

Montana restricts drilling in sage grouse plan

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BILLINGS, Mont. – Democratic Gov. Steve Bullock on Tuesday ordered restrictions on future oil drilling and other activities blamed for driving down sage grouse numbers, bringing Montana into step with other states across the West rushing to head off federal intervention for the ground-dwelling bird.

The order establishes no-occupancy zones that extend six-tenths of a mile around certain sage grouse breeding grounds.

Roads could not be built in those areas, and other activities, such as oil and gas exploration, would be allowed on a seasonal basis. Existing land uses, including agriculture, coal mines and oil wells that already are in place, would be exempt.

The restrictions, similar to rules in Wyoming, are meant to prevent disturbances and increase breeding success for the chicken-sized birds, known for an elaborate mating ritual in which males strut around and puff out their breasts in a colorful display.

The no-occupancy zones are smaller than the 1-mile radius recommended in January by an advisory council established by the governor. Representatives of the oil and gas industry had pushed for the smaller area.

Energy companies still will have to alter their activities to comply, industry representatives said. But Josh Osher with the Western Watersheds Project said the order isn't enough to reverse the bird's decades-long decline.

The U.S. Fish and Wildlife Service faces a September 2015 deadline to make an initial determination on whether sage grouse should be added to the list of threatened and endangered species.

Before that date arrives, Montana and other states want to demonstrate that sweeping federal protections aren't needed. State officials want to keep local jurisdiction over the birds and avoid conservation measures that could be more onerous than what's been proposed.

Such a result came for the Arctic grayling, a Montana cold-water fish that federal officials decided against protecting, saying local restoration efforts already were in place.

Bullock characterized Tuesday's order on sage grouse as a compromise that balances conservation with landowners' rights. He plans to include a proposal in his budget for a Sage Grouse Stewardship and Conservation Fund, to encourage ranchers and other private landowners to voluntarily conserve sage grouse habitat.

“While we may not agree on everything we do agree on the importance of protecting the bird and also leaving the management in state hands,” Bullock said.

Sage grouse range across 11 Western states and two Canadian provinces. The birds have lost more than half their historic habitat to agriculture, energy exploration and other development. They also suffer periodic fatal outbreaks of West Nile virus.

Last year’s count of male sage grouse on leks, or breeding grounds, in Montana was the lowest recorded since 1980.

There are about 53,000 square miles of sage grouse habitat in Montana, equal to about one-third of the state. Of those, almost 15,000 square miles are labeled as “core” habitat that will be subject to the most restrictive elements of Bullock’s order.

Osher said the governor’s order gave industry officials “everything they wanted” at the expense of the grouse. He cited studies that have shown sage grouse need at least a 4-mile protective buffer to thrive.

“We will continue to see massive declines in sage grouse populations if this plan goes forward,” Osher said.

The changes between the council’s recommendation and Bullock’s order were downplayed by Janet Ellis with Montana Audubon, a member of the governor’s advisory council. Ellis called the order “a place to start” and said she was told by state officials that future adjustments could be made.

Sage grouse “are the iconic, Big Sky Country species because they depend on landscapes that are sage brush as far as the eye can see,” Ellis said. “The ultimate goal is to maintain our sage grouse populations in the state of Montana. This program allows us to do that.”

Montana Petroleum Association executive director Dave Galt said oil and gas companies would have to curtail some work to meet the new restrictions.

The Fish and Wildlife Service has asked states to submit conservation plans for sage grouse by the end of the year to consider as part of the federal agency’s upcoming decision.

Wyoming, Utah and North Dakota have submitted plans and South Dakota is expected to soon, said Fish and Wildlife spokesman Theodore Stein.

Associated Press writer Lisa Baumann contributed to this report.