

**MONTANA SAGE GROUSE OVERSIGHT TEAM AGENDA ITEM BRIEF SHEET**  
**AUGUST 31, 2017**

**AGENDA ITEM: RANGE IMPROVEMENT PROJECTS ENDORSEMENT**

**ACTION NEEDED: ENDORSE THE PROPOSED INTERAGENCY APPROACH TO RANGE IMPROVEMENT PROJECTS (WATER PIPELINE, HABITAT IMPROVEMENT, AND HABITAT RESTORATION EFFORTS) REQUIRING SURFACE DISTURBANCE SO THAT WHERE IMPACTS TO HABITAT ARE TEMPORARY AND BENEFITS TO SAGE-GROUSE HABITATS CAN BE DOCUMENTED, ADHERENCE TO THE 5% DISTURBANCE LIMIT IS NOT REQUIRED.**

**SUMMARY:**

Livestock grazing is the most widespread land use across sage-grouse habitats in Montana. The Sage Grouse Habitat Conservation Program (Program) has been collaborating with the U.S. Bureau of Land Management (BLM) and the Natural Resources and Conservation Service (NRCS) to determine how to best implement the “all lands, all hands” approach for range improvement projects in agricultural or native rangeland settings, when those activities are not otherwise exempted from Executive Order 12-2015 and BLM sage-grouse plans have particular requirements.

Such projects are typically larger and entail activities that would be implemented across multiple landownerships. Examples include buried water pipeline projects that better distribute water on the landscape, restoration or improvement efforts to replace current undesirable non-native vegetation (e.g. crested wheatgrass). Projects such as conifer removal do not require surface disturbance but are often considered as a type of range improvement or habitat restoration project.

BLM issued Instruction Memorandum No. MT-2017-037 on June 15, 2017 (IM 2017-037 or IM). This IM provides policy guidance for BLM range improvement water pipeline projects and/or sage-grouse habitat improvement or restoration projects occurring in Priority Habitat Management Areas (same as Montana Core Areas). It states that range improvement projects that result in surface disturbance and provide a conservation gain are not required to adhere to the 5% disturbance limits at the project level. This is because impacts are temporary and short-term in nature, and because proper grazing management through improved water distribution and availability provides long-term gains for sage-grouse habitats on the project area and nearby areas through improved range health.

BLM projects that cause temporary, short-term surface disturbance in Priority Habitat Management Areas will still be submitted to the Program for review. Appropriate measures to avoid and minimize impacts to sage-grouse and their habitat (e.g. seasonal or time of day restrictions) will still be required. Application of the 5% disturbance caps could inadvertently impede BLM or its’ partners from achieving habitat management goals. Because conifer removal projects are not considered surface disturbing projects, they are not covered by IM 2017-037, but the 5% disturbance limit at the project level still would not apply because of the lack of surface disturbance.

BLM IM 2017-037 is included in the meeting materials. The Program recommends MSGOT endorse BLM’s approach. Further, the Program recommends MSGOT adopt the approach as its own where range improvement projects that cause surface disturbance are reviewed by the Program, all stipulations remain applicable, but adherence to the 5% disturbance limit is not required for projects in core areas. Similarly, the state would not consider conifer removal projects in core areas as surface disturbance and the 5% disturbance limit at the project level would not apply, but all other provisions of Executive Order 12-2015 would still apply (e.g. seasonal or time of day restrictions). For example, Executive Order 12-2015 includes



other provisions and considerations if prescribed fire is incorporated into a conifer removal project because of the potential loss of sagebrush through fire.

NRCS often serves as a cooperative source of funding for range improvement projects through EQIP or the Sage Grouse Initiative. For its part, NRCS experiences procedural challenges with respect to contracting and because many of these projects are implemented in phases over several years, particularly when they are larger and cross multiple surface ownerships. NRCS and private landowners need flexibility for planning and construction, as well as an efficient process overall.

Going forward, for NRCS range improvement projects that cross multiple landownerships and span up to five years, the entire project footprint would be submitted for Program review initially, even if it would be implemented in phases. Upon completion of the Program's review, NRCS would consult its own lek information and the FWP lek database on an annual basis thereafter to confirm that no new active leks have been established within two miles of any phase of the project. Unless new leks have been documented, renewed consultation with the Program would not be required. If new leks are documented within two miles of the project, NRCS would consult with the Program. As applicable under Executive Order 12-2015, the Program would recommend seasonal and/or time of day stipulations to NRCS for the remaining implementation phase/s to avoid and minimize disturbance during the lekking, nesting, and early brood-rearing periods.

For NRCS-funded projects, the Program anticipates additional collaboration among NRCS, BLM, USFS, and State Trust Lands to address the procedural aspects of initiating the Program's consultation process.

These interagency approaches were developed through collaborative dialogue between the Program, BLM, and NRCS. These approaches are consistent with the "all lands, all hands" approach set forth in Executive Order 12-2015. Further, the Program's documentation of range improvement efforts, habitat restoration or habitat enhancement projects is important so that the positive habitat conservation work is recorded and stored in a systematic way. Geospatial referencing of range improvement and habitat restoration / enhancement efforts also enables future consideration and comparison of habitat conservation efforts, as opposed to activities which impair habitats through fragmentation or conversion at multiple scales. The Program anticipates the need to report these habitat conservation activities in conjunction with the U.S. Fish & Wildlife Service 2020 status review.

**PROGRAM RECOMMENDATION:**

The Program recommends MSGOT endorse the proposed interagency approach to range improvement projects so that individual projects are still reviewed by the Program as appropriate and described above for BLM and NRCS, respectively, all stipulations of Executive Order 12-2015 or BLM plans are applicable, but projects will not be required to adhere to 5% disturbance cap limits where range improvement or habitat restoration / enhancement projects are short term, impacts are temporary, and benefits to habitat can be documented.