



# Montana Fish, Wildlife & Parks

1400 South 19<sup>th</sup> Avenue  
Bozeman, MT 59718

March 23, 2010

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704  
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901  
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601  
Montana Fish, Wildlife & Parks:

Director's Office	Parks Division	Lands Section	FWP Commissioners
Fisheries Division	Legal Unit	Wildlife Division	Design & Construction

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202

MT State Parks Association, P.O. Box 699, Billings, MT 59103

MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620

James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624

Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624

George Ochenski, P.O. Box 689, Helena, MT 59624

Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771

Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624

Wayne Hurst, P.O. Box 728, Libby, MT 59923

Jack Jones, 3014 Irene St., Butte, MT 59701

Snowcrest Ranch, PO Box 135, Alder MT 59710

Ledford Creek Grazing Association, 585 Ruby River Drive, Sheridan MT 59749

Ruby Dell Ranch, PO Box 85, Alder MT 59710

Bradley Livestock, PO Box 89, Alder MT 59710

Vigilante Bison, PO Box 78, Alder MT 59710

US Forest Service, 420 Barrett Street, Dillon MT 59725-3572

Bureau of Land Management, 106 N Parkmont, Butte MT 59702

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for the proposal to renew a grazing lease on the Robb/Ledford Wildlife Management Area (WMA) with the Ledford Creek Grazing Association (Association) for a 3-year term to begin Spring 2010 through October 2012. The EA presents four grazing alternatives that have all been developed to address changes from the current lease needed to fully meet the objectives for the WMA

The proposed lease would encompass 17,302 FWP owned acres, 10,796 acres FWP leases from Montana Department of Natural Resources and Conservation (DNRC), 680 acres owned by the U.S. Bureau of Land Management, and 3,600 acres owned by DNRC known as the McGuire section that is sub-leased to the Association. Total acres involved in the R/L System are 32,378.

It is my decision to proceed with a modification to Alternative A that reduces the grazing season by 1 week, requires strict adherence to movement dates out of the lower pastures, has a life of three years, and will provide for increased vegetation and wildlife surveys.

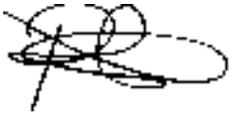
Questions regarding this Decision Notice should be mailed to:

Montana Fish, Wildlife & Parks  
c/o Robb Ledford WMA  
1400 South 19<sup>th</sup> Avenue  
Bozeman, MT 59718

Or e-mailed to: [RLGrazing@mt.gov](mailto:RLGrazing@mt.gov)

Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to be "P. J. Flowers", written over a horizontal line.

Patrick J. Flowers  
Region Three Supervisor

Attachment

DECISION NOTICE  
ROBB/LEDFORD WILDLIFE MANAGEMENT AREA GRAZING LEASE  
March 19, 2010

**PROPOSED ACTION DESCRIPTION**

**1. Type of proposed state action:** *Montana Fish, Wildlife & Parks (FWP) proposes to establish a new grazing lease on the Robb/Ledford Wildlife Management Area (WMA) with the Ledford Creek Grazing Association (Association) for a 3-year term to begin May 2010 through October 15, 2012, which would allow the continuation of a rest-rotation grazing system on the WMA.*

*The proposed lease would encompass 17,302 FWP owned acres, 10,796 acres FWP leases from Montana Department of Natural Resources and Conservation (DNRC), 680 acres owned by the U.S.D.I. Bureau of Land Management, and 3,600 acres owned by DNRC known as the McGuire section that is leased by the Association and incorporated into the Robb/Ledford Coordinated Grazing System (R/L System) through an exchange of use agreement. Total acres involved in the R/L System are 32,378.*

*In conjunction with the lease agreement, FWP plans to install a 3.84-mile riparian fence along Robb Creek and establish three small water gap access points in order to protect the existing riparian areas from livestock grazing.*

**2. Agency authority for the proposed action:**

*FWP has the authority under Section 87-1-210, M.C.A. to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. Any consideration of continued livestock grazing would have to conform with objectives of maintaining or improving wildlife, wildlife habitat, and public access as outlined in the Robb/Ledford Management Plan (1999). Additionally, the Fish, Wildlife and Parks Commission must approve any grazing leases on Wildlife Management Areas owned by FWP.*

**Final Environmental Assessment**

*Based on comments, there have been additions to the Final EA. Some of the more significant additions include: a topographic map showing the fences and pasture layout; clarified vegetation reports; ensuring a riparian fence is constructed to be let down when not in use; an economic analysis depicting costs over the next three years under the various scenarios. Also included is a more accurate description of responses to the various alternatives from the permittee, the Ledford Creek Grazing Association, which allows a more definitive assessment of costs under the various alternatives.*

There are modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Based on our analysis of comments, I have decided the EA with the above modifications and additions be finalized and an amended Alternative A be adopted with these provisions.

***The grazing system would run from June 22 to October 15, with a maximum of 2955 AUMs.***

***General Terms of the Lease***

- *For partial payment (\$25,000) of this lease under the exchange of use agreement, the Ledford Grazing Association (Association) will fully incorporate the management of the DNRC McGuire Section into the WMA.*
- *The Association will be allowed to graze a maximum of 2,955 AUM or 1,118 cow/calf pairs and steers.*
- *Livestock grazing will occur during a 3.75-month period from June 22 until October 15 each year using the rest-rotation system described above.*
- *The Association will agree to maintain the existing WMA fencing, and FWP would reimburse the Association for the labor costs at a fixed negotiated rate.*
- *Vaccination of the Association's livestock per Montana law.*
- *The Association must follow the State of Montana's Brucellosis Action Plan.*
- *The Association's livestock must reside in the state for 30 days prior to being placed on the WMA to prevent the invasion of noxious weeds.*
- *The livestock permittees are responsible for moving their cattle at the prescribed times regardless of tall larkspur conditions, and they are entirely responsible for protecting their animals from larkspur poisoning.*
- *No more than two weeks of grazing will be allowed in the lower pastures in the spring or fall treatments. More specifically in the spring, livestock will be required to move **on or before July 6** into the high elevation pasture.*
- *If lessees are unable to comply with the on or before July 6<sup>th</sup> movement requirements during any given year of the existing lease, the **turn out date will default the following year to July 1 with movement to the high elevation pasture on or before July 15 throughout the remainder of the lease term.***
- *This will be a three-year lease to allow time to evaluate the effectiveness of the new terms in addressing forage allocation, vegetative cover, nongame inventory information, and other conditions throughout an entire three-year rotation. FWP's intent is to allow for adjustments to lease terms if deemed necessary and to enter into a longer-term lease after that time.*
- *The new lease will be with individual members as represented by the Association.*
- *A new lease will be adopted at the November 2012 FWP Commission meeting. It will be based on the effectiveness of this lease in adhering to movement requirements as well as vegetation and wildlife data that will be collected during the next three years. A primary criterion will be based on tall larkspur. If larkspur poisoning becomes burdensome to the lessees, the new lease will default to Alternative B or Alternative D as described and analyzed in this EA and Decision Notice.*

## **Decision**

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

## **COMMENT PERIOD AND SUMMARY OF COMMENTS**

*The comment period started August 21, 2010, and was extended through October 23, 2009, a 64 day comment period. We received 35 written comments, 25 from individuals and 10 from organizations. One individual commented twice and one organization commented at least 3 different times.*

*To summarize 8 comments were supportive of choosing alternative A, 16 were supportive for choosing Alternative E, 1 in favor of Alternative D or E, 1 in favor of Alternative D, three suggested selling the property, and 3 were critical of the grazing, but did not indicate a preference for an alternative. Organizations commenting included Yellowstone Buffalo Foundation, Ledford Creek Grazing Association, Western Watersheds, Montana Stockgrowers, Montana Public Land Council, Madison County Commission, Western Justice Association, Natural Resource Defense Council, Beaverhead Outdoor Association, Gallatin Wildlife Association, and Montana Wildlife Federation.*

*During this period, three public meetings were held to present the EA, answer questions, and obtain comments. The public meetings were held in Butte on October 13, in Sheridan on October 14 and in Bozeman on October 15. A total of 55 people attended these meeting; 16, 21, and 18 in Butte, Sheridan, and Bozeman, respectively.*

*All specific comments from both written form and from public meetings were paraphrased and our responses follow.*

## **Comments and Responses**

1) **General Buffalo comments**..... “It was purchased for wildlife. You said nothing of reintroducing buffalo or bighorn sheep. This is a failure.” “Buffalo from quarantine should be reintroduced.” “...I support wild buffalo, not domestic cattle grazing on my Montana mountains and public lands.” “I am writing to encourage you consideration for utilizing the Robb-Ledford Wildlife Management Area as habitat for the quarantined bison here in Montana.” “...really analyze the information which points to utilizing the Robb-Ledford WMA as core habitat in providing a home for the bison that are in the high fence quarantine facility....” “I am in full support of using the RLWMA fro the re-introduction of free roaming bison in the state of Montana. I would strongly disagree with renewal of a domestic cattle lease in this area.” “Here is a letter of support for allowing the wild bison from BDC to be placed on the Robb-Ledford Wildlife

Management Area.” The Robb-Ledford WMA and adjacent Snowcrest Mountains are suitable habitat for bighorn sheep. This area is also a vast landscape that could serve as an excellent area to complete the bison quarantine study and an area where we could once again see wild bison managed as wildlife.”

***Response: Bison are outside of the scope of this EA. Even with that said, it is premature to consider Robb Ledford for bison until we complete our State bison management planning process.***

2) General Sheep Trailing comments.....“Domestic trailing (sheep) across R-L cannot be tolerated. Disease to Bighorn sheep.”

***Response: Sheep are outside the scope of this EA. The EA describes the process that we are using to address the sheep trailing and status of the Greenhorn sheep population.***

3) “Riparian areas are damaged by cattle with little proposed action to remedy the impacts. Robb, Ledford and Rock Creeks require cattle mitigation.”

***Response: We are proposing a riparian fence in Robb Creek. That fence should address both historic (pre-FWP ownership) grazing impacts and natural unstable soils both contributing to concerns there.***

4) ***General Comments regarding a dislike and disagreement in using sportsmen dollars to support the livestock industry....*** “Spending \$460,984 on cattle infrastructure on the recent 10 year lease it is long overdue to get cattle off and create a place for wildlife on this WMA.” “FWP has devoted 18 years serving cattle on this WMA while neglecting wildlife.” “Since acquiring RL I am perplexed by FWP favoring cattle over wildlife. The large amount of fencing, water development and mgt. of cattle raises a question, “are you truly a wildlife public agency?”” “High windswept ridges are important to elk in winter. Your efforts to graze cattle on the only available critical elk winter range is a mistake beyond measure.” “Cattle grazing, fencing, waterlines on ridge tops has damaged this WMA for wildlife.” “There has been no demonstrable evidence that either the grass or soil or wildlife ungulates, has benefited from your cattle management.” “We do not agree with spending sportsman’s license fees on cattle fencing, water developments and management. It is against PR and DJ monies from USFWS. We see no benefit to wildlife with large cattle expenditures.” “Subsidizing the local ranchers is not FWP mission. Court suit in future.” “...I am very disappointed with the management of the Robb-Ledford Wildlife Management Area. As I understand it, the objectives for the wildlife are currently focused on livestock production at the expense of wildlife habitat. As a sportswoman and a financially prudent person, I am very much bothered that my license dollars are being used to benefit a few wealthy permittees at my fishing and wildlife viewing pleasure.” “Please do not consider subsidizing the cattle industry by renewing a lease for cattle grazing on the Robb-Ledford Wildlife Management Area. Montana has more than enough cattle grazing area.” “We did not acquire the Robb so livestock would have cheap grazing to use. What in the world is our FWP adjusting WMA areas for livestock producers. That is my area to hunt and enjoy and to not have to worry about livestock.....forage should be left for game in late winter. This is a case of misplaced priorities and loss of focus. I do not buy licenses to help the

DOL, rather to benefit wildlife.”“I strongly urge you to consider the future of sportsman and the sport of hunting by preserving these wildlife management areas for wildlife and hunting.....way to much emphasis on managing these public resources for the benefit of a few privileged permittees and not enough care for wildlife and the average hunter. If Fish and Wildlife departments are to depend on future hunters for license dollars, then they need to stand up for sportsman’s interests and resist harmful special interests.”

***Response: The dollars spent on Robb Ledford grazing are license dollars, not PR funds. The objectives for the WMA are not focused on livestock grazing, however based on problems that we have been faced with; it is understandable that some would feel that way. The obstacles we have faced included a decision by a former FWP Commission to more than double the stocking rate and then directed us to make the needed improvements to accommodate the higher stocking rate. Those improvements are now completed with the last one finished in 2007. We are addressing the tall larkspur issue by requiring livestock to be moved from the lower pastures on or before July 6. This places the burden on the permittee to manage his losses when larkspur is actively growing. Currently we charge the Association \$18/AUM on FWP deeded land and \$12.24/AUM on FWP DNRC lease (which is twice the AUM value on most DNRC leases). The high cost of the McGuire DNRC lease has been criticized, yet by incorporating it into the grazing system we were able to reduce grazing intensity by two thirds, and it is important winter range.***

5) “The original goals of Robb-Ledford GMA have not been met as a hunting site and elk winter range. I feel this GMA should be sold to the highest bidder. Unfortunately, FWP should wipe this dirty GMA off the plate and start over with new rules for what a GMA should be.” “A GMA should be for wildlife and not for ranching and cattle production. There should be little disturbance for wildlife. There should be no cow watering tanks and fences to restrict cattle movements and load cattle. We need to leave the forage for the wildlife. We need to reintroduce native original wildlife such as bighorn sheep and moose if they were in that region....”

***Response: Robb-Ledford has been an extremely popular place for hunting, hiking and other outdoor activities. It also provides good quality winter range primarily for elk. We believe that now is not the time sell it, but rather to demonstrate a success. The WMA is to be managed first and foremost for soil, vegetation, and wildlife. Most of the wildlife on WMAs are highly mobile and will spend as much if not more time off the WMA as on them. For example about 2000 elk that used to spend the winter on the Blacktail WMA are now no longer wintering there for most of the winter. They are wintering more on private land adjacent to both the Blacktail and Robb Ledford WMAs. We believe we can manage Robb Ledford to conserve soil, vegetation, and wildlife resources while also providing the opportunity for complimenting domestic livestock use. This change despite the fact that there has been no cattle grazing on the Blacktail WMA since 1972.***

6) “Please consider the natural biodiversity of the Robb-Ledford WMA ahead of producing more livestock.”

***Response: We are, and our attempts to modify the existing grazing lease reflect that direction.***

7) “The Robb-Ledford is capable of supporting much of Montana’s wildlife. It is however being severely compromised by livestock grazing with obvious destruction of streambanks, riparian areas, springs and grasslands.”

***Response: The destruction mentioned in this comment is not accurate. The modified preferred alternative requires a riparian fence and an enforceable two week prescription has been developed for the lower three pastures. Both of these combined should leave more residual vegetation and cover for wildlife, and improves the riparian condition of Robb Creek.***

8) “As a sportsman I see nothing wrong with the proposed grazing lease given the actions taken to rest/rotate the land and the proposed protections of the riparian areas. If those conditions are implemented as planned I support granting the lease.”

***Response: Those conditions are in place in the modified Alternative A, the recommended alternative for Commission action.***

9) “I am against another three year lease. The last time I was up there the RL looked like a brown putting green. I would like to see FWP rest it for three years and monitor wildlife movement...” “The most obvious visual impact to someone seeking a natural experience is the network of endless, seemingly redundant fencing. And apparently more is being planned along stream beds. Then there is the temporary (?) impact of trenching for the stock water distribution system and associated careless treatment of roads and contours. Insult was added to our injury .....multiple impacts of cattle grazing such as degraded vegetation, mauled clearings, muddied and pocked streams and springs. As well as cow trail webs, cows in streams, invasive plants and sprawling manure.....hope the present livestock plan is substantially changed to mitigate the current negative impacts.....with less or no cattle and fencing.”

***Response: The modified Alternative A reduces the grazing season by one week, it requires strict movement dates out of the lower pastures, has a life of three years and will have increased vegetation and wildlife survey and inventory efforts. If the proposed changes do not provide for healthy vegetation and wildlife habitat on RLWMA, then the grazing system will be modified to Alternative B or D.***

10) “The Montana Standard on Sept. 6, 2009 quoted Joe Maurier, FWP Director. Maurier said, “Our goal is to manage all MT Wildlife in balance with their habitats, other species and in balance with people who live there.” “This EA on grazing is not professionally done as it does not address the major problems which are occurring on the Robb/Ledford and the adjacent Blacktail WMA and private ranches.”

***Response: This EA on grazing lease renewal was not designed to fix all of the wildlife problems in the area. Rather it was prepared to review a lease renewal and modifications to past practices that have become problematic over the last 18 years.***

11) “...north facing Robb/Ledford has never been ideal elk winter range and its’ purchase may have resulted from a desire to help relatives of a former FWP employee. Better lands were available which were not purchased.”

***Response: We agree that RLWMA does not provide “ideal” winter range, and that better elk winter range exists. We are not aware of any information that suggests the RLWMA was purchased to benefit a former FWP employee.***

12) “Appendix G containing wildlife survey and inventory data should have been extended back to the purchase of the Blacktail in 1972 and Robb-Ledford in 1988 and received major table status. The appendix which only goes back to 2000 tells a false and sorry tale to those knowledgeable about the area. Elk in large numbers have been leaving the Blacktail WMA since 2003 for private ranches. The same is true of the Robb/Ledford but numbers have not declined as much there. FWP is apparently trying to hide the wildlife management history for these two areas. ....The declines in mule deer would be very striking had FWP let the public know what has happened for the last several decades since 1972. By putting the information in an appendix you are avoiding discussion of it in accurate depth.”

***Response: Putting data in the appendix was not an attempt to hide data or discussion about wildlife and their management history in this area.***

13) “No information at all is presented on wolves or the major impacts they are creating.....other animals such as coyotes, mountain lions, black bears and grizzly bears are not mentioned. “

“The Dept. plans to assess the non-game species such as mice and jackrabbits for two years but has no plans to get the elk and mule deer back on these WMAs.”

***Response: Yes, we plan to assess nongame wildlife using a habitat based approach and then use that information to help further evaluate the grazing strategies implemented on the WMA. We have added an Appendix I, “2009 Pilot non-game wildlife survey and inventory report”. We will continue to manage the RLWMA for healthy elk and mule deer populations as well.***

14) “What have you accomplished to solve the major problems which you seem to be ignoring while you are also running a cattle ranch? The answer appears to be little or nothing. Unless you can show that you can get the elk and mule deer back on these ranges totaling over 50,000 acres you should sell them to the high bidder and send the funds to other FWP Regions which have a successful record with WMA’s. Show us the AU and AUM for each month on these WMA’s for elk, moose mule deer, white-tailed deer and antelope and how wolves are affecting those numbers using the WMA’s and crops of big game young and also how they are harming domestic livestock in the area.”

***Response: The changes in the grazing system proposed in the modified Alterantive A should further refine our management to appropriately manage the vegetation and wildlife in the RLWMA while also providing domestic livestock grazing opportunity. We still believe these uses are complimentary.***

15) “FWP must put aside their biases, fears and lack of past management and get the elk which have started wintering since 2003 on the private ranches back on the Gravelly-Blacktail.....If not possible to move elk to the poor habitat on the Robb-Ledford, sell it and purchase other more suitable land.”

***Response: Habitat on Robb Ledford is not poor, it just does not contain the large amount of continuous winter range that we have on the Blacktail, Fleecer, or Wall Creek WMA's.***

16) Since wolves and their attacks are apparently moving the elk off the ranges, consider bring in experienced elk herders.....We believe that all the wolf packs in the area for the past several years have damaged livestock and our big game animals.....provide some data on that including the numbers of wolves.”

***Response: Wolves have been removed from the area of the Blacktail and Robb Ledford WMAs ever since they have occupied the area in response to livestock depredation. There were two whole pack removals in the Gravellys/Centennial areas this year, one was on and around the Robb Ledford WMA. Specific wolf predations and depredation impacts are beyond the scope of this EA.***

17) “Have experienced range managers assess the condition of the bunchgrass on the Blacktail range this fall by establishing permanent transects with also a pictorial record. Several years of little grazing may have made the grass less desirable for the elk.....If that is the case, bring in the livestock of the rancher most damaged by the elk depredations early next spring to rejuvenate the grass.....This would be a one time treatment only.....”

***Response: We know the condition of vegetation along the East Fk. of the Blacktail. It has not been grazed since 1972. We will not contemplate a one-time treatment with livestock grazing until this current EA has been completed. Burning the bottom would be something to consider as well. However, there are many large, 'old', willows that are remnants from days of irrigation and would likely be permanently removed by burning. Also, moose at times use the bottom significantly so a browsing assessment may show that if heavy browsing is occurring on portions of the bottom, reducing the willow canopy by burning may intensify browsing. Burning the smooth brome without igniting the willows would be extremely difficult to accomplish. Regarding grazing, the uplands are the main winter range and this is where people complain about 'wolf plants'. The uplands are high and dry, and it would be an extremely expensive proposition to develop water so the uplands could be grazed. The only way we could make cows use the uplands would be to make it so they could not use the bottom. This also would be expensive and there is in reality, relatively poor grazing capacity for cattle in the uplands.***

18) “Cut back on the full length hunting season....to get elk accustomed to using the WMA's again....“Assign one or more of the current large numbers of FWP employees to live on these game ranges....Coordinate this with more aerial coverage of the big game and radio marked wolves.”

***Response: These comments are outside the scope of this EA.***

19) “Start managing wolves which are damaging wildlife habitat or big game herds.....Do not allow wolf packs to den on these WMA's.....”

***Response: As long as wolves are under full state management authority, we will be developing hunting seasons and modifying livestock depredation protocols for wolves in a manner that appropriately addresses wildlife and livestock needs.***

20) “Better management should be able to turn around the poor use by elk of the Blacktail WMA in a relatively short time. The high elevation tough snow conditions on the Robb-Ledford WMA probably cannot be changed and other range should be sought to replace this wildlife management area which should be sold.”

***Response: You have accurately depicted a fundamental difference between the Blacktail and Robb Ledford. However, many would argue that just because Robb Ledford does not have ideal winter range for elk, doesn't mean that it doesn't have high value for other wildlife species.***

21) “Please be advised that the Ledford Creek Grazing Association finds Alternative A to be the only workable alternative offered by the EA. In addition we believe that with slight modifications the Association can function within the parameters of Alternative A.”

***Response: This helps clarify differences between the alternatives for the Ledford Grazing Association.***

“...the Association submits the following recommendations:

22) “1. Due to fence relocations, water tank placements, improved vegetative vigor or range grasses, fifty fewer AU's than permitted in the 2000 EA and additional forage and range readiness resulting from a one week later turnout date, we suggest a July 12<sup>th</sup> move date from the Early Use Lower pasture. The extra week in the first pasture will reduce duration of use in the mid season pasture resulting in additional forage carryover in those pastures while postponing turnout on tall larkspur and still reducing historic grazing use on low elevation pastures.”

***Response: After the last 10 years of experience, we will continue to have in modified Alternative A, a two week only grazing prescription in the lower pastures. It is the lower pastures that have a lower capacity and that is where we need to place an emphasis on reducing grazing intensity and maintaining more residual cover.***

23) “2. In consideration of work schedules, a preference not to require all Association families to work on Sundays and to accommodate additional, unforeseen conflicts, we suggest a two day grace period on any given move date stated in the Grazing Plan.”

***Response: Having checked the calendar, July 6 does not fall on a Sunday during the next three years, which is the duration of the lease. In 2010 July 6 is a Tuesday, in 2011 it is Wednesday, and 2012 it is a Thursday. In addition, language has been strengthened in the EA to the effect that livestock will be required to be moved on or before July 6. There is also a penalty clause that states a fall back of July 1 as a turnout date the remainder of this lease if livestock are not moved in accordance with prescription.***

24) “3.To allow for the inevitable “stray cattle” that will be missed during any given roundup or will find their way through an open gate or damaged fence, we suggest that an allowance be made for some tolerance in this regard.”

***Response: We agree, to the extent that “stray cattle” mean one or two. Larger numbers of strays will not be tolerated.***

25) “4. Because some of the scheduled moves result in long distances over rough terrain during the heat of summer, we suggest that an allowance be made for occasional, overnight use of a rest pasture during such moves.”

***Response: We agree, but the Association must obtain permission from FWP for these allowances, and preferably during the spring grazing association meeting, i.e. well in advance of the need.***

26) “5. To be in compliance with the Association’s USDA Forest Service Grazing Plan, we suggest that the Forest Service move date on Page 7 under the “Grazing System Methodology” section be changed to July 16.

***Response: We agree and the date has been modified in the final EA and lease.***

27) “6. To allow for a consistent number of hours of fence repair while allowing the hourly rate to change with inflation, we suggest that the sentence regarding “the total cost of fence repair” be removed from the paragraph in Appendix E of the Grazing Lease (Appendix C to the EA).”

***Response: While we understand the concern, we do not anticipate a change in hourly rate to take effect during this three- year lease. Leaving that language in place ensures that we will have to abide by it during the next three years. It adds certainty in costs during this next three years.***

28) “7. To clarify the language relating to fence maintenance in a manner that is consistent with current practices, we suggest that edits be made through the document explaining that the FWP is responsible for a pre-grazing season inspection and repair of all WMA boundary and pasture fences and that the Association is responsible for all incidental maintenance during the grazing season up to the maximum allowance of 170 hours. (If the FWP desires to contract with the Association for All R/L WMA fence maintenance, we would be receptive.)”

***Response: This has been our operating environment, so we will place language in the EA that clearly states that operating environment. FWP is not interested in contracting with the Association for all maintenance.***

29) “8. To accommodate improved forage management and livestock distributions throughout the R/L System, we suggest that the decision to remove the newly constructed, single wire electric fences be reconsidered.”

***Response: We will not remove the single strand electric fence. However, if the Association desires to use it, they may but at their own costs of maintenance and power. This effort will not be covered by the 170 hours of maintenance activity mentioned in 7 above.***

30) “9. To allow for improved livestock distribution and reduce riparian impacts on Robb and Ledford Creeks, we suggest that the Hogback Water Line be considered for inclusion as a potential future infrastructure improvement.”

***Response: The Hogback waterline will do nothing to resolve issues we addressed in this lease renewal. In addition, we don't recognize definitive gains for wildlife with its construction.***

31) “Throughout the documentation for the current EA and in various prior FWP documents, frequent reference is made to a grazing density that provides “approximately 6 acres of primary range for each AUM of grazing”. It seems apparent from our observations and calculations that the current grazing densities are well within that objective. The stated acreage within the R/L System of 32,378 acres and the stated 3,235 AUMs harvested annually by the Association result in an effective grazing density across the WMA of more than 10 acres of primary range for each AUM of grazing. This density is far short of the 6 acre/AUM target set by the FWP and nearly 66% less than normal stocking densities on public land grazing allotments across the west.”“Effective stocking densities in the low elevation pastures (combined total of 10,680 acres) and a recommended utilization of 559 AUMs early and 559 AUMs late is 9.5 acres per AUM. If amendments are made to Alternative A to allow a 3 week duration in low elevation pastures both spring and fall resulting in 1678 AUMs being harvested from the 10,680 acres, then a stocking density of 6.36 acres per AUM would be attained.”

***Response: Although we follow your logic, the density calculations you are applying above are not at the pasture level, i.e. they are calculated too broadly. For Example 10 acres of primary range for AUM at the R/L System level does not describe the issues we are facing in the lower three pastures. As well, the calculation of 6.36 acres per AUM on the lower three pastures with three weeks grazing is not a true depiction, because it has been calculated based on the combine area of all three lower pastures, rather than just one. We still feel the 2 week limitation on use in the lower 3 pastures will solve many of the concerns that have lingered over the years.***

32) “As an Association of progressive land managers, we give additional consideration to the value of the landscape scale of this project that we participate in. When we include the USDA Forest Service permit, the USDI BLM permit, and the additional DNRC State Land leases that are held by the Association and its members, the total acres under the cooperative management of the FWP and the Association exceed 52,500 acres. Approximately 5,450 total AUMs of forage are harvested annually within this system. The Result is a very conservative grazing density where more than 9.6 acres of primary range is allocated for each AUM of grazing across a vast landscape that includes the headwaters of five significant watersheds.”

“Each Association member has a vested interest in maintaining the integrity of these lands for multiple uses. We are all multigenerational, family operations with strong ties to the land and our communities. We do not take our responsibilities lightly.”

***Response: We also acknowledge the landscape scale coordination of grazing that takes place in this area. We also do not want to imply that you have not been good stewards of the land. We are simply trying to fix some issues with the grazing system that have stifled the kind of improvements we are capable of seeing and documenting.***

33) The Association's comments on the other 4 alternatives: "The other three grazing alternatives and the fifth no-grazing alternative each have certain negative consequences as follows: Extreme hardship on each of the Association members due to the loss of available AUMs of summer grazing which are not readily available in the local market; Reduced annual grazing revenue to FWP; Additional grazing pressure and reduced wildlife opportunities on the McGuire property with removed from the R/L System; Additional cost to FWP associated with re-fencing the McGuire property; Additional wildlife impacts on adjoining private lands due to elk resistance to grazing decadent forage; Reduced wildlife opportunities on Association members' private lands due to increased demands for livestock forage unavailable on WMA

***Response: Thank you for your comments.***

34) "...full support to the detailed comments as outlined by our neighbors, the Robb/Ledford Association.....supports "Alternative A" with the inclusion of the recommendations The Association has outlined in their comments."

***Response: Thank you for your comments.***

35) "Fish, Wildlife and Parks recognizes the role private farms and ranches play in the stewardship of our resources....FWP has been criticized for "being in the ranching business". If open space and wildlife are protected and the local agricultural operations.....are kept in place, what better use of sportsman's dollars can be rationalized?" "I would argue that it makes perfect sense in this new land development era (another dust bowl disaster) for sportsmen, through government (FWP) to lend a hand to keep the stewards who know how to care for it on the land, and protect the habitat for the wildlife to enjoy."

***Response: Although FWP does recognize the role that landowners play in the conservation of public resources, we have been unable to move the Robb Ledford Grazing system into a more pivotal role in displaying the importance of sportsmen/landowner collaboration. Changes in the current modified Alternative will place some burden on the permittees, but with these changes we hope to demonstrate a success for wildlife and livestock interests.***

36) "I think the lack of cattle grazing is already dramatically documented on the Blacktail Game Range, where no livestock grazing has occurred since that area was established as Elk Winter Range thirty or more years ago. The forage on the Blacktail WMA in the areas the elk do not frequent, especially riparian areas, has become so decadent from lack of managed grazing, that more and more the elk are forsaking the WMA for greener pastures on the ?Ruby Dell Ranch and other neighbors who graze livestock.....I feel the local game biologist...., for whatever reason continues to understate the number of elk that are on our and our neighbor's property.....elk , which are being displaced from the Blacktail for lack of suitable forage or whatever other reason, are having on other private livestock operations which neighbor the two WMA's.....As of today, about one year and nine months later, I have yet to receive any correspondence that would indicate an action plan to address our elk problem is forthcoming."

***Response: We agree with your observations on the Blacktail. We will be addressing the Blacktail distribution problem yet this year, but specific elk management issues on the Blacktail WMA are outside the scope of this EA.***

37) “.....are primarily managing for livestock, with a secondary emphasis on wildlife and recreation.”

“Given the clearly degraded conditions, especially the soil resource and riparian areas, that have cumulatively resulted from years of over-grazing, it would seem that you should be preparing an EIS-not an EA-.....”

***Response: Granted, the WMA had been grazed very intensively prior to FWP acquisition. However, nearly all of the information collected on riparian areas and upland vegetation communities indicates stability with slight improvement. The one exception is a section of Robb Creek where the riparian fence is being proposed. We believe the modified alternative A proposal will further improve the condition of the vegetation. We also believe an EA is the appropriate level of environmental review.***

38) “If FWP really wanted to manage the RLWMA to maximize the productivity of fish and wildlife, their habitat, and thus biological diversity, it would re-introduce wild bison and exclude cattle.....FWP should use the currently quarantined, disease-free bison from Yellowstone NP to re-populate the RLWMA with this important native, keystone species.”

***Response: Consideration of re-introducing bison here is outside of the scope of this EA.***

39) “In addition to the inadequate monitoring and evaluation of cumulative impacts detailed to great effect in GWA’s comments, it is simply not appropriate to be managing the WMA for....attaining “PFC” standards in riparian areas.....While such a goal may be appropriate for most lands administered by BLM, due to the widespread pervasive degradation of such lands by historically intensive grazing practices, in no way can PFC be considered an appropriate goal for an area like the RLWMA. What must be the management objective instead is potential natural community, or PNC.”

***Response: Our management direction is to work with current conditions and encourage natural processes through active management that leads to re-establishment of the natural soil and vegetative conditions.***

40) “The mere fact that you find it necessary to construct miles of fencing along riparian areas to protect them from cattle should provide some clue that grazing is not a toll that benefits wildlife-and neither are fences for that matter.”

***Response: On this landscape, livestock and fences are an integral part of life here both for its people and wildlife. We have worked hard to ensure the fences that were built on the WMA comply with our wildlife standards and to ensure that changes are made in the grazing system when we feel that wildlife values are not being met. That is why we have proposed the EA and selected an alternative that we feel will accommodate the above concerns.***

41) “Another problem with managing the RLWMA for livestock instead of wildlife, as is clearly what you are proposing to continue doing, is that you have a built-in conflict between management and encouraging wolves to assume their proper ecosystem function in the area.”

***Response: Wolves are a large landscape species, they have large home ranges and move great distances to forage. They do not recognize property boundaries, just like other wildlife. The basis for wolf management in this area of Montana will not be successful if built around a refugia concept. Both Madison and Beaverhead Counties are two of the largest livestock producing counties in Montana, and as such wolves will be difficult to manage whether they are on private or public land.***

42) “It seems this is a politically motivated proposed decision that is not true to your mission.”

***Response: The proposed alternative is intended to manage the WMA to produce healthy vegetation and wildlife and accommodate domestic livestock grazing as a complimentary use. It allows us to work cooperatively with adjacent landowners in ways that produce a net benefit for wildlife. We believe our selected alternative is consistent with FWP’s mission and it is not politically motivated.***

43) interests, as well as the long-term health of our communities is an economic and land use planning model that improves the lives of all of us.”

***Response: We would agree with that statement, and we are trying to correct some problems with the current lease that is preventing this area as being a showcase for those thoughts and ideas.***

44) “This land is for wildlife, not cattle ranching.”

***Response: We believe the WMA can be managed for the benefit of wildlife and also domestic livestock as complimentary uses. The RLWMA is not big enough to be a wildlife island, it needs to have connection with and impact on the larger landscape. Modified Alternative A makes that connection.***

45) “I understand tall larkspur is a native species, important to the natural ecology of Montana. However larkspur is prevalent throughout the area and reducing its population in a small section vital to a grazing solution that will aid in the overall harmony of all concerned parties seems the most obvious solution. This would not require a total loss of the all larkspur in the most affected section but rather a thinning of the plant.”

***Response: Larkspur is not a noxious weed it is a native species and is found throughout the Gravelly Mountain complex. In treating larkspur, other native forbs are also impacted. The best way to address the poisoning potential of larkspur is either a later turnout date or the permittee extensively use feed supplements to armor their cows as best they can against potential poison in July.***

46) “.....each time there is a “conflict” (on R/L) between the cattle operations versus wildlife populations and hunting opportunities, wildlife and hunting MUST trump the cattle operations. That said, if we keep cattle on the lease, the lower pastures should only be used for two weeks. I prefer the option that does not require the hunters and

anglers.....to pay for fencing. But could live with other options that would require fencing if they are chosen.”

***Response: Modified Alternative A only allows two weeks of grazing on the lower pastures.***

47) “Wolves must be driven out of the Robb/Ledford and Blacktail Wildlife Management Areas and not allowed to den in these landscapes. This is the only way to give any big game species a chance to regain any significant population.”

***Response: Wolves will not be driven out of these WMAs. However, as we continue to implement wolf hunts, both of these area will be available for hunting. In addition, livestock depredation by wolves will continue to follow protocols developed between FWP and Wildlife Services in conjunction with livestock growers in stopping predation.***

48) “Larkspur poisoning is a problem in SW Montana and in Robb/Ledford. Why isn’t FWP implementing a spraying program to control this fatal weed? If the larkspur was controlled, pasture rotation conflicts would be minimized and rangeland production would be enhanced.”

***Response: Please refer to a similar comment above. In addition, we feel that the modified Alternative A will work for the permittee, even though they may be moving into areas of larkspur during it poisonous stage.***

49) **Elk survey data.** Nine years’ elk survey data (EA Appendix G, Table 3); while not very useful for evaluating elk responses to grazing the WMA, fail to show any consistent attraction of elk to the cattle-grazed WMA. In 2 of the last 3 years, most elk were counted off the WMA.

***Response: Our annual trend surveys for elk are not designed to evaluate this or any other grazing system. Most of the elk that were counted off of the RLWMA were actually from the Blacktail WMA, where that has been no grazing beginning with our ownership (in 1972, 38 years). We are in the process of evaluating livestock grazing and winter/spring elk movement patterns on the Wall Creek WMA. This information is based on weekly ground counts, plotted on USGS topo maps. This information has been collected methodically since 1984 (27 years). We plan on having final reports by spring 2011.***

***We are using data from Wall Creek to apply and make inferences across all our WMAs that have grazing systems in place. It is not practical to do the frequency and consistency of work that has been done on Wall Creek, on the RLWMA due to topographic differences which visually inhibit ground counting.***

50) **Vegetation survey data** (EA, Appendix F) are not analyzed, and there is no basis in these data for comparing the quantity of forage for ungulates or cover for ground or shrub nesting birds between what occurs within the Robb-Ledford WMA livestock grazing system vs. an area protected from livestock impacts.

***Response: Most of the vegetation work to date has been oriented to ecological condition and establishing data relative to long-term trend. There are no grazing***

*exclosures on the Robb/Ledford system. All of the vegetation data has been analyzed for 2003, 2004 and 2008 and are found in a modified Appendix F-RLWMA Vegetation Data Analysis Rpts. 2003, 2004 and 2008. (the original Appendix F that was part of draft EA, was electronically corrupted and so appeared only as data).*

51) **No pertinent studies.** In the past 18 years with cattle use on the WMA, FWP has done no studies to compare any wildlife responses to habitat on early livestock use vs. late livestock use vs. no livestock use within the rest-rotation grazing system imposed on the WMA. The impacts of livestock use on the WMA to elk, deer, antelope, moose, sage grouse, westslope cutthroat trout and many other native species remains unknown.

*Response: Direct impacts to wildlife are difficult to identify. However, our vegetation data is considered one of our better indicators to the subtleties of impacts to wildlife. With the exception of one area (along a portion of Robb Creek), all indications are plant communities and the physiographic aspects that were so negatively impacted through years of continuous grazing prior to FWP ownership, have stabilized and are showing signs of improvement.*

*There have been concerns raised internally by FWP, and externally by members of the public, regarding the amount of use the lower three pastures have been receiving. This concern, internally has been focused on not leaving enough residual cover for wildlife following a grazing treatment and that the intensity of use is far too high for a WMA. That is why all of the alternatives analyzed that included grazing, restricted the lower three pastures to no more than two weeks (from previous use patterns or from 5-8 weeks). We are recommending in the Modified Alternative A (preferred) to shorten the grazing period from 5-8 weeks, to no more than two weeks in the lower three pastures.*

*We are applying a non-game and beaver survey and inventory protocol for the RLWMA. Last summer, 2009, was the pilot year, with survey and inventory being fully implemented each year of the livestock rotation over the next three years. Please refer to a new Appendix I in the Final EA.*

52) **Literature review of grazing impacts inadequate.** FWP has cited very little peer reviewed science regarding the potentially significant impacts of livestock use on fish, wildlife and their habitat. We review a substantial amount of such literature in Attachment A and suggest the EA must be supplemented to reflect this breath of knowledge regarding livestock impacts.

*Response: We believe we have adequately assessed the potential impacts of livestock grazing on fish, wildlife, and their habitats.*

53) **No adequate monitoring plan.** FWP vaguely commits to measuring “forage allocation, vegetative cover, non-game information and other conditions” to evaluate the proposed 3-year lease (EA, p. 9). We are skeptical because no such monitoring has produced data for evaluating the effects of the past 18 years of FWP administered livestock use on the WMA with perhaps the exception of the riparian surveys discussed in Appendix E, which only discuss changes from 1999 to 2005. It is important to note

that this data, as sparse as it is, focuses on portions of Ledford and Robb creeks and is likely the basis for FWP suggesting the riparian fence along Robb creek in order to protect this stream from the adverse impacts that have occurred during previous rest-rotation livestock use (Appendix E, page 1). Furthermore, while Ledford creek has improved from a “non-functioning” stream to “functioning at risk”; major negative factors offset these gains including an increased presence of invasive species and stream channel incisement (Appendix E, page 1 & 5). As well, Appendix E (page 1) still indicates that both streams have tremendous potential for improvement. FWP has not adequately monitored the impacts of past livestock use on the WMA nor has FWP publicly reviewed the current science regarding the probable impacts of additional livestock use to the WMA and its fish and wildlife. Thus, based on the existing EA FWP or the Commission can not make an informed decision about whether to submit the WMA to additional livestock use impacts. FWP objectives are not specific and have not been measured using a study design that includes replication, randomization and control areas or standards. In this manner, FWP has been deficient in evaluating the impacts of past livestock use to fish and wildlife on several of its WMAs, including Robb-Ledford, for many years. We question how vague, un-quantified objectives and vague commitments to study and/or monitor livestock impacts over the next 3 years will yield new information of any significant value.

*Response: Our proposed Alternative allows for adjustments is needed after 3 years. We believe both have adequate information to make the current decision. You are correct that our management proposal does not suggest management that involves a “study design” as this is a management decision and not a research proposal. The proposed lease will allow us to determine the net result of a grazing treatment that is 3 to 4 weeks shorter in the lower pastures. In addition, we will be conducting the first of a 3 year monitoring effort for nongame. In addition there will be at least three more vegetation monitoring sites established in the three lower pastures yet this spring prior to livestock arriving, These efforts combined will form part of the basis for whether we enter into another 3 year lease.*

**54) Impacts of water diversion or of cattle impacts and water consumption, on riparian habitats, swale vegetation, and availability of water for wildlife are not adequately evaluated in the EA.** Riparian habitats, vegetation on run-in (swale) sites, and water are probably limiting factors for many wildlife species on the WMA. We need a more complete evaluation and comparison of these resources among alternatives in the EA (See Attachment A).

*Response: The only water diversion resulting from this grazing system has been the Kelly Springs water line. That water right is not owned by FWP, but rather by the Ruby Dell Ranch. The water line was developed from their water right and actually has allowed several of the neighbors to enter into systems with more rest, i.e. rest rotation systems. As far as impacts from water consumption on wildlife and vegetation, it is more an impact on the physical features of riparian areas, vegetation, and soils that we are keying in on with our management practices.*

**A. Unstated or vague economic/social impacts (see Attachment B)**

55) **The costs of livestock use are understated.** Presentation of costs to manage cattle on the WMA (EA, p. 5) appears to be incomplete. However, it appears these costs have averaged more than \$51,000 annually for 9 years of the current grazing contract. We see no benefits from these substantial investments of sportsmen's money as compared to no action.

*Response: please see Appendix K in final EA describing cost/benefits.*

56) **The cost of the McGuire DNRC lease is astounding and the benefits are questionable and not quantified.** The justification and costs for incorporating the 3600-acre "McGuire" state land property into the Robb-Ledford WMA grazing system are unclear and questionable. Are we really paying the Ledford Grazing Association \$25,000 each year for them to graze their own cattle on state leased land as well as waiving 170 AUMs of potential revenue? At \$15/AUM that would be an additional cost/loss to the FWP of \$2,550 for a total of \$27,550 annually. So we estimate a total cost of this arrangement to the FWP to be approximately \$275,500 over the past ten year grazing agreement. We fail to see any significant fish and wildlife value from this substantial expenditure of sportsmen's dollars, which perpetuates cattle use across the entire WMA (Appendix A, objective 2). This would more than pay for any fencing necessary to keep the Association's cows off the WMA.

*Response: please see Appendix K in final EA describing cost/benefits.*

57) **We believe the EA is deficient in that there is no fiscal analysis** of revenues and costs for each alternative (See Attachment B). The full costs of each alternative are not presented. All revenues and costs associated with each alternative and with the recent grazing agreement should be presented in a table to compliment Table 1 of the EA. We list some items that should be included in this accounting in Attachment B. We do not expect the net costs of grazing the WMA with cattle will justify the impacts and alleged benefits of cattle on the WMA. We do not accept the unsubstantiated statement (EA, p. 19) that "impacts to FWP would be most significant both in financial and staffing resources" under alternative E. Indeed, the 2000 EA (Appendix H) indicates that a "no grazing" alternative would have the least fiscal impact upon FWP. The 2009 EA must be amended to represent this fact.

*Response: Please see Appendix K, regarding cost benefit analysis.*

58) **Degradation of riparian areas and fish habitat is not adequately addressed** (See Attachment A). In 2005, both Robb and Ledford Creeks were "functional but at risk". The proposal is to use "water-gap" fencing to protect Robb Creek; however Ledford Creek was rated to be in poorer condition in 2005 (EA Appendix E). Furthermore, impacts on Rock Creek are ignored in the EA, although this stream has one of the purest strains of westslope cutthroat trout. The specific conditions of other streams and riparian areas are also lacking.

*Response: Ledford Creek had a poorer rating because it has been farmed up to its banks and has a healthy stand of smooth brome dominating the old hay meadow, which is not known for its soil holding capacities relative to fibrous rooted*

*bunchgrasses,. This is the result of previous ownership that will take years to restore. Rock Creek was not ignored, it was treated openly and honestly in the fisheries write-up and has been evaluated in the riparian surveys. Again, to highlight the relevancy of all the vegetation work done to date, a portion of Robb Creek is the only place identified that has shown a regression in condition. All other sites are stable to slowly improving in ecological condition.*

59) On our field trip, September 9, we noted streambank impacts, streambed siltation, and heavy browsing on willows. In some areas, willows were isolated and not reproducing. The woody portions of the riparian areas are narrow. Many portions of the creeks are not shaded. These impacts occur in the habitat of westslope cutthroat trout, a Tier-1 species in Montana. Removal of all cattle would be the surest, fastest and least expensive way to alleviate these negative impacts and maximize wildlife values (See Attachment A).

*Response: Removal of all cattle may be the quickest way to see improvement in woody vegetation if wildlife are not contributing to browsing intensity. With that said, just eliminating livestock is not the only way to reach desired conditions.*

60) **Elk, moose and mule deer cover requirements are largely ignored.** In some seasons and under some weather conditions, the value of the WMA to elk, moose and mule deer is likely more limited by cover of shrubs and trees along watercourses than by forage. There are serious direct and indirect impacts of cattle grazing to these cover resources, resulting from physical trampling of soils, browsing on willows and other shrubs and trees, and required diversion of waters (See Attachment A). We envision the proposed “water-gap” fence along Robb Creek as protecting an unnaturally narrow corridor of cover that elk, moose and mule deer may access only by successfully negotiating the proposed fence. The width of the proposed protected area along Robb Creek is not provided in the EA. Moreover, we note that the proposed 3.84-miles of fence will protect much less than 1.92 miles of Robb Creek riparian habitat, whereas there is “high and concentrated pressure” from cattle along 2.5 miles of the Creek (EA, p. 14). We assume less than 1.92 miles (3.84/2) of fence on each side of Robb Creek, with some of the 3.84 miles of fence being used for an unspecified number of water gaps allowing cattle access.

*Response: The proposed fence location and water gaps (3) were designed by the riparian ecologist to rectify the problems he documented on Robb Creek. We will make design of the riparian fence wildlife friendly, with a let-down design.*

61) **Water developments and salting likely attract cattle into critical elk winter-foraging areas.** Expensive water developments and the distribution of salt blocks are being used to attract cattle from sensitive riparian areas. While the EA admits this has not been successful for eliminating unacceptable impacts to riparian areas, we expect that there is some increase in cattle use of ridge tops. These ridge tops are arid with limited forage production. However, during winter, forage on windswept, relatively snow free, ridges can be critical elk feeding areas. Consequently, efforts to move cattle out of riparian areas merely transfer cattle impacts to other important wildlife habitat (See Attachment A).

***Response: The system that we are grazing livestock under is designed to provide adequate forage and cover for wildlife. There are trade offs in dispersing cows across a larger landscape. That is why the system design needs to be such as to accommodate for cover and forage for wildlife across the habitats that are found on the WMA. In this case, annually, 1/3 of the entire area is rested from livestock grazing, another 1/3 is deferred till fall allowing for full growth potential there and the remainder is grazed during the growing season.***

62) **Cattle use requires interior fencing on the WMA.** The EA provides no adequate map to display the amount of fencing needed to subdivide the WMA into at least 6 livestock pastures, and to protect riparian areas. Fences inhibit wildlife movements and are a source of mortality (See Attachment A). Interior fence construction and maintenance have been, and continue to be, the largest identified expense in WMA management – at least \$149,000 (EA, p. 5 and elsewhere). These fences could be removed under alternative E.

***Response: We agree fences could be removed if Alternative E were selected. However, a modified Alternative A is being recommended to the Commission, and under that alternative, the internal fencing will continue to be used. All internal fences are wildlife compatible, both in terms of height and wire spacing. You are correct that fencing comes at some expense. There are boundary fences that exceed our state standards and have posed some impediment to wildlife movement. Most of those fences are along a common boundary with an adjacent landowner who grazes domestic bison and are related to bison containment.***

63) **Impacts to most wildlife species on the WMA are largely ignored.** While the EA recognizes that many wildlife species use the WMA, the impacts of alternatives on these species are not predicted; nor have they been evaluated for the past 18 years of livestock use on the WMA. Beaver are a case in point. Impacts of cattle grazing and of water diversion on the WMA upon stream flows and upon riparian habitat inhibit beaver occupation (See Attachment A). Absence of beaver affects many other species, including trout, moose, amphibians and birds.

***Response: We agree that with absence of beaver, there are many negative effects on other species. Beaver surveys were conducted this last fall on Robb Ledford. We will be evaluating the potential need for restoration efforts of beaver based on available suitable habitat that may be unoccupied. We question the suggestion that links lack of beaver to water diversions or current cattle grazing practices on the Robb Ledford WMA.***

64) Aside from impacts on ungulate cover, removing 3235 AUMs of forage under alternative A, based solely on AUM equivalents, removes forage that could support up to 566 elk, or 2100 mule deer, or 2900 pronghorn, or 1860 bighorn, or 323 moose, or 215 wild bison.

***Response: This is not a valid comparison of livestock AUM allocation and what it could support in terms of wildlife because of the following: diet and foraging differences between moose/deer/pronghorn, bighorn and elk and domestic cattle are significant. Wildlife are not being managed by fences and pastures. Wild bison might***

*be the closest to comparison, but even that species if managed as wildlife would not be confined to the WMA pasture design.*

65) **Livestock management extension is not a mission of FWP.** FWP states that using the WMA as a demonstration area showcasing how cattle use and wildlife may coexist is an objective of Robb-Ledford WMA management (EA, p. 5; EA Appendix A, Objective 3). We doubt that wildlife benefits of cattle use can be showcased on Robb-Ledford as these benefits have not been demonstrated, as noted above.

*Response: We disagree in that almost 70% of Montana is private land and agriculture livestock husbandry is a major use of that private land. Our challenge is to manage wildlife on a landscape that includes both public and private land, where domestic livestock grazing and wildlife use are both occurring. In the case of Robb Ledford WMA, we have identified a primary problem with the current grazing application. We are addressing it through a proposed lease renewal and modification.*

66) We believe the EA describes a livestock management demonstration project, not a wildlife management demonstration project, as authorized in MCA 87-1-210. Our contention is supported by (1) wording in objective 3 (EA, p. 5): “maintaining a healthy rangeland” rather than healthy and diverse wildlife habitats (good range conditions do not necessarily equate to high quality and quantity of wildlife habitat – See Attachment A); and (2) the lack of measurement of wildlife responses to the past livestock use.

*Response: We disagree. We are continuing to monitor and evaluate impacts, both negative and positive, to vegetation, wildlife habitat and wildlife. We are assessing changes and continually adapting both the ecological and social application of our management. The authors who originally wrote the objectives in 1991 used “rangeland” as a descriptor of native grassland. Today we would use a different term, so we will modify the term rangeland to grass land in the final EA.*

67) We are not opposed to livestock management extension and education, per se. However, we note that other state and federal agencies have agricultural extension and education missions, funded by all citizens. Funding livestock management extension with sportspersons’ dollars is a diversion of these monies from the purposes for which license fees were established.

*Response: We disagree. We have used some of our WMAs and the grazing systems we are involved with to expand positive influences for wildlife across a larger landscape. Those programs have benefited wildlife and hunter opportunity. Those individuals involved with our livestock grazing systems all allow public hunting, some are enrolled in block management. They all tolerate wildlife on their properties.*

68) **Subsidizing the local livestock economy is not a mission of FWP.** The EA notes that summer pasture is important for the “economic viability” of some WMA permittees (p. 26); that the Association may not be able to use BLM lands tied to the base property of the WMA (p. 27); and that removal of cattle from the WMA could possibly create additional expenses for the Association (p. 27). We note that directly subsidizing livestock economies is not a mission of FWP. We question the appropriateness of diverting limited license fees or other FWP funds provided exclusively by hunters and

anglers for such purposes. Any subsidies to the livestock industry should come from general state or federal budgets established and funded by all citizens.

***Response: We agree we should not be subsidizing the livestock industry and we are not doing that here. By utilizing grazing on the WMA, we are creating benefits well beyond our borders to include: impacting livestock grazing systems on adjacent federal, state and private lands; helping to keep traditional agriculture in place over other types of land uses such as subdivision; keeping lands open to public hunting: and providing education and collaboration between sportsmen and women, agricultural interests and FWP.***

**69) Cumulative effects of sheep trailing and cattle use on the WMA are not addressed in the EA.** FWP is committed, by a signed MOU, to allowing domestic sheep to trail and graze across the WMA twice each year (EA, p. 12). The timing and number of domestic sheep using the WMA, the location of this trailing within the WMA, and the number of AUMs removed by domestic sheep are not presented in the EA. It is likely that domestic sheep impacts sometimes occur in areas that are scheduled for rest. The presence of domestic sheep is also problematic for a variety of wildlife species, but in particular bighorn sheep (See Attachment A). These cumulative impacts must at least be acknowledged, if not estimated in the EA.

***Response: We have established a different but companion process for the sheep trailing issue, see page 12 of the EA. As will be fully established in the sheep EA, trailing occurs through the upper portion of the WMA, thereby avoiding the areas of most concern (the lower pastures). In addition, a full description of AUMs and timing of use will be presented in the sheep trailing EA. At the same time, the status of the Greenhorns sheep transplant will be reviewed, see page 12 of this EA.***

**70) Cattle use on the Robb Ledford WMA precludes use of the WMA for bison conservation.** FWP currently has about 100 bison in quarantine pens near Yellowstone National Park. These bison are as Brucella-free as can be measured without slaughter. They are part of ongoing research on Brucella latency, or lack of latency, in bison; and they need a home. In 2006, FWP stated it would prefer to relocate bison from the quarantine pens to suitable public lands in Montana (Decision Notice, Bison quarantine Feasibility Study). Now, FWP states it may have to slaughter these bison if a suitable relocation site cannot be found. This would prematurely end the research and eliminate these bison as a source for reestablishing wild bison, now extirpated from Montana. Robb-Ledford WMA is a suitable location for relocating the quarantine bison, continuing the Brucella research for the intended 4-5 more years, and developing a huntable population of wild bison in Montana. Alternative E, cessation of cattle grazing on the WMA, should be selected to allow this important step toward reestablishment and conservation of wild bison in Montana. Indeed, if cattle grazing does improve forage conditions for elk on the WMA (EA, page 22), this objective should be achieved with public-trust wild bison on our public land.

***Response: Moving bison onto the RLWMA at this point in time is premature. We have not yet developed our State's bison management plan that would outline criteria for determining release sites for bison.***

71) **Cattle use precludes other habitat-management options.** By diverting funds, personnel and land resources to cattle management, FWP forgoes opportunities for adaptive wildlife management using natural processes on the WMA. Opportunities for land trades, prescribed fire, beaver, bison, bighorn and/or westslope cutthroat trout reintroduction should be explored in detail (See Attachment A). Retirement of the BLM and Forest Service allotments associated with the WMA should also be considered.

***Response: We disagree with the assertion that with the resources we are using to manage cattle, we are foregoing opportunities for land trades, prescribed fire, beaver, bison, bighorn, westslope cutthroat trout or any other wildlife restoration opportunity. For example, our first beaver survey was conducted this past summer and efforts will be made to determine if there needs to be augmentation in any of the areas of the WMA. We are evaluating elk movements from the adjacent WMA (Blacktail) and contemplating habitat management actions there to enhance its value for elk in hopes of modifying these movement patterns.***

***Retirement of the BLM and Forest Service allotments are outside the scope of the analysis of this EA.***

72) **In all grazing alternatives, cattle would interfere with camping, fishing and hunting seasons.** Cattle would be present on the WMA during prime camping and fishing seasons as well most if not all of the archery season and significant portions of the upland game bird seasons. In two grazing alternatives, cattle would be on the WMA until 2 days before the regular big-game season, which conflicts with the opening week to 10 days of antelope rifle season. This will degrade hunting, angling and camping experiences and likely will influence big game distributions and availability.

***Response: We have addressed this issue in the EA under Access and Recreation beginning on page 25. However, in this decision notice, we are recommending a modified Alternative A which would require livestock to be off the system by October 15 (one week earlier than in original Alt. A). This modification will ensure there will be no overlap with the general big game season, but will continue to have a slight overlap with the antelope season. Impacts would be the same as described under Alternative B in the draft EA, page 26.***

73) **Grazing Association compliance with lease terms has been poor.** On September 9, cattle were found in the Ledford Ridge, Lower Robb Creek and Swamp Rock Creek pastures at the same time. Based on the grazing schedules in Appendix C, this should not occur. Further, the EA notes that compliance with grazing schedules in the past has been poor, with cattle leaving the early-season lower pasture up to 8 weeks behind schedule over a period of many years. Based on these observations, FWP's ability to enforce compliance with the lease grazing schedule is questionable.

***Response: While we understand the skepticism in this comment, we have placed in the decision notice and EA in "General Terms of the Lease" (page 9 &10) to include the following new/modified terms:***

- ***No more than two weeks of grazing will be allowed in the lower pastures in the spring or fall treatments. More specifically in the spring, livestock will be required to move on or before July 6, into the high elevation pasture.***

- *If lessees are unable to comply with the on or before July 6<sup>th</sup> movement requirements during any given year of the existing lease, the **turn out date will default the following year to July 1 with movement to the high elevation pasture on or before July 15 throughout the remainder of the lease term.***
- *A new lease will be adopted at the November 2012 FWP Commission meeting. It will be based on the effectiveness of this lease in adhering to movement requirements as well as vegetation and wildlife data that will be collected during the next three years. A primary criterion will be based on tall larkspur. If larkspur poisoning becomes burdensome to the lessees, the new lease will default to Alternative B or alternative D as described and analyzed in this EA and Decision Notice.*

74) **Reference to 6 Acres/AUM recommended in 1991 seems misleading.** The Joel Peterson memo (EA, p. 3) noted a 1991 recommendation of 2000 AUMs for cattle on the WMA. Peterson stated that not all areas of the WMA would be in the grazing system “because they are critical winter range.” It is unclear if Peterson is including DNRC lands leased by FWP as part of “the WMA” at this time.

***Response: We agree it is unclear.***

75) FWP states (EA, p. 4) that it can accommodate going from 500 AU (2000 AUM) to 3235 AUM, while maintaining a grazing density of 6 acres/AUM, because the McGuire property is added to the grazing system. This is a 62% increase in AUMs above the 1991 recommendation. We contend it will take more than the McGuire acres to contribute a 62% increase in available AUMs. We suspect that other lands previously reserved from cattle grazing (Peterson’s critical winter range?) are now in the system. In any event, the justification for going from the 1991 recommendation of 2000 AUMs to the present 3235 AUMs while maintaining the 1991 recommended 6 acres/AUM is unclear.

***Response: The justification was described in the EA on pages 3 & 4. The FWP Commission directed the FWP to accommodate the higher AUM levels, based on all FWP deeded, FWP DNRC lease and the McGuire Association DNRC lease, and to implement all the improvements needed to accommodate the higher stocking rates.***

76) Further, we note the acknowledged problems of keeping cattle from overusing riparian areas of the WMA, despite the availability of forage in other areas. Adding acres and potential AUMs to the grazing system may hold the grazing density to 6 acres/AUM. But this standard becomes meaningless if the additional acres and potential AUMs are unused because cattle prefer riparian areas (See Attachment A).

***Response: The riparian fence proposal in Alternative A through C will prevent overuse of the riparian area and help to distribute cattle use.***

77) **Livestock diseases are a threat to wildlife.** Several diseases carried by cattle and domestic sheep can be transmitted to wild ungulates (See Attachment A). There are few places in Montana where this transmission may not occur. State WMAs should be such places.

***Response: None of our WMAs are islands unto themselves. Even Yellowstone at 2 million acres is not an island with regard to livestock/wildlife diseases. They are part of a working landscape surrounded by agricultural interests. But more importantly,***

*wildlife move broadly across the private/public landscape. Many of the species have huge home ranges and are likely to be exposed to livestock diseases throughout their year round movement patterns. From a practical standpoint, keeping all livestock off a WMA like Robb Ledford will do little to decrease the disease transmission risk to wildlife that require an area much larger than the WMA for their year round existence.*

78) Lastly, because of the unfortunate Greenhorn sheep-trailing MOU, the Gallatin Wildlife Association requests that the following sentence be added to any final EA, decision notice or grazing lease for continuing livestock grazing on the WMA: Unless clearly stated, nothing in this document implies, creates, confirms or reinforces any private right or claim to use or access any public trust resource, including wildlife, public land or water; nor does anything herein diminish or preclude any mandate or authority of Montana Fish, Wildlife & Parks to manage and conserve these public trust resources for the benefit of all citizens.

***Response: Our agricultural leases all have language to protect the FWP/public land interest. We have made one other modification in the lease and it states, "The new lease will be with individual members as represented by the Association" (found on page 9 of EA under General Terms of the lease). This modification is to ensure that we have authority over what individual will be allowed to graze a WMA.***

79) The draft EA is inadequate in that it does not present a strict account of all revenues expected and of all money intended to be spent for each alternative. MEPA requires presentation of economic considerations and a detailed statement of the economic advantages and disadvantages of each proposal. Further, the net cost of the project will be an irretrievable use of resources that must be clarified. Lastly, the Montana Constitution requires the legislature to insure strict accountability of all revenue received and all money spent by the state. (We note that the table presented on page 5 of the EA is inadequate for purposes of evaluating the true costs of the grazing program during 2000-2009.) There should be a fiscal table to accompany the AUMs table on page 8 of the EA. Therefore, we request an itemized accounting of annualized costs and revenues associated with the Robb-Ledford WMA livestock lease during the tenure of the most recent 10 year agreement, and for each proposed alternative we request itemized estimates of annualized costs and revenues expected in the proposed 3-year agreement, for comparison.

These accountings should include, but not be limited to:

- A. The average annual cost of leasing DNRC lands in the WMA;
- B. The past and expected annual revenues from the Ledford Creek Grazing Association, noting the numbers of acres and AUMs paid for;
- C. Any amounts due FWP from the Association that have been or will be relinquished in exchange for use of Association lands, resources, or for services rendered by the Association. The resources or services provided by the Association should be specified;
- D. FWP real estate taxes per year, based on the most recent year;
- E. Separately listed costs for (a) constructing and (b) maintaining interior fences, or any exterior fences necessitated solely to control cattle that might leave the

- WMA; include both FWP costs and the costs to reimburse the Association for fence maintenance;
- F. Separately listed costs for (a) constructing and (b) maintaining and operating the Kelly Springs water development and pipeline and any other water development or pipeline used to provide water to cattle;
  - G. Separately listed costs for (a) constructing and (b) maintaining any cattle guards within the WMA;
  - H. Annualized FWP expenses for weed control on the WMA;
  - I. Any FWP income from the sale of water (from FWP water rights), noting, in any case, how much water is annually diverted from Kelly Spring or elsewhere on the WMA, and how much of this water leaves the WMA;
  - J. Any costs and/or revenues associated with Association use of the FWP cabin on the WMA;
  - K. Annual FWP costs for monitoring the livestock lease compliance, including personnel and travel costs;
  - L. Annualized FWP costs to measure vegetation and other attributes of the WMA and surrounding ecosystem, as measures of the results from implementing each alternative;
  - M. All other FWP personnel costs for administering the livestock lease, including negotiating and developing leases and environmental assessments;
  - N. Any amount of FWP expenses that are reimbursed by Federal Aid;
  - O. All other incomes and expenses for each alternative, so that;
  - P. The net cost of each alternative is presented.

***Response: We have prepared an Appendix K that estimates costs and income over the next three years. There are some assumptions made about whether the Ledford Creek Grazing Association would be involved with grazing under any but Alternative A.***

80) We find the grazing lease No. 3022.7(B) 02 (Appendix C to the draft EA) pre-decisional in that it specifies a grazing lease from June 22, 2010 ending October 22, 2012 with terms outlined in Alternative A of the draft EA, which are not substantially different from the terms of the 2000 grazing lease (1118 Animal Units (2236 cows and calves) for 4 months of use). We also note and object that the Department may increase the grazing capacity at its discretion (#3, page 1 of grazing lease) without public notification.

***Response: We disagree. The draft lease is included as an attachment to help clarify what it may look like. That attachment did not represent or suggest a decision had been made. The verbage you object to (#3, page 1) says in its entirety: “The Department reserves the right to determine the grazing capacity of the leased lands annually or from time to time as the Department in its discretion shall determine necessary and to increase or decrease the grazing capacity. If the Department determines that the grazing capacity of the leased lands should be increased or decreased, the Lessee agrees to pay an increased or decreased rental based upon the Department’s determination, provided the Lessee actually grazes livestock to the level of any increased capacity.” This is simply legal language that protects FWP’s right to manage the property and set rates and fees.***

81) How does FWP monitor/determine if any livestock using the WMA are in violation of the grazing plan for any given year and any given time period within that year? We contend livestock use was out of compliance with the plan of use for 2009 when we visited the WMA on September 9<sup>th</sup>. As well, the Department determined numerous violations with the grazing plan over the life of the past 10 year agreement (Last paragraph, page 4, first paragraph page 6 and Table 1, page 8, EA). From page 4: “The plan prescribes a movement from the early use pasture to the next higher elevation pasture to occur in early July. During the last 10 years, that movement has not taken place until the end of the third week of July, and in one year not until mid-August driven by a concern over tall larkspur poisoning.” From page 6: “During the last 10 years under the 2000 lease, the lower elevation pastures had a two-week grazing prescription without hard movement dates. What has occurred during that year period is an actual use in the low elevation pastures of five to eight weeks resulting in a 2-3 acre per AUM grazing intensity, more than double what was prescribed. This high grazing intensity has resulted in a loss of cover and forage for wildlife that has far exceeded prescription and contributed to riparian resource concerns on lower Robb Creek. As a result, objectives 2, 3, 4, 5, 8, and 9 as described in the 1999 management plan have not been fully met in many years for the system as a whole.” And from Table 1, page 8: “Early July real movement dates have ranged from July 15 to August 8 due to concerns over tall larkspur poisoning.” However, these violations are not specifically identified on an annual basis. We note that violations to the plan are to be remedied by the lessee paying 3 times the number of animals found in violation (Appendix C, page 2, #4, Remedies for Unauthorized Uses and Practices). What if any remedies for this unauthorized use were collected by the Department?

***Response: Remember Appendix C is a draft lease with proposed new language, including the violation clause you described above. We have drafted new language to replace the language you just mentioned and it is described in the EA and Decision Notice. FWP personnel will be on site on July 7 to determine compliance with the language of the new lease. Notes will be taken and an official compliance report written.***

***The long period during which the lower pastures were grazed much longer than prescribed was due to uncertainty over tall larkspur poisoning. The last thing called for in the original grazing plan was erection of a single strand electric fence if needed to minimize tall larkspur poisoning.***

82) We find the “lease formula” (Exhibit A of Appendix C of the EA) to be both confusing and astounding. First, please clarify that 1118 animal units equals 2236 cows and calves because an animal unit equals a cow with calf. As well, please clarify who controls the Forest Service, BLM and DNRC livestock leases associated with the Robb-Ledford WMA. It appears these leases include some 880+57+300 AUMs on Forest Service and BLM lands for a total of 1,237 AUMS. What are the fees paid for the use of these public lands? Is the FWP subleasing these lands to the Association? Furthermore, for the remaining AUMs we are concerned about this statement on page 1 of the lease: “Out of the 3235 AUMs, 170 are not charged to the Association because of the McGuire exchange”. What exactly is the McGuire exchange? It is further noted, on the same page, that the charge to the Ledford Creek Grazing Association, for the lease to graze the

WMA, is reduced by \$25,000 for the McGuire exchange. What is the rationale for this kickback to the Association? We would like an explanation why FWP has been paying the Association for Association cows to graze Association-leased land. As well, this lease formula refers to a DNRC rate and a deeded land rate, but reveals neither. Please clarify what these rates were for each year of the previous 10 year lease.

***Response: One animal unit is a cow/calf pair and 1118 animal units does equal 1118 cow/calf pairs and that equals 2236cow and calves combined. Second The BLM and FS control their own leases, and FWP controls their deeded, FWP DNRC leases and McGuire/Ledford Grazing Association DNRC lease through an exchange agreement with the Ledford Grazing Association. The Ledford Creek Grazing Association pays their own fees to the Federal Government for the use of the lands the BLM and USFS administer. FWP has 100 AUMs outside of the R/LCGS, 25 are charged at the FWP deeded rate and 75 are charged at the two times the DNRC rate.***

***The McGuire Exchange is briefly described in Appendix B. In summary, it gives FWP administrative responsibility for managing the DNRC McGuire Lease that is held by the Ledford Grazing Association. FWP is essentially subleasing the McGuire place from the Ledford Creek Grazing Association. They pay DNRC approximately \$27,360 annually for the DNRC lease and through an exchange agreement we deduct that payment to fully incorporate the McGuire lease fully into the WMA management. The \$25,000 plus the 170 AUM deductions off the final bill is the exchange and payment method that has been use to fully incorporate the McGuire Lease into the RL grazing system.***

83) We object to the Department paying the Association up to \$1,368.84/year (\$8.052/Hr up to 10 hours/week) in livestock fence maintenance fees (Exhibit E, page 11 of Appendix C, EA) especially when the Association has been out of compliance with the grazing plan. How much has the Department paid the Association in livestock fence maintenance fees over the life of the last 10 year grazing plan?

***Response: Over the life of the last lease agreement, we have had in place a value of no more then \$1,368.84/year to be paid for services rendered in fixing fence throughout the summer grazing season. That equates to about \$13,688.40 over the course of the past 10 year lease. The rationale for paying for this maintenance activity is the remoteness of the WMA for our crew to travel there for routine repairs and maintenance during the grazing season. We do summer maintenance ourselves on other projects like Wall Creek, but Robb Ledford is too remote to make that maintenance practical for our crews.***

84) The EA admits, on page 5, to spending \$460,984 of our dollars over nine years of the recent 10-year lease to accommodate cattle grazing. Most monies were spent on interior fencing and the Kelly Springs livestock water development, both negatives for wildlife. An average of \$51,210 per year is admitted to have been spent. We contend that several costs of the last grazing lease have not been included in the EA. Weed control costs are not mentioned. Temporary electric fencing to protect cattle from larkspur is not mentioned. Most importantly, personnel and other administrative costs for developing and managing the lease, including the EA, are not mentioned. In most organizations, administrative overhead costs exceed 50% of direct project costs. Consequently, FW&P

could easily be spending well over \$75,000/year to manage cattle on Robb/Ledford WMA.

***Response: The total on page 5 of the EA includes the electric fence. The costs of doing an EA or monitoring vegetation or other wildlife are not included.***

85) These costs are expected to continue under alternative A of the EA, which would continue to provide 3235 AUMs of forage to the R/L Grazing Association. Note that an additional fence would be constructed for \$43,271 to protect some of Robb Creek from cattle. There will also be additional costs for maintaining an unknown number of miles of other cattle fencing on the WMA. (Despite our queries, we have been unable to learn how many miles of interior fencing have been constructed to manage cattle on the WMA and where they are located.) Administrative costs for managing the grazing lease would continue.

***Response: These costs would continue under all the grazing alternatives in the EA (includes A, B, C, D). The only grazing alternative that would not require the \$43,271 riparian fence is Alt. D. In the final EA and Decision Notice please find attached a map of the grazing system with all fences displayed, Appendix J.***

86) While the McGuire property is 11% of the land in the grazing system, and should provide 11% of the AUMs, 52% of the cost for the system's AUMs is rescinded to get the McGuire lease into the grazing system. The McGuire property is an expensive lease from DNRC, no matter how it is viewed. The R/L grazing system takes 356 AUMs/year from the property; that's \$76.88/AUM! However, DNRC rates the property as having 1059 available AUMs. This is \$25.85/AUM, still a high rate. We are told that the McGuire lease is expensive because the Grazing Association believed it was bidding against Ted Turner for the first lease. We have also been told that the Association was assured at the time that FWP would cover the costs of a high bid, although that cannot be verified. We do not know if the lease has been rebid one or more times since the original bid, but the costs have remained high. Rescinding the high cost of the McGuire lease to the Grazing Association is an example of the extreme lengths that FWP has determined to go in order to provide for cattle grazing on the WMA.

***Response: The McGuire DNRC lease is an expensive lease. It is an important piece of the landscape and has important winter range and riparian values associated with it. Yes, it is expensive, but previous managers have felt it to be important enough to try to incorporate it into the WMA and its grazing system. By doing so, the grazing intensity was reduced by almost 2/3s and that made it a particularly attractive piece of a grazing system for FWP's perspective.***

87) If the net annual revenue to FWP from the R/L grazing system is \$25,601, and if the costs to FWP for running the system have been in excess of \$75,000/year, it has cost FWP more than \$49,399/year to run cows on the WMA. For the 10 year lease this would be a cost to the FWP and sportsmen of Montana of \$490,399. This is public money that, we contend, harms the wildlife habitat and recreational opportunities on the WMA. It is also public money that could be spent improving the habitat of the WMA, or to purchase additional available lands for WMAs or fishing access sites.

***Response: Modified Alternative A will provide a 56,684.04 surplus over the 3 year lease as displayed in Appendix K. However, that net gain in income will be off set by the cost of building the riparian fence at an approximate \$43,271. We believe the previous investments are far more than offset by the benefits received well beyond the borders of the WMA as described previously.***

88) At Robb Ledford, public funds are being used extravagantly to produce private benefits, while the overall impact of the grazing program to public-trust resources is negative. We suggest a comprehensive independent audit be conducted and revealed to the public before FWP agrees to any additional livestock lease. Selecting alternative E for at least a three year time period would likely prove highly beneficial to both the affected environment of the WMA as well as FWP's budget.

***Response: We do not agree. Although a considerable amount of money has been spent on capital improvements, those improvements were conducted in accordance with the grazing plan as directed by a previous FWP Commission. The plan has had problems, primarily a result of tall larkspur complicating movement of livestock for the first 18 years of grazing under FWP ownership. Selecting Alternative E will result in additional dollars being spent, estimated roughly at over \$170,000 just for fence construction to keep cows off the WMA. In addition, FWP and sportsmen would likely lose hunting opportunities on the ranches involved in the Ledford Creek Grazing Association and likely supportive neighbors as well. There will be a substantial indirect cost associated with picking Alternative E. The suggested audit is outside the scope of this EA.***

89) "We were told by FWP the grazing system would improve the riparian vegetation but now FWP is proposing to fence the riparian area for \$43,000 why? Looks like the grazing system was never followed to me, a lot like BLM.

***Response: The move dates from the early pastures were not followed, primarily due to perceived complications from tall larkspur.***

90) FWP produced no data that was to evaluate the grazing system and all vegetation. Riparian vegetation is the least used habitat for elk on the R-L WMA. No plots were ever established on the winter range that would be used by wintering elk. No vegetative or photo plots were established to evaluate Idaho fescue and bluebunch wheatgrass on the elk winter range, why? How many range plots were established on the area and measured over the years? Any range photographic history on the area? There are no range study proposals on the new plan as well.

***Response: There are 5 permanently marked long-term vegetation monitoring sites. A High Elevation Site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Mid Elevation site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Bench Site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Robb Creek Site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Battle Ranch Site with 16 Daubenmire and line intercept transects having 32 photo points, 160 photo plots and 160 Daubenmire quadrats.***

***In Summary, there are 40 transects with 80 photo points, 400 photo plots, 22 line intercepts, 400 Daubenmire quadrats for a total of 2,376 data collections made since 2003***

***In addition, there will be 3 additional monitoring sites established in the lower pastures (sites will include transects, photo point & photo plots).***

***These transects were read in 2003, 2004, and 2008.***

91) A three pasture Rest-Rotation grazing formula, with three elevation pastures and riparian vegetation in each with a conservative number of livestock, would have been most practical since this is an elk winter range not a grazing area like BLM, DNRC, and USFS public lands.

***Response: With the improvements made over the last 10 years, it is logical and appropriate that we follow the rotational prescriptions with a special emphasis on the lower three pastures.***

92) What is the number of livestock and AUM's in this new plan? What have they been since 1987?

***Response: The history of AUMS is as follows: 1988 to 1990 – 9600 AUMs (6 month grazing season): 1991-5855 AUMs (4 month grazing season): 1992 to 1999 – 3495 AUMs (4 month grazing season): 2000 to 2009 – 3285 AUMs (4 month grazing season, 1118 AU); and proposed for 2010 to 2012 – 2955 AUMs (3.75 month grazing season, 1118 AU)***

93) It appears that where we are today is that FWP's management directions for wildlife are responsive and conditional to livestock grazing impacts.

Agreements to reduce the Animal Units through the years and to lessen grazing impacts while improving wildlife habitats have been problematic, complicated, unresolved and appear to be resisted by the Grazing Association and not fully realized. Bluntly, the 5-8 weeks of grazing does not work as beneficial to forage of cover for wildlife or riparian zones, the grazing intensity is far too great as well as contrary to established management plans, the intent of the WMA and the related mitigation expenditures are inconsistent with the use of sportspersons funding. These impacts and other factors are guiding our specific comments to the proposed Alternatives

Lease Terms (Proposed Action Description, 8. Alternatives, pg6) throughout, ....disagrees with the inclusion that FWP, sportsperson dollars will be used to reimburse for labor costs to maintain existing fencing that is in place to mitigate domestic livestock grazing. One of the biggest issues appears to be dense patches of tall larkspur and potential impacts to livestock during certain times of the year. This adds a significant burden to FWP time and fiscal resources....believes that any mitigation in this regard is the burden to the Lessees and not sportspersons or FWP.

***Response: In the lease terms, we have provided up to \$1,368 annually, about 10 hours/week, to do minor maintenance. We believe this compensation is appropriate given the remoteness of the Robb Ledford, and the time and costs of travel. If the Ledford Grazing Association choose to use the single strand of electric fence to***

*manage larkspur use, it will be their responsibility to manage that fence. Those efforts are beyond the 10 hours/week of minor maintenance. It is FWP's responsibility to make sure the fences are up and repaired and ready to take livestock in the spring.*

94) ...recognizes some values for the inclusion of the McGuire property in the RLWMA grazing system but questions the cost/benefits of the arrangement using more than \$25,000 of sportspersons hard earned dollars in comparison to having the properties in the System. ....believes that information in this regard, not included in the Draft EA, a cost/benefit analysis, must be provided for public scrutiny.

***Response: That analysis is available in Appendix K.***

95) .....the AUMs and time frames are acceptable in Alternative D.....but Alternative E would provide the greatest, long-term benefits to wildlife and sportspersons....but may be accepting of a new alternative that maintains positive relationships between ranchers, livestock interests and sportspersons if it more fully ensured management in the best interest of wildlife and all resources held in the public trust.

***Response: We are proposing a modified Alternative A, which provides for an October 15 off date and a week later on day in June. The modified alternative also requires movement from the low pasture on or before July 6, with a penalty that if violated will go into effect the following grazing season.***

96) ...is troubled by the lack of current, comprehensive vegetative survey data (Appendix F) documenting grazing regime impacts to forage quality, ground cover, and necessary shrubs.

***Response: There are 5 permanently marked long-term vegetation monitoring sites. A High Elevation Site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Mid Elevation site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Bench Site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Robb Creek Site with 6 transects having 12 photo points, 60 photo plots and 60 Daubenmire quadrats; A Battle Ranch Site with 16 Daubenmire and line intercept transects having 32 photo points, 160 photo plots and 160 Daubenmire quadrats.***

***In Summary, there are 40 transects with 80 photo points, 400 photo plots, 22 line intercepts, 400 Daubenmire quadrats for a total of 2,376 data collections made since 2003.***

***In addition, there will be 3 additional monitoring sites established in the lower pastures (sites will include transects, photo point & photo plots).***

***These transects were read in 2003, 2004 and 2008.***

***For a description of the non-game and furbearer work that will be conducted over the next three years, please refer to Appendix I, in final EA.***

97) Riparian, fish habitats, and fisheries protections within the Draft EA are inadequate. We strongly urge that a full fish inventory of Crows Nest Creek, Taylor Creek, Swamp, and Indian Creeks be conducted before a grazing plan is approved that may have impacts to these waterways. Additionally.....believes actions to protect and enhance a Tier-1 species, westslope cutthroat trout are inadequate. Management direction defined by the

WCT Conservation Plan, efforts to restore species of concern and the ESA have implications for Robb and Rock Creeks on the WMA and therefore, greater protection, more intensive management must still be accommodated.

***Response: While we agree with concerns over WCT and waterways, we disagree with the need to provide greater protection broadly across the WMA. As stated on pages 13 and 14 in the EA, “Under FWP’s ownership of the property and the implementation of a rest-rotation grazing system, riparian areas along all the WMA’s creeks have responded positively and are visibly improved. Challenges still linger for small portions of Robb Creek where repeated livestock movements and pressures have impacted the riparian vegetation. There have been ongoing (1999 through 2008) riparian inventories conducted (by Bitterroot Restoration, Inc.) on the various streams that flow through the Robb/Ledford Wildlife Management Area. Most of the stream riparian areas were heavily and negatively impacted prior to FWP ownership. Most have at least stabilized, and many are showing improvement in physical site factors from 1999 to 2008. Based on a 2005 inventory, one stream has shown a decline in general riparian health since the 1999 inventory. “ Over the six years there has been good improvement on overall vegetation cover of the riparian zone on Robb Creek, including improvements in preferred tree and shrub species regeneration and in browse utilization rates of these species. On the physical side of the assessment, Robb Creek has seen a decline since 1999. Channel incisement and human-caused alterations to both the banks and to the rest of the riparian zone have more then offset the modest improvements in rootmass protection of the banks and in the amount of human-caused bare ground.” (Appendix E - Riparian and Wetland Inventory and Health Assessment on Robb Creek and Ledford Creek in the Robb/Ledford Wildlife Management Area, W. Thompson & P. Hansen, February 2006). This decline is primarily attributed to lack of water in upland areas and a dependency on Robb Creek from two different pastures by livestock. There is high and concentrated pressure along about 2.5 miles of Robb Creek that is causing this decline in health. Under Alternatives A, B, and C, a riparian fence will need to be constructed to restrict livestock access to water. Paul Hansen (Bitterroot Restoration, Inc.) has consulted with FWP and provided site-specific recommendations for three water gaps along Robb Creek that would rectify the downward trend.***

98) ...The Draft EA information in regards to sage grouse, a species of concern, grazing impacts, and approaches to improve sage grouse habitat and populations is lacking.

***Response: We are in the first real monitoring stage for sage grouse on the WMA. The results of this monitoring will help to guide future management.***

99) ...the Draft EA should include more detail concerning the amount of existing fencing and how they are utilized.....also concerned about the construction and location of fencing that may inhibit wildlife movement....

***Response: In the final EA we have attached a topographic map showing all pastures and pasture fences, including the single wire electric larkspur fence as Appendix J. All internal fencing at the WMA is wildlife compatible.***

100) Any grazing lease arrangement must be upheld and full compliance is necessary to adequately ensure that objectives are realized. There appears to be a lack of clear-strict consequences in the Draft EA for non-compliance that need to be strengthened.

***Response: Please refer to the language in the preferred modified Alternative A in the final EA. It adds three new points in the General Terms of the lease (pp 9&10) as follows:***

- ***No more than two weeks of grazing will be allowed in the lower pastures in the spring or fall treatments. More specifically in the spring, livestock will be required to move on or before July 6, into the high elevation pasture.***
- ***If lessees are unable to comply with the on or before July 6<sup>th</sup> movement requirements during any given year of the existing lease, the turn out date will default the following year to July 1 with movement to the high elevation pasture on or before July 15 throughout the remainder of the lease term.***
- ***A new lease will be adopted at the November 2012 FWP Commission meeting. It will be based on the effectiveness of this lease in adhering to movement requirements as well as vegetation and wildlife data that will be collected during the next three years. A primary criterion will be based on tall larkspur. If larkspur poisoning becomes burdensome to the lessees, the new lease will be default to Alternative B or alternative D as described and analyzed in this EA and Decision Notice.***

101) ...opposed to grazing alternatives that reduce public hunting opportunities including big-game seasons and upland game bird seasons. ....is still unclear as to how efforts through the years to improve public hunting opportunities with adjacent lands have or have not succeeded.....Draft EA is vague in this regard and lacking any new approaches to enhancing opportunities which we would like to have considered.

***Response: The preferred modified Alternative A does not extend livestock grazing further in the Fall. Livestock will be removed by October 15. Because FWP and sportspersons have been good neighbors to the rural communities. As a result, all of the permittees and many adjacent landowners offer anywhere from wide open to block management style hunting in the larger area.***

102) *Almost half of the above comments that we have written specific responses to were submitted by the Gallatin Wildlife Association in multiple submissions. The Gallatin Wildlife Association also submitted a 55 page comment paper on the Draft Environmental Analysis. It was a well written and analyzed report using extensive literature citations. Although many of the interpretations of grazing histories are not good matches for assumptions on the grazing impacts on Robb Ledford, it certainly provides outside balance to the decision at hand. Throughout the report, Alternative E (No Livestock) is justified by research others have done elsewhere and pointing out and capitalizing on our lack of intense research efforts specific to Robb Ledford. They advance the argument that the no livestock alternative will do more to restore wildlife and wildlife habitat than any of the proposed livestock alternatives. Here we summarize what can be viewed as the more significant points and provide responses.*

103) **Insufficient Economic and Environmental Analysis:** Assert that FWP has not done an adequate job analyzing the alternatives. Assert that FWP is making unreasoned assumptions as to what may happen to grazing on DNRC and Federal allotments the Association would hold, should an alternative that would not work for them be chosen. *Response: Based on our knowledge of the landscape, the system and the people, it is our opinion the Association will assert their grazing leases on those properties should our tie be severed, and it is FWP's belief that grazing intensity will be much higher, at least on the McGuire lease than it has been the last 10 years. Resource issues would develop there due to the intensity of use. In addition, we added a cost analysis as an Appendix to the EA and in that analysis, "no livestock" comes with costs as well.*

104) **More Promises, But Where is the Data from the Last 20 years of Livestock Use?:** Assert that in spite of FWP's recent impetus in developing and implementing an expanded monitoring plan, it is 20 years too late. Also assert that FWP has no on-site controls for evaluating the grazing system. *Response: We disagree, the system has only been in place with all its improvements for 2 years. When the 2000 lease was adopted, substantial improvements were needed as outlined in the grazing plan. At the same time we have through extensive experience over the last ten year lease, honed in on ways to fix some of the compliance issues as well as addressing grazing intensities. With that said, the vegetation data that we have been collecting since 2003 and the non-game and fur surveys that we are implementing are timely and will provide important insights in evaluating the next three years. We agree about onsite controls. The adjacent Blacktail could provide for some comparisons, but we should also develop a series of on-site livestock exclosures similar to Wall Creek.*

105) **Future Research, Demonstration and Education Efforts:** In general, they suggest that FWP use the Robb-Ledford WMA as a control area to compare to other lands that are subjected to various livestock use systems. Also state that, "While we appreciate FWP's desire to get along with the interests' of the livestock industry, we suggest significant change is needed to restore the public's trust in fish and wildlife management on this WMA. *Response: The current recommended actions in the EA and with compliance and more comprehensive monitoring we should be able to improve some of the public support for FWP management of the Robb-Ledford WMA*

106) **Domestic Sheep Trailing is an Incompatible Use of the WMA.** *Response: Furthering this discussion is outside the scope of this EA and will be handled through the processes described in the EA on page 12 & 13 under Item 9.*

107) **Rest-Rotation Cattle grazing is a Livestock Production System:** This whole section is a discussion that is focused on pointing out all the flaws that can be found in rest-rotation grazing systems. Provide little discussion regarding any other types of domestic livestock grazing systems. Provide a good description of range versus

ecological concepts that consider not just forage and cover, but also water, space and their juxtaposition.

**Response:** *FWP is aware it is not a perfect system, but it is one of the only systems that provides options for wildlife both within a year and across years.*

108) **Bighorn Sheep and Bison:** They are making the suggestion that both Robb Ledford and Blacktail deserve consideration as bison release areas.

**Response:** *Both of these species are beyond the scope of this EA.*

109) **Elk, Mule Deer, and Other Big Game:** *Inherent conflict between livestock and elk, mule deer and other big game.*

**Response:** *We believe that some level of livestock use on a WMA is compatible with wildlife and management of wildlife habitat. We plan to demonstrate that with the implementation of modified Alternative A.*

110) **Riparian Areas and Fisheries:** An analysis that talks about or indicates improvement in riparian or uplands as compared to when it was purchased by FWP is flawed. In order for the analysis to be valid, it can only make conclusions based on the no grazing alternative response.

**Response:** *We understand their point, but do not agree. When we are monitoring ecological changes because of a change in management practices, it will take years to document trend. A short term look at No grazing will be heavily influenced by the immediate change in residual, while the ecological changes will take much more time to observe.*

111) **Beaver:** Importance of beavers in the riparian system.

**Response:** *We agree with the importance beaver play in riparian systems. We have also had experiences that saw beaver populations expand dramatically in a grazing system where trapping was restricted. We have just completed our first beaver survey of Robb and Ledford Creeks. We will be analyzing it this spring and summer to determine the need for restoration.*

112) **Aspen and Willow:** Expressed concerns for willow and aspen.

**Response:** *Any long-term negative trends in these communities should be apparent in our ongoing vegetation monitoring.*

113) **Sagebrush Health and Conifer Encroachment:** Expressed concerns about health of sagebrush community.

**Response:** *FWP has been a leader in protecting sagebrush communities, both in the livestock grazing systems we have implemented and in the no till, no spray and no burn stances we have taken for the species. Any long-term negative trend in the sagebrush community should be apparent in our ongoing vegetation monitoring.*

114) **Sage Grouse: Upland Game Bird Harvest Data: and Other Birds:** *inadequate bird surveys.*

*Response: Along with the nongame and beaver survey effort, we are also starting a similar effort for sage grouse, beginning with attempting to find any leks this spring. The summer surveys will also help further document brood rearing habitat for all grouse species.*

**115) Disruption of Hunting, Camping and Fishing Seasons:**

*Response: We have addressed this issue in the Draft EA.*

**116) Livestock Management Infrastructure:** Want a map of the improvements that have been put in place over the years.

*Response: We have attached a map as an Appendix J to the final EA that shows all fences on the WMA.*

**117) Water Diversions/Developments for Livestock:** Question all of the water developments, particularly the Kelly Springs water line. Confused as to who owns the Kelly Springs water right.

*Response: The owner of the water right is John Anderson, and he has donated the use of his water right to us and other neighbors. The development of the Kelley Spring Water line allowed Mr. Anderson to fully implement a rest rotation grazing system, which after several rotations, elk from the Blacktail WMA have found, leaving a place that has not been grazed since 1972 to winter on a large chunk of private land that has not been rested from grazing more than what is prescribed in his rotation.*

**118) Roads and Fences:** Suggested that we map the roads that are there.

*Response: It will take some time, but we will map them as time permits. However, a base layer of roads is not important to informing the decision to be made on the grazing lease.*

**119) Exotic Plants:** Make a case for mapping out non-native plant species on the WMA.

*Response: Some of it has been done over the years, but we don't have a complete map on any of our WMAs. This is something that we will strive to do in the near future.*

**120) Exotic Livestock Diseases:** Want all livestock to be tested and determined disease-free before entering the WMA.

*Response: We require that all livestock entering the EA are in compliance with all State Department of Livestock requirements for disease testing and vaccination.*

**121) Small Mammals:** Suggested the need for a small mammal inventory.

*Response: We have already conducted the initial work last summer and plan to continue over the next three years to cover a full rotation of the grazing system.*

**122) Omissions:** Our omission of bears, wolves and lions was noted.

*Response: That has been fixed in the Final EA.*

**123) Compliance Record:** Want a more detailed compliance record.

*Response: Information we have on compliance is cited in the EA with regard to delayed movements from the lower to the higher elevational pastures.*

124) **Cost/Benefit Analysis:**

*Response: We added estimates to all of the alternatives in Appendix K attached to the final EA.*

125) **Lease Agreements with Federal and State Partners need to be clarified:**

Questioning FWP's ability to influence the Federal or DNRC allotments.

*Response: We would certainly entertain discussions with them and the Ledford Creek Grazing Association regarding any new potential for improvement in grazing management as long as all parties are willing.*

**Public Comment suggests alternatives to consider:**

126) **Focus on Native Species and Public Hunting and Fishing Opportunities:**

Under this alternative there would be a three year phase out of domestic livestock grazing and a 3 year phase in of emphasizing wildlife restoration and recreational opportunities.

*Response: its impacts to the area will be no different then Alternative E in the Draft EA.*

127) **Time Out for Recovery Alternative:** Under this alternative it is being proposed to stop grazing for three years.

*Response: The effect will generally be the same as Alternative E*

128) **The Good Neighbor Alternative:** They are suggesting an alternative that may have merit somewhere, some place. It is a suggestion that would allocate one pasture per year for use by a neighboring landowner.

*Response: If we move the Ledford Creek Grazing Association off the RL WMA, we believe we will not find cooperative neighbors.*

129) **Ledford Grazing Association Use:** They are urging FWP Commission, if they feel compelled to issue a new lease to the Ledford Creek Grazing Association, that they choose Alternative D with the Alternative C stocking rate.

*Response: The Ledford Creek Grazing Association has already indicated Alternatives B through E are undesirable alternatives that will not work for their operations.*

130) **Cattle for Sheep Exchange of Use Alternative:** This is an alternative they proposed that would essentially swap cattle grazing for sheep grazing, i.e. sheep would graze the Rob Ledford WMA and cattle would travel through the notch to graze where the sheep grazed.

*Response: This alternative is outside the scope of this EA.*