

EXHIBIT 5
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 NB 318

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 GREAT FALLS, MONTANA

Roaming bison worrying tribe's ranch neighbors

By KARL PUCKETT • Tribune Staff Writer •
 January 21, 2011

Snowmobile-riding wranglers returned an escaped herd of 200 bison back to pasture on the Fort Belknap Indian Reservation on Thursday.

It was the most recent of several bison breaks this winter by members of the tribe's herd of 450, with bison scaling deep snow and large drifts along 40 miles of fence line to roam free.

The repeated escapes have neighboring cattle ranchers worried about losing scarce supplies of hay during a particularly tough winter. Blaine County Attorney Don Ranstrom said.

Livestock producers also are concerned about fences being damaged and the spread of brucellosis, a disease that can cause female animals to abort.

"They're so big I refer to them as a woolly tank because they can walk through a fence without knowing it's there," Ranstrom said.

Male bison can weigh up to 2 tons and stand 6 feet tall, according to the National Wildlife Federation.

Thursday morning, the escaped 200 bison were spotted in the vicinity of Barney Olson Road, a north-south gravel road south of Chinook in Blaine County.

That's several miles west of the reservation.

"We don't want them out roaming on other people's property," said Mike Fox, a tribal council member who oversees the tribe's natural resources and law enforcement departments. "We're doing what we can with what we've got to keep 'em in."

Two snowmobile wranglers pushed the bison back to the pasture late Thursday afternoon. One machine broke down on the trail, leaving one driver to finish the job.

Saying the escapes are becoming a regular occurrence, Blaine County officials contacted the U. S. Attorney's Office and the Montana Attorney General's Office to inquire if the county has the

authority to impound the animals or request funds from the tribe to pay for any damages.

That's the first time the county has taken that step, Sheriff Glenn Huestis said. With the tribe being a sovereign nation, county officials said they don't know what legal standing they have.

"We're casting about to see if we could perhaps locate some assistance through one of those offices to obtain some sort of remedy for these folks," Ranstrom said.

Jessica Fehr, public information officer for the U.S. Attorney's Office, said the office's position is "we hope the parties can arrive at some sort of quick resolution." The office has no plans to get involved, she said.

Judy Beck, a spokeswoman for the state Department of Justice, said a staff attorney spoke with Blaine County officials, but received no formal question or request for assistance.

Bison have been a contentious issue among ranchers and the tribe.

The tribe keeps 450 animals on 22,000 acres, which have 40 miles of 6-foot-tall barbed-wire fence around them. It also runs Little Rockies Meat Packing Co., where bison are butchered, and a smokehouse for making jerky.

The Montana Department of Livestock said a rancher shot five bison in 2004, after they crossed onto his land adjacent to the reservation.

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GREAT FALLS, MONTANA

In the most recent escape, Fox said he was aware of one instance in which the bison ate hay on private property. That landowner will be compensated, he said.

The bison are brucellosis-free, Fox added.

Last week, Fox testified before the Montana Fish, Wildlife & Parks Commission that the tribe is interested in acquiring more bison. FWP is studying relocating wild bison from the Yellowstone National Park area to different locations in the state, a controversial idea in the ranching community.

Fox said he is concerned the escape from the pasture will influence the decision-makers.

"But it's kind of an unprecedented winter with this much snow," he said. "We realize we need a different management approach."

In the past, bison were allowed to roam in the pasture in the winter. That worked well when there wasn't much snow on the ground. But more snow has fallen in the past couple of winters, which has allowed bison to climb out of the pasture.

The tribe is looking into building a smaller winter pasture on flat ground so the bison can't get out even when the snow is deep, Fox said.

Ruben Horseman, a tribal member who lives 7 miles from the buffalo pasture, said some residents don't want more bison.

"We can't manage what we have," Horseman said. "We don't have the feed, and we don't have the resources."

On Thursday, crews plowed the road leading to the bison pasture, Fox said.

With the road now open, the tribe can put down hay for the hungry animals and also work on 20 areas where snow drifted over the fence, Fox said. Previously, tribal employees could only reach the bison by snowmobile, he said.

Bison have escaped three or four times this month, Fox said.

Huestis said members of his office flew over a 20-mile stretch of the western edge of the reservation Wednesday after hearing reports that bison had escaped from the pasture. Nine buffalo were spotted

outside the reservation. The report of 200 bison being loose came Thursday.

The tribe and the county have an agreement in which county authorities immediately call tribal officials when escaped bison are reported. The tribe then dispatches the wranglers. Huestis said the tribe has responded well in the past, but the continued escapes concern the county, he said.

In the past, bison have escaped and damaged idle land in the Conservation Reserve Program, causing CRP payments to be withheld from some ranchers, Huestis said.

"It (the escaping bison) is an ongoing yearly situation that keeps coming up this time every year," he said.

Reach Tribune Staff Writer Karl Puckett at 406-791-1471, 800-438-6600 or kpuckett@greatfallstribune.com.

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FWP Will Look at Public Lands for Bison

siteadmin posted on January 13, 2011 13:36

The "Bison Translocation" motion, put before the Montana FWP Commission on Thursday, passed unanimously.

Below is the text of that motion:

I move the Commission endorse FWP to move forward with identification and analysis of potential sites where quarantine bison can be held in the public trust until completion of the bison quarantine feasibility study, and a bison management plan for MT that may identify the same or alternative, permanent sites.

This background was also offered in the agenda item cover sheet:

Bison were once numerous throughout the eastern 2/3 of Montana, but have been extirpated from the state except the area in and around Yellowstone National Park. The YNP bison herd represents the largest wild population of genetically pure bison in North America, but are also carriers of brucellosis. A quarantine feasibility study was initiated in 2005 to determine if seronegative bison collected as calves remain seronegative. The first cohort of 86 genetically pure, seronegative bison resulting from that ongoing feasibility study became available for distribution in 2009, with additional cohorts expected to be available at the end of 2010 and 2011. Per the quarantine feasibility study plan, the bison must be held in a closed herd and monitored over the course of five years after leaving the quarantine facility. An RFP for holding the first cohort of bison was issued, and after review, they were placed with TEI, Inc. in an agreement that allowed them to keep up to 75% of the offspring produced during the 5-year period they needed to be held and monitored. The remaining bison and their offspring would be returned to FWP. That decision has been challenged in a lawsuit as a violation of the public trust. Additionally, approximately 50 bison annually must be moved from the quarantine facilities over the next 2 years. As a result, FWP is exploring alternative locations, on WMAs or elsewhere, where the bison and their offspring would remain in the public trust pending completion of the quarantine procedures. Permanent placement of these bison would be determined following completion of a statewide bison management plan that identifies permanent sites where brucellosis-free bison could be established. This plan will be developed through public process. FWP is seeking endorsement from the commission to move forward with identifying potential locations where bison can be held until such time as a permanent location can be identified. Potential interim holding locations that will be explored including but not limited to Spotted Dog WMA, Marias River WMA, Beartooth WMA, and possibly some non-WMA sites.

These wildlife management areas (WMAs) are near Avon, Great Falls and Shelby. NorthernAg.NET will be updated with the latest as FWP moves forward with the process.

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Posted in: General News

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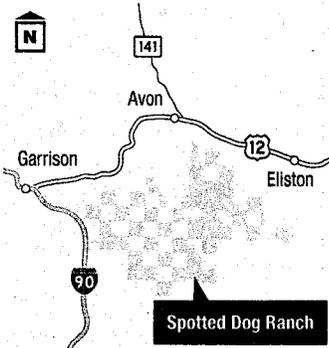
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Source: Montana FWP

Graphic by Denny Lester

State may put 100 bison on Spotted Dog land

FWP | Animals under quarantine for brucellosis

By **EVE BYRON**
Independent Record

State wildlife officials are considering placing brucellosis-free bison on the newly acquired Spotted Dog Wildlife Management Area, in the Bob Marshall Wilderness Area, or on other public or tribal lands.

Montana Fish, Wildlife and Parks Director Joe Maurier confirmed Tuesday that the state agency will ask the FWP Commission next week for approval to put together an environmental assessment regarding the relocation of more than 100 bison, which have been under quarantine since 2005. In particular, he

More **BISON**, page 8A

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Bison

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wants the commission to endorse the proposal to identify and analyze potential sites where bison can roam.

"As the state agency responsible for Montana's wildlife, it is time that we take a serious look at this big game species' management," Maurier said on Tuesday. "Bison have been ignored as a big game species for 100 years. It's simply time to consider realistic options for its management in Montana."

Maurier said they're looking for appropriate areas that could support huntable populations of at least 50 bison, and the 27,600-acre Spotted Dog property near Avon, at first glance, seems suitable. The parcel was purchased last September for \$15 million.

"It's the proper landscape, with plenty of water and grass, and already is semi-fenced and has a little infrastructure like corrals," Maurier said. "When we purchased Spotted Dog I thought it probably was not a bad spot to start with. It's brand new and we don't have any institutional use yet, so it might be a good place to put them while we continue to look at other options, and study other WMAs (wildlife management areas)."

Maurier anticipates they would have to fence the Spotted Dog WMA to keep the bison from migrating onto private land, but the fencing also would need to allow passage from animals like elk and deer. When the land was purchased, the state set aside almost \$400,000 for fencing, which is around \$2 per lineal foot.

The cost to install an 8-foot-tall fence to keep free-ranging bison out of an airport near Gardner is closer to \$22 per lineal foot, but Maurier said perhaps they could restrict bison on the WMA using two or three strands of electric wire, which wouldn't be as expensive.

He added that the 1 million-acre Bob Marshall Wilderness Area also is attractive since its interior elevations are fairly low and it wouldn't need to be fenced, which would allow the bison to roam freely. "Maybe the Bob is a place where they can have a small herd that sustains itself in the interior elevations; those kinds of spots might be acceptable," Maurier said.

The state also wants to explore housing bison on the 32,000-acre Beartooth WMA near Great Falls and the 5,800-acre Marias River WMA near Shelby. In addition, Maurier said the state is continuing to consider giving bison to the Fort Belknap and Fort Peck tribes, but he noted that a

lawsuit filed against the state for allowing media mogul Ted Turner to temporarily house 86 bison and retain 75 percent of their offspring to offset his costs is prompting the state to rethink that option. Plaintiffs in the lawsuit say that giving Turner the offspring amounts to the "privatization of public wildlife" and Maurier said he fears the same argument would be made by giving the tribes the wild bison.

"If we give them to another nation, it could be seen as the ultimate in privatization," Maurier said. "So until we can resolve that issue, I will not be able to do much. But it's still under consideration."

The bison are part of a six-year-old study directed by FWP and the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, which is trying to determine if bison calves whose blood tests negative for brucellosis antibodies and are quarantined, remain brucellosis free.

About 50 bison in the study are ready to be moved off a 400-acre quarantine site north of Yellowstone National Park, and another 40-50 will be ready next year. The bison temporarily given to Turner also were part of the study, and Maurier said while their arrangement calls for placement of those bison by 2015, he'd like to move them as soon as possible to lessen

the number of offspring Turner will retain.

Brucellosis can cause cattle to abort calves, and was transmitted in the early 1900s from cattle to bison and elk. Montana currently is considered to be a brucellosis-free state for cattle, but temporarily lost that status when it was found in two herds near Yellowstone National Park.

Sentiments over the possible relocation varied on Tuesday. Errol Rice, executive vice president of the Montana Stockgrowers Association, said they're opposed at this time to any bison relocation effort until the state can effectively deal with brucellosis. He noted that last week, APHIS notified stockgrowers of new rules that state as long as Montana has brucellosis in wildlife, the state has to create a management plan approved by the federal agency. If that's not done, APHIS has the authority to downgrade the state's brucellosis-free status.

"Our members fully understand the desire to relocate the bison, but with the current circumstances, we're more interested in finding ways to deal with Montana's brucellosis challenge," Rice said. "We have ranchers undergoing extensive management efforts and bearing substantial financial costs."

"... The bottom line is ranchers don't support bison relocation at this time."

Robert Magnan, director of fish and wildlife for the Fort Peck Tribes in northeast Montana, said they've invested about \$200,000 in fencing 5,000 acres in anticipation of bringing bison to the reservation, and he was irked that the state is considering putting them elsewhere.

"Three years ago, when we talked, there was nothing said about putting them in a wildlife management area," Magnan said. "We are up and ready to go, and could be like a mini-Yellowstone, where people could come and view them. Bison have helped Native Americans from the beginning of time. Now they need our help, and we're ready."

Two of the plaintiff's in the FWP lawsuit are Glenn Hockett, president of the Gallatin Wildlife Association, and Mike Mease, co-founder of the Buffalo Field Campaign. They are longtime advocates of free-roaming bison in Montana, and like the idea of putting them in public places like the Bob Marshall Wilderness Area. Hockett adds that he has no problem in giving them to tribes if they're managed on a landscape level like other wild animals — allowed to roam freely, but fenced out of sensitive places, managed under tribal laws on the reservation and under state laws elsewhere, similar to what's done with elk, deer and grizzlies.

What the two don't want

are bison fenced in on WMAs, then shot like fish in a barrel.

"Putting them behind a fence and shooting them dead is too low of a bar. That's not how we manage our wildlife species," Hockett said.

He'd also like to see a full-blown environmental impact statement done on the proposed relocation, rather than the less in-depth environmental assessment.

Maurier has heard these concerns before, and noted that while many people would like to see free-roaming bison, that's probably not practical as Montana becomes more populated. He added that they're early in the process of relocating the bison, so people will have plenty of opportunities to weigh in on the options. Still, he hopes to get the bison moved in 2011.

"We still have quite a bit of work to do, but taking this to the commission is a first step, to see if they're interested in moving forward," Maurier said.

The commission meeting begins at 8:30 a.m. Jan. 13 at the FWP headquarters at 1420 E. 6th Ave. The bison translocation discussion is the last agenda item, and is expected to be discussed around 11 a.m., but times can vary by as much as an hour either way.

Reporter Eve Byron: 447-4076 or eve.byron@helenair.com

From: Pohle, Cele
Sent: Wednesday, January 26, 2011 6:46 PM
To: Krayton@KraytonKerns.org
Cc: bobwagner41leg@yahoo.com
Subject: HB 318

Dear Chairman Kerns and Committee Members

Powell County Commissioners regret that we cannot testify in person on this important House Bill. Other duties prevent us from attending the hearing, please add our support of this legislation.

We believe that the county government should be the governance on whether the department moves wild buffalo or bison in the county. We are a predominately a rural cow production county. Our residents deserve and are entitled to protect their way of life. We, as Powell County Commissioners, are elected to help preserve our county values and all residents' way of life. We would be remiss in our duties to allow wild bison or buffalo into our county without the input of our residents.

We appreciate Rep. Warburton's efforts for all rural Montanans on this House Bill.

Powell County supports and recommends a Do Pass on HB 318

*Cele Pohle
Powell County Commissioner
409 Missouri Ave
Deer Lodge, Mt 59722
email: cpohle@co.powell.mt.us
phone 406-846-3680*

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Spotted Dog Ranch Proposal spurs reaction

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Spotted Dog Ranch Proposal spurs reaction

By Pat Hansen for The Montana Standard mtstandard.com | Posted: Sunday, July 18, 2010 12:15 am | (0) Comments

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DEER LODGE - A proposal to purchase the \$16.6 million Spotted Dog Ranch spurred mixed reactions at a recent standing-room-only public hearing in Deer Lodge.

The state wants money from the Natural Resource Damage Program to buy the 27,616-acre Spotted Dog Ranch owned by Y-T Timber, also known as RY Timber, and under lease by the Rock Creek Cattle Co.

The property, located south of Avon and Highway 12, and northeast of Deer Lodge, is intermingled with a "checkerboard" of 10,260 acres in state trust land managed by Department of Natural Resources and Conservation and is bordered on the east by national forest.

The area of extensive native grasslands and rolling foothills provides grazing for cattle as well as year-long habitat for wildlife species including elk, antelope, mule and whitetail deer, moose and many smaller species.

In addition to the wildlife, 2,000 cow-calf pairs have grazed the Spotted Dog and state lands for many years, including this summer.

Mike Thompson of Missoula, Region 2 wildlife manager for the Department of Fish, Wildlife and Parks, said fish and wildlife habitat and recreational opportunities are increasingly compromised in Montana as private lands are subdivided or purchased by parties who do not allow public access.

"This ranch could also be subdivided so this is a unique opportunity to use funds from the settlement with ARCO to conserve key habitats," he said.

If the purchase is OK'd, the area would be a Wildlife Management Area. Seasonal public access to 38,000 acres of previously inaccessible lands will provide recreational opportunities, like hiking and hunting. Motorized transportation would be restricted to the main roads, and a Dec. 1 to May 15 closure would protect wintering and calving big game. There are no plans for outfitting, trapping, firewood cutting or snowmobiling (except for the groomed trail on the east side that accesses the national forest).

FUNDING REQUIREMENTS

The \$16.6 million request is based on the appraised value of \$15.2 million (approximately \$550 per acre); \$1.2 million for five years of operations and maintenance, and \$148,869 for the cost of a 10-year lease agreement with the state. FWP will contribute \$29,269 in in-kind services as matching funds for the project.

Thompson said the state and Rocky Mountain Elk Foundation have tried for a long time to get a conservation easement on the property, but money was a problem and owner interest is gone.

"Now we have a willing seller who has a deadline," Thompson said. "Tonight we are hearing some issues that need to be addressed, but I'm not finding any issues we cannot handle."

Jim Flynn, a former FWP director and past chairman of the NRDP Citizens Advisory Committee, said he opposed using Natural Resource Damage Program money to buy the land saying the priority should be restoration.

Flynn also questioned the department's ability to maintain the property in the future. "Thirty years ago FWP was land poor and needed money," he said. "To correct that, a trust fund was set up, with interest, to maintain department properties. Now you are taking on another 28,000 acres."

Darlene Edge, state land agent, said Rock Creek Cattle Co. has an option to purchase the property from Y-T Timber. The company will exercise that option and then sell the property to the state, she said.

Asked how much Rock Creek Cattle Co. is paying for the land, Edge responded she believed it is \$9 million. She said the \$15.2 million being paid by the state is the certified appraised value.

Some felt the expedited process is a "political cram down" after Thompson said the governor was first contacted by Rock Creek Cattle Co.

Because the cattle company has an option period, it was suggested the company be asked to give the state first right of refusal rather than for the state to take money from the principal of the

Natural Resource Damage Program trust fund. Doing so would allow for the grant process to proceed on its usual schedule.

The state is required by statute to pay property taxes to the county. A tax figure of \$15,000 was quoted by Edge during the hearing; however, Powell County Treasurer Lisa Smith said the 2009 tax bill on the property was \$23,407.

PUBLIC COMMENT

Three sections of privately owned property lie within the Spotted Dog Ranch, and in-holder Mary Ann Olsen asked about access, particularly after the closure date when they may need to gather cattle missed during roundup.

"Rock Creek Cattle Co. has been very cooperative letting us go through later," she said.

The state plans to exclude livestock grazing from the Spotted Dog and DNRC lands for an undetermined length of time to monitor the area. Wildlife biologist Ray Vinkey said livestock might be considered as a management tool in the future.

Adjoining landowners noted the range is considered to be in good condition now with 2,000 pairs grazing alongside the wildlife. Cattle eat tall grasses that elk do not, and the combination of grazing has been proven to be beneficial to elk habitat. They also expressed concern that old, dry grasses will increase the threat of fire and weed infestations.

Lynette Weiss asked about speculation that buffalo from Yellowstone National Park would be brought to the property.

"We don't know for sure," Thompson said. "We aren't here to buy a bison range. We're here to buy Spotted Dog. If there is ever a proposal to bring bison to Spotted Dog, there will be opportunity for public input."

Most of the marketable timber has been harvested from the Spotted Dog property. While dead and dying trees provide important habitat for wildlife, the state may choose to remove beetle-killed trees to prevent spread to unaffected or neighboring stands at risk.

Officials were urged to be aware of hunting pressure problems with opening an elk herd that has been closed 30 years.

Adjacent landowner Dan McQueary of Deer Lodge said opening the Wildlife Management Area to approximately 3,000 hunter days will "result in adjacent landowners having a lot of elk on their property and broken fences."

Thompson said hunting should take some of the pressure off adjacent landowners by reducing the size of the elk herd. He believes the open roads and large area will allow elk to scatter on the area.

McQueary responded, "I've been hunting for 50 years and two people can move that whole herd. I just want to know who to send the bill to."

Thompson agreed that during the first few years "we will have a couple of wrecks, but we'll try to adapt and help mitigate damages."

John Stavlo of Deer Lodge supports the acquisition to protect the elk wintering area, noting the development in the Helena and Flathead areas where private property has been subdivided.

Josh McGraw, a rancher from Avon, questioned why the government was buying land when the U.S. was built on private ownership.

Carl Nyman of Anaconda said he came to the meeting thinking the acquisition is a good thing, but now he isn't sure.

"It is irresponsible to spend money on anything that is not restoration. You need to prioritize the entire basin; there is a finite pot of money and when it is gone, it is gone," he said.

Pat Hansen may be reached via e-mail at phansen@blackfoot.net.

How to comment on ranch purchase

The Natural Resource Damage Program is accepting public comment on the proposed purchase of the Spotted Dog Ranch until Aug. 9. Send to NRDP, Box 201425, Helena, MT 59602, or nrdp@mt.gov; or faxed to 444-0236.

FWP is taking comments through July 30 at spotteddog@mt.gov, or by mail to Region 2 FWP; attn: Spotted Dog, 3201 Spurgin Road, Missoula, MT 59804

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Posted in Local on *Sunday, July 18, 2010 12:15 am* Updated: 9:12 am.

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New holdings stretch FWP's budgets for weed control, sanitation, staffing thin

After acquisition

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After acquisition

By EVE BYRON Independent Record helenair.com | Posted: Sunday, January 16, 2011 12:00 am | (4) Comments

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	FWP land acquisitions since 1993		
	Gov. Marc Racicot 1993-2000	Gov. Judy Martz 2001-2004	Gov. Brian Schweitzer 2005-2010
No. of acquisitions	95	52	31
Total acres acquired	28,829 acres	27,727 acres	232,055 acres
Total spent to acquire land	\$7,438,746	\$15,498,588	\$90,035,656



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In the past six years, Montana Fish, Wildlife and Parks has used \$90 million from a variety of new and traditional sources and married it with landowner donations to acquire about 232,000 acres for state parks, wildlife management areas and fishing access sites.

Now the state agency faces the financial hardship of maintaining those and other properties it owns.

The land purchases during Gov. Brian Schweitzer's administration total almost four times what was bought by or given to FWP during the 12 years of the Marc Racicot and Judy Martz eras combined. From 1993 through 2004, FWP spent \$22.9 million on property, and with donated land acquired 56,000 acres. Those administrations also sold off 8,700 acres for \$523,650.

Altogether, using state and federal funds, money from hunting and fishing licenses and recreational fees, FWP has paid out \$113 million for property and acquired about 288,150 acres (including donated land) during that past 18 years, according to an Independent Record analysis.

"I suppose this administration will best be remembered for finding new opportunities for families to hunt, camp and fish," Schweitzer said Friday. "I'm proud that we have found the resources to fund land purchases that help Montana families."

Those acquisitions include large parcels, like the 27,000-acre Spotted Dog property near Avon for \$15 million and the 4,740-acre Fish Creek site west of Missoula for \$17 million. They also include dozens of smaller sites, including the 75-acre Stuckey Ridge parcel near Anaconda for \$265,000; the 37-acre Stipek fishing access site on the Yellowstone River north of Glendive for \$164,000; and the 1-acre Scotty Brown Bridge property, adjacent to the Blackfoot Clearwater Game Range, for \$97,000.

"I think it's important to note that we have a mix of the kinds of purchases we made," Schweitzer said. "In many cases, like when we purchase fishing access sites, they're not large pieces of land but are critical pieces of land so more people can access our rivers. And in some cases, they are small and medium size purchases that create conduits to much larger pieces of public land for public recreation."

FWP Director Joe Maurier said a unique set of circumstances has allowed his agency to buy the properties — Plum Creek Timber Co. sold off hundreds of thousands of acres, including land near the federally owned Bob Marshall and Scapegoat wilderness areas; the 2007 Montana Legislature approved dedicating \$10 million in general funds for property acquisition through the Access Montana program; and three new federal habitat programs, started in the mid 2000s, have provided FWP with around \$30 million to purchase wildlife habitat.

"We could leverage money and had built up some reserves, then had an opportunity that came up with some conservation groups ... and the stars aligned," Maurier said.

Yet, now that FWP owns 348,700 acres across Montana in 72 wildlife management areas, 44,000 acres in 53 state parks, and almost 21,000 acres at more than 320 fishing access sites, the budgets for weed control, sanitation and staffing are stretched thin. The head of the FWP Parks Division, Chas Van Genderen, recently told the FWP Commission that his division is in a "terrible fiscal situation" and asked for permission to raise fees at some of the state parks. The commission refused the request last month, citing the national economic downturn.

Maurier said he doesn't have a dollar figure for the maintenance backlog, and while he agrees that the state parks system isn't adequately funded, he downplays concerns that maintenance is overwhelming and strongly defends the purchases.

"Our philosophy in going into this whole thing was that where we had good opportunities that weren't just throwing money away, for places where we really needed access — special places — that we would act now and at the very worst case we might have to mothball them awhile to do necessary things to open them to the public," Maurier said.

A report by the Legislative Fiscal Division adds that it's often difficult to determine what has been spent on maintenance for FWP lands due to a variety of accounting practices.

"For example, to determine how much has been spent on weed control statewide, the amount expended on supplies or contracts can be isolated, but not often the corresponding personal services costs," the report states. "However, expenditures are not an adequate means to measure weed control activities, as paying for weed control and actually controlling weeds are two different things."

Under a 2009 statute, money for maintenance has to be included in the purchase price. But the statute expires in 2013, and the fiscal division report adds that the active land purchasing by FWP, coupled with the relatively flat figures set aside for maintenance, creates "an imbalance between the amount available for maintenance and the requirements of the expanding system."

In the Parks Division alone, while the total fund balance remained positive, expenditures exceeded revenues by \$1.4 million in fiscal year 2008 and by \$755,000 in 2009, reducing the fund balance by \$2.1 million. Those expenses aren't tied to any one line item, but the trend is expected to continue unless changes are made.

Maurier said they're asking the Legislature for permission to increase the voluntary fee people pay when they license their vehicles from \$4 to \$6. The governor's biennial budget proposal also includes an increase of 4.8 percent for the state agency, from \$140 million to \$146 million, but the money isn't necessarily dedicated to maintenance.

In these tight fiscal times, Republican legislators have asked departments to cut their budgets by 5 percent; the impact may not be as great in the FWP Department since it typically doesn't receive general fund money. Most of its budget comes from license and recreational fees, federal funds and the state bed tax.

Maurier said FWP may have to delay opening some sites and continue to defer maintenance elsewhere until the system catches up with itself.

"We'll do the best we can and eventually everything will be open," Maurier said. "Our parks system is not funded very well so we are going to see if people are willing to pay a little more."

At a recent natural resources subcommittee meeting, Barbara Smith with the Legislative Fiscal Division added that the "lack of balance for acquisition and management of land" has been an issue for at least the past three sessions, and continues today.

"We have had a lot of requests to look at state land purchases," Smith said, adding that the queries include land bought by other state agencies too. "It's a series of issues — what should the state hold, what should FWP hold, what is the relationship with trust lands and who controls the acquisitions."

While Maurier and his staff can recommend buying land, those property purchases or donations need the approval of the five-member FWP Commission. Those involving more than 100 acres or \$100,000 in value also need the go-ahead from the five-member State Land Board.

Since the Legislature last met in 2009, the Legislative Fiscal Division identified maintenance of FWP lands for public safety, resource protection and facility performance as a critical goal for the agency during the next two years. However, the division also pointed out that proposed budget cuts could result in reduced grants to local communities for trail maintenance, as well as delayed maintenance activities in state parks and fishing access sites.

With more than \$15 million in donated land lowering the average cost to about \$392 an acre, no one is accusing FWP of any malfeasance. In fact, many conservation and sporting groups applaud the purchases and work with FWP to increase state holdings.

"I think the state has been thoughtful in their purchases; it's not like they're just buying land anywhere," said Kat Imhoff, state director of The Nature Conservancy. Her organization purchased many of the Plum Creek Timber Co. lands and held them until state or federal agencies found the money to buy them, or they were sold to adjacent landowners with some restrictions.

"Folks from community groups were so concerned about losing access they had for so long from Plum Creek, and that's a huge driver for the state," Imhoff said. "This is impressive in terms of making opportunities for future generations."

But state Sen. John Brenden, R-Scobey, a former rancher who previously was an FWP commissioner, is asking pointed questions about land purchases and maintenance.

"How much is enough? If we can't manage what we have, why do we keep buying land, especially in this economy?" Brenden said. "Then as a rancher, I'm bidding against myself as a taxpayer. It's unfair competition."

"... I want to make things work, not kill FWP, but they need to control their spending. It's easy to spend other people's money."

Maurier has heard the arguments before, but said that during the past two years he's been at the FWP helm, people throughout Montana have told him their No. 1 priority is access to hunting, fishing and recreational areas.

"The bottom line is this land belongs to all Montanans, to our grandchildren and the children that are yet to be born," Maurier said. "We can have a philosophical debate about whether the government owning land is appropriate or not ... but we have decided this is important to do, and we're stretching our funding by buying at the low end of the market, with tough bargaining and maximizing federal dollars."

Maurier said FWP pays taxes on the land, and recently dropped the Parker Homestead as a state park because it was too small to provide many opportunities for the public. But while some legislators have pushed for "no net gains" in state lands, he said the outcry is overwhelming whenever his agency tries to sell off some of the isolated, smaller parcels.

"When the commission attempted to do that a few years ago, there was a huge push back from constituents not wanting to give up any land regardless," Maurier said. "I think you would face that same sentiment today, although I'm willing to look at that."

He noted that on the average, 243,000 people hold hunting licenses and 391,000 people have fishing licenses. State parks have recorded about 2 million visitors annually, and a 2010 economic impact study recently released reported that nonresidents who visited state parks contributed \$122 million to Montana's economy and produced 1,600 jobs last year.

"We have made some remarkable investments for the sportsmen of Montana," Maurier said. "Most important is the Plum Creek land, which is prime habitat for a variety of species and can serve as connecting corridors, which are critical for any (grizzly bear and wolf) delisting opportunities down the road. It preserves public access to those places where we've had it for years that we were going to lose."

Reporter Eve Byron:

447-4076 or eve.byron@helenair.com

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