



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>



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

APR 10 2013

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

C.L. "Butch" Otter, Governor
State of Idaho
Request for State sage-grouse plan concurrence

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, Deputy Regional 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 serve 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 permittees 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 specific 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.

Three Cs for Sage-grouse

Cooperation, Collaboration, and Conservation the Keys to Saving Sage-grouse

The State of Idaho has shown itself to be a leader among the western states in conserving the greater sage-grouse. The State and its stakeholders have been proactively working on sage-grouse management and conservation efforts since the early 1950s. As the timeline for the sage-grouse listing decision became clear, Governor Otter established a 15-member task force in early 2012 to take an even closer look at addressing both short and long-term solutions to the threats to the species and its habitat. The task force was comprised of a wide cross-section of Idaho's public including ranchers, sportsmen, conservation groups, energy representatives, interested public, and federal and state agency officials. Our assignment was to develop a detailed, science-based strategy for conserving the species alongside land uses aimed at avoiding the need to list sage-grouse under the Endangered Species Act (ESA). We involved and incorporated the advice of top sage grouse biologists and sagebrush habitat scientists.

As members of the Idaho Sage-grouse Task Force, it has been our mission since inception to ensure the species' long-term viability in Idaho. We were brought together to develop a regulatory plan to address the priority threats to the species' welfare. The intent of our efforts was that this plan could become a standard for resource managers as they sought to wisely manage habitat in a way that facilitated a more secure, resilient sage-grouse population.

The Idaho sage-grouse plan was quickly recognized as a worthy effort. Two years ago, the U.S. Fish & Wildlife Service (FWS), the federal agency charged with determining whether or not the species would be listed, wrote a letter to Governor Otter stating that the foundation of the Idaho Plan was "solid and grounded in scientific concepts...." Further progress was made last year when the Bureau of Land Management and U.S. Forest Service listed the Idaho strategy as a co-preferred alternative in their draft land use plan amendments. In the months that followed, the state worked intensively with the federal agencies to narrow the remaining issues and ensure that our strategy both meets the needs of the species and federal requirements. It was acknowledged by the federal agencies that not only did the state plan address the correct threats but it also put forward a strong, collaborative, and meaningful effort towards conserving sage-grouse.

Our plan contains three elements most essential to conservation of the species: collaboration, cooperation, and conservation. Importantly, this was done collaboratively with a majority of interested parties represented on the task force so the product could be embraced and implemented by all. This has been the hallmark of the sage-grouse conservation work done in Idaho, since the inception of the first local working group in the 1990s. Working together in an organized collaborative and cooperative way, we believe, is the only avenue for success in a situation as huge and complex as this.

Though the work has been difficult, the federal agencies engaged with the State of Idaho in a productive effort to reach a consensus conservation plan. However, in the last four months, the Department of Interior (DOI) appears to have advanced positions that depart significantly from earlier federal input. U.S. Senator James Risch recently asked Secretary Jewell in a Senate committee hearing why the "goalpost was being moved" when we were so close to finalizing our plan. We are very concerned that these recent shifts will diminish the broad support for the Idaho Plan that we worked so hard to achieve. When collaboration fails, we believe that efforts to conserve the species will suffer.

We recognize that contentious issues remain between the federal agencies and the State of Idaho. We call on the Department of the Interior to resolve these remaining issues in a way that conserves sage-grouse *and* fits Idaho's all lands-all hands approach. The work of the Idaho task force gives witness to the fact that, all of us, collectively, are the best hope for sage-grouse. Working together we can get this done.

Many of us are very concerned about the severe impacts that an Endangered Species Act (ESA) listing could have on our industries and on land uses in the state. We also firmly believe that conservation efforts are most effective when they are based on sound biological principles and applied with support of people at the local level. We ask that the federal agencies recognize the creativity and cooperative spirit that we demonstrated through our task force efforts as positive elements to build upon, not deficiencies. We as Idahoans are ready to take the actions needed to conserve sage-grouse and the rangelands upon which we all rely.

Members of the Idaho Governor's Sage Grouse Task Force:

Will Whelan
The Nature Conservancy

Scott Bedke
Idaho House Speaker

Dr. Robert Cope
Lemhi County Commissioner

Brett Dumas
Idaho Power

Senator Bert Brackett
Idaho State Senate

Bill Meyers
Renewable Energy

John Robison
Idaho Conservation League

Gene Gray
Local Working Group Rep.

Jack Oyler
Sportsmen for fish and Wildlife

Richard Savage
Idaho Cattle Association

Rochelle Oxarango
Public at Large

Chuck Jones
J.R Simplot Co.

Russ Hendricks
Idaho Farm Bureau Federation

Randy Vranes
Monsanto

Jerry Hoagland
Owyhee County Commissioner

