

**MINUTES  
MONTANA SAGE GROUSE OVERSIGHT TEAM**

December 14, 2020 Meeting Summary  
Virtual Zoom Meeting

**Members**

Mr. John Tubbs, Chair, Montana Department of Natural Resources & Conservation, Director  
Mr. Mike Tooley, Montana Department of Transportation, Director  
Mr. Jim Halvorson, Montana Board of Oil and Gas, Administrator  
Mr. Shaun McGrath, Montana Department of Environmental Quality, Director  
Ms. Martha Williams, Montana Department of Wildlife, Fish and Parks, Director  
Senator Mike Lang, Senate District 17  
Representative Rhonda Knudsen, House District 34  
Ms. Diane Ahlgren, Rangeland Resources Committee  
Mr. Patrick Holmes, Governor's Natural Resource Policy Advisor

**Staff Present**

Ms. Carolyn Sime, Sage Grouse Habitat Conservation, Program Manager  
Ms. Shawna Swanz, Administrative Attachment Coordinator

**Call to Order**

00:00:06 Director Tubbs: Called the meeting to order and initiated introductions with roll call of MSGOT members.

**Approval of Minutes**

00:03:15 Director Tubbs: Approval of October 27, 2020 and November 30, 2020 meeting minutes. Motion to approve by Director McGrath, seconded.

00:04:44 Ms. Ahlgren: Noted an error on page 9 of November 30 minutes. Should read "to 87.6%" instead of "by 87.6%".

00:05:58 Ms. Sime: The correction will be made.

00:06:07 Director Tubbs: Called for other changes or discussion. None.

00:06:59 Directors Tubbs: Conducted voice vote. Motion passed. Minutes adopted.

**MSGOT Reports, Program Report, Partner Report**

00:07:36 Mr. Mike Tooley, Montana Department of Transportation, Director  
Unable to bring forward anticipated programmatic exceptions at this time. MDT staff and Program staff discussions continue concerning "moderate" versus "light" mitigation activity. "Light" activity, in MDTs view, includes chip seals, paving, thin lift overlays, paint. Maintenance on the existing blacktop within existing right-of-way. They were not able to agree to that [a final list of activities considered "light" vs. activities that would be considered "moderate"] and I frankly never would have agreed to something that might have caused those activities to be subject to mitigation costs when they are already pretty expensive as it is.

00:09:18 Director Tubbs: The Program will continue to implement Senator Lang's Bill [299, 2019 session]. Need more time to discuss with MDT to work out the details.

- 00:10:16 Ms. Ahlgren, Rangeland Resources Committee
- Rangeland Improvement Loan Program public hearing held December 11, 2020 on proposed administrative rules. No public comment during virtual hearing. Public comment ends December 18.
  - Rangelands Resources Committee 2021-22 Strategic Plan is in final draft.
  - Now taking host and mentor applications for Working Lands Internship Program.
  - Nominations for Leopold Conservation Award continue. March 15, 2021 due date.
  - Continue to plan for 2021 events. Grazing Academy with MSU and the Dan Scott Ranch Management Program is planned.
  - Rangelands Resources Committee positions are up for re-appointment. Candidate nominations to the Rangeland Resource Committee are made by the Montana Association of Conservation Districts and Montana State Association of Grazing Districts and brought forward to the Governor for appointment.
- 00:11:17 Ms. Sime, Sage Grouse Habitat Conservation, Program Manager  
Thanked MSGOT for time and related agency service. Thanked the Montana Legislature. Also thanked sister agencies and host agency DNRC. It takes effort and contributions by everyone to pull the Program together, including landowners and external partners.

## **2020 Accomplishments**

### Executive Order Implementation

Ongoing regular work with developers as they implement projects with the least amount of impact on sage grouse habitat.

Received about 280 requests for project reviews from developers from January 1 to December 14. Number is down a bit, compared to the same period in 2019. Percentage of completed project reviews is the same as 2019. Suggesting that there may be fewer development projects moving into implementation in 2020 that required Program review. Some of the streamline processes that MSGOT approved may also be a contributing factor. To date, the Program has completed 89 percent of requested project reviews. Continue to work on about 24 projects, several of which will be completed by the end of December 2020. The completion rate is likely to go up.

### Stewardship Account Grants

Closed or will have closed two additional easements by the end of 2020. The Mark Lewis Project was initially funded in 2019. It will close before the end of this month. The Watson Conservation Easement from 2016 closed in March 2020. All 2016 grants that did move forward have now closed and stewardship for those rests with their private landowner, as well as the land trust organization (whoever holds that easement).

Three of the four 2019 grants that moved forward have closed or will have closed by the end of 2020. One remaining 2019 grant, the Sauerbier Conservation Easement, will move into 2021 for closing. A draft easement is in a second round of Program review. NRCS has completed its review. The negotiation process has become more efficient and streamlined.

### Implementing SB299

After the 2019 Legislative Session the Code Commissioner inserted the amendments from the bill, but they do appear in various places within the Stewardship Act. There are several provisions that codified language from the Executive Order. In those instances, because we had been implementing the Executive Order, we are now more formally implementing the guidance under the Statutory language rather than the Executive Order language. This is nothing new, just a focused attention to what the statute directs.

Operations and maintenance is another portion of SB299 that codified guidance already in the Executive Order. Continue to implement accordingly.

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There is also a portion that addresses reduction or waiver of compensatory mitigation. This language is drawing from the Mitigation Framework Policy Document. Developers can request either a waiver or mitigation and come to MSGOT for review and a final decision. We did not receive any requests in 2020.

Agencies, the Program and MSGOT continue to work on clarifying operations and maintenance activities and what may be exempt from HQT calculations. Some activities remain subject to stipulations of Montana strategy, either through Executive Orders, Policy, Administrative Rules or direction or regulation adopted by MSGOT.

At the June 2020 MSGOT meeting Mr. Halvorson discussed some work that he was doing with the Board and his staff. MSGOT had previously reviewed implementation guidance provided within DEQ. Work with MTD is still ongoing.

The Program worked with stakeholders in visioning how to streamline the compensatory mitigation review process [another directive from SB299], including calculation of reduced costs for low impact projects such as trenchless excavation.

In June of 2020, MSGOT approved a modified mitigation approach for projects using trenchless excavation methods. Another successful iteration at improving implementation of the Program.

In October, MSGOT reviewed and approved a modified mitigation policy approach for unsuccessful oil and gas wells (i.e. dry holes). If an operator drills a well with no commercial quantities to develop further, they continue to work with the Board and permanently plug and abandon the well. The Program and Mr. Halvorson continue to work out the implementation details and should have them finalized by the end of the year or early 2021.

## **2021 Preview**

At the November 30 meeting, MSGOT approved an update to the BaseMap, through the adaptive management framework.

Also approved through adaptive management is the ability to address the knowledge gap with developers and permitting agencies after the Program has completed its reviews. The Program will develop a timeline and reach out to stakeholders and begin that work early in 2021.

The Program continues to work with two contractors. One contractor is implementing updates to the Program's web application. This application is the interface that developers and credit providers use to initiate contact with the Program. The work is underway, with delivery expected by the end of calendar year 2021. The same contractor is implementing items on the website that are required under the mitigation framework. Mitigation is not formally included on the website right now, but it will be at conclusion of this contract. This contract also includes incorporating a registry available to everyone, which is another statutory requirement. The second contractor is working to help verify the accuracy of spatial data for disturbances on the landscape. These data are provided to the Program by developers. The data must be independently verified before it is included in the new, updated BaseMap. This project is expected to be completed by Fall 2021.

2020 Stewardship Grant contracts and projects will be implemented.

## **Conservation Assessment**

The information regarding the Conservation Assessment briefed at the December 2018 MSGOT meeting is largely still accurate. The work is behind schedule for a variety of reasons including technical delays, website upgrades by the US Fish and Wildlife Service, and COVID-19 has slowed some work.

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The Conservation Assessment will entail a review of: (1) the commitments made by all the states and the federal agencies leading up to and upon determination by the US Fish and Wildlife Service that sage grouse did not warrant protections of the Endangered Species Act. All states worked together with the federal agencies and came up with their respective strategies. Those were relied upon by the Service to make their conclusion that listing was not warranted; and (2) population trends of sage grouse. That population trend work is being led by the USGS in conjunction with the state fish and wildlife agencies. It largely has to do with monitoring efforts that the state agencies and their partners do.

The Conservation Assessment Report effort is being led by the Western Association of Fish and Wildlife Agencies. Montana's representatives on the drafting group include myself and Catherine Wightman's replacement or someone else at Fish Wildlife and Parks. There are four objectives of the assessment report:

1. Evaluate the progress of implementation of federal and state commitments since 2015 made to the continued conservation of sage grouse and habitat;
2. Cumulatively assess sage grouse population trends, sagebrush availability and lessons learned in order to inform range-wide adaptive management discussions;
3. Assess new scientific information for sage grouse and habitats that may inform conservation delivery; and
4. Recognize the importance of ongoing continued conservation work, and as part of adaptive management, recommend changes to conservation delivery in order to ensure continued success.

Montana also shares a goal with many of the states, if not all of them, as well as our federal agency partners that our conservation work be both effective and successful so that the ESA protections are not needed in the future. This drafting team will have an opportunity to consider the work to date, how partners are doing on their commitments, consider trends and populations, and to make adaptive management recommendations for the future.

The USGS report is expected sometime in early 2021. USGS has extensive quality control and quality assurance processes. The report is currently under final review. An updated timeline for the overall Conservation Assessment report is still being developed, but there is clearly the expectation that the work product will be done in 2021.

## **Conclusion**

Acknowledged MSGOT's work and the work of all our partners. Montana's goal has always been to implement a conservation strategy that addresses the conservation concerns for this bird going forward in an effective, transparent way and that is also based on science. It is also largely based on the voluntary work of private landowners and not taking a hard, regulatory approach. That work has largely been guided by MSGOT and engagement from the Program, but also great work by everyone.

Thanked Program staff. Look forward to working with the incoming administration.

00:28:12 Director Tubbs: Thanked Ms. Sime and commended her on the report. Called for questions from MSGOT. None.

## **2020 Stewardship Grant Awards Wrap Up**

00:28:26 Director Tubbs: Agenda item to make sure all necessary motions and approvals to award the 2020 Stewardship Grants are complete and accurate.

A spreadsheet with final grant awardee information was emailed to MSGOT for review. [See Meeting Notes on the MSGOT meeting archive webpage.]

Appreciate both the Montana Land Reliance and The Nature Conservancy in coordination with Glenn Marx of the Montana Association of Land Trust for their work with the landowners. All recommended changes to the amounts awarded and approved at the last meeting have been accepted.

Our work today is to celebrate more conservation on the land.

Thanked the landowners: 54 Livestock Ranch, Mussard-Barrett Ranch, Peters Ranch, Alexander Ranch, Bequette Ranch, Fauth Ranch, and Jackson Ranch. Especially the four that had to deal with reduced funds. The landowners worked with their associated Land Trust and have agreed to accept the reduced amounts necessary to meet amount of available funding. Ready to move forward with seven additional conservation easements. Three of them fully funded and four of them, partially funded at approximately 83% level of the amount originally requested in the application.

A Project Expense Policy percentage match was also adopted by MSGOT.

00:31:12 Director Tubbs: Called for questions from MSGOT.

00:31:42 Director Williams: Thanked the generosity of the landowners and their long-term commitment to stewardship. Thanked everybody involved to make the grant funding work. Thanked Director Tubbs. Appreciates all that he has done.

00:32:28 Director Tubbs: Other projects that closed so far since the first set of grants: include the 44 Ranch, the Hanson Livestock, Rath's Livestock, Watson, Willow Basin Ranch, Burgess Ranch, and just about to close Marc Lewis at the end of the year and Sauerbier Ranch in 2021. A tremendous amount of conservation.

MSGOT was the decision-making body on all those properties. Remind yourself, there is good conservation on sage grouse lands. MSGOT provided the ability for working ranches to continue and facilitated the passing of ownership from one generation to the next.

As we hear the highlights of projects MSGOT has funded, remember there is always a working ranch, Program staff, Montana Land Reliance staff, The Nature Conservancy staff; behind the scenes to develop the conservation trust instruments and execute the grant agreements.

Thanked Mark Aagenes and Kendall VanDyke for their work creating agreements that protect the sage grouse and its habitat.

Montana can stand proud behind its sage grouse investment over the past 3-4 years.

### **Conservation Spotlights: Highlights from throughout Montana**

#### Central and North Central Montana Collaborative Conservation Efforts

00:35:35 Brian Martin, The Nature Conservancy | [PowerPoint Presentation](#)

00:50:04 Marisa Sather, USFWS Partners Program | [PowerPoint Presentation](#)

01:01:47 Director Tubbs: Called for questions from MSGOT members.

01:01:50 Director Williams: Great demonstration for agencies on how to get good durable work done. Thanked the presenters for showing the path forward.

01:02:24 Director Tubbs: Called for additional comments.

01:02:43 Director Tubbs: Shared in Director William's thanks. There are several partners working towards the same goals. One of the challenges MSGOT has not been able to address is other prairie grassland bird species. These birds often require a slightly different habitat than sage grouse. MSGOT is concerned and recognizes that there are other bird species that may be listed in the future.

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We must manage holistically in that landscape. One of the things MSGOT Stewardship Grant conservation easements have done to date is prioritize sage grouse conservation. That working landscape model allows for conservation of many species due to the focus on quality habitat.

Appreciate your work and so many others up in that area. Thanks for the great photo of the board. When you have people with dirt under their fingernails working on land conservation in Montana you have durability.

Montana Greater Sage-grouse Candidate Conservation Agreements with Assurances

01:04:40 Kelsey Molloy, The Nature Conservancy | [PowerPoint Presentation](#)

01:16:35 Director Tubbs: Thanked Ms. Molloy. Good photo of the staff.

01:16:40 Director Tubbs: Called for questions from MSGOT.

01:16:46 Ms. Ahlgren: Thanked the presenters. Thanked the Program and MSGOT for acknowledging working lands, ranches and grazing as being beneficial to conservation and wildlife.

01:17:16 Director Tubbs: That is a work in progress. Need to continue the voices in presentations like this, but groups like the Rangeland Resources Committee need to continue to remind the public that grazing is part of the ecology of prairie grasslands. Lack of grazing is as much a threat as almost any of the other threats in the area.

The use of high-quality management systems by your family and other landowners is effective in attaining soil health and rangeland quality that benefit both cattle operations and the natural resources that you steward.

01:18:15 Ms. Ahlgren: Correct, very well put.

01:18:18 Director Tubbs: Called for additional comments.

Southwest Montana Collaborative Conservation Efforts through the Southwest Montana Sagebrush Partnership

01:19:15 Jim Berkey, The Nature Conservancy | [PowerPoint Presentation](#)

01:28:12 Sean Claffey, The Nature Conservancy | [PowerPoint Presentation](#)

01:44:00 Director Tubbs: Need efforts in that area. Involving the outfitters negatively impacted by the COVID-19 pandemic and the youth corps expands the capacity of any organization's ability to treat the landscape.

Sagebrush habitat in southwestern Montana has some unique characteristics in terms of fire resiliency and high elevation. Because of the large impact that cheat grass and other invasive species have in southwestern regions of sage grouse habitat, is fire prohibited in the federal agencies' lexicon of treatments in sage grouse country?

Asked Ms. Sime; Do we need to champion, a little harder to get it to resonate at the national level?

01:45:28 Ms. Sime: Montana is heterogeneous when it comes to sage grouse and sage grouse habitats. It would be good to recognize the regional variation for these natural systems. The presenters for the Big Hole and the Centennial will help us better understand how birds operate in the southwest part of the state and how that might be different from eastern parts of the state.

An effort that is showcased by Sean and Jim is the cross boundary and multi-agency work in the southwest part of the state. They have zeroed in on important work but also zeroed in on how to deliver habitat restoration and conservation at scale, which is very effective. This is a message we can definitely amplify.

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- 1:46:46 Mr. Claffey: Our Federal partners can actively use prescribed fire in high elevation sagebrush habitats. There is a desire to expand using that tool across other ownerships, if there is opportunity.
- 1:47:04 Director Tubbs: If you can introduce fire into the conifer encroachment issue, it can greatly reduce your per acre cost of treatment and expand the number of acres that can be treated.
- 01:47:18 Mr. Claffey: Absolutely.
- 01:47:22 Director Tubbs: Thanked presenters and called for next presentations.

#### Montana Research and Field Studies

- 01:47:38 Ms. Sime: This series of presenters will share lessons learned from research and field studies. Presentations will provide foundation in science and local knowledge about the landscapes where they are working. Presenters will share what they have learned, and we can consider how the knowledge could inform MSGOT decisions and Program decisions in our shared goals.
- 01:48:47 Roundup Area: Jenny Helm, PhD Candidate, University of Montana | [PowerPoint Presentation](#)
- 02:04:06 Director Tubbs: Thanked Ms. Helm. Called for comments from MSGOT.
- 02:04:15 Director Tubbs: Not had many research presentations over the course of management tenure. There are several questions that could benefit from research. Asked Ms. Helm who funds research efforts?
- 02:04:40 Ms. Helm: Our research funds come from Pittman Robertson dollars via US Fish and Wildlife Service via MT Fish, Wildlife and Parks.
- 02:04:30 Director Tubbs: Is that stable funding for you through the end of your PhD?
- 02:04:41 Ms. Helm: We are good through 2022.
- 02:04:50 Director Tubbs: Called for additional comments. None.
- 02:05:40 Big Hole Valley: Vanna Boccadori, Montana Fish, Wildlife & Parks | [PowerPoint Presentation](#)
- 02:36:40 Director Tubbs: Thanked Ms. Boccadori. Called for comments from MSGOT members.
- 02:36:50 Director Tubbs: The Big Hole area has had multiple conservation efforts in place for many years. This study adds value to those efforts. If we are successful, we will have expanded the population so that General Habitat today may look like Core Habitat of yesterday. Measuring these sites now, as we implement the Sage Grouse Program and its policies, will be beneficial in the long run. With the hope this will expand the territory and affirm that Montana conservation is working for the sage grouse population.
- 02:37:46 Director Williams: Struck by the research presentations and reminded of how we need all the different efforts. Research feeds into good work-on-the-ground partnerships. It takes a Herculean effort. Thanked University of Montana and Ms. Boccadori for showing MSGOT what you are learning and how it can be applied.
- 02:38:32 Director Tubbs: Agreed. Appreciates time spent in the field. It is often underappreciated.
- 02:39:20 Director Tubbs: Called for additional comments. None.
- 02:41:00 Centennial Valley: Kyle Cutting USFWS Red Rocks National Wildlife Refuge | [PowerPoint Presentation](#)

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- 02:54:11 Director Tubbs: There is also a conservation effort bridging the divide in the Centennials that can bring this message to both Idaho and Montana with your research. Because BLM manages the landscape under the same resource management plans, we have some ability to effectively communicate across the state's boundary.
- 02:54:35 Director Tubbs: Called for questions or comments from MSGOT.
- 02:54:45 Director Tubbs: Certainly, a difference in snow cover in the Roundup area versus the Centennials. Sage grouse have adapted to more snow in the Centennials by moving to the South aspect wind-blown ridges.
- 02:55:14 Director Tubbs: Called for additional comments.
- 02:55:49 Ms. Sime: Presentations are concluded. Thanked everyone for work and willingness to present to MSGOT. The MSGOT Meeting Archive Notes at [sagegrouse.mt.gov](http://sagegrouse.mt.gov) will be updated with today's presentations and additional meeting materials that were emailed to MSGOT directly. Presentations will be available to the public in the near future, hopefully within a couple of days.
- 02:56:23 Director Tubbs: Called for any other public comment.
- 02:56:46 Mr. Glenn Marx, Montana Association of Land Trusts: Thanked Ms. Sime and Program staff, the Governor, Patrick Holmes and all MSGOT members. Montana is now a national leader in sage grouse conservation. What has been created is very impressive. Work succeeded to help the people of Montana, the economy of Montana and the future of Montana.
- For those leaving, we very much thank you. We wish you well and hope, wherever you go, whatever you do; you feel very proud and very good about your role within MSGOT and Montana sage grouse conservation. Those of you who are going to stay, we in the Land Trust world look forward to working with you in the future.
- 02:58:30 Director Tubbs: Thanked Mr. Marx for his comments. Called for any additional public comment.
- 02:58:43 Director Tubbs: Final call for additional public comment. None.
- 02:58:48 Director Tubbs: Called for motion to adjourn the last meeting of the Montana Sage Grouse Oversight Team, for this team, and welcome in the new year.
- 02:59:03 Senator Lang: So moved.
- 02:59:07 Director Tubbs: Moved and seconded. Called for voice vote. Approved unanimously.
- 02:59:18 Meeting adjourned.

Chair for this meeting:

/s/ x *John Tubbs* [approved by MSGOT March 24, 2021]

Director John Tubbs