

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO SAGE GROUSE; AMENDING TITLE 36, IDAHO CODE, BY THE ADDITION OF  
2 A NEW CHAPTER 25, TITLE 36, IDAHO CODE, TO PROVIDE FOR A SAGE GROUSE  
3 PRESERVATION PROGRAM, TO PROVIDE FOR CERTIFICATION, TO PROVIDE FOR THE  
4 DISPOSITION OF CERTAIN GREATER SAGE GROUSE, TO PROVIDE FOR THE COLLEC-  
5 TION OF EGGS, TO PROVIDE A PROCEDURE REGARDING RELEASE, TO PROVIDE AN  
6 EXCEPTION REGARDING CERTAIN INTRODUCTION OF CHICKS TO WILD BROOD HENS,  
7 TO PROVIDE THAT CERTAIN BIRDS SHALL BE CONSIDERED PRIVATE PROPERTY OF  
8 THE CERTIFIED PERSON OR ENTITY, TO PROVIDE FOR REPORTING, AND TO PROVIDE  
9 FOR A FUND.  
10

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

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

15 CHAPTER 25

16 SAGE GROUSE PRESERVATION PROGRAM

17 36-2501. SAGE GROUSE PRESERVATION PROGRAM -- CERTIFICATION. (1) With  
18 the goal of demonstrating that sage grouse can successfully be raised in  
19 captivity and as a result populations can be increased, the state of Idaho  
20 hereby creates the sage grouse preservation program pursuant to the pro-  
21 visions of this section. For purposes of the sage grouse preservation  
22 program, no person or entity shall purchase sage grouse or sage grouse eggs  
23 or possess, propagate, breed, raise, sell, gather eggs of, take, or release  
24 greater sage grouse unless certified in compliance with the requirements of  
25 this section.

26 (2) The commission may promulgate rules to certify persons and enti-  
27 ties to purchase sage grouse and sage grouse eggs and to possess, propagate,  
28 breed, raise, sell, gather eggs of, take, and release greater sage grouse.  
29 Rules shall not impede the objective of studying the early release and adop-  
30 tion of chicks by wild brood hens. A certified person or entity shall be is-  
31 sued an initial certificate of compliance under this section by providing  
32 evidence to the department that:

33 (a) The certified person or entity has successfully raised from eggs  
34 or chicks at least two (2) other species of game bird for not less than  
35 three (3) consecutive years;

36 (b) An adequate enclosure exists at the certified person or entity's  
37 facility to confine and handle greater sage grouse physically separated  
38 from other game birds;

39 (c) The enclosures for captive raising of greater sage grouse include  
40 vegetation consistent with the needs of the sage grouse; and

41 (d) The certified person or entity's facility is disease-free.

1 (3) To maintain annual certification under this section, the certified  
2 person or entity shall:

3 (a) Submit an annual national poultry improvement plan certificate and  
4 annual avian influenza-free certification completed by an Idaho state  
5 department of agriculture field representative to the department;

6 (b) Report within the time period established by rule the detection of  
7 any disease that has the potential to affect sage grouse at the certi-  
8 fied person or entity's facility to the department and undertake and re-  
9 port to the department remedial acts taken to mitigate the effects of  
10 any disease;

11 (c) Provide evidence that an adequate enclosure exists at the certified  
12 person or entity's facility to confine and handle greater sage grouse  
13 physically separated from other game birds; and

14 (d) Provide evidence that the enclosures for captive raising of greater  
15 sage grouse include vegetation consistent with the needs of the sage  
16 grouse.

17 (4) The department may suspend, revoke, or not renew any certification  
18 issued to a certified person or entity under this section if, after notice  
19 and opportunity for a hearing before the director of the department of fish  
20 and game or a referee he may appoint, the department finds:

21 (a) The certified person or entity has violated the provisions of sub-  
22 section (2) or (3) of this section; or

23 (b) The certified person or entity's facility has not remained dis-  
24 ease-free and the department reasonably believes the native greater  
25 sage grouse population of this state may be harmed thereby.

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

29 (6) Commission rules may provide for the disposition of greater sage  
30 grouse at any facility whose certification under this section has been re-  
31 voked. Commission rules shall provide for disposition of all greater sage  
32 grouse held by a certified person or entity pursuant to this section as of  
33 that date. Any birds obtained from the state, either before or after hatch-  
34 ing, are subject to disposition as determined by the commission. Provided,  
35 however, birds raised from eggs laid on the premises of the bird farm shall  
36 be disposed of as determined by the bird farm. No certified person or entity  
37 shall be entitled to any reimbursement from or other claim against the state  
38 for any greater sage grouse owned by the certified person or entity at the ex-  
39 piration or revocation of a certification and all certifications issued pur-  
40 suant to this section shall so provide.

41 (7) A certified person or entity holding a current certification un-  
42 der this section may collect greater sage grouse eggs for the purpose of es-  
43 tablishing a captive breeding population, subject to the following restric-  
44 tions:

45 (a) All collections shall be conducted by the certified person or en-  
46 tity or his or its agent in coordination with a person appointed by the  
47 university of Idaho and in coordination with the department;

48 (b) No more than two hundred fifty (250) eggs may be collected in any  
49 calendar year;

1 (c) No more than forty (40) nest sites in a single collection area may be  
2 disturbed in any calendar year; and

3 (d) Best practices determined by the university of Idaho in conjunction  
4 with other partnering research facilities shall establish:

5 (i) Time of day and restrictions on methods of collection of eggs;

6 (ii) The number of certified persons or entities authorized to  
7 collect eggs;

8 (iii) The areas approved for collection of eggs;

9 (iv) Other limitations on egg collection, including the complete  
10 suspension of egg collection as determined by the commission to  
11 be beneficial to prevent the listing of or facilitate the removal  
12 of greater sage grouse as a candidate species under the endangered  
13 species act; and

14 (v) Marking methods for study and tracking.

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

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

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

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

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