



Incidental Take Coverage under the Endangered Species Act

This guidance document is not a new law. This is an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

Agency Contact

Division Administrator, Trust Land Management

Purpose

A variety of wildlife species that are listed as either threatened or endangered under the Endangered Species Act (ESA) inhabit Idaho state endowment trust lands. These include the Grizzly Bear (threatened), the woodland caribou (endangered) and the bull trout (threatened). The obligation of the State Board of Land Commissioners and the Department of Lands relating to these species is to avoid a take.

Although endowment land activities do not constitute a take of any listed species, acquiring incidental take coverage under provisions of the ESA is a good business decision.

Policy

The State Board of Land Commissioners authorizes the Idaho Department of Lands (IDL) to enter into formal negotiations with the US Fish & Wildlife Service and NOAA Fisheries with the objective of acquiring incidental take coverage for listed species on state endowment trust lands.

Revision History (Board Action)

04/13/2004 First approved iteration of this policy. The approved memo is attached.

STATE BOARD OF LAND COMMISSIONERS

April 13, 2004
Regular Agenda

Subject

Incidental Take Coverage under the Endangered Species Act (ESA)

Discussion

A variety of wildlife species that are listed as either threatened or endangered under the ESA, inhabit Idaho State endowment trust lands. These include the Grizzly Bear (threatened), the woodland caribou (endangered) and the bull trout (threatened). The obligation of the State Board of Land Commissioners and the Department of Lands relating to these species is to avoid a take.

We are confident that our endowment land activities do not constitute a take of any listed species. We believe, however, that acquiring incidental take coverage under provisions of the ESA is a good business decision.

Since mid-2001 the Department of Lands has been engaged in discussions with the US Fish & Wildlife Service regarding the possibilities of incidental take coverage. The Land Board supported, and the 2004 Legislature approved, a Department budget proposal for a position and funding to pursue this coverage on a formal basis. In light of the availability of these resources, we propose to formally notify the Fish & Wildlife Service and NOAA Fisheries of our intent to seek incidental take coverage for listed species on the Priest Lake State Forest and on other endowment lands impacted by listed species.

The Land Board will be kept apprised of developments as we proceed with the negotiations. The Department will seek specific Land Board approval of any agreements reached as a result of the negotiations before they are implemented.

Recommendation

Authorize the Department to enter into formal negotiations with the US Fish & Wildlife Service and NOAA Fisheries with the objective of acquiring incidental take coverage for listed species on state endowment trust lands.

Board Action

A motion was made by Secretary of State Yursa to accept the Department's recommendation. Attorney General Wasden seconded the motion. The motion carried on a vote of 5-0.

