



## **QUICK FACTS: THINGS TO KNOW ABOUT MONTANA'S SAGE GROUSE CONSERVATION STRATEGY**

### **HISTORY OF SAGE GROUSE CONSERVATION AND A FEW BENCHMARKS IN MONTANA**

#### **1965-2005**

- Sage grouse populations across 11 western states in decline.
- Declines also evident in Montana.
- Initial hunch: loss of habitat.

#### **1999-2005**

- Concerns about the status of sage grouse populations and sage brush habitats grow after declines documented.
- U.S. Fish and Wildlife Service received eight different petitions to list the greater sage grouse through its range or within specific populations.
  - Decision: "not warranted"
- U.S. Fish and Service identified key threats: habitat loss, habitat fragmentation, agricultural conversion, and lack of regulatory mechanisms at the state level.
  - Additional threats are: infrastructure, conifer encroachment into sage brush habitats, wildfire, invasive plant species like cheat grass, and improper grazing.

#### **2005**

- Montana Fish, Wildlife & Parks finalized Sage Grouse Management Plan.
- Montana Fish, Wildlife & Parks mapped important sage grouse habitats:
  - Core Habitat: the best of the best; captures about 76% of the population
  - General Habitat: important habitat
  - Connectivity Areas: habitat that connects Montana birds and populations in surrounding states and Canada.
- Montana Fish, Wildlife & Parks ramped up conservation efforts going forward through local working groups, leasing key habitats, securing conservation easements.

#### **2010**

- U.S. Fish and Wildlife Service determined the greater sage grouse warrants listing under the federal Endangered Species Act range wide across 11 western states.
  - This made sage grouse a "candidate" for listing but actual listing was precluded by other higher priorities.
  - Key threats: habitat loss, habitat fragmentation, inadequacy of state regulatory mechanisms.
    - Activities: energy development; infrastructure like roads, powerlines, and cell towers; and subdivision.
- U.S. Fish and Wildlife Service decision is challenged in federal court.

#### **2011**

- U.S. Fish and Wildlife Service entered settlement agreement requiring it to conduct a status review
  - Must decide whether to list the greater sage grouse range wide by September 30, 2015.



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### **2013**

- Governor Bullock convened the Greater Sage Grouse Conservation Advisory Council in February.
  - Council gathered diverse stakeholders and experts who were charged to recommend conservation measures to address the threats to sage grouse in Montana.
  - Council held 10 multi-day public meetings to consider existing strategies in Montana and elsewhere, best available science, and broad diverse public comment.
  - Council hosted seven public hearings to gather public comment around the state prior to making final recommendations.

### **2014**

- The Sage Grouse Conservation Advisory Council presented final recommendations to Governor Bullock in January.
- Governor Bullock issued Executive Order 10-2014 in September, setting forth Montana's Conservation Strategy:
  - Establishes regulatory mechanisms to guide development and protect designated sage grouse habitats (core, general, and connectivity habitats);
  - Creates the Sage Grouse Habitat Conservation Program; and
  - Largely based on Council's recommendations.
  - Very similar to Wyoming's approach, which had already been accepted by the U.S. Fish and Wildlife Service.

### **2015**

- Montana Legislature passed the Greater Sage Grouse Stewardship Act; effective May, 2015.
  - Created the Montana Sage Grouse Oversight Team;
  - Created the Sage Grouse Stewardship Fund to provide competitive grant funding to create market-based incentives to conserve sage grouse habitat;
  - Appropriated \$10 million for the Stewardship Fund Grant Program; and
  - Appropriated funds to implement Montana's Conservation Strategy through the Montana Sage Grouse Oversight Team and the Sage Grouse Habitat Conservation Program.
  - Bipartisan support and supported by diverse stakeholders.
  - Shared goal to conserve the bird and important habitats to preclude listing.
- Governor Bullock issued Executive Order 12-2015 in September to supplement the previous executive order and to recognize passage of the Greater Sage Grouse Stewardship Act.
  - Applies to all state agencies.
  - Federal agencies will align their activities with Executive Order 12-2015.
  - "All hands, all lands."



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- U.S. Fish and Wildlife Service determined that listing the greater sage grouse is not warranted range wide in late September.
  - Primary threats to greater sage grouse have been ameliorated by conservation efforts implemented by states, private landowners, and federal land management agencies.
  - Decision based on commitments made in Montana's Conservation Strategy (Executive Order 12-2015 and the Stewardship Act)
  - Decision also based on BLM and USFS land management plan amendments.
  - Status review within 5 years.
  - Follow through critically important – state must implement Executive Order 12-2015 and the Stewardship Act to conserve sage grouse and their habitats.
  - Key metrics: status of the population and disposition of sage grouse habitat.

### THINGS TO KNOW ABOUT MONTANA'S CONSERVATION STRATEGY

#### **Goal**

1. Maintain viable sage grouse populations and conserve habitat.
2. Maintain flexibility to manage our own lands, our wildlife, and our economy.

*"Montanans recognize that it is in the best interest of our state, its economy, and our quality of life to maintain state management of the Greater Sage-grouse."*

*-Governor Bullock*

#### **Guiding Principles**

1. Effective conservation in Montana requires an "all hands, all lands" approach where we work together collaboratively across all lands and address all threats.
2. Recognize the important role Montana's private landowners have played to conserve sage grouse and sage grouse habitat through their stewardship of the land. Private landowners will continue to play a critical role in conservation efforts going forward.
3. The key threats to sage grouse in Montana are habitat loss and fragmentation through energy and subdivision development, land conversion and lack of regulatory mechanisms. Proper grazing is not a threat to sage grouse habitats.
4. Respect private property rights, existing uses and activities on the land.
5. Provide voluntary incentives to help landowners stay on the land and preserve vital sage grouse habitat.
6. Guide development in designated habitats to first avoid impacts, minimize impacts. Compensatory mitigation is a last resort.



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**THINGS TO KNOW ABOUT EXECUTIVE ORDER 12-2015**

1. Taken together, Executive Order 12-2015 and the Sage Grouse Stewardship Act establish Montana's Conservation Strategy. They are key to addressing threats to sage grouse in Montana by establishing the necessary regulatory mechanisms and addressing threats to sage grouse habitat.
  - "All Hands, All Lands"
2. Executive Order 12-2015 applies to all state agencies and takes effect January 1, 2016. It pertains to all programs and activities of state government, like:
  - permitting programs
  - grant programs
  - internal agency programs like highway planning, reclamation of abandoned mines
3. Executive Order 12-2015 only applies in specially designated sage grouse habitats primarily in central and eastern Montana:
  - Core areas (19 counties)
  - General habitat (19 counties)
  - Connectivity areas
4. The Montana Sage Grouse Oversight Team (MSGOT) guides implementation of the Order. It was formally created in statute by the 2015 Montana Legislature. It is chaired by the Governor's Natural Resource Policy Advisor. Other members are the directors of the Departments of Fish, Wildlife & Parks, Natural Resources and Conservation, Transportation, Environmental Quality, the Administrator of the Montana Board of Oil and Gas, a member of the Montana Rangelands Resources Committee, a member of the Montana Senate, and a member of the Montana House of Representatives.
5. The role of the Sage Grouse Habitat Conservation Program is to facilitate implementation of Executive Order 12-2015 across state government and with federal agency partners.
  - The Program consults with permit applicants and project proponents *before* permit applications are submitted to state agencies to help applicants avoid negative impacts of development in designated sage grouse habitats, minimize impacts, and address compensatory mitigation for impacts that can't be avoided or minimized.
  - The Program's role is one of consultation, not regulation.
  - The Program will make recommendations to the applicant and the permitting agency.
  - The Program is administratively attached to the Department of Natural Resources and Conservation, but reports to MSGOT and the Governor's Office.
6. State permitting and granting agencies retain the permitting authority and can attach conditions and stipulations on permits or deny them outright, consistent with the agency's existing authority.



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7. Executive Order 12-2015 does not create any new authority but state agencies must now consider potential impacts to sage grouse and their habitats when processing permits.
8. Executive Order 12-2015 establishes specific requirements and limitations on development, depending on the type of activity and where it will occur. Other components establish general practices that apply to everyone.
  - It is most restrictive in core areas near leks and less restrictive in general habitat and connectivity areas.
9. Executive Order 12-2015 exempts some activities as *de minimis*, but it is still important to track all activities in designated sage grouse habitats.
10. Existing uses and activities are grandfathered in, but permit amendments after January 1, 2016 are subject to Executive Order 12-2015.
11. All state agencies will have to adapt internal procedures and work flow processes to implement Executive Order 12-2015. Some agencies may need to do rulemaking.
12. Implementation is mandatory for state agencies. Federal agencies committed to align their work to Montana's Conservation Strategy, consistent with "all hands, all lands."
13. Compliance with Executive Order 12-2015 is required for anyone obtaining state permits, grants or technical assistance. First, avoid impacts and core areas. Next comes onsite mitigation to minimize impacts. Last resort is compensatory mitigation to replace lost habitat.
14. Exceptions and waivers to Executive Order 12-2015 are decided by the Montana Sage Grouse Oversight Team, not state agencies or the Program.
15. MEPA still applies.
16. Each state agency has a unique role to play in conserving sage grouse. The consequences of a listing in Montana are significant.

**Resources:** <https://sagegrouse.mt.gov>



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**A FEW FACTS ABOUT GREATER SAGE GROUSE BIOLOGY AND THE MONTANA LANDSCAPE**

The greater sage grouse is a native species in Montana. Lewis and Clark were the first to describe the sage grouse when they saw birds near the Marias River. Sage grouse are also found in ten other western states.

Montana and Wyoming are key strongholds for greater sage grouse across its range. Other states are: Oregon, Idaho, Colorado, Washington, Utah, North Dakota, South Dakota, Nevada, and California.

Sage grouse depend on sage brush to meet their needs during nearly every season.

- Hens nest almost exclusively under sage brush plants.
- Nearly 100% of their winter diet is sage brush.
- Very high site fidelity to areas used for breeding, called leks. Some used for 80+ years.
- Hens usually nest within 3 miles of the lek.

Key vital rates affecting population dynamics: hen survival, nest success, chick survival.

Sage grouse are very sensitive to loss of sage brush and to disturbances during the breeding season near leks.

Sage grouse require large, intact interconnected expanses of sagebrush habitat. Sage grouse are slow to respond to changing habitat conditions.

Once lost, sage brush is not easily restored. It takes a very long time.

Nearly 70% of sage grouse habitat in Montana is on private lands and state school trust lands. About 30% is on federal land (mostly BLM).

About 28% of Montana's landscape supports about 76% of Montana's sage grouse population.

Montana's core area strategy centers around avoiding and minimizing disturbance and habitat loss in core areas where 76% of Montana's sage grouse live.

Montana populations can be migratory or non-migratory. Home ranges vary from 1.5 to 237 square miles.

Relative to other game birds:

- Generally long-lived;
- Generally high over-winter survival;
- Generally lower reproductive rates
- May move greater distances within and among seasons; and
- Life history traits indicate populations may be influenced by survival more than reproduction.