

South Idaho Ground Squirrels—How and Why Private Landowners Need to Keep Them Off the “Threatened” List

Landowners in area from Emmett to Payette to Midvale remember well the years in which large numbers of small ground squirrels populated rangelands and areas close to cultivated fields. They were a favorite target for plinkers and no one seemed to either notice or mind that, over time, numbers dwindled. Although the reasons why are not clear, wildlife biologists now believe that one species of these small ground squirrels—the Southern Idaho ground squirrel—have declined to the point that they need to be protected.

State law currently prohibits shooting or otherwise killing these animals. But now, more significantly, the federal Endangered Species Act has become a factor in the protection and management of these animals. About two years ago, the species was listed as a “candidate” for listing as “threatened” or “endangered”, while its close relative, the Northern Idaho ground squirrel which lives generally north of Cambridge, was listed as “threatened” in 2000. Now, three environmental groups are seeking to have the listing of the S. Idaho squirrel expedited and the U.S. Fish and Wildlife Service will be under close scrutiny to justify any action that delays a listing.

For private landowners, particularly ranchers in the area, such a listing will create a number of problems. First, the Bureau of Land Management will be obligated to show that its land management practices, including the issuance of grazing permits, will not “jeopardize” the species nor adversely modify its habitat. While there doesn’t seem to be major conflicts between grazing and the well being of S. Idaho ground squirrel habitat, it is likely that the BLM will modify some permit conditions and protect some important ground squirrel habitats.

Second, private landowners will be obligated to not “take” the species, which, in addition to anything that would actually kill animals, can also include actions that modify its habitat. Third, count on local and national environmental groups to go to court, both to challenge the adequacy of BLM’s actions to prevent jeopardizing the animal, but also to argue that some normal farm and ranch activities on private lands “take” ground squirrels and are, therefore, illegal under the ESA. These tactics are well established in other parts of the country and for such other land uses as logging or residential developments but are fairly new to the agriculture and livestock industry.

It is important to remember that the ground squirrel, itself, is not the problem. There is little evidence that grazing is a threat to its existence and very little knowledge about what may be the reason for its decline. Most of its life is spent hibernating (about eight months of the year), and the species is interesting for its similarity to Arctic animals with similar hibernation patterns. But it is also equally important to realize that there is a substantial body of knowledge that the species is declining in numbers and that the Endangered Species Act affords it protection. No amount of argument over the validity of what is known about the species or over the shortcomings of the ESA is likely to change the listing procedure or legal arguments over the ground squirrel.

It is possible to prevent a listing of this species. The biology of the ground squirrel makes recovery of the species and a thoughtful approach to protecting its habitat possible, so that it can be successfully argued that its habitat is preserved and there are adequate regulatory programs to protect it. These factors work in favor of a pro-active effort to keep this species off the threatened or endangered list:

- (1) It lives in a small area—three Idaho counties—and it is easy to identify both its habitat and population centers, as well as to monitor changes in them.
- (2) There are few legitimate conflicts with the farming and ranching that is the typical use of the land where the squirrel lives, and,

- (3) They are easy to capture and transplant to areas favorable to the future expansion of their population.

Much of the habitat is on private lands and the greatest current population is found on Weiser's Rolling Hills Golf Course. For the past two years, the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service have cooperated with the golf course in trapping squirrels and transplanting them to Soulen Livestock's property near Midvale. Transplanted squirrels from the first year did well, bearing a number of young and adapting well to their new surroundings.

There may be other sites where transplanting will be effective. However, on other ranches, conservation practices may include minimizing direct mortality to the squirrels or improving habitat, especially in areas where there is a lot of cheat grass or medusa head rye. An essential part to making this overall strategy a success is assuring that the landowners with ground squirrels and who agree to conservation actions will not incur any liability from their participation in the plan. This is accomplished through a "candidate conservation agreement", such as the one that Soulen Livestock entered into as a condition for that landowner's acceptance of ground squirrels.

Basically, a candidate conservation agreement is a contract between a landowner and the federal government wherein the landowner agrees to actions that will contribute to the well being of a species and the government in turn agrees to hold the landowner harmless under the ESA, even if his normal practices actually "take" a small number of the species. The terms of the agreement are negotiated and it is valid for usually 10-30 years. Landowners can terminate their participation in it at any time, although this negates the protections from "taking" a species.

For Southern Idaho ground squirrels, typical conservation measures to be included in a candidate conservation agreement are fairly straightforward, including prohibitions against shooting or killing the squirrels or deep excavations in the areas where they live. It might also include predator control and educational efforts for employees and guests, as well as any site-specific provisions that related to a particular piece of private land.

A final part of the ground squirrel strategy is the possibility of incentive payments to participating landowners. There are typically funds available to compensate landowners for both accepting ground squirrels and for any economic loss they might have from the animals, as well as funds for habitat improvements or other conservation measures.

At this point, it would seem that enrollment of individual landowners in a plan designed to keep South Idaho ground squirrels off the threatened and endangered species list would be fairly simple. First, the state and federal agencies would develop an "umbrella" agreement that would detail the status of the species and the general measures to protect it. This document would also represent the required environmental analysis and the public review of it, so that individual agreements with landowners will not be open for public comment. Once the umbrella agreement is completed, then individual landowners could negotiate their own agreement for their lands, but with the assistance of agency representatives or private consultants. There would be a visit to the site, as well as maps and any site-specific conservation measures that might be needed. An agreement for individual landowners would likely be less than 15 pages in length and would be accompanied by inclusion under an "incidental take" permit from the Fish and Wildlife Service.