

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 23, 2015

TIME: 1:30 pm or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representative(s) Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Representative(s) Moyle

GUESTS: Dustin Miller, Office of Species Conservation; Dennis Tanikuni, Idaho Farm Bureau; Tyler Mallard, Newspaper Association; Suzanne Budge, SBS Associates.

Chairman Raybould called the meeting to order at 2:36 p.m.

MOTION: **Rep. VanOrden** made a motion to approve the minutes of March 3, March 5, and March 11, 2015. **Motion carried by voice vote.**

MOTION: **Rep. Youngblood** made a motion to approve the minutes of March 9, 2015, **Motion carried by voice vote.**

Dustin Miller, Administrator for the Office of Species Conservation, provided a update to the committee on sage grouse conservation efforts in Idaho. Mr. Miller stated on March 23, 2010, sage grouse was warranted for an Endangered Species Act (ESA) listing, but was placed on candidate status and, as a result of the Washington, D.C. Court settlement, the court must reevaluate the sage grouse status this year.

Mr. Miller indicated the sage grouse habitat is fragmented and there are additional secondary threats to the sage grouse. Mr. Miller added that devastating wildfires and invasion of exotic grasses, like cheatgrass, are creating unsafe conditions for sage grouse habitat and feeding grounds. He identified a removal project of junipers, an invasive species, which would keep fires to a more manageable size and eliminate perches for sage grouse predators. Mr. Miller explained that conservation actions such as working with private landowners while maintaining working ranches have assisted in sage grouse conservation efforts and the Idaho Department of Lands (IDL) planning efforts to develop practical actions on endowment lands to preserve sage grouse and their habitat have contributed to the stabilization of the sage grouse populations.

Mr. Miller stated eleven western states are in partnership with the federal government to update BLM resource management plans to protect sage grouse. Mr. Miller reported **Governor Otter** has implemented a sage grouse task force consisting of fifteen members from industry, sportsmen, conservation groups, and elected officials. He stated Idaho has made appropriations from the General Fund to demonstrate our commitment to the sage grouse conservation efforts.

Mr. Miller indicated monitoring efforts have increased over the past couple of years to collect additional sage grouse data and their breeding areas currently have an undetermined status. He said the 2006 plan served as a foundation for sage grouse conservation planning and addressed predation issues. He stated the Idaho Department of Fish & Game understands relationship control and will determine a response to predation in sage grouse populations with their certified employees able to move forward with control actions in three areas in the state. Mr. Miller stated the sage grouse require a unique habitat of mature sagebrush for nesting, shelter, and food sources in the winter time so introducing sage grouse to other states is not viable unless certain conditions are present. Mr. Miller stated sage grouse conservation is adamant towards juniper removal to discourage perching avian predators and to regain habitat with native vegetation and mature sagebrush for sage grouse. Mr. Miller affirmed the federal government is moving the goal post when milestones are achieved by Idaho in sage grouse conservation efforts.

HJM 9:

Rep. Boyle stated **HJM 9** requests the U. S. Senate and the House of Representatives to recognize and encourage state primacy in the long-term management and protection of sage grouse and its habitat while protecting state economic interests, educational funding from state lands, and valid existing rights including private property rights. Rep. Boyle stated a collaborative management effort of sage grouse conservation in Idaho has been implemented for numerous years by local and state government, ranchers, sportsman, and federal agencies working together every step of the way. She said state plans take time to develop, implement and to reap the rewards of the plan. The U. S. Fish and Wildlife Service stated they were encouraged and Idaho had an adequate plan to address sage grouse conservation. She stated when Washington, D.C. became involved, the Department of Interior determined Idaho needs to do more in sage grouse conservation efforts. Rep. Boyle indicated Idaho has followed the rules, then the federal government changes the rules, again. She explained, as a result, eleven western states have brought forth memorials similar to **HJM 9**.

Dennis Tanikuni, Idaho Farm Bureau, spoke in strong support of **HJM 9** as policy supports it, former staffers participated in the sage grouse conservation plan, and many of the Idaho Farm Bureau members are concerned should sage grouse become endangered.

MOTION:

Rep. Shepherd made a motion send **HJM 9** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

H 291:

Rep. Miller stated **H 291** will enable landowners and occupiers of land to negotiate a management plan called Conservation Candidate Agreement with Assurances (CCAA) for their property and be exempt from disclosure. This legislation will allow the management plans of ranches and private property to be exempt from disclosure in relation to sage grouse conservation through voluntary stewardship agreements and best management practices (BMPs) related to all species of sage grouse by owners or occupiers of land. He said incidental takings of protected wildlife can be subject to large fines and severe penalties and have tremendous impacts on private landowners and occupiers. Landowner and occupiers of land can withdraw and are not obligated to sign-up or go through a management plan. He indicated sage grouse habitat areas are the Owyhee, Camas, Gooding, Blaine, and Wood River Counties, and desert areas such as Minidoka, and Cassia Counties, with a significant portion of sage grouse habitat in southern Idaho.

Rep. Miller indicated he is seeking clarification on an established Idaho Code, Title 9, and it is not his intention to duplicate laws, but since it is late in the legislative session, he would like to send this legislation forward until he has received clarification from the Attorney General's Office regarding existing Idaho Code regarding this matter.

Tyler Mallard, Risch & Pisca, Newspaper Association of Idaho, stands in **opposition** of **H 291**, requested some protections for sage grouse under this legislation, and states it is unnecessary to move forward until an answer is received from the Attorney General's Office on Title 9.

MOTION: **Rep. Pence** made a motion to send **H 291** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erpelding** requested to be recorded as voting **NAY.** **Rep. Miller** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:20 p.m.

Representative Raybould
Chair

Jennifer Smith
Secretary