

## IDAHO OIL AND GAS CONSERVATION COMMISSION

April 23, 2015  
Regular Agenda

### SUBJECT

IDL Proposed Greater Sage-Grouse Conservation Plan

### BACKGROUND

The Greater Sage-grouse (sage-grouse) is a candidate species currently being reviewed by the US Fish and Wildlife Service (USFWS) to determine listing status under the Endangered Species Act (ESA). As a direct outcome of the proposed ESA listing review, the US Bureau of Land Management (BLM) initiated a draft Land Use Plan Amendment and Environmental Impact Statement (EIS) pertaining to the sage-grouse throughout BLM's management zones within sage-grouse habitat.

The State of Idaho engaged in similar efforts and Governor Otter submitted an Idaho Plan to be considered by the BLM in the EIS alternative analysis. In October 2014, Director Tom Schultz established a working group which consisted of various IDL staff which oversee programs potentially impacted by the listing of the sage-grouse. This group held regular meetings to develop recommended conservation measures as part of IDL's Proposed Greater Sage-Grouse Conservation Plan based on the group's review of the science and what other western states are proposing, as well as designed to be complementary to Governor's Alternative for federal land management in Idaho.

As a result, IDL will implement sage-grouse conservation measures as enforceable lease stipulations for proposed oil and gas development activities occurring on state endowment lands. Regarding oil and gas regulatory activities under the purview of the Commission, IDL has developed voluntary conservation measures. These conservation measures will be presented, as recommended best management practices (BMP's), to companies applying for drilling permits. These companies will then select which BMP's they can comply with to be incorporated as permit conditions. These BMP's will then become required and verified through the inspection process.

### DISCUSSION

On February 12, 2015 the Idaho Department of Lands (IDL) presented the Proposed Greater Sage-Grouse Conservation Plan to the Commission as an informational item. IDL sought initial feedback from the Commission and indicated IDL would initiate an extensive stakeholder outreach effort and then come back to the Commission for final approval of the plan at a future meeting.

Since that time IDL has completed the stakeholder outreach effort by soliciting feedback on the Proposed Greater Sage-Grouse Conservation Plan using group and individual meetings. These meetings included direct discussions regarding language in the plan and the impacts of the proposed conservations measures on practices of the oil and gas industry.

IDL has revised the Proposed Greater Sage-Grouse Conservation Plan (see Attachment 1) based on the feedback from stakeholder groups and on-going interactions with sister agencies. A summary of the comments received by IDL is included as Attachment 2. A copy of all comments received related to Oil and Gas, with IDL responses, is included as Attachment 3. Finally, IDL's response to the U.S. Fish and Wildlife Service comment letter, written in conjunction with the Office of Species Conservation and Governor's Office, is included as Attachment 4.

### RECOMMENDATION

The Department recommends the Commission approve the applicable sections of Part II of the proposed Plan.

Upon approval, implementation of the Plan will be contingent on the federal agencies (USFWS and USDI BLM) acceptance and incorporation of the Governor's Plan into the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS. Implementation will begin within 60 days of the Record of Decision (ROD) for the Final Idaho and Southwest Montana Sub-regional Sage-grouse LUPA and EIS.

If the ROD does not include the foundational elements of the Governor's Plan, IDL will reevaluate and revise the Plan if necessary and inform the Commission or seek approval as needed.

### COMMISSION ACTION

### ATTACHMENTS

1. Proposed Greater Sage-Grouse Conservation Plan
2. Proposed Greater Sage-Grouse Conservation Plan Comment Summary
3. Proposed Greater Sage-Grouse Conservation Plan Comment and Response Matrix
4. IDL Response to USFWS Comments on Draft Sage Grouse Plan