Montana Fish, Wildlife & Parks

Region Three - Serving Southwestern Montana
1400 South 19th
Bozeman, MT 59718

October 19, 2000

TO: Governor's Office, Julie Lapeyre, Room 204, State Capitol, POB 200801, Helena, MT 59620-0801
Environmental Quality Council, Capitol Building, Room 106, POB 201704, Helena, MT 59620
Dept. Environmental Quality, Metcalf Building, POB 200901, Helena, MT 59620-0901
Montana Fish, Wildlife & Parks
- Director's Office
- Enforcement Division
- Fisheries Division
- Parks Division
- Wildlife Division
- Lands Section
- Design & Construction Bureau
- Legal Unit
- FWP Commissioners
- Dennis Flath

MT Historical Society, State Historic Preservation Office, POB 201202 Helena, MT 59620-1202
MT State Parks Association, POB 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624
George Ochenski, POB 689, Helena, MT 59624
Beaverhead County Commissioners, County Courthouse, Dillon, MT 59725
Jerry DiMarco, POB 1571, Bozeman, MT 59771
Montana Wildlife Federation, POB 1175, Helena, MT 59624
Wayne Hurst, POB 728, Libby, MT 59923
Glen Hockett, 745 Doane Road, Bozeman, MT 59715
Skyline Sportsman's Association, POB 173, Butte, MT 59701
Anaconda Sportsman's Club, #2 Cherry, Anaconda, MT 59711
Beaverhead Outdoors Association, POB 1401, Dillon, MT 59725
Representative Bill Tash, 45 Vista Drive, Dillon, MT 59725
Sen. Charles Swysgood, 506 South Atlantic St., Dillon, MT 59725
John Gatchell, Montana Wilderness Association, Box 635, Helena, MT 59624
Public Lands Access Association, William Fairhurst, Box 247, Three Forks, MT 59752
Jack Atcheson, State Land Coalition, 3210 Ottawa St., Butte, MT 59701
Roger Peters, Grant, MT 59725

Dear Ladies and Gentleman:

The enclosed Draft Environmental Assessment (EA) has been prepared for the purchase of a conservation easement on the property known as the Dragging Y Cattle Company (Peters Ranch), which is located

Beaverhead 5

approximately 25 miles southwest of Dillon, Montana. The proposal is for the acquisition of a conservation easement on approximately 14,650 acres of primarily sagebrush grassland and riparian habitats.

Additional copies of the draft EA may be obtained from Montana Fish, Wildlife & Parks, 1400 South 19th Street, Bozeman, Montana 59718, or by calling (406) 994-4042.

Public comment on this proposed easement will be accepted until 5 p.m., Wednesday, November 15, 2000. Comments should be sent to Joel Peterson at the above address or to the following e-mail address: jpeterson@montana.edu.

Sincerely,

Patrick J. Flowers

Patrick J. Flowers
Regional Supervisor

Attachment

COMMENT PERIOD ON THIS PROPOSAL IS FROM OCTOBER 15-NOVEMBER 15, 2000.
SUBMIT COMMENTS TO:

Montana Fish, Wildlife and Parks
c/o Peters Ranch Easement Proposal
1400 S. 19th Ave.
Bozeman, Montana 59718-5496

OR

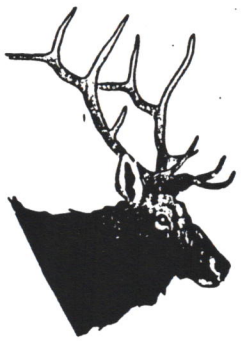
Jpeterson@montana.edu

Public Hearing: Wednesday, November 8, 2000 @ 7pm at the Search and Rescue Bldg., Dillon, Montana.

For Additional Information Contact:

Gary Hammond, Dillon Area Wildlife Biologist, 406-683-9305

ENVIRONMENTAL ASSESSMENT
FOR
DRAGGING Y CATTLE COMPANY
(PETERS RANCH)
OCTOBER 2000



Included in this Document:

* **Environmental Assessment**

* **Management Plan**

* **Socioeconomic Assessment**

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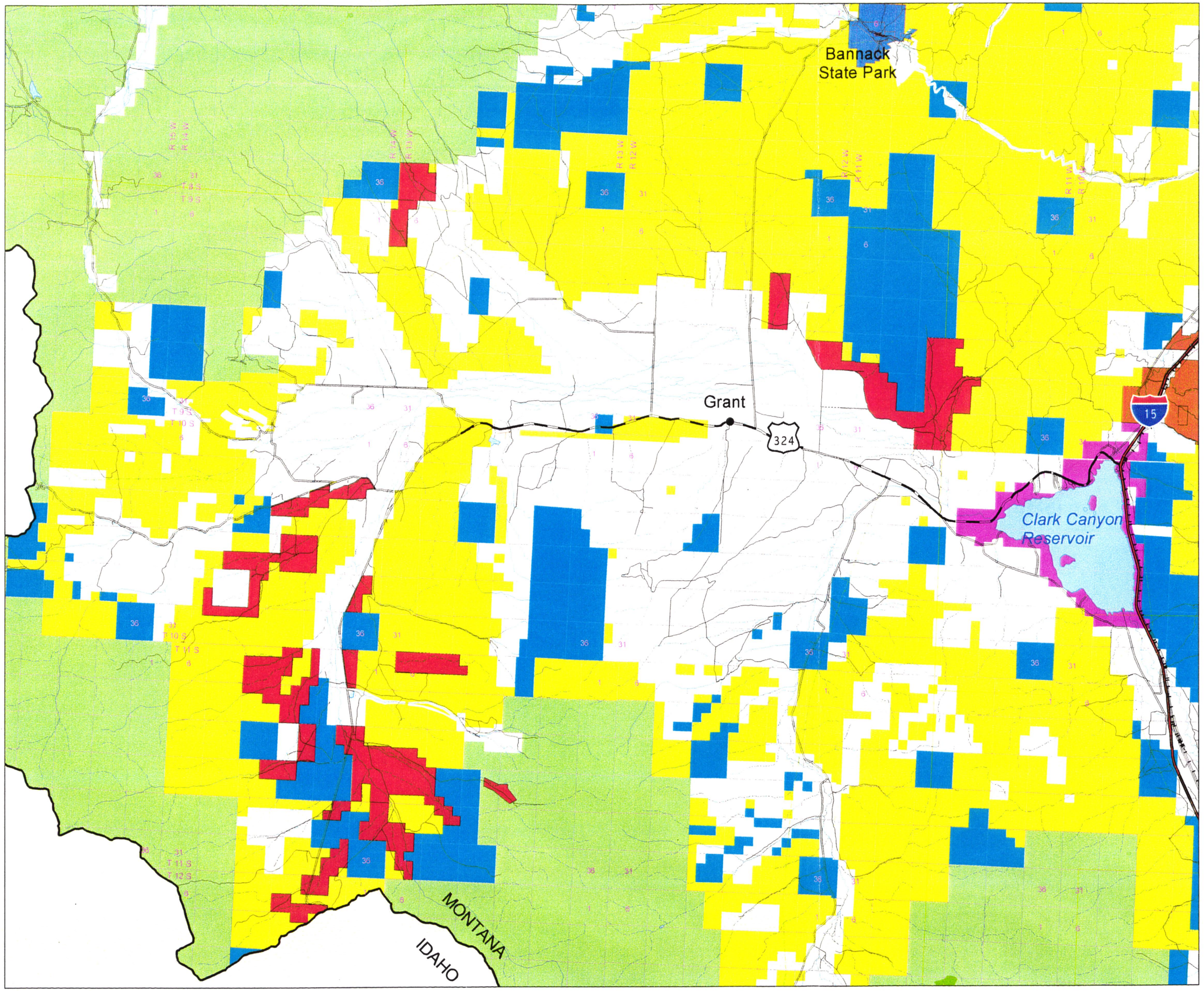
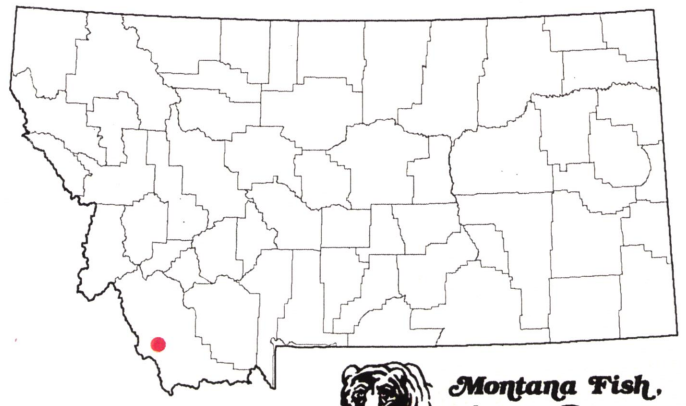
PROPOSED DRAGGING Y CONSERVATION EASEMENT OVERVIEW



Proposed Dragging Y Conservation Easement

Land Ownership

- Private
- US - BLM
- US Forest Service
- State Parks
- State of Montana
- US Bureau of Reclamation
- TNC Private Easements
- Water



Proposed areas screen-digitized and boundaries are approximate. Hydrography, roads, state line, public land survey system and public land ownership from the Natural Resource Information System, Montana State Library, Helena, MT, all digitized at 1:100,000. State Park digitized at 1:24,000 from USGS 7.5 minute quadrangle topographic maps and using the COGO module of ARC/INFO by Montana Fish, Wildlife and Parks Information Services Unit, Kalispell, MT. State Park boundaries accurate as of January 97. State Plane 1983 Projection.

Map produced by:
Martie Crone
Land Section, Montana Fish, Wildlife & Parks
Helena, Montana
Peters.apr 10/13/00

N W E S

2 0 2 4 6 Miles

Montana Fish, Wildlife & Parks

DRAGGING Y CATTLE COMPANY

PETERS RANCH

Conservation Easement

A proposal by Montana Fish, Wildlife & Parks

Included In This Document:

- ***Draft Environmental Assessment***
- ***Draft Management Plan***
- ***Socio-Economic Assessment***

Comment period on this proposal is from October 16 to November 15, 2000.
Submit Comments to:

Montana Fish, Wildlife & Parks
c/o Dragging Y Cattle Company (Peters Ranch) Comments
1400 S. 19th St.
Bozeman, Montana 59715

Public Hearing: For additional information contact:

Gary Hammond, Dillon Area Wildlife Biologist, 406-683-5371
Joel Peterson, Region 3 Wildlife Manager, 406-994-4042

Montana Fish, Wildlife & Parks
Wildlife Division

Environmental Assessment

Dragging Y Cattle Company (Peters Ranch) CONSERVATION EASEMENT

I. INTRODUCTION

The State of Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. These communities include riparian, sagebrush-grassland, and rocky mountain juniper-Douglas fir. Properties owned by Roger D. and Carrie A. Peters include such habitats and warrant perpetual conservation consideration. The proposed action reflects the landowners desire to maintain their agricultural lifestyle, to preserve important wildlife habitats, and to perpetuate public access opportunities to the land as well as to adjoining public land. It is proposed that a conservation easement, to be held by FWP, be purchased from Roger D. and Carrie A. Peters. This easement would keep the property in private ownership and operation, preserve important wildlife habitats and guarantee public hunting both on and through the property.

II. AUTHORITY AND DIRECTION

FWP has the authority under law (87-1-209 MCA) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed HB526 which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (87-1-241 and 242 MCA). This is now referred to as the Habitat Montana Program. As with other FWP property interest proposals, the Fish, Wildlife and Parks Commission and in some cases the State Land Board must approve any acquisition of land proposed by the agency. This Environmental Assessment is part of the decision making process.

III. LOCATION OF PROJECT

The property encompasses approximately 14,650 acres, and is located approximately 25 miles southwest of Dillon, Mt. near the town of Grant (Figure 1). The majority of the project occurs in deer and elk hunting district 328, with a small portion in HD 329. The property is generally bordered by lands administered by the Forest Service (FS), Bureau of Land Management (BLM), and Dept. of Natural Resources and Conservation (DNRC), and is generally surrounded by the Beaverhead National Forest.

The property consists of grasslands, sagebrush-grasslands and forested mountain foothills. Major drainages on the property are Cedar Creek, Painter Creek, Spring Creek, Everson Creek, Black Canyon Creek, Nip and Tuck Creek, Divide Creek, Upper Horse Prairie Creek, Maiden Creek, Jeff Davis Creek, and Shenon Creek. All drainages are tributaries of Horse Prairie Creek, which flows into Clark Canyon Reservoir and ultimately into the Beaverhead River..

IV. PURPOSE AND NEED FOR THE PROPOSED ACTION

The Peters Ranch provides important seasonal and year-round habitat for a diverse number and variety of species. Big game animals spending all or a portion of the year on the property include elk, mule and whitetailed deer, moose, antelope, black bear and mountain lion. In addition to these big game animals, numerous sage grouse are found yearlong on the ranch.

These same habitats are utilized by several endangered species, and species of special concern. Specifically, gray wolves and grizzly bear have been noted in the area, and 100% pure westslope cutthroat trout are found in both the north and south forks of Everson Creek, and in Painter Creek. Additionally, 99.5% pure westslope cutthroats are found in Divide Creek. A list of potential species using this area is contained in Appendix A.

The Peters Ranch provides important access for hunting, not only on their private land but to adjacent public lands as well. In addition to fall hunting access on and through Peters lands, perpetual yearlong access will be provided through Peters land on Jeff Davis Creek. Fall hunting season access will be provided in both the north and south forks of Maiden Creek, Shenon Creek, Upper Horse Prairie Creek, and Decker Lane.

Public access to and through private lands in the Horse Prairie drainage is extremely restricted. Lands west of Hans Peterson Flats, east of Painter Creek, and north of Horse Prairie Creek are generally closed to free public recreation. Much of Peters property is located near perennial streams, and are located near public lands, making subdivision demand high. Inquiries from real estate brokers for these properties are persistent. It is probable that residential development will occur on this property if it is not protected through a conservation easement.

V. DESCRIPTION OF PROPOSED ACTION

The proposed action is for the Montana Department of Fish, Wildlife and Parks (FWP) to purchase and monitor a conservation easement on portions of the Peters Ranch. In addition, FWP is proposing to acquire two road easements across portions of the Peters Ranch to provide access to adjoining public land. The total purchase price of the proposal is $2,000,000.

The specific terms of the proposed action are detailed in separate legal documents. The proposed conservation easement document spells out the rights retained by the landowners, and also details restrictions on the landowners activities which have been designated to protect wildlife habitats. The rights of both parties and restrictions on landowner activities were negotiated with and

agreed to by both FWP and the landowner.

To summarize the terms of the easement, FWP's rights include the right to: (1) identify, preserve and enhance specific habitats; (2) monitor and enforce restrictions; (3) prevent activities inconsistent with the easement; and (4) public access for the purposes of recreational hunting. Hunting for all sex and age classes of game animals and game birds during all established seasons will be maintained for a minimum of 3000 hunter days, if that demand exists. (The landowner will have the right to direct hunters to prevent disturbance to livestock). Unlimited yearlong access will be provided via the Jeff Davis Creek Road (BLM #6878). Fall hunting season access will be provided on roads located in the north and south forks of Maiden Creek and Upper Horse Prairie Creek. Access into Spring Creek, Everson Creek, Black Canyon Creek, Nip and Tuck Creek, and Divide Creek will be from the Everson Creek Road (BLM # 1882), while access into Painter Creek will be from the Coyote Creek Road (BLM #1864). Access into Hans Peterson Flats will be from the Henneberry Creek Road (BLM#1893), and from the county road known as Decker Lane.

Landowners' retained rights include the right to: (1) pasture and graze livestock (Appendix B) (subject to grazing provisions provided in the easement); (2) regulate the public use of land; (3) develop and maintain water resources; (4) repair, renovate or replace existing buildings, corrals, roads and irrigation structures; (5) repair or replace roads and fences; (6) replace existing structures in their present locations, and lease existing developed sites for church youth activities. Also, the right to develop an additional single family residence in each of two developed areas; (7) control weeds; (8) use motor vehicles and agricultural equipment in the ordinary course of Landowner's business.

Restrictions placed on the landowners activities include: (1) no control or manipulation of sagebrush; (2) legal or de facto subdivision is prohibited; (3) No cultivation or farming except on existing haylands or irrigated meadows; (4) renting or leasing access to the land for hunting, fishing, primitive camping or winter recreation is prohibited, with the exception that in specified areas, church youth groups may be allowed; (5) agricultural activities must be nondegrading to soil and surface water; (6) agrichemicals must be used as defined by the State of Montana or other lawful authority; (7) motor vehicles and agricultural equipment must be used in a manner having minimal impact on vegetation and other natural habitat; (8) installation of utility structures is prohibited without FWP approval; (9) mineral exploration, development and extraction is prohibited except as provided in the easement. Also, rock and gravel may be removed from specified sites for ranch use only; (10) There will be no construction of any structure, except as expressly designated in the easement; (11) no game farms; (12) no commercial or industrial use or activity outside of traditional uses on land; (13) no dumping or disposal of wastes except for domestic garbage and dead livestock; (14) no draining, filling, dredging or diking of wetlands is allowed, or the cultivation or other disturbance of the soil within 50 feet of any perennial stream; (15) the control, removal, or manipulation of willows is prohibited (except as needed for the ordinary course of maintaining fences and ditches provided for and allowed under the easement.

VI. DESCRIPTION OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION

Three alternatives to the proposed action were considered in this process. Reasons why they were not selected as viable options are discussed below.

1. No Action Alternative

The "No Action" alternative would not preserve the diversity of wildlife habitats in perpetuity. Possible future subdivisions, and land closures for recreation or other actions prohibited under the terms of the Proposed Action, could directly replace wildlife habitat and/or would be detrimental to public recreation. Important public access to both private and public lands would likely be lost as well.

2. Fee Title Acquisition Alternative

This alternative was not part of the Peters long-term ranch plan. Their future plans include keeping the property in the family, and to keep the land in agriculture.

VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT

1. Land Resources

Impact of Proposed Action: No negative impact would occur as a result of this proposal. This proposal would ensure that the productivity of the land would be maintained.

No Action Alternative: There would be no immediate impact. However, if the land was to be developed as subdivision property the impacts to land resources could potentially be significant.

2. Air Resources

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no immediate impact. However, if land was to be subdivided, more human activity could potentially degrade the current air quality.

3. Water Resources

Impact of Proposed Action: There would be no impact in perpetuity over what is

currently associated with a working livestock operation such as irrigation and fertilizer runoff.
No Action Alternative: There would be no immediate impact. However, there would be no assurances that over time the property could change from primarily agricultural to some other use with no conservation measures assured.

4. Vegetation Resources

Impact of Proposed Action: This action would result in a positive impact. The terms of the easement protect the quantity, quality and character of the native plant communities found on the property. Current grazing on the ranch is conducted with an emphasis on grazing system management. The proposed action also ensures the land's primary use in the future will be agriculture which depends on maintaining a productive vegetative resource. Noxious weed management will continue to be an important component of a successful ranch operation.

No Action Alternative: There would be no immediate impact. If the land use was to change from agriculture to subdivision or some other use, there would be no conservation measures in place to maintain the productivity of the land. Future impacts to native vegetation and overall productivity of the land could be significant. In addition, there would be no long-term protection of existing native plant communities. Noxious weeds would likely increase with ever smaller division of land and coordination of weed control would become more difficult.

5. Fish/Wildlife Resources

Impact of Proposed Action: This action would result in a positive impact. The terms of the easement conserve the land as agricultural ranch land and open space for winter range as well as year-round habitat for many of Montana's native wildlife species. Large mammals such as elk, mule deer, antelope, bears, and moose require large blocks of unsubdivided open space. Conserving native plant communities is important for most of Montana's indigenous wildlife species. No adverse effects are expected on the diversity or abundance of game species, nongame species or unique, rare, threatened or endangered species. There would be no barriers erected to limit wildlife migration or daily movements. There would be no introduction of non-native species into the area.

No Action Alternative: No immediate impact would occur. However, with no long-term conservation measures, the area would likely become more developed. As this occurs, productivity of the land and open space would diminish, resulting in significant long-term effects to most species of wildlife. There would be no provisions preventing game farming on the property, and the construction of certain kinds of fences could inhibit wildlife movement.

VIII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT

1. Noise/Electrical Effects

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

No Action Alternative: There would be no immediate impact.

2. Land Use

Impact of Proposed Action: There would be no impact with the productivity or profitability of the ranch nor conflicts with existing land uses in the area. Game damage problems are not expected to increase because the proposed action is attempting to maintain current wildlife numbers (specifically elk), recreational opportunities, and habitat quality.

No Action Alternative: No immediate impact would occur. However, with changes in landownership and land use in the future, it is probable that habitats could be fragmented, resulting in a reduction in wildlife numbers. Additionally, these changes will likely result in diminished recreational opportunities.

3. Risk/Health Hazards

Impact of Proposed Action: No impact would occur.

No Action Alternative: No impact would occur.

4. Community Impacts

Impact of Proposed Action: There would be no anticipated negative impacts to the community. This action would prevent residential development. The scenic values and open character of this property would be maintained and enjoyed by the community in perpetuity. Also, see attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur.

5. Public Services/Taxes/Utilities

Impact of Proposed Action: There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems nor tax bases of revenues, nor increased uses of energy sources. An easement on this property would require monitoring by FWP including periodic inspections and meetings with the landowner. Also, see attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. Eventual subdivision and development would increase the public's demand for government services like fire and police protection, road maintenance and residential planning.

6. **Aesthetics/Recreation**

Impact of proposed Action: There would be no impact. The easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas and would not affect the character of the neighborhood. Also, see attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. Eventual subdivision and development would reduce the aesthetic and recreational quality of the area.

7. **Cultural/Historic Resources**

Impact of Proposed Action: There would be no impact.

8. **Socio-Economic Assessment**

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

IX. SUMMARY EVALUATION OF SIGNIFICANCE

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

X. EVALUATION OF NEED FOR AN EIS

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

XI. PUBLIC INVOLVEMENT

Public comment will be taken on this proposal from October 15 to November 15, 2000. Additionally, there will be a public meeting on this proposal on Wednesday, November 8, 2000 at 7 p.m. at the Search and Rescue Building in Dillon, Montana.

XII. NAME, TITLE AND PHONE NUMBER OF PERSONS RESPONSIBLE FOR PREPARING THE E.A.

Gary Hammond, Dillon Area Wildlife Biologist, Mt. Fish, Wildlife and Parks, 730 ½ N. Montana, Dillon, Montana 59725, 406-683-9305.

Joel Peterson, Wildlife Manager, Montana Fish, Wildlife & Parks, 1400 South 19th, Bozeman, MT 59715; phone 406-994-4042.

APPENDIX A

The wildlife species listed below are either known by FWP to occur in this area or are derived from database searches of species occurrence catalogued by the Montana Natural Heritage Program.

Mammals

Masked shrew
Montane shrew
Little brown myotis
Long-legged myotis
Big brown bat
Hoary bat
American pika
pygmy rabbit
Mountain cottontail
Snowshoe hare
White-tailed jack rabbit
Yellow pine chipmonk
Red-tailed chipmonk
Yellow-bellied marmot
Hoary marmot
Richardson's ground squirrel
Columbian ground squirrel
Thirteen-lined ground squirrel
Golden-mantled ground squirrel
Black-tailed prairie dog
Red squirrel
Northern flying squirrel
Northern pocket gopher
American beaver
Deer mouse
Northern grasshopper mouse
Bushy-tailed woodrat
Southern red-backed vole
Heather vole Meadow vole
Montane vole
Long-tailed vole
Water vole
Muskrat
Northern bog lemming
Western jumping mouse
Common porcupine
Coyote
Gray wolf
Red fox
Black bear
Grizzly bear
American marten
Ermine
Least weasel
Long-tailed weasel
Mink
North American wolverine
American badger
Striped skunk
Mountain lion
Lynx
Bobcat
Elk
White-tailed deer
Mule deer

Birds *(incl.yearlong, migratory, and seasonal spp.)*

Blue-winged teal
Cinnamon teal
Northern shoveler
American wigeon
Common merganser
Turkey vulture
Northern harrier
Sharp-shinned hawk
Cooper's hawk
Northern goshawk
Swainson's hawk
Red-tailed hawk
Ferruginous hawk
Rough-legged hawk
Bald eagle
Golden eagle
American kestrel
Merlin
Prairie falcon
Gray partridge
Spruce grouse
Blue grouse
Ruffed grouse
Killdeer
Rock dove
Mourning dove
Flammulated owl
Great horned owl
Snowy owl
Northern pygmy owl
Burrowing owl
Barred owl
Long-eared owl
Short-eared owl
Northern saw-whet owl
Common nighthawk
Calliope hummingbird
Rufous hummingbird
Belted kingfisher
Lewis' woodpecker
Red-naped sapsucker
Williamson's sapsucker
Downy woodpecker
Hairy woodpecker
Northern flicker
Red-shafted flicker
Pileated woodpecker
Olive-sided flycatcher
Western wood-peewee
Willow flycatcher
Least flycatcher
Hammond's flycatcher
Dusky flycatcher
Cordilleran flycatcher
Say's phoebe
Western kingbird
Eastern kingbird
Horned lark
Tree swallow
Violet-green swallow
Northern rough-winged swallow
Bank swallow
Cliff swallow
Barn swallow
Gray jay
Steller's jay
Blue jay
Pinyon jay
Clark's nutcracker
Black-billed magpie
American crow
Common raven
Black-capped chickadee

Mountain chickadee
Red-breasted nuthatch
White-breasted nuthatch
Pygmy nuthatch
Brown creeper
Rock wren
House wren
Winter wren
American dipper
Golden-crowned kinglet
Ruby-crowned kinglet
Western Bluebird
Mountain bluebird
Townsend's solitaire
Veery
Swainson's thrush
Hermit thrush
American robin
Varied thrush
Gray catbird
Sage thrasher
Bohemian waxwing
Cedar waxwing
Brewers sparrow
Northern shrike
Loggerhead shrike
European starling
Solitary vireo
Warbling vireo
Red-eye vireo
Tennessee warbler
Yellow warbler
Audubon's warbler
Magnolia warbler
Yellow-rumped warbler
Myrtle warbler
Black-throated gray warbler
Townsend's warbler
American redstart
Prothonotary warbler
Northern waterthrush
McGillivray's warbler
Common yellowthroat
Wilson's warbler
Yellow-breasted chat
Scarlet tanager
Western tanager
Rose-breasted grosbeak
Black-headed grosbeak
Lazuli bunting
Indigo bunting
Green-tailed towhee
Spotted towhee
American tree sparrow
Chipping sparrow
Clay-colored sparrow
Brewer's sparrow
Vesper sparrow
Lark sparrow
Lark bunting
Savannah sparrow
Baird's sparrow
Fox sparrow
Song sparrow
Lincoln's sparrow
Swamp sparrow
White-throated sparrow
White-crowned sparrow
Harris' sparrow
Dark-eyed junco
Oregon junco
Lapland longspur
Snow bunting
Bobolink
Red-winged blackbird
Western meadowlark
Yellow-headed blackbird
Brewer's blackbird
Common grackle
Brown-headed cowbird
Northern oriole
Bullock's oriole
Black rosy-finch
Grey-crowned rosy-finch
Pine grosbeak
Purple finch
Cassin's finch
House finch
Red crossbill
White-winged crossbill
Common redpoll
Hoary redpoll
Pine siskin
American goldfinch
Evening grosbeak
House sparrow

Amphibian

Long-toed salamander
Western toad
Northern leopard frog
Spotted Frog

Reptiles

Rubber boa
Racer
Gopher snake
Western rattlesnake
Common garter snake
Western terrestrial garter snake

APPENDIX B

GRAZING PLAN ROGER PETER'S EASEMENT REGION THREE

Painter Creek Unit (Refer to Map 1.)

The entire unit is one pasture and will receive spring grazing in alternate years. One year of rest from livestock grazing followed by spring grazing the next year. Spring grazing will not continue past June 20. The grazing rotation is summarized in the following table.

Grazing rotation schedule for the Painter Creek Unit.

YEAR*	GRAZING TREATMENT
2001	April to June 20
2002	Rest entire year

*2003 the rotation starts over by referring to 2001.

Hans Peterson Unit (Refer to Map 2.)

To describe this unit I will refer to the existing pastures as named on the large maps.

Winter Range Pasture

No grazing stipulations.

This pasture is about 1/5 owned by Roger Peters and 4/5 State School Trust lands. The pasture water source is on the 1/5 private. The water source location makes it difficult to separate the deeded ownership from the School Trust lands. Due to the aforementioned it is not practical to include grazing stipulations for this parcel.

Hansen Hill-Reservoir Field-Metlen Field

This unit consists of two pastures for winter/early spring grazing and calving. Each year one pasture would be available during winter months and early spring. The other pasture would be rested. Use is reversed the next year. The idea is to end grazing of the pasture scheduled for use prior to initiation of rapid growth (grazing no later than June 15). At the landowner's discretion, the irrigated portion of Peterson Hill pasture may be fenced out and not subject to specific grazing stipulations. The grazing rotation schedule is summarized in the following table.

Grazing rotation schedule for the Hansen Hill-Reservoir Field-Metlen Field—Refer to Map 2.

YEAR*	Pasture 1	Pasture 2
2001	*Winter grazing (cattle removed early June)	Rest from livestock grazing the entire year.
2002	Rest from livestock grazing the entire year.	Winter Grazing (cattle removed early June)

*Grazing treatment. The rotation starts over in 2003 by referring to 2001.

Selway West-Selway East

No grazing stipulations.

This pasture has a relatively small amount of private fenced in with a larger acreage of BLM land. The private lands in this unit are tied to the BLM grazing allotment.

Horse Prairie Unit (Refer to Map 3.)

This is a diverse unit consisting of about 11 parcels of land intermixed with other private, BLM, and FS lands. Some units are mostly irrigated pasture/hay meadow while others are native range or a mixture of native range and irrigated pasture. There are about 10 different BLM/FS allotments associated with this unit.

Spring Creek Pastures Native Range

This parcel is native range and is grazed during late-winter/early-spring(April) every other year.

Grazing rotation schedule for the Spring Creek Pasture (Native Range—Refer to Map 3.)

YEAR*	SPRING CREEK PASTURE
2001	February to early-May
2002	Rested from grazing entire year.

*The rotation starts over in 2003 by referring to 2001.

DRAGGING Y CATTLE COMPANY

(PETERS RANCH)

CONSERVATION EASEMENT

MANAGEMENT PLAN

MONTANA FISH, WILDLIFE & PARKS

I. INTRODUCTION

The **Peters Ranch (Dragging Y Cattle Company) Conservation Easement** encompasses 14,650 acres, and is located approximately 25 miles southwest of Dillon, Montana, near the town of Grant (Figure 1). The majority of the property occurs in deer and elk hunting district 328, with a portion of the property occurring in hunting district 329. The property is generally bordered by lands administered by the Forest Service (FS), Bureau of Land Management (BLM), and Dept. of Natural Resources and Conservation (DNRC), and is generally surrounded by the Beaverhead National Forest. Elevations range from a low of 5640 feet at Hans Peterson Flats to a high of 7250 feet at upper Painter Creek. The property is divided into three separate and distinct units: the Hans Peterson Flats unit, the Painter Creek unit, and the Upper Horse Prairie unit (Figure 1).

The property consists of sagebrush-grassland, riparian, and forested mountain foothill communities. Major drainages on the property include Cedar Creek, Painter Creek, Spring Creek, Everson Creek, Black Canyon Creek, Nip and Tuck Creek, Divide Creek, Upper Horse Prairie Creek, Maiden Creek, Jeff Davis Creek, and Shenon Creek.

Presently, the main use of the Peters Ranch (Dragging Y Cattle Company) is cattle ranching and associated hay production. Numerous grazing strategies have been adopted on deeded land by Mr. Peters, with some grazing systems incorporating FS, BLM, and/or DNRC lands. Some additional grazing provisions have been incorporated into the easement by mutual agreement with Mr. Peters and FWP.

The primary purpose in acquiring a conservation easement on the Peters Ranch is to protect important vegetative community types and wildlife habitats while at the same time allowing for a continued ranching operation and guaranteed public recreational access. An easement with FWP will serve to protect and/or enhance habitat quality thus providing for the needs of wildlife and agriculture in perpetuity.

Funds used for acquiring this easement are provided by hunting license revenues earmarked by House Bill 526 for the Habitat Montana Program.

This management plan was written to describe various management actions, which will occur as a result of a conservation easement with the Peters Ranch. This Management Plan will be updated as necessary by consent of the Landowners and FWP.

II. GOAL

The overall management goal and purpose of the Peters Ranch Conservation Easement is to:

> Conserve and protect in perpetuity the wildlife habitat and agricultural values of the Peters Ranch while maintaining public hunting opportunities as a recreation and management tool.

OBJECTIVES

Objective 1: Protect the productivity of soils, water and vegetation in a manner that will mutually benefit livestock grazing and wildlife.

Issue: The distribution of habitat types and vegetation baseline information for the Peters Ranch Conservation Easement property requires collection and mapping.

Strategy: Develop a Baseline Inventory (as described in the statewide habitat plan) which will provide a basis for evaluating present habitat condition. This would involve quantifying and mapping vegetation cover types, and depicting unique features, which occur on the property.

Strategy: In consultation with the FWP vegetation ecologist, FWP may monitor vegetation and habitat condition over time by establishing permanent photo plots and/or photo points and vegetation transects in each vegetation community (revisited on a 3 to 5 year schedule). Aerial and ground photographs may also be used for monitoring changes in vegetation over time.

Issue: Livestock grazing will be conducted in a manner that will protect and maintain the basic soil and vegetation resource, while leaving adequate forage for wildlife populations existing on the property at the time of Easement purchase by FWP.

Strategy: Implement existing and newly developed grazing systems into the Peters Ranch plan. These grazing systems provide for the needs of the soil, vegetation, livestock, and wildlife resources. Some new fence construction will be required to fully implement these systems.

Strategy: Through the use of transects as noted above, FWP may monitor the trend in vegetation and soil condition. Work with the landowner to adjust the grazing system to reverse any downward trend in range condition attributed to livestock or livestock use.

Issue: Other activities (aside from grazing) that could potentially affect the values of soil, water and vegetation.

Strategy: If oil, gas or other hydrocarbon exploration, development or extraction occur, FWP will monitor the activity for compliance, with the intent of minimizing or avoiding impacts.

Strategy: Surface disturbance from mining is prohibited. Subsurface mining is also prohibited unless compatible with the conservation purposes set out in this easement, and a plan is approved in advance by Fish, Wildlife and Parks. Three existing gravel pits can be utilized for use on the property.

Strategy: Cultivation is only allowed in existing irrigated or subirrigated haylands. Existing willow and sagebrush communities cannot be manipulated or controlled.

Issue The terms of the conservation easement will require coordination with the landowner.

Strategy: FWP will meet annually or more frequently to discuss any concerns with the easement, and to monitor for easement compliance. The goal will be to maintain a good working relationship between the landowner and the Department.

Objective 2: Provide traditional recreational access onto the property for hunting.

Issue: The landowner has allowed access through his property to adjacent public land historically. Some years, Mr. Peters has allowed hunters access to hunt on his private lands as well.

Strategy: When such public demand exists, the Landowner will allow 1300 hunter days on the Ranch from September 1 through December 15.

Strategy: The public may hunt game animals and game birds of all sex and age classes during all hunting seasons, subject to regulations adopted by the state of Montana.

Strategy: Hunters may park along existing public roads on walk-on or horseback portions of the Peters Ranch. Access to the east side of Hans Peterson Flats will be from the Henneberry Creek Road (BLM # 1893). The Coyote Flats Road (BLM# 1864) provides access to the Painter Creek unit. The west side of Upper Horse prairie is accessed via the Everson Creek Road (BLM # 1882). The Jeff Davis Road will provide yearlong access, while fall hunting access through Peters lands to public lands on the west side of upper Horse Prairie Creek will be provided through Maiden Creek, Divide Creek, and Upper Horse Prairie Creek Roads.

Strategy: Block Management has been initiated on the Peters Ranch and provides the framework for the hunter access portion of the easement. Hunter distribution, assisting with enforcement, etc. are all a part of the block management portion of the management plan.

Issue: Access to the Peters Ranch for hunting will be on a nondiscriminatory basis. Hunter access may be refused for justifiable reasons.

Strategy: The Landowner, Landowner's immediate family, Landowner's shareholders, partners, or employees or immediate family of shareholders, partners and employees of the Landowner shall not count towards satisfying the minimum number of hunters allowed on the Land.

Issue: The Landowner may incur management problems and impacts related to public access.

Strategy: Provide assistance to the landowner upon request to alleviate possible problems with managing hunter access (e.g. providing signs, continued participation in the block management program, etc).

Strategy: Continue the historic practice utilized by Mr. Peters of limiting public vehicle access in the Hans Peterson Flats, and west side of upper Horse Prairie Creek units. When roads on private lands (except the Jeff Davis Creek Road) are sufficiently wet to be very vulnerable to soil erosion and/or vehicular damage, the landowner may close roads until roadbeds freeze or dry sufficiently.

Strategy: The Landowner and or Department may deny the public access at any time for just cause such as disorderly conduct, intoxication, safety concerns, or other reasons as listed in the Conservation Easement or terms, rules, regulations and statutes of the Block Management Program.

Issue: Recreational use of the Peters Ranch needs to be monitored to verify landowner compliance with access requirements.

Strategy: FWP will periodically patrol the Peters Ranch over the course of the hunting season to evaluate compliance with access, use of designated roads, road sign maintenance, hunter numbers and other features of the program. Additionally, random mailings will be conducted to assess hunter satisfaction with the block management program.

Objective 3: Maintain and/or improve the wildlife values which exist on the Peters Ranch Conservation Easement property.

Issue: Maintain existing wildlife habitat.

Strategy: Document and map sagebrush, willow, and aspen distribution in the Baseline Study that can be monitored over time in order to detect changes.

Issue: There is a potential for game damage to occur on the Peters Ranch and adjacent properties.

Strategy: On the Peters Ranch, game damage problems will be managed through public hunting whenever possible during general season frameworks. Materials for a number of permanent stackyards have already been provided to assist with winter elk depredation in stackyards.

Strategy: The elk population will be managed within the framework of the Elk Management Plan (EMU).

Issue: Human activities (particularly vehicular) during the winter can displace big game.

Strategy: FWP discourages unnecessary human activities, including snowmobile use, which disturb wintering big game. The easement stipulates against leasing the property for winter recreation.

Strategy: The landowner retains the right to use snowmobiles in the conducting of day to day ranch activities.

Issue: The landowner has the right to maintain, renovate, expand, or replace existing agricultural or residential structures.

Strategy: These improvements area to provide for structures in substantially their present locations in section 30, T11SR13W, section 21, T10SR14W, and section 2, T12SR14W provided that renovation will not change that buildings function. Also, the Landowner may lease the above sites for church youth activities.

Issue: There may be habitat enhancement opportunities for upland game birds or waterfowl which are not addressed in the easement.

Strategy: FWP will review the ranch's potential for habitat enhancements and pursue habitat projects, which are of interest to the landowner and meet habitat program objectives.

Issue: Sagebrush provides winter forage for big game, birthing and hiding cover for game animals and other wildlife species.

Strategy Sagebrush removal, manipulation or destruction will not be allowed under the terms of the easement.

Roger Peters	Date
Carrie Peters	Date
Montana Fish, Wildlife & Parks	Date

PETERS RANCH

CONSERVATION EASEMENT

SOCIO-ECONOMIC ASSESSMENT

MONTANA FISH, WILDLIFE AND PARKS

Prepared by:
Rob Brooks
October, 00

I. INTRODUCTION

House Bill 526, passed by the 1987 Legislature (MCA 87-1-241 and MCA 87-1-242), authorizes Montana Fish, Wildlife and Parks (MFWP) to acquire an interest in land for the purpose of protecting and improving wildlife habitat. These acquisitions can be through fee title, conservation easements, or leasing. In 1989, the Montana legislature passed House Bill 720 requiring that a socioeconomic assessment be completed when wildlife habitat is acquired using Habitat Montana monies. These assessments evaluate the significant social and economic impacts of the purchase on local governments, employment, schools, and impacts on local businesses.

This socioeconomic evaluation addresses the purchase of a conservation easement on property presently owned by the Peters Ranch. The report addresses the physical and institutional setting as well as the social and economic impacts associated with the proposed conservation easement.

II. PHYSICAL AND INSTITUTIONAL SETTING

A. Property Description

The Peters Ranch is located about 25 miles southwest of Dillon Mt. in Beaverhead County. This easement encompasses 15,303 acres broken into three distinct parcels. A detailed description of this property is included in the environmental assessment (EA) Appendix A.

B. Habitat and Wildlife Populations

This property is home to a host of wildlife including bears, elk, deer, moose and mountain lions. Everson and Painter Creeks also have pure strain yellowstone cutthroat trout. A complete list of species is available in the Environmental Assessment, Appendix B.

C. Current Use

This property is a working cattle ranch. The owners have provided public hunting opportunities on and through their land in the past.

D. Management Alternatives

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

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

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

MFWP Purchase of Conservation Easement

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

1) Restrict residential subdivision or commercial development.
2) No commercial use of land and resources except those allowed by the Easement.
3) No new buildings or construction except that allowed by the Easement.
4) Mineral exploration/extraction are prohibited except for gravel to be used on the property.
5) Control or manipulation of sagebrush prohibited.
6) No cultivation or farming allowed except that provided by the Easement.
7) No renting or leasing access to the land for recreational purposes except that allowed by the Easement.
8) No game farms

A complete list of the restrictions this easement has on the landowners and MFWP is provided in the Deed of Conservation Easement for the Peters Ranch.

No Purchase Alternative

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

Subdivision or development of the land is a possibility. Public access has been allowed in the past but may not be depending on who purchases the property. The economic impacts associated with this alternative have not been calculated.

III. SOCIAL AND ECONOMIC IMPACTS

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

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

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

A. Financial Impacts

The financial impacts on MFWP are related to the purchase price of the conservation easement and maintenance/management costs. The Peters Ranch conservation easement will cost MFWP $2,000,000.00. Maintenance/management costs related to the easement are associated with monitoring the property to insure the easement terms are being followed. These costs are unknown at this time.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the conservation easement. The Peters Ranch easement will leave the land in private ownership and will not change the type or level of use on the property. The easement does provide for new building(s) to be constructed which will have a small positive impact to revenues. Overall the impacts of the easement are neutral to slightly positive in terms of the tax revenues to local governments including schools.

B. Economic Impacts

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

FINDINGS AND CONCLUSIONS

As noted at the beginning of this document, the Peters Ranch is located in Beaverhead County southwest of Dillon, MT.

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

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

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