

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 16, 2015

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Vice Chairman Vick, Senators Cameron, Siddoway, Heider, Nuxoll, Stennett and Lacey

ABSENT/ EXCUSED: Chairman Bair and Senator Brackett

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Vick** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m. He explained that Chairman Bair was called to another meeting, as was Senator Brackett.

WELCOME: **Vice Chairman Vick** welcomed Mr. Dustin Miller, Administrator for the Idaho Office of Species Conservation (OSC), and Mr. Don Kemner, Idaho Department of Fish and Game (IDFG), who presented a program on Greater Sage-Grouse Conservation Planning (see attachment 1) and the Raven Control Project (see attachment 2).

SPEAKER: **Mr. Miller** said one of the State's largest wildlife conservation priorities is the conservation of the greater sage-grouse. OSC and IDFG are heavily involved in the conservation planning efforts for this species in an effort to preclude the need for its listing under the federal Endangered Species Act. Greater sage-grouse is the largest grouse species in North America managed by state fish and game agencies. Its range covers more than a 165 million acres of the sage-steppe ecosystem across 11 western states and 2 Canadian provinces. As its name implies, greater sage-grouse is a sagebrush obligate species, meaning that it is dependent upon sagebrush for many stages of its life history. This would include cover during nesting and as a food source in the winter months.

Mr. Miller said many are familiar with the dilemma of this bird as it has a very long history of listing petitions, federal actions, and litigation. Things came to a head on March 23, 2010 when the U.S. Fish and Wildlife Service (FWS) determined that the species was warranted for Endangered Species Act (ESA) listing across its entire range, but was precluded by higher listing priorities. The species was placed on the federal list of candidate species, but continues to be managed by the respective state fish and game agencies.

Following the FWS's decision, the District Court of Idaho ruled that pursuant to a D.C. District Court settlement, the agency must reevaluate the status of the species under the ESA by September 30, 2015.

In 2010, FWS indicated that habitat fragmentation was the main relating factor for greater sage-grouse. Specifically, infrastructure and energy developments in the Rocky Mountain portion of the range, including Montana, Wyoming, Colorado and parts of Utah, and invasive exotic species such as cheatgrass and wildfire in the Great Basin states of Idaho, Oregon, Nevada and parts of Utah were identified as the primary threats to the species.

Additionally, regulatory mechanisms were determined to be deficient, meaning commitments to addressing threats and conserving sage-grouse habitat via enforceable plans were inadequate.

Following the 2010 warranted but precluded finding, the Interior Department kicked off the National Sage-Grouse Planning Effort and invited the 11 western states to partner with the federal agencies to address the threats to greater sage-grouse identified by the service. In particular, the states were asked to participate as cooperators in the development of conservation efforts to update those deficient resource management plans.

Mr. Miller said in 2012, Governor Otter took the Secretary of Interior up on his offer and established by Executive Order a sage-grouse task force charged with developing actions needed to conserve greater sage-grouse on federal lands while maintaining predictable levels of land use activities. The task force was comprised of 15 members representing industry, sportsmen and conservation groups, sage-grouse local working groups, and local and state elected officials. Senator Brackett participated on the task force. The group worked diligently over the Spring of 2012 and provided the Governor with their recommendations, which were then rolled into an alternative for incorporation into the federal planning effort in Idaho. The plan was submitted to Idaho BLM in September 2012.

The foundation of the alternative was the creation of a sage-grouse management area with three distinct habitat zones: Core, Important, and General, with each zone representing roughly 5 million acres. This thematic approach represents a management continuum whereby flexibility for new land-use activities increases going from Core to the General habitat zone management zones. Between the Core and Important habitat, the State is committing to conserving nearly 95 percent of the population in Idaho, balanced with continuation of compatible land-use activities.

The plan also includes a robust adaptive management process to allow land managers to respond to changes in population and habitat. The Governor's alternative addresses the primary threats in Idaho of wildfire and invasive species, but also provides the regulatory framework for responsible infrastructure development within the sage-grouse management area

In 2013, the FWS concurred with many elements of the Governor's alternative, meaning that they would meet the needs for GRSG if implemented. Accordingly, the BLM agreed that the Governor's alternative, in many ways, meets the needs for greater sage-grouse while allowing the agency to continue to fulfill its multiple-use mandate. Thus, in the fall of 2013, the BLM decided to move forward with the Governor's alternative as a co-preferred alternative, along with the BLM's own internal alternative for inclusion into the environmental analysis. This action further validated the State's conservation planning efforts.

Over the past 14 months, the State has been at the table with the BLM to ensure that an appropriate level of blending of the two alternatives occurs and that remaining issues are addressed as the State prepares for the release of the final EIS.

The Governor's alternative outlines actions needed for fire prevention, suppression and restoration of sage-grouse habitat which have been expanded upon through the blending of the two co-preferred alternatives. Rangeland Fire Protection Associations (RFPAs), for example, have proven to be a highly effective tool in the battle against massive wildfires that threaten human life, property and wildlife habitat. The Governor's strategy and the BLM subregional alternative call for the creation of additional RFPAs in and around key sage-grouse habitat.

Additionally, in January, the Secretary of the Interior signed a Secretarial Order that set forth enhanced policies and strategies for preventing and suppressing wildfire in the West and for restoring sage-grouse habitat after wildfire. This targeted approach will allow the federal land management agencies to coordinate more closely with state, local and private fire fighting organizations and will prioritize the allocation of resources to further protect key habitat areas for sage-grouse, other wildlife species and multiple use activities.

Mr. Miller said to improve habitat conditions for greater sage-grouse and to compartmentalize the range in an effort to keep fires to a more manageable size, the State and BLM are working to complete the final EIS for the Idaho subregion; however, there are still issues to work out with the Interior Department. The Final EIS is slated to be out later this spring with the Record of Decision signed this summer. And of course, they are awaiting the listing decision by the FWS by September 30 of this year.

He next touched on some of the additional conservation efforts occurring in Idaho. Since 2010 the NRCS Sage-Grouse Initiative has made significant investments on private land in Idaho and other western states on a voluntary basis. The Sage-Grouse Initiative has worked with private landowners across the range of GRSG to address threats to the species while striving to maintain working ranches. The program uses the power of the Farm Bill to target conservation actions on primarily private lands to improve conditions for GRSG and conditions for viable ranching operations.

In addition, last fall the Idaho Department of Lands began a planning effort to develop practical conservation actions for sage-grouse on state endowment lands to compliment those being proposed on the federal lands, while being mindful of the constitutional mandate for the management of those endowment lands. This plan is not yet finalized.

Finally, over the past two fiscal years, Governor Otter has recommended General Fund appropriations for sage-grouse conservation actions on non-federal lands to further demonstrate Idaho's commitment to conserving this species. For fiscal year 2016, \$750,000 has been recommended for sage-grouse monitoring, fuels reduction projects, suppression actions and habitat restoration work, to name a few.

Many people at many levels have been working hard to address the needs of greater sage-grouse and have developed robust plans to conserve this species and its habitat and preclude the needs for listing under the ESA.

This really has been an unpredictable conservation effort not only in Idaho, but across the 11 state range of the species. Federal agencies, states, local governments, industry and conservation groups have come to the table, rolled up their sleeves, made commitments and concessions, and have created strong partnerships necessary for finding that common ground between conservation and maintaining natural resource-based economies in the West. The conservation planning efforts for greater sage-grouse in Idaho serve as a model for that type of necessary collaboration.

**CONFERENCE
CALL:**

Vice Chairman Vick announced that the Committee would go at ease while a conference call was placed (at precisely 2 p.m.) to Brent Baker, Athol, Idaho, who was reappointed to the Lake Pend Oreille Basin Commission for a term commencing July 24, 2014 and expiring July 24, 2017.

GUBERNATORIAL APPOINTMENT:

Mr. Baker submitted a summary of his life which states that he is an executive, building contractor, developer, investor and consultant with over 40 years experience in construction and 30 years in investment and development. Projects have included light commercial and industrial, residential, recreational and agricultural. Investment activities include a mixed portfolio of active business interests, real estate and securities. Presently, he is president and CEO of the Mt. Baldy Companies which include Mt. Baldy Ski Corporation, Mt. Baldy Real Estate, ULC and Mt. Baldy Waterworks in British Columbia. Very early in his career, Mr. Baker was a teaching assistant at Sonoma State Hospital.

Mr. Baker's education consisted of the following:

- 1975 B.A. Psychology, Sonoma State College (now University), with honors;
- 1971 Carpenters Union Apprenticeship, Santa Rosa, California;
- 1970-71 University of California, San Diego. French and German Lit major;
- 1969 Goethe Institute, Prien an Chiemsee, Germany; University of Lausanne, Switzerland;
- 1968-69 University of Maryland, Munich, Germany;
- 1968 High School Diploma, Venice High School, Los Angeles, California

Community service involvement includes:

- 2003-present Lake Pend Oreille and Priest Lake Basin Commission;
- 1992-2002 Co-founder and President, Gnomus, Inc.
- 1993-96 Bonner County School District Board of Trustees;
- 1989, 1991-93 Commissioner, Sagle Fire District;
- 1990-91 Board of Directors, Schweitzer Alpine Racing School.

Other miscellaneous community service:

- Co-founded Sandpoint High School Residential Carpentry Program;
- Designed and implemented experimental youth job skills training program with Bonner County Juvenile Detention Center;
- Built Careywood Fire Station, pro bono with all volunteer crew, Sagle Fire District, Idaho; and
- Past President, Sandpoint Tennis Association, Youth Soccer Coach, USSA Race Official.

When asked why he wanted to serve on the Commission, **Mr. Baker** replied that he was one of the original appointees when the Commission was created, and he would like to continue to help move the Commission's mission forward. He has lived in Bonner County for 38 years and is excited about the direction the Commission is going. **Mr. Baker** said the Commission has solid support from the Governor and from community organizations, especially regarding the Columbia River system.

Senator Heider inquired if the Commission is involved with the Columbia River Treaty and its renewal. **Mr. Baker** said there was local concern about some of the terms that are being discussed, those coming from outside of Idaho. He said there were a handful of issues that need to be addressed so that the system isn't being operated to the detriment of local control and economy. Lake Pend Oreille is a natural lake, even though adjustments are made on water levels. There are issues on some vaguely worded environmental concerns that appear to have come from the Canadian side to placate the First Nations in Canada and also from some downstream users.

Mr. Baker said the group that is representing the Commission's interests have done a good job, but the Commission has recommended they include a couple of items where they were dropping specific reference to the equal validity of local economic impact. **Mr. Baker** stated that the Commission wants Lake Pend Oreille and Priest Lake specifically mentioned by name, as well as recreation and economic issues to have equal weight with anything else that is being considered.

Senator Siddoway said he has several concerns: 1) His main concern relates to the power generation on the lake and how it affects the fisheries; 2) What constraints does the Commission have and what kind of influence do they have with the power generation folks; 3) What kind of influence does the Commission have with the fisheries folks; and 4) Have the studies verified that low lake levels mean fewer fish, and have the studies revealed that it is not that important.

Mr. Baker said the recent analysis by IDFG showed that there was not a significant correlation between the overall lower lake level and the kokanee population. The fishery is recovering, but the most important part is involved with the timing of the draw down. Once the kokanee start spawning, they can't de-water the lake or they will lose the nests the eggs are laid in. **Mr. Baker** said that controlling the level appropriately, once you draw down, is the critical factor. The lake trout program has been successful. They have the bounty for the sports fishermen and the professional gill netting and have had success in knocking back predation on the native species and on the kokanee. He said their goal is to bring back native species, then trophy species, and to bring back the economic impact the fishery has.

Mr. Baker said they want to have some economic impact studies done because the Bonneville Power Administration (BPA) is required to consider economic impacts, and to date, the Commission has not been able to pull together a study on the issues they deal with. The studies are reliable and decisions can be made from them. This is an ongoing process and it will be integrated with the Columbia River Treaty and the operation of the dams.

Senator Siddoway said with regards to the energy generation part, was the Commission being listened to by the power generation folks. **Mr. Baker** said to be honest, they aren't listened to as much as he would like, but the past year they have improved. Having support from Idaho United, all branches of government in Idaho, as well as communities, is a force that can't be ignored anymore.

Vice Chairman Vick thanked Mr. Baker for his participation in the call and said the Committee would consider his reappointment at their next meeting.

SPEAKER:

Mr. Don Kemner, who is with the Idaho Department of Fish and Game (IDFG), gave an update on raven management. He said the 2013 legislative intent directed the IDFG to control ravens and study the impacts on sage-grouse. IDFG received a permit from the U.S. Fish and Wildlife Service (FWS) to remove common ravens at three study sites in southern Idaho: an area in Washington County; an area in Jefferson County, 8B and; another area in Oneida County, 6A.

The FWS Environment Assessment (EA) is under litigation. Wildlife Services is not available to conduct raven control under contract with IDFG to benefit sage-grouse.

Following is a time-line of IDFG's activities regarding ravens:

- In 2014, IDFG removed 69 eggs and shot 12 ravens.
- In 2015, three department employees were certified to use DRC-1339.
- National Environmental Policy Act (NEPA) compliance allowing DRC-1339 to be used on federal lands has not been finished. The Department cannot use DRC-1339 on federal lands. Most of Zone 8B is federal lands. The Department will not use DRC-1339 in Zone 8B this spring.
- Idaho Department of Lands (IDL) has given the IDFG permission to use DRC-1339 on IDL lands. IDFG must get IDL permittee permission to use DRC-1339 on their IDL permitted lands.
- IDFG has permission to work on approximately 16,340 private acres in the Curlew area. This is 56 percent of the Curlew private acres where IDFG proposes to conduct raven control this spring.
- IDFG has permission to work on approximately 42,419 acres in the West Central area. This is 80 percent of the West Central private acres where IDFG proposes to conduct raven control this spring.
- Staff is asking other landowners for permission to operate on their lands in the Curlew and West Central areas.
- IDFG employees are surveying for ravens on the above mentioned lands. They will start the egg baiting process (per pesticide label) on lands where ravens are found.
- IDFG will also be removing raven nests and eggs. They will shoot ravens opportunistically while conducting other activities.
- IDFG is surveying all lands near sage-grouse lek routes for ravens and structures that may support ravens. This information will be used to determine raven densities along sage-grouse lek routes across southern Idaho. IDFG will work with landowners to modify or remove structures (e.g. Russian Olives) that are supporting ravens.

ADJOURNED: **Vice Chairman Vick** thanked the two speakers for their information and updates, then adjourned the meeting at 2:40 p.m.

Senator Bair
Chair

Juanita Budell
Secretary