

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 125

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

1 STATING THE FINDINGS OF THE LEGISLATURE AND ENDORSING AND ENCOURAGING GOVER-
2 NOR C.L. "BUTCH" OTTER IN HIS EFFORTS MOVING FORWARD WITH THE GOVERNOR'S
3 SAGE-GROUSE TASK FORCE.
4

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, in March of 2010, the U.S. Fish and Wildlife Service determined
7 that listing greater sage-grouse as a threatened or endangered species un-
8 der the federal Endangered Species Act ("ESA") was warranted, but precluded
9 by higher priority listing actions. Sage-grouse are now classified as "war-
10 ranted but precluded"; and

11 WHEREAS, Governor C.L. "Butch" Otter has emphasized the great need to
12 conserve the species and its habitat while maintaining other multiple uses
13 of Idaho's public lands; and

14 WHEREAS, the U.S. Fish and Wildlife Service will be required to reeval-
15 uate the status of the species throughout its eleven-state western range by
16 September 30, 2015; and

17 WHEREAS, Governor Otter has acknowledged this timeline provides Idaho
18 an opportunity to continue and improve the good work Idaho has already been
19 doing towards precluding the need to list the species. The Governor has
20 noted that, over the past ten years, Idaho has developed a Sage-Grouse Con-
21 servation Plan, and funding has been provided for the twelve Sage-Grouse
22 Local Working Groups to provide on-the-ground conservation measures. The
23 Governor states that through this work we have halted the decline and are now
24 seeing a gradual increase in some of Idaho's sage-grouse populations; and

25 WHEREAS, Governor Otter desires to ensure that Idaho has a sound, sci-
26 ence-based plan that will provide for the bird's sustainability in Idaho,
27 preclude a listing under the ESA, assure predictable uses of Idaho's public
28 lands and enable Idaho citizens to participate in the process. With those
29 goals in mind, Governor Otter will be forming a Governor's Task Force on
30 Idaho Sage-Grouse; and

31 WHEREAS, Governor Otter has established specific goals for the Idaho
32 plan, which goals include the drafting of a plan for the greater sage-grouse
33 to exempt the state from compliance with the National Bureau of Land Manage-
34 ment's Instruction Memorandum guidance, to provide a mechanism to preclude
35 the need to list the species under the ESA, and in the event of listing, to
36 minimize the impact to and provide regulatory certainty for, the use of per-
37 mitted and lawful activities on public land; and

38 WHEREAS, Governor Otter has also established objectives of the task
39 force in development of a plan that is biologically-driven, legally defen-
40 sible and politically palatable, centered on conserving the species and
41 its habitat while maintaining predictable levels of land use and the re-
42 sult of input from a diverse group of stakeholders. Additional objectives
43 will include the ability of the plan to be incorporated into the Bureau

1 of Land Management's Resource Management Plans (RMPs) and the U.S. Forest
2 Service's Land Management Plans (LMPs) consistent with the requirements of
3 the National Environmental Policy Act (NEPA), calibrated to meet the "ad-
4 equate regulatory mechanism" standard under the ESA, and built on, to the
5 extent possible, the great efforts provided by local sage-grouse working
6 group plans and the current 2006 statewide plan for the species. The task
7 force would also request and seek pertinent scientific information and
8 technical expertise to inform the task force's deliberations regarding key
9 sage-grouse habitat.

10 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
11 sion of the Sixty-first Idaho Legislature, the Senate and the House of Repre-
12 sentatives concurring therein, that we endorse and encourage Governor C.L.
13 "Butch" Otter in his efforts moving forward expeditiously with the Gover-
14 nor's Task Force on Idaho Sage-Grouse and request that the Governor report to
15 the Pro Tempore of the Senate and the Speaker of the House of Representatives
16 upon completion of the plan and to report on the work and progress of the task
17 force to the 1st Regular Session of the 62nd Idaho Legislature.

18 BE IT FURTHER RESOLVED that we encourage the Governor's coordinated
19 involvement of state agencies and offices with jurisdiction significantly
20 affecting sage-grouse including, but not limited to, the Idaho Department
21 of Fish and Game, the Idaho State Department of Agriculture, the Department
22 of Lands, the Department of Parks and Recreation, the Office of Energy Re-
23 sources and the Office of Species Conservation.

24 BE IT FURTHER RESOLVED that we encourage the coordinated involvement
25 with neighboring states in their response to the Bureau of Land Manage-
26 ment and the U.S. Forest Service guidance and policy proposals. We further
27 request that the Governor consider the appropriate use of the state's Con-
28 stitutional Defense Fund to defend the state's interest in the management
29 of its resources, including both its lands and its wildlife. The Legisla-
30 ture also encourages Attorney General Lawrence G. Wasden and the Office of
31 the Governor to continue vigorous defense of Idaho's interests by actively
32 intervening in federal litigation affecting sage-grouse.