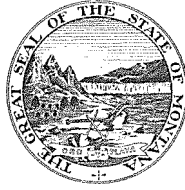


OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

February 7, 2022

Patricia Deibert  
National Sage-Grouse Coordinator (Acting)  
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Theresa Hanley  
Acting State Director, Montana/Dakotas  
Bureau of Land Management  
5001 Southgate Drive  
Billings, MT 59101

Re: Notice of Intent to Amend Land Use Plans (LUPs) Regarding Greater Sage-Grouse  
Conservation and Prepare Associated Environmental Impact Statements (EIS) (86 Fed.  
Reg. 66331 (Nov. 22, 2021))

Ms. Deibert and Ms. Hanley:

Thank you for the opportunity to offer comment on the U.S. Bureau of Land Management's (BLM) *Notice of Intent to Amend Land Use Plans (LUPs) Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements (EIS) (Notice)*.

The Montana Sage Grouse Habitat Program (Program), overseen by the Montana Sage Grouse Oversight Team (MSGOT), is the most effective conservation program within the Greater Sage-Grouse's range. The product of stakeholder collaboration and scientific study, the Program has been an unqualified success, both in terms of maintaining land use and conserving sage-grouse populations.

The Montana Department of Natural Resources and Conservation (DNRC), Department of Fish, Wildlife and Parks (FWP), Department of Agriculture (AGR), Department of Livestock (DOL), Department of Transportation (MDT), and Department of Environmental Quality (DEQ), as well as MSGOT, have all submitted comments addressing the *Notice* and asking that BLM leave its Montana LUPs untouched. While the substance of those comments is incorporated herein by reference, and attached hereto for your convenience, I take this opportunity to renew their request and reiterate some of the following points.

## **1. Montana's Program successfully conserves sage-grouse in Montana.**

Montana provides approximately 33 million acres of sage-grouse habitat across private, federal, and state lands. The intermingled nature of this landownership creates unique practical and jurisdictional challenges which Montana's Program has triumphantly navigated.

Montana's sage-grouse conservation efforts began in 2005, with a working group of federal, state, tribal, and private stakeholders who produced the *Management Plan and Conservation Strategies for Sage Grouse in Montana*. These efforts advanced in 2015 when the Montana Legislature passed the Greater Sage Grouse Stewardship Act, establishing MSGOT and the Stewardship Fund Grant Program. This legislation, in combination with Executive Order 12-2015, established Montana's Sage Grouse Conservation Strategy.

The Program, developed after extensive, long-term collaboration with diverse stakeholders identifies habitat management areas; applies a mitigation hierarchy and requires compensatory mitigation; considers and maintains flexibility for changing environmental conditions; uses disturbance/density caps and buffers to minimize habitat disturbance; and continues to seek, examine, and rely upon the best available science. The exhaustive efforts of both the Program and stakeholders have been rewarded by increases in sage-grouse population and habitat conservation.

The Program received resounding and uniform praise at a listening session MSGOT held in October of 2021. At that session, the U.S. Fish and Wildlife Service directly highlighted Montana as an example that all other programs should strive to emulate.

I wanted to take a minute and just say we continue to express our continued strong support for the Program and for the effective implementation of the Stewardship Act and of those Executive Orders because of the substantive, positive impact that's had on Montana Greater Sage-Grouse conservation. And as you've heard today, this has been achieved in no small part through thoughtful and transparent program implementation and ongoing stakeholder engagement regarding the Program and through improvements. I'd also like to note that the Program, including application of the Habitat Quantification Tool and the policy around that, the Executive Order measures, and compensatory mitigation, have been extremely effective for sage-grouse conservation. You know, we've, Montana is one of the few states that has seen its sage-grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on sage-grouse conservation. And then lastly, I just wanted to say, you know, Montana has the second largest greater sage-grouse population in the 11-state range. Regulatory mechanisms as the Program here and effective implementation of the Executive Orders and the Act were key to our "not warranted" finding in 2015, and would be key looking at a review of the status of the sage-grouse in the future.<sup>1</sup>

Montana's Program hits every marker and incorporates every tool the BLM identifies in the *Notice*. For this reason, I would ask that BLM leave its Montana LUPs untouched.

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<sup>1</sup> Jodi Bush, State Director of Ecological Services for the U.S. Fish and Wildlife Service, MSGOT Listening Session (Oct. 14, 2021).

## **2. Amending LUPs threatens to destabilize the Program's balance between land use and conservation.**

One of the most critical components of Montana's success is the extensive commitment stakeholders have made to the Program. While not all stakeholders benefit from every aspect of the Program, they do understand that such a system ensures balance between land and natural resource use and healthy sage-grouse habitats and populations.

BLM's LUPs are but one component of the Program, and any changes to those LUPs will create ripple effects felt throughout the entire Program. For example, additional restrictions on BLM land uses, such as AUM reductions, would have ramifications on private land use and could disincentivize private stakeholder participation. The success of Montana's Program is a credit to decades of relationship-building and trust. Amending LUPs at this point could effectively chill those efforts to the detriment of landowners, land users, and the species.

Amending LUPs may also threaten Montana's ability to fully utilize appropriations made under the Infrastructure Investment and Jobs Act. It will come as no surprise that portions of Montana's highway system travel through sage-grouse habitat. Additional restrictions or uncertainty associated with amended LUPs may stall Montana's ability to initiate and complete much-needed infrastructure projects, further disadvantaging our rural communities.

Whether in the form of lost agricultural opportunity or lost infrastructure, destabilization of the Program comes at a cost to not only the species, but the Montana economy. After the last two years, Montana's communities need security and opportunity. Montana's Program has proven itself capable of providing that vitality while conserving sage-grouse, and I would ask BLM to allow Montana's Program to continue uninhibited.

## **3. Amending Montana LUPs is premature and unwarranted.**

Montana is concerned by the *Notice* as it presumes LUP change is necessary. However, the *Notice* fails to point to any specific evaluation of Montana's LUPs demonstrating insufficiency. Federal rule, the BLM LUP handbook, and Montana's individual LUPs all contemplate a plan evaluation before any plan revisions or major amendments.<sup>2</sup> Because no evaluation was referenced in the *Notice*, let alone local evaluations of each Montana LUP, it would appear that amendments are premature.

Evaluation before revision or amendment also makes substantive sense. The relevant Montana LUPs, which are only seven years old, have produced consistent and stable populations. For BLM to change course now, before the plans have realized their maximum potential, is not only a poor resource decision, but will leave stakeholders feeling cheated and disincentivize their future participation. I would ask BLM to place trust in the agency's guidance and in Montana's LUPs and leave its plans unchanged.

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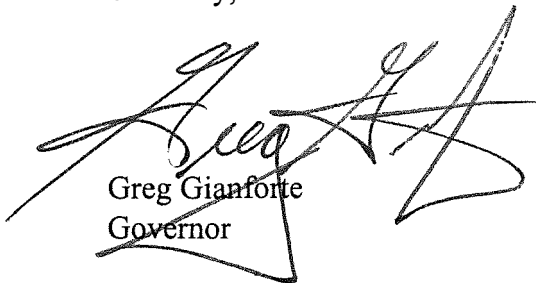
<sup>2</sup> 43 CFR § 1610.5-3(a); BLM land Use Planning Handbook, H-1601-1, 34 (Mar. 11, 2005); Lewistown Field Office Greater Sage-Grouse Approved Resource Management Plan Amendment, 4-3 (Sept. 2015); HiLine District Office Greater Sage-Grouse Approved Resource Management Plan (ARMP), 5-4 (Sept. 2015), Miles City Field Office ARMP, 5-2, 5-3 (Sept. 2015), Billings Field Office Greater Sage-Grouse ARMP, Q-4 (Sept. 2015), and Idaho and Southwestern Montana Greater Sage-Grouse ARMP, 4-3 (Sept. 2015).

**4. Montana seeks “cooperating agency status” from the BLM in its efforts moving forward.**

Several of Montana’s agencies were offered “cooperating agency status” for the subsequent agency processes. I would ask the BLM that it include DNRC, FWP, AGR, DOL, MDT, and DEQ in that invitation, if it has not already done so. Montana is the Gold Standard when it comes to sage-grouse management, and its agencies offer valuable insights, observations, and findings on this issue.

Montana’s Program is a hard-fought product of good-faith stakeholder effort. The Montana LUPs are tailor-made for Montana and, along with the Program, have the structural flexibility to meet changing demands. I would ask that the BLM honor and respect the contributions that have been made to Montana’s Program and leave Montana’s LUPs untouched, so that, together, we can continue to conserve sage-grouse for future generations.

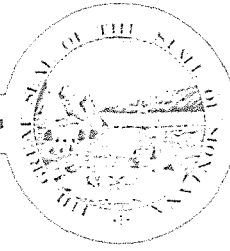
Sincerely,



Greg Gianforte  
Governor

Enclosure

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



GREG GIANFORTE, GOVERNOR

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Re: Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements (86 Fed. Reg. 66331 (Nov. 22, 2021))

Ms. Deibert and Ms. Hanley:

On behalf of the Montana Department of Natural Resources and Conservation (DNRC), please accept these comments in response to the Department of the Interior and the Bureau of Land Management's (BLM) Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation, which published in the Federal Register on November 22, 2021.

Montana operates the most effective greater sage-grouse habitat conservation program in the species' range. During the October 2021 listening session hosted by the Montana Sage-Grouse Oversight Team, the Montana Sage-Grouse Habitat Program (Sage-Grouse Program) received the following accolades from regional representatives with the U.S. Fish and Wildlife Service (USFWS) that capture the successes of the Sage-Grouse Program's work to date:

"...I wanted to take a minute and just say we continue to express our [USFWS] strong support for the Program and for the effective implementation of the Stewardship Act and of those Executive Orders, because of the substantive, positive impact that's had on Montana greater sage-grouse conservation. And as you've heard today, this has been achieved in no small part through thoughtful and transparent program implementation and ongoing stakeholder engagement regarding the Program and through improvements. I'd also like to note that the Program, including application of the Habitat Quantification Tool and the policy around that, the

Executive Order measures, and compensatory mitigation, have been extremely effective for sage-grouse conservation. You know, we've, Montana is one of the few states that has seen its sage-grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on sage-grouse conservation. And then lastly, I just wanted to say, you know, Montana has the second largest greater sage-grouse population in the 11-state range. Regulatory mechanisms as the Program here and effective implementation of the Executive Orders and the Act were key to our not warranted finding in 2015 and would be key looking at a review of the status of the sage-grouse in the future."

Jodi Bush, State Director of Ecological Services, USFWS, October 2021

Based on the success of Montana's Sage-Grouse Program and its integration with the BLM Land Use Plans since 2015, the DNRC seeks no change in the BLM Land Use Plans for the State of Montana.

Within Montana, state agencies have actively worked in collaboration with federal partners, other agencies, and stakeholder groups representing diverse interests, including representing private landowners, towards sage-grouse and sage-grouse habitat conservation for decades. In 2005, a working group consisting of representatives from federal, state, tribal, and private groups finalized the Management Plan and Conservation Strategies for Sage-Grouse in Montana (Montana Sage-Grouse Working Group 2005).

The Montana Legislature passed the Greater Sage-Grouse Stewardship Act (Act) in 2015, establishing the Montana Sage-Grouse Oversight Team and the Stewardship Fund Grant Program. Executive Order 12-2015 was signed on September 8, 2015. Taken together, the Act and Executive Order 12-2015 established Montana's Sage-Grouse Conservation Strategy to proactively address sage-grouse population and habitat decline. Montana's goal is to conserve sage-grouse and sage-grouse habitats to ensure Montana maintains management authority over lands, wildlife, and economy within the state.

The Montana Compensatory Mitigation System was developed over a two-year period, in a collaborative effort that included federal, state, industry, environmental, and public representatives. Montana's sage-grouse mitigation and conservation measures were developed in consideration of federal lands managed by the BLM through BLM Land Use Plans or amendments finalized in 2015. Montana continues to work under the 2015 BLM Land Use Plans because there were no changes made to the BLM Land Use Plans applied to Montana in 2019. Montana's Compensatory Mitigation System and the BLM land use plans for Montana are intended to support each other. The State of Montana takes an "all lands, all hands" approach and works together with partners and stakeholders to maintain and enhance sage-grouse habitats and populations to ensure adequate, consistent conservation across all land ownerships.

The "all lands, all hands" approach is particularly imperative in Montana because of the intermingled land ownership patterns in sage-grouse habitat which differs from other western states. In Montana, the BLM administers approximately 30 percent of the lands included in designated sage-grouse habitat. However, the BLM's management is complicated due to the checkerboard nature of BLM land parcels with State and private land parcels. Successful mitigation within Montana requires a flexible system that acknowledges the unique geographic patterns of land ownership diversity. Montana's integrated management successfully provides adequate and consistent implementation of sage-grouse conservation measures at multiple spatial scales (e.g.,

site-specific, landscape, statewide) and precludes the need for federal oversight of Endangered Species Act protections.

On October 2, 2015, the USFWS published its decision that adding sage-grouse to the endangered species list was not warranted due to the regulatory and habitat protection commitments made by states like Montana. In continuing Montana's efforts, the State implemented the Montana Compensatory Mitigation System in October 2018. The System allows Montana to apply the mitigation hierarchy and require compensatory mitigation for unavoidable impacts. Implementation of the full mitigation hierarchy sequence (i.e., avoidance, minimization, reclamation, compensation) effectively addresses the threat of sage-grouse habitat loss, degradation, and fragmentation while simultaneously permitting development and economic activity in Montana.

Montana's Compensatory Mitigation System includes a science-based statewide geospatial model, the Habitat Quantification Tool (HQT) that, in concert with the application of policies is actively used in decision making for development and conservation projects alike. The HQT is unbiased in the assessment of habitat impacts through the accounting of functional acres lost or gained, respectively. The implementation of the HQT and associated policies serve as the foundation for effective and science-based sage-grouse habitat mitigation across Montana. The development, application, and continued adaptive management of the HQT is monumental in the successful implementation of Montana's Compensatory Mitigation System.

#### **State – Federal Coordination**

Montana provides a variety of policy and data-oriented technical support to the BLM as it implements its own sage-grouse conservation strategies through BLM Land Use Plans. The state's HQT is operated by the state program for the BLM for any of their permitted projects located in designated sage-grouse habitat. The BLM provided both financial and staff assistance in development of the HQT and web application tools.

When BLM projects require mitigation, project mitigation plans document the mitigation requirements as part of the State's consultation letters. Such plans are prepared by the Sage-Grouse Program to fulfill requirements of the National Environmental Policy Act, other federal statutes, regulations, and/or policies.

The coordination of the State of Montana's Compensatory Mitigation System with the BLM's Land Use Plans provides a consistent approach to permitting activities in sage-grouse habitat, regardless of land ownership. The analysis and application of the same existing disturbance data and disturbance caps outlined in Executive Order 12-2015 and the BLM Land Use Plans provide a predictable approach to projects on public lands, state lands, and private lands, eliminating confusion and delay for project review in priority sage-grouse habitat.

The State of Montana and Montana BLM have worked cooperatively and extensively together, particularly in terms of land use and management decisions relating to Montana's economies; wildlife population health; habitat protection and restoration; wildfire; and invasive species. The agencies have concurred on the use of mitigation for actions affecting the sage-grouse, population monitoring, reporting, and adaptive management.

Since the Montana Compensatory Mitigation System has been implemented, our two agencies have worked to address inconsistencies between the States regulatory mechanisms and the BLM plans.

## **Issues Identified by the BLM in its Notice of Intent**

The State of Montana's Program already addresses the issues the BLM seeks to address with a land use plan amendment. Specifically:

The Montana Compensatory Mitigation System is not only informed by the best available science, but it is also required to incorporate new science as it becomes available. This new, peer-reviewed scientific literature gets incorporated into the mitigation system, policy documents, and technical documents through an adaptive management process called out in Administrative Rule.<sup>1</sup>

The BLM 2015 Land Use Plans identify the Density Disturbance (DDCT) cap as three percent. Through administrative action, the BLM changed this cap to five percent when Montana's Mitigation System was put in place. A five percent cap is now the disturbance cap used by Montana and the Montana BLM.

A BLM Plan Maintenance Action implemented February 16, 2018, incorporated new language to address habitat objectives and desired seasonal habitat conditions. This action allows for values to be adjusted using new science or local data.

Montana opened its first grant cycle for conservation projects to benefit sage-grouse and sage-grouse habitats in March 2016. The first cycle resulted in three perpetual easements: Hansen Ranch, 44 Ranch, and Rath's Livestock Ranch. The second grant cycle resulted in three perpetual easements — Lewis, Sauerbier Ranch, Willow Basin Ranch — and one habitat enhancement term lease project at the Burgess Ranch. Seven perpetual conservation easements were approved during the third grant cycle. Four have closed: 54 Ranch Livestock, Fauth Ranch, Mussard Ranch, and Peters Ranch. The remaining three are expected to close in early 2022. Three grant cycles have resulted in over 92,000 acres of habitat conserved through conservation easements. The next grant cycle will open in early 2022.

In October 2021, the BLM Washington office published a Rangewide Monitoring Report for 2015 to 2020 (Herren et al 2021). It included the results of the BLM's 2015-2020 planning-wide monitoring efforts for Greater Sage-Grouse conservation using datasets and methods identified in the BLM and US Forest Service Greater Sage-Grouse Monitoring Framework and from the BLM 2015 Land Use Plan amendments and revisions covered by the RODs. In this report the BLM formally recognized that Montana's approach for disturbance calculation and mitigation determination was adequate for the BLM's needs and would be used for BLM authorizations and associated NEPA documents.

## **Summary**

In closing, Montana's Compensatory Mitigation System has been in place for six years operating in conjunction with the BLM's 2015 Land Use Plans. Mechanisms within the state system provide a means to monitor efficacy and evaluate and track mitigation performance over time, giving Montana the opportunity to improve as needed. Montana's Compensatory Mitigation System is successfully tracking development project impacts to sage-grouse and has resulted in conservation of sage-grouse habitat. The State of Montana actively seeks and encourages public engagement through public stakeholder meetings and ongoing listening sessions.

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<sup>1</sup>Administrative Rules of Montana §14.6




The BLM and the USFWS have acknowledged the Montana Compensatory Mitigation System is working. Administrative tools have been used successfully to address inconsistencies between the State's regulatory mechanisms and the BLM plans so that the Montana system and BLM plans support each other.

The Sage-Grouse Program within the Montana DNRC accepts the BLM's offer made December 29, 2021, of cooperating agency status. As the BLM knows, Montana is a technical expert well versed in emerging science and management challenges. Moving forward, the State of Montana hopes to explore the strengths and benefits of the existing BLM Land Use Plans.

If you have any further questions, please contact Therese Hartman at [THartman@mt.gov](mailto:THartman@mt.gov) or 406-594-2671.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kerry S. Davant', with a horizontal line extending from the end of the signature.

Kerry S. Davant  
Deputy Director, Montana Department of Natural Resources and Conservation

#### References

Herren, V., E. Kachergis, A. Titolo, K. Mayne, S. Glazer, K. Lambert, B. Newman, and B. Franey. 2021. Greater sage-grouse plan implementation: Rangewide monitoring report for 2015–2020. U.S. Department of the Interior, Bureau of Land Management, Denver, CO.



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February 7, 2022

Patricia Deibert  
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Dear Ms. Deibert,

Montana Fish, Wildlife & Parks (FWP) appreciates the opportunity to provide information and recommendations to the Bureau of Land Management (BLM) regarding BLM land use plans in Montana. Our agencies have effectively collaborated along with other state and federal agencies, local governments, conservation groups, landowners, and industry to improve and maintain sage-grouse habitat in Montana, with the goal of keeping the species from being listed under the Endangered Species Act. Our efforts have proved successful. To this end, we cannot support the BLM changing its land use plans in Montana.

FWP encourages the BLM to work closely with our staff during the EIS planning process. Additionally, we welcome the opportunity to enter into a cooperating agency agreement with the BLM. Our continued partnership will demonstrate both agencies' commitment to conserve sage-grouse populations and their habitats.

## **INTRODUCTION**

Effective conservation of the greater sage-grouse is critically important to the state of Montana and other western states. Sage-grouse are indicative of the health and well-being of sagebrush ecosystems. During 2010-2015, sage-grouse were recognized as a candidate for federal listing under the Endangered Species Act. The U.S. Fish and Wildlife Service (USFWS) made a "not warranted" determination in 2015, in part because of an unprecedented collaborative conservation effort across 11 states. This collaboration involved private landowners, local governments, states, federal agencies, conservation organizations, and many others. Considerable concern has been raised by stakeholders that if the bird were to be federally listed, the likely impacts these protections would have on important social and economic pursuits where there is a federal nexus (use of federal lands, energy development, farm bill programs, grazing practices, etc.) would be detrimental. Conservation of sage-grouse will not only allow these land uses to continue, but it will benefit myriad other species and help ensure they too remain off the endangered species list.

## **MONTANA SAGE-GROUSE AND HABITAT**

Montana is estimated to support approximately 33 million acres of sage-grouse habitat. Much of this habitat remains intact and productive for sage-grouse and other wildlife. Somewhat unique to Montana,

the landownership patterns associated with sage-grouse habitat are commonly an intermingled mix of private, federal, and state Department of Natural Resources and Conservation (DNRC) trust lands.

Montana's sage-grouse populations and habitats have been influenced by many land use activities and other factors, affecting the bird's abundance and distribution. Sage-grouse are sagebrush obligates. Their potential for survival, reproduction, and recruitment is generally highest in sagebrush habitats that are expansive and intact (Connelly et al. 2000). Conversion and fragmentation of habitats reduces productivity, increases vulnerability to predation, or outright eliminates habitats altogether (Swenson et al. 1987, Connelly et al. 2004, Holloran 2005, Aldridge et al. 2008, Doherty et al. 2008, Doherty et al. 2010, Smith et al. 2016, Kohl et al. 2019). Fragmentation and habitat conversion has occurred in Montana through a variety of developments such as roads, highways, powerlines, transmission lines, oil and gas drill sites, wind energy developments, tillage agriculture, and vegetative renovation (i.e., non-native seeded pasture). Fires can also convert sagebrush habitats, particularly those dominated by Wyoming big sagebrush, which can require many decades to recover (Baker 2011). Expansion of exotic annual grasses is an increasing concern in Montana that can directly affect fire frequency (Miller et al. 2011).

Survey data dating as far back as the 1950s indicate sage-grouse distribution and abundance in Montana has declined over the past 50 years or more (Montana Sage Grouse Work Group 2005, Schroeder et al. 2004). A more recent analysis of lek data conducted by the U.S. Geological Survey ((USGS); Coates et al. 2021) in cooperation with the Western Association of Fish and Wildlife Agencies and BLM determined annual rate of population change ( $\lambda$ ) has varied by timeframe: 0.967 in the near-term (since ~2004), 0.975 since ~1986 (medium term), and 0.968 since ~1966 (long term). This means the annual rate of population decline has been estimated to be 3.3, 2.5, and 3.2%, across these timeframes, respectively. This analysis notes that fluctuations in sage-grouse abundance make it difficult to estimate trends.

FWP and the University of Montana have conducted a population estimation and trend analysis using lek data collected since 2002, with correspondingly similar short term trend results (FWP 2021, Coates et al. 2021). Currently, Montana supports 994 confirmed active sage-grouse leks and an estimated five-year population average of about 66,000 birds (range 46,000-76,000). Sage-grouse population numbers oscillate over a period of 8 – 10 years across large scales (Fedy and Doherty 2011). Montana's annual population estimates for the years 2002 - 2021 have varied from 108,569 grouse in 2006 to 34,936 grouse eight years later in 2014. Montana's sage-grouse-directed executive orders and the legislature's Montana Sage Grouse Stewardship Act were put in place in 2015, the same year USFWS made their "not warranted" determination, in part for unprecedented collaborative conservation across 11 states. The annual estimate for sage-grouse in Montana in 2021 is 70,583 birds (FWP 2021). The state is fortunate to retain substantial blocks of productive and relatively intact sagebrush grassland habitats. Approximately 9.6 million acres of habitat is within designated sage-grouse core areas and the remaining 22.9 million acres is considered general habitat. Based on the most recent 10 years of surveys on confirmed active leks, an estimated 80% of lekking males occur within the core habitat areas. Expansive, functional habitats that are well-distributed are essential to the ecological needs of sage-grouse, which are commonly recognized as a landscape species (Connelly et al. 2000). For example, research in Montana and other states has commonly documented hens establishing nests two miles or farther from a lek. Thus, individual hens on a single lek are representative of 12 or more square miles of surrounding habitat.

## **SAGE-GROUSE CONSERVATION IN MONTANA**

It is important to distinguish Montana's sage-grouse habitat circumstance from other parts of greater sage-grouse range, which may have different issues and needs. After having experienced substantial habitat

losses and population declines over the past half-century or more, the state's remaining sage-grouse populations and habitats are still extensive, and Montana continues to be a stronghold for the species. Montana's habitat-oriented approach to sage-grouse conservation is the best way to ensure the bird's long-term viability (Knick et al. 2011, Leu and Hanser 2011, Wisdom et al. 2011).

The goal of Montana's sage-grouse conservation strategy is to *conserve sage-grouse populations and habitats and to preclude the need to list the bird under the Endangered Species Act* (Montana's Greater Sage-grouse Habitat Conservation Advisory Council 2014). The original state sage-grouse plan (Montana Sage Grouse Work Group 2005) and the current conservation strategy, executive orders, and Montana Sage Grouse Stewardship Act recognize the need to continue pursuit of land uses that are socially and economically important to the state of Montana while continuing to conserve sage-grouse. Maintaining a working landscape and effectively conserving native habitats are both fundamental to Montana's sage-grouse conservation approach.

To help focus conservation priorities, Montana designated sage-grouse core areas that comprise the most productive and intact habitats as well as habitats that are critical for maintaining distribution and population connectivity beyond Montana's borders, sharing conservation responsibilities with Saskatchewan, North Dakota, Wyoming, and Idaho. Also, to date, one connectivity zone has been recognized as a result of migration research in southern Saskatchewan and Valley County, Montana. The intent of these habitat designations is to emphasize conservation measures within priority areas while still recognizing the importance of general sage-grouse habitats, which likely provide connectivity between core areas, habitat redundancy, and general sage-grouse distribution.

The following is an overview description of three broad approaches to sage-grouse habitat conservation and their relative importance in Montana. These are: native habitat conservation, habitat restoration, and habitat enhancement.

Native Habitat Conservation – The primary emphasis for sage-grouse conservation in Montana is to 'keep what is functioning, functional' both for the bird and for human activities that do not substantially conflict with, or may even help accomplish, conservation. Intact functional sage-grouse habitat involves two important aspects:

- 1) retaining landscape-sized expanses of native sagebrush grassland habitats, free of substantial fragmentation or development, and
- 2) managing those expanses in a manner that perpetuates native sagebrush grassland vegetation and related processes that sage-grouse are adapted to (sometimes referred to as managing for "ecological integrity" West et al. 1994; Wurtzebach and Schultz 2016; Unnasch et al. 2018).

The first aspect, **retaining sagebrush landscapes**, recognizes the extensive area required of a viable sage-grouse population and its sensitivity to fragmentation or habitat loss. In Montana, in the midst of sage-grouse habitats, this first aspect of conservation would include concerns over conversion to tillage agriculture (Tack 2009, Smith 2016); oil and gas drilling and related developments (Holloran 2005); or establishing transmission lines, communication towers, wind energy developments, or other such tall-structure endeavors (Kohl et al. 2019; Johnson et al. 2011).

A hierarchy of strategies when contemplating an action that could negatively affect sage-grouse or other species is 'avoid, minimize, mitigate' (USFWS Mitigation Policy 1981). That is, *avoiding* key areas of high habitat value has the highest likelihood of successfully averting negative impacts. If operating among sage-

grouse habitats is unavoidable, *minimization* of impacts is a second approach for reducing impacts. Minimization of impacts can result in loss of habitat function or habitat fragmentation, which can have direct and indirect impacts. For instance, sage-grouse could experience direct habitat loss associated with the footprint of a development and some developments have the indirect effect of attracting predators, resulting in secondary impacts. The third approach, *compensatory mitigation* (making up for losses through other protection or management options), requires an accurate understanding of both the lost habitat functions and the effectiveness of remedies for making up for those losses. This third approach can entail considerable complexity and uncertainty whether losses are fully compensated for. This ongoing approach in Montana includes a working relationship with the BLM and is firmly rooted in executive orders and the legislatively enacted Montana Sage Grouse Stewardship Act from 2015.

The second aspect of native habitat conservation, **retaining ecological integrity**, recognizes land management activities that are sustainable and support native vegetation or allow recovery (if in a deteriorated state). Ecosystems exemplifying ecological integrity operate within a natural range of variation and are resilient to natural and human-caused disturbances (e.g., drought, grazing by herbivory, weather events; West et al. 1994, Wurtzenbach and Schultz 2016, Unnasch et al. 2018). In addition to maintaining plant communities that sage-grouse are adapted to, keeping native vegetation in a healthy and competitive condition helps reduce the likelihood of substantial invasion by exotic annual grasses (Reisner 2013).

Regarding landscape conservation and ecological integrity, livestock ranching is perhaps the most common land use of sage-grouse habitats in Montana. When conducted in a sustainable manner, ranching can help perpetuate private and public habitats by retaining open, undeveloped expanses that are adapted to grazing, while providing an economic return. Consistent with the needs of sage-grouse, the long-term success of the ranch is also contingent on productive native vegetation. Particularly on private lands, ranching retains habitats that could otherwise be subdivided, developed, or converted to other land uses, such as tillage agriculture. Grazing practices or restrictions on public lands can directly affect land management decisions on private rangelands, which in turn can directly affect sage-grouse habitats.

Habitat Restoration – On occasion, there are opportunities for restoring sage-grouse habitats that have been converted, such as through tillage agriculture or historic seedings to exotic grasslands. This form of restoring sagebrush grasslands requires considerable time and expense, and ongoing management. Because of the cost and the risk of marginal results, pursuing such opportunities is generally considered a secondary priority. If successful, however, these types of projects can result in habitat expansions.

Habitat Enhancement – Various treatments have been employed in Montana and in other sage-grouse range with a stated purpose of improving habitat for sage-grouse, including prescribed fire, mowing, herbicide treatments, exotic seedings, and the like (Dahlgren et al. 2006, Davies et al. 2011, Hess and Beck 2012). Such treatments are unlikely to result in a positive population response and may have an opposite effect by increasing habitat fragmentation (Smith and Beck 2018). Expansive, intact sagebrush habitats naturally include variations of slope, soil type, aspect, ground moisture, and other attributes that sage-grouse are adapted to, supporting their seasonal needs.

One treatment type may be an exception. Trees pioneering into sagebrush grassland uplands generally inhibit use of such areas by sage-grouse (Baruch-Mordo et al. 2013). Reducing conifer expansion on sagebrush upland sites has been documented to expand functional habitat and enhance a sage-grouse population (Olsen et al. 2021). Although a generally minor issue from a Montana context, some local circumstances offer the opportunity for habitat improvement, primarily through mechanical or hand

removal of trees in the midst of sagebrush. A key to these treatments is to conduct them early, before tree stands become overly dense, greatly affecting treatment costs.

## **MONTANA CONSERVATION PARTNERSHIP**

An array of agency, organization, and landowner stakeholders in Montana initiated discussions and planning in the year 2000 to develop the “Management Plan and Conservation Strategies for Sage Grouse in Montana” which was finalized in 2005. The plan was finalized at a time when considerable sage-grouse research was underway, and some of the strategies described in the plan were soon outdated due to research findings, particularly as related to habitat fragmentation.

The current sage-grouse conservation strategy (2015) is a combination of Executive Orders and the Greater Sage Grouse Stewardship Act, both of which are structured to incorporate new research findings pertinent to Montana’s sage-grouse. The DNRC administers the Sage Grouse Habitat Conservation Program (an outcome of the Stewardship Act), which pertains to state-permitted activities that could affect sage-grouse. The program incentivizes avoidance and minimization of state-permitted activities that are likely to negatively impact sage-grouse and include a stewardship accounting system for conducting compensatory mitigation.

Across all these planning efforts and subsequent work by DNRC to organize the Sage Grouse Habitat Conservation Program, diverse collaboration has been the consistent model for identifying issues and science-based solutions. From the start in 2000, ranchers, the resource extraction industry, sporting groups, national and state industry and conservation organizations, state and federal agencies, interested individuals, legislators, and many others have been a part of each of these efforts. As a result, sage-grouse conservation plans and strategies have been built to integrate with working landscapes. That is, landscapes that include farming, ranching, recreation, energy developments, mining, and other activities. Many agencies and organizations have implemented conservation programs that collectively support Montana’s sage-grouse conservation goal. The following is a *sampling* of those efforts. Our purpose in pointing these out is to convey the level of ongoing investment, the momentum surrounding sage-grouse conservation, and the intention for continued advancement of sagebrush grassland and sage-grouse conservation:

**FWP** – the department is responsible for management of all wildlife in the state, working to prevent the need for federal listings, and accomplishing species conservation and recovery in a manner that is in balance with potential social and economic impacts (MCA 87-1-201).

- Surveys
  - o FWP annually conducts and coordinates surveys with other agencies (including BLM), organizations, and industry consultants.
- Habitat Conservation
  - o 30-year conservation leases – over 275,000 acres of privately-owned sage-grouse habitat have been enrolled into these leases, which assure native habitats will be retained (no plowing, prescribed burning, or herbicide treatments targeting native vegetation) during the lease period.
  - o Conservation easements - 152,000 acres of sage-grouse habitat are conserved in perpetuity.

- Research
  - o Most recently, in partnership with NRCS, BLM, the Montana University System, and other partners, FWP completed over 10 years of field research pertaining the effects of grazing rotations/treatments on sage-grouse and other sagebrush species such as migratory birds and insects.
- Harvest Management
  - o Ongoing conservative hunting season regulations and annual harvest surveys.
- Technical Support for
  - o DNRC Sage Grouse Habitat Program
  - o State and federal land management agencies
  - o Farm Bill programs
- Range-wide sage-grouse conservation
  - o Active participant in efforts to coordinate surveys, planning, conservation strategies, and population analyses across the 11-state range of sage-grouse through the Western Association of Fish and Wildlife Agencies and other collaborations.

#### **DNRC (DNRC will be submitting its own comments to the BLM)**

#### **NRCS and the Sage-Grouse Initiative Partnership**

- Support four cooperative range conservation positions in partnership with Montana Association of Conservation Districts, FWP, and others, based in field offices to support private land conservation practices.
- Environmental Quality Incentives Program – \$48M of grazing management improvements on 1.5M acres
- Conservation easements - \$70M invested in over 250,000 acres of conservation easements

#### **US Fish and Wildlife Service Partners for Fish and Wildlife**

- Operating within five focal areas that overlap with sage-grouse habitats, habitat biologists work with ranching operations on restorations and improvements to facilitate habitat productivity and long-term sustainability.

#### **The Nature Conservancy**

- Established a Candidate Conservation Agreement with Assurances Program (2018) in coordination with USFWS. The program currently involves over 148,000 acres of privately-owned sage-grouse habitats.
- Grass Banking associated with the Matador Ranch in south Phillips County helps to conserve 290,000 acres of ranchlands, of which about 77,000 acres comprise sage-grouse habitats.

#### **Montana Land Reliance and other land trusts**

- Continue to establish and manage numerous conservation easements that overlap with sage-grouse habitats.

#### **Rancher Stewardship Alliance and the Winnett ACES**

- Provide support for sustainable ranching, information sharing, and coordination/implementation of funding initiatives. Much of their work has direct benefits to sage-grouse habitats and native rangelands in general.

#### **Pheasants Forever, Inc. and Ducks Unlimited, Inc.**

- Support Farm Bill biologists stationed in NRCS offices to provide technical assistance and funding options to local producers to advance habitat restoration and conservation, including sustainable ranching strategies.

#### **THE ROLE OF BLM**

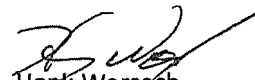
FWP estimates that BLM is responsible for about 6.4M surface acres of sage-grouse habitat in Montana, making up about 32% of core area habitat and 15% of general habitat. Some of the most intact habitats are extensively composed of BLM lands. BLM is therefore critical to the ongoing success of sage-grouse conservation in Montana. FWP offers initial recommendations as BLM completes their scoping process.

- 1) BLM has considerable responsibility for the condition and potential development of sage-grouse habitats. This includes ongoing grazing and recreation programs, potential minerals development, energy expansion, transmission lines and pipelines, and other activities that can directly and indirectly affect sage-grouse habitats and sage-grouse populations. It is imperative that land use activities operate both procedurally and substantively in a manner consistent with Montana's sage-grouse conservation strategy. Given the existing focus and efforts to maintain effective sage-grouse habitats, we do not support BLM changing its land use plans in Montana.
- 2) Invasive species are becoming a greater concern within sage-grouse habitats, particularly annual grasses. Although Montana has not experienced challenges like the western sage-grouse range, annual grasses occur across the state. Deteriorated rangelands can increase susceptibility of invasion (Reisner 2013), and annual grasses may become an increasingly important issue in a changing climate (Chambers and Pellant 2008).
- 3) We accept any opportunity to enjoy cooperating agency status and encourage BLM to work with FWP staff during the EIS planning process and as an ongoing partner, both to help guide management and for FWP staff to learn from BLM's natural resource staff. Our regional field and central program wildlife staff have a wealth of knowledge on sage-grouse biology, research, and management information.
- 4) As mentioned, much of sage-grouse habitat comprises a mix of intermingled ownerships – private, state, and federal. For effective landscape scale conservation, we ask the BLM to continue to support Montana's conservation efforts across the landscape. Montana's plan effectively balances stakeholder concerns and conservation goals. Continued success will need to involve collaboration with neighboring properties and considering actions in the broader landscape context. The Montana Sage Grouse Habitat Conservation Program and related tools (e.g., Density Disturbance Calculation Tool) could help evaluate contemplated management actions in relation to surrounding land uses and habitat resources.



- 5) Wildfire has not been a substantial issue on sage-grouse habitats in Montana. Wildfire could, however, result in substantial losses of priority sage-grouse habitat, particularly in Wyoming big sagebrush grasslands. This is an issue that may need further consideration and planning between BLM, DNRC, and local fire departments.

Sincerely,

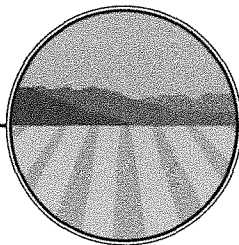
  
Hank Worsech  
Director

#### CITATIONS

- Aldridge, C.L.; Nielsen, S.E.; Beyer, Hawthorne L.; Boyce, M.S.; Connelly, J.W.; Knick, S.T.; and Schroeder, M.A. 2008. Range-Wide Patterns of Greater Sage-Grouse Persistence. USGS Staff -- Published Research. Paper 42. <http://digitalcommons.unl.edu/usgsstaffpub/42>
- Baker, W.L. 2011. Pre-Euro-American and recent fire in sagebrush ecosystems. Pp. 185-201 in S.T. Knick and J.W. Connelly (editors). Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology (vol. 38), University of California Press, Berkeley, CA.
- Baruch-Mordo, S., J. S. Evans, J. P. Severson, D. E. Naugle, J. D. Maestas, J. M. Kiesecker, M. J. Falkowski, C. A. Hagen, and K. P. Reese. 2013. Saving sage-grouse from the trees: a proactive solution to reducing a key threat to a candidate species. *Biological Conservation* 167:233–241.
- Chambers, J.C. and M. Pellant. 2008. Climate change impacts on northwestern and intermountain United States rangelands. *Rangelands* June 2008, 29-33.
- Coates, P.S., Prochazka, B.G., O'Donnell, M.S., Aldridge, C.L., Edmunds, D.R., Monroe, A.P., Ricca, M.A., Wann, G.T., Hanser, S.E., Wiechman, L.A., and Chenaille, M.P., 2021, Range-wide greater sage-grouse hierarchical monitoring framework—Implications for defining population boundaries, trend estimation, and a targeted annual warning system: U.S. Geological Survey Open-File Report 2020–1154, 243 p., <https://doi.org/10.3133/ofr20201154>.
- Connelly, J. W., S. T. Knick, M. A. Schroeder, and S. J. Stiver. 2004. Conservation assessment of greater sage-grouse and sagebrush habitats. Western Association of Fish and Wildlife Agencies. Unpublished Report. Cheyenne, Wyoming. <https://www.usgs.gov/media/files/conservation-assessment-greater-sage-grouse-and-sagebrush-habitats>
- Connelly, J.W., Schroeder, M.A., Sands, A.R., Braun, C.E., 2000. Guidelines to manage sage grouse populations and their habitats. *Wildlife Society Bulletin* 28, 967–985.
- Davies, K.W., J.D. Bates, and A.M. Nafus. 2011. *Environmental Management* 48:539-546.
- Doherty, K.E., Naugle, D.E., Walker, B.L., Graham, J.M., 2008. Greater sage-grouse winter habitat selection and energy development. *Journal of Wildlife Management* 72, 187–195.
- Doherty K.E., Naugle D.E., Evans J.S. 2010. A Currency for Offsetting Energy Development Impacts: Horse-Trading Sage-Grouse on the Open Market. *PLoS ONE* 5(4): e10339. <https://doi.org/10.1371/journal.pone.0010339>
- Fedy, B.C. and K.E. Doherty. 2010. Population cycles are highly correlated over long time series and large spatial scales in two unrelated species: greater sage-grouse and cottontail rabbits. *Oecologia*; DOI 10.1007/s00442-010-1768-0.
- FWP. 2021. Montana greater sage-grouse population report - August 16, 2021. Unpublished Report. Helena, MT.

- Hess, J.E. and J.L. Beck. 2012. Burning and mowing Wyoming big sagebrush: do treated sites meet minimum guidelines for greater sage-grouse breeding habitats? *Wildlife Society Bulletin* 36:85-93.
- Holloran, M.J., 2005. Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming (Dissertation) University of Wyoming, Laramie.
- Johnson, D.H, M.J. Holloran, J.W. Connelly, S.E. Hanser, C.L. Amundson, and S.T. Knick. 2011. Influences of environmental and anthropogenic features on greater sage-grouse populations, 1997-2007 Pp. 407-450 in S.T. Knick and J.W. Connelly (editors). *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology* (vol. 38), University of California Press, Berkeley, CA.
- Knick, S.T., S.E. Hanser, R.F. Miller, D.A. Pyke, M.J. Wisdom, S.P. Finn, E.T. Rinkes, and C.J. Henny. 2011. Ecological influence and pathways of land use in sagebrush. Pp. 203-251 in S.T. Knick and J.W. Connelly (editors). *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology* (vol. 38), University of California Press, Berkeley, CA.
- Leu, M. and S.E. Hanser. 2011. Influences of the human footprint on sagebrush landscape patterns. Pp. 253-271 in S.T. Knick and J.W. Connelly (editors). *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology* (vol. 38), University of California Press, Berkeley, CA.
- Miller, R.F., S.T. Knick, D.A. Pyke, C.W. Meinke, S.E. Hanser, M.J. Wisdom, and A.L. Hild. 2011. Characteristics of sagebrush habitats and limitations to long-term conservation. Pp. 145-185 in S.T. Knick and J.W. Connelly (editors). *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology* (vol. 38), University of California Press, Berkeley, CA.
- Montana Sage Grouse Work Group. 2005. Montana plan and conservation strategies for sage grouse in Montana – Final. Montana Fish, Wildlife and Parks, Unpublished Report. Helena, MT.
- Olsen, A.C., J.P. Severson, J.D. Maestas, D.E. Naugle, J.T. Smith, J.D. Tack, K.H. Yates, C.A. Hagen. 2021. Reversing tree expansion in sagebrush steppe yields population level benefit for imperiled grouse. *Ecosphere*. <https://doi.org/10.1002/ecs2.3551>
- Reisner, M.D., J.B. Grace, D.A. Pyke, and P.S. Doescher. 2013. Conditions favouring *Bromus tectorum* dominance of endangered sagebrush steppe ecosystems. *Journal of Applied Ecology* 50:1039-1049.
- Schroeder, M.A., C.L. Aldridge, A.D. Apa, J.R. Bohne, C.E. Braun, S.D. Bunnell, J.W. Connelly, P.A. Deibert, S.C. Gardner, M.A. Hilliard, G.D. Kobriger, S.M. McAdam, C.W. McCarthy, J.J. McCarthy, D.L. Mitchell, E.V. Rickerson, and S.J. Stiver. 2004. Distribution of sage-grouse in North America. *Condor* 106:363-376.
- Smith, K.T. and J.L. Beck. 2018. Sagebrush treatments influence annual population change for greater sage-grouse. *Restoration Ecology* 26:497-505.
- Swenson, J.E., Simmons, C.A., Eustace, C.D., 1987. Decrease of sage grouse *Centrocercus urophasianus* after plowing of sagebrush steppe. *Biological Conservation* 41, 125–132.
- Unnasch, R. S., D. P. Braun, P. J. Comer, G. E. Eckert. 2018. The ecological integrity assessment framework: A framework for assessing the ecological integrity of biological and ecological resources of the national park system (Version 1.1). Natural Resource Report NPS/NRSS/BRD/NRR— 2018/1602. National Park Service, Fort Collins, CO.
- U.S. Fish and Wildlife Service Mitigation Policy. 1981. Vol. 46, No. 15. Fed. Reg. 7656 (January 23, 1981)
- West, N.E., K. McDaniel, E. Lamar Smith, P.T. Tueller, and S. Leonard. 1994. Monitoring and interpreting ecological integrity on arid and semi-arid lands of the western United States. New Mexico Range Improvement Task Force. Las Cruces, NM. Unpublished Report.
- Wisdom, M.J, C.W. Meinke, S.T. Knick, M.A. Schroeder. 2011. Factors associated with extirpation of sage-grouse. Pp. 451-472. in S.T. Knick and J.W. Connelly (editors). *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology* (vol. 38), University of California Press, Berkeley, CA.

Wurtzenbach, Z. and C. Schultz. 2016. Measuring ecological integrity: history, practical applications, and research opportunities. *Bioscience* 66:446-457.



February 4, 2022

Patricia Deibert  
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Theresa Hanley  
Acting State Director, Montana/Dakotas  
Bureau of Land Management  
5001 Southgate Drive  
Billings, Montana 59101

Ms. Deibert and Ms. Hanley:

Here in Montana, a state where agriculture remains the backbone of our economy, our goal for conserving sage grouse and their habitat has not changed—and we intend to continue managing our own lands, wildlife, and economy.

Sage grouse are widely regarded as a beneficial bird, and even a mascot of the prairie, among Montana's agricultural communities. It is no coincidence that some of the most productive sage grouse habitat is located on private lands. As stewards of the land—many of them for multiple generations—Montana farmers and ranchers pride themselves on their ability to foster healthy habitats for this iconic bird, just as they do for their crops and livestock. Placing federal limitations on farming and ranching activities in these areas would assign significant burden to family farms, the lifeblood of our rural communities.

It is in Montana's best interest to maintain management of sage grouse conservation. Of the nearly 93 million acres of land in Montana, more than 60% (58 million acres) is made up of farms and ranches. Similarly, well over 60% of greater sage grouse habitat in the state resides on private lands. These vast stretches of land are ideal as they have low human activity, with established sagebrush in some areas, and landowners control the sage grouse's predators.

Agricultural producers have been instrumental stakeholders in the success of the Montana Sage Grouse Habitat Conservation Program. The strategies within Montana's sage grouse conservation plan have enabled agricultural producers and sage grouse populations to share a symbiotic relationship in Montana. Together, they face many of the same stressors. Following the 2021 growing season fraught with severe drought

conditions across the state, many producers in sage grouse conservation areas simply cannot afford to shift their operations to meet additional and unnecessary federal regulations. The loss of even a handful of farmers and/or ranchers may not be something that Montana's rural communities, and therefore our state economy, can survive. The cascading effect of losing ag operations means closing schools, shuttering grocery stores, and boarding up the rural healthcare facilities that remain.

Furthermore, each lost farmer and rancher is detrimental to the overall goal of protecting sage grouse. If farming and ranching activity on federal public land is restricted or limited, agriculturalists may perceive sage grouse as a blight. It is imperative to maintain the positive collaborative program Montana has built, so as to ensure that these birds remain valuable members of agricultural environments.

Incentivizing private landowners in Montana, especially those actively engaged in agriculture, to preserve sage grouse habitat is a win-win. Montana is positioned to continue protecting its sage grouse habitats in a sensible and sustainable manner. Rewarding our collaborators for their contributions promotes continued sagebrush conservation and sage grouse population growth.

On behalf of the agricultural industry in Montana, I implore the Bureau of Land Management to allow Montana to maintain its existing sage grouse land use plan. To quote Jodi Bush with USFWS Montana Ecological Services, "Montana is one of the few states that has seen its sage grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on sage grouse conservation." The continuation of Montana's success relies on our ability to incorporate targeted, local decision making that represents our vast geographic and socioeconomic diversity. A one-size fits all approach will not work in our state or for the nation at large. Our program allows sage grouse populations the opportunity to thrive in Montana while allowing our state economies to flourish.

Thank you for your time and attention, and please do not hesitate to reach me to further discuss Montana's management of sage grouse and sagebrush habitat.

Sincerely,

A handwritten signature in cursive script, reading "Christy Clark". The signature is written in black ink and is positioned above the printed name and title.

Christy Clark  
Director

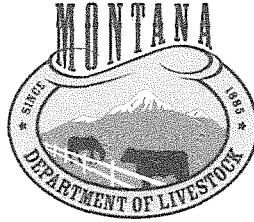
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# STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

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DEPARTMENT OF LIVESTOCK  
PO BOX 202001  
HELENA, MONTANA 59620-2001



DEPARTMENT OF LIVESTOCK (406) 444-7323  
ANIMAL HEALTH & FOOD SAFETY DIVISION (406) 444-2043  
BRANDS ENFORCEMENT DIVISION (406) 444-2045  
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February 7, 2022

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Bureau of Land Management  
5001 Southgate Drive  
Billings, MT 59101

**RE: Notice of Intent To Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements**

Ms. Deibert and Ms. Hanley:

The Montana Department of Livestock (MDOL) welcomes the opportunity to comment on the Notice of Intent (NOI) to amend land use plans regarding Greater sage-grouse conservation. This notice intends to address the management of Greater sage-grouse (GRSG) and sagebrush habitat on BLM-managed public lands in the States of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming through a land use planning initiative. The MDOL is a state agency responsible for fostering and promoting the livestock industry in Montana. As such, we are disappointed that we have not been contacted as a cooperating agency and would like request cooperator status as plans move forward. Public land grazing is a primary component to the success of livestock operations, associated businesses, and rural communities. As such, we are disappointed that we have not been contacted as a cooperating agency and would like request cooperator status as amendments are considered. Considering the NOI in context of our responsibility, the MDOL has several concerns with the potential economic impact that could result from changing the way Montana has managed GRSG conservation since 2015. MDOL's concerns are focused on the potential loss of Animal Unit Months (AUM) on BLM allotments or shortened months of use for grazing allotments. MDOL is also concerned that changes to GRSG management on BLM lands in Montana may not honor the progress that has been made collaboratively between landowners and government agencies since 2015.

**1. BLM grazing plays a significant role in the success of Montana's livestock operations and rural communities.**

According to BLM officials Montana has averaged utilization of 1,153,893 AUMs on BLM allotments over the past 30 years. The use of this resource for seasonal grazing has a tremendous impact on the viability of

livestock operations and rural communities. Each AUM represents real economic value in terms of total livestock that can be supported on the landscape, and thus sold or marketed into the greater supply chain to return revenue to business owners and the local tax base. Further, each AUM drives revenue for associated businesses that supply livestock operations with needed equipment, inputs, and financing. Based on publicly available economic research and estimations for both the revenue and costs associated with raising cattle in Montana, BLM AUMs contribute approximately \$1 billion to \$1.5 billion in economic benefit. While amendments to land use plans for GRSG management may not eliminate public land grazing on BLM statewide, any amendment that would reduce available AUMs or length of time grazing on the resource negatively impacts both livestock producers and their local communities.

**2. The 2015 Montana GRSG management plan and cooperation between government agencies and private landowners has produced successful results.**

In 2015, Montana implemented the current plan used to govern GRSG management within the state. This plan has not been altered since its inception. According to managers with Montana's Department of Fish, Wildlife, and Parks, GRSG are on a path to recovery in Montana. Much of this success can be attributed to private landowners and ranchers who have invested in management practices that have aided in protecting the species. Montana ranchers wish to continue that local and collaborative partnership and avoid drastic change. Even the US Fish and Wildlife Service has touted Montana's plan as highly effective, and this success should be allowed to continue. At the MSGOT Listening Session on October 14, 2021, Jodi Bush, State Director of Ecological Services for the U.S. Fish and Wildlife Service, stated "You know, we've, Montana is one of the few states that has seen its sage grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on sage grouse conservation".

There is great concern that changes to Montana's current management plan will not honor the contributions that have been made by all stakeholders and will disincentivize proactive involvement of the private sector. Montana has learned that given the diversity of habitat and landownership types, large scale stakeholder involvement is critical to success. The 2015 plan allowed Montana to work with its unique landscape and ecology to find the right local solutions for both species protection and private sector impacts. This approach is preferable to a nation-wide, one size fits all approach that ignores geographic and socioeconomic nuance. Such an action would not take in to account the unique nature of habitat that exists across states, or within a single state.

Maintaining trust and cooperation is crucial to dealing with very difficult conservation challenges and choices. Changing the rules after successful collaborative effort will erode that trust between communities and public land managers across Montana.

In conclusion, the Montana Department of Livestock asks that BLM not amend its land use plans for GRSG in Montana.

Sincerely,

Michael S. Honeycutt  
Executive Officer  
Montana Department of Livestock

February 4, 2022

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Acting State Director, Montana/Dakotas  
Bureau of Land Management  
5001 Southgate Drive  
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Re: Montana Department of Transportation's Written Comment on:  
*Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation  
and Prepare Associated Environmental Impact Statements*

Dear Ms. Deibert and Ms. Hanley:

Please accept the Montana Department of Transportation's (MDT's) written comment on the United States Bureau of Land Management's (BLM's) *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements*. MDT is responsible for constructing and maintaining Montana's transportation infrastructure. MDT appreciates the relationship between its infrastructure projects and Greater Sage-Grouse habitat. We are committed to conducting our work in a manner consistent with Sage-Grouse conservation. With this commitment in mind, MDT respectfully requests the BLM refrain from amending its Montana land use plans.

In 2015, the Montana Legislature passed the Greater Sage Grouse Stewardship Act (the ACT) establishing the Stewardship Fund Grant Program and the Montana Sage-Grouse Oversight Team (MSGOT) which includes environmental and industry stakeholders, legislators, and representatives from the executive branch including state agency directors. I am honored to be a member of the MSGOT. The ACT, in coordination with Montana Executive Order 12-2015, establishes Montana's Sage-Grouse Conservation Strategy and proactively addresses population and habitat conservation. Montana's subsequent mitigation and conservation measures have been developed with significant coordination with federal, state, industry, and environmental stakeholders.

When it comes to Sage-Grouse conservation, one size does not fit all. Montana's geography is varied, as is its landownership and land use patterns. These factors demand individualized and tailored consideration, which Montana's program provides. Montana's program accounts for these complexities, balancing diverse interests in a way that both facilitates land use and conserves Sage-Grouse.



Montana's success is reflected in its Sage-Grouse population numbers and trends. As set forth in the comment from MDT's sister agency, Montana Department of Fish, Wildlife and Parks. Montana's program and actions are working.

The success of Montana's Plan has been recognized by the United States Fish and Wildlife Service (USFWS). During the October 14, 2021, Montana Sage-Grouse Oversight Team listening session, USFWS Montana Field Office Supervisor, Jodi Bush, stated the following:

... USFWS continue[s] to express our strong support for the Program and for the effective implementation of the Stewardship Act and of those Executive Orders, because of the substantive, positive impact...on Montana Greater Sage-Grouse conservation... this has been achieved...through thoughtful and transparent program implementation and ongoing stakeholder engagement regarding the Program.

...I'd also like to note that the Program, including application of the Habitat Quantification Tool and the policy, the Executive Order measures, and compensatory mitigation, have been extremely effective for Sage-Grouse conservation...Montana is one of the few states that has seen its Sage-Grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on Sage-Grouse conservation.

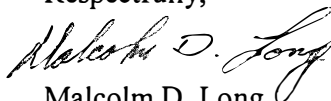
...Montana has the second largest Greater Sage-Grouse population in the 11-state range. Regulatory mechanisms as the Program here and effective implementation of the Executive Orders and the Act were key to our "not warranted" finding in 2015 and would be key looking at a review of the status of the Sage-Grouse in the future.

*Emphasis Added.*

MDT is concerned that amendments to the BLM's land use plans regarding Greater Sage-Grouse conservation would negatively impact Montana's successful Sage-Grouse Habitat Conservation Program, and delay MDT's delivery of infrastructure projects. Project delays result in real-time impacts to Montana's transportation infrastructure and the safety of the traveling public. Delay would also affect MDT's ability to commit Infrastructure Investment and Jobs Act (IIJA) funding, with a potential for uncommitted IIJA funds being returned to the federal government.

MDT is proud of our participation in MSGOT and the role we play in Greater Sage-Grouse conservation in our state. Through crucial conversations and hard work, Montana has developed a program that responsibly advances land use and ensures species health and longevity. I respectfully ask the BLM to avoid any course of action that would threaten this thriving, successful program.

Respectfully,

  
Malcolm D. Long  
Director



04 February 2022

Patricia Deibert  
National Sage-Grouse Coordinator (Acting)  
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Theresa Hanley  
Acting State Director, Montana/Dakotas  
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Ms. Deibert and Ms. Hanley:

On behalf of the Montana Department of Environmental Quality (DEQ) please accept these comments in response to the Department of the Interior and Bureau Land Management's (BLM) Notice of Intent (NOI) scoping the period to Amend Land Use Plans Regarding Greater Sage Grouse Conservation published in the Federal Register on November 22, 2021.

For context, Montana operates the most effective Sage Grouse Habitat Conservation program in the species range.

*"The Program including application of the Habitat Quantification Tool, the policy around it, the EO measures and compensatory mitigation have been extremely effective for sage grouse conservation. Montana is one of the few states that have seen sage grouse numbers be relatively unimpacted over the last several years. The Montana program is an example for other states working on sage grouse conservation. Montana has the second largest sage grouse population in the 11-state range. Regulatory mechanisms in the Program and effective implementation of the EO and the Stewardship Act were key to the USFWS not warranted finding in 2015 and would be key to the services to look at a review of the status in the future."*

Jodi Bush, [then] State Director of Ecological Services, US Fish and Wildlife Service (USFWS), October 2021.

In addition, the following excerpted statement highlights the time intensive and multi-stake collaboration reflected in the current Montana Sage Grouse Habitat Conservation Program, with

demonstrable success and extremely effective delivery of the program and benefit to sage grouse habitat protections.

*“... [It] took us a long time to get here and it’s been a few years now of implementation of the program ... I wanted to take a minute and just say we continue to express our continued strong support for the Program and for the effective implementation of the Stewardship Act and of those Executive Orders. Because of the substantive, positive impact that’s had on Montana greater sage grouse conservation ... the Program, including application of the Habitat Quantification Tool and the policy around that, the Executive Order measures, and compensatory mitigation, have been extremely effective for sage grouse conservation.”*

Jodi Bush, [then] State Director of Ecological Services, USFWS, October 2021.

### ***Montana DEQ Position***

- 1) Based on the success of the Montana program and its integration with BLM land use plans since 2015, DEQ advocates for no change in the BLM Land Use Plans in the Montana.
- 2) DEQ requests a specific focus on regulatory certainty in order that any effort to protect the species and its habitat involve the many stakeholders that have historically, and are currently, invested heavily in the sage grouse protection efforts in Montana.
- 3) As above, I accept your offer for DEQ to be a cooperating agency. DEQ requests and welcomes a collaborative dialogue going forward that includes proactive, timely forums that allow stakeholders to discuss the foundation of Montana’s current plan and efforts and allows sufficient time for DEQ to respond to and plan for attendance.

### ***Our State History of Species and Habitat Protection in Montana***

Since the convening of a working group made up of federal, state, tribal and private groups representatives in 2005, Montana finalized a conservation strategy plan for sage grouse. Montana has actively collaborated with its federal partners, other agencies and stakeholders towards sage grouse and sage grouse habitat conservation with a goal to conserve sage grouse and sage grouse habitats so that Montana will maintain authority to manage its own lands, wildlife, and economy.

In 2015, the Montana Legislature passed the Greater Sage Grouse Stewardship Act (Act) establishing the Montana Sage Grouse Oversight Team and the Stewardship Fund Grant Program. Then Executive Order 12-2015 was signed on September 8, 2015. Together, the Act and Executive Order 12-2015 establish Montana’s Sage Grouse Conservation Strategy to address population decline and habitat issues proactively.

Over a two-year period, the Montana Mitigation System was developed over in a collaborative effort that included federal, state, industry, environmental organizations and public representatives. Sage-grouse mitigation and conservation measures were developed with considerable consideration of Federal lands managed by the BLM.

Montana’s “all lands, all hands” approach works together with stakeholders to maintain and enhance habitats and populations and ensure adequate, consistent conservation across all land ownerships. In order to successfully provide adequate and consistent implementation of sage-

grouse conservation measures at a landscape scale and preclude the need for federal Endangered Species Act protections, BLM and the State of Montana share the same goals.

### ***Montana Protections, Alignment with Development***

DEQ is responsible for clear, consistent, well-communicated and defensible state actions regarding natural resource protections, and the delivery of a process that provides all stakeholders input, timeliness and clear outcomes. As a cooperating agency, our clear interest is to influence outcomes that provide for regulatory certainty – for DEQ, for all stakeholders, for our state – with regard to species and habitat protections.

As an example, of the proposed \$3.9B Infrastructure Investment and Jobs Act IIJA funding for Montana, over \$40M is set to support energy efficiency and clean energy, with \$4M for Montana clean energy. The absence of regulatory certainty with regard to habitat and species protections foretells potential jeopardy for a clear consistent path toward renewable energy funding projects in Montana.

At the pre-proposal, proposal, and delivery stages of any project that may impact sage grouse habitat, Montana works collaboratively with our federal agency partners and project developers when federal permits or authorizations are required. Mitigation is often addressed in documents prepared to fulfill requirements of the National Environmental Policy Act, Montana Environmental Policy Act, other federal statutes, regulations, or policies.

The State analysis and application of the same existing disturbance data and disturbance caps outlined Executive Order 12-2015 and the BLM Land Use Plans provide a consistent, collaborative approach to projects on public lands, state lands, and private lands and thus eliminates confusion and delays for project review in priority sage-grouse habitat.

The outcome of this collaborative approach emphasizes clear, consistent, well-communicated targets, identified impacts, mitigation strategies, and then sets the stage for plans, designs and implementation based on these known variables. Following this inclusive outline, all stakeholders then understand what is needed and what can and will be done and demonstrates adherence to a fair and consistent foundation for species and habitat protections given any development proposal.

### ***In Summary***

Montana's Mitigation System that has been in place for six years, operating in conjunction with the BLM's 2015 Land Use Plans provide a means to monitor the effectiveness and evaluate and track mitigation performance over time and improve the State's approach as needed.

Montana's Mitigation System is successfully tracking development project impacts to sage grouse and has resulted in conservation of sage grouse habitat. The BLM and USFWS have acknowledged the Montana Mitigation System is not only working but extremely effectively.

The Montana DEQ will continue to be an active participant with other state, federal and private partners in sage grouse habitat preservation and protection, and DEQ remains supportive of our current Montana Mitigation System and plan in place now.

We look forward to a cooperative and open dialog going forward.

A handwritten signature in black ink, appearing to read "Chris Dorrington". The signature is fluid and cursive, with a small "c" above the first "D".

Christopher Dorrington  
Director  
Montana DEQ



February 7, 2022

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Re: Notice of Intent to Amend Land Use Plans (LUPs) Regarding Greater Sage-Grouse  
Conservation and Prepare Associated Environmental Impact Statements (EIS) (FR Doc. 2021-  
25393, Published 11/22/2021)

Ms. Deibert and Ms. Hanley:

The State of Montana's existing management strategy for the Greater Sage-Grouse is the result of many years of cooperation and teamwork across political parties, governments, industries, and local communities. As you know, this strategy is intertwined with the existing 2015 Bureau of Land Management (BLM) LUPs. Any changes to these LUPs could upend the delicate balance that has been achieved here in Montana. Therefore, as Chair of the Montana Sage Grouse Oversight Team ("MSGOT"), I strongly encourage the BLM to leave the 2015 LUPs in place to preserve Montana's successful efforts to protect the Greater Sage-Grouse and its habitat.

In 2015, the Montana Legislature passed the Montana Sage Grouse Stewardship Act. This legislation created MSGOT and directed it to oversee the implementation of Montana's Sage Grouse Habitat Conservation Program (Program). MSGOT is comprised of representatives from the Governor's Office, the Montana Department of Natural Resources and Conservation (DNRC), the Montana Department of Environmental Quality (DEQ), the Montana Department of Transportation (MDT), Montana Fish, Wildlife and Parks (FWP), the Montana Board of Oil and Gas Conservation, the Montana Rangeland Resources Committee, and two representatives

from the Montana Legislature. Together, these members represent a broad and diverse range of interests that are affected by sage grouse management policies.

MSGOT implements the Program according to the Montana Mitigation System Policy Guidance Document for Greater Sage-Grouse (Policy Document), which highlights the close relationship between federal and state partners:

It is the intent and expectation that federal partners will work with the State to the extent practicable to implement a unitary Mitigation System for the convenience, transparency, predictability, and success of all participating parties. . . . To the extent possible, MSGOT, the Program, and federal land management agencies will coordinate their implementation. Close coordination will be especially required where both state and federal authorizations are needed for development activity proposed on federal lands.<sup>1</sup>

This close coordination has been a success thus far. At a recent MSGOT listening session, Jodi Bush, State Director of Ecological Services for the U.S. Fish and Wildlife Service, testified to this success.

...I wanted to take a minute and just say we continue to express our continued strong support for the Program and for the effective implementation of the Stewardship Act and of those Executive Orders because of the substantive, positive impact that's had on Montana greater sage grouse conservation. And as you've heard today, this has been achieved in no small part through thoughtful and transparent program implementation and ongoing stakeholder engagement regarding the Program and through improvements. I'd also like to note that the Program, including application of the Habitat Quantification Tool and the policy around that, the Executive Order measures, and compensatory mitigation, have been extremely effective for sage-grouse conservation. You know, we've, Montana is one of the few states that has seen its sage-grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on sage-grouse conservation. And then lastly, I just wanted to say, you know, Montana has the second largest greater sage-grouse population in the 11-state range. Regulatory mechanisms as the Program here and effective implementation of the Executive Orders and the Act were key to our not warranted finding in 2015 and would be key looking at a review of the status of the sage grouse in the future.<sup>2</sup>

Industry stakeholders, environmental groups, and land trust organizations in Montana all understand that the current management system is working and all support leaving the program unchanged. New amendments to the BLM LUPs would run contrary to overwhelming support for Montana's program and upset a program that successfully balances land use with conservation goals.

In addition to jeopardizing the demonstrable success of Montana's Program, MSGOT is also concerned that BLM's notice of intent to amend LUPs and prepare EIS runs afoul of existing plans (which emphasize the importance of local expertise and local LUP evaluation prior to amendment) and Federal Land Policy and Management Act (FLPMA) planning rules and

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<sup>1</sup> Montana Mitigation System Policy Guidance Document For Greater Sage-Grouse, at 10.

<sup>2</sup> Jodi Bush, U.S. Fish and Wildlife Service, MSGOT Listening Session (Oct. 14, 2021).

guidance. 43 CFR § 1610.5-3(a) states that all future resource management authorizations and actions, and subsequent detailed or specific planning, must conform to the approved plan. The Montana LUPs, adopted in 2015, all contain express instruction as to how those plans can be changed. Specifically, those plans state that

The BLM will use land use plan evaluations to determine if the decisions in the ARMPA, supported by the accompanying NEPA analysis, are still valid in light of new information and monitoring data. Evaluations will follow the protocols established by the BLM Land Use Planning Handbook (H-1601-1) or other appropriate guidance in effect at the time of the evaluation.<sup>3</sup>

The BLM LUP Handbook similarly provides that:

The plan should be periodically evaluated (at a minimum every 5 years) as documented in an evaluation schedule. Plan evaluations should also be completed prior to any plan revisions and for major plan amendments. Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans of Indian Tribes, other Federal agencies, and state and local governments, or to evaluate legislation or litigation that has the potential to trigger an RMP amendment or revision.<sup>4</sup>

The BLM has not identified any Montana LUP evaluations or site-specific information and monitoring data that justifies the unexpected and significant change the BLM now contemplates. Similarly, any litigation that could have potentially triggered amendment or revision would only pertain to plans that pursued a 2019 amendment, which would not include Montana. The Montana LUPs were left unchanged in 2019, when every other LUP in sage grouse habitat was amended.

Lacking specificity, the notice simply states that:

BLM has found that 2019 Sage-Grouse Plan Amendments (and for Montana, North Dakota, and South Dakota, the 2015 Sage-Grouse Plan Amendments) are *potentially* inconsistent with new science and rapid changes affecting the BLM's management of the public lands, including the effects of climate change (e.g., drought, loss of habitat, more frequent wildlife fires, less riparian areas).<sup>5</sup>

In noticing the intent to amend LUPs and draft EIS, the BLM fails to identify the specific “new science” or “rapid changes” necessitating action in Montana. Is this “new science” identified in LUP evaluations which the BLM presumably conducted in 2020, in accordance with BLM LUP Handbook guidance? If so, MSGOT would respectfully request copies of these evaluations and

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<sup>3</sup> Lewistown Field Office Greater Sage-Grouse Approved Resource Management Plan Amendment, 4-3 (Sept. 2015); *see also*, HiLine District Office Greater Sage-Grouse Approved Resource Management Plan, 5-4 (Sept. 2015), Miles City Field Office Approved Resource Management Plan, 5-2, 5-3 (Sept. 2015), Billings Field Office Greater Sage-Grouse Approved Resource Management Plan, Q-4 (Sept. 2015), and Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan, 4-3 (Sept. 2015).

<sup>4</sup> BLM Land Use Planning Handbook, H-1601-1, 34 (Mar. 11, 2005).

<sup>5</sup> Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements, 86 Fed. Reg. 66331 (Nov. 22, 2021) (emphasis added).



the “new science” considered. In the absence of these evaluations and considerations, MSGOT finds any intent to amend LUPs and conduct additional EIS to be premature.

Montana has benefitted from six years of regulatory consistency, and these benefits will only continue to accrue moving forward. Montana’s Program, as well as BLM’s LUP, was designed to provide flexibility and incorporate any changing science or environmental conditions. I therefore request that the BLM leave the existing LUPs unchanged in Montana and allow these plans to work as designed.

Sincerely,

A handwritten signature in black ink, reading "Michael Freeman". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Michael Freeman

Chairman

Montana Sage Grouse Oversight Team