ROYAL TINE ELK GAME FARM EXPANSION
DECISION DOCUMENT
November 16, 1998

PROPOSED GAME FARM APPLICATION

The Montana Fish, Wildlife & Parks (FWP) received an application for adding mountain goats, bighorn sheep, caribou, and moose to the existing game farm operated by Justin Haveman, Facility Manager., 319 Sylvan Dr., Bigfork, MT 59911, and Doug Averill, Box 248, Bigfork, MT 59911, on June 3, 1998. Following review of the application and communications between Wildlife Biologist Kevin Coates and Mr. Justin Haveman the original application was amended to include only four male mountain goats and four male bighorn sheep. On July 20, 1998 FWP accepted the amended application by letter which initiated a formal review process which resulted in the completion of a draft Environmental Assessment (EA).

The game farm is located in Flathead and Lake Counties. This is an addition of two new species to an existing facility, and would not change the total acreage. The proposed area is heavily wooded and has broken topography providing some buffering to nearby residences. Vegetation and topography mitigate risks to human safety. There is an intermittent stream, with free flowing reaches on the parcel. Soil disturbance, damage to vegetation, and fecal deposition, due to horse movement and feeding practices, are present in some reaches of the intermittent stream. The creek percolates underground before leaving the property. Ultimately water percolates below ground, under the highway, and collects in a shallow pond located partly on the original game farm property. Surface water from this pond extends outside the applicant's property fence on the existing game farm into a closed basin (Lamb 1996).

THE MONTANA ENVIRONMENTAL POLICY ACT PROCESS (MEPA)

Pursuant to MEPA, FWP is required to assess the impacts of the proposed action to the human environment. FWP completed a Draft Environmental Assessment of the proposed game farm expansion on November 13, 1998. During this process, it was determined that a full Environmental Impact Statement would not be required. The Draft EA was distributed to the Montana Environmental Quality Council, Montana Department of Health and Environmental Quality, Montana Historical Society, Montana State Library, Montana Department of Livestock, FWP Regional Offices, Lake County Commissioners, area Legislator, Flathead Regional Planning Office, Lake County Planning Office, Flathead County Library, and interested individuals. FWP had legal notices printed in the local newspaper. Requests for comments on this proposed game farm were also published in the State Bulletin Board and the Region's News Release.

Flathead
Lake

ISSUES OF CONCERN IN THE EA

The EA process identified no significant environmental impacts that could not be mitigated. Most issues raised in public comments are addressed in various ARM Rules and statutes specific to game farms. Local ordinances will not be violated by the proposed action. Federal and state laws governing the operation of the business must be complied with.

SUMMARY OF PUBLIC COMMENTS AND FWP RESPONSES

Public comments for the Royal Tine Ranch Game Farm Draft Supplemental EA were accepted from October 31 through November 13, 1998. FWP received 16 written comments during that time. Substantive comments and questions are reproduced below with FWP responses. Public comments are considered substantive if they relate to inadequacies or inaccuracies in the analysis or methodologies used in the Draft EA; or identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve disagreements or interpretations of impact significance. Comments which express personal preferences or opinions on the proposal rather than on the evaluation itself are included but are not specifically addressed by FWP response. The following public comments are paraphrased from the original comment letters for purposes of highlighting the substantive issues.

Written Comment Letter No. 1

Issue 1a:
Even though a request for a fee shooting authorization was included in the application, the game farm owners represented that they had no intention of capitalizing on the "pay to shoot" aspect of the game farm operation.

> **Response to Issue 1a:**
> The owners have indicated that fee shooting is one of the intended primary purposes of the game farm. Therefore, no restrictions currently are imposed on the amount of shooting that could occur in the game farm. If the frequency of shooting in the game farm increases to the point that public safety becomes a significant concern, then additional stipulation(s) could be imposed by FWP on the game farm to mitigate the shooting issue.

Issue 1b:
The act of harvesting a domesticated animal should be done in the most humane manner possible, not under the guise of a "hunt" within the confines of a "farm".

Response to Issue 1b:
Comment noted.

Issue 1c:
There are inherent physical limitations which can allow domestic and wild animals to come together to the detriment of the wild segment of the species.

Response to Issue 1c:
Comment noted. The Draft Supplemental EA includes descriptions of the physical limitations that may result in ingress/egress problems.

Issue 1d:
Montana's wild game population would be better served if FWP officers could focus their energy on managing the wild game without having to deal with the "game farm" populations as well.

Response to Issue 1d:
Comment noted. Game farms are allowed by Montana law and are regulated by Fish, Wildlife & Parks (FWP) and Department of Livestock (DoL).

Issue 1e:
We favor rescinding the "fee shooting" authorization of the Royal Tine Ranch game farm. At least for safety reasons, a restricted portion of the farm should be designated for the shooting activity.

Response to Issue 1e:
A stipulation in the Draft EA and in this Decision Document requires that shooting not occur in the direction of nearby residences, and no shooting shall occur in and around the holding facility associated with the 520-acre enclosure. This stipulation is imposed to mitigate a potentially significant risk to public health and safety due to the proximity of residences to the game farm site, particularly in areas south of the game farm enclosure. Another mitigation that was imposed on the game farm in the 1996 Decision Document for the Royal Tine Ranch game farm states that the game farm fence must be signed to warn the public of possible risks.

<u>Written Comment Letter No. 2</u>

Issue 2a:
Game farms degrade the whole idea of wildness and hunting.

Response to Issue 2a:
Comment noted.

Issue 2b:
Opposes addition of mountain goats and bighorn sheep to game farm because game farm animals will harbor disease that will infect wild game.

Response to Issue 2b:
See pages 22-28 and 36 in the Draft Supplemental EA for information regarding potential disease transmission. One of the stipulations in the Draft EA and in this Decision Document require the administration of an antibiotic to sheep and goats prior to placement of these domestic animals in the game farm.

Written Comment Letter No. 3

Issue 3a:
Believes the public has to pay through taxes and more expensive hunting licenses so that FWP can monitor game farms, a sport which ultimately privileges only the rich.

Response to Issue 3a:
While it is true that the expense of administering the Game Farm Program far exceeds the fees collected, fees assessed game farms for applications and operation are established by the Montana legislature and not by FWP.

Issue 3b:
Game farming is also unfair because the ranchers who own game farms get to reuse their license by replacing an animal when one dies. That is an advantage normal hunters don't have.

Response to Issue 3b:
Comment noted.

Issue 3c:
Game farming can foster diseases in the animals which can spread to wild animals, infringing on the rights of those who enjoy animals in their natural habitat.

Response to Issue 3c:
See pages 22-28 and 36 in the Draft Supplemental EA for information regarding potential disease transmission.

Issue 3d:
Game farming licenses should be eliminated.

Response to Issue 3d:
Comment noted.

Written Comment Letter No. 4

Issue 4a:
Game farming benefits only the greedy and destroys the very idea of true and ethical hunting.

Response to Issue 4a:
Comment noted.

Written Comment Letter No. 5

Issue 5a:
Opposes idea of confining bighorn sheep and mountain goats for easy killing for the personal enrichment of the game farm owner.

Response to Issue 5a:
Comment noted. Bighorn sheep and mountain goats and the shooting of these animals are allowed by law on game farms in Montana.

Written Comment Letter No. 6

Issue 6a:
It is unfortunate that people will be allowed to profit by selling canned hunts for bighorn sheep and mountain goats.

Response to Issue 6a:
Comment noted.

Issue 6b:
Because so little is known about chronic wasting disease, it would be wise to err on the side of safety and not move animals around the state.

Response to Issue 6b:
On November 11, 1998, the Governor's office and DoL issued an emergency rule that requires any animal brought into Montana from another state must have resided for at least 12 months on the "game farm of origin" which should allow closer monitoring and tracking of the animal and the potential for disease. In addition, the rule requires the animals to have undergone chronic wasting disease surveillance and testing. In Montana, the rule calls for herd surveillance, testing, and scientific review and quarantines, when necessary.

Written Comment Letter No. 7

Issue 7a:
Urges FWP to deny the game farm expansion request.

Response to Issue 7a:
Comment noted.

Written Comment Letter No. 8

Issue 8a:
Providing canned hunts for rocky mountain goats and bighorn sheep is extremely objectionable.

Response to Issue 8a:
Comment noted.

Written Comment Letter No. 9

Issue 9a:
Concern regarding diseases with domesticated wild animals.

Response to Issue 9a:
See pages 22-28 and 36 in the Draft Supplemental EA for information regarding potential disease transmission.

Issue 9b:
The State is not able to properly check all the game farms. The fees do not cover the costs of proper supervision.

Response to Issue 9b:
FWP attempts to check all game farms on a periodic basis; however, time available for such inspections is limited. Fees for game farms are established by the state legislature and cannot be changed without action by the legislature.

Issue 9c:
The process of cutting elk antlers is cruel and causes the animal much pain.

Response to Issue 9c:
FWP has no regulatory authority to dictate how elk antlers are harvested in a game farm.

Issue 9d:
Public sentiment everywhere is against game farms.

Response to Issue 9d:
Comment noted.

Written Comment Letter No. 10

Issue 10a:
The game farm animals belong in the wild. Too many animals would be crowded in an enclosed area surrounded by homes and highway. Potential problems include: disease, escaping animals killed on highway, chased by dogs, attracting predators (mountain lions & bears).

Response to Issue 10a:
Comments noted. Please refer to the Draft Supplemental EA for information pertaining to the issues raised in your letter.

Written Comment Letter No. 11

Issue 11a:
The game farm is situated in an area that has a state highway running next to the property, and housing developments are all around this game farm. This is not the place for a shooting gallery.

Response to Issue 11a:
See page 28 of the Draft Supplemental EA for a discussion of human health and safety issues associated with the proposed expansion. Page 10 of the Draft EA also lists an existing stipulation for placing signs on the exterior fence, and a stipulation on page 7 of

the Draft EA requires that shooting not occur in the direction of nearby residences and around the holding facility located at the southern end of the game farm site. Highway traffic is not expected to be a significant health concern because of the topography and tree cover in and around the game farm area.

Written Comment Letter No. 12

Issue 12a:
There is nothing ethical about shooting "trophies" in a pen. Against commercialization of Montana's wildlife.

Response to Issue 12a:
Comments noted.

Written Comment Letter No. 13

Issue 13a:
Wild animals belong to the public. There is a long Montana tradition of public ownership of wildlife with its fair harvest open to all and participated in by many.

Response to Issue 13a:
Comment noted.

Issue 13b:
Montana's native wildlife co-evolved with the terrain, vegetation, water and climate. Elk farm husbandry breeds out the wildness.

Response to Issue 13b:
The applicant proposes to operate the game farm in compliance with Montana FWP and DoL regulations. Game farm operators must comply with fencing standards and maintain fencing in a game-proof condition at all times to prevent animals from escaping from or entering the game farm premises. Prior to importation into Montana, game farm animals must be examined by an accredited veterinarian and test negative for tuberculosis, brucellosis, and other diseases and must test negative for red deer hybridization. Also refer to response 6b.

Issue 13c:
Elk farming is a business so destructive in the Montana context, that it should not be permitted.

Response to Issue 13c:
Comment noted.

Issue 13d:
The sheer scale of the game farming business, the poor husbandry, the illegal traffic in game animals, the poor enforcement of regulations and the powerful political lobbies supporting it, will make lawbreaking and disease spread inevitable.

Response to Issue 13d:
The Proposed Action does not include the use of poor animal husbandry, or illegal activities.

Written Comment Letter No. 14

Issue 14a:
Game farm shooting is immoral, unethical, and disrespectful; shooting should not be allowed. The game farm is not a "ranch".

Response to Issue 14a:
Comments noted. Refer to Response 11a above for information regarding shooting safety.

Written Comment Letter No. 15

Issue 15a:
Approve of the proposal to add sheep, goats, and deer.

Response to Issue 15a:
Comment noted.

Written Comment Letter No. 16

Issue 16a:
The current game farm license for the 520-acre pasture is for mule deer and white-tailed deer, as well as for elk.

Response to Issue 16a: Comment noted. The June 19, 1998, license permitted licensees to possess mule deer and white-tailed deer as well as elk on the 520-acre pasture. Stipulation 6

for male only deer is based on a history of the difficulty for accounting for deer and monitoring game farm animals, specifically accounting for female deer and/or fawns (Region Two, FWP, project file for Wallace's game farm). (In 1993 Wallace applied for a game farm license for elk on 1,100 acres in the Darby area. Using all available techniques he was unable to remove all the deer before fencing. The removal efforts were followed by FWP and other authorized Department representatives shooting deer. However, these efforts failed to remove all deer. In 1994 Wallace applied for a license to possess white-tailed deer and mule deer on the game farm, specifically on the 100 acre parcel south of Rye Creek Road, and was granted a license for deer in that area. In 1997 DoL instituted a requirement to tag all game farm animals including deer and elk. Wallace was granted several extensions to comply with this requirement, but was unable to capture and tag all deer in the game farm area. In 1997 Wallace decided that since he could not comply with the requirement that he did not wish to possess mule deer and white-tailed deer any longer. Wallace then shot 22 deer [species composition unknown], but in March and April FWP found additional deer on the game farm property. These deer included both tagged and untagged animals. FWP then cited Wallace for operating a game farm in violation of his license. In early 1997 DoL also cited Wallace for possessing deer that were not ear-tagged and concluded that either they were there from ingress or that it was a failure to tag by Wallace.)

Issue 16b:
The requirement of a steel cable or pipe cross-bar at the top of the perimeter fence for the entire 520-acre enclosure is cost-prohibitive and not necessary to secure the integrity of the perimeter fence. With such a design, a falling tree may result in a larger egress area. The height of the existing perimeter fence was not a concern for purposes of elk and deer, and should not be a concern for the sheep and goats.

Response to Issue 16b:
After review of the stipulation to attach a steel cable or pipe cross-bar to the top of the perimeter fence, FWP agrees that a large falling tree may cause damage over a larger area of the fence than with the current design. Therefore, this stipulation has been removed. The stipulation that requires weekly monitoring of the game farm fence and immediately after major snow and rain events should provide adequate mitigation for falling trees. If falling trees become a significant problem with fence integrity at any time such that maintenance of a game-proof fence is not occurring, FWP can require an appropriate corrective action.

Issue 16c:
Royal Tine does not intend to castrate domestic bighorn sheep prior to entering the enclosure. The risk of bighorn sheep interbreeding with wild sheep is significantly less than the risk of escaping elk interbreeding with wild elk. Given the proximity of wild bighorn sheep populations to the

Royal Tine 520-acre enclosure, it is extremely unlikely than any escaping bighorn sheep would interbreed with wild sheep.

Response to Issue 16c:
After review of the stipulation to castrate the domestic bighorn sheep prior to entering the enclosure, FWP agreed to drop this stipulation.

MITIGATION MEASURES

The mitigation measures described in this section address both minor and significant impacts for the proposed action. Potential minor impacts from the Proposed Action are addressed as mitigation measures that are strongly recommended to remain in compliance with state and federal environmental laws, but not required. FWP previously required stipulations to mitigate potentially significant impacts resulting from licensing the 520-acre expansion of the Royal Tine Ranch game farm (see Decision Document dated September 30, 1996, and game farm license issued June 19, 1998). These nine stipulations are:

(1) No supplemental feeding will occur within 100 feet of any fence or stream channel.

(2) Licensees shall follow commonly accepted sanitation practices regarding methods for disposing of, and final destination of, carcasses and other infectious waste.

(3) There shall be regular and frequent fence inspections by licensees to locate potential areas of ingress/egress.

(4) To prevent ingress or egress, the fence will have a gate system designed so that ingress of wild animals or egress of game farm animals would not occur when trail rides enter or leave the game farm. All gate design and locations must be approved prior to construction by FWP.

(5) Licensees shall report both ingress and egress to FWP immediately upon discovery, determine and remedy the problem immediately.

(6) If fence integrity appears to be a problem upon inspection of construction at outcrops and adverse slopes, adjustments will be made as agreed with FWP.

(7) The condition and percent cover of vegetation within the game farm will be monitored by the regulatory agency and managed by the licensees under good stewardship practices.

(8) Licensees must comply with all appropriate zoning regulations.

(9) The fence will be signed by the licensees to warn the public of possible risks. The sign, shape and language on the signs will be mutually agreed to between the administering agency and licensees.

The mitigations presented below are in addition to those required above for the existing game farm license:

THE DECISION AND REQUIRED STIPULATIONS

After reviewing this application, the Draft EA, and public comments, I approve issuing a license with the following additional stipulations:

(1) The licensee must immediately comply with any disease control, surveillance, and/or testing requirements issued by the state veterinarian.

(2) Monitor the game farm fence on a weekly basis and immediately after major snow and rain events to ensure fence integrity is maintained. If snow buildup reduces the effective height of the perimeter fence to less than 8 feet, the licensee must remove snow on both sides of the fence, or increase the fence height, where snow removal outside the fence is not feasible.

(3) The licensees must file a capture-tagging protocol with DoL and FWP for all game farm animals in the 520-acre enclosure. The licensee must bring all game farm animals in the 520-acre enclosure to the handling facility for census, to check identification, and verify status of ear tags.

The stipulations listed above are imposed to mitigate potentially significant risk to wildlife posed by the proposed game farm from concerns related to diseases and the lack of a game farm representative that lives at the 520-acre expansion area. Risk to wildlife from contact between game farm animals and wild game is potentially significant due to the site being located in an area currently utilized by wild game. Information provided by the stipulations would also help both the licensee and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. These stipulations, in addition to fencing requirements, are expected to reduce the risk to wildlife to below significant.