

Montana State Library Commissioners,

I wanted to follow up on the recent Library Commission meeting to clarify what my thoughts and beliefs are on the administrative future of the Montana Natural Heritage Program and provide some thoughts that I have on moving forward. I believe my thoughts and beliefs, those of my staff, and those of our partners should be fully contemplated. Before getting into all that, I want to say that I know you all have the best of intentions for assisting the program with its mission. I appreciate the work Jennie and Evan do on a daily basis to support the program and what they have done in the legislative process which seems poised to bear fruit under HB633. I appreciate your time in contemplating how you can help the program in your respective roles. I think it will help you contemplate the administrative future of the program if you take the time to read and fully digest what I have to say.

#### My Experience and Beliefs on What is Best for the Program

The Mission of the Montana Natural Heritage Program means more to me than I can possibly say. I have been associated with the program since 1996, just after I learned about its mission and felt like I found my calling in life. I love working here, am grateful for how empowered I feel because I know our work makes a difference, and feel so fortunate for the freedom and flexibility of the work environment. I have put together surveys on the operation of Heritage Program's across the NatureServe network in order to understand the network and improve the operations of our program and others; I would be happy to pass those on if you are interested in reviewing them. Because of these efforts I have been elected by my fellow program coordinators to represent them on the NatureServe Board of Directors. I say all this because I believe I know about as much about heritage programs as anyone does and that I would never say anything about the future direction of our program unless I firmly believed it. I think honest feedback on my thoughts and beliefs serve the program best.

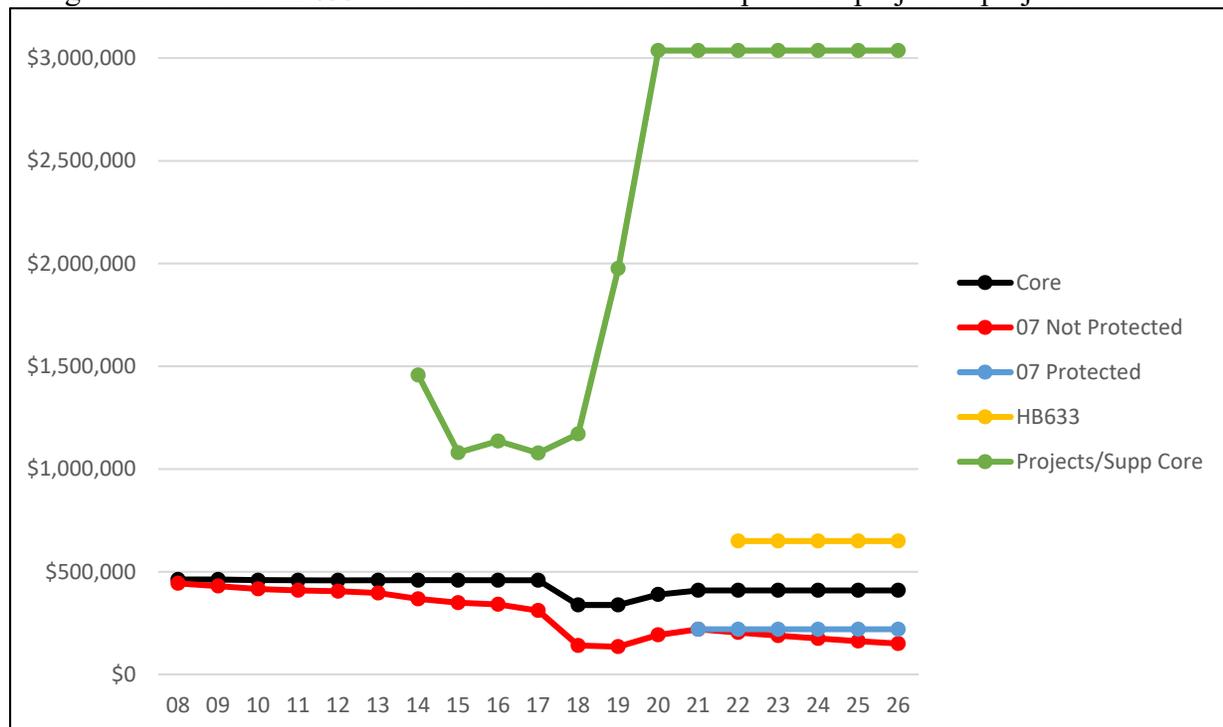
I have put hundreds of hours of my time into updating job descriptions, providing information to Jennie, Evan, and Malissa and coordinating with staff on this administrative study because, as painful as it is, we need to have this discussion. We cannot continue to let our core funding erode. We also cannot afford to make decisions that harm program functions in any way. Jennie and Evan have gotten a lot of feedback from me and I definitely see much of that reflected in the documents they have put together. I do put my "stamp of approval" on the "staff study questions" document as I provided several rounds of feedback and wrote many of the answers; that said, many questions remain unanswered to the extent that staff desire. However, I cannot put my "stamp of approval" on the administrative study summary document as was asked by Anne in the Commission meeting. Two charts, the scope of work report, and a variety of other information did come from me and I certainly agree with many of the points that are made. Most notably, staff have faced growing pressures as core funding has declined and more core funding dollars are very important to ensuring the future success of the program. However, I: (1) did not author it; (2) felt that staff and partner concerns were not adequately represented; (3) am concerned that the recommendation is not supported by clear tangible benefits the way both staff and partners have advocated for; (4) feel that the timeline and transition funding sections do not address the immense complexity of how or whether agreements would transfer and there is no way to know resulting impacts to the program without careful consultation with partners; and (5) have not been shown the underlying financial analysis that Malissa conducted and could not

interpret the financial analysis in the transition funding section of the report. In a staff meeting with Jennie and Evan on the Monday before the Commission meeting, I and my staff expressed a great deal of concern that releasing the final report two days before calling for action to be taken would not allow partners or staff to provide meaningful feedback on a monumental decision affecting the current and future work of the program.

What do I believe? The evidence from across the network is that we have a great situation in having an association with both the State Library and the University System. The State Library provides the statutes, the University system has the research machinery, academic gravitas, and freedom and flexibility that are often lacking in state government, and both institutions provide a neutral and non-regulatory environment that our partners trust. I have discussed the program's administration with a former leader of our program and with current and former program coordinators in the network and they concur with me. We have something very special in the current relationship that we should embrace, not walk away from. Across the network, University Programs are some of the larger and better run programs that conduct the most meaningful fieldwork, but many of them have no guiding statutes or core funding so they don't do data delivery anywhere near as well as we do. Other programs, most notably in natural resource agencies, have supporting statutes like ours, but they don't conduct fieldwork for all animals, plants, and biological communities at anywhere near the level of what the University-based programs do and our partners very much appreciate that work on our part in Montana.

Understanding our Funding to Understand Administrative Options

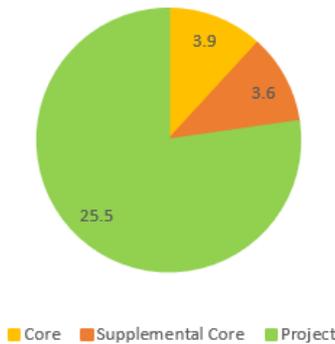
I think it would be helpful to understand staff and partner reactions to the current proposal, by considering the following charts. The chart below puts core legislative funding in the context of supplemental and project dollars provided by partners as well as the potential impacts of a partial or full administrative change in the context of the potential impacts from the funding increase being considered in HB633. Note the relative volume of past and projected project and



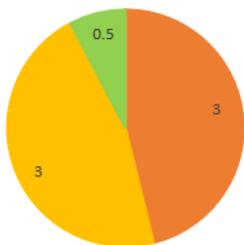
supplemental core dollars (green line) relative to core dollars (black line). Also note the potentially large difference from a HB633 fix to our funding situation (yellow line in FY 22-26) relative to the smaller difference between 07 buying power being protected through an administrative change (blue line) versus not protected (red line). Regardless of what happens with our core funding, project and supplemental core funding dollars from partners are likely to continue to be very important to accomplishing the program’s mission. Therefore, we need to fully weigh feedback from our partners in making any administrative decision.

The charts below provide some context for how core legislative funding, supplemental core funding, and project funding differ between program areas as driven by our guiding statutes which focus on management of data over fieldwork (MCA 90-15-301-3) as well as differing abilities of program areas to generate project dollars from partners to meet our collective information needs. Notice that all of the science programs have relatively large portions of their staff funded by project dollars with Zoology having higher portions than Botany and Ecology much higher still and composing the majority of over program FTE. Any positive impacts of an administrative change alone are more likely be realized in longer term financial stability for Admin/Info Services, while any negative impacts on project agreements would have a greater impact on science areas, particularly Ecology. To feel confident with a decision, science staff need to know that all of their project dollars would transfer under an administrative change and the partners they are working with need similar reassurances that the types of projects they fund would not be impacted.

**Program Wide (33 FTE)**

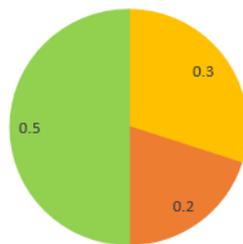


**Admin/Info Services (6.5 FTE)**



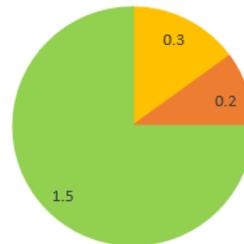
Core Supplemental Core Project

**Botany (1 FTE)**



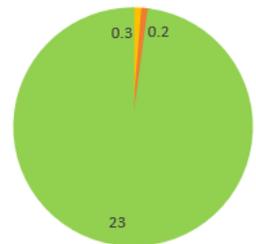
Core Supplemental Core Project

**Zoology (2 FTE)**



Core Supplemental Core Project

**Ecology (23.5 FTE)**



Core Supplemental Core Project

### Options for Future Program Administration

I have discussed a number of options with Jennie and Evan for addressing the slow and steady decline of our buying power as a result of lack of present law adjustments as well as addressing our much larger funding needs. I list these below in order of what I think would be best for retaining the current functions of the program and having the best chance of meeting future challenges the program will inevitably face:

#### **Option 1:** Retain the current relationship with the University and focus on fixing program funding

I favor this option because, with regards to the larger funding question, I believe that we have not asked enough of the University or other partners to lobby on our behalf with the Governor's Office, Legislators, or leverage University or OCHE to anywhere near the extent that is possible. Might a legislative analysis be able to determine how present law adjustments could be given to a contract? I also believe that we could leverage another \$50,000 a year from the University quite easily by pushing Scott for retention of indirects on supplemental core agreements. I think this option has the greatest comfort level with staff and partners because it represents the most familiar environment while removing the funding pressures. I can see why some might think I am sticking my head in the sand on this one, but I also don't think they fully appreciate the lobbying power that could be brought to bear from our partners and the university system. A related option is simply to wait until we know what the results are for funding the Digital Library Services account under HB633 in the 2021 legislature since it would hopefully be the scale of funding fix that is truly needed for the program (see first figure above and related discussion).

#### **Option 2:** Bring in Information Services staff and all or a portion of the Program Coordinator position (4-5 permanent positions that use the majority of the current legislatively funded FTE...i.e. all present law adjustments possible at current funding levels could be gained) under direct Library Administration and contract with UM for Botany, Zoology, and Ecology Science Programs

All staff could be brought in at the same time by June of 2020 in order to be in the next legislative snapshot. It would still be up to the 2021 legislature to approve incorporation of these FTE, but if they did, present law adjustments could stop the loss in purchasing power that has been going on since FY08 for the entire current personnel budget for the program (i.e. while we currently have ~44 staff that are 33 FTE), the program only has core legislative funding for around 4). Partners would see no difference to program operations with this option and I think we have acceptable levels of buy in from staff on it for the most part (i.e. people would likely apply for their positions). I think this could be done with little to no change in the MSL Financial Services Office.

#### **Option 3:** Bring in Information Services staff, all or a portion of the Program Coordinator position, and Botany and Zoology (~10 positions with only an additional 0.6 FTE in funding from the legislature beyond option 2), but leave the entire Ecology Program with the University for the foreseeable future (see discussion below on this). Botany and Zoology only have a handful of externally funded projects at this point, so I think this is very doable with small changes to MSL Financial Services Office and I think we have acceptable levels of buy in from staff so that they would likely apply for their positions. This has the same legislative snapshot

and potential present law adjustment benefits as described in option 2, but it also would allow MSL to test the waters in running two small science program areas and demonstrate to partners and staff whether MSL could indeed run science programs. I also think this option could maintain a very strong working relationship with the University.

**Option 4:** Bring in all Heritage staff except the Spatial Analysis Lab Director (~43 staff and 32 FTE) as advocated in the Administrative Study Summary

The Ecology Program (~23 positions and the vast majority of project dollars for the program, but only 0.3 FTE in funding from the legislature; also up to 60 field personnel added during the summer field season) is the program area that most belongs in a University environment. I can't see a path where this would not harm the Ecology Program if done in any near-term scenario. I have agonized over how this could be done, but separating the functions of the Spatial Analysis Lab from the remainder of the Ecology Program would be very difficult and I am not sure it could ever be done and still do justice to maximizing the effectiveness of the Ecology Program as a whole. There is also the very real concern of the IDIQ issues Linda raised that will be in place until 2023 (i.e. the University will be the only entity that is pre-qualified for BLM task orders for wetland mapping and assessment, inventory, and monitoring work until 2023 so if Ecology was brought into MSL, many current Ecology staff would not have funding available). MSL could apply for this IDIQ qualification in 2023 and things could be re-evaluated at that point. I hadn't really realized the implications of the IDIQ issue until Linda brought it up in the Commission meeting so what I had previously advocated to Jennie and Evan under this option was the longest possible timeline for Ecology if they felt that they had to do this. Unfortunately, that is actually a best-case scenario under this option. A worst-case scenario is that the main project leads, Drs. Linda Vance, Jessica Mitchell, and Kay Hajek are so concerned about loss of their academic autonomy and the ability to do their jobs successfully while having to contend with a host of challenges to HR, contracting, purchasing, and project management, that they might leave the organization. I lose a lot of sleep over this one, because their absence would represent a tremendous loss of scientific expertise and cripple the program's mission.

#### Recommendations for Moving Forward

1. Conduct a staff survey that can be tabulated and shared
2. Conduct a survey of partners regarding their thoughts on the administrative proposal that can be tabulated and shared.
3. Determine whether current contracts could be transferred and, if so, under what timeline, and determine if there are any long-term issues with running any agreements/contracts through MSL. Ideally this would be done in a meeting of the key personnel and contracting agents of partner organizations that contribute the majority of program funding and ideally it would be facilitated by an outside party.
4. Have another staff meeting with Jennie, Evan, and anyone else (Commissioners etc.) that would like to attend in order to give feedback on the administrative study report now that it has been released and staff have had time to digest it. This also gives an opportunity to have additional questions answered regarding day to day operations under direct MSL administration. It may be a good idea to have this facilitated by an outside party as well.
5. Ask the University for accounting of their use of indirect dollars, including return to the program, use for HR and financial grants administration staff, rent at the Spatial Analysis

Lab, etc. so that we can clearly evaluate the potential ability of UM to contribute additional indirects.

6. Ask the University for lobbying support and the support of OCHE.
7. Ask to be placed on the UM philanthropy platter for a Natural Heritage Program foundation that could be portable if the program ever did come out of UM. The Colorado Natural Heritage Program has done this at Colorado State University to create an endowed position for a Database Assistant position.

I can't say this strongly enough, there are so many complex issues and questions to be explored with our partners on agreements in order to figure out the potential implications to 33 FTE from a decision being considered to potentially provide present law adjustments to the 4 FTE that are funded with core legislative funding. We all need to listen to one another and take the time to truly weigh what everyone is saying, understand what they need to do their jobs successfully, and incorporate that information into your own understanding and beliefs. This is the only way this effort is going to improve things for the program. This is no small task because our program is amazingly complex; it will take time.

I will end with the four principals that I think should be used to guide the process moving forward:

- (1) fully utilize the power of the partnership that we have currently built;
- (2) honor our staff and partners by taking their feedback and fully assessing it;
- (3) identify clear tangible gains before making a decision of this magnitude; and
- (4) do no harm.

I would welcome feedback, am happy to answer any questions you might have, and again, I appreciate your time on this in your respective roles!

Sincerely,

Bryce