



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83720

Telephone: 208-332-1790 • Fax: 208-332-1799

www.swc.idaho.gov

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Tuesday, February 21 , 2012
From 8 am to 11 am MDT

Location:

Soil & Water Conservation Commission
650 West State St, Rm 145, Boise Idaho

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dick Bronson
Dave Radford
Norman Wright

Roger Stutzman
Jerry Trebesch

ADVISORS PRESENT VIA TELECONFERENCE:

Karma Bragg, President, IDEA
Bret Rumbeck, Executive Director, IASCD
Jeff Burwell, NRCS

COMMISSION STAFF PRESENT:

Teri Murrison
Kristin Magruder

Jan Webster
Delwyne Trefz

PARTNERS AND GUESTS PRESENT:

Harriet Hensley, Deputy Attorney General
Art Beal, IASCD Division III Director
Rich Murrison, guest
Cody Anderson, Latah SWCD
Steve Becker, Nez Perce SWCD
Kyle Wilson, Nez Perce SWCD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44



ITEM #1: WELCOME AND ROLL CALL

The meeting was called to order by Chairman Dick Bronson, Idaho Soil & Water Conservation Commission (SWC), at 8:04 a.m. Roll call: Dick Bronson, Dave Radford, Norman Wright, Roger Stutzman and Jerry Trebesch present. A quorum being reached, the meeting began.

ITEM #2: REVIEW AGENDA

Chairman Bronson reviewed the agenda. Item #8 dealing with the Resolution has been removed from the agenda to address some partner concerns before Commission consideration. There are no other items to add at this time.

ITEM #3: PARTNER REPORTS

Karma Bragg, President, Idaho District Employees Association (IDEA), presented the partner report. Discussion followed.

Jeff Burwell, State Conservationist, Natural Resources Conservation Service (NRCS), provided the partner report. Discussion followed.

Steve Becker and Randy Purser, Idaho Association of Soil Conservation Districts (IASCD), presented the partner report. Discussion followed.

No action taken; for information only.

ITEM #4: MINUTES

Commissioners reviewed the January 18, 2012 meeting minutes.

Vice Chair Radford moved to approve the January 18, 2012 with an amendment to change 'Joyce Smith' to 'Pegi Long.' Commissioner Wright seconded. No further discussion. Motion carried.

ITEM #5: FY 2012 FINANCIAL REPORT

Teri Murrison, Administrator, provided the January 2012 financial including the Resource Conservation and Rangeland Development Program loan report.

Commissioner Wright moved to accept the January 2012 financial report. Commissioner Stutzman seconded. No further discussion. Motion carried.

45 **ITEM #6: ADMINISTRATORS REPORT**

46

47 Ms. Murrison provided the report on agency activities over the last month including legislative
48 presentations, strategic plan update, personnel update, NRCS office space, ICRMP insurance
49 premiums, change to the minutes format, watershed improvement districts, Idaho Department
50 of Water Resources draft water plan update, joint hearing on sage grouse, and telework week.
51 Discussion followed.

52

53 Additional reports included:

54 Kristin Magruder, Policy & Operations Specialist, provided a report on the Conservation
55 Innovation Grant for Idaho OnePlan. Discussion followed. Staff was directed to provide a
56 comprehensive update on Idaho OnePlan at a future public meeting.

57

58 Ms. Murrison provided a report on an invitation received from Bureau of Land Management to
59 participate as a cooperator in the Owyhee Conservation Initiative regarding grazing allotments.
60 Discussion followed. Staff was directed to do further research to present at a future public
61 meeting.

62

63 Delwyne Trefz, District Support and Services Specialist, provided additional information on
64 previous agenda items as requested.

65

66 No action taken; for information only.

67

68 **ITEM #7: IASCD DIVISION MEETING SCHEDULE**

69

70 Commissioners designated their representation at each IASCD division meeting.

71

72 No action taken; for information only.

73

74 **ITEM #8: COMMISSION COORDINATION RESOLUTION**

75

76 Item was removed from the agenda and no action was taken.

77

78 **ITEM #9: OTHER BUSINESS**

79

80 There were no other business items for discussion.

81

82 **At 11:12 am, Chairman Bronson adjourned the meeting.**

83

84 Respectfully submitted,

85

86 Roger Stutzman

87 Commissioner and Secretary,

88 Idaho Soil & Water Conservation Commission



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332:1790 • Fax: 208-332:1799

www.swc.idaho.gov

ITEM #7

TO: Chairman Bronson and Commissioners Radford, Stutzman, Wright, and Trebesch
FROM: Teri Murrison, Administrator *Teri Murrison*
DATE: March 27, 2012
RE: Administrator's Report

Activities Update

Since your last meeting, I have attended (or plan to attend this week) the following on behalf of the Commission:

- Owyhee District meeting;
- Annual report to House Resources and Conservation Committee;
- Owyhee County Commission meeting with BLM;
- Year-end planning with Department of Admin, CEC and employee compensation planning with Admin., DFM;
- Environmental Forum (keynote speaker State BLM Director);
- Division 1 in Bonners Ferry, Division 2 in Moscow, Division 3 in Cascade, Division 4 in Buhl, Division 5 in Pocatello, and Division 6 in Salmon;
- TMDL training; and
- DEQ briefing on effluent trading status and history.

FY 2013 Budget

Yesterday our appropriations bill H 669 passed the Senate (it passed the House over a week ago). The vote was almost unanimous: I am told by DFM that the senator who voted no voted no on all appropriations yesterday.

H 669 APPROPRIATION - SOIL AND WATER CONSERVATION COMMISSION - Appropriates \$2,706,500 to the Soil and Water Conservation Commission for fiscal year 2013; limits the number of full-time equivalent positions to 16; and provides guidance for employee compensation and benefits. (*see copy of Bill, attached*)

H 669 appropriates the adjusted FY 2012 base, employee guidance for compensation and benefits, and the following line item requests:

1. An increase of \$100,900 in spending authority (out of dedicated RCRDP funds) to support improvements and expansion of the RCRDP loan program;
2. An increase in spending authority for grant funds we will receive from NRCS to match up to 50% of our actual personnel expenses related to three existing Cooperative Conservation Partnership Initiative (CCPI) projects in Marsing, Burley, and Twin Falls;



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332:1790 • Fax: 208-332:1799

www.swc.idaho.gov

3. An increase in one-time spending authority for the Commission to recover costs for providing technical, field-based engineering and water quality expertise to other state and federal agencies; and
4. An increase in general funds of \$37,900 to pay increased desk space and IT support for co-located staff in NRCS offices.

It is possible that the Governor will have signed H 669 into law before your meeting, but if not, I anticipate that will happen sometime next week.

Governor's Sage-grouse Task Force

As you likely know, the original Office of Species Conservation Sage-grouse task force was reorganized recently. Attached are copies of Governor Otter's Executive Order formally establishing the Sage-grouse Task Force. It establishes a 15 member planning group chaired by the Governor and staffed by the Office of Species Conservation and the Department of Fish and Game.

Members were chosen specifically to represent agricultural interests or energy or mineral development interests, a local working group, a nationally, regionally or locally recognized environmental organization, or nationally or locally recognized wildlife or sportsmen's groups, and holders of State elected office, county elected office, or the public at large (see attached list of members).

Over the next few months, the Task Force will make recommendations on policies and actions using the 2009 Sage-grouse Management Plan and other on-going planning activities to develop a state-wide regulatory mechanism and avoid a listing of the species.

While the Commission is not listed as a state agency that will be consulted, IASCD was informed that at the appropriate time, districts will be asked to provide input to the process. We stand ready to provide whatever level of input the Governor and the Task Force request.

District Budget Hearing Process

The Commission is required to hold an annual District Budget Hearing, scheduled this year for May 2nd in Boise. Attached is a copy of Kristin's memo to districts explaining the request and giving guidance.

At last year's budget hearing the Commission considered requests for funding outreach and education activities. As a result, districts were awarded over \$27,000 to put on workshops, trainings, and other outreach events.

This year's budget hearing builds on last year's successful effort. We've identified \$50,000 to award to qualifying districts (up to \$1,000 each) for similar capacity building activities. In addition, districts have been asked to submit information on their top three prioritized projects or programs, including costs. This information will allow us to quantify some prioritized unmet district needs for future reference.

Districts must submit requests for consideration at the Budget Hearing to the Commission no later than **Tuesday, April 24, 2012 by 5:00 p.m.** by email, fax, or mail. This will allow Commission staff sufficient



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332:1790 • Fax: 208-332:1799

www.swc.idaho.gov

time to compile the worksheets (see attached) prior to the budget hearing. Any district may choose to present their requests by attending the budget hearing in person.

Wind-borne Dust on Idaho Roads

Attached is a copy of an article from Capital Press regarding the dust issue which was discussed in your January meeting. I have contacted Dwight Horsch to discuss possibilities for collaboration between districts and the Department of Transportation, however, have not yet heard back on his findings. I will continue to work on this.

ACTION: For information only

Attachments:

1. H 669 Appropriations Bill
2. Final Sage-grouse Executive Order
3. List of Sage-grouse Task Force appointees
4. Memo to districts re District Budget Hearing, worksheets (2)
5. Article from Capital Press re wind-borne dust on Idaho roads

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 669

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Soil and Water Conservation Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2012, through June 30, 2013:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	\$993,700	\$209,500	\$1,103,200	\$2,306,400
Administration and Accounting Services Fund		20,000		20,000
Resource Conservation and Rangeland Development Fund	144,100	146,000		290,100
Clean Water Revolving Loan (SCC) Fund		30,000		30,000
Federal Grant Fund	<u>0</u>	<u>60,000</u>	<u>0</u>	<u>60,000</u>
TOTAL	\$1,137,800	\$465,500	\$1,103,200	\$2,706,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than sixteen (16) full-time equivalent positions at any point during the period July 1, 2012, through June 30, 2013, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION AND BENEFITS. The Legislature recognizes and thanks all state workers for their dedication, professionalism and for the personal sacrifices they make every day in the performance of their duties to serve our citizens. In accordance with the provisions of

1 Section 67-5309C, Idaho Code, the Legislature supports the Governor's rec-
2 ommendation in not making changes in annual salaries and benefits for state
3 employees based upon labor markets or specific occupational inequities;
4 directs agencies and institutions that have excess personnel cost approp-
5 riations or salary savings due to turnover to use such funding for a merit
6 increase component, notwithstanding the provisions of Section 67-5309B(4),
7 Idaho Code, to recognize and reward permanent and temporary state employ-
8 ees; and does provide funding to agencies and institutions to provide a two
9 percent (2%) pay increase for all classified and nonclassified permanent
10 performing employees. Performing employees shall be all permanent employ-
11 ees, including adjunct faculty at colleges and universities, who have been
12 rated as "achieves" or better on a performance plan if required by Division
13 of Human Resources rule, including probationary permanent employees making
14 satisfactory progress. The Legislature supports the Governor's recommenda-
15 tion to fund increases in the cost of health insurance benefits and directs
16 the director of the Department of Administration, as the administrator of
17 the state insurance plan, to maintain the current benefit package to the ex-
18 tent possible, which may require a cost sharing on the part of employees for
19 the increased cost of the health insurance plan.



Executive Department
State of Idaho

C.L. "BUTCH" OTTER
GOVERNOR

State Capitol
Boise

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2012-02

ESTABLISHING THE GOVERNOR'S SAGE-GROUSE TASK FORCE

WHEREAS, the greater sage-grouse inhabits significant portions of the sage-steppe habitat in Idaho;

WHEREAS, the State of Idaho currently enjoys viable and widespread populations of the species;

WHEREAS, the State of Idaho by and through the Sage-grouse Advisory Committee (SAC) and the Local Working Groups (LWGs) has a long track record of successful engagement in managing and conserving the species and its habitat;

WHEREAS, the State by and through the involvement of the SAC and the LWGs developed a state-wide management plan for the species in 2006 and amended in 2009 (2009 Plan);

WHEREAS, the sage-grouse has been the subject of several petitions to list, federal regulatory actions and multiple rounds of litigation regarding its status under the Endangered Species Act (ESA);

WHEREAS, on March 23, 2010, the U.S. Fish and Wildlife Service (Service) determined the species warrants listing over all of its range, including Idaho, but is precluded by higher-priority listing actions;

WHEREAS, due to the Service's decision, the sage-grouse is currently considered a "candidate" species under the ESA;

WHEREAS, on February 2, 2012, the United States District Court for the District of Idaho ruled the Service must reevaluate the status of the species under the ESA by September 30, 2015;

WHEREAS, in response to this decision, the Secretary of the Interior has invited the eleven (11) western states impacted by a potential listing of the species to develop state-specific regulatory mechanisms to conserve the species and preclude the need to list under the ESA;

WHEREAS, the development of a state-specific regulatory mechanism in Idaho will be critical in demonstrating to the Service the species does not warrant federal protection;

WHEREAS, the Bureau of Land Management (BLM) is currently implementing national Instruction Memoranda to guide interim management of public lands and to develop sage-grouse conservation measures for incorporation into the agency's existing Resource Management Plans (RMPs) by September 2014;

WHEREAS, the development of a state-specific regulatory mechanism, consistent with the objectives of this Executive Order, may allow the State the opportunity to be exempted from the applicability of these Instruction Memoranda guiding interim management of public lands within Idaho;

WHEREAS, the development of a state-specific regulatory mechanism will enable the BLM to incorporate the State's plan as an alternative in its environmental analysis pursuant to the National Environmental Policy Act (NEPA);

WHEREAS, it is vital to the interests of the State to develop a state-specific regulatory mechanism as the listing of the species would adversely impact the economy of Idaho, including the ability to generate revenues from private property and State endowment lands;

WHEREAS, the listing of the species would have a significant impact on the State's custom, culture and way of life; and

WHEREAS, development of the State's regulatory mechanism must be driven by the most current scientific information, input from a variety of stakeholders and aimed at conserving the species and its habitat while maintaining predictable and multiple uses of private, state and public lands.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby create the Sage-Grouse Task Force.

1. *The creation of the Governor's Sage-Grouse Task Force:*
 - A. *The members of the Governor's Sage-Grouse Task Force (Task Force) shall be appointed by and serve at the pleasure of the Governor through calendar year 2012.*
 - i. *The Task Force shall be composed of fifteen (15) members, representing the various geographic areas of the State within the range of the species.*
 - ii. *The Office of the Governor will chair this entity.*
 - iii. *The Office of Species Conservation and the Idaho Department of Fish and Game will staff this entity.*
 - B. *The Task Force members shall be appointed from the following categories:*
 - i. *Individuals who:*
 - *Represent agricultural interests; or*
 - *Represent energy or mineral development interests.*
 - ii. *Individuals representing:*
 - *A local working group; or*
 - *A nationally, regionally or locally recognized environmental organization; or*
 - *Nationally or locally recognized wildlife or sportsmen's groups.*
 - iii. *Individuals who:*
 - *Hold State elected office; or*
 - *Hold county elected office; or*
 - *Represent the public at large.*
2. *Duties of the Task Force:*
 - A. *Provide the Governor recommendations on policies and actions, using the 2009 Plan and other on-going activities as a backdrop, for developing a state-wide regulatory mechanism to preclude the need to list the species;*

- B. *The recommendations must be based on the following objectives and/or criteria:*
- i. *Conserve the species and its habitat while maintaining predictable and multiple uses of private, state and public lands;*
 - ii. *Identify and designate key/core sage-grouse habitat based on the biological needs of the species;*
 - iii. *Tailor the management recommendations to the import of the habitat and is attuned to the interests of the State;*
 - iv. *Address the following primary threats to the species as identified by the Service:*
 - *Habitat fragmentation due to wildfire and invasive species;*
 - *Conversion of habitat for agriculture or urbanization; and*
 - *Energy development/infrastructure.*
 - v. *Address the following secondary threats to the species as identified by the Service:*
 - *Disease/West Nile virus;*
 - *Management issues related to livestock grazing;*
 - *Collisions with fences and power lines;*
 - *Mining;*
 - *Prescribed fire and range treatments;*
 - *Water development; and*
 - *Conifer invasion.*
 - vi. *Identify opportunities for pro-active sage-grouse habitat enhancement projects; and*
 - vii. *Recognize, encourage and incentivize land use practices that are actively maintaining or improving sage-grouse habitat as evidenced by improvements in habitat quality, active lek routes or stable/increasing populations of the species.*
- C. *The duties of the Task Force are solely advisory.*
- D. *The Task Force will provide its recommendations to the Governor no later than May 31, 2012.*
- E. *Technical Expertise:*
- i. *The Task Force may request consultation, information and technical expertise from Directors or their designees of state agencies regarding the biological needs of the species, activities on state, federal and private lands potentially impacted by the status of the species, and requirements of the ESA and other relevant statutory requirements, including but not limited to the Office of Species Conservation, the Idaho Department of Fish and Game, the Idaho Department of Lands, the Office of Energy Resources, the Idaho State Department of Agriculture and the Idaho Department of Parks and Recreation.*
 - ii. *The Task Force may request comments, information and technical expertise from the American Indian Tribes of Idaho, the universities of the State, federal agencies, including but not limited to the Service, the BLM, the U.S. Forest Service and the Natural Resources Conservation Services; and members of the public.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of March, in the year of our Lord two thousand and twelve, and of the independence of the United States of America the two hundred thirty-sixth and of the Statehood of Idaho the one hundred twenty-second.

A handwritten signature in cursive script, reading "C.L. 'Butch' Otter".

C.L. "BUTCH" OTTER
GOVERNOR

A handwritten signature in cursive script, reading "Ben Yursa".

BEN YURSA
SECRETARY OF STATE



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332-1790 • Fax: 208-332-1799

www.swc.idaho.gov

To: Idaho's Local Conservation District Supervisors and Staff
From: Kristin Magruder, Policy & Operations Specialist
Date: March 26, 2012
Re: 2012 District Budget Hearing Guidelines

Introduction

This memorandum is intended to provide guidance to Idaho conservation districts regarding the Commission's 2012 District Budget Hearing. The hearing is scheduled for **Wednesday, May 2, 2012** beginning at 8:00 a.m. MDT in Boise, Idaho. Please disregard previous correspondence announcing the hearing on May 16th. Notice of hearing will be provided 20 days prior to the public hearing and meeting.

The goals of this year's budget hearing are to:

1. Identify, cost out, and document top priority unmet natural resource and district needs (projects and/or programs) based on district work plans and programs; and
2. Continue last year's successful capacity building grants by awarding districts up to \$1,000 each for qualifying activities. The Technical Assistance Working Group has developed a draft definition of capacity building as:

That assistance which supports the independent and collective strengthening of conservation districts by providing services which expand resources or otherwise enhance district capacity to provide assistance to private landowners and land users in the conservation, sustainment, improvement, and enhancement of Idaho's natural resources.

Examples of capacity building may include, but are not limited to, grant writing assistance, outreach/education, or development of 5-year and annual work plans. Capacity building activities do NOT include non-specialized technical assistance that is required to support routine district activities such as secretarial duties, accounting functions, or administration of cost-share programs.

Authority

The budget hearing is in addition to the regular district allocation process defined in Idaho Code § 22-2727(3) and is also required in accordance with Idaho Code § 22-2727 which states:

22-2727. Allocation of funds to districts. (1) A public hearing shall be held by the state soil and water conservation commission on or before June 15 of each year and twenty (20) days' written notice of such hearing shall be given to each soil conservation district and to all other persons requesting notice of such hearing. At the hearing the state soil and water conservation commission shall consider the needs of each soil conservation district and shall base its request for state funds for the soil conservation districts upon the budgets, budget requests, district programs and work plans, and work load analysis of the various soil conservation districts.

Instructions for Project/Program Needs Worksheet (Part 1)

Based upon the district's 5-year or annual work plans, identify three (3) projects or programs to submit to the Commission for review and consideration at the May budget hearing. They may be potential or existing projects and programs and may include cost-share, if applicable.



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332-1790 • Fax: 208-332-1799

www.swc.idaho.gov

Please use the document entitled **2012 District Budget Hearing: Project/Program Worksheet for FY 2014 Budget Request** to complete the following information:

1. Fill in the district name and contact information
2. In each of the three tables, complete the requested information for three separate projects or programs:
 - a. Title of project or program
 - b. A brief description of the project or program and the expected outcomes
 - c. Expected timeline for potential projects or duration of existing projects
 - d. Resource concern(s) being addressed in the project or program
 - e. List any expected or existing funding sources such as EQIP, §319 grants, or other sources that will contribute to overall project costs. There is no priority given to projects with cost-share
 - f. Include additional information about the project, if applicable
 - g. Include the total amount of funds requested for each individual project or program

Instructions for Capacity Building Needs Worksheet (Part 2)

Based upon the district's self-evaluation of staff or program needs, identify one (1) capacity building project to submit to the Commission for review and consideration at the May budget hearing. Districts may coordinate on regional and/or division projects to share resources and available funding. Funding is capped at no more than \$1,000 per district for fiscal year 2013.

Please use the document entitled **2012 District Budget Hearing: Capacity Building Needs Worksheet for FY 2013 Budget** to complete the following information:

1. Fill in the district name and contact information
2. Include the title of the project
3. Briefly describe the project, the funding needs, and the expected outcomes
4. The capacity concern being addressed by the project
5. List other districts willing to partner together for this project
6. Include additional information about the project, if applicable
7. Include the total amount of funds requested, not to exceed \$1,000 per district. If multiple districts are involved, list the total funds requested for the project. Worksheets from partner districts must match

Submission of Budget Request

Worksheets must be submitted to the Commission no later than **Tuesday, April 24, 2012 by 5:00 p.m.** by email, fax, or mail. This will allow Commission staff sufficient time to compile the worksheets prior to the budget hearing. Any district may choose to present the worksheets in person by attending the budget hearing in person on **Wednesday, May 2, 2012.**

Contact Kristin Magruder, Phone: 208-332-1790, Kristin.Magruder@swc.idaho.gov, Mail: 650 West State Street, Room 145, Boise Idaho, 83702 for more information.

2012 District Budget Hearing: Project/Program Needs Worksheet for FY 2014 Budget Request

District:

Address:

Phone:

E-mail:

Contact:

PART 1: Project/Program Priorities

Project/Program Title:	
Description of Project/Program:	
Project/Program Timeline:	Priority: 1
Resource Concern(s) Addressed:	
Funding Sources (list all sources):	
Federal:	\$0
State:	\$0
District:	\$0
Other:	\$0
Notes:	
TOTAL FUNDS REQUESTED:	\$0

Project/Program Title:	
Description of Project/Program:	
Project/Program Timeline:	Priority: 2
Resource Concern(s) Addressed:	
Funding Sources (list all sources):	
Federal:	\$0
State:	\$0

<i>District:</i>	\$0
<i>Other:</i>	\$0
<i>Notes:</i>	
TOTAL FUNDS REQUESTED:	\$0

Project/Program Title:	
<i>Description of Project/Program:</i>	
<i>Project/Program Timeline:</i>	<i>Priority: 3</i>
<i>Resource Concern(s) Addressed:</i>	
<i>Funding Sources (list all sources):</i>	
<i>Federal:</i>	\$0
<i>State:</i>	\$0
<i>District:</i>	\$0
<i>Other:</i>	\$0
<i>Notes:</i>	
TOTAL FUNDS REQUESTED:	\$0

2012 District Budget Hearing: Capacity Building Needs Worksheet for FY 2013 Budget

District:

Address:

Phone:

E-mail:

Contact:

PART 2: Capacity Building Priority

<i>Project Title:</i>	
<i>Description of Project and Funding Needs:</i>	
<i>Capacity Concern Addressed:</i>	
<i>Other districts involved:</i>	
<i>Notes:</i>	
<i>TOTAL FUNDS REQUESTED:</i> <i>Not to exceed \$1,000 per district</i>	\$0

March 23, 2012

Online: www.capitalpress.com/Idaho

The West Idaho

Agency tackles wind-blown soil

Repeated interstate closures prompt renewed efforts

By JOHN O'CONNELL
Capital Press

Based on the dense clouds of dust that closed Interstate 15 north of Idaho Falls several times this winter, Mark Mickelsen plans to stop renting out his 2,000 acres of farmland along the freeway.

"I need to have better control," the Rigby potato farmer said, adding he could have spread a thick layer of manure to control dust had he not rented out the property.

Following an especially bad winter for wind-blown soil, officials with the Idaho office of the Natural Resources Conservation Service are con-

sidering a possible statewide initiative to address the issue.

The agency advised Mickelsen to shift away from potatoes, which require a clean bed for planting. But he considers the problem to be an anomaly caused by the first winter he can recall in half a century with no snow cover. He intends to be more diligent about spreading manure alongside the interstate, though he believes he's applied more manure to control dust in recent years than anyone in his region.

"The state has been in contact with me and they said they'd like to work with me to figure out some things to help," said Mickelsen, who has dealt with wind-blown dust in the spring but never in the winter. "We've got a potato business, and I'm not going to change my business because



John O'Connell/Capital Press
American Falls farmer Jim Tiede supervises while his workers cut seeds for this season's potato crop. Potatoes require a clean bed, which can lead to wind erosion problems before growth occurs.

we don't have snow one winter.

"With perfect conditions, I don't care what you do with it. It'll blow. There are sand dunes there, and historically

it's blown."

Clint Evans, who oversees farm bill programs for the NRCS, said Interstate 86 near American Falls also had to be closed a few times this winter

because of dust storms. Evans said growers can help by minimizing plots of vegetables that require clean seed beds, intermingling strips of perennial grasses within their fields, planting grasses or trees along their field borders or using no-till or mulch-till farming.

Evans said his agency's Technical Advisory Committee will likely discuss a potential program to address wind-blown soil during its upcoming meeting. He suspects nothing will be approved until a new farm bill takes effect.

"There's interest among our conservation partners," Evans said. "It's definitely something we as an agency are very cognizant of and want to get better prepared to do something to address the erosion potential that's out there."



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332:1790 • Fax: 208-332:1799

www.swc.idaho.gov

ITEM #8

TO: Chairman Bronson and Commissioners Radford, Stutzman, Wright, and Trebesch
FROM: Teri Murrison, Administrator *TM*
DATE: March 27, 2012
RE: Update on Meeting with Office of Species Conservation

Staff circulated for approval and was prepared to present a coordination resolution at your last meeting for Commission consideration, but continued that item when OSC requested we meet prior to its formal consideration. This provides an update on the outcomes of that meeting.

Delwyne Trefz, Harriet Hensley, and I met with Mike Edmonson and Steve Telford of OSC to discuss coordination in general and the purpose and intent for the potential adoption of a Commission coordination resolution. We conveyed to them that the Commission's intent is to assist 3 or so districts in a pilot project to work with federal agencies solely to determine if districts can increase their involvement and potential access to additional project funds.

Our counsel and OSC's counsel researched Idaho and federal law and it is clear that although state and local governments can coordinate where federal statutes and rules allow, coordinating by state agencies is complicated by our own statute. A number of state agencies have been granted legislative authority to coordinate on different issues: OSC on endangered species issues, IDWR on water issues, the Commission on voluntary conservation issues, and so on. There are a number of overlapping areas.

OSC wanted to ensure that if the Commission does adopt a resolution, it is clear that OSC has authority for endangered species and related issues. Commission staff and counsel are in agreement on this. Additionally, during the meeting we agreed that there is value in developing an understanding between state agencies about differing authorities and it would be wise to determine these prior to consideration of adopting any resolution.

Your staff is in discussion with the pertinent state agencies and we ultimately hope to develop a state agency memorandum of agreement regarding state agencies' coordination with each other and with the federal government on issues for which each agency has jurisdiction. It is very important that state agencies speak with one voice when it comes to land and resource management and other decisions that affect state resources and very important that we work closely with OSC on issues affecting ESA-listed and rare and declining species.

In the meantime, one or two districts have expressed interest and requested assistance in drafting resolutions. When we have finished working with our sister state agencies, staff will be in a better position to present how the Commission might assist the districts regarding coordination with federal agencies. At present, given available staff time we have not taken and will not take more than a back burner approach to coordination.

RECOMMENDED ACTION: For information only



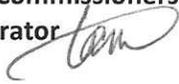
Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332:1790 • Fax: 208-332:1799

www.swc.idaho.gov

ITEM #9

TO: Chairman Bronson and Commissioners Radford, Stutzman, Wright, and Trebesch
FROM: Teri Murrison, Administrator 
DATE: March 27, 2012
RE: Cooperating Agency with Bureau of Land Management on Grazing Allotment DEIS in Owyhee County

As you know, the Commission was recently invited to become a Cooperating Agency (CA) in the preparation of a draft environmental impact statement (DEIS) by the Bureau of Land Management (BLM). At your last meeting, staff was directed to conduct research into the possible ramifications of becoming a Cooperating Agency.

The following answers are provided in response to concerns expressed during your meeting:

1. A cooperating agency does not lose rights otherwise available to it, including the right to federal protest procedures.
2. Unlike the Idaho Public Records Act, federal agencies under FOIA may withhold "pre-decisional documents" from public review. The MOU addresses this issue by having the cooperating agency agree that the federal agency may withhold certain documents from the CA where there is concern that the documents are public records under state law.
3. The MOU will include provisions for efficient (and pre-decisional) termination.
4. The MOU and regulations make clear that the cooperating agency relationship does not transform a collaborative process into a process requiring consensus. The BLM makes all final decisions.
5. CAs can provide written public comments, just as other agencies and members of the public do.
6. CAs are not required to concur on all findings. Where the BLM or one or more cooperators disagree on substantive elements of the EIS the MOU provides that the BLM will include a summary of the Cooperator's views in the draft EIS and final EIS. Note that the cooperator does not have authority for to approve or disapprove summary content.
7. The BLM Desk Guide to Cooperating Agency Relationships states that multiple state and local agencies may assume CA status, but, with respect to state agencies, "it is desirable to have one entity (for example, the Governor's Office) coordinate all state CAs' comments and analyses to ensure the BLM benefits from consistent perspective."

With this in mind, we have determined that IDFG, OSC, and Ag may all have been invited to participate as CAs. IDFG has no objection to the Commission being involved and OSC has not expressed any either. We still need to determine the appropriate representative at Ag. In any event, we will want to make sure that the individual agency MOUs are consistent with one another and depending on how other agencies intend to participate, a single MOU could be drafted identifying the respective roles and responsibilities as between the state agencies.

Delwyne has spoken with a number of permittees and it appears that they are well aware that BLM is the ultimate decision maker and thus, would not credit or fault the Commission with the final outcome. In addition, we spoke with Owyhee County Commissioners who, while they did not



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332:1790 • Fax: 208-332:1799

www.swc.idaho.gov

express any confidence in the ability of a CA to benefit the outcome, neither did they express concern about the Commission's potential involvement.

And while this appears to be a unique opportunity to experience and learn from the CA process, should Commissioners decide not to do so, other opportunities will arise. Its main value aside from learning appears to be in developing productive relationships with our sister agencies and raising the Commission's profile.

Staff requests your deliberation and consideration of authorizing the Chair to sign a Memorandum of Understanding (or Agreement) to become a cooperating agency on the Owyhee County grazing allotments DEIS.

RECOMMENDED ACTION: Consider Authorizing Chair to sign Cooperating Agency MOU

Attachment: Draft Cooperating Agency MOU from BLM

Background and Qualifications

3. I hold a Ph.D. in Range Science, from Utah State University (1992), an M.S. in Range Science, Texas A&M University (1987) and a B.S. in Botany-Range Management, from North Dakota State University (1984).

4. I am currently Professor of Rangeland Ecology and Director of the Rangeland Center (2010 to present) at the University of Idaho. In this position, I facilitate rangeland research and outreach of faculty affiliated with the Rangeland Center. I also conduct research on grazing management and the ecological implications of grazing, plus teach courses in plant identification, rangeland management, vegetation assessment, and herbivore interactions.

5. Before 2010, I was Assistant Professor (1996-02), Associate Professor (2002-10) and Department Head (2002-10) of the Department of Range Ecology and Management, University of Idaho where I directed research on rangeland ecology and grazing management and managed a group of faculty researching and teaching a variety of topics in rangeland science.

6. I began my academic career as Assistant Professor (1992-96), Range and Wildlife Management Department, Texas Tech University, during which time I directed research on diet selection and nutrition of rangeland herbivores and taught courses in ecology, rangeland management, and rangeland communities.

7. In my role as a rangeland researcher, I have supervised 18 graduate student projects, published 24 refereed journal articles, 5 book chapters, and edited 3 books/bulletins. The majority of my published work focuses on foraging behavior, targeted grazing and plant-animal interactions.

8. In the past 5 years (2007-2012), I have conducted several research projects, written scientific reviews, and given presentations at symposia related to the role of grazing to affect wildland fire and the ecological effects of grazing after fire.

9. I have participated in several field tours of the Craters of the Moon National Monument (hereafter referred to as the “Craters” area) and am very familiar with the ecosystems and plant communities found there and throughout southern Idaho.

Basis for This Declaration

10. To prepare this declaration, I have read other declarations related to the case and reviewed numerous scientific articles and extension bulletins (listed at the end of this declaration) regarding the ecological implications of grazing, ecology of sagebrush-steppe plant communities and the biology of sage-grouse as a species dependent upon those communities.

11. I am troubled by what I conclude is either a lack of scientific basis or a misinterpretation of available science by the Plaintiffs and Dr. Braun, in offering measures which, in their view, would improve habitat for sage-grouse by restoring favorable attributes to existing rangeland plant communities in the “Craters” area.

12. My purpose in submitting this declaration is to critically examine and describe the potential ecological implications of grazing and habitat management practices proposed by Plaintiffs as interim measures.

The Craters Landscape and Wildfire

13. The “Craters” landscape was literally born of fire and fire has been a constant presence over millennia. Lightning was the source of most fires, but Native Americans and early ranchers saw the value of fire in increasing forage resources, specifically by removing dense stands of sagebrush that were suppressing the understory plants and undoubtedly set intentional fires (Miller et al. 1994, Jurs and Sands 2004).

14. It is well-established that sagebrush ecosystems in this part of the West follow a predictable series of successional states following fire (Miller et al. 1994). In the first years after a fire grasses and forbs will occupy the site. Nearly all the sagebrush (*Artemisia species*) will be killed, except for those species such as three-tip sage

(*Artemisia tripartita*) which can re-sprout from buds at the base of the plants. Over time, sagebrush and other shrubs begin to express dominance, with corresponding reductions in grasses and forbs. As shrubs attain dominance, cover of herbaceous understory plants is decidedly lower and remains so until, once again, fire removes the shrubs and the process starts anew.

15. LANDFIRE is a set of spatial data layers including vegetation, fire, and fuel characteristics initiated in 2004 and maintained by the U.S. Departments of Agriculture (USDA) and Interior (DOI) available at www.landfire.gov. LANDFIRE is used by land management and fire professionals in public agencies and the private sector to prioritize hazardous fuel reduction and support ecological conservation activities. LANDFIRE products can be used to describe the expected interval between naturally recurring fires and estimate the “transitional states” of the vegetation during the periods between fires. Thus, LANDFIRE allows the geospatial display of the proportions of grasslands (“early” seral), moderate shrub dominance (“mid” seral) and mature sagebrush stands (“late” seral) across sagebrush-steppe landscapes. LANDFIRE also allows the comparison of current landscape vegetation patterns with those that would be expected under natural conditions.

16. As shown in Exhibit ____, most of the Craters area exhibits communities predominately in “early” transitional stages (57%), with areas in “mid” seral development only 13% of the landscape and a “late” stage with 40%. In a “natural landscape” as predicted by LANDFIRE, the landscape should show greatest coverage of plant communities in the mid-seral stage (about 50%) with lesser amounts in the “early” and “late” seral stages (Landfire model # 1810800, Inter-Mountain Basins Big Sagebrush Shrublands). Clearly, wildfire occurrences and seedings of perennial grasses led to the establishment of grasslands that dominate the “Craters” landscape.

17. The issue now is neither what happened in the past nor how much the current landscape differs from an expected “natural” state. The issue is that conditions are not optimal from a sage-grouse habitat standpoint. To improve habitat conditions for sage-grouse, the proportion of the landscape where shrubland communities are becoming re-established (i.e., “mid” seral stage) should be increased. I must therefore conclude that

the issue for the future of the Craters area is the management of fire and fuels. I cannot conclude that the “interim measures” suggested by the Plaintiffs will lead in a constructive direction for resolving this issue in the Craters area.

18. The dynamic, natural cycle of fire and successional vegetative states was altered when the exotic annual grass known as cheatgrass (*Bromus tectorum*), was introduced to the Great Basin in the mid-1800s (Miller et al. 1994). Cheatgrass is damaging to sagebrush steppe ecosystems for two primary reasons: First, cheatgrass begins significant growth earlier in the spring than native grasses and forbs and gains a competitive edge over these perennial plants. Second, as cheatgrass becomes dormant in early summer it becomes a fine fuel source that increases the continuity of fuels across landscapes and leads to an increased frequency or extent of wildland fires in the Great Basin.

19. Exhibit *Fires 1939-2008* shows that all but about 30,000 acres within the BLM managed portion of the monument and which has historically been grazed has burned since records were kept beginning in 1939. Many of these areas have been burned repeatedly (see Exhibit *Craters Times Burned*).

20. A closer examination of fire occurrences, shows an increasing size of wildfires in the Craters area since 1939 (see exhibit *Last-Time-Burned*) with over 50% of the total area burned since 2004. There is no single reason to explain this increase in wildfire extent in the Craters area but it follows a similar trend throughout the Great Basin that is often attributed to factors including: changes in livestock management, such as reductions in stocking rates and changes in grazing seasons; increased abundance of invasive species, such as cheatgrass; increased wildland-urban interfaces where human-derived ignitions can occur; and changes in climate patterns that favor wildland fire (Launchbaugh et al. 2008). Furthermore, recent research suggests that increase atmospheric carbon dioxide (CO₂) levels may account for increased wildland fuel loads and may particularly favor establishment of cheatgrass (Ziska et al. 2005). Thus, increased extent and frequency of wildland fires may have little to do with changes in livestock management or other land uses.

21. The BLM has authorized 36,965 AUMs for grazing within the BLM administered portion of the monument area (see Craters Management Plan page 45). There has been no increase in permitted grazing for many years. So, while grazing has been maintained at that level (assuming all the permitted grazing took place), there is no correlation between levels of grazing and the dramatic increase in area burned since 2004. While these fires have had an undeniable effect on shrub communities within the Craters area, it is impossible to conclude that these effects were either the direct result or exacerbated by what has become a relatively constant amount of livestock grazing within the same area.

22. As wildfires have occurred across the Craters area, the BLM has actively engaged in revegetation efforts to an extent where nearly half (127,700 of 286,487 acres; see exhibit ___) of the area managed by the BLM in the Craters areas has undergone revegetation activities largely aimed at re-establishing perennial grasses with seeding of sagebrush occurring in more recent seeding efforts. The result of fire and re-vegetation after fire in the Craters area is a landscape dominated by grasslands rather than sagebrush communities.

23. Three-tip sagebrush is known to sprout and therefore spread following fires and other disturbances. Jurs and Sands observed significant amounts of three-tip sagebrush in Paddleford Flat and Little Park (31% and 38% respectively) and that Three-tip “dominated” the northern half of Laidlaw Park (see Jurs and Sands pages 15-20). Since the Jurs and Sands report, Brad Lowe, completed studies in Laidlaw Park for his Master’s thesis and found a marked decrease in nesting preference and success under three-tip shrubs than under big sagebrush (see Lowe page 14-18). If one accepts Lowe’s conclusions, then fire, by favoring three-tip sagebrush, may affect sage-grouse nesting success even after the burned area is again occupied by sagebrush.

Relationship of grazing to fine fuels and fire spread.

24. The risk of wildfire and conversion of sagebrush-steppe communities to grasslands is clearly the greatest threat to maintaining sage-grouse habitat in the Craters area since in almost all cases fire completely removes the sagebrush overstory. Grazing by domestic livestock is directed at herbaceous grasses and forbs in sagebrush-steppe

communities and consequently affects the source of fuel for wildland fire throughout the region. Adding restrictions to the amount or timing of grazing, as suggested by the Plaintiffs, could limit the beneficial role that grazing could play in limiting the extent and intensity of wildland fire in many sagebrush ecosystems, including those found in the Craters area.

25. Livestock grazing can reduce and modify fuel loads in a way that decreases the flame lengths that occur during wildfires (Diamond et al. 2009). Reduced flame lengths are important because it reduces the potential spread and extent of wildfires and increases the ability of fire fighters to contain and manage wildland fires.

26. Grazing can reduce fuel loads and decrease fire severity on specific sites in a way that affects the ability of plants to recover after fire. In a study in sagebrush steppe in southeastern Oregon, the cover of annual grasses was greater than that of perennial grasses after a fire on sites that were ungrazed before fire (i.e., an exclosure) compared to grazed sites (Davies et al. 2009). This benefit of grazing to post-fire recovery is attributed to reduced fuel in the form of dormant plant biomass around perennial grass plants in grazed sites which reduced the loss of growth points in the crown of the plant allowing it to more quickly recover after fire.

27. In simple terms, the greater amount of dormant herbaceous plant biomass on a rangeland site, the larger and more intense a subsequent wildland fire will be if conditions allow its ignition. In addition, the continuity of fuel is also important as it affects the rate of spread and extent of wildfires. Grazing can break fuel continuity because animals preferentially graze some species and sites over others. Livestock grazing on grasslands in sagebrush-steppe ecosystems can reduce fuel accumulation, continuity, and height which could subsequently affect the burn characteristics of wildland fires (Davies et al. 2010).

Leaving 70% of the forage each year may have unintended, unfavorable consequences.

28. Plaintiffs and Dr. Braun espouse leaving 70% residual herbaceous biomass after August 1 may provide cover for sage-grouse. However, increased residual cover

constitutes increased fine fuel loads in sagebrush-steppe ecosystems. Fire modeling activities related to the Murphy Wildland Fire Complex in 2007 revealed that grazing can reduce the rate of spread and intensity of fires allowing for patchier burns with lower levels of fuel consumption under moderate fuel and weather conditions (Launchbaugh et al. 2008).

29. It was once believed that only current seasons grazing could influence wildfires that generally occur in the late summer in the sagebrush-steppe. However, fire modeling activities and fire-line observations confirm that grazing the year before a wildfire can reduce surface rate of spread and fireline intensity (Launchbaugh et al. 2008). Therefore, reduction of residual biomass and fuel continuity through fall grazing could reduce the risk and intensity of fires that might occur in the subsequent year.

30. I believe a 30% utilization standard is particularly problematic on grassland sites where the overstory of sagebrush has been removed by previous fires. We know that livestock grazing can more effectively reduce fuel loads on grassland sites than shrublands (Launchbaugh et al. 2008). Thus, applying a 30% utilization standard across the whole Craters area will likely increase the risk of wildfires that start on grassland sites removing any young sagebrush plants that are becoming re-established in these areas and potentially spread to adjacent shrublands.

31. The elimination of spring grazing by livestock and maintenance of summer grazing to light utilization levels (i.e., 30% utilization/70% residual) as proposed by the Plaintiffs could have the unintended consequence of slowing re-establishment of sagebrush plants into grassland sites undergoing succession after fire. As shrubs slowly recover dominance on sagebrush-steppe sites after wildfire, livestock grazing can promote woody plant growth by suppressing competition from herbaceous plants through preferential grazing of grasses. Examinations of historic grazing levels (Miller et al. 1994) and recent grazing studies (e.g., Bork et al. 1998) indicate that the densities of sagebrush and other shrubs can be increased when sagebrush communities are grazed in the spring and summer. Research on the restoration of sagebrush-steppe communities after disturbance further indicate that the re-establishment of shrubs in grassland sites will

be significantly slower, perhaps decades slower, unless competition from perennial grasses is reduced (Boyd and Svejcar 2011).

32. The debate over setting grazing levels based on utilization standards versus residual biomass is a long-running and unsettled debate in the rangeland management profession. In this case, the focus is on providing cover for sage-grouse. Thus, it makes little sense to prescribe standards based on a % of annual biomass removed or % of herbaceous production remaining at the end of the year. A more effective approach would be to focus on heights of residual standing biomass to provide visual obstruction as describe in sage-grouse management guidelines such as those proposed by Connelly and colleagues (2000).

Spring grazing can suppress cheatgrass with little effect on nesting habitat.

33. Various allotments within the Craters area are grazed during the spring months, presumably during sage-grouse nesting and brood rearing periods and prior to June 20th. While Connelly and colleagues did not speak specifically to spring grazing in their 2000 “Guidelines”, they did present a table of “Characteristics of Sagebrush Rangeland Need for Productive Sage-grouse Habitat” (Connelly, et. al., page 977). This table specifies sagebrush heights of between 40-80 cm (16-32 inches) and grass-forb heights greater than 18 cm (7 inches). These guidelines were subsequently adopted as part of Idaho’s State Sage-grouse Plan (2006) and serve as a basis for BLM’s sage-grouse habitat framework, with the assumption that meeting them would protect nesting and brood-rearing habitat, even with grazing during the spring.

34. Now, Braun seems to be repudiating these guidelines by advocating, “livestock turnout should not be allowed until after 20 June and all livestock should be removed by 1 August to allow for herbaceous regrowth to provide cover to benefit sage-grouse the following spring.” (*see* Braun declaration at page 15). However, Plaintiffs and Braun nor the BLM offer any evidence that these guidelines are not being met already or that, for some reason, they are now insufficient.

35. I agree that management of sage-grouse habitat in the Craters area should address the invasion of cheatgrass which can displace native understory species and increase risk

of wildfires that eliminate sagebrush overstory, as stated by Braun (*see* Braun, at #36; page 15). However, it is not true that livestock grazing inevitably and consistently leads to increased cheatgrass abundance (Miller et al. 1994). In fact, early spring grazing by sheep and cattle is a well-founded and often applied approach to reduce cheatgrass abundance throughout the Great Basin (Mosley 1996, Mosley and Roselle 2006, Smith et al. 2012). Such targeted grazing practices for the suppression of annual grasses prescribe grazing at a time when the annual grasses are actively growing but before desirable perennial grasses express significant growth. Therefore, the proposed exclusion of livestock grazing from March 1 until after June 20 could actually lead to an increase in cheatgrass, with its inevitable increased risk of wildland fire.

36. Furthermore, even the complete exclusion of grazing does not guarantee that cheatgrass will not invade sagebrush-steppe ecosystems. Case studies on sites within the Craters area that have never experienced significant use by livestock have been shown to have a significant composition of cheatgrass. These sites include Carey and Big Juniper Kipukas, both of which have abundant cheatgrass in specific areas despite the apparent lack of livestock grazing (Tisdale et al. 1965, Miller et al. 1994; Jurs and Sands 2004).

37. Land managers and conservationists in the sagebrush-steppe are often caught in the expectation that if livestock grazing is restricted or eliminated, rangelands will achieve a desired state of improved sagebrush cover, increased abundance of perennial grasses and reduced annual grasses. A specific test of this expectation in Utah revealed that this is not always the case. In a study by West and colleagues (1984) an examination of conditions after 13 years of complete rest from livestock grazing resulted in decreased perennial grass cover and increased annual grass cover.

38. It is also well-established that sage-grouse generally nest under the canopy of sagebrush and other shrubs of a similar structure that are within the nesting area. In sagebrush stands with the canopy cover that Connelly et al. (2000) recommend (15-25%), it would be normal for the majority of a sagebrush community to be covered by grasses and forbs growing in the spaces between shrubs. While livestock clearly graze on those grass and forbs, there is a marked preference for the easily accessible forage between sage brush plants. Indeed it requires extra effort for livestock to seek and harvest forage

under shrubs so they generally use this forage only when other more accessible forage between shrubs is depleted (France et al. 2008). Therefore, it stands to reason that effective management of sage-grouse nesting habitat during the spring is a function of maintaining a stocking level that does not force livestock to seek the grass under the shrubs. So, if the height of the grass under the shrubs is 7 inches or better during the nesting season, one would assume that the Connelly guidelines are being met even with spring grazing. If this is the case then there is no justification for the complete removal of spring grazing as now advocated by Plaintiffs and Dr. Braun.

Removal of grazing on August 1 may have limited value for several reasons.

30. Several areas in Craters have dense stands of mature sagebrush that could benefit from fall grazing by sheep as suggested by Jurs and Sands 2004 and supported by work at the U.S. Sheep Experiment Station near Dubois, Idaho (Bork et al. 1998). Elimination of grazing after August 1 would remove this potentially beneficial use of fall grazing for the restoration of dense sagebrush stands.

40. The expectation that fall precipitation will stimulate growth of bunchgrasses to provide spring cover for sage-grouse is unreasonable on at least 2 points. First, long-term precipitation patterns in the area (Minidoka and Craters of the Moon Weather Stations; Western Regional Climate Center Data) show insignificant amounts of fall precipitation prior to November. The lowest probability for precipitation in the area is from Mid-June to Mid-October. During this time the probability of receiving greater than ½” of precipitation during a weeklong period is only 10 to 15%. The probability of a significant precipitation event of at least 1” is not greater than 10% during any week-long period until later in November. Therefore, the earliest that fall re-growth might be expected would be in late October or November. Certainly the probability of regrowth in August or September is very low based on long-term precipitation patterns.

41. Fall re-growth would occur from perennial and annual grasses through stimulation of new shoots from the base of the plant. These shoots may gain a few inches of height from the base of the plant but they would not increase the maximum height of

the plants. In addition, this newly established growth will have limited structural carbohydrate composition so it will be easily crushed by the weight of snow over the winter and be unlikely to provide reasonable amounts of residual cover in spring.

Twice-over grazing is not inherently detrimental.

42. Several grazing systems have been created around the idea that grazing early and late in the season may reduce the potentially negative effects of defoliation on plant production and vigor. The specified prohibition of twice-over grazing, as suggested by the Plaintiffs, is not necessary unless it is required to achieve some specific habitat management goal. The application of twice-over grazing can be beneficial or detrimental depending on how it is applied and the management goal it is applied to achieve. It is not clear in the Plaintiff's statement of interim measures what the prohibition of twice-over grazing is meant to accomplish. Therefore, the unsubstantiated request to prohibit twice over grazing is unfounded.

Published Literature Reference in this Declaration

43. I have reviewed many books, journal articles and extension publications to prepare this declaration. I have cited specific documents above to substantiate points made. The cited references are as follows:

- Bork, E.W., N.E. West, and J.W. Walker. 1998. Cover components on long-term seasonal sheep grazing treatments in three-tip sagebrush steppe. *Journal of Range Management*. 51:293-300.
- Connelly, J.W., M.A. Schroeder, A.R. Sands, and C.E. Braun. 2000. Guidelines for management of sage grouse populations and habitats. *Wildlife Society Bulletin* 28:967-985.
- Davies, K.W., A.J. Svejcar, and J.D. Bates, J.D. 2009. Interaction of Historical and Nonhistorical Disturbances Maintains Native plant Communities. *Ecological Applications*. 19(6):1536-1545.

- Davies, K.W., J.D. Bates, T.J. Svejcar, & C.S. Boyd. 2010. Effects of Long-Term Livestock Grazing on Fuel Characteristics in Rangelands: An Example from the Sagebrush Steppe. *Rangeland Ecology and Management*. 63(6):662–669.
- Diamond, J.M., C.A. Call, and N. Devoe. 2009. Effects of targeted cattle grazing on fire behavior of cheatgrass-dominated rangeland in the northern Great Basin, USA. *International Journal of Wildland Fire* 18:944–950.
- France, K.A., D.C. Ganskopp, and C.S. Boyde. 2008. Interspace/Undercanopy Foraging Patterns of Beef Cattle in Sagebrush Habitats. *Rangeland Ecology and Management*. 61:389-393.
- Jurs, L.D., and A.R. Sands. 2004. An Inventory, Assessment, and Recommended Management of Sagebrush Steppe Vegetation in Laidlaw Park, Little Park, and Paddelford Flat, Craters of the Moon National Monument and Preserve, Idaho. A report commission by the Idaho BLM Shoshone Field Office.
- Kingery, J.L., C. Boyd, and P.E. Kingery. 1992. The Grazed-Class Method to Estimate Forage Utilization on Transitory Forest Rangeland. Bulletin No. 54. Idaho Forest Wildlife and Range Experiment Station. Moscow, ID.
- Launchbaugh, K.L., B. Brammer, M.L. Brooks, S.C. Bunting, P. Clark, J. Davison, M. Fleming, R. Kay, M. Pellant, D. Pyke and B. Wylie. 2008. Interactions among livestock grazing, vegetation type, and fire behavior in the Murphy Wildland Fire Complex in Idaho and Nevada, July 2007: U.S. Geological Survey Open-File Report 2008-1214, 42 p. Available online at: <http://www.cnr.uidaho.edu/range/MurphyFireComplex/>
- Lowe, B.S. 2006. Greater Sage-Grouse Use of Threetip Sagebrush And Seeded Sagebrush-Steppe. M.S. Thesis. Idaho State University, Pocatello, ID.
- Miller, R.F. and T.J. Svejcar and N.E. West. 1994. Implications of livestock grazing in the Intermountain Sagebrush Region: Plant composition. In: M. Vavra, W.A. Laycock, and R.D. Pieper [eds.]. *Ecological Implications of Livestock*

Herbivory in the West. Published by the Society for Range Management, Denver, CO.

- Mosley, J.C. 1996. Prescribed sheep grazing to suppress cheatgrass: A review. *Sheep and Goat Research Journal* 12:74-80.
- Mosely, J.C. and L. Roselle. 2006. Targeted livestock grazing to suppress invasive annual grasses. In: K Launchbaugh and J.W. Walker [eds.] *Targeted Grazing: a Natural Approach to Vegetation Management and Landscape Enhancement*. Published by the American Sheep Industry Association: Denver, CO.
- Smith, B., R.Sheley, and T. Svejcar. 2012. Grazing invasive annuals grasses: The green and brown guide. A product of the Area-Wide Ecologically-Based Invasive Plant Management. Available online at:
[http://sfc.smallfarmcentral.com/dynamic_content/uploadfiles/152/green and brown grazing guide-sm.pdf](http://sfc.smallfarmcentral.com/dynamic_content/uploadfiles/152/green_and_brown_grazing_guide-sm.pdf).
- Boyd, C.S. and T.J. Svejcar. 2011. The influence of plant removal on succession in Wyoming big sagebrush. *Journal of Arid Environments*.75:734-741.
- Tisdale, E.W., M. Hironaka, and M.A. Fosberg. 1965. An Area of Pristine Vegetation in Craters of the Moon National Monument, Idaho. *Ecology* 46(3):349-352.
- West, N.E., F.D. Provenza, P.S. Johnson and K.M. Owens. 1984. Vegetation change after 13 years of livestock grazing exclusion on sagebrush semi-arid-desert in West Central Utah. *Journal of Range Management* 37:262-264.
- Ziska, L.H., J.B. Reeves III and B. Blank, 2005. The impact of recent increases in atmospheric CO₂ on biomass production and vegetative retention of cheatgrass (*Bromus tectorum*): implications for fire disturbance. *Global Change Biology* 11:1325-1332.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____, Idaho, on this _____ day of February, 2012.

KAREN LAUNCHBAUGH