



FORMULA FOR SUCCESS:

Montana's Sage-grouse Program

Montana has a cutting edge sage-grouse conservation program. Built from the ground up after a three-year conversation among diverse Montanans, the program is part of Montana's comprehensive conservation strategy for sage-grouse, which led the U.S. Fish and Wildlife Service in September of 2015 to decide the bird did not warrant protection as a threatened or endangered species under the federal Endangered Species Act. ►►

Hosted by DNRC, the staff implements Governor Steve Bullock's 12-2015 and 21-2015 Executive Orders and the Greater sage-grouse Stewardship Act of 2015 as its blueprint. Across the 38 counties with habitats designated for conservation, activities requiring a permit—oil or gas pipelines, subdivisions, irrigation works, wind farms and other forms of human disturbance to the land—are required to undergo a review process. It's the New Normal. A good many people don't necessarily like it, but everyone agrees the alternative—federal management of an endangered species—would be far more problematic for the state's economy. And the clock is ticking. In five years, the U.S. Fish and Wildlife Service will again review the status of the greater sage-grouse in the West. If the Montana population is holding its own along with 10 other western states, Montana will likely maintain control of the conservation effort.



MONTANA SAGE GROUSE HABITAT CONSERVATION PROGRAM

“When Montanans from diverse viewpoints put aside their differences and focus on addressing a challenge, we can accomplish great things for our state,” said Governor Steve Bullock. “Montanans recognize that it is in the best interest of our state, its economy, and our quality of life to maintain state management of the greater sage-grouse. Taking the necessary steps to curtail habitat fragmentation and loss of sagebrush is a shared sacrifice, but one that provides a home-grown solution to conserving this

iconic bird, first described by the Lewis and Clark Expedition near the mouth of the Marias River.”

The sage-grouse Habitat Conservation Program's work to fully implement Montana's strategy launched a mere six months ago. Montana's “core areas” approach identifies key habitats where Montana can conserve 76-80% of the breeding males on about 28% of Montana's landscape.

What does it take to conserve Montana's sage-grouse while maintaining economic activity? Carolyn Sime, manager of the program, says that proactive planning and collaboration are the key. “We have found proponents are very open to our suggested modifications to the location of a project or the timing of its implementation to avoid and minimize impacts to sage-grouse,” she said. “Effective conservation in Montana requires an ‘all hands, all lands’ approach where we work cooperatively with business interests,



PHOTO COURTESY: JEREMY ROBERTS, CONSERVATION MEDIA

The biggest threat to sage-grouse is habitat loss when sagebrush prairie is plowed up for wheat or corn, and from oil and gas development, wind farms, new subdivisions, and the roads built to access these activities.

“If the Bullock Administration had not taken this on, I believe we’d have a federally listed species. The governor’s aggressive approach to sage grouse conservation has enabled us to stand a program up operationally in less than six months. By any measure, we’ve done a lot and I am proud of DNRC’s efforts.”

—John Tubbs, Director, Montana DNRC

private landowners, and public land management agencies to find the best outcomes for the bird and for people.”

In reviewing projects proposed in sage-grouse country, the program is guided by the mitigation hierarchy. The top priority is to avoid impacts to critical habitat and the seasonal activities of the birds, such as mating, nesting and brood-rearing. If there’s no way to avoid a disturbance, the next-best alternative is to minimize it. Once a project is complete, it may be necessary to reclaim or restore habitat. The final tenet, compensate, means that if prime habitat must be given up to development, an equivalent amount must be identified or created somewhere else to replace what was lost.

The consultation process begins online at the state’s sage-grouse Habitat Conservation Program web site. The client enters detailed information about the location and type of project using a GIS-based analytic tool created by DNRC. Next, program staff begin a review. They identify whether the project is located in one of three designated habitat classifications: core, general, or connectivity, each of which carries a set of guidelines for project development. Follow-up phone calls with the client help verify all aspects of the project. With all the information in hand, staff then determine how, where, and when the project can proceed, and what mitigations may be needed afterward.

Results of the consultation process are



PHOTO COURTESY JAMANA GETTELMAN

Montana is lucky to have landed Therese Hartman

A wildlife biologist, she worked eight years for the state of Wyoming’s sage grouse conservation effort. In January of 2016, she came to Montana on a temporary assignment to help with the rollout of Montana’s program. In April of 2016, she accepted Montana’s job offer to join the program. Hartman’s expertise in reviewing projects and working with businesses has been a major factor in the early success of the sage grouse program. DNRC’s Web and GIS teams have also played a big role in getting the program underway.

The biggest misconception about the review process for activities in sage grouse country has to do with the individual attention given to each project.

“It’s not a one-size-fits-all process,” she says. “For example, I review a lot of pipeline projects and there are dozens of variables—is the pipeline above or below ground, where is it going in relation to core habitat, are there leks nearby, how wide is it, what kinds of equipment will be used to install it, how often will it need to be maintained? There’s a unique solution for each project.”

Project proponents are often surprised at the amount of information required. But, Hartman says the more details she has, the more readily she can facilitate a solution that works for the business while safeguarding the birds and their habitat.

Earlier this year, Hartman reviewed a proposal from the Federal Highway Administration to regrade 75 miles of Malmstrom Air Force Base access roads, many of which were located in core habitat, the most sensitive and important habitat. After reviewing each segment of road, Hartman worked with the agency to alter the construction activity start dates so there was no heavy machinery on the landscape near leks during the birds’ mating and nesting periods. Auditory cues are an important aspect of breeding behavior. The review took less than three weeks.

“Our objective is not to be heavy-handed and tell people there are things they can’t do,” Hartman says. “But we are trying to implement Montana’s conservation strategy to keep the sage grouse from being listed. That would change everything. People understand that. As long as the state has the lead for sage grouse conservation, we can work more cooperatively and proactively.” ■

driven by how far away from active sage-grouse leks the activity would occur. Sage-grouse are very faithful to their leks, and some leks in Montana have been used for 80+ years. Too much habitat loss or fragmentation near leks will cause sage-grouse to abandon them, ultimately leading to population declines. Most project reviews are completed within two weeks, but sometimes within days. It all depends on where the proposed project is located and its size and complexity (see sidebar).

Soon after taking office in 2013, Governor Steve Bullock recognized Montana had fallen behind in sage-grouse conservation, and convened an advisory council for input on building a program.

“It became apparent early on that a significant amount of sage-grouse habitat and populations exist on private land,” says Glenn Marx, a council member and director of the Montana Association of Land Trusts. “One of the reasons that’s true is the very sound stewardship principles used by Montana landowners. We also recognized that conservation on private land had to be incentive-based and voluntary. You cannot regulate a solution on private land.

“We went throughout sage-grouse country to seek comments and recommendations,” Marx says. “One refrain was, ‘we do believe in sound stewardship, but if you want us to do something for sage-grouse, there’s going to have to be some kind of incentive attached to it.’”

With bipartisan support, the 2015 Montana Legislature authorized \$10 million for a Stewardship Fund Grant Program as part of the Greater sage-grouse Stewardship Act. Eligible projects include, for example, sagebrush habitat restoration, leases, and term or permanent conservation easements.

Stewardship grants

On May 24, 2016, the state effort took another giant step forward when the Montana Sage-grouse Oversight Team met to review the first round of Stewardship Fund Grant proposals. A total of five projects were awarded: four are conservation easements that will permanently conserve 34,688 acres of core sage-grouse habitat on private lands in Phillips, Valley, Golden Valley, Petroleum and Fergus counties; the fifth grant, in Beaverhead County, will restore sagebrush habitat on 1,100 acres of



PHOTO COURTESY LOREILLE BERKLEY, MONTANA-FWP

“**Montana’s goal is to maintain viable sage grouse populations and conserve habitat so that Montana maintains flexibility to manage our own lands, our wildlife, and our economy so protection under the Endangered Species Act is not warranted in the future.**”

—Steve Bullock, *Governor of Montana*

core habitat on private land by removing encroaching conifer trees. The five grants totaled about \$3 million.

The purpose of the Stewardship Fund is to fund voluntary conservation efforts primarily on private lands and keep working landscapes working. Sage-grouse require large, intact and interconnected expanses of sagebrush. About 70% of Montana’s core areas are comprised of private or state school trust lands. “Montanans deservingly take great pride in their wildlife and their lands,” said Sime. “Private landowners have played a significant role in conserving sage-grouse to date and these projects are a testament to their generations of stewardship.”

Along with conserving or improving sage-grouse habitat, the grant awards will play a key role in building another component of Montana’s conservation effort, a mitigation marketplace.

Stewardship Fund grants will generate

conservation “credits” which can then be sold to developers who need to offset impacts of projects in designated sage-grouse habitats. Creating a mitigation marketplace provides flexibility to Montana’s conservation strategy. The marketplace will provide economic incentives for landowners and developers to conserve and restore sagebrush habitats by making sage-grouse an asset, not a liability.

Diane Ahlgren is a lifelong rancher and the lone private landowner representative on the Montana sage-grouse Oversight Team. In February of 2016, Diane and her husband, Skip, were recognized for their outstanding commitment to promoting and leading conservation on private lands by the National Association of Conservation Districts. Their ranch in Petroleum and Garfield counties includes both core and general sage-grouse habitat. Asked if she has any special affinity for the birds, Ahlgren says, “No.”



Sage-steppe prairie habitat is critical to sage-grouse

But getting involved in the state's conservation effort, she says, has been both necessary and a tremendous learning experience.

"I feel quite a sense of responsibility being the only producer on the Team. It's a little intimidating for me, I've never been involved in politics per se. On a lot of this stuff, as a producer, we feel somewhat defensive, and my first instinct was to say hell no, but I've been around long enough to see that doesn't work either, so I think the best solution is to be involved and try to be heard."

The biggest challenge so far, she says, has been getting familiar with the program. "It's really complicated, there's a big learning curve. But just learning the different perspectives and opinions has been a very good process for me. This group has been really impressive in that respect."

After 6 Oversight Team meetings, Ahlgren says, "I think the program has come an amazing distance in terms of what's been accomplished. The state was behind with this whole process. And I'm really glad the program has options for term leases and easements for conservation. In our county, we've had quite a bit of conversion [of native sagebrush grassland] to farmland. I'd like to see those folks have an opportunity to participate and compete for some of those [grant] funds."

“We are implementing SB 461 as best it can be done. We are establishing a base line by which sage grouse habitat and populations can be tracked. We are hoping the BLM will concur with our program and make our state united on all lands for sage grouse. We are moving slow, as we learn, but in a positive development [manner] for the bird, landowner and industry. If we continue the respect for the landowner, we will be successful.”

—Representative Mike Lang, R-Malta
Sage Grouse Oversight Team member



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JACKIE BENEN

Improving the program

Montana is already fine-tuning its strategy. For example, upgrades to the online GIS tool are underway. At its April 19, 2016, meeting, the Montana Sage-grouse Oversight Team commenced work on an agenda item entitled "Programmatic Exceptions from Executive Order 12-2015 Consultation Requirement." At first glance the matter seemed clear enough: amidst the large swaths of land designated "core" and "general" habitat were cities and towns. If a project was proposed within the boundaries of these municipal jurisdictions, should the sage-grouse consultation requirement apply?

The simple answer was 'of course not.'

But as discussion ensued, Team members explored a host of scenarios. What about annexation? What about landfills and airports? Cemeteries? Wastewater treatment facilities? It was the kind of detailed, painstaking analysis that has characterized the early phase of the program, in which every situation is new and must be thoroughly considered.

After more than an hour of work on the subject, there was a natural pause as discussion wound down. Representative Mike Lang, R-Malta, the House representative to the team, offered a comment that summed up the day's business, and perhaps the entire effort to date. "My fear is turning to knowledge," he said. 

“ Denbury is confident in what the State has been able to accomplish in a relatively short time and its ability to further build out the program. They have allowed transparency in their process which goes a long way toward understanding the direction of the State’s program. They value the stakeholders and have listened to those groups and their opinions about the framework of the program. We believe the foundation is strong and capable of supporting the sage-grouse conservation effort.”

—Rusty Shaw, *Denbury Resources Inc.*



Sage-grouse numbers encouraging in 2016



PHOTO COURTESY U.S. FISH & WILDLIFE SERVICE

The most reliable means for estimating sage grouse populations is to survey the numbers of male grouse that congregate on leks each spring to compete for breeding females. The Montana Department of Fish, Wildlife & Parks (FWP) has surveyed sage grouse leks consistently for more than 30 years. Sage grouse populations are thought to be cyclical, rising and falling through roughly ten-year periods. In Montana, the most recent high point was in 2006 and 2007, after which survey numbers began to decline, reaching a low point in 2014. While it is too soon to credit conservation efforts, lek surveys in the spring of 2016 were 17 percent above the long-term average, about the same as was found in 2006 and 2007, and very encouraging; south-central Montana saw some leks with record numbers of males. FWP biologists also found birds on some leks that hadn’t been used for several years, and in some places grouse were found to have staked out brand new leks. ■