

**MONTANA STATE LIBRARY (MSL) COMMISSION MEETING  
9:30 A.M., DECEMBER 11, 2019  
MONTANA STATE LIBRARY GRIZZLY CONFERENCE ROOM  
HELENA, MONTANA OR GOTOMEETING**

**MINUTE LOG**

Recordings are found at <https://vimeo.com/album/3267051> and [https://www.youtube.com/playlist?list=PLB\\_J1FN8dGZfJJQ0VnGqg\\_NsK-RJ-3dGI](https://www.youtube.com/playlist?list=PLB_J1FN8dGZfJJQ0VnGqg_NsK-RJ-3dGI). Unedited closed captioning is available at the YouTube recording only.

**ATTENDEES:**

Commissioners: Chairman Anne Kish, Kenning Arlitsch, Elsie Arntzen, Jamie Doggett, Aaron LaFromboise, Bruce Newell and Ken Wall.

MSL Staff: Jennifer Birnel, Tracy Cook, Erin Fashoway, Michael Fashoway, Evan Hammer, Jemma Hazen, Jim Kammerer online, Rebekah Kamp online, Amy Marchwick, Keiley McGregor online, Cara Orban, Jennie Stapp, Marlys Stark, and Malissa Williams.

NHP Staff: Dan Bachen, Scott Blum, Braden Burkholder, Karen Coleman, Eric Dressing online, Kay Hajek, Bryce Maxell, Jessica Mitchell, Sara Owen, Darlene Patzer, Andrea Phippen, Dave Ratz online, Ryhan Sempler online, Linda Vance online, and Lindsey Weaver.

Public: Mary Ellen Farrar online, McCall Flynn, Nanette Gilbertson, Viv Hamill, Catherine Maynard, Amy Pearson, Scott Whittenburg, and Stu Wilson.

**Part 1 Recording**

Call to Order at 9:42 a.m. and Introductions (00:00:05)

(00:00:14) Staff Longevity Pins

(00:00:20) Michael Fashoway, 15 year

(00:02:08) Jemma Hazen, 5 year

(00:03:14) Introductions

Consent Agenda – **Action** (00:06:04)

**Motion was made by Commissioner Newell and seconded by Commissioner to approve the consent agenda and the motion passed.**

(00:06:33)

Governor's Office Education Policy Priorities – McCall Flynn, Education Policy Advisor

(00:07:16)

(00:07:39) Broadband for Montana Schools  
(00:09:17) 2020 Census activities  
(00:10:00) Costs handout  
(00:10:43) Justice building back stairs  
(00:11:05) Questions

State Librarian's Report (00:16:36) – Jennie Stapp, State Librarian  
(00:16:44) 2020 Work Plan December 2019 update  
(00:16:53) Reporting dashboard  
(00:18:20) RIPL Infographic  
(00:20:08) 2020 Census library activities  
(00:21:55) Two Project Delays  
(00:22:15) Website Rebuild  
(00:24:30) Server Platform Migration  
(00:24:57) Adoption of the State's performance management system  
(00:25:49) Return to reporting dashboard, discussion of Tableau software  
(00:27:03) House Bill 633 study update  
(00:29:28) Montana Memory Project Scope Discussion lead by Jennifer Birnel  
(00:38:42) MSC Partners holds issue lead by Amy Marchwick  
(00:54:51) Staffing update

Financial Committee Report (00:56:21) – Malissa Williams, Central Services Manager  
(00:56:50) First Quarter Financial Report – **Action**  
(00:59:58) Administrative Costs  
(01:02:56) Reporting Tweaks  
(01:06:03) **Motion was made by Commissioner Doggett and seconded by Commissioner Wall to approve the first quarter financial report as presented and the motion passed.**

Study Administration of the Montana Natural Heritage Program – **Action** (01:06:28)  
(01:06:42) Study summary by State Librarian Stapp  
(01:06:55) Written comments received (see attachments)  
(01:13:35) Public Comment  
(01:13:45) Scott Whittenburg  
(01:38:44) Catherine Maynard  
(01:59:01) Viv Hammill  
(02:13:55) Bryce Maxell

## **Part 2 Recording**

Public Comment continued

(00:00:50) Sara Owen  
(00:07:05) Linda Vance  
(00:17:21) Karen Coleman  
(00:21:34) Dan Bachen  
(00:30:12) Kay Hajek  
(00:41:38) Braden Burkholder  
(00:45:30) Jessica Mitchell

(00:50:50) Further discussion from State Librarian Stapp

(00:57:04) **Commissioner Newell made a motion to table the issue until the Commission's February meeting leaving open the possibility of scheduling an interim Commission meeting to vote upon this topic. The intent of the motion is that the State Librarian contacts partners, other cooperating agencies, spatial analysis lab and the university system to identify means of resolving timing, personnel, contract and other issues raised regarding the sustainable administration of the Natural Heritage Program. The motion failed for lack of a second.**

(01:00:06) Discussion regarding a meeting with Office of the Commissioner of Higher Education (OCHE)

(01:21:27) **Commissioner Arlitsch made a motion seconded by Commissioner Newell that the State Library Commission meet with OCHE in January to discuss core funding needs and OCHE concerns about the MTNHP transition proposal. Jennie will utilize that feedback to revise and clarify the proposal and bring it back to the State Library Commission for consideration in February and the motion passed.** (01:28:04) (As discussed by the Commission, Commissioner Arlitsch emailed the final wording of the motion to Marlys Stark, attached).

**Recess for lunch at 2:02 p.m. Reconvene at 2:26 p.m.** (01:34:00)

Network Advisory Council Report (01:34:53)

(01:35:10) Procurement Updates – Cara Orban, Consortia Coordinator

(01:35:35) MT Library 2 Go

(01:41:49) OCLC Group Services

(01:45:52) Work Processes

Montana Land Information Council Report – **Action** (01:50:10)

(01:50:30) 2021 Land Plan – Erin Fashoway, GIS Coordinator

(01:57:52) **Motion was made by Commissioner LaFromboise and seconded by Commissioners Doggett and Newell to approve the 2021 Land Plan as recommended and the motion passed.** (02:06:46)

State Library Commission/Trust for Montana Libraries Board Draft Memorandum of Understanding and Fiscal Agency Agreement – **Action** (02:07:47) – Jennie Stapp

(02:08:09) Memorandum of Agreement Draft

(2:08:56) Fiscal Sponsor Memorandum of Agreement Draft

(02:10:42) **Motion was made by Commissioner LaFromboise and seconded by Commissioner Doggett to accept the Memorandum of Agreement as drafted and the motion passed.** (02:12:17)

(02:13:02) **Motion was made by Commissioner Arlitsch and seconded by Member Doggett to approve the Fiscal Agency Agreement as presented and the motion passed.**

Commission Goals and Objectives (02:13:22)

(02:13:40) Commission Calendar & 2020 Meeting Dates – **Action**

(02:14:00) Federation Meeting attendance

(02:16:00) Montana Library Association Conference

(02:17:17) National Library Legislative Day

(02:20:00) 2020 Meeting Dates

(02:22:58) **Motion by Commissioner Newell and seconded by Commissioner Doggett to adopt the proposed 2020 Meeting Dates and the motion passed.**

(02:23:30) NLLD in Helena

(02:25:18) Partners' Mapping Day

Public Comment (02:28:00)

Other Business & Announcements (02:28:33)

Adjourn at 3:21 p.m. (02:29:30)

**From:** [Lemly, Joanna](#)  
**To:** [Stapp, Jennie](#); [Maxell, Bryce](#)  
**Cc:** [Vance, Linda](#); [Anderson, David](#)  
**Subject:** [EXTERNAL] MTNHP administrative move proposal  
**Date:** Tuesday, December 10, 2019 2:00:00 PM

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Dear Jennie Stapp and Bryce Maxwell,

I just learned last night of the potential to move administration of the Montana Natural Heritage Program from University of Montana to the Montana State Library. I work for the Colorado Natural Heritage Program (CNHP) based at Colorado State University (CSU). I have partnered on numerous projects with MTNHP over more than a dozen year.

MTNHP and CNHP are currently partners on an indefinite delivery/indefinite quantity (IDIQ) contract with the Bureau of Land Management (BLM) to carry out stream sampling on BLM land in several Western states. MTNHP is the lead contractor and CNHP is a subcontractor. We currently have more than \$500K in subcontracts lined up for 2020 through this IDIQ and plan to continue this work over the coming years.

The proposed move will likely have an effect on our contractual relationship, though it is not clear from the available documents what that impact will be. I respectfully request that you postpone any decision on this move until partners like myself and CNHP/CSU have the opportunity to seek additional information.

Thank you very much for your time.

Sincerely,

Joanna Lemly

\*\*\*\*\*

**Joanna Lemly, Wetland Ecologist**

Colorado Natural Heritage Program

Colorado State University

252 General Services Building

1475 Campus Delivery

Fort Collins, CO 80523-1475

phone: (970) 491-2127

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**Check out the Colorado Wetland Information Center**

<http://www.cnhp.colostate.edu/cwic/> [[cnhp.colostate.edu](http://www.cnhp.colostate.edu)]

**Follow us on Twitter:** @CNHPWetlands

**From:** [Shelly, Steve -FS](#)  
**To:** [Stapp, Jennie](#)  
**Cc:** [Kish, Anne](#); [Arlitsch Kenning](#); [Arntzen, Elsie](#); [Doggett, Jamie](#); [LaFromboise, Aaron](#); [Newell, Bruce](#); [Wall, Ken](#); [Maxell, Bryce](#)  
**Subject:** [EXTERNAL] Montana Natural Heritage Program  
**Date:** Tuesday, December 10, 2019 4:09:45 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear Ms. Stapp and the Montana State Library Commission,

It is our understanding that the State Library Commission will be considering a potential change to bring the Montana Natural Heritage Program (MTNHP) under direct administration by the Montana State Library (MSL). While we cannot comment on the specifics of this proposal, we would like to offer these general comments:

- The services provided by MTNHP are critical to the mission of the U.S. Forest Service (USFS). The data, analyses and spatial products offered by the program are used on a daily basis by our agency across all national forests in Montana. Long-term land management planning and analyses of project proposals on USFS lands both require the best available scientific information for biological resources, and MTNHP is central to meeting those needs.
- As such, any administrative changes that help ensure the future stability of MTNHP will have an ongoing and direct beneficial impact on USFS operations in Montana. To the extent that such changes would allow MTNHP to focus on its core mission in Montana will also benefit the USFS.
- Region 1 of the USFS has a number of partnership funding agreements with MTNHP. Hopefully any administrative changes would maintain these agreements and allow for the currently strong relationships between MTNHP and the USFS to continue. These agreements are also essential for the USFS to accomplish its mission in Montana.

Thank you very much for the opportunity to comment on this potential change. If we can provide further information, please feel free to contact us.

Sincerely,  
Steve Shelly  
Regional Botanist

Tammy Fletcher  
Regional Wildlife Biologist  
Cara Staab  
Regional Wildlife Ecologist



**Steve Shelly**  
**Regional Botanist**  
**Forest Service**  
**Northern Region (R1)**

**p: 406-329-3041**  
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**Caring for the land and serving people**

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**Institute for Natural Resources**

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December 10, 2019

Jeannie Stapp, State Librarian  
Montana State Library  
1515 E 6th Avenue  
Helena, Montana 59620

Dear Ms. Stapp and the State Library Commission,

Please accept this letter as a comment on the proposal to move the Montana Natural Heritage Program (MTNHP) from the University of Montana to the Montana State Library.

Oregon State University (OSU) and our office have concerns about this change. The primary concern relates to a \$942,868 subcontract we have with the MTNHP at University of Montana to monitor the condition of the Bureau of Land Management Lands (BLM) across eastern and southern Idaho. This project is part of a 5 year agreement OSU has with the BLM to assess the status and trends of their lands across the Pacific Northwest, providing over \$4 million in funding to date, along with opportunities for over 50 students and recent college graduates to obtain training and experience in soils, botany, ecology and data collection. Because these are fixed price agreements, OSU has committed to completing the work, which we submitted entirely on behalf of MTNHP. This commitment is very important in maintaining our relationship with the BLM, as well as the critical relationship MTNHP has with the BLM.

The secondary concern is that location within a state agency may restrict MTNHPs ability to work across state lines. This relates to their ability to participate in multi-state agreements, such as the contract described above. But it also relates to their ability to provide leadership and tools to other state agencies and programs with similar missions across the western US. Over the last two decades, MTNHP has been a leader in creating tools, innovations, and their work has improved information on species and habitats provided by states such as Utah and Idaho that are limited in their ability to work on projects outside a narrow state agency mission. They have also participated as a leader in projects expanding the ability of the entire Natural Heritage Network to develop species models, to work with local and federal partners, and to share their expertise online.

We request that the State Library Commission please assure that all existing contractual obligations continue to be met, and that you consider allowing staff to have an extended transition period to assure ongoing projects that cannot be easily moved to the State Library can be completed before all staff change organizations. We greatly appreciate the support that the state of Montana has provided to this critically valuable program. Thank you for your time and attention.

Sincerely,

  
James S. Kagan  
Director, Institute for Natural Resources, Portland





### **Oregon Biodiversity Information Center**

Institute for Natural Resources – Portland / INR  
School of the Environment, College of Liberal Arts and Sciences

Post Office Box 751                      503-725-9950 tel  
Portland, Oregon 97207-0751        503-725-9960 fax

December 10, 2019

Jeannie Stapp, State Librarian  
Montana State Library  
1515 E 6th Avenue  
Helena, Montana 59620

Dear Ms. Stapp and the State Library Commission,

Thank you for the opportunity to comment on the proposal to move the Montana Natural Heritage Program (MTNHP) from University of Montana to the Montana State Library. As I only received the proposal this morning, I have not had time to review it thoroughly, hence my earlier request that the State Library Commission defer their decision. However, my initial concerns are:

- Portland State University (PSU) has existing contracts, totaling almost \$500,000, with MTNHP at the University of Montana to provide Bureau of Land Management (BLM) with aquatic assessment, inventory, and monitoring in wadeable streams in Idaho and Nevada. This work is part of a 5-year agreement with the BLM between now and 2024. Any changes to the existing agreement will need to be approved by BLM, and may jeopardize future funding for our program.
- Our existing agreement with BLM requires BLM approval before any change to key personnel. These key personnel are currently MTNHP employees, and if they choose not to move to the Montana State Library, are not offered positions at Montana State Library, or are not allowed to work out of state, PSU will have to secure BLM approval for personnel changes. It is quite possible that BLM would not approve these changes and instead cancel our contract.
- PSU's existing subaward to MTNHP takes advantage of streamlined award processes at both universities. PSU has not budgeted for the complexity required to transfer subawards to an outside state agency, and the budget for the BLM contract is set.
- The BLM contracts are required to use a salary schedule approved by the universities in 2019. We do not know if the Montana State Library will accept these salary schedules. If the Library hires people at a higher rate, or with higher benefit costs, PSU may not be able to subcontract to the Library.
- PSU and MTNHP have been planning for the 2020 field season and expect to hire a number of seasonals to complete project work. If the project is moved to Montana State Library, will the library be prepared to quickly hire seasonal staff and back up personnel?

If the State Library Commission must act immediately on this proposal, I ask that they ensure that MTNHP's current contractual obligations will continue to be met by existing staff. This continuity is vital for successful completion of ongoing projects. Institute for Natural Resources at Portland State University has enjoyed a successful and long-standing relationship with MTNHP. We hope to continue this relationship for many years to come.

Sincerely,

A handwritten signature in cursive script that reads "Eleanor Gaines".

Eleanor Gaines  
Director  
Oregon Biodiversity Information Center  
Portland State University

December 10, 2019

Montana State Library Commission  
PO Box 201800 1515 East 6<sup>th</sup> Avenue  
Helena, MT 59620

Dear Commissioners:

On behalf of The Nature Conservancy in Montana, I wanted to provide the following comments for the Commission's consideration regarding future administration of the Montana Natural Heritage Program (Heritage Program) as part of the Montana State Library:

The Nature Conservancy has a long connection to the Heritage Program, having partnered with the state to launch the program in 1983. The Nature Conservancy strongly believes that the Heritage Program provides an invaluable service to the citizens of Montana, and that belief is well supported by the statistics of data use and by the diversity of consumers utilizing the data, all of which I am sure you are all well aware.

We have long supported efforts to advance robust funding and create opportunities to strengthen the program and we will continue to do so. However, we have not had enough time to fully understand what are seemingly, broad ramifications in the current proposal and so are unable to offer specific detailed comments at this time. Generally, we believe it is important to ensure the Heritage Program continues to provide its superior service to Montana, and it not suffer financially, reputationally or otherwise.

Finally, as the Commission considers its options moving forward, please recognize that the current Heritage Program staff have extensive and diverse knowledge and that they create some of the finest data products available nationally. The commitment and passion of the staff to their mission is invaluable and cannot be easily replaced. We strongly encourage the Commission to create opportunities to ensure retention of current staff and recognition of the skills they provide and the time they have invested in the program.

I look forward to discussing this important topic with you in the future.

Sincerely,  
Mark Aagenes

Mark Aagenes



**Office of the Vice President for  
Research and Creative Scholarship**  
University Hall 116  
University of Montana  
Missoula, Montana 59812-4104  
Phone: (406) 243-6670  
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12/10/19

Montana State Library Commission  
151 E 6<sup>th</sup> Avenue  
Helena, MT 59620

Dear Commissioners,

It was good meeting several of you at the recent partners meeting for the Montana Natural Heritage Program. The afternoon discussion regarding the future of the partnership between MSL and UM in managing the contract was both lively and interesting. I didn't speak during the discussion as I thought it was important to hear the view of the partners regarding the suggested change. The comments and concerns expressed by the vast majority of the partners echo mine.

MTNHP is recognized as one of the best heritage programs in the country. The program meets statutory mandates and provides innovative solutions to providing a wealth of ecological data to both public partners and private businesses throughout Montana. As we heard, heritage programs in other states look to MTNHP for best approaches to making data available to the public. Several partners wondered why we would consider so drastically changing such a successful program. Some of the specific concerns are:

- The MTNHP is able to attract highly-qualified researchers because of their association with the University. Many are faculty affiliates and are able to seek and obtain external funding for their research because of that association. It is unlikely that the program would attract the same level of researchers if it is wholly a program of the MSL.
- What will happen with existing researchers? Difficult to tell, but a number of the current MTNHP researchers have indicated they would like to remain as employees of UM and continue to run their grants and contracts through the University. These researchers include the most highly-funded in the MTNHP and those with the best working relationships with the other MTNHP partners.
- Will MSL be able to adequately manage grants and contracts? It is unlikely that it will be able to do so at the same level of support as UM. The University currently manages over \$280M in proposals and \$100M in research awards and expenditures annually. Support for our researchers includes 3 people in our proposal development office and 15 in our pre- and post-award services. The Final Report implies that the MTNHP currently manages 60 grants and contracts. In actuality, the MTNHP has a departmental research administrator who works closely with two staff members in the Office of Sponsored Programs at UM who manage those grants and contracts. We provide the full complement of research compliance offices including IACUC (animal research), Conflict of Interest, IBC (biosafety), Environmental Health, Export Control (access to research by foreign nationals), Radiation Safety, and RCR (Responsible Conduct of Research). Establishing and maintaining these offices are typically required before entities can submit proposals to federal agencies (or receive and administer federal flow through from state agencies). For Research Conduct and RCR, does the MSL have in place policies and procedures related to RCR? Is the MSL aware of the requirements of the federal Office of Research Integrity? Does MSL have a trained Research Integrity Officer (RIO) and a Responsible Official? How will the MSL handle purchase and distribution of chemicals and other substances?

Currently the MTNHP uses our Chem Stores for a number of items. There are many other issues that will need to be addressed if the MSL wishes to manage a research operation. The funding and staff necessary to successfully manage a research enterprise is quite substantial and likely significantly greater than estimates provided at the partners meeting.

- The MSL does not have a negotiated F&A (facilities and administration, i.e. overhead) rate with a cognizant federal agency. It will not be able to charge overhead on grants and contracts [FAR 200, Appendix VII]: "All departments or agencies of the governmental unit desiring to claim indirect costs under Federal awards must prepare an indirect cost rate proposal and related documentation to support those costs." UM pays an external firm \$60k to help develop the F&A rate proposal (and countless hours developing the necessary data) and the VPR negotiates directly with the cognizant federal agency representative to agree on the F&A rate. Who will do this for the MSL? How many years will it be before such an agreement is in place? What will be the loss in revenue in the interim?
- Will current research awards be transferred to the MTNHP? No. Current research awards were made to UM and the University has sole discretion on disposition of those awards. Our primary concern is to ensure that the work outlined in the Statement of Work that the sponsor approved and funded can be accomplished in a timely fashion and within state and federal rules and regulations.
- Will UM continue to support the MTNHP? If the transfer of the MTNHP contract occurs, my office will no longer provide support in any fashion, including the \$50k annual supplement it currently provides. We currently return about 30% of the recovered F&A to the MTNHP for a total annual support of approximately \$170k. Moving the contract from UM without the ability to charge F&A would result in an immediate loss of \$170k in revenue. UM employees at 1.0 FTE can take classes with tuition waived. As UM employees, the MTNHP researchers benefit from access to our library. It is possible, presumably for an additional fee, that such access could be extended if the MTNHP researchers are no longer UM employees. I understand that a project is being proposed by one of the partners which would involve UM's Autonomous Aerial Systems Office. That project is also potentially impacted by this change.
- What will happen to the Spatial Analysis Lab (SAL)? That is unclear at this time. My hope is that SAL would become a research center at UM and we would find a way to retain them as MUS employees. If that is the outcome, UM would need to charge the MTNHP for any services rendered. If the SAL is retained by the MTNHP and remains on the UM campus, we would need to charge the MSL rent for the space and O&M. The proposed changes would most likely affect the campus indirect rate. Currently SAL agreements are charged at the off-campus rate (26%) or state rate (25%). It is likely that many of those awards would be charged at the on-campus research rate of 45% which would hurt both the MTNHP partners and its mission.

I sincerely believe that moving the contract from UM and attempting to manage research grants and contracts through MSL will severely damage the MTNHP for the reasons described above and many others. It was clear at the partners meeting that the other partners do not want to see a change in the program unless there is a clear tangible benefit to making this change. Moving the contract does nothing to aide in the only suggestion made to address the decline in buying power, moving contract employees to state general fund lines. This can be accomplished whether they are contract employees with MSL or UM. In fact, MTNHP will most likely see a clear tangible loss in revenue and program support rather than any suggested increases. Losing a valuable partner in UM and probably other existing partners is the antithesis of what has made the Montana Natural Heritage Program a best practice for other such programs around the country. I strongly oppose moving the contract and encourage the Commission to ask the State Librarian to work with the partners to find a collaborative path forward with clear benefits to the program.



Scott L. Whittenburg  
Vice President for Research and Creative Scholarship  
University of Montana

Montana State Library Commissioners:

For over two decades the Montana USDA-NRCS has been a supporter of both the Montana State Library and the Montana Natural Heritage Program. The value of these partnerships to our agency and the citizens that we serve has exponentially exceeded the dollar amounts of our funding contributions. As a long-term partner with these organizations we offer the following comments with the hope that they will add useful information. It is also our hope that the future of these organizations will be sustainable and our mutually beneficial relationship with each of them can be maintained.

In any given year the funding available to the USDA-NRCS and other Federal agencies that can be allocated to contract for services or enter into cooperative agreements with MTNHP may come from different programs. Each program will have different spending authority authorized by Congress. These spending authorities also have specific limitations as to the type of entity and activities the program funding can be allocated toward. Federal agencies often have little flexibility in determining for any given fiscal year which program may have funds they can allocate for MTNHP contracts or agreements. Prior to approval, Federal contracts and agreements are also required to submit extensive justification for the procurement of services with MTNHP or other entities. Since 2006, the affiliation of the MTNHP with the University of Montana has enabled the NRCS and other Federal partners to have greater flexibility in the programs and spending authority that can be used for MTNHP support because of the link between MTNHP and an institution of higher learning. Were the MTNHP to be assimilated into the Montana State Library there could be a negative impact on the ability of the NRCS or other Federal agencies to procure and or justify services from MTNHP. As currently proposed, the Administrative Study does not adequately address these potential impacts to the financial support the NRCS or other Federal partners can provide, and we have not had sufficient time to internally investigate the associated issues.

The benefits to the NRCS of the MTNHP affiliation with UM also extend to the academic credibility and access to research that enhance the information and services the MTNHP provides. The NRCS provides technical assistance to private land owners who view the information from MTNHP in the context of their academic affiliation to UM. These land owners also often have privacy concerns about the natural resource information related to their property. Using information provided by the MTNHP enables us to address our conservation planning requirements related to wetlands, threatened, endangered and sensitive species while assuring our conservation partners that the integrity of the information is from a credible independent source sensitive to their privacy.

Although MSL is a neutral non-regulatory agency, if MTNHP is within a State agency the perception of unbiased data and privacy protection could be impacted. It also cannot be foreseen whether, as part of a State agency, there would not be future legislative requirements for the long-term management and distribution of data for threatened, endangered and sensitive species that MSL would be required to adhere to, and that could alter the neutrality of and access to this information.

The NRCS also relies heavily on our partnership with the Spatial Analysis Lab and we have unanswered questions regarding how the proposed administrative change would impact the structure and function of the Lab and our ability to successfully maintain our collaborative activities and funding specifically allocated for the Lab.

It is clear the Library has conducted this administrative study with the best of intentions and a sincere desire to identify a viable solution for the long-term funding needs and sustainability of the MTNHP. Unfortunately, with the information available to date we are not able to determine whether the proposed actions will not have a negative impact on our funding partnership with MTNHP and our overall shared project activities.

Respectfully submitted,

Catherine Maynard, Ph.D.  
State Natural Resource Analyst  
USDA-Natural Resources Conservation Service

December 11, 2019

To the Montana State Library Commission:

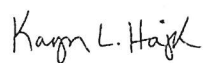
Thank you for the opportunity to comment on the proposed change in administration of the Montana Natural Heritage Program (MTNHP). Given my role as MTNHP Ecologist and Project Manager, I will limit my comments to two areas that directly affect my work and expertise: MTNHP's relationship with our Partners, and the logistics of managing projects under this proposed administrative change.

The Final Report for this Administrative Study was presented to staff on Monday, December 9, 2019, and the document was made available for distribution to our Partners that evening, less than 48 hours before the Commission might vote on the proposed changes. **I respectfully urge you to allow more time for our Partners and our staff to digest this information before a vote is held.** Our relationships with these stakeholders are essential to the success of the Program, and given the long-standing support of our Partners, we owe them the professional courtesy of providing a reasonable amount of time for them to comment on the proposal and how it may impact our ability to serve and work with them. Ideally, we would conduct a comprehensive survey of our stakeholders. While I understand that the concept of the administrative study was presented recently at the Partner's Meeting, not all our Partners were present. Additionally, without this document to summarize the proposed changes and potential impacts on MTNHP and our staff, I do not believe our Partners could fully understand how it may impact the program and their ability to collaborate with MTNHP. I believe their thoughtful feedback is pertinent to the decision you must make.

MTNHP was created for "information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of Montana." This description perfectly illustrates the importance of the role of both the Library and the University play in MTNHP. Libraries curate information and make it available to the public. My role at MTNHP is to acquire primary data by conducting science. One of the reasons that our contractual relationship with the University of Montana (UM) makes sense is that universities are in the business of conducting science. Universities have the experience and expertise to support scientists, and they speak our language. UM provides the resources we need to conduct science, it provides a community of other scientists and colleagues with whom we interact, and it provides credibility to the work we do. University administrators understand the logistics of conducting science. Adding any additional administrative hurdles to actions like purchasing, hiring and communication detracts from time I can dedicate to project management and leadership of our team. This directly impacts the quality of the product I can provide to our Partners and jeopardizes future funding. Under any administrative scenario, core funding for MTNHP is uncertain and subject to change, which means that our ability to raise soft funding through grants, agreements, and contracts remains essential into the future. Our relationship with the University and our association with the collective credibility of UM's scientists allows us the flexibility to pursue diverse funding sources, which will impact the future of MTNHP.

I only began working with MTNHP in January 2019, but during my twenty-year career focused on conservation and ecology, I have interacted with Natural Heritage Programs throughout the country, first in Delaware, then New York and now in Montana. I have developed a great respect for Heritage programs, the work they do, and the folks who work for them, so my investment in the success of MTNHP is both personal and professional. I appreciate you considering my comments and wish you the best of luck as you proceed.

Respectfully,



Kay Hajek, Ph.D.  
Ecologist/Program Manager  
Montana Natural Heritage Program



## Commission Comments – MTNHP Administrative Study

My name is Braden Burkholder and I'm a Biological Data Analyst in the Information Services Program at the Natural Heritage Program (NHP or Program).

I speak today out of concern of the administrative proposal before you, particularly the timeline, process, and unknown impacts. There is near universal support among NHP staff to postpone action on the proposal before you today. Additional time is warranted for this study in order to:

Allow for Partners to fully digest and assess their positions with respect to this proposal and offer meaningful feedback. As of now, NHP Partners have had only one business day to review this specific proposal; many had no prior knowledge of this study and its potential impacts as presented at the Partner's Meeting 2 weeks ago and were unable to offer feedback at that time. Their feedback is critical to the success of any change in administration or limitations thereof.

Allow for a transparent assessment by NHP staff of the assumptions and limitations of the fiscal analysis drafted as part of this study. Our budget is highly variable, and it is unclear how variability in funding may impact the Library's ability to administer the Program, both in times of limited project dollars and when project dollars are flush. NHP budget staff have not had the opportunity to provide feedback or our expertise on the Library's estimate of the finances of the Program. The financial feasibility of the proposal is therefore unclear from an NHP perspective.

Allow for NHP to work out critical details that may impact to financial stability of the Program and its ability to work with Partners, including how a change in administration may complicate work and funds available in existing contracts or agreements currently executed by The University of Montana (UM), if increased staff salary and benefits and administrative overhead are sustainable and how much of those costs will be passed on to our Partners, and if increased costs preclude the existence of a viable Spatial Analysis Lab on the UM campus.

Allow for the study to rigorously assess the option for NHP to remain under UM administration and what benefits and costs/risks of the status quo are when compared to a change in administration. A direct comparison of those pros and cons has not been delineated to NHP staff or the Commission (to my knowledge). In the proposed action's current form, it is unclear what tangible benefits and costs there may be to NHP Partners and to the citizens and taxpayers of Montana if a change in administration is undertaken as they are not directly compared to the status quo.

Finally, to allow the Commission to fully understand the impacts to the Program not captured in the summary as presented, including a high likelihood of additional staff attrition and associated budget uncertainty, impacts to staff morale, a detailed comparison to the status quo, and a long-term financial outlook and risks to the Program and the Library if project funding levels are not sustained. While the summary is largely objective in its presentation, there are notable negatives that have been glossed over or omitted, including these points.



Those are the reasons for which I hope you consider tabling this proposal for now.

I would also like state for the record that I am not opposed to MSL Administration of the Natural Heritage Program and I have no doubt that the leadership of MSL wants the best for NHP and is highly vested in our success, but I am deeply concerned about the process to this point. The staff of NHP have expressed concerns throughout the process about the speed of the study and how Partner feedback would be incorporated, and how the benefits of an administrative change to the Program and staff compare to the costs and the status quo. From my perspective as the proposal stands, the likely benefits and disadvantages to NHP and our Partners with this proposed change in administration are difficult to discern.

Thank you for the opportunity to comment on this proposal.

**From:** [Velman, Wendy](#)  
**To:** [Stapp, Jennie](#)  
**Cc:** [Maxell, Bryce](#); [Carr, Adam](#)  
**Subject:** Re: [EXTERNAL] MTNHP Administrative study/MSL Commission  
**Date:** Wednesday, December 11, 2019 9:38:38 AM

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Dear Ms. Stapp:

The Montana-Dakotas Bureau of Land Management (BLM) wishes to comment regarding the proposal made to the Montana State Library Commission regarding the Administration of the Montana Natural Heritage Program.

The BLM is a current partner with Montana Natural Heritage Program (MNHP) through Assistance Agreements regarding projects to collect, maintain and store natural resource data relating to the management of public lands within Montana. The MNHP also has several contracts with other BLM state organizations and our National Operations Center.

Based on the limited time (less than 48 hours) we have had to review and digest the proposal and take into consideration the law, regulation and policy that govern how BLM administers Assistance Agreements and contracts, I would like to point out the following:

- 1) The five current agreements Montana-Dakotas BLM have with the University of Montana (UM) for the MNHP will have to be cancelled when the MNHP and UM contract is severed. The current balance of funds in those agreements is \$579,419. There is no guarantee under the proposal those funds could be retained by BLM and incorporated in to new agreements with Montana State Library (MSL). This is due to the BLM's budget cycle and Assistance Agreement approval process. A lapse in funding from the BLM to projects could occur for the current Fiscal Year and there is no guarantee new agreements could be approved in a timely manner to provide funding in future fiscal years (2021 and beyond). Additionally there are two more agreements currently working through the approval process that would have to be put on hold until such time the MSL is able to manage the agreements process outside of the current UM contract. There would also be no guarantee that these two projects would be approved.
- 2) Current MNHP Contracts with other BLM state offices and Centers would go through a similar process as described above and could result in additional losses of funding.
- 3) Uncertainty with overhead rates based on the fact that the MSL does not fall under Cooperative Ecosystems Study Units Network (CESU) could lead to higher administrative costs to the BLM and other partners. This could lead to the BLM considering other alternatives to collecting and managing the data currently provided by MNHP.
- 4) The hiring flexibility the program has had through the University along with the independence and scientific credibility provided by the affiliation with the University is also concerning.

Based on the points listed above and the valuable longstanding relationship that BLM has had with the MNHP we respectfully request and would appreciate a delay of the vote for the proposal until February. This would provide additional time for the MNHP, the MSL, BLM to have further discussion about the potential implications that approving the current proposal may have regarding current partnerships and funding sources including the BLM as well as other Federal agencies.

Please contact me at 406-896-5082 if you would like to discuss these comments and issues in more detail.

Respectfully,

*Wendy Velamn acting for*

Adam Carr  
Brach Chief Biological Resources and Science  
Montana-Dakotas BLM State Office

*Wendy Velman*  
*Botany Program Lead*  
*SSS Plants/Native Plant Development/*  
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On Mon, Dec 9, 2019 at 5:23 PM Stapp, Jennie <[JStapp2@mt.gov](mailto:JStapp2@mt.gov)> wrote:

Dear MTNHP Partners,

Please know that on Wednesday the State Library Commission will discuss a proposal from MSL staff to administratively move the MTNHP under MSL. Those of you who attended the MTNHP Partners meeting on November 25<sup>th</sup> participated in a discussion with us that helped to inform this recommendation. The final proposal is attached along with a copy of the Commission meeting agenda. The Commission welcomes your feedback both during the meeting and as written comments that may be included in the meeting record. Information about how to participate is included in the agenda and meeting information is also available online: [https://mslservices.mt.gov/ASPeN/Events/Event\\_Detail?Committee\\_ID=1](https://mslservices.mt.gov/ASPeN/Events/Event_Detail?Committee_ID=1).

Thank you,

Jennie

State Librarian

Montana State Library

PO Box 201800

Helena, MT 59620

406.444.3116

[Jstapp2@mt.gov](mailto:Jstapp2@mt.gov)

**From:** [Arlitsch, Kenning](#)  
**To:** [Stark, Marlys](#)  
**Subject:** [EXTERNAL] Kenning motion re MTNHP  
**Date:** Wednesday, December 11, 2019 1:57:54 PM

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Move that the State Library Commission meet with OCHE in January to discuss core funding needs and OCHE concerns about the MTNHP transition proposal. Jennie will utilize that feedback to revise and clarify the proposal and bring it back to the State Library Commission for consideration in February.