

MONTANA SAGE GROUSE OVERSIGHT TEAM AGENDA ITEM BRIEF SHEET
APRIL 19, 2016

**AGENDA ITEM: PROGRAMMATIC EXCEPTION FROM CONSULTATION REQUIREMENT FOR ALL ACTIVITIES
WITHIN EXISTING INCORPORATED BOUNDARIES OF CITIES AND TOWNS**

ACTION NEEDED: REVIEW AND APPROVAL

SUMMARY:

Exceptions to the requirements for Sage Grouse Program consultation for state permitted activities, state authorizations, state grants, or state technical assistance are approved by the Montana Sage Grouse Oversight Team (MSGOT), not granted by the Sage Grouse Habitat Conservation Program (Program). Executive Order 12-2015 Attachment D sets forth the review process for consultation when a proponent seeks a permit, grant or technical assistance from the State of Montana.

Executive Order 21-2015 designates the sage grouse habitats to which Executive Order 12-2015 applies. From the outset, core area mapping efforts delineated important habitats containing the majority of active sage grouse leks. Delineation of general habitat areas and the connectivity area came later. The goal was to take an ecological landscape approach to address sage grouse habitat conservation needs. One limitation of a broad landscape-scale map, however, is that it does not lend itself to the fine scale implementation of Executive Order 12-2015. Finer scale mapping to carve out incorporated cities and towns was not done.

The Program recommends MSGOT grant a geographically-limited exception to the consultation requirements and stipulations for any activity that would wholly occur within the boundaries of incorporated cities and towns as of March 28, 2016, consistent with the most recent available data. Cities and towns do not provide sagebrush habitat for sage grouse – the land has already been converted to human-related land uses. Loss of habitat and surface disturbance and human activity levels already exceed tolerance thresholds for sage grouse. Not applying Montana's Executive Order 12-2015 regulatory mechanisms to areas within the boundaries of incorporated cities and towns will not exacerbate threats to sage grouse. Likewise, no conceivable sage grouse habitat restoration efforts would ever be undertaken. Applying the regulatory mechanisms would not actually reduce the threats to sage brush habitats.

Exurban areas outside incorporated municipalities would not be granted a programmatic exception because development patterns cannot be uniformly identified, delineated, and predicted in the same programmatic way as the existing boundaries of municipal incorporation. Further, the U.S. Fish and Wildlife has identified exurban development and expansion as a type of habitat loss and fragmentation. Consultation and stipulations would still apply outside incorporated boundaries and projects would be reviewed by the Program. The Program recommends no changes be made to the consultation process for projects proposed in exurban areas based on its experience reviewing many exurban projects to date. Review is not complex or time-consuming. The Program has completed its work and communicated results to proponents within a week of the project being submitted, and even faster in some cases. Lastly, exurban development features are defined and considered as existing disturbance in density disturbance calculations when analyzing projects proposed in core areas. The Program could consider mapping and trying to delineate exurban areas on its own at some point in the future when staff resources allow.

If approved, any activity that would occur within existing incorporated boundaries of Montana cities and towns would be not be required to consult with the Program prior to obtaining a state permit, grant, authorization, or technical assistance as required by Attachment D in Executive Order 12-2015. Stipulations would also not apply to areas within incorporated municipalities. MSGOT eliminate steps that have no conservation value to sage grouse or would ever contribute to restoration or mitigation.

PROGRAM RECOMMENDATION:

The Program Manager recommends MSGOT approve a programmatic exception from Executive Order 12-2015 consultation requirement for state permitted activities, state authorizations, state grants, or state technical assistance that would wholly occur within existing incorporated boundaries of cities and towns.

