

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2012-02**

**ESTABLISHING THE GOVERNOR'S SAGE-GROUSE TASK FORCE**

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*WHEREAS, the greater sage-grouse inhabits significant portions of the sage-steppe habitat in Idaho;*

*WHEREAS, the State of Idaho currently enjoys viable and widespread populations of the species;*

*WHEREAS, the State of Idaho by and through the Sage-grouse Advisory Committee (SAC) and the Local Working Groups (LWGs) has a long track record of successful engagement in managing and conserving the species and its habitat;*

*WHEREAS, the State by and through the involvement of the SAC and the LWGs developed a state-wide management plan for the species in 2006 and amended in 2009 (2009 Plan);*

*WHEREAS, the sage-grouse has been the subject of several petitions to list, federal regulatory actions and multiple rounds of litigation regarding its status under the Endangered Species Act (ESA);*

*WHEREAS, on March 23, 2010, the U.S. Fish and Wildlife Service (Service) determined the species warrants listing over all of its range, including Idaho, but is precluded by higher-priority listing actions;*

*WHEREAS, due to the Service's decision, the sage-grouse is currently considered a "candidate" species under the ESA;*

*WHEREAS, on February 2, 2012, the United States District Court for the District of Idaho ruled the Service must reevaluate the status of the species under the ESA by September 30, 2015;*

*WHEREAS, in response to this decision, the Secretary of the Interior has invited the eleven (11) western states impacted by a potential listing of the species to develop state-specific regulatory mechanisms to conserve the species and preclude the need to list under the ESA;*

*WHEREAS, the development of a state-specific regulatory mechanism in Idaho will be critical in demonstrating to the Service the species does not warrant federal protection;*

*WHEREAS, the Bureau of Land Management (BLM) is currently implementing national Instruction Memoranda to guide interim management of public lands and to develop sage-grouse conservation measures for incorporation into the agency's existing Resource Management Plans (RMPs) by September 2014;*

*WHEREAS, the development of a state-specific regulatory mechanism, consistent with the objectives of this Executive Order, may allow the State the opportunity to be exempted from the applicability of these Instruction Memoranda guiding interim management of public lands within Idaho;*

*WHEREAS, the development of a state-specific regulatory mechanism will enable the BLM to incorporate the State's plan as an alternative in its environmental analysis pursuant to the National Environmental Policy Act (NEPA);*

*WHEREAS, it is vital to the interests of the State to develop a state-specific regulatory mechanism as the listing of the species would adversely impact the economy of Idaho, including the ability to generate revenues from private property and State endowment lands;*

*WHEREAS, the listing of the species would have a significant impact on the State's custom, culture and way of life; and*

WHEREAS, development of the State's regulatory mechanism must be driven by the most current scientific information, input from a variety of stakeholders and aimed at conserving the species and its habitat while maintaining predictable and multiple uses of private, state and public lands.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby create the Sage-Grouse Task Force.

1. *The creation of the Governor's Sage-Grouse Task Force:*
  - A. *The members of the Governor's Sage-Grouse Task Force (Task Force) shall be appointed by and serve at the pleasure of the Governor through calendar year 2012.*
    - i. *The Task Force shall be composed of fifteen (15) members, representing the various geographic areas of the State within the range of the species.*
    - ii. *The Office of the Governor will chair this entity.*
    - iii. *The Office of Species Conservation and the Idaho Department of Fish and Game will staff this entity.*
  - B. *The Task Force members shall be appointed from the following categories:*
    - i. *Individuals who:*
      - *Represent agricultural interests; or*
      - *Represent energy or mineral development interests.*
    - ii. *Individuals representing:*
      - *A local working group; or*
      - *A nationally, regionally or locally recognized environmental organization; or*
      - *Nationally or locally recognized wildlife or sportsmen's groups.*
    - iii. *Individuals who:*
      - *Hold State elected office; or*
      - *Hold county elected office; or*
      - *Represent the public at large.*
2. *Duties of the Task Force:*
  - A. *Provide the Governor recommendations on policies and actions, using the 2009 Plan and other on-going activities as a backdrop, for developing a state-wide regulatory mechanism to preclude the need to list the species;*
  - B. *The recommendations must be based on the following objectives and/or criteria:*
    - i. *Conserve the species and its habitat while maintaining predictable and multiple uses of private, state and public lands;*
    - ii. *Identify and designate key/core sage-grouse habitat based on the biological needs of the species;*
    - iii. *Tailor the management recommendations to the import of the habitat and is attuned to the interests of the State;*
    - iv. *Address the following primary threats to the species as identified by the Service:*
      - *Habitat fragmentation due to wildfire and invasive species;*
      - *Conversion of habitat for agriculture or urbanization; and*

- *Energy development/infrastructure.*
  - v. *Address the following secondary threats to the species as identified by the Service:*
    - *Disease/West Nile virus;*
    - *Management issues related to livestock grazing;*
    - *Collisions with fences and power lines;*
    - *Mining;*
    - *Prescribed fire and range treatments;*
    - *Water development; and*
    - *Conifer invasion.*
  - vi. *Identify opportunities for pro-active sage-grouse habitat enhancement projects; and*
  - vii. *Recognize, encourage and incentivize land use practices that are actively maintaining or improving sage-grouse habitat as evidenced by improvements in habitat quality, active lek routes or stable/increasing populations of the species.*
- B. *The duties of the Task Force are solely advisory.*
- C. *The Task Force will provide its recommendations to the Governor no later than May 31, 2012.*
- E. *Technical Expertise:*
- i. *The Task Force may request consultation, information and technical expertise from Directors or their designees of state agencies regarding the biological needs of the species, activities on state, federal and private lands potentially impacted by the status of the species, and requirements of the ESA and other relevant statutory requirements, including but not limited to the Office of Species Conservation, the Idaho Department of Fish and Game, the Idaho Department of Lands, the Office of Energy Resources, the Idaho State Department of Agriculture and the Idaho Department of Parks and Recreation.*
  - ii. *The Task Force may request comments, information and technical expertise from the American Indian Tribes of Idaho, the universities of the State, federal agencies, including but not limited to the Service, the BLM, the U.S. Forest Service and the Natural Resources Conservation Services, and members of the public.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of March, in the year of our Lord two thousand and twelve, and of the independence of the United States of America the two hundred thirty-sixth and of the Statehood of Idaho the one hundred twenty-second.*

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C.L. "BUTCH" OTTER  
GOVERNOR

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BEN YSURSA  
SECRETARY OF STATE