



IDAHO OIL AND GAS CONSERVATION COMMISSION

Chris Beck, Chairman
Margaret Chipman, Vice Chairman
Sid Cellan, Commissioner
Jim Classen, Commissioner
Ken Smith, Commissioner

Tom Schultz, Secretary to the Commission

Final Minutes
Idaho Oil and Gas Conservation Commission Regular Meeting
February 12, 2015

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Thursday, February 12, 2015 in the Borah Building, 2nd Floor Courtroom, Room 214, 304 N 8th Street, Boise, Idaho. The meeting began at 1:00 p.m. Chairman Chris Beck presided. The following members were present:

Vice Chairman Margaret Chipman
Commissioner Sid Cellan
Commissioner Ken Smith

For the record, Chairman Beck recognized the presence of four Commission members and the absence of Commissioner Classen.

1. Director's Report

- A. Financial Update
- B. Summary of Current Well Permits
- C. Legislative Update

DISCUSSION: Vice Chairman Chipman commented that she was at the Capitol when the Director presented the bills and he did a wonderful job.

• **CONSENT**

2. Approval of Minutes – October 21, 2014 Regular Meeting (Boise)

3. Approval of Minutes – December 3, 2014 Special Meeting (Boise)

CONSENT AGENDA COMMISSION ACTION: A motion was made by Vice Chairman Chipman that the Commission approve the meeting minutes on the Consent Agenda. Commissioner Cellan seconded the motion. The motion carried on a vote of 4-0.

- **REGULAR**

NONE

Background information was provided by the presenter indicated below. No Commission action is required on the Information Agenda.

- **INFORMATION**

4. Sage Grouse Plan – Presented by Patrick Seymour, Program Manager-Endangered Species, and Bobby Johnson, Program Manager-Oil and Gas

DISCUSSION: Patrick Seymour and Bobby Johnson presented the Department's draft Sage Grouse Management Plan.

Commissioner Cellan asked if the sage grouse leks are destroyed or burn, do the birds move to a different area. Mr. Seymour remarked that a wildlife biologist would best answer that question, but replied that the leks burning is not that much of an issue because generally the leks are fairly open; that is where the males do their drumming. It is the surrounding area that is important. Destruction of that hiding cover and the adjacent nesting habitat could cause the sage grouse to move. Commissioner Cellan inquired about the impact of surface mining, if the lek was totally destroyed. Mr. Seymour answered that if a mine was on a lek, the birds would move and find another place to brood. That would be one of the reasons for compensatory mitigation as the sage grouse would need habitat elsewhere. Director Schultz commented that the term used is nest fidelity, or lek fidelity; certain birds go back to the same area year after year.

Vice Chairman Chipman mentioned her personal experience with range fires and BLM requesting that landowners not engage in fire suppression, and stated her appreciation for the formation of Rangeland Fire Protection Associations.

Director Schultz noted that for the most part areas that are leased for oil or gas wells are not in core and important habitats but the Department has received applications for leasing state land south of Twin Falls that is in core and important habitat. The Commission and the Department need to be careful and thoughtful about how sage grouse habitat is managed as it could have an impact to the industry. With a 0.6 mile buffer, if the lek was in the middle of a section there would be no surface occupancy of that section. In Wyoming and Montana their oil and gas commissions are requiring a 0.6 mile buffer. The Department's recommendation is not to require the buffer but instead to provide Best Management Practices (BMPs). Through the application process it would be an option for industry to acknowledge and adhere to the BMPs or to choose not to adhere to BMPs. It is less enforceable than what some other states require; the Department is proposing a less regulatory model than options chosen by other states.

Commissioner Smith commented with fire prevention there have been quite a few articles about fires as an important management tool in helping maintain a natural environment by burning off dead wood and fuels. Commissioner Smith mentioned he grew up in South Texas; fire prevention was very successful in the prairies and then western red cedar moved in and white

brush and mesquite trees. That really changed the environment. Commissioner Smith observed there is a fine balance of utilizing fire prevention just enough but not too much and asked if that was a concern for the Department. Mr. Seymour responded Idaho has that situation with juniper. Fire prevention, fire control, over the years has allowed juniper to transgress into sagebrush habitat. Sagebrush is a sage steppe species; it evolved in the nature of large rangeland fires. Some sagebrush comes back quite well after the fire if soil and moisture conditions are right. It is a delicate balance with fire – to let it come in, to put it out. Mr. Seymour added that in many places with heavy juniper populations encroaching into sagebrush there is active, cooperative fuel break management. The BLM will cut and chip juniper and probably do some prescriptive burning on the landscape.

Commissioner Cellan asked why sage grouse are still being hunted in Idaho if they are close to being listed as an endangered species. Mr. Seymour responded that sage grouse is a highly managed species by Idaho Department of Fish and Game. Fish and Game determines and monitors these populations. One reason Idaho still has a hunting season is because it is limited; it is tag specific and very locale specific. Populations are good where hunting is allowed. Mr. Seymour commented the surplus birds could potentially be trapped and moved elsewhere but as Director Schultz mentioned earlier there is a lot of site fecundity. Sage grouse do not do well if moved around. It is best to show proper, active management. Director Schultz noted the Idaho Fish and Game Commission has reduced the number of sage grouse that can be taken; hunting is highly regulated and the sage grouse population is managed in that manner. In certain areas of the state, at some point, hunting sage grouse may be banned. In Montana, there is currently a bill to prohibit any hunting of sage grouse.

There being no further business before the Commission, at 1:45 p.m. a motion to adjourn was made by Vice Chairman Chipman. Commissioner Smith seconded the motion. The motion carried on a vote of 4-0. Meeting adjourned.

