

GORDON CATTLE COMPANY RANCH

CONSERVATION EASEMENT

FINAL Environmental Assessment

Management Plan

Socio-Economic Assessment

MONTANA FISH, WILDLIFE & PARKS

SEPTEMBER 2003



Montana Fish, Wildlife & Parks

September 19, 2003

Ladies and Gentlemen,

You recently received documents relating to the Montana Fish, Wildlife and Parks (FWP) proposal to purchase a conservation easement on 15,157 acres of land owned by the Gordon Cattle Company. This property is located in Blaine County north of Zurich, MT.

Enclosed please find the Decision Notice for the Gordon Cattle Company Conservation Easement. Based on comments there were some minor wording changes to the Draft EA that results in a Final EA and Socio-Economic Assessment. The draft version of the Management Plan will be considered the final version.

Comments from landowners, sportsmen, and agency personnel; written statements from agencies and individuals; and oral testimony from the public hearing that was held in Chinook on September 8th, 2003, are summarized in the Decision Notice. There were no issues raised regarding the potential impacts of this easement that would cause the department not to move forward with the proposal. It is my recommendation, therefore, that FWP purchase a conservation easement on the Gordon Cattle Company Ranch subject to approval by the FWP Commission and the Board of State Land Commissioners.

The Commission will be asked to approve the purchase of this easement at their next meeting, which is scheduled for October 9th, 2003. If approved by the FWP Commission the proposal will be submitted for review to the Board of State Land Commissioners on October 20, 2003.

If you have any questions regarding this proposal, please contact me at the Glasgow office, 228-3704.

Sincerely,

Jim Satterfield
Region 6 Supervisor

DECISION NOTICE
GORDON CATTLE CO. RANCH CONSERVATION EASEMENT

Prepared by Region 6, Montana Fish, Wildlife & Parks
September 16th, 2003

Proposal

Montana Fish, Wildlife & Parks (FWP) proposes to purchase and monitor a conservation easement on 15,157 acres of land owned by Gordon Cattle Company. The 15 Mile Creek Unit is located 2 to 10 miles north of Zurich, Mt. and the Border Unit is located 25 miles northeast of Zurich, MT in the prairie pothole area of north Blaine County. The total purchase price of this easement is \$945,000.

Rest rotation grazing systems for livestock have been in place and will continue to be used on both units of this ranch which includes an additional 13,235 acres of federally owned land administered by the Bureau of Land Management and 1,920 acres of State School Trust lands administered by the Montana Dept. of Natural Resources and Conservation.

The specific terms of the easement in their entirety are contained in a separate legal document, which is the "Deed of Conservation Easement." This document lists FWP's and the landowner's rights under the terms of the easement as well as restrictions on landowner activities. The rights of both parties and restrictions on landowner activities were negotiated with and agreed to by FWP and the landowner. The intent of these rights and restrictions is to maintain important wildlife habitats in perpetuity while maintaining agricultural and public recreational uses which historically have occurred on the land.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

FWP is required to assess the impacts of the proposal to the human and physical environment. The Gordon Cattle Company Ranch Conservation Easement proposal and its effects were documented by FWP in an Environmental Assessment (EA) to satisfy the Montana Environmental Policy Act (MEPA).

A 26-day comment period on the EA ran from August 18th, 2003, to September 12th, 2003. Articles and legal notices of the proposed action ran in area newspapers and a public hearing was held at the Public Library in Chinook, MT, on September 8th, 2003. Approximately 55 copies of the Environmental Assessment were mailed or delivered to adjacent landowners, sportsman groups, government agencies, and other interested parties. A copy of the environment assessment was also posted on FWP's website.

A total of 70 copies of the EA were printed and made available to the general public for review. In addition, FWP personnel met with the Blaine County Commissioners, Blaine County Planner, adjacent landowners, and area sportsmen to discuss this project. A copy of the EA was also sent to the North Blaine County Cooperative State Grazing District (Gordon Cattle Co. is a member of this district).

ISSUES RAISED IN THE ENVIRONMENTAL ASSESSMENT (EA)

The EA lists the issues in detail. These include effects of the proposed conservation easement and potential consequences if the easement were not obtained. The primary issue is to maintain prairie habitats, particularly sagebrush grassland and prairie pothole wetland habitats and as a part of the privately owned livestock operation. Other issues addressed by the project will be improvement of conditions for livestock and wildlife production through continued grazing management using rest-rotation grazing systems; the prevention certain activities on the ranch that could negatively impact the wildlife habitat; and guaranteeing public hunting opportunities in perpetuity.

SUMMARY OF PUBLIC COMMENTS

Prior to the public hearing FWP personnel hand delivered or mailed copies of the EA to eight neighboring landowners in north Blaine County; six sportsmen in Hill and Blaine Counties; the Havre offices of the Bureau of Land Management and Montana Dept. of Natural Resources and Conservation; and the Blaine County Commissioners and County Planner. The proposed conservation easement was explained to each as well as how to submit written comments, and all questions were answered. The landowners were mostly neutral to this easement proposal. Most were interested in how it would affect their livestock operation and were satisfied that it would not. Most thought it was the landowner's right to offer a conservation easement if he chose. Two of the landowners were interested in details of FWP's easement program to see how their land would fit into this program.

All 6 sportsmen were generally supportive of this conservation easement and they all thought it was important to maintain key wildlife habitats and public hunting opportunities in perpetuity. The easement proposal was also presented to the Havre Rifle and Pistol Club at their August meeting. Ten members were present and expressed support for the easement.

Written comments were received from BLM and three individuals. A copy of the letter from the Havre field station of the BLM is included in this document and responses to their concerns are as follows:

1. The BLM has cooperated with FWP and the Gordon Cattle Co. to implement the rest-rotation grazing systems in common pastures made up of private and public lands. This in no way obligates the BLM to manage the public land in a particular manner. The rest-rotation system is required on the private lands and is implemented on the entire ranch units (public lands also) through cooperation with the BLM.
2. The wording in the EA about leasing of BLM lands has been changed to reflect a more accurate description of the grazing agreement on public lands.
3. Fire suppression will be carried out as needed on the Gordon Cattle Co. Ranch; and FWP will work together with BLM as they do with any other private landowner when they are interested in doing a prescribed burn. However, the easement does restrict the landowner from intentionally burning native grassland or sagebrush.
4. Road management in the easement area applies only to trails on private lands. FWP will work together with BLM to manage the public access roads from the private lands onto public lands.

5. FWP appreciates the offer to utilize monitoring information provided by BLM to help with grazing management on the private lands.

One individual wrote a comment that he would like to see us retain the right to utilize prescribed fire as a management tool to manipulate silver sagebrush habitat.

Another individual commented that easements in general are not good for the agricultural community and our young people. She also commented that we should have public meetings on all FWP conservation easement proposals. FWP does this as part of the MEPA process.

A sportsman commented that he was all in favor of this easement proposal as an important place to provide hunting opportunities for future generations.

At the public hearing in Chinook on September 8th, 2003, 17 individuals were present including five department personnel, two from Gordon Cattle Co., two Blaine Co. Commissioners, one Blaine Co. Planning Board member, one representative from BLM, one representative from US Fish & Wildlife Service, five Blaine County landowners, and one Havre sportsman.

The sportsmen commented that he was all in favor of this easement and commended the FWP for its efforts.

The Blaine Co. Commissioners had a few questions that were answered by FWP personnel.

The Blaine Co. Planning Board member said that nothing in the easement proposal conflicted with the Blaine Co. Master Plan.

Two different landowners asked questions and expressed a general negative philosophy on easements in general, but did not say they were for or against this particular easement.

DECISION

Utilizing the EA and public comment, a decision must be rendered by FWP which addresses the concerns and issues identified for this proposal.

The primary focus of this proposed conservation easement is to maintain sagebrush grassland and prairie pothole wetland habitats for wildlife in conjunction with a privately owned livestock operation. At the same time it will be providing public hunting opportunities in perpetuity. FWP analysis and public input support conserving and maintaining the existing land uses of the Gordon Cattle Company Ranch property.

Some minor wording changes have been made to the Draft Environmental Assessment and a Final Environmental Assessment is the result.

After review of this project and the corresponding public comments, it is my recommendation to purchase a conservation easement on the Gordon Cattle Co. Ranch, subject to approval by the Fish, Wildlife and Parks Commission and the Board of State Land Commissioners.

Jim Satterfield
Region-6 Supervisor
September 19th, 2003

**Montana Fish, Wildlife and Parks
Wildlife Division**

ENVIRONMENTAL ASSESSMENT

GORDON CATTLE CO. RANCH CONSERVATION EASEMENT

I. INTRODUCTION

The State of Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. One of these communities is sagebrush-grasslands. The Border and Fifteen Mile Creek Units (Figure 1) owned by Gordon Cattle Co. include this habitat and are part of the Prairie Pothole Region of northern Montana. The mix of grassland, shrubland, and wetlands provide important wildlife habitat, warranting conservation consideration. A conservation easement was offered to Montana Fish, Wildlife and Parks (MFWP) by Gordon Cattle Co. and an agreement has been reached on the terms of this easement. This project reflects the desire of all parties to maintain the agricultural lifestyle and production that goes with this land while protecting and enhancing its wildlife habitats. It is proposed that a conservation easement, to be held by MFWP, be purchased from Gordon Cattle Co. This easement would keep the property in private ownership and operation, maintain important wildlife habitats, and guarantee public hunting access.

II. AUTHORITY AND DIRECTION

MFWP has the authority under law (87-1-201) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed House Bill (HB) 526, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title, acquisition (87-1-241 and 242). This is now referred to as the Habitat Montana Program. As with other MFWP property interest proposals, the Fish, Wildlife and Parks Commission and the Board of State Land Commissioners (for easements greater than 100 acres or \$100,000) must approve any easement proposal by the agency. This Environmental Assessment (EA) is part of that decision making process.

III. LOCATION OF PROJECT

The Gordon Cattle Co. 'Border Unit' property is located approximately 25 miles north of Zurich along the U.S. – Canada boundary (See Figures 1 and 2). The Border Unit consists of 10,717 acres of deeded property. In addition to the deeded property, the Border Unit grazing systems also include 11,115 acres of leased land administered by the Bureau of Land Management (BLM), 1,920 acres of leased land administered by the Montana Department of Natural Resources and Conservation, and 308 acres of other

privately owned lands leased by the Gordon Cattle Company. The terms of the conservation easement only apply to the Gordon Cattle Company deeded land.

Surrounding properties include private and BLM lands to the east, west, and south and 6.25 miles of border with Saskatchewan, Canada, to the north. Nearly all surrounding land is managed as range. Adjacent land in Canada includes nearly 27,000 acres of provincial and federally administered grazing land. Portions of adjacent properties to the east and south are cultivated small grain cropland.

The 'Fifteen Mile Creek Unit' property extends from 2 to 10 miles north of Zurich (See Figures 1 and 3.) and is made up of 4,440 acres of deeded property. The Fifteen Mile Creek Unit grazing system also includes 2,120 acres of leased land administered by the BLM. Surrounding properties include a mix of private and BLM lands that are also managed primarily as rangeland. All of the land involved is within deer hunting district (HD) 600.

Border Unit and Fifteenmile Creek Unit Gordon Cattle Company

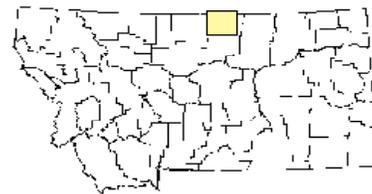
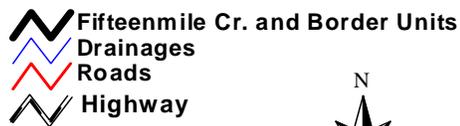
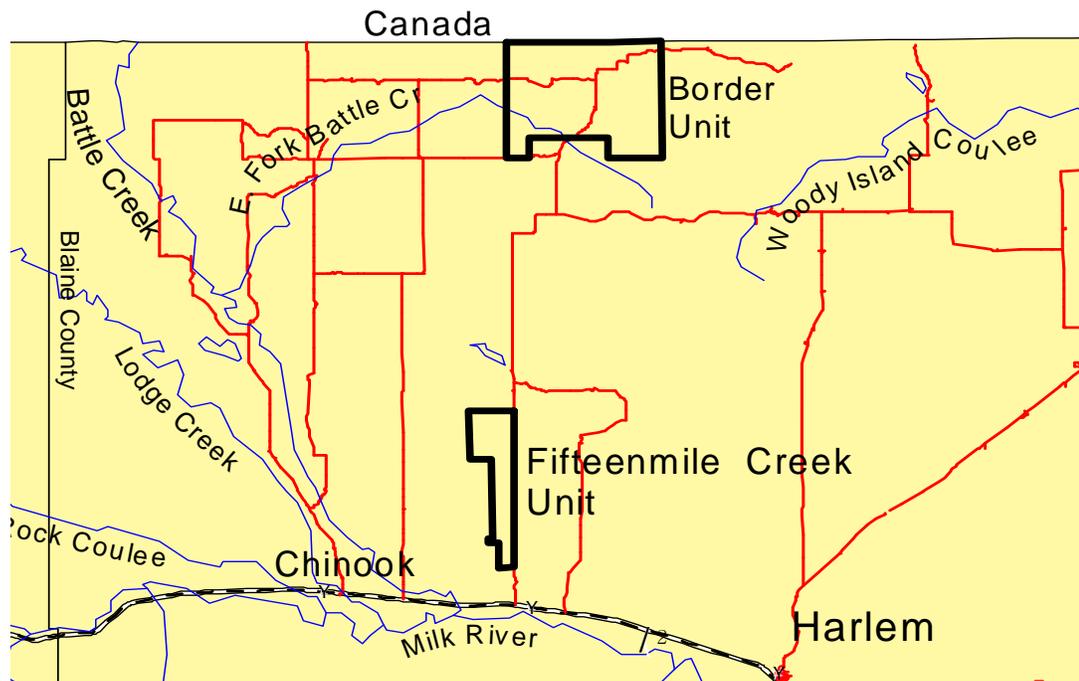


Figure 1. The Border and Fifteen Mile Creek Units - Gordon Cattle Company Conservation Easement lands, Blaine County, Montana.

Border Unit Conservation Easement Gordon Cattle Company

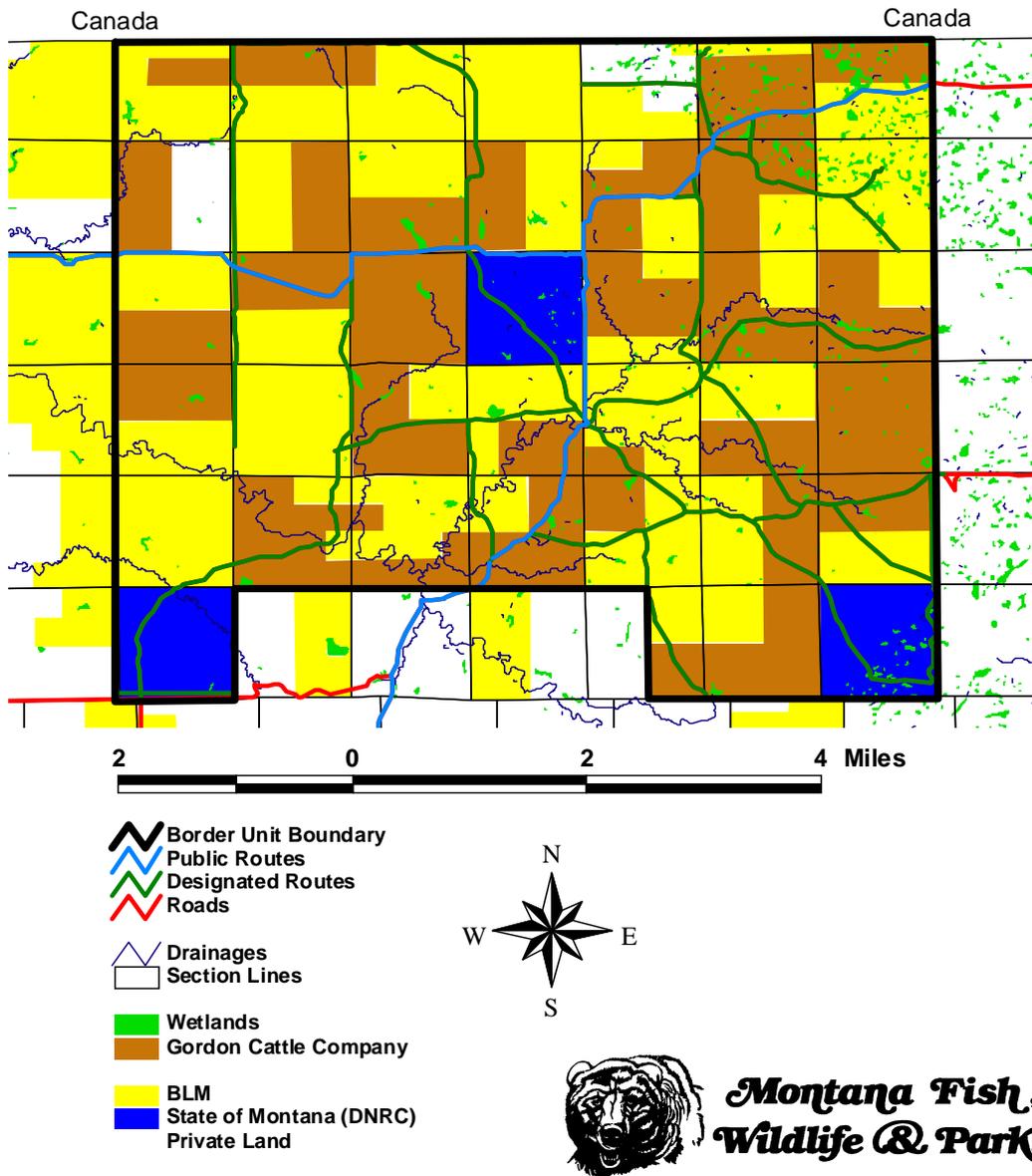


Figure 2. The Border Unit, - Gordon Cattle Company Conservation Easement lands, Blaine County, Montana.

Fifteenmile Creek Unit Conservation Easement Gordon Cattle Company

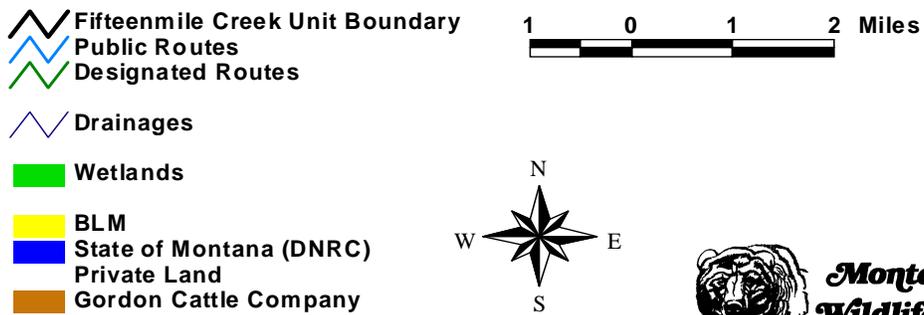
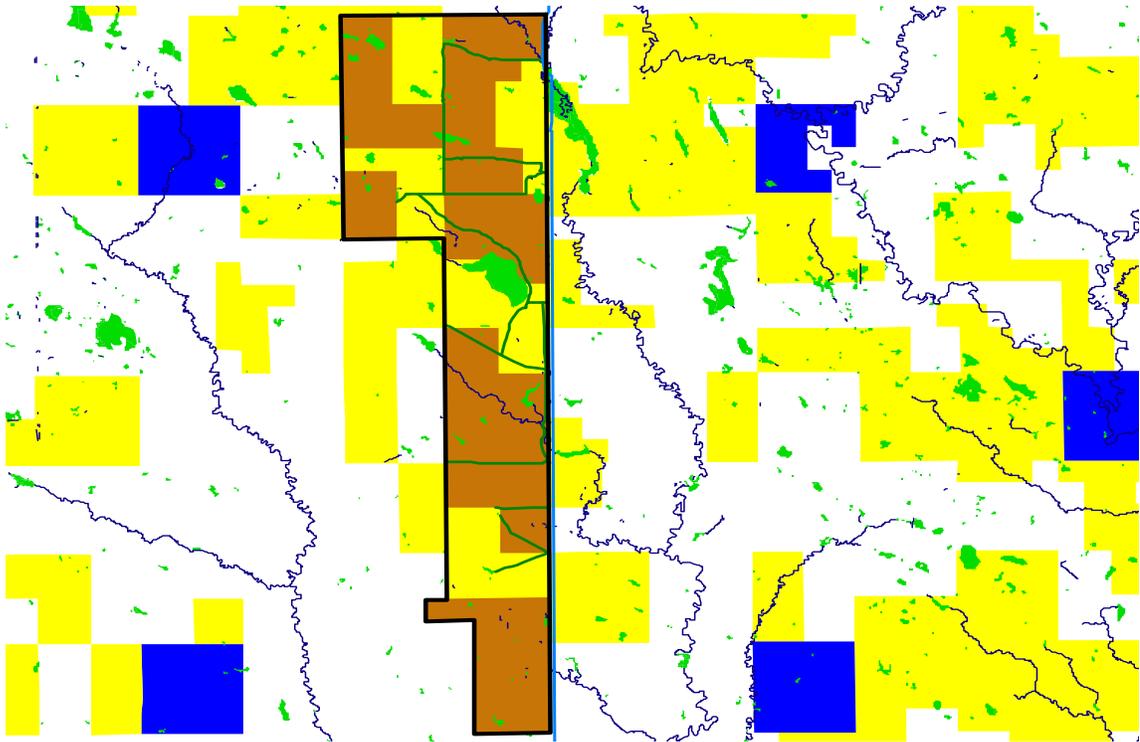


Figure 3. The Fifteen Mile Creek Unit - Gordon Cattle Company Conservation Easement lands, Blaine County, Montana.

IV. PURPOSE AND NEED FOR THE PROPOSED ACTION

The primary purpose of this action is to maintain and enhance the native habitat values associated with these Units while maintaining traditional livestock grazing. The primary habitats represented on the Gordon Cattle Co. Ranch include sagebrush grassland, mixed grass prairie, and glaciated pothole wetlands. Maintaining and improving these habitats will benefit pronghorn antelope, mule deer, white-tailed deer, sage grouse, sharp-tailed grouse, Hungarian partridge, and a diverse mix of waterfowl, shorebird, and grassland bird species.

The greatest benefit of this project would be maintaining two large blocks of prairie and wetland habitat from conversion to cropland. Wildlife values associated with these habitats are of regional and continental importance. That is, many wildlife species occurring on these Units have experienced population declines due to substantial habitat loss over their ranges.

Sage grouse are present primarily on the Border Unit. A lek is located within 1 mile of the northwest boundary of the Border Unit where 16 males and 4 females were observed on 4/11/02 and 15 males and 1 female were observed on 5/1/03. Broods and groups of adults have been observed on both the Border and Fifteen Mile Creek Units during other times of the year.

This shortgrass prairie provides year round habitat for the swift fox. Progeny from swift fox transplanted into southern Saskatchewan in the early 1990's have established residence in this area. A research and live-trapping effort by MFWP during the winter of 2000-2001 resulted in capture of several swift fox on this property. It was estimated that this area had some of the highest known densities of swift fox in Montana.

These complexes of native prairie and glacial wetlands provide very important breeding and migration habitats for North American duck and shorebird species, some of which are experiencing continentally declining numbers. Nesting waterfowl present on this property include Canada geese, mallard, northern pintail, blue-winged teal, green-winged-teal, cinnamon teal, northern shoveler, American wigeon, gadwall, canvasback, redhead, lesser scaup, bufflehead, ruddy duck, and other prairie nesting ducks. Commonly occurring shorebirds include long-billed curlew, marbled godwit, killdeer, willet, American avocet, yellowlegs, spotted sandpiper, snipe, and Wilson's phalarope. Many additional shorebird species use the wetlands for important refueling stops during migration.

A variety of grassland birds of national concern commonly nest in both Units, including Sprague's pipits, Baird's sparrows, lark buntings, chestnut collared longspurs, and, to a lesser extent, ferruginous hawks. These birds have been greatly impacted by conversion of prairie to cropland over most of their range.

A secondary purpose of the proposed conservation easement is to maintain public hunting access to this ranch and adjacent public lands. The Gordon Cattle Co. Ranch has been in

Block Management as part of the North Blaine BMA since the late 1980's. Over the last three years this ranch has provided between 400 and 500 hunter days of recreation.

The need for this project is not established merely by habitats or wildlife. Rather, the need results from threats to wildlife habitat values, traditional ranching, and recreation. Pressures to convert native prairie to cropland continue in northern Blaine County and along the Montana Hi-Line in general. Existing farm programs provide little or no incentive to maintain remaining grassland habitats. Technological advances in equipment and seed genetics expand the potential for farming rougher terrain and more marginal soils. Organic farming has similarly increased interest in tilling chemical-free native prairie to expand operations. Many examples of recently converted cropland with topography and soils very similar to this ranch occur within a 15-mile radius of both Units. A conservation easement would insure that these large blocks of native prairie remain intact, providing valuable wildlife habitat and productive livestock grazing in perpetuity.

V. DESCRIPTION OF PROPOSED ACTION

The proposed action is for MFWP to purchase, hold and monitor a conservation easement on deeded property owned by Gordon Cattle Company. This easement would include 10,717 acres known as the Border Unit and 4440 acres known as the Fifteen Mile Creek Unit, both in north Blaine County. The total purchase price for the proposed easement is \$945,000. Funds used for purchasing this conservation easement would come from hunting license revenues earmarked by House Bill 526 for the Habitat Montana Program.

Specific terms of the easement in their entirety are contained in a separate legal document, which is the "Deed of Conservation Easement". This document lists MFWP and landowner rights under the terms of the easement as well as restrictions on landowner activities. The rights of both parties and restrictions on landowner activities were negotiated with and agreed to by MFWP and the landowner.

To summarize the terms of the easement, MFWP's rights include the right to:

1. Identify, and maintain in perpetuity the wildlife habitat, particularly the riparian, sagebrush grassland, and wetland vegetation communities on the Land, the Land's ecological features and its natural flora, fauna, water resources, and other conservation values.
2. Enter the Land to monitor Landowner's compliance and to enforce the restrictions on the Landowner's activities and rights granted to the Department by this Easement, to observe, study, and make scientific observations of the Land's wildlife habitat and ecosystems, and to establish and maintain vegetation monitoring transects and enclosures, all upon prior notice to the Landowner, and in a manner that will not unreasonably interfere with the use of the Land by the Landowner.
3. Prevent any activity on, or use of the Land that is inconsistent with this Easement and to require the restoration of any areas or features of the Land that may be damaged by inconsistent activity or use by the Landowner, as specified in this Easement.

4. On behalf of the general public, to ensure public access for the purpose of recreational hunting on the Land in accordance with the following terms and conditions:
 - a. The public may hunt game animals and game birds of all sex and age classes in accordance with hunting regulations adopted by the State of Montana
 - b. When such public demand exists, the Landowner will allow a minimum of 250 hunter days on the Border Unit and 200 hunter days on the Fifteen Mile Creek Unit each year during the fall hunting seasons set by the state of Montana. A hunter day is defined as one hunter hunting on the Land for one day. The Landowner, Landowner's immediate family, Landowner's shareholders, partners, employees, or immediate family of shareholders, partners, and employees of the Landowner may not count towards satisfying the minimum number of hunting parties allowed on the Land. The public access for hunting must be managed on a non-preferential and nondiscriminatory basis. The Landowner has the right to manage the distribution of hunters on the Land with regard to reasonable concerns for the safety of Landowner, its ranch personnel and livestock, and other hunters. Landowner may deny access to anyone who is not conducting himself in a prudent, responsible, and safe manner.
 - c. The public will have motor vehicle access over and across the roads designated for that purpose in Exhibit D attached to the Easement Document, and incorporated by this reference. The public may not drive off these roads and trails for any purpose, except with the express permission of the Landowner or the Landowner's agent. The public may travel on foot from the designated roads, trails, or from other publicly accessible areas to hunt throughout the Land for the purposes and in the manner prescribed in the Paragraph II. C.4. of Department's Rights. The Landowner may temporarily close a designated road or trail to vehicular use if the road becomes impassible to vehicles.
 - d. The fall hunting seasons during which the public is allowed access to the Land for hunting under this paragraph must be set and may be changed from time to time by the state of Montana in accordance with applicable laws, regulations and policies.

The Landowner will retain all of the rights in the property that are not specifically restricted and that are not inconsistent with the conservation purposes of the proposed easement, including the right to:

1. Pasture and graze this land in accordance with the rest rotation grazing system described in the Management Plan;
2. Continue to regulate public use of the land at all times;
3. Develop and maintain water resources, including stock water ponds;
4. Repair, renovate, or replace existing nonresidential improvements, including corrals, livestock loading docks, culverts, bridges, roads, canals, ditches, and irrigation structures;
5. Construct, remove, maintain, renovate, repair, or replace fences, roads and other non-residential improvements necessary for accepted land management practices;

6. Construct new agricultural improvements such as barns or sheds within the building area delineated in Exhibit B attached to the Easement Document provided it is solely for agricultural purposes;
7. Construct one family residence and one bunkhouse for use by landowner's employees or staff within the building area delineated in Exhibit B. May also construct, maintain, and repair, utilities and access road to this residence; Construct and use a scale house and associated facilities for use by the Landowner and his clients;
8. Construct additional accessory structures and improvements for residential purposes including a small garage for motor vehicles, shed, or greenhouse;
9. Construct facilities for development and utilization of renewable energy resources, including wind, solar, and hydroelectric for use principally on the land by the landowner;
10. Use agrichemicals for control of noxious weeds;
11. Explore for, extract, and develop oil and gas resources below the surface in accordance with the Oil and Gas Plan as described in Exhibit C attached to the Easement Document;
12. Stock and maintain fish in reservoirs if permitted under applicable law and regulation, and to charge fees to persons to fish in the reservoirs under the stipulations outlined in Paragraph II.D.9. of the Easement Document.

Restrictions on Landowner's Activities

Any activity on or use of the land that is inconsistent with the purpose of this Easement is prohibited. Without limiting this general prohibition, the following activities and uses are expressly prohibited or restricted.

1. The removal, control, or manipulation of sagebrush or native grassland by any means is prohibited, including but not limited to the burning, plowing, chemical treatment, or physical removal. The grazing of livestock or other activities allowed under Landowner's rights would not be considered removal, control, or manipulation of sagebrush or removal of native grassland.
2. The legal or de facto subdivision of the Land for any purpose is prohibited, except as provided in this paragraph. Landowner may divide the Border Unit of the Land into no more than two parcels. The Fifteen Mile Unit of the Land may not be divided and must remain as no more than one parcel. Landowner may enter into an exchange of land with the state or federal governments; and such exchange will not be considered a subdivision. However, any exchange or transfer of the Land must be effected with an express provision reflecting that the Land is subject to the terms and conditions of this Easement, without modification or expansion of the terms of the Easement, including without limitation the livestock carrying capacity of the Land. Landowner shall furnish the Department with a copy of any document or conveyance used to affect an exchange or transfer at least thirty (30) days prior to its execution. Prior to transfer of title, the Department shall provide a copy of this Easement to Purchasers or other successors-in-interest to the Landowner. For purposes of this Easement, a

subdivision means a division of land or land so divided that creates more than one distinct parcel, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed in any manner; and includes any re-subdivision and a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes. Further, the sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is considered a subdivision under this Easement. The prohibitions against subdivision contained in this paragraph also apply to the sale, rental, lease, or other conveyance of the Land or any portion of the Land subdivided prior to the grant of this Easement to the Department. However, the Landowner may lease the Land for agricultural purposes subject to the terms of this Easement and the Management Plan described in Paragraph II. E. of the Easement Document including the grazing system outlined in the Management Plan.

The land may not be used as open or natural space or parkland for any subdivision or development purposes or requirements on land not covered by this Easement, nor may Landowner transfer any development rights on or to the Land separate from the Land. For purposes of this Easement, development rights include, without limitation, any and all rights, however designated, now or hereafter associated with the Land or any other property that may be used to compute development density, lot yield, or any other development variable of or pertaining to the Land or any other property.

3. Landowner shall use its best efforts to assure the retention of any and all water rights appurtenant to the Land as are necessary to preserve and protect the conservation values of the Land and will not transfer, encumber, sell, lease, or otherwise separate such rights from the Land or allow them to be lost or abandoned due to nonuse or for any other reason.
4. The removal of timber (live or dead) by any means is prohibited.
5. The harvesting of any native grass or seed species by haying or mowing is prohibited on native rangeland. This prohibition does not apply to the haying of crested wheatgrass, other non-native species, or cropland fields that are documented in the Easement Baseline Report.
6. No cultivation, digging, plowing, disking, or farming may occur on the Land, except: (a) fields of cropland or CRP, (b) chisel plowing of club moss on non-native fields, (c) reseeding of crested wheatgrass or CRP fields to native species. Cropland, non-native fields, CRP, and crested wheatgrass fields are documented in the Easement Baseline Report.
7. The draining, filling, dredging, leveling, burning, ditching, or diking of the natural wetland areas described in Exhibit E, attached to the Easement Document is prohibited.
8. The control, removal, or manipulation of any willows or riparian vegetation in coulees, drainages, water bodies, or natural wetland areas by any means is prohibited, except as needed for the ordinary course of maintaining fences, ditches, or stock water ponds or reservoirs provided for and allowed under this Easement.

9. The renting or leasing of, or sale of access to the Land to others for hunting or winter recreational purposes whether or not as a part of a commercial outfitting or guiding business, is prohibited. Operating a commercial hunting operation, or charging fees (sometimes known as trespass fees) for hunting or winter recreational activities on the Land or for access to public land, is prohibited. The Landowner may not sell, assign, convey, or otherwise transfer any interest in the Land or in the Landowner, if the Landowner is a corporation, partnership, or other entity, for the purpose of providing access the Land in contravention of this paragraph. However, Landowner reserves the right to charge a fish stocking to persons for the purchase and maintenance of fish planted in reservoirs on the Land so long as the fishpond as allowed in Paragraph II. B.10. of the Easement Document are maintained and operated by the Landowner.
10. The exploration for or development and extraction of minerals, coal, bentonite, soils, coal bed methane, or other materials by any surface mining method is prohibited, except Landowner may remove or excavate gravel for road improvements on the Land. In addition, the exploration for or development and extraction of minerals, coal, coal bed methane, bentonite, soils, or other materials below the surface of the Land by any method that would substantially impair or interfere with the conservation values of the Land is prohibited. Prior to engaging in any exploration for or development and extraction of minerals, coal, bentonite, coal bed methane, gravels, soils, or other materials not otherwise prohibited by this paragraph, Landowner shall seek prior approval from the Department and submit a plan for the Department's review and approval that provides for minimizing adverse impacts on the conservation values of the Land. In addition to such other measures as may be required to protect the conservation values of the Land, the plan must provide for (a) locating all facilities so as to be compatible with existing landscape and wildlife populations to the greatest extent practical (b) restoring any altered natural features of the Land to their original state, and (c) compliance with all applicable legal requirements. The exploration and development of oil and gas resources below the surface is further addressed under Paragraph II.B.9. of Conservation Easement Document.
11. The construction or placement of any structure, building, or improvement of any kind is prohibited, other than as expressly allowed in this Easement.
12. The establishment or maintenance of any commercial feedlot is prohibited. A commercial feed lot is defined for purposes of this Easement as the establishment or maintenance of a permanently constructed confined area or facility within which the Land is not grazed or cropped annually, for the purposes of engaging in the business of the reception and feeding of livestock for hire.
13. The use of the Land in connection with an alternative livestock ranch, game bird farm, shooting preserve, fur farm, menagerie or zoo, or the ownership, leasing keeping, holding, capture, propagation, release, introduction, or trade in any animal that may pose a threat to any mammalian, avian, reptilian, aquatic or amphibian wildlife species, whether or not indigenous to Montana, is prohibited. This prohibition does not apply to common domestic livestock except that the raising pasturing, or grazing of sheep and goats is prohibited without prior approval of the Department.

14. Any commercial or industrial use of or activity on the Land is prohibited, other than those uses related agriculture permitted by this Easement; home occupations conducted by the Landowner and others lawfully residing on the Land; and other commercial uses specifically allowed in this Easement.
15. The processing, dumping, storage or other disposal of wastes, refuse and debris on the Land is prohibited, except for nonhazardous and nontoxic materials generated by activities permitted on the Land.

VI. DESCRIPTION OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION

The Gordon Cattle Co. Ranch wants to maintain this land as a traditional Montana working ranch. No interest was expressed in a sale of fee title or a long-term lease. Therefore, the only other alternative in this EA is the "No Action Alternative".

1. No Action Alternative

Under the No Action Alternative, a conservation easement would not be purchased from Gordon Cattle Company. Given the existing pressures to farm native prairie habitats, it is likely that some or most of this land would be plowed and converted to small grain farming at some time in the future. Under this scenario, the large intact complexes of wetland and grassland habitat would be fragmented and the important native habitat values, would be significantly diminished or lost. Without the proposed easement, important public access points to deeded and public land could be lost resulting in reduced public hunting opportunities. In addition, the ranch would remain vulnerable to rural subdivision and/or livestock grazing practices that are detrimental to the range resource and wildlife habitat values. While intensive residential subdivision and development at the ranch is not a significant threat at this time, the rest rotation grazing systems now in place under one land ownership have benefited the native habitat. If in the future the ranch were divided into several ownership units, the existing rest rotation systems would need to be modified or dropped to allow for changes in owner/operators resulting in the potential loss of habitat.

Sagebrush, brushy draws, and important forbs could also be reduced by prescribed burning or herbicide spraying.

VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT

1. Land Resources

Impact of Proposed Action: No significant negative impact would occur as a result of this proposal. The terms of the proposed easement are structured to prevent adverse impacts on soils and vegetation. A rest-rotation grazing plan has been designed that would enhance soil maintenance while maintaining or improving the health of native rangeland vegetation (Management Plan, Appendix A). Subdivision and development of the land is restricted, as is cultivation. The number of land ownership splits on the easement land

would be limited to three divisions. This would ensure workable grazing systems and a manageable easement. The proposed easement would insure that the land and habitat resources are maintained.

No Action Alternative: This alternative would allow for potential disturbance of soils from more intense agricultural practices, mining and residential development.

2. Air Resources

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no immediate impact.

3. Water Resources

Impact of Proposed Action: There would be no significant impact in perpetuity over what is currently associated with a working livestock operation. Current agricultural uses on the property have proven to be compatible with maintenance of water quality. Maintaining and improving native vegetation over time will benefit water quality.

No Action Alternative: There would be no immediate impact. However, in the absence of a conservation easement, there would be no assurances that over time the use of this property wouldn't change from livestock grazing to cultivation farming which would reduce the quality of water in the watershed.

4. Vegetation Resources

Impact of Proposed Action: This action would result in a positive impact. The terms of the conservation easement protect the quantity, quality and character of native plant communities on the property. The prescribed grazing program would maintain and enhance the vigor and productivity of vegetation on both the Gordon Cattle Co. Ranch property and the associated federal and state grazing allotments with the approval of those agencies. The proposed action would also ensure the land's primary use in the future would be livestock grazing, which depends on maintaining a productive vegetative resource. Noxious weed management would continue to be an important component of the ranch operation.

No Action Alternative: There would be no long-term maintenance of existing native plant communities. Future impacts to native vegetation and overall productivity of the land could be significant. Over time, land use would likely change to small grain production, resulting in a loss of native plant communities. Future impacts to native vegetation and overall productivity of the land could be significant.

5. Fish/Wildlife Resources

Impact of Proposed Action: This action would benefit a wide variety of wildlife. Maintaining native plant communities and open space is important for all of the indigenous wildlife species occurring in the area including large mammals such as pronghorn antelope, mule deer, and white-tailed deer. Sage grouse, swift fox, and a host of upland nesting waterfowl, shorebirds, and neotropical grassland nesting birds also rely on large blocks of native prairie such as the Border and Fifteen Mile Creek Units. Implementation of a rest-rotation grazing system incorporating private and public lands will ensure adequate quantity and quality of forage and cover. No adverse effects are expected on the diversity or abundance of game species, nongame species or unique, rare, threatened or endangered species. Under the proposed action, no barriers could be erected that would limit wildlife migration or daily movements. Also, no introduction of non-native species would be allowed (without FWP approval) on the Units.

No Action Alternative: Without the conservation easement, some of the area would likely be converted to small grain production and the land possibly divided into several different ownership interests. As this occurs, native habitat would diminish over time resulting in significant long-term negative effects to most species of wildlife. There would be no provisions preventing activities such as game farming, feedlots, or outfitting on the property, as well as construction of fences or other barriers that could inhibit wildlife movement. Sage grouse and other wildlife species would be negatively impacted by any sagebrush control measures.

6. Adjacent Land

Impact of Proposed Action: No negative impact is expected.

No Action Alternative: A change in management or ownership could result in a loss of public access to public lands in this area.

VII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT

1. Noise/Electrical Effects

Impact of Proposed Action: No impact would occur over existing conditions.

No Action Alternative: There would be no immediate impact.

2. Land Use

Impact of Proposed Action: There would be no significant impact on the productivity or profitability of the ranch or conflicts with existing land

uses in the area. The traditional uses of the land would be maintained under the Proposed Action.

No Action Alternative: Changes in future landownership and land use could affect habitat quality and wildlife numbers. Public recreational opportunity would very likely be diminished or commercialized.

3. Risk/Health Hazards

Impact of Proposed Action: No impact would occur.

No Action Alternative: No impact would occur.

4. Community Impacts

Impact of Proposed Action: No negative impacts to the community are anticipated. The scenic values and open character of this property would be maintained and enjoyed by the community in perpetuity. This issue is also addressed in the attached Socio-Economic Assessment. Recreational hunting opportunities presently enjoyed on both Units would be maintained.

No Action Alternative: Hunting access and public access on this ranch would likely be restricted in the future, negatively affecting traditional recreational opportunities in the area. Hunting use in this area provides important revenue to local businesses. If access or hunting use was restricted in the future, there could be loss of financial benefits to the community.

5. Public Services/Taxes/Utilities

Impact of Proposed Action: There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems nor tax bases of revenues, nor increased uses of energy sources. As an agricultural property, the land would continue to be taxed as it has before. This issue is also addressed in the attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. If rural subdivision did occur in this area in the future, greater demands would be placed on county resources.

6. Aesthetics/Recreation

Impact of Proposed Action: The easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas and would not affect the character of the neighborhood. This issue is also addressed in the attached Socio-Economic Assessment.

No Action Alternative: There would be no guarantee of continued public access to the land or across the land for recreational purposes. Should

development occur, it could reduce the relatively untouched aesthetic and recreational quality of the area.

7. Cultural/Historic Resources

Impact of Proposed Action: There would be no impact.

No Action Alternative: Any future developments (i.e. farming or subdivision) on this land would likely have an adverse impact on the cultural and historic values of this ranch.

8. Socio-Economic Assessment

Please refer to the attached Socio-Economic Assessment for additional analysis of impacts on the human environment.

IX. SUMMARY EVALUATION OF SIGNIFICANCE

The proposed action should have no negative cumulative effect. However, when considered on a larger scale, this action poses a substantial positive effect on wildlife, range management, and open space. Whereas this easement is proposed to maintain privately owned wildlife habitat, this action will create a buffer for adjacent blocks of public lands, benefiting a significantly larger amount of habitat in perpetuity. In so doing, the ranch will remain in private ownership, continue to contribute to agricultural production and thus contribute to the local economy.

The "No Action Alternative" would not maintain the diversity of wildlife habitats in perpetuity. Without the proposed conservation easement, Gordon Cattle Co. or their successor might consider other income options including tilling and converting to small grain production to increase its sale value or subdividing and selling certain land interests. (For instance, the sale of exclusive hunting or certain farming rights) Possible future land interest divisions or other actions prohibited under the terms of the Proposed Action could directly replace wildlife habitat, negatively impact the existing rest rotation grazing systems and grassland, and inhibit important public access to public lands in this part of northern Blaine County.

X. EVALUATION OF NEED FOR AN EIS

Based on the above assessment, which has not identified any significant negative impacts from the proposed action, an EIS is not required and an E.A. is the appropriate level of review. The overall impact from the successful completion of the proposed action would provide substantial long-term benefits to both the physical and human environment.

XI. PUBLIC INVOLVEMENT

The public comment period will begin on August 18th and run through September 12th.
Written comments may be submitted to:

Montana Fish, Wildlife and Parks
Attn: Gordon Cattle Co. Conservation Easement
Rural Route 1-4210
Glasgow, MT 59230

Or comments can be emailed to jelletson@state.mt.us

In addition, a public hearing will be held in Chinook at the Public Library on September 8th, 2003 at 7 PM.

XII. NAME, TITLE AND PHONE NUMBER OF PERSON RESPONSIBLE FOR PREPARING THIS EA

Al Rosgaard, Wildlife Biologist, Montana Fish, Wildlife, and Parks, 265-6177

Gordon Cattle Company
Conservation Easement
Management Plan

Montana Fish, Wildlife & Parks

August 2003

I. INTRODUCTION

The Gordon Cattle Company Conservation Easement includes 2 units of the Gordon Cattle Company Ranch, the Border Unit and the Fifteen Mile Creek Unit, both of which are located in northern Blaine County (Figure 1).

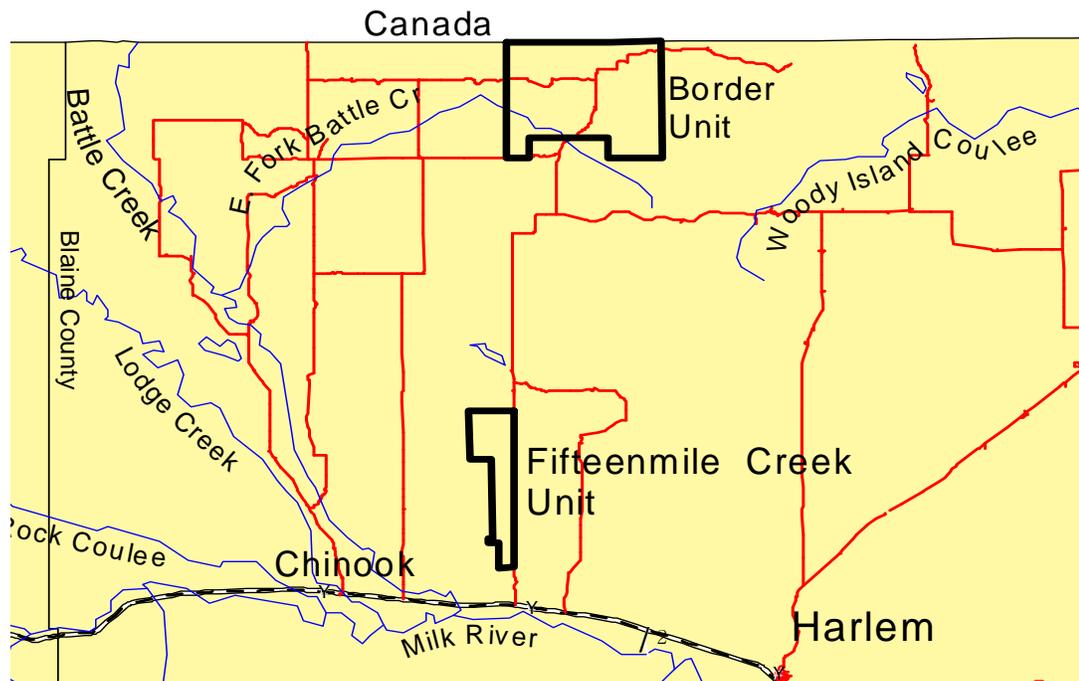
The Border Unit comprises 10,717 acres of deeded property approximately 25 miles northeast of Chinook, Blaine County, Montana (Figure 2). In addition to the deeded property, the Border Unit grazing systems also includes 11,115 acres of leased land administered by the Bureau of Land Management (BLM), 1,920 acres of leased land administered by the Montana Department of Natural Resources and Conservation, and 308 acres of other privately owned land leased to Gordon Cattle Company. Combined, the Border Unit encompasses approximately 1 township. Surrounding properties include private and BLM lands to the east, west, and south and 6.25 miles of border with Saskatchewan, Canada to the north. Nearly all surrounding land is managed as range. Adjacent land in Canada includes nearly 27,000 acres of provincial and federally administered grazing land. Portions of adjacent properties to the east and south are cultivated small grain cropland.

The Border Unit is within the glaciated prairie pothole region. The topography is a mix of rolling hills, coulee breaks, and glaciated “kettle-and-kame” with pothole wetland densities as high as 70 basins per square mile. Soils are primarily loamy clay. Vegetation is mixed grass prairie dominated by western wheatgrass, green needlegrass, needle and thread, blue grama, and silver sagebrush. Coulees and pothole margins support stands of snowberry. Chokecherry and serviceberry occur in the upper ends of some coulees.

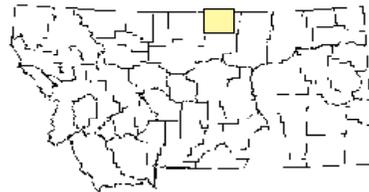
Gordon Cattle Company has managed the Border unit for over 80 years. During the first 40 years it was grazed by sheep. Early in its history, the Border Unit was owned by a number of homesteaders and was leased by Henry Gordon’s grandfather and father. The Gordon family has since purchased the private land from a number of homesteaders or their offspring to establish what is now the Border Unit. In 1967 the ranch changed over to cattle and a system of rest-rotational grazing was initiated shortly thereafter. The landowner now runs 2 herds on the Border Unit, which is organized as two 3-pasture rest rotation-grazing systems.

The Fifteen Mile Creek Unit of the Gordon Cattle Company Ranch extends from 2 to 10 miles north of Zurich (Figure 3) and is made up of 4,440 acres of deeded property. The Fifteen Mile Creek Unit grazing system also includes 2,120 acres of leased land administered by the BLM. Surrounding properties include a mixture of private and BLM lands that are also managed primarily as rangeland. The topography is relatively flat with shallow coulees and glacially formed wetlands, including a 95-acre semi permanent wetland (Tule Lake). The soils and vegetation are similar to the Border Unit. Cattle grazing on the Fifteenmile Creek Unit has been managed in a 3-pasture rest-rotation system since 1992.

Border Unit and Fifteenmile Creek Unit Gordon Cattle Company



-  Fifteenmile Cr. and Border Units
-  Drainages
-  Roads
-  Highway



**Montana Fish,
Wildlife & Parks**

Figure 1 Gordon Cattle Company Conservation Easement, Blaine County, Mt.

The prairie ecosystem in the U.S. and Canada has experienced significant losses and deterioration of wetland and grassland habitat, primarily due to cultivation. This has resulted in declining populations for a number of wildlife species including some species of shorebirds, grassland songbirds, waterfowl, and sage grouse. An important aspect for conserving prairie-dependent wildlife is maintaining large blocks of healthy native grassland habitat. Although Montana is fortunate to have retained vast native grasslands, over 5.5 million acres or 38% of the glaciated habitat within FWP Region 6 has been converted to cropland (<http://nris.state.mt.us>). North Blaine County has experienced significant sodbusting over the past 15 years and the threat for further conversion to cropland is high.

The size of the Border Unit and the Fifteenmile Creek Unit in combination with adjacent public lands provides a strategic landscape-level opportunity for habitat protection and conservation. The wetland and grassland habitats support a variety of resident and migratory wildlife including many species of special concern. A diverse mix of waterfowl and shorebird species use the complex of natural and manmade wetlands and native rangeland for migration and breeding habitat. A sage grouse lek has been located within 1 mile of the northwest corner of the Border Unit and sage grouse have been observed on this unit year round. Both the Border Unit and the Fifteen Mile Creek Unit provide breeding habitat for grassland bird species including Baird's Sparrow and Sprague's pipit, both designated as "Species of Concern" by the Montana Natural Heritage Program, and McCowan's and chestnut collared longspurs, which are designated as "Potential Species of Concern". Recent sample trapping efforts for swift fox also revealed the Border Unit supports some of the highest known swift fox densities along the Montana Hi-line. The swift fox has been designated a "Species of Concern" by the Montana Natural Heritage Program due to their relatively low numbers and localized distribution. Sharp-tailed grouse, pronghorn, and mule deer are common to the area.

This conservation easement would ensure that the Border and Fifteen Mile Creek Units would remain a cattle grazing ranch and the important wildlife values presently occurring on the area would be protected or even improved in perpetuity. The primary threat to this habitat is conversion to small grain crops, which would greatly reduce the existing native grassland and most of the wildlife it supports. Funds used for purchasing this conservation easement would come from hunting license revenues earmarked by House Bill 526 for the Habitat Montana Program.

The purpose of this management plan is to identify management practices that will be initiated or continued as a result of terms within the conservation easement. In general, the management practices identified provide long-term strategies for maintaining or improving habitat values while allowing day-to-day management flexibility.

Border Unit Conservation Easement Gordon Cattle Company

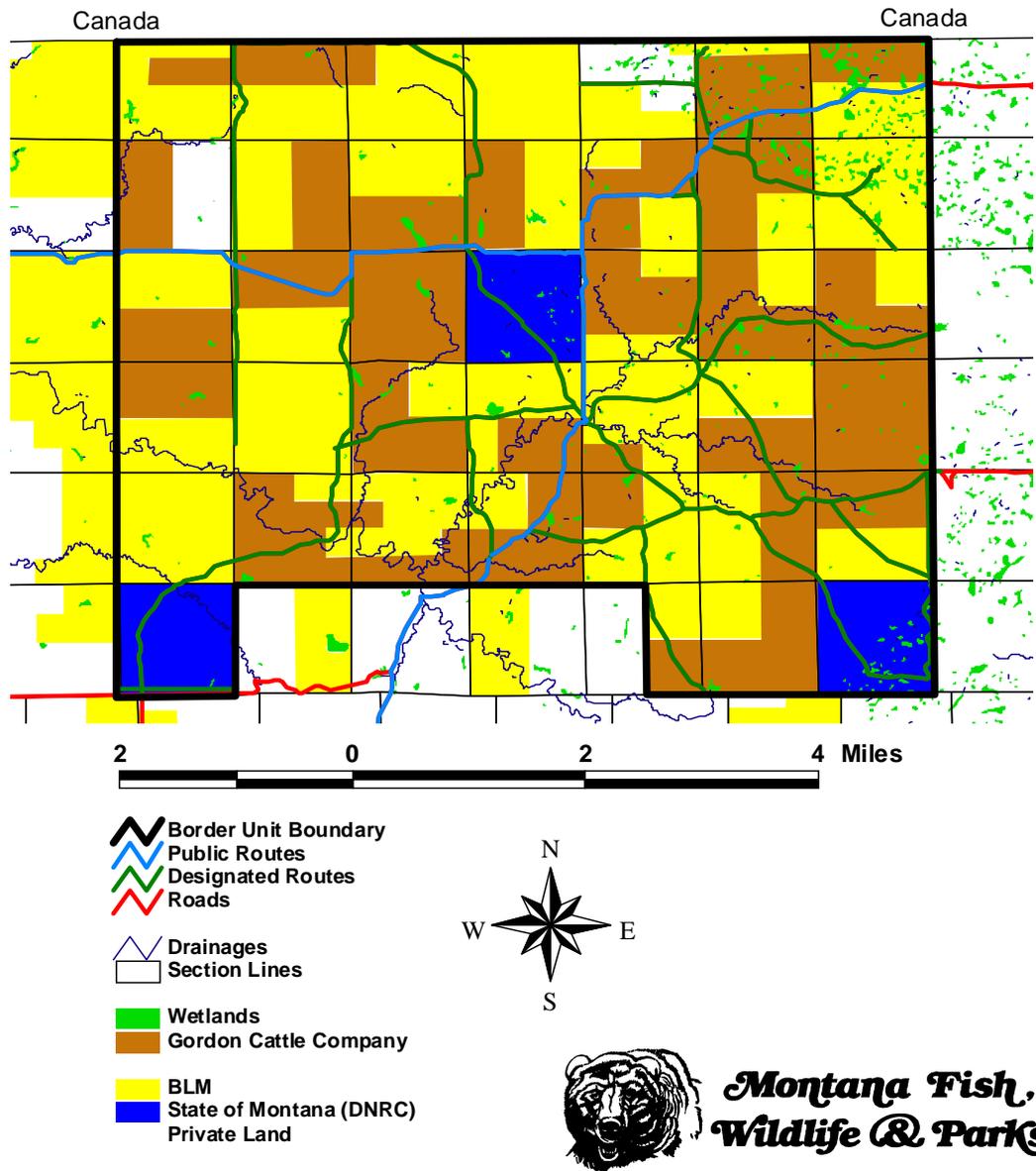
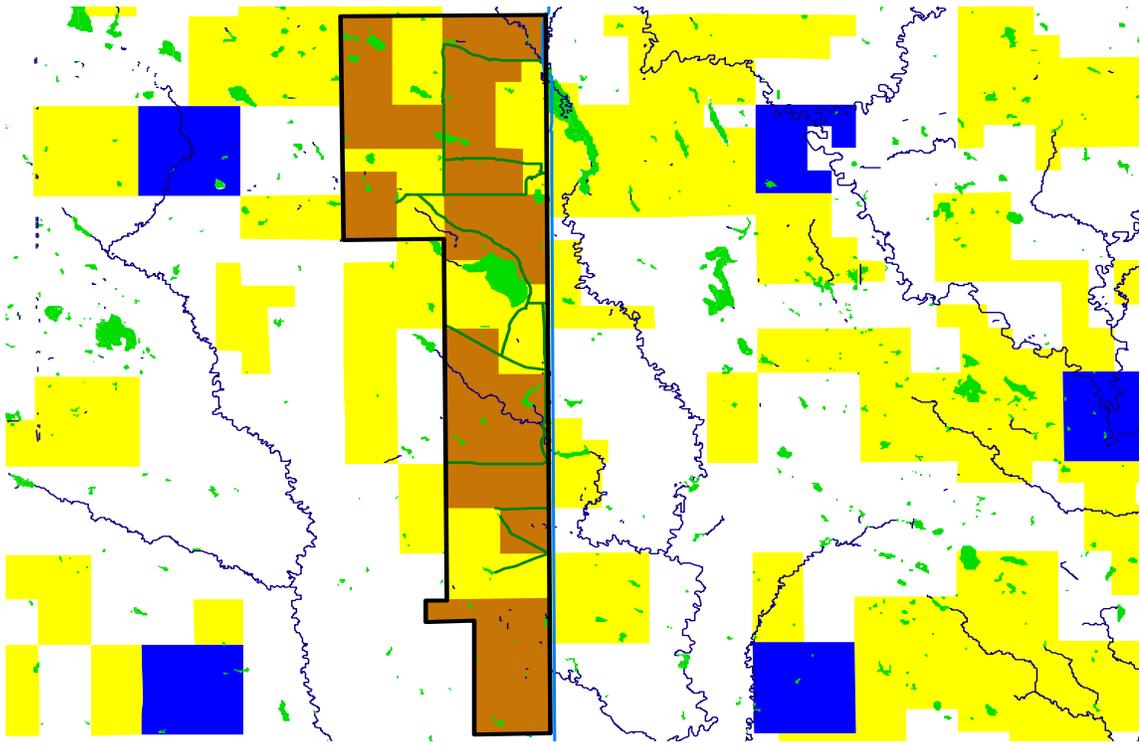


Figure 2. The Border Unit, - Gordon Cattle Company Conservation Easement lands, Blaine County, Montana.

Fifteenmile Creek Unit Conservation Easement Gordon Cattle Company



-  Fifteenmile Creek Unit Boundary
-  Public Routes
-  Designated Routes
-  Drainages
-  Wetlands
-  BLM
-  State of Montana (DNR)
Private Land
-  Gordon Cattle Company

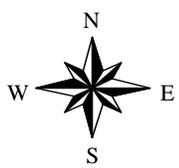


Figure 3. Fifteen Mile Creek Unit Gordon Cattle Company Conservation Easement lands, Blaine County, Montana

II. GOAL

The management goal of the Gordon Cattle Company Conservation Easement is to conserve, maintain, and manage the wildlife habitat, ranching resources, and public hunting opportunities.

OBJECTIVES

Objective 1: Strive to sustain or improve productivity of soil, water, and vegetation utilizing sound stewardship practices.

Issue: A complete inventory of vegetation resources and a system for monitoring those resources needs to be established.

Strategy - Develop a Baseline Inventory (as described in the statewide habitat plan) that will provide a basis for evaluating present habitat condition. This would involve describing and mapping vegetation cover types and recording unique features that occur on the property.

Strategy – In consultation with the FWP Plant Ecologist, monitor vegetation and habitat condition over time as FWP sees fit. This may be done by establishing permanent photo plots and/or photo points and vegetation transects in each cover type, to be revisited on a 3 to 5-year schedule. Aerial and ground photographs may also be used for monitoring changes in vegetation cover.

Issue: A prescribed livestock grazing system should be used that will maintain and improve range condition ensuring long term ranching viability.

Strategy – Continue to manage cattle grazing in a rest rotation grazing system that follows “Principles of Rest Rotation Grazing and Multiple Use Land Management” 1970, by A.L. Hormay, Range Management Specialist USDI-BLM and “Managing the Range with Livestock” 2000, by J. Egan (See Appendix A for a map of pastures and grazing schedule). This system provides grazing rest for forage plants 2 out of 3 growing seasons and schedules grazing to take advantage of seed trample which, over time, enables seed germination and growth of new grass seedlings. Vegetation monitoring will measure the grazing system’s long-term effects on range condition.

Issue: The prescribed livestock grazing system should be compatible with wildlife habitat needs.

Strategy – Continue to manage cattle grazing on a rest rotation schedule.

- As discussed earlier, this system of management helps to maintain and improve range condition over time. The growing season rest provided in this system helps to maintain the native shrub and perennial forb components that are important to a variety of wildlife for cover and food.
- Rest rotational grazing provides 3 grazing treatments (i.e. growing season grazing, post-growing season grazing, and yearlong rest) that result in a diversity of levels of herbaceous residue. Upland nesting birds select nest sites partly based on cover preferences. These preferences vary by species. Some species such as McCown's Longspurs prefer nesting in relatively short cover, whereas Baird's sparrows prefer taller residual cover. By providing a mix of residual cover heights through rest-rotational grazing, a diversity of upland nesting birds are expected to utilize the area.

Issue: Vegetation should be managed in a manner that is compatible with the needs of wildlife.

Strategy - Ensure that terms within the Conservation Easement are followed. Sagebrush control, broadcast herbicide spraying, and tillage are restricted in the Conservation Easement. Haying will not be allowed except on CRP and non-native fields (See Item 5 under Landowner Restrictions on Page 5 of Environmental Assessment of Gordon Cattle Co. Ranch Conservation Easement). Chisel plowing of club moss areas would be allowed only on non-native fields.

Strategy - Noxious weeds will continue to be controlled by the landowner. Baseline vegetation information and vegetation monitoring will be useful tools for identifying infestations. Herbicides should be applied during the appropriate growth stage using the minimum amounts necessary. FWP will encourage an aggressive noxious weed control program.

Issue: There is potential for oil and gas exploration and development activities on this ranch. Such activities need to be compatible with the needs of wildlife.

Strategy - Terms within the conservation easement deal specifically with oil and gas exploration and development. FWP will be consulted prior to these activities being initiated to ensure location and timing of activities will be designed to avoid unnecessary disturbance and impacts to wildlife and vegetation.

Issue: Natural wetland basins provide important habitat for breeding and migrating shorebirds and waterfowl. Management practices such as draining, filling, or excavating pits negatively impact their productivity.

Strategy - The Conservation Easement prohibits draining or filling natural wetlands. Excavating new pits in natural wetland basins is also restricted. There are existing pits in some wetland basins that are utilized for livestock water. Maintaining existing pits as identified in the baseline study, will be allowed.

Strategy - The easement includes maps delineating natural wetland basins. Scheduled reviews of these basins, either from ground or air, will be made to ensure no new impacts such as draining, filling, or pit construction have occurred.

Issue: Terms of the conservation easement will require implementation and monitoring.

Strategy - Cattle grazing on both units is presently managed in a rest rotation system and, therefore, little if any changes in grazing will be necessary. A baseline study will be completed by FWP with assistance from one or more private contractors. The baseline study will document the existing condition (e.g. vegetation, building sites, roads, reservoirs, fences, unique features, and other developments).

Strategy - Monitoring will include aerial and/or ground surveys to ensure protective measures and management issues identified in the conservation easement are being adhered to. These may be completed by FWP or a designated private vendor. FWP will visit with the landowner at least annually to discuss operations and monitoring.

Objective 2: Provide access to a minimum of 250 hunter-days on the Border Unit and 200 hunter-days on the 15 Mile Creek Unit annually.

Issue: Hunter access can be difficult to manage, especially if the landowner does not live near these properties.

Strategy - The Border Unit has been enrolled in the North Blaine Block Management Area for the past 15 years and the Fifteenmile Creek Unit has been enrolled as a separate Block Management Area for the past 6 years. FWP patrols the area to help ensure hunters are following rules and laws pertaining to hunting, driving off roads, areas closed to hunting, etc. This has been a successful way of managing public hunting access.

Strategy – The Block Management program, with consent from the landowner, has allowed hunters to drive only on established routes (Figure 1 and 2). This method of road management will continue unless for

reasons such as weeds control, fire hazard, or wildlife security, FWP and the landowner decide through mutual consent to modify the existing travel plan.

Issue: Hunter use needs to be documented.

Strategy – All hunters utilizing the Border Unit must register to hunt the North Blaine Block Management Area. Based on the proportion of land the Border Unit comprises within the overall block management area, that percentage will be applied to the total number of registered hunter-days. At present, the Border Unit makes up approximately 25% of the North Blaine Block Management Area. Hunters also register to hunt on the 15 Mile Cr. Unit as part of a larger Block Management Area that includes the 30 Mile Cr. Unit of the Gordon Cattle Company. The 15 Mile Cr. Unit makes up about 50% of that total block management area.

Objective 3: Assess, document, and maintain wildlife values.

Issue: FWP has not completed a full inventory of the wildlife use on the Border Unit.

Strategy – FWP will continue to survey wildlife for a more complete inventory of species utilizing the Border Unit. Additional effort will be made to identify grouse leks, grassland bird use, raptor nesting sites, and other key wildlife use areas.

Issue: Activities which are either not described or are otherwise allowed within the conservation easement may significantly impact wildlife habitat quality. New threats to habitat may also occur which are not addressed in the conservation easement.

Strategy – FWP will work with the landowner to ensure that activities which may negatively impact habitat quality are avoided or completed in a manner that reduces their impact. Regular visits between FWP and the landowner will help to identify possible impacts and provide opportunities to work out viable solutions.

APPENDIX A

Gordon Cattle Company Border Unit Rest Rotation Grazing Schedule

Grazing on the Border Unit has been managed as two 3-pasture rest rotation grazing systems for more than 30 years. Around May 1, each year, cattle graze in one or two of the three crested wheatgrass pastures (see Grazing Plan Map Figure 4). Each of these start-up pastures is rested every one to two years. After forage is eaten down in the start-up pasture(s), cattle are moved into the two rest rotation systems (Table 1). The systems are fashioned after A.L. Hormay's "Principles of Rest Rotation Grazing and Multiple Use Land Management" 1970 and J. Egan's "Managing the Range with Livestock" 2000.

Each system includes 3 treatments. They are:

- Treatment A - Grazed during the growing season
- Treatment B - Grazed after western wheatgrass seed ripe (approx. August 1 to end of grazing season, end of October)
- Treatment C - Yearlong rest

Each pasture in the rest rotation system receives one treatment per year. Over a 3-year cycle, all three treatments are applied to each pasture. The "A" to "B" to "C" to "A" treatment cycle will continue in perpetuity for each of the rest-rotation pastures.

The Meridian Pasture, which was purchased after the grazing systems were established, will be integrated into System 1 as a sub-pasture of the NW Pasture. That is, the annual grazing treatment used on the NW Pasture will either start or finish in the Meridian Pasture. The NW Pasture has been inventoried by BLM to have a lower carrying capacity than either of the other pastures in System 1 (BLM Border Unit AMP Addendum 1998). However, when combined, the Meridian and NW Pastures have a stocking capacity which is more comparable to the other pastures in the system.

At the end of the grazing season cattle herds are moved to the shipping pasture where they may stay 2-3 days prior to hauling. The shipping pasture will normally be used only after the growing season for about 1 week as a round up pasture.

The shipping pasture and crested wheatgrass pastures are not part of either rest-rotation system. In addition to their intended uses, they may also be used infrequently for other special animal husbandry needs at the landowner's discretion.

Table 1. Treatment schedule for 2 rest rotation grazing systems on the Border Unit, Gordon Cattle Company.

System 1

| Year | NE Pasture | Meridian & NW Pasture | Middle W Pasture |
|------|------------|-----------------------|------------------|
| 2003 | C | B | A |
| 2004 | A | C | B |
| 2005 | B | A | C |
| 2006 | C | B | A |
| 2007 | A | C | B |
| 2008 | B | A | C |

Note: The annual “A” to “B” to “C” to “A” grazing treatment cycle for each pasture will continue beyond this table in perpetuity.

System 2

| Year | SW Pasture | SE Pasture | Middle E Pasture |
|------|------------|------------|------------------|
| 2003 | A | B | C |
| 2004 | B | C | A |
| 2005 | C | A | B |
| 2006 | A | B | C |
| 2007 | B | C | A |
| 2008 | C | A | B |

Note: The annual “A” to “B” to “C” to “A” grazing treatment cycle for each pasture will continue beyond this table in perpetuity.

Border Unit Conservation Easement Gordon Cattle Company

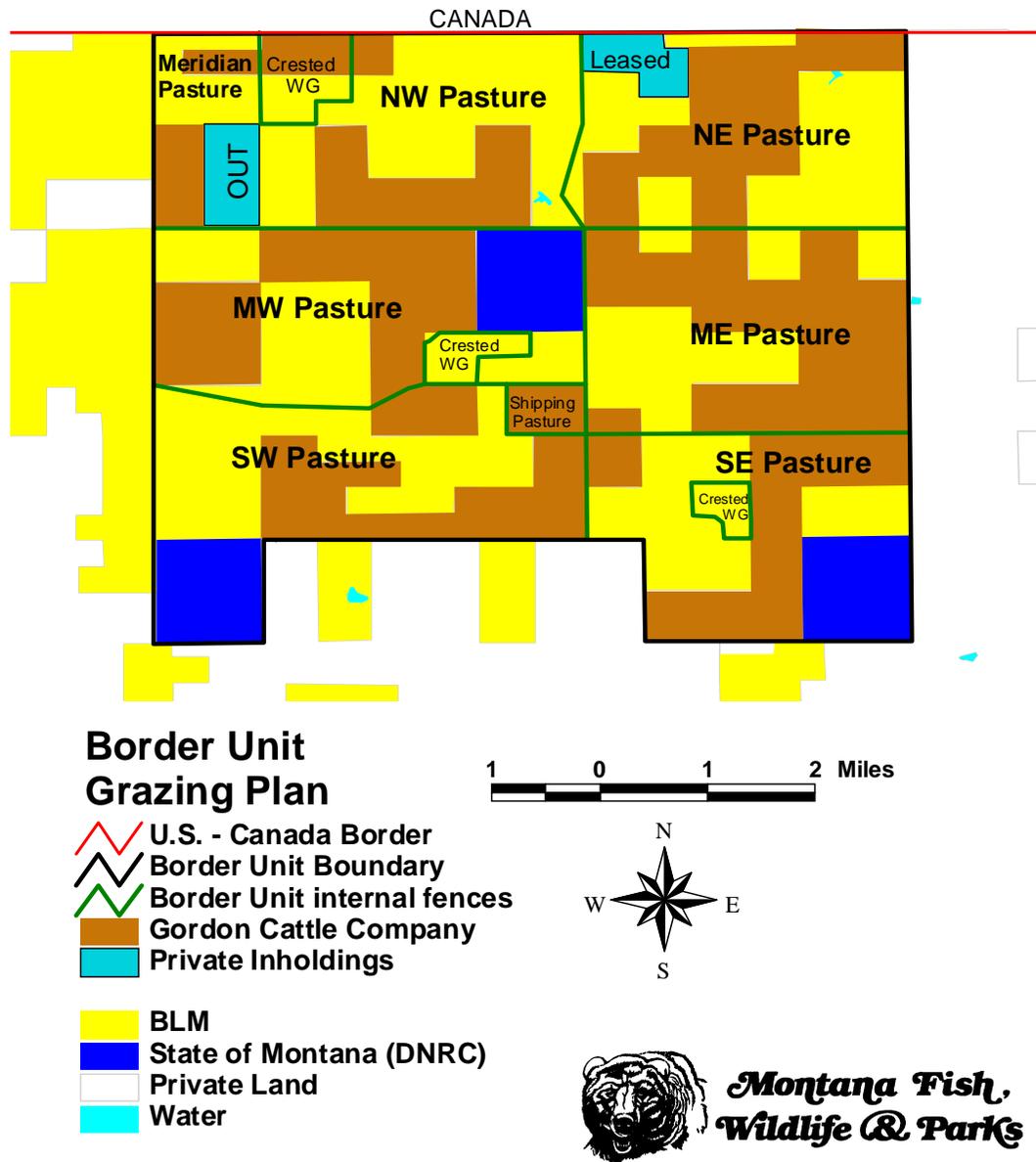


Figure 4. Gordon Cattle Co. Border Unit Conservation Easement Grazing Plan.

APPENDIX B

Gordon Cattle Company Fifteen Mile Cr. Unit Rest-Rotation Grazing Schedule

Table 1. Treatment Schedule for Rest-Rotation Grazing System on the Fifteen Mile Creek Unit, Gordon Cattle Co.

| Year | N. 15 mile Cr. Pasture | Pond Coulee Pasture | S. 15 Mile Cr. Pasture |
|------|---------------------------|------------------------|---------------------------|
| 2004 | A | B | C |
| 2005 | B | C | A |
| 2006 | C | A | B |
| 2007 | A | B | C |
| 2008 | B | C | A |
| 2009 | C | A | B |

The annual “A” to “B” to “C” Treatment cycle for each pasture will continue beyond this Table in perpetuity.

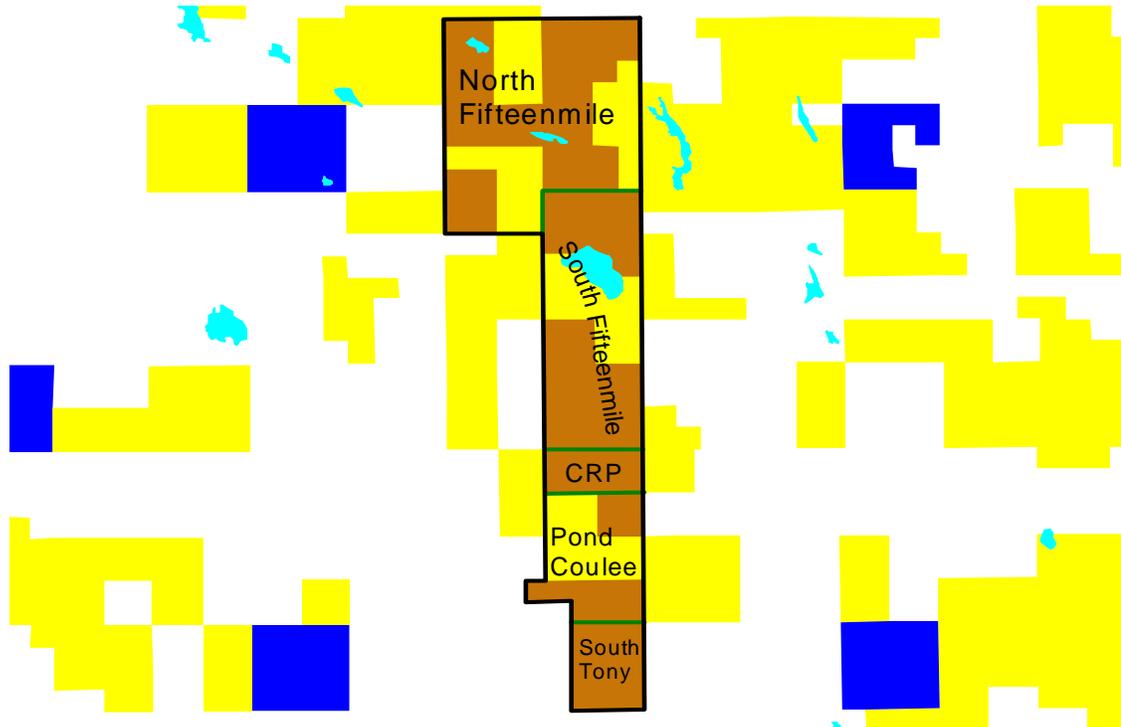
The S. Tony Pasture is a management pasture and is used in conjunction with the Pond Coulee Pasture. , S. Tony Pasture is grazed for a short time (i.e., 7 days) early in the treatment period and then the cows are moved into Pond Coulee Pasture for the remainder of the treatment period. Each year at the end of the grazing season when calves are weaned, the S. Tony Pasture is used as a staging pasture for 5 to 7 days prior to moving cows back to the home ranch south of Chinook.

Treatment A – Grazed during the growing season

Treatment B – Grazed after western wheatgrass seed ripe (approx. August 1 to end of grazing season, end of October)

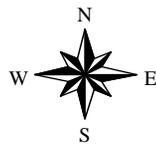
Treatment C – Yearlong rest

Fifteenmile Creek Unit Gordon Cattle Company



Fifteenmile Creek Unit Grazing Plan

-  Fifteenmile Creek Unit Boundary
-  Internal Fences
-  BLM
-  State of Montana (DNRC)
Private Land
-  Water
-  Gordon Cattle Company



**Montana Fish,
Wildlife & Parks**

Figure 5. Gordon Cattle Co. Fifteen Mile Cr. Unit Grazing Plan.

**GORDON CATTLE COMPANY RANCH
CONSERVATION EASEMENT**

SOCIOECONOMIC ASSESSMENT

MONTANA FISH, WILDLIFE & PARKS

August , 2003

I. INTRODUCTION

House Bill 526, passed by the 1987 Legislature (MCA 87-1-241 and MCA 87-1-242), authorizes Montana Fish, Wildlife & Parks (MFWP) to acquire an interest in land for the purpose of protecting and improving wildlife habitat. These acquisitions can be through fee title, conservation easements, or leasing. In 1989, the Montana Legislature passed House Bill 720 requiring that a socioeconomic assessment be completed when wildlife habitat is acquired using Habitat Montana monies. These assessments evaluate the significant social and economic impacts of the purchase on local governments, employment, schools, and impacts on local businesses. This socioeconomic evaluation addresses the purchase of a conservation easement on property currently owned by Gordon Cattle Company. The report addresses the physical and institutional setting as well as the social and economic impacts associated with the proposed conservation easement.

II. PHYSICAL AND INSTITUTIONAL SETTING

A. Property Description

The Gordon Cattle Company Conservation Easement includes two units of the Gordon Cattle Company Ranch, the Border Unit and the Fifteen Mile Creek Unit, both of which are located in northern Blaine County, Montana. The Border Unit comprises 10,717 acres of deeded property approximately 25 miles northeast of Chinook, Montana. The Fifteen Mile Creek Unit comprises 4,440 acres of deeded property which extends from 2-10 miles north of Zurich, Montana. A detailed description of the property is included in the Environmental Assessment (EA).

B. Habitat and Wildlife Populations

The size of the Border Unit and Fifteen Mile Creek Unit, in combination with adjacent public lands, provides strategic landscape-level opportunity for habitat protection and conservation. The wetland and grassland habitats support a variety of resident and migratory wildlife including many species of special concern. A diverse mix of waterfowl and shorebird species use the complex of natural and manmade wetlands and native rangeland for migration and breeding habitat. A sage grouse lek has been located within one mile of the northwest corner of the Border Unit and sage grouse have been observed on this unit year round. Both the Border Unit and the Fifteen Mile Creek Unit provide breeding habitat for grassland bird species including Baird's Sparrow and Sprague's pipit, both designated as "Species of Concern" by the Montana Natural Heritage Program, and McCowan's and chestnut collared longspurs, which are designated as "Potential Species of Concern". Recent sample trapping efforts for swift fox also revealed the Border Unit supports some of the

highest known swift fox densities along the Montana Hi-Line. The swift fox has been designated a “Species of Concern” by the Montana Natural Heritage Program due to their relatively low numbers and localized distribution. Sharp-tailed grouse, pronghorn, and mule deer are common to the area.

C. Current Use

This property is a working cattle ranch. The owners have provided public hunting through the Block Management Program.

D. Management Alternatives

- 1) Purchase a conservation easement on the property by MFWP.
- 2) No purchase

Alternative 1, the purchase of a conservation easement, will provide long-term protection for the agricultural activities this land supports as well as allow for the protection and enhancement of native habitats and wildlife this land sustains.

The second alternative, the no purchase option, does not guarantee the protection of these resources from future development.

MFWP Purchase of the Conservation Easement

The intent of the Gordon Cattle Company Conservation Easement is to protect and enhance the wildlife habitat currently found on the property while maintaining the agricultural character of the property. In addition, this easement will provide public access to the property in perpetuity. The Deed of Conservation Easement specifies the terms of the agreement. The major points presented here may affect the socioeconomic environment. They are:

1. Restrictions on residential, commercial, & industrial development and subdivision.
2. No commercial use of land and resources except those allowed by Easement.
3. No new buildings or construction except that allowed by the Easement.
4. Surface mineral exploration/extraction are prohibited except for gravel to be used on the property. Oil and gas development and exploration are allowable within the terms of the easement.
5. Timber removal is prohibited.
6. Destruction of sagebrush, native grassland, natural wetlands is prohibited.
7. No cultivation or farming allowed except that provided by Easement.
8. No renting or leasing access to the land for hunting.
9. No game farms.

A complete list of the restrictions and obligations this easement places on the Landowner and MFWP is provided in the Deed of Conservation Easement for the Gordon Cattle Company Ranch.

No Purchase Alternative

This alternative requires some assumptions since use and management of the property will vary depending on what the current owners decide to do with the property if MFWP does not purchase a conservation easement.

Subdivision or development of the land is a possibility. Public access has been allowed in the past but may not be depending on who purchases the property. The cultivation of native range could occur causing further loss of these important habitats. The economic impacts associated with this alternative have not been calculated.

III. SOCIAL AND ECONOMIC IMPACTS

Section II identified the management alternatives this report addresses. The purchase of a conservation easement will provide long term protection of important wildlife habitat, keep the land in private ownership, and provide for public access for hunting. Section III quantifies the social and economic consequences of the two management alternatives following two basic accounting stances: financial and local area impacts.

Financial impacts address the cost of the conservation easement to MFWP and discuss the impacts on tax revenues to local government agencies including school districts.

Expenditure data associated with the use of the property provides information for analyzing the impacts these expenditures may have on local businesses (i.e., income and employment).

A. Financial Impacts

The financial impacts on MFWP are related to the purchase price of the conservation easement and maintenance/management costs. The Gordon Cattle Company Conservation Easement will cost MFWP \$945,000. Maintenance/management costs related to the easement are associated with monitoring the property to ensure the easement terms are being followed. These costs are unknown at this time.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the conservation easement. This easement will leave the land in private ownership and will not change the

type or level of use on the property. There will be no significant changes in tax revenues to local governments including schools due to the easement. The terms of the easement do allow for some oil & gas exploration and development, and limited new residential and farm structures. If these changes occur, the tax revenue from the Gordon Cattle Company property will increase.

B. Economic Impacts

The purchase of a conservation easement will not affect the agricultural activities on the Gordon Cattle Company Ranch. Consequently, there will not be any significant financial impacts to local businesses associated with the ranching/farming activities in the long term.

The fencing and water development associated with the existing rest rotation grazing system are already in place. Requirements for their continued use may provide some positive financial impacts to local businesses supplying the materials as well as the labor market.

FINDINGS AND CONCLUSIONS

As noted at the beginning of this document, the Gordon Cattle Company Ranch is located in northern Blaine County, Montana.

The conservation easement will provide long term protection for wildlife habitat, maintain the agricultural integrity of the land, ensure public access for hunting, fishing and other recreational/educational opportunities, and keep the property in private ownership.

The purchase of the conservation easement by MFWP on this property will not cause a reduction in tax revenues from their current levels to Blaine County, Montana.

The agricultural/ranching operations will continue at their current levels. The financial impacts of the easement on local businesses will be neutral to positive in both the short and long run.

**GORDON CATTLE COMPANY
CONSERVATION EASEMENT PUBLIC HEARING
CHINOOK MT~SEPTMEBER 8TH, 2003**

1. Ken Hannah, 1032 19th St, Havre MT 59501
 2. Tracy McGraken, Box 36, Chinook MT 59523
 3. Susan Fox, PO Box 96, Turner MT 59542
 4. Don Swenson, PO Box 278, Chinook MT 59523
 5. Art Kleinjan, PO Box 278, Chinook MT 59523
 6. Dannel Kepford, USFWS, 922 Bootlegger Trl., Great Falls MT 59403
 7. Jim Warburton, RR1 Box 15, Chinook MT 59523
 8. Jeff Warburton, RR1 Box 15, Chinook MT 59523
 9. David Warburton, RR1 Box 15, Chinook MT 59523
 10. Haley Gustitis, Blaine Co Planning Board, 1035 12th Ave #1, Havre MT 59501
 11. Steve Swank, Box 1461, Chinook MT 59523
 12. Ryan Linder, FWP, 2165 Hwy 2 E, Havre MT 59501
 13. Jody Peters, 1704 2nd St W, Havre MT 59501
 14. Jim Satterfield, FWP, Rt 1-4210, Glasgow MT 59230
 15. Mark Sullivan, FWP, PO Box 457, Malta MT 59538
 16. Lars Halinstad, Rt 69 Box 48, Chinook MT 59523
- 1 person did not sign in

Ken Hannah: All for the easement. Has 5 kids and 8 grandkids—looking for future of wildlife for future generations. Need projects like this. Commend Al & Henry Gordon for doing this.

Don Swenson: Question about other private land involved in Henry's grazing; if they are involved in easement. Also questioned state land and oil and gas exploration.

Haley Gustitis: Nothing conflicts with Blaine County Master Plan.

Steve Swank: If someone like hunting but not conservation easements are they forced to pay for something they don't want? Does not seem fair. Not opposed, but doesn't seem fair.

Susan Fox: Concern is wildlife flourishing here because he is taking care of his land and don't we think other farmers and ranchers take care of their land?