

*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, December 15, 2015 Meeting Summary  
Montana State Capitol, Room 172  
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 <https://sagegrouse.mt.gov>. 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  
Senator Matt Rosendale, Glendive Montana  
Representative Mike Lang, Malta Montana  
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  
Mike Tooley, Montana Department of Transportation Director  
Diane Ahlgren, Rangelands Resources Committee (by video)

#### **Staff Present**

Carolyn Sime, Sage Grouse Habitat Conservation Program, Program Manager  
Mark Bostrom, DNRC Conservation and Resource Development Division Administrator

#### **Call to Order**

00:01:47 Mr. Baker called the meeting to order.  
Montana Sage Grouse Oversight Team introductions.

#### **Administrative Matters**

00:04:37 Mr. Livers moved and Mr. Tubbs seconded the motion to approve the draft summary minutes of the November 17, 2015, meeting. The motion carried unanimously. Future meeting dates, February 19, April 19, and May 24

#### **Updates**

00:08:27 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). Changes have been made to the proposed grant rule as approved by MSGOT at the November 17, 2015 meeting. The changes were to move the meeting that was proposed in Lewistown to Roundup.

Also adjusted the language for electronic submission of grant applications through the Web Grant tool and extended public comment period to January 22, 2016. Submitted the rule to Secretary of State's office and it was published on December 10, 2015 in the Montana Administrative Register, Notice 14-3 starting on page 2125. The step-down documents are: a procedures document for MSGOT and the Sage Grouse Program, an application, and a draft guidance document collects all information spread throughout the Stewardship Act into a single document for reference. Public comment closes January 22, 2016. Public meetings are scheduled for January 6 in Malta, January 7, in Roundup, and January 11 in Dillon. Met with lead on Webgrants and will be able to develop applications the website and receive applications in that format instead of paper form. Will be continuing to develop and will likely involve contracted services. Had two (2) conference calls with NRCS to investigate ways to adapt and sync each state program and NRCS program for application deadlines with the purpose to maximize conservation benefit. Discussed possibility for the Sage Grouse Initiative Science Team to update the Program on the latest research.

00:25:25 Mr. Germaine demonstrated the ongoing development of the DDCT as a user would experience it. The three main (3) main components: a webpage interface for project proponents to insert their projects and submit them, a map interface to get project areas, and a report analysis. The data are is private, nobody can go in and see others proposals and is submitted to the "backend". The core area will be outlined on a map and if they are close to the boundary they will have to check. Only future activities are the ones being captured. Someone who enters information will receive an email message with a confirmation number so they know that their information is in the system. The Program then will pick up the information. If the project is proposed in core habitat, the DDCT is run and the consultation process between the applicant and the sage grouse program begins.

Phase 2 involves revisions to improve the tool using up-to-date, secure, and stable code. This is likely to involve an RFP and will be in collaboration with Wyoming, which also plans updates. A significant challenge is to develop the existing disturbance layer for the GIS analysis. DNRC may also use an RFP process to build that layer. [Handout 1].

### **Reports from MSGOT Members**

00:44:43 Mr. Tubbs reported that DNRC has been working hard internally to prepare for full implementation with the Trust Lands Management Division, Water Resources Division, and throughout the rest of the agency. Mr. Tubbs thanked the IT, Legal, Trust Lands, Board of Oil and Gas, and GIS staff for their hard work and efforts to meet the January 1 deadline. Reached out to agencies and have worked with Governor's Office of Economic Development which has the main street business tool and the Sage Grouse Executive Order will be integrated into it. Also planning outreach with state agencies for people seeking permits and asking state departments for assistance in the program.

00:48:37 Ms. Ahlgren reported that she learned from Wyoming landowners that local sage grouse working groups are active and suggested it would be helpful in Montana. She attended the Montana Association of Conservation Districts (MACD) annual

meeting and they passed that a resolution in support of predator control to benefit sage grouse passed. Two (2) technicians will be starting in February 2016 to work with the Natural Resources Conservation Service (NRCS) and MACD to assist with ranch planning and monitoring.

- 00:51:00 Sen. Rosendale stated the importance of focusing on defining exempt areas and activities so they know up front if they are eliminated from going through the process and differentiating between core and general habitat to know what category they would fall under, or if they would be exempt altogether.
- 00:51:45 Mr. Hagener reported that FWP has been assisting the program by providing data. Mr. Hagener summarized the status of a proposed translocation of Montana sage grouse to Alberta to bolster a population within 10 miles of the border. The birds move back and forth. FWP prepared an Environmental Assessment and has been taking public comment. The FWP Commission would take final action in February 2016.
- 00:58:24 Rep. Lang asked about the EA of translocation. Concerned with moving 120 sage grouse from Southern Phillips and Valley County and not sure it is the proper time to be moving the birds. Need to acknowledge predation.
- 01:02:16 Sen. Rosendale reported he is still gathering information. Received the 2014 Habitat Conservation Advisory Council Report and is able to share that information with others that have concern about the effects of predation. There hasn't been any good comprehensive long-term studies done and seems like most of the information gathered on the effects of predation have been fragmented and only short-term studies. Trying to make sure he can share and report that information and the information from Mr. Hagener about what his department is doing and what will be monitored and studied so there no duplication of efforts.
- 01:03:30 Mr. Tooley reported that MDOT has been reviewing their project development list to see what projects may be effected by the Executive Order. Looking into a project that is to be let out for bid in 2018 that was placed in design in 1999. Part of its purpose was to reclaim wetlands and to avoid further complications with other environmental issues. May submit an application to this group for consideration. Working with DNRC to help them fully understand MDOT's project development process in trying to avoid these types of situations and avoiding harming wetlands and/or core sage grouse areas. Continue supporting DNRC with development of GIS capabilities.
- 01:12:24 Mr. Halvorson reported that current commodity prices in oil and gas are so low, so not seeing any new proposals. Mailed a letter (subsequent to the 11-17-15 meeting) to identified operators in designated sage grouse habitats. A few calls and questions have been received. Carolyn Sime will attend the next Montana Board of Oil and Gas meeting on February 10, 2016.
- 01:14:28 Mr. Livers reported that DEQ has several GIS assisting tools that are used internally and externally and by January 1, 2016 all those tools will have sage grouse GIS layers. Developed some standard language that will be included in

EA's and looking at rulemaking. Have not started on the rulemaking as it's complex, so still reviewing as we don't want to pass rules unnecessarily.

01:17:35 Mr. Baker reported he traveled to the WGA Sage Grouse Task Force meeting in Denver. Representatives from 11 western states exchanged information. Attended presentation by Denbury about work they are doing in mitigation, habitat quantification, and hopeful that will be coming forward. Governor anticipates filing comments on the BLM mineral withdrawal called for in the BLM plans. Governor previously filed consistency letter and questioned the need for that mineral withdrawal.

### **Federal Agency Partner Updates**

01:20:07 Ms. Jodi Bush stated the U.S. Fish and Wildlife Service (USFWS) role is to provide technical assistance to state and federal agencies. Not much going on.

01:20:59 Mr. John Hagengruber stated the U.S. Forest Service is moving forward with implementation of sage grouse amendments. Goal is to develop a state-wide interagency implementation approach.

01:22:09 Mr. Kyle Tackett from NRCS is not present. He passed along two (2) press releases. [Handout Two (NRCS Makes \$50 million Available to Help Ranchers Restore Sage-grouse Habitat) and Handout Three (NRCS Montana Extends Funding Application Deadline for Agricultural Land Easement Program)].

01:22:53 Mr. John Carlson from BLM was not present, no report.

### **Informational Items and Presentations**

01:23:20 Mr. Rick Northrup from Montana Fish, Wildlife & Parks gave a presentation on sage grouse biology and sage brush habitat. Sagebrush grasslands are largely privately owned in Montana so NRCS and private landowners are important in Montana sage grouse conservation. [Handout 4].

01:42:40 Ms. Catherine Wightman from Montana Fish, Wildlife & Parks gave a presentation on sage grouse conservation issues specific to Montana. Biggest conservation issues are habitat loss, fragmentation, and degradation. Widespread issues have population impacts on sage grouse: agricultural conversion, energy development, wind power potential, and infrastructure. Local issues include livestock grazing, wildfire and invasive species, conifer encroachment, urban development, predation, and disease. [Handout 5].

02:12:11 There are key biological differences between Montana and Wyoming in sagebrush and sage grouse. Wyoming has higher density levels of sage brush. Montana does not have those levels of sage brush, but has higher range conditions and is of higher quality. In 2013 Wyoming saw an increase of sage grouse, Montana did not and the population will continue to be monitored.

02:17:18 Mr. Jeff Burglund from USFWS gave a presentation on USFWS mitigation perspectives. [Handout 6].

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2:48:53 Ms. Carolyn Sime provided an overview of the proposed grant rule and the step-down documents. Special Revenue Account created for projects with \$10 million in appropriation. The Grant Program is linked to the mitigation part to generate credits and to be self-sustaining. In the first six months of 2016, will be focusing on mitigation action of credits and debits. See Sage Grouse Stewardship Fund Grant Program, Frequently Asked Questions. [Handout 7].

Step down documents are: (1) MSGOT Procedure 01-2016 document, where MSGOT establishes its own procedures and provides direction to the Program for consistency and transparency; MSGOT should consider adopting it during the Feb. 19, 2016 meeting [Handout 8]; (2) Eligibility and Evaluation Criteria Guidance document contains the statutory references to the grant program to assist MSGOT, the Program, and potential applicants [Handout 9]; (3) draft grant application and instructions based on the Stewardship Act and applications used in Wyoming for the Natural Resource Trust Fund and for local sage grouse working groups [Handout 10].

### **General Public Comment**

03:23:24 Dave Galt, Executive Director, Montana Petroleum Association  
03:27:11 Jeff Tiberi, Montana Conservation Districts  
03:27:35 Glenn Marx, Executive Director, Montana Association of Land Trusts

### **Adjournment**

03:29:09 Adjournment.

/s/ Tim Baker

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Tim Baker, Chairman MSGOT