These abbreviated summary minutes and the audio recording will become the official adopted minutes at the next Montana Sage Grouse Oversight Team Meeting when they will be approved. Until then, they are considered a draft.

MINUTES
MONTANA SAGE GROUSE OVERSIGHT TEAM

September 16, 2021
Meeting Summary
DNRC Building, Big Sky Conference
Room and Virtual Zoom Meeting

Members

Mr. Michael Freeman, Chair, Governor's Natural Resource Policy Advisor
Ms. Amanda Kaster, Montana Department of Natural Resources and Conservation, Director
Mr. Malcolm Long, Montana Department of Transportation, Director
Mr. Jim Halvorson, Montana Board of Oil and Gas, Administrator
Mr. Hank Worsech, 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. Chris Dorrington, Montana Department of Environmental Quality, Director(absent)

Staff Present

Ms. Therese Hartman, Sage Grouse Habitat Conservation, Acting Program Manager
Mr. Mark Bostrom, DNRC Conservation and Resource Development Division, Administrator
Mr. Christopher Powell, DNRC Director's Office, Program Manager
Ms. Katie Ireland, Sage Grouse Habitat Conservation, Geographer
Mr. Logan Cain, Sage Grouse Habitat Conservation, Geographer
Ms. Erin Reather, Sage Grouse Habitat Conservation, Program Reviewer
Mr. Adam Kauth, Sage Grouse Habitat Conservation, Program Reviewer
Ms. Ella Lunny, Sage Grouse Habitat Conservation, Program Reviewer
Ms. Emily Moran, DNRC Conservation and Resource Development Division, Administrative Attachment Coordinator
Ms. Shawna Swanz, DNRC, ARPA Team

Call to Order

12:00pm Chairman Michael Freeman: Called the meeting to order.

Ms. Therese Hartman: Welcomed the group and announced that the meeting is being recorded. The audiofile will be posted to the website a couple of days following the meeting.

Chairman Michael Freeman: Initiated introductions of MSGOT members and DNRC staff present.

12:04pm Chairman Michael Freeman: Called for a motion to approve the draft March 24, 2021, minutes.

Approval of March 24, 2021, meeting minutes. Motion to approve by Director Long, seconded by Representative Knudsen. Conducted voice vote. Motion passed.

12:05pm Chairman Michael Freeman: Called for a motion to approve 2020 Annual Report.

Approval of 2020 Annual Report. Motion to approve by Director Kaster, seconded by Senator Lang.

Chairman Michael Freeman: Called for changes or discussion to 2020 Annual Report.
Mr. Mark Bostrom: Correction to the Executive Summary in the 2020 Annual Report. Page 1of the Executive Summary, the last paragraph with correction reads:

"The Montana Sage Grouse Habitat Conservation Program is overseen by the Montana Sage Grouse Oversight Team (MSGOT), whose duties were established by the Act. MSGOT's composition is also established by statute. MSGOT establishes broad policy and implementation guidance and is administratively attached to the Montana's Governor's Office."

12:07pm Chairman Michael Freeman: Called for motion to approve changes to the Executive Summary. Motion to approve as corrected by Senator Lang, seconded by Director Kaster. Conducted voice vote. Motion passed.

Chairman Michael Freeman: Called for motion to approve 2020 Annual Report with changes. Motion to approve as corrected by Senator Lang, seconded by Representative Knudsen. Conducted voice vote. Motion adopted.

Program Webinar HQT Presentation

12:08 Webinar Begin

12:22 Question from Representative Knudsen
Referring to slide 7, Basemaps:

Q: Where does the information for the Basemaps come from?
A: Most of the data is produced from the National Land Data Set produced by USGS and cooperative federal partners; publicly available data.

Q: What is the age of this data?
A: The current basemap was produced using data from 2016 and is currently being updated.

12:32 Question from Senator Lang
Referring to slide 16, Distance to Lek:

Q: For a lek to be confirmed active, there must be lekking activity within 10 years. 10 years is a long time, what evidence is there to support this time frame?
A: This protocol was established by Montana Fish, Wildlife & Parks, and requires 10 years of data to accurately determine if the lek is active or inactive.

Q: So, hypothetically, there can one year where 2+ males are lekking at a site and 9 subsequent years with no activity, but the site would still be considered active?
A: Surveys are done to confirm if there is bird presence or not. There have been cases where birds will vacate a lek site and return many years later. The 10-year window is a standard protocol used by multiple states.

12:35 Comment from Director Long
Referring to Senator Lang's previous question

Your question is correct, Senator; a lek can be inactive for 9-10 years, but still be confirmed active. If surveyors come back on year 10 and there is no lekking presence, the lek will be marked inactive, but for the previous 9 year with no activity, it will be confirmed active.

12:53 Question from Director Kaster
Referring to slide 34, Sagebrush Canopy Cover:

Q: What literature/sources/studies is the Sagebrush Canopy Cover based off?
A: Literature referenced is available in the HQT manual. One study in specific found productive brood rearing habitat should include 10-25% cover of sagebrush; author Connelly 2000.

12:54 Question from Senator Lang
Referring to overall data:

Q: I am presuming this HQT data has been with the program since it has started, you now are just explaining how it works. Is that correct?
A: That is correct, this is the product of the stake holder process the program previously went through.

Q: Through this process, have we ever made an HQT ruling or number and physically went out on the ground to verify what was there?
A: That would be the third level, which is something that we need to bring to MSGOT. We will need to put together a team and come up methods that will be used for consistent data collection and management. It is something that is planned for the future of this program.

Q: If the number assigned by the program does not match what is seen physically at the sight, I assume changes can be made?
A: That is the intention, yes; you will be able to override what the basemap tells us and incorporate the one the ground data.

12:56 Question from Representative Knudsen
Referring to previous asked question, slide 7, basemaps:

Q: Referring to my original question, the original geographic data is a 2016 data set from USGS, I am going to call it the "base baseline" and we have since made modification to. How have the fires we have had since 2016 been incorporated into the Basemaps?
A: Fire data is incorporated in the digitized layer we get from Pro-West. They were originally started with the 2015 NAIP (National Agriculture Imagery Program) imagery and have recently been updated with 2019 data. We are under contract with them to do maintenance; the 2021 surveys are in the process of being flow as we speak. Once that data is available, we will update our Basemaps.

Q: So, we receive updated geographic data every two years?
A: Yes.

1:03 Comment from Senator Lang
Referring to slide 46, tall structures:

Some of you may know that there was a tower that was proposed to be constructed south of Malta, if I remember right, there was a lek that almost hit the highway that prevented the construction of the tower. I am critical of verification with on the ground data because when I walked out to the lek, I could see hardly any activity from the highway, keep in mind I am a green horn. But when I started surveying the eastern area, I saw signs of lekking activity. So here we had a 2–4-mile concentric circle of a confirmed active lek. It is my naïve opinion that the highway, which was constructed/redone in 1959 has moved the center of the concentric lek circle further to the east, not interfering with the construction of the tower. I asked the program to go out to the site and confirm my findings, but they never did. I think that on the ground confirmation is very important from time-to-time.

1:12 Question from Senator Lang
Referring to slide 52, Agriculture, Mine and Other Large-scale Land Conversion Processes:

Q: Please give the percentages again that result in no addition to HQT score if no part of the land is cultivated?
A: If less than 10% of the land is converted within a 3.2-kilometer window, there is no reduction in value in the model.
If 10-25% of the land is converted within a 3.2-kilometer window, the score is reduced by 50%.
If more than 25% of the land is converted within a 3.2-kilometer window, the score is zero.

Q: Okay, how did the program treat land that was farmland and then seed back to grass and is not farmed at this point. Is that considered disturbed or not disturbed?
A: Again, it is our contractor who digitizes the layers. The look at the disturbances on landscape. From the 2015-2019 data, they compared if the disturbance was still present. If the disturbance looks like a crop, it is considered agriculture. If the disturbance has receded, it will no longer be considered a disturbance.

Q: So, the only data we are using is going back to 2015? 2010 data is not included?
A: It is based off what was seen on the 2015 NAIP imagery.

Q: Okay, how did the program treat land that was agricultural land, cropped at one time or another, and then seed back to grass, I am assuming it still looks like a farmland field on the map. Do you have discrepancies in cover, or what is that field classified as?
A: If it has rows where tractors have gone back and forth and looks like an active crop, it will be considered a disturbance.

Q: None of the CRP lands that have been planted for 20 years and has not had a tractor drive through it, that is not counted as a disturbance?
A: If it does not have a crop stripe in it, then no, it will not be considered a disturbance.

Q: I remember the Advisory Committee had a heck of a time understanding CRP because they were from the west and most of the CRP is in the eastern Montana. I also remember a lek was classified at the end of a cultivated field, but when looked at, the circle seen on the map was created by the farmer. I just don't understand what the program is doing with disturbed and undisturbed lands.
A: You bring up a good point, I think that would be a great topic for another webinar. We should take a deep dive into what the contractor's procedures and parameters are while creating the digitized layer.

Public Comment

1:28 Meeting was open to public comment

1:28 Question from the public, Dave Gault

Q: When updating basemaps with the latest data, where does the data come from?
A: All data, will be updated with new data received from contractors.

Q: If a project proponent wanted to do a 'boots on the ground review" of a disturbance area for their project, and they notice discrepancies in the data layer as opposed to what is on the ground, would the program be able to update the base layer based on that information?
A: That is the third level, which was a placeholder when the program was first created. We hope to put together a team to review the protocols and methods used to collect data; we do not currently have that at this time.

1:30 Comment from Mr. Jim Halvorson

Q: Thank you for this presentation. This may tie into Dave Gault's question and Senator Lang's previous comments; I have received feedback from permitees that it would be desirable to have a timely method that resolved perceived issues with the habitat quality, land cover, or existing disturbances within the lifetime of the proposed project. One well I know, with the help of biologists, located sagebrush habitat, but it not reflected in the HQT. The programs consideration to try to develop a policy for those issues can be addressed.

A: I think some of this issue may be addressed when we update the new basemap. As we mentioned, we are using the existing 2015 basemap data,

Q: We will always be out of date with the basemap and the surface can change very quickly. Having an avenue where that can be addressed will be beneficial.

1:31 Comment from Mr. Mark Bostrom

I would like to comment on this. I participated in early level considerations on how we would do that. It is a very tricky situation when you have data that was collected empirically on the landscape and trying to integrate it into a static layer within a model. How do you do that? I think some of the ideas that came to mind have yet to be implemented. We receive an existing disturbance layer from Pro-West, which is a digitized layer, I think the gap that needs to be bridged is how do we take empirically collected data on the landscape and digitize that into what we are using for our constant, continual update though the existing disturbance contractor, Pro-West. It is more complicated than what it might seem. How do you get that into a geographic spatial model so you can run a calculation in real time? Pro-West using NAIP imagery has a two-year lag. It gets even more complicated when you take empirical data that was collected yesterday and try to digitize it and incorporate it into the model. There are a few logistical problems that need to be worked out, it's not unsolvable, but it is complicated.

1:33 Comment from Representative Knudsen

I want to tee off from the interesting discussion. It seems to me again, from the big fires we have had over the past few years, I just drove through an area that had a lot of sage brush on one side of the road and the other side of the road was as bare as this tabletop. Now, I bet if I looked back at the map, I would see sage grouse habitat area on the base layer on both sides of the road. We need to come up with something to address this sooner than later. If it takes sending a crew out to survey and digitize and create layers to be added to our model layers, that is what we must do.

1:35 Response from Therese Hartman

We do have that, that is one of the tools Pro-West has. The fire agencies do provide us with digitized base layers, and they are incorporated in our model. I helped Pro-West with the latest update from 2015 to now; we looked at the older fires and tried to determine which habitat has been restored and then we took these shape files and are incorporating them into the next upgraded layer.

1:35 Response from Representative Knudsen

So, we only get the updates every five years?

1:35 Response from Therese Hartman

Right now, we are using 2015, we did not use anything different in 2017. Pro-West just re-digitized the existing disturbance layer in 2019, the 2021 layer is being flown, right now and soon as that is available, maybe by the end of this year, we will have another update. We will be catching up faster because we are under contract with them. The 2021 updates will hopefully be incorporated this year.

1:36 Comment Diane Ahlgren

I appreciate Senator Lang's observations about the Ag conversions, thank you Senator Lang for bringing that up. I do think we have talked numerous times in the past for the need of a fine scale site-specific assessments, I also appreciate Mark's remarks about that it is tough to convert into a digital form, but it really is needed. Some of the producers I have spoke to are frustrated with the results of the HQT versus what they see on the ground. I think the program needs to work towards this goal of making a site-specific assessment a reality. Thank you.

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1:37:56 Chair Freeman: Seeing no more questions, called for motion to adjourn.

1:38:01 Sen. Lang: So moved

1:38:07 Chair Freeman: Called for voice vote. Approved unanimously.

1:38:20 Meeting adjourned.

Chair for this meeting:

/s/ x Michael Freeman .

Michael Freeman, Governor's Natural Resource Policy Advisor