



November 24, 2017

Board of County Commissioners  
Teton County

Dear Commissioners,

Thank you for considering enhanced natural resource protections that implement our Comprehensive Plan vision “to preserve and protect the area’s ecosystem.” The Alliance has enjoyed being part of the natural resources stakeholder group. We appreciate the open engagement of our fellow stakeholders and the thorough work of planning staff.

We believe that Jackson Hole can be a national model of a community living in balance with nature. Our community has some of the greatest wildlife and natural resources of anywhere in the Lower 48 states – and as a result, we should have the greatest *protections* of our wildlife and natural resources of anywhere in the Lower 48. We must strongly protect our ecosystem, the “goose that lays the golden eggs” for both our quality of life and our economy.

While the overall future of wildlife populations can come down to forces beyond Town and County control, our natural resource protections allow us to maintain and protect complete and connected habitat, and thus maintain native species resiliency to coming threats like disease and climate change.

We were impressed by the amount of public comment that came out of Engage2017 and were pleased to see strong support for protecting wildlife, wildlife habitat, water and other natural resources, and for creating safe wildlife crossings. We generally agreed with the recommendations set forth by the stakeholder group. Here, we provide additional reasons and evidence for the policy questions.

## **POLICY QUESTIONS**

### **1. What does "healthy wildlife populations" mean to you?**

**Our Answer: E** (a new option, developed by the stakeholder group):

“Permit development in a way that protects sufficient habitat and connectivity, and reduces human-wildlife conflicts, to promote native species resiliency.”

We believe the Comprehensive Plan provides excellent direction on this question as well as natural resource protection policies in general. In this case, the **intact ecosystem** is the key area we can influence and thus should protect:

*Comp Plan 1.1 Maintain healthy populations of all native species*

In order for future generations to enjoy the ecosystem that exists today the community must manage our impacts to wildlife, wildlife habitat, and wildlife movement corridors on private and public land. The prevalence of wildlife that is central to our ecological, social, and economic character requires **an intact ecosystem that supports all native species.**

**Protecting the wildlife, wild places, and community character of Jackson Hole.**

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## 2. How should the presence of wildlife habitat affect development rights?

**Our answer:** A, B, C, and D.

- A. Limit *location* of allowed development (i.e. setbacks)
- B. Limit *amount* of allowed development (i.e. height, size, scale, use)
- C. Standards should be different in town vs rural
- D. Standards should be more restrictive the more valuable the habitat is

**Location** is the most important factor to consider regarding development in important habitat. As described in the Wildlife Conservation Society (WCS) white papers<sup>1</sup> from the recent rural zoning process, development within rural private lands is a leading cause of biodiversity loss, habitat loss, and the loss of productive agricultural lands in Western States – and site design and land stewardship are the most important factors. The Comprehensive Plan acknowledges the importance of moving high density development out of rural areas by directing high density development into Complete Neighborhoods (Policy 3.1.b).

**Amount** matters too. Since 1950, the average house size in the United States has almost doubled and with this increase in size has come an increase of consumption of natural resources for construction as well as an increase in energy consumption. Larger developments result in greater amounts of land alteration that leads to a larger loss of habitat and an increase of impervious surfaces such as driveways, roads, and rooftops made out of concrete, all of which can increase sedimentation and pollutant loads.<sup>2</sup> And more units (e.g. additional guesthouses) can lead to more use, which causes additional impact on wildlife and resources. If we limit the “base” amount, we can then provide more amount as an “incentive” for other desired natural resource protections. Finally, **limiting amount had significant support from almost all community members at the recent public meeting.**

**Different standards:** We agree that standards should change depending on habitat value and, potentially, zone – though it all depends on what those different standards look like. While we support the Comprehensive Plan direction of promoting development in complete neighborhoods, we must also recognize that some incredibly important lands and corridors for our wildlife are within Town. As stated well in public comment:

Standards should be ‘different’ in town, but they should still exist. Town was developed in the most important natural habitat area in the valley, with water, vegetation, cover, critical winter habitat and migration paths that have been intruded upon, making further development that much more important in terms of providing wildlife sustainability.

Examples of necessary, science-based standards are applying buffers to development along Flat Creek and changing the definition of stream to encompass more waterways that impact the overall health of our watersheds<sup>3</sup>. Additionally, if proposed development falls within a high habitat value tier, an Environmental Analysis (EA) should be required regardless of zoning.

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<sup>1</sup> “Teton County Best Practices Analysis: Impacts on Wildlife of Low-Density Dispersed versus Clustered Development.” Wildlife Conservation Society (available on County’s [Rural Land Development Regulations page](#))

<sup>2</sup> “Teton County Best Practices Analysis: Impacts of House Size on Wildlife and Natural Resources.” Wildlife Conservation Society

<sup>3</sup> “Best Practices and Recommended Improvements to the Natural Resource Protection Regulations for Teton County and the Town of Jackson, Wyoming.” Jackson Hole Conservation Alliance (2016) (available on [Alliance’s website Reports page](#))

### 3. Why should we protect waterbodies & wetlands?

**Our answer:** A, B, and (new from stakeholder group) F

- A. Wildlife habitat
- B. Water quality
- C. Scenic values
- D. Recreation values
- E. Corridors through town for human use
- F. Flood control

Water is not only an essential natural resource but also a defining element to the character of this valley. Our rivers and streams provide ideal spawning habitat, habitat for large ungulates and smaller animals, migration routes, and vital ecosystem services. As outlined in Principle 1.2 of the Comprehensive Plan, “Stewardship of waterbodies, wetlands, riparian areas, and air is important to sustain healthy populations of native species and for the health and safety of the human community.”

We recognize the role that water-based recreation plays in this community, and the importance of scenic views to our residents and visitors. However, when recreation, corridor access, or scenic views come into conflict with wildlife habitat and water quality, **we should prioritize protection** of the resources.

### 4. When is site-specific study of NR needed?

**Our answer:** A, B, C (and maybe D, depending what it means)

- A. When many habitats exist in order to determine which habitat is most important to protect and which can be developed
- B. Study sites known to have very valuable habitat
- C. To determine the exact location of a resource so a buffer can be applied (e.g. wetland delineation)
- D. Any site where there might be valuable habitat
- E. Never

*Our Best Practices and Recommended Improvements to the Natural Resource Protection Regulations for Teton County and the Town of Jackson, Wyoming* report points to the purpose of an Environmental Analysis to “coordinate the application of all natural resource protection standards through identification of the natural resources on site.”

We do not believe that a full Environmental Analysis is necessary on every parcel in the county (which could be how D is interpreted) – but some level of data-driven study is warranted. Credible data such as the Focal Species Habitat Map and forthcoming habitat tiers should be used to determine the level of analysis necessary for each proposed development. We believe the tiered approach in the Clarion/Alder document (Alternative #1-4.B on page 19) is an excellent way to implement this goal.

Additionally, **we support the County creating a new position for a staff biologist / natural resource planner** to lead implementation of the new Natural Resource protections, including reviewing these site-specific studies.

## **5. What, if any, types of impacts should require mitigation?**

**Our Answer:** A, B, C, D, E

- A. Impacts to wildlife habitat
- B. Impacts to rivers, creeks, streams, ponds
- C. Impacts to wetlands
- D. Impacts to the buffer areas around waterbodies and wetlands
- E. Impacts from every day use of a residential lot

**Wildlife habitat:** The Comprehensive Plan gives clear direction to prevent or mitigate all impacts to wildlife habitat. According to Policy 1.1.f:

While avoidance of impacts to the most critical habitat types resulting from development and transportation projects is preferable, where it cannot be achieved the Town and County will require mitigation.

**Water:** Waterbodies are an essential natural resource to this community and the overall health of our ecosystem. Development can negatively impact waterbodies by creating impermeable surfaces and increasing sedimentation<sup>4</sup>. In order to maintain water quality as outlined in Policy 1.2.c, mitigation should be required for a development project impacting waterbodies, as identified through an environmental assessment process.

**Wetlands & buffer areas:** As directed in the Regional Wetlands Conservation Plan, wetland mitigation should be provided for wetlands and riparian habitats. Specific mitigation requirements include requiring mitigation for filling or draining irrigation-induced wetlands, utilizing existing data (vegetation mapping, aerial imagery, land use information) to determine the best location for mitigation, and considering mitigation for indirect impacts to wetlands and riparian habitats such as disturbance from nearby projects.<sup>5</sup>

**“Everyday use”:** Answers A-D were all about what kind of resource is impacted. This answer is about what kind of action causes the impact – so it doesn’t really fit with the other answers. However, we believe that the kind of action doesn’t matter – **whatever the action is, if it significantly impacts wildlife habitat, waterbodies, wetlands, or buffer areas, it should be mitigated.**

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<sup>4</sup> “Teton County Best Practices Analysis: Impacts of House Size on Wildlife and Natural Resources.” Wildlife Conservation Society

<sup>5</sup> “Snake River Valley (Jackson) Wetland Complex: Regional Wetlands Conservation Plan.” Wyoming Game and Fish Department (2015)

**6. Should the County have a habitat restoration program to improve the success of mitigation?**

**Our answer:** B or C, depending on agency/partner participation

- A. No, a developer should mitigate onsite or be responsible for coordinating off-site mitigation
- B. Yes, the county should accept fees in-lieu of mitigation and use them to fund and monitor public restoration projects
- C. Yes, the county should accept fees in-lieu of mitigation and then direct those funds to the Land Trust, Conservation District, or Game & Fish for restoration projects they are responsible for monitoring

Mitigating impacts to natural resources from development is a community priority as set out in Policy 1.1.f of the Comprehensive Plan. Off-site mitigation banking is an increasingly popular strategy nationwide – though it also has critics who claim it is not as effective as on-site mitigation. We support whichever mitigation mechanism is the most effective. In general, we support creative policy tools and partnerships – as long as they are implemented effectively. **Please ask staff to compile research on real results of on- and off-site mitigation programs** before the next round of stakeholder group and County Commission meetings.

**7. What, if any, types of development should be allowed to impact natural resources?**

*Note: after discussion with the stakeholder group, we would reword this question to “From which levels of protection should certain types of development be exempt?” to more clearly describe what this question intended.*

**Our answers,** based on updates to the question made by the stakeholders:

	Exempt from “avoid & minimize”	Exempt from mitigation
A1: Emergency Public Works	Y	N
A2: Planned Public Works	N	N
B: Easement	N	N
C: Grandfathered, Platted and Unplatted	N	N
D: Agriculture operations	Y	Y
E: Private “essential” utilities	N	N
F1: Recreation dependent on resource	N	N
F2: Restoration of resource	Y	Y

The only developments that should be exempt are *emergency action* for public safety (but not planned development for public safety), agricultural operations, and true restoration projects. Emergency public works have the possibility of impacting sensitive habitat areas and should be restore the resources after the emergency is over.

Agriculture is an important part of the identity and heritage of this valley. In addition, there is a large base of scientific literature that acknowledges the role agriculture plays in the Western United states in benefiting wildlife habitat, watershed protection, recreation and tourism.<sup>6</sup>

**8. What standards should apply when a building (or other development) that is already impacting natural resources, proposes expansion? (i.e. it's breaking rules that didn't apply when built but now do)**

**Our Answer:** A

- A. Ensure the expansion does not make the existing impact worse
- B. Location & amount of expansion should be reviewed against current natural resource protections as if the existing impact does not exist
- C. Expansion should only be allowed if existing building is relocated so the original impacted natural resource can be returned to its natural state
- D. The expansion must be designed to lessen the existing impact
- E. The expansion proposal must include mitigation for the existing impact

We should not *require* mitigating impacts that were legal when old development was built, at a later date. However, we should *incentivize* redevelopment to lessen or mitigate existing impact. For example, going back to question 2B – if we limit “base” building sizes to a lower square footage, we could then allow developers additional square footage in exchange for undoing or mitigating the impacts of previous development.

**9. To what extent should we regulate wildlife-friendly fencing?**

**Our answer:** B, if working in a collaborative manner with landowners and agencies proves to be effective over time

- A. Clarify current standards – *And sync w/ state tax definition*
- B. Option 9.A, except reduce the agricultural exemption threshold to 35 acres for fencing – *And sync w/ state tax definition*
- C. Option 9.A or 9.B, except that the exemption would not apply if in a wildlife migration corridor
- D. Remove all exemptions and require any structural repair or replacement to come into compliance

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<sup>6</sup> “Teton County Best Practices Analysis: Protecting Agricultural Open Space for Wildlife.” Wildlife Conservation Society

We initially believed C was the best approach – there should be no exemption in wildlife migration corridors, but that the requirements should be site-specific and worked out with the operators instead of “one size fits all”. However, after hearing from other stakeholders, we were convinced that the current collaborative method of landowners and agencies working together voluntarily is an effective method. We greatly value the work that agencies and organizations are doing to work on site-specific solutions for wildlife interactions on agricultural lands. If it does not work over time, please reconsider C.

There was consensus among the stakeholder group about aligning these rules with the state tax exemption rules. Please ask staff to research and provide information about the state rules as you move into the next phase.

## **10. What incentives should be provided for natural resources protection?**

**Our answer:** A + B

- A. Current incentives + provide bonus development to projects that provide additional natural resource restoration
- B. Current incentives + create a fund to pay landowners for preservation or restoration

We strongly support incentives. 10B – a fund for preservation or restoration – is an especially important tool. We need to raise ongoing, sustained, revenue for protecting and enhancing our natural resources. This is called for in the Comprehensive Plan (Policy 1.4.d) and one of the most important actions our community can take to implement the plan and protect our resources. Bonus development can also be an effective tool, as long as it does not impact the resources in so doing.

We have the opportunity to give our waterbodies, wildlife habitat, and natural resources protection now and into the future. It is difficult to imagine that this valley could remain such a popular destination without abundant wildlife populations, healthy vegetation, and pristine waterbodies. To ensure a future for Jackson Hole as a model community living in balance with nature, our natural resources need elevated protections from the Town and County.

Thank you for your dedication to protecting our ecosystem, and please be in touch if we can help.

Sincerely,

Skye Schell  
Executive Director  
Jackson Hole Conservation Alliance