

# **Gooding County Sage-Grouse Management Plan**

**Prepared by the Gooding Soil Conservation District**

**June 11, 2013**

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## Chapter 1:

### ADOPTION RESOLUTION

State of Idaho

County of Gooding

At a specially called meeting of the Board of County Commissioners (BOCC) for Gooding County, Idaho, held at the Commissioner's Meeting Room, Gooding County Court House in Gooding, Idaho on XXXXXXXXXXXXXXXXXXXX, 2013, there were present:

Chairman, Tom Faulkner, Commissioner Helen Edwards, Commissioner Wayne Chandler, and Clerk Denise Gill when the following proceedings were discussed and voted on, to-wit:

#### RESOLUTION NO. XXXX-XX

#### A RESOLUTION APPROVING THE GOODING COUNTY GREATER SAGE-GROUSE CONSERVATION PLAN

### Recitals

- A. In 1997, the State of Idaho provided a management framework for the Greater Sage-Grouse (sage grouse) in Idaho calling for local working groups. The North Magic Valley Sage-Grouse Local Working Group (NMVSGLWG) was formed to provide local management strategies for Gooding, Camas, Lincoln and Blaine Counties. The Gooding Soil Conservation District prepared the Gooding Sage Grouse Conservation Plan that was adopted in July, 2013.
- B. The State of Idaho released a plan in 2006, and later modified this and requested that it be considered as an alternative to the National Greater Sage-Grouse Land Use Planning Strategy of the U.S. Bureau of Land Management (BLM) and U.S. Forest Service (USFS). The State's Sage-Grouse Alternative was prepared for the purpose of providing "special management for sage-grouse on lands managed by the BLM and USFS." The State also maintains that with this management framework in place, the State will approach local governments to see what actions are taking place locally that are necessary and appropriate to complement, and be, included in the State's Federal Alternative.
- C. Gooding Soil Conservation District and Gooding County Board of Commissioners wishes to provide said guidance to the State of Idaho and the BLM, by adopting the Gooding County Sage-Grouse Management Plan (Plan), defining the policies and practices that have been effectively utilized and implemented locally to manage the Sage-Grouse.

- D. The Plan is designed to reflect the unique characteristics of the habitat in Gooding County and to acknowledge and support current management practices that have kept the sage grouse and its habitat in Gooding County healthy and viable.
- E. The U.S. Fish and Wildlife Service (the Service) listed the Sage-grouse as a Candidate species (warranted, but precluded) for endangered status in 2010, with a pending decision for a final determination anticipated in September, 2015.
- F. Gooding County intends to develop a Memorandum of Understanding (MOU) with the Bureau of Land Management and to participate as a Cooperating Agency in the review of the Greater Sage-Grouse.
- G. In addition, Gooding County will adopt Resolution the local government position asserting its coordination authority with regard to all federal and state agencies maintaining jurisdiction over lands and/or resources located within Gooding County, Idaho. As a result, Gooding County has requested the BLM, through the Coordination process, to reconcile their planning efforts with local planning efforts in Gooding County.
- H. At the direction of the U.S. Department of Interior, a National Technical Team (NTT) was assembled which produced a set of conservation strategies known as the NTT Report in December, 2011. While the NTT Report used the Wyoming region as the basis for the national habitat range characteristics and subsequent land use management recommendations, it does not address the unique landscape qualities, habitat characteristics or land uses found in Gooding County.
- I. The sage grouse population has remained the same or increased steadily making the Gooding County population of sage grouse one of the most stable in Idaho.
- J. The State of Idaho continues to allow hunting Sage Grouse. The hunting season is open September 15 through September 21 allowing one-bird daily limits with two in possession. Hunting remains a viable industry in Gooding County, and the sage-grouse population has remained stable as well.
- K. The BLM has a statutory duty to manage lands under their direct or indirect jurisdiction for multiple uses of resources, and not for a single purpose. The implementation of the NTT recommendations across large areas of Gooding County through an amendment to the applicable Resource Management Plans would burden large areas of private lands that are either not under their jurisdiction or are not suitable sage grouse habitats with severe land use restrictions.
- L. Gooding County remains concerned that if the NTT recommendations are adopted across all currently proposed Preliminary Priority Habitat, Preliminary General Habitat, and Linkage Areas as mapped without regard for local conditions and using inaccurate data, large swaths of non-habitat on public and private lands in the County would be encumbered and burdened with unnecessary regulations that would significantly hurt local economies and misallocate resources which would not help recover the species.

- M. Gooding County's primary source of revenue that supports the operations and welfare of the County and its citizens comes directly and indirectly from the ranching, farming, recreation, and resource industries. Gooding County's ability to protect the health, safety and welfare of its citizens, as well as, ensure continued protection for all wildlife and their habitats, and the productive uses of land within the County depends on the continuation of balanced development and management of agriculture, and recreation interests.
- N. The GSCD held a public meeting on Tuesday, June 11, 2013 to discuss and consider the Plan.
- O. Based on substantial and competent discussion and input at the aforementioned public meeting, the BOCC has made the following determination:
1. That proper public notice was provided for the meeting before the Board of County Commissioners.
  2. The public meeting before the Board of Commissioners was extensive and a majority of members of the Natural Resource Advisory Committee were present with all pertinent matters, issues and facts thoroughly discussed and submitted and all in attendance were heard at the meeting.
  3. For the above stated and other reasons, the Plan is in the best interest of the health, safety, and welfare of the citizens of Gooding County.
  4. That the Plan is in general conformance with the Gooding County Comprehensive Plan.
  5. Gooding County has the explicit authority to plan for land use in the county.
  6. The Board of County Commissioners, pursuant to 43 U.S.C. §1712, has formally enacted Coordination via Resolution XXXXXXXX with all state and federal agencies acknowledging that federal law requires the BLM to (1) make its plans consistent with the Plan and related policies; (2) include this plan as an alternative pursuant to 43 U.S.C. §4332(e); and (3) in the event it cannot reach consistency, state why it cannot resolve the conflicts with Gooding County. The same resolution stated above also acknowledges that federal law requires the Service to take into account all local efforts to conserve species prior to making a listing determination and to coordinate with the County when determining critical habitat. The resolution also acknowledges the County's primary planning authority for lands and wildlife within its boundaries, which it exercises in part by coordinating with all other federal and state agencies to ensure the policies set forth in this plan are consistently and uniformly applied.

#### RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gooding County, Idaho that:

- A. The foregoing Recitals are incorporated by this reference as part of this resolution.
- B. Gooding County adopts the Plan (attached as Exhibit A). The Plan serves as an updated Plan with policies specific to the County based on the most current and best available data.
- C. Gooding County recognizes the statutory obligation of the Bureau of Land Management and other Federal Agencies to make its planning, inventory and management activities consistent with the policies of Gooding County and will continue to work to resolve the conflicts with the agency.

**Dated this XX<sup>th</sup> day of XXXXX, A.D. 2013**

Upon motion duly made and seconded, the foregoing Resolution was adopted by the following vote: X Aye X Nay

Commissioner Chair \_\_\_\_\_ Thomas Faulkner

ATTEST:

\_\_\_\_\_  
Denise Gill, Clerk

## Chapter 2: Purpose of the Plan

In recent years, the Greater Sage-Grouse, native to Gooding County, has received national attention resulting in the U.S. Fish and Wildlife Service's (Service) determination in 2010 to list the species as a candidate for endangered status. This has prompted numerous state and federal agencies to modify their management plans for the species and its habitat in order to preclude an endangered listing in the eleven western states where it resides. As a result, there has been a lack of coordination and cohesiveness of conservation measures between the various agencies; importantly with Gooding County.

The sage-grouse has been a vital part of the ecology in Gooding County, and an equally important part of the culture. The State of Idaho has permitted the hunting of the species in the County since early settlement. The population has increased and decreased in response to natural environmental factors, primarily weather changes and predator dominance. It has benefited from the active agriculture industry of ranching and farming, which provide essential riparian and meadow habitat used seasonally by the sage-grouse throughout the year.

The sage-grouse habitat in Gooding County is located in the 340,071 acres of native range, of which 254,620 acres are BLM managed and 81,519 are State and private lands. The original native vegetation consisted predominately of bluebunch wheatgrass, nevada bluegrass, basin wild rye, sod forming wheat grasses, needle grasses, balsamroot, little sunflower, big and low sagebrush, and bitterbrush. The rangeland is an extremely important segment of the economy.

***Monitoring data for the sage-grouse in the local area has been recorded since 1971 and currently show the species is static or improving.*** A consistent uptrend in males counted on lek routes has been observed since 1986. This indicates that the current productive agriculture activities and conservation measures being utilized in Gooding County today are benefiting the species and should be maintained. Many of the primary impacts and threats identified at the national level are not an issue in Gooding County. Therefore, conservation measures designed to correct these and other impacts must be thoroughly analyzed at the local level utilizing local expertise to ensure they are appropriate for the long-term health of the species and its habitat.

The State of Idaho has taken the lead in providing a management framework for the Greater Sage-Grouse in Idaho, releasing its first plan in 1997, calling for the development of local working groups. The North Magic Valley Sage-Grouse Local Working Group (NMVSLWG) was formed to provide local management strategies for the North Magic Valley plan area (See North Magic Valley Sage-Grouse Conservation Plan, Figure 1), which includes Gooding County. This group, currently made up of federal and state agency personnel, private and interested landowners prepared the North Magic Valley Sage Grouse Conservation *Plan* (NMVSLWG) adopted in 2011.

The State's Plan was released in 2006, and more recently updated to be considered as an alternative in the National Greater Sage-Grouse Land Use Planning Strategy (Strategy) of the U.S. Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Governor Otter's

Sage-Grouse Alternative (State Alternative) was prepared for the purpose of providing “special management for sage-grouse on lands managed by the BLM and USFS,” (State Alternative, page 3). The State also maintains that “with this management framework in place, the State will approach ... local governments ... to see what actions are necessary and appropriate to complement the State’s Federal Alternative” (page 3).

In an effort to provide the State this guidance, and for the purpose of ensuring the conflicts between the County’s plans and policies for the sage-grouse are considered and resolved by the BLM and USFS, as required under the National Environmental Policy Act, the County has formally established the Gooding County Sage-Grouse Management Plan (Plan), which incorporates best management practices and goals identified within the Gooding County Landuse Plan, see appendix A. The Landuse Plan defines the policies and strategies that have been utilized effectively to manage the sage-grouse in Gooding County and should be incorporated into all management activities of all agencies with responsibility for managing the species and its habitat.

As implemented, this Plan shall require these policies and principles be applied on public lands as “regulatory assurances” through Coordination and they will be applied on private lands as “incentive-based assurance.” In this way, the Plan serves as a planning tool for private land owners by informing and improving their conservation efforts on a voluntary basis with the added opportunity to amend this Plan as a result of their stewardship successes.

Finally, because of the scientifically sound habitat modeling conducted to identify the suitable habitat in Gooding County which is the basis of this Plan, the County intends that this Plan may serve as a model for other counties located within the same management Region. Furthermore, this Plan explicitly relies on the Coordination process that requires federal and state agencies with sage grouse management responsibilities in Gooding County to ensure that their plans are consistent with this Plan. Ultimately, the Coordination process will be the vehicle that brings disparate parties together with the same intent on making sound land management decisions that benefit the sage-grouse and its habitat recognizing that there are multiple uses being managed at the same time.



## **Chapter 3: Plan Area and Habitat Characteristics**

### **A. Plan Area**

The Plan Area includes all of the lands within the political boundaries of Gooding County. This area is a high mountain desert area located in South West Idaho, sandwiched between the Camas Prairie and the Snake River. This area of similar use covers Gooding and Lincoln Counties by soil makeup and land use and Grouse migration habitat includes Camas and Blaine Counties and is known as the Wood River Area.

The Wood River Area is in the south-central part of Idaho. It includes about 751,800 acres in Blaine County, 469,300 acres in Gooding County, 344,320 acres in Lincoln County, and 218,600 acres in Minidoka County. The total area is about 1,784,020 acres, or 2,788 square miles. About 89 percent of the total area is rangeland, and about 11 percent is irrigated cropland and pastureland. Urban land makes up less than 0.2 percent of the area. The survey area includes private, State, and Federal land. The Federal land is administered by the Bureau of Land Management and the State land is administered by the Idaho Department of Lands. Gooding is the county seat of Gooding County; Shoshone, Lincoln County; Rupert, Minidoka County; and Hailey, Blaine County. The population of the survey area was about 14,906 in 1990.

The survey area includes parts of the central Snake River Plain and the Bennett Hills. Most of the area is a gently undulating plain of lava flows and low shield volcanoes. Many drainage ways flow into ephemeral playa lakes. The Big Wood and Little Wood Rivers flow in a south westerly direction across the western half of the survey area and join the Snake River near Tuttle in Gooding County. The Snake River flows in a deep canyon along the southwestern boundary of the survey area. In the northwestern corner of the Gooding County area is the Bennett Hills region, which consists of deeply dissected plateaus, rolling hills and an area of scenic rock sculptures and canyons called "Gooding City of the Rocks." Many high-gradient, deeply entrenched streams flow southward through the Bennett Hills region, the largest of which is Clover Creek. The lowest elevation in the survey area, about 2,700 feet, is at Bliss Dam, which is on the Snake River, in the southwestern corner of the area. The highest elevation, about 6,200 feet, is in the Bennett Hills region, northwest of Gooding, on the boundary between Camas and Gooding Counties.

The largest industries in the survey area are dairies, fish propagation, which makes use of spring water from the basalt cliffs along the Snake River, cattle production, irrigated crop production, and food processing.

Agencies of the State and BLM manage approximately 60 percent of the land in Gooding County. Because of the limited amount of private land in the County, 3 percent of total land mass, the continuation and expansion of the ranching, farming, resource development and recreational industries are vital to the future of the County.

With the large volume of land being held in public and state ownership, these lands must remain open and utilized for the full potential of their productive multiple uses. Gooding County has

demonstrated that this activity can occur and the sage-grouse will continue to thrive and even increase, as long as, the conservation measures employed by all of the agencies with management authority over the habitat and species focus on the primary threats as they exist in Gooding County, based on good science and inventory and not as they exist at the state or national level.

## **B. Habitat Characteristics**

Due to growing concerns over sage-grouse trends and populations, biologists from multiple federal, state, and local agencies in Idaho collaborated in 2000 and created a sage-grouse habitat planning map for the state. Habitat types included: Key sage-grouse habitat defined as areas of generally in-tact sagebrush that provide sage-grouse habitat during some portion of the year; Potential restoration area Type I- Perennial, defined as sagebrush limited areas characterized by perennial grass species composition and/ or structure that should provide suitable potential nesting habitat in the future, once sufficient sagebrush cover (at least 10%) is re-established; Potential Restoration Area Type II- Annual Grasslands, defined as areas dominated or strongly influenced by invasive annuals such as cheatgrass or medusahead rye, or similar species. Areas of sagebrush may be present but, in general, understories are not ideal for sage-grouse; and Potential Restoration Area Type III-Conifer Encroachment Areas, defined as areas where junipers and/or other conifer species are encroaching into sagebrush habitat areas.

The maps used by the NMV LWG have been provided by the BLM who states that they have been updated annually since 2002, based on improved information, the past seasons 'wildfire activity, vegetation treatments and successional changes noted by field-level biologists. It is noted however that some allotments, specifically in Northwest Gooding are classified as R1 habitat and subsequently grazing management guidelines are based on that designation. Inventory of the allotment indicates the species present actually are consistent with an R2 designation and difficulty arises when grazing management is judged against erroneous classification. The grazing permittee cannot be held responsible for maintenance of plant species which are not present in the allotment. This is an example where current and best science is necessary to develop local management planning.

The NMV LWG planning area consists of approximately 2,950,588 acres of mixed habitat types. Based on the 2010 habitat classification for Idaho, the NMV area contains 1,118,191 acres of 'key 'habitat, 568,333 acres of 'R1 'habitat, 258,938 acres of 'R2 'habitat, and no 'R3 'habitat types (Figure 1).

Occupied sage-grouse habitat is categorized into three delineations in Gooding County. For general purposes these will be identified as Key, R1 (Perennial Grass) and R2 (Annual Grass) and are shown with location on the Habitat Classification Map. The locations where leks have been cited occur in the valley floors that contain appropriate sagebrush cover. It is not appropriate to designate a primary habitat and a secondary habitat area in Gooding County. All habitat that has been identified as either having lek's present or having the characteristics necessary to support the sage-grouse, shall be identified as "suitable habitat."

There is no good estimate of total acres of suitable habitat currently available. For purposes of discussion the areas as they relate to Gooding County in the North Magic Valley Sage-grouse Local Working Group Conservation Plan as adopted in 2007 and Figure 3 in the 2009 amendment to the same plan will be used as points of reference.

The following definitions apply to the Wood River Area but can be used to describe the habitat characteristics in Gooding County.

### **1. Suitable Habitat**

Suitable habitat includes all seasonal habitats, including breeding habitats, early breeding habitats, summer late brood-rearing habitats and winter habitats. The description of these habitats can be found in the North Magic Valley Sage-grouse Local Working Group Conservation Plan (page 3 & 4), and are as follows:

### **2. Breeding Habitats**

Breeding habitats, called leks, generally occur in open areas surrounded by sagebrush from mid-March through mid-May. Local examples include low sagebrush flats and ridge tops, landing strips, old lakebeds, unpaved roads, cropland, and burned areas. Sage-grouse males form leks opportunistically at sites within or adjacent to potential nesting habitat. Nesting habitat and leks have the following conditions (Connelly, et al. 2000):

- a. Mesic sites have a sagebrush height that is 16-31 inches with a 15-25% canopy cover and a grass-forb height >7 inches with a  $\geq 25\%$  (15% perennial grasses and 10% forbs) canopy cover.
- b. Arid sites have a sagebrush height that is 12-31 inches with a 15-25% canopy cover and a grass-forb height >7 inches with a  $\geq 15\%$  canopy cover.

Habitats used by pre-laying hens are part of the breeding habitat. These areas should provide a diversity of forbs high in calcium, phosphorus, and protein. The ecological condition of these areas may greatly affect nest initiation rate, clutch size, and subsequent reproductive successes.

Sage-grouse hens typically select nest sites under sagebrush, although other shrub species may be used. Nests occurring under sagebrush cover have higher nest success than other shrub types, height ranges from 12-31 inches and nests tend to be under the tallest sagebrush within a stand. In general, sage-grouse nesting occurs under shrubs having larger canopies and more ground and lateral cover (spreading growth form rather than columnar).

Grass height and cover are important components of sage-grouse nest sites. Herbaceous cover associated with nest sites may provide scent, visual and physical barriers to potential predators.

### **3. Early Brood-Rearing Habitats**

Early brood-rearing habitats occur in upland sagebrush habitats relatively close to nest sites, but movements of individual broods may vary. The period of early brood-rearing is from mid-April

to mid-June. These habitats may be relatively open (about 15% sagebrush canopy cover) stands of sagebrush with >15% canopy cover of grasses and forbs. Great plant species richness with abundant forbs and insects characterize brood areas. Insects, especially ants (*Hymenoptera*) and beetles (*Coleoptera*) are an important component of early brood-rearing habitat.

Early brood-rearing habitats should have the following characteristics (Connelly, et al. 2000):

- a. Sagebrush height of 16-31 inches with a canopy cover of 10-25%;
- b. Grass-forb height is variable with a canopy cover >15%.

#### **4. Summer Late Brood-Rearing Habitats**

As sagebrush habitats desiccate, sage-grouse usually move to more mesic sites which are higher in forb availability through June through August. These areas include meadows or riparian areas dominated by mesic or hydric (also hydrophytic) plant species. The habitat should not have evidence of excessive erosion, though there may be some bare ground. The habitat suitability decreases as erosion increases or as xeric species invade the riparian/wetland zone. The presence of succulent, green forbs is essential. There should be sagebrush cover adjacent to the riparian areas to provide escape or protective cover. There are some upland sagebrush communities that provide late brood-rearing habitat due to elevation which helps to retain succulent, green forbs later into the summer. Wet meadows, springs, riparian zones and alfalfa fields are locally important.

#### **5. Winter habitats**

Movements to winter range are slow and meandering, and occur from late August to December. Wintering habitat is utilized from November through March. Feeding habits generally shift from forbs in early fall to sagebrush in winter. Characteristics of sage-grouse winter habitats are relatively similar throughout most of the species' range. During winter, sage-grouse feed almost exclusively on leaves of sagebrush in stands generally >15% sagebrush cover. On winter ranges, areas with access to sagebrush above the snow (such as south slopes and wind blown ridges) are important. Winter habitats should allow sage-grouse access to sagebrush stands with canopy cover of 10-30% and heights of at least 10-14 inches above snow cover.

## **Chapter 4: Threat Assessment**

There are numerous federal and state agencies that have management responsibilities for the sage-grouse and/or its habitat in Gooding County. There are also other groups, such as the NMVLWG that have researched and studied the species and has provided advice and recommendations to the agencies. Each of these entities has individually prioritized the threats to the sage-grouse.

### **A. U.S. Fish and Wildlife Service (USFWS)**

The Service has determined that it should list the species as endangered because it has found there to be (USFWS Candidate Notice, 2010):

1. Habitat Loss
2. Lack of Regulatory Assurances

### **B. Bureau of Land Management (BLM)**

The BLM has determined the greatest threats to the habitat to be (National Greater Sage-Grouse Conservation Measures/Planning Strategy, pg 6) (NTT Report):

1. Fire
2. Invasion of exotic grasses
3. Human Land Use
  - a. Tillage Agriculture
  - b. Historic grazing management
  - c. Energy development
  - d. Roads and power line infrastructure
  - e. Recreation

### **C. State of Idaho (State)**

The State of Idaho has found that the focus of all efforts should be on “enhancement of habitats, populations and connectivity.” They find the greatest threats to be:

1. Wildfire
2. Invasive Species
3. Habitat Restoration
4. Infrastructure

Secondary threats are:

1. Recreation
2. West Nile Virus
3. Livestock Grazing Management
4. Livestock Grazing Infrastructure

#### **D. North Magic Valley Local Working Group**

The NMVLWG found there to be the following risks to the species (North Magic Valley Sage-Grouse Conservation Plan, pg 10):

##### **High Risk**

1. Habitat Fragmentation
2. Invasive plant species
3. Inappropriate management strategies

##### **Medium Risk**

1. Improper livestock grazing
2. Fire
3. Other natural causes

##### **Low Risk**

1. Excessive predation
2. Human disturbance
3. Health risks to sage-grouse populations
4. Over harvest
5. Successional vegetation changes in brood-rearing habitat.

#### **E. Gooding Board of County Commissioners (BOCC)**

While the Board of County Commissioners (BOCC) recognizes that these threats may be present at the national and state level, they do not represent the predominate threats in the unique climate and landscape of Gooding County. Through the research and advisement of the County's Natural Resource Advisory Committee (NRAC) (see Appendix A), and after reviewing all of the plans stated above as well as the latest and best available science, the BOCC has determined that the primary threats to the Greater Sage-Grouse in Gooding County are the following:

##### **Primary Threats:**

1. Wildfire
2. Habitat Fragmentation
3. Improper management of public lands (i.e. failure to adapt grazing systems and uses in a timely manner consistent with weather and seasonal changes)

The BOCC has found that many of the threats prioritized by the federal and state agencies, as well as, the NMVLWG are low priority threats in Gooding County. Also, human disturbances are not a concern as the current and previous populations of Sage-Grouse have successfully

habituated to the human activity, primarily the active agriculture community that is continually changing. It is not an uncommon site to see sage-grouse in cultivated fields, jumping from row to row as farming and ranching operations are underway. The sage-grouse depend on the benefits provided by the agriculture community.

In contrast, the second primary threat in Gooding County to the sage-grouse, Habitat Fragmentation, has received little, if any, recognition from both federal and state agencies. For this reason, the BOCC will be taking an active role to ensure that the proper cause and effect relationship between the threats and management activities are implemented in Gooding County.

## **Chapter 5: Plan Implementation**

The BOCC or their assigned delegates shall be responsible for managing and implementing the Plan. Gooding County has previously developed its Comprehensive Plan related to privately owned lands in the County. This Land Use Plan is now directed toward management of federally and state managed lands. As implemented, this Plan shall require these policies and principles be applied on public lands as 'regulatory assurances' through Coordination and they will be applied on private lands as 'incentive-based assurances.' In this way, this Plan serves as a planning tool for private land owners by informing and improving their conservation efforts on a voluntary basis with the added opportunity to amend this Plan as a result of their stewardship successes. With adoption of this Plan the County puts in place a "Comprehensive Plan" which includes "all land within the jurisdiction of the governing Board" as directed by the legislature. Idaho Code § 67-6528 provides that "the state of Idaho, and all its agencies, Boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under the Local Planning Act."

### **A. Implementation on Public Lands**

The principles and policies contained within this Plan shall be required for the management of sage-grouse and its habitat on public lands that contain suitable habitat as described in the Habitat Characteristics above.

### **B. Implementation on Private Lands**

For private lands in the Plan Area, the principles and policies contained within this Plan are voluntary and encouraged to be implemented through Best Management Practices (BMP's) and conservation measures for the management of sage-grouse and its habitat as defined as suitable habitat and depicted in **B Habitat Characteristics** above.

### **C. Implementation Process**

This policy shall serve as the primary conservation policy for the sage-grouse in Gooding County. The BOCC has the unique authority to require federal agencies to coordinate their plans and policies with the County, and ability to coordinate with state agencies, therefore, ensuring that all entities with responsibilities for the species and habitat are working together efficiently and effectively and not pursuing counter-productive measures. This Plan is designed to serve as the comprehensive planning document for the sage-grouse in Gooding County.

While recognizing that each agency has its own planning processes, federal agencies are required to not only consider the County's policies, but work to resolve conflicts and make federal plans consistent with the county's policies (43 USC 1712). Federal statutes require that the County's policies are integrated into the federal conservation strategy for the sage-grouse on federal lands within the County's borders. The State of Idaho has given Gooding County planning authority over lands within the County's borders, ensuring consideration of the County's sage-grouse policy with state agencies as well.



Implementation of this plan will be conducted through a formal coordination process with all agencies that have jurisdiction and/or responsibility for the sage-grouse and/or its habitat. The plan will serve as the unifying and primary planning document.

The BOCC shall utilize this Plan as a tool to evaluate and provide comment regarding land management decisions on both public and private land for which it has land management jurisdiction. More specifically, the BOCC shall utilize this Plan in evaluating land use development applications submitted under the County's comprehensive plan, as well as, ensuring that any federal or state land management action remains consistent with this Plan.

#### **D. Plan Update / Amendment Process**

This Plan is managed under adaptive management principles where it is understood that the scientific understanding of the species and its habitat will be continually expanding. This requires that the policies, principles, and best management practices of this Plan be frequently evaluated and modified as warranted by the best available science appropriate for the unique Plan Area in Gooding County.

##### **1. Annual Review**

The BOCC will conduct an annual Coordination review, commencing one year from the date of enactment of this Plan with the federal and state agencies that have habitat or species responsibilities within the Plan Area. This review process will evaluate the availability and condition of habitats, direct and indirect impacts, conservation measures, policies and BMP's being implemented by each agency for their effectiveness and applicability to the Plan Area.

Also incorporated in this review is any new science and, if warranted, modifications to the BMP's, policies, and conservation measures within the Plan. The Coordination review shall take place in government-to-government meetings between the different agencies and the BOCC.

The BOCC will also initiate meetings with entities that have private property interests in the Plan Area for the purpose of analyzing their conservation efforts and effectiveness, as well as, any new science they may be able to contribute to the process to ensure Plan updates are also based on the best available science.

The consideration of changes to the Plan shall be discussed in these coordination meetings, followed up with a draft Plan update to be shared with all agencies through the Coordination process and private entities with private property interests for input. The input shall be considered and incorporated where appropriate into a formal written Plan update to be approved by the BOCC within 120 days of the submittal date of the requested change.

##### **2. New Scientific Information**

If at any time between the annual review period with federal or state agencies, or private entities with property interests in the Plan Area become aware of or acquire new science regarding the species or its habitat in the Plan Area within Gooding County that may warrant changes to the

BMP's, conservation measures or policies within this Plan, then they shall submit a written report to the County, including the scientific review and supporting data, for the County's consideration. If the BOCC finds changes to the Plan are warranted, then it can initiate a formal review of the Plan in coordination with all entities.

### **3. Additional Coordination Meetings**

Additional Coordination meetings are encouraged beyond the required annual review and new scientific information review for the purpose of keeping apprised of and working to resolve all issues impacting the sage-grouse.

## Chapter 6: Principles

The Plan Principles are designed to inform and guide all decision making, regardless of specific issue or impact, as they relate to the well-being of the sage-grouse and the health, safety and welfare of the people in Gooding County.

A. Southern Idaho homesteaders began to use the planning area for sheep and cattle grazing, cleared land for crops, and ultimately developed large water transportation projects that enabled further settlement and development. It is unknown what degree sage-grouse may have used areas converted to agriculture, pre-settlement. Much of these areas were covered by basin big sagebrush (*Artemisia tridentata tridentata*) which due to its ability to grow to a large size, may have only been utilized by sage-grouse post-disturbance or during very deep snow years. Additional sage-grouse habitat declines resulted overtime from infrastructure, rangeland —improvements<sup>1</sup> (crested wheatgrass seedings), and increased rangeland fire frequencies in areas dominated by invasive annual grasses.

Historic and current land conversions have reduced potential sage-grouse habitat to approximately 61% (1,801,997 acres) of the original acreage identified in the NMVSLWC planning Area. Approximately 1% (22,836 acres) of the area has been developed, and nearly 14% (408,800 acres) has been converted to agriculture (Figure 3). More than 70% of the planning area (based on buffering around infrastructure features using criteria from the state plan) is affected by some form of current or planned infrastructure, and the area contains some of the highest linear infrastructure density of Idaho's SGPAs (Figure 12). Currently livestock grazing allotments comprise 65% (1,902,598 acres) of the total planning area, and wildland fires have burned over two million total acres over the past 20 years.

- B. The economy of Gooding County is dependent upon productive ranching, farming, mining, and recreational industries. These industries represent the primary current and historical uses of the land. They are not only the vital part of the local economy, but they have also contributed to the sage-grouse's continued persistence. By enhancing the habitat through activities, such as, riparian improvements and proper livestock grazing, these industries have both protected and improved the species habitat by reducing fuel for wildfires, controlling invasive species and limiting predators.
- C. Gooding County has a population of approximately 15,500, and therefore is considered a "small local jurisdiction" as defined by the Regulatory Flexibility Act (5 USC 601). All proposed rules for the purpose of managing the sage-grouse or its habitat by federal agencies requires an economic analysis and consideration of that analysis prior to the finalization of the proposed rule. This analysis shall be prepared in Coordination with Gooding County.

- D. Human disturbances have a minimal impact on the sage-grouse as the current population and those before it have been raised surrounded by an active agricultural and recreational community. If this activity were to be removed or reduced, it would create unintended disturbances to the species and may threaten their survivability.
- E. Sage-grouse management decisions shall be made based on the best available scientific information that is applicable to sage-grouse habitat in Gooding County. The scientific information used will be consistent with standards of the Information Quality Act (44 USC 3516) (see definitions of Quality, Objectivity, Utility and Integrity), as verified by the County.
- F. Land management plans of all government agencies that have ownership or management responsibilities for the lands or species within Gooding County shall be consistent with the policies set forth in this plan subject to valid existing rights.
- G. For private lands, the policies set forth in this Plan are encouraged through conservation incentives and BMP's that do not encumber private property rights of the landowners, but do address long-term needs of sage-grouse.
- H. No policies shall infringe on the private property rights of any landowner within Gooding County. All species and land coverage information gathered on private property shall be treated as the property of the landowner and shall not be used by any private or government entity for any purpose unless express, written permission has been obtained from the landowner.
- I. All sage-grouse habitat and species management programs that impact the County, administered by federal and state agencies, shall be coordinated with Gooding County, and the data collected by state and federal agencies will be shared with the County in a timely manner and be provided to the County regardless of completeness.
- J. All public lands within the Plan Area containing suitable habitat for sage-grouse shall be managed to continue the multiple-uses of the lands as required by 43 USC 1707(a)(7). No policies shall be implemented that prescribe the management of lands for a single purpose, but all functions of the land, including providing habitat for wildlife and supporting the productive uses of its resources, shall be considered with the objective of balancing and continuing all uses of the land. Unlike public owned land where there are many property interest holders and the multiple uses must be maintained, private land owners have more discretion to manage their property for the primary purpose of conserving sage-grouse, if so desired.
- K. The ability of wildlife, including sage-grouse, to habituate to inanimate manmade structures and changes to the landscape shall be acknowledged.
- L. All sage-grouse conservation measures enacted on public land or through a federal nexus shall be for the purpose of directly benefiting the species and its verified habitats. These measures shall be scientifically defensible. All data and information used to produce

conservation measures shall be made available to the public and the County and shall be coordinated with the County. Additionally, the balance of impacts to other species and to human welfare must be weighed prior to approval and implementation. All planning efforts shall be governed through adaptive management principles to ensure that use of the latest scientific research on sage-grouse and their habitat, BMP's, technological advances, and incorporation of impact avoidance, minimization, and mitigation opportunities are vetted and utilized.

- M. Private land ownership of sage-grouse habitat areas should be continued and encouraged as private land conservation efforts have been the most effective methods to preserve diverse and healthy habitats for many species.

## **Chapter 7: Policies**

The policies set forth in this chapter are for the purpose of providing specific conservation measures that are to be implemented in the Plan Area in order to eliminate or limit impacts that may affect the suitable habitat of the sage-grouse.

### **A. Infrastructure and Roads – Habitat Fragmentation**

Infrastructure includes large scale anthropogenic features, including highways, high voltage transmission lines, commercial wind projects, energy development (e.g. oil and gas development, geothermal wells) airports, mines, cell phone towers, landfills, residential and commercial subdivisions. (State Alternative, page 11)

Roads provide necessary access to the area to ensure proper management of resources, infrastructure and assets, and accessibility in the event of emergencies. Because of the nature of the terrain in Gooding County, most road surfaces, and driving conditions ensure that vehicles maintain low speed and the risk of collision with the sage-grouse is minimal in suitable habitat areas.

One of the primary threats to sage-grouse habitat in Gooding County is Habitat fragmentation. Installation of access roads to enable power transmission lines and wind energy structures continue to be planned across federal lands. If not properly managed there may be a reduction of nest success, survival of juveniles, and survival of adult birds.

#### **Policy**

1. Limit motorized travel to existing roads, primitive roads and trails as verified by Gooding County in suitable habitat.
2. Any road, primitive road, or trail closures must comply with Gooding County's Transportation Plan and must be coordinated with the BOCC.
3. New infrastructure can be placed in suitable habitat, as long as, reasonable measures are taken to ensure there will be no deleterious effect on the sage-grouse, as determined by Gooding County. Best Management Practices, as defined in the State's Alternative (pg 43) shall be followed.

### **B. Livestock Grazing**

Gooding County continues to enjoy a long history of livestock grazing both on private and public lands. When properly managed, livestock can coexist with sage-grouse, as well as, help improve suitable habitat and decrease fire hazards.

#### **Policy**

1. Maintain sustainable grazing consistent with historic land use and ranching practices, with the goal of attaining no net loss in economic value.

2. Livestock grazing is an important tool to properly manage sage-grouse habitat, and should not be removed from the Plan Area.
3. Any grazing restrictions or conservation measures that are implemented through a grazing permit shall be based solely on the conditions and activities specific to that permitted grazing allotment, as identified by specific allotment inventory.
4. Annual precipitation measurements and species composition should become a part of annual operating plans. If the monitoring data shows there is an increase in forage that supports additional livestock in a suitable habitat area, then increased grazing should be considered. If monitoring data shows a decrease in forage in a suitable habitat area, then a reduction in livestock can be considered as long as it is demonstrated that failure to do so would cause a deleterious effect on the sage-grouse.
5. Add sage-grouse guidelines into management plans as desired conditions, recognizing livestock grazing may not always be a causal factor (State Alternative)
6. Prioritize completion of land (range) health assessments and grazing permit NEPA analysis on allotments with declining sage-grouse populations, as verified by Gooding County.
7. Allotment Assessments will use published Characteristics of sage-grouse habitat and comply with 43 CFR 4180.2(c).
8. Allotment management changes must be tailored to address specific problems when the cause of that problem has been determined using the best available science including the flexibility to change time on a unit, the number of livestock for a designated period of time and season of use.
9. Changes in grazing management should only occur when monitoring indicates sage-grouse objectives are not being met as a result of grazing practices.
10. Management changes, when needed, must be tailored to specifically address habitat objectives that need improvement, but should not adversely affect the habitat of other species.
11. Altering grazing schemes in allotments, where needed and appropriate, may be facilitated by enhanced grazing opportunities with introduced seeding or areas with lower values to sage-grouse. The unintended consequences of altering grazing use, such as possible increased risk of wildfire, must be carefully considered in any management proposal. (State Alternative)

### **C. Fire Management and Wildfire**

Wildfires are a common event in Gooding County. This is due, in part, to basic weather patterns directing thunderstorms across the Bennett hills or along the Snake River. Multiple lightning strikes can be frequent during summer storms.

#### **Policy**

1. During fuels management project design, consider the utility of using livestock to strategically reduce fine fuels (Diamond et al. 2009), and implement grazing management that will accomplish this objective (Davies et al. 2011 and Launchbaugh et al 2007).
2. Prior to prescribed controlled burns near suitable habitat, all other fuel reduction methods shall be considered.

3. In the event of a wildfire, coordinate with appropriate agencies in developing and implementing rehabilitation plans.
4. When pursuing habitat restoration or rehabilitation, use native plant species, based on availability, and focus on the probability of successful establishment.
5. Following post burn habitat restoration, consider timely short term grazing to control invasive plant establishment and seed production such as Downey Brome and Medusahead grass. While rest and deferment is essential to establish desired grass species, especially native grasses, targeted grazing can aid in reducing seed head development and greatly reduced fuel loading for the following year's fire potential.

#### **D. Monitoring and Habitat Category Changes**

The primary objective of this plan is to ensure the long-term health and continued existence of sage-grouse in Gooding County. Regular monitoring of the species and its habitat in Gooding County is essential to ensuring the policies and best management practices are updated and implemented within the Plan Area.

##### **Policy**

1. All federal and state agencies, with management responsibilities in the plan area for the species and/or its habitat, shall provide the County with an annual update of the monitoring programs they have in place, data collected and specifics about their collection protocols. These agencies will inform the County of proposed research projects and allow for the County's input and collaboration prior to implementation.
2. All data shall be collected and studies prepared using protocols that will ensure the quality, utility, objectivity and integrity of the information as required under the Information Quality Act.
3. All data that is gathered in the Plan Area shall be shared with the County in a timely manner, and supplied to the County regardless of its state of completion.
4. Private landowners are also encouraged to monitor and share data collected on private property with the County.
5. All data that is shared with the County that is not public information will be treated as confidential and used by the County only to help inform its policies and best management practices.

#### **E. Invasive Species**



The County has actively worked to control invasive plant species, primarily through the Cooperative Weed Management Areas (CWMA) and maintains a good working relationship with the federal and state agencies for the purposes of controlling the introduction or spread of invasive plants.

### **Policy**

1. The Cooperative Weed Management Areas (CWMA), in cooperation with all land managers, shall encourage the continuing inventory for invasive species.
2. Areas of suitable habitat, where non-natives have invaded, shall be prioritized for treatment in coordination with the BOCC and the CWMA.
3. The County's Invasive Species Plan shall be followed when any treatment, reseeding or restoration projects occur in or around suitable habitat.

### **F. Predation--NMVSGWLC**

Historically, predation is the primary cause of mortalities on the sage-grouse (Bergerud 1988). Sage-grouse are common prey for numerous predators present in the County, including coyotes, ravens, various raptors, eagles, feral cats and, more recently, wolves. "While some level of predation should be expected in all sage-grouse populations, in certain situations predator/prey relationships may become disrupted, resulting in excessive predation. For example, the establishment of non-native predator species or an unusually high number of one or more predator species, may be cause for concern." (July 2006 Idaho Sage-grouse Conservation plan, 4-10)

### **Policy**

1. Prior to implementing any conservation measures that decrease the productive use of the land for the benefit of the sage-grouse, the impact of predation must be considered. Measures must be put in place to control predation to the satisfaction of the BOCC, if found to be the cause of the impact.
2. The BOCC will coordinate with the Idaho Fish and Game to determine appropriate predator control measures.
3. Encourage private landowners and citizens to document predator occurrences and provide these to the BOCC so that the proper agencies can be notified and appropriate control measures implemented.
4. Anti-perch devices will be encouraged, but not required, for all existing and future transmission lines and structures that may have a deleterious effect on sage-grouse in suitable habitat.

### **G. Recreation**

Recreational use within the Plan Area is extremely important as the majority of the land is publicly held and access is crucial to the economic viability of the County. Full access to public land shall remain open and accessible to the people.

### **Policy**

1. Any plan for creating new or additional recreational opportunities on federal lands in suitable habitat must provide Gooding County a sage-grouse impact analysis for review.
2. Limit motorized recreational use to existing roads, primitive roads, and trails, as verified by Gooding County in suitable habitat.
3. Any road, primitive road and trail closures must comply with Gooding County's Transportation Plan and must be coordinated with the BOCC.

## **H. Mineral Development**

The geology created the extensive mining activities which contributed so much to the economy, and early settlement defining culture, and characteristics of the counties and state.

Mining has always been a small component of Gooding County's history and should continue. Mineral access, claim access and future mineral development can all be pursued, as has been done historically in habitat that is also occupied by the sage-grouse, following best management practices and with the advancement of technology that continues to reduce short-term and long-term impacts.

### **Policy**

1. Mineral development can occur in suitable habitat utilizing best management practices and taking all reasonable measures to reduce impacts and avoid impacts to suitable habitat where possible.
2. Conservation measures designed to protect suitable habitat shall not affect access to any existing or future mining claim.
3. No federal land mineral withdrawals shall be made as an effort to conserve suitable habitat. Full access to all resources must be maintained in order to ensure a productive economy and the health, safety and welfare of the citizens of Gooding County.

## **I. Areas of Critical Concern and Wilderness Study Areas**

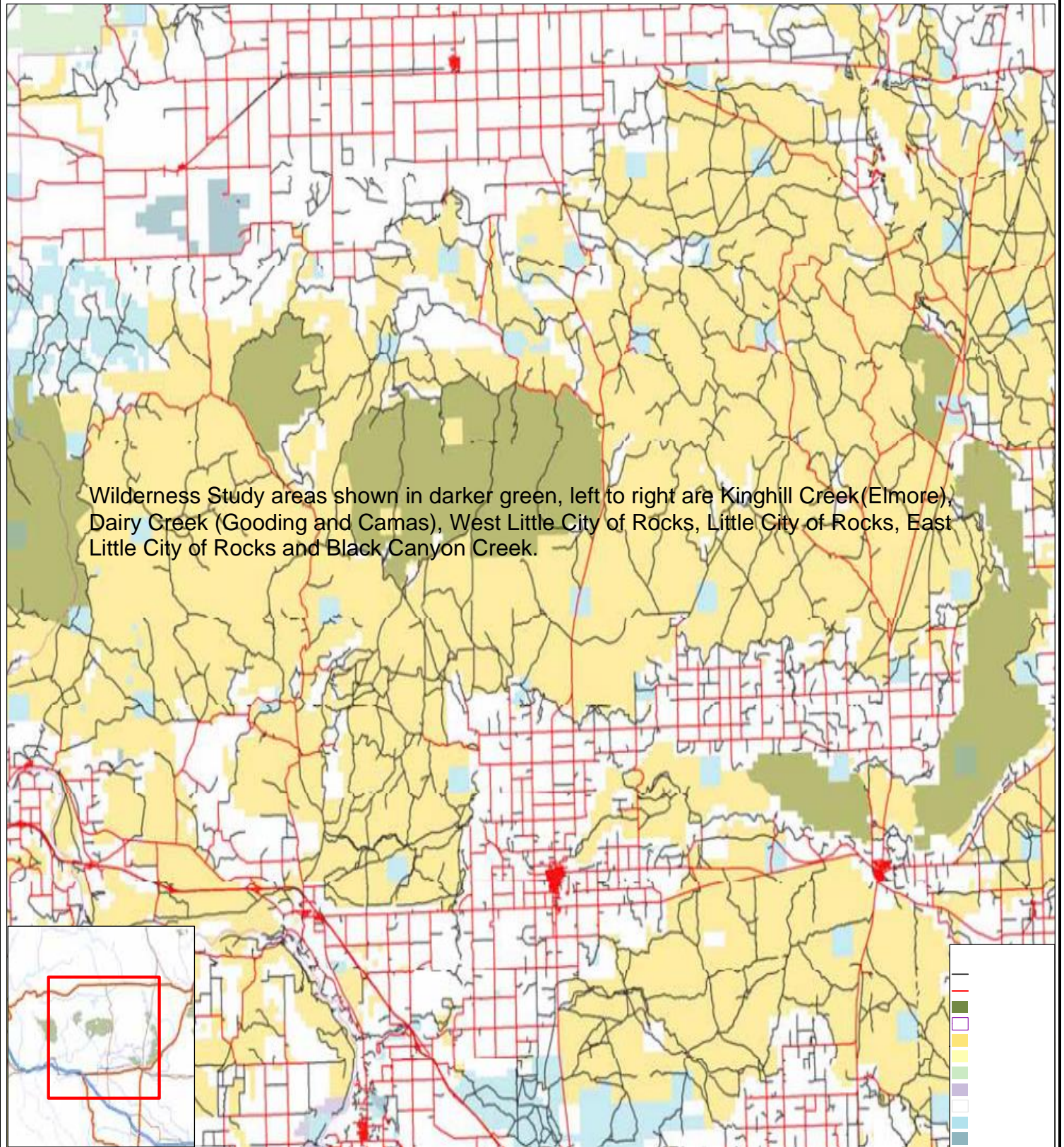
Currently, there are five Wilderness Study Areas (WSA) in Gooding County and four additional Areas within the Grouse migratory area for a total of nine. The WSA residing within Gooding County, located from west to east are Dairy Creek, Gooding City of Rocks West, Gooding City of Rocks East, Black Canyon, and Little City of Rocks. These areas were designated by BLM in response to a Congressional request for roadless areas containing wilderness characteristics in 1979. In 1993 the Agency reviewed the submitted Area list to determine which areas would be presented with recommendations to proceed as meeting the criteria and which areas are not fully

supporting the Wilderness Area intent. All of the Gooding areas submitted were reviewed and it was determined that these areas did not fully meet the criteria for listing as a Wilderness Area. The final decision to either list or release lands for non-wilderness uses resides solely with Congress, however: the BLM is required to manage the Areas on the list to a level which maintains the wilderness characteristics as existed in 1980 until they are delisted. This thirty three year period of interim designation without decision has the potential to limit future access and productive use of the land, which may limit the County's revenue and future ability to properly manage the suitable habitat and ensure the long-term viability of the sage grouse.

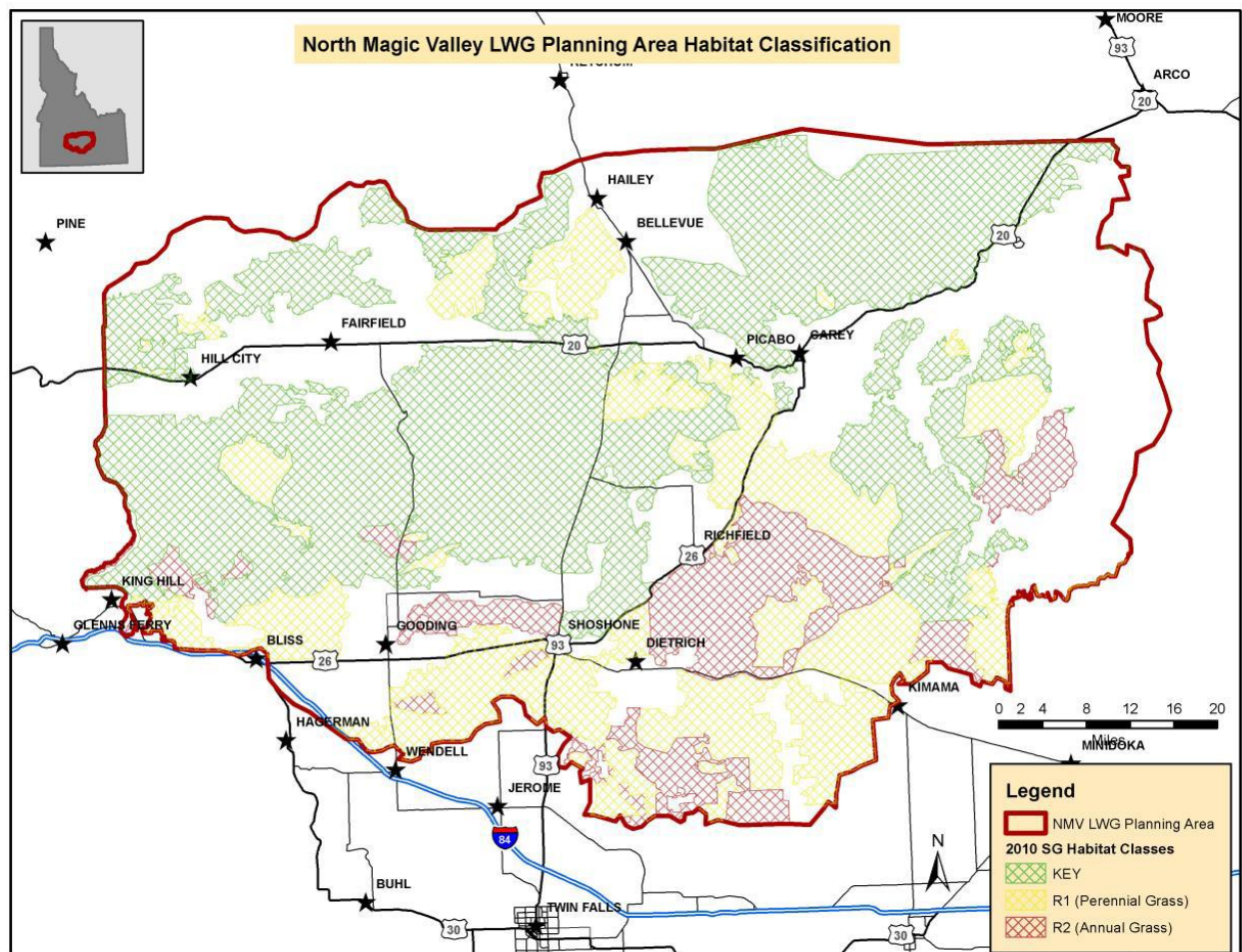
### **Policy**

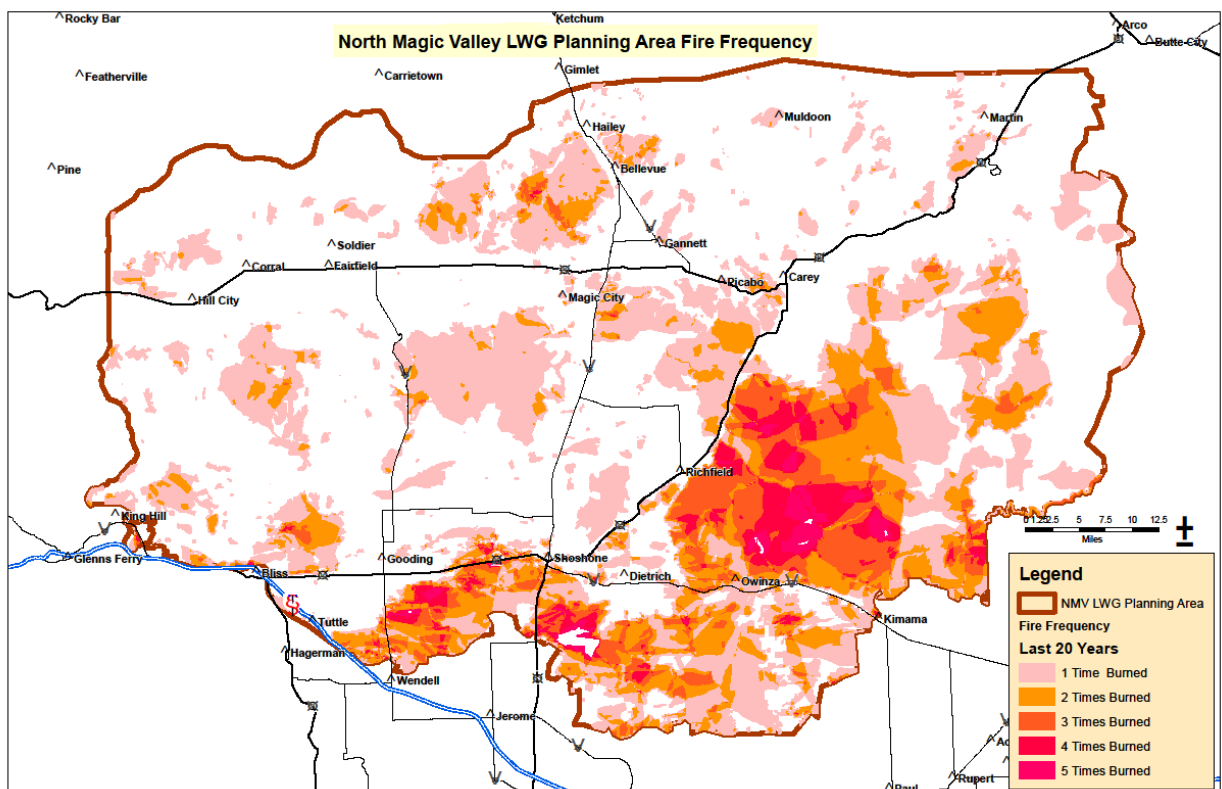
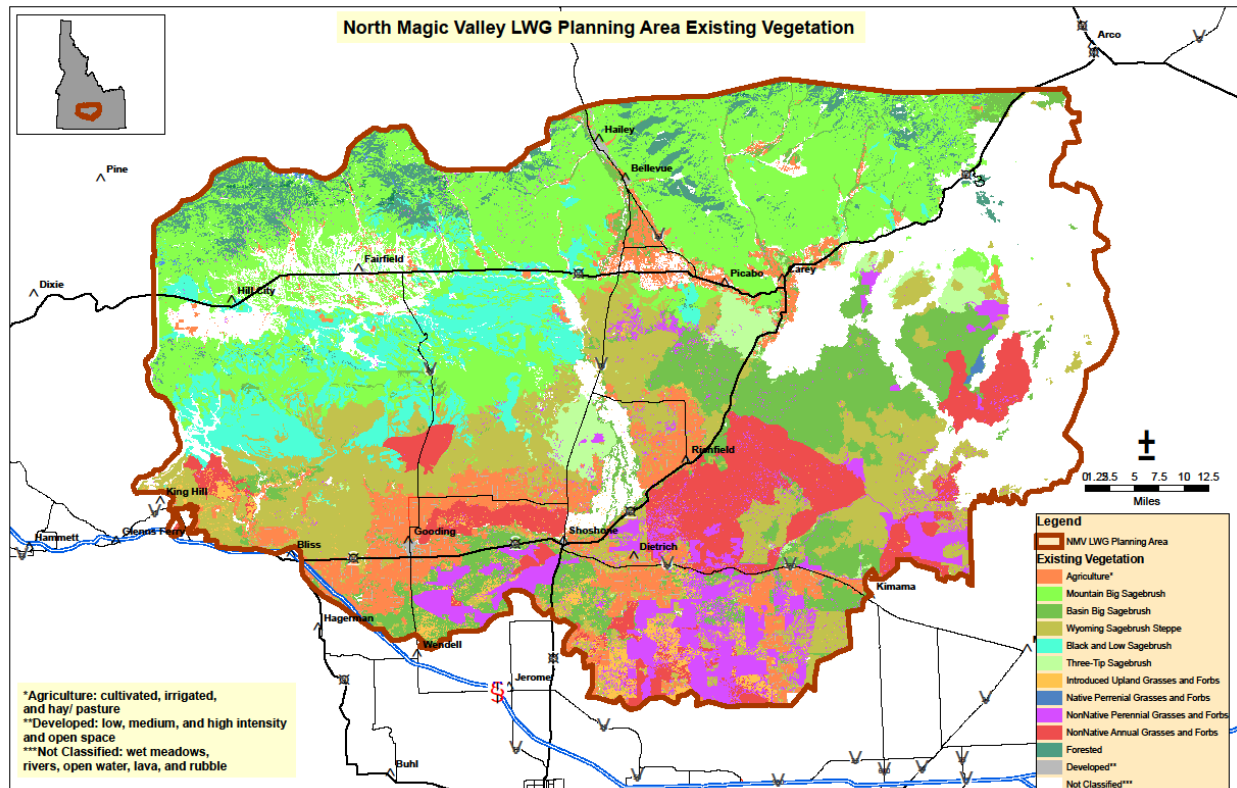
There shall be no new designations of Areas of Critical Concern (ACEC's) or WSA in Gooding County. If such designations are being considered by federal land managers, then the county is to be informed immediately and the consideration of the designation coordinated with the County. With the existing Wilderness Study Areas, the listing qualifications should be reviewed and concurred with by the Gooding County Commissioners to ensure realistic goals and benefits can be achieved. If the targeted area does not warrant listing by supporting all characteristics for a Wilderness Area, a request for delisting should be presented to Congressional representatives to allow full management strategies for consideration.

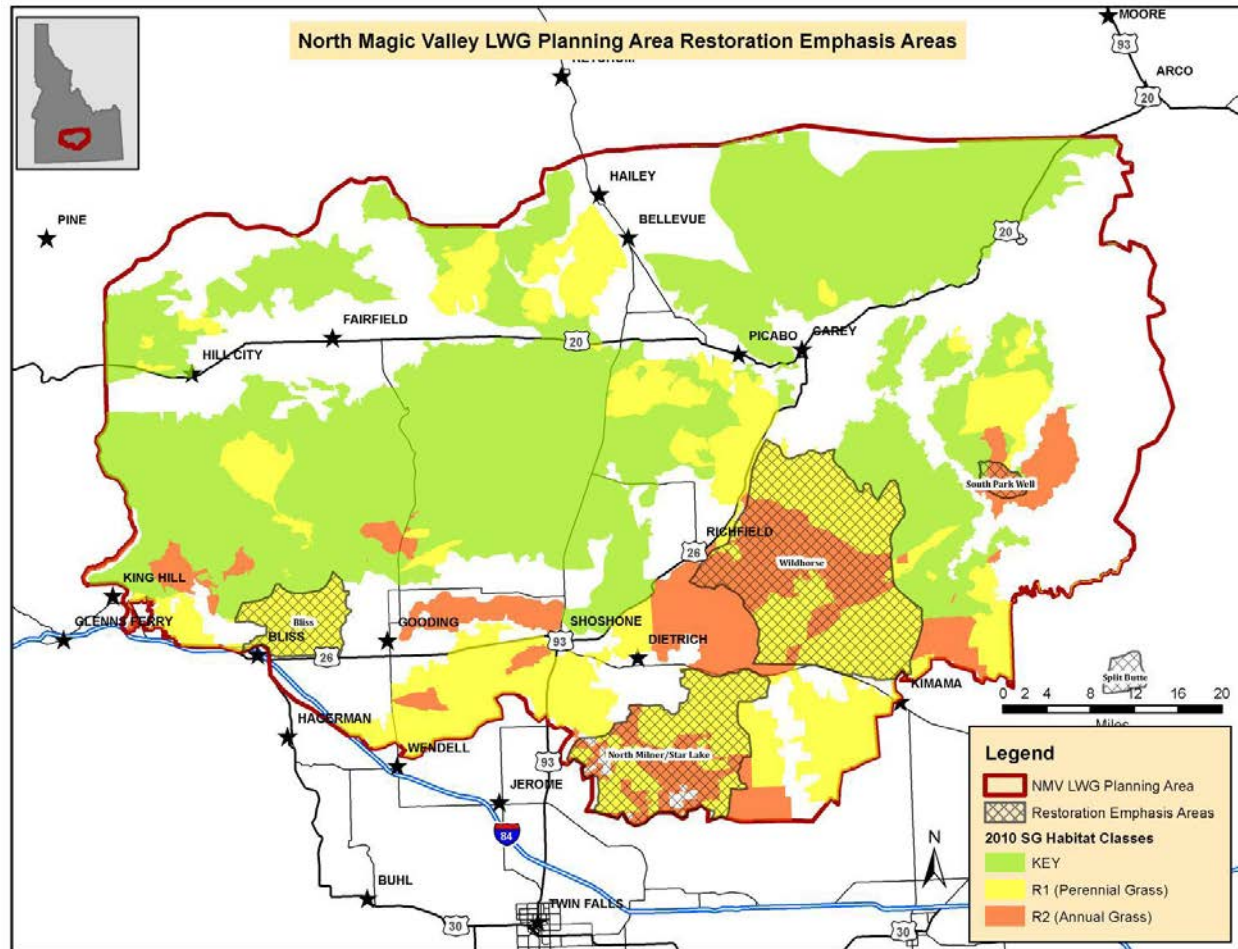
The following maps are included for informational purposes only. Specific comments relating to map information may be found included in various topic discussions. The five county areas include Gooding County and coverage demonstrates the full range of habitat utilized by the local Grouse population.











It should be noted that the Restoration Emphasis Areas targeted on this map have a definite correlation to the preceding Fire Frequency Map.

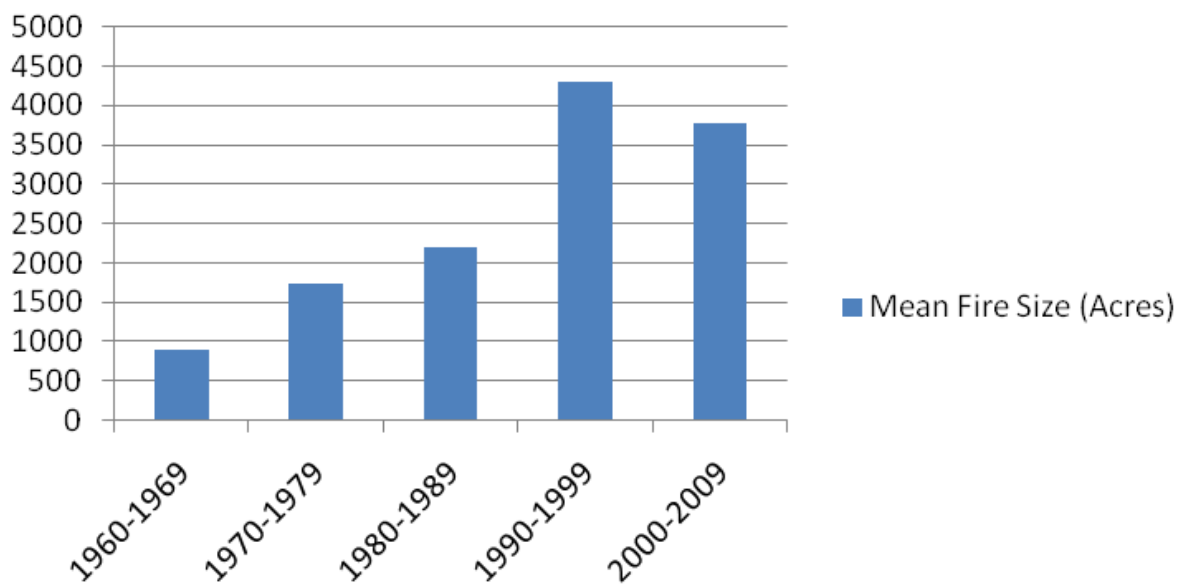
### Threats Prioritization

Each member of the NMVSGLWC Group was issued 5 dots to place one each on the threats they believe are the most significant to the NMV Planning area. The purpose of this exercise was to determine the Group's collective view of threat importance and help determine level of effort for threats description.

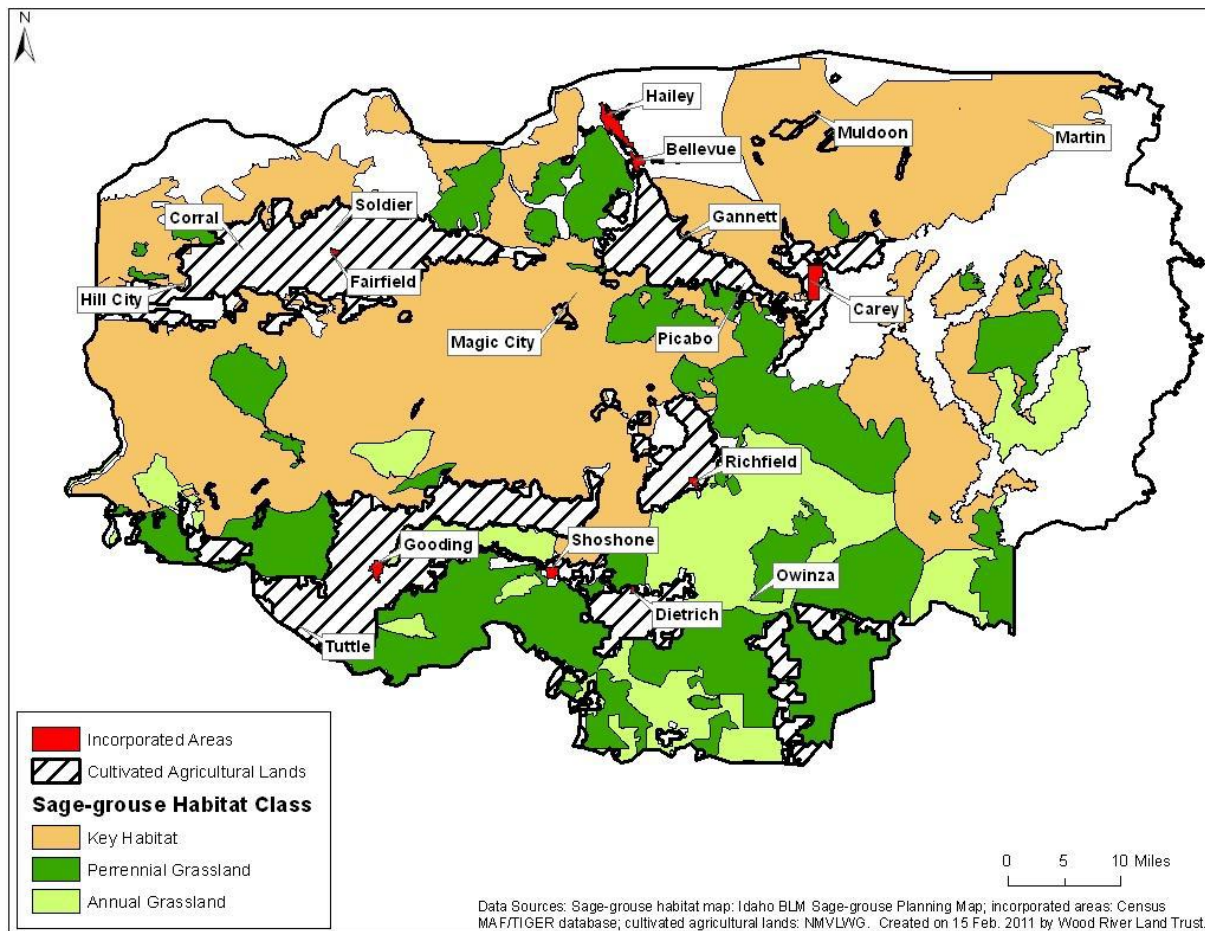
# Dot's Ranking Exercise Results

# Dots Received	Rank	Threat <i>(including sub threats as shown above)</i>
10	1	Urban / Rural Development
9	2	Annual Grasslands / Wildfire; prescribed fire
8	3	Poor Livestock Management
7	4	Infrastructure; mines, gravel, landfills
7	4	Disease; West Nile Virus
6	5	Agricultural Practices; sagebrush control, insecticides
4	6	Predation
2	7	Human Disturbance
1	8	Sport Hunting; falconry
0	9	Isolated Populations
0	9	Agricultural Expansion
0	9	Seeded Perennial Grasslands
0	9	Conifer Encroachment

## Mean Fire Size (Acres)







### 3.1.9 Data Gaps identified by U.S. Fish and Wildlife Service

In the discussion of the factors contributing to the greater sage-grouse not warranted Finding, participants in the USFWS structured range-wide science panel identified a number of data gaps that if resolved, could reduce uncertainty in their assessment of the likelihood of extinction within a certain time frame or even change their estimates (USDI-FWS 2005). This information is included in this Plan because it provides an important window into some of the uncertainties and research, monitoring and evaluation needs that exist at the broad-scale (e.g., state or range-wide) and that might factor into future decisions regarding potential listing of the species.

The areas of uncertainty identified by the USFWS experts included:

- Systematic (e.g., species, subspecies) relationships among various grouse species;
- Underlying mechanisms by which sage-grouse populations respond to habitat changes;
- How to scale grouse habitat preference up to the level at which federal land is managed;
- Lack of studies across the range limits inferences;
- Effects of invasive plants;

- Application of grazing techniques to favor sagebrush habitat;
- Underutilization of the case study approach for sage-grouse management
  
- Future gas and oil development impacts;
- Future advances in horticulture and fire suppression;
- The role of crested wheatgrass in sagebrush management; and
- The effectiveness of USDA Conservation Reserve Program or other easement and incentive programs.

## **Appendix A: Rationale for Landuse management Coordination in Gooding County**

The people of Gooding County have historically and traditionally earned their livelihood from activities reliant upon natural resources. The economy of the County has always been, and is today, still largely dependent upon ranching and agricultural operations, activities critically and economically related to ranching and farming, and other activities reliant upon the availability of natural resources and reasonably accessible water supplies.

Privately owned land is intermingled with the federal and state lands. Management decisions for the federal and state lands directly impact use of, and the economic value of, private land. Restrictions on, and reductions of, grazing on federal lands, for example, will require the rancher to reduce the size of his herd, to find alternative grazing land, increase reliance on expensive harvested feed, or seek relief through a combination of these measures. If he must graze the herd solely on his private ground, he will lose the source of winter forage for his herd. His forage costs will dramatically increase because he will have to buy feed for the herd. There is no alternative land available in Gooding County, so even if forage is found outside the County, the transport costs would be extremely high. Either reduction in herd size, or much higher feed costs, or severely increased transport costs would result in a critically adverse outcome. Economists hold that for every dollar loss to the rancher, there will be a resulting impact to business income in the surrounding areas of the County. Specific economic impact models have been completed and included in other county landuse plans such as Owyhee County.

The economic stability of Gooding County incorporates continued multiple uses of the federal lands. Tax revenue is available to the County mainly through the ad valorem property tax. Secondly is the County's share of sales tax receipts. The limited amount of private property greatly restricts the tax revenue of the County. That limited tax base must be protected, and the continued vitality of that tax base is dependent upon continued multiple use of the federal lands. If multiple uses are restricted, business income will suffer and sales tax will be reduced. If grazing is restricted, financial pressure will be placed on the rancher which may even result in his going out of business. When that happens, the tax base of the County suffers, and the business income within the county and in the surrounding region is also reduced.

### **MULTIPLE USE AND COORDINATION WITH FEDERAL AND STATE AGENCIES**

This Plan provides a positive guide for the Land Use Committee and the Board to coordinate their efforts with federal and state land management agencies in the development and implementation of land use plans and management actions which are compatible with the best interests of Gooding County and its citizens. The Plan is designed to facilitate continued and revitalized multiple use of federally and state managed lands in the County. The Natural Resources Committee, the Board, and the citizens of Gooding County recognize that federal law mandates multiple uses of federally managed lands and they positively support multiple uses. Maintenance of such multiple uses necessarily includes continued maintenance of the historic and traditional economic uses which have been made of federally managed and state managed lands in the County. It is therefore the policy of Gooding County that the Natural Resources

Committee and the Board work constantly to assure that federal and state agencies shall inform the Board of all pending or proposed actions affecting land use, local communities and County citizens and coordinate with the Board in the planning and implementation of those actions. (See Appendix I, Federal Land Policy and Management Act)

Gooding County has previously developed its Comprehensive Plan related to privately owned lands in the County. This Land Use Plan is now directed toward management of federally and state managed lands. With adoption of this Plan the County puts in place a "Comprehensive Plan" which includes "all land within the jurisdiction of the governing Board" as directed by the legislature. Idaho Code § 67-6528 provides that "the state of Idaho, and all its agencies, Boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under the Local Planning Act."

A long series of decisions by the United States Supreme Court set forth the position that when a validating or confirming statute is passed, the legal title to the possessory right passes as completely as though a patent had been issued. Title to allotments of federal land for grazing have been validated or confirmed for over a century, and the boundaries of those allotments have been adjudicated. The Stock Raising Homestead Act of 1916 culminated development of the settlement acts regarding the lands "chiefly valuable for grazing and raising forage crops" when it completely split the surface estate from the mineral estate in order to allow for the disposal of legal surface title to ranchers, while retaining undiscovered mineral wealth to the United States.

The individual preference for use of usual and customary range by local established ranches was recognized by the Idaho Statutes long before passage of the Taylor Grazing Act of 1934. A series of early Idaho laws (including, I.C. 25-1302 in 1881; I.C. 25-1907 in 1883 and I.C. 25-1004 in 1941) were adopted to regulate and legally protect the use of usual and customary range from grazers without a historic use right. Subsequent Idaho law confirmed the appurtenance of grazing preference right to the base ranch property I.C. 25-901. Grazing preference rights owned by Gooding County ranchers were acknowledged and secured by passage of the Taylor Grazing Act in 1934. Every subsequent Act regarding management of the federal lands has protected and preserved all "existing rights" such as the grazing preference right.

The ranchers of Gooding County who graze livestock on the federal lands have a preference to graze there. The grazing preference owned by Gooding County ranchers was acknowledged and secured by passage of the Taylor Grazing Act in 1934. Every subsequent Act regarding management of the federal lands has protected and preserved all "existing rights" such as the grazing preference.

## **LIVESTOCK GRAZING:**

The Taylor Grazing Act of 1934, 43 U.S.C. § 315, was passed primarily to provide for stabilization of the western livestock industry; and that Act is still sound law. The Act authorized the Secretary of Interior to establish grazing districts in those federally managed lands which were "chiefly valuable for grazing and raising forage crops." The Secretary was authorized to act in a way that would "promote the highest use of the public lands." 43 U.S.C. § 315. The Act authorized the Secretary to issue grazing permits on a preferential basis with preference to be given to those "land owners engaged in the livestock business," "bonafide occupants or settlers," or "owners of water or water rights." 43 U.S.C. § 315 (b). The Secretary was authorized to take action to stabilize the livestock industry which was recognized as necessary to the national well being.

The Act also recognized the property interests of a permittee in the form of an investment backed expectation in § 315 (b). That Section provided that no preference would be given to any person whose rights were acquired during the year 1934 except that the Secretary could not deny the renewal of any such permit "if such denial will impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bonafide loan." Emphasis added.

The Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 et seq., did not limit, restrict or amend the purposes and provisions stated in the Taylor Grazing Act. Section 1701 stated the policy of the Congress as follows: "The Congress declares that it is the policy of the United States that --- .

(2) "The national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other federal and state planning efforts; . . .

(8) The public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural conditions; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use; . . .

(12) The public lands are managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining Minerals Policy Act of 1970 . . . as it pertains to the public lands".

The Public Rangelands Improvement Act of 1978, 43 U.S.C. § 1901-1908, once again revitalized the purposes of the Taylor Grazing Act, providing that the Secretary of Interior "shall manage the public rangelands in accordance with the Taylor Grazing Act, the Federal Land Policy and Management Act of 1976 and other applicable law consistent with the public rangelands improvement program pursuant to this Act." See 43 U.S.C. § 1903, which also provides that:

"the goal of such management shall be to improve the range conditions of the public rangelands so that they become as productive as feasible in accordance with the rangeland management

objectives established through the land use planning process, and consistent with the values and objectives listed in [Section 1901]."

The values and objectives listed in Section 1901 by which the Secretary was to be guided include a finding and declaration by the Congress that:

"to prevent economic disruption and harm to the western livestock industry, it is in the public interest to charge a fee for livestock grazing permits and leases on the public lands which is based on a formula reflecting annual changes in the costs of production." 43 U.S.C. § 1901 (a) (5)."

The Congress further found and declared that one of the reasons the Public Rangelands Improvement Act was necessary is that segments of the public rangelands were producing less "than their potential for livestock" and that unsatisfactory conditions on some public rangelands prevented "expansion of the forage resource and resulting benefits to livestock and wildlife production." 43 U.S.C. § 1901 (a) (3). The Act mandates improvement of the rangelands in order to increase the potential for livestock development and to prevent economic harm to the "western livestock industry."

In accordance with these Federal Acts - - - The Taylor Grazing Act, The Federal Land Policy and Management Act and The Public Rangelands Improvement Act - - - the Bureau of Land Management is required to preserve the stability of the western livestock industry and to provide for multiple use management including necessary range improvements for the benefit of livestock production, wildlife habitat, watershed protection, and recreation. These federal mandates can be met only by management of all federally managed lands within Gooding County in such a way as to provide for continued use of allocated forage by permitted livestock and to work toward the restoration of forages to recover suspended AUMs. The Act requires management practices designed to improve the range so that it will support "expansion of the forage resource" to the benefit of livestock production as well as wildlife.

Range improvements necessary to maintain current levels of livestock production, wildlife habitat, watershed protection, and recreation opportunity must be identified by the Bureau of Land Management and will be identified by Gooding County, with appropriate input from affected interests. The Secretary of Interior, and therefore the Bureau of Land Management, is committed by statute to preserving the stability of the livestock industry. The stability of that industry as a whole is directly related to the stability of the individual ranches that make up the industry, including those in Gooding County. The stability of the livestock industry in the County requires that the statutory mandates be followed.

The quality of economic life of Gooding County as well as the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values which are part of life in the County protected by the Federal Land Policy and Management Act require that the statutory mandates for stabilizing the livestock industry be followed.

However rural counties' socioeconomic wellbeing, safety, and culture are intimately tied to the management of the surrounding public lands. Moreover, counties are required by state law to

oversee the economic, social, and general wellbeing of the people and resources within their jurisdictions. In light of this, local land use plans are used to state the general requirements a county (or other local government) has of the surrounding federal land in order to meet these responsibilities. But in the end, all local land use plans have the same purpose: to serve as an officially adopted document laying out—in general terms—what management approaches on the neighboring federal lands a local government body requires to be taken in order to fulfill its statutory responsibilities.

Here are just a few examples of issues a local land use plan might address:

Specific goals as stated in the Gooding Comprehensive Plan require that Rangeland in Gooding County will develop land use plans for including wildlife management which contains:

- Grazing plans developed rest and deferred rotation with independent monitoring targeted to maximize quality of range habitat and condition and trend, and tailored with season of use consideration.
- Be based on best/current science. Wildlife mitigation measures and habitat will utilize or be compatible to USDA-NRCS BMPs.
- Habitat and grazing plans will be developed for each allotment based on current inventory. Range land monitoring will be completed annually by establishment of transects or permanent photo points to insure habitat stability.
- Adjustments to grazing plans will be based on specifically identified impacts. Adjustments to grazing AUM's resulting from outside trailing use will be first deducted from voluntary reduced AUM set aside.
- Provide no loss of economic productivity
- Have no loss in demonstrated beneficial multiple use
- View grazing as management tool to control fire and invasive grasses (downy brome following fire)
- Balance productivity, sustainability and benefits when considering desired use of native grasses in restoration seeding.

**Appendix B:     Members of the Natural Resource Advisory Committee**

Kay Hults, Chair Gooding Soil Conservation District

Dan Butler, Rancher and Supervisor of Gooding Soil Conservation District

Joe Pavkov, Farmer and Supervisor of Gooding Soil Conservation District

Larry Capps, Farmer and Supervisor of Gooding Soil Conservation District

Bill Palacio, Rancher- Contractor and Supervisor of Gooding Soil Conservation District

Helen Edwards, Gooding County Commissioner

Toby Flick, Rancher, Gooding County

Barbara Messick, Administrative Assistant, Gooding Soil Conservation District

Stephen Thompson, District Conservationist USDA-NRCS