

DRAFT GREATER SAGE-GROUSE HABITAT CONSERVATION STRATEGY

Prepared by
Montana's Greater Sage-grouse Habitat Conservation Advisory Council

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Contents

I.	INTRODUCTION	3
II.	PERFORMANCE STANDARD.....	6
III.	GENERAL PROVISIONS.....	6
IV.	SAGE-GROUSE CONSERVATION AREAS.....	10
V.	MONTANA STEWARDSHIP AND CONSERVATION FUND	11
VI.	STIPULATIONS FOR DEVELOPMENT	13
a)	Core Area Stipulations	13
i.	Core Area - Disturbance Stipulations	13
ii.	Core Area - Specific Stipulations.....	15
b)	Special Management Core Areas.....	21
c)	General Habitat Stipulations.....	23
d)	Connectivity Area Stipulations.....	27
VII.	PERMITTING PROCESS.....	27
VIII.	EXEMPT ACTIVITIES	28
IX.	MITIGATION FRAMEWORK	30
X.	MANAGEMENT RECOMMENDATIONS (non-development activities).....	31
a)	Range Management.....	31
b)	Wildfire Response.....	33
c)	Invasive Plant Species	35
d)	Predators	36
e)	Disease (West Nile virus)	37
f)	Hunting	38
XI.	IMPLEMENTATION	38
	APPENDIX A: Governor Bullock’s Executive Order 2-2013.....	41
	APPENDIX B: House Bill 580.....	46
	APPENDIX C: Sage-grouse Habitat Advisory Council representatives.....	48
	APPENDIX D: Definitions	49
	APPENDIX E: Wyoming’s Density and Disturbance Calculation Tool Process.....	51

I. INTRODUCTION

The Greater Sage-Grouse, a prairie species that depends on sagebrush habitat and open lands, has been the subject of significant discussion, litigation, collaboration and debate in the 11 western states that form its range. Montana has managed and regulated sage-grouse for well over a century, but habitat loss and sage-grouse population declines in Montana and throughout the birds' range have prompted federal Endangered Species Act (ESA) petitions and litigation that seek to add the Greater Sage-Grouse to the Endangered Species List.

These legal and procedural processes continue to move forward, and as they do so they threaten Montana's ability to manage sage-grouse. The US Fish and Wildlife Service (Service) is cooperating with states – individually and collectively – on habitat conservation plans in advance of a court-ordered September 2015 decision on a potential ESA listing for this species. If the sage-grouse is added to the ESA List, the Service, a federal agency, would replace existing state authority and assume management responsibility for sage-grouse. History shows loss of sage-grouse habitat and populations has occurred across all land management types, including federal land managed by the Service, Bureau of Land Management and U.S. Forest Service. This plan calls on cooperation from federal, state, tribal and private landowners and managers to conserve and protect sage-grouse.

In 2005, Montana created its first sage-grouse conservation plan, *Management Plan and Conservation Strategies for Sage-Grouse in Montana*. Since then, this plan has guided sage-grouse management in Montana. However, new research and science, coupled with new or expanded potential threats to sage-grouse habitat and populations, have combined with new court decisions to create a need for Montana to update its state sage-grouse conservation plan, policies and actions.

1 Early in 2013, following efforts in Wyoming and other states with sage-grouse populations, Montana Governor
2 Steve Bullock issued Executive Order 2-2013 (Appendix A), creating a citizen-based Greater Sage-Grouse
3 Habitat Conservation Advisory Council. This Council was directed to “gather information, furnish advice, and
4 provide to the Governor recommendations on policies and actions for a state-wide strategy to preclude the
5 need to list the Greater Sage-Grouse under the ESA.” In addition, the 2013 Montana State Legislature
6 overwhelmingly passed HB 580 (Appendix B), legislation which funded the Governor’s Advisory Council and
7 supported its purpose to recommend policies and actions for a state-wide sage-grouse strategy.

8 In April 2013, the Governor appointed the 12-member Greater Sage-Grouse Habitat Conservation Advisory
9 Council (Appendix C). Since then the Advisory Council has held nine comprehensive meetings. A full list of
10 Advisory Council meeting agendas, minutes, presentations, documents and more is available at the council’s
11 website at <http://fwp.mt.gov/fishAndWildlife/management/sageGrouse/habitatConservation/>.

12 **Public Comment**

13 This DRAFT *Greater Sage-Grouse Habitat Conservation Strategy* will ultimately form the basis of
14 recommendations from the Advisory Council to Governor Bullock. Verbal and written public comments will be
15 accepted until December 4, 2013. In addition to accepting public comment at each meeting that the Advisory
16 Council held while developing these recommendations, the council is holding a series of public meetings in
17 November to gather additional comments from the public:

CITY	LOCATION	TIME
Dillon	U of M – Western, Lewis & Clark Room, Mathews Hall	November 13 – 6 – 8 pm
Billings	FWP Region 5 Headquarters	November 18 – 6 – 8 pm
Baker	Senior Citizens Center	November 19 – 1 – 3 pm
Miles City	Miles Community College, James P Lucas Bldg, Rm 106	November 19 – 7 – 9 pm
Glasgow	Cottonwood Inn and Suites	November 20 – 6 – 8 pm
Malta	First State Bank	November 21 – 12 – 2 pm
Lewistown	FWP Lewistown Area Office	November 21 – 6 – 8 pm

1 **NEXT STEPS**

2 After the public comment period closes December 4, comments will be evaluated. The Advisory Council will
3 then modify and finalize its recommendations to the Governor in January 2014. Because the council serves to
4 advise the Governor, the Governor can then accept, modify or reject the Advisory Council's recommendations.

5 After finalizing Montana's sage-grouse strategy and developing an implementation plan, the Governor will
6 submit Montana's sage-grouse conservation strategy to the Service for its review. After reviewing the
7 strategy, it is anticipated that the Service will notify the Governor about the strategy's adequacy.

8 Throughout the Advisory Council's deliberations, the Service has made it clear that for the Service to consider
9 Montana's *Greater-Sage Grouse Habitat Conservation Strategy* as an effective mechanism for sage-grouse
10 conservation in their final listing decision, the strategy must pass two critical tests: (1) the Service must have
11 certainty the *Greater-Sage Grouse Habitat Conservation Strategy* will be implemented; and (2) once the
12 *Greater-Sage Grouse Habitat Conservation Strategy* is implemented, the Service must have certainty the plan
13 will be effective in protecting sage-grouse habitat and conserving sage-grouse populations. This document
14 and Montana's sage-grouse conservation plan are built upon Montana's need to successfully address this two-
15 part test.

16 Readers will note that the report is organized into major sections based on the primary threats facing sage-
17 grouse. First, the main threats identified by the Service are addressed. Second, additional threats identified by
18 the Advisory Council, are addressed. Each section contains a series of recommendations to address identified
19 threats.

20 Readers will also note that this current Advisory Council ends its duties in early 2014. However, this council is
21 recommending that the Governor appoint a new citizen and agency-based working group to continue sage-
22 grouse conservation in Montana. With significant amounts of emerging research and other information
23 anticipated to be available in the near future, the Advisory Council believes it is essential that the State of

1 Montana retain a sharp focus on the status of sage-grouse habitat, populations, threats and science. Wyoming
2 has found the use of an established sage-grouse working group particularly effective and valuable in
3 addressing ongoing sage-grouse issues. Montana’s Advisory Council also believes creation of a new citizen and
4 agency-based working group will be helpful in ensuring this *Greater Sage-Grouse Habitat Conservation*
5 *Strategy* is successfully and effectively implemented now and into the future.

6 **II. PERFORMANCE STANDARD**

7 As of January 31, 2014, the State of Montana shall adopt a sage-grouse population target based on number of
8 displaying males. Displaying males are an index to sage-grouse abundance and distribution trends over time.
9 This index to sage-grouse populations will be estimated regularly using a consistent protocol and will serve as
10 a primary metric for quantifying the success or failure of this Greater Sage-Grouse Habitat Conservation
11 Strategy. Sage-grouse populations vary naturally over time and across regions, which means numbers of birds
12 counted in a given year or a given area could be higher or lower than average but are still within a sustainable
13 range for the species. Between 2004 and 2013, the average number of displaying males in a given year in
14 Montana ranged from 6.98 – 18.71 males/lek (NOTE: These numbers may change based on an ongoing
15 evaluation of lek monitoring data by FWP before the final version of this document is submitted to the
16 Governor). This range shall serve as the baseline for future regular population monitoring and will serve to
17 determine sage-grouse population growth or loss as determined by a statistically-valid analysis over a 10-year
18 period, and will also serve to guide future modifications of the Strategy by the Montana Sage-Grouse
19 Oversight Team and other state and federal entities. Deviations from historical or statewide trends in a given
20 region of the state will also be taken in to account when evaluating modifications to the Strategy.

21 **III. GENERAL PROVISIONS**

22 Governor Bullock’s Greater Sage-Grouse Habitat Conservation Advisory Council recommends the following
23 strategy to address the primary and secondary threats to the Greater Sage-Grouse (hereafter sage-grouse) in

1 Montana. The goal of this strategy is to conserve sage-grouse populations and habitats and to preclude the
2 need to list the bird under the Endangered Species Act. To achieve this goal, the following stipulations were
3 developed to conserve sage-grouse populations and habitats while concurrently achieving substantive
4 economic and social growth. Primary threats as identified by the Service include fragmentation and alteration
5 of sagebrush systems, and lack of regulatory mechanisms to conserve sage-grouse habitat. Secondary threats
6 as identified by the Service include habitat management issues related to livestock grazing that does not meet
7 rangeland health standards, collisions with fences and power lines, wildfire, conifer and weed expansion, and
8 disease (West Nile Virus). Predation and hunting were also identified by the Advisory Council as threats to
9 sage-grouse and are included in this strategy. In its final form, this strategy will be presented to Governor
10 Bullock for consideration as the primary regulatory mechanism to conserve sage-grouse and preclude the
11 need for listing the bird as a threatened or endangered species pursuant to the Endangered Species Act of
12 1973. The following are general overarching provisions intended to convey how this strategy will be
13 implemented and how agencies will work in concert to achieve effective conservation of sage-grouse in
14 Montana:

- 15 1. Management by all Montana state agencies should focus on the maintenance and enhancement of
16 Greater Sage-Grouse habitats, populations and connectivity areas, including inter-state and
17 international connectivity, identified in Section IV. Core Areas play a critical role and general habitat
18 plays an important role in sage-grouse conservation. Because regulatory certainty is important, it is
19 important that scientifically defensible, mapped Core Areas be retained unless substantial and
20 compelling information indicates that boundaries may need to be changed.
- 21 2. All valid and existing land uses and rights in Core Areas and General sage-grouse habitat should be
22 recognized and respected.
- 23 3. A Montana Stewardship and Conservation Fund will be established to create and fund voluntary and

1 incentive-based non-regulatory conservation programs designed to conserve sagebrush habitat and
2 grazing lands within identified sage-grouse core, connectivity, and general habitat areas on private
3 lands (Section V).

- 4 4. The Governor shall direct an appropriate amount of all state funds available for conservation of
5 habitats (e.g., Habitat Montana, Upland Game Bird Habitat Program) will be prioritized by state
6 agencies for protection, enhancement, and restoration of sage-grouse habitat in core, connectivity,
7 and general areas.
- 8 5. It is assumed that uses and rights existing prior to January 31, 2014 will not be managed under the
9 stipulations found in this strategy. Examples of existing activities include oil and gas, mining,
10 agriculture, overhead power lines, processing facilities, housing and other uses that were in place prior
11 to the development of this policy. Provided these activities are within a defined project boundary
12 (such as a recognized state or federal oil and gas unit, drilling and spacing unit, mine plan, subdivision
13 plat, etc.) they should be allowed to continue within the existing boundary, even if the use exceeds
14 recommended stipulations (see Section VI) recognizing that all applicable state and federal actions
15 shall continue.
- 16 6. This strategy in no way adds or expands the review or approval authority of any state agency. Section
17 VIII contains a list of land uses and landowner activities that do not require review for consistency.
- 18 7. New development or land uses requiring a permit or other authorizations within sage-grouse Core
19 Areas should be authorized or conducted only when it can be reasonably demonstrated that the
20 activity (factoring in mitigation) will not cause declines in Greater Sage-Grouse populations. Activities
21 that exceed recommended stipulations may require compensatory mitigation (Section VIII).
- 22 8. Development consistent with the stipulations set forth in Section VI shall be deemed sufficient to
23 demonstrate that the activity will not cause declines in Greater Sage-Grouse populations.

- 1 9. Core and connectivity areas and general habitat will receive priority by state agencies for all sage-
2 grouse funding, land management agreements (including Candidate Conservation Agreements and
3 Candidate Conservation Agreements with Assurances), habitat enhancement projects, reclamation
4 efforts, mapping projects and other associated proactive efforts designed to assure viability of Greater
5 Sage-Grouse in Montana.
- 6 10. Incentives to accelerate or enhance reclamation in habitats in and adjacent to Core Areas and general
7 habitat should be developed, including but not limited to stipulation waivers, funding for enhanced
8 reclamation, and other strategies.
- 9 11. Immediate suppression of wildfire in Core Areas and general habitat will be prioritized by all fire-
10 fighting units under the jurisdiction of the state, recognizing that other local, regional, and national
11 suppression priorities may take precedent. Coordination among all fire-fighting units, including
12 federal, state, regional and local units, is necessary to implement fire prevention, suppression, and
13 rehabilitation management as detailed in Section X. However, public and firefighter safety remains the
14 number one priority for all fire management activities. Reclamation and restoration of sage-grouse
15 habitat burned by wildfire will be a primary mitigation opportunity under this plan.
- 16 12. State agencies shall work collaboratively and in cooperation with federal and local governments and
17 private landowners to ensure a uniform and consistent application of this strategy to maintain and
18 enhance Greater Sage-Grouse habitats and populations.
- 19 13. A Montana Sage-grouse Oversight Team (MSGOT) will be established (Section XI). This body will be
20 responsible for providing oversight for the implementation of Montana's *Greater Sage-grouse Habitat*
21 *Conservation Strategy*.
- 22 14. State agencies shall strive to maintain consistency with the items outlined in this strategy, but it should
23 be recognized that adjustments to the stipulations may be necessary based upon local conditions and
24 limitations. Any adjustments to these stipulations must be recommended for approval by the MSGOT

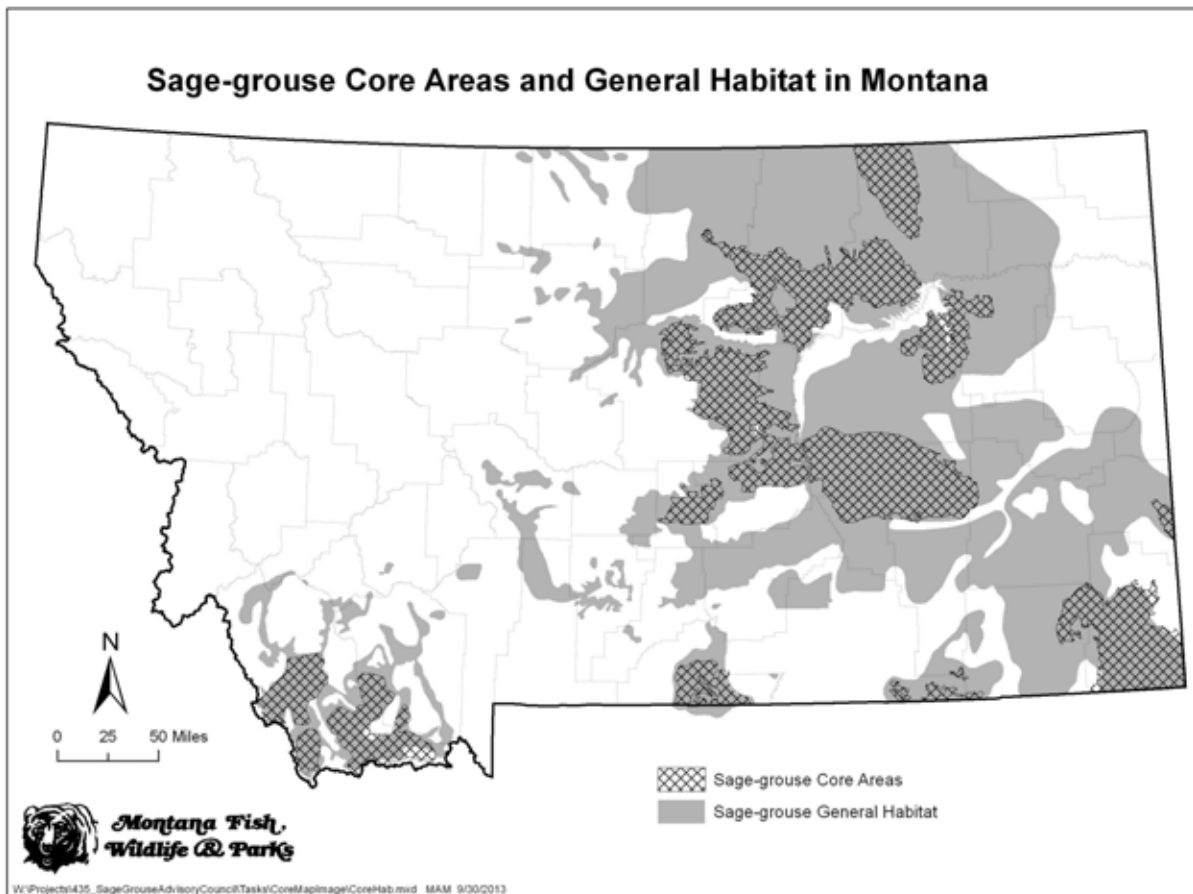
1 and subsequently approved by the appropriate agency. The goal is to minimize future disturbance by
2 co-locating proposed disturbances within areas already disturbed or naturally unsuitable.

3 15. The protective stipulations outlined in this strategy should be reevaluated on a continuous basis and at
4 a minimum annually, as new science, information and data emerge regarding the habitats and
5 behaviors of Greater Sage-Grouse.

6 16. State of Montana shall commit funding for the implementation of this strategy as described in Section
7 XI).

8 17. State agencies shall report to the Office of the Governor, Montana Environmental Quality Council,
9 State Land Board, and Montana Fish and Wildlife Commission detailing their actions to comply with
10 this strategy.

11 IV. SAGE-GROUSE CONSERVATION AREAS



1 A Geographic Information System layer of Montana’s Greater Sage-Grouse Core Areas is available for
2 download from Montana Fish, Wildlife and Parks at
3 <http://fwp.mt.gov/doingBusiness/reference/gisData/dataDownload.html>.

4 **A. Core Areas** – areas of highest conservation value for sage-grouse. Core Areas were delineated
5 by Montana Fish, Wildlife and Parks (FWP) in cooperation with federal and non-governmental
6 partners to encompass the areas with the greatest number of displaying males and associated
7 habitat. FWP estimates the Core Areas include ~76% of the displaying males in Montana, as of
8 2013. Male counts at lek sites are assumed to represent the overall sage-grouse population.
9 (Layer name: Sage Grouse Core Areas).

10 **B. General Habitat** – areas that provide habitat for sage-grouse in Montana but are not
11 considered Core Areas. (Layer name: Distribution – Sage Grouse (Habitat)).

12 **C. Connectivity Areas** – areas that provide important linkages among populations of sage-grouse,
13 particularly between Core Areas or priority populations in adjacent states and across
14 international borders. Connectivity habitat may be mapped when additional information
15 becomes available.

16 **V. MONTANA STEWARDSHIP AND CONSERVATION FUND**

17

18 Approximately 64% of sage-grouse habitat in Montana is in private ownership. The ongoing stewardship of
19 private landowners is critical to successful conservation of sage-grouse habitat and providing additional
20 opportunities to support land stewardship is fundamental to this strategy. The Advisory Council recommends
21 the creation of the Montana Stewardship and Conservation Fund (Fund) to provide immediate and ongoing
22 annual funding to:

- 1) Conserve sage-grouse habitat and populations until sage-grouse populations are stable and the sage-grouse is no longer vulnerable to an Endangered Species Act listing.
- 2) Create and fund voluntary and incentive-based non-regulatory conservation programs on private land.
- 3) Conserve key wildlife connectivity areas to help diminish potential future ESA listings of other species.
- 4) Target appropriate funding to conserve riparian and wetland areas to help diminish potential future ESA listings.
- 5) Improve habitat health to reduce threat of catastrophic fire, including projects designed to address conifer encroachment and invasive species.
- 6) Promote and support mitigation and conservation plans and measures.

In addition, this Fund would:

- 1) Be housed in the Montana Department of Natural Resources and Conservation.
- 2) Be managed by a citizens board (with legislative representation) that would have authority to award funding through a competitive grant process to entities based on Fund guidelines, legislative intent, rule-making and other specific provisions.
- 3) Allow eligible entities such as watershed groups, conservation districts, nonprofit organizations, state agencies and others to be eligible for grant funding. Individuals would not be eligible for funding.
- 4) Be used as a matching source of funds to ensure that Fund dollars are maximized for on-the-ground projects. The Fund could be used as match for mitigation programs, federal programs, private donations, other state programs and more.
- 5) Be part of the governor's budget submission in late 2014 with a defined and identified dollar amount contained within the budget. The Sage Grouse Advisory Council will recommend an annual amount of funding in its draft Montana Sage Grouse Conservation Strategy submitted to the Governor. To ensure transparency, the Fund would be the subject of regular reporting to the

1 Legislature, the Governor, the Montana Environmental Quality Council and the Montana Fish and
2 Wildlife Commission.

3 **VI. STIPULATIONS FOR DEVELOPMENT**

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5 The goal of this strategy is to conserve sage-grouse populations and habitats and to preclude the need to list
6 the bird under the Endangered Species Act. To achieve this goal, the following stipulations were developed to
7 conserve sage-grouse populations and habitats while concurrently achieving substantive economic and social
8 growth. New development projects in sage-grouse Core Areas that require any state or federal permits will be
9 required to follow the permitting process and stipulations outlined below. Development projects in sage-
10 grouse general habitat may also be required to follow certain stipulations (see below). Activities exempt from
11 these stipulations can be found in Section VIII. The permitting entity (e.g., Bureau of Land Management,
12 Department of Environmental Quality) will have ultimate responsibility for compliance with these stipulations.

13 **a) Core Area Stipulations**

14 **i. Core Area - Disturbance Stipulations**

15 The stipulations in this section apply to all new activities in Core Areas with the exception of exempt
16 activities defined in Section VIII or where specific applicable regulations are already in place (e.g., SMCRA).
17 Additional stipulations that apply to specific industries and activities are described in Section VI.a.ii. Where
18 there is a conflict between the disturbance and the specific stipulations for any given activity, the more
19 restrictive will apply.

20 Sage-grouse Core Areas have been designated as areas of highest conservation priority. These stipulations
21 are designed to maintain existing suitable sage-grouse habitat by regulating activities in Core Areas to ensure
22 the maintenance of sage-grouse abundance and distribution in Montana.

1 1. **Surface Occupancy Active Leaks:** There will be a No Surface Occupancy (NSO) buffer within 1.0 mile of
2 active sage-grouse leks within Core Areas. NSO, as used in these recommendations, means no surface
3 facilities including roads shall be placed within the NSO area. Other activities may be authorized with
4 the application of appropriate seasonal stipulations, provided the resources protected by the NSO are
5 not adversely affected. For example, underground utilities may be permissible if installation is
6 completed outside applicable seasonal stipulation periods and significant resource damage does not
7 occur. Similarly, geophysical exploration may be permissible in accordance with seasonal stipulations.
8 See Appendix D for the definition of an active lek.

9 2. **Surface Disturbance:** Surface disturbance will be limited to an average of 5% of suitable sage-grouse
10 habitat within a specified project area. The calculation method for this disturbance density is
11 described in Appendix E. The calculation of total percent disturbance will include:

- 12 a. All existing disturbance (anthropogenic);
- 13 b. Authorized but yet to be implemented activities;
- 14 c. Proposed activities;

15 but will not include areas that are unsuitable for sage-grouse (e.g. bodies of water). A definition of
16 unsuitable habitat is provided in Appendix D. Distribution of disturbance may be considered and
17 approved on a case-by-case basis with a goal of consolidating disturbance. Unsuitable habitat should
18 be identified in a seasonal and landscape context, on a case-by-case basis, outside the NSO buffer
19 around leks. This will incentivize proponents to locate projects, where technically feasible, in
20 unsuitable habitat to avoid creating additional disturbance acres. Acres of development in unsuitable
21 habitat are not considered disturbance acres. The primary focus should be on protection of suitable
22 habitats and protecting from habitat fragmentation. See Appendix D for a description of suitable
23 habitat and surface disturbance.

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3. **Seasonal Use:** As authorized by permitting agency or agencies activities (production, maintenance, and emergency activity exempted) will typically be prohibited from March 15 to July 15 outside of the NSO perimeter of an active lek in Core Areas where breeding, nesting and early brood-rearing habitat is present. Allowed maintenance and production activity will not occur between the hours of 4:00 - 8:00 am and 7:00 - 10:00 pm between March 15 and July 15. In areas used as winter concentration areas, exploration and development activity will be prohibited December 1 – March 15. Activities may be allowed during seasonal closure periods as determined on a case-by-case basis. Activities in unsuitable habitat also may be approved year round on a case-by-case basis.
 4. **Noise:** New noise levels, at the perimeter of a lek, should not exceed 10 dBA above ambient noise (existing activity included) from 6:00 pm to 8:00 am during the breeding season (March 15 – July 15) with the exception of those sites identified under Special Management Core Areas. Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.

13 ii. Core Area - Specific Stipulations

14 The stipulations in this section apply to specific activities and/or industries. They are in addition to the general
15 stipulations described above. Where there is a conflict between the disturbance and the specific stipulations
16 for any given activity, the more restrictive will apply.

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1. **Transportation:** Locate main roads used to transport production and/or waste products a minimum of two miles from the perimeter of active sage-grouse leks. Locate other roads used to provide facility site access and maintenance a minimum of one mile from the perimeter of active sage-grouse leks. Construct roads to minimum design standards needed for production activities.
 2. **Pipelines:** Bury pipelines and restore disturbed area with native plant species that are compatible with the surrounding ecological site conditions. Co-locate pipelines with roads, transmission lines, and

1 other linear features, when possible. Compensatory mitigation for temporary loss of habitat will be
2 required by the applicable permitting agency.

3 **3. Overhead Power lines and Communication Towers:** Locate new overhead power lines and
4 communication towers a minimum of one mile from the perimeter of active sage-grouse leks. Use
5 topographic screening and bury lower voltage transmission lines when possible. Follow the Service's
6 Best Management Practices for tall structures when erecting new communication towers. Burying of
7 local distribution lines should be encouraged where economically feasible. Co-locate all new power
8 lines with roads, existing power lines, or other linear features when possible. Burying existing overhead
9 lines that have been identified as contributing to a decline in sage-grouse populations will be
10 considered as a mitigation option. Raptor proofing poles is encouraged when proven effective. The
11 Electric Utility/Coop Industry is working through the Avian Power Line Interaction Committee (APLIC),
12 federal agencies (including the Service and BLM), and state wildlife agencies (including Montana FWP)
13 to develop a set of Best Management Practices (BMPs) to guide construction, operation and
14 maintenance activities in sage-grouse habitats. This document will not be completed until after the
15 Council submits their recommendations to the Governor. Until the BMP document is reviewed and
16 approved by the Service, BLM, and other appropriate state and federal agencies, it will be referenced
17 as "Best Management Practices for Electric Utilities in Sage-Grouse Habitat" and will be added to the
18 Montana *Greater Sage-grouse Habitat Conservation Strategy* in the appropriate location when it is
19 finalized.

20 **4. Oil and Gas Development:** Well pad densities are not to exceed an average of one pad per square mile
21 (640 acres). As an example, the number of well pads within a two mile radius of the perimeter of an
22 active sage-grouse lek should not exceed 11, distributed preferably in a clumped pattern in one general
23 direction from the lek.

24 **5. Mining:**

- 1 a. For development drilling or ore body delineation drilling on tight centers, (approximately 100' x
2 100') the disturbance area will be delineated by the external limits of the development area.
3 Assuming a more widely-spaced disturbance pattern, the actual footprint will be considered the
4 disturbance areas.
- 5 b. Sage-grouse monitoring results will be reported in the mine permit annual report. This
6 document will be given to FWP and the regulating body. Pre-disturbance surveys will be
7 conducted as required by the appropriate regulatory agency.
- 8 c. The number of active mining development areas (e.g., operating equipment and significant
9 human activity) are not to exceed an average of one project per square mile (640 acres).
- 10 d. Surface disturbance and surface occupancy stipulations will be waived within the Core Area
11 when implementing underground mining practices that are necessary to protect the health,
12 welfare, and safety of miners, mine employees, contractors and the general public. The mining
13 practices include but are not limited to bore holes or shafts necessary to: 1) provide adequate
14 oxygen to an underground mine; 2) supply inert gases or other substances to prevent, treat, or
15 suppress combustion or mine fires; 3) inject mine roof stabilizing substances; and 4) remove
16 methane from mining areas. Any surface disturbance or surface occupancy necessary to access
17 the sites to implement these mining practices will also be exempt from any stipulation.
- 18 e. Mining permits will include requirements for mitigation that enhances or promotes genetic
19 diversity, critical habitat, connectivity, and population viability.

20 **6. Coal Mining:**

- 21 a. Coal mining operations will be allowed under the terms and conditions included in permits
22 issued by the Montana Department of Environmental Quality under the authority of the
23 Montana Strip and Underground Mine Reclamation Act (MSUMRA) and the federal Surface

1 Mining Control and Reclamation Act (SMCRA) and imposed by those statutes' implementing
2 state and federal regulations.

3 b. To avoid potentially significant impacts to sage-grouse, candidate federal coal leases are
4 evaluated against unsuitability criteria during the leasing process which includes analyses of
5 potential impacts to wildlife including sage-grouse. Incorporation of new leases into new and
6 existing mining operations is considered allowable by the State without the imposition of
7 regulatory obligations otherwise required under this strategy, that would go beyond the
8 current requirements under MSUMRA/SMCRA permitting and regulatory programs.

9 c. New coal mining operations, including expansions in, into and within Core Areas, requires
10 permitting processes under MSUMRA/SMCRA .

11 7. **Wind Energy:** Wind energy development will be excluded from sage-grouse Core Areas. This provision
12 will be reevaluated on a continuous basis as new science, information and data emerges.

13 8. **Vegetation Removal:** Vegetation removal as part of permitted activities will be limited to the minimum
14 disturbance required by the project. All topsoil stripping and vegetation removal in suitable habitat
15 will occur between July 16 and March 14 in areas that are within 4 miles of an active lek. Initial
16 disturbance in unsuitable habitat between March 15 and July 15 may be approved on a case-by-case
17 basis.

18 9. **Sagebrush Treatments:** Sagebrush eradication and treatment programs aimed at reducing or
19 eliminating sagebrush will be prohibited on state and discouraged on private lands. Sagebrush
20 treatments are considered disturbance and will contribute to the 5% disturbance factor. Sagebrush
21 canopy cover should be maintained at present levels. Treatments to enhance sagebrush-grassland will
22 be evaluated based upon the existing habitat quality and the functional level post-treatment. Restored
23 sagebrush grassland habitats that provide effective cover and food for sage-grouse should be

1 recognized as part of the habitat base; this provision serves as an incentive for restoring and protecting
2 converted habitats.

3 **10. Conversion to Cropland Agriculture:** The sage-grouse Advisory Council recommends that the Montana
4 Board of Land Commission enact a prohibition of conversion of native range on state land in Core
5 Areas to cropland, with criteria for approved waivers. The Advisory Council also requests federal
6 agencies prohibit the conversion of native range to cropland on lands that they control surface rights.
7 State and federal agencies are encouraged to work cooperatively with the Bureau of Indian Affairs and
8 Tribal governments to adopt policies that prevent conversion of sage-grouse habitat to agricultural
9 cropland.

10 **11. Range Management:** Rangelands on state lands will be managed in accordance with the
11 recommendations in Section X.a, whenever possible, taking in to consideration the existing
12 management practices of the lessee on surrounding, non-state lands. State agencies are encouraged
13 to collaborate with federal agencies and private landowners to craft grazing management plans that
14 adhere to the concepts included in this document.

15 **12. Wildfire:** Immediate suppression of wildfire in Core Areas will be prioritized by all fire-fighting units
16 under the jurisdiction of the state. Following wildfire, lands shall be treated as disturbed pending an
17 implementation management plan with trend data showing the area returning to functional sage-
18 grouse habitat. This is specific to wildfire and not intended for other incentive or mitigation situations.

19 **13. Monitoring/Adaptive Response:** For all activities allowed in Core Areas, sage-grouse monitoring will
20 be conducted to evaluate the response of active leks within 4 miles of the project footprint to
21 permitted activity, excluding underground utilities such as pipelines and buried utility lines.
22 Monitoring plans submitted by project proponent will be coordinated and modified by the permitting
23 agency with input from FWP. Monitoring will include the evaluation of affected leks and at least three
24 reference leks (one control area) located a minimum of >4 miles from the disturbance. If declines in

1 affected leks (using a three-year running average during any five-year period relative to trends on
2 reference leks) are determined to be caused by the project, the operator will propose adaptive
3 management responses to increase the number of birds. If the operator cannot demonstrate a
4 restoration of bird numbers to baseline levels (established by pre-disturbance surveys, reference
5 surveys and taking into account regional and statewide trends) within three years, operations will
6 cease until such numbers are achieved.

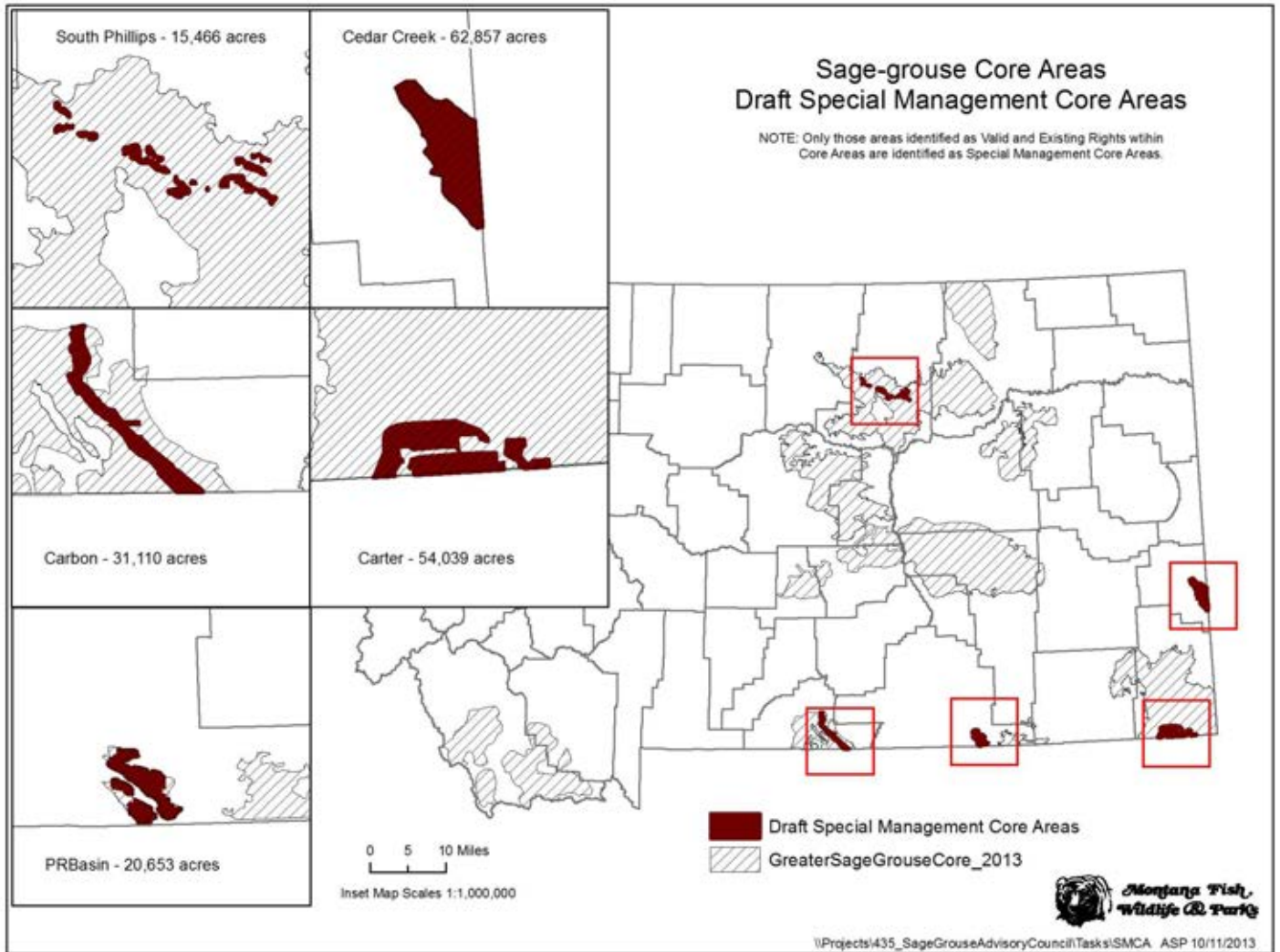
7 **14. Reclamation:** Reclamation should re-establish native grasses, forbs and shrubs during interim and final
8 reclamation to achieve cover, species composition, and life form diversity commensurate with the
9 surrounding plant community or desired ecological condition to benefit sage-grouse and replace or
10 enhance sage-grouse habitat to the degree that environmental conditions allow. Seed mixes should
11 include at least two native forbs and two native grasses with at least one bunchgrass species. Where
12 sagebrush establishment is prescribed, establishment is defined as meeting the standard prescribed in
13 the individual reclamation plan. Landowners should be consulted on the desired plant mix on private
14 lands. The operator is required to control noxious and invasive plant species, including cheatgrass
15 (*Bromus tectorum*).

16 **15. Existing Activities:** Areas already disturbed or approved for development within Core Areas prior to
17 January 31, 2014 are not subject to new sage-grouse stipulations with the exception that existing
18 operations may not initiate activities resulting in new surface occupancy within 1.0 mile of an active
19 sage-grouse lek. Any existing disturbance will be counted toward the calculated disturbance cap for a
20 new proposed activity. The level of disturbance for existing activities may exceed 5%.

21 **16. Exceptions:** Any exceptions to these stipulations will be considered on a case-by-case basis and must
22 show that these exceptions are not expected to cause declines in sage-grouse populations. Any
23 departures from these stipulations must be recommended for approval by MSGOT and subsequently
24 approved by appropriate agency.

1 **b) Special Management Core Areas**

2 Special Management Core Areas (SMCA) are defined as a subset of Core Areas in which special consideration
3 has been given to valid existing rights and the fact that it is recognized that existing and planned development
4 in these areas cannot be implemented within the constraints outlined in this document. Section IV shows the
5 areas which have been designated as SMCAs. These are described as follows:



Location	Resource	Acres
Cedar Creek Anticline	Oil and gas, wind	62,857
Carter County	Bentonite	54,039
Powder River Basin	Coal	20,653
Carbon County	Bentonite	31,110
South Phillips County	Bentonite	15,466

1
2 Each developer (those with the valid, existing rights) in a SMCA shall develop a conservation plan in
3 cooperation with FWP. All applicable Core Area stipulations will apply to the SMCA until the conservation plan
4 has been recommended for approval by MSGOT and subsequently approved by the appropriate agency. The
5 conservation plan will follow the mitigation framework outlined in Section IX that will include a noise
6 abatement stipulation, and will also include a strategy for restoration/reclamation within the core area, that
7 results in a long-term reduction in surface disturbance. In addition, conservation plans must have a
8 monitoring component using peer-reviewed scientific methods, that is designed to monitor sage-grouse
9 populations, the impact of development and restoration efforts on sage-grouse populations, and provide
10 feedback if adjustments are needed in the conservation plan to reduce impacts on sage-grouse populations.
11 The mitigation plan will also include plans for off-set mitigation. The conservation goal of these areas is to
12 maintain and restore seasonal sage-grouse habitats that support viable sage-grouse populations. As industrial
13 activities subside, these populations are expected to expand into vacant functional habitats.

- 14 1. Petitions may be submitted to MSGOT to create a new Special Management Core Area (SMCA). The
15 petition shall contain a geographic description of the area proposed to be created and a detailed
16 description of the number and location of the sage grouse lek(s) within the area. The petition must

1 also contain an evaluation of how the creation of the proposed SMCA would impact the core area
2 function, relative to the sage grouse. The petition must also contain an explanation of the rationale for
3 the creation of the SMCA. In evaluating whether to recommend approval of the creation of the new
4 SMCA, the MSGOT shall consider how the creation of a SMCA will impact the habitat and population of
5 the sage grouse both within the core area and on a state-wide basis. The petition must include a
6 proposal for off-set mitigation.

- 7 2. Petitions may be made to MSGOT for additional Special Management Core Areas, but in no case will
8 Special Management Core Areas encapsulate more than 3% of the state's sage-grouse Core Areas. In
9 addition, the Advisory Council recommends that the MSGOT develop a population threshold that
10 cannot be exceeded within Special Management Core Areas (i.e., the population of sage-grouse
11 impacted by all Special Management Core Areas may not exceed a specific population, measured by
12 the number and size of leks impacted or a similar population metric).
- 13 3. The MSGOT must develop a process where designated SMCAs can be reclassified as Core Areas. This
14 process should be based on metrics measuring the quantity and quality of the sage-grouse habitat
15 restored and/or reclaimed, as well as the documented use of that habitat by sage-grouse.

16 **c) General Habitat Stipulations**

17 General sage-grouse habitats are areas that provide sage-grouse nesting, brood-rearing and wintering habitat
18 but are not identified as Core Areas. General habitat was mapped by FWP biologists using lek locations,
19 telemetry and other available data. The health of general habitat areas is a critical element in the effort to
20 maintain the abundance and distribution of sage-grouse in Montana. Development scenarios in general
21 habitat are more flexible than in Core Areas, but should still be designed and managed to maintain
22 populations, habitats and essential migration routes. The goal in general areas is to maintain habitat
23 conditions by implementing appropriate management practices that minimize sagebrush loss and disturbance.
24 Applicable standard and sage-grouse management practices should be applied to development within both

1 Core Areas and general habitat to achieve the goals of this conservation strategy (Section X). Additionally, in
2 all general habitat areas, the following stipulations apply:

- 3 1. **Surface Occupancy:** Within 0.25 miles of the perimeter of an active sage-grouse lek there will be no
4 surface occupancy (NSO).
- 5 2. **Surface Disturbance:** There are no specific surface disturbance limits in general habitat. However,
6 standard management practices will be employed to minimize surface disturbance, such as co-locating
7 new and existing structures. Structures and associated infrastructure will be removed and areas
8 reclaimed to the standards found in item #12 (below) when a project is completed.
- 9 3. **Seasonal Use:** As authorized by the permitting agency or agencies activities (production and
10 maintenance activity exempted) will be prohibited from March 15 to July 15 within 2 miles of an active
11 lek where breeding, nesting and early brood-rearing habitat is present. Allowed maintenance and
12 production activity will not occur between the hours of 4:00 - 8:00 am and 7:00 - 10:00 pm between
13 March 15 and July 15. In areas used as winter concentration areas, exploration and development
14 activity will be prohibited December 1 – March 15. Activities may be allowed during seasonal closure
15 periods as determined on a case-by-case basis. This stipulation may be modified or waived for areas of
16 unsuitable habitat. Any deviations from this stipulation for unsuitable habitat will be determined by
17 the applicable permitting agency in coordination with Montana FWP and the MSGOT.
- 18 4. **Noise:** New noise levels, at the perimeter of a lek, should not exceed 10 dBA above ambient noise
19 (existing activity included) from 6:00 pm to 8:00 am during the breeding season (March 15 – July 15).
20 Ambient noise levels should be determined by measurements taken at the perimeter of a lek at
21 sunrise.
- 22 5. **Pipelines:** Bury pipelines and restore disturbed area with native plant species that are compatible with
23 the surrounding ecological site conditions. Co-locate pipelines with roads, transmission lines, and other
24 linear features, when possible.

- 1 6. **Overhead Power Lines and Communication Towers:** For new overhead power lines and
2 communication towers, develop a route or siting location – with agencies, utilities, and landowners
3 cooperating – that uses topography, vegetative cover, site distance, etc. to effectively protect
4 identified sage-grouse habitat in a cost efficient manner. If siting of overhead power lines is required
5 within 2 miles of important breeding, brood-rearing, and winter habitat, follow the most current
6 version of the Avian Power Line Interaction Committee guidelines to minimize collision potential and
7 raptor perch sites or bury a portion of the line. Site new lines in existing corridors wherever
8 practicable.
- 9 7. **Oil and Gas, Mining:** Encourage development in incremental stages to stagger disturbance and design
10 schedules that include long-term strategies to localize disturbance and recovery within established
11 zones over a staggered time frame. Use off-set mitigation as described in Section IX. Remove facilities
12 and infrastructure and reclaim to the standards found in item #12 (below) when use is completed,
13 including for exploration activities.
- 14 8. **Coal Mining:**
- 15 a. Coal mining operations will be allowed under the terms and conditions included in permits
16 issued by the Montana Department of Environmental Quality under the authority of the
17 Montana Strip and Underground Mine Reclamation Act (MSUMRA) and the federal Surface
18 Mining Control and Reclamation Act (SMCRA) and imposed by those statutes' implementing
19 state and federal regulations.
- 20 b. To avoid potentially significant impacts to sage-grouse, candidate federal coal leases are
21 evaluated against unsuitability criteria during the leasing process which includes analyses of
22 potential impacts to wildlife including sage-grouse. Incorporation of new leases into new and
23 existing mining operations is considered allowable by the State without the imposition of

1 regulatory obligations otherwise required under this strategy, that would go beyond the
2 current requirements under MSUMRA/SMCRA permitting and regulatory programs.

3 c. New coal mining operations, including expansions in, into and within Core Areas, requires
4 permitting processes under MSUMRA/SMCRA .

5 9. **Wind Energy:** New wind energy facilities are not recommended within 4 miles of the perimeter of
6 active sage-grouse leks. Work cooperatively with agencies, utilities, and landowners to use
7 topography, vegetative cover, site distance, etc. to effectively protect identified sage-grouse habitat.
8 Follow the Service's wind energy guidance.

9 10. **Sagebrush Treatments:** Sagebrush eradication and treatment programs aimed at reducing or
10 eliminating sagebrush below optimum levels, as determined by FWP using best-available science,
11 should be prohibited on state and federal lands, and should be discouraged on private lands.
12 Sagebrush canopy cover should be maintained at optimum levels, as described above. Treatments to
13 enhance sagebrush-grassland will be evaluated based upon the existing habitat quality and the
14 functional level post-treatment. Restored sagebrush grassland habitats that provide effective cover
15 and food for sage-grouse should be recognized as part of the habitat base; this provision serves as an
16 incentive for restoring and protecting converted habitats.

17 11. **Conversion to Agricultural Cropland:** The sage-grouse Advisory Council recommends that the Montana
18 Board of Land Commission enact a prohibition of conversion of suitable sage-grouse native range to
19 cropland on state lands, while providing for approved waivers. The State will develop criteria
20 describing when it is appropriate to break unsuitable sage-grouse native range in general habitat. The
21 Advisory Council also requests that federal agencies prohibit the conversion of native range to
22 cropland on land where they hold surface rights. State and federal agencies are encouraged to work
23 cooperatively with the Bureau of Indian Affairs and Tribal governments to adopt policies that prevent
24 conversion of sage-grouse habitat to agricultural cropland.

1 12. **Reclamation:** Reclamation should re-establish native grasses, forbs and shrubs during interim and final
2 reclamation to achieve cover, species composition, and life form diversity commensurate with the
3 surrounding plant community or desired ecological condition to benefit sage-grouse and replace or
4 enhance sage-grouse habitat to the degree that environmental conditions allow. Seed mixes should
5 include at least two native forbs and two native grasses with at least one bunchgrass species. Where
6 sagebrush establishment is prescribed, establishment is defined as meeting the standard prescribed in
7 the individual reclamation plan. Landowners should be consulted on the desired plant mix on private
8 lands. The operator is required to control noxious and invasive plant species, including cheatgrass
9 (*Bromus tectorum*).

10 13. **Wildfire:** Immediate suppression of wildfire in general habitat will be prioritized by all fire-fighting
11 units under the jurisdiction of the state. Federal agencies are also strongly encouraged to comply.

12 d) **Connectivity Area Stipulations**

13 Connectivity habitat includes those areas that provide important linkages among populations of sage-grouse,
14 particularly between Core Areas or priority populations in adjacent states and across international borders.
15 Research is underway, based on genetics work, to help better define the composition of priority connectivity
16 habitat. Connectivity areas will be identified and additional stipulations may be established by the MSGOT
17 when more informed science becomes available. A public review process on proposed stipulations for
18 connectivity habitat is required before the stipulations can be adopted by the State. The goal of conserving
19 connectivity habitat is to maintain those areas that are critical for facilitating movement and genetic exchange
20 among individuals and populations.

21 VII. **PERMITTING PROCESS**

22 During the application process to any state agency, project proponents (proponents) must provide a thorough
23 description of their project as it relates to sage-grouse (details such as draft project area, habitat maps and

1 any other information will help to expedite the project). It is understood that FWP has a role of consultation,
2 recommendation, and facilitation.

3 **Maximum Disturbance Process:** All activities will be evaluated within the context of maximum allowable
4 disturbance (disturbance percentages, and location and number of disturbances). The maximum disturbance
5 allowed (see Section VI.A – VI.C) will be analyzed via a standardized mapping tool process conducted by the
6 land management agency on federal land and the project proponent on non-federal (private, state) land. The
7 MSGOT will develop the process for implementing a standardized disturbance analysis similar to Wyoming’s
8 Density and Disturbance Calculation Tool soon after the team is appointed (Appendix E).

9 **Process Deviation:** Master development plans for implementing alternatives to the following core area
10 stipulations and plans for offset mitigation should be established on a case-by-case basis. Proposals to deviate
11 from standard stipulations will be considered by the MSGOT. Development that is not covered by these
12 stipulations may be considered depending on site-specific circumstances. Any proposals for deviations from
13 these stipulations or undefined activities must reasonably demonstrate that the proposed activities will not
14 cause declines in sage-grouse populations in Core Areas.

15 **Exempt Activities:** A list of land uses and landowner activities that do not require state agency review or
16 federal oversight is provided in Section VIII.

17 VIII. EXEMPT ACTIVITIES

18 Existing land uses and landowner activities exempt from compliance with this strategy:

- 19 A. Existing animal husbandry practices (including branding, docking, herding, trailing, etc).
- 20 B. Existing farming practices (excluding conversion of sagebrush/grassland to agricultural lands).

- 1 C. Existing grazing operations that meet rangeland health standards or utilize recognized
2 rangeland management practices (for example, allotment management plans, NRCS grazing
3 plans, prescribed grazing plans, etc).
- 4 D. Construction of agricultural reservoirs and **aquatic** habitat improvements less than 10 surface
5 acres and drilling of agriculture and residential water wells (including installation of tanks,
6 water windmills and solar water pumps) more than 0.6 miles from the perimeter of a lek.
7 Within 0.6 miles from leks no review is required if construction does not occur March 15 to July
8 15 and construction does not occur on the lek. All water tanks shall have bird escape ramps.
- 9 E. Agricultural and residential electrical distribution lines more than 0.6 miles from leks. Within
10 0.6 miles from leks no review is required if construction does not occur March 15 to July 15 and
11 construction does not occur on the lek. Raptor perching deterrents shall be installed on all
12 poles within 0.6 miles from leks, if they are proven to be effective according to Avian Power
13 Line Interaction Committee guidance. Routine maintenance of existing power lines conducted
14 between July 16 and March 14 is also an exempt activity.
- 15 F. Pole fences. Wire fences if fitted with visibility markers where high potential for collisions has
16 been documented.
- 17 G. Irrigation (excluding the conversion of sagebrush/grassland to new irrigated lands). Tribal lands
18 under existing and future state water compacts.
- 19 H. Spring development if the spring is protected with fencing and enough water remains at the
20 site to provide mesic (wet) vegetation.
- 21 I. Herbicide and pesticide use except for in the control of sagebrush and associated native forbs.
22 Grasshopper/Mormon cricket control following Reduced Agent-Area Treatments (RAATS)
23 protocol.
- 24 J. Existing county road maintenance.

- K. Production and maintenance activities associated with existing oil, gas, and power line facilities in compliance with approved authorizations.
- L. Cultural resource pedestrian surveys.
- M. Emergency response.

IX. MITIGATION FRAMEWORK

In Core Areas, adopt Service's hierarchy as the mitigation framework for implementation of this strategy. The MSGOT or designated working group will define a mitigation strategy for adoption under this strategy and will reference the forthcoming Service's Compensatory Mitigation Guidance, BLM Mitigation Guidance, and other viable approaches, such as Oregon's Mitigation Framework, the Lesser Prairie Chicken Business Plan, or Habitat Exchanges. Elements of the framework will include (in order):

1. **Avoid:** Avoid new disturbance to habitat in Core Areas (e.g., exclude wind development from Core Areas).
2. **Minimize:** If avoidance is not possible, minimize the extent of the disturbance to reduce or eliminate negative impacts to sage-grouse and their habitat (e.g., surface disturbance limits, timing stipulations, lek buffers, etc.).
3. **Reclamation & rectification:** Reclaim, restore and enhance habitat that is disturbed (e.g., reclamation after mining activities or pipeline construction). Typically, on-site reclamation is implemented by the entity responsible for the impact.
4. **Off-set mitigation:** When temporary or permanent impacts will occur, despite implementation of stipulations identified in Section VI, protect, restore, and enhance important sage-grouse habitat within a defined Service Area. Off-set mitigation can be used to reduce the existing human footprint which will allow for additional development activities in the future, especially in those areas already heavily impacted by development. Mitigation ratios will differ depending on the nature and location of

1 the disturbance. A variety of tools may be used for off-set mitigation such as conservation banks,
2 habitat exchanges, and approved conservation plans. Mitigation will occur prior to the impacts that
3 are being mitigated. Off-set mitigation would be implemented within a Service Area and prioritized as:

- 4 a. Within impacted Core Area;
- 5 b. Within Core Areas predicted to be at high risk of conversion to agriculture;
- 6 c. Within connectivity areas; then
- 7 d. Within core or general areas adjacent to core with good restoration potential.

8 **X. MANAGEMENT RECOMMENDATIONS (non-development activities)**

9 The following recommendations outline voluntary management practices designed to maintain or enhance
10 sage-grouse populations and habitats for non-development activities. Some of these practices may be
11 required as part of a conservation plan and/or serve as mitigation tools. Whenever possible, adherence to
12 these recommendations is encouraged.

13 **a) Range Management**

14 Livestock grazing is the most widespread type of land use across the sagebrush biome. Although improper
15 livestock management, as determined by local ecological conditions, may have negative impacts on sage-
16 grouse seasonal habitats, proper livestock management is a critical tool for providing and maintaining high
17 quality sage-grouse habitat. Range management structures and fences necessary for proper grazing
18 management can also be placed or designed to be neutral or beneficial to sage-grouse. The following
19 recommendations are intended to support grazing management as a tool for providing quality sage-grouse
20 habitat.

- 21 a. Grazing management: The State of Montana will collaborate with relevant federal agencies on
22 appropriate site-based action to achieve sage-grouse conservation objectives outlined herein.

- 1 i. Inform and educate affected grazing permittees regarding sage-grouse habitat needs
2 and conservation measures.
- 3 ii. Collaborate with appropriate federal agencies in defining a framework for evaluating
4 situations to determine if a causal relationship exists between improper grazing (by
5 wildlife or livestock) and Greater Sage-Grouse conservation objectives where
6 conservation objectives are not being achieved on federal land. The State of Montana
7 will also collaborate with appropriate federal agencies on appropriate site-based actions
8 to achieve sage-grouse conservation objectives within the framework. Monitoring data
9 will at a minimum reflect 5 years of information, include rangeland health assessments
10 and require conclusion or action to be based on 3 out of 5 years of data. Conduct
11 habitat assessments and, where necessary, determine factors causing any failure to
12 achieve the habitat characteristics. Make adjustments as appropriate.
- 13 iii. Given limited agency resources, priority should be given to Core Areas and then sage-
14 grouse habitats adjacent to Core Areas.
- 15 b. Develop field guidelines for lease inspections on state lands that contain suitable habitat for
16 sage-grouse within Core Areas to conserve the essential habitat components for sage-grouse.
17 The State of Montana will collaborate with lessees on appropriate options for corrective actions
18 and steps to be taken at lease renewal to achieve sage-grouse conservation objectives.
- 19 c. Range structures:
- 20 i. Range management structures should be designed and placed to be neutral or
21 beneficial to sage-grouse.
- 22 ii. Structures that are currently contributing to negative impacts to either sage-grouse or
23 their habitats should be removed or modified to remove the threat.
- 24 d. Fences:

- i. Mark fences that are in high risk areas for collision with permanent flagging or other suitable device to reduce sage-grouse collisions.
- ii. Identify and remove unnecessary fences.
- iii. Placement of new fences and livestock management facilities (including corrals, loading facilities, water tanks and windmills) should consider their impact on sage-grouse and, to the extent practicable, be placed at least 0.6 miles from active leks.

b) Wildfire Response

Wildfire temporarily or permanently eradicates sagebrush habitat. Fire, both lightning-caused and human-caused, is one of the risks to sage-grouse, especially as part of the positive feedback loop between exotic invasive annual grasses and fire frequency. The replacement of native perennial bunchgrass communities by invasive annuals is a primary contributing factor to increasing fire frequencies in the sagebrush ecosystem. The following recommendations are designed to reduce the potential for fire in sagebrush systems, suppress fires that do ignite, and (re)establish sagebrush and native species in areas that do burn.

a. Prevention (Pre-fire):

- i. Broaden DNRC, Volunteer Fire Departments, and all fire-fighting unit awareness by providing maps of sage-grouse habitat and copies of Montana's conservation strategy.
- ii. Place sage-grouse habitat maps in every county fire-fighting office.
- iii. Oppose prescribed fire in sagebrush habitat.
- iv. Prioritize eradication of cheatgrass and/or address management practices, acquire funding for appropriate herbicide treatments, explore biological controls.
- v. Examine feasibility of establishing fire breaks outside core habitat if possible.
- vi. Prioritize conifer reduction in Core Areas where appropriate.

b. Suppression (Fire):

- i. Prioritize initial attack with goal of immediate suppression in Core Areas, including use of fire retardants and other appropriate tools.
 1. Coordination between state agencies (e.g., DNRC) and Montana Association of Counties on all fire suppression activities.
 2. Federal partners mirror initial attack program of DNRC.
 - ii. Prioritize outreach from DNRC to private operators regarding initial attack in sagebrush areas.
 - iii. Review liability of Good Samaritan role of private operators/private landowners.
 - iv. Carefully consider the use of backfires within Core Areas to minimize the potential for escape and further damage to sage-grouse and sagebrush habitats (tactical decision).
 - v. Identify and establish defensible fire lines in areas where : (i) effectiveness is high, (ii) fire risk is likely, and (iii) negative impacts from these efforts (e.g., fragmentation) are minimized. Avoid use of any vegetative stripping in healthy, unfragmented habitats, unless fire conditions and local ecological conditions so warrant.
- c. Rehabilitation (Post-fire):
- i. The State of Montana will expect cooperation and collaboration from federal agencies on rehabilitation projects after wildfire.
 - ii. Use available tools to prevent (re)establishment of cheatgrass, as necessary.
 - iii. Ensure most successful restoration strategies are being implemented that reestablish native sage-grouse habitat; develop handbook of methods for most appropriate restoration strategies.
 - iv. Identify funding options for restoration implementation.

- v. Use locally available seeds where it is most likely to be effective and in areas of high need.
- vi. Prioritize Core Areas over sagebrush areas outside of Core Areas for restoration efforts.
- vii. Verify that all seeding in Core Areas have been certified as weed-free by an independent contractor.
- viii. Establish seed bank managed by state, if viability of seeds can be maintained; evaluate use of seed orchards.
- ix. Ensure post-fire monitoring for successful reestablishment of sagebrush community.

c) Invasive Plant Species

Exotic annual grasses and other invasive plants alter habitat suitability for sage-grouse by reducing or eliminating native forbs and grasses essential for food and cover. Non-native annual grasses also facilitate an increase in mean fire frequency. The following management recommendations are designed to control the spread of invasive species and reduce or eliminate established non-natives to provide better quality habitat for sage-grouse.

- a. Retain all remaining large intact sagebrush patches, particularly at low elevations.
- b. Reduce or eliminate disturbances that promote the spread of invasive plant species, such as reducing fires to a “normal range” of fire activity for the local ecosystem, employing grazing management that maintains the perennial native grass and shrub community appropriate to the local site, reducing impacts from any source that allows for the invasion by these species into undisturbed sagebrush habitats, and precluding the use of treatments intended to remove sagebrush.

- c. Restore altered ecosystems such that non-native invasive plants are reduced to levels that do not put the area at risk of conversion if a catastrophic event were to occur.
- d. Recommend to Department of Agriculture that Japanese Brome (*Bromus japonicus*) be listed as regulated species (priority #3) in Montana.
- e. Prioritize eradication of cheatgrass and/or address management practices, acquire funding for Plateau treatments, explore biological controls.
- f. Prioritize conifer reduction in Core Areas where appropriate (although these trees are native, recognize conifer encroachment is a threat to sage-grouse conservation).

d) Predators

The sage-grouse Advisory Council believes predators can be a threat to sage-grouse conservation. Although predation is one of five specific ESA listing criteria, the Service did not identify predation as a significant threat to sage-grouse populations in their 2011 decision to list the species as warranted for protection under the Endangered Species Act, but precluded by higher priorities. Predators are part of the ecosystem and they have always preyed upon sage-grouse. Habitat fragmentation, infrastructure, weather, urban development and improper grazing can increase predation pressure on sage-grouse. Likewise, good quality and quantity of habitat reduces predation pressure. While predator control may not be a long-term solution to a general range-wide decline in populations of sage-grouse, it can be an effective tool to gain increased survival of specific populations. Predator management can provide important and beneficial short-term relief to localized decreases in sage-grouse populations. While federal laws, such as the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act, restrict options for managing avian predators, the Advisory Council recommends predator control and management cooperatively be managed by USDA-APHIS Wildlife Service, Montana FWP and the Service.

- a. Eliminate or minimize external food sources for ravens and small mammals, particularly dumps, landfills, waste transfer facilities and road kill.

- b. Remove abandoned farmhouses, barns, building debris piles, and other structures that harbor mammalian predators.
- c. Provide adequate buffers (4 miles from leks) between placement of new tall structures and nesting and brood-rearing habitat to minimize influence of predators. Bury power lines, when feasible.
- d. Remove abandoned tall structures, such as fence posts, power line poles and cell towers that can serve as perching structures for aerial predators.
- e. Apply habitat management practices (e.g. grazing management and vegetation treatments) that improve sage-grouse nesting habitat thus decreasing the effectiveness of predators.
- f. Develop strategies for specific, selective and if needed assertive short term predator control based on biological assessments appropriate to local conditions, especially in instances where a sage-grouse population has declined from exotic conditions, such as West Nile Virus.
- g. Monitor effects of predator control to determine causal connections with Greater Sage Grouse survivability and modify control strategies accordingly.
- h. Encourage local government to help with small mammal predator control during sage-grouse breeding, nesting, and brood-rearing season.

e) Disease (West Nile virus)

West Nile virus was a new source of mortality for sage-grouse, particularly in low and mid-elevation populations, from 2003 – 2007. Elimination of anthropogenic-created habitat for the mosquito vectors of West Nile virus is an important conservation measure for sage-grouse.

- a. Construct ponds to reduce prevalence of mosquitoes that transmit West Nile virus.
- b. Manage ponds to reduce prevalence of mosquitoes that transmit West Nile virus.

- c. Other management actions to reduce prevalence of mosquitoes that transmit West Nile virus include erection of bat houses and managing containers, wood piles, tire storage facilities that harbor breeding or overwintering mosquitoes and/or larvae.
- d. If there is a West Nile virus outbreak that significantly reduces sage-grouse populations, the MSGOT should look at a local site-specific strategy for enhancing the sage-grouse population.

f) Hunting

Hunting sage-grouse in Montana is a regulated activity that involves scientific population monitoring and the ability to adjust seasons as appropriate, including season dates, season length, bag limit, and area restrictions.

- a. Hunting will continue to be managed by FWP through the Fish and Wildlife Commission process.
- b. A framework of hunting bag limits and area closures was originally outlined in the *Management Plan and Conservation Strategies for the Greater Sage-Grouse in Montana – Final*. FWP will continue to annually monitor sage-grouse population fluctuations and work with the Commission to adopt appropriate hunting season regulations.
- c. FWP will re-evaluate and further adapt this season setting approach including re-examining closure (and opening) criteria, hunting districts, season length, and season dates. Establishment of hunting districts/zones will be considered during the biennial season setting process and finalized at the February 2014 commission meeting, while other adjustments would be finalized at the July 2014 meeting.

XI. IMPLEMENTATION

- a) **Authority of Executive Order:** It is this Council’s recommendation that the Governor of the State of Montana issue an Executive Order that requires full compliance with this strategy by all state agencies. This includes actions conducted by the Montana Department of Environmental Quality, Montana

1 Department of Transportation, Department of Natural Resource and Conservation and associated
2 governing boards, Montana Fish, Wildlife and Parks, and other state agencies. Adoption of this
3 strategy by federal agencies will be negotiated by the State of Montana.

- 4 **b) Existing Regulatory Mechanisms:** The stipulations in this strategy apply to all activities within sage-
5 grouse habitat that require a state permit or lease. Permits affected might include but are not limited
6 to those issued under the Major Facilities Siting Act, Board of Oil and Gas, Water Quality Discharge
7 Permits, and State Trust Land leases. All new development projects in Core Areas will be required to
8 work through the standardized disturbance analysis process that will be developed by the MSGOT.
- 9 **c) Non-regulated activities:** State agencies shall adhere to the stipulations and management
10 recommendations outlined in this strategy when providing consultation, technical, financial or other
11 assistance for non-regulated activities (e.g., livestock grazing, wind development).
- 12 **d) Montana Sage-grouse Oversight Team (MSGOT):** A Montana Sage-grouse Oversight Team (MSGOT)
13 shall be appointed by the Governor of the State of Montana. The MSGOT will be responsible for
14 providing oversight for the implementation of this strategy. MSGOT duties will include, but are not
15 limited to, developing the surface disturbance analysis process and overseeing its implementation,
16 identifying additional connectivity areas based on emerging science, approving deviations from this
17 strategy, addressing policy questions that arise from implementation, identifying adequate mitigation
18 strategies, and integrating new information into the strategy. The team shall consist, at a minimum, of
19 representatives from state and federal agencies, tribes, conservation groups, local government, oil and
20 gas industry, coal mining, mining (non-coal), electrical distribution and transmission, and agriculture.
- 21 **e) Compliance Monitoring and Reporting:** State agencies issuing permits or leases shall be responsible
22 for ensuring compliance with the stipulations in this strategy. The MSGOT will establish a compliance
23 monitoring framework to track projects. This framework will allow for annual reporting to the U.S. Fish
24 and Wildlife Service and will correspond with their forthcoming conservation metrics database.

1 f) **Staffing Required for Implementation:** The State of Montana shall commit to providing the funding to
2 support at least 6 new Full-Time Equivalent (FTE) positions as outlined below. These positions will be
3 located in a state agency or academic institution, to be determined. The State of Montana shall also
4 commit to fund travel and other related expenses incurred by the MSGOT.

5 i) Mapping application development – 0.5 FTE (new, temporary).

6 ii) Database development and analysis tool; database administration – 2 FTE (new, permanent).

7 iii) Disturbance calculation and compliance; project review – 2.5 FTE (new, permanent). Capacity
8 needs may vary depending on the number and complexity of projects proposed.

9 iv) MSGOT and Policy Review; supervision of project reviews – 1 FTE (new, permanent) to serve as
10 MSCOT coordinator.

11 v) Compliance Monitoring and Reporting – fulfilled by the MSGOT coordinator.

12 g) **Population Monitoring and Additional Science Needs:** The Council recognizes that the MSGOT may
13 identify additional monitoring and research projects necessary for the conservation of sage-grouse and
14 ongoing implementation of this strategy. Staff and funding required for newly identified needs will
15 likely exceed existing staff capacity and will require additional funding support from the State of
16 Montana. This support will be in addition to the 6 FTE request in Section XI.f.
17

APPENDIX A: Governor Bullock's Executive Order 2-2013

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 2-2013

Establishing a Greater Sage-grouse Habitat Conservation Advisory Council

WHEREAS, the Greater Sage-grouse (*Centrocercus urophasianus*) is an iconic species that inhabits much of the sagebrush-grassland habitats in Montana;

WHEREAS, the State of Montana currently enjoys viable and widespread populations of the species, the second largest abundance of Greater Sage-grouse among western states;

WHEREAS, the United States Fish and Wildlife Service (USFWS) has determined that the Greater Sage-grouse species is warranted for listing as a threatened or endangered species under the Endangered Species Act (ESA), but is precluded by other higher priority species;

WHEREAS, the United States District Court for the District of Idaho ruled on February 2, 2012 that the USFWS must re-evaluate the status of the Greater Sage-grouse by September 30, 2015;

WHEREAS, the United States Secretary of the Interior has invited Montana and other western states impacted by the potential listing of the Greater Sage-grouse to develop state-specific regulatory mechanisms to conserve the species and preclude the need to list under the ESA;

WHEREAS, the development of a state-specific strategy in Montana will be critical in demonstrating to the USFWS that the species does not warrant federal protection under the ESA;

WHEREAS, the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) are currently implementing national Instruction Memoranda to guide interim management of public lands and to develop Greater Sage-grouse conservation measures for incorporation into the agencies' respective land use plans;

WHEREAS, the development of a state-specific strategy will enable the BLM and USFS to incorporate relevant elements from the strategy into their land use plans and environmental analyses;

WHEREAS, approximately half of Greater Sage-grouse habitat in Montana involves private property, and maintaining the species will require effective conservation strategies across property ownerships;

WHEREAS, the State of Montana has management authority over Greater Sage-grouse populations in Montana;

WHEREAS, the State of Montana in collaboration with stakeholders developed and adopted a state Greater Sage-grouse plan in 2004, pertaining to sage-grouse population responses to large-scale changes in habitat;

WHEREAS, the State of Montana has identified and will update, as appropriate, Greater Sage-grouse Core Areas, which include priority habitats for conservation;

WHEREAS, it is in the interest of this State to bring stakeholders and experts together to recommend a course of action that will provide for conservation measures sufficient to preclude the need to list the Greater Sage-grouse;

WHEREAS, the listing of the Greater Sage-grouse could have a significant adverse effect on the economy of the State of Montana; and

WHEREAS, it is appropriate and beneficial to establish the Governor's Greater Sage-grouse Habitat Conservation Advisory Council ("Council").

PURPOSE

1. The purpose of the Council is to gather information, furnish advice, and provide to the Governor recommendations on policies and actions for a state-wide strategy to preclude the need to list the Greater Sage-grouse under the ESA, by no later than January 31, 2014.

DUTIES

2. In preparing its recommendations, the Council shall review the 2004 Montana Sage-grouse Conservation Plan, BLM Interim Memorandum Guidance, National Technical Team Report, relevant scientific information, and other existing strategies and information.
3. The recommendations of the Council must be based on the following objectives and/or criteria:
 - a. Conserve the species and its habitat based on the most current scientific information, with input from a variety of stakeholders, and maintaining public trust management of Greater Sage-grouse and predictable and multiple uses of private, state, and public lands;
 - b. Tailor the management recommendations to the importance of the habitat, considering the interests of the State;
 - c. Address the following primary threats to the species as identified by the USFWS:
 - i. Habitat fragmentation caused by energy development and mineral extraction;
 - ii. Conversion of habitat for agriculture and urbanization; and
 - iii. Lack of effective regulatory mechanisms to conserve Greater Sage-grouse habitats.

- d. Address the secondary threats to the species as identified by the USFWS, as appropriate:
 - i. Disease/West Nile virus;
 - ii. Management issues related to livestock grazing;
 - iii. Collisions with fences and power lines;
 - iv. Prescribed fire and range treatments; and
 - v. Conifer expansion.
 - e. Identify opportunities for pro-active Greater Sage-grouse habitat conservation projects;
 - f. Recognize, encourage, and incentivize land use practices that are actively maintaining or improving Greater Sage-grouse habitat as evidenced by improvements in habitat quality and quantity, and monitoring which indicates stable/increasing populations of the species; and
 - g. Identify a long-term adaptive management structure that engages landowners and local working groups, and ensures the effective implementation of these recommendations.
4. The duties of the Council are solely advisory.
 5. The Council will provide its recommendations to the Governor no later than January 31, 2014.

COMPOSITION AND ORGANIZATION

6. The Council members shall be appointed by and serve at the pleasure of the Governor until January 31, 2014.
7. The Council shall be comprised of 8-12 members, representing the various geographic areas, non-governmental organizations, and industries of the State within the range of the species.
8. The Office of the Governor will assist in staffing this Council. My office may rely on the services of other Governors or any member of my Cabinet in staffing this Committee.
9. The Council members shall be appointed from the following categories:
 - a. Agriculture and Ranching;
 - b. Conservation and Sportsmen;
 - c. Energy, Mining, and Power Transmission;
 - d. Tribal;
 - e. Local Government; and

f. Legislature.

10. The Council may establish procedural bylaws to aid it in the performance of its duties.
11. The Council may establish subcommittees comprised of members of the Committee to aid it in the performance of its duties.
12. The Council is attached to the Department of Fish, Wildlife and Parks for administrative purposes. The Director of the Montana Department of Fish, Wildlife and Parks shall retain an independent contractor to provide assistance to the Council.
13. Local Greater Sage-grouse working groups are encouraged to continue in their efforts to conserve the sage-grouse in the State of Montana and are advised to participate in the development of the recommendations here ordered.

OTHER

14. The Council may request consultation, information, and technical expertise from Directors or their designees of state agencies, including but not limited to, the members of the Montana Legislature, the Montana Department of Fish, Wildlife, and Parks, the Montana Department of Natural Resources and Conservation, the Montana Department of Agriculture, the Montana Department of Environmental Quality, and the Montana Board of Oil and Gas, regarding: the biological needs of the species; activities on state, federal and private lands potentially impacted by the status of the species; and, requirements of the ESA and other relevant statutory requirements.
15. The Council may request comments, information, and technical expertise from such other sources as it deems necessary, including the university system, federal agencies, and members of the public including members of existing local sage-grouse working groups.

COMPENSATION

16. Council members eligible for compensation under section 2-15-122(5) MCA, shall be compensated in an amount to be determined by the Director of the Department of Fish, Wildlife and Parks, not to exceed \$50 for each day in which the member is actually and necessarily engaged in the performance of Council duties. All Council members shall be reimbursed for travel expenses pursuant to section 2-15-122(5), MCA.

DURATION

17. The Council shall cease to exist on January 31, 2014.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, by the authority vested in me by under the laws and Constitution of the State of Montana, do hereby establish the Governor's Greater Sage-grouse Habitat Conservation Advisory Council.

This Order is effective immediately.

Given under my hand and the Great Seal of the State of Montana, this 20th day of February, 2013.


STEVE BULLOCK, Governor

ATTESTED:


LINDA McCULLOCH, Secretary of State



AN ACT PROVIDING AN APPROPRIATION FOR THE GREATER SAGE-GROUSE HABITAT CONSERVATION ADVISORY COUNCIL ESTABLISHED BY THE GOVERNOR; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the greater sage-grouse (*Centrocercus urophasianus*) is an iconic species that inhabits much of the sagebrush-grassland habitats in Montana; and

WHEREAS, the State of Montana currently enjoys viable and widespread populations of the species, the second largest abundance of greater sage-grouse among western states; and

WHEREAS, the United States Fish and Wildlife Service (USFWS) has determined that the greater sage-grouse species is warranted for listing as a threatened or endangered species under the Endangered Species Act (ESA) but is precluded by other higher priority species; and

WHEREAS, the United States District Court for the District of Idaho ruled on February 2, 2012, that the USFWS must reevaluate the status of the greater sage-grouse by September 30, 2015; and

WHEREAS, the United States Secretary of the Interior has invited Montana and other western states impacted by the potential listing of the greater sage-grouse to develop state-specific regulatory mechanisms to conserve the species and preclude the need to list it under the ESA; and

WHEREAS, the development of a state-specific strategy in Montana will be critical in demonstrating to the USFWS that the species does not warrant federal protection under the ESA; and

WHEREAS, the United States Bureau of Land Management (BLM) and the United States Forest Service (USFS) are currently implementing national instruction memoranda to guide interim management of public lands and to develop greater sage-grouse conservation measures for incorporation into the agencies' respective land use plans; and

WHEREAS, the development of a state-specific strategy will enable the BLM and USFS to incorporate relevant elements from the strategy into their land use plans and environmental analyses; and

WHEREAS, approximately half of greater sage-grouse habitat in Montana involves private property, and maintaining the species will require effective conservation strategies across property ownerships; and



WHEREAS, the State of Montana has management authority over greater sage-grouse populations in Montana; and

WHEREAS, the State of Montana in collaboration with stakeholders developed and adopted a state greater sage-grouse plan in 2004, pertaining to sage-grouse population responses to large scale changes in habitat; and

WHEREAS, the State of Montana has identified and will update, as appropriate, greater sage-grouse core areas, which include priority habitats for conservation; and

WHEREAS, it is in the interest of this state to bring stakeholders and experts together to recommend a course of action that will provide for conservation measures sufficient to preclude the need to list the greater sage-grouse; and

WHEREAS, the listing of the greater sage-grouse could have a significant adverse effect on the economy of the state of Montana; and

WHEREAS, it is appropriate and beneficial to fund the Greater Sage-Grouse Habitat Conservation Advisory Council established by Governor Steve Bullock in Executive Order No. 2-2013.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appropriation. (1) There is appropriated a total of \$75,000 from the state special revenue fund oil and gas ERA account to the governor's office for the bienniums beginning July 1, 2011, and July 1, 2013, for the purpose of funding the greater sage-grouse habitat conservation advisory council established by the governor in Executive Order No. 2-2013.

(2) The legislature recommends that the greater sage-grouse habitat conservation advisory council develop its proposed recommendations on policies and actions for a statewide strategy to preclude the need to list the greater sage-grouse under the Endangered Species Act of 1973 by October 31, 2013, so that the public may review and comment on the proposed recommendations and the council may make any necessary changes prior to the recommendations being delivered to the governor by the established deadline of January 31, 2014.

Section 2. Effective date. [This act] is effective on passage and approval.

- END -



- 2 -

Authorized Print Version - HB 580

APPENDIX C: Sage-grouse Habitat Advisory Council representatives

Name	Street/PO Box	City	Zip	Email
Mr. Paul Callahan	3015 Martinwood	Missoula	59802	pcallahan@swca.com
Rep. Pat Connell	567 Tiffany Lane	Hamilton	59840	connell4HD87@yahoo.com
Ms. Janet Ellis	703 Breckenridge St	Helena	59601	jellis@mtaudubon.org
Mr. Gary Forrester	2527 Gardiner	Billings	59101	Gary.forrester@mduresources.com
Mr. Jay Gore	127 Crestview	Missoula	59803	tealdux@hotmail.com
Sen. Brad Hamlett	PO Box 49	Cascade	59421	senatorhamlett@gmail.com
Mr. Robert Lee	P O Box 1123	Forsyth	59327	rlee@rosebudcountymt.com
Mr. Glenn Marx	P O Box 892	Helena	59624	montanamalt@g.com
Rep. Bill McChesney	316 Missouri Ave	Miles City	59301	macwilly66@hotmail.com
Curtis Monteau, Jr.	5627 Lower Box Elder Rd	Box Elder	59521	curtismonteau@yahoo.com
Rep. Ray Shaw	251 Bivens Creek Road	Sheridan	59749	shaw@3rivers.net
Mr. Carl Wambolt	3300 Graf #86	Bozeman	59715	cwambolt@montana.edu

APPENDIX D: Definitions

Suitable Habitat – is within the mapped occupied range of sage-grouse, and:

- 1) Generally has 5% or greater canopy cover of sagebrush, where “sagebrush” includes all species and sub-species of the genus *Artemisia*. This excludes mat-forming sub-shrub species such as *A. frigida* (fringed sagewort) and *A. pedatifida* (birdfoot sage). Sagebrush canopy cover may be less than 5% when complimented by other shrubs suitable for sage-grouse cover requirements; OR
- 2) is moist meadow containing forbs suitable for brood-rearing within 300 yards of suitable sagebrush cover (as defined above). Introduced species such as alfalfa may be very important on these sites where native forbs are not available.

Vegetation monitoring to determine habitat suitability will follow the Habitat Assessment Framework, available at

http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs/sage-grouse_planning/documents.Par.23916.File.dat/SG_HABITATASESSMENT0000669.pdf

Unsuitable Habitat – is land within the historic range of sage-grouse that did not, does not, nor will not provide sage-grouse habitat due to natural ecological conditions such as badlands or canyons.

Surface Disturbance – includes any conversion of formerly suitable habitat to grasslands, croplands, mining, well pads, roads, or other physical disturbance that renders the habitat unusable for sage-grouse. Existing uses such as farming and grazing operations, irrigation, county maintenance, and emergency response are not included in surface disturbance calculations.

1 Lek Status -

- 2 • Active - Data supports existence of lek. Supporting data defined as 1 year with 2 or more males lekking
3 on site followed by evidence of lekking within 10 years of that observation.
- 4 • Inactive - A Confirmed Active lek with no evidence of lekking for the last 10 years. Requires a minimum
5 of 3 survey years with no evidence of lekking during a 10 year period.
- 6 • Extirpated - Habitat changes have caused birds to permanently abandon a lek as determined by the
7 biologists monitoring the lek.
- 8 • Unconfirmed - Possible lek. Grouse activity documented. Data insufficient to classify as Active status.

9
10 Valid Existing Right(s) – any valid, legal right that someone may hold.
11

12 Habitat Exchange - an efficient, effective approach to wildlife conservation in America, developed in
13 partnership by private landowners, industry, environmental groups, academics and government. In a Habitat
14 Exchange, landowners and industry are given financial incentives to conserve wildlife habitat. Landowners
15 benefit by earning revenue from credit sales and developers benefit by meeting conservation objectives or
16 regulatory requirements with less red tape.
17

APPENDIX E: Wyoming's Density and Disturbance Calculation Tool Process

The Montana Sage-grouse Oversight Team will develop the process for implementing a standardized disturbance analysis in Montana similar to Wyoming's Density and Disturbance Calculation Tool (described below) soon after the team is appointed.

All activities will be evaluated within the context of maximum allowable disturbance (disturbance percentages, location and number of disturbances) of suitable sage-grouse habitat within the area affected by the project. The maximum disturbance allowed will be analyzed via a Density/Disturbance Calculation Tool (DDCT) process conducted by the Federal Land Management Agency on federal Land and the project proponent on non-federal (private, state) land. Unsuitable habitat occurring within the project area will not be included in the disturbance cap calculations.

1. Density/Disturbance Calculation Tool (DDCT): Determine all occupied leks within a core population area that may be affected by the project by placing a 4 mile boundary around the project boundary (as defined by the proposed area of disturbance related to the project). All occupied leks located within the 4 mile boundary and within a core population area will be considered affected by the project.

A four-mile boundary will then be placed around the perimeter of each affected lek. The core population area within the boundary of affected leks and the 4 mile boundary around the project boundary creates the DDCT for each individual project. Disturbance will be analyzed for the DDCT as a whole and for each individual affected lek within the DDCT. Any portion of the DDCT occurring outside of core area will be removed from the analysis.

If there are no affected leks within the 4 mile boundary around the project boundary, the DDCT area will be that portion of the 4 mile project boundary within the core population area.

2. Disturbance analysis: Total disturbance acres within the DDCT will be determined through an evaluation of:
 - i. Existing disturbance (sage-grouse habitat that is disturbed due to existing anthropogenic activity and wildfire).
 - ii. Approved permits (that have approval for on the ground activity) not yet implemented.
3. Habitat Assessment:
 - a. A habitat assessment is not needed for the initial DDCT area provided that the entire DDCT area is considered suitable.
 - b. A habitat assessment should be conducted when the initial DDCT indicates proposed project will cause density/disturbance thresholds to be exceeded, to see whether siting opportunities exist within unsuitable or disturbed areas that would reduce density/disturbance effects.
 - c. When a habitat assessment is conducted it should create a baseline survey identifying:
 - i. Suitable and unsuitable habitat within the DDCT area
 - ii. Disturbed habitat within the DDCT area
 - iii. Sage-grouse use of suitable habitat (seasonal, densities, etc.)
 - iv. Priority restoration areas (which could reduce the 5% cap)
 - A. Areas where plug and abandon activities will eliminate disturbance
 - B. Areas where old reclamation has not produced suitable habitat
 - v. Areas of invasive species
 - vi. Other assurances in place (CCAA, easements, habitat, contracts, etc.)
4. Determination of existing and allowable suitable habitat disturbance: Acres of disturbance within suitable habitat divided by the total suitable habitat within the DDCT area times 100 equals the percent of disturbed suitable habitat within the DDCT area. Subtracting the percentage of existing disturbed suitable habitat from 5% equals new allowable suitable habitat disturbance until plant regeneration or reclamation reduces acres of disturbed habitat within the DDCT area.