

# Committee on Resources

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## Witness Testimony

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### **Comments to the Subcommittee on Fisheries, Conservation, Wildlife and Oceans submitted July 24, 1997**

**by Dave McFarland, Chairman Lemhi County Land Use Planning Commission  
representing Lemhi County and it's Public Lands Users**

Committee members :

My name is Dave McFarland. I represent the people of Lemhi County, Idaho as an agent of the County Commissioners. As a rancher with federal grazing permits I also represent those interests.

During these hearings you should hear plenty of negative testimony concerning NMFS. I concur. I have been told several stories where NMFS decisions have cost federal or private agencies and individuals a great deal of money, time and energy without benefiting endangered salmon.

In Lemhi County NMFS is held in the same status as the IRS without being recognized as a necessary evil. Yet, what they represent-i.e. recovery of endangered salmon stocks, is locally a very laudable and popular goal. In reviewing NMFS activities with county residents who deal with them it seems that NMFS decision making is often taking place in a vacuum. Instead of involving themselves with a diversity of disciplines many decisions are made solely by fisheries biologists with limited experience based on textbook solutions. For example, a 6" stubble height on grazed riparian areas must be maintained is a textbook statement. Experienced land managers state the phenological stage of the plants involved is much more important in deciding utilization levels.

Nevertheless many good decisions have been made by NMFS personnel and many of these have occurred in Lemhi County. I have observed that many of the best solutions happen when the best communication happens. This leads into my primary objective which is to share with you what is happening in Lemhi County and let our experience propose a much more effective way to protect salmon in their spawning habitat.

In the late 1980's we became increasingly worried that federal land management decisions emanating from Washington D.C. might destroy both the economy and the esthetic appeal of our county. ( Lemhi County is about 4 million acres in size with a population of 8,000. 92 % of our land is federally owned.) We were aware of efforts by some counties to supplant federal planning with local planning. Several major legislative documents such as FLPMA and NEPA have clauses that generally mandate federal agencies will consult and coordinate with local planning units when such units exist. We held many meetings to explore the feasibility of using this authority. To us, it was plain we didn't have the resources to make federal land planning decisions. Local Forest Service and BLM personnel working with us suggested it might be possible and desirable to discuss their planning with the county. Jointly we prepared a document called the Lemhi County Land Use Plan. It is a document setting up lines of communication with federal land management people to allow Lemhi County to have relevant input into their decisions. Although not perfect, it has succeed spectacularly. By being included in the decision making process we have given federal land managers information to make better decisions. By keeping us informed and involved we have been able to support difficult decisions such as closing roads.

Throughout this entire process all of us have been aware of the need to protect our natural resources and particularly endangered species. Graphically I would refer you to the orange booklet given members of the subcommittee. This is a trend report on riparian conditions on the Salmon District Bureau of Land Management dated 1995. Note the gains made in the past seven years. As you peruse the condition photos note that some were recovered by changing grazing duration or intensity and some were made by removing livestock if deemed necessary.

We were aware before listing that the Northwest Chinook Salmon would, and should be listed. In fact, local Forest Service biologists had been trying to get a national audience for the plight of the salmon for about 20 years. This, and

knowledge of the Endangered Species Act led local federal land managers to hire the best fisheries biologists available before NMFS was even aware of the scope of the task they were being handed

With the assistance of these newly hired biologists, the county began exploring ways to contend with species listing. It was pointed out that bull trout and some cutthroat trout were also increasingly scarce. After much thought, we decided:

- 1) single species management could not be the best recovery strategy.
- 2) intense management of only federal land without participation of private land would probably fail. 8% of Lemhi County is privately owned but encompasses 90 % of the occupied salmon habitat.

From these two main tenets we arrived at the Riparian Habitat Conservation Agreement. This document which is appended to this testimony is a major but simply agreement. Basically the signatories agree to protect riparian habit to the best of their knowledge and ability. Very importantly though, the County and its residents offer private land to much of the federal land scrutiny so recovery efforts go where they will be most valuable first. Note the signatory page. The absence of NMFS is conspicuous even though US Fish & Wildlife Service are part of the agreement

The foregoing support these suggestions for improving protection of endangered fish in the Northwest:

1. NMFS must actively participate with diverse interests to make optimum decisions. Decisions made openly are much easier to implement.
2. NMFS should ally with, partially hire, or contract with fisheries experts already in federal agencies.
3. With the proposed listing of bull trout we are going to have three sets of experts supervising each other on the same stream reach, NMFS, USFWS, and the federal agency in charge. Congress should let either NMFS or USFWS be the lead agency. We propose USFWS be given jurisdiction for inland waters and their denizens.

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