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THE MONTANA CONSERVATIONIST

Governor Bullock Announces State Sage Grouse Plan

Find out more about the State Sage Grouse Plan <http://governor.mt.gov/Portals/16/docs/2014PressReleases/090914SageGrouseEORelease.pdf> provide input on current sage grouse efforts through a survey on page 6 and plan to attend the MACD convention where there will be a panel on sage grouse efforts.

North American Versatile Hunting Dog Association (NAVHDA) assists Sage Grouse Initiative with fence marking project

The [Association](#) spent a day giving back to the birds they care for. A dozen volunteers marked five miles of fence to prevent sage grouse collisions in the upper reaches of the Big Hole Valley near Wisdom. While fence marking projects and pretty similar, this project was not. The particular area being marked is pretty high in elevation – above 6000 feet. In the winter, the white plastic clips can get lost in the snow and become less

visible; so volunteers also clipped black clips next to the white ones. The [Sage Grouse Initiative](#) is using this project as an experiment and will gauge the benefits of the black clips after studying the habitats next year. Pictures are courtesy of Tom Healy, president of the Montana Sharptail Chapter of NAVHDA. [Read More](#)



The Soil and Water Conservation Districts of Montana (SWCDMI) is seeking applications for mini-grants

Grants up to \$2,000 are available to fund education and outreach efforts that address nonpoint source pollution and water quality issues in areas with an accepted Watershed Restoration Plan (WRP). **Applications are due Thursday, September 25.** [Click here](#) for more information about this program or to access application materials.

THE MONTANA CONSERVATIONIST

OF INTEREST TO CONSERVATION DISTRICTS:

National Protect Your Groundwater Day is September 9:

The [National Ground Water Association](#) (NGWA) encourages everyone to protect public health and the environment by protecting groundwater. Visit their website for things you can do throughout the year to protect and conserve groundwater. Regardless of the source – private water wells or community water systems – NGWA offers steps and techniques to protect groundwater from contamination. Check out state-specific groundwater use statistics on the [Association's website](#) to see just how much water is being used around the nation!



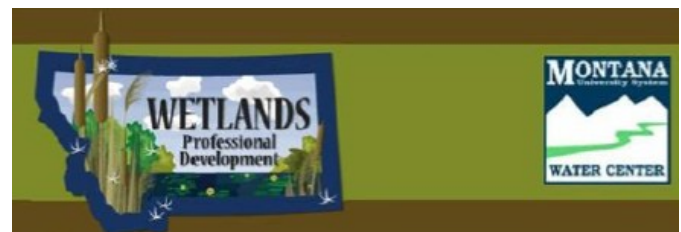
NACD's next Urban and Community Resource Policy Group webinar is September 18 at 12:00 noon EST:

On tap will be products for conservation efforts in developed and developing areas. Invited guest, Filtrexx Sustainable Technologies, will explain how their resources are being used by Districts and others for sediment control projects, pollutant removal, and stormwater management. Remember, there is no cost to participate in the webinar and space is limited. Registration is on a first-come, first-served

basis by emailing [Debra Bogar](#) with your **name, title, district or business name** and **email address**. Information to access the webinar will be sent by return email.

Department of Environmental Quality (DEQ) and Montana Water Center sponsor wetland regulations training course:

The course, entitled **"Wetland Regulations: Understanding Federal, State, and Local Regulations and the Permitting Process"** is September 16 & 17 in Bozeman on the Montana State University campus. The course is designed to provide an understanding of the regulations that affect wetland resources in Montana. Participants will learn about the Clean Water Act and other federal programs that influence wetland regulation, applicable state wetland regulations, and a variety of local wetland ordinances in Montana through an online self-study module and two days of classroom lecture, discussion, and activities. Participants will gain a better understanding of Montana's wetland regulations and an increased ability to navigate the wetland regulatory and permitting process in Montana.



Cost is \$250 per person. Participants are responsible for their own lodging and meals and for obtaining a parking permit for \$3.00 if they will be parking on campus. Space is limited and available on a first-come first-served basis so [click here](#) to access all the details and register to attend. DEQ's Wetland Program is offering scholarships to cover registration costs. These scholarships are based on need and available to state, local, and tribal governments and members of non-profit organizations. To apply for a scholarship

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Featuring: Jolene Brown-Farm & Ranch Transition, Kris Nichols-Soil Health Record Management, Technology in Ag-Apps, Key Agriculture & Inspiring Speakers Local & Fresh Food Preparation, Farm Bill Updates & Much More

2014 Symposium
September 23-25
Big Horn Resort
Billings, MT

A block of rooms has been reserved at the Big Horn Resort (**406-839-9300**) so be sure to mention you're attending the Symposium to receive the group rate of \$83.00 for a single & \$96.00 (plus tax) for a double room. The agenda, registration form, and other pertinent information are available on [Montana's FSA website](#). For information contact your local USDA Service Center or [Nikki Rife](#) (**406-429-6646**).

Urban Forest Health Monitoring presents

Emerald Ash Borer Workshops



The workshops will discuss the importance of keeping this invasive insect out of Montana's urban forests. Municipal officials, foresters, land managers, conservationists, tree care professionals, landscapers, and homeowners are just some of the folks encouraged to attend. Workshops will be held in Sidney (September 17), Miles City (September 18), Glasgow (September 24) and Lewistown (September 26). To register to attend this free workshop or for more information, please contact one of the following individuals:

Sidney - [Stephanie Garvey-Ridl](#) (406-433-2809)

Miles City - [Mike Schuldt](#) (406-874-3370)

Glasgow - [Shelley Mills](#) (406-228-6241)

Lewistown - [Jim Daniels](#) (406-535-3045)

Attention Conservation Districts – don't forget to check out the training materials on the web: The Conservation Districts Bureau of the Department of Natural Resources has put their training materials on the web to give Districts the mechanism to train their staff, help new Administrators and Supervisors learn their jobs, or as refreshers for long-time staff. So visit [DNRCs website](#) then get your mind set to learn!



Montana Grazing Lands Conservation Initiative (GLCI) launches new web-based planning and record keeping tool for ranchers and grazing managers: [GrazeKeeper](#) allows users to

inventory resources, track in- and out-dates of numerous herds, automatically track weather and precipitation using NOAA data, and map the ranch and pastures with Google Maps. GrazeKeeper is uniquely capable of providing reports by management group (animal herd) or by pasture and mining several years of data to compile in-depth reports.

A free 90-day trial period is available to check out the functionality of the program. Those choosing to subscribe to the service after the 90 days would then have an option of paying \$12 per month for 10 pastures or less up to \$48 per month for unlimited pastures.

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Latest news in aquatic invasive species

Montana News

FWP update: During the 2014 inspection season, the 20 stations around the state checked a total of 22,576 watercraft - 17,226 in-state and 5,350 out-of-state. Of those, only 264 failed inspection. Following is a breakdown of why they failed the inspection:

Zebra/Quaga – 3 vessels
Eurasian Watermilfoil – 22 vessels
Other Vegetation – 104
Standing Water – 91
Marine Organisms – 7
Illegal Bail – 2
Illegal Fish – 8
Dirty Boat – 26

Missoula: The Flathead Basin Commission has teamed up with Working Dogs for Conservation to educate folks about the dangers of a mussel invasion into Montana's waters. Read more

Invasive Phragmites Found in Montana: The Chicago Botanical Garden's PhragNet project helped BLM and county weed districts with genetic sampling of Phragmites on the Missouri River and Hi-Line. The 2 samples from the Hi-Line came back as the introduced/invasive genotype. One site is in Havre along the railroad and the other is about 8 to 10 miles east of town also along the railroad in Blaine County

Regional/National News

Algal Bloom photo contest. The National Environmental Education Foundation (NEEF), the U.S. Environmental Protection Agency (EPA) and the North American Lake Management Society (NALMS) want YOU to help spot and document algal blooms in our waters. Click here for more information about the contest and the great prizes YOU could win.

North American Invasive Species Management Assn (NAISMA) is looking to market an all taxa invasive species message and they need your input. Click here to complete the survey.

U.S. Fish and Wildlife Service (USFWS) concluded that Upper Missouri River Distinct Population Segment (DPS) of the Arctic grayling does not warrant protection under the Endangered Species Act (ESA):

This conclusion was based in part on the conservation efforts of private landowners, and federal and state agency partners. Since 2006, over 250 conservation projects have been implemented to conserve Arctic grayling and its habitat, including: riparian fencing, irrigation flow reductions, improved irrigation infrastructure, fish ladders, improved stock water systems, and both passive and active stream restoration. Habitat quality has improved and grayling populations have more than doubled since 2006. Visit the [USFWS website](http://www.usfws.gov) or [USDS's website](http://www.usds.gov) for more information.



SUMMER FIELD TOUR



Managing grazing along moving waters can be a tricky endeavor. Come and learn the importance of using proper methods to maximize the benefits to your herd and your operation, as well as the streams and rivers in our area.

The Endecott Ranch of McAllister will host this September event, inviting attendees to see first-hand how simple practices along South Meadow Creek are working today.

5:30 PM – 7:30 PM, September 25, 2014.

**For more details visit the [CD's website](http://www.macdnet.org/)
or call **406-682-3181****



THE MONTANA CONSERVATIONIST

The Interim

A Monthly Publication
September 2014 Issue



Latest issue of The Interim available:

The next legislative session is just around the corner and the interim committees have been diligently working since the end of the last session. Interim committees work on issues legislators want to study in more depth. Legislators in the up-coming session will use information learned from interim studies to make well-informed decisions about what bills to consider during session. So, click here to access the [Interim Newsletter](#) page of the [legislative web site](#) to check out the latest edition or to catch up on what the committees have accomplished before congress is back in session!

Environmental Quality Council to hold last meeting of the interim September 10 and 11, in Room 317 of the Capitol:

The EQC will be making final decisions regarding its studies of federal land management, Montana's hunting and fishing licensing system, and Virginia City, Nevada City, and Reeder's Alley.

The EQC will receive updates on various other topics as well, including the petroleum tank re-

lease program, the **Greater Sage-grouse Habitat Conservation Strategy**, the EPA's proposed rules for the Clean Air Act, devolution of Canadian lands to the Northwest Territories, agency legislative proposals, state assumption of the dredge and fill permit program, bison management, the aquatic invasive species program, the state water plan, the fire season, and the Endangered Species Act ruling on state forests.

More information about the EQC and the upcoming [agenda](#) can be accessed at the EQC home-page at <http://leg.mt.gov/eqc>.



U.S. Congress is returning to Washington:

Several pieces of legislation remain of interest for conservation efforts, including a joint FY 2015 budget bill containing agriculture and interior program appropriations, bills relating to the Waters of the U.S. Proposed Rule, and NACD's Concurrent Resolution. With only three weeks before the end of fiscal year 2014 (September 30), a Continuing Resolution will likely be necessary to address the fiscal year 2015 budget. Keep your eyes peeled for **"Happenings on the Hill."**

Survey of Weed Management Programs in the Western United States

The Center for Invasive Species Management is assisting the Western Association of Fish and Wildlife Agencies (WAFWA) Wildfire and Invasive Species Working Group with a survey study on local federal and state/county weed management efforts in the western United States, primarily within the historic AND current range of the greater and Gunnison sage-grouse species: <http://www.montana.edu/cpa/media/linkto/sage-grouse-distribution.jpg>.

Results of this study will identify weed management priorities and unite local expertise and concerns of weed managers. Your responses will be important to forthcoming decisions on the conservation of sage-grouse and other sagebrush dependent species. The questionnaire is available here surveymonkey.com/s/7QMF6DD until **September 15th**.

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<http://www.macdnet.org/>

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Recent legal decisions affecting Conservation Districts

MACD's legal advisor, Don MacIntyre, shared the following outlining the outcomes of two issues that have an impact on Montana's Conservation Districts:

Bitterroot Conservation District's (BCD) 310 jurisdiction over a revetment exposed by the migration of the Bitterroot River.

The matter came up as the result of a complaint asserting a violation of the 310 Law. BCD relied in part on the Montana Supreme Court's analysis in the Mitchell Slough case¹ holding that once the revetment was exposed such that it created a physical alteration or modification resulting in a change in the state of a natural, perennial-flowing stream or river it became a "project" as defined in the 310 Law. In the case cited, the Montana Supreme Court relied on the intent and policy of the 310 Law and the underlying guarantees of the Montana constitution to protect the use of water for any useful or beneficial purpose and to fulfill the constitutional directive to "prevent unreasonable depletion and degradation of natural resources."

By asserting jurisdiction over the exposed revetment (consisting of concrete and rubble) the BCD supervisors effectively determined that the failure to assert jurisdiction would be an unreasonably narrow interpretation of the term "project." The BCD's determination was made after having completed an on-site inspection of the project and a discussion of the facts and circumstances related to the matter. The *BRPA II* decision¹ requires a conservation district to review the totality of circumstances when interpreting the definitions under the 310 Law. In a 5-2 vote the BCD supervisors determined that a violation of the 310 Law existed. [Click here](#) to read the article published in the *Bitterroot Star*.

¹ *Bitterroot River Protective Association v. Bitterroot Conservation District*, 2008 MT 377, 346 Mont. 508, 198 P.3d 219 (*BRPA II*) concluding that conservation districts cannot apply definitions under the 310 Law that are "unreasonably narrow as inconsistent with the 310 Law"



Lincoln Conservation District (LCD) prevails in case of unauthorized excavation of gravel:

In this proceeding¹, Donald Emery, without benefit of a 310 Permit, completed the unauthorized excavation of gravel from Camp Creek channel and placement of the gravel on the immediate bank of the stream. A violation complaint was filed with LCD. LCD made numerous attempts to contact the Emerys and ultimately succeeded

in doing so. The Emerys were uncooperative with the LCD in developing a mitigation plan to correct the alleged violation. As a result LCD issued an Order finding the Emerys in violation of the 310 Law and assessing a \$12,000.00 civil penalty. The LCD further informed the Emerys that their failure to acquire a 310 permit resulted in the creation of a public nuisance for which the LCD would seek immediate abatement. When the Emerys did not timely comply with the Order the LCD commenced an abatement action in district court and an action to recover the civil penalty in justice court.

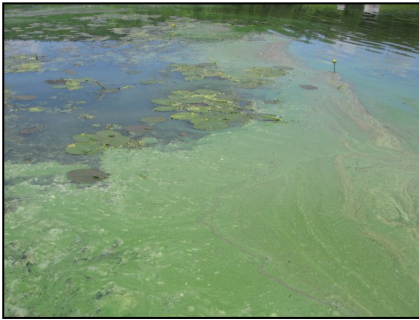
Ultimately, Frances Emery was dismissed from the district court case. Donald Emery did not deny taking the action but argued that Camp Creek was not a perennial-flowing stream. Conflicting testimony was given in the 5 hour hearing. At the conclusion of the hearing District Judge James B. Wheelis found the LCD witnesses (LCD Administrator, LCD Chairman of the Board of Supervisors, DFWP Fisheries Biologist, and the person filing the violation complaint) to be the credible witnesses. Accordingly, the Judge entered an abatement order as judgment in favor of the LCD, enjoined Donald Emery from maintaining the public nuisance, and required Donald Emery to file a 310 Application to restore the damaged stream, as recommended by the LCD supervisors.

The supervisors are presently working with Donald Emery in the restoration of the stream. The justice court action seeking payment of the civil penalty is pending Donald Emery's restoration of the stream.

¹State ex rel. Lincoln Conservation District v. Donald and Frances Emery, Cause No. DV-14-61, Montana Nineteenth Judicial District, Lincoln County.

THE MONTANA CONSERVATIONIST

FROM OUR PARTNERS



Montana adopts nutri-ent standard:

The Montana Board of Environmental Review recently adopted new water quality standards for nutrients to establish

new, stringent limits on the quantity of nitrogen and phosphorus that enter the State's waterways through wastewater treatment plants and farming practices. The new standards are aimed at helping prevent excess algae growth that can harm aquatic species. The Montana Department of Environmental Quality (DEQ) has also established a variance process specific to nutrient standards that allows dischargers to come into compliance incrementally over the next two decades or less, until the final standards are met. Those interested can [click here](#) to access additional nutrient standards information from DEQ.

National Association of Conservation Districts (NACD) seeking participants for a forestry survey:

The survey is designed to gather insight on local and state forestry partnerships as well as local forest-resource needs. The survey will take approximately 20 minutes to complete. If you take the survey pay particular attention to the final question allowing participants to share forestry success stories! [Click here](#) to take the survey.



U.S. Environmental Protection Agency (EPA) releases Second Integrated Urban Air Toxics Report to Congress:

This is the last of two reports required under the Clean Air Act (CAA) to inform Congress of progress in reducing public health risks from urban air toxics. Based on national emissions and air quality data, the report tracks

the progress made in reducing air toxics across the country since the Clean Air Act Amendments of 1990. According to the report, there has been a

66% reduction in benzene, nearly 60% reduction in mercury from man-made sources, and an 84% decrease in lead in outdoor air. [Read More](#)



U.S. Forest Service (USFS) accepting applications for Community Forest Program funding:

Applications are due to the State Forester or appropriate Tribal official by **January 16, 2015**. Proposed administration funding for community forest projects is approximately \$1.7 million for fiscal year 2015, with individual grant applications not exceeding \$400,000. This program provides financial assistance grants to local governments, Indian tribes, and qualified nonprofit organizations to establish community forests that provide defined benefits. Visit the [USFS CFP webpage](#) for details about the program and how to apply for funding.

Article by Sustainable City Network outlines resources to fund green infrastructure programs:

Close to 70% of Conservation Districts across the nation are already involved in some level of urban community conservation activities. Green infrastructure is essential to those efforts that range from soil-interpretation-protection, to urban erosion and sediment control, to tree planting and management, to stormwater management, and more. A common barrier for smaller communities is finding the money to fund projects Sustainable City Network's [article](#) provides sources of funding specifically geared for individuals seeking to fund their projects.



September 8 ~ MACD Conference Call, for more information contact Jan Fontaine (**443-5711**)

September 22 ~ MACD Executive Committee Call, for more information contact (**443-5711**)

September 23 ~ Area VI Meeting, Hosted by Lewis & Clark CD in Helena, for more information contact (**443-5711**)

September 23 ~ Women Stepping Forward for Agriculture Symposium, Bighorn Resort in Billings, for more information contact [Jennifer Cole](#)

September 24 ~ Area IV Meeting, hosted by Carbon CD in Joliet, for more information contact (**443-5711**)

September 25 ~ Area II Meeting, hosted by Custer CD in Miles City, for more information contact (**443-5711**)

September 26 ~ Area I Meeting, hosted by Garfield CD in Jordan, for more information contact (**443-5711**)

September 30 ~ Area III Meeting, hosted by Cascade CD in Great Falls, for more information contact (**443-5711**)

October 1 ~ Area V Meeting, hosted by Lake CD in Polson, for more information contact (**443-5711**)

October 13 ~ Columbus Day

October 14 (Tuesday) ~ MACD Conference Call, for more information contact (**443-5711**)

October 27 ~ MACD Executive Committee Call, for more information contact (**443-5711**)

October 31 ~ Halloween

Farm Rescue nonprofit on target to help its 300th farm family by the end of 2014:

Farm Rescue is a volunteer-based organization that plants and harvests crops for farmers unable to work due to illness, injury, or natural disaster. Headquartered in North Dakota, they operate in the Dakotas, Minnesota, Iowa and eastern Montana. Operating on an annual cash budget of about \$450,000, there's enough funding to help about 50 farmers annually for another year or two but they're always looking for money to continue to support their efforts.. Visit [Farm Rescue's website](#) to find out more about the organization, to donate toward the cause, volunteer, or become a sponsor. [Read More](#)



California drought further impacting honey bees already hurt by colony collapse disorder:

California is typically the largest honey producer in the nation. The ongoing drought has decimated the native plants that provide the bees their nectar to make honey.

This means less supply and

higher costs to the consumers. Coupled with the harm to bee colonies resulting from colony collapse disorder and the result is an increase of 65% in the average retail honey price over the past 8 years. [Read More](#)



Please send your thoughts as to how to improve **The Montana Conservationist** to

tmc@macdnet.org

Unless specifically requested, **The Montana Conservationist** is not sent to CD Supervisors. MACD relies on District Administrators to forward **The Montana Conservationist** to the Board Chair, Supervisors, Associate Supervisors and CD Staff. Thank you.

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