

From: [Carrier, Michael](#)
To: [FW6 Sage-grouse FMT](#)
Subject: Idaho Department of Lands Sage Grouse Conservation Plan
Date: Friday, February 27, 2015 11:34:01 AM
Attachments: [Draft IFWO Comments IDL GRSG Plan.doc.docx](#)
[Draft IDL Proposed Greater Sage-Grouse Conservation Plan-final-2-11-15.pdf](#)

The Idaho State Department of Lands has prepared a draft plan for the conservation of greater sage-grouse on State of Idaho endowment lands. These lands contain approximately 6% of sage grouse habitat in Idaho.

The Idaho Fish and Wildlife Office (IFWO) has prepare a draft letter of comment (attached) on the plan (also attached) and welcomes your comments on the letter from the FMT.

Unfortunately, we became aware of the draft plan within the past few days have only had a short time to review and comment on it before Idaho's announced due date of Monday, March 2. As a result, we are asking for **comments on our letter by Noon (MST) March 2.**

I will be sending another email within the next hour that will include maps of "key" areas referenced in our letter.

Please forward your comments on the IFWO letter directly to Dennis_Mackey@fws.gov

Thank You

--

Michael Carrier, State Supervisor
Idaho Office, U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Suite 368
Boise, Idaho 83709
(208) 685-6953
(503) 551-6340 (cell)

March 2, 2015

Tom Schultz
Director
Idaho Department of Lands
300 North 6th Street
Boise, Idaho 83702

Subject: Comments on Draft.....

Dear Mr. Schultz:

Thank you for the opportunity to provide comments on the Draft Idaho Department of Lands (IDL) Proposed Greater Sage-Grouse Conservation Plan (Plan). Management of IDL lands in sage-grouse habitat is important to conservation of the species, and we appreciate the opportunity to work with IDL on sage-grouse conservation. As noted in the Plan, it has three purposes: (1) summarize conservation measures for state endowment trust land programs and IDL regulatory/service programs that are complementary to the Governor's Plan for management of federal land; (2) communicate to the U.S. Fish and Wildlife Service that, along with the Governor's Plan, there are adequate existing regulatory mechanisms to alleviate the primary threats to sage-grouse and sage-grouse habitat in Idaho; and (3) preserve the statutory responsibility of IDL to manage 2.4 million acres of state endowment trust land under a constitutional mandate to maximize long-term financial returns. Our comments on the Plan in this letter represent our technical assistance to IDL for Plan modifications we believe are necessary to provide an adequate regulatory mechanism to conserve sage-grouse on IDL lands. Our comments are provided to you pursuant to the Endangered Species Act, of 1973, as amended (16 U.S.C. 703 *et seq.*) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

The Plan currently provides a generic suite of sage-grouse conservation measures for IDL endowment trust land, and IDL regulatory/service programs for Core and Important sage-grouse habitat as defined in the Governor's Plan for management of federal land. We recognize that IDL's ownership is located in parcels across the State and make up a relatively small portion (< 6%) of all the Core and Important Habitat Management Zones. The general conservation measures, outlined in your Plan, may be adequate to protect sage-grouse on many small, scattered IDL parcels. However, we have identified five key areas of IDL endowment trust land, located in Core and Important habitat where we believe more specific and more robust conservation measures are needed to adequately support the population and habitat objectives agreed to by the Governor's Task Force for the four Conservation Areas in Idaho. These five key areas are identified on the attached maps.

Our comments on the Plan are divided into two categories: 1) general recommendations for revisions to the current Plan for IDL endowment trust lands and regulatory/service programs outside of the five key areas; and 2) specific recommendations for conservation measures that should be implemented on IDL endowment trust lands and regulatory/service programs within the five key areas to adequately conserve sage-grouse.

The recommendations below apply to both Part I: Conservation Measures for Activities on State Endowment Trust Lands, and Part II: Conservation Measures for IDL Activities in the Fire Program and for Regulated Activities in the Oil and Gas and Minerals Programs, within each of the respective sections identified below under those parts.

General Recommendations for IDL Lands and Programs Outside of Key Areas

Section 4. Greater Sage-Grouse Management Areas

The Plan notes that the State and Bureau of Land Management (BLM) are finalizing the delineation of the sage-grouse habitat zones (i.e. Core, Important and General Management Zones). The final Plan should fully adopt those final habitat zones to achieve state and federal sage-grouse conservation consistency across the landscape.

Section 7. Mitigation

We recommend that all project proponents responsible for sage-grouse habitat impacts from infrastructure development be required to participate in the State's mitigation strategy. Compensatory mitigation associated with these direct and indirect sage-grouse impacts should result in a net conservation benefit to sage-grouse.

Sections 8, 9, 10 and 11. Fire Prevention, Wildfire Suppression, Fuels Management, and Wildfire Restoration

We recommend that the plan include a commitment to cooperate and implement fire prevention, wildfire suppression, fuels management, and wildfire restoration actions on all IDL endowment lands consistent with U.S. Bureau of Land Management/U.S. Forest Service Fire and Invasives Assessment Team (BLM/FS FIAT) plans..

Section 12. Habitat Restoration and Vegetation Management

We recommend that the plan include a commitment to identify priority restoration areas and to cooperate with other agencies and landowners in priority habitat restoration activities on all IDL endowment lands with emphasis on addressing perennial grasslands (R1) and juniper encroachment (R3) areas within the Core and Important Habitat Management Zones.

Section 13. Invasive Plant Species

We recommend a commitment to cooperatively implement invasive species management actions identified in the BLM/FS FIAT plans on all IDL endowment lands.

Section 20. Implementation and Monitoring

We recommend including a commitment that IDL will cooperate with the Idaho Department of Fish and Game, BLM and the U.S. Forest Service sage-grouse population and habitat monitoring on IDL endowment lands.

Key Area Recommendations for IDL Lands and Programs

Section 5. Adaptive Management and Section 6. Anthropogenic Disturbance

To ensure impacts from anthropogenic disturbance are minimized, we recommend application of a 3 percent disturbance cap in key areas associated with Biologically Significant Units (BSU). With a disturbance cap, we also recommend that, whenever BLM determines that a hard trigger has been tripped within a BSU, a temporary moratorium be placed on large-scale infrastructure development in the key areas associated with that BSU. Absent a disturbance cap, we recommend a moratorium on large-scale infrastructure development in key areas until such time that federal land transfers (Core and/or Important Habitat for General and/or Non-Habitat) are completed.

Section 9. Wildfire Suppression

We recommend increasing capacity for fire suppression through: 1) commitments to establish IDL fire districts in or near the key areas, 2) commitments to establish and expand Rangeland Fire Protection Associations in or near the key areas, 3) a commitment to cooperate and prioritize implementation of actions associated with the BLM/FS FIAT plans.

Section 10. Fuels Management

In the key areas, fuels management treatments (including brush management) should specifically incorporate sage-grouse seasonal habitat guidelines recommended by the Governor's Task Force or those identified in the BLM/FS Land Use Plan amendments.

Section 11. Wildfire Restoration and Rehabilitation

In the key areas, restoration objectives should specifically incorporate sage-grouse seasonal habitat guidelines recommended by the Governor's Task Force or those identified in the BLM/FS Land Use Plan amendments. This should include a commitment to implement restoration using native species where available and practicable.

Section 12. Habitat Restoration

In the key areas, habitat restoration objectives should specifically incorporate sage-grouse seasonal habitat guidelines recommended by the Governor's Task Force or those identified in the BLM/FS Land Use Plan amendments. This should include a commitment to implement restoration using native species where available and practicable.

Section 14 and 15. Infrastructure Development/Land and Realty, and Mineral Leasing

In the key areas, we recommend applying lek buffer-distances specified as the lower end of the interpreted range in the USGS Report Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review (Open File Report 2014-1239). The lower end of the interpreted range of the lek buffer-distances is as follows:

- linear features (roads) within 3.1 miles of leks
- infrastructure related to energy development within 3.1 miles of leks.
- tall structures (e.g., communication or transmission towers, transmission lines) within 2 miles of leks.
- low structures (e.g., fences, rangeland structures) within 1.2 miles of leks.
- surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks.
- noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.

In lieu of these lek buffer-distances, a moratorium could be placed on infrastructure development in key areas until such time that federal land transfers (Core and/or Important Habitat for General and/or Non-Habitat) are completed.

Section 16. Range Management/Livestock Grazing

In the key areas, range management objectives should specifically incorporate the sage-grouse seasonal habitat guidelines recommended by the Governor's Task Force or those identified in the BLM/FS Land Use Plan amendments.

Summary

Long-term conservation of greater sage-grouse will depend on a continued commitment to adequately manage threats to the species and its habitat across landscapes and jurisdictional boundaries. Finalization of a sage-grouse conservation strategy in Idaho that embraces broad stakeholder collaboration across ownership boundaries is critical to successful long-term conservation of the species. Our recommendations are intended to focus specific conservation measures in key areas of IDL land concentration that also are important sage-grouse habitat areas. Conservation on IDL lands combined with conservation measures on nearby federal lands will enhance landscape-scale sage-grouse conservation.

We understand that a Land Board vote on the final Plan is scheduled for March 17, 2015, which may not allow adequate time to complete Plan revisions. Moreover, the current schedule would allow little time for our agencies to work together on those revisions. If the March 17 vote is postponed, we would be very interested in working with IDL to address our recommendations. A revised final Plan by April 30, slated for Land Board adoption in May, would allow the Fish and Wildlife Service to include the Plan in its assessment of the status of greater sage-grouse. Thank you again for the opportunity to review and provide comment on the Plan. If we can be of further assistance, please do not hesitate to contact me at 208-685-6953.

Sincerely,

Michael Carrier
State Supervisor

cc:

Other FWS offices? Or is FMT enough?

Noreen Walsh.....P deibert

Tim Murphy, Idaho BLM

???????, USFS

Dustin Miller, Idaho OSC

Virgil Moore, IDFG



Idaho Department of Lands Proposed Greater Sage-Grouse Conservation Plan

1. Introduction to the Proposed Plan (Plan)

Sage-grouse is a candidate species currently being reviewed by the US Fish and Wildlife Service (USFWS) to determine listing status under the Endangered Species Act (ESA). In 2010, the USFWS determined Greater Sage-grouse (sage-grouse) warranted protection under the Endangered Species Act, but it was precluded from listing due to higher priority species. In the USFWS decision, the primary threats listed for Idaho were: wildfire, invasive species, and infrastructure development.

The timeline for USFWS analysis was further accelerated when in 2011 a multi district litigation in the US District Court of the District of Columbia resulted in a settlement agreement between the litigants and the USFWS. The settlement agreement required the USFWS to implement a six year work plan that will enable the agency to systematically review and address the needs of more than 250 species listed on the 2010 *Candidate Notice of Review* to determine if they should be added to the Federal Lists of Endangered and Threatened Wildlife and Plants. The USFWS agreed to determine the listing status of sage-grouse in 2015. Later in 2012, the United States District Court for the District of Idaho ruled that pursuant to the D.C. District Court settlement, the USFWS must reevaluate the status of sage-grouse under the ESA by September 30, 2015. In response to these deadlines, Secretary of the Interior Salazar 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.

As a direct outcome of the proposed ESA listing review, the US Bureau of Land Management (BLM) initiated a draft Land Use Plan Amendment and Environmental Impact Statement (EIS) pertaining to the sage-grouse throughout BLM's management zones within sage-grouse habitat.

In March 2012, Governor Otter issued Executive Order No. 2012-02 which established the Governor's Sage-grouse Task Force. The task force goal was to ultimately develop state-specific regulatory mechanisms to enable the BLM to incorporate the State's plan as an alternative in BLM's environmental analysis pursuant to the National Environmental Policy Act (NEPA) EIS. The Governor's Plan was submitted to the BLM and USFWS in September 2012. The Governor's Plan was incorporated as Alternative E in the November 2103 BLM Draft Idaho and Southwest Montana Sub-Regional Sage-grouse Land Use Plan Amendment and EIS, where it was presented as a "co-preferred Alternative" along with BLM's Alternative D.

As part of Idaho's commitment to conserving sage-grouse, the Idaho Department of Lands (IDL) has developed draft conservation measures (CMs) for Endowment Trust Land Management programs and for Regulatory and Service programs that complement the Governor's Sage-grouse Plan for federal land management in Idaho.

For proposed activities by third parties on state endowment trust lands, IDL will implement sage-grouse conservation measures as enforceable stipulations in authorizing documents such as leases, permits and easements. The authorized activities include: alternative energy development (solar, wind, and geothermal); oil and gas exploration and development; mining; grazing; miscellaneous commercial activities; and the granting of access through rights-of-way, including easements. In addition, IDL as the land manager will implement and support fire prevention and mitigation measures and wildfire suppression efforts to minimize the impact to sage-grouse and their habitat.

For regulatory and assistance activities, conservation measures will be voluntary best management practices (BMP's) on private land because IDL does not have the statutory authority within its regulatory programs or assistance activities to require adoption by authorized parties. Regulatory and assistance activities include: Abandoned Mine Lands Projects; Dredge and Placer Mine Permits; Mine Reclamation Plan Approvals; and Oil & Gas Permits (seismic imaging surveys, well drilling). Where appropriate, IDL will include recommended best management practices within its authorizing documents to encourage compliance.

For some fire programs, IDL will implement actions through its roles and responsibilities that support enhanced fire preparedness and suppression in sage-grouse habitats.

The Plan format follows the headings used in the USDI Bureau of Land Management (BLM) *Administrative Draft Proposed Plan* as an organizational outline and reader courtesy.

The Plan utilizes the *State of Idaho Habitat Zone* classifications defined in 2012 by the Idaho Department of Fish & Game (IDFG). Consistent with the Governor's Plan, IDL will focus conservation efforts on the Core and Important habitat zones which include the great majority of the sage-grouse populations in Idaho. Idaho has over 10,500,000 acres in Core and Important sage-grouse habitat zones, with the vast majority of these acres under Federal management (Table 1.1). IDL has surface or mineral ownership of almost 690,000 acres of Core and Important habitat, with about 619,000 acres of surface ownership in these habitat zones. While the IDL ownership is a relatively small proportion of the 10.5 million acres of habitat (less than 6%), almost half of the endowment trust rangelands are found within the Core and Important habitat zones.

2. Purpose of the Plan

The Plan has a threefold purpose. (1) It summarizes conservation measures for state endowment trust land programs and IDL regulatory/service programs that are complementary to the Governor's Plan for management of federal land. (2) It communicates to the USFWS that, along with the Governor's Plan, there are adequate existing regulatory mechanisms to alleviate the primary threats to sage-grouse and sage-grouse habitat in Idaho. (Such certainty will be necessary to prevent the sage-grouse from being listed under the Endangered Species Act). (3) It preserves the statutory responsibility of IDL to manage 2.4 million acres of [state endowment trust land](#) under a constitutional mandate to maximize long-term financial returns to state institutions, mainly public schools.

3. Coordination

Utilizing available funding, IDL will collaborate, coordinate, and utilize cooperative planning efforts to implement and monitor proposed conservation measures to protect and potentially improve sage-grouse habitat. Coordination efforts could include: adjacent landowners, federal and state agencies, local governments, tribes, communities, other agencies, resource advisory groups, lease/permit holders, and nongovernmental organizations.

Current sage-grouse coordination efforts in which IDL is involved include:

- a. *Bruneau-Owyhee Sage-Grouse Habitat Project (Federal Register- NOI, 01/20/2015),*
- b. *Burley Interagency Landscape Sage-Grouse Habitat Restoration Project,*
- c. *Tri-State Interagency Fuel Break Project (Federal Register-NOI, 2015),*
- d. *Paradigm Fuel Break Project (BLM Draft EA, 01/24/2014), and*
- e. *Draft BLM/IDFG/IDL Rangeland Rehabilitation MOU (Final MOU 02/2015).*

4. Greater Sage-Grouse Management Areas

The Plan utilizes the *State of Idaho Habitat Zone* classifications defined in 2012 by the IDFG. It uses a *Core* and *Important* habitat zone classification that is somewhat different from the BLM habitat classification of *Primary*, *Important*, and *General* habitat management areas. The BLM and State classifications do not perfectly overlay or intersect each other. Currently, the BLM and State of Idaho are finalizing the delineation of the habitat management zones to correct these discrepancies between the mapping processes. The result will be a classification structure utilizing the *Primary*, *Important*, and *General* habitat management areas. The Plan will be revised to reflect any changes resulting from using the revised habitat classification. IDL will recognize any habitat management updates resulting from the five-year formal map review.

5. Adaptive Management

The BLM's *Administrative Draft Proposed Plan* utilizes hard and soft population and habitat triggers to determine an appropriate management response. For example, a hard trigger would be tripped by the 20% loss of key habitat within BLM determined Biologically Significant Units (BSUs). BSUs are the modeled nesting and wintering habitat within the Core and Important habitat zones. When this 20% criterion had been exceeded, then the management measures for federal land applied to the core habitat zone would now also be applied to the important habitat zone.

IDL recognizes that the soft and hard triggers described in the BLM's *Administrative Draft Proposed Plan* apply to federally managed land. Where a trigger is tripped, and the BLM Implementation Team identifies measures or recommendations that IDL determines to be applicable to IDL managed land or IDL regulatory programs, IDL commits to full consideration and if applicable, will forward such recommendations to the State Board of Land Commissioners (Land Board) for their consideration as amendments to the Plan.

IDL will also utilize monitoring results to make any recommendations to the Land Board for their consideration as amendments to the Plan.

6. Anthropogenic Disturbance

Impacts caused by anthropogenic disturbances on sage-grouse can vary depending on the type of activity and local habitat conditions. In addition, cumulative impacts of multiple activities can have significant, negative impacts on sage-grouse populations. In the *Administrative Draft Proposed Plan*, the BLM utilizes a 3% disturbance limit across all landowners within eight BSU areas. Because state endowment trust lands make up such a small percentage of Core and Important habitat zones, IDL will not place a disturbance limit within any defined areas on state endowment trust lands.

7. Mitigation

At this time, the State of Idaho has not finalized a mitigation plan, nor has there been any funding sources identified or allocated to implement such a mitigation plan. Idaho's proposed mitigation plan is described in the "Framework for Mitigation of Impacts from Infrastructure Projects on Sage-grouse and Their Habitats" (Sage-Grouse Mitigation Subcommittee of the Idaho Sage-Grouse Advisory Committee, December 2010).

IDL will commit to following Idaho's mitigation plan once fully developed to the extent adequate funding exists.

Plan Format

The Plan format uses 2 PARTS. PART I presents the conservation measures IDL will implement in its authorizing documents (e.g. leases) for third party activities on state endowment trust lands. In addition, PART I identifies activities to be undertaken by IDL as the land manager related to fire prevention, wildfire suppression, and land transactions (e.g. land exchanges).

PART II presents the conservation measures IDL will recommend as voluntary best management practices for mining operators and oil and gas operators on non-state lands. In addition, PART I identifies activities to be undertaken by IDL under its statutory roles regarding fire prevention, wildfire suppression, and abandoned mine land reclamation.

Each Part then follows the numbered headings used in the USDI Bureau of Land Management (BLM) *Administrative Draft Proposed Plan* as an organizational outline and reader courtesy.

TABLE 1.1 IDL Ownership within Sage-grouse Habitat by Conservation Area and Habitat Zones

		Total Acres All Owners	Total IDL Ownership		IDL Surface Ownership		IDL Minerals Ownership Only	
Conservation Area	Habitat Zone	Acres	Acres	%	Acres	%	Acres	%
Idaho Desert	Core	1,017,180	31,702	3.12	29,853	2.93	1,849	0.18
	Important	1,064,653	43,510	4.09	38,710	3.64	4,800	0.45
	Total	2,081,833	75,212	3.61	68,563	3.29	6,649	0.32
Idaho Mountain Valleys	Core	2,110,685	177,006	8.39	164,286	7.78	12,720	0.60
	Important	1,602,894	135,004	8.42	120,881	7.54	14,124	0.88
	Total	3,713,578	312,010	8.40	285,166	7.68	26,844	0.72
Idaho Southern	Core	856,442	47,207	5.51	38,352	4.48	8,855	1.03
	Important	1,225,756	70,727	5.77	51,073	4.17	19,654	1.60
	Total	2,082,198	117,934	5.66	89,425	4.29	28,509	1.37
Idaho West Owyhee	Core	2,034,057	133,498	6.56	130,801	6.43	2,697	0.13
	Important	609,354	50,345	8.26	45,616	7.49	4,729	0.78
	Total	2,643,412	183,843	6.95	176,417	6.67	7,425	0.28
All Conservation Areas	CHZ and IHZ	10,521,022	688,999	6.55	619,571	5.89	69,428	0.66

PART I. CONSERVATION MEASURES FOR ACTIVITIES ON STATE ENDOWMENT TRUST LANDS

For proposed activities by third parties on state endowment trust lands in Core and Important habitat zones, IDL will implement conservation measures as enforceable stipulations in authorizing documents such as lessees, permits and easements. The authorized activities include: alternative energy development (solar, wind, and geothermal); oil and gas exploration and development; mining; grazing; miscellaneous commercial activities; and the granting of access through rights-of-way, including easements.

Also, IDL as the land manager will implement and support fire prevention and mitigation measures and wildfire suppression efforts to conserve sage-grouse habitat. In addition, IDL will include an analysis of sage-grouse habitat impacts when considering land transactions that are located in Core or Important habitat zones.

8. Fire Prevention on Endowment Land

IDL is committed to conserving habitat for the sage-grouse in Idaho, which is under threat from the invasion of annual grasses and the loss of habitat from fire. IDL has developed wildfire preparedness and prevention measures that are complementary with the January 5, 2015 US Department of Interior, Secretary of Interior Order Number 3336. This Order from Secretary Jewell sets forth enhanced policies and strategies for preventing and suppressing rangeland fire and for restoring sagebrush landscapes impacted by fire across the West.

In Idaho, there are 619,571 acres of state endowment trust lands located within Core (363,211 acres) and Important (256,280 acres) habitat zones. These zones contain about 82,000 Animal Unit Months (AUMs) of leased forage. As a primary threat wildland fire has the potential to significantly impact state endowment trust rangelands located in Core and Important habitat zones. Between 2009 and 2014, over 19,000 acres of Core and Important sage-grouse habitat burned on state endowment trust rangelands due to wildland fire. Based on historical averages, about 3,200 acres of state endowment trust rangelands can be expected to burn each year within Core and Important habitat zones with significant impacts to grazing lessees and state endowment trust beneficiaries.

During the 2014 fire season, 2,957 acres of Core Habitat Zone burned on state endowment trust rangelands making 470 AUMs of livestock forage unavailable for one to two years. In 2014, Core habitat restoration costs on 2,088 acres of those state endowment trust lands totaled nearly \$45,000. Left unaddressed, the primary threat of wildland fire within Core and Important habitat zones on state endowment trust rangelands is expected to continue at the same rate.

The following conservation measures will be incorporated as stipulations for any authorizing documents issued within Core and Important sage-grouse habitat:

8.1. Authorized parties will be required to develop and be prepared to implement a fire prevention and an emergency response plan that covers all aspects of operations, which will include: coordination with local jurisdictions, such as the cities, counties, landowners, IDL, Rangeland Fire Protection Associations, and Federal land agencies; emergency contact numbers and information, including 911 and local fire dispatch centers; and fire prevention and safety procedures that will include evacuation routes and procedures, the designated safety meeting place, and emergency shutdown procedures.

8.2. Field personnel for authorized parties will carry an emergency response plan; a shovel; a fire extinguisher; and an adequate radio, cell phone, or special communications equipment within their vehicles and construction equipment (or, if on extended foot-based exploration activities, on their person). All fires will be reported immediately.

8.3. Authorized parties will ensure that field personnel are aware of:

- a. fire prevention and emergency response plan,
- b. evacuation routes and procedures,
- c. designated safety meeting places, and
- d. emergency shutdown procedures.

8.4. Authorized parties will park vehicles on bare ground that has been cleared of all vegetation. Vehicles will be inspected immediately after parking to verify vegetation is not touching catalytic converter, manifold, muffler, or exhaust.

9. Wildfire Suppression on Endowment Land

IDL is committed to conserving habitat for sage-grouse in Idaho, which is under threat from the invasion of annual grasses and the loss of habitat from fire. IDL has developed wildfire suppression guidance that is complementary with the January 5, 2015 US Department of Interior, Secretary of Interior Order Number 3336. This Order from Secretary Jewell sets forth enhanced policies and strategies for suppressing rangeland fire and for restoring sagebrush landscapes impacted by fire across the West.

None of IDL's fire districts have suppression responsibilities within any currently identified Core or Important habitat zones. Likewise, as of December 2014, none of IDL's fire districts have suppression responsibilities within any currently identified General habitat zone. When IDL fire suppression resources are dispatched as a cooperating agency to another agency's incidents within sage-grouse habitat, they will utilize that agency's best management practices as applicable for sage-grouse habitat and as instructed in the dispatched resource's briefing.

For extended attack fires involving state endowment trust rangelands, in or near Core or Important habitat zones:

9.1. IDL may assign a Resource Advisor (primarily a Resource Specialist-Range) to provide local information regarding sage-grouse habitat during the in-brief and continually throughout the incident. The Resource Advisor will also be engaged with the incident to assess sage-grouse habitat that may be affected by the fire or suppression activities.

10. Fuels Management on Endowment Land

Wildfires in a rangeland ecosystem can grow quickly and affect hundreds of thousands of acres of sage-grouse habitat in a matter of days or within a single burning period. Due to rapid fire spread, the potentially long response times due to remoteness, and limited sites for firefighters to establish safe anchor points to engage wildfires in some of these areas, these fires can be difficult to manage. Additionally, only one of the three legs of the fire triangle (fuel, oxygen, and heat) can be modified, which is fuel. This is why fuels management is a key in wildfire control in sage-grouse habitat.

10.1. Unless otherwise specified as part of a land use plan, IDL will consider the full array of fuels management treatment types (prescribed fire, mechanical, chemical, and biological) when implementing Conservation Measures and Best Management Practices on state endowment trust rangelands.

10.2. Where applicable IDL will design fuels treatment objectives on state endowment trust rangelands to protect existing Core and Important habitat zones, modify fire behavior, restore native plants, and create landscape patterns to benefit sage-grouse habitat, as resources permit.

10.3. IDL will cooperate with lessees, working groups, and other federal, state, county and private partners to use proper livestock management and targeted grazing as a treatment to reduce vegetative fire fuels, reduce annual grass densities, and to protect Core and Important habitat zones.

10.4. IDL will cooperate with lessees, working groups, and other federal, state, county and private partners to strategically remove standing and encroaching conifer near sage-grouse leks, nesting, wintering and brood-rearing habitat, as resources permit.

- a. *Bruneau-Owyhee Sage-Grouse Habitat Project (Federal Register- NOI, 01/20/2015)*
- b. *Burley Interagency Landscape Sage-Grouse Habitat Restoration Project*

10.5. IDL will cooperate with lessees, working groups, and other federal, state, county and private partners to strategically implement brush management treatments and rehabilitate annual grasslands to reduce vegetative fire fuels within and to protect Core and Important habitat zones, as resources permit.

10.6. IDL will cooperate with lessees, working groups, and other federal, state, county and private partners to strategically establish fuel breaks along existing roads and other disturbances to protect Core and Important habitat zones; identify and target higher-risk roads for fuel break construction and maintenance based on fire history maps. Fuel breaks to include annual monitoring and maintenance.

- a. *Tri-State Interagency Fuel Break Project (Federal Register-NOI, 2015)*
- b. *Paradigm Fuel Break Project (BLM Draft EA, 01/24/2014)*

10.7. IDL will analyze the cost benefit of fuel breaks in relation to additional loss of sage steppe habitat, increased forage with green stripping, increased cost/risk of controlling invasive weeds in brown stripping, and cost of annual fuel break monitoring and maintenance.

10.8. IDL will authorize private, state and federal contractor fuel break construction across IDL managed land.

11. Wildfire Restoration and Rehabilitation on Endowment Land

Wildfire restoration/rehabilitation is essential for conserving sage-grouse habitat. The increasing frequency and intensity of rangeland fire poses a significant threat to habitat as well as increasing opportunity for the accelerated invasion of non-native annual grasses, in particular cheatgrass and medusahead rye, and the spread of pinyon-juniper across the sagebrush-steppe ecosystem. By quickly taking action to restore/rehabilitate following wildfire, this opportunity is decreased as we increase the likelihood of native vegetation reestablishing.

11.1. IDL will form partnerships, agreements, and cooperate with lessees, working groups, and other federal, state, county and private partners in post-fire restoration treatments of Core and Important habitat zones on state endowment trust rangelands damaged by fire.

- a. *Draft BLM/IDFG/IDL Rangeland Rehabilitation MOU (Final MOU 02/2015)*

12. Habitat Restoration and Vegetation Management on Endowment Land

12.1. As resources permit, IDL will give high priority to vegetation restoration, rehabilitation or manipulation projects that include:

- a. Cooperative efforts that may improve Core and Important habitat zones over multiple ownerships.
- b. Projects that may provide connectivity between suitable habitats or expand existing good quality habitat within Core and Important habitat zones on state endowment trust rangelands.
- c. Sites where environmental variables contribute to improved chances for project success.
- d. Projects that address conifer encroachment within Core and Important habitat zones. Priority for treatment as Phase 1 (<10% conifer cover), Phase 2 (10-30%), and Phase 3 (>30%).

- e. Where desirable perennial bunchgrasses and/or forbs are deficient in existing sagebrush stands, use appropriate mechanical, aerial, or other techniques to re-establish desired species.
- f. Re-establish sagebrush cover on recently burned native areas within suitable Core and Important habitat zones, with consideration to state endowment trust rangeland forage productivity, local needs and conditions.

12.2. Assess existing on-site vegetation to ascertain if enough desirable perennial vegetation exists to consider techniques to increase on-site seed production to facilitate an increase in density of desired species.

12.3. Use available plant species based on their adaptation to the site when developing seed mixes.

12.4. Use post-treatment control to reduce annual grass densities, invasive and noxious weed competition through targeted livestock grazing and herbicide applications.

13. Invasive Plant Species on Endowment Lands

Exotic annual grasses and other invasive plants alter habitat suitability for sage-grouse by reducing or eliminating native forbs and grasses essential for food and cover. Exotic annual grasses, in particular cheatgrass and medusahead rye, also facilitate an increase in mean fire frequency. For Idaho endowment trust lands, the following five conservation measures for invasive plant species will be applied through lease stipulations or other recordable instrument stipulations.

13.1. All vehicles and equipment that will travel off approved/designated transportation routes or will be utilized during operations will be cleaned to prevent the spread of seeds and propagules.

13.2. Weeds will be inventoried and monitored pre-disturbance by the lessee, and throughout the life of the project.

13.3. Reclamation activities will include certified weed-free seed mixes, approved by the IDL or surface owner. All materials used for reclamation (mulch, straw, etc.) will be certified weed free by the appropriate Federal or State of Idaho agency.

13.4. Authorized parties will use Idaho licensed professional applicators to treat any noxious weed with the appropriate, approved, and properly-documented herbicides. Weeds will be treated promptly whenever they are located on a project site.

14. Infrastructure Development/ Lands and Realty on State Endowment Trust Land

Infrastructure development on state endowment trust lands can vary from minor road or fencing construction to utility-scale renewable energy facilities including wind farms, geothermal power plants, and solar power plants. These developments regardless of their size can have a measurable and substantial impact on sage-grouse and their habitat. All infrastructure developments require some form of road construction to deliver materials for construction and perform regular maintenance to facilities. These roads are often graded gravel roads and are maintained periodically for easy access to sites. Other smaller roads are developed for access to geothermal well pads, wind turbines, or pipelines. Roads may also be necessary for third-party access to private or federal lands.

Transmission lines must be built in order to harness power from wind turbines, geothermal sites, or solar sites. Additionally, fences are often erected to protect facilities such as turbines or substations from vandalism. These features all have the potential to directly, or indirectly, affect sage-grouse at multiple scales and over time.

IDL's assessment of the potential for renewable energy development to occur on state endowment trust lands located in Core and Important sage-grouse habitat zones is very low. However, any proposed development will be required to comply with the conservation measures identified in the following sections. These same conservations measures will also be included as stipulations in rights-of-way, when IDL authorizes parties to access other lands by using state endowment trust lands.

14.1. Surface Use and Timing

14.1.1. Controlled surface use and timing limitations will be applied within Core and Important habitat zones, unless species occupancy and distribution determined by the Idaho Department of Fish and Game (IDFG) recommends otherwise.

14.1.2. No surface occupancy is allowed within 1 km (0.62 mi.) of an occupied lek in the designated Core and Important habitat zones.

14.1.3. During lekking periods, as determined locally (approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations), project activities will be avoided to the extent possible within 1 km (0.62 mile) of occupied leks between 6 p.m. and 9 a.m. to avoid disturbance to lekking and roosting sage-grouse.

14.1.4. Major construction and maintenance activity should be avoided by authorized parties in sage-grouse winter range from December 1 to February 15. Specific dates may be earlier or later, depending on local breeding chronology.

14.2. Noise

Limit noise levels from discretionary activities within Core and Important habitat zones to not less than 10 decibels above ambient sound levels (typically 20-24 dBA) at occupied leks from 2 hours before to 2 hours after sunrise and sunset during breeding season.

Ambient noise levels will be determined by measurements taken at the perimeter of a lek at sunrise.

14.3. Fencing

14.3.1. New and existing wire fence segments constructed by authorized parties within Core and Important habitat zones will be marked with collision-diverter fence markers, as defined by National Resources Conservation Services (NRCS) design practices (Stevens, 2011).

14.3.2. As feasible, fence springs, seeps, and riparian areas in order to maintain, restore, and foster progress toward Proper Functioning Condition (PFC) of riparian wetland areas. PFC assessment is a qualitative method for considering the attributes and processes of hydrology, vegetation, and erosion/deposition of soils (TR1737-16, 2003 USDA-NRCS). PFC of riparian wetland areas facilitates management objectives for Core and Important habitat zones.

14.4. Water Supply Structures

14.4.1. New or modified spring developments (including pipelines) should be designed by authorized parties to enhance the free-flowing characteristics of springs and wet meadows, which will help maintain continuity of the pre-developed riparian areas.

14.4.2. The construction of new ponds or reservoirs by authorized parties will be minimized, except as needed to meet important resource management or restoration objectives, to reduce the potential impact from West Nile Virus on sage-grouse. For necessary livestock water, non-pond or non-reservoir watering facilities, such as free-flowing troughs and “bottomless” tanks, will be maintained or developed.

14.4.3. Wildlife escape ramps in new and existing water troughs and open-water storage tanks should be developed to facilitate the use of and escape by wildlife.

14.5. Constructed Improvements

14.5.1. Construction methods will be implemented by authorized parties that minimize surface disturbance. This could include utility placement through borings instead of trenches.

14.5.2. Infrastructure will be placed by authorized parties in already-disturbed locations where the habitat has not been established. Infrastructure, such as pipelines, should be located along roads already in existence or required to be newly constructed for access to facilities.

14.5.3. Surface disturbances will be clustered in order to limit surface occupancy.

14.5.4. New utility developments and transportation routes will be located by authorized parties in existing utility or transportation corridors, as allowable by any existing right-of-way restrictions.

14.5.5. Transmission towers will be outfitted by authorized parties with anti-perch devices in occupied sage-grouse habitat.

14.5.6. Newly-constructed structures with a height over five feet (e.g. corrals, loading facilities storage tanks, windmills) will not be constructed by authorized parties within line-of-sight or at least 2 km of occupied leks.

14.5.7. Construction plans developed by authorized parties will include options that deter raptor perching and raven nesting on elevated structures.

14.5.8. Permanent structures that create movement will be minimized within Core and Important habitat zones.

14.6. Site Reclamation (non-fire related rehabilitation/reclamation)

14.6.1. Site reclamation will be completed by authorized parties as soon as phases of operations or construction are completed.

14.6.2. Reclamation activities and plans will consider the ecological site potential. The goal of the reclamation will be: (a) to stabilize the site with plant species that are suitable to the site and include sage brush and native forb species; (b) provide the opportunity for sage-grouse habitat to develop over time; and (c) prevent non-native invasive species from occupying the site.

14.6.3. Sites will be irrigated or mulched appropriately by authorized parties if necessary for establishing seedlings more quickly.

Transition Lands/Land Tenure

IDL considers opportunities to sell, purchase, develop, or exchange state endowment trust lands to meet its constitutional mandate to maximize long term returns to the owning beneficiaries by diversifying land holdings, maximizing the rate of return to the trusts, improving public access to state trust lands, and consolidating state trust lands for more efficient management. In order to accomplish these objectives, IDL must be able to maintain the flexibility to move lands into and out of the identified habitat zones. Lands identified for potential ownership changes are termed “transition lands.”

The ultimate decision authority for determining to auction or exchange state endowment trust lands lies with the Land Board. IDL commits to providing the Land Board relevant data and analysis to inform them on potential impacts to sage-grouse habitat of land transitions within Core or Important sage-grouse habitat zones through the following Conservation Measures.

14.7. Any tract proposed for sale or exchange within Core or Important habitat zones will include an analysis on the impact to sage-grouse habitat resulting from the transition. This analysis will include, but not limited to:

- Acres in and percentages of Core and Important habitat zones.
- Quality/type of habitat (number of leks, breeding, nesting, early brood rearing, summer/late brood rearing, fall, winter).
- Any knowledge of new owner's implementation/commitment for sage-grouse conservation measures to estimate overall impact to sage-grouse habitat conservation.
- Idaho Fish and Game Comments.

14.8. New state endowment trust lands acquired within the Core and Important habitat zones will be managed according to IDL's sage-grouse Conservation Measures.

15. Mineral Leasing on Endowment Land

For all mineral leasing activities on state endowment trust lands, conservation measures for the sage-grouse will be applied through lease stipulations or other recordable instrument stipulations that are enforceable. Mineral leasing can be slightly more complex due to the potential for split estate scenarios, where the surface owner is different than the mineral estate owner. In these cases, IDL would still include conservation measures as lease stipulations when leasing involves only the mineral estate (where the endowed beneficiary is not the surface owner).

15.1. Fluid Mineral Leasing on Endowment Land

For state endowment trust lands, the following oil and gas lease stipulations will be included in the lease document and advertised prior to lease auction on tracts within Core and Important habitat zones

15.1.1. Surface Use and Timing

- a. Controlled surface use and timing limitations will be applied within Core and Important habitat zones, unless species occupancy and distribution determined by the Idaho Department of Fish and Game (IDFG) recommends otherwise.
- b. No surface occupancy is allowed within 1 km (0.62 mi.) of an occupied lek in the designated Core and Important habitat zones.
- c. During lekking periods, as determined locally (approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations), project activities will be avoided within 1 km (0.62 mile) of occupied leks between 6 p.m. and 9 a.m. to avoid disturbance to lekking and roosting sage-grouse.
- d. Major construction and maintenance activity will be avoided by authorized parties in sage-grouse winter range from December 1 to February 15. Specific dates may be earlier or later, depending on local breeding chronology.

15.1.2. Noise

Limit noise levels from discretionary activities within Core and Important habitat zones to not less than 10 decibels above ambient sound levels (typically 20-24 dBA) at occupied leks from 2 hours before to 2 hours after sunrise and sunset during breeding season. Ambient noise levels will be determined by measurements taken at the perimeter of a lek at sunrise.

15.1.3. Fencing

New wire fence segments constructed by authorized parties within Core and Important habitat zones will be marked with collision-diverter fence markers, as defined by National Resources Conservation Services (NRCS) design practices (Stevens, 2011).

15.1.4. Water Supply Structures

Wildlife escape ramps in new open-water storage tanks will be developed to facilitate the use of and escape by wildlife.

15.1.5. Constructed Improvements

- a. Construction methods will be implemented by authorized parties that minimize surface disturbance. This could include utility placement through borings instead of trenches.
- b. Infrastructure will be placed by authorized parties in already-disturbed locations where the habitat has not been established. Infrastructure, such as pipelines, will be located along roads already in existence or required to be newly constructed for access to facilities.
- c. Surface disturbances will be clustered in order to limit surface occupancy.
- d. New utility developments and transportation routes will be located by authorized parties in existing utility or transportation corridors, as allowable by any existing right-of-way restrictions.
- e. Transmission towers will be outfitted by authorized parties with anti-perch devices in occupied sage-grouse habitat.
- f. Newly-constructed structures with a height over five feet (e.g. loading facilities, storage tanks) will not be constructed by authorized parties within line-of-sight or at least 2 km of occupied leks.
- g. Construction plans developed by authorized parties should include options that deter raptor perching and raven nesting on elevated structures.
- h. Permanent structures that create movement, such as pump jacks will be minimized or hidden within Core and Important habitat zones.

15.1.6. Site Reclamation for Leases

- a. Site reclamation will be completed by authorized parties as soon as phases of operations or construction are completed.
- b. Reclamation activities and plans will consider the ecological site potential. The goal of the reclamation will be: (a) to stabilize the site with plant species that are suitable to the site and include sage brush and native

forb species; (b) provide the opportunity for sage-grouse habitat to develop over time; and (c) prevent non-native invasive species from occupying the site.

- c. Sites will be irrigated or mulched appropriately by authorized parties if necessary for establishing seedlings more quickly.

15.2. Mining Activities On State Endowment Trust Lands

Mineral leasing and any subsequent mining activities on state endowment trust lands require authorization and oversight by IDL. IDL uses written procedures, including mineral lease pre-auction inspections, quarterly or yearly mineral lease inspections, and mineral lease enforcement to ensure compliance by authorized parties. The following conservation measures will be incorporated into the IDL mineral leases that are in Core and Important sage-grouse habitat zones.

15.2.1. Surface Use and Timing

- a. Controlled surface use and timing limitations will be applied within Core and Important habitat zones, unless species occupancy and distribution determined by the Idaho Department of Fish and Game (IDFG) recommends otherwise.
- b. No surface occupancy is allowed within 1 km (0.62 mi.) of an occupied lek in the designated Core and Important habitat zones.
- c. During lekking periods, as determined locally (approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations), project activities will be avoided within 1 km (0.62 mile) of occupied leks between 6 p.m. and 9 a.m. to avoid disturbance to lekking and roosting sage-grouse.
- d. Major construction and maintenance activity will be avoided by authorized parties in sage-grouse winter range from December 1 to February 15. Specific dates may be earlier or later, depending on local breeding chronology.

15.2.2. Noise

Limit noise levels from discretionary activities within Core and Important habitat zones to not less than 10 decibels above ambient sound levels (typically 20-24 dBA) at occupied leks from 2 hours before to 2 hours after sunrise and sunset during breeding season. Ambient noise levels will be determined by measurements taken at the perimeter of a lek at sunrise.

15.2.3. Fencing

New wire fence segments constructed by authorized parties within Core and Important habitat zones will be marked with collision-diverter fence markers, as defined by National Resources Conservation Services (NRCS) design practices (Stevens, 2011).

15.2.4. Water Supply Structures

Wildlife escape ramps in new open-water storage tanks will be developed to facilitate the use of and escape by wildlife.

15.2.5. Constructed Improvements

- a. Construction methods will be implemented by authorized parties that minimize surface disturbance. This could include utility placement through borings instead of trenches.
- b. Infrastructure will be placed by authorized parties in already-disturbed locations where the habitat has not been established. Infrastructure, such as pipelines, will be located along roads already in existence or required to be newly constructed for access to facilities.
- c. Surface disturbances will be clustered in order to limit surface occupancy.
- d. New utility developments and transportation routes will be located by authorized parties in existing utility or transportation corridors, as allowable by any existing right-of-way restrictions.
- e. Transmission towers will be outfitted by authorized parties with anti-perch devices in occupied sage-grouse habitat.
- f. Newly-constructed structures with a height over five feet (e.g. loading facilities, storage tanks) will not be constructed by authorized parties within line-of-sight or at least 2 km of occupied leks.
- g. Construction plans developed by authorized parties should include options that deter raptor perching and raven nesting on elevated structures.
- h. Permanent structures that create movement, such as pump jacks will be minimized or hidden within Core and Important habitat zones.

15.2.6. Site Reclamation for Leases

- a. Site reclamation will be completed by authorized parties as soon as phases of operations or construction are completed.
- b. Reclamation activities and plans will consider the ecological site potential. The goal of the reclamation will be: (a) to stabilize the site with plant species that are suitable to the site and include sage brush and native forb species; (b) provide the opportunity for sage-grouse habitat to develop over time; and (c) prevent non-native invasive species from occupying the site.
- c. Sites will be irrigated or mulched appropriately by authorized parties if necessary for establishing seedlings more quickly.

16. Range Management/Livestock Grazing

Grazing has been determined to not be a primary threat to sage-grouse in Idaho, but the measures listed above in 13. and 14. will also apply to grazing leases.

17. Wild Horses and Burros

No direct measures, this item included to maintain sequential numbering system utilized for the BLM *Administrative Draft Proposed Plan*.

18. Travel Management

18.1. On site traffic should be reduced by use of telemetry and other remote sensing tools.

18.2. During operations, existing roads or trails should be employed and activities should be contained as close to existing roads and trails as feasible.

18.3. Roads should be designed by authorized parties to an appropriate minimum standard necessary to accommodate their intended purpose.

18.4. Road crossings should be constructed by authorized parties at right angles to ephemeral drainages and stream crossings.

19. Recreation

Recreation has been determined to not be a primary threat to sage-grouse in Idaho, but the measures listed above in 13. and 14. will also apply to recreation leases.

20. Implementation and Monitoring

Implementation of the conservation measures through lease/permit/easement stipulation will be incorporated into existing lease/permit/easement issuance procedures. A copy of the applicable conservation measures will be provided to all interested applicants for a lease, permit or easement on state endowment trust lands located in Core or Important habitat zones, so the applicant is informed of the expected requirements when entering the application process. The conservation measures will be incorporated into the authorizing document either directly or by separate addendum.

Monitoring of conservation measures required through lease/permit/easement stipulation will be incorporated into existing lease/permit inspection procedures. Inspection forms will be amended to include a section for documenting that conservation measures were implemented and an assessment of their effectiveness.

Procedures for land transactions will be amended to include an analysis of the impacts on sage-grouse when the transaction includes transition lands within Core or Important habitat zones. The results of this analysis will be included in the information provided to the Land Board for their review of the proposed transaction.

PART II. CONSERVATION MEASURES FOR IDL ACTIVITIES IN THE FIRE PROGRAM AND FOR REGULATED ACTIVITIES IN THE OIL & GAS AND MINERALS PROGRAMS

For regulatory and assistance activities, conservation measures will be voluntary best management practices on private land because IDL does not have the statutory authority within its regulatory or assistance programs to require adoption by authorized parties. Regulatory and assistance activities include: Abandoned Mine Lands Projects; Dredge and Placer Mine Permits; Mine Reclamation Plan Approvals; and Oil & Gas Permits (seismic imaging surveys, well drilling).

In addition, IDL has roles and responsibilities in its fire program where conservation measures will be implemented by IDL to address conservation of sage-grouse habitat in Core and Important habitat zones.

8. Wildfire Preparedness/Prevention

IDL is committed to conserving habitat for the greater sage-grouse in Idaho, which is under threat from the invasion of annual grasses and the loss of habitat from fire. IDL has developed the following wildfire preparedness and prevention conservation measures that are complementary with the January 5, 2015 US Department of Interior, Secretary of Interior Order Number 3336. This Order from Secretary Jewell sets forth enhanced policies and strategies for preventing and suppressing rangeland fire and for restoring sagebrush landscapes impacted by fire across the West.

8.1. IDL will continue to support the ongoing operations of taxing and non-taxing fire districts in Idaho, when requested and as available, through equipment acquired through the Federal Excess Personal Property (FEPP) program and Firefighter Property (FFP) program, and through Volunteer Fire Assistance (VFA) grant fund allocations.

8.2. IDL will continue to support the formation and ongoing operations of Rangeland Fire Protection Associations (RFPAs) through the South Idaho Fire Liaison Program. This position is the point of contact for any needs or issues raised by RFPAs and their cooperators. The position coordinates information needs on an annual cycle as well as facilitating an annual meeting for all RFPA Board of Directors and their cooperators, held following fire season.

8.3. IDL will continue to support the formation and operation of RFPAs through start-up funding that provides personal protective equipment, radios, firefighting equipment, and training materials.

8.4. IDL will continue to utilize burning permits (per Idaho Code 38-115, Rule IDAPA 20.04.01.060) during the designated closed fire season as a fire prevention and control tool. Burning permits acquaint the permit holder with the laws and requirements for safe burning. During times of critical fire hazard, all burning may be stopped by the suspension of burning permits. Closed fire season provides for public safety and the protection of land resources by ensuring that all burning operations which may occur during periods of high fire danger are conducted under safe conditions and in such manner that the danger of uncontrolled fire spread is minimized.

8.5. IDL will continue to participate in the Idaho Fire Restrictions Plan (per Idaho Code 38-115, Rule IDAPA 20.04.01.060; IDAPA 20.04.01.070; IDAPA 20.04.01.090; and IDAPA 20.04.01.120), which is an interagency document that outlines coordination efforts regarding fire restrictions and closures. The purpose of fire restrictions is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions. An interagency approach for initiating restrictions or closures helps provide consistency among the land management partners, while defining the restriction boundaries so they are easily distinguishable to the public.

9. Wildfire Suppression

None of IDL's fire districts have suppression responsibilities within any currently identified Core or Important habitat zones. Likewise, as of December 2014, none of IDL's fire districts have suppression responsibilities within any currently identified General habitat zone. When IDL fire suppression resources are dispatched as a cooperating agency to another agency's incidents within sage-grouse habitat, they will utilize that agency's best management practices as applicable for sage-grouse habitat and as instructed in the dispatched resource's briefing.

10. Fuels Management

IDL does not have general regulatory authority over fuels management on non-state rangelands.

11. Wildfire Restoration and Rehabilitation

IDL does not have general regulatory authority over wildfire restoration and rehabilitation on non-state rangelands.

12. Habitat Restoration and Vegetation Management

IDL has limited authority to regulate habitat restoration and vegetation management, but will address vegetation management through voluntary BMPs and permit stipulations. See section 15.

13. Invasive Plant Species

IDL has limited authority to regulate invasive species, but will address invasive species management through voluntary BMPs and permit stipulations. See Section 15.

14. Infrastructure Development

IDL has limited authority to regulate infrastructure development, but will address infrastructure development through voluntary BMPs and permit stipulations. See Section 15.

15. Minerals

15.1. Fluid Minerals

Fluid minerals are resources of oil, natural gas (gas), and natural gas condensate. The first commercially-viable resources of gas were discovered in Payette County in 2010. Exploration activity is also located in adjacent counties to Payette. Recent leasing in south central and southeast Idaho suggests exploration interests in these areas. Additional resource discoveries are possible in all of these areas. Presently, IDL has no exploration activities to regulate for fluid minerals located in Core or Important sage-grouse habitat zones.

The resources in Payette County were discovered with conventional drilling operations, which utilized vertical well bores that penetrated permeable gas accumulations within site-specific gas traps. These types of deposits are termed conventional gas (or oil) resources. In contrast, unconventional resources are continuously-distributed oil or gas accumulations in fine-grained rocks, which generally cannot be exploited through conventional methods and techniques. Unconventional resources have not been identified in Idaho, but the potential for their discovery does exist.

15.1.2. Oil and Gas Activities – Regulatory Compliance

The IDL is the administrative arm of the Idaho Oil and Gas Conservation Commission (Commission) pursuant to § 47-319(2) which states that the commission is authorized to; "...regulate the exploration for and production of oil and gas, prevent waste of oil and gas and to protect correlative rights, and otherwise to administer and enforce this act. It has jurisdiction over all persons and property necessary for such purposes. In the event of a conflict, the duty to prevent waste is paramount." Under this authority, § 47-321 provides for the commission to establish spacing units which are legally described boundaries overlaying the resource and set a fixed acreage per well, with the well located in the center of the boundary. § 47-321(b) states that these spacing units are established by the Commission in order to; "...result in the efficient and economical development of the pool as a whole..."

At this time for conventional drilling techniques, the default spacing, set by the Commission, is 640 acres for gas and 40 acres for oil. As surface use restrictions grow, the Commission could see requests to modify the default spacing unit in order to limit surface disturbance. As the Commission receives these requests, IDL will provide sage-grouse habitat data so that the Commission, if it chooses, can incorporate such information into its decision establishing a new spacing unit.

The best management practices (BMPs) listed below will be provided to all applicants seeking permit issuance for operations in Core or Important sage-grouse habitat zones. If they agree to voluntarily comply with some or all of the practices, those practices will be incorporated as a stipulation in the permit.

15.1.2.1. Oil and Gas Activities

The following BMPs will be provided to all operators making application to drill a well, treat a well, or conduct seismic explorations in Core or Important habitat zones.

a. Wildfire Prevention

- i. Authorized parties will be required to develop and be prepared to implement a fire prevention and an emergency response plan that covers all aspects of operations, which will include: coordination with local jurisdictions, such as the cities, counties, landowners, IDL, Rangeland Fire Protection Associations, and Federal land agencies; emergency contact numbers and information, including 911 and local fire dispatch centers; and fire prevention and safety procedures that will include evacuation routes and procedures, the designated safety meeting place, and emergency shutdown procedures.
- ii. Field personnel for authorized parties will carry an emergency response plan; a shovel; a fire extinguisher; and an adequate radio, cell phone, or special communications equipment within their vehicles and construction equipment (or, if on extended foot-based exploration activities, on their person). All fires will be reported immediately.
- iii. Authorized parties will ensure that field personnel are aware of:
 - a. fire prevention and emergency response plan,
 - b. evacuation routes and procedures,
 - c. designated safety meeting places, and
 - d. emergency shutdown procedures.
- iv. Authorized parties will park vehicles on bare ground that has been cleared of all vegetation. Vehicles will be inspected immediately after parking to verify vegetation is not touching catalytic converter, manifold, muffler, or exhaust.

b. Invasive Species

- i. All vehicles and equipment that should travel off approved/designated transportation routes or will be utilized during operations will be cleaned before and after entry to prevent the spread of seeds and propagules.
- ii. Weeds should be inventoried and monitored pre-disturbance by IDL, and throughout the life of the project.
- iii. Reclamation activities should include certified weed-free seed mixes, approved by the IDL or surface owner. All materials used for reclamation (mulch, straw, etc.) should be certified weed free by the appropriate Federal or State of Idaho agency.
- iv. Authorized parties should use Idaho licensed professional applicators to treat any noxious weed with the appropriate, approved, and properly-documented herbicides. Weeds should be treated promptly whenever they are located on a project site.

c. Surface Use and Timing

- i. Conventional well activity and exploration will not be conducted within 0.6 miles of an active lek.
- ii. All pipelines and collector lines will be emplaced utilizing horizontal boring methods with a minimum setback of 0.6 miles of a lek.
- iii. Construction of pipelines will be in accordance with seasonal stipulations regarding no operations or construction from March to July.
- iv. Pipeline maintenance will not be conducted between 6 a.m. to 8 a.m., except in an emergency situation.
- v. Compressor stations and other vital operations shall be placed a minimum of 0.6 miles from a lek.

d. Noise

- i. Noise on permitted well sites will be at or below 65db threshold from March to July, within 0.6 miles of an active lek.
- ii. Noise levels may be exceeded for emergency situations including well control and threats to freshwater resources.

e. Fencing

- i. New and existing wire fence segments constructed by authorized parties within Core and Important habitat zones should be marked with collision-diverter fence markers, as defined by National Resources Conservation Services (NRCS) design practices (Stevens, 2011).
- ii. As feasible, fence springs, seeps, and riparian areas in order to maintain, restore, and foster progress toward Proper Functioning Condition (PFC) of riparian wetland areas. PFC assessment is a qualitative method for considering the attributes and processes of hydrology, vegetation, and erosion/deposition of soils (TR1737-16, 2003 USDA-NRCS). PFC of riparian wetland areas facilitates management objectives for Core and Important habitat zones.

f. Constructed Improvements

- i. Construction methods should be implemented by authorized parties that minimize surface disturbance. This could include utility placement through borings instead of trenches.
- ii. Infrastructure should be placed by authorized parties in already-disturbed locations where the habitat has not been established. Infrastructure, such as pipelines, should be located along roads already in existence or required to be newly constructed for access to facilities.
- iii. Surface disturbances should be clustered in order to limit surface occupancy.
- iv. New utility developments and transportation routes should be located by authorized parties in existing utility or transportation corridors, as allowable by any existing right-of-way restrictions.
- v. Transmission towers should be outfitted by authorized parties with anti-perch devices in occupied sage-grouse habitat.
- vi. Newly-constructed structures with a height over five feet (e.g. storage tanks, buildings) should not be constructed by authorized parties within line-of-sight or at least 2 km of occupied leks.
- vii. Construction plans developed by authorized parties should include options that deter raptor perching and raven nesting on elevated structures.
- viii. Permanent structures that create movement should be minimized within Core and Important habitat zones.

g. Site Reclamation

- i. Site reclamation should be completed by authorized parties as soon as phases of operations or construction are completed.
- ii. Reclamation activities and plans should consider the ecological site potential. The goal of the reclamation should be: (a) to stabilize the site with plant species that are suitable to the site and include sage brush and native forb species; (b) provide the opportunity for sage-grouse habitat to develop over time; and (c) prevent non-native invasive species from occupying the site.
- iii. Sites should be irrigated or mulched appropriately by authorized parties if necessary for establishing seedlings more quickly.

15.2. Abandoned Mine Lands Program

This program operates on private, federal, and state lands. IDL works with landowners to address safety closures of dangerous mine openings and reclaim areas to protect human health. Reclamation is also performed to improve water quality and wildlife habitat. IDL develops and controls these projects, and can incorporate sage-grouse conservation measures into the projects. Abandoned mine land projects will implement the following best management practices within Core and Important sage-grouse habitat zones.

a. Wildfire Prevention

- i. Field personnel for authorized parties will carry an emergency response plan; a shovel; a fire extinguisher; and an adequate radio, cell phone, or special communications equipment within their vehicles and construction equipment (or, if on extended foot-based exploration activities, on their person). All fires will be reported immediately.
- ii. Authorized parties will ensure that field personnel are aware of:
 - a. fire prevention and emergency response plan,
 - b. evacuation routes and procedures,
 - c. designated safety meeting places, and
 - d. emergency shutdown procedures.
- iii. Authorized parties will park vehicles on bare ground that has been cleared of all vegetation. Vehicles will be inspected immediately after parking to verify vegetation is not touching catalytic converter, manifold, muffler, or exhaust.

b. Invasive Species

- i. All vehicles and equipment that should travel off approved/designated transportation routes or will be utilized

during operations will be cleaned before and after entry to prevent the spread of seeds and propagules.

- ii. Weeds should be inventoried and monitored pre-disturbance by IDL, and throughout the life of the project.
- iii. Reclamation activities should include certified weed-free seed mixes, approved by the IDL or surface owner. All materials used for reclamation (mulch, straw, etc.) should be certified weed free by the appropriate Federal or State of Idaho agency.
- iv. Authorized parties should use Idaho licensed professional applicators to treat any noxious weed with the appropriate, approved, and properly-documented herbicides. Weeds should be treated promptly whenever they are located on a project site.

c. Surface Use and Timing

- i. Controlled surface use and timing limitations should be applied within Core and Important habitat zones, unless species occupancy and distribution determined by the Idaho Department of Fish and Game (IDFG) recommends otherwise.
- ii. During lekking periods, as determined locally (approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations), project activities will be avoided to the extent possible within 1 km (0.62 mile) of occupied leks between 6 p.m. and 9 a.m. to avoid disturbance to lekking and roosting sage-grouse.
- iii. Major construction and maintenance activity should be avoided by authorized parties in sage-grouse winter range from December 1 to February 15. Specific dates may be earlier or later, depending on local breeding chronology.

d. Noise

Limit noise levels from discretionary activities within Core and Important habitat zones to no more than 10 decibels above ambient sound levels (typically 20-24 dBA) at occupied leks from 2 hours before to 2 hours after sunrise and sunset during breeding season. Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.

e. Fencing

- i. New and existing wire fence segments constructed by authorized parties within Core and Important habitat zones should be marked with collision-diverter fence markers, as defined by National Resources Conservation Services (NRCS) design practices (Stevens, 2011).

- ii. As feasible, fence springs, seeps, and riparian areas in order to maintain, restore, and foster progress toward Proper Functioning Condition (PFC) of riparian wetland areas. PFC assessment is a qualitative method for considering the attributes and processes of hydrology, vegetation, and erosion/deposition of soils (TR1737-16, 2003 USDA-NRCS). PFC of riparian wetland areas facilitates management objectives for Core and Important habitat zones.

f. Water Supply Structures

- i. New or modified spring developments (including pipelines) should be designed by authorized parties to enhance the free-flowing characteristics of springs and wet meadows, which will help maintain continuity of the pre-developed riparian areas.
- ii. The construction of new ponds or reservoirs by authorized parties should be minimized, except as needed to meet important resource management or restoration objectives, to reduce the potential impact from West Nile Virus on sage-grouse. For necessary livestock water, non-pond or non-reservoir watering facilities, such as free-flowing troughs and “bottomless” tanks, should be maintained or developed.
- iii. Wildlife escape ramps in new and existing water troughs and open-water storage tanks should be developed to facilitate the use of and escape by wildlife.

g. Constructed Improvements

- i. Construction methods should be implemented by authorized parties that minimize surface disturbance. This could include utility placement through borings instead of trenches.
- ii. Infrastructure should be placed by authorized parties in already-disturbed locations where the habitat has not been established. Infrastructure, such as pipelines, should be located along roads already in existence or required to be newly constructed for access to facilities.
- iii. Surface disturbances should be clustered in order to limit surface occupancy.
- iv. New utility developments and transportation routes should be located by authorized parties in existing utility or transportation corridors, as allowable by any existing right-of-way restrictions.
- v. Transmission towers should be outfitted by authorized parties with anti-perch devices in occupied sage-grouse habitat.

- vi. Newly-constructed structures with a height over five feet (e.g. storage tanks, buildings) should not be constructed by authorized parties within line-of-sight or at least 2 km of occupied leks.
- vii. Construction plans developed by authorized parties should include options that deter raptor perching and raven nesting on elevated structures.
- viii. Permanent structures that create movement should be minimized within Core and Important habitat zones.

h. Site Reclamation

- i. Site reclamation should be completed by authorized parties as soon as phases of operations or construction are completed.
- ii. Reclamation activities and plans should consider the ecological site potential. The goal of the reclamation should be: (a) to stabilize the site with plant species that are suitable to the site and include sage brush and native forb species; (b) provide the opportunity for sage-grouse habitat to develop over time; and (c) prevent non-native invasive species from occupying the site.
- iii. Sites should be irrigated or mulched appropriately by authorized parties if necessary for establishing seedlings more quickly.

15.3. Mining Regulatory Program

This program operates on private, federal, and state lands and covers all dredge and placer mining and surface mining operations. Activities classified as exploration, such as drilling or trenching, only require a notification to IDL. Dredge and placer mining operations over ½ acre require a permit and bond. Surface mining operations that produce materials for immediate or ultimate sale require a reclamation plan and bond. Coordinated reviews with Idaho Department of Environmental Quality, Idaho Department of Water Resources, and Idaho Department of Fish and Game are required for operations that may impact water quality.

The best management practices listed below will be provided to all applicants seeking reclamation plan approval or permit issuance for mining operations in Core or Important sage-grouse habitat zones. If they agree to voluntarily comply with some or all of the practices, those practices will be incorporated as a condition of reclamation plan or permit approval.

To further contribute to conservation of sage-grouse habitat, IDL will also coordinate with Idaho Department of Fish and Game to evaluate existing mines and their potential impact on sage-grouse habitat. The following best management practices will be suggested to these mine operators. IDL will also work with Idaho Department Fish and Game to develop an informational brochure for new mine operators so they may consider adopting these best management practices into their proposed operations.

a. Wildfire Prevention

- i. Authorized parties will be required to develop and be prepared to implement a fire prevention and an emergency response plan that covers all aspects of operations, which will include: coordination with local jurisdictions, such as the cities, counties, landowners, IDL, Rangeland Fire Protection Associations, and Federal land agencies; emergency contact numbers and information, including 911 and local fire dispatch centers; and fire prevention and safety procedures that will include evacuation routes and procedures, the designated safety meeting place, and emergency shutdown procedures.
- ii. Field personnel for authorized parties will carry an emergency response plan; a shovel; a fire extinguisher; and an adequate radio, cell phone, or special communications equipment within their vehicles and construction equipment (or, if on extended foot-based exploration activities, on their person). All fires will be reported immediately.
- iii. Authorized parties will ensure that field personnel are aware of:
 - a. fire prevention and emergency response plan,
 - b. evacuation routes and procedures,
 - c. designated safety meeting places, and
 - d. emergency shutdown procedures.
- iv. Authorized parties will park vehicles on bare ground that has been cleared of all vegetation. Vehicles will be inspected immediately after parking to verify vegetation is not touching catalytic converter, manifold, muffler, or exhaust.

b. Invasive Species

- i. All vehicles and equipment that should travel off approved/designated transportation routes or will be utilized during operations will be cleaned before and after entry to prevent the spread of seeds and propagules.
- ii. Weeds should be inventoried and monitored pre-disturbance by IDL, and throughout the life of the project.
- iii. Reclamation activities should include certified weed-free seed mixes, approved by the IDL or surface owner. All materials used for reclamation (mulch, straw, etc.) should be certified weed free by the appropriate Federal or State of Idaho agency.
- iv. Authorized parties should use Idaho licensed professional applicators to treat any noxious weed with the appropriate, approved, and properly-documented herbicides. Weeds should be treated promptly whenever they are located on a project site.

c. Surface Use and Timing

- i. Controlled surface use and timing limitations should be applied within Core and Important habitat zones, unless species occupancy and distribution determined by the Idaho Department of Fish and Game (IDFG) recommends otherwise.
- ii. During lekking periods, as determined locally (approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations), project activities will be avoided to the extent possible within 1 km (0.62 mile) of occupied leks between 6 p.m. and 9 a.m. to avoid disturbance to lekking and roosting sage-grouse.
- iii. Major construction and maintenance activity should be avoided by authorized parties in sage-grouse winter range from December 1 to February 15. Specific dates may be earlier or later, depending on local breeding chronology.

d. Noise

- i. Limit noise levels from discretionary activities within Core and Important habitat zones to no more than 10 decibels above ambient sound levels (typically 20-24 dBA) at occupied leks from 2 hours before to 2 hours after sunrise and sunset during breeding season. Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.
- ii. Authorized party will keep noise levels on existing infrastructure within the 0.6 mile buffer to 65 decibels or less.

e. Fencing

- i. New and existing wire fence segments constructed by authorized parties within Core and Important habitat zones should be marked with collision-diverter fence markers, as defined by National Resources Conservation Services (NRCS) design practices (Stevens, 2011).
- ii. As feasible, fence springs, seeps, and riparian areas in order to maintain, restore, and foster progress toward Proper Functioning Condition (PFC) of riparian wetland areas. PFC assessment is a qualitative method for considering the attributes and processes of hydrology, vegetation, and erosion/deposition of soils (TR1737-16, 2003 USDA-NRCS). PFC of riparian wetland areas facilitates management objectives for Core and Important habitat zones.

f. Water Supply Structures

- i. New or modified spring developments (including pipelines) should be designed by authorized parties to enhance the free-flowing characteristics of springs and wet meadows, which will help maintain continuity of the pre-developed riparian areas.
- ii. The construction of new ponds or reservoirs by authorized parties should be minimized, except as needed to meet important resource management or restoration objectives, to reduce the potential impact from West Nile Virus on sage-grouse. For necessary livestock water, non-pond or non-reservoir watering facilities, such as free-flowing troughs and “bottomless” tanks, should be maintained or developed.
- iii. Wildlife escape ramps in new and existing water troughs and open-water storage tanks should be developed to facilitate the use of and escape by wildlife.

g. Constructed Improvements

- i. Construction methods should be implemented by authorized parties that minimize surface disturbance. This could include utility placement through borings instead of trenches.
- ii. Infrastructure should be placed by authorized parties in already-disturbed locations where the habitat has not been established. Infrastructure, such as pipelines, should be located along roads already in existence or required to be newly constructed for access to facilities.
- iii. Surface disturbances should be clustered in order to limit surface occupancy.
- iv. New utility developments and transportation routes should be located by authorized parties in existing utility or transportation corridors, as allowable by any existing right-of-way restrictions.
- v. Transmission towers should be outfitted by authorized parties with anti-perch devices in occupied sage-grouse habitat.
- vi. Newly-constructed structures with a height over five feet (e.g. storage tanks, buildings) should not be constructed by authorized parties within line-of-sight or at least 2 km of occupied leks.
- vii. Construction plans developed by authorized parties should include options that deter raptor perching and raven nesting on elevated structures.

- viii. Permanent structures that create movement should be minimized within Core and Important habitat zones.

h. Site Reclamation

- i. Site reclamation should be completed by authorized parties as soon as phases of operations or construction are completed.
- ii. Reclamation activities and plans should consider the ecological site potential. The goal of the reclamation should be: (a) to stabilize the site with plant species that are suitable to the site and include sage brush and native forb species; (b) provide the opportunity for sage-grouse habitat to develop over time; and (c) prevent non-native invasive species from occupying the site.
- iii. Sites should be irrigated or mulched appropriately by authorized parties if necessary for establishing seedlings more quickly.

16. Range Management/Livestock Grazing

IDL does not have general regulatory authority over livestock grazing on non-state lands.

17. Wild Horses and Burros

IDL does not have regulatory authority over wild horses and burros.

18. Travel Management

IDL does not have general regulatory authority over travel management on non-state lands.

19. Recreation

IDL does not have general regulatory authority over recreation on non-state lands.

20. Implementation and Monitoring

Implementation of the conservation measures through voluntary agreement will be incorporated into existing permit procedures. A copy of the applicable conservation measures will be provided to all applicants for a permit on lands located in Core or Important habitat zones. As part of the application, applicants will acknowledge which, if any, conservation measures they are willing to voluntarily comply with. Those conservation measures will then be incorporated into the permit as an enforceable stipulation of the permit.

Monitoring of conservation measures stipulated in the permit will be incorporated into existing permit inspection procedures. Inspection forms will be amended to include a section for documenting that conservation measures were implemented and an assessment of their effectiveness.

Procedures for Abandoned Mine Lands projects will be amended to include an assessment of the impact on sage-grouse when the project includes lands within Core or Important habitat zones. The results of this assessment will be used to determine the appropriate conservation measures to be implemented as part of the project.

DRAFT