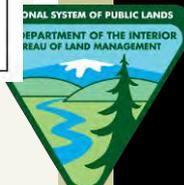
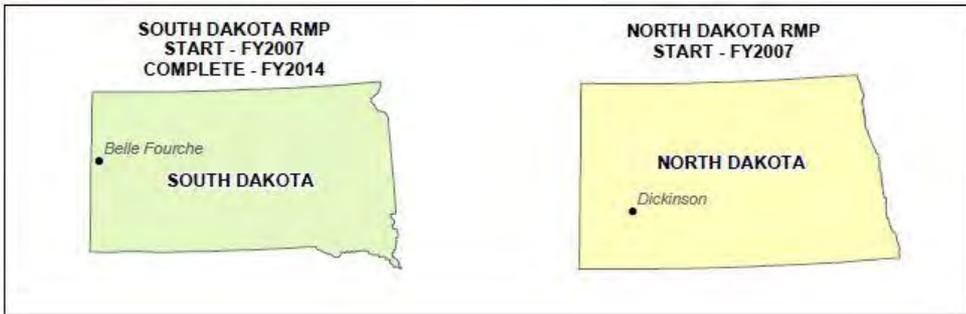
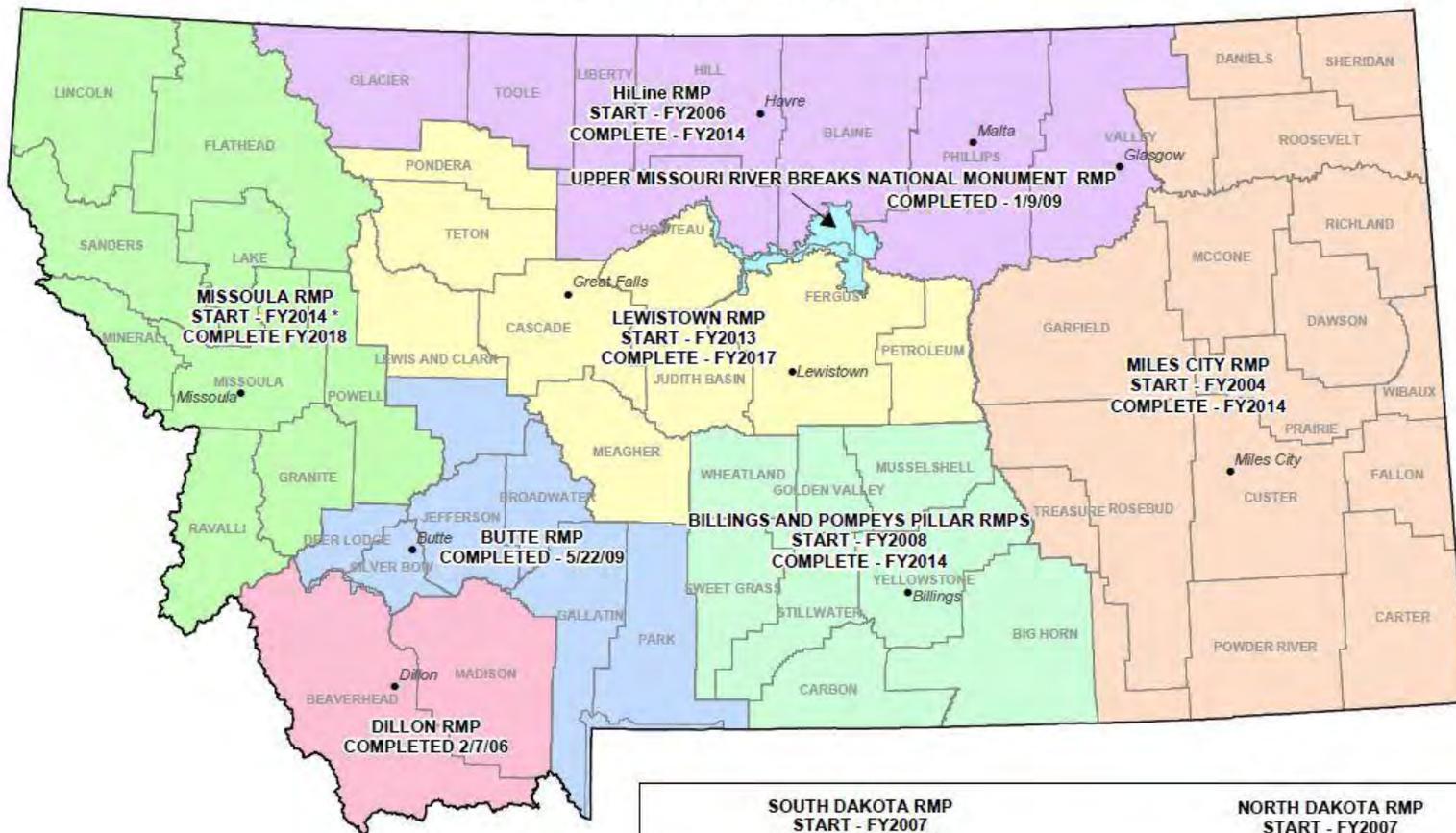


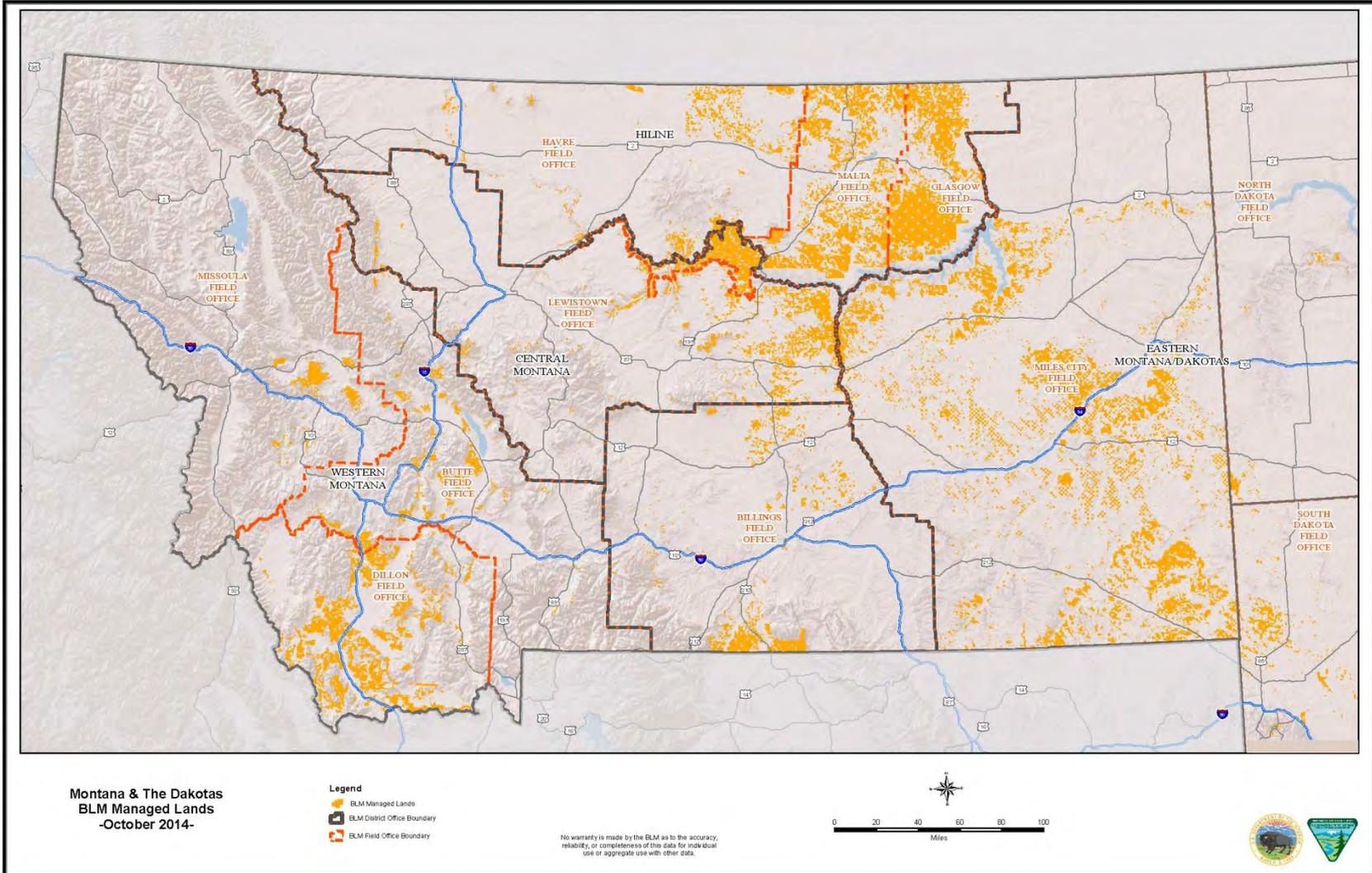
Montana / Dakotas Greater Sage-grouse Plans



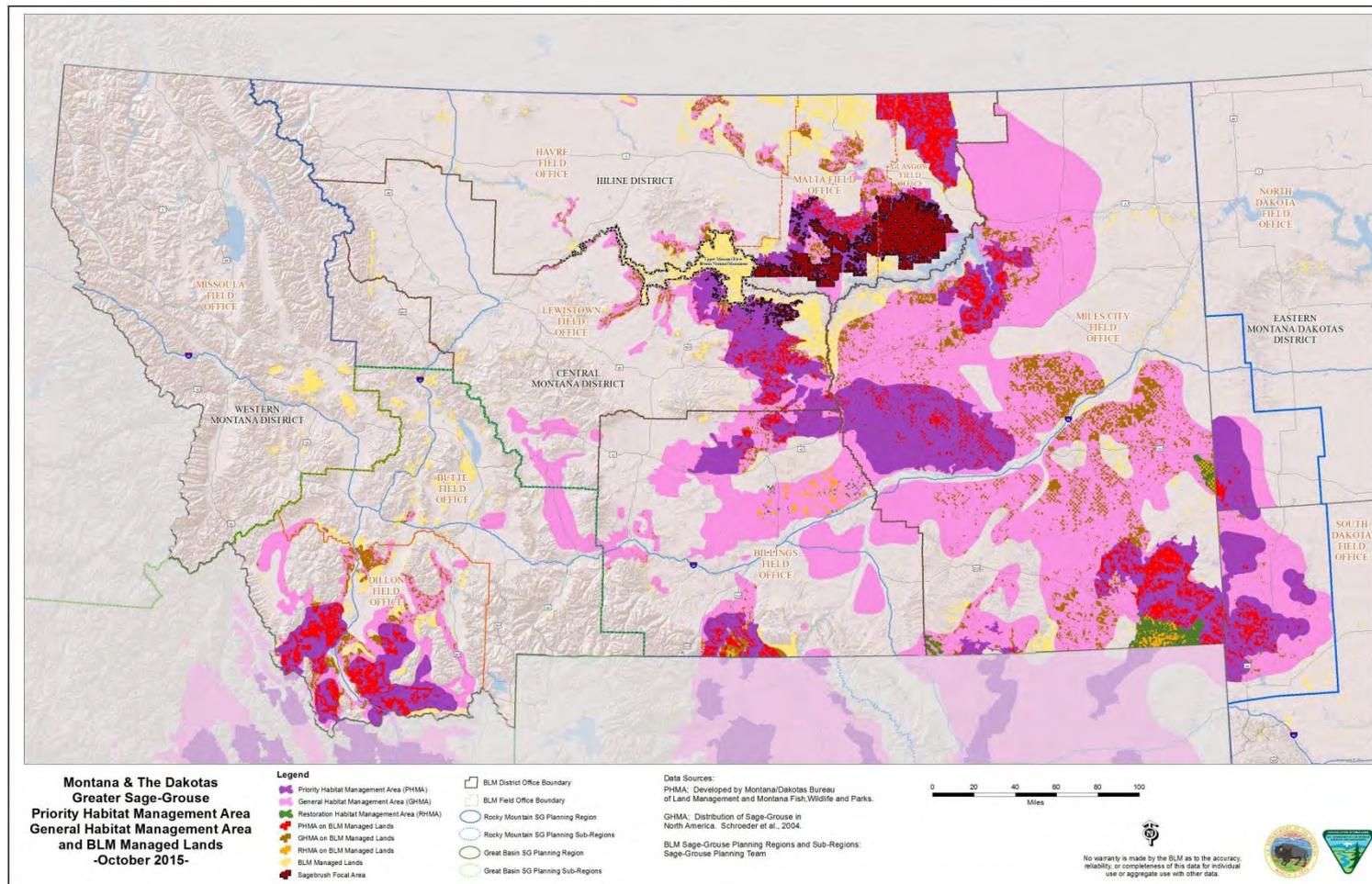
ONGOING & FUTURE LAND USE PLANNING BOUNDARIES MONTANA/DAKOTAS



BLM Surface Ownership



Priority Habitat Management Areas and General Habitat Management Areas



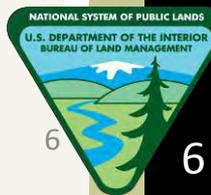
Core Population Area Strategy

1. Establishes “priority areas”
 - A. Encompasses ~80% of the birds on 24% of the land.
2. Limits disturbance density & intensity
 - A. 1 well pad per 640 acres
 - B. No more than 5%* disturbance
 - C. Standardize calculation
Density Disturbance Calculation Tool (DDCT)



Core Population Area Strategy Continued

4. Consistent Management Actions and Stipulations
 - A. Surface Occupancy
 - B. Seasonal Use
 - C. Transportation
 - D. Transmission Lines
 - E. Noise
 - F. Vegetation Removal & Treatments
5. Monitoring
6. Reclamation



Plan Allocation Decisions.

	Fluid Minerals		Wind ROW		Solar ROW		ROW	
	Past	New	Past	New	Past	New	Past	New
Priority (PHMA)	1/4 mile NSO around leks	NSO	Open	Exclusion	Open	Exclusion	Open	Avoidance
General (GHMA)	1/4 mile NSO around leks	0.6 Mile NSO and 4 mile CSU	Open	Avoidance	Open	Avoidance	Open	Open

	Mineral Materials		Grazing		Non-Energy Leaseables	
	Past	New	Past	New	Past	New
Priority (PHMA)	Open	Closed (except free use permits)	Open	Open (with specific sage-grouse habitat objectives)	Open	Closed
General (GHMA)	Open	Open	Open	Open (with specific sage-grouse habitat monitoring/management)	Open	Closed



	Disturbance Caps		Mitigation		Monitoring		Adaptive Management	
	Past	New	Past	New	Past	New	Past	New
Priority (PHMA)	None	3% project scale (5% when MT plan in place and operational) and 5% at large scale (BSU).	None	Sage-Grouse specific Mitigation process	Limited	Multi-scale Sage-Grouse specific Monitoring	Limited	Sage-Grouse specific triggers and responses.
General (GHMA)	None	None	None	Sage-Grouse specific Mitigation process	Llimited	Multi-scale Sage-Grouse specific Monitoring	Llimited	Sage-Grouse specific triggers and responses.

Disturbance Caps – 5%* project level cap (DDCT process) in cooperation with the State of Montana.

Mitigation – Set up regional Mitigation Teams. Net Conservation Gain.

Monitoring – Monitoring Appendix in each plan.

Adaptive Management – Soft and hard triggers based on populations and habitat.



Partnerships

- Land ownership in priority habitat is mixed.
- Threats occur across ownerships.

Montana –Sage Grouse Habitat Conservation Program EOs complement Federal regulatory mechanisms to increase the scope and certainty of threat amelioration on all sage-grouse habitat.

North Dakota State Plan –Management Plan and Conservation Strategies for Greater Sage-Grouse in North Dakota.

South Dakota State Plan- South Dakota Greater Sage-Grouse Management Plan.



Summary

- BLM has finalized three RMP Revisions and two Sage Grouse Amendments in Montana and one revision in South Dakota and one amendment in North Dakota.
- BLM manages less than 50% of Priority Sage Grouse Habitat in MT/DK.
- MT BLM has made strong commitments to work the State of Montana through the Montana Sage-Grouse Oversight Team.
- Implementation of the plans has begun.



Questions?



Forest Service Sage Grouse Update – November 17 MSGOT meeting

Teams are forming and communication networks are being developed to implement the recent amendments to Forest Service (FS) and Bureau of Land Management plans (BLM).

- Amending FS and BLM plans was a key part of the efforts to conserve sage grouse and avoid the need for federal listing of the bird under the Endangered Species Act.
- We anticipate that questions will arise and issues will need to be addressed in implementing the decisions. We are working with other FS Regions to form implementation teams and we anticipate that implementation guidance will be developed for various technical categories such as range management, fire management, oil and gas development, etc.
- Information needs to implement the decisions are also being coordinated with the States (e.g. geospatial information pertaining to density dependence).
- Mary Manning from the Northern Region will play a prominent role as a member of the implementation team(s) that are forming and beginning work.
- We look forward to our work with State and federal partners to implement the amendment decisions.

Litigation on the plan amendments.

- Following the amendment decisions, a number of legal challenges were filed, to include several motions for preliminary injunction on the plan amendment decisions.
- In order to conserve court resources and avoid duplicative proceedings, the court recently consolidated the motions for preliminary injunction filed by the plaintiffs and set an expedited briefing schedule out into May of 2016. Coordination on submission of the administrative records (due no later than January 22nd) is underway per the court order.
- The Forest Service has already begun deliberations on sage grouse conservation work that might be able to proceed under an injunction, recognizing of course that if there is an injunction, work that the Forest Service can and cannot do, will be governed by the terms of the court's order.

Western Invasive Weed Summit – Boise Idaho – November 17-19, 2015

- Forest Service ecologists, botanists and weed managers from the Northern and Intermountain regions are attending this meeting that is occurring this week. The goal of the summit is to build on the recent Western Association of Fish and Wildlife Agencies publication "Invasive Plant Management and Greater Sage-grouse Conservation: A Review and Status Report with Strategic Recommendations for Improvement." Attendees are working to refine the challenges and barriers identified in the report and develop recommendations for program implementation.

MONTANA SAGE GROUSE OVERSIGHT TEAM AGENDA ITEM BRIEF SHEET

NOVEMBER 17, 2015

AGENDA ITEM: Stewardship Fund Grant Program Draft Administrative Rule

ACTION NEEDED: Approve proposal notice and draft rule for publication and public comment.

SUMMARY

The 2015 Montana Legislature passed the Montana Greater Sage Grouse Stewardship Act and created the Montana Sage Grouse Stewardship Fund.

The purpose of the Stewardship Fund is to maintain, enhance, restore, expand, or benefit sage grouse habitat and populations for the heritage of Montana and its people (*See MCA §§ 76-22-109, 110.*)

An account was created in the state special revenue fund to create a competitive grant funding program to facilitate free-market mechanisms for voluntary, incentive-based conservation measures on private lands (and public lands as needed) in sage grouse core areas, general habitat or connectivity areas. MSGOT is the decision maker. (*See MCA §§ 76-22-102(2), 105.*)

Although the 2015 Montana Legislature provided statutory guidance for the grant program, it directed MSGOT to adopt rules to administer the Stewardship Fund Grant Program. Accordingly, the proposed grant rule is drafted in general terms because the Stewardship Act already provides explicit, detailed statutory direction.

The Program anticipates discussing two step-down documents during MSGOT's meeting on December 15, 2015. One document would establish MSGOT's procedures in governing the grant program and would provide direction to the Program. The other document would explain the statutory eligibility and evaluation criteria, and provide guidance and instructions to applicants. It is anticipated that this second document would be included in the grant application packet used by applicants and also provided to MSGOT at the time MSGOT reviews applications and selects recipients.

If MSGOT approves this draft rule for publication, the public comment period would begin on December 10, 2015. Public meetings would be held January 6 in Malta, January 7 in Lewistown, and January 11 in Dillon. The public comment period would close January 15, 2016.

MSGOT would take action on a proposed final rule at a regularly scheduled meeting early in 2016.

PROGRAM RECOMMENDATION

The Program Manager recommends MSGOT approve the Sage Grouse Stewardship Fund Grant draft rule for publication in the December 10, 2015, edition of the Montana Administrative Register and solicit public comment.

BEFORE THE GOVERNOR'S OFFICE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rules I and II pertaining to) PROPOSED ADOPTION
implementation of the Sage Grouse)
Stewardship Act)

To: All Concerned Persons

1. The Governor's Office will hold the three public hearings at the following dates and times to consider the proposed adoption of the above-stated rules:

3:00 p.m. on January 6, 2016, First State Bank, 1 S 1st Street East, Malta, Montana 59538;

2:00 p.m. on January 7, 2016, Bureau of Land Management office, 920 NE Main Street, Lewistown, Montana 59457; and

6:30 p.m. on January 11, 2016 in Dillon, Bureau of Land Management office, 1005 Selway Drive, Dillon, Montana 59725.

2. The Governor's Office will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Governor's Office no later than 5:00 p.m. on December 30, 2015, to advise us of the nature of the accommodation that you need. Please contact Carolyn Sime, Sage Grouse Resource Program Manager, Department Natural Resources and Conservation, P.O. Box 201601, Helena, MT 59620-1601; telephone (406) 444-0554; fax (406) 444-6721; or e-mail csime2@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I DEFINITIONS Unless the context clearly requires otherwise, to aid in the implementation of the Montana Greater Sage-Grouse Stewardship Act and as used in these rules:

(1) "Agency" for the purposes of the act means a department, agency, or instrumentality of the state of Montana; a political subdivision of the state; or a tribe. "Agency" is not a private individual, private entity, or private organization recognized by the laws of the state of Montana.

(2) "Department" means the Department of Natural Resources and Conservation.

(3) "Invasive weed" means a grass, forb, shrub, or tree (weed) listed on the Montana Invasive and Noxious Weed list or other weed designated by MSGOT as invasive and which has: a known quantifiable negative impact on the quality or quantity of general, core or connectivity sage grouse habitat; or negatively impacts sage grouse populations other than through habitat impacts.

- (4) "MSGOT" means the Montana Sage Grouse Oversight Team.
- (5) "Organization" means a private entity registered with the Montana Secretary of State authorized to conduct business in the state of Montana.

NEW RULE II GRANTS (1) An applicant shall file an application for a grant under Title 76, Chapter 22, Part 1, MCA, on a form approved by MSGOT. MSGOT shall publish grant application deadlines on the department's website.

(2) Completed applications must be submitted with any supporting documentation to, the Montana Sage Grouse Oversight Team, Department of Natural Resources and Conservation, P.O. Box 201601, 1625 Eleventh Avenue, Helena, MT 59620-1601; or, by other means which MSGOT approves and establishes for submission of applications. Applications submitted by e-mail will not be accepted.

(3) Incomplete applications may be returned.

(4) Applications shall be evaluated at a regularly scheduled meeting of MSGOT.

(5) Evaluation of applications by MSGOT shall be in accordance with Title 76, Chapter 22, Part 1, MCA.

(6) Applicants for projects approved by MSGOT must enter into an agreement with the department and MSGOT prior to disbursement of funds from the Sage Grouse Stewardship Account.

(7) Grant recipients will be subject to project reporting requirements pursuant to the terms of the agreement.

(8) Monitoring and review of projects will be pursuant to the terms of the agreement.

AUTH: 76-22-104, MCA

IMP: 76-22-105, 76-22-109, 76-22-110, 76-22-112, 76-22-118, MCA

REASONABLE NECESSITY: This rule is reasonably necessary for MSGOT to comply with the requirements of SB 261 (Session Laws of Montana 2015, Chapter No. 445, Section 2, codified at 76-22-101, et seq. MCA) which requires MSGOT to: "...adopt rules to administer the provisions of this part, including ... eligibility and evaluation criteria for grants distributed pursuant to 76-22-110 [MCA] ... [and] review and monitoring of projects funded pursuant to this part..." This rule partially implements the requirements of that bill.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Carolyn Sime, Sage Grouse Resource Program Manager, Department Natural Resources and Conservation, P.O. Box 201601, Helena, MT 59620-1601; telephone (406) 444-0554; fax (406) 444-6721; or e-mail csime2@mt.gov, and must be received no later than 5:00 p.m., January 15, 2015.

5. Carolyn Sime, Sage Grouse Resource Program Manager, Department Natural Resources and Conservation, has been designated to preside over and conduct this hearing.

Montana Greater Sage Grouse Conservation Strategy

Executive Order 12-2015

- MSGOT
- State Agencies
- Federal Agencies
- Program: consultation with project proponents, makes recommendations to proponents and agencies for projects requiring permits
- Applicable in core, general and connectivity habitats
- Disturbance Tool for proposals in core habitat
- Avoid, minimize, reclaim, compensate)

- Some projects will impact sage habitats and require mitigation
- Create Debits

Stewardship Fund

- 2015 Appropriation
- Grants to benefit sage grouse and sage grouse habitat
- Grants prioritized to create credits
- MSGOT awards grants
- MCA establishes criteria, eligibility, use of funds

- Grants generate credits
- Other projects can generate credits

Mitigation

- Habitat Exchange = a marketplace
- Make credits available for purchase to offset debits created by development (buyer)
- MCA requires USFWS approval
- One or more Bankers to conduct transactions and "hold" credits
- Ledger / Reporting Mechanism

Habitat Quantification Tool

- Defines credit and debit
- Determines how many credits are available
- Determines how many debits are created by a project's disturbance and impact on habitat
- Ledger / Reporting Mechanism

Federal Agencies

- Land management plans
- Align with State Conservation Strategy
- Landowner Assistance Programs
- Mitigation Strategies
- Candidate Conservation Agreements

Partners

- Private Landowners
- Organizations
- NGO's
- Stakeholders
- Montana Legislature
- Local Governments



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76-22-102. Legislative findings and purpose. (1) The legislature finds that it is in the best interests of Montana's economy, the economic stability of school trust lands, and sage grouse conservation and management to enact the Montana Greater Sage-Grouse Stewardship Act.

(2) The purpose of this act is to provide competitive grant funding and establish ongoing free-market mechanisms for voluntary, incentive-based conservation measures that emphasize maintaining, enhancing, restoring, expanding, and benefiting sage grouse habitat and populations on private lands, and public lands as needed, that lie within core areas, general habitat, or connectivity areas.

History: En. Sec. 3, Ch. 445, L. 2015.

Provided by Montana Legislative Services

Montana Code Annotated 2015

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76-22-105. Montana sage grouse oversight team -- duties -- powers. (1) The oversight team shall:

(a) cooperate with organizations to maintain, enhance, restore, expand, and benefit sage grouse habitat and populations;

(b) identify and map core areas, connectivity areas, and general habitat, subject to the approval of the governor;

(c) evaluate grant applications. As part of its evaluation, the oversight team shall solicit and consider the views of interested and affected persons and entities, including local, state, tribal, and federal governmental agencies, and boards, commissions, and other political subdivisions of the state;

(d) subject to the provisions of 76-22-109, select grant applications to receive funding from the sage grouse stewardship account. The oversight team has the discretion to determine the amount of each grant in accordance with the provisions of this part and may attach conditions of use to the grant.

(e) review and decide whether to approve proposals for the transfer to or acceptance by the state of a fee simple interest in real property. The oversight team shall recommend an approved proposal to the board of land commissioners for a final determination. Prior to making a recommendation, the oversight team shall publish a notice in a newspaper of general circulation in the county in which the real property is located and provide an opportunity for public comment.

(f) review and decide whether to accept offers, from any source, in the form of grants, gifts, transfers, bequests, or donations of money, personal property, or an interest in real property other than a fee simple interest; and

(g) review compensatory mitigation plans proposed under 76-22-111. If the plan includes a financial contribution to the sage grouse stewardship account established in 76-22-109, the oversight team shall, using the habitat quantification tool, determine how to secure enough credits with the financial contribution to offset the debits of the project.

(2) If a habitat exchange is authorized in Montana by the United States fish and wildlife service, the oversight team may transfer credits it is tracking pursuant to 76-22-104(3) to the habitat exchange, provided that:

(a) the habitat exchange uses the habitat quantification tool to quantify and calculate the value of credits available for purchase; and

(b) if the United States fish and wildlife service revokes authorization of the habitat exchange, the balance of the credits held by the exchange that were transferred to it by the oversight team are transferred back to the oversight team or to another habitat exchange authorized by the United States fish and wildlife service.

(3) The oversight team shall retroactively calculate and make available credits for leases and conservation easements purchased with funds disbursed pursuant to this part after May 7, 2015, but prior to the adoption of rules under 76-22-104.

(4) The oversight team shall seek a depredation order from the United States fish and wildlife service under the Migratory Bird Treaty Act of 1918, as necessary, to control common raven (*Corvus corax*) or black-billed magpie (*Pica hudsonia*) to reduce depredation on sage grouse populations and their nests.

History: En. Sec. 6, Ch. 445, L. 2015.



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76-22-109. Sage grouse stewardship account. (1) There is a sage grouse stewardship account in the state special revenue fund established in [17-2-102](#). Subject to appropriation by the legislature, money deposited in the account must be used pursuant to the provisions of this part to maintain, enhance, restore, expand, or benefit sage grouse habitat and populations for the heritage of Montana and its people.

(2) The following funds must be deposited in the account:

(a) money received by the department in the form of grants, gifts, transfers, bequests, payments for credits or financial contributions made pursuant to [76-22-111](#), and donations, including donations limited in their purpose by the grantor, or appropriations from any source intended to be used for the purposes of this account; and

(b) any interest or income earned on the account.

(3) Subject to subsections (4) and (5), the department shall make disbursements from the account to projects approved by the oversight team to receive grants.

(4) The majority of the funds in the account may not be disbursed before the habitat quantification tool has been adopted. The habitat quantification tool must be applied to any project funded after the habitat quantification tool has been adopted. The majority of the account funds must be awarded to projects that generate credits that are available for compensatory mitigation under [76-22-111](#). When selecting projects to receive funds, the oversight team shall prioritize projects that maximize the amount of credits generated per dollars of funds awarded.

(5) Money deposited in the account may not be used:

(a) for fee simple acquisition of private land;

(b) to purchase water rights;

(c) to purchase a lease or conservation easement that requires recreational access or prohibits hunting, fishing, or trapping as part of its terms; or

(d) to allow the release of any species listed under [87-5-107](#) or the federal Endangered Species Act, 16 U.S.C. 1531, et seq.

(6) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

History: En. Sec. 7, Ch. 445, L. 2015.

Provided by Montana Legislative Services

Montana Code Annotated 2015

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76-22-110. Grants -- eligibility. (1) Subject to the provisions of 76-22-112, to be eligible to receive funds pursuant to this part, a proposed project must maintain, enhance, restore, expand, or benefit sage grouse habitat and populations for the heritage of Montana and its people through voluntary, incentive-based efforts, including:

- (a) reduction of conifer encroachment;
- (b) reduction of the spread of invasive weeds that harm sagebrush health or sage grouse habitat;
- (c) maintenance, restoration, or improvement of sagebrush health or quality;
- (d) purchase or acquisition of leases, term conservation easements, or permanent conservation easements that conserve or maintain sage grouse habitat, protect grazing lands, or conserve sage grouse populations;
- (e) incentives to reduce the conversion of grazing land to cropland;
- (f) restoration of cropland to grazing land;
- (g) modification of fire management to conserve sage grouse habitat or populations;
- (h) demarcation of fences to reduce sage grouse collisions;
- (i) reduction of unnatural perching platforms for raptors;
- (j) reduction of unnatural safe havens for predators;
- (k) sage grouse habitat enhancement that provides project developers the ability to use improved habitat for compensatory mitigation under 76-22-111;

(l) establishment of a habitat exchange to develop and market credits consistent with the purposes of this part. The habitat exchange must be authorized by the United States fish and wildlife service and must use the habitat quantification tool to quantify and calculate the value of credits and debits. Funds may be allocated to a habitat exchange:

- (i) if the funds are used:
 - (A) to create and market credits in a manner consistent with the habitat quantification tool;
 - (B) for operational purposes, including monitoring the effectiveness of projects; or
 - (C) for costs associated with establishing the habitat exchange; and
- (ii) if the habitat exchange reimburses the state for its proportionate share of proceeds generated from the sale of credits created with funds distributed pursuant to this part. Any proceeds received by the state pursuant to this subsection (1)(l)(ii) must be deposited in the sage grouse stewardship account established in 76-22-109 and must be used only to acquire additional credits or for operational purposes, including monitoring the long-term effectiveness of compensatory mitigation projects.

(m) other project proposals that the oversight team determines are consistent with the purposes of this part.

(2) Projects proposed by grant applicants may involve land owned by multiple landowners, including state and federal land, provided that the majority of the involved acres are privately held and that the proposed project benefits sage grouse across all of the land included in the project.

(3) Grants may be awarded only to organizations and agencies that hold and maintain conservation easements or leases or that are directly involved in sage grouse habitat mitigation and enhancement activities approved by the oversight team.

(4) Grants may not be used to supplement or replace the operating budget of an agency or organization except for budget items that directly relate to the purposes of the grant.

(5) If a grant is awarded to a proposed project that uses matching funds from a source that prohibits

the generation of credits for compensatory mitigation, the oversight team, when possible, shall allocate the credits generated by the proposed project on a pro rata basis and make available for compensatory mitigation under 76-22-111 only those credits attributable to funds awarded pursuant to this section and any unrestricted matching funds.

History: En. Sec. 8, Ch. 445, L. 2015.

Provided by Montana Legislative Services

