



STATE BOARD OF LAND COMMISSIONERS

James E. Risch, Governor and President of the Board

Ben Ysursa, Secretary of State

Lawrence G. Wasden, Attorney General

Keith L. Johnson, State Controller

Marilyn Howard, Superintendent of Public Instruction

George B. Bacon, Secretary to the Board

Final Minutes  
Special Land Board Meeting  
December 22, 2006

A special meeting of the Idaho State Board of Land Commissioners was held on Friday, December 22, 2006 in Boise, Idaho. The meeting began at 10:13 a.m. in the second floor courtroom of the Borah Post Office building. The Honorable James Risch presided. The following members were present:

Honorable Secretary of State Ben Ysursa  
Honorable Attorney General Lawrence G. Wasden (via conference phone)  
Honorable State Controller Keith L. Johnson  
Honorable Superintendent of Public Instruction Marilyn Howard

Secretary to the Board Interim Director George Bacon

Governor Risch noted there are no items for the Consent, Information or Executive Session Calendars. One item is shown for the Regular Agenda. Director Bacon provided background information for the Regular Agenda item.

• **REGULAR**

1. **Authority to Solicit Bids and Contract for Work Related to a Proposed Section 6 Agreement of the Endangered Species Act**

*DEPARTMENT RECOMMENDATION:* Direct the Department to proceed with advertising the RFP and contracting all work related to preparation of an environmental impact statement for the proposed cooperative agreement under Section 6 of the Endangered Species Act using the authority of the State Board of Land Commissioners.

*DISCUSSION:* Director Bacon provided background information. Governor Risch asked if this topic has been reviewed with the incoming administration. Director Bacon stated current Administration staff and transition staff for Governor-elect Otter have been briefed on this matter.

Superintendent Howard asked Director Bacon to explain what he means by covering incidental take. Director Bacon stated if the Department completes the necessary environmental work, and through that work can craft an agreement with the Services to cooperatively manage for a certain species, which in this case is endangered fish species in the Salmon and Clearwater River basins, then the Department would be given a thirty-year coverage permit. Should Department staff through their management activities injure an endangered species, best management practices undertaken by the Department would compensate for the incidental take. The Department would, therefore, not be liable under the Endangered Species Act for harming that endangered species.

