Idaho State Board of Land Commissioners
Greater Sage-Grouse Conservation Plan

April 21, 2015

Credit KTVB

EXECUTIVE ORDER 2015-04
APPENDIX 3

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Executive Summary

Sage-grouse is a candidate species being reviewed by the U.S. Fish and Wildlife Service (USFWS) to determine listing status under the Endangered Species Act (ESA).

As part of Idaho's commitment to conserving sage-grouse, the Idaho Department of Lands (IDL) developed conservation measures (CMs) for endowment trust land (endowment lands) management programs and for programs that fall under some IDL regulatory and assistance functions. The CMs for IDL programs that involve sage-grouse habitat are included in the Greater Sage-Grouse Conservation Plan outlined in this document, which the State Board of Land Commissioners (Land Board) and Idaho Oil and Gas Conservation Commission approved in April 2015 (Appendix F and G). The Greater Sage-Grouse Conservation Plan (Land Board's Plan) complements and augments the Governor's statewide plan to conserve the most important habitat for sage grouse in Idaho.

IDL collected comments on a draft sage-grouse plan. Input came from natural resource industry user groups, environmental organizations, and relevant state and federal agencies to fine-tune the plan.

Implementation of the Land Board's Plan is contingent upon the federal government's acceptance and incorporation of the Governor's plan in its final decisions on sage-grouse in Idaho.

For proposed activities by third parties on endowment lands, IDL will implement sage-grouse CMs as enforceable stipulations in authorizing documents such as leases, permits, and easements. For activities that take place on privately owned lands in sage-grouse habitat but involve some IDL regulatory and assistance functions, CMs are presented as voluntary best management practices.

Endowment lands are managed under a mandate in the Idaho Constitution (Article IX Section 8) to maximize long-term financial returns to public schools and other State of Idaho institutions. Approximately 1.4 million acres of the total 2.4 million acres of endowment land in Idaho are rangelands, and nearly half of these endowment rangelands are in Core and Important sage-grouse Habitat Zones identified by the Idaho Alternative, and as concurred by the USFWS.

The IDL also carries out a number of regulatory and assistance duties. The IDL regulatory and assistance responsibilities that affect sage-grouse habitat include regulating certain oil and gas development activities; dredge and placer mine permitting; mine reclamation plan approvals; and abandoned mine land reclamation. The IDL also supports enhanced fire preparedness and suppression in sage-grouse habitat.

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1. Brief History

In 2010, the USFWS determined Greater Sage-Grouse (sage-grouse) warranted protection under the ESA, 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 multidistrict litigation in the U.S. 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 to 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 U.S. 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, then-Secretary of the Interior Ken Salazar invited the 11 western states impacted by a potential listing of the species, including Idaho, to develop state-specific regulatory mechanisms to address the cited deficiencies in an effort to preclude a listing under the ESA.

As a direct outcome of the proposed ESA listing review, the U.S. 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 C.L. "Butch" Otter issued Executive Order No. 2012-02 establishing the Governor's Sage-Grouse Task Force. The task force's goal was ultimately to develop state-specific regulatory mechanisms for the BLM to incorporate the state's plan as an alternative in the BLM environmental analysis pursuant to the National Environmental Policy Act (NEPA) EIS. The *Idaho Alternative* was submitted to the BLM in September 2012. The *Idaho Alternative* was incorporated as Alternative E in the November 2013 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 the BLM Alternative D.

The Land Board's Plan complements the Governor's *Idaho Alternative* Sage-Grouse Plan for federal land management in Idaho.

The Land Board's Plan utilizes the *State of Idaho Habitat Zone* classifications defined in 2012 by the Governor's task force. Consistent with the *Idaho Alternative*, IDL focuses conservation efforts on the Core and Important Habitat Zones, which include the great majority of the sage-grouse populations in Idaho. There are more than 10,500,000 acres in Core and Important sage-grouse Habitat Zones in Idaho, 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 percent), almost half of endowment rangelands are found within the Core and Important Habitat Zones.

2. Purpose of the Plan

The Plan has a threefold purpose:

(1) It summarizes CMs for endowment land programs and IDL regulatory and assistance programs that are complementary to the *Idaho Alternative* for sage-grouse conservation actions on federal land.

(2) It communicates to the USFWS that, along with the *Idaho Alternative*, 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 ESA).

(3) It preserves the statutory responsibility of IDL to manage endowment lands under a constitutional mandate to maximize long-term financial returns to state institutions, mainly public schools.

For proposed activities by third parties on endowment lands, IDL will implement sage-grouse CMs 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 on private land, CMs will be voluntary BMPs 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 permitting; mine reclamation plan approvals; and oil and gas permits (e.g. seismic imaging surveys, well drilling). Where appropriate, IDL will include recommended BMPs within its authorizing documents to encourage compliance.

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

3. Coordination

Utilizing available funding, IDL will collaborate, coordinate, and utilize cooperative planning efforts to implement and monitor proposed CMs 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),*

e. Jarbidge Fuel Breaks Project (DOI-BLM-ID-T010-2011-0006-EA),
f. BLM/IDFG/IDL Rangeland Rehabilitation MOU (Final MOU 02/2015), and
g. Owyhee Land exchange (Agreement to Initiate signed December, 2008).

In addition, IDL's FY 2016 budget includes a one-time appropriation of $55,000 from the General Fund to cover IDL personnel costs within the Forest and Range Protection program for two heavy equipment mechanic positions to refurbish water tender equipment. This equipment will be utilized by the rangeland fire protection associations (RFPAs) in suppressing rangeland fire in the sage-grouse landscape. The FY 2016 budget also includes a one-time appropriation of $195,000 in dedicated funds (Earnings Reserve Fund) for operating expenses within the Lands and Waterways program for fire prevention fuel breaks, conifer encroachment treatments, post-fire seeding, fire prevention brush management, wildlife fencing, flagging, and water development wildlife escape ramps.

4. Greater Sage-Grouse Management Areas

The Land Board's Plan utilizes the *State of Idaho Habitat Zone* classifications as described in the *Idaho Alternative, September 2012,* and as proposed by the Governor's Sage-Grouse Task Force. The *Idaho Alternative* designated a Sage-Grouse Management Area ("SGMA") with three distinct management zones: Core Habitat ("CHZ"), Important Habitat ("IHZ") and General Habitat ("GHZ"). At this time, IDL is not proposing any CMs for endowment lands or regulatory and assistance activities within the GHZ.

IDL concurs with and repeats the following statements from the *Idaho Alternative:*

> *The State recognizes that any attempt to map sage-grouse habitat must, by necessity, be at a broad, programmatic scale. The mapping of boundaries presented above is not intended to equate to verified boundary locations or on-the-ground habitat types from which the public can determine with certainty whether any particular location is inside or outside of a particular management zone.*
>
> *Rather, the mapping exercise is intended to give governmental entities, land managers, project proponents and the public a general idea of where certain types of habitat and conservation priorities are spatially located as of the date of the map. The State also recognizes that this mapping exercising depicting current habitat for the species is not static, and any map must be verified through site-specific environmental analysis.*

As described in the *Idaho Alternative*, additional lands beyond the identification thresholds have "*been included in the CHZ to consolidate key breeding areas, to include wilderness areas and lands within national monuments, and to foster population connectivity with neighboring states."* The IHZ similarly includes "*areas of value for migration corridors, connectivity among breeding areas, and long-term persistence of each of the two key meta-populations of sage-grouse in Idaho."* By default of the broad scale mapping exercise, both the CHZ and IHZ also include some areas that are neither sage-grouse habitat nor connectivity corridors.

The *Idaho Alternative* lists specific vegetation criteria to be considered for livestock grazing management on federal lands.

> *Grazing within the CHZ and IHZ will be managed according to the process outlined in the text below. The first step, and perhaps the most important, is to inform and educate affected permittees regarding sage-grouse habitat needs and conservation measures. These habitat needs or*

characteristics outlined in Tables 3-5 will be incorporated into relevant resource management plans as the desired conditions with the understanding that these desired conditions may not be achievable: (a) due to the existing ecological condition, ecological potential or the existing vegetation; or (b) due to casual events unrelated to existing livestock grazing.

The IDL Range Management/Livestock Grazing measures do not include the vegetative criteria recommended for grazing on federal lands. The IDL livestock grazing component is from the previously vetted and approved 2006 Conservation Plan for the Greater Sage-grouse in Idaho ("2006 Idaho Plan"), and as detailed in Section 16 below.

The *Idaho Alternative* uses a *Core*, *Important, and General* habitat zone classification that is somewhat different from the BLM subregional alternative habitat classification of *Priority*, *Important*, and *General Habitat Management Areas* for Idaho. In addition to differences in habitat classifications there exist variations between on-the-ground habitat mapping in the *Idaho Alternative* and the BLM subregional Alternative. However, both Alternatives recognize the value of a three-tiered habitat approach which is essential to the functionality of the adaptive management process outlined in the *Idaho Alternative*. In 2014, the State of Idaho and the Idaho BLM came to final agreement of the sage-grouse habitat map for purposes of completion of the Final EIS for management actions on federal lands. The State and IDL both recognize the value of having a consistent classification across the sage-grouse landscape in Idaho, and IDL fully adopts the habitat map agreed upon by the State of Idaho and the Idaho BLM.

IDL will recognize any habitat management updates resulting from the five-year formal map review.

5. Adaptive Management

5.a. Adaptive Management for Federal Lands

The *Idaho Alternative* (September, 2012) Adaptive Management Triggers have been further refined and presented to the USFWS (Brian Kelly) in a letter from Governor Otter dated March 14, 2013. The trigger discussion has been copied from that letter, in part for reference:

The adaptive triggers provide a regulatory backstop to prevent further loss and stabilize habitats and populations in the CHZ, and to a lesser extent in the IHZ, where a demonstrated significant loss has either occurred over time or unexpectedly (i.e., Murphy Complex Fire). These adaptive triggers are employed when dramatic shifts in population or habitat occurs based on an average over a three year period compared to 2011 values. Additionally, these adaptive triggers place the primary and secondary threats to the species in proper context to appropriately evaluate the cause(s) of the decline.

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

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

When the monitoring information indicates that the "soft trigger" may be tripped, an Implementation Team – aided by the technical expertise of IDF&G – will assess the factor(s) leading to the decline and identify potential management actions. See Idaho Alternative at 7. The Implementation Team[1] *may consider possible changes in management to the CHZ. As to the IHZ, the Implementation Team may review the causes for decline and potential management changes only to the extent those factors significantly impair the state's ability to meet the overall management objective. It is anticipated IDF&G will collect data annually and will make recommendations to the Implementation Team by August 31st for population triggers and January 15th for habitat triggers.* (Per D. Kemner, IDFG, IDFG will collect population data and the BLM will collect habitat data)[2].

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

- *20% loss in CHZ nesting* and/or[2] *wintering habitat over a period of three years; or*
- *20% decline in maximum number of males counted and a finite rate of change significantly below 1 within a* CHZ of a[2] *Conservation Area over a period of three years.*

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

First, the IHZ will be managed according to the CHZ provisions primarily impacting the ability to consider infrastructure projects. Like the "soft trigger," the Implementation Team will analyze the actual cause(s) of the decline. The flow chart (Appendix II of letter is titled Adaptive Trigger Strategy- Determine What Caused a Hard Trigger to Become Operative and What Management Actions are Necessary*) illustrates the process used to determine which threat(s) caused the habitat or population loss.*

As the illustration denotes, the Service identified wildfire, invasive species, and infrastructure as the primary threats and West Nile Virus, improperly managed grazing, and recreation as secondary threats. This adaptive trigger strategy focuses the analysis on mitigating the primary threats to the

[1] Excerpted from the clarification letter sent to Steve Ellis, Idaho State Director, BLM from Dustin Miller, Administrator, Governor's Office of Species Conservation dated July 1, 2013:

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

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

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

[2] Personal communication with Don Kemner, Idaho Fish and Game, April 11, 2015 correcting and clarifying items in letter that were refined for the DEIS.

species in the CHZ. Only where the monitoring information indicates the cause(s) of the decline is not a primary threat will the Implementation Team analyze the secondary threats to the species and determine whether further management actions are needed.

Population and habitat objectives are measured against baselines are illustrated in the tables below. The baseline for habitat within each CA is the 2011 nesting and wintering habitat for the CHZ and IHZ. (See Tables 1 and 2, Idaho Alternative, 2012.) The population baseline is the maximum number of males counted on lek routes in 2011 within the CHZ and the average finite rate of change of population for 2009-2011 within the CHZ. It is measured the same way in IHZ. CHZ and IHZ triggers are analyzed separately. The habitat triggers are also analyzed separately from the population triggers.

5.b. Adaptive Management for Endowment Lands

While IDL recognizes that the soft and hard triggers would become operative across the landscape in a conservation area, regardless of land ownership, the appropriate response to address a soft or hard trigger tripping will only take place on federal land according to the *Idaho Alternative*. However, if the Implementation Team determines the causal factors are applicable to IDL managed land, IDL commits to implementing CMs tailored to meet the identified causal factor. These would likely be implemented immediately under an emergency action clause pending IDL Director approval. However, any CM to be implemented long-term that is a major deviation from the Land Board's Plan would need to be approved by the Land Board as an amendment 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 percent disturbance limit across all landowners within eight Biologically Significant Unit areas. Because endowment 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 endowment lands since these limits would result in a violation of the fiduciary trust responsibilities bestowed on the Land Board and IDL in managing endowment lands in accordance with the Constitutional mandate.

7. Mitigation

At this time, the State of Idaho has not finalized a mitigation plan, nor have there been 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 two PARTS. PART I presents the CMs IDL will implement in its authorizing documents (e.g. leases) for third party activities on endowment 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 CMs IDL will recommend as voluntary best management practices for mining operators and oil and gas operators on non-state lands. In addition, PART II 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 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

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Exhibit 1

Ownership by Sage-Grouse Habitat Zone

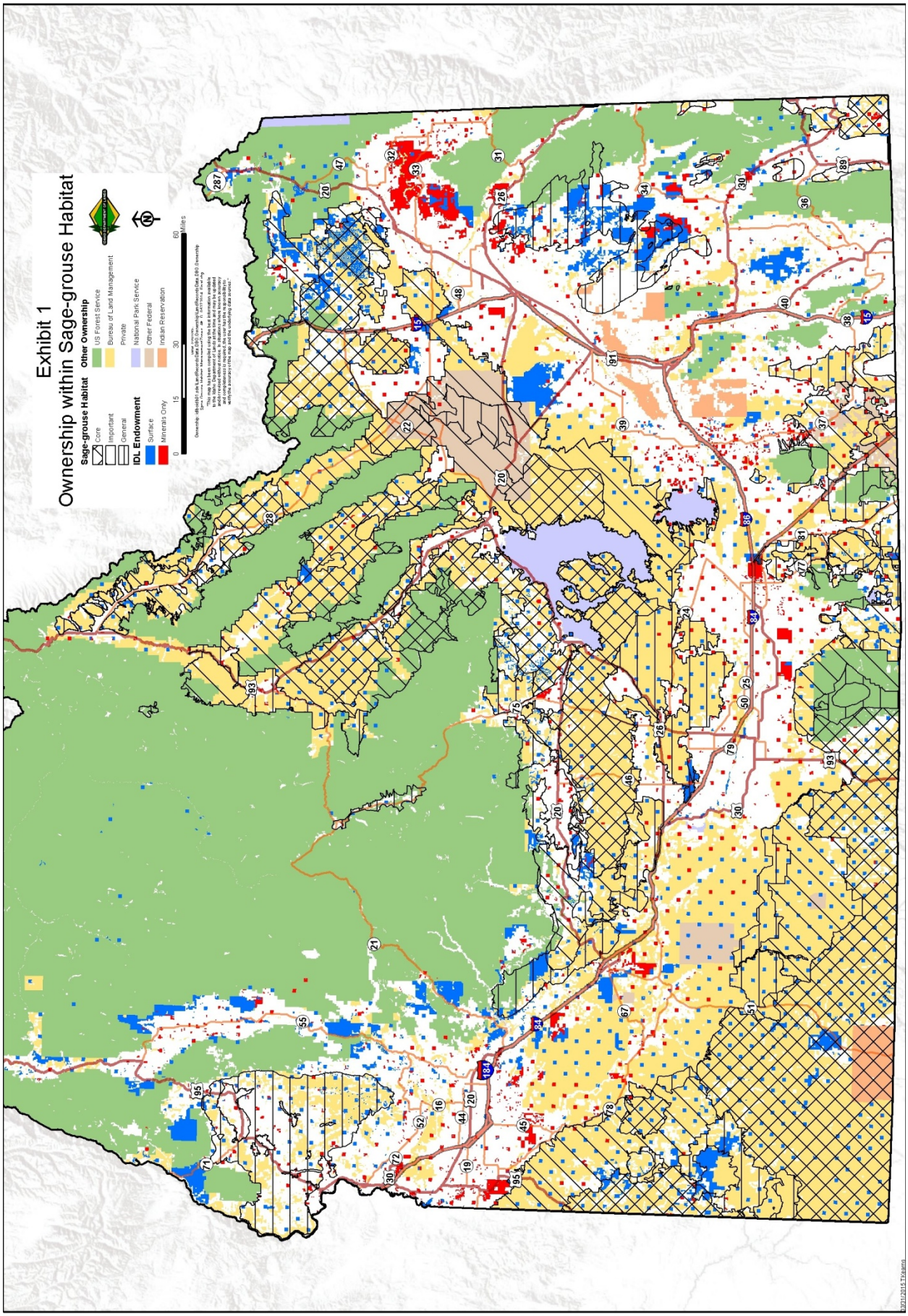
Exhibit 1
Ownership within Sage-grouse Habitat
Sage-grouse Habitat
Core
Important
General
IDL Endowment
Surface
Minerals Only
Other Ownership
US Forest Service
Bureau of Land Management
Private
National Park Service
Other Federal
Indian Reservation
0
15
30
60
Miles

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

For proposed activities by third parties on endowment lands in Core and Important Habitat Zones, IDL will implement CMs 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.

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.

Because of the diversity of terrain and vegetation types within the sage-grouse region of Idaho, it is difficult to design a “one size fits all” set of CMs. Science and technology also change over time, and new options or alternatives may be proposed as part of a site-specific management plan. Site-specific management plans submitted by applicants or lessees must provide equal or better results than the CMs described below. Site-specific management plans will be reviewed and approved by the appropriate IDL staff. When anticipated results are uncertain, IDL will confer with the Idaho Department of Fish and Game (IDFG) prior to approving any site-specific management plan.

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 U.S. Department of Interior, Secretary of Interior Order Number 3336. The 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 endowment lands located within Core and Important Habitat Zones. These lands contain about 82,000 Animal Unit Months (AUMs) of leased forage. As a primary threat wildland fire has the potential to significantly impact endowment rangelands located in Core and Important Habitat Zones. Between 2009 and 2014, more than 19,000 acres of Core and Important sage-grouse habitat burned on endowment rangelands due to wildland fire. Based on historical averages, approximately 3,200 acres of endowment rangelands are expected to burn each year within Core and Important Habitat Zones with significant impacts to grazing lessees and endowment beneficiaries.

During the 2014 fire season, 2,957 acres of Core Habitat Zone burned on endowment 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 endowment lands totaled nearly $45,000. Left unaddressed, the primary threat of wildland fire within Core and Important Habitat Zones on endowment rangelands is expected to continue at the same rate.

The following CMs will be incorporated as stipulations for any authorizing documents, (except livestock grazing which is addressed separately under item 16), 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, RFPAs, and federal land management 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

Appendix C outlines how wildfire protection responsibilities are organized in Idaho, and how Idaho funds its fire program, particularly suppression costs for fires that burn on lands protected by the State of Idaho (IDL and two timber protective associations). Exhibit 2 displays the IDL, federal, and active and proposed rangeland fire protection association boundaries within the sage-grouse landscape.

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 U.S. Department of Interior, Secretary of Interior Order Number 3336. The 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 the IDL forest protective districts have suppression responsibilities within any currently identified Core or Important Habitat Zones. Likewise, as of December 2014, none of the IDL forest protective districts have suppression responsibilities within any currently identified General habitat zone.

Exhibit 2

Sage-Grouse Habitat Zone and Fire Protection

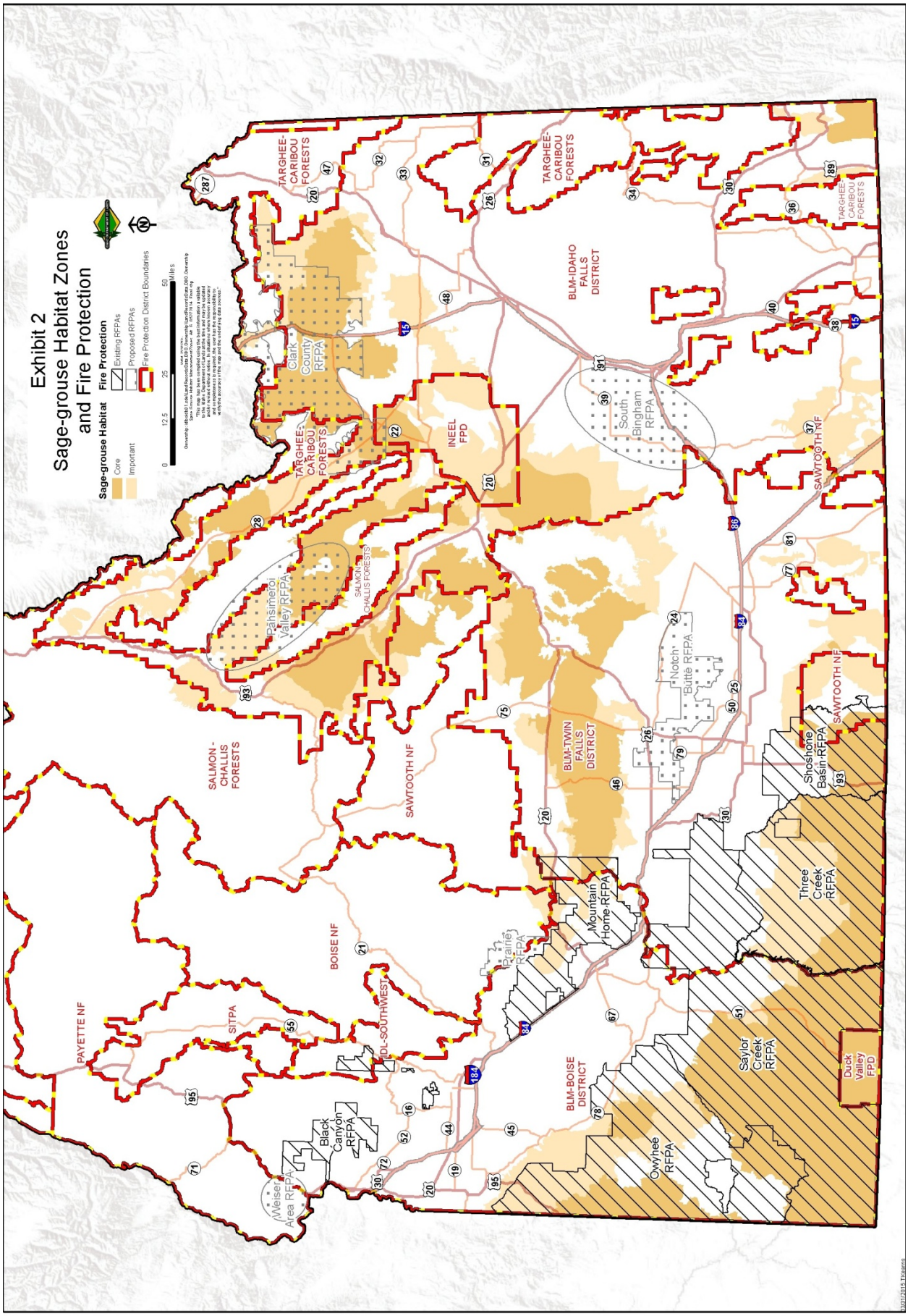
Exhibit 2
Sage-grouse Habitat Zones and Fire Protection
Sage-grouse Habitat
Core
Important
Fire Protection
Existing RFPAs
Proposed RFPAs
Fire Protection District Boundaries
0
12.5
25
50
Miles
TARGHEE-CARIBOU FORESTS
Clark County RFPA
INEEL FPD
BLM-IDAHO FALLS DISTRICT
South Bingham RFPA
SAWTOOTH NF
Ransimeroi Valley RFPA
SALMON-CHALLIS FORESTS
Notch Butte RFPA
BLM-TWIN FALLS DISTRICT
Shoshone Basin RFPA
Mountain Home RFPA
Three Creek RFPA
Prairie RFPA
BOISE NF
IDL-SOUTHWEST
PAYETTE NF
SITPA
Black Canyon RFPA
Weiser Area RFPA
BLM-BOISE DISTRICT
Owyhee RFPA
Saylor Creek RFPA
Duck Valley FPD

When IDL fire suppression resources are dispatched as a cooperating agency to another agency's incident within sage-grouse habitat, the resources will utilize that agency's BMPs as applicable for sage-grouse habitat and as instructed in the dispatched resource's briefing. Interagency cooperation suppression activities are assumed to follow the prioritization associated with the BLM/U.S. Forest Service Fire and Invasive Assessment Team (BLM/FS FIAT) plans.
For extended attack fires involving endowment 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, making fuels management 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 CMs and BMPs on endowment rangelands.

10.2. Where applicable IDL will design fuels treatment objectives on endowment 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 and consistent with the BLM/FS FIAT plans .

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 enhance and 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. Examples of IDL cooperative efforts include:

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 green and brown strip fuel breaks along existing roads and other disturbances; identify and target higher-risk roads for fuel break construction and maintenance based on fire history maps; and use properly managed and targeted livestock grazing to create fuel break patterns that protect Core and Important Habitat Zones. Fuel breaks to include annual monitoring and maintenance. Examples of IDL cooperative efforts include:

a. Tri-State Interagency Fuel Break Project (Federal Register-NOI, 2015)
b. Paradigm Fuel Break Project (BLM Draft EA, 01/24/2014)
c. Jarbidge Fuel Breaks Project (DOI-BLM-ID-T010-2011-0006-EA)

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

10.8. IDL will prioritize fuel management treatments within Key Areas (large contiguous blocks of endowment land within Core and Important habitat that USFWS has identified as a priority for conservation efforts). Fuel management treatments within Key Areas will incorporate sage-grouse seasonal habitat guidelines as presented in Tables 3-5 *Idaho Alternative* (developed from Connelly et al. 2000). When habitat parameters are uncertain or in doubt, IDL will confer with IDFG prior to conducting any fuel management treatments within the Key Areas.

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 desired 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. Restoration and rehabilitation efforts will be consistent with the BLM/FS FIAT plans.

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

11.2 IDL will prioritize fire restoration/rehabilitation treatments within Key Areas. Fire restoration/rehabilitation treatments within Key Areas will incorporate sage-grouse seasonal habitat guidelines as presented in Tables 3-5 *Idaho Alternative* (developed from

Connelly et al. 2000). When habitat parameters are uncertain or in doubt, IDL will confer with IDFG prior to conducting any fire restoration/rehabilitation treatments within the Key Areas.

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 in Core and Important habitat within the Key Areas first, followed by those areas not within the Key Areas, consistent with the BLM/FS FIAT plans 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 endowment 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 percent conifer cover), Phase 2 (10-30 percent), and Phase 3 (>30 percent).
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 endowment 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.

12.5. 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

12.6 IDL will prioritize habitat restoration treatments within Key Areas. Habitat restoration treatments within Key Areas will incorporate sage-grouse seasonal habitat

guidelines as presented in Tables 3-5 *Idaho Alternative* (developed from Connelly et al. 2000). When habitat parameters are uncertain or in doubt, IDL will confer with IDFG prior to conducting any habitat restoration treatments within the Key Areas.

13. Invasive Plant Species on Endowment Land

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 endowment lands, the following CMs for invasive plant species will be applied through lease stipulations or other recordable instrument stipulations.

13.1. Vehicles and equipment operated by IDL or lessees that will travel off approved /designated transportation routes will be inspected and cleaned of seeds and propagules to prevent the spread of invasive and noxious plant species.

13.2. Through a cooperative effort, invasive and noxious plant species will be inventoried and monitored pre-disturbance and throughout the life of the project by the lessee and the lessor or a designated agent.

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 BMPs and appropriate treatments including chemical, mechanical and biological to treat invasive and state listed noxious plant species. When regulated chemicals are determined to be the best treatment, authorized parties will use Idaho licensed professional applicators to treat noxious plant species with the approved and properly documented herbicide. Weeds will be treated promptly when located on a project site.

14. Infrastructure Development / Lands and Realty on Endowment Land

The *Idaho Alternative* defines “infrastructure”:

> *… as discrete, large-scale anthropogenic features, including highways, high voltage transmission lines, commercial wind projects, energy development (e.g., oil and gas development, geothermal wells, airports, mines, cell phone towers, landfills, residential and commercial subdivisions, etc.)*
>
> *Infrastructure related to small–scale ranch, home and farm businesses (e.g., stock ponds, fences, range improvements) do not fall within this definition. These issues are not included within this definition, and are addressed in other sections of the Alternative or through local resource management plans.*

Infrastructure development on endowment 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 and to provide for grid reliability. 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.

The potential for renewable energy development to occur on endowment lands located in Core and Important Habitat Zones is very low. However, any proposed development will be required to comply with the CMs identified in the following sections. These same CMs will also be included as stipulations in rights-of-way, when IDL authorizes parties to access other lands by using endowment lands.

14.1. Surface Use and Timing

14.1.1. Controlled surface use and timing limitations as described below will be applied within Core and Important Habitat Zones, unless species occupancy and distribution determined by the 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. Livestock grazing is not considered surface occupancy.

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. The terms *low* and *high* elevation are used generally. IDFG biologists with knowledge of the timeline for local lek routes usually advise when a lek should be checked. For planning purposes a 5,000-foot elevation may be used as a general distinction.

14.1.4. Major construction and maintenance activity shall be avoided by authorized parties in sage-grouse winter range (winter concentration areas) 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 two hours before sunset to two hours after sunrise during breeding season. Ambient noise levels will be determined by measurements taken at the perimeter of an occupied lek at sunrise.

14.3. Fencing

Findings from Stevens et al. 2012 show that sage-grouse collisions are highly variable spatially, and targeting efforts for fence marking is more strategic and cost-effective. Analysis revealed that terrain ruggedness and distance from the lek were primary factors associated with fence collision risk across the landscape. Use Natural Resource Conservation Service (NRCS) fence collision data and local knowledge to determine low, medium or high risk level around occupied leks. Fence segments within Key Areas will be the first priority.

14.3.1. New and existing wire fence segments constructed by authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area.

14.3.2. As necessary and 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) shall be designed by authorized parties to maintain or enhance the free-flowing characteristics of springs and wet meadows, which will help maintain continuity of the pre-developed riparian areas.

14.4.2. As an exception to 14.4.4.1., on projects requiring water to be pumped such as solar, hydro or fossil fuel operation, floated tanks will be allowed to conserve water resources and efforts will be made by the lessee to treat these tanks for mosquito species that carry West Nile Virus.

14.4.3 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.

14.4.4. Wildlife escape ramps in new and existing water troughs and open-water storage tanks shall be installed and maintained 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, as feasible, 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. Requirements from public utilities will be followed for all installations

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. Use best available science in concurrence with IDFG to address concerns of towers and other elevated structures as perches for predatory or corvid birds.

14.5.6. New structures with a height over five feet will not be constructed by authorized parties within one km of occupied leks. To the extent practicable, power lines, towers, and other tall structures that provide perch sites for raptors will not be constructed within three km of breeding period habitats. If these structures must be built, or presently exist, the lines should be buried or the structures modified to prevent their use as raptor perch sites. Screening or other mitigation may also be used.

14.5.7. Permanent structures that create movement will be minimized within Core and Important Habitat Zones. Painting, shielding, or other measures can be implemented to mitigate potential impact from these structures.

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. Site accessibility and timing conditions for successful germination will be taken into consideration.

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 endowment 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 endowment lands, and consolidating endowment 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 endowment 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 CMs.

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.
- IDFG data and review comments.

14.8 BLM Land Exchanges

IDL adopts a general strategy aimed at reducing endowment ownership of Key Habitat within Core Habitat Zones through completion of land exchanges with the BLM. This strategy would provide the greatest levels of certainty for conservation of core sage-grouse habitat.

Once endowment lands have been proposed to be included in a formal land exchange with the submission and acceptance of an Agreement to Initiate (ATI) with the BLM, the IDL, with Land Board concurrence, would commit to up to a three-year deferral on leasing of those lands for mineral development in order to accomplish the exchange.

Key habitat areas within Core Habitat Zones within the endowment trust estate would be prioritized for exchange. In exchange for those endowment lands, IDL would prioritize BLM lands and/or minerals with the following characteristics for acquisition consistent with its duty to maximize revenue over the long term in accordance with Article IX, Section 8 of the Idaho Constitution: 1) lands and minerals located outside of Core and Important Habitat Zones, 2) lands with oil and gas resource development potential, 3) lands with non-native vegetation (previously seeded crested wheatgrass), and 4) lands that block up existing IDL ownership, not necessarily limited to the current disposal lists in the respective Resource Management Plans.

Given the long timeframes that can be associated with federal land exchanges, IDL proposes that the Department of Interior consider adopting a streamlined exchange process, similar to authorities contained in the 2014 Farm Bill for the U.S. Department of Agriculture. Land exchanges that provide a net benefit to conservation of core sage grouse habitat, should be considered for a categorical exclusion under the National Environmental Policy Act (NEPA).

14.9. Owyhee Land Exchange

In December, 2008 the BLM and IDL entered into an Agreement to Initiate Land Exchange. IDL's objectives for parcel acquisition selection include: improved range (crested wheatgrass seedings), parcels outside Core or Important sage-grouse habitat or bighorn sheep habitat, parcels that block up current IDL ownership and/or provide legal access to existing ownership, and parcels that may have Higher and Better Use (HBU) potential. Objectives for disposition of IDL lands include: wholly within or adjacent to designated wilderness, scattered parcels with no legal access and no management control, other scattered IDL parcels within large blocks of BLM ownership. Acreage in the current version of the exchange includes approximately 28,000 acres of IDL ownership and 32,000 acres of BLM ownership. Parcels in the exchange are displayed in Appendix D.

14.10 New acquisitions of endowment lands within the Core and Important Habitat Zones would be discouraged; however, if minor amounts of lands were acquired, they would be managed according to the IDL sage-grouse CMs.

15. Mineral Leasing on Endowment Land

For all mineral leasing activities on endowment lands, CMs 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 CMs 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

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 County. 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. For endowment 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 as described below will be applied within Core and Important Habitat Zones, unless species occupancy and distribution determined by 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. The terms *low* and *high* elevation are used generally. IDFG biologists with knowledge of the timeline for local lek routes usually advise when a lek should be checked. For planning purposes a 5,000-foot elevation may be used as a general distinction.
d. Major construction and maintenance activity will be avoided by authorized parties in sage-grouse winter range (winter concentration areas) 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 two hours before sunset to two hours after sunrise during breeding season. Ambient noise levels will be determined by measurements taken at the perimeter of an occupied lek at sunrise.

15.1.3. Fencing

New and existing wire fence segments constructed by authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area.

15.1.4. Water Supply Structures

Wildlife escape ramps in new and existing open-water storage tanks shall be installed and maintained 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, as feasible, 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. Use best available science in concurrence with IDFG to address concerns of towers and other elevated structures as perches for predatory or corvid birds.
f. New structures with a height over five feet will not be constructed by authorized parties within one km of occupied leks. To the extent practicable, power lines, towers, and other tall structures that provide perch sites for raptors will not be constructed within three km of breeding period habitats. If these structures must be built, or presently exist, the lines should be buried or the structures modified to prevent their use as raptor perch sites. Screening or other mitigation may also be used.
g. Permanent structures that create movement will be minimized within Core and Important Habitat Zones. Painting, shielding, or other measures can be implemented to mitigate potential impact from these structures.

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. Site accessibility and timing conditions for successful germination will be taken into consideration.
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 Endowment 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 as described below 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. The terms *low* and *high* elevation are used generally. IDFG biologists with knowledge of the timeline for local lek routes usually advise when a lek should be checked. For planning purposes a 5,000-foot elevation may be used as a general distinction.

d. Major construction and maintenance activity will be avoided by authorized parties in sage-grouse winter range (winter concentration areas) 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 sunset to 2 hours after sunrise during breeding season. Ambient noise levels will be determined by measurements taken at the perimeter of an occupied lek at sunrise.

15.2.3. Fencing

New and existing wire fence segments constructed by authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area.

15.2.4. Water Supply Structures

Wildlife escape ramps in new and existing open-water storage tanks shall be installed and maintained 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, as feasible, 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 may 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. Use best available science in concurrence with IDFG to address concerns of towers and other elevated structures as perches for predatory or corvid birds.
f. New structures with a height over five feet will not be constructed by authorized parties within 1km of occupied leks. To the extent practicable, power lines, towers, and other tall structures that provide perch sites for raptors will not be constructed within 3 km of breeding period habitats. If these structures must be built, or presently exist, the lines should be buried or the structures modified to prevent their use as raptor perch sites. Screening or other mitigation may also be used.
g. Permanent structures that create movement will be minimized within Core and Important Habitat Zones. Painting, shielding, or other measures can be implemented to mitigate potential impact from these structures.

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. Site accessibility and timing conditions for successful germination will be taken into consideration.
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 on Endowment Land

IDL recognizes that healthy rangelands provide a basic foundation for productive sage-grouse habitat. Conservation and improvement of sage-grouse habitat is consistent with long-term

grazing management systems that support conditions or trends toward healthy rangelands. Within the 2006 Conservation Plan for the Greater Sage-Grouse in Idaho ("2006 Idaho Plan"), IDL agreed to take measures that protect or improve important and critical wildlife habitat, subject to the fundamental mission of IDL to support endowment beneficiaries. Though the impact of livestock grazing to rangelands is recognized as a secondary threat to sage-grouse habitat in Idaho, roughly 619,571 surface acres or 44 percent of endowment rangelands are within Core and Important Habitat Zones. IDL identifies proper livestock grazing as a tool that could benefit sage-grouse habitats by taking into consideration flexibility and site-specific management opportunities.

Identified within the 2006 Idaho Plan, livestock management practices are not stand-alone actions. Management activities should be considered in combinations best characterized by a complete and effective grazing program and that also considers key sage-grouse conservation needs. IDL further recognizes that opportunities exist for state and federal agencies, grazing lessees and university researchers to collaborate on efforts to modify current conditions and needed management actions in terms of livestock grazing in sage-grouse habitats throughout southern Idaho. IDL will administer endowment rangelands and livestock grazing leases in Core and Important Habitat Zones with lease stipulations that are drawn from, in part, the CMs specified within the 2006 Idaho Plan as well as more recent IDFG recommendations.

Issue Addressed	Conservation Measure(s)
Livestock management and leks.	1. Use lek route or other relevant information to identify leks where the placement of sheep camps, bed grounds, herding or related activities is repeatedly disturbing displaying birds on active leks. Dates of concern are from March 15 through May 1 in lower elevation with habitats and March 25 through May 15 in higher elevation habitats. Once such leks are identified, IDL will work closely with sheep ranchers, Local Working Groups and/or IDFG to identify mutually agreed upon alternative sites or herding routes that eliminate or reduce disturbance. In selecting such alternative sites/routes, focus on areas away from leks and that do not provide breeding habitat characteristics, where feasible. If such lek-specific CMs cannot be developed (due to time or logistical constraints), domestic sheep grazing activities described above will be avoided within the lesser of 1 km (0.62 mi) or direct line of sight of any such lek during the lekking periods. 2. IDL will provide maps to lessees to ensure that sheep operators and herders are aware of the location of possible or occupied leks.
Livestock management and late brood rearing habitat.	1. Due to the preference of forbs by domestic sheep, manage sheep allotments using grazing management techniques that promote and maintain a diversity of desirable annual and perennial forbs. Suggestions include: A. Alternate or rotate areas for spring turnout. B. Promote light, once-over use of vegetation, as opposed to repeated use during the same season

Issue Addressed	Conservation Measure(s)
	by the same band or successive bands of sheep. C. Ensure that permittees, foremen, herders and sheep camp tenders are informed of management and movement requirements, such as related to the avoidance of recent burns, burned area rehabilitation seedings or other restoration sites. D. Employ open (loose) herding of sheep as opposed to tightly bunched sheep. 2. Manage grazing of riparian areas, meadows, springs, and seeps in a manner that promotes vegetation structure and composition appropriate to the site. In some cases enclosure fencing may be a viable option. However, in some cases, (e.g., enclosed meadows) the availability and quality of herbaceous species may be improved by periodic grazing use of enclosure and should be considered in the grazing management program. 3. In agricultural fields where sage-grouse use has been documented or is likely, willing lessees may wish to avoid or limit use of alfalfa by livestock after the last cutting, to provide residual alfalfa for use by sage-grouse broods.
Livestock management during periods of drought.	1. In sage-grouse nesting and brood-rearing habitats, adjust livestock use (season, utilization, stocking, intensity, and/or duration) during drought to minimize the additional stress placed on herbaceous species. This is anticipated to reduce impacts on perennial herbaceous cover, plant species diversity and plant vigor. IDL will cooperate with lessees and federal partners as needed. 2. IDL will continue to foster the coordination of drought management activities and outreach through the Idaho Rangeland Drought Task Force committee.
Placement of salt and mineral supplements.	1. When using salt or mineral supplements: a) place them in existing disturbed sites, areas with reduced sagebrush cover, seedings, or cheatgrass sites (for example) to reduce impacts to sage-grouse breeding habitat, b) where feasible, use salts or mineral supplements to improve management of livestock for the benefit of sage-grouse habitat.
Placement of fences and other structures.	1. Findings from Stevens et al. 2012 show that sage-grouse collisions are highly variable spatially, and targeting efforts for fence marking is more strategic and cost-effective. Analysis revealed that terrain ruggedness and distance from the lek were primary factors associated with fence collision risk across the landscape. Use Natural Resource Conservation Service (NRCS) fence collision data and local knowledge to determine low, medium or high risk level around occupied leks. Fence segments within Key Areas will be the first priority. 2. New and existing wire fence segments constructed by

Issue Addressed	Conservation Measure(s)
	authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area. 3. Where feasible, IDL will recommend placement of new fences and structures with consideration of their impact on sage-grouse. In general, avoid constructing new fences within 1 km (0.62 mi) of occupied leks (adopted from Connelly et al. 2000b). Where feasible, place new, taller structures such as corrals, loading facilities, water storage tanks, windmills etc., as far as possible from occupied leks to reduce opportunities for perching raptors. Careful consideration, based on local conditions, will also be given to the placement of new fences or structures near other important seasonal habitats (winter-use areas, movement corridors etc.). In order to reduce potential impacts, fence markers will be used to mitigate mortality within areas identified by IDL, lessees or cooperative partners.
Design and placement of water developments.	1. IDL and lessees will cooperate on site-specific new spring developments in sage-grouse habitat. Spring developments will be designed to maintain or enhance the free-flowing characteristics of springs and wet meadows by the use of float valves on troughs or other features where feasible. Retrofit existing water developments during normal maintenance activities to maintain or enhance lentic, riparian properties and minimize annual maintenance. 2. IDL and lessees will cooperate to ensure that new and existing livestock troughs and open water storage tanks are fitted with wildlife escape ramps/ladders to facilitate the use of and escape from troughs by sage-grouse and other wildlife. Floating boards or similar objects will not be used as these are too unstable and are ineffective. IDL and lessees will cooperate to ensure that USDA-NRCS design requirements for wildlife escape ramps are followed when installed.

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 Sections 13 and 14 will also apply to recreation leases.

20. Implementation and Monitoring

Implementation of the CMs through lease/permit/easement stipulation will be incorporated into existing lease/permit/easement issuance procedures. A copy of the applicable CMs will be provided to all interested applicants for a lease, permit or easement on endowment lands located in Core or Important Habitat Zones, so the applicant is informed of the expected requirements when entering the application process. The CMs will be incorporated into the authorizing document either directly or by separate addendum. See Appendix B for IDL's DRAFT Implementation Plan.

Monitoring of CMs 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 CMs were implemented and an assessment of their effectiveness. See Appendix E for IDL's DRAFT Monitoring Plan (not yet completed).

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 on private land, CMs will be voluntary BMPs 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 permitting; mine reclamation plan approvals; and oil and gas permits (e.g. seismic imaging surveys, well drilling). Where appropriate, IDL will include recommended BMPs within its authorizing documents to encourage compliance.

In addition, IDL has roles and responsibilities in its fire program where CMs will be implemented 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 U.S. Department of Interior, Secretary of Interior Order Number 3336. The 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 RFPAs through the IDL South Idaho Fire Program Liaison. 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, as funding is available, 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

Appendix C outlines how wildfire protection responsibilities are organized in Idaho, and how Idaho funds its fire program, particularly suppression costs for fires that burn on lands protected by the State of Idaho (IDL and two timber protective associations).

None of the IDL forest protective districts have suppression responsibilities within any currently identified Core or Important Habitat Zones. Likewise, as of December 2014, none of the IDL forest protective 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 incident within sage-grouse habitat, the resources will utilize that agency's BMPs as applicable for sage-grouse habitat and as instructed in the dispatched resource's briefing. Interagency cooperation suppression activities are assumed to follow the prioritization associated with the BLM/U.S. Forest Service Fire and Invasive Assessment Team (BLM/FS FIAT) plans.

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

The *Idaho Alternative* defines "infrastructure':

> *… as discrete, large-scale anthropogenic features, including highways, high voltage transmission lines, commercial wind projects, energy development (e.g., oil and gas development, geothermal wells, airports, mines, cell phone towers, landfills, residential and commercial subdivisions, etc.)*
>
> *Infrastructure related to small–scale ranch, home and farm businesses (e.g., stock ponds, fences, range improvements) do not fall within this definition. These issues are not included within this definition, and are addressed in other sections of the Alternative or through local resource management plans.*

Because of the diversity of terrain and vegetation types within the sage-grouse region of Idaho, it is difficult to design a "one size fits all" set of CMs. Science and technology also change over time, and new options or alternatives may be proposed as part of a site-specific management plan. Site-specific management plans submitted by authorized parties should provide equal or better results than the CMs described below. Site specific management plans will be reviewed by appropriate IDL staff and the IDFG prior to a final recommendation from IDL.

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 County. 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 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 management 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 entry to prevent the spread of seeds and propagules. The equipment will also be cleaned at the conclusion of all field activities.

ii. Through a cooperative effort, invasive and noxious plant species will be inventoried and monitored pre-disturbance and throughout the life of the project by IDL and the authorized party.

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 will use BMPs and appropriate treatments including chemical, mechanical and biological to treat invasive and state listed noxious plant species. When regulated chemicals are determined to be the best treatment, authorized parties will use Idaho licensed professional applicators to treat noxious plant species with the approved and properly documented herbicide. Weeds will be treated promptly when located on a project site.

c. Surface Use and Timing

i. Conventional well activity and exploration will not be conducted within 0.62 miles of an occupied lek.

ii. All pipelines and collector lines will be emplaced utilizing horizontal boring methods with a minimum setback of 0.62 miles of an occupied lek.

iii. Construction of pipelines will be in accordance with seasonal stipulations regarding no operations or construction from March to July.

iv. Planned pipeline maintenance will not be conducted between 6 p.m. to 8 a.m., except in an emergency situation, within 0.62 miles of an occupied lek during the breeding season.

v. Compressor stations and other vital operations shall be placed a minimum of 0.62 miles from an occupied lek, unless screening or other mitigation is determined to be as protective.

d. Noise

i. Noise from permitted well sites will not exceed a 65db daily average threshold during the lekking season, within 0.62 miles of an occupied lek.

ii. Noise levels may be exceeded for emergency situations including well control, threats to freshwater resources, and other environmental safety concerns.

e. Fencing

i. New and existing wire fence segments constructed by authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area.

ii. As necessary and 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, as feasible, 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. Use best available science in concurrence with IDFG to address concerns of towers and other elevated structures as perches for predatory or corvid birds.

vi. New structures with a height over five feet will not be constructed by authorized parties within one km of occupied leks. To the extent practicable, power lines, towers, and other tall structures that provide perch sites for raptors will not be constructed within three km of breeding period habitats. If these structures must be built, or presently exist, the power lines should be buried or the structures modified to prevent their use as raptor perch sites. Screening or other mitigation may also be used.

vii. Permanent structures that create movement will be minimized within Core and Important Habitat Zones. Painting, shielding, or other measures can be implemented to mitigate potential impact from these structures.

g. Site Reclamation

i. Site reclamation should be completed by authorized parties as soon as phases of operations or construction are completed. Site accessibility and timing conditions for successful germination will be taken into consideration.

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

The Abandoned Mine Lands 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, but public safety projects take precedence. IDL develops and controls these projects, and can incorporate sage-grouse CMs into the projects. Abandoned mine land projects will implement the following BMPs 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. Vehicles and equipment operated by IDL or authorized parties that will travel off approved /designated transportation routes will be inspected and cleaned of seeds and propagules to prevent the spread of invasive and noxious plant species.

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 will use BMPs and appropriate treatments including chemical, mechanical and biological to treat invasive and state listed noxious plant species. When regulated chemicals are

determined to be the best treatment, authorized parties will use Idaho licensed professional applicators to treat noxious plant species with the approved and properly documented herbicide. Weeds will be treated promptly when 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 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. The terms *low* and *high* elevation are used generally. IDFG biologists with knowledge of the timeline for local lek routes usually advise when a lek should be checked. For planning purposes a 5,000-foot elevation may be used as a general distinction.

iii. Major construction and maintenance activity should be avoided by authorized parties in sage-grouse winter range (winter concentration areas) 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 two hours before sunset to two hours after sunrise during breeding season. Ambient noise levels should be determined by measurements taken at the perimeter of an occupied lek at sunrise.

e. Fencing

i. New and existing wire fence segments constructed by authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area.

ii. As necessary and 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 maintain or 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. On projects requiring water to be pumped such as solar, hydro or fossil fuel operation, floated tanks will be allowed to conserve water resources and efforts will be made by the authorized parties to treat these tanks for mosquito species that carry West Nile Virus.

iii. Wildlife escape ramps in new and existing water troughs and open-water storage tanks shall be installed and maintained 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, as feasible, 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. Requirements from public utilities will be followed for all installations.

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. Use best available science in concurrence with IDFG to address concerns of towers and other elevated structures as perches for predatory or corvid birds.

vi. New structures with a height over five feet will not be constructed by authorized parties within one km of occupied leks. To the extent practicable, power lines, towers, and other tall structures that provide perch sites for raptors will not be constructed within three km of breeding period habitats. If these structures must be built the power lines should be buried or the structures modified to prevent their use as raptor perch sites. Screening or other mitigation may also be used.

vii. Permanent structures that create movement will be minimized within Core and Important Habitat Zones. Painting, shielding, or other measures can be implemented to mitigate potential impact from these structures.

h. Site Reclamation

i. Site reclamation should be completed by authorized parties as soon as phases of operations or construction are completed. Site accessibility and timing conditions for successful germination will be taken into consideration.

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

The Mining Regulatory 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 acres 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 IDFG are required for operations that may impact water quality.

The BMPs 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 IDFG 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 IDFG to develop an informational brochure for new mine operators so they may consider adopting these BMPs 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 management 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. Vehicles and equipment operated by IDL or authorized parties that will travel off approved/designated transportation routes will be inspected and cleaned of seeds and propagules to prevent the spread of invasive and noxious plant species.

ii. Through a cooperative effort, invasive and noxious plant species will be inventoried and monitored pre-disturbance and throughout the life of the project by IDL and the authorized party.

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 will use BMPs and appropriate treatments including chemical, mechanical and biological to treat invasive and state listed noxious plant species. When regulated chemicals are determined to be the best treatment, authorized parties will use Idaho licensed professional applicators to treat noxious plant species with the approved and properly documented herbicide. Weeds will be treated promptly when 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 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. The terms *low* and *high* elevation are used generally. IDFG biologists with knowledge of the timeline for local lek routes usually advise when a lek should be checked. For planning purposes a 5,000-foot elevation may be used as a general distinction.

iii. Major construction and maintenance activity should be avoided by authorized parties in sage-grouse winter range (winter concentration areas) 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 two hours before sunset to two hours after sunrise during breeding season. Ambient noise levels should be determined by measurements taken at the perimeter of an occupied lek at sunrise.

ii. Authorized party will keep noise levels on existing infrastructure within the 0.62 mile buffer to 65 decibels or less.

e. Fencing

i. New and existing wire fence segments constructed by authorized parties that are located in high risk areas identified by the NRCS Fence Collision Risk Tool will be marked using collision diverter markers as defined by NRCS design practices (Stevens, 2011). Examples of high risk areas include fencing with characteristics such as evidence of grouse fence strikes, gentle topography near a lek, or fences that bisect winter concentration area.

ii. As necessary and 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 maintain or 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. On projects requiring water to be pumped such as solar, hydro or fossil fuel operation, floated tanks should be allowed to conserve water resources and efforts should be made by the authorized parties to treat these tanks for mosquito species that carry West Nile Virus.

iii. Wildlife escape ramps in new and existing water troughs and open-water storage tanks should be installed and maintained 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, as feasible, 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. Requirements from public utilities will be followed for all installations.

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. Use best available science in concurrence with IDFG to address concerns of towers and other elevated structures as perches for predatory or corvid birds.

vi. New structures with a height over five feet should not be constructed by authorized parties within one km of occupied leks. To the extent practicable, power lines, towers, and other tall structures that provide perch sites for raptors will not be constructed within three km of breeding period habitats. If these structures must be built the power lines should be buried or the structures modified to prevent their use as raptor perch sites. Screening or other mitigation may also be used.

vii. Permanent structures that create movement will be minimized within Core and Important Habitat Zones. Painting, shielding, or other measures can be implemented to mitigate potential impact from these structures.

h. Site Reclamation

i. Site reclamation should be completed by authorized parties as soon as phases of operations or construction are completed. Site accessibility and timing conditions for successful germination will be taken into consideration.

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 CMs through voluntary agreement will be incorporated into existing permit procedures. A copy of the applicable CMs 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, CMs they are willing to voluntarily comply with. Those CMs will then be incorporated into the permit as an enforceable stipulation of the permit. See Appendix B for IDL's DRAFT Implementation Plan.

Monitoring of CMs stipulated in the permit will be incorporated into existing permit inspection procedures. Inspection forms will be amended to include a section for documenting that CMs were implemented and an assessment of their effectiveness. See Appendix E for IDL's DRAFT Monitoring Plan (not yet completed).

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 CMs to be implemented as part of the project.

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Appendix A

Glossary

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Habitat Classifications

Core Sage-Grouse Habitat: State of Idaho delineation of strongholds for sage-grouse populations in Idaho. This habitat is the highest priority for conservation efforts and for policies to address primary threats. It includes approximately 65 percent of known active leks and occupied by approximately 73 percent of male sage-grouse counted at leks throughout the Idaho sage-grouse management area.

General Sage-Grouse habitat: Occupied (seasonal or year-round) habitat outside of priority habitat. It includes a few active leks and fragmented or marginal habitat, such as two isolated populations of sage-grouse in the East Idaho Uplands and West Central Idaho. These areas have been identified by the BLM in coordination with respective state wildlife agencies.

Important Sage-Grouse Habitat: State of Idaho delineation defined as the 75 percent breeding bird density areas. This habitat includes areas of value for migration corridors, connectivity among breeding areas, and long term persistence of each of the two key metapopulations of sage-grouse in Idaho. It includes approximately 25 percent of the known active leks. This habitat is occupied by an estimated 22 percent of sage-grouse males. Captures high quality habitat and populations necessary for providing a management buffer for the core habitat.

Key Habitat: State of Idaho delineation of areas of generally intact sagebrush that provide sage-grouse habitat during some portion of the year including winter, spring, summer, late brood-rearing, fall, transition sites from winter to spring, spring to summer, and summer/fall to winter. Key habitat may or may not provide adequate nesting, early brood-rearing, and winter cover due to elevation, snow depth, lack of early season forbs, limited herbaceous cover, or small sagebrush patch size.

Priority Sage-Grouse habitat: Areas that have been identified as having the highest conservation value to maintaining sustainable sage-grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. The BLM has identified these areas in coordination with respective state wildlife agencies.

Lek Classification

Lek: A traditional courtship display area attended by male sage-grouse in or next to sagebrush-dominated habitat. A lek is designated based on observations of two or more male sage-grouse engaged in courtship displays. Subdominant males may display on itinerant courtship display areas during population peaks. Such areas usually fail to become established leks. Therefore, a site where less than five males are observed strutting should be confirmed active for two years before meeting the definition of a lek (Connelly et al. 2000; Connelly et al. 2003, 2004). Each state may have a slightly different definition of lek, active lek, inactive lek, occupied lek, and unoccupied leks. Regional planning will use the appropriate definition provided by the state of interest.

Lek buffer: Buffers are calculated from the center (IDFG GPS coordinate) of the lek. Exact lek edges are difficult to define because leks shift and birds move on any given day.

Lek complex: A lek or group of leks within 2.5 kilometers (1.5 miles) of each other between which male sage-grouse may interchange from one day to the next. Fidelity to

leks has been well documented. Visits to multiple leks are most common among yearlings and less frequent for adult males, suggesting an age-related period of establishment (Connelly et al. 2004).

Lek, abandoned: A lek in otherwise suitable habitat that has not been active for 10 consecutive years. To be designated abandoned, a lek must be inactive (see above criteria) in at least four nonconsecutive courtship display seasons spanning the 10 years. The site of an abandoned lek should be surveyed at least once every 10 years to determine whether it has been reoccupied by sage-grouse.

Lek, active: Any lek that has been attended by male sage-grouse during the courtship display season.

Lek, destroyed: A formerly active lek site and surrounding sagebrush habitat that has been destroyed and is no longer suitable for sage-grouse breeding.

Lek, inactive: Any lek where sufficient data suggests that there was no courtship display activity throughout a lekking season. Absence of strutting grouse during a single visit is insufficient documentation to establish that a lek is inactive. This designation requires documentation of one of the following scenarios:

- An absence of sage-grouse on the lek during at least two ground surveys separated by at least seven days. These surveys must be conducted under ideal conditions (April 1-May 7 or other appropriate date based on local conditions), no precipitation, light or no wind, half-hour before sunrise to one hour after sunrise).

- A ground check of the exact known lek site late in the courtship display season (after April 15) that fails to find any sign (tracks, droppings, feathers) of strutting activity. Data collected by aerial surveys should not be used to designate inactive status as the aerial survey may actually disrupt activities.

Lek, occupied: A lek that has been active during at least one strutting season within the prior 10 years. This is the status IDFG recommends for long term decision making.

Lek, undetermined: A lek that has not been surveyed to determine status.

Lek, unoccupied: A lek that has either been destroyed or abandoned.

Habitat Use and Periods

Breeding period: Includes lekking, nesting and early brood-rearing periods, generally March 1 through June 30 (Connelly et al. 2000*b*).

- *Early brood rearing habitat:* Generally upland sagebrush habitats relatively close to sage-grouse nest sites. These areas are important to broods during the first few weeks after hatching. Forb and insect abundance and diversity are important factors. (See Connelly et al. 2000*b*)

Late brood rearing: This occurs in a variety of habitats used by sage-grouse from late June to early November.

- *Late Brood-rearing habitat*: Includes mesic sagebrush and mixed shrub communities, wet meadows, and riparian habitats, as well as some agricultural lands (e.g., alfalfa fields).

Lekking period: This should be determined locally, but approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations. The terms *low* and *high* elevation are used generally. IDFG biologists with knowledge of the timeline for local lek routes usually advise when a lek should be checked. For planning purposes a 5,000 foot elevation may be used as a general distinction.

Nesting period: Generally April 1 through June 15.

Winter concentration periods: For the purpose of this plan, generally December 1 to February 15. Specific dates may be earlier or later, depending on local breeding chronology. IDL shall confer with IDFG biologists for local variations.

- *Sage-Grouse winter habitats*: Occupied annually by sage-grouse and provide sufficient sagebrush cover and food to support birds throughout the entire winter (especially periods with above average snow cover).

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Appendix B

Implementation Plans

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Land Board's Greater Sage-Grouse Conservation Plan Implementation

Implementation of the Land Board's Plan is contingent upon the federal government's acceptance and incorporation of the Governor's plan in its final decisions on sage-grouse in Idaho.

Part I. Implementation Plan for Endowment Land Activities

The following Implementation Plan (IP) will apply to activities on state endowment trust lands within Core and Important sage-grouse Habitat Zones in response to the Land Board's Greater Sage-Grouse Conservation Plan. The following IP addresses authorizations previously granted by IDL and authorizations that may be granted by IDL in the future. These activities include:

- alternative energy development (solar, wind, and geothermal leases and land use permits);
- oil and gas exploration and development (leases and land use permits);
- mining (minerals leases, land use permits and construction permits);
- grazing (grazing leases, land use permits and construction permits);
- miscellaneous commercial activities (commercial leases, land use permits and construction permits); and
- granting of access through rights-of-way, including easements.

This document also addresses the implementation of fire prevention and mitigation measures and wildfire suppression efforts to minimize the impact to sage-grouse and their habitat.

I. Previous Authorizations Granted by IDL

IDL recognizes that written authorization through leases, permits and easements has been granted to third parties for activities on state endowment trust lands within Core and Important Habitat Zones prior to the approval of the IDL Greater Sage-Grouse Conservation Plan. These authorizing documents logically do not contain the conservations measures identified in the Land Board's Greater Sage-Grouse Conservation Plan that would be included with authorizations granted today or in the future by IDL. To resolve this matter IDL will accomplish the following:

- Within 60 days of the date of the Record of Decision (ROD) for the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS, IDL will complete a comprehensive GIS analysis to determine the type, number and location of all IDL authorizing documents within Core and Important Habitat Zones.

- Within six months of the date of the ROD, IDL will develop instrument modifications for each authorizing document identified in the GIS analysis within Core Habitat Zones. The instrument modifications will identify the appropriate stipulations for the activity and allow the instrument holder the opportunity to agree to these instrument terms.

- Within 18 months of the date of the ROD, IDL will develop instrument modifications for each authorizing document identified in the GIS analysis within Important Habitat Zones. The instrument modifications will identify the appropriate stipulations for the activity and allow the instrument holder the opportunity to agree to these instrument terms.

- Once developed, IDL will mail the instrument modifications to the instrument holders with a cover letter explaining the purpose of the instrument modification and encourage their execution of the document due to the benefits to the greater sage-grouse and their habitat. The letter will identify a 30-day timeframe for their response.

- IDL will follow-up in writing with those instrument holders that do not respond within 30 days, offering them a second opportunity to accept the instrument modification.

- If an instrument holder does not agree to the instrument modification, IDL will attempt to make direct contract with the party to discuss the conservation measures and provide educational and supporting documents that would encourage their participation. In addition, IDL will identify which conservation measures are sticking points and give consideration, on a case-by-case basis, to negotiating conservation measure stipulations and come to an agreement on those measures that are acceptable to the instrument holder. As a fallback measure, IDL would include conservation measures as stipulations in any new authorization following the expiration of the existing authorization.

II. Future Authorizations to be Granted by IDL

For new activities proposed by third parties on state endowment trust lands in Core and Important Habitat Zones and for new instruments generated following the expiration of an instrument that expires after the date of the ROD, IDL will implement conservation measures as enforceable stipulations in authorizing documents such as leases, land use permits, construction permits and rights-of-way.

IDL will develop and implement specific instrument templates that include the appropriate conservation measures as mandatory and enforceable stipulations. As a result, all new authorizations granted by IDL within Core and Important Habitat Zones will contain conservations measures in alignment with the Land Board's Greater Sage-Grouse Conservation Plan. IDL will provide these instrument templates to third parties inquiring about or making application for a proposed activity within a Core and Important habitat zone and explain the significance of these stipulations.

III. Fire Prevention and Mitigation Measures and Wildfire Suppression Efforts

IDL does not have direct wildfire suppression responsibilities within any greater sage-grouse Core or Important habitats in Idaho. However, IDL does have jurisdictional authority for state lands within greater sage-grouse habitat.

Wildland fire protection for federal, state and private lands within greater sage-grouse habitat in southern Idaho is provided by federal agencies through the **Cooperative Fire Protection and Stafford Act Agreement** and by the cooperative efforts of volunteer RFPAs and fire service organizations (city, county and rural fire departments).

In the interest of promoting conservation efforts of the greater sage-grouse and its habitat under this plan, IDL will:

1. Provide maps to all RFPAs that include the location of any designated Core or Important greater sage-grouse habitat within their RFPA boundaries by May 10, 2015 (Beginning date of closed fire season in Idaho as designated in Idaho Code Title 38 Section 115.).
2. On any fire affecting or threatening Important or Core habitat on state or private lands requiring an Incident Management Team (IMT), IDL will assign an IDL line officer to jointly work with the federal protecting agency to develop greater sage-grouse conservation objectives for fire suppression activities that will be incorporated into:
    a. the Wildland Fire Decision Support System (WFDSS);
    b. the Leader's Letter of Intent to the team;
    c. the joint Delegation of Authority; and
    d. ensure the objectives are fully implemented in daily Incident Action Plans.
3. Conservation objectives will include:
    a. Incident priorities:
        i. Firefighter safety
        ii. Public Safety
        iii. Improvements
        iv. Resource Values
            - Sage-grouse Core and Important habitat
            - Other resource and property values (historical, archeological, recreational, aesthetics, livestock, etc.).
    b. Utilize direct attack as the primary tactic to minimize burned acres in greater sage-grouse Core and Important habitat.
    c. Accept relatively small acreage, short-term ground disturbance due to heavy equipment use to meet higher objectives.
    d. Rehabilitation for burned acres will promote reestablishment of greater sage-grouse habitat within or adjacent to Core and Important habitat.
4. IDL will consider and promote fire prevention and mitigation measures including but not limited to:
    a. Master fuel break systems across all ownerships.
    b. Proposals to adjust fire restriction boundaries and associated use restrictions in the Idaho Fire Restrictions Plan based on protection of Core and Important greater sage-grouse habitat.

c. Develop annual grazing plans or targeted grazing practices to reduce fuel loading in locations that would be advantageous as a wildfire control location.

Part II. Implementation Plan for IDL's Regulatory and Assistance Activities

The following Implementation Plan (IP) will apply to regulatory and assistance activities administered by IDL within Core and Important sage-grouse Habitat Zones. The IP was developed in response to the Land Board's Greater Sage-Grouse Conservation Plan. 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. The following IP addresses authorizations previously granted by IDL and authorizations that may be granted by IDL in the future. These activities include:

- Dredge and placer mining (exploration notices and permits);
- Surface mining (exploration notices and reclamation plans);
- Oil and gas exploration and development (seismic and drilling permits, spacing requests);
- Abandoned mine land reclamation.

I. Previous Authorizations Granted by IDL

IDL recognizes that written authorizations through permit and plan approvals and contracts have been granted to third parties for activities within Core and Important Habitat Zones prior to the approval of the Land Board's Greater Sage-Grouse Conservation Plan. These authorizing documents do not contain the conservations measures identified in the Land Board's Greater Sage-Grouse Conservation Plan that would be included with authorizations granted today or in the future by IDL. To resolve this matter IDL will accomplish the following:

- Within 60 days of the date of the Record of Decision (ROD) for the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS, IDL will complete a comprehensive GIS analysis to determine the type, number and location of all IDL authorizing documents within Core and Important Habitat Zones.
    - No outstanding abandoned mine lands contracts are present in Core and Important sage grouse Habitat Zones.
- Within 6 months of the date of the ROD, IDL will develop appropriate conservation measures for each authorizing document identified in the GIS analysis within **Core** Habitat Zones. IDL will also notify each operator that their activity falls within this zone, and provide the conservation measures to the operators.
- Within 18 months of the date of the ROD, IDL will develop appropriate conservation measures for each authorizing document identified in the GIS analysis within Important

Habitat Zones. IDL will also notify each operator that their activity falls within this zone, and provide the conservation measures to the operators.

- If impacts to greater sage-grouse habitat are irreversible, IDL will suggest working within the Idaho Mitigation Framework and utilizing the compensatory mitigation process the State Sage-Grouse Advisory Committee develops.

- Ongoing inspections of these operations will include recommendations that give guidance on how the operators can follow the conservation measures

II. Future Authorizations to be Granted by IDL

IDL will develop an information brochure for oil and gas and mining operators who want to explore or develop minerals in Core and Important habitats.

For new activities proposed in Core and Important Habitat Zones and for amendments to existing approved activities, IDL will forward the applications to IDFG for comments and recommendations.

During the review process, IDL will suggest sage-grouse conservation measures to those mine operators based on:

- Feedback from IDFG
- Sage-grouse conservation measures in the IDL plan
- The specific details of the proposed mine

New abandoned mine land projects in Core and Important habitat will be implemented by IDL in conformance with the IDL Greater Sage-Grouse Conservation Plan. This includes inspections and work performed by IDL staff, as well as those performed by contractors and subcontractors.

As a result, all new authorizations granted by IDL within Core and Important Habitat Zones will include recommendations for conservations measures in alignment with the Land Board's Greater Sage-Grouse Conservation Plan. IDL will work with the operators as needed to implement the conservation measures or to implement voluntary mitigation measures, if needed.

Appendix C

Wildfire Protection in Idaho

Responsibilities and Funding

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Wildfire Protection in Idaho
Responsibilities and Funding Model

How is fire response organized in Idaho?

There are approximately 53.5 million acres of land in Idaho, which is divided into 16 forest protective districts. Two of these districts cover lands protected by the Forest Service and the Bureau of Land Management (BLM), and two are tribal districts. The State of Idaho – the Idaho Department of Lands (IDL) and two timber protective associations – provide direct wildfire protection on approximately 6.3 million acres of private, state and some federal forest lands.

The BLM provides primary wildfire protection on most of the lands that have sage-grouse habitat in Idaho.

Due to the scattered nature of ownership in Idaho, some state and private lands are located within federal protection areas, while some federal lands are located within state protection areas. These are known as "offset acres." Fire managers assign a relative value to each acre to characterize how easily fires can be ignited and how difficult those fires likely will be to control. Through an "offset agreement" the federal agencies protect approximately 900,000 acres of private and state endowment land around Idaho in exchange for the State of Idaho protecting approximately 800,000 acres of federal land. Generally speaking, forested lands in Idaho are included in the offset agreement and rangelands in Idaho are not included the offset agreement.

More than 200 local and rural fire districts provide structure protection in generally non-urban parts of the state that would otherwise not have structural fire protection.

Five rangeland fire protection associations (RFPAs) assist the BLM in providing initial attack on rangelands in southern Idaho. IDL works closely with the BLM and ranchers to establish RFPAs to enable quick initial attack of range fires. Approximately 230 ranchers in southern Idaho are members of five different RFPAs, and there are six additional areas where ranchers have begun to have conversations about starting new associations. IDL expects at least one more RFPA to be formed before the start of the 2015 fire season. Continued support of RFPAs is a key part of the IDL Sage Grouse Conservation Plan. The RFPAs are volunteer initial attack organizations and are not intended to participate in extended attack situations.

Page 4 of Appendix C shows a 2014 map of forest protection district boundaries and current RFPA boundaries in Idaho.

Funding Fire Suppression in Idaho

Fire protection funding is grouped into two categories – preparedness and suppression.

- *Preparedness*: The first is preparedness, providing resources to be ready in advance of an actual fire. This includes hiring firefighters, ensuring they have the necessary training, tools, and supplies, and purchasing or leasing equipment such as fire engines. In FY14 IDL spent approximately $11 million in preparedness costs.

Preparedness on state-protected lands is funded by a combination of assessments levied on parties who own forested land, federal funds, and the State General Fund.

The forest land assessment is 60 cents per acre with a surcharge for forested parcels with structures. The IDL, in its role as the owner of endowment lands, contributes to preparedness expenses, just like private forest landowners. In FY14 IDL contributed 60 cents per acre on 974,312 endowment acres that receive protection from the fire management function of IDL, for a total of $584,587.

In recognition that the value Idahoans place on forests is not limited to harvestable timber, Idaho Code spreads the costs of protection beyond timber. While still requiring forest landowners to provide protection, the law limits the potential liability accruing to the landowner by establishing maximum protection assessments and committing general fund tax revenue to cover expenses over that amount.

- *Suppression*: The second component of wildfire protection is suppression. There is a stable source of funding to pay wildfire suppression costs on lands protected by the State of Idaho. When personnel and equipment are dispatched to a fire managed by the State of Idaho, payment for resources assigned to the fire is made from the General Fund through deficiency warrant authority granted by the Idaho Legislature to the State Board of Land Commissioners. Contracts for aircraft also are charged to deficiency warrants. Deficiency warrant authority allows IDL to spend money to promptly suppress wildfires. Deficiency warrants have been used since at least the early 1970s. When the Idaho Legislature convenes in January it reviews the suppression bills incurred during the previous and current fiscal years, and appropriates funds to pay for the expenditures.

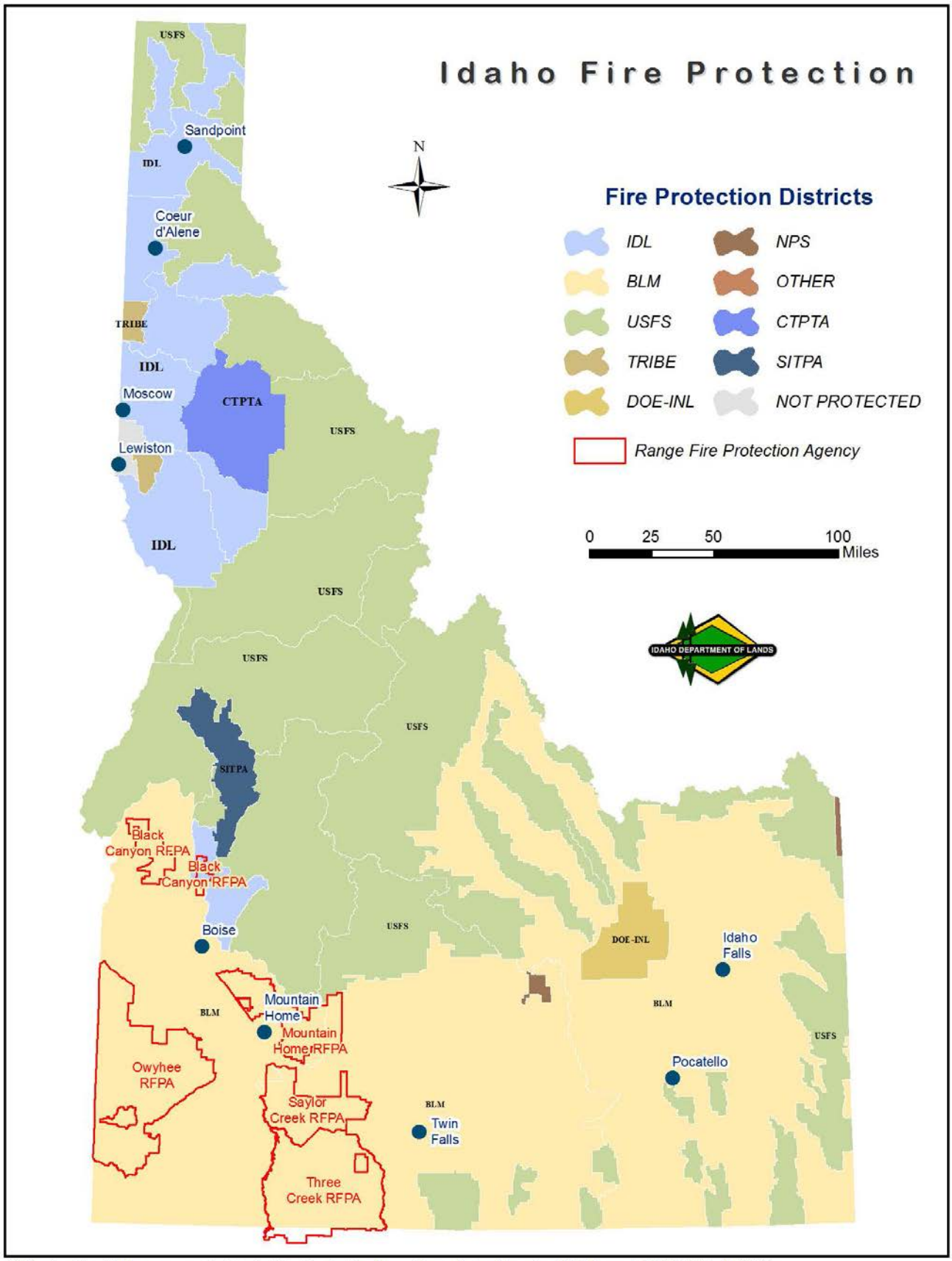
  The 10-year average of suppression costs on lands protected by the State of Idaho, including the 2014 fire season, is approximately $10.5 million. The 10-year average fire size on lands protected by the State of Idaho, including the 2014 fire season, is approximately 19,000 acres. In FY14, IDL employed 261 permanent employees and 202 seasonal employees. Fifty-five percent of IDL FY14 permanent employees worked in a forestry and fire capacity, and during fire season the total percentage of permanent employees contributing to IDL fire duties expands because many members of staff who are not categorized as “fire” help in fire efforts. These staff members are part of fiscal, GIS, operational leadership, administrative staff, and executive staff. Sixty percent of the IDL FY14 seasonal workforce worked in forestry and fire (38 percent in fire).

If a fire starts on forest land in Idaho, regardless of ownership (federal, state, or private), the protection agency (Forest Service, BLM or IDL) is responsible for paying the suppression bill, not the owner of the land where the fire starts or burns. However, if a fire investigator determines negligence is a factor in igniting a human-caused fire, the responsible party is responsible for paying the suppression costs.

If a fire starts on privately owned rangeland, then the responding agency (BLM, rangeland fire protection association, rural fire district, or sometimes the Forest Service) bears the cost of its own suppression action. In cases involving declared emergencies, the Federal Emergency Management Agency (FEMA) may cover a portion of the costs if communities or infrastructure are threatened. The State of Idaho does not have direct wildfire protection responsibility on rangelands.

Currently by agreement, if a fire starts on rangeland owned by the State of Idaho, does not spread to another ownership and is suppressed by the BLM, then the IDL will pay the suppression costs. If a fire starts on rangeland owned by the State of Idaho and spreads to another ownership, then IDL will pay a pro-rata share of the BLM's suppression costs. The IDL does not share in suppression costs when a fire starts on another ownership and spreads onto or across rangeland owned by the State of Idaho.

While IDL does incur fire suppression costs when the State of Idaho assists federal fire managers on fires they manage, the federal agencies reimburse IDL for use of State personnel and resources.



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Appendix D

Owyhee Land Exchange Map

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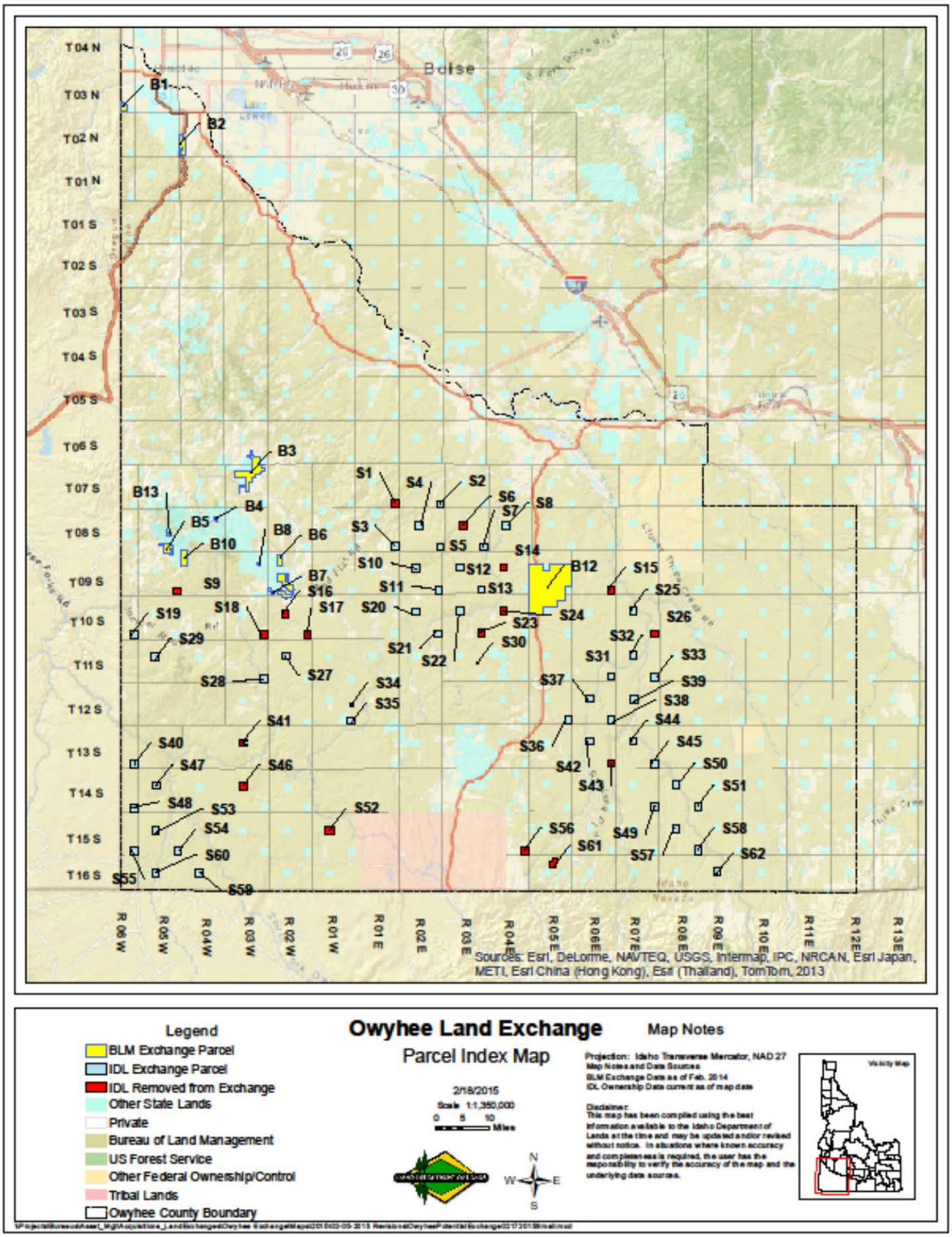
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Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013
Legend
BLM Exchange Parcel
IDL Exchange Parcel
IDL Removed from Exchange
Other State Lands
Private
Bureau of Land Management
US Forest Service
Other Federal Ownership/Control
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Parcel Index Map
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Scale 1:1,350,000
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Map Notes
Projection: Idaho Transverse Mercator, NAD 27
Map Notes and Data Sources
BLM Exchange Data as of Feb. 2014
IDL Ownership Data current as of map date
Disclaimer:
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.
Vicinity Map

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Appendix E

Monitoring Plan

(To be completed)

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Appendix F

State Board of Land Commissioners
Approval Memo

EXECUTIVE ORDER 2015-04
APPENDIX 3

STATE BOARD OF LAND COMMISSIONERS

April 21, 2015

Regular Agenda

SUBJECT

IDL Proposed Greater Sage-Grouse Conservation Plan

BACKGROUND

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

The State of Idaho engaged in similar efforts and Governor Otter submitted an Idaho Plan to be considered by the BLM in the EIS alternative analysis.

In October 2014, Director Tom Schultz established a working group which consisted of various IDL staff which oversee programs potentially impacted by the listing of the sage-grouse. This group held regular meetings to develop recommended conservation measures as part of IDL's Proposed Greater Sage-Grouse Conservation Plan based on the group's review of the science and what other western states are proposing, as well as designed to be complementary to Governor's Alternative 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 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. 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 and Gas Permits (seismic imaging surveys, well drilling). Where appropriate, IDL will include recommended best management practices within its authorizing documents to encourage compliance.

EXECUTIVE ORDER 2015-04
APPENDIX 3

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

DISCUSSION

On February 17, 2015, Idaho Department of Lands (IDL) presented the Proposed Greater Sage-Grouse Conservation Plan to the Land Board as an information item. IDL sought initial feedback from the Land Board and indicated IDL would initiate an extensive stakeholder outreach effort and then come back to the Land Board for final approval of the plan at a future meeting.

Since that time IDL has completed the stakeholder outreach effort across all industries potentially impacted by the plan soliciting feedback on the Proposed Greater Sage-Grouse Conservation Plan using group and individual meetings. These meetings included direct discussions regarding language in the plan and the impacts of the proposed conservations measures on their industry practices.

IDL has revised the Proposed Greater Sage-Grouse Conservation Plan (Attachment 1) based on the feedback from stakeholder groups and on-going interactions with sister agencies. A summary of comments received by IDL is included as Attachment 2. A table of all comments received, with IDL responses, is included as Attachment 3. In addition, IDL's response to the U.S. Fish and Wildlife Service comment letter, written in conjunction with the Office of Species Conservation and Governor's Office, is included as Attachment 4. Finally, an informational sheet with key elements of the draft plan is Attachment 5.

RECOMMENDATION

The Department recommends the Board approve the proposed Plan.

Upon approval, implementation of the Plan will be contingent on the federal agencies (USFWS and BLM) acceptance and incorporation of the Governor's Plan into the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS. Implementation will begin within 60 days of the Record of Decision (ROD) for the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS.

If the ROD does not include the foundational elements of the Governor's Plan, IDL will reevaluate, revise the Plan if necessary and inform the Board or seek approval as needed.

BOARD ACTION

A motion was made by Controller Woolf that the Board adopt the Department recommendation, including the language of the second and third paragraphs in the Department's recommendation, and approve the proposed Plan. Attorney General Wasden seconded the motion. The motion carried on a vote of 5-0.

ATTACHMENTS

1. Proposed Greater Sage-Grouse Conservation Plan
2. Proposed Greater Sage-Grouse Conservation Plan Comment Summary
3. Proposed Greater Sage-Grouse Conservation Plan Comment and Response Matrix
4. IDL Response to USFWS Comments on Draft Sage Grouse Plan
5. Key Elements of the Draft Plan

Appendix G

Idaho Oil and Gas Conservation Commission
Approval Memo

IDAHO OIL AND GAS CONSERVATION COMMISSION

April 23, 2015

Regular Agenda

SUBJECT

IDL Proposed Greater Sage-Grouse Conservation Plan

BACKGROUND

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

The State of Idaho engaged in similar efforts and Governor Otter submitted an Idaho Plan to be considered by the BLM in the EIS alternative analysis. In October 2014, IDL Director Tom Schultz established a working group which consisted of various IDL staff which oversee programs potentially impacted by the listing of the sage-grouse. This group held regular meetings to develop recommended conservation measures as part of IDL's Proposed Greater Sage-Grouse Conservation Plan based on the group's review of the science and what other western states are proposing, as well as designed to be complementary to Governor's Alternative for federal land management in Idaho.

As a result, IDL will implement sage-grouse conservation measures as enforceable lease stipulations for proposed oil and gas development activities occurring on state endowment lands. Regarding oil and gas regulatory activities under the purview of the Commission, IDL has developed voluntary conservation measures. These conservation measures will be presented as recommended best management practices (BMP's) to companies applying for drilling permits. These companies will then select which BMP's they can comply with to be incorporated as permit conditions. These BMP's will then become required and verified through the inspection process.

DISCUSSION

On February 12, 2015 the Idaho Department of Lands (IDL) presented the Proposed Greater Sage-Grouse Conservation Plan to the Commission as an informational item. IDL sought initial feedback from the Commission and indicated IDL would initiate an extensive stakeholder outreach effort and then come back to the Commission for final approval of the plan at a future meeting.

Since that time IDL has completed the stakeholder outreach effort by soliciting feedback on the Proposed Greater Sage-Grouse Conservation Plan using group and individual meetings. These meetings

included direct discussions regarding language in the plan and the impacts of the proposed conservation measures on practices of the oil and gas industry.

IDL has revised the Proposed Greater Sage-Grouse Conservation Plan (Attachment 1) based on the feedback from stakeholder groups and on-going interactions with sister agencies. Excerpts from the plan for the Commission's consideration are included as Attachment 2. A summary of the comments received by IDL pertaining to oil and gas is included as Attachment 3. A copy of all comments received related to Oil and Gas, with IDL responses, is included as Attachment 4. Finally, IDL's response to the U.S. Fish and Wildlife Service comment letter, written in conjunction with the Office of Species Conservation and Governor's Office, is included as Attachment 5.

Implementation of the Proposed Greater Sage-Grouse Conservation Plan will occur through voluntary agreements between industry and IDL. Updated Standard Operating Procedures will call for IDL to provide applicants requesting permits to drill within core and important habitat with Conservation Measures (CM's). Applicants will then acknowledge which, if any, CM's can be complied with and incorporated as enforceable permit conditions. Monitoring of CM's stipulated to will be incorporated into existing permit inspection procedures. Inspection forms will be amended to include sections for documenting implementation of CM's as well as an assessment of effectiveness.

RECOMMENDATION

The Department recommends the Commission approve the applicable sections of Part II of the proposed Plan.

Upon approval, implementation of the Plan will be contingent on the federal agencies (USFWS and BLM) acceptance and incorporation of the Governor's Plan into the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS. Implementation will begin within 60 days of the Record of Decision (ROD) for the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS.

If the ROD does not include the foundational elements of the Governor's Plan, IDL will reevaluate and revise the Plan if necessary and inform the Commission or seek approval as needed.

COMMISSION ACTION

A motion was made by Commissioner Classen that the Commission approve the recommendation. Vice Chairman Chipman seconded the motion. The motion carried on a vote of 5-0.

ATTACHMENTS

6. Proposed Greater Sage-Grouse Conservation Plan
7. Excerpts for Oil and Gas Conservation Commission Consideration
8. Oil and Gas Related Comment Summary
9. Oil and Gas Related Comment and Response Matrix
10. IDL Response to USFWS Comments on Draft Sage Grouse Plan