

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Central Montana Regional Water Authority Phase 3
Proposed Implementation Date:	1 June 2025
Proponent:	Central Montana Regional Water Authority
Location:	7N 22E 16
County:	Golden Valley
Trust:	Common Schools

I. TYPE AND PURPOSE OF ACTION

The Central Montana Regional Water Authority has proposed an easement across school trust lands as a part of phase 3 of their rural water project. This phase will provide water to the town of Broadview and rural water users along the route. This action would involve burying an 8" diameter water pipeline adjacent to a county road. There will be no above ground facilities.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The Department of Natural Resources and Conservation (DNRC)
Northeastern Land Office (NELO) & Lewistown Unit Office
Proponent: Central Montana Regional Water Authority
Surface Lessees: J.C. Jensen Inc.
Other:

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

The DNRC, and NELO have jurisdiction over this proposed project.

The proponent is responsible for acquiring all necessary permits for the proposed project and settling all surface damages with the surface lessees.

3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Under this alternative, the Department does not grant permission to install, use and maintain a domestic water pipeline across trust lands.

Alternative B (the Proposed Action) – Under this alternative, the Department does grant to install, use and maintain a domestic water pipeline across trust lands.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain **POTENTIAL IMPACTS AND MITIGATIONS** following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The soils affected by this project have some limitations. They are rated as moderate for off road soil erosion and severe for soil rutting hazard. Because of these two ratings, work should only be done during dry conditions and stormwater best management practices should be used.

The soils are also rated as severely limited for shallow excavations. The proponent will be responsible for finding proper mitigation measures to ensure soil stability during times of open excavation. These mitigation measures should ensure that both human health and safety, as well as soil erosion is considered.

Most of the soils by area are related as moderately suited to reclamation. As long as proper topsoil reservation techniques are used the site should reclaim well.

No significant cumulative impacts to geology or soil quality, stability, and moisture are anticipated.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

This project will provide a higher quality drinking water to towns, residences, and other rural users. It is part of a large project to provide water from wells drilled into the Madison aquifer around Utica, MT. In the end the project will provide water to communities as far as Melstone and Broadview.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

During construction there is a potential for local air quality to be affected by dust production and equipment exhaust. These local air quality impacts will be temporary during the construction process. There is potential for dust to be produced until the disturbed area is revegetated but after revegetation is complete there will be no lasting effects.

No significant impacts to air quality are anticipated.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

There will be disturbance to 3.32 acres of vegetation during the construction, excavation and burying of the pipeline. The disturbance will be confined to the 30 foot easement corridor. The disturbance will be reclaimed with the seed mix that can be found in Appendix B. The seed mix was selected based on the surface soil texture.

No rare plants or cover types are present. No significant impacts to vegetation are anticipated.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

The project will only disturb a narrow strip of land adjacent to an existing road and will be reclaimed afterwards. There may be short term effects but there should be no significant adverse impacts to terrestrial, avian, or aquatic habitats are anticipated.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

There are three animal species of concern and no plant species located in the area of the project. The fish species is not likely to be impacted due to the dry upland nature of the site and the fact that the nearest stream is 2.5 miles away.

The Montana Sage Grouse Oversight Team (MSGOT) was consulted by the proponent for potential impacts to the greater sage grouse. The mitigations measures determined by MSGOT and agreed to by the proponent may be found in the attached consultation. The agreed to mitigation measures will be followed to reduce impacts to sage grouse.

The only other species of concern present is the Brewer's sparrow. The mitigation measures used by MSGOT will also reduce impacts to the Brewer's sparrow since it is a ground nesting bird.

No significant impacts to unique, endangered, fragile or limited environmental resources are anticipated, though temporary displacement of local wildlife may occur during the project.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

A Class III inventory was conducted of the area of potential effect and a report of findings was prepared. No cultural resources were identified on State School Trust Land. No additional archaeological investigative work is recommended. Proposed developments will result in No Effect to State owned Heritage Properties.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

No significant impacts on the aesthetics of the area are anticipated.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No limited environmental resources will be significantly impacted because of this project. This project will also not add any significant cumulative demands on environmental resources.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

There are no other projects or plans being considered on the tracts listed in this EA Checklist.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain **POTENTIAL IMPACTS AND MITIGATIONS** following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The only risks to human health and safety will be during the construction of the pipeline. It is the responsibility of the proponent and their contractors to mitigate these risks to workers and the public. After construction is complete the pipeline will provide clean drinking water to several communities which will help reduce health problems created by poor quality drinking water.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

This project will not add to or deter from other industrial, agricultural, or commercial activities in the area.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The project will not create or eliminate any jobs, so no significant effects to the employment market are anticipated.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

There are no direct or cumulative effects on taxes or revenue for the proposed project.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

There will not be any significant increases in traffic, school attendance, or need for fire and police protection if this project is approved.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

There are no zoning or other agency management plans affecting this project.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

There will be no significant direct or cumulative effects on access to or quality of recreation and wilderness activities because of this project.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing

The proposed project does not include any changes to housing or developments.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be significantly impacted by the proposal.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

The proposed project will have no significant impact on any culturally unique quality of the area.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

This project will result in a return of \$2,234.00 to the trust.

The proposed project will not have any significant cumulative economic or social effect.

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative B (the Proposed Action) – Under this alternative, the Department does grant to install, use and maintain a domestic water pipeline across trust lands.

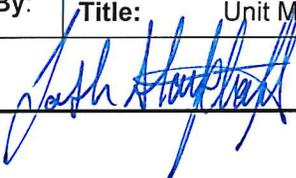
26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have evaluated the potential environment effects and have determined no significant impact to the environment because of this project.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

EA Checklist Prepared By:	Name: Dustin Lenz Title: Land Use Specialist
Signature:	Date:

EA Checklist Approved By:	Name: Josh Stoychoff Title: Unit Manager, Northeastern Land Office
Signature: 	Date: 3/17/25

Appendix A: Soil Data

Off Road erosion Hazard

Table — Erosion Hazard (Off-Road, Off-Trail) — Summary by Rating Value			
Summary by Rating Value			
Summary by Rating Value	Rating	Acres in AOI	Percent of AOI
Moderate		34.4	100.0%
Totals for Area of Interest		34.4	100.0%

Reclamation Suitability

Table — Reclamation Suitability (MT) — Summary by Rating Value			
Summary by Rating Value			
Summary by Rating Value	Rating	Acres in AOI	Percent of AOI
Moderately suited		27.2	79.2%
Poorly suited		7.2	20.8%
Totals for Area of Interest		34.4	100.0%

Soil Rutting Hazard

Table — Soil Rutting Hazard — Summary by Rating Value			
Summary by Rating Value			
Summary by Rating Value	Rating	Acres in AOI	Percent of AOI
Severe		34.4	100.0%
Totals for Area of Interest		34.4	100.0%

Shallow Excavations

Table — Shallow Excavations — Summary by Rating Value			
Summary by Rating Value			
Summary by Rating Value	Rating	Acres in AOI	Percent of AOI
Very limited		34.4	100.0%
Totals for Area of Interest		34.4	100.0%

Surface Texture

Tables — Surface Texture — Summary By Map Unit				
Summary by Map Unit — Golden Valley County Area, Montana (MT666)				
Summary by Map Unit — Golden Valley County Area, Montana (MT666)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
83D	Cabbart-Rock outcrop-Blacksheep complex, 8 to 45 percent slopes	Loam	5.6	16.1%
230E	Cabbart-Delpoint-Yamacall loams, 8 to 25 percent slopes	Loam	27.2	79.2%
285F	Blacksheep, dry-Cabbart, dry-Rock outcrop, complex, 8 to 60 percent slopes	Sandy loam	1.6	4.7%
Totals for Area of Interest			34.4	100.0%

Appendix B: Reclamation Seed Mix

Silty					
Species	Full stand Seed rate (lbs/ac)	% of Mix	lbs/ac PLS for Drill Seeding	Drill Seeding Depth	Broadcast Seeding Rate
Slender Wheatgrass	7	30	2.1	0.5	4.2
Sandberg Bluegrass	2	30	2.1	0.25	4.2
Prairie Junegrass	1	20	0.2	0.1	0.4
Needle and thread	9	10	0.9	0.75	1.8
Western Yarrow	0.25	5	0.01	0.1	0.03
Blue flax	3.5	5	0.2	0.25	0.4
Total PLS Lbs/ac			5.5		11.0

Notes: 1. Seed mix based on seed available at Circle S seeds in Three Forks, MT. Any licensed seed vendor or certified weed free seed is allowable.

2. This seed mix follows the reclamation guidelines for both the Sage Grouse Executive order 12-2015 and the MSU Extension/ NRCS Revegetation guidelines (November 2022).

3. For varying seed depths use the average value of all the depths.

4. Alternative species may be requested due to lack of availability or prohibitive expense but must be approved by the field office.

Appendix C: Species of Concern Report



A program of the Montana State Library's
Natural Resource Information System

Legend

- | | | | |
|-----------------------------|----------------------|---------------------|-----------------------------------------------------------|
| Model Icons | Habitat Icons | Range Icons | Num Obs |
| Suitable (native range) | Common | Native / Year-round | Count of obs with good precision (<=1000m) |
| Optimal Suitability | Occasional | Summer | + Indicates additional poor precision obs (1001m-10 000m) |
| Moderate Suitability | | Winter | |
| Low Suitability | | Migratory | |
| Suitable (introduced range) | | Non-native | |
| | | Historical | |



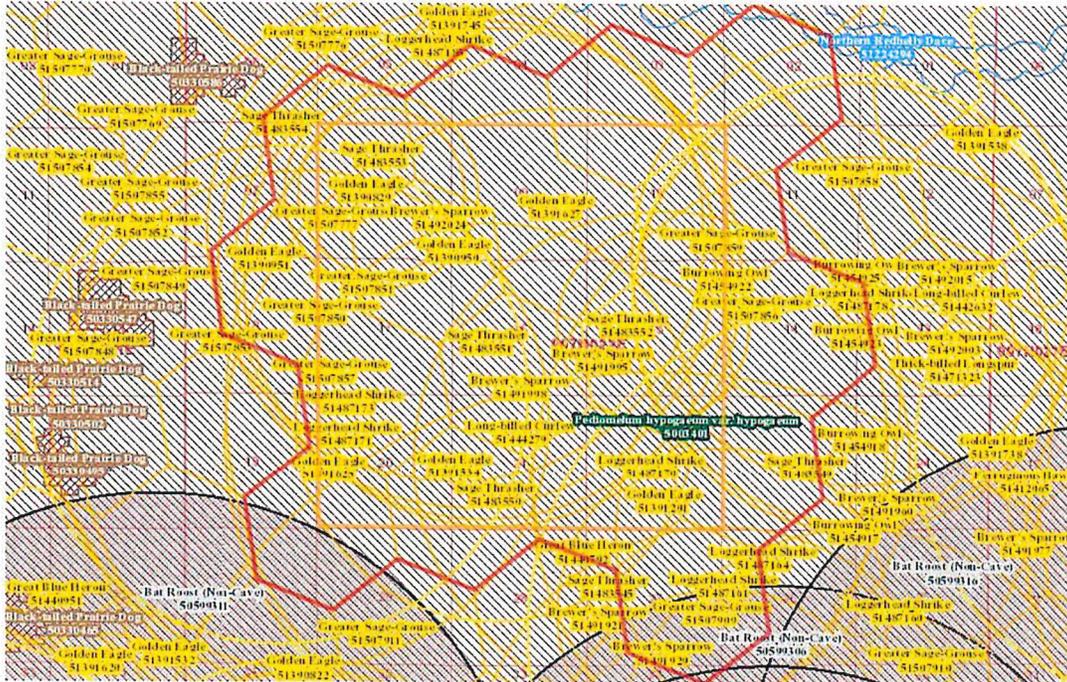
Latitude 46.31930
Longitude -108.92221

Native Species

Summarized by: **CMRWA Phase 3 SOC Reort (Custom Area of Interest)**

Filtered by:

Native Species reports are filtered for Species with MT Status = Species of Concern



Species Occurrences

Species	USFWS	# Obs	Predicted Model	Range
F - Northern Redbelly Dace (<i>Chrosomus eos</i>) SOC	Sev7	1	+	
<p>View In Field Guide View Predicted Models View Range Maps</p> <p>Species of Concern - Native Species Global: G5 State: S2 FWP SWAP: SGCN3</p> <p>Delineation Criteria: Stream reaches and standing water bodies where the species presence has been confirmed through direct capture or where they are believed to be present based on the professional judgement of a fisheries biologist due to confirmed presence in adjacent areas. In order to reflect the importance of adjacent terrestrial habitats to survival, stream reaches are buffered 100 meters, standing water bodies greater than 1 acre are buffered 50 meters, and standing water bodies less than 1 acre are buffered 30 meters into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards. (Last Updated: Mar 19, 2024)</p> <p>Predicted Models: 6% Suitable (native range) (deductive)</p>				
B - Greater Sage-Grouse (<i>Centrocercus urophasianus</i>) SOC	16	109+		
<p>View In Field Guide View Predicted Models View Range Maps</p> <p>USFS: Sensitive - Known In Forests (BD)</p> <p>Species of Concern - Native Species Global: G3G4 State: S2 Species of Conservation Concern in Forests (CG) BLM: SENSITIVE FWP SWAP: SGCN2 PIF: 1</p> <p>Delineation Criteria: Confirmed breeding area based on the presence of a nest, chicks, juveniles, or adults on a lek. Point observations are mapped in the center of a one-square mile hexagon to protect the exact locations of leks. The outer edges of this hexagon are then buffered by a distance of 6,400 meters in order to encompass a body of research indicating that females typically nest within this distance of a lek and that lek numbers are negatively impacted by fossil fuel drilling activities within this distance of a lek. If the locational uncertainty associated with the observation is greater than 5,000 meters, the observation is not valid for creation of a species occurrence. All of the one-square mile hexagons intersecting this buffered area are presented as the Species Occurrence record. (Last Updated: Jan 10, 2025)</p> <p>Predicted Models: 100% Moderate (inductive)</p>				
B - Brewer's Sparrow (<i>Spizella breweri</i>) SOC	16	13+		
<p>View In Field Guide View Predicted Models View Range Maps</p> <p>Species of Concern - Native Species Global: G5 State: S3B USFWS: MBTA BLM: SENSITIVE FWP SWAP: SGCN3 PIF: 2</p> <p>Delineation Criteria: Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 100 meters in order to encompass the maximum territory size reported for the species and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 5,000 meters. (Last Updated: Dec 26, 2024)</p> <p>Predicted Models: 88% Moderate (inductive), 12% Low (inductive)</p>				

MONTANA SAGE GROUSE HABITAT CONSERVATION PROGRAM



GREG GIANFORTE, GOVERNOR

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STATE OF MONTANA

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HELENA, MONTANA 59620-1601

Project No. 6693
Governor's Executive Orders 12-2015 and 21-2015
Musselshell-Judith Rural Water System Project – Phase 3

Casey Bereszniwicz
Great West Engineering
2501 Belt View Drive
Helena, MT 59601

December 20, 2024

Dear Mr. Bereszniwicz,

The Montana Sage Grouse Habitat Conservation Program received a request for consultation and review of your project or proposed activity on July 17, 2024. Additional information necessary for Program review was received on December 18, 2024. Based on the information provided, portions of this Project are located within both a Core Area and General Habitat for sage grouse. The Bureau of Land Management (BLM) classifies this area as either a Priority Habitat Management Area (PHMA) or General Habitat Management Area (GHMA).

Executive Orders 12-2015 and 21-2015 set forth Montana's Sage Grouse Conservation Strategy. Montana's goal is to maintain viable sage grouse populations and conserve habitat so that Montana maintains flexibility to manage our own lands, our wildlife, and our economy and ensure that a listing under the federal Endangered Species Act is not warranted in the future. Similarly, the BLM has incorporated sage grouse conservation measures into their Resource Management Plans.

The Program has completed its review, including:

Project Description:

Project Type: Infrastructure – Pipeline (Major)

Project Disturbance: 33.72 Miles of New Buried Pipeline

- 17.41 Miles in a Core Area
- 14.95 Miles in General Habitat
- 1.33 Miles Outside of Designated Habitat



Hosted by the Montana Department of Natural Resources and Conservation
Director's Office: (406) 444-2074



Construction Timeframe: July 1, 2025 to July 1, 2026; Short Term (1-5 Years)

Operations Timeframe: No Operations Phase

Project Location:

Legal: Core Area

Township 7 North, Range 22 East, Sections 4, 5, 8, 9, 15, 16, 22, 23, 26, 34, 35

Township 8 North, Range 22 East, Sections 5, 6, 8, 9, 16, 17, 20, 21, 28, 29, 32, 33

Township 9 North, Range 21 East, Section 25

Township 9 North, Range 22 East, Sections 18, 19, 30, 31

General Habitat

Township 4 North, Range 23 East, Sections 4, 5, 8, 9, 16, 17

Township 5 North, Range 22 East, Sections 1, 2, 12, 13, 24

Township 5 North, Range 23 East, Sections 19, 30, 31

Township 6 North, Range 22 East, Sections 2, 11, 14, 23, 26, 35

Township 7 North, Range 22 East, Sections 34, 35

Township 9 North, Range 22 East, Section 18

Counties: Golden Valley, Yellowstone

Ownership: City Government, Montana Fish, Wildlife, and Parks, State Trust
Lands, Private

Project Description and Executive Orders 12-2015 and 21-2015 Consistency:

The Musselshell-Judith Rural Water System Project – Phase 3 Project proposes to install a new, buried water transmission pipeline located in both a designated Core Area and General Habitat for sage grouse.

The Central Montana Regional Water Authority (CMRWA) has proposed a five-phase Musselshell-Judith Rural Water System (MJRWS) to supply their eight member communities with adequate quantities of high-quality drinking water. The entire System spans six counties and approximately 230 miles with a 60-foot-wide construction corridor. Great West Engineering is the engineer for this Project and is referenced throughout this Letter alongside CMRWA, where applicable.

This Program review addresses Phase 3 of the Project, spanning approximately 33.72 miles between Lavina and Broadview Montana, in Golden Valley and Yellowstone Counties. See Figure 1 in the enclosed Mitigation plan (Musselshell-Judith Rural Water System Project – Phase 3 Project and Lek Location Map).



Of the 33.72 miles of proposed pipeline, 17.41 miles are within a Core Area, 14.95 miles are within General Habitat, and 1.33 miles are outside of designated habitat for sage grouse. This Program review addresses the 32.36 miles of pipeline located in designated habitat for sage grouse.

The contract for this Project will be let in the spring of 2025. The eventual contractor will be able to rely on this consultation Letter and Mitigation Plan for all work conducted within the analysis area covered by this review (i.e., the temporary, 60-foot pipeline construction easement). The contractor for this Project will be required to return to the Program for additional and separate consultation for Project activities located outside of this analysis area. See Figure 1 in the enclosed Mitigation Plan (Musselshell-Judith Rural Water System-Phase 3 Project and Lek Location Map). A subsequent consultation may result in additional mitigation.

The pipeline will be either 12-inches or 16-inches in diameter, installed to a minimum depth of 6.5 feet. Equipment required to implement this Project includes excavators, horizontal directional drill machines, and rock hammers will be used to dig the trench, install the pipeline, and backfill with bedding and excavated material.

Disturbed areas will be reseeded using seed mixes approved by both Golden Valley and Yellowstone County conservation districts. Reclamation will occur in October of 2026.

Based on the information you provided, your Project is 0.49 miles from the nearest active sage grouse lek and within four miles of five active sage grouse leks in a Core Area. The Project is not within two miles of any active sage grouse lek in General Habitat. See Figure 1 in the enclosed Mitigation Plan (Musselshell-Judith Rural Water System Project – Phase 3 Project and Lek Location Map). Additionally, this Project goes through the No Surface Occupancy (NSO) area for one Core Area lek.

CMRWA has elected to work within the seasonal use timeframe of March 15 to July 15 in areas within four miles of a Core Area lek. Activity will not occur between the hours of 4:00-8:00 AM and 7:00-10:00 PM between March 15 and July 15. However, CMRWA has voluntarily agreed to adhere to this timeframe for the NSO area. No construction will occur between March 15 and July 15 within the NSO area.

Density Disturbance Calculation Tool (DDCT) Analysis

The proposed project is to occur in a designated Core Area for sage grouse. The Program has calculated the density and disturbance levels within the project area using a Density Disturbance Calculation Tool. The results were compared to allowable thresholds set forth in the Executive Order 12-2015. See figure 2 in the enclosed Mitigation Plan (Musselshell-Judith Rural Water System Project – Phase 3 DDCT Map and Summary). Your Project results are as follows.



DDCT Analysis Area Acres: 99,105.52
Total Preliminary Disturbance Acres: 126.71
Total Disturbed Acres in Analysis Area: 10,489.60
DDCT Result: 10.58%
New Disturbed Acres: 36.14
Affected Leks Within the DDCT Analysis Area: 8

Mitigation:

The Program has assessed mitigation for the 32.36 miles of new, buried pipeline within designated habitat for sage grouse.

Estimated Functional Acres Lost Over the Life of the Project and Total Debit Obligation

The Program has calculated functional acres lost within the project area using the Habitat Quantification Tool (HQT) December 2023 v1.1, and Policy Guidance Document October 2018 v1.0. The HQT was calculated on November 4, 2024 with a one-year construction phase, a zero-year operations phase, and the default 75 years of reclamation. The results for this Project are described as follows.

HQT Functional Acres Lost: 1,271.59
Reserve Account (20%): 254.32
Advance Payment (10%): 127.16
Site Specific Deviations from Executive Order 12-2015: 11
Total Debit Obligation: 2,760.21

The direct footprint, indirect impact area, and applicable policy multipliers for this Project will result in a total of 2,760.21 debits. See Figure 3 in the enclosed Mitigation Plan (Musselshell-Judith Rural Water System Project – Phase 3 Project HQT Basemap). CMRWA provided a Mitigation Plan outlining project specific avoidance, minimization, reclamation and compensatory mitigation to address Project impacts. CMRWA chose to fulfill the mitigation obligation by making a contribution to the Stewardship Account.

The Density Disturbance Calculation Tool (DDCT) for the Project is 10.58%. This exceeds the disturbance threshold allowed and will occur during both construction and operations phases of the Project. Ordinarily, deviation from the surface disturbance stipulation requires review and approval by the Montana Sage Grouse Oversight Team. Here, the deviation concerns the fact that the 5% disturbance threshold will be exceeded. The attached Mitigation Plan was developed in collaboration with CMRWA to offset residual impacts of the Project, including deviations from Executive Order 12-2015. The Program is exercising discretion to not seek review and approval by the Oversight Team during a future meeting based on the Mitigation Plan.



CMRWA has elected to conduct construction activities within the four-mile buffer of five active sage grouse leks in a Core Area between March 15 and July 15. Therefore, five seasonal use multipliers and five vegetation removal multipliers were added to the HQT score.

Mitigation Plan

The Mitigation Plan describes avoidance, minimization, reclamation, and compensatory mitigation measures CMRWA will implement to address and mitigate for unavoidable impacts from Executive Order 12-2015. CMRWA has voluntarily committed to this Mitigation Plan (including compensatory mitigation).

The Mitigation Plan:

- describes the Infrastructure – Pipeline (Major) project and summarizes activities that would occur within it;
- describes project mitigation in accordance with Executive Orders 12-2015 and 21-2015;
- summarizes potential impacts to sage grouse and sage grouse habitats;
- describes where the project adheres to the mitigation hierarchy through avoidance, minimization, reclamation; and
- explains CRMWA will make a contribution to the Stewardship Account to fulfill the mitigation debit obligation.

CMRWA chose to fulfill the mitigation obligation by making a contribution to the Stewardship Account. Instructions for making a contribution to the Stewardship Account are enclosed and require your signature. The Payment Cover Memo is intended to assist with the Program's recordkeeping. The Stewardship Account Donation Form includes instructions for wire transfer or check payments, found at the bottom of the form. Let us know what form of payment you would like to use when you return the signed forms. Payment should be made **after** you obtain your necessary permits but **before** initiating the project activity.

Program Recommendations:

The following stipulations are taken from Montana Executive Order 12-2015. These stipulations are designed to maintain existing levels of suitable sage grouse habitat by managing uses and activities in sage grouse habitat to ensure the maintenance of sage grouse abundance and distribution in Montana. Development should be designed and managed to maintain populations and sage grouse habitats.

- **Surface Occupancy:** Within 0.6 miles of the perimeter of an active sage grouse leks there will be no surface occupancy (NSO) for new activities. No surface facilities including roads shall be placed within the NSO Area.



- Reclamation should re-establish native grasses, forbs, and/or shrubs during interim and final reclamation. The goal of reclamation is to achieve cover, species composition, and life form diversity commensurate with the surrounding plant community or desired ecological condition to the benefit of sage grouse and replace or enhance sage grouse habitat to the degree that environmental conditions allow.
- Weed management is required within both Core Areas and General Habitat for sage grouse. Reclamation of disturbed areas must include control of noxious weeds and invasive plant species, including cheatgrass (*Bromus tectorum*) and Japanese brome (*Bromus japonicas*).
- Implementation of the Mitigation Plan is binding, and the signed Program Letter and Mitigation Plan package shall be attached to any permit the State issues. It is the Program's and MSGOT's expectation that the Mitigation Plan will be an integral part of any associated Project permits.

Subject to the stipulations described above and voluntarily agreed to by CMRWA in the enclosed Mitigation Plan, your activities are consistent with the Montana Sage Grouse Conservation Strategy. Your proposed project or activity may need to obtain additional permits or authorization from other Montana state agencies or possibly federal agencies. They are very likely to request a copy of this consultation letter, so please retain it for your records.

Please be aware that if the location or boundaries of your proposed project or activity change in the future, or if new activities are proposed within one of the designated sage grouse habitat areas, please visit <https://sagegrouse.mt.gov/> and submit the new information.

Thanks for your interest in sage grouse and your commitment to taking the steps necessary to ensure Montana's Sage Grouse Conservation Strategy is successful.

Sincerely,



Therese Hartman
Montana Sage Grouse Habitat Conservation Program Manager

Enclosures:

1. Musselshell-Judith Rural Water System Project – Phase 3 Mitigation Plan
2. Stewardship Account Donation Instructions



Musselshell-Judith Rural Water System Project – Phase 3
Project 6693

December 20, 2024

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1.0 Introduction and Project Description

The Musselshell-Judith Rural Water System Project – Phase 3 Project proposes to install a new, buried water transmission pipeline located in both a designated Core Area and General Habitat for sage grouse.

The Central Montana Regional Water Authority (CMRWA) has proposed a five-phase Musselshell-Judith Rural Water System (MJRWS) to supply their eight member communities with adequate quantities of high-quality drinking water. The entire System spans six counties and approximately 230 miles with a 60-foot-wide construction corridor. Great West Engineering is the engineer for this Project and is referenced throughout this Letter alongside CMRWA, where applicable.

This Program review addresses Phase 3 of the Project, spanning approximately 33.72 miles between Lavina and Broadview Montana, in Golden Valley and Yellowstone Counties. See Figure 1 in the enclosed Mitigation plan (Musselshell-Judith Rural Water System Project – Phase 3 Project and Lek Location Map).

Of the 33.72 miles of proposed pipeline, 17.41 miles are within a Core Area, 14.95 miles are within General Habitat, and 1.33 miles are outside of designated habitat for sage grouse. This Program review addresses the 32.36 miles of pipeline located in designated habitat for sage grouse.

The contract for this Project will be let in the spring of 2025. The eventual contractor will be able to rely on this consultation Letter and Mitigation Plan for all work conducted within the analysis area covered by this review (i.e., the temporary, 60-foot pipeline construction easement). The contractor for this Project will be required to return to the Program for additional and separate consultation for Project activities located outside of this analysis area. See Figure 1 in the enclosed Mitigation Plan (Musselshell-Judith Rural Water System-Phase 3 Project and Lek Location Map). A subsequent consultation may result in additional mitigation.

The pipeline will be either 12-inches or 16-inches in diameter, installed to a minimum depth of 6.5 feet. Equipment required to implement this Project includes excavators, horizontal directional drill machines, and rock hammers will be used to dig the trench, install the pipeline, and backfill with bedding and excavated material.

1.1 Vegetative Community

The Montana Spatial Data Infrastructure Land Use/Land Cover database (MSDI LULC, 2023) classifies the vegetation within the direct footprint as Great Plains Mixed Grass Prairie, Great Plains Ponderosa Pine Woodland and Savanna, Pasture/Hay, Cultivated Crops, Big Sagebrush Steppe, and Other Road. The habitat adjacent to the Project is classified similarly.

1.2 Sage Grouse Populations Affected

The Musselshell-Judith Rural Water System Project – Phase 3 Project is located within four miles of five active sage grouse leks in a Core Area. See Figure 1 (Musselshell-Judith Rural Water System Project – Phase 3 Project and Lek Locations Map).

The Project is 0.49 miles from the Harmon's Hillside lek. The Montana Fish, Wildlife & Parks (MTFWP) lek database shows the lek was first counted in 2010 Year. The high male count of the lek has varied from 2 to 20.

The Project is 1.61 miles from the GV-SV-43 lek. The Montana Fish, Wildlife & Parks (MTFWP) lek database shows the lek was first counted in 1979. The high male count of the lek has varied from 11 to 100.

The Project is 1.89 miles from the GV-SG-2s lek. The Montana Fish, Wildlife & Parks (MTFWP) lek database shows the lek was first counted in 1989. The high male count of the lek has varied from 1 to 27.

The Project is 2.72 miles from the GV-SG-2 lek. The Montana Fish, Wildlife & Parks (MTFWP) lek database shows the lek was first counted in 1960 Year. The high male count of the lek has varied from 10 to 126.

The Project is 2.77 miles from the GV-SV-39 lek. The Montana Fish, Wildlife & Parks (MTFWP) lek database shows the lek was first counted in 1979. The high male count of the lek has varied from 5 to 106.

There are eight active sage grouse leks within the Density Disturbance Calculation Tool (DDCT) analysis area of the Musselshell-Judith Rural Water System Project – Phase 3 Project as shown on the Project Density Disturbance Calculation Tool Analysis Area Map (Figure 2).

2.0 Executive Order 12-2015 Consistency Review

The Musselshell-Judith Rural Water System Project – Phase 3 Project is located within both a Core Area and General Habitat. Stipulations recommended in Executive Order 12-2015 (EO) are designed to maintain existing sage grouse populations and levels of suitable sage grouse habitat, and guide development activities in Core Areas and General Habitat in a manner that sustains sage grouse abundance and distribution in Montana.

Delineated Core Areas are important for maintaining the abundance and distribution of sage grouse across Montana. Development scenarios in General Habitat are more flexible than in Core Areas but must still be designed and managed to maintain sage grouse populations and habitats.

2.1 Montana EO 12-2015 Stipulations That Apply to Projects in Designated Habitat

The Musselshell-Judith Rural Water System Project – Phase 3 Project is in both a Core Area and General Habitat. Projects located in a Core Area and General Habitat may be subject to the following stipulations per Executive Order 12-2015.

- **Surface Disturbance:** Surface disturbance will be limited to 5% of suitable sage grouse habitat averaged across the area affected by the Project
- **Surface Occupancy (Core Area):** Within 0.6 miles of the perimeter of active sage grouse leks there will be no surface occupancy (NSO) for new activities.
- **Surface Occupancy (General Habitat):** Within 0.25 miles of the perimeter of active sage grouse leks there will be no surface occupancy (NSO) for new activities.

- **Seasonal Use (General Habitat):** As authorized by permitting agency or agencies, activities will be prohibited from March 15 through July 15 within 2.0 miles of an active lek where breeding, nesting, and early brood-rearing habitat is present.
- **Seasonal Use (Core Area):** As authorized by permitting agency or agencies, activities will be prohibited from March 15 through July 15 outside of the NSO perimeter of an active lek in Core Areas where breeding, nesting, and early brood-rearing habitat is present.
- **Vegetation Removal (General Habitat):** Limited to the minimum disturbance required by the Project.
- **Vegetation Removal (Core Area):** All soil stripping and vegetation removal in suitable habitat will occur between July 16 and March 14 in areas within 4 miles of an active lek.
- **Noise:** New project noise levels, either individual or cumulative, should not exceed 10dBA (as measured by L50) above baseline noise at the perimeter of an active lek from 6:00 p.m. to 8:00 a.m. during the breeding season (March 1 through July 15).

2.2 Deviations That Apply to Musselshell-Judith Rural Water System Project – Phase 3 Project

The Musselshell-Judith Rural Water System Project – Phase 3 Project is within four miles of five active sage grouse leks in a Core Area. Additionally, a portion of the pipeline goes through the NSO area for one Core Area lek. The Project is not within two miles of any active sage grouse lek in General Habitat. Therefore, activities associated with the Project are expected to deviate from Executive Order 12-2015 guidance and stipulations.

- **Surface Disturbance:** The Density Disturbance Calculation Tool (DDCT) for the Project is 10.58%. This exceeds the disturbance threshold allowed.
- **Surface Occupancy (Core Area):** CMRWA has voluntarily agreed that no construction activities will occur between March 15 and July 15 within the NSO area for any active lek.
- **Seasonal Use (Core Area):** CMRWA has elected not to adhere to this stipulation during the construction phase of the Project. Construction activities will occur between March 15 and July 15 where breeding, nesting, and early brood rearing habitat is present. Activity will not occur between the hours of 4:00-8:00 AM and 7:00-10:00 PM between March 15 and July 15 or within any NSO areas.
- **Vegetation Removal (Core Area):** Soil stripping and vegetation removal will occur between March 15 and July 15 within four miles of five active Core Area sage grouse leks.

2.3 Adherence to the Mitigation Hierarchy

The Musselshell-Judith Rural Water System Project – Phase 3 Project is located within both a designated Core Area and General Habitat for sage grouse.

2.3.1 Avoidance

The Musselshell-Judith Rural Water System Project – Phase 3 Project is located in both a Core Area and General Habitat. Therefore, it does not avoid impacts to sage grouse habitat.

2.3.2 Minimization

Though construction activities will occur between March 15 and July 15 within four miles of five active sage grouse leks, CMRWA has voluntarily agreed to adhere to the seasonal use timeframe within the NSO area. No construction will occur within any NSOs between March 15 and July 15

2.3.3 Reclamation

Disturbed areas will be reseeded using seed mixes approved by both Golden Valley and Yellowstone County conservation districts. Reclamation will occur in October of 2026.

3.0 Compensatory Mitigation

The Program ran the Habitat Quantification Tool (HQT) using HQT v1.1 December 2023. The HQT models direct and indirect impacts from a project, and overlays those impacts on the HQT Basemap to calculate the total amount of functional acres lost due to the Project (Table 1). The HQT was calculated on December 18, 2024. The model was calculated with one year of construction, no operations phase, and the default 75 years of reclamation. See Figure 3 (Project Musselshell-Judith Rural Water System Project – Phase 3 Project HQT Map). The Raw HQT Score is 1,271.59 functional acres lost.

3.1.1 Habitat Quantification Tool Results

Table 1. Raw HQT Score Applied to the Musselshell-Judith Rural Water System Project – Phase 3 Project.

Raw HQT Score - Preliminary Results			
Habitat Type	Project Phase	Impact Area	Raw HQT Score
Core Area	Construction	Direct Impact	4.31
		Indirect Impact	1,002.19
	Operations	Direct Impact	0.00
		Indirect Impact	0.00
	Reclamation	Direct Impact Only	53.33
	All Phases	Direct Impact	57.64
Indirect Impact		1,002.19	
General Habitat	Construction	Direct Impact	2.51
		Indirect Impact	177.85
	Operations	Direct Impact	0.00
		Indirect Impact	0.00
	Reclamation	Direct Impact Only	31.40
	All Phases	Direct Impact	33.91
Indirect Impact		177.85	
Total Raw HQT Score			1,271.59

3.1.2 Application of Policy Modifiers

The Mitigation System Policy Guidance v1.0 October 2018 document was applied to the Musselshell-Judith Rural Water System Project – Phase 3 Project. The Policy outlines specific multipliers to incentivize consistency with the EO stipulations. Multipliers also ensure that mitigation is timely and effective throughout the life of the Project.

Risk and The Reserve Account Contribution is accounted for through the Reserve Account multiplier. It is mandatory. Twenty percent of the Raw HQT Score is calculated and added to the Raw HQT Score. This accounts for the fact that impacts are estimated. The Reserve Account also functions as a shared

insurance pool so that credits may be replaced if credit sites do not produce as many credits as predicted or credits are lost due to an Act of God, such as a wildfire.

Advance Payment of 10% is applied to the total Raw HQT Score for direct and indirect impacts for the life of the project where the proponent will not undertake permittee responsible mitigation and would make a contribution to the Stewardship Account.

Federal Net Gain of 10% is applied when the project involves a federal nexus. Calculations are based on only the portion of the project having a federal nexus.

Site-Specific Impacts are addressed through a multiplier of 10% for a Core Area, or 5% for General Habitat for each aspect of a proposed project that is not consistent with the EO 12-2015 stipulations during either construction or operations phase of a project.

Programmatic Multipliers for all phases of the Musselshell-Judith Rural Water System Project – Phase 3 Project are shown on Table 2. The Raw HQT Score (1,271.59) was multiplied by 20% to calculate Reserve Account debits of 254.32. A 10% Advance Payment of 127.16 debits is added because here the State assumes responsibility to find offsets in that CMRWA opted to make a contribution instead of undertaking a permittee responsible mitigation project. The Project incurred five multipliers for vegetation removal and five multipliers for seasonal use so that construction can occur during the seasonal use timeframe (March 15-July 15) within four miles of five Core Area leks. Finally, the DDCT is over 5% for the Project (10.58%) which adds a 10% multiplier to the Project. The Policy Multipliers resulted in 1,488.62 debits.

Table 2. Policy Multipliers Applied to the Musselshell-Judith Rural Water System Project – Phase 3 Project.

Policy Multiplier			
Policy Application (conversion from Functional Acres Lost to Debits)			
Multiplier Type	Specific Multiplier	Core Area and General Habitat	Debits
Programmatic Multipliers (Construction Operation and Reclamation)	Reserve Account (20%)	1	254.32
	Adv. Payment (10%)	1	127.16
Federal Portion Only	Net Gain	1	0.00
Site-Specific EO Stipulation Deviation Multipliers	DDCT (5%)	1	100.65
	Seasonal Use	5	503.25
	Veg Removal	5	503.25
Total Policy Multiplier Debits			1,488.62

3.1.3 Total Mitigation Debit Obligation

The total mitigation debit obligation is based on the total Raw HQT Score (1,233.54) plus the total Policy Multiplier debits (1,488.62), applicable to the Musselshell-Judith Rural Water System Project – Phase 3 Project (Table 3). The final total mitigation debit obligation for the Project is 2,760.21 debits.

Table 3. Total Debits Applied to the Musselshell-Judith Rural Water System Project – Phase 3 Project.

Total Debits	
Total Raw HQT Score	1,271.59
Total Policy Multiplier Debits	1,488.62
Total Debit Obligation	2,760.21

To fulfill the 2,760.21-mitigation debit obligation, CMRWA elected to make a contribution to the Stewardship Account. Credits obtained through the Stewardship Account are currently \$13 per debit. The total mitigation debit obligation of 2,760.21 is multiplied by \$13. The total is then discounted by 3% over the life of the Project using a discounting method. The final total for the Musselshell-Judith Rural Water System Project – Phase 3 Project is \$35,215.11 (Table 4).

Table 4. Total When Making Contribution to Stewardship Account.

Total	
Total Debit Obligation	2,760.21
Contribution After Applying Credit Discount Method	\$35,215.11

4.0 Mechanism Selected to Fulfill the Compensatory Mitigation Obligation

Central Montana Regional Water Authority has committed to a compensatory mitigation obligation of \$35,215.11 to be deposited in the Montana Sage Grouse Stewardship Fund (see MCA 87-5-911((1)(b)(ii))). Funds would be deposited after confirmation of approval for permits but before construction begins.

The MSGOT and Program would disburse these funds through the Stewardship Account granting process to conserve habitat and sage-grouse populations through offsite mitigation. Any benefit of onsite mitigation would be negated until such activities were completed and disturbed lands fully reclaimed. The Musselshell-Judith Rural Water System Project – Phase 3 Project is in the Central Service Area. MSGOT will be encouraged to apply these funds to mitigation within the Project’s same Service Area so that greater conservation benefits to sage-grouse can be secured offsite.

Figure 1

6693_Musselshell-Judith Rural Water System Project - Phase 3 Project and Lek Location

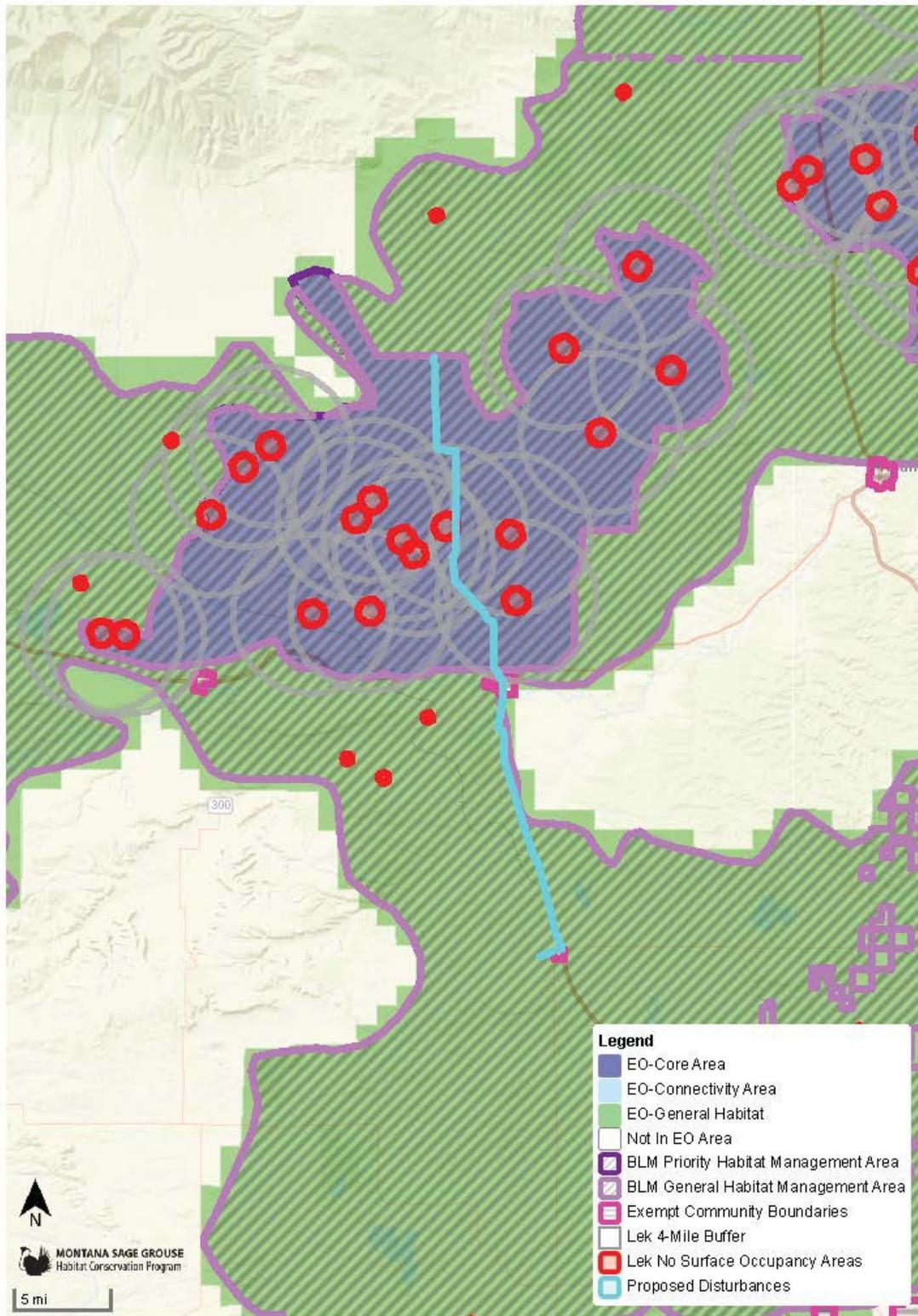
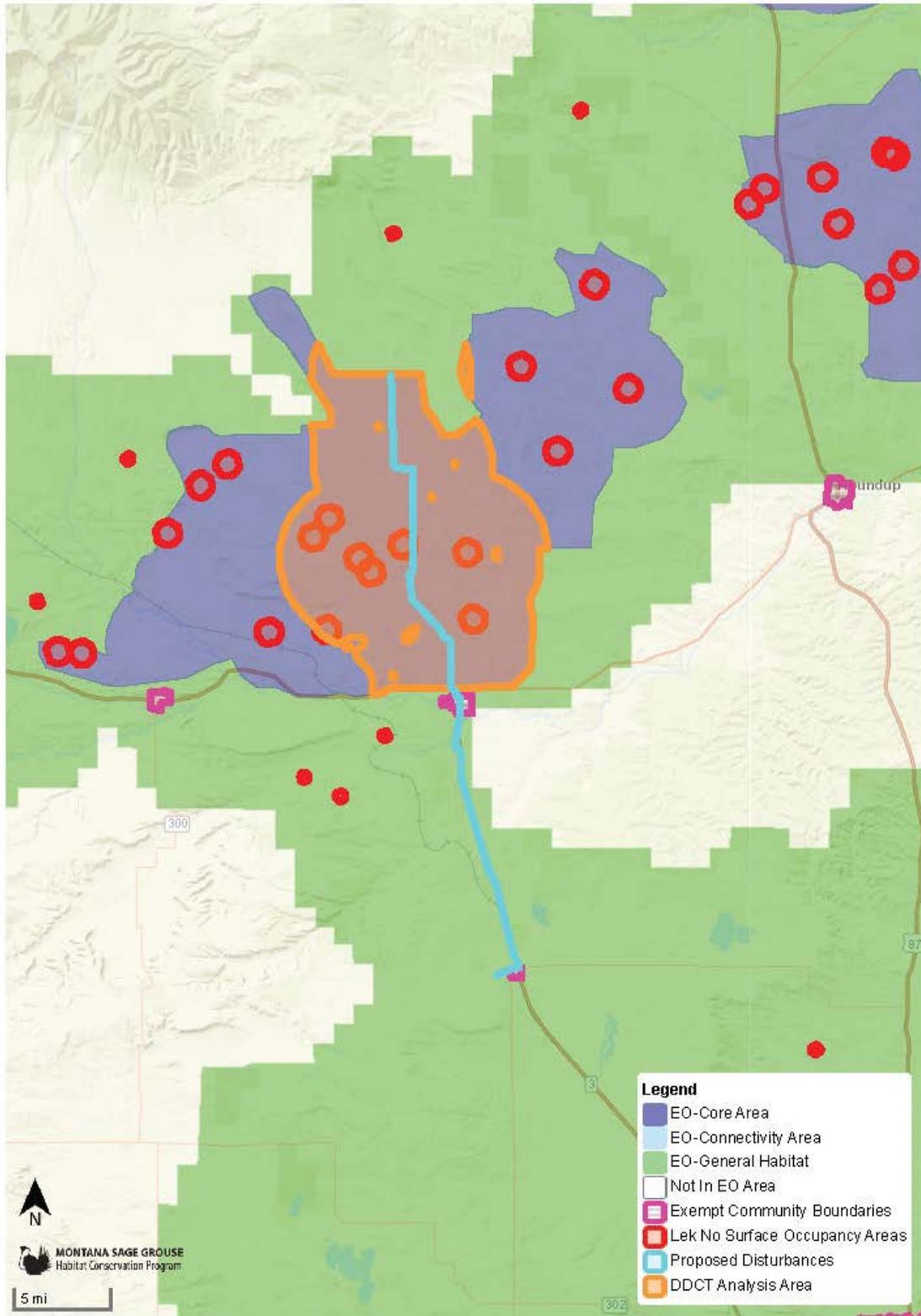


Figure 2

6693_Musselshell-Judith Rural Water System Project - Phase 3 Project DDCT Map



Density Disturbance Calculation Tool Explanation and Results

[#6693] Musselshell-Judith Rural Water System Project - Phase 3

Created on 07/17/2024 2:15 PM

Project stage changed from Draft to Due Diligence.

Results are based on the data submitted by the proponent. DDCT calculation results are as follows.

DDCT Analysis Area	Proposed Disturbances Area	Existing + Proposed Disturbances Area within DDCT Analysis Area	DDCT Result	New disturbed acres	Affected Leks within the DDCT Analysis Area
99,105.52 acres	126.53 acres	10,486.77 acres	10.58%	33.31 acres	9

Result calculated on 07/17/2024 2:14 PM

Analysis Process and General Definitions

Existing Disturbances: All surface disturbances existing on the ground prior to any Proposed Disturbances that would be created by a new project.

Preliminary Disturbances: All surface disturbances associated with this project, as submitted to the Projects On-line Tool.

Total Preliminary Disturbance Acres: The number of acres contained within the entire polygon(s) delineating the disturbance area of this proponent's project.

Previously Proposed Disturbances: All Preliminary Disturbances proposed by other people prior to the current Preliminary Disturbance being submitted. Once a Preliminary Disturbance is finalized, the disturbance becomes an Existing Disturbance.

DDCT Analysis Area Acres: The number of acres within a polygon created by the following steps:

1. Map the *Preliminary Disturbance* polygon submitted by proponent.
2. Classify the habitat where proposed *Preliminary Disturbance* would occur: core area, general habitat, connectivity area, outside the Executive Order (none of the above). May include unsuitable habitat.
3. Buffer *Preliminary Disturbance/s* that would only occur in core habitat by four miles.
4. Look to see if the 4-mile buffer includes any active leks.
5. If yes, buffer those leks by four miles and add the acres to the polygon.
6. Remove any portion of the polygon that is not classified as core habitat so the DDCT Analysis Area only contains acres in core habitat.
7. Finalize the polygon. This is the DDCT Analysis Area polygon.
8. Calculate the number of acres in the DDCT analysis area polygon.

Total Disturbed Acres in DDCT Analysis Area: The total number of acres of disturbance within the DDCT Analysis Area polygon: all Existing Disturbances + Previously Proposed Disturbances + current Preliminary Disturbance.

DDCT Result: The Total Disturbed in DDCT Analysis Area acres divided by the DDCT Analysis Area acres x 100 to determine the percent disturbance which is compared to Executive Order 12-2015 5% disturbance threshold for core areas.

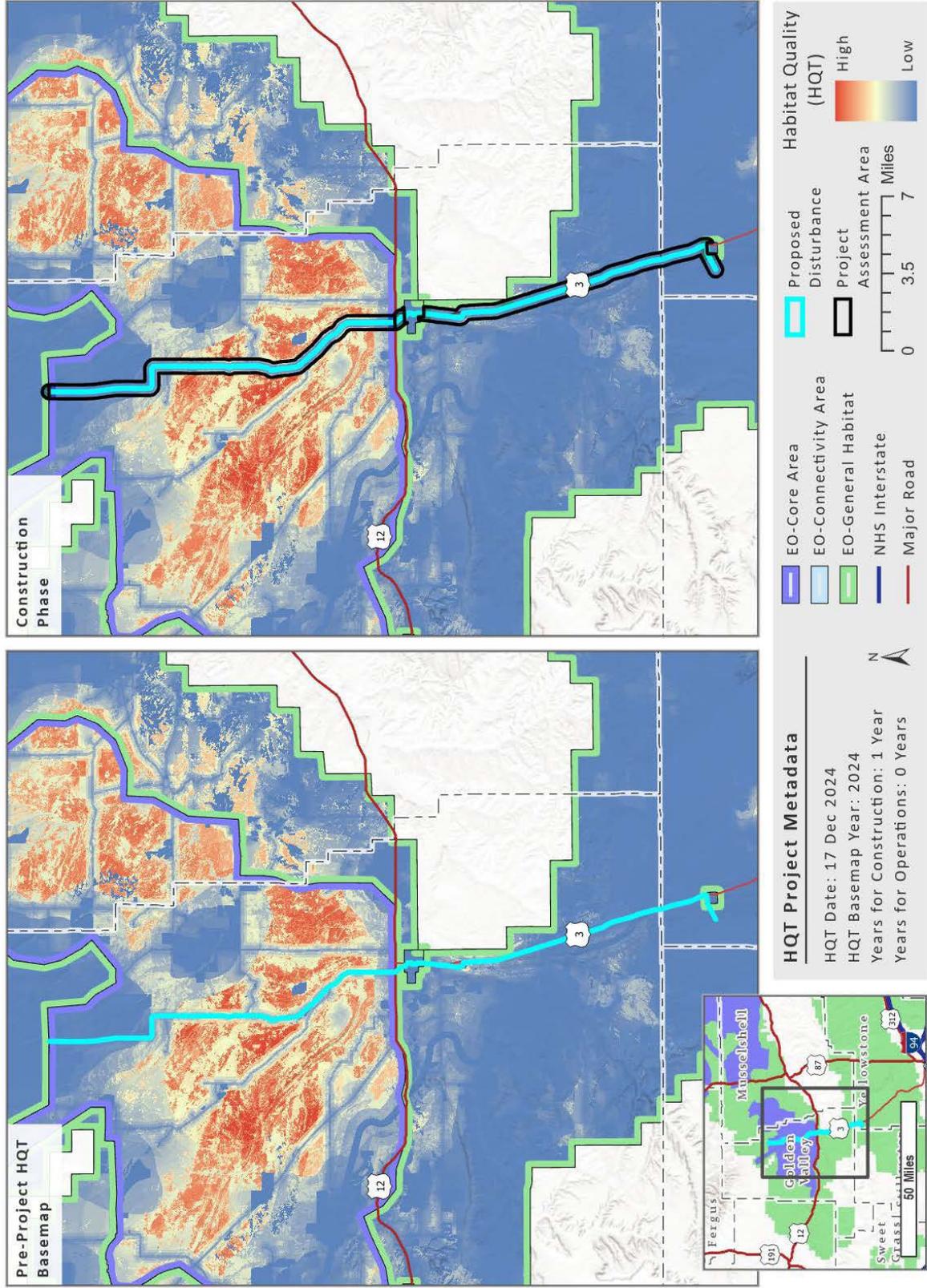
New Disturbed Acres: the total of new ground disturbance as a result of the project. This is portion of Preliminary Disturbances that do not overlap with already Existing Disturbances or Previously Proposed Disturbances. Acres are calculated from the resulting polygon, which is all new ground disturbance.

Affected Leks within DDCT Analysis Area: The total number of leks where any portion of the No Surface Occupancy area is within the DDCT Analysis Area.

Lek Distances: The shortest distance between the Preliminary Disturbance and any active leks with 4 miles of the Preliminary Disturbance.

Figure 3

6693 - Musselshell-Judith Rural Water System Project





MONTANA SAGE GROUSE
Habitat Conservation Program

Instructions for Contribution to the Stewardship Account

1. The project developer/permit holder or applicant should review the two attached forms.
 - The Payment Acknowledgment Form allows DNRC fiscal staff and the Program to track of the transaction.
 - The Stewardship Account Contribution Form recaps your mitigation approach and serves as an invoice for payment. You are welcome to forward this form to your accounting office or bookkeeper.
2. The forms should be signed by the developer, authorized permit applicant or permit holder and returned to the Program prior to making a payment.

The signed forms may be scanned and emailed to the Program reviewer:

Daniel.hair@mt.gov

or mailed to:

Montana Sage Grouse Habitat Conservation Program
P.O. Box 201601
Helena, MT 59620

3. Payment should be made **after** you obtain your necessary permits but **before** initiating the project activity.

Instructions for wire transfer or check payments are found at the bottom of the Stewardship Account Contribution Form.

4. The Program will sign the forms and will save the completed Payment Acknowledgment Form and Stewardship Account Donation Form as a package within your online project file, if you need a copy of the documents in the future.

Payment Acknowledgment

FOR DNRC AND SAGE GROUSE PROGRAM USE ONLY

DeveloperName(Payor):
ProjectName:
ProjectIDNo:
TotalNumberofDebits:
Sage Grouse ServiceAreaofProject:
Majorand MinorVersion oftheHQTTechnicalManual:
Majorand MinorVersion ofthePolicyGuidance:

Amount of Deposit:
Date of Wire Transfer or Check Deposit:
Multiple Payments Expected: Yes No If Yes, date anticipated:
Purchasing Stewardship Account Credits: Yes No If Yes Grant Project Name:
Contribution Equivalent to Average Cost of Credits: Yes No If Yes, Average Cost of Credit:
Donation for Purposes Other than Mitigation: Yes No Purpose:

Fund Name: Sage Grouse Stewardship Account (Payee) Fund No. 02318 Org. No: 13 Speed Chart:R2310

APPROVED / DATE

MSGOT: _____
SG Program Manager: _____
CARDD Administrator: _____



MONTANA SAGE GROUSE
Habitat Conservation Program

Taken together, Executive Orders 12-2015 and 21-2015 and the 2015 Greater Sage Grouse Stewardship Act (Act) set forth that Montana will observe the mitigation hierarchy and that compensatory mitigation is consistent with the purpose of incentivizing voluntary conservation measures for sage grouse habitat and populations. MCA §§ 87-5-902, 87-5-911(1)(a)-(b), (2), and (3). The number of debits attributed to a development project, and ultimately the final mitigation obligation is determined by applying the Habitat Quantification Tool and accompanying policy guidance, and as approved by the Montana Sage Grouse Oversight Team. MCA §§ 87-5-903(5), 87-5-903(9), 87-5-903(10), 87-5-905(1)(g), 87-5-911(1)-(3).

Once the amount of compensatory mitigation is determined and approved, developers select their own method for offsetting debits. The Act provides for many different methods, and developers can use more than one method. MCA § 87-5-910(1)(b). Among the available methods, the Act provides that developers can purchase an equal number of credits from the available credits tracked by the Montana Sage Grouse Oversight Team or, if sufficient conservation credits are unavailable for purchase, making a financial contribution to the Sage Grouse Stewardship Account established in MCA § 87-5-909. MCA §§ 87-5-903(4), 87-5-909, 87-5-911(1)(b)(i)-(ii).

This payment to the Sage Grouse Stewardship Account is made by _____ to provide compensatory mitigation for the debits of the project in designated sage grouse habitat pursuant to MCA §§ 87-5-911(1)-(3). The purpose of the funds is to mitigate and offset impacts to sage grouse populations and habitats resulting from the Project. Additional details can be found in the approved mitigation plan and donation form.

The Montana Sage Grouse Oversight Team will approve expenditures of funds deposited to the Sage Grouse Stewardship Account consistent with the approved mitigation plan, the Greater Sage Grouse Stewardship Act, and applicable administrative rules.

Date By: _____
Developer or Authorized Representative (Payor)

Date By: _____
Sage Grouse Habitat Conservation Program (Payee)

