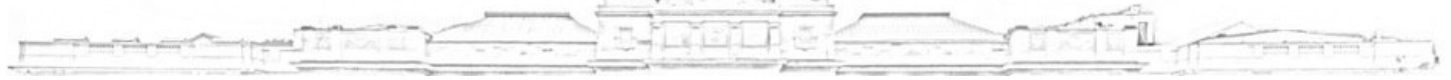




ADMINISTRATIVE RULES OF MONTANA



36.11.444 GRAZING ON CLASSIFIED FOREST LANDS AND OTHER LANDS WITHIN GRIZZLY BEAR RECOVERY ZONES AND NON-RECOVERY OCCUPIED HABITAT (NROH)

- (1) The department shall inspect grazing licenses issued on all classified forest trust lands before the renewal date to determine:
 - (a) range condition;
 - (b) plant species composition;
 - (c) riparian forage and browse utilization;
 - (d) streambank disturbance;
 - (e) presence of noxious weeds;
 - (f) erosion; and
 - (g) condition of improvements.
- (2) The department shall inspect grazing licenses mid-term between renewals to determine:
 - (a) range condition;
 - (b) riparian forage and browse utilization;
 - (c) streambank disturbance; and
 - (d) overall tract conditions with an emphasis on potential concerns or problems noted during the previous renewal inspection.
- (3) The department may specify grazing license stipulations any time during the term of the license.
- (4) The department shall specify the number of animal unit months, type of livestock, and grazing period of use on grazing licenses for classified forest trust lands.
- (5) The department shall determine stocking rates for grazing licenses using visual assessment of existing vegetative plant species composition. The department shall compare estimated species composition by weight per range site to potential (climax range condition) for specific range sites.
- (6) The department shall require grazing management practices that are designed to minimize loss of riparian and streambank vegetation, and structural damage to stream banks that results in non-point source pollution for grazing licenses issued or renewed on forest classified lands.
- (7) The department shall manage each grazing license to:

- (a) maintain or restore both herbaceous and woody riparian species in a healthy and vigorous condition;
 - (b) facilitate the ability of vegetation to reproduce and maintain different age classes in the desired riparian-wetland plant communities;
 - (c) leave sufficient vegetation biomass and plant residue, including woody debris, to provide for adequate sediment filtering and dissipation of stream energy for bank protection; and
 - (d) minimize the physical damage to stream banks to a level that maintains channel stability and morphological characteristics.
- (8) The department shall authorize continuous or season-long grazing only when healthy riparian conditions are maintained.
- (9) The department shall direct the grazing licensees to place mineral, protein, and other supplements in areas that minimize animal concentration near riparian areas.
- (10) The department shall direct grazing licensees to locate holding facilities outside of riparian areas.
- (11) The department shall evaluate existing riparian use for each license during renewal and midterm inspections and may specify acceptable riparian use and streambank impact levels through stipulations in the grazing license, if necessary to meet conditions described in (6).
- (12) The licensee, with technical assistance from the department, shall mitigate or rehabilitate riparian and stream channel damage greater than the specified riparian use levels as determined pursuant to (11). If improved management does not resolve the damage, the department may make adjustments to the license to facilitate rehabilitation efforts.
- (13) Licensees shall have primary responsibility for developing and maintaining rangeland improvements. The licensee shall also be responsible for maintaining or improving range sites by managing livestock grazing and utilization in a manner that would produce a stable or upward trend in range condition. The department may support rangeland improvements through technical and financial assistance, as workload and budget allow. Rangeland improvements include, but are not limited to, riparian management, weed control, water developments, grazing management systems, and fencing. The department and the licensee may cost-share improvements through an addendum to the license. The addendum stipulates terms and conditions by which the licensee may be required to reimburse the state for improvement expenses incurred.
- (14) The department shall discourage the issuance of new grazing licenses and leases for the purpose of grazing sheep or other small livestock on NROH lands.
- (15) Prior to issuing a license or lease for the use of small livestock on NROH lands for the purpose of weed control, a mitigation plan shall be prepared for the purpose of minimizing impacts to grizzly bears prior to issuing the decision; which
 - (a) will include a description of the location of the project and documentation identifying known activity by bears in the area;
 - (b) may include, but is not limited to, requirement of a full-time shepherd, guard dogs, nighttime electric pens, lessee assuming cost of losses incurred by predators, prohibition of grazing in spring habitat during spring periods, attending training on hazing techniques, and maintaining a list of professionals providing hazing services.

- (16) On NROH and grizzly bear recovery zone lands, the department will cooperate with other parties, agencies, and bear management specialists on a case-by-case basis to address prompt removal of livestock carcasses identified as creating the potential for bear-human encounters.
- (17) On lands within grizzly bear recovery zones, the department will prohibit authorization of any new small livestock (smaller than a cow) grazing licenses or leases, including those for the purposes of weed control, and will also not convert existing licenses to allow the grazing of small livestock.
- (18) On lands within grizzly bear recovery zones, the department will not initiate establishment of new grazing licenses; however, proposals initiated by the public for larger, less vulnerable classes of livestock (such as cows and horses) may be considered and allowed.

Authorizing statute(s): 77-1-209, 77-5-201, 77-5-204, MCA

Implementing statute(s): 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA

History: NEW, 2003 MAR p. 397, Eff. 3/14/03; AMD, 2020 MAR p. 2239, Eff. 12/12/20.