I am the Executive Director for the Idaho Association of Soil Conservation Districts (IASCD) serving a Board of six Directors representing Idaho's 51 conservation districts.

First of all I would like to thank Senator Crapo and the subcommittee for allowing us the opportunity to testify before you here today. Secondly, I want to thank Senator Crapo personally for his past efforts in assisting Idaho on both the Salmon and Sage Grouse Initiatives through the USDA Natural Resources Conservation Service (NRCS).

The IASCD was founded in 1944 and is a private non-profit corporation having IRS 501©3 tax status. It is an association comprised of Idaho's 51 conservation districts, providing them with information and educational opportunities, technical and financial assistance, and assisting them to accomplish collectively what they are unable to achieve individually.

Today, Idaho's core conservation partnership is strong and consists of the USDA-NRCS, Idaho Soil Conservation Commission (ISCC), IASCD, and our 51 conservation districts. Our mission is to work with those land users that utilize Idaho's private agricultural working lands. Our overall goal is to assist private land users conserve and protect their natural resources (soil, water, air, plant, and animal/wildlife). As we work to achieve this goal, we must not forget that humans are also a vital part of the equation.

Idaho's partnership consists of approximately 300 employees who are dedicated in assisting private land users implement quality conservation practices or best management practices (BMPs) on the ground. We have been doing this task since 1940 when Idaho's first conservation districts were formed. For over 65 years, Idaho's conservation partnership has been cooperating to assist private land users conserve and protect their natural resources. Much has been accomplished during this period, however, there is much more to be done.

In 1995, several environmental groups sued EPA for accepting Idaho's 303d list of water quality impaired water bodies for not being inclusive enough. The court agreed with these groups and ordered Idaho to develop a new 303d list. Idaho's new 303d list contained some 962 water bodies (mainly stream segments). The court gave Idaho eight years to develop total maximum daily loads (TMDL) covering the 962 impaired water bodies. The schedule started in 1997 and was to be completed by 2005. It was later moved back two years so the new completion date is now December 2007. The TMDL issue is a state responsibility and not a federal one. Idaho's core conservation partnership continues to be challenged to meet the court ordered schedule.

TMDL implementation plans are developed to determine what conservation practices must be implemented to meet the water quality standard that will fully support a given water body's designated beneficial use. By Idaho law, the Idaho Department of Environmental Quality (IDEQ) is responsible to oversee development of all TMDLs. Under Idaho Code, the ISCC through conservation districts is responsible to develop TDML implementation plans for those TMDLs having an agriculture and/or grazing component.

The NRCS is being stressed to handle the mandated 2002 Farm Bill responsibilities while the other partners are dealing with the court ordered TMDL schedule. With some help from the Idaho Legislature and leveraging funds through the partnership, we have been able to meet the

TMDL challenge and make a valiant effort in keeping up with all the Farm Bill programs and activities. I bring this up in this context because through the partnership we use NRCS Standards and Specifications and Farm Bill programs to holistically accomplish both Farm Bill and ESA needs. If we holistically address TMDLs we know we will most likely meet ESA needs in appropriate areas and vise/versa.

Geographically, Idaho houses several upper reaches of tributaries to the Columbia River drainage and is in the center of the anadromous fish controversy. The Salmon, and Clearwater Rivers drain into the Snake River in Idaho. The Snake River leaves Idaho and drains into the Columbia River at the Tri Cities in Washington State. Considerable pressure has been placed on the State of Idaho to improve habitat conditions for anadromous fish. As a result, Idaho took a proactive approach and in 1992 Idaho's Governor assigned the Idaho Soil Conservation Commission leadership for establishing the Lemhi Model Watershed. The Lemhi Model Watershed brought together local, state, and federal agencies, and local stakeholders to address the anadromous fish habitat issues. This effort has been very successful and is currently utilizing USDA Farm Bill, state and federal cost share programs to assist local land users implement planned fish habitat improvements. The Lemhi project is currently called the Upper Salmon Basin Watershed Project (USBWP). In 1996, patterned after the USBWP, the Idaho Soil Conservation Commission also established the Clearwater Focus Watershed Project. This project has similar objectives as the USBWP, but is confined to the Clearwater Basin.

Whether we're engaged with Farm Bill or TMDL activities, our efforts generally center around two main purposes. Those purposes are water quality and/or habitat issues related to anadromous fish and wildlife. As we assist land users implement their conservation plans, the conservation practices or BMPs installed almost always have multiple benefits. Example, implementing a plan to improve a riparian area may require limiting livestock access to the stream to reduce streambank erosion. Livestock exclusion not only reduces streambank erosion, but also generally has a positive impact on improving habitat for fish, waterfowl, upland game species, water quality, and water quantity.

For the past six years Idaho has been experiencing a drought. The majority of Idaho's cropland (approximately 4,500,000 acres) is irrigated and heavily dependent on the winter snow pack and spring runoff to fill our reservoirs and meet irrigation demands. The drought along with an annual flow augmentation of some 427,000 acre feet for salmon migration from the Snake River system is causing a lot of stress on our irrigated producers in meeting both their surface and ground water needs.

When the ESA is mentioned, many questions seem to come to mind. Is the Act really protecting plants, fish, and animals/wildlife? Are any species being de-listed? Is the Act fair? Does the Act threaten private property rights? Does the Act add regulatory red tape with little results? These are all good questions and need to be answered to make the Act acceptable and effective by all involved stakeholders.

In 1973, with the stroke of his pen, President Nixon brought the Act to life. The United States Supreme Court would later call the ESA "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation." It was assumed by most politicians and conservationists included, that the cost to save these species and protect their

habitat would be "minimal." Now after more than 30 years, many Americans have been left to meet bitter conflict, lost property rights, and costly, seemly endless litigation.

The ESA is driven by the listing process. However, listing alone doesn't do any good for the species and it certainly doesn't do any good for the states and the land users. In 30 years, more than 1,200 species have been listed. How successful has the Act been? In this 30 year period, some 30 plus species have been de-listed. Seven were removed because they went extinct. Thirteen more were removed because of "data error." Eleven species recovered essentially on their own in response to controls on actions adversely affecting them (DDT). Three others recovered through concerted effort, one of which was the peregrine falcon which hinged on the work of a private group based in Boise, Idaho.

The ESA is one of our country's most powerful environmental laws. An ESA law is needed in order to provide a means to protect ecosystems which serve as habitat for threatened and endangered species. A comprehensive, incentive and science-based approach to species conservation and protection, emphasizing ecosystem management, will help ensure habitat protection for all plant and animal species and minimize the need to list additional species.

We believe the ESA is a two-edged sword. Farm Bill programs for 2007 need to support appropriate species conservation issues. At the same time, the ESA is in need of revision to make some of the Farm Bill provisions more participant friendly. Changes envisioned for the 2007 Farm Bill will be less effective than anticipated without revisions to the ESA.

We believe it is now time to revise the ESA recognizing not only biological and environmental impacts, but respect for private property rights and the social and economic values of private enterprise as exemplified in the past and present Farm Bills. Idaho's conservation districts are in agreement with the National Association's of Conservation Districts (NACD) recommendations for ESA revisions developed in April 2005. Our high priority concerns are:

1. Streamline the ESA Section 7 consultation process utilizing some type of Programmatic Biological Assessment (BA).

2. Focus on species recovery by improving ecosystem health, rather than single species listing.

3. Those requesting threatened or endangered species designation should be held responsible for costs incurred if a listing is determined to be unwarranted.

4. Seek scientific consensus and non-governmental, non bias peer review prior to any species listing.

5. Disallow the use of taxpayer funds by non-government entities to sue the state and federal government.

6. Revise the "taking" definition to protect local, state, and private property rights.

7. Provide for "safe harbor" provisions to encourage land users to manage their lands in a more "endangered species friendly" manner.

8. The ESA fails to recognize the need for balancing environmental interests with social and economic realities.

We can now get down to the main purpose of the hearing. How can we design new 2007 Farm Bill programs to better support species conservation? This is a very good and important question that needs to be answered.

As discussed earlier, Idaho's conservation partnership is deeply committed to completing the state's TMDL responsibilities, which address ESA issues utilizing Farm Bill programs such as EQIP etc. The NRCS is deeply committed in carrying out their responsibilities related to the Farm Bill. Conservation districts are committed to completing both. As a partnership we are finding ways to address both issues to the best of our ability. All of us are committed to meeting ESA needs.

The 2002 Farm Bill provided substantial increases in financial assistance for all conservation programs. However, financial assistance is only one side of the equation for getting high quality conservation on the land. The other element is technical assistance. While cost-share and other financial assistance programs help offset the economic costs or provide incentives to implement conservation on the land, it is the technical assistance that is key to getting programs implemented and conservation applied to the landscape in a timely manner. It is technical assistance that is necessary to design sound conservation practices and systems. Technical assistance is that personal, technical advise, from conservation experts in the field, supported by sound technology, that has been the foundation of locally led conservation. In many cases, land users may not require financial assistance, but must have high quality technical assistance in order to adequately apply their conservation practices on the land.

Without adequate technical assistance, the available financial assistance can not be effectively utilized. As I mentioned earlier in our statement, the work we do for water quality or Farm Bill activities almost always benefits fish and wildlife resources and their habitat.

In order for Idaho to properly carry out our commitments and better support species conservation, we feel the 2007 Farm Bill needs to consider the following:

1. A national programmatic Biological Assessment (BA) needs to be developed if it is workable and attainable. It may be more realistic to develop programmatic BA on a regional or ecosystem area basis. Currently any conservation practices to be installed within a salmon watershed must have consultation with NOAA Fisheries or the U.S. Fish and Wildlife Service (USFWS). The consultation process can take up to several months. In these cases the construction window is often missed and projects often delayed until the next year's construction season. The consultation process can be very repetitive. Writing individual BAs is

very time consuming. How many repetitive BAs have to be written before some changes in the process is warranted? I've been told that Idaho has never had a BA disapproved by the USFWS or NOAA Fisheries.

2. The Healthy Forest Reserve Initiative needs to be passed by the House and funded. The "Safe Harbor" provision needs to stay intact through the committee process. This provision will encourage land users to "do the right thing" in addressing their natural resources and species conservation issues.

3. There are too many identified species of concern for Farm Bill programs to realistically and effectively address. Available funding should focus on endangered, threatened, candidate, and proposed species for listing. We have neither the man power or financial resources to address all the species of concern. We need to be realistic in our approach and engage those species where improvements can likely be made.

4. We need to change our mind set and direction to address declining habitats and ecosystems not animal species. It is considerably more practical to improve declining habitats and ecosystems, but very difficult to address individual species.

5. Incentives are needed to protect or enhance existing declining habitats versus habitat restoration. The cost of restoration is typically much more expensive than the protection or enhancement of existing declining habitat.

6. More technical assistance funds are needed to develop adequate and effective conservation plans. Species issues are not resolved easily. Its not like designing a sprinkler system to replace a surface irrigation system to accomplish water conservation benefits. Species issues are generally very complex and usually require input from a team of interdisciplinary experts to resolve the resource issue. Multiple interagency input (IDFG, NOAA, and USFWS) is often required.

7. Farm Bill programs could better support species conservation if they were habitat or ecosystem driven and not species driven. An example might be a Shrub Steppe habitat utilized by Sage Grouse. If we concentrated on improving the Shrub Steppe habitat we would most likely improve the habitat for the Sage Grouse and several other species common to the area. Sage grouse could be used as an indicator species for habitat health.

8. Farm Bill program technical assistance support needs to come from each individual

Farm Bill program so they are pulling their own weight.

9. More technical assistance funding is needed to implement the Farm Bill programs. Since there is little chance in receiving any substantial increase in technical assistance funding, we need to utilize our field staff more effectively. We need to empower them

to make more decisions in the field and cut the red tape where possible so they can make more efficient use of their time. If acted on, some of the items mentioned above would help streamline the system and reduce stress on our field staff.

Webster defines an environmentalist as "one concerned about the quality of the human environment" or "one who works to protect the environment from destruction or pollution." By these definitions, we and our conservation partnership consider ourselves to be environmentalists. However, we are putting our efforts and funding into resolving our natural resource and species issues rather than litigating through the judicial system. If we could recover all the money over the past 30 years that has been spent in the litigation of ESA issues, we could probably have resolved many of the issues we still face today.

In most cases we have the technical expertise to resolve the issues we encounter. There just needs to be more of us and a common sense system in which to work!

Again, I want to thank Senator Crapo and his sub-committee members for allowing us to testify and give you our thoughts on how the 2007 Farm Bill might better support species conservation. We hope the ideas we brought forth will be of some value as you work towards developing the 2007 Farm Bill.

Thank you and may God bless America!