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October 1, 2012

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OFFICE OF THE GOVERNOR

Governor Butch Otter
Office of the Governor
State Capitol
PO Box 83720
Boise, ID 83720

Re: Idaho Governor's Sage-Grouse Task Force Recommendations Do Not Comport with the Recommendations of the Sage-Grouse Conservation Objectives Team

Dear Governor Otter:

On August 23 of this year, the Sage-Grouse Conservation Objectives Team released the Sage-Grouse Conservation Objectives Draft Report, dated August 1, 2012 ("Report"). The Conservation Objectives Team ("Team" or "COT") was created by the U.S. Fish and Wildlife Service ("FWS") and consists of state and FWS representatives. The purpose of the Team was "to develop conservation objectives by defining the degree to which the threats need to be ameliorated to conserve the sage-grouse so that it is no longer in danger of extinction or likely to become in danger of extinction, by . . . 2015 for the Greater sage-grouse range-wide." Report at 1. The Report summarizes the Team's findings.

The Team used the best available science to develop these range-wide conservation objectives. Report at 2. Although state plans that call for additional conservation measures will be beneficial to complement these objectives, the Team notes that "[a]chievement of the identified conservation objectives will be dependent on the conservation efforts implemented by states, land management agencies, and other stakeholders." Report at 2. Without achievement of these measures, the sage-grouse may remain in danger of extinction or be likely to become in danger of extinction by 2015, when FWS will have to make a final listing decision for the Greater sage-grouse under the Endangered Species Act. Therefore, it is in the best interest of Idaho to ensure that its plan will implement these conservation objectives. The Idaho Sage-Grouse Task Force recommendations do not meet these conservation objectives in several ways.

First, the Team makes it clear that all occupied sage-grouse habitat is important and must be protected to ensure sage-grouse persistence and recovery. The Report identifies Primary Areas of Conservation (PACs), which are primarily based upon information submitted by the individual states. Report at 7. The Team stresses that "all PACS [must be] managed for conservation to the maximum extent practicable in order to enhance management flexibility and adaptive management principles for the long-term conservation of the sage-grouse." Report at 29. Conservation measures must also be aimed at conserving all peripheral populations and sage-grouse habitat outside the PACs. Report at 9, 30. Additionally, the Team notes that "[s]ome areas that were not included as PACs may still have great potential for providing important habitat," and "[t]he COT encourages each state to consider actively pursuing these opportunities, if they exist." Report at 31.

Unfortunately, the Idaho Task Force's recommendations do not make clear that all sage-grouse habitat is important, but rather adopts a flexible approach for some sage-grouse habitat to allow for more multiple-use activities. Idaho Governor's Sage-Grouse Task Force Recommendations (June 15, 2012) ("Task Force Recommendations") at 1, 9. As the Task Force explains, it does not prioritize conservation of what it deems "General Habitat" because this habitat only supports "isolated populations" that "are unlikely to contribute to the long-term persistence of the two key metapopulations in the State of Idaho." Task Force Recommendations at 11. This approach directly conflicts with the objectives identified by the Team, which states that it is important to conserve all peripheral populations and all sage-grouse habitat. It notes that "[s]everal populations on the edge of the species' range are identified in this report as being at high risk of extirpation," and this is problematic because "there is strong scientific support for the conservation value of 'peripheral' populations." Report at 9. Anything less would "promote further range erosion," which the Team recommends against. Report at 9. The Task Force and Governor should revisit its prioritization continuum to ensure that all sage-grouse habitat in Idaho is protected. Furthermore, based upon the Team's suggestions, the Governor should solicit recommendations on areas outside of currently occupied habitat that may provide potential sage-grouse habitat in the future.

Second, the Team identifies strategies "targeted at threat amelioration through adequate regulatory mechanisms and proactive conservation actions" in order to "reduce or remove to the maximum extent practicable anthropogenic impacts affecting sage-grouse habitat loss and fragmentation." Report at 30. "If this is not achieved, the long-term persistence of this species will be compromised." Report at 30. Thus, for populations that are essential to maintain range-wide resiliency, redundancy, and/or representation, anthropogenic threats must be removed or reduced to maintain birds on the landscape. Report at 32. The Task Force and Governor should focus their efforts on removing anthropogenic threats, including large infrastructure projects, that may fragment sage-grouse habitat. The Task Force generally recommends limiting infrastructure development in core habitat to only those projects with valid existing rights or incremental

upgrade/capacity increase of existing essential developments, but proposes that there may be exemptions for "various types of major infrastructure with significant high value to the State of Idaho needed to meet critical existing needs and/or important societal objectives." Such a discretionary standard for an exemption could allow an array of projects to go forward, even if they may cause serious impacts to sage-grouse or sage-grouse habitat. The Task Force and Governor should revisit standards around large infrastructure projects.

Third, the Team identifies direct conversion of lands for agriculture use and development as a serious threat to sage-grouse and sage-grouse habitat. Report at 10. The Task Force failed entirely to deal with this issue. Idaho should also prohibit conversion of sagebrush habitat to any other use within priority sage-grouse habitat. Direct conversion of land for agriculture, development, and other purposes deprives sage-grouse of habitat necessary to persist. This approach would be in line with the Team's recommendation to conserve all sage-grouse habitat.

Finally, the Task Force should modify its recommendations to implement regulatory mechanisms and pro-active conservation actions that address all threats to sage-grouse populations. Report at 34. This must include maintaining connectivity habitat, improving the status of threatened or at risk populations, avoiding anthropogenic disturbances, and only utilizing restoration activities once their effectiveness has been demonstrated. The State must include a monitoring plan and ensure that funding is available for necessary research, monitoring, and pro-active conservation actions.

With these recommendations in mind, we strongly urge the Task Force and the Governor to revisit Idaho's conservation measures to ensure that the State provides adequate regulatory measures in line with the Sage-Grouse Conservation Objectives Draft Report. This Report provides the minimum that must be done to ensure sage-grouse persist and recover range-wide.

Sincerely,

Andrea Santarsiere

Andrea Santarsiere
Idaho Conservation and Legal Associate