

*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**

Tuesday, November 17, 2015 Meeting Summary  
DNRC Central Land Office Conference Room  
Helena, MT

**Note:** Pursuant to Senate Bill 261 Section 1 (2015 Montana Legislature), meetings of the Montana Sage Grouse Oversight Team (MSGOT) are to be recorded electronically. These summary minutes provide an abbreviated summary of the action taken and public comment. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. Access to the electronic copy of these minutes and the audio recording is provided from the Sage Grouse Habitat Conservation Program webpage hosted by the Montana Department of Natural Resources and Conservation at <http://dnrc.mt.gov/divisions/cardd/sage-grouse>. The agenda, summary minutes, MSGOT meeting materials, and audio recordings are listed by meeting date on the MSGOT Meeting Archive webpage.

**Members Present**

Tim Baker, Governor's Office  
Pat Wise, Deputy Director, on behalf of Mike Tooley, Montana Department of Transportation Director  
Rick Northrup, Habitat Bureau Chief, on behalf of Jeff Hagener, Montana Fish, Wildlife & Parks Director  
John Tubbs, Montana Department of Natural Resources and Conservation Director  
Tom Livers, Montana Department of Environmental Quality Director  
Jim Halvorson, Montana Board of Oil and Gas Administrator  
Diane Ahlgren, Rangelands Resources Committee (by video)  
Senator Matt Rosendale, Glendive Montana  
Representative Mike Lang, Malta Montana

**Staff Present**

Tim Baker, Governor's Office, Chairman  
Carolyn Sime, Sage Grouse Habitat Conservation Program, Program Manager

**Call to Order**

00:00:29 Mr. Baker called the meeting to order.  
00:00:50 Montana Sage Grouse Oversight Team introductions.

**Business Considered**

00:03:20 Mr. Rosendale made a motion to approve the minutes of the September 18, 2015, meeting. The motion was seconded by Mr. Tubbs and carried unanimously.

**Updates**

00:04:15 Ms. Sime gave an update on the Program's efforts to implement Executive Order No. 12-2015. The two main areas of focus have been developing the draft proposed rule for the Stewardship Fund Grant Program and the density

disturbance calculation tool (DDCT). Department of Natural Resources and Conservation (DNRC) staff have been working closely with Wyoming colleagues. The Density Disturbance Calculation Tool (DDCT) will be on the Sage Grouse Habitat Conservation Program's web page hosted on the DNRC website. Maintenance and technical support would be provided by DNRC which entails hiring a GIS manager dedicated to the program, and contracted services as needed. DDCT users would log into the DDCT through e-pass (an mt.gov web tool). E-pass requires users to create individual accounts and it also provides a secure log in process to access the DDCT. Other activities include working with Department of Environmental Quality (DEQ), Montana Department of Transportation (MDOT) and DNRC Trust Lands Division to discuss specific projects and assist in their efforts to move towards full implementation of the Executive Order. Ms. Sime attended the Charles M. Russell Community Working Group and will attend the Big Hole Watershed Group meetings. Ms. Sime will also spend several days with Wyoming colleagues in early December. A list-serve was created on the program web page for interested parties to sign up to receive updates and announcements via email.

00:16:58 Mr. Halvorson stated oil and gas activity is at a historically low level. He outlined efforts to identify what types of oil and gas related activities fall within the scope of the Executive Order, how many wells are in designated sage grouse habitats, and determine current operators that need to be made aware of upcoming requirements. Mr. Halvorson will send a letter to identified operators in the near future. He indicated a need to reach out to operators and suggested hosting an informational meeting in Billings.

00:24:15 Mr. Tubbs summarized action taken by the Land Board to implement Executive Order 12-2015 on state school trust lands in designated sage grouse habitats during its meeting November 16, 2015. By a vote of 5-0, the Land Board adopted the strategy outlined in the Executive Order for managing trust lands in designated sage grouse habitats and directed DNRC to seek grants and credits for the benefit of any affected trust beneficiaries, pursuant to the unanimously approved motion authorizing DNRC to seek grants and credits during the Land Board's October 21, 2015 meeting. Also by a vote of 5-0, the Land Board adopted a prohibition of native range breaking and sagebrush eradication, with a waiver to allow review and approval of requests to break small areas 20 acres or less in size to square up field edges and to accommodate today's larger farm equipment or when installing a pivot irrigation system (which are few in number). The Land Board adopted evaluation criteria and corrective action plans for grazing leases in core and connectivity areas, while directing DNRC to seek grants and credits as compensation to the trusts for the protective measures called for under the Executive Order, pursuant to the unanimously approved motion authorizing DNRC to seek grants and credits at the October 21, 2015, Land Board meeting.

00:30:23 Deputy Director Wise reported that Montana Department of Transportation (MDOT) has been working closely with the Program, DEQ, and the Montana Contractor's Association to better understand the Executive Order, its requirements and ways to move towards implementation. MDOT may need to

extend permitting timelines to accommodate the Executive Order special provisions related to seasonal and noise restrictions.

- 00:33:30 Mr. Livers reported DEQ has 12 permitting programs, each having different statutory and administrative rule frameworks. Some permitting programs have tight statutory timelines to review and issue permits. Efforts are ongoing to tailor the agency's work under each program to implement the Executive Order. DEQ continues to work with the Program and MDOT. DEQ anticipates rulemaking through the Board of Environmental Review. Training DEQ employees and outreach to the regulated community is important. DEQ and the Program will finalize a Memorandum of Understanding (MOU).
- 00:42:44 Mr. Northrup reported that Fish, Wildlife and Parks (FWP) has been assisting the Program by providing access to data for DDCT development and will sign a Memorandum of Understanding (MOU) with the Program clarifying data use. FWP has a research project investigating livestock grazing in the Roundup area and is collaborating with researchers in Utah and Idaho conducting similar research. FWP is involved with collaborative efforts led by the Western Association of Fish and Wildlife Agencies to refine sage grouse monitoring methods to develop statistically valid ways to monitor populations and determine the effectiveness of conservation strategies. FWP's Habitat Program will have a call for projects in early 2016 and may seek Montana Sage Grouse Oversight Committee endorsement for projects that benefit sage grouse. FWP is also collaborating with Bureau of Land Management (BLM) on monitoring. Sage grouse survival and productivity in 2015 was reported to be favorable.
- 00:49:58 Ms. Algren reported she has been networking in the landowner community to seek their input. Ms. Algren is hearing some concerns about implementation of the BLM plans and indicates there should be more landowner representation on MSGOT.
- 00:55:12 Mr. Lang stated there is an upcoming BLM meeting in Malta on December 16, 2015, and requests Ms. Sime or someone representing the Program attend. Mr. Rosendale reported he has been looking into cost estimates for extended multi-year predation studies as well as predator control and the impacts of predation need to be addressed.

### **Partner Updates**

- 00:58:34 Ms. Bush, Field Supervisor for Montana USFWS, reported USFWS published its "not warranted for listing" decision in the Federal Register on October 2, 2015. Key to USFWS's decision is the commitments and efforts made to date by the western states (including Montana) in their respective conservation strategies, along with commitments made by the BLM and USFS in their land management plans. USFWS determined that threats have been ameliorated. Follow through on those commitments is important and will inform future USFWS decisions in response to petitions to list sage grouse or during its own status review which the USFWS will do within five years. USFWS has no regulatory authority, but offers technical assistance and dedicated staff to work on Montana's habitat mitigation framework and candidate conservation agreements.

- 01:05:28 Mr. Tackett, Acting Montana Natural Resource Conservation Service (NRCS) Sage Grouse Administrative Coordinator reported there will be \$211 million available for the Sage Grouse Initiative across 11 western states through 2018, however Montana's allocation has not yet been announced. Montana Sage Grouse Initiative priorities include conservation easements, grazing systems, smaller projects such as conifer encroachment, and wet meadow restoration.
- 01:28:50 Mr. Carlson, Bureau of Land Management (BLM) Montana State Office, gave a PowerPoint presentation summarizing BLM new land management plans and key provisions for sage grouse. See Handout 1. Mr. Eric Johnston, U.S. Forest Service Regional Office, was not present but provided a written update. See Handout 2.

### **New Business and Action Items**

- 02:03:57 Ms. Sime introduced the proposal notice and draft rule for the Stewardship Fund Grant Program (see Handout 3). Discussed were the Stewardship Fund Grant Program and where it fits within the overall conservation strategy as well as how it is linked to mitigation by generating credits (see Handout 4). Ms. Sime provided an overview of MCA § 76-22-102 (Legislative Findings and Purpose), MCA § 76-22-105 (Montana sage grouse oversight team – duties – powers), MCA § 76-22-109 (Sage grouse stewardship account), and MCA § 76-22-110 (Grants – eligibility) (see Handout 5). The proposed rule is very general as the 2015 Montana Legislature provided detailed statutory direction and administrative rules should not repeat what has already been provided by statute. Two step-down documents are likely needed and are being drafted: (1) a guidance and procedures document that contains the statutory details and establishes the application process used by the Program; and (2) a template application. These step-down documents will be presented at MSGOT's December 15, 2015, meeting for discussion and endorsement. MSGOT discussed the draft rule, eligibility to apply, types of projects that are eligible for funding, how the program will accept applications (electronically through Montana's web grants online system vs. paper), location of public meetings, and duration of public comment period. Ms. Ahlgren suggested moving to change the public meeting from Lewistown to Roundup or Forsyth.
- 02:53:45 Mr. Tubbs made a recommendation to change the wording of the rule for online submission of grants being the preferred submission, and paper application secondary. Mr. Tubbs then moved to relocate next public meeting location to Roundup, Montana, and application process for online web grants be submitted online as primary, paper submission secondary, and extending public comment to January 22, 2016. The motion was seconded by Ms. Ahlgren.
- 02:58:30 Public Comment on the Motion:  
Mr. Dyrk Van Hyning suggested adding questions about monitoring and habitat to the application.
- 03:01:02 The motion as stated above carried unanimously. Directors Hagener and Tooley voted by proxy.

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03:01:53 Mr. Rosendale provided an example of the Montana Senate proxy voting form and suggested MSGOT amend as necessary for MSGOT use (see Handout 6). Mr. Rosendale moved to approve utilizing the amended proxy form. The motion was seconded by Mr. Tubbs and carried unanimously.

03:03:29 Mr. Baker set future meeting date of February 19, 2016 via teleconference. Future meeting dates will be set at that time.

**General Public Comment**

03:09:02 Dyrck Van Hyning

03:17:12 Nancy Shultz, Gallatin Wildlife Association

03:25:50 Dave Galt, Montana Petroleum Association Executive Director

**Adjournment**

03:27:40 Adjournment

/s/ Tim Baker  
Tim Baker, Chairman MSGOT