



C.L. "BUTCH" OTTER
GOVERNOR

March 14, 2013

Brian Kelly
State Director
U.S. Fish and Wildlife Service
Idaho State Office
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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:

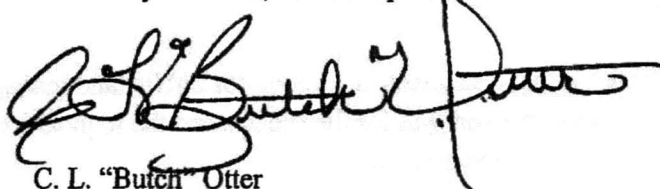
- (1) Whether the management framework – based on a thematic habitat continuum and population metrics – outlined in my Draft Alternative represents sound policy that should move forward; and
- (2) Whether the habitat zones, especially the Core Habitat Zone and Important Habitat Zone, are consistent with 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:

I. Thematic Conservation Approach

An effective plan for managing the greater sage-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 (IDFG) 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.

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

