to the existing authorized footprint with no more than a fifty percent (50%), depending on industry practice, increase in footprint size and associated impacts;		18. How is this footprint measured? Includes only the acres physically disturbed (tower footings) or includes area of impact (some sort of buffer area)? There is a tie to the COT Report – is this suggesting something other

State Plan Language		BLM/FS Questions for Analysis
and b. Include compensatory mitigation if new significant and unavoidable impacts are demonstrated to be associated with the project."		than COT approach? This approach is similar to the COT and would include the defined ROW width – not the potentially broader impact area.
Increase resiliency of the habitat to disturbances, such as wildfire, and limit habitat fragmentation and loss only to projects pursuant to valid existing rights or incremental upgrades and/or that demonstrate, among other things, a significant high value benefit to the State of Idaho as well as provide compensatory mitigation consistent with the guiding principles in coordination with Federal, State and local partners.		19. Is there a process for assigning and assessing compensatory mitigation?
Co-location of new transmission lines occurs when construction falls between July 1 and March 14 (or between July 1 and November 30 in winter concentration areas) and within one kilometer either side of existing 115-kilovolt (kV) or larger transmission lines to create a corridor no wider than two kilometers.		20. Co-location seems to address a long term impact of presence whereas seasonal restrictions seem to address construction activities? Do these need separated? These are separate and can be separated retaining both the co-location aspect and the timing restriction aspect.
Evaluate areas affected by fluid mineral development in accordance with the process outlined in the State of Wyoming's Executive Order 2011-5.		21. Is this process applicable in Idaho? 22. Are the definitions of suitable habitat the same? If so how much CHZ, IHZ and GHZ are considered suitable? The definitions would follow those identified by Connelly 2000.

State Plan Language		BLM/FS Questions for Analysis
		23. Inclusion of wildfire as a component for Density Disturbance Calculation Tool (DDCT) – is this appropriate for Idaho?
Limit surface disturbance development within the CHZ to three percent of suitable habitat per an average of 640 acres.		24. How is disturbance defined? Only anthropogenic disturbance? Ties back to Wyoming Executive Order which includes a definition.
		25. Various buffers for different activities – 2 km for transmission, 1 km for distribution, 1.5 for roads, etc. What are these based on – can citations be provided. Differs from buffers considered for DDCT out of Wyoming Executive Order.
September 5th, 2012 Version: Apply adaptive management measures for livestock grazing (following table) singly, or in combination where appropriate, in the development and implementation of grazing management, based upon the assessment process, the ecological conditions, the ecological potential and the status of sage-grouse populations. Maintain flexibility in administering grazing programs and providing offsetting grazing options over relatively large landscapes to successfully implement these measures. March 14th, 2013 Version: There are two pathways where this management framework is applicable: 1) in conjunction with scheduled term grazing permit renewals; and		26. Apply during the 10-year renewal process or in addition to the 10-year renewal process – i.e. year 4 based on monitoring? See # 13. 27. Need to reconcile language and intent from September 5th, 2012, Alternative version with March 14th, 2013 additions. 28. Since individual allotments do not encompass an entire

State Plan Language		BLM/FS Questions for Analysis
2) where the adaptive regulatory trigger has been tripped and livestock grazing is identified as a potential causal factor. Where populations and habitat triggers are being maintained the current grazing systems within that CA are adequate to maintain viable sage-grouse populations. If no trigger has been tripped within a CA, the allotments and pastures are presumed to have met Standard 8 with respect to sage-grouse. If an adaptive regulatory trigger is tripped and livestock grazing is identified as a potential limiting factor then the presumption that the current grazing operations within the Conservation Area have met Standard 8 with respect to sage-grouse will no longer be applicable. BLM will individually analyze those allotments and pastures within the relevant Conservation Area and prioritization will be given to areas that have the potential to provide the greatest benefit to sage-grouse. Allotments will only be managed for the primary seasonal habitat that it has the potential to support. The Implementation Team will maintain oversight capabilities throughout the process and will be given the ability to review proposed management changes, the implementation of conservation measures, and the on-the-ground monitoring to ensure the measures are appropriately applied.		Conservation Area is there a mechanism whereby if desired conditions have not been achieved grazing permits would be adjusted to achieve those conditions whether or not the Conservation Area trigger has been tripped? Yes, according to IRHS processes. 29. What is the difference or relation between a causal factor and a potential limiting factor? They are the same. 30. How does the Implementation Team concept fit in with BLM management responsibilities?
Adaptive Regulatory Triggers are broken down into a “soft” trigger and a “hard” trigger. The “soft” trigger becomes operative when one of the following occurs: • 10% decline in maximum number of males counted and a finite rate of change below 1.0 but not significantly on CHZ over a period of three years; or • 10% loss of nesting and wintering habitat in a Conservation		31. What is meant by “but not significantly on CHZ” Should read ‘not significantly below 1.0’. 32. Who is the Implementation Team? How do BLM and USFS staff and managers

State Plan Language		BLM/FS Questions for Analysis
Area over a period of three years When the monitoring information indicates that the "soft" trigger may be tripped, an Implementation Team – aided by the technical expertise of IDF&G – will assess the factors leading to the decline and identify potential management actions. The Implementation Team may consider possible changes in management to the CHZ. As to the IHZ, the Implementation Team may review the causes for decline and potential management changes only to the extent those factors significantly impair the state's ability to meet the overall management objective. It is anticipated that IDF&G will collect data annually and will make recommendations to the Implementation Team by August 31st for population triggers and January 15th for habitat triggers. The "hard" trigger becomes operative when one of the following occurs: • 20% loss in CHZ nesting wintering habitat over a period of three years; or • 20% decline in maximum number of males counted and a finite rate of change significantly below 1.0 within a Conservation Area over a period of three years. If the "hard" trigger becomes operative according to the monitoring information, management changes are no longer discretionary and will be implemented in the following manner: 1) The IHZ will be managed according to the CHZ provisions primarily impacting the ability to consider infrastructure projects. Like the "soft" trigger, the Implementation Team will analyze the actual causes of the decline. 2) The adaptive trigger strategy focuses the analysis on mitigating the primary threats to the species in the CHZ. Only where the monitoring information indicates the cause(s) of the decline is		participate on, interface with, and make decisions for the Implementation Team? 33. What happens if appropriate data is not available or collected for a period of time? 34. What are the management changes as a result of "soft" triggers being tripped – these are important for description in the Draft EIS. 35. Is the habitat "hard" trigger referring to nesting or (and?) wintering habitat? Both habitat types. 36. When a "hard" trigger is tripped will only the primary cause be addressed? What about other contributing factors? For example fire causes the "hard" trigger to be tripped; according to the flow chart only fire regulatory mechanisms would be evaluated. When would the cumulative impacts of other activities, i.e. development be considered? 37. Table 1 does not include regulatory trigger

State Plan Language		BLM/FS Questions for Analysis
not a primary threat will the Implementation Team analyze the secondary threats to the species and determine whether further management actions are needed.		thresholds? When will these be defined? 38. Table 2 – defined acres of habitat within the various Conservation Areas – what is the data source and are these mapped?
Objective 2: Initiate a management review of the regulatory approach to assess causal factors for declines if a 10% loss of habitat loss occurs within the first three years of implementation. IDFG would lead the review in coordination with the Governor's Office of Species Conservation and other relevant State and Federal agencies. The review would include a determination of whether the loss is based on a population-related decline (e.g., West Nile virus, drought) or is driven by habitat loss. If the loss is habitat-driven, the review team will assess the effectiveness of current best management practices, funding levels and restoration efforts in order to preclude the triggering of the adaptive regulatory triggers.		39. How is this process defined and executed?
		40. How does monitoring and assessment determine management changes? 41. Who is responsible for collection? 42. What data will be collected? The cycle of responsibilities and monitoring with regard to the adaptive management strategy needs fully described.

OFFICE OF SPECIES CONSERVATION

C.L. "BUTCH" OTTER
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July 1, 2013

Steve Ellis
State Director
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709

Dear Steve,

This letter is in response to your May 6, 2013 request for further clarification of certain components of the September 2012 draft of the Governor Otter's Sage-Grouse Conservation Alternative (Governor's Alternative) for purposes of the Bureau of Land Management's (BLM) and US Forest Service's (USFS) analysis under the National Sage-Grouse Planning Effort. As you are aware, over the past two months the State of Idaho has worked diligently to clarify and refine components of the Governor's Alternative to better assist the BLM and USFS in their analysis under the National Environmental Policy Act (NEPA).

As you know, in December 2011 Secretary of the Interior Ken Salazar invited western governors to create state-specific sage-grouse conservation plans that could be implemented as interim management, provided that "concurrence" is granted from the Service, and incorporated as alternatives in the federal land-use planning effort. In response, Governor Otter created a Sage-grouse Task Force through Executive Order 2012-02. This Task Force began meeting in March 2012 and developed recommendations on actions needed to preclude a listing of greater sage-grouse in Idaho while maintain predictable levels of land-use activity. From those recommendations, the Governor's Alternative was drafted and submitted to the BLM and USFS for consideration in the Idaho and Southwest Montana Sub-regional EIS. In accordance with Secretary Salazar's December 2011 request, the Governor began seeking concurrence from the Fish and Wildlife Service. In March 2013, the Governor submitted a concurrence request to Brian Kelly, Idaho State Director for the Service. In April, 2013, Brian Kelly responded very positively to the Governor's Alternative and was willing to "concur" with the Governor's

Conservation Areas, the three zone habitat structure, the conservation objectives, the adaptive trigger strategy, and the grazing strategy. He stated the Governor's approach would provide needed benefits for sage-grouse and sage-grouse habitat.

In our continuing commitment to multi-agency collaboration, we have attached thorough explanations to the questions you asked us in May 2013. Some measures that may have appeared vague or incomplete have been refined and clarified along with additional actions needed to proactively deal with wildfire within sage-grouse habitat.

For the purposes of the NEPA analysis, the State requests BLM to consider the Governor's Alternative dated September 5, 2012, the Governor's March 13, 2013 request for concurrence, the concurrence letter from the Service to Governor Otter dated April 8, 2013 and the following attachments. The September 2012 Alternative is adopted herein by reference, and only where specifically noted in the March 2013 Concurrence request and in this letter should the Governor's Alternative be construed as revised or modified. Additionally, please refer to Idaho's Mitigation Framework, attached, for further explanation of the Governor's Compensatory Mitigation Strategy.

Sincerely,

Dustin T. Miller

Request for clarification or refinement of Governor Otter's Alternative for Sage-Grouse Management
07/01/13

Proposed Implementation of Governor Otter's Management Plan

In addition to the description of this implementation scheme in the Governor's Alternative at 7, 19 and 27, and Governor Otter's March 2013 request for concurrence at 4, 7 (Appendix II), the below narrative provides more detail for the implementation of Governor Otter's Sage-grouse Conservation Alternative (Governor's Alternative). As mentioned previously, this process is modeled after the Idaho Roadless Rule implementation framework.

Should the Bureau of Land Management (BLM) select the Governor's Alternative as the final decision, the State of Idaho is proposing the following steps:

- Enter into a Memorandum of Understanding (MOU) between the BLM, U.S. Forest Service, and the State of Idaho establishing the State as a cooperating agent to implement the final decision.

- As part of the state's responsibility under the MOU, Governor Otter would issue an Executive Order (under state law, an EO has the force and effect of law) establishing an Implementation Task Force to meet the state's role and responsibilities under the MOU. This task force would be similar in composition to Governor Otter's Sage-Grouse Task Force pursuant to Executive Order 2012-02.

- The Implementation Task Force would be tasked with providing Governor Otter advice and counsel on at least the following issues: (1) analyzing the annual sage-grouse monitoring data to determine whether an adaptive response is appropriate and necessary given the population and habitat objectives provided in the Governor's Alternative; (2) providing input during the National Environmental Policy Act (NEPA) process for on-the-ground infrastructure projects; and (3) prioritizing habitat restoration opportunities. The Implementation Task Force would submit these recommendations to the Governor, and based on his review and concurrence, will transmit these recommendation to the appropriate agency as part of the underlying NEPA analysis. The ultimate decision involving public land management would fall to the appropriate agency.

- The Implementation Task Force will make recommendations based on the data and recommendations provided by a science subcommittee led by the Idaho Department of Fish and Game (IDFG). The Implementation Task Force may solicit outside experts if necessary.

Process for Determining Whether an Adaptive Response is Necessary

As the U.S. Fish and Wildlife Service (Service) stated in its Concurrence Letter in April 2013, one of the most significant components of the Governor's Alternative is the adaptive management construct. The "trigger" approach makes this component work through monitoring habitat and population data and allowing for changes in management when necessary. The trigger strategy has been amended since the September 5th, 2012 draft and those changes are noted in the Governor's March 2013 concurrence request. As is discussed in further detail below, population and habitat data are collected and analyzed by the IDFG and presented to the Implementation Task Force. "Tripping a trigger," whether at the lower "soft" trigger, or the "hard" trigger will lead the Implementation Task Force to initiate potential management changes.

1. Data Collection by Idaho Fish and Game

The IDFG has been collecting sage-grouse population data since at least 1951. The lek routes referenced in the Alternative are all routes that were conducted during the 2011 baseline year. Leks on these routes represent 21% of all known leks. In addition, individual leks not associated with routes but counted in two consecutive years (e.g. 577 leks in 2013 equals 26% of all known leks) are combined with lek routes counts to calculate population growth (finite rate of change) for a habitat management zone. These counts combined represent approximately half of the known leks in Idaho and are distributed across the bird's range.

Population Data Collection: For purposes of determining whether an adaptive regulatory trigger is necessary, the Governor's Alternative identifies two primary methods:

- Number of males counted on lek routes as identified on page 8 of the Governor's Alternative.
- Number of males counted on individual leks not assigned to a lek route in the Governor's Alternative (as resources allow). This information is useful in the lambda population trigger.

Population data is collected by counting male sage-grouse attending leks per protocols for weather conditions, time of day, time of year, what constitutes a lek, time between counts (e.g. 7-10 days), etc. Maximum number of males observed on lek route(s) over 3-4 counts during the spring is used to monitor sage-grouse population trend in a habitat management zone. Lek data can be used to assess population trends over time (Garton et al. 2011) but counts for a single year may not reflect trends very well because of variation of male attendance at leks caused by severity of the previous winter, weather, timing of counts during spring, and a variety of other factors (Emmons and Braun 1984, Hupp 1987, Baumgart 2011). Therefore, maximum number

of males counted is averaged over three consecutive years and compared to the 2011 baseline.

Habitat Data Collected

- Acres of nesting and wintering habitat lost (due to wildfire, invasive species expansion, infrastructure development, and/or other secondary threats).
- Acres of nesting and wintering habitat gained (due to restoration or natural succession).

Habitat and Population Restoration Data Collection

- Acres protected (e.g. conservation easements or Phase 1 juniper treated).
- Feet of fence marked.
- WNv mosquito habitats treated or eliminated.

IDFG will continue to be responsible for collecting sage-grouse population data and compiling habitat data into useable forms (e.g. maps and/or tables of annual wildfire, juniper removal, and other habitat changes). This information will be collected throughout the year and will be presented to the Implementation Task Force on at least an annual basis. Further discussion between the State, BLM, and USFS is necessary to determine who will collect necessary habitat data.

2. Determination of Adaptive Response

Based on the annual report and the recommendations of the subcommittee, the Implementation Task Force will consider whether an adaptive regulatory trigger is necessary to maintain a viable population of the species. (See Alternative and Concurrence Request defining "soft" and "hard triggers"). Of particular note, the September Alternative proposed an "Emergency Wildfire Clause". This clause has been removed as the better defined triggers will likely lead to the same management response.

If the annual report indicates that a "soft trigger" has been tripped within a particular conservation zone there is no required adaptive response. The "soft trigger" is an early warning system that permits the Task Force the discretion to identify and recommend best management practices before an adaptive regulatory response becomes necessary. By contrast, if the information indicates that a "hard trigger" has been tripped within a particular conservation zone, the decision to recommend the appropriate adaptive regulatory response is no longer discretionary.

In the process of determining whether a trigger has been tripped, the Implementation Task Force will attempt to identify the cause(s) for the decline. This analysis will first examine the primary threats to the species (e.g., wildfire, invasive species and infrastructure); and only where the primary threats are not responsible for the decline will the Implementation Task Force analyze the secondary threats to the species.

3. Consequences of an Adaptive Trigger

If a soft trigger trips in the Core Habitat Zone, the Implementation Task Force may consider making the following recommendation to the Governor. Recommendations could be, but not limited to:

- Increase monitoring and evaluation of sage-grouse populations in Core Habitat Zone.
- Implement Core Habitat Zone management strategy in corresponding Important Habitat Zone of the same Conservation Area.
- Implement Core Habitat Zone BMPs in corresponding Important Habitat Zone of the same Conservation Area.
- Not allow any new (large) infrastructure development within the Core Habitat Zone (no exceptions allowed).
- Reallocate resources to focus on primary threats in the Core Habitat Zone (e.g. direct resources from other parts of the state to the area of concern).
- Reallocate resources to focus on secondary threats in the Core Habitat Zone (e.g. direct resources from other parts of the state to the area of concern).

If a soft trigger trips in the Important Habitat Zone, the Implementation Task Force may consider making the following recommendations to the Governor. Recommendations could be, but not limited to:

- Increase monitoring and evaluation of sage-grouse populations in area of concern.
- Implement Core Habitat Zone management strategy in the Important Habitat Zone.
- Implement Core Habitat Zone BMPs in the Important Habitat Zone.
- Not allow any new (large) infrastructure development in Core Habitat Zone (no exceptions allowed) of the same Conservation Area.
- Apply Core Management Zone criteria for all primary threats, and/or all secondary threats to the Important Habitat Zone.
- Reallocate resources to focus on primary threats in the Important Habitat Zone (e.g. direct resources from other parts of the state to the area of concern).
- Reallocate resources to focus on secondary threats in the Important Habitat Zone (e.g. direct resources from other parts of the state to the area of concern).

- If a "hard trigger" becomes operative in particular Conservation Area, the following consequences are no longer discretionary:

- First, the IHZ within that Conservation Zone will be managed according to the CHZ regulations primarily impacting the ability to consider infrastructure projects. See Concurrence Response at 5 noting the benefit to the species should this action be required.
- Second, if the cause is related to wildfire or invasive species, the Implementation Task Force will consider additional best management practice to prevent further loss of core habitat within that Conservation Zone.
- Third, only if a primary threat is not the cause(s) for the decline will the Implementation Task Force analyze secondary threats and determine the appropriate management response. The Service identified wildfire, invasive species, and infrastructure as the primary threats and West Nile Virus, improperly managed grazing, and recreation as secondary threats. This adaptive trigger strategy focuses the analysis on mitigating the primary threats to the species.

Wildfire

Under the wildfire section within the Governor's Alternative for the CHZ, IHZ and GHZ, the State of Idaho desires to replace reference to the incorporation of BLM WO IM 2011-138 with BLM's updated Instruction Memorandum referenced as BLM WO IM 2013-128.
The original intent of the State of Idaho through the Governor's Alternative was to decrease the wildfire response time from the current baseline of response time by 25%. This measure was an effort to arrive at an adequate regulatory mechanism necessary for precluding a listing. However, recognizing the difficulty in measuring this, and based on further conversations with the Service, BLM and Forest Service, the State wishes to remove that objective and replace it with the below refinement.

Wildfire is a difficult threat to prevent and control. However, the adaptive construct of Governor's Alternative provides a mechanism to prevent sage-grouse from any likelihood of becoming endangered in the foreseeable future. The short-term use of triggers and zones will provide the time to develop more proactive measures that demonstrate long-term success on the landscape.

Attached to this letter is a spreadsheet that will aid in developing a consistent wildfire suppression plan that improves upon the current baseline. Close coordination with federal, state, and private firefighting personnel, local fire departments and local expertise including Rangeland Fire Protection Associations (RFPAs) is crucial to continually improving strategies for initial attack and developing comprehensive fuel break strategies to minimize and reduce the size of wildfires threatening the CHZ and IHZ following ignition.

The employment of specific, more aggressive wildlife and invasive species management practices to prevent further encroachment into the CHZ and IHZ should be driven by local planning efforts at the field office and ranger district level. As referenced above, the creation of RFPAs throughout the Sage-Grouse Management Area (SGMA) is a regulatory mechanism that

will ensure better and faster initial attack on wildfires threatening the CHZ and IHZ through the employment of additional trained firefighters and resources in rural parts of the SGMA. From a regulatory mechanism standpoint, Idaho Code Chapter 1, Title 38 was recently amended to allow for the creation of Rural Fire Protections Associations (RFPAs). Additionally, this spring the Idaho Legislature authorized funding to help cover start-up costs for 4 RFPAs in southwest Idaho.

The emphasis for fuel break prioritization should be in areas within the Wildland-Urban Interface (WUI) where human life and safety are at risk. For instance, the Boise District BLM is currently in the planning phase of a fuel-break project within the Interstate-84 corridor between Boise and Mountain Home, Idaho referred to as the "Paradigm Project". The idea behind the project is to strategically place and improve upon fuel breaks within this corridor, therefore keeping wildfires to more manageable sizes thus requiring fewer firefighting resources. The State of Idaho supports this project, as well as other similar fuel-break projects designed to secure the WUI and free up firefighting resources to be focused on providing initial attack on wildfires in areas that have the potential to impact greater sage-grouse habitat within the CHZ and IHZ. After securing the WUI, prioritization of fuels breaks should go to areas of high human ignition based upon ignition data and maps produced by BLM districts and field offices. The attached spreadsheet provides conservation measures to be incorporated into the Governor's Alternative regarding prevention, suppression, and restoration activities. One crucial component of this is the utilization of grazing as an effective management tool in reducing fuel loading on BLM and Forest Service lands. The State of Idaho encourages the BLM and the Forest Service to employ this effective fuels management tool, particularly within areas of high fuel loading that are at high risk of wildfire threatening the CHZ and IHZ.

Infrastructure Development

Exemptions for ROW avoidance areas within CHZ will be analyzed by the Implementation Task Force as part of that site-specific NEPA analysis. The Task Force will assess project proposals and their mitigation packages, if required, to determine whether to recommend an exemption for the governor's consideration. The Task Force will use the following criteria to make these assessments, which are outlined on page 33 of the Governor's Alternative:

- Is the project developed pursuant to a valid existing right?
- Is the project an incremental upgrade/capacity increase of existing development ? (authorized prior to the record of decision) subject to best management practices, outlined in G, pgs 43-45).
- For new development, can the project be reasonably accomplished outside the CHZ? Can the development co-locate with existing infrastructure to the maximum extent practicable?

- Can the project proponent demonstrate the population trend for the species within the relevant Conservation Area is stable or increasing over a three year period?
- Will this project benefit the state of Idaho?
- Compensatory mitigation will be assessed according to Idaho's Mitigation Framework, which is attached to this document.

If the project proponent responds satisfactorily, the Implementation Task Force will recommend to the Governor that the project should be permitted. The Governor will consult with the BLM or USFS on the Implementation Task Force's recommendation, which BLM or USFS must use in its consideration of the project's permit application. All other questions outlined on page 33-34 of the Governor's Alternative will be included in the more in depth NEPA analysis of the project.

Livestock Grazing

The Livestock Grazing Framework was amended for the Governor's March 2013 Concurrence Request, to ensure this component remains consistent with the Idaho Rangeland Health Standards (IRHS) and the Conservation Objectives Team (COT) Report. In the Service's April 2013 response to the Governor's Concurrence Request, Brian Kelly expressed his support for this component because of its consistency with the COT report as well as the requirement that IRHS be met within the context of the Governor's overall adaptive management strategy.

There are two pathways where this management framework is applicable: (1) in conjunction with scheduled term grazing permit renewals; and (2) where the adaptive regulatory trigger has been tripped (as described in section 3) and livestock grazing is identified as a potential causal factor. See Concurrence Request at 6.

Under the first path, the Governor's Alternative provides a framework for BLM to assess Standard 8 and Standards 2 and 4 based on the Conservation Objectives Team Report (COT Report) with respect to sage-grouse. As described in more detail below, if no trigger has been tripped across a Conservation Area, the Standard 8 analysis for sage-grouse should be a straightforward process.

Standard 8 of the IRHS establishes that the habitat important to threatened and endangered plants and animals meet a "maintain a viable population" threshold with respect to livestock grazing. 43 C.F.R. Subpart 4160. Consistent with the overall approach of the Governor's Alternative, utilizing an outcome-based conservation strategy within an adaptive construct, the State of Idaho has identified an overall population target buttressed by regulatory mechanisms and adaptive regulatory triggers. Where these population and habitat triggers are being maintained within a Conservation Area, there is a rebuttable presumption that current grazing systems are adequate to maintain viable sage-grouse populations; and therefore, absent compelling information, no further changes to the grazing systems will be required pursuant to the Standard 8 analysis with respect to sage-grouse.

This rebuttable presumption *only relates* to sage-grouse management; it does not extend to other relevant issues in the Standard 8 analysis. Moreover, it does not preclude adaptive change to grazing permits based on the other standards contained in the IRHS. Again, it is important to note that the Forest Service is not subject to the IRHS; however, the conservation objectives established in the Governor's Alternative meets the applicable standards in NFMA.

If an adaptive regulatory trigger is tripped consistent with the process outlined above, and livestock grazing is identified as the potential limiting factor, the presumption that the current grazing operations within the Conservation Area have met Standard 8 with respect to sage-grouse will no longer be applicable. Following such a determination, the process outlined in the Governor's Alternative at 12-18, and as described below, for Standard 8 as well as Standards 2 and 4 will be implemented.[1] BLM will individually analyze those allotments and pastures within the relevant Conservation Area. Given limited agency resources, prioritization will be given to areas that have the potential to provide the greatest benefit to sage-grouse. Allocation of resources should be concentrated on allotments within the CHZ that have declining sage-grouse populations. Following those permits within the CHZ, resources will be further prioritized to allotments within the IHZ with breeding habitats that have decreasing lek counts. (*See* Flow Chart, Appendix V). Sage-grouse populations that are stable or trending upward will be a lower priority for permit renewal and the assessment process.

The assessment/determination process for sage-grouse and Standard 8 compliance must rely on published characteristics of sage-grouse habitat and the Ecological Site Descriptions, existing vegetation, habitat inventories/assessments (Stiver et al. 2010), and where available, state and transition models that describe vegetation and other physical attributes for sage-grouse. The related characteristics within the categories shown below will also be included. These characteristics indicate the ability of a given area to provide sage-grouse habitat.

> Category 1: The grazing allotment (or any pasture/significant area therein) has the existing vegetation and existing ecological condition (seral state) to provide sage-grouse habitat
>
> Category 2: The grazing allotment (or any pasture/significant area therein) has the ecological potential to provide sage-grouse habitat.

Where an allotment or pasture meets one of these Categories above, Tables 3-5 (pages 14-17) will be incorporated into relevant resource management plans as the desired conditions with the understanding that these desired conditions may not be achievable: (a) due to the existing ecological condition, ecological potential or the existing vegetation; or (b) due to causal events unrelated to existing livestock grazing. Allotments will only be managed for the primary seasonal habitat that it has the potential to support. Typically, summer habitats will be managed to provide the conditions described in Table 3; winter Table 4; and breeding habitats in Table 5.

[1] Where inconsistencies arise between the grazing framework described on pages 12-18 of the Governor's Alternative and this document, defer to this document.

Based on these habitat characteristics, BLM will conduct fine and site scale-habitat assessments to help inform grazing management. Where necessary, a determination of factors causing any failure to achieve the habitat characteristics (Tables 3, 4 and 5, pages 14-16) will be conducted at a resolution sufficient to document the habitat condition. This determination will include consideration of local spatial and inter-annual variability. A determination of issues attributable to livestock grazing management should not result from one year of data at a specific location within an allotment.

If the process and conditions outlined above demonstrate that livestock grazing is limiting achievement of the habitat characteristics (Tables 3-5), renewed permits will include measures, including but not limited to the actions outlined in (J, pages 46-48), to achieve desired habitat conditions. These measures must be tailored to address the specific management issues associated with seasonal habitat limitations identified in the fine-scale assessments.

Additionally, adaptive management changes related to existing grazing permits should only be undertaken if improper grazing is determined to be the causal factor in not meeting habitat characteristics, specific to site capability, based upon monitoring over time with appropriate site variability.

The Implementation Task Force will maintain oversight capabilities throughout the process and will be given the ability to review proposed management changes and the implementation of conservation measures to ensure that the measures are being appropriately applied.

Under the second path, this adaptive framework aides in determining whether improperly managed livestock grazing may be a causal factor potentially requiring adaptive change prior to permit renewal to existing permits within a Conservation Area. This adaptive process is tied solely to Standard 8 and will rely on the preceding process as outlined above.

Fire Actions

Idaho Governor's Sage Grouse Alternative 7/1/13

Goal: Maintain adequate habitat to support 73% (core) to 95% (core and important) of the 2011 breeding males.

Objective: Implement actions necessary to manage fire within the normal range of fire activity and maintain and restore healthy, native sagebrush plant communities within Core and Important management zones.

PREVENTION						
What:	Fuel Breaks	Fuels Reduction	Fuels Reduction	Fuels Reduction	Fuels Reduction	Fire Restrictions/Closures
Where:	Complete and implement a strategy that identifies the location and extent of fuel breaks that provides adequate defensible space for firefighters. Priority should go to areas within the wildland-urban interface (WUI) to eventually allow for fewer resources to be allocated to the WUI, thus freeing up resources to combat	Identify and prioritize areas of R2 - Annual grasslands within the IHZ and GHZ based on an overlay analysis with the key habitat map (prioritize the CA's).	R2 - Annual grasslands	Identify and prioritize areas of R1 - Perennial grasslands within Core and Important habitat zones based on an overlay analysis with the Key Habitat map (prioritize the CA's).	Identify and prioritize areas of R3 (conifer encroached areas) for restoration by Conservation Area, then within CHZ and IHZs.	Identify roads, trails, and recreational use areas with high frequency of human caused fires.

	wildfire that have the potential to impact the CHZ or IHZ. Consider 300ft wide "green strips" as well as targeted grazing for fuel breaks.					
How:	Mechanical	Winter Livestock Grazing	Herbicide Treatment	Livestock grazing	Mechanical	Utilizing data that idicates the frequency of human-caused wildfires.
How Much:	Determined at the local planning level: BLM Field Office and USFS Ranger District.	Determined at the local planning unit level: Field Office and Ranger District depending upon fuel type, severity and fire threat to the CHZ and IHZ in close coordination with federal livestock grazing permittees. Livestock	Dertermined at the local planning level: BLM Field Office and USFS Ranger District.	Determined at the local planning unit level: Field Office and Ranger District depending upon fuel type, severity and fire threat to the CHZ and IHZ in close coordination with federal livestock grazing permittees. Livestock grazing must be recognized as an effective fuels management tool and implemented as such. Livestock operators must be looked to for guidence on the placement of fuels reduction projects that	Dertermined at the local planning level: BLM Field Office and USFS Ranger District.	Within or adjacent to the CHZ and IHZ with high frequency of human caused fires.

		grazing must be recognized as an effective fuels management tool and implemented as such. Livestock operators must be looked to for guidence on the design and placement of fuel reduction projects that utilize grazing.		utilize grazing.		
By When:	Strategy and associated NEPA completed within two years of signing the Record of Decision.	Strategy and associated NEPA completed within two years of signing the Record of Decision.	Strategy and associated NEPA completed within two years of signing the Record of Decision	Strategy and associated NEPA completed within two years of signing the Record of Decision	Strategy and associated NEPA completed within two years of signing the Record of Decision	Strategy and associated NEPA completed within two years of signing the Record of Decision

Mechanism:	RMPs for BLM and USFS lands. Intergovernmental MOUs, stewardship contracting.	RMP for BLM and USFS lands; An adaptive management trigger with fuel loading that is measured in the fall/winter. Implemented through stewardship contracting and/ or grazing permits.	RMPs for BLM and USFS lands	RMPs for BLM and USFS lands	RMPs for BLM and USFS lands	RMPs for BLM and USFS lands

SUPPRESSION						
What:	Create additional Rangeland Fire Protection Associations (RFPAs) within the CHZ and IHZ and continue to support existing RFPAs.	Response Time Analysis	Suppression Capactiy Analysis/Implementation	Water Capactiy Analysis/Implementation	Educate Firefighters on importance of protecting CHZ and IHZ.	
Where:	Prioritize funding for RFPA's that provide coverage for habitat within CHZ and IHZ. Focus on areas that currently have no RFPA coverage.	Complete a state-wide response time analysis for the SGMA.	Identify areas (e.g. south-west corner of Idaho/N. Nevada/S.E. Oregon) that need strategic placement of additional suppression resources (i.e. guard	Complete a state-wide analysis of the SGMA for current water availability for suppression purposes.	All Field offices and Ranger Districts within the SGMA.	

			stations, air attack, landing strips).			
How:	Through an MOU between IDL & BLM.	Coordination amounst BLM, USFS, State of Idaho, rural fire districts and RFPAs.	Coordination amounst BLM, USFS, State of Idaho, rural fire districts and RFPAs.	Coordination amounst BLM, USFS, State of Idaho, rural fire districts and RFPAs.	Annual fire training in the spring.	
How Much:	Over the long-term acquire funding to support RFPA's that provide coverage for all CHZ and IHZ in Idaho. Priority for an additional RFPA should go to the West Owyhee Conservation Area, following with an additional RFPA in the Southern Conservation Area.	Focus should be on response time to fires within CHZ or IHZ or on those fires that have the potential to impact CHZ and IHZ.	Sufficent resources strategically placed in areas of high fire risk within the CHZ and IHZ. Priority should go to the West Owyhee Conservation Area.	Suffience water resources strategically placed in areas of high fire risk within the CHZ and IHZ. Priority should go to the West Owyhee Conservation Area.		
By When:	Within 1 year of the signing of the ROD.	Within 1 year of signing the ROD.	Within 1 year of the signing of the ROD.	Within 1 year of the signing of the ROD.	Upon the signing of the ROD.	
Mechanism:	Through an MOU w/ the State of Idaho and BLM.	RMP for BLM and USFS lands.	RMP and MOU amoungst all entities.	RMP and MOU amoungst all entities.	RMP for BLM and USFS managed lands.	

RESTORATION						
What:	Reseeding	Sagebrush Seedlings	Invasive Annual Grass Expansion Prevention	Reseeding on State owned lands by federal contractors	Conifer removal on state owned lands by federal contractors	
Where:	Within CHZ and IHZ based upon ecological site potential.	Within CHZ and IHZ based upon ecological site potential.	Prioritize efforts to control annual grass to: 1) prevent further spread into, and 2) reduce stands within, CHZ and IHZ of each Conservation Area. Preventing invasion into CHZ or IHZ may include conducting control in adjacent GHZ.	State owned lands in CHZs and IHZs of each Conservation Area .	Identify and prioritize areas of R3 (conifer encroached areas) for restoration by Conservation Area, then within CHZ and IHZs.	
How:	Complete a strategy that identifies and prioritizes the location and amount of reseeding efforts.	Complete a strategy that identifies and prioritizes the location and amount.	First, model annual grass invasion. Second develop a strategy that identifies and prioritiezes locations for prevention and restoration.	MOU between BLM, USFS and State of Idaho	MOU between BLM, USFS and State of Idaho	

How Much:	First, offset sage-grouse habitat lost to wildfires in CHZ and IHZ of each Conservation Area since 2011 (baseline year). Second, offset modeled wildfires (future fires) resulting in losses to 2011 habitat baselines for CHZ and IHZ in each Conservation Area. Third, offset habitat losses due to wildfire that occurred prior to 2011 to build upon the 2011 baselines (the long term objective is not just to reduce and offset current (2011 to present) and future losses but also to build upon the baselines to increase habitats). Number 2 and 3 likely means restoring perrenial grasslands.	First, plant seedlings in perrenial grasslands of CHZs that do not have sagebrush. Second plant seedlings in perrenial grasslands of IHZs that do not have sagebrush.	First, implement techniques to prevent further spread in CHZs, then IHZs. Second, offset annual grass spread in CHZs and IHZs that occurred since 2011. Third, offset habitat losses due to annual grass invasion prior to 2011.	If ecological site condition indicates restoration is needed, reseed all state owned lands burned in CHZs and IHZs within one year of the wildfire.	Remove Phase I and II conifers from state-owned lands adjacent to or within federal lands conifer removal projects.	
By When:	Complete strategy within one year of the signing of the ROD. Implement restoration to offset wildfire losses in CHZs and IHZs since 2011 within 2 years of signing ROD. Offset	Complete the strategy by one year of signing of the ROD. Complete planting of CHZs within	Complete modeling and strategy within one year of the signing of the ROD. Implement techniques to prevent further spread in CHZs and IHZs within 2 years of signing ROD. Offset	Sign MOU within one year of the signing of the ROD. Reseed state owned lands within one year of the wildfire.	Sign MOU within one year of the ROD. Conduct conifer removal on state lands	

	models wildfire losses (future fires in the next 5 years) in CHZs and IHZs 3 years after signing of the ROD. Offset losses prior to 2011 is a longer timeline.	X years of the ROD. Complete planting of IHZs within X years of the ROD	annual grass spread in CHZs and IHZs since 2011 by 3 years after signing of the ROD. Offset losses prior to 2011 is longer timeline.		within the timeframe of federal project(s).	
Mechanism:	RMP for BLM and USFS lands.	RMP for BLM and USFS lands.	RMP for BLM and USFS lands.	MOU between BLM, USFS and State of Idaho	MOU between BLM, USFS and State of Idaho	

FRAMEWORK FOR MITIGATION OF IMPACTS FROM INFRASTRUCTURE PROJECTS ON SAGE-GROUSE AND THEIR HABITATS

Sage-Grouse Mitigation Subcommittee of the
Idaho Sage-Grouse State Advisory Committee

December 6, 2010

INTRODUCTION

The Conservation Plan for Greater Sage-grouse in Idaho (Idaho Sage-Grouse Advisory Committee 2006; as amended in 2009) calls for the development of a "proposal for a mitigation and crediting program for sagebrush steppe habitats in Idaho and recommendations for policy consideration" (Measure 6.2.4.). In early 2010, the Idaho Sage-grouse Advisory Committee (SAC) established the Mitigation Subcommittee to complete this task.[1] The Mitigation Subcommittee met several times from the late spring, through the fall of 2010 and found broad areas of agreement among its diverse participants.

This report presents the Mitigation Subcommittee's consensus recommendations for the creation of an Idaho-based program to compensate for the impacts of infrastructure projects on sage-grouse and their habitats. This program – called the Mitigation Framework – would serve as a science-based "mitigation module" that project developers and government regulators could use to achieve compensatory mitigation objectives called for in project plans and permits. While compensatory mitigation may help offset certain impacts arising from infrastructure projects, mitigation should not be considered a substitute for first avoiding and then minimizing impacts. In addition, it is important to recognize that federal and state regulatory or land-management agencies, and county or local governments may also require additional stipulations, conditions of approval or other requirements as well as on-site mitigation, in accordance with applicable law, regulation or policy.

This document proposes a general outline or "skeleton" of policies and procedures for such a program. The Mitigation Framework is designed to be transparent, inclusive, and accountable to defined objectives. The Subcommittee's purpose is to describe the program in enough detail to foster a dialogue among SAC members, spot important issues and points of agreement, and assess the level of support for developing a functioning mitigation program for Idaho sage-grouse and their habitats.

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[1] Subcommittee participants: John Robison and Lara Rozzelle, Idaho Conservation League; Brett Dumas, Idaho Power Company; Paul Makela and Tom Rinkes, BLM; Don Kemner, Idaho Department of Fish and Game; Will Whelan and Trish Klahr, The Nature Conservancy; Rich Rayhill, Ridgeline Energy, LLC; Lisa LaBolle and Kirsten Sikes, Idaho Office of Energy Resources; Nate Fisher, Idaho Office of Species Conservation; John Romero, Citizen at Large.

EXECUTIVE SUMMARY

The state of Idaho is seeing an increasing number of infrastructure projects, such as transmission lines and wind energy facilities, proposed in the state's sagebrush steppe ecosystems. Where federal permits are required, the environmental review process for these projects will analyze how these projects affect sage-grouse and will consider a range of potential mitigation measures to avoid, minimize, or offset any impacts. It is likely that the environmental review process will lead at least some developers and agencies to implement compensatory mitigation.

Compensatory mitigation consists of compensating for residual project impacts that are not avoided or minimized by providing substitute resources or habitats, often at a different location than the project area. For sage-grouse, this would include, among other things, protecting and restoring sagebrush habitats to offset habitat losses and other effects of infrastructure projects.

This framework describes the general outline for a sage-grouse compensatory mitigation program in Idaho. This program would employ an "in-lieu fee" approach to compensatory mitigation through which a project developer would pay funds into an account managed by the mitigation program for performance of mitigation actions that provide measureable benefits for sage-grouse and their habitats within Idaho.

The Mitigation Framework does not alter the legal standards or procedures for review and approval of infrastructure projects. Rather, it offers an option that project developers and/or regulators may choose for implementing mitigation plans and agency permit conditions. It should be emphasized that this program would not relieve project developers and permitting agencies of their obligation to avoid and minimize environmental impacts through appropriate project siting, design and implementation.

Although the initial focus is on sage-grouse, the Mitigation Framework can be readily adapted to provide compensatory mitigation for other sagebrush obligate and associated species. The suitability of the Framework for other species and natural features has not been evaluated.

The objectives of the Mitigation Framework include:

- Provide a credible, efficient, transparent, and flexible mechanism to implement compensatory mitigation;
- Ensure that sage-grouse impacts are offset by actions that benefit the affected species and habitats;
- Provide increased certainty for developers and agencies;
- Involve private and public partners in crafting solutions;
- Provide developers the opportunity to offset the impacts of project development and operation on sage-grouse and sage-grouse habitat, and provide a consistent mechanism to offset impacts to the species that can be evaluated in future reviews of the species' status; and

- Evaluate issues based on best available scientific information, while acknowledging and responding to scientific uncertainty.

The Mitigation Framework would be established through a memorandum of agreement (MOA) among entities that have the capacity and commitment to assist in its implementation. Such parties may include land and wildlife management agencies, counties, tribes, participating private infrastructure development companies, and non-governmental organizations. The MOA would define the specific roles and responsibilities, procedures, and tasks needed to operate an Idaho-based compensatory mitigation program.

The Mitigation Framework envisions a program with the following attributes: (1) a Mitigation Team and program administrator to steer the mitigation program and ensure strong oversight; (2) technically sound and transparent guidelines for estimating compensatory mitigation costs; (3) a science-based statewide strategy to guide the selection of mitigation actions that will receive funding; (4) provisions that the costs of operating the program will be borne by infrastructure developers that use the Mitigation Framework to deliver compensatory mitigation; (5) monitoring the implementation and effectiveness of mitigation actions funded by the Mitigation Framework program; (6) a system to track benefits provided by the Mitigation Framework to sage-grouse habitat in Idaho; and (7) periodic evaluation and adaptation of the Mitigation Framework program.

This framework provides only a general outline of a proposed Idaho-based compensatory mitigation program. It is intended to assess the level of support for crafting the agreements and completing the technical tasks needed to bring the Mitigation Framework into being.

DISCUSSION

I. The Role of Compensatory Mitigation in Infrastructure Development and Sage-grouse Conservation

A. Mitigation Basics

Broadly defined, "mitigation" refers to a wide range of measures that are taken to avoid, minimize, rectify, reduce, or compensate for the adverse impacts of actions affecting the environment. *See* 40 C.F.R. § 1508.20 (definition of "mitigation" in National Environmental Policy Act (NEPA) rules). In this general sense, mitigation should be an integral part of all phases of project planning and implementation.
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The focus of this report is on compensatory mitigation – also known as "biodiversity offsets" or "offsite mitigation." Compensatory mitigation consists of compensating for residual project impacts that are not avoided or minimized by providing substitute resources or habitats, often at a different location than the project area. For instance, a project developer may fund the restoration of a particular type of habitat in order to replace or "offset" similar habitat that is lost as a result of project construction.
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This Framework adopts an "in-lieu fee" approach to compensatory mitigation. Under this approach, a project developer provides funding to a compensatory mitigation program administrator who then distributes the funds to the appropriate government agency, foundation or other organization for performance of mitigation actions. In an in-lieu fee program, the responsibility for actually delivering the compensatory mitigation is transferred from the developer to the program administrator once the developer provides the necessary funds to the in-lieu fee program.

It is important to emphasize that compensatory mitigation does not relieve project developers and permitting agencies of their obligation to avoid and minimize environmental impacts. This Framework endorses the principle known as the "mitigation hierarchy," which holds that decision makers should consider the elements of environmental mitigation in the following order of priority:

1. Avoid environmental impacts through project siting and design;

2. Minimize the impacts during construction, operation. maintenance, and decommissioning by implementing appropriate conservation measures related to timing and conduct of project activities;

3. Restore areas that have been disturbed or otherwise rectify on-site project-related impacts to the greatest extent practicable; and

4. Compensate for residual impacts (direct and indirect effects that are not mitigated on-site) by providing replacement habitats or other benefits.

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This means that compensatory mitigation is addressed only after efforts to avoid, minimize, and mitigate the impacts have been addressed. It also should be noted that significant impacts to habitat areas that support special functions and values for sage-grouse may simply not be replaceable through mitigation and therefore the best course may be to avoid those areas altogether.

B. Need for an Idaho Compensatory Mitigation Program

In recent years, the state of Idaho has seen an increase in the number of major infrastructure projects proposed in the state's sagebrush steppe ecosystems. Several current proposals involve high voltage transmission lines that would cross over hundreds of miles of sage-grouse habitat. Large scale energy infrastructure projects such as wind farms may also affect large areas of sage-grouse habitat.

Where these projects are located at least partially on federally managed public lands they will be required by federal law to go through an extensive environmental review process under NEPA before relevant federal permits are issued. The NEPA process requires the permitting agencies to consider the projects' environmental effects (both positive and negative), alternatives, and potential mitigation measures. Impacts on sage-grouse will be one of the topics analyzed in the NEPA process.

Even after efforts are taken to avoid and minimize impacts, it is possible that some of these infrastructure projects will degrade some sage-grouse habitat, cause direct sage-grouse mortality, or lead to indirect effects such as avoidance of previously occupied habitat. The extent to which project developers and regulators adopt compensatory mitigation as a means to offset these impacts is not fully known. However, it is likely that at least some developers and regulators will seek to implement compensatory mitigation to benefit sage-grouse and their habitats.

Energy companies and other developers face daunting challenges in carrying out compensatory mitigation for sage-grouse habitat. Just identifying specific mitigation actions requires a major effort. Actually implementing sagebrush restoration and enhancement projects is even more difficult and expensive – typically involving years of effort and a significant risk of failure. Delivering this type of technically complex environmental mitigation may be well outside the core business of many infrastructure developers.

C. Advantages of the Mitigation Framework

The Mitigation Framework proposes to respond to these challenges by creating a statewide program to deliver scientifically sound compensatory mitigation for multiple projects. Project developers and regulators would no longer have to design, fund and implement their own mitigation programs. Instead, they would have the option of contributing money to a central fund overseen by agencies with expertise in habitat management and non-governmental partners with similar experience.

This approach to compensatory mitigation offers three major advantages. The first advantage stems from the increased efficiency of an Idaho-wide mitigation program compared with fragmented, project-by-project mitigation programs. Mitigation efforts require a significant investment in planning, administration, project oversight, and monitoring. The Mitigation Framework would consolidate these functions, thus avoiding needless duplication.

The second advantage is that a state mitigation fund can be used for sage-grouse conservation more strategically and at a greater scale than project-by-project mitigation. As described in more detail below, the Mitigation Framework would fund sage-grouse habitat protection and restoration projects in accordance with a statewide strategy that uses landscape-scale analyses to identify the specific measures and habitats that will provide the greatest benefit for Idaho sage-grouse populations. This Idaho-based mitigation strategy will be integrated with other conservation strategies throughout the range of sage-grouse to ensure that actions taken in Idaho benefit the species as a whole.

Third, this method can engage the capacity and competence of natural resources agencies, local governments, private companies, and non-governmental organizations. The Mitigation Framework proposes to enlist these entities in shaping Idaho's strategy, developing criteria for use of the fund, and proposing and implementing habitat protection and restoration projects.

The benefits of the Mitigation Framework can be summarized as follows:

Benefits for Project Developers:

An efficient and reliable mechanism for meeting compensatory mitigation objectives and permit conditions; and

Increased certainty regarding project costs.

Benefits for Regulatory Agencies:

Increased certainty that in-lieu fees will result in strategic "on-the-ground" mitigation actions that benefit sage-grouse.

Benefits for Sage-Grouse:

Increased certainty that scientifically sound mitigation actions that benefit sage-grouse and offset impacts and habitat losses associated with infrastructure development will be implemented.

D. Ensuring Accountability

In-lieu fee compensatory mitigation does pose one potentially significant drawback that must be acknowledged and addressed: a poorly designed program may lack accountability for delivering meaningful on-the-ground benefits for sage-grouse. Simply having a project developer contribute to an in-lieu fee mitigation account does not by itself compensate for the sage-grouse impacts caused by the project. Actual mitigation is possible only after well-conceived habitat protection and restoration projects are planned, funded, implemented, monitored, and successful in achieving stated objectives.

The Mitigation Framework seeks to ensure accountability by adopting a series of rigorous and transparent procedures. As described below, the Framework would: (1) ensure that program administration and monitoring functions are adequately funded; (2) provide technically sound guidelines for estimating the costs of delivering compensatory mitigation; (3) establish a science-based statewide strategy to guide the program; (4) develop project selection criteria and a request for proposals based on the strategy; (5) require monitoring of the implementation and effectiveness of mitigation actions funded by the program; (6) track benefits the Mitigation Framework program provides to sage-grouse in Idaho; and (7) require periodic evaluation of the program. Taken together, these procedures provide a high degree of certainty that the Mitigation Framework will be able to turn in-lieu fee payments into tangible, lasting compensatory mitigation for sage-grouse.

As described in greater detail in Section E, below, project developers that seek to use the Mitigation Framework will need to show two things. First, they will need to show that their projects' impacts on sage-grouse and their habitats have been evaluated using a scientifically sound process. Second, they will need to show that their contributions to the mitigation fund reflect the Mitigation Framework's compensation guidelines to ensure that funding will be adequate to offset project impacts. Having demonstrated those things, the project developers should then be able to rely on their in-lieu fee contribution to the mitigation account as satisfying their compensatory mitigation objectives or obligations.

II. Core Elements of Idaho Sage-Grouse Mitigation Program

A. Program Objectives

- Provide a credible, efficient, transparent, and flexible mechanism to implement compensatory mitigation;
- Ensure that sage-grouse impacts are offset by mitigation actions that benefit the sage-grouse and their habitats;
- Provide increased certainty for developers and agencies;
- Involve private and public partners in crafting solutions;
- Provide developers the opportunity to offset project impacts on sage-grouse and sage-grouse habitat, and provide a consistent mitigation mechanism that can be evaluated in future reviews of the species' status; and
- Evaluate issues based on best available scientific information while acknowledging and responding to scientific uncertainty.

B. Scope

The Mitigation Framework proposes to mitigate for impacts to Idaho sage-grouse and their habitats in Idaho.

The initial focus of the Mitigation Framework is on sage-grouse. However, this program can be readily adapted to provide compensatory mitigation for other sagebrush obligate and associate species, such as pygmy rabbits, if project developers and regulators call for such mitigation. Whether this Framework is suited for mitigation of impacts to a broader suite of species or natural features has not been evaluated. It should be noted that some subcommittee members expect to advocate in other forums that compensatory mitigation should extend beyond sage-grouse.

The Mitigation Framework focuses on infrastructure projects because this type of development is the most likely to give rise to compensatory mitigation under existing environmental policies. As used here, the term "infrastructure" refers to building structures that significantly disturb sage-grouse habitat, including but not limited to projects for electricity transmission, energy generation, pipeline conveyance, transportation, communications, and similar purposes.

The Mitigation Framework is not intended to apply to existing projects that are not changing in scope or to the renewal of on-going activities, such as grazing permits. In addition, the Framework is not suited to projects with minor impacts because their contributions to the mitigation program would be too small to justify the effort needed to establish and administer in-lieu fee payments.

C. Integration with Environmental Review Procedures

The Mitigation Framework does not alter the legal standards or procedures for review and approval of infrastructure projects. Rather, the Framework offers an option that project developers and/or regulators may choose for implementing mitigation plans and agency permit conditions.

The Mitigation Framework is intended to complement the environmental review process conducted pursuant to NEPA and other federal environmental laws as well as county land use planning authorities.

Many energy and other infrastructure projects undergo review and approval at the county level. The issues examined and the level of environmental analysis varies widely among individual counties and individual developers. If a county or developer decides to address sage-grouse impacts, it will be able to use the Mitigation Framework as a mechanism for meeting compensatory mitigation objectives that may arise from the county permitting process.

D. Mitigation Strategy

The next step focuses on the Mitigation Team's task of developing a statewide, science-based strategy that will guide the use of the mitigation fund.

The mitigation program strategy would establish priorities for the use of compensatory mitigation funding based on factors/risks identified in the U.S. Fish and Wildlife Service's 12-Month Findings for Petitions to List Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered (USFWS 2010) and in the Conservation Plan for Greater Sage-grouse in Idaho (2006). The strategy sets mitigation priorities with a landscape view of sage-grouse needs and highlights mitigation opportunities in Idaho based on best available science. In setting priorities, the strategy considers species and community size, landscape condition, and regional context. The strategy is responsive to the threats and risks described in the sage-grouse 12-month findings. The strategy will also generally describe the types of mitigation actions, project specifications, and best practices that are likely to produce measureable benefits for sage-grouse habitat. Finally, the strategy addresses both implementation and effectiveness monitoring requirements for mitigation actions funded through the program.

The Mitigation Framework's strategy will draw heavily from the State of Idaho's sage-grouse conservation plan but has a narrower focus. It is intended to provide the specific guidance on program priorities, accepted mitigation measures, and geographic areas of emphasis that potential mitigation project sponsors will need to know when they apply for funds. The strategy plays a crucial role in steering mitigation funding to those activities and places that can provide the most effective benefits for Idaho sage-grouse populations consistent with strategies to increase the viability of the species throughout its range.

To this end, the strategy will address one of the major policy questions that arise in the design of compensatory mitigation systems: how closely should the mitigation actions be linked to the type and location of the habitat that was originally affected by the infrastructure project. Stated in the alternative, does removal of the mitigation action from the area of impact improve the effectiveness of or benefit from the action. Some compensatory mitigation systems place a heavy emphasis on this link by favoring "in-kind" and "on-site" compensatory mitigation over

"out-of-kind" and "off-site" compensatory mitigation. The subcommittee members generally favor an approach that allows funding to flow to the projects and locations within Idaho that will provide the greatest overall positive impact on sage-grouse populations. The Mitigation Framework calls for a monitoring program that would assess habitat gains provided by mitigation actions and compare them with the mitigation objectives of the participating infrastructure projects. The nature and purpose of this monitoring is described more fully in Mitigation Program Step 4, below.

Once the strategy is complete, the Mitigation Team will develop project ranking criteria and procedures that will guide the selection of the mitigation actions that will receive funding. The goal is to fund projects that provide high quality, lasting benefits based on landscape scale analyses that actually compensate for project impacts.

E. Compensation Guidelines

The Mitigation Framework Program will develop guidelines that may be used by developers and/or regulators to determine the cost of meeting their compensatory mitigation objectives. These compensatory mitigation objectives determine the extent of compensatory mitigation for each project and are generally incorporated into project plans or permits.

The compensation guidelines will provide transparent, technically sound principles for determining how much it costs to deliver habitat mitigation for sage-grouse. In other words, the guidelines will represent best estimates of the true cost of implementing the mitigation actions needed to meet each project's compensatory mitigation objectives. The guidelines may be used by the project developer and the Mitigation Framework Program Administrator to establish the in-lieu fee that the developer will contribute to the mitigation fund.

Specific valuation methods will be developed at a later time and will likely draw from compensatory mitigation systems used elsewhere in the West. Although the details have yet to be worked out, the following outline illustrates the core concepts and principles (shown in bold lettering) that are likely to be employed by the MOA parties in setting the Mitigation Framework's in-lieu fee structure.

- A **common unit of measurement** would be established for describing and tracking both the project impacts and the benefits of any compensatory mitigation actions. This unit of measurement can be a physical unit such as "acres impacted" or more specifically "acres of summer brood rearing habitat impacted" or "habitat units" lost.

- While the "common unit of measurement" noted above addresses the area of habitat impacted and mitigated, **habitat compensation ratios** are used to address the **quality** of the habitat affected by the infrastructure project. These ratios could specify the number of acres of mitigation required per acre of impacted habitat based on the size, habitat quality/condition and function of the impacted habitat; for more critical or important habitat, more mitigation acres might be required. Thus, habitats with higher quality and importance could have higher compensation ratios.

- Several factors are taken into account in calculating how much it will cost to actually compensate for the acres or habitat units. The recommended approach is to evaluate on

the costs of implementing a conceptual **portfolio of potential mitigation actions** or offset activities that provide benefits for sage-grouse. This portfolio of model projects would include a balanced mix of accepted habitat protection and restoration measures reflecting the types of projects expected to be funded by the mitigation program (in accordance with the strategy discussed above). Examples of projects in this portfolio may include such actions as restoring sagebrush canopy and a native understory on recently burned land, improving riparian areas and wet meadows in early brood-rearing habitat, conservation easements to prevent habitat loss, and land management practices that improve sage-grouse habitat. Project costs include the full range of expenses needed to complete all phases of the mitigation action, including administration and monitoring. The average costs of these model mitigation actions per acre or habitat unit is the foundation of the in-lieu fee calculation.

- In addition, the in-lieu fee should also be adjusted to take into consideration the issue of **lag time** –the time between when habitat is lost at the impacted site relative to when habitat functions are gained at the compensation site.

- The fee also needs to account for **contingencies** associated with delivering compensatory mitigation, including an estimate of the **risk of failure** (i.e., the probability that offsite mitigation will not result in any measureable conservation outcomes) for each mitigation site or project.

- In addition to the fee calculated above, costs for establishing and operating the program, including travel, technical consultation and monitoring of program effectiveness must be included. This overhead fee could range from 5-15% depending on the size and complexity of the proposed mitigation program.

F. Program Structure and Oversight

The Mitigation Framework would be established through a memorandum of agreement (MOA) among the entities that would participate in its implementation. The MOA would define the specific roles and responsibilities, procedures, and tasks needed to operate an Idaho-based compensatory mitigation program. The MOA would serve as a joint powers agreement for state and local government parties.

The MOA would establish the following administrative structure for the Mitigation Framework:

1. **Core Team:** A core group would oversee the Mitigation Framework program and provide policy-level guidance for the Science Team and Fund Administrator, described below. The Core Team would be composed of three to seven representatives of diverse perspectives among the MOA signatories.

2. **Science Team:** A team of experts drawn from MOA signatories and other targeted organizations will administer the science-based and technical aspects of the program. The Science Team would consist of several individuals with expertise in relevant areas such as habitat protection and restoration, landscape ecology/spatial analysis, wildlife biology, sage-grouse ecology, project development, and mitigation policy.

The Team would focus on developing the policies and statewide strategy that will guide the program, making requests for mitigation project proposals (RFPs), ranking mitigation proposals that will receive funding, tracking monitoring reports and project benefits, and evaluating program success.

3. **Program Administrator:** A program administrator will be responsible for fund management and administrative tasks. The program administrator will provide administrative support for the Mitigation Team, manage the mitigation account, and administer grants, contracts, and other agreements.

4. **Advisory Committee:** A broader advisory committee consisting of agencies, companies and organizations with the skills and commitment that will provide useful advice to the Core Team regarding the implementation of the Mitigation Framework.

The specific make up of each of these groups will be determined at a later time. Potential participants in the Mitigation Framework include but are not limited to representatives of:

State of Idaho:
- Department of Fish and Game
- Office of Energy Resources
- Office of Species Conservation
- Idaho Department of Lands

United States:
- Bureau of Land Management
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- Natural Resources Cons. Service

Energy Companies:
- Idaho Power
- Ridgeline Energy

Non-Governmental Organizations:
- Idaho Conservation League
- The Nature Conservancy

Idaho Tribes
Idaho Sage-Grouse Advisory Committee
Sage-Grouse Local Working Groups

Idaho Counties
Public Land Users (e.g., grazing interests)

G. <u>Funding the Mitigation Program</u>

The costs of administering the program will be sustained by the project developers that seek compensatory mitigation. Therefore, a portion of the in-lieu fee that project developers contribute to the mitigation account will be applied for program administration. As noted above, protecting and restoring sagebrush habitats are time consuming and expensive undertakings. Ensuring that these activities are conducted with strong oversight should be viewed as an exceptionally wise investment.

III. Mitigation Program Steps

The Mitigation Framework envisions a five-step process for developing, implementing, and monitoring compensatory mitigation.

A. Step 1 – Assessment of Project Impacts and Development of Mitigation Objectives

Assessment of project impacts should be undertaken by the project developers proposing new infrastructure projects and the government agencies that conduct environmental reviews of those projects. Although the Mitigation Framework process is not responsible for this step, it is nevertheless crucial to the integrity of the mitigation program. Specifically, the Framework's success in achieving its goal of offsetting major infrastructure project impacts on sage-grouse depends on an accurate accounting of those impacts.

For many projects, this analysis will be done as part of the environmental review procedures required by NEPA. As noted above, NEPA requires federal agencies to address the full range of direct, indirect and cumulative impacts of the proposed project, alternatives to the proposed action, and potential mitigation before they act on permit applications.

Once impacts have been assessed and compensatory mitigation objectives set, the project developer is ready to engage the Mitigation Framework, starting with determining the developer's in-lieu fee contribution.

B. Step 2 – Determine the In-lieu Fee Contribution

The goal of Step 2 is to use valuation techniques, such as the guidelines presented above, to convert the complex range of project impacts, including direct, indirect and cumulative impacts, into monetary terms that become the basis for the in-lieu fee payment. The accepted in-lieu fee compensatory mitigation plan could be a condition of the instrument approving the project (FONSI, ROD, right-of-way grant, conditional use permit, etc.) and thus legally requires the project developer comply with the approved mitigation plan.

C. Step 3 – Commitment of Mitigation Funds by Project Developer

Infrastructure project developers can employ the Mitigation Framework by entering into an agreement with the program administrator with regard to a specific infrastructure project. This project agreement sets forth the parties' respective responsibilities, including the project developer's commitment to pay the in-lieu fee. Importantly, the agreement provides that the project developer's funds can only be used for the purposes set forth in the Mitigation Framework. The agreement may also include "conditions" as requested by regulatory agencies or project developers. For instance, the agreement might provide that the in lieu fee will be used to fund mitigation actions in specific geographic areas in order to meet permit requirements. The program administrator, based on consultation with the MOA parties, may decline to enter into an agreement that is inconsistent with the Mitigation Framework principles or includes conditions that are burdensome or unworkable.

Once the agreement specifying the payment structure and schedule is signed, the project developer makes the required in-lieu fee deposits to an interest bearing account managed by the program administrator.

After the completion of this step, the project developer is no longer engaged in the Mitigation Framework – unless it has decided to participate as a MOA party.

D. Step 4 – Issue Request for Proposals (RFP) and Select, Implement, and Monitor Mitigation Actions

At least at annual intervals, the Mitigation Team will issue an RFP that invite private companies, non-governmental organizations, and agencies to submit proposals for sage-grouse habitat protection, restoration, and/or enhancement actions. The RFP will provide guidance to mitigation project sponsors on program priorities and criteria. These priorities and criteria will be drawn from the mitigation program strategy including identification of geographic areas where mitigation might provide the greatest benefits as well as identification of the threats that present the highest risk to the species or its core habitat. The Mitigation Team should also reach out to federal, state, and local agencies, non-governmental organizations and the general public in order to facilitate discussion, engage stakeholders, raise awareness of the program and generate responses to the RFP.

The RFP will solicit project proposals that contain an operation or implementation plan and address at least the following elements:

- Geographic area;
- Threats addressed and how the mitigation action project will offset impacts resulting from those threats;
- An analysis of current sage-grouse conditions in the area;
- Resource goals and objectives the mitigation action project will seek to provide;
- A description of any coordination with federal, state, tribal and local resource management and regulatory authorities or other stakeholder involvement required to complete the mitigation action (e.g., requirement for NEPA compliance or county permit);
- A description of recent or proposed projects and events in the vicinity of the proposed project, if any, such as fire rehabilitation treatments, restoration or enhancement treatments or other activities that complement the effectiveness or intent of the proposed, mitigation action;
- A description of the long term protection, management, stewardship for the project being implemented, and the entity responsible for these activities; and
- A commitment to periodic evaluation and reporting on the progress of the project in meeting stated goals and objectives, including a process for adaptively redirecting the project if necessary.

When selecting projects, the Mitigation Team will estimate the biological benefits of the projects activities, the likely success of those activities, the duration of benefit expected and measure those benefits in relation to the strategy and RFP objectives.

Mitigation Team and the program administrator will work together on continuing program administration and oversight including annual reporting of program activities, expenditures, and benefits. An annual program report will describe program activities, budget, and assessment of whether the mitigation strategy and associated projects are benefitting sage-grouse and at what level or scale.

The Mitigation Team and/or Program Administrator should implement a monitoring program to measure and validate whether project-specific objectives have been met. Monitoring is required of all compensatory mitigation actions to determine if the project is meeting its performance standards and objectives. As mentioned above, at regular intervals, the total habitat and/or population gains provided by the programs will be compared with the habitat/population losses associated with the participating infrastructure projects. The purpose of this comparison is to evaluate the mitigation program and make any necessary program adjustments – particularly if the monitoring shows that the mitigation benefits are not compensating for habitat losses. This comparison will not be a basis for imposing new, unexpected requirements on the infrastructure project developers.

CONCLUSION

The framework of policies, principles and procedures outlined above are meant to start a dialogue among parties engaged in sage-grouse conservation and infrastructure development. If these parties agree with the Mitigation Subcommittee that there is great value in establishing an Idaho-based compensatory mitigation program, then this framework will mark the beginning of an inclusive effort to fill in the details and complete the tasks needed to bring such a program into being. We have confidence in our collective ability to create a compensatory mitigation program that will benefit infrastructure developers, agencies, conservation interests, and – not least – Idaho's sage-grouse.

Adaptive Regulatory Trigger Framework

Population & Habitat Trigger Justification

Triggers

Because unexpected events (e.g., wildfire, West Nile Virus) may result in a substantial loss of habitat or decline in sage-grouse populations, adaptive management triggers have been developed. These triggers are intended to improve sage-grouse population trends, protect the overall baseline population, preserve a buffer population, and conserve sage-grouse habitat.

The triggers have both population and habitat components. Population components consider population growth and change in lek size. The habitat component considers loss of breeding and/or winter habitat. Lek size has been related to population change in numerous studies (Connelly and Braun 1997, Connelly et al. 2004, Baumgart 2011, Garton et al. 2011). Garton et al. (2011) used both characteristics as well as number of active leks to assess change for sage-grouse populations throughout the west. A variety of researchers (Swensen et al. 1987, Connelly et al. 2000a, Miller et al. 2011) have shown that loss of winter or breeding habitats resulted in decreased sage-grouse populations. The adaptive management triggers set at a lambda value less than one, a 20% decline in males counted on lek routes, and a 20% loss of breeding or winter habitat as break points that would initiate a population or habitat trigger.

Population Growth (Finite Rate of Change)

Although populations cannot be accurately estimated, lek counts of males provide a robust method for assessing population trend and estimating population growth (λ) in an unbiased fashion. Calculating λ (finite rate of change) between successive years for a sage-grouse population is described in Garton et al. (2011). The ratio of males counted in a pair of successive years estimates the finite rate of change (λ_t) at each lek site in that one-year interval. These ratios can be combined across leks within a population for each year to estimate λ_t for the entire population (or Conservation Zone) or combined across all leks to estimate λ_t for the state between successive years as:

$$\lambda(t) = \frac{\sum_{i=1}^{n} M_i(t+1)}{\sum_{i=1}^{n} M_i(t)}$$

where $M_i(t)$ = number of males counted at lek *i* in year *t*, across *n* leks counted in both years *t* and *t+1*. Ratio estimation under classic probability sampling designs—simple random, stratified, cluster, and probability proportional to size (PPS)—assumes the sample units (leks counted in two successive years in this case) are drawn according to some random process but the strict requirement to obtain unbiased estimates is that the ratios measured represent an unbiased sample of the ratios (i.e., finite rates of change) from the population or other area sampled. This assumption seems appropriate for leks and the possible tendency to detect (or count) larger leks than smaller leks does not bias the estimate of λ_t across a population or region (Garton et al. 2011), but makes it analogous to a PPS sample showing dramatically increased precision over simple random samples (Scheaffer et al. 1996). Also precision can be estimated for λ.

Because small game populations (including sage-grouse) typically fluctuate among years due to weather and other environmental variables, a λ_t for any given year is not very meaningful. However, a series of years where λ_t remains at or above 1.0 indicates a stable to increasing population. Moreover, this situation would also provide strong evidence of the effectiveness of conservation actions that may have been employed.

Males Counted on Leks

Lek attendance by males has been used as an indicator of population trend in some areas since at least the early 1950s. For many years it was the only indicator used to assess status of sage-grouse populations. However, recent research has shown that male attendance at leks can be affected by severity of the previous winter, weather, timing of counts during spring, and a variety of other factors (Emmons and Braun 1984, Hupp 1987, Baumgart 2011). Baumgart (2011) indicated the probability of male sage-grouse attending leks in south-central Idaho varied among years and appeared to be tied to winter severity. Although lek data provide a powerful data set for assessing population trends over time (Garton et al. 2011), counts for a single year may not reflect trends very well. Thus using lek counts as a trigger must consider the inherent variation in these counts. Moreover, males counted on leks appear to have the most value for

assessing population change when used in conjunction with other indicators of population status (e.g., finite rate of change).

Emmons and Braun (1984) reported that lek attendance rates varied from 86% for yearling males to 92% for adult males. These rates were pooled over 5 day periods and may have overestimated attendance (Connelly et al. 2011). In contrast, Walsh et al. (2004) reported average daily male attendance rates of 42% (range = 7-85%) and 19% (range = 0-38%) for adult and yearling sage-grouse, respectively but these rates were not adjusted for detection rate and were likely biased low (Connelly et al. 2011). Moreover, this study involved very small sample sizes (17 adult males, 9 yearling males over 15 leks) and only one breeding season and it was not clear whether all leks in the study area were known and sampled. Preliminary data from Utah (D. Dahlgren, personal communication) indicated that in a study area about 30 miles south of Idaho male sage-grouse lek attendance rates varied from roughly 60% at the beginning of April to about 90% at the end of the month. Recent findings in Idaho (Baumgart 2011) predicted the probability of lek attendance for an adult male following an "average" winter would range from 0.894 (SE = 0.025) on week 3 (~1 April) to 0.766 (SE = 0.040) on week 8 (~ 5 May). Published information suggests that a change in maximum number of males counted on leks of say 10-15% cannot confidently be considered a reflection of population status. However, a 20% decline in maximum number of males counted on leks would likely not be related to lek attendance patterns but instead would reflect a population decline. Thus, the trigger was set at 20%.

Habitat Trigger

Numerous studies have documented the negative effects of habitat loss including fire and energy development on sage-grouse (Connelly et al. 2000b, Fischer et al. 1996, Nelle et al. 2000, Doherty et al. 2008), but few studies have related the amount of sagebrush habitat lost to population change. In a Montana study area with a non-migratory sage-grouse population, there was a 73% decline in breeding males after 16% of the study area was plowed (Swenson et al. 1987). Walker et al. (2007) indicated that the lowest probability for lek persistence within a landscape occurred where, within 6.4 km of a lek center, the area has < 30% sagebrush. Similarly, Wisdom et al. (2011) reported sage-grouse occupying landscapes with <27% sagebrush as dominant cover would have a low probability of persistence. Connelly et al. (2000a) showed that a fire in 1989 that removed 58% of the sagebrush cover in sage-grouse

breeding and winter habitat led to an almost 95% decline in the breeding population a few years later. Similarly, a fire that removed about 30% of breeding/winter habitat resulted in substantial population declines over the next few years (J. W. Connelly, unpublished data; Table 1). A 30% loss of breeding and winter habitat is thus far the lowest amount of habitat loss for which a population response could be detected and landscapes with < 30% area in sagebrush within 6.4 km of lek center have the lowest probability of lek persistence. Idaho is taking a more conservative approach than suggested by the literature. A soft trigger is set at a 10% loss of breeding or winter habitat in Core or Important management zones of a Conservation Area, which initiates a review of the management approach. A hard trigger is set at a 20% loss of breeding or winter habitat within a Core Habitat Zone of a Conservation Area, which automatically causes a change in management status of the corresponding Important Habitat Zone.

Table 1. Nest success (%) in SE Idaho study areas before and after a fire in the Table Butte study area. The fire occurred in August 2000.

	Area	
Year	Table Butte	Upper Snake
1999	54	
2000	45	61
2001[a]	18	56
2002	20	65

Literature Cited

Baumgart, J. A. 2011. Probability of attendance and sightability of greater sage-grouse on leks: relating lek-based indices to population abundance. Dissertation, University of Idaho, Moscow.

Connelly, J. W., and C. E. Braun. 1997. A review of long- term changes in sage grouse populations in western North America. Wildlife Biology 3:123-128.

Connelly, J. W., C. A. Hagen, and M. A. Schroeder. 2011a. Characteristics and dynamics of greater sage-grouse populations. Studies in Avian Biology 38: 53-68.

Connelly, J. W., S. T. Knick, M. A. Schroeder, and S. J. Stiver. 2004. Conservation assessment of greater sage-grouse and sagebrush habitats. Western Association of Fish and Wildlife Agencies, Cheyenne, WY.

Connelly, J. W., K. P. Reese, R. A. Fischer, and W. L. Wakkinen. 2000a. Response of a sage grouse breeding population to fire in southeastern Idaho. Wildlife Society Bulletin 28:90-96.

Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000b. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28:967-985.

Doherty, K. E., D. E. Naugle, B. L. Walker, and J. M. Graham. 2008. Greater sage-grouse winter habitat selection and energy development. Journal of Wildlife Management 72:187-195.

Emmons , S. R. and C. E. Braun. 1984. Lek attendance of male sage grouse. Journal of Wildlife Management 48:1023-1028.

Fischer, R. A., K. P. Reese, and J. W. Connelly. 1996a. An investigation on fire effects within xeric sage grouse brood habitat. Journal of Range Management 49:194-198.

Garton, E. O., J. W. Connelly, J. S. Horne, C. A. Hagen, A. Moser, and M. A. Schroeder. 2011. Greater sage-grouse population dynamics and probability of persistence. Studies in Avian Biology 38: 293-382.

Hupp, J. W. 1987. Sage grouse resource exploitation and endogenous reserves in Colorado. Dissertation, Colorado State University, Fort Collins.

Miller, R. F., S. T. Knick, D. A. Pyke, C. W. Meinke, S. E. Hanser, M. J. Wisdom, and A. L. Hild. 2011. Characteristics of sagebrush habitats and limitations to long-term conservation. Studies in Avian Biology 38: 145-184.

Nelle, P. J., K. P. Reese, and J. W. Connelly. 2000. Long- term effects of fire on sage grouse nesting and brood-rearing habitats in southeast Idaho. Journal of Range Management 53:586-591.

Scheaffer, R. L., W. Mendenhall, III, and R. L. Ott. 1996. Elementary survey sampling. Wadsworth Publishing, Belmont, CA.

Swenson, J. E., C. A. Simmons, and C. D. Eustace. 1987. Decrease of sage grouse *Centrocercus urophasianus* after plowing of sagebrush steppe. Biological Conservation 41:125-132.

Walker, B. L., D. E. Naugle, and K. E. Doherty. 2007. Greater sage-grouse population response to energy development and habitat loss. Journal of Wildlife Management 71:2644-2654.

Walsh, D. P., G. C. White, T. E. Remington, and D. C. Bowden. 2004. Evaluation of the lek-count index for greater sage-grouse. Wildlife Society Bulletin 32:56-68.

Wisdom, M. J., C. A. Meinke, S. T. Knick, and M. A. Schroeder. 2011. Factors associated with extirpation of sage-grouse. Studies in Avian Biology 38: 451--472.

Mapping of Breeding and Winter Use Areas

Breeding

We used the Idaho Department of Fish and Game (IDFG) sage-grouse telemetry database, dating back to the early 1990's, to investigate distances between leks and nests. . Within the telemetry database, we identified each time a nest location was recorded for a radio-collared female but removed duplicate telemetry locations for each nest, so there was only 1 location for each nest. Next, we assured that each nesting hen had a corresponding capture location recorded. We only included hens that were captured during the breeding season (March 1-June 30). We assumed that the lek closest to the point of capture represented the lek where the hen was bred. We also removed second nest attempts and nests recorded in subsequent years for that hen after her initial capture because we did not know what lek the hen may have visited following her initial nest attempt.

For each nest, we used Geospatial Modeling Environment© Version 0.7.2.0 (GME; Beyer 2012) to calculate the distance from the lek to the nest. We divided distances into 1-km categories (i.e. 0-1 km, 1.1-2 km, etc.) and summed the number of nests in each 1-km category. These data were used to calculate cumulative density curves. We also separated nests by the four Conservations Areas to investigate potential geographic variation within the state.

Statewide, 302 nests qualified for the analysis (Desert n = 34, Mountain Valleys n = 143, Southern n = 85, West Owyhee n = 39). A cumulative density histogram indicates that 80% of nests are within 10 km of the capture lek (Figure 1). Histogram results did not differ appreciably among Conservation Areas.

Based on these data, we assumed that we would capture 80% of the potential nesting areas within 10 km of active leks. Therefore, we buffered all leks active in 2011 (n = 510) by 10 km to encompass the breeding use areas. We also included 18 additional leks that were surveyed in both 2010 and 2012 (but not 2011) that had ≥10 males in at least one of those years and ≥2 males in the other year.

Winter

We used a combination of sage-grouse radio-telemetry data and reported winter observations to guide mapping of winter use areas. Winter was defined as December 1–February 28. Observations included 1) observations recorded by IDFG biologists during big game aerial surveys; 2) observations reported in IDFG's Animal Conservation Database; and 3) GPS data collected from Idaho falconers.

We used the resulting winter locations (n = 2,691) to model winter use area. We used likelihood cross-validation in GME to calculate fixed kernel density estimates (Horne and Garton 2006). The resulting density contours provide a depiction of winter use areas.

Combined Breeding and Winter Polygon and Management Zones

The breeding and winter use polygons were merged in ArcMap™, then overlaid on Core, Important, and General Management Zones (Figure 2). Next we clipped the breeding and winter polygon to Core and

Important Management Zones. We clipped out fires in Core and Important zones (1997-2011) (Figure 3). We also searched for older fires (1987-1996) in Wyoming big sagebrush habitats that LANDFIRE (2010) did not map as sagebrush and removed those fire areas when applicable. The resulting areas were divided into the 4 Conservation Areas and acreage calculated (Table 1). We also calculated the number of acres of 2012 in breeding and winter use areas.

Literature Cited

Beyer, H. L. 2012. Geospatial Modelling Environment (Version 0.7.2.0). (software). URL: http://www.spatialecology.com/gme

Horne, J. S., and E. O. Garton. 2006. Likelihood cross-validation versus least squares cross-validation for choosing the smoothing parameter in kernel home-range analysis. Journal of Wildlife Management 70(3):641-648.

LandFire: Landfire1.1.0. 2010. Existing vegetation type layer. U.S. Department of the Interior, Geological Survey. Available at: http://landfire.cr.usgs.gov/viewer.

Table 1. Acres of breeding and winter use areas in Core and Important Management Zones, and acres (and percent) of 2012 fires in breeding and winter use areas.

Conservation Area	Total Core	Breeding & winter in Core	2012 fires in breeding & winter in Core	Total Important	Breeding & winter in Important	2012 fires in breeding & winter in Important
Desert	1,044,332	840,291	51,382 (6%)	751,139	408,605	6,968 (2%)
Mountain Valleys	1,949,461	1,640,415	384 (0%)	1,728,674	1,013,245	561 (0%)
Southern	947,800	568,921	6,674 (1%)	975,539	622,806	87,274 (14%)
West Owyhee	1,738,155	1,416,135	46,035 (3%)	633,855	590,627	7,370 (1%)

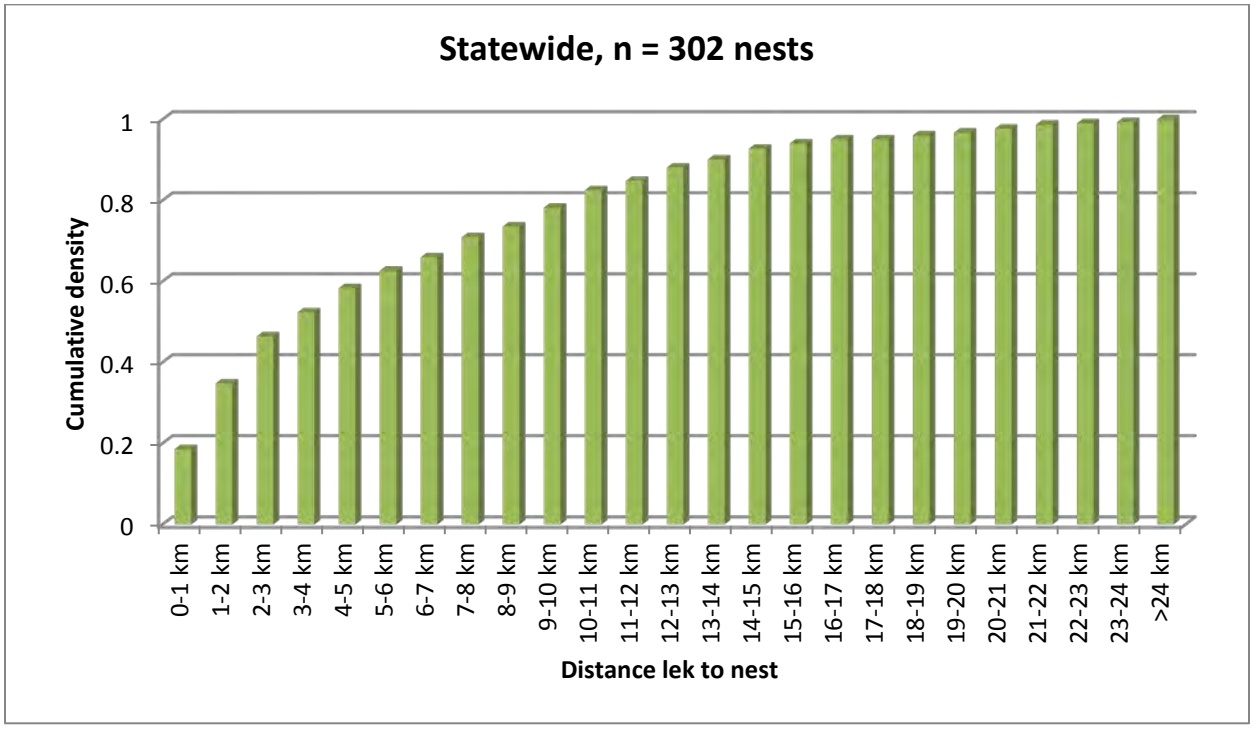

Figure 1. Cumulative density histogram for distances between lek and nest.

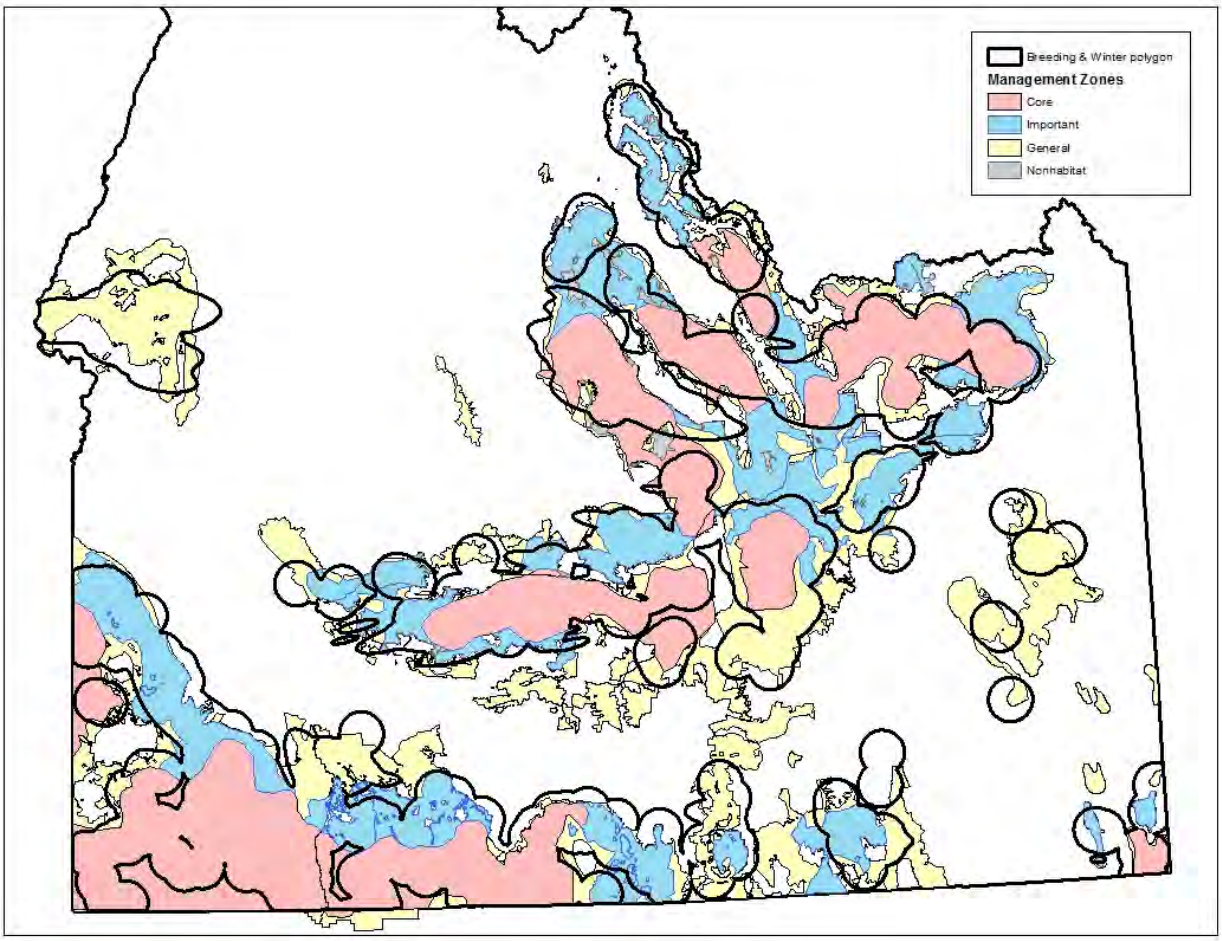

Figure 2. Breeding and winter use polygon overlaid on Core, Important, and General Management Zones.

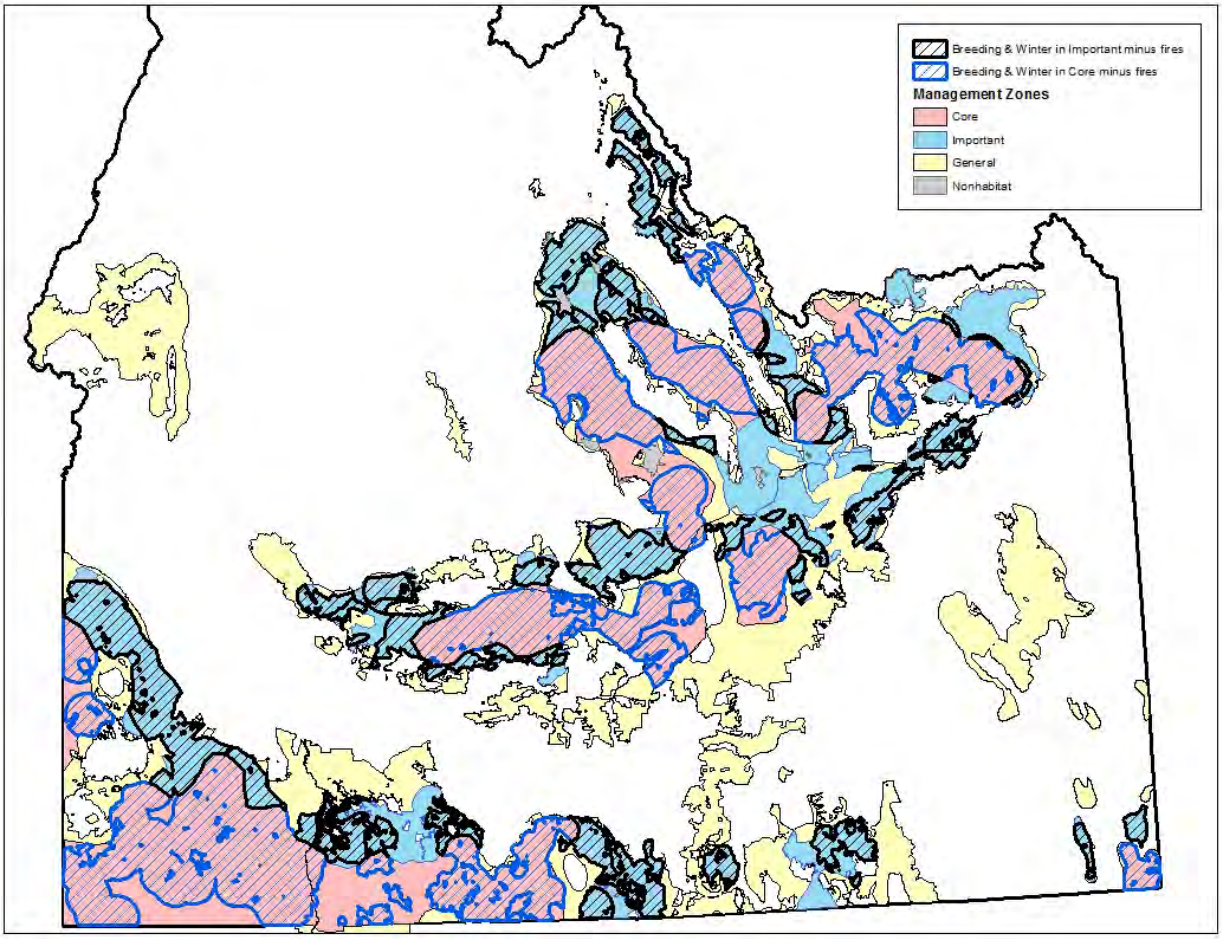

Figure 3. Breeding and winter use areas in Core and Important Management Zones, with recent fires (1997-2011) removed.

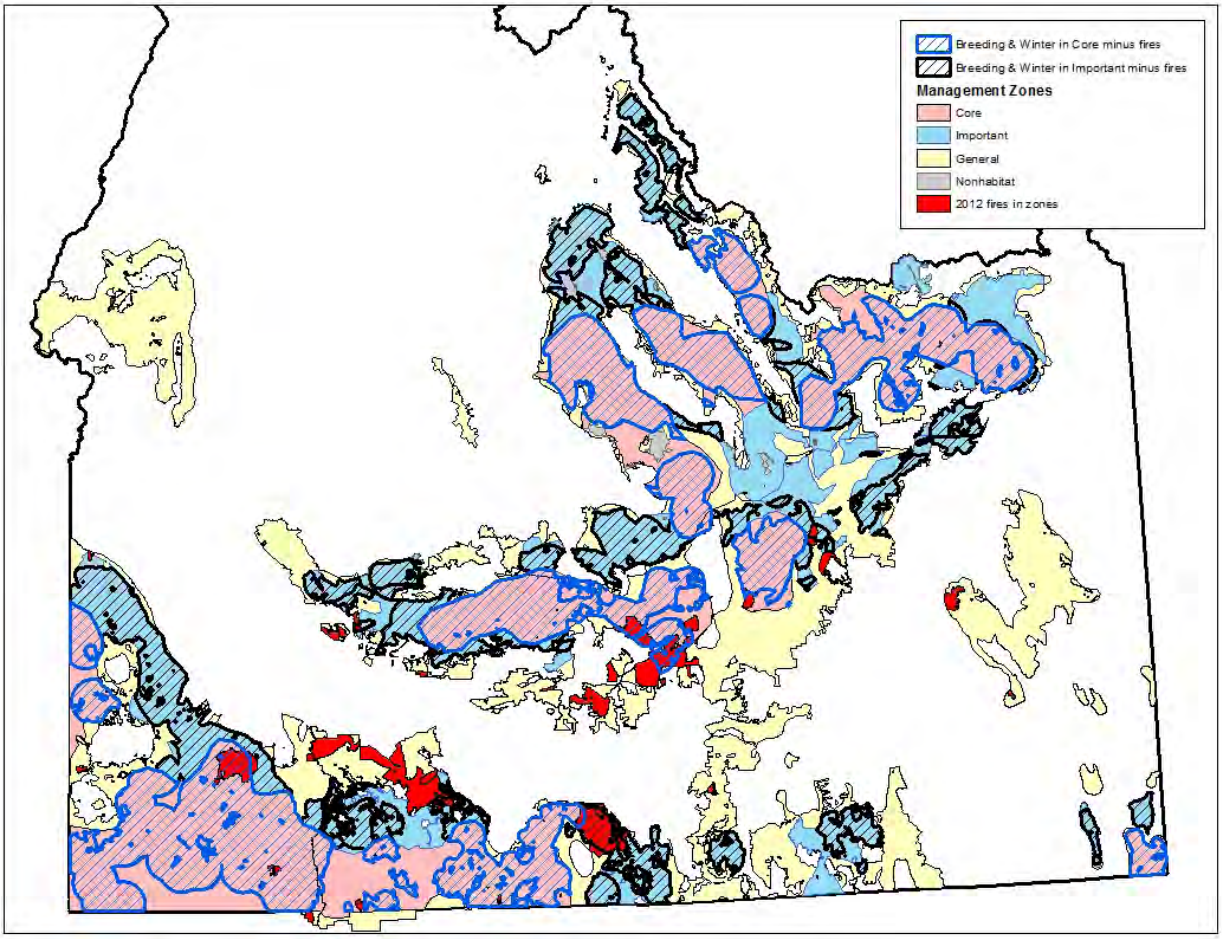

Figure 4. Breeding and winter use areas in Core and Important Management Zones with 2012 fires.

2012 Sage-grouse and Sharp-tailed Grouse Lek Survey

❑ Sage Grouse	County:
Lek Route Name (or enter 'none'):	Date of Survey:
Observer:	Official Sunrise:
Weather (temp, wind, precip, cloud cover):	Start Time: End Time:
Summary: Active Leks	Comments:
Total Males Counted	

					Lek Location*				
					UTM Datum______ UTM Zone________		PREFFERED WGS 84 Decimal Degrees		
Time	Statewide Lek ID	Lek Name	# Males	# Females	Easting	Northing	Latitude	Longitude	Comments

*Record location if lek has moved, if previously recorded location is inaccurate, or if lek is new. The preferred location format is WGS 84 decimal degrees.

GUIDELINES FOR CONDUCTING SAGE-GROUSE LEK ROUTES

Counts of male sage grouse attending leks are used to provide an index to population trends. Routes have been designed to survey grouse populations throughout the region. It is important these routes be conducted annually following standardized guidelines to ensure useful, quality data.

1. The starting and ending point for each route must remain the same each year. Do not change a route without consulting with the regional wildlife staff.
2. Always count all leks encountered along the route. Make an entry on the data sheet for each lek site encountered on the route. If no birds are present record a zero.
3. In years of high or increasing grouse numbers, satellite leks may be attended or new leks may form. Stop periodically to look and listen for new leks in likely areas.
4. A lek may have more than one activity center (i.e. distinct groups of males). If groups of birds are visible to each other but separated by a relatively long distance (e.g. 200 yards), you are still looking at a single lek.
5. Make all counts from ½ hour before sunrise to 1½ hours after sunrise. Do not drive more than 25 mph.
6. Count and report all males observed; numbers of females are recorded in a separate column.
7. Count each lek at least 4 times between 20 March and 30 April (dates may vary with elevation) with approximately 1 week between counts.
8. Avoid making counts during rainy, inclement weather.

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