

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

Establishing a Greater Sage-grouse Habitat Conservation Advisory Council

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PURPOSE

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

DUTIES

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

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

COMPOSITION AND ORGANIZATION

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

f. Legislature.

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

OTHER

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

COMPENSATION

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

DURATION

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

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

This Order is effective immediately.

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



STEVE BULLOCK, Governor

ATTESTED:



LINDA McCULLOCH, Secretary of State