### **Sage-grouse Conservation Strategy Public Meetings**

### Dillon – 13 November 2013

Council representatives— Callahan, Gore, Connell, Shaw, Marx, McChesney, Forrester FWP — Craig Fager, Howard Burt, Pat Flowers, Vanna Boccadori, Ken McDonald, Catherine Wightman Public — Mitch Staley, John C. Anderson, Kyle Tackett, Heath Martinell, Yvonne Martinell, Jim Hagenbarth, John Helle, Amie Shovlain, Van Sampson, Nate Finch, Jack Ripley, Mike Connor, Art Rohabacher, Kelly Bockting, Berett Erb, W.S. Selbert, Scot Shuler, Rollie Miller, Leone Rodreick, George Trischman, Rick Sanders, Tex Marchesseault, Carl M. Hansen, Nancy Johnson, Tim Egan, Debby Barrett, Carl Malesich, Tom Rice, Linda Loendorf, Walt Loendorf, Kyle Cutting, Allen Martinell, Jeff Welbosen, Barb Cestero, Russ Riebe, Don E. Johnson, Chuck Robbins, John Harrison, Katie Benzel, Tim Carcia, Brad Palin, Emmett Stoker, Dan Happel, Dave Kirsch, Gary Wiens, JP Plutt, Rick Hotaling, Cornie Hudson, Jack Kirkley, LeRoy Mekung, Diane Hutton, Kevin Suzuki, Ron Filk, Hoyt Richards, Kevin Cappell, Jim Hart, David Schultz, Pete Husby, Andy Burgoyne, Jeff Coiner, J.S. Turner, Rusty Shaw, Michael Goicoechea, Steve Jennings, Lindsay Wilsey, Karl Sullivan, Mike Mosolf, Wes Miner, Wayne Potter, Joe Potter, Dan Stusek, Bonnie Reed, Jim Southern, Joe Helle, Tom Tash, Dirk Nelson, Joe Ransmeier

### **Question and Answer Session:**

- 1. Why would state lands department manage the Conservation Fund? Why not FWP
- 2. Page 28 exempt activities, mainly private lands?
- 3. Does this apply to anything or just new uses? Anything grandfathered in? Nothing that looks at remediation in plan?
- 4. What is the relationship between the strategy and existing state plan?
- 5. Title 9... is the code WY uses, it's their takings act. What code or authority would the governor issue this under?
- 6. BLM IDswMT Resource Management Plan; how does this fit in?
- 7. Habitat on BLM pathetic. What are chances of BLM doing their part to alleviate pressure on private lands?
- 8. Concerns = BLM can only do habitat, FWP/FWS will have to deal with predators. This is being glossed over, everything is focused on habitat.
- 9. Huge predator problem that is not being addressed
- 10. Where is the money for a conservation fund coming from?
- 11. Ravens, crows, magpies increased 10-fold
- 12. Removing predator habitat who determines what to remove? Old mining claims?
- 13. How can Montana get exempted from listing decision is our populations are relatively good?
- 14. How long has this been going on? How much money? Problem is varmints. This is extortion if we have to do this [implement strategy] or they [USFWS] will list them.
- 15. Are there any biologists on Council? Where is there science on predators?
- 16. Maps are extremely overreaching and need to be refined; all areas that are sagebrush are not sage-grouse habitat;
- 17. How specific is the plan regarding permitting?
- 18. 5% of what?
- 19. State electrical permit to attach wires to house? This could get ridiculous if this is included.
- 20. What will this do to grazing permits?

### **Public Comment**

Commissioner Tom Rice, Beaverhead County – support a Montana led process; numbers affected by predators and weather; ESA listing will be negative; provided comments in written letter

Dan Happel, Madison County Commissioner – concerned we don't have enough people concerned about Montana; need to stand up to federal listing actions

Dirk Nelson – folks worried about what this will mean for livelihoods, ranching; if there is a listing it will mean road closures, etc.; how can FWP allow a hunting season on sage-grouse? Control hunting season. Worms are a problem.

LeRoy MeKung, Butte – "conserve" what tools? Easements? Incentives to put land back to sagebrush? Believe easements would help, need to do that.

Rollie Miller, Vigilante General Electric Co-ops – support Montana plan versus federal management of species; they serve primarily rural areas; strategy is more restrictive than they had hoped for but they could support it; but additional costs will be supported by customers; 1 mile buffer in ag and residential areas will be hard; prefer 0.6 mile as in WY plan; support with some reservation; pg 15, #3 would like it to read "where economically feasible"; #19 monitoring – discuss more, concerned that mitigation will be to shut off power and remove line

John Hagenbarth – John Marvel, private landowners taking care of sagebrush lands; biggest concern is limits – how one manages long-term for sagebrush ecosystem; concern – can only manage 5% of sagebrush, absurd. Need to stay within NRCS guidelines; need to manage sagebrush for the good of sagebrush ecology, that's what they do in Idaho. Predator issue is huge; council did a better job of addressing predators than the other 4 state plans he has looked at.

Tex Marchesseault, rancher – tired of cow being blamed for everything; sagebrush takes care of itself; no burning, no cows, increased fuel load;

Kerry White, West Yellowstone representative – revolves around Center for Biological Diversity lawsuit; what will Center do if they refuse to accept USFWS acceptance of MT plan? Will Governor, Attorney General push back on this? Agree predators and fire biggest threats; if listed, will they still be hunted? No – lack of local \$; 1 mile NSO – 0.6 mile in WY, but 0.25 in general = appears there is no science; sagegrouse are hiding under ATVs to avoid predators in trees; oversight team – will there be biologists involved? If BLM & FS don't do their part, landowners pay – wants language that insists that BLM does their part; where will authority come from for Governor to take private lands; don't think this is science-based because FWS is looking at habitat; concerned about direct and indirect economic impacts

Dean Peterson, Board President, Vigilante Electric – concerned about economic impact; 1 mile NSO for overhead structures (WY plan says 0.6 mile), use raptor perching protectors

Mitch Staley, 24 year old "Dillon boy" – want to be able to sue resources for next 80 years; task governor to fight back, include recommendations in plan that will defend us a little; want numbers on sage-grouse in Montana included in plan; loose ends, exempt sections, what about new roads?

Randy Taylor, 17 year old high school student in Dillon – work on ranch in core areas; lots of sage-grouse; talked with SGI person and all they are working on is habitat; population is problem; push governor

John Kelly – please specify which permits and processes affected; burning – but grows back again – this is part of natural process on ranch, will this affect how they do this on their ranch? Lack of fire is reason for conifer encroachment.

### Billings- November 18

Council representatives – Ellis, Shaw, Forrester, Marx, McChesney

FWP – Ray Mule, Gary Hammond, Ashley Beyer, Shawn Stewart, Ken McDonald, Catherine Wightman, warden?

Public – Maureen Davey, Tim Stephens, Eric Detmer, Gabe Johnson, Jim Reno, John Ostlund, Brandon Moss, Gary Wiens, Rich Southwick, Hal Fuglevand, Jessica Flint, Mariah Leuschen, Rusty Shaw, Dave Galt, Doug Tucker, Don Sasse, Gerald W. Dell, Graham Neale, Rick Magstadt, Melanie Roe, Jim Sparks, Betty Grewell, John Grewell, Jenny Paddock, Bill Kennedy, Barb Pitman, Mark Slacks, Carl Siroky, Laura Blake, Monica Williams, Rita Harding, Don Jones, Melissa Lewis, John Prinkki, Jeff DiBenedetto, Mike Garcia, Bob Green, Tom Erskine, Daniel Zolnikov

#### Question and Answer session:

- 1. Is predator control addressed?
- 2. Will new information be incorporated? How?
- 3. Prescribed burning outside core how will you know if you are in an area that should not burn?
- 4. How do you address wildfire with 5% surface disturbance cap?
- 5. How do you see fire-fighting working in core? Just let a house burn?
- 6. Does WY pass muster? Why not mirror WY?
- 7. How are county roads & gravel pits going to operate? How to extract with noise limit? Most important criteria is location of pits to paved roads; does require state permitting process through DEQ
- 8. A 2 mile road buffer with 1 mile NSO if a mine is within 2 miles of lek but can't get a road in? Recommendation is to use the same number.
- 9. What is turn-around time on permits?
- 10. Will recommendations be approved by legislature?
- 11. Why wasn't MACo on Council?
- 12. Do we know where all leks are? Do leks need to be verified?
- 13. How do leks come off [the list]?
- 14. How will existing leases be stipulated?
- 15. 10 dBA noise restriction, just breeding season?
- 16. Increase in coyotes, any increase in funds for USDA Wildlife Services?
- 17. 5% is 32 acres of 640 acres, what if farmer has 40 acres in crop?
- 18. Anyone looking at cost to school trust lands?
- 19. Road right of way and gravel pits are they part of 5%?
- 20. Some confusion regarding permitting what about grazing lease?
- 21. Is this an issue of takings?
- 22. Sale of private land, does this have to be disclosed?
- 23. Drilling on private lands but does require state permit, is this included?
- 24. Most people against a listing. Who's the opponent? Environmentalists?
- 25. Is there a process for a monitoring strategy? If they are not listed, is anyone going to monitor?
- 26. If WY and Montana have similar models would it be good for sage-grouse?
- 27. Why did WY start earlier than MT?
- 28. Council's intent is to follow WY's 5% rule?

#### 29. Who will be on MSGOT?

#### **Public comment:**

Commissioner John Austin – road-grading ~1/2 mile away doesn't affect sharp-tailed grouse

Hal Fulgevand, sand and gravel operations – gravel pits provide material that are used for roads, likely within core; please keep that in mind; thinks cheatgrass should get more consideration; suggest to use mitigation for cheatgrass, more flexibility than 5%

Jerry Ellis – regarding language on medium voltage transmission lines being buried, please add "where economically feasible"

Rick Magstad, Wyo-Ben – should direct frustration at feds; support plan but a few concerns; wildfire needs some polishing, potential for mis-use; roads 2 mile buffer but 1 mile NSO, needs to be corrected; p. 16-17, "tight centers" would like Council to consider a different definition, smaller than 100 x 100'; MSGOT – authority to approve deviations needs to be defined, will recommend 180 days for permit processing; wants Council to have an additional meeting, take the time to do it right; Great thing to include SMCAs

Jim Reno, Yellowstone County Commissioner – problem with federal agencies doing what they want; same problem with state – why wouldn't this be reviewed and approved by legislature?

Daniel Zolnikov, state representative, Billings – NSO standard of 1 mile instead of 0.6 mile; problem with better safe than sorry

John Prikey, County Commissioner – don't just accept science form USFWS, especially regarding noise; NSO too

Warren Davey, Stillwater County Commissioner – need more funding for predator control

## Baker – 19 November

Council representatives – Ray Shaw, Gary Forrester, Bill McChesney, Glenn Marx, Bob Lee, Janet Ellis FWP – Ken McDonald, Melissa Foster, John Ensign, Brad Schmitz, Bernie Hildebrand, Catherine Wightman

Public – Jessica Flint, Abbie Krebsbach, Dave Galt, Ray Clouse, Rusty Shaw, Eric Detmer, Gabe Johnson, Nicole Schuler, Bob Green, Mona Madlen, Randy Tunby, Scot Buerkle, Dana Buerkle, Ann Fischer, Martin Ellenburg, Erin Lutts, Jim McCabe, Bill Loekding, Deb Ranum, Erlend Laird, Duane Mitchell, Bill Randosh, Dale Schweigert, Melissa Lewis, Kalyn Bohle, Dale Tribby,

### Question and Answer Session:

- 1. Surface disturbance all ownerships?
- 2. Randy Tunby, Wool growers support state plan and appreciate work to get to this point; if leave out BLM, still at an impasse? What is strategy? How is this binding? USFWS does not recognize predation but restrictions on poisoning shows there is a predator effect.
- 3. Bill Loden, Carter County Commissioner predators are main issue; need to state in plan that predators are main problem; would like a reference regarding the noise stipulation.
- 4. Is it possible to raise birds in chicken farms?

- 5. Who keeps track of the 5% and how?
- 6. Who will figure out a mitigation formula? Oversight team?
- 7. Will there be BMPs for individual people or an area-wide deal?
- 8. What is the cost to private enterprise? Aren't minds already made up? Will oil companies say it's not worth the trouble and go away?
- 9. Can WNV devastate a population?

#### Public Comment:

Dave Galt, Montana Petroleum Association – do need to do this, they don't want an ESA listing either; MPA supports the process but doesn't support this plan, for example, they don't support the 1 mile NSO in core habitat or the noise stipulations in general habitat.

Abby Krebasch, Montana Dakota Utilities – will send written comments; wind farm – a road might have to be widened if there was a problem with a turbine, would this be disturbance? Can they do maintenance on existing infrastructure, even if it is not residential?

Bill Loden, Carter County Commissioner – why pick on core areas where populations are healthy? We don't need to make any changes to what we are already doing. Russia went downhill because they were doing stuff like this all the time.

### Miles City – 19 November

Council – Bill McChesney, Gary Forrester, Glenn Marx, Bob Lee, Ray Shaw, Janet Ellis FWP – Brad Schmitz, John Ensign, Melissa Foster, Steve Atwood, Cathy Smith, Bernie Hildebrand, Ken McDonald, Catherine Wightman

Public: Diane Friez, Tawni Cordell, Robert Killian, Kent Undlin, Jan Wolff, Clinton Grue, Austin Anderson, Melissa Lewis, Nicole Rolf, Laura Blake, Monica Williams, Duane Aukney, Dale Tribby, Alan Doane, Shane L. Eaton, Al Kute, W.E. Alvery Jr., Steve Hinebauch, Todd Yeager, Keith Holenlund, Rusty Shaw, Ken Homlund, Bob Green, John Redman, Donald J. Prevost, Greg Rauschendorfer, Jason Rittal, Jim Atchison, Todd Devlin, Connie Eissinger, Dave Galt, Ron Devlin, Dean Seifert, Gary Weins,

### Question and Answer session:

- 1. How does grazing on state lands fit in with surface disturbance?
- 2. Clarify sequence population problem to listed to endangered?
- 3. Dean Seifert participated in local working group in 2001 and SGI; problem is mixed landownership
- 4. Why are you still allowing hunting?
- Political nightmare warranted already?
- 6. Don Prevost, Yellowstone electric surface disturbance, how do you calculate power lines? How do you ensure MSGOT has balance in membership?
- 7. 5% cumulative or per project?
- 8. What's wrong with staying with 2005 plan? If we are already doing a good job? Voluntary approach has worked just fine. Why is it 1 mile NSO in core and 0.25 mile outside core why are they different? Why are tribes exempted?
- 9. Idea to submit FWP plan without commission approval?
- 10. How many acres rangewide is sage-grouse habitat?
- 11. Steve Hinebaugh, Wibaux just addressing habitat now, why not everything? Predators? Why can't we tell the Feds we've done a great job, so go away?

- 12. Connie Eissinger, McCone County Commissioner what about weather events, e.g., hail this summer; pg 15, line 5 winter concentration areas, do we know where these are?
- 13. How would a welder do this with this timeline usually work 16 hours/day. How will they work with seasonal and timing stipulations?
- 14. How does this effect landowners that want to develop? Is this takings? Does it affect property values?
- 15. Is there sunset language triggered by population levels to make plan go away?
- 16. If linear calculations is used, then power line would take up >5%
- 17. Representative Duane Ackney how will multiple projects be handled? First-come, first-served? How long will it take?
- 18. How good are our numbers?
- 19. How do you draw a 4-mile buffer around a 10-mile power line?
- 20. If numbers increase will they start seeing new leks establish?
- 21. What do they do in WY if an area is already over 5%?
- 22. Are there monitoring and reclamation standards?
- 23. Would like to see population numbers
- 24. What is the cost of implementation? Where will money come from?
- 25. Is there an economic analysis of the cost to industry?

### **Public Comment:**

Don Prevost, Lower Yellowstone Rural Electric – serve rural areas, electric co-ops support concept of state plan; cost of delivery sensitive, may result in rate increases; pg. 15 core areas, regarding burying power lines, change from "when possible" to "when economically feasible", make it consistent with 2 lines down; pg. 20 – if there are population declines, operations will cease? Does this mean they will have to turn off lights for people?; disturbance area for power lines should be where pole is not line; concerns about 1 mile NSO buffer;

Todd Devlin, Prairie County Commissioner – trend graph from Jack Connelly (handout) shows 300% the number of sage-grouse before 1080 banned, numbers have dropped to less than ½ that; Petition that went to USFWS from Western Watershed was false, it said predators weren't the problem, grazing was; Have you addressed this with USFWS – the reason they don't want to talk about numbers? Have you called the USFWS on the carpet about this? USFWS is protecting their agency because they controlled numbers in the 1950's

Duane Ackney, Representative from Colstrip – using habitat and grazing to stop development like spotted owl, will make Montana like Oregon, they are broke

Steve Hinebouch, Wibaux – FWP receives money from FWS, why don't we have any influence on FWS? Don't you want to? Please stand up for us.

"Devil you know is better than the devil you don't know"

#### Glasgow – 20 November

Council – Glenn Marx, Janet Ellis, Ray Shaw, Gary Forrester, Bill McChesney

FWP – Tom Flowers, Mark Sullivan, Drew Henry, Kelvin Johnson, Ken McDonald, Catherine Wightman Public – Rocky Kittleson, Mary Fohlgren, Scott Cassel, Craig Herbert, Dave Galt, Sam ortmann, John Brenden, Larry Wetsit, James Barnet, Rick Molnig, Diane Dirkson, Randy Dirkson, Leonard Sorenson,

John Falhgren, Mark Crippen, Jim Steinbeisser, Lyle Lacock, Scott Staffanson, Levi Lacock, Mike Wester, Pat Gunderson, Seuer Enkerud, Shaylene Peidalue, William W. Jamisch, Mike Lang, Matt Poole, Marc Kloker, Rusty Shaw, Paula Gouse, Glenn Fisher, Mike Grady, Gregg and Renae Boucher, Don Jones, Bob Potter, Joe Etchart, Steve Page;

### Question and Answer session:

- 1. Have they already implemented their plan in WY?
- 2. How much does it cost WY?
- 3. March July restrictions understand new construction but can't work bankers hours to restore power?
- 4. Veg standards are we stuck with Tomley and Braun?
- 5. Raptors are working on sage-grouse; coyotes are thick
- 6. Representative Mike Lang everyone believes predation is a higher priority; why not run a test, allow killing of ravens? Why not put this in the plan?
- 7. Senator Brenden if I have land in CRP and want to break it out, how do I kiss butt to do it? This is taking of private property rights.
- 8. There isn't much energy development here. We shouldn't follow WY.
- 9. Define disturbance of power lines? Linear features?
- 10. Who brought the suit re: listing sage-grouse?
- 11. Has there been discussion about incentives? Maybe someone should compensate landowners if they are precluded from developing energy because of >5%?
- 12. Why don't you end hunting?
- 13. Confusing to them that we are willing to stop oil wells to save sage-grouse but aren't willing to stop hunting to save sage-grouse.
- 14. Any part in plan for education? What can landowners do to modify fences?
- 15. Are states like CO trying to get the same number of grouse like Montana? Anything to give us credit for having good numbers?
- 16. Pushing predation under the table. This is annoying to me; I don't like 5% because they mine bentonite out here, more than 5 acres; need to take another look at bentonite and 5%
- 17. Jackrabbits are also going extinct
- 18. Appears there hasn't been a challenge to the baseline information that has been provided? 1940s, 50s, 60s, sage-grouse populations were based on anecdotal information...predator control...artificial targets to get back to those numbers; left local working group years ago because couldn't provide information to FWP that was acceptable; Need to challenge information that is being used to shape policy
- 19. Senator Brenden whole deal by people who don't want any development; Montana should have its own damn plan, quit copying Wyoming; stand up for private rights takings issue; bill for stopping hunting right now
- 20. Representative Lang need FWP to step up to get feds to back off; NSO of 1 mile, thinks 0.6 mile is better but doesn't have any science on that; USFWS should be talking to other agencies; concerns about noise, gravel; reclamations should be a time frame of 3 years, won't happen in first year; petitions don't identify how much time it will take to get an answer; pg. 18 veg removal "may" replace with "will", "bury power lines, when feasible" who determines what is feasible? West Nile virus; MSGOT want governor to take nominations from agencies, industry, 2 from each group
- 21. Agree about takings issue, Dr. Coughlins article in Ranchlands, Agenda 21
- 22. Pg. 18 MOUs exist for trailing sheep, doing it early in the morning; Will the 5% rule force the BLM to take this away? Last MOU in southwest MT, trying to get state permit

- 23. How successful has WY's plan been?
- 24. Pg. 19 monitoring, if operation causes problems operations will cease; anything can be buried but is it feasible? Price quote of \$1 mil/mile. Need to have a balanced MSGOT, want electric utility to have representation
- 25. What % of development already occurs in core habitat?
- 26. Pg. 9 of MT Outdoors article wants data on every county where agricultural conversion is increasing
- 27. Pg. 28, #20 can't tear up any sagebrush?
- 28. Pg. 19, #12 wildfire fighters will have to go put out fire in core area without putting out the rest?
- 29. Representative Lang what % of sage-grouse have died on fences?
- 30. Doesn't make sense to worry about reflectors when you are shooting birds via hunting
- 31. Are other states working on plans? Will they be welded together in to one plan?

# Malta, First State Bank, 12:00 PM, Thursday, November 21, 2013

Attendees: 49 (including 6 FWP)

Council – Glenn Marx, Janet Ellis, Ray Shaw, Gary Forrester, Bill McChesney, Jay Gore FWP – Tom Flowers, Mark Sullivan, Scott Thompson, Scott Hemmer, Rick Northrup, Jeff Hagener Public – Faye Seel, Charlie Messerly, Jesse Blant, Vinita Shea, Randy Dirkson, Matt Poole, Marc Kloker, Jenny Oxarant, Jeanne, Barnard, John Bamard, Roger Solberg, Alan Wasson, Rusty Shaw, Edward and Polly Solberg, Pat Hickey, Marko Manoukian, Willie Doll, Curtis Starr, Dave Galt, Lesley Robinson, Ben Hauptman, Frank DePriest, James W. Murdock, Gary Tremblay, Vicki Olson, Gary Wiens, Gerald Keller, Cylde Robinson, Mike Long, Perri Jacobs, Roy Waters, Richard Dunbar, Bill Rock, Mike Sjorstrom, John Arnold, Donni Linn, Patty Freisno, Fritz Prellwitz, James Carver, Tom DePuydt, Charles Kulbeck, Conni French

### **Question and Answer Session**

- 1. Who sued the USFWS to cause this planning process?
- 2. If there were a power line to be constructed to service a project on private land, but it had to cross state land, could this plan inhibit the project?
- 3. Is the sage-grouse going to become extinct in the near future?
- 4. Was information from Jeff Moseley provided to the Council? Including sagebrush canopy cover data and other scientific information on how sage-grouse do not use sagebrush over 25% canopy?
- 5. Are there FWS people here?
- 6. What is a habitat exchange? How would it impact private property rights?
- 7. Can't find special management core area shapefiles on line.
- 8. If a lek is near CRP and the operator puts it back into production, could that cause the percent disturbance to exceed 5%?
- 9. Does CRP go against the 5% disturbance limit?
- 10. Are the RMP priority areas the same as the core areas in the plan?
- 11. Comment by Marco ?? on findings by Brendan Moynahan. 243 hens marked and 94% depredation of nests. WNV, predators, and a bad winter were the cause of decline, not habitat fragmentation.
- 12. Comment by Marco ?? This plan should include a fiscal note. Who will pay for the additional costs incurred?

- 13. Comment by Ron Stoneberg. If the sage-grouse warrants listing, we can't go back to a period of no predators. That is not feasible.
- 14. Why does the agencies bow down to environmental groups? The main objective of this possible listing is to get livestock off of public lands. We need to fight back the problem is predators.
- 15. Comment by unknown person. The MSGOT should have at least 2 or 3 landowners on the committee. The public should nominate people for the governor's selection.
- 16. Comment by unknown person. The 10 decibel limit is not much. It is too low.
- 17. Question about the uniformity of the plan with what BLM is planning.

#### **Public Comment Session**

- 1. Jean Barnard Rural Electric Coop. See written comments handed in during the meeting.
  - a. Predators
  - b. WNV
  - c. Avian predators ravens, crows, gulls
  - d. Disturbance 1 mile is too much
  - e. FWP filming, tagging, messing with birds has more impact than what a powerline would have within 1 mile of a lek.
  - f. Blame FWP for poor management of sage-grouse. After hail in 2007, she asked FWP to close the hunting season. FWP didn't and hunters shot the remaining birds.
  - g. APLIC there are not studies that prove power lines have an impact. See Schroeder 2010. Avoidance? Increase of predators? Fragmentation? For all of these, they are saying we need more information to know with certainty.
  - h. 0.6 mile is more than adequate
  - i. Need to add "where economically feasible" when recommending burying power lines.
- 2. Richard Dunbar County Commissioner
  - a. Haven't read the plan, but wanted to make sure that predators are at least mentioned in the plan.
  - b. I have never seen a gas well kill a sage hen yet—that is where they go to avoid predators.
- 3. Clyde Robinson
  - a. The oversight committee needs to be fair and balanced in its makeup
  - b. Predators are a big issue. Ravens need to be addressed or there will be no change in the numbers of sage-grouse.
- 4. Dave Galt MPA
  - a. Will file written comments. MPA members spent a lot of time considering and discussing a listing versus a state plan. MPA believes a state plan will be better than a consultation process involved with a listed species. However, the MPA does have concerns.
  - b. 1 mile NSO is excessive
  - c. They haven't analyzed the current mitigation that has taken place, such as a ¼ mile nso.
  - d. The density disturbance tool needs to be used the same way it is used in Wyoming.
  - e. MPA agrees that MT needs a state plan, but need to keep in mind that Wyoming's plan is the only one that is approved by the USFWS.

f. Cedar Creek Anticline – appreciate the consideration for a special management core area in this circumstance.

## 5. Vicki Olson -

- a. Grazing and good management should be recognized for their benefits to sage-grouse
- b. Too much vegetation can cause hot fires.
- c. Greater than 25% sagebrush canopy is too much for sage-grouse.
- d. The committee needs more agricultural representation
- e. The board recognized hunting as an issue. However, a lot of hunters would rather see hunting dropped than see the bird listed.

## 6. Gary Wiens – MT Electric Cooperatives

a. They did endorse the Wyoming plan, but they believe for power lines that only the post hole should be measured as part of the density disturbance estimate.

## 7. Mike Lang -

- a. A lot of taxes are collected from industry; if we can keep the bird from being listed, we can do a lot of things. It is important to do this.
- b. Page 7 line 5 lack of regulatory mechanisms to protect sage-grouse. There is already much out there for permit requirements.
- c. Never seen a dead sage-grouse as a result of powerline or fence collision; probably not as big of an issue as portrayed.
- d. 1 mile NSO is too much; go to 0.6 miles like Wy.
- e. Need to ditto the Wyoming plan
- f. Should exempt MDoT from the plan.
- g. Gravel access this plan would curtail activities within 1 mile of a lek
- h. 10 decibels is nothing. This needs to be raised higher.
- i. Mining gold and bentonite are important in Phillips county. What are the terms for mitigation?
- j. Page 18 change "may" to "will"
- k. "Collaborate" change to "coordinate"
- I. For reclamation, after 3 years, the habitat should be considered restored.
- m. Page 22 there is nothing about how long the state has to reply or what the comment period would be.
- n. Range structures who determines what is acceptable? MSGOT? Who will pay for this? Fences have been around for 100 years...their impact is minimal.
- o. Page 35 seed bank for restoration, should rely on private sector, not government to do this.
- p. APHIS should have authority to kill ravens
- q. Page 36 change the burying of powerlines to "where economically feasible"
- r. WNV can also be a function of topography that supports standing water and mosquito production, not caused by humans
- s. Hunting about 4,000 birds are killed annually. Hunting needs to be shut down until FWP becomes more proactive to defend the state against the feds.
- t. What is the cost of 6 FTE? Who will pay that?

#### 8. Willie Doll

- a. Shutting down hunting? The feds would see this as a red flag, working against us. I do support shortening the season and reducing the bag limit to 1 bird. However, the MT Outfitters and Guides don't want this and they fought it in the past. Gallatin Wildlife Association also fought this.
- 9. Leslie Robinson County Commissioner
  - a. MSGOT should be made up of people from Core Areas, involving the people who are affected.

# Lewistown, FWP Area Office, 6:00 PM, November 21, 2013

Attendance: 41, including 2 FWP

Council – Glenn Marx, Janet Ellis, Ray Shaw, Gary Forrester, Bill McChesney, Jay Gore

FWP - Graham Taylor, Sonja Smith, Rick Northrup, Jeff Hagener

Public – Rick Stevers, Clarence Kelter, Trevis Butcher, Carl Seilstad, Janae Butcher, Jon Berg, Larry Phillips, Skip Ahlgren, Cari Kent, Adam Carr, Dick Sellers, Guy Johnson, Sandy Youngbauer, Deana Heurth, Greg Wichman, Matt Knox, Jim Borgreen, Ed Butcher, Travis Karucca, Clive Rooney, Scott Sweeney, Lonny Bergstram, Tucker Hughes, Rich Southwick, Sam Milodragovich, Mary Jones, Ron Moody, Chris King, Rosh Bertchee, Dave Galt, Terry Sleph, Rusty Shaw,

#### **Question and Answer Session**

- 1) Would adding cropland into an area preclude building a house? Drilling a water well?
- 2) Is the disturbance estimate a statewide analysis?
- 3) If a landowner wanted to put in a subdivision, could this plan apply restrictions to that development?
- 4) Comment by unknown person. People had better make sure they don't have any leks in their area. Wyoming doesn't have cropland. It is a takings for an oil company if they are unable to drill because of all the farming. The premise is ridiculous living in farming land. He has a lek within 300 yards of his buildings.
- 5) What will you do about takings? There will be more roads in MT than in Wy. Best one can do would be to take out the sage-hens.
- 6) When and how were core areas identified?
- 7) Northern Fergus and parts of Petroleum counties are producing natural gas, important to MT. What is the trigger criteria for listing sage-grouse?
- 8) How often will there be a review? At what point will it be determined that sage-grouse are no longer a concern?
- 9) Is there a database of known leks?
- 10) If a plan is enacted but the bird is listed, what happens then?
- 11) Can you provide a clearer picture of what it would be like to have the bird listed?
- 12) Comment by unknown person. There are a number of possible permits when building a house on private land, including sewer, electrical, building.
- 13) As anyone been looking at salinity because of sagebrush pulling up salts?

- 14) Are there recommendations for state land grazing allotments?
- 15) Conserving sage-grouse needs to be coordinated across all ownerships. Has this process involved a common approach with other agencies? Hope this will dovetail with other planning efforts.
- 16) Will there be a requirement to seed back croplands on state land?
- 17) Why is the no surface occupancy 1 mile in MT and 0.6 in Wyoming?
- 18) A 1 mile NSO is a couple thousand acres. How will that affect me?
- 19) Noise level is not effectively addressed. Why about running a tractor?
- 20) Comment by unknown person: Utilities, surface occupation, and other details need further clarification.
- 21) Where are the connecting areas?
- 22) Comment by unknown person: If they don't know that sage-grouse are there, you would be better off getting rid of them.
- 23) The plover listing did include grazing impacts. Could this be the same for sage-grouse?
- 24) If Wyoming has an approved plan and all the rest of the 11 states were also approved, what then?

#### **Public Comment Session**

- 1. Carl Seilstad Fergus County Commissioner
  - a. Need to define private property rights. Stipulations should be dropped from several or all private lands
  - b. Drop NSO for general habitat and reduce NSO in core from 1 mile to 0.6 mile
  - c. There are roads within 1 mile of leks, what happens to those?
  - d. This plan calls for 10 decibel noise limitation but BLMs calls for 32 decibels. Should be raised to 32 and dropped on all private land and all general habitat
  - e. Decisions need to involve local input
  - f. The team that reviews projects needs to be locally based
  - g. Page 14 this area needs to be tied to specific acreages
  - h. The plan needs to address economies of local governments
  - Management recommendations are not clearly stated as to their authority on private or state lands. This needs to be clarified.
  - j. Page 12, Section V. #2 and 3. Grant funding. Individuals—two different ones?
  - k. Need to change burying powerlines to when "economically feasible"
  - I. The number of plans and their differences is an issue. They need to be common, not all different agencies need to cooperate.

#### 2. Travis Kullula - Public Service Commissioner

- a. Recommended principles for guiding this work: 1) plan for the "minimum" to achieve federal approval, not much more; 2) the plan needs a greater number of scientific citations to back up stipulations; 3) SMCAs already have development, there may be other areas where existing work such as gas wells in Fergus and other counties;
- b. Use Wy standard of 0.6 miles should be the same across the range
- c. Burying power lines is unrealistic from an economic perspective 3-10 times more expensive
- d. Irony that earlier recommendations set up for perches on power line poles, now trying to prohibit perching.
- 3. Richard Stevens Rural Electric Cooperative and Triangle Communications
  - a. Local control is important
  - b. RECs are directly affected, also important to keep the bird from listing
  - c. Page 15 change to "where economically feasible"
  - d. Page 19 Adaptive resource project cause. Need to clarify language to make sure we don't have "to turn the lights off" because of perceived impacts
  - e. Page 26 add communications and broad band facilities to the list and a timeframe needs to be laid out for permitting
  - f. Since 2006 the Wyoming plan has been working.
  - g. He could probably support the existing language, as long as it didn't become more restrictive.

#### 4. Dave Galt - MPA

- a. The MPA looked at listing versus a state plan and concluded a state plan makes more sense. However there are some concerns.
- b. NSO should match Wy
- c. Density disturbance calculation a lot of work is still needed on this. It is the council's intention to follow Wyoming's approach
- d. There shouldn't be a noise limitation in General Habitat
- e. 10 decibels in Core is a problem
- f. BLM plans are a problem, they are way more restrictive and don't match up to this plan

g. MT had a different process for identifying core areas, included very industrial areas. SMCAs were developed out of that.

#### 5. Ed Butcher –Landowner

- a. Seconded County Commissioner Sealstad's comments
- b. They had thousands of birds into the 1970s. When predator control stopped, there are now less than 100 on the ranch
- c. The sage hens nested in the yards and you had to chase them off of the airplane
- d. Roads attract sage hens
- e. If full of predators, sage hens are vulnerable
- f. Fish and Game needs a comprehensive control program with bounties. UT has a \$50 bounty on coyotes.
- g. Shut hunting off
- h. Need to include scientific knowledge from people who live with sage-grouse
- i. Set up minimal regulations, it is easy to over regulate. There are a lot of leks with existing wells, don't turn these areas into wilderness areas

### 6. Greg Whitman – MT Woolgrowers

- a. UT's situation sage-grouse skyrocketed when they took predators out of the area.
- b. Need minimum \$ spent annually in areas of focus
- c. Need to determine priorities golden eagles or sage-grouse?

## 7. Ron Poartner - Winifred

- a. Need more assertive language, otherwise the USFWS will ignore the stipulations. Examples:
- b. Valid existing rights....should be...needs to be "will" or change the direction
- c. Page 63 "should be developed"
- d. The public has this one opportunity to review and comment, but they won't know what is adopted unless they see the next round of what is finalized

### 8. John Gilpatrick

a. Remembers when were able to fill a pickup with sage-grouse during a time of over grazing

- b. He used to help Fish and Game trap and tag sage-grouse on alfalfa fields. What percent of birds were being killed by predators then?
- c. Grouse aren't where they used to be? Never saw ravens before, never say eagles, fox, or raccoons.
- d. North of Grassrange, a wintering area and eagles sitting all around them
- e. BLM is looking at reservoirs and WNV...
- 9. Travis Butcher Winifred
  - a. What are the financial and environmental impacts of this plan?
  - b. This is a takings of private property rights
  - c. The governor will do what he wants, which circumvents a representative process.

