

# FRONTIER ELK RANCH GAME FARM DECISION DOCUMENT

FEBRUARY 19, 1999

## PROPOSED GAME FARM APPLICATION

Montana Fish, Wildlife & Parks (FWP) received a completed application from Mike Janicki on September 25, 1998 to construct the proposed Frontier Elk Game Farm at a site located approximately 4 miles east of Kalispell, Flathead County, Montana. As proposed, a maximum of 70 elk would be raised on the 35-acre site, which includes a 32-acre pasture and a 3-acre handling facility. The game farm would use existing quarantine facilities located at Grant Spoklie's game farm located nearby on White Basin Road, Kalispell, Montana. Elk initially released into the proposed game farm would come from a local licensed game farm. The game farm would also board elk owned by Grant Spoklie's game farm.

The applicant's residence adjoins the proposed game farm site, which is currently used for grain production. The purpose of the proposed game farm is to provide breeding stock, meat and antler production. There would be no fee shooting by the public at the game farm. The applicant would use the game farm to breed, sell, and dispose of domestic elk in accordance with Montana game farm and disease control requirements stipulated in Montana statutes and administrative rules. Fence construction would be in accordance with requirements of FWP under ARM 12.6.1533. Perimeter fencing of the 32-acre pasture would consist of 8-foot high, 6-inch mesh, high tensile big game fencing supported by 11-foot long, 2<sup>3/8</sup>-inch steel pipe set 3 feet into the soil and spaced at 20-foot intervals. Corner posts would be 2<sup>7/8</sup>-inch steel pipe set 3 feet into the soil and would be braced. Gates would be 8 feet high and consist of 2-inch metal tubing frame with 6-inch mesh fencing. The handling facility would be constructed with 8-foot high wood fencing and gates. All gates at the game farm would be double latching with a single lock, and would have a maximum 3-inches of ground clearance. The only exterior gate at the game farm would be located at the northeast corner of the handling facility.

## THE MONTANA ENVIRONMENTAL POLICY ACT PROCESS (MEPA)

FWP is required to perform an environmental analysis in accordance with MEPA for "each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment" [Administrative Rules of Montana (ARM) 12.2.430]. FWP prepares environmental assessments (EA) to determine whether a project would have a significant effect on the environment. If FWP determines that a project will have a significant impact that cannot be mitigated to a minor impact, the agency will prepare a more detailed environmental impact statement (EIS) before making a decision. If the agency determines that a proposed project will not have a significant impact, or that the impact can be mitigated to minor or none, the agency may make its licensing decision based upon the results of the EA and criteria established under Montana game farm statute Montana Code Annotated (MCA) Title 87, Chapter 4, Part 4.

Mitigation measures may be considered in FWP's analysis as a means to reduce impact(s) of a game farm to a level below significance. FWP may also recommend mitigation measures to reduce impacts that are considered minor.

FWP prepared the Draft EA for the proposed Frontier Elk Game Farm which identified no significant impacts from the Proposed Action that could not be mitigated. The Draft EA was released for public review and comment January 12, 1999. Public comments were accepted through February 3, 1999. Cards announcing the availability of the Draft EA were sent to all five adjoining landowners and 16 individuals or organizations

Flathead

who have asked to be on our mailing list. Copies of the draft EA were sent to the Environmental Quality Council, Dept. Of Environmental Quality; Montana Historical Society, Montana State Library, Dept. of Livestock, Flathead County Library, Flathead Regional Development Office, Flathead County Commissioners, area legislators, and interested individuals who returned the card. FWP had legal notices printed in the local newspaper. Requests for comments on this proposed game farm were also published in the State Bulletin Board and the Region's News Release.

During this process, FWP determined that a full Environmental Impact Statement would not be required. The Draft EA and this Final EA are hereby approved as the Final EA. This Final EA for the proposed development of the Frontier Elk Game Farm contains a summary of the Proposed Action, a description of the affected environment, and potential consequences of the Proposed Action, all of which are described in additional detail in the Draft EA, which is adopted in this Final EA. This document also describes mitigation measures, includes public comments, and provides the conclusion of the EA. The preferred alternative is the Proposed Action with several recommended mitigation measures.

### **ISSUES OF CONCERN IN THE EA**

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

### **SUMMARY OF PUBLIC COMMENTS AND FWP RESPONSES**

Public comments for the Frontier Elk Game Farm Draft EA were accepted from January 12 through February 3, 1999. FWP received two public comment letters and one phone call during that time. Substantive comments and questions are reproduced (paraphrased) below with DoL and FWP responses. Public comments are considered substantive if they relate to inadequacies or inaccuracies in the analysis or methodologies used in the Draft EA, or identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve disagreements or interpretations of impact significance. Comments which express personal preferences or opinions on the proposal rather than on the evaluation itself are included but are not specifically addressed.

#### **Written Letters 1 & 2 Issue 1:**

*Concern about transmission of diseases to wild game, particularly Chronic Wasting Disease (CWD).*

**DoL Response:** The potential transmission of disease from captive game farm animals to wildlife is considered low because the disease incidence (tuberculosis, brucellosis and CWD) at this time is zero. The routine testing required by the Department of Livestock ensures that the animals on game farms are free from tuberculosis and brucellosis. TB and brucellosis testing is required for every game farm animal that is sold or transported in Montana. The source of animals for the Frontier Elk game farm is a local game farm. These animals must be tested for TB and brucellosis prior to shipment to the Frontier Elk game farm. This testing will be done by an alternative livestock veterinarian who will also perform a health examination on the animals prior to shipment.

There have been no cases of CWD in Montana wildlife or game farm animals. The information on CWD is limited. The incubation period for CWD is unknown and the route of transmission is unknown. One must have a disease present before any transmission can occur. The Department of Livestock has drafted additional administrative rules to implement mandatory CWD surveillance in Montana game farm Cervidae and has increased importation restrictions on Cervidae. The proposed rules are available for public comment and the Board of Livestock will consider final adoption of the rules in March 1999. These additional measures will further mitigate the potential for disease transmission from game farm Cervidae to wildlife. However, one must recognize that CWD is endemic in wild Cervidae in Colorado and Wyoming. Should CWD be diagnosed in Montana wildlife, the state veterinarian would take additional measures to prevent the transmission of the disease from wildlife to the game farm Cervidae.

#### **Written Letter # 1 Issue 2**

*The possibility for disease transmission between game farms becomes significant under the proposal to use the quarantine facility located at a separate game farm.*

**DoL Response:** Quarantine facilities are designed to isolate a group of animals from contact with other animals, livestock and wildlife. Animals confined in a quarantine facility by order of the Department of Livestock cannot be commingled with any other animals. Quarantine facilities are most often used for the confinement of imported animals until the animals can be tagged and marked and tested a second time for brucellosis. The quarantine period imposed on imported animals also gives the licensee and his veterinarian a period of time to observe the animals and acclimate them to their new surroundings. The state veterinarian has the ability to require additional site-specific measures be taken should a quarantinable disease be identified on a game farm. In this instance, the state veterinarian would not allow the movement of the animals from the property. Other properties on which the quarantined animal(s) has resided would be included in the epidemiological study conducted by the state veterinarian. Such properties may also be placed under a quarantine or hold order. See also response to 3 below.

#### **Written Letter # 1 Issue 3:**

*Boarding elk from a separate game farm increases the difficulty of tracking any potentially infected animal and the risk of disease transmission.*

**DoL Response:** The Department of Livestock has a computerized system with the ability to track the movement of every game farm animal in Montana and also can track the disease test status of every game farm animal in Montana.

#### **Written Letter # 2 Issue 4**

*MEPA requires that cumulative effects be addressed; therefore we believe an Environmental Impact Statement is needed.*

**FWP Response:** FWP considered the cumulative effects of this proposed game farm in the Draft EA by affected resource area (e.g. water, vegetation, wildlife etc.). Under the cumulative effects analysis, the past, present, and reasonably foreseeable actions were considered. Additional impacts to Risk/Health from past, present, or reasonably foreseeable activities near the proposed game farm are not anticipated. The impact of individual game farms on FWP's and DoL's ability to license and monitor game farms has not yet been undertaken.

## Verbal Comment Issue 5:

*The proposed stocking rate of up to 70 elk on the 35-acre site is too high.*

**FWP Response:** The applicant proposes to operate the game farm in compliance with Montana FWP and DôL regulations. No potentially significant impacts were identified in the EA process with respect to the proposed stocking rate. Recommended mitigation measures include providing supplemental feed to the elk year-round to reduce the probability of overgrazing in the enclosure and to provide for the nutritional requirements of elk. If vegetative cover in the game farm area is significantly reduced, the Montana Dept. of Environmental Quality (DEQ) could require that the game farm obtain a "concentrated animal feeding operation" (CAFO) permit, which establishes requirements to contain certain runoff events that may occur at the site.

## **MITIGATION MEASURES**

The mitigation measures described in this section address minor impacts of the proposed action. Potential minor impacts from the Proposed Action are addressed as mitigation measures that are strongly recommended to remain in compliance with state and federal environmental laws, but not required.

## **RECOMMENDED MITIGATION MEASURES**

The following mitigation measures address minor impacts identified in the EA that are likely to result from the Proposed Action.

- Maintain a reasonable stocking rate within the game farm enclosure to maximize vegetative cover and minimize runoff, erosion, and potential changes in soil structure. A "reasonable stocking rate" is defined under *EA Definitions*, in Part II of the Draft EA.
- Properly dispose of excess fecal matter and dead animals. Carcasses and other wastes should not be disposed of in or adjacent to water bodies, roads, and ditches.
- Control surface water discharges from the game farm site, if they occur, by employing Best Management Practices (BMPs) where runoff could exit the pasture and enter the nearby sloughs. The BMPs may include earthen berms, vegetative buffer zones, straw bale dikes, or silt fences.
- Provide supplemental feed to the elk year-round to reduce the probability of overgrazing in the enclosure and to provide for the nutritional requirements of elk.
- Establish a rest/rotation grazing system within the proposed game farm.
- Feed only certified weed seed-free-hay and grain.
- Develop a weed control plan in conjunction with the Flathead County Weed Control District.
- Store hay, feed, and salt away from exterior fences, or in buildings.
- Feed game farm animals at the interior of the enclosure and not along the perimeter fence.

- Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators and other game animals.

## **THE DECISION**

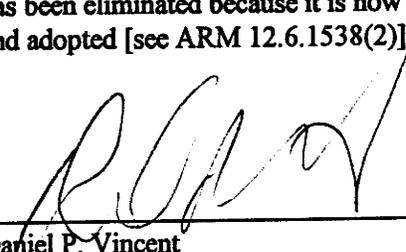
After reviewing this application, the Draft EA, and public comments, I approve issuing a license with the following conditions:

- 1) *FWP has conducted a MEPA review based on the number of animals (70) and game farm acreage (35) specified in the license application. A supplemental MEPA review may be required if the applicant increases the number of animals above 70. Fence construction must be completed no later than February 2002.*

The application did not include a request for fee shooting of game farm animals; therefore,

- 2) *There will be no fee shooting by the public at the Frontier Elk Game Farm.*

The stipulation included in the Draft EA regarding the reporting of ingress and egress immediately to FWP has been eliminated because it is now included as a requirement in game farm rules that were recently revised and adopted [see ARM 12.6.1538(2)].

  
\_\_\_\_\_  
Daniel P. Vincent

*2/19/99*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Mike Janicki

\_\_\_\_\_  
Date