

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 13

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
3 ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE
4 OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

5 We, your Memorialists, the House of Representatives and the Senate of
6 the State of Idaho assembled in the Second Regular Session of the Sixty-third
7 Idaho Legislature, do hereby respectfully represent that:

8 WHEREAS, the State of Idaho is committed to the conservation of greater
9 sage-grouse (*Centrocercus urophasianus*) and its present habitat located
10 within the state; and

11 WHEREAS, the state has produced a statewide sage-grouse conservation
12 plan in support of this commitment; and

13 WHEREAS, Idaho's Department of Fish and Game and Office of Species Con-
14 servation possess significant expertise in the management of greater sage-
15 grouse and its habitat and whose experts have attempted to work in full coop-
16 eration with the federal agencies managing federal lands within the borders
17 of the state; and

18 WHEREAS, the Secretary of the Interior has determined that the species
19 is neither endangered nor threatened under the Endangered Species Act; and

20 WHEREAS, the Congress and the President are to be commended for recog-
21 nizing the unprecedented collaboration among the various states regarding
22 greater sage-grouse conservation and the need to continue on-the-ground
23 conservation and monitoring activities as recognized through the enact-
24 ment of Section 117 of the Consolidated Appropriations Act of 2016 (Pub. L.
25 114-113); and

26 WHEREAS, implementation of the state's conservation plan will produce
27 scientific data related to disease or predation of the species, the adequacy
28 of existing regulatory mechanisms, and other natural or manmade factors af-
29 fecting the species' existence, all of which must be considered when con-
30 serving the species; and

31 WHEREAS, the State of Idaho wishes to continue its collaboration with
32 other states possessing current habitat for greater sage-grouse; and

33 WHEREAS, time is needed to continue to implement the state conservation
34 plan over a period of multiple, consecutive sage-grouse life cycles to de-
35 termine the efficacy of the plan and the need for modification, if any; and

36 WHEREAS, the Governor and Legislature of the State of Idaho have been
37 compelled to seek redress in federal court from the onerous, unnecessary,
38 and ill-conceived federal land use plan amendments recently adopted by the
39 U.S. Departments of Agriculture and of the Interior.

40 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
41 Session of the Sixty-third Idaho Legislature, the House of Representatives
42 and the Senate concurring therein, that Congress should by legislative
43 enactment, provide protections for adoption and implementation of state

1 sage-grouse conservation plans by, among other things, making no funds
2 available for use by either the Secretary of the Interior or the Secretary
3 of Agriculture to implement recent federal land use plan amendments if
4 they are inconsistent with the state's sage-grouse conservation plan for
5 a period of 10 years through and including fiscal year 2026; and provide a
6 mechanism for the Governor of a state to ensure state sage-grouse plans can
7 be implemented on lands operated by the Bureau of Land Management and the
8 U.S. Forest Service; furthermore that such Congressional legislation should
9 provide a mechanism to ensure that any federal resource management plans are
10 consistent with state sage-grouse plans and that any inconsistencies of the
11 federal resource management plans should be resolved by the Governor of the
12 affected state to ensure federal resource management plans are consistent
13 with state management plans for a period of at least 10 years.

14 BE IT FURTHER RESOLVED that Congress should continue to make no funds
15 available for use by the Secretary of the Interior to consider, prepare,
16 write, or issue pursuant to Section 4 of the Endangered Species Act of 1973
17 (16 U.S.C. Section 1533) a petition finding or proposed regulation for
18 greater sage-grouse for a period of 10 years through and including fiscal
19 year 2026.

20 BE IT FURTHER RESOLVED that during this 10-year period, that Con-
21 gress should provide a litigation safe-harbor protecting (a) the state
22 sage-grouse management plans from litigation by private activist orga-
23 nizations that would interfere with implementation of state sage-grouse
24 management plans and (b) the status of sage-grouse as "not-warranted" pur-
25 suant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. Section
26 1533), such that neither the state plans nor the "not-warranted" status is
27 subject to judicial review.

28 BE IT FURTHER RESOLVED that during this 10-year period, the State of
29 Idaho will continue to implement its sage-grouse conservation plan, thereby
30 establishing and enhancing its efficacy over time.

31 BE IT FURTHER RESOLVED that Congress should by legislation recognize
32 and encourage state primacy in the long-term management of sage-grouse and
33 its habitat to ensure an effective and balanced approach that seeks to re-
34 cover and protect sage-grouse populations while protecting state economic
35 interests, educational funding from state lands, and valid existing rights
36 including private property rights.

37 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
38 tives be, and she is hereby authorized and directed to forward a copy of this
39 Memorial to the President of the Senate and the Speaker of the House of Rep-
40 resentatives of Congress, and the congressional delegation representing the
41 State of Idaho in the Congress of the United States.