LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO SAGE GROUSE; AMENDING TITLE 36, IDAHO CODE, BY THE ADDITION OF
A NEW CHAPTER 25, TITLE 36, IDAHO CODE, TO PROVIDE FOR A SAGE GROUSE
PRESERVATION PROGRAM, TO PROVIDE FOR CERTIFICATION, TO PROVIDE FOR THE
DISPOSITION OF CERTAIN GREATER SAGE GROUSE, TO PROVIDE FOR THE COLLEC-
TION OF EGGS, TO PROVIDE A PROCEDURE REGARDING RELEASE, TO PROVIDE AN
EXCEPTION REGARDING CERTAIN INTRODUCTION OF CHICKS TO WILD BROOD HENS,
TO PROVIDE THAT CERTAIN BIRDS SHALL BE CONSIDERED PRIVATE PROPERTY OF
THE CERTIFIED PERSON OR ENTITY, TO PROVIDE FOR REPORTING, AND TO PROVIDE
FOR A FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 36, Idaho Code, be, and the same is hereby amended
by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
ter 25, Title 36, Idaho Code, and to read as follows:

CHAPTER 25
SAGE GROUSE PRESERVATION PROGRAM

36-2501. SAGE GROUSE PRESERVATION PROGRAM -- CERTIFICATION. (1) With
the goal of demonstrating that sage grouse can successfully be raised in
captivity and as a result populations can be increased, the state of Idaho
hereby creates the sage grouse preservation program pursuant to the pro-
visions of this section. For purposes of the sage grouse preservation
program, no person or entity shall purchase sage grouse or sage grouse eggs
or possess, propagate, breed, raise, sell, gather eggs of, take, or release
greater sage grouse unless certified in compliance with the requirements of
this section.
(2) The commission may promulgate rules to certify persons and enti-
ties to purchase sage grouse and sage grouse eggs and to possess, propagate,
breed, raise, sell, gather eggs of, take, and release greater sage grouse.
Rules shall not impede the objective of studying the early release and adop-
tion of chicks by wild brood hens. A certified person or entity shall be is-
issued an initial certificate of compliance under this section by providing
evidence to the department that:
(a) The certified person or entity has successfully raised from eggs
or chicks at least two (2) other species of game bird for not less than
three (3) consecutive years;
(b) An adequate enclosure exists at the certified person or entity's
facility to confine and handle greater sage grouse physically separated
from other game birds;
(c) The enclosures for captive raising of greater sage grouse include
vegetation consistent with the needs of the sage grouse; and
(d) The certified person or entity's facility is disease-free.
(3) To maintain annual certification under this section, the certified person or entity shall:
(a) Submit an annual national poultry improvement plan certificate and annual avian influenza-free certification completed by an Idaho state department of agriculture field representative to the department;
(b) Report within the time period established by rule the detection of any disease that has the potential to affect sage grouse at the certified person or entity's facility to the department and undertake and report to the department remedial acts taken to mitigate the effects of any disease;
(c) Provide evidence that an adequate enclosure exists at the certified person or entity's facility to confine and handle greater sage grouse physically separated from other game birds; and
(d) Provide evidence that the enclosures for captive raising of greater sage grouse include vegetation consistent with the needs of the sage grouse.

(4) The department may suspend, revoke, or not renew any certification issued to a certified person or entity under this section if, after notice and opportunity for a hearing before the director of the department of fish and game or a referee he may appoint, the department finds:
(a) The certified person or entity has violated the provisions of subsection (2) or (3) of this section; or
(b) The certified person or entity's facility has not remained disease-free and the department reasonably believes the native greater sage grouse population of this state may be harmed thereby.

(5) A certified person or entity whose certification under this section has been revoked may not reapply for a new certification within eighteen (18) months of the date of revocation.

(6) Commission rules may provide for the disposition of greater sage grouse at any facility whose certification under this section has been revoked. Commission rules shall provide for disposition of all greater sage grouse held by a certified person or entity pursuant to this section as of that date. Any birds obtained from the state, either before or after hatching, are subject to disposition as determined by the commission. Provided, however, birds raised from eggs laid on the premises of the bird farm shall be disposed of as determined by the bird farm. No certified person or entity shall be entitled to any reimbursement from or other claim against the state for any greater sage grouse owned by the certified person or entity at the expiration or revocation of a certification and all certifications issued pursuant to this section shall so provide.

(7) A certified person or entity holding a current certification under this section may collect greater sage grouse eggs for the purpose of establishing a captive breeding population, subject to the following restrictions:
(a) All collections shall be conducted by the certified person or entity or his or its agent in coordination with a person appointed by the university of Idaho and in coordination with the department;
(b) No more than two hundred fifty (250) eggs may be collected in any calendar year;
(c) No more than forty (40) nest sites in a single collection area may be
disturbed in any calendar year; and
(d) Best practices determined by the university of Idaho in conjunction
with other partnering research facilities shall establish:
   (i) Time of day and restrictions on methods of collection of eggs;
   (ii) The number of certified persons or entities authorized to
        collect eggs;
   (iii) The areas approved for collection of eggs;
   (iv) Other limitations on egg collection, including the complete
        suspension of egg collection as determined by the commission to
        be beneficial to prevent the listing of or facilitate the removal
        of greater sage grouse as a candidate species under the endangered
        species act; and
   (v) Marking methods for study and tracking.

(8) Before release, captive raised greater sage grouse shall be marked
in a way that allows for study and tracking in accordance with best practices
determined as provided in subsection (7) (d) of this section and held in a
soft release pen separate from any sage grouse not being released and separ-
ate from any other game bird species for at least thirty (30) consecutive
days immediately prior to release. Any greater sage grouse that dies within
the soft release pen during this period shall be reported to the department
within the time period and in accordance with the procedures established by
rule, and such sage grouse shall be sent to the Idaho state veterinary lab-
atory for necropsy at the expense of the certified person or entity. Any
release of greater sage grouse within the state and not within the boundaries
of the facility shall be in coordination with the university of Idaho and the
department.

(9) The introduction of chicks to wild brood hens for the purpose of
adoption shall not be subject to the thirty (30) day holding requirement but
shall be according to best practices established by the university of Idaho
and in coordination with the department.

(10) Once a certified person or entity has shown through research and
tracking that the certified person or entity has successfully reintegrated
in the wild birds hatched or raised by the certified person or entity equal or
greater to one hundred twenty percent (120%) of the number of any eggs taken
from the wild, any additional birds hatched or raised by the certified person
or entity shall be the private property of the certified person or entity.

(11) The university of Idaho shall provide an annual report to the house
resources and conservation committee and the senate resources and environ-
ment committee as a touchpoint for review and to consider adaptive manage-
ment feedback related to attempts to increase the wild population.

(12) There is hereby established in the dedicated fund in the state
treasury the sage grouse preservation program research and administration
fund to which will be credited the revenues derived from fees collected,
private contributions, and legislative appropriations. Moneys in this fund
shall be used solely for carrying out the provisions of this chapter.