

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

Thursday August 31, 2017 Meeting Summary
Montana State Capitol, Helena, Room 152

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

John Tubbs, Montana Department of Natural Resources & Conservation, Director
Martha Williams, Montana Department of Fish, Wildlife & Parks, Director
Tom Livers, Montana Department of Environmental Quality, Director
Jim Halvorson, Montana Board of Oil and Gas, Administrator
Diane Ahlgren, Rangelands Resources Executive Committee
Senator Mike Lang, Malta, Montana
Patrick Holmes, Montana Governor's Office
Mike Tooley, Montana Department of Transportation, Director -Voting by Proxy
Casey Knudsen, Representative HD 33 -Voting by Proxy

Staff Present

Ms. Carolyn Sime, Sage Grouse Habitat Conservation Program, Manager

Call to Order

00:00:13 Director Tubbs called the meeting to order.
00:00:21 Montana Sage Grouse Oversight Team Introductions.
00:03:15 Director Livers moved to approve the minutes. Director Williams seconded. Motion passed unanimously; Rep. Knudsen and Director Tooley voted aye by proxy.

Update on Implementation of Executive Order No. 12-2015

00:04:02 Director Livers provided the agency update for the Montana Department of Transportation (MDT), on behalf of MDT Director Tooley. MDT continues to work with the Program to develop clear guidelines related to MDT projects and Program review. MDT staff met with Program staff on Aug 4, 2017 to discuss MDT obligations under the Program. Until clear guidelines are developed, MDT will submit all projects that fall within sage grouse designated habitat. The Program will provide training to MDT environmental staff regarding the online project submittal process. MDT will provide the Program with a list of typical construction activities and meet with the Program to discuss how these activities may or may not impact sage grouse. MDT will invite Program staff to onsite field visits of MDT projects in progress. MDT has submitted 21 projects to date.

Director Livers and DEQ update: One of the first major DEQ projects coming up includes the Spring Creek Haul route. At the last MSGOT winter meeting DEQ requested approval of a process that would consider federal CCAA conservation actions to help identify and develop mitigation measures. The Program, DEQ and the company are working on it. DEQ will present these recommendations at the October 2017 meeting. This timeframe is critical to DEQ to keep the process on track with the MEPA process.

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- 00:07:00 Kristi Ponozzo, DEQ Public Policy Director: Provided overview of DEQ projects submitted since January 2016 and anticipated that may bring some types of projects for proposed exceptions to MSGOT in October. DEQ is working on updating general storm water permits.
- 00:10:08 Chris Cronin, DEQ Opencut Bureau, Section Supervisor: Provided overview of Opencut projects submitted to the Program. They are working to resolve challenges through joint meetings and communication with the Program and a variety of stakeholders. Guidance documents, applications and pre-meetings are designed with sage grouse in mind. Recommended establishing a technology standard that would allow a proponent to provide the same spatial data to both Opencut and the Program.
- 00:17:26 Director Tubbs: Asked about process Opencut follows if a gravel operator needs to move a location to avoid impacts to sage grouse.
- 00:18:03 Mr. Cronin: Not aware of this ever happening.
- 00:18:28 Ms. Sime: The Program works with proponents to reduce impacts that might include seasonal access or time of day recommendations. The Program is learning more about how MDT and Opencut permitting processes intersect.
- 00:19:56 Director Livers: Pleased with both programs working cooperatively to accommodate Opencut's tight deadlines.
- 00:21:18 Administrator Halvorson: Expects the MTBOG 2017 applications for permits to drill new wells to be slower than 2016.
- 00:22:18 Director Williams: Final lek count numbers, average 30.3 at leks across the state. These numbers are down from 2016 but well above the long term average. Expect drought conditions will contribute to lower spring 2018 recruitment. FWP is working with Dr. Paul Lucas and will have an update at the October MSGOT meeting.
- 00:23:38 Director Tubbs: Agency focus is on fires. The Lodgepole fire only burned a small amount of sage grouse Core Area habitat. Processing water rights permits on trust lands.
- 00:25:22 Senator Lang: Expressed concern the Program is at snail's pace completing the HQT. HQT is very important and should be Montana-based. Pointed out sage grouse populations are based on trends, and we should be looking at what makes trends move up and down. When in a drought situation, we should allow for more flexibility in applying seasonal limitations to projects to avoid fire risk. Believes there hasn't been consistency with the same standards being applied to all projects. Wants to see a report showing how many applications were allowed or denied. Believes there are discrepancies in lek data for historical active and non-active leks. Believes the application process is getting better but expressed concern about lack of legal descriptions.
- 00:30:55 Ms. Ahlgren: Has not been focused on sage grouse lately. Landowners appreciate agency assistance with the fires. Amazed that more sage grouse habitat wasn't lost to fires.
- 00:31:53 Director Tubbs: Agency is working to bring in more resources for restoration and the Program may be able to help.
- 00:32:17 Mr. Holmes: Had no report but wanted to acknowledge need to move quicker on the HQT. The Program is doing a better job integrating consistency and efficiency.

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00:33:11 Director Livers: Opencut is a good example where it is the agencies responsibility to conduct follow up inspections. Better GIS coordination will head off acre discrepancies in the future.

00:34:39 Ms. Sime: Indebted to DNRC who provides tremendous support. Working out bugs with project status summary report. Response time is still over 90% and responding within 7 days. New website brings greater efficiencies to the review process. MSGOT packet includes the Program's Annual Report covering September 2015 to December 2016. The report includes background that should cover Senator Lang's concerns. The Annual report is an important administrative document of what the Program is doing and provides a track record for implementation for the U.S. Fish and Wildlife Service (USFWS) 2020 status review.

Stewardship Funds Grants: The Montana Land Reliance informed the Program that it found alternative funding for the Troy Smith conservation easement and withdrew their request for Stewardship Account funds. That money now becomes available for future grant cycles.

The other conservation easements that were funded by MSGOT are in various stages of the process and we are working with the land trust organization grant recipients and landowners. None are expected to close prior to the end of the calendar year. Once EA's are done that address the easement themselves, the public will be given an opportunity for comment.

Comments on the May versions of the mitigation documents were provided to MSGOT in May and Willamette Partnership and SWCA provided an overview at the June MSGOT meeting. At that meeting, Director Tubbs requested an additional opportunity for agency comment. SWCA and Willamette Partnership took all comments and did another write through. The most recent comments, to the July draft, will be provided to stakeholders and were provided to MSGOT at this meeting today. Stakeholder comments on the HQT include a few key things that are being worked on such as: how unsuitable habitat will be accounted for and how to account for indirect benefit on the credit side (the direct footprint and indirect effects are captured on debit side but not credit side). Another area being looked at is field sampling that would allow computer results validation. Field sampling would capture things that are difficult to model. Still trying to determine what to collect and if it would be mandatory or optional. Need to determine the duration for baseline on credit projects that are in perpetuity and assign a numeric value for number of years. Also, we are still thinking about how and when to incorporate adaptive management principles and update data layers. Comments on the Guidance document were very substantive and diverse. Issues included: When is compensatory mitigation required? What does "less rigorous" mean in the Executive Order for General Habitat and what are the mechanisms? What is the best way to account for landscape setting for a credit project? For example, cultivation five miles away could have indirect impacts such that the credit site may not provide as high quality habitat as if the cultivation were not there. A key issue is multipliers—what are the appropriate percentages to incentivize and disincentives certain practices? Multipliers can be used on the development side to help folks plan. Other important questions are: What the mitigation standard should be and what do you call it (net conservation gain or net benefit)? What is the appropriate value for avoided loss? What is the most appropriate way to account for risk and uncertainty? You can predict or plan for some things, but there are things you can't plan for. Service area boundaries was a key issue, and we are talking about whether they should they be smaller. What mechanism would be in place when no credit is available in a service area? Should Montana allow credits in other states? Split estate has certain legal underpinnings. How should state and other entities work together? Should federal plans be changed to match the state? Should we have dynamic credits?

Moving forward on the HQT document, the Program will work with SWCA to incorporate July comments into the draft document. The focus will shift to implementation and transferring the computer GIS model from SWCA computers to a state computer. Once the Program understands how it works, Program would finalize the document, which would include official review by MSGOT, public comment and final rule making.

Moving forward on the Guidance document, the Program will need to finalize it. Willamette Partnership has concluded their part but remains willing to assist. The Program should be able to finish rule making by the end of 2017 or within the first 6 months of 2018, depending on the timing and how long it takes for resolution of outstanding issues. The Program acknowledged Rusty Shaw and stakeholders, who have been working on this for about a year. Other states have taken far longer.

- 00:55:06 Senator Lang: Asks if there is a financial statement for the Program expenditures. On July 1, the Program received two million dollars. Sen. Lang wants to know what the liabilities are for the easements MSGOT funded. Sen. Lang requested an explanation of how many projects were cancelled, approved or disapproved and referred to the Annual Report, pages 21-25.
- 00:56:47 Ms. Sime: With respect to financial liabilities for what MSGOT has funded, the June 2 meeting packet included commitments from the Stewardship Account. Also, Table 8, page 37 of the Annual Report included a summary of commitments as of December 2016. Budget information about the Program can be provided separately.
- 00:58:00 Director Tubbs: Plan to have updated tables prior to the next MSGOT meeting.
- 00:58:55 Ms. Sime clarifies that cancelled projects are those projects that the proponent withdrew. The proponent changed their mind and decided not to go forward. The Project proponent makes the decision to cancel the project. The Program records this information to capture staff time and reflect various project types.
- 00:59:43 Senator Lang: Asked for further clarification about whether cancelled meant the proponent needed a sage grouse permit to go on but the proponent decided to cancel it.
- 00:59:55 Ms. Sime: The project could be located outside of sage grouse habitat, for example, and the proponent decided to cancel it because review was not required.
- 01:00:10 Director Tubbs: The tables on page 27 show sage grouse habitat and projects would be limited to that habitat type.
- 01:00:26 Director Williams: Asks if the project withdrawn because the landowner found other funding would follow under the cancelled project type.
- 01:00:43 Director Tubbs: That is a different side of it because that was an easement.
- 01:00:58 Senator Lang: Confused about the actual numbers and would like to sit down and discuss this later.

Update, Federal Agency Partners

- 01:01:42 USFWS – Jodi Bush: Office Supervisor: Some mitigation policy actions and guidance policy the service has been party to have been held back. The November 2015 Presidential memorandum on mitigation and 2013 Secretarial Order policies will go out for new public comment. Guidance documents that help the FWS think about mitigation. Those include the Greater Sagegrouse Range wide Mitigation Framework, the FWS Mitigation Policy, Compensatory Mitigation Policy and interim guidance on implementing the final ESA and Policy regarding voluntary pre-listing conservation actions. All of these

documents are being reconsidered by the National office but the FWS is being allowed to implement them until they are directed otherwise.

The FWS has a policy for candidate conservation agreements and the FWS has revised the policy to make it easier. That policy will be reopened for public comments. The service is also working with the Crow nation on sage grouse mitigation.

- 01:05:30 USFS – Mary Manning, Regional Office, Missoula: The only Plan amended was the Beaver Head Deer Lodge National Forest Plan. The Custer Gallatin has not amended their Plan but they are working on a revision where sage grouse is considered a species of conservation concern.
- 01:06:28 USFS - Betsy Herman, Staff Officer for Resources and Planning, Beaverhead Deer Lodge National Forest: The USFS amended their 2009 forest plan in 2015 to incorporate new standards and guidelines relative to sage grouse. Habitat assessment and monitoring is being done. Two restoration projects are being conducted with forest funding and include conifer encroachment. Pintler Face project draft EA should be out for public comment next month. The Green Horn Vegetative restoration project EA will be out for scoping in the next month. The USFS is doing allotment plan revisions, with a draft EIS in Priority Habitat. Assessments are being done in the Dillon district in preparation for allotment plan revisions there in the next couple of years. The district is looking at conifer encroachment as the main habitat enhancement measure. They partner with TNC, MTFWP and Big Hole Sage Grouse Working Group.
- 01:09:29 NRCS – Kyle Tackett, NRCS SGI Coordinator: [Handout 1] Distributed outreach materials based on grazing management in the Roundup area that began in 2011. Collaborative research project by NRCS, BLM, FWP, FWS and landowners called Science to Solutions. The materials summarize peer reviewed publications for public consumption. Gets at grazing management and how it can be compatible with sage grouse. Tells a powerful story where 2/3 of sage grouse habitat is privately owned. The materials highlight the benefits of solid grazing systems to sage grouse, drought resistance and invasive species. The Conserve our Western Roots poster gets at conserving our native plant species. Montana Wild is the largest consumer of the poster using it in their education programs.
- 01:11:50 BLM – John Carlson, Management Zone 1 Greater Sage-Grouse Lead: Took opportunity to just introduce himself to the Board.
- 01:12:28 Director Tubbs: Asked for an update about the Secretarial Order to administratively connecting RMP's and the state EO.
- 01:13:05 Mr. Carlson: One concern has been formalizing the move from the 3% to a 5% cap. The BLM has been doing that and hasn't formalized it but will be an item moving forward.
- 01:13:51 Director Tubbs: In the context of DC moving forward, the state and local level are working together.

BLM Range Improvement Project Endorsement [Handout 2]

- 01:14:21 Mr. Carlson, BLM: BLM Instruction Memorandum MT-2017-037 addresses unintended consequences of language in the BLM land use plans that involve range improvement projects that include surface disturbance and triggers the disturbance cap. The plans inadvertently created incentives for not doing habitat projects where they needed to be done because the cap was exceeded. The IM provides guidance to say the cap would not apply where the project would result in a habitat benefit for sage grouse and the disturbance is temporary in nature.

- 01:16:15 Director Tubbs: This is the one item MSGOT will take action on.
- 01:16:32 Ms. Sime: Identified potential direction MSGOT could take to align the “all hand, all lands” approach across multiple surface owners. NRCS also identified where the partners can streamline the process. This is an interagency collaborative process because range improvement projects often cross multiple land ownerships that incorporate private lands, BLM lands and State Trust Lands. The BLM approached it from their regulations. The US Forest Service has their own regulatory environment. If it becomes an issue the Program may come back to MSGOT. If MSGOT adopts this approach it will provide guidance that the Executive Order’s 5% cap would not apply to short term range improvement projects that cause temporary disturbance. This would be a programmatic approach regardless of ownership, and this would also be the approach on State Trust Lands.
- 01:18:25 Mr. Tackett: NRCS has a very good working relationship with the Program. When NRCS obligates funding, the projects are four to five years out. This has been challenging for the Program because it is being asked to review projects that may not be implemented until three to four years later. NRCS and the Program drafted proposed language included in the brief sheet. We suggest and agreed that the Program would review the entire contract, including everything that is in it and provide recommendations. NRCS can proceed and will review lek data every year to make sure no new leks have come up. This language gives the NRCS the ability to go ahead with a project and the NRCS staff would be responsible to make sure they look at new data as it becomes available from FWP. If there are no new leks, an updated review from the Program would not be needed. Otherwise, the NRCS would need to resubmit the project if a new lek does come up. This meets both the Program and NRCS needs.
- 01:20:25 Director Tubbs: Asked for public comment. None.
- 01:21:45 Director Tubbs: Asked for a motion.
- 01:21:55 Ms. Ahlgren: Moved that MSGOT approve the recommendation for the BLM Range Improvement Project Endorsement IM. Mr. Holmes seconded.
- 01:22:05 MSGOT: Discussion.
- 01:22:12 Ms. Ahlgren: Would like to see this pass. A producer was shut down last fall because the project exceeded the 5% cap and BLM may have had to go back and re-review it.
- 01:23:05 Senator Lang: Supports this and hopes this is an opportunity where we get better at what we’re doing. Sen. Lang stated that he’s been told for years sage grouse don’t do new leks and would like a definition of a lek. He was told work done below high watermark in reservoirs could be done and wondered if this was true.
- 01:24:20 Mr. Tackett: Needs to gather more information.
- 01:24:26 Director Tubbs: Not sure MSGOT is covering the reservoirs right now. There is a sentence about the stock water pits, but this is about pipeline and water development projects for rangeland improvement. There is a sentence that reads “The direct impact from pits and reservoirs are not temporary or short term surface disturbances, and do not directly provide long-term conservation benefits for sage grouse.” If that’s the source for the rangeland improvement, it may be conflicting.
- 01:25:26 Mr. Carlson: If there is already an existing reservoir and reworking an existing reservoir, that’s an existing disturbance and any new disturbance would be within that footprint and

wouldn't be additional. BLM can work with it and even if it is over the cap that project could proceed. New reservoir construction that would be additional long term disturbance would still be subject to the disturbance cap.

- 01:26:16 Ms. Sime: Under Executive Order 12-2015 Attachment F, "construction of agricultural reservoirs and aquatic habitat improvements less than 10 surface acres" is an exempt activity. The BLM may have additional things they need to do that could engage with the Program. There is a distinction between existing sources of water and newly proposed ones. This is an example where we are working together.
- 01:27:25 Senator Lang: Commented he will be voting for this and wants to leave door open.
- 01:27:34 Director Tubbs: Asked for further discussion. Seeing none, he called for a vote. Motion passed unanimously; Rep. Knudsen and Director Tooley voted aye by proxy.

Secretarial Order 3353 Informational [Handout 3]

- 01:28:10 Mr. Carlson: MSGOT materials included a summary of the Secretarial Order. BLM is continuing move forward to identify issues and what BLM may look at in land use plans and how the issues may be addressed. An example is the rangeland improvement issue that can be addressed with an IM. Others may be more involved and require a different process. It is BLM's desire to have a close alignment with the state's plan.
- 01:30:11 Ms. Manning, USFS: The USFS does not have IMs. Instead the USFS has informal implementation guides and the agency is working to implementing these guides.
- 01:31:15 Ms. Sime: Montana has been engaged in the review process through the WGA Sage Grouse Task Force. Montana's input was informed by the past 15 -18 months of implementation. The concerns about what could happen under the BLM plans or that there would be implementation issues caused by inconsistencies between the state and federal plans have not come to pass or proven to be insurmountable. Ms. Sime provided an overview of input the Program provided to the federal review team and referred to Handout 3.

The next steps will be a Sage Grouse Task Force meeting in October. This will be a longer process and there will need to be a thorough analysis of the issues identified by states. All 11 states are involved and have unique preferences and concerns. States believe conservation measures should remain in place and want to assure that sage grouse will not need to be listed or new litigation is triggered. USFWS will still complete a review in 2020. MSGOT will continue to be briefed.

- 01:43:05 Director Tubbs: Asked for discussion. Governor Bullock initiated the Program, and it is working well. Other states are also working on this. If there is a move to soften restrictions in one state, hopes science would allow us to see how this would affect our birds.

Wildfire Response and Rehabilitation Informational]

- 01:44:51 Mr. Tackett: NRCS brought in \$3 million of EQIP Program funds, with contracts obligated by Sept 15. Currently working on 27 applications. Priorities are: fencing, getting stock tanks on the landscape, seeding to stabilize areas, and deferment of grazing. NRCS is working on burn severity mapping with the BLM. Requested another \$3 million for FY18. NRCS will be looking at weed control and reseeding of sagebrush. NRCS will also look at vegetative response to fire in FY 18.
- 01:46:45 Director Tubbs: The estimated loss from fires was \$16 million in fencing.

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- 01:47:10 Director Williams: It is important that replacement fence be wildlife friendly. FWP has a technical resource publication about these techniques.
- 01:47:22 Mr. Tackett: NRCS is looking at marking fence as well.
- 01:47:26 Director Tubbs: Great opportunity to upgrade fences up to being wildlife friendly.
- 01:47:38 Mr. Carlson: The BLM conducted an assessment of emergency stabilization from loss of cover in highly erosive soils, loss of habitat, and habitat restoration needs. The initial assessment is the habitat may come back on its own. A lot of the burn areas were outside BLM ownership, but BLM is looking at co-op agreements covering lands not administered by BLM.
- 01:49:04 Ms. Sime: Through the Governor's Office and the Environmental Contingency Fund, DNRC awarded a grant to the Garfield County Conservation District for \$75,000.
- 01:49:52 Mark Bostrom, DNRC, Administrator, CARDD: With the grant to Garfield County for \$75,500, Missouri River Conservation District Council will leverage state funds with matched funds. Musselshell Watershed Coalition is working with Montana Conservation Corps to have up to six crews out next week to repair boundary fencing. Next spring, the Coalition will look at weeds as a result of donated hay.
- 01:50:44 Director Tubbs: This is likely not our last fire. The AmeriCorps team was installing fence immediately. Musselshell Watershed Coalition put out a story on efforts to restore habitat. A hay team will be tracking donated hay. NRCS published best practices, how to feed, keep and track hay. Most of the hay is coming from MT, but some hay came from out of state.
- 01:52:20 Ms. Ahlgren: Charles M. Russell National Wildlife Refuge allowed producers to let cattle on the refuge lands. Great public relations move for the CMR. The generosity has been amazing, greatly appreciated, and brings tears to your eyes. In the long run fires will have been beneficial where trees have moved in.
- 01:54:20 BREAK

Using Resistance and Resilience Concepts to Manage Threats to Sagebrush Ecosystems [Handout 4]

- 02:12:50 Dr. Jeanne C. Chambers, Research Ecologist, USDA Forest Service Rocky Mountain Research Station. Powerpoint presentation by webinar.
- 02:41:31 Director Tubbs: Asked for questions. This could not be more timely for the state given the Lodgepole fire.
- 02:42:22 Ms. Sime: The presentation will be available to the public on the Program's MSGOT web page.
- 02:42:42 Director Tubbs: Knowing the issues with invasive species in the southwest and Nevada, we have a landscape that doesn't burn every year. Director Tubbs asks if research is showing management practices we could be doing that would differentiate from states to the south and west of Montana.
- 02:43:53 Dr. Chambers: They did try to address this with people from the eastern range by looking at state and transition models for dominant ecological site types. Within those models, there are management recommendations.

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- 02:44:40 Director Tubbs: We have conifer encroachment projects that can be expensive using mechanical means. Fire can be a tool. Dir. Tubbs asks when fire might be an appropriate tool.
- 02:45:26 Dr. Chambers: The field guides discuss this. You would need to assess how resilient the site is and if perennial grasses and forbs are present prior to the treatment. Perennial grasses and forbs are the best defense against invasive species like annual grasses and knapweed.
- 02:46:32 Director Tubbs: This will be important for the federal land managers to consider.
- 02:46:53 Director Williams: This is a good example of science at its best, pulling experts together and compiling it in a way it can be more effective given limited resources.

Rangeland Resources Executive Committee Informational [Handout 5]

- 02:47:56 Stacey Barta, DNRC Rangeland Resources Program Coordinator. Powerpoint presentation.
- 03:07:54 Director Tubbs: Asked for questions. The RREC Program partners with the conservation districts and covers the entire state, providing landowner government relationship. Talked about write-up in USDA National newsletter article related to state weed control efforts and asked that the Program include that in the next meeting packet.

Candidate Conservation Agreements with Assurances Informational [Handout 6]

- 03:10:40 Karen Newlon, U.S. Fish and Wildlife Service. Powerpoint presentation.
- 03:22:35 Director Tubbs: Asked for questions.
- 03:23:12 Ms. Ahlgren: Interested in CCAA. Working with local working group, opinions have changed and there will be constructive partnerships. The conservation effort can't be successful without the landowners.
- 03:24:18 Director Tubbs: Landowners who enroll in a CCAA are automatically covered for incidental take should the species be listed. For mitigation purposes, a landowner can't do both a CCAA and mitigation unless the mitigation was above and beyond the actions of a CCAA. Mitigation does not come with assurances. As a landowner, you would want to know what benefit that would be.
- 03:25:06 Ms. Newlon: If a landowner terminated a CCAA or the CCAA expires, they would no longer receive regulatory assurances.
- 03:25:29 Director Williams: CCAA is a great tool for landowners, excited to see this go forward.
- 03:25:57 Director Tubbs: Because of the heavy private ownership in Montana, the relationship to get private land stewardship and provide incentives is why a plan like this should be considered for credit as well. Private land conservation can't be overlooked by DC. We've been navigating this for a long time. We would like to push hard to get federal agencies to recognize how mitigation credits could incentivize people in Montana to conserve.
- 03:27:56 Ms. Sime: Pointed out the fact sheet provided by Ms. Newlon and USFWS handouts in the meeting packet. We want to provide landowners with a variety of options to conserve private lands so they have choices. A CCAA is one of them.

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- 03:29:02 Director Tubbs: Asked for Public comment on any item on the agenda.
- 03:29:46 John Bradley, Montana Wildlife Federation, Eastern Montana Field Representative: Provided position where MWF stands and the Secretarial Order. Mitigation is an important tool. Thoughtful development should not displace leks. Need better than 1:1 for mitigation because 1:1 results in a net loss. Key is to make sure private landowners have incentives to conserve.
- MWF agrees with Montana, not in favor of captive breeding. MT needs to work to bring sage grouse populations up. The hunting community has already given up opportunities and contributed to conservation with severe reduction in hunter opportunity. MWF is willing to work with government and private landowners.
- 03:32:36 Director Tubbs: asked for additional comment. None.

Sage Grouse Program Website Demonstration [Handout 7]

- 03:33:20 Graham Neale, Sage Grouse Habitat Conservation Program. Powerpoint presentation.
- 03:51:50 Director Tubbs: Tools like this are being replicated across agencies. The public can go to a DNRC office to submit projects on our computers.
- 03:52:46 Ms. Ahlgren: asked about feedback from users.
- 03:53:16 Mr. Neale: The Program has received a lot of good feedback. The Program works hard to work with folks. The ability to upload geometry or draw is effective and covers a wide range of user abilities.
- 03:54:18 Senator Lang: Commented on experience with proponent entering a project and how well the Program assisted the user.
- 03:55:03 Director Tubbs: Asked how the tool works for a 20-mile pipeline and being able to looking far enough out to determine alignment changes that would avoid leks.
- 03:56:12 Mr. Neale: One aspect of the NSO layer is you can only see it at a certain scale. With a big project they can request actual lek data from FWP. You can edit and move features using the tools to avoid NSOs. The app looks at the width of a line as well.
- 03:58:20 Director Tubbs: Asked if height is included.
- 03:58:44 Ms. Sime: The app includes a sandbox where users can design a project, save it, and come back later after thinking about it and whether or not there is a need to re-align a feature. This is helpful for identifying land ownership for landowner agreements or other authorizations. By the time they submit it, they can be confident they have worked out the design. You cannot download leks from the web site. The Program encourages proponents to interact with FWP for specific lek information in their project areas.
- 04:00:44 Senator Lang: Was given a map without the legal information on it. Asks if you can get that information on the map.
- 04:01:05 Mr. Neale: That is a layer you can click "on" so you can view legal description online. You can also download maps and tables from the project.
- 04:02:50 Director Tubbs: This is why being able to share the shapefile information with other permitting agencies like DEQ, Opencut would be helpful.

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Public Comment on Other Matters

04:04:23 No Public Comment.

Adjournment

04:04:45 Adjournment.

Chair for this meeting:

/s/ John Tubbs
Director John Tubbs