

Montana Sage Grouse Conservation Benchmarks: 1965-2022

1965 – 2005

Sage Grouse Population Declines across 11 western states

- USFWS received eight different petitions to protect the sage grouse under the federal Endangered Species Act. All were denied.
- Threats: habitat loss, habitat fragmentation, conversion, lack of regulatory mechanisms at the state level.

In 1975, Montana Department of Fish and Game publishes Life History and Habitat Requirements of Sage Grouse in Central Montana in cooperation with the BLM (Wallestad, 1975). This publication described the results of ten years of intensive research on the life history of sage grouse in the Yellow Water Triangle Area. The project presented findings that sage grouse do not adjust to new patterns of land use which eliminate or seriously disturb any of their seasonal ranges and that their existence depended on the ability and willingness to maintain vital habitat.

2005

- Montana Fish, Wildlife & Parks first management plan
- Management Plan finalized.
- Important sage grouse habitats mapped.
- FWP ramped up conservation efforts: local working groups, leasing key habitats, conservation easements.

2009

- Montana Fish, Wildlife & Parks delineates core areas based on lek density, telemetry data, and habitat suitability.

2010

USFWS decided sage grouse warranted listing under ESA range wide but did not due to other higher priorities.

- Sage grouse a “candidate” species for listing [listing was warranted but precluded].
- Key threats: habitat loss, fragmentation, inadequacy of state regulatory mechanisms, energy development infrastructure, invasive species, conversion, etc.
- USFWS decision challenged in federal court.

2011

- USFWS entered a legal settlement agreement requiring it to conduct status review.
- Decision whether to list sage grouse range wide due by Sept. 30, 2015.
- Montana’s only “official” conservation efforts was the 2005 FWP Management Plan and its implementation; not considered a robust enough regulatory mechanism; new research and science available since 2005 and new or expanded potential threats to habitat and populations created need for Montana to update its plan and policies.
- Federal land management agencies initiate planning efforts specific to sage grouse.

2013

Governor Bullock convened the Greater Sage Grouse Conservation Advisory Council.

- Diverse stakeholders asked to recommend conservation measures to address threats; met nine times.
- Shared goal: conserve the bird and habitats to preclude the need to add sage grouse to the federal ESA list of threatened and endangered species.
- USFWS indicated that Montana’s strategy must provide certainty to the USFWS that it will be implemented and that, once implemented, it will be effective in protecting habitat and conserving populations.
- Significant public involvement; seven public hearings; 34-day written comment period
- Completed work and made final recommendations to the Governor January 29, 2014

2014

Governor Bullock issued Executive Order 10-2014 in September, setting forth Montana's Conservation Strategy.

- Based on the Advisory Council's 2014 recommendations.
- Establishes regulatory mechanisms to guide development, address habitat threats.
- Creates Sage Grouse Habitat Conservation Program (Program).
- "All hands, all lands, all threats".
- Conserve sage grouse and habitats.
- Maintain flexibility and authority to manage Montana's own lands, economy, and wildlife.
- Very similar to Wyoming's Strategy, which USFWS already accepted.

2015-2016

Montana Legislature passed the Greater Sage Grouse Stewardship Act, effective May 2015.

- Created the Montana Sage Grouse Oversight Team (MSGOT).
- Established the Sage Grouse Stewardship Fund (Fund).
- Appropriated \$10M for the Stewardship Fund Grant Program to conserve habitat, incentivize private land stewardship, create advance pool of compensatory mitigation credits.
- Biennial appropriation to implement Montana's Conservation Strategy through the Program.
- Demonstrated Montana's commitment to implementation.
 - Statutory framework complementing Executive Order.
 - Financial through appropriations.
 - Ability and capacity to implement Conservation Strategy.

Governor Bullock issued Executive Order 12-2015 on September 8, 2015.

- Recognized passage of the Montana Greater Sage Grouse Stewardship Act.
- A few updates to Executive Order 10-2014.
- Program fully operational in all respects no later than January 1, 2016.

Program Manager started September 9, 2015.

- Begin implementation of Conservation Strategy.
- Program reports to MSGOT; administratively attached to DNRC; DNRC provides critical services and efficiencies for administrative, fiscal, legal, and computer support.

USFWS announced decision that listing was "not warranted" range wide on Sept. 22, 2015.

USFWS Published "Not Warranted" Final Rule Oct. 2, 2015.

- Threats reduced from 2010 by State Conservation Strategies and federal land use plans and amendments (BLM and USFS).
- Follow through on commitments critical to future decisions on status.
- Status review in 2020 to see if the states and federal land management agencies implemented their respective commitments and whether the strategies were effective at conserving populations and habitat.

Many 2015 BLM and USFS land use plans litigated, in Montana and elsewhere; ongoing.

USFS land use plan on the Beaverhead-Deer Lodge National Forest implemented in Montana; litigated elsewhere.

USFWS adopted 2 mitigation policies through rulemaking

- USFWS Final Mitigation Policy ("umbrella") published in the Federal Register November 21, 2016 with an effective date of November 21, 2016. Applies to USFWS federal trust fish and wildlife resources. (81 Fed. Reg. 83440).
 - Provided overarching guidance to USFWS for all actions for which USFWS has specific authority to recommend or require mitigation of impacts to fish, wildlife, plants, and their habitats (i.e. federal trust species).
- USFWS Final ESA Compensatory Mitigation Policy published in the Federal Register December 27, 2016 (81 Fed. Reg. 95316).
 - Applied to all forms of mitigation for all species and habitat protected under ESA for which USFWS has authority.
- USFWS revised requirements for petitions to list, reclassify, or delist species under ESA Section 4(b)(3) through rulemaking.

- USFWS revised the requirements for new petitions and published new rules on September 27, 2016 (81 Fed. Reg. 66462).
- USFWS revised a policy to increase state agency roles and participation in ESA activities and particularly ESA Section 4 (listing and recovery).
- USFWS revised a 1994 policy, published new regulations February 22, 2016 (81 Fed. Reg. 8663).

2017

U.S. Department of Interior issued Secretarial Order 3353 on June 7, which established the Sage Grouse Review Team to review federal sage grouse plan amendments and revisions completed on or before September 2015.

The Report in Response to Secretarial Order 3353 was forwarded to the Secretary of the Interior on August 4. The Report included recommendations for immediate implementation of short term recommendations, initiation of stakeholder engagement for revisions, and investigation of potential plan amendments. In some cases, recommendations were very specific.

On August 4, the Secretary of the Interior directed that the recommendations in the Report in Response to Secretarial Order 3353 be implemented.

The U.S. Department of Agriculture separately decided to follow a parallel process to consider amending the USFS land use plans and amendments specific to sage grouse. The USFS accepted public scoping comments from November 21, 2017 through January 19, 2018.

On October 11, BLM publishes a Notice of Intent to amend all, some, or none of the land use plans that address sage grouse management in the Federal Register and requests public comment. Montana submits a letter in response to the published Notice of Intent. Scoping comments accepted through December 1.

On October 25, MSGOT Chair John Tubbs provided both written and oral testimony to the U. S. House Committee on Natural Resources during a hearing entitled "Empowering State-Based Management Solutions for Greater Sage-Grouse Recovery." The testimony focused on Montana's perspectives on how Congress and the federal Administration can most effectively empower state management for Greater Sage-grouse.

2018

USFWS approved TNC Candidate and Conservation Agreement with Assurances (CCAA), a voluntary habitat conservation tool for private lands.

- Provides assurances to landowners in a CCAA that they will not be subject to additional limits on agricultural practices should sage grouse become listed under the ESA in the future.

In January, BLM releases the Scoping Report for Potential Amendments to Land Use Plans Regarding Greater Sage-Grouse Conservation. The USFS released its public scoping comment summary in March.

January – February: The BLM Washington Office completed and issued six new Instruction Memoranda (IMs) with relevance to sage grouse habitat and land use plans / amendments.

In February, in consultation with Montana, the Montana/Dakotas BLM Office and the Beaverhead Deerlodge National Forest decided not to amend their respective land use plans / amendments aimed to conserve sage grouse. It was decided to address any implementation challenges through adaptive management, administrative tools, employee training, and local guidance.

In May, BLM released draft land use plan amendments for sage grouse and draft environmental impact statements for the states of Colorado, Idaho, Nevada/California, Oregon, Utah, and Wyoming. No amendments were proposed for the state of Montana. Through the remainder of 2018, BLM works on public comment analysis, and drafting final plan amendments, final environmental impact statements, and records of decision. No documents were released by the end of calendar 2018.

From October 2018 through January 3, 2019, USFS conducted public meetings and accepted public comments on draft environmental impact statements for the states of Colorado, Wyoming, Nevada, Idaho, and Utah.

In December, BLM released Instruction Memorandum 2019-018 on compensatory mitigation, superseding all previous policies regarding compensatory mitigation. The IM allows BLM to consider voluntary proposals for compensatory mitigation and to consider state-mandated compensatory mitigation but prohibits BLM from requiring mitigation from public land users for any impacts attributed to their activity/ies. The BLM must refrain from authorizing any activity that causes unnecessary or undue degradation. The result is that for activities on BLM lands that do not require a state permit, compensatory mitigation is voluntary. If a state permit is required (in addition to BLM authorization), Montana's sage grouse mitigation framework is applicable to impacts on BLM lands.

In December, the Western Governors Association (WGA) unanimously adopted a policy resolution supporting compensatory mitigation.

2019

The BLM Montana-Dakotas State Office, in consultation with the State of Montana affirmed the 2018 decision not to amend the 2015 land use plans / plan amendments. The BLM and the State of Montana continue to work collaboratively to implement a well-coordinated "all lands, all hands" approach to sage grouse conservation.

State of Montana finalize a mitigation framework and habitat quantification tool and adopts final administrative rules. Rules took effect January 11, 2019. Montana's mitigation framework is implemented throughout 2019, based on the Oct. 2018 Montana Mitigation System Policy Guidance Document for Greater Sage Grouse v. 1.0 and the Oct. 2018 Montana Mitigation System Habitat Quantification Tool Technical Manual for Greater Sage-Grouse 1.0.

The Montana Legislature amends the Stewardship Act to codify some provisions of Executive Order 12-2015 and to adopt a statutory mitigation goal of "no net loss [of habitat], net gain [of habitat] preferred."

2021

Bureau of Land Management: On November 22, 2021, the Bureau of Land Management (BLM) issued a scoping notice seeking public comment on amendments to their 2015 and 2019 Greater sage-grouse conservation plans. The comment period for the public scoping will close on February 8, 2022. Final amendments are anticipated to be completed in 2023 or 2024.

For conservation benchmarks between 1965 and 2020, see the Montana Sage Grouse Conservation Benchmarks document located on the Program website (<https://sagegrouse.mt.gov/About#resources>).

2022

Bureau of Land Management: The Bureau of Land Management (BLM) held multiple public meetings in January 2022 and issued a final Scoping Report on amendments to their 2015 and 2019 Greater sage-grouse conservation plans on June 30, 2022.