5-4 Natural Resource Protection

5-4-1 Wildlife Habitat Protection

A. Intent

The intent of this Section is to maintain healthy populations of native wildlife species by protecting the habitat utilized by indicator species to ensure the long-term viability of the habitat. Teton County is located within the Greater Yellowstone Ecosystem, and, thus, wildlife and their habitats are an essential component of the character and economy of the community.

B. Applicability

1. This section applies to all ~~new development~~ land division, development, special use, and certain building permits within Teton County on sites that are wholly or partially within Teton County's Natural Resource Overlay Map. The Natural Resource Overlay Map identifies the general areas where the most important and sensitive wildlife and their habitats are located in the County. These areas are most likely to include indicator habitats for indicator species as listed in Sections 5-4-1-C and 5-4-1-D below. The Natural Resource Overlay Map will periodically be updated as new wildlife resource data become available and are provided to the County.
2. Idaho Department of Fish and Game; other state or federal agencies; and other credible habitat and wildlife professionals may identify additional sensitive wildlife habitats outside of the Natural Resource Overlay Map as a result of ongoing ~~wildlife~~ research. Such areas may be considered for periodic Overlay Map revisions. ~~on a case-by-case basis.~~
3. Agricultural operations are exempt from meeting the requirements of this section.

C. Indicator Species

Indicator species are species whose presence, absence, or relative well-being is a sign of the overall health of its ecosystem. They also may have significant biological, ecological, economic, educational, and aesthetic values. The following are considered indicator species in Teton County, based on the most recent version of "A Summary of Fish and Wildlife Resources in Teton County, Idaho": ~~dated April 2022~~:

1. Columbian Sharp-Tailed grouse
2. Bald Eagle
3. Grizzly Bear
4. Rocky Mountain Elk
5. Mule Deer
6. Moose
7. Trumpeter Swan
8. Greater Sandhill Crane
9. Long-billed Curlew
10. Yellowstone Cutthroat Trout
11. Any Federally Listed Candidate, Threatened or Endangered Species

D. Indicator Habitats

The following vegetation and aquatic communities are considered indicator habitats for the indicator species in Teton County, based on the most recent version of "A Summary of Fish and Wildlife Resources in Teton County, Idaho". ~~dated April 29, 2022~~. Where present, the following indicator habitats, as defined by the WHA policy, shall be identified and shown on the proposed site plan.

1. ~~Emergent~~ Wetlands (Emergent, Scrub/Shrub, Forested and Fen-type Wetlands)
2. ~~Willow Riparian~~
3. Forested Riparian
4. Aspen
5. Conifer Forest
6. Shrubland (Shrub Steppe and Mountain Brush)
7. Grassland (Native Grassland and Active/Remnant NRCS Conservation Reserve Program CRP Grassland)
8. Streams/creeks of any size with perennial or seasonal flow
9. ~~NRCS Conservation Reserve Program Grassland~~
10. ~~Documented wildlife migration corridors~~

E. General Development Standards

If any portion of a parcel or lot for a proposed development, division or special use falls wholly or partially within wildlife habitat, range, breeding grounds, and migration corridors as identified on the Teton County Natural Resource Overlay Map, ~~and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals,~~ the entire proposed development, division or special use is subject to a Wildlife Habitat Assessment and Conservation Plan review to ensure that the location of the proposed development, division or special use avoids, minimizes or mitigates impacts to indicator species and indicator habitats as per WHA policy.

1. The location of proposed development/division/special use shall:

a. Avoid fragmentation of functional, intact areas of ~~native~~ natural vegetation and indicator habitat. ~~Priority habitats shall~~ Areas of particular importance in Teton County with significant amounts of indicator habitats and use by indicator species include: Lower Teton River canyonlands including lower Badger and Bitch Creeks; forested foothills along the public land boundary (Teton Front, Horseshoe Canyon, Northeast foothill, etc.); Teton River corridor (valley reach); fluvial cottonwood corridors; and large wetland complexes on the east side of Teton River;

b. Avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or riparian corridors; and

c. Maintain connectivity among fish and wildlife habitats and protect sensitive

fish and wildlife habitats use for travel, foraging, reproduction, shelter, and Security.

2. If impacts cannot be avoided or minimized as specified in Section 5-4-1-E, the lost habitat shall be mitigated by replacing it with similar vegetation communities at a minimum one to one (1:1) ratio, or replacement of one vegetative component for every one that is removed. The replacement ratio shall be higher ~~within a half mile of riparian areas and equal a two-to-one (2:1) ratio~~ in high value habitats with prolonged and uncertain restoration outcomes, as per the mitigation ratios tabulated in the Wildlife Habitat Analysis policy.

a. Verification of vegetative establishment will be the ~~responsibility of a County Appointed Natural Resource Specialist.~~ responsibility of the Applicant and a pre-qualified Consultant and the process is detailed in the Wildlife Habitat Analysis policy, Mitigation and Enhancement section.

3. Identification of indicator habitats, wildlife migration corridors, wildlife breeding areas, big game wintering habitat, and other pertinent wildlife and habitat features will be determined through completion of a Wildlife Habitat Analysis by a pre-qualified consultant, from a County-maintained list, who is a biologist (or similar professional) knowledgeable about the habitats and biota of Teton County, Idaho. The consultant must understand the life history and seasonal and migratory habitat needs of wildlife species in the Greater Yellowstone Ecosystem, including and in particular, Idaho game species and Species of Greatest Conservation Need as designated by the Idaho Department of Fish and Game.

4. Perimeter fencing shall be well maintained and wildlife friendly per suggested details provided by Idaho Department of Fish and Game or the Natural Resource Conservation Service as appropriate to the type of wildlife identified and the following shall apply:

a. This requirement does not apply to privacy fencing used to enclose the living space immediately adjacent to a dwelling unit (i.e., dog runs, fenced in gardens and play areas within three hundred (300) feet of the dwelling unit).

b. Fence style shall be designed to meet the objectives of ongoing agricultural operations but shall consider wildlife permeability and hazards in Natural Resource Overlay areas.

c. Design shall consider movements of big game animals by including wildlife friendly fence standards , especially in documented migration corridors.

5-4-2 Riparian Buffers

A. Intent

Riparian areas are located along the banks and margins of rivers, streams, creeks, ponds, and other water bodies. Riparian zones and the plant communities within them provide habitat and forage for wildlife, shading for fish, areas to attenuate floods, and water quality enhancement. The intent of this Section is to protect and maintain riparian areas in Teton County.

B. Applicability

This Section applies to new development on sites that contain riparian features. This includes riparian areas associated with wetlands, the Teton River, tributary streams and creeks, and lakes and ponds.

C. Setback Requirement

All physical development and use, except those specified in Section 5-4-2-D, is required to be set back from specified resources as shown in Table 7. The area within the setback is defined as the Riparian buffer.

Table7. Riparian Buffers

Resource	Setback Distance (A)	Measured From (B)
Teton River	100'	Ordinary high water mark
Stream or Creek	50’	Ordinary high water mark
Wetland 1	100’	U.S. Fish and Wildlife National Wetland Inventory boundary
Wetland 2	50’	Site specific *wetland delineation* approved by U.S. Army Corps of Engineers
Lake or Pond	50’	Ordinary high water mark

D. Development Allowed in Riparian buffers

The following development and development activities are allowed in a Riparian buffer to conserve wildlife, enhance the flood protection function and provide for long-term bank stabilization:

1. Planting of native riparian vegetation ~~with handheld equipment.~~
2. Maintenance of existing plant material.
3. Management activities such as removal of hazardous fallen trees or branches. Those that do not pose a risk to human health and safety shall remain in place as they are beneficial for wildlife and fisheries.
4. Emergency bank stabilization.
5. Control of noxious weeds provided chemical control methods are in accordance with US EPA label restrictions and accomplished by means and using equipment that does not degrade the riparian or aquatic resource.
6. Agricultural operations with no disturbance within ten (10) feet of any stream bank.
7. Electric, natural gas, cable communications and telephone utility related activities within an existing easement.

E. Development Prohibited in Riparian buffers

The following development and development activities are prohibited in a Riparian buffer:

1. Construction of physical development in a riparian buffer except as allowed in Section 5-4-2-D above.
2. Fertilizer, herbicide, and pesticide application, except as needed for approved restoration or re-vegetation and in accordance with product labels.

3. Grading that interrupts diffuse flow within the riparian buffer.
4. Septic tank drain fields.
5. Driveways and road crossings are prohibited unless there is no other alternative in which case driveways shall not disturb more than twenty (20) feet in width and road crossings shall span the primary channels.
6. Accessory structures are prohibited unless for agricultural purposes if no other alternative exists.

F. General Development Standards

The following standards apply to allowed development and development activities within Riparian buffers:

1. The water body, its associated riparian plant community, and applicable riparian Setbacks must be identified and shown on ~~the site plan~~ all plans (Conservation Plan, Concept Plan, Site Plan, etc.).
2. The area of the proposed development within the Riparian buffer must be identified and shown on ~~the site plan~~ all plans.
3. Development should incorporate stable, native vegetation as required per Section 5-3.
4. All development shall be designed to:
    a. Maintain existing vegetation,
    b. Avoid adverse effects on aquatic life and habitat, and vegetation used for terrestrial wildlife including indicator species,
    c. Prevent the movement of sediment, nutrients, and other pollutants,
    d. Minimize soil disturbance, and
    e. Protect against soil erosion.
5. Diffuse flow of stormwater runoff must be maintained in the Riparian buffer by:
    a. Dispersing concentrated flow prior to its entry into the buffer, and
    b. Reestablishing vegetation.
        i. Will require a planting plan with maintenance and monitoring plan
        ii. Verification of vegetative establishment will be the responsibility ~~of a County appointed Natural Resource Specialist.~~ of the Applicant and a pre-qualified Consultant and the process is detailed in the Wildlife Habitat Analysis policy, Mitigation and Enhancement section.
6. Span Bridges ~~should be used for~~ are recommended for most channel crossings. ~~riparian buffer crossings~~. If culverts are ~~utilized~~ considered they should be designed to avoid impacts to fish passage and shall be approved and permitted by ACE, Idaho Department of Fish and Game, and Idaho Department of Water Resources.