

# Developers Initiate the Consultation Process (‘live’ web application)

Read  
Instructions &  
Work Through  
Steps 1-6

**1. Answer Dynamic Questionnaire about the project, specific disturbances, and activities**

- **construction and long-term operations)**

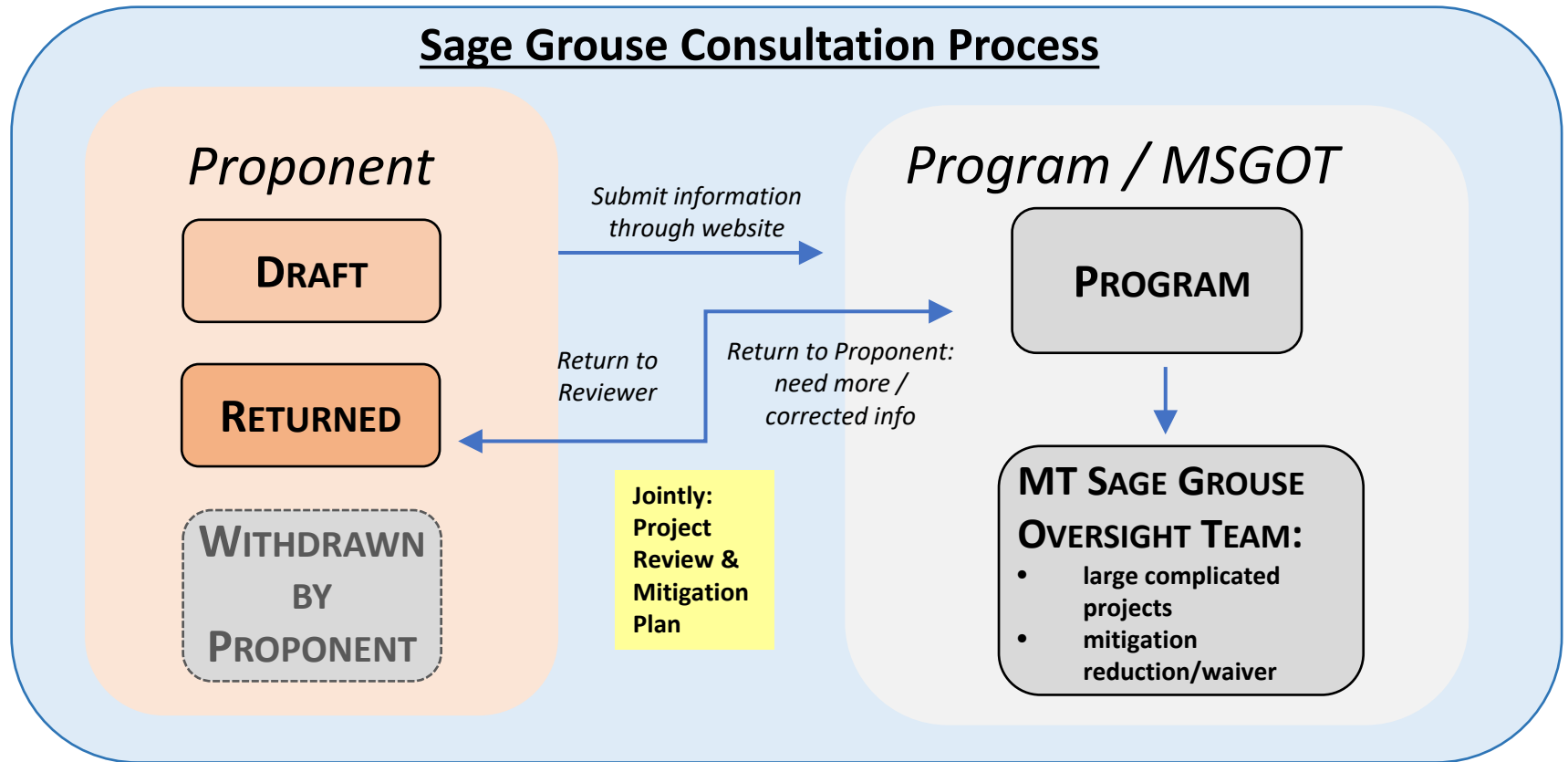
**1. Provide Spatial Data**

The screenshot shows the Montana.gov official state website. The page is titled "Project Kevin" and features a navigation menu with options like TEAM, GRANTS, FAQ, PROGRAM MAP, HELLO CAROLYN, MANAGE, PROJECTS, DISTURBANCES, NEW PROJECT, and LOGOUT. The main content area is titled "Propose a project in sage grouse habitat" and includes a sidebar with steps: 1. Instructions (selected), 2. Basics, 3. Disturbances, 4. Questionnaire, 5. Attachments, and 6. Review & Submit. The main text under "Instructions" explains the project proposal process, including sections for "Basics Information about Your Project", "Disturbances: Project Construction and Type of Disturbance", "Questionnaire: Project and Disturbance Description Details", and "Save Your Project for Later, Save and Continue, or Submit for Review". A map on the right side of the page shows sage grouse habitats in Montana, with a callout box stating "Make sure your project is in sage grouse habitat".



Helpful tools to consider options, identify sensitive areas prior to starting formal consultation! It’s private.

## Sage Grouse Consultation Process

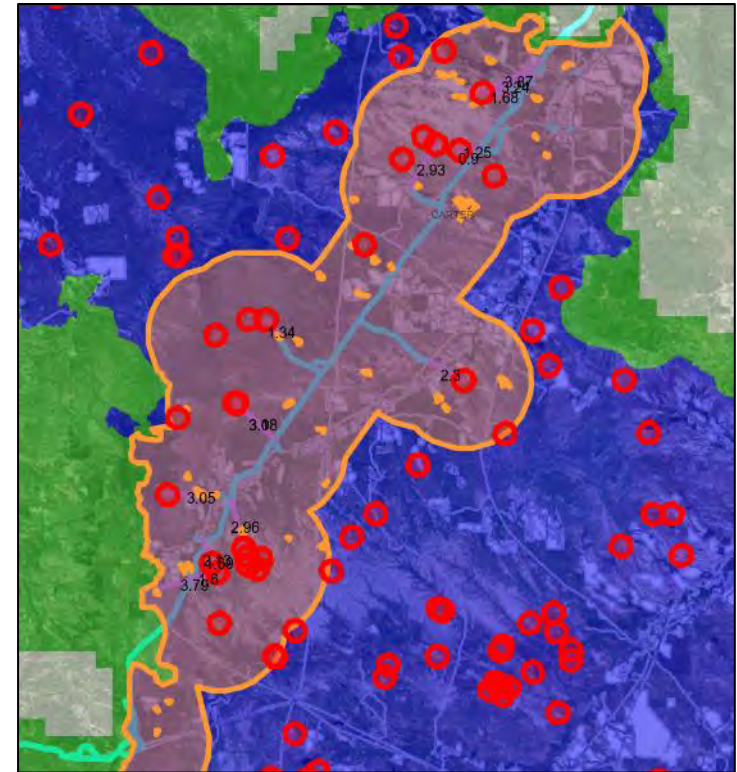


## Sage Grouse Website and Overall Program Workflow

# Executive Order 12-2015: Most Common Considerations

- No new wind development (turbines) in Core Areas / Priority Habitat
  - other infrastructure may be sited within SG habitat; specific stipulations apply
- No new surface occupancy near active leks
  - 0.6 miles Core Areas
  - 0.25 miles in General Habitat
- Core Areas Disturbance Threshold: new surface disturbance must not cause the total disturbance within 4 miles of the proposed project to exceed 5%
- Seasonal use, March 15-July 15
  - Core Areas: in breeding, nesting, and early brood rearing habitat
  - General Habitat: within 2 miles of active leks
- Mitigation Hierarchy

BLM Land Use Plans very similar, but additional considerations may apply



*example screen shot*

# What does mitigation have to do with Greater Sage-Grouse?



- Petitioned: 8 times + litigation
  - lack of mechanisms to address known threats to habitat, birds
- For Now: State trust wildlife species
- Fact: development in sage grouse habitat will occur
- Result: there will be impacts to sage grouse & habitat, even if all EO recommendations are followed
- Outcome: balance development with conservation
  - mitigation is a tool

# MT: Where and when does mitigation apply?

- need a state permit or federal authorization
- development in designated habitat (state or federal)
- not otherwise exempt from review



**Required by: EO 12-2015, state law, & administrative rules**  
**Required by: 2015 BLM Plans - Sage Grouse Amendments**



**Habitat Lost  
or Impacted**

**Habitat Gained  
or Conserved**

**Mitigation must be timely, adequate,  
and effective to offset habitat losses**



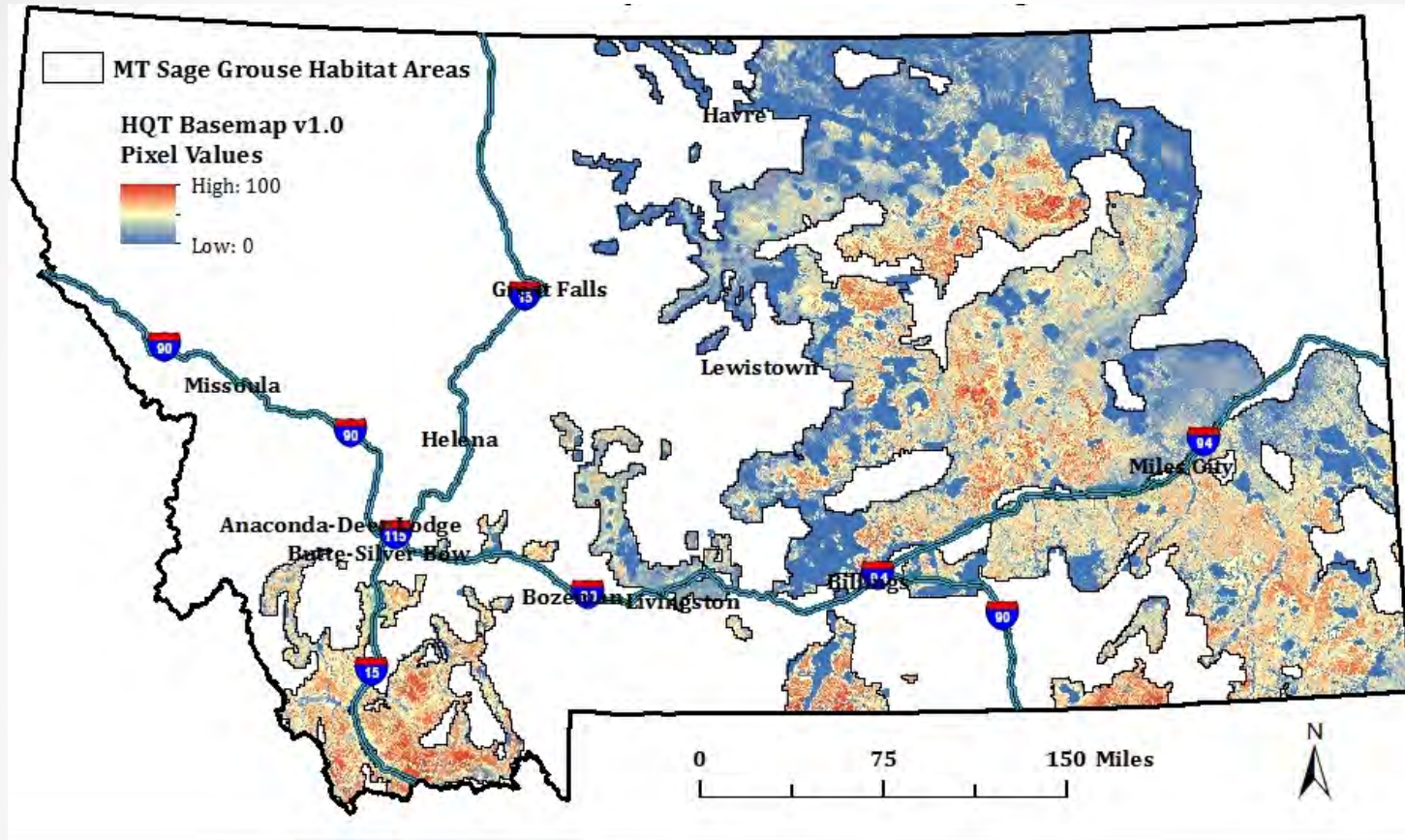
Joel  
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**MT observes the full mitigation hierarchy: avoid, minimize, compensate**

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***Goal – keep the scale level: no net loss, net gain preferred***

## *Tips to keep mitigation as low as possible: location, location, location!*



- *Avoidance: site infrastructure outside SG habitat areas*
- *Minimization:*
  - *remain consistent with EO 12-2015*
  - *site within existing disturbance patches, low quality habitat*



How developers can fulfill their mitigation obligations:

- 1. Permittee Responsible:**
  - do conservation project/s to create own credits; maybe surplus
- 2. Work with a third party to obtain credits in the market:**
  - landowners directly, other developers
  - state not a party
  - conservation bank or habitat exchange
- 3. Contribution to Stewardship Account if sufficient credits not available elsewhere**
  - works like in-lieu fee
- 4. Any combination of the above**



## Sage Grouse Consultation Process

*Proponent*

**DRAFT**

**RETURNED**

**WITHDRAWN  
BY  
PROPONENT**

Submit information  
through website

Return to  
Proponent:  
need more /  
corrected info

Return to  
Reviewer

Jointly:  
Project  
Review &  
Mitigation  
Plan

*Program / MSGOT*

**PROGRAM**

**MT SAGE GROUSE  
OVERSIGHT TEAM:**

- large complicated projects
- mitigation reduction/waiver

## Agency Permitting Process and Fulfilling Mitigation Obligations

**Coordination with Permitting Agency if EA / EIS or changes to project**  
Single consultation process to accommodate NEPA or MEPA alternatives analyzed by agency

Developer fulfills  
mitigation outcome &  
implements project

Developer obtains  
permit

Developer applies for permit  
with the permitting agency/ies

*SG Consultation Documentation Must be Included in  
Permit Application/s*

# Recap: Program's Consistency Review

## 1. Program reviews entire Project

- Does the Executive Order apply?
- Any policy or statutory exceptions?
- New surface disturbance or activity?
- Where? When? How long?
- Executive Order stipulations by habitat category?
- Executive Order stipulations by industry type?

### Coordinate with other Agencies, 1-Stop Shop:

- BLM
- USFS
- DNRC State Trust Lands
- NRCS
- MT Board of Oil & Gas
- State agencies

## 2. Collaborate to determine final impacts, mitigation, draft plan if needed

- Any policy or statutory exceptions?
- Any modified approach needed?

### Actual permits still issued by others

Program has no regulatory authority

## 3. Developer decides how to fulfill obligation

- Mitigation reduction or waiver request?

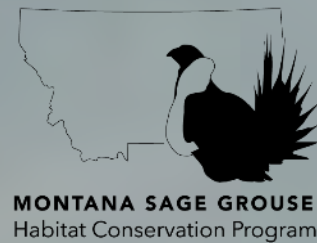
## 4. Program completes review, provides written documentation (developer attaches to permit application/s)

## 5. Proponent works with permitting agencies; may need to come back if changes to the project



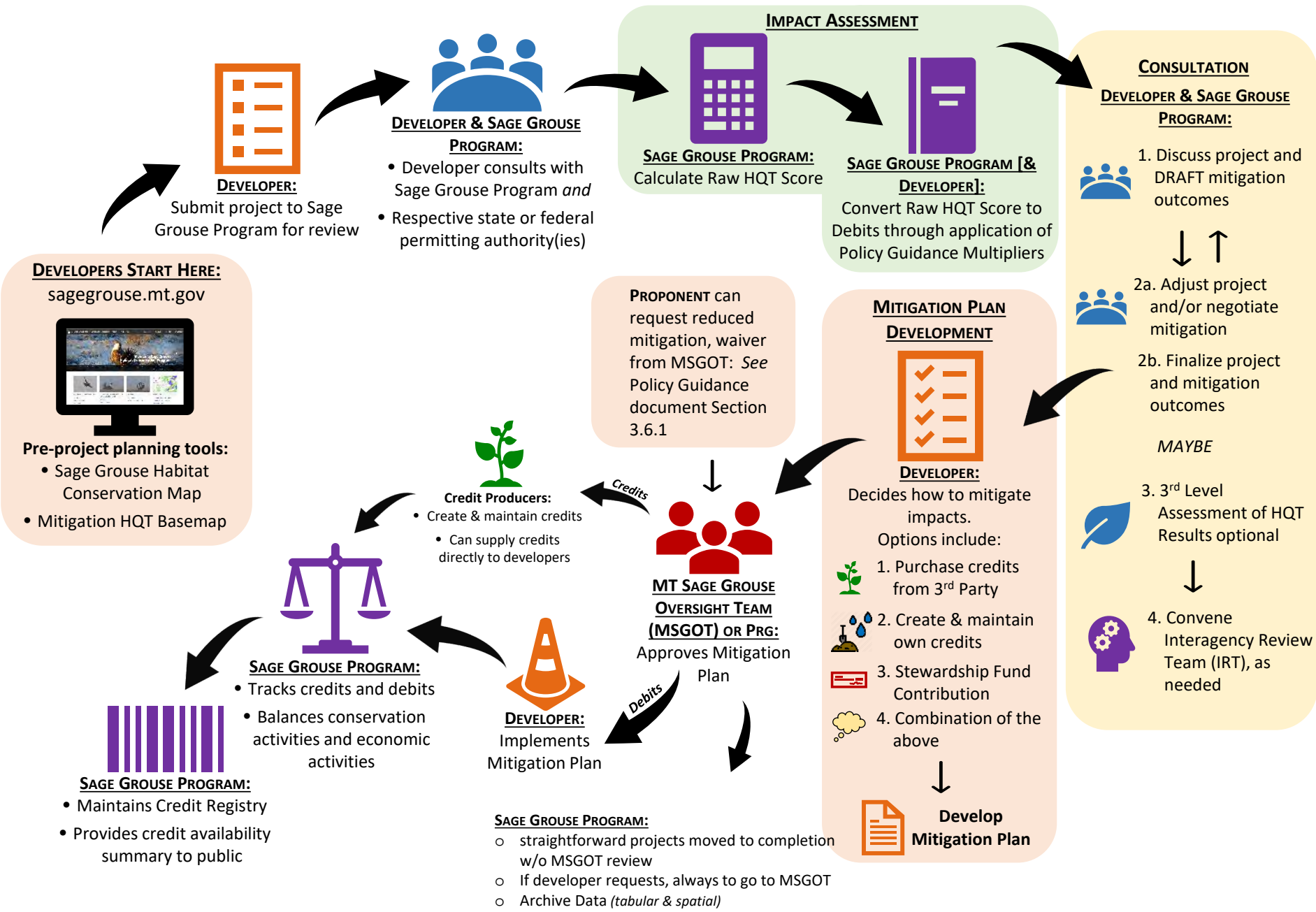
[www.sagegrouse.mt.gov](http://www.sagegrouse.mt.gov)

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# DETAILS: MITIGATION STEPS FOR DEVELOPERS



**DEVELOPER:**

Submit project to Sage Grouse Program for review



**DEVELOPER & SAGE GROUSE PROGRAM:**

- Developer consults with Sage Grouse Program *and*
- Respective state or federal permitting authority(ies)

**IMPACT ASSESSMENT**



**SAGE GROUSE PROGRAM:**  
Calculate Raw HQT Score



**SAGE GROUSE PROGRAM [& DEVELOPER]:**  
Convert Raw HQT Score to Debits through application of Policy Guidance Multipliers

**CONSULTATION**

**DEVELOPER & SAGE GROUSE PROGRAM:**



1. Discuss project and DRAFT mitigation outcomes



2a. Adjust project and/or negotiate mitigation

2b. Finalize project and mitigation outcomes

MAYBE



3. 3<sup>rd</sup> Level Assessment of HQT Results optional



4. Convene Interagency Review Team (IRT), as needed

**DEVELOPERS START HERE:**

sagegrouse.mt.gov



**Pre-project planning tools:**

- Sage Grouse Habitat Conservation Map
- Mitigation HQT Basemap

PROPONENT can request reduced mitigation, waiver from MSGOT: See Policy Guidance document Section 3.6.1



**Credit Producers:**

- Create & maintain credits
- Can supply credits directly to developers



**SAGE GROUSE PROGRAM:**

- Tracks credits and debits
- Balances conservation activities and economic activities



**DEVELOPER:**

Implements Mitigation Plan



**MT SAGE GROUSE OVERSIGHT TEAM (MSGOT) OR PRG:**

Approves Mitigation Plan

Credits

Debits

**MITIGATION PLAN DEVELOPMENT**



**DEVELOPER:**

Decides how to mitigate impacts.

Options include:



1. Purchase credits from 3<sup>rd</sup> Party



2. Create & maintain own credits



3. Stewardship Fund Contribution



4. Combination of the above



**Develop Mitigation Plan**

**SAGE GROUSE PROGRAM:**

- o straightforward projects moved to completion w/o MSGOT review
- o If developer requests, always to go to MSGOT
- o Archive Data (tabular & spatial)