Region 1
490 N. Meridian Road
Kalispell, MT 59901

DECISION NOTICE
and
Finding of No Significant Impact
for
WOODS RANCH WMA GRAZING LEASE

June 7, 2013

Description of the Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to renew a grazing lease that would allow cattle to graze on 1,200 acres of the Woods Ranch WMA in coordination with 277 additional acres of the lessee's private pastures to maximize forage benefits for wildlife in both areas. This grazing would be conducted under a 3-pasture rest-rotation system on the WMA with approximately 250 acres of the Woods Ranch excluded from all grazing. The lessee will provide the 90-100 cow/calf pairs for a maximum of 400 AUMs annually and will be assessed the established DNRC annual rate for grazing on State Lands. Cattle will graze in one of three pastures during the growing season (June 1 – August 1) and then be moved to a different pasture on the WMA after seed ripe (August 1 – October 15) on a rotational basis. A third pasture will receive complete rest each year. Cattle will be rotated between four pastures – three on the WMA and one on the operator's land (see the attached grazing plan). The duration of the plan will be for six years (two complete grazing cycles).

Draft Environmental Assessment and Initial Public Comments

FWP released a draft environmental analysis document for public review on April 12, 2013, and solicited the public for comments on the analyses and alternatives by April 26. This comment period was extended to May 13, 2013, in response to a public request. Copies of the draft were available to the public at the FWP office in Kalispell, Montana State Library, and FWP State Headquarters office in Helena, Lincoln County libraries, and the FWP website at fwp.mt.gov under Public Notices, and legal notices were placed in two local newspapers.

Summary of Recent Public Comment

FWP received four e-mail comments regarding this proposal. Two individuals stated they supported the proposal or had no problem with it. A third individual supported the proposal, but thought the level of grazing should be greater than the specified 400 AUMs. A fourth individual submitted a 2-page response with ten issues and questions regarding this proposal that largely

questioned the benefits of this proposal for native wildlife. The various issues and comments are addressed below:

FWP RESPONSE TO PUBLIC COMMENTS

Comment 1: The level of grazing should be increased, primarily to benefit elk.

FWP Response: Experience has shown the established grazing rate of a maximum of 400 AUMs is conservative, given the size of the area and the forage available. In years with normal or above-average precipitation, over half the annual production of grass remains in grazed pastures following the removal of cattle. It is impossible to predict dry years, and this "buffer" is considered necessary to protect plant health and insure cover and forage for a variety of wildlife species.

Comment 2: Please note when the private livestock grazing program began on Woods Ranch WMA.

FWP Response: It is uncertain when this area was first homesteaded, but grazing by cattle has likely been a use of this area for over 100 years. The property was acquired by the U.S. Army Corp of Engineers in 1978 as partial compensation for wildlife habitat lost due to the creation of Lake Koocanusa. Ownership was transferred to FWP in 1982. The earliest recorded grazing lease issued by FWP was in 1986. Subsequent grazing leases allowed up to 700 AUMs annually. This proposed lease allows for up to, but not more than, 400 AUMs annually.

Comment 3: Weren't there once Columbian sharp-tailed grouse on the WMA? Was there any information gathered on their response to the livestock grazing?

FWP Response: Columbian sharp-tailed grouse historically occurred throughout the Tobacco Valley and much of the U.S. and Canada west of the Continental Divide. By the 1920s, drastic declines in Columbian sharp-tailed grouse throughout western Montana were already being noted. Populations continued to decline and consisted of only a few individuals by the late 1980s. A series of transplants from Canada to the Tobacco Valley that occurred between 1987 and 1997 temporarily increased numbers, but it is believed they became extinct in approximately 2002. At no time were sharp-tailed grouse known to use the WMA for breeding purposes. Their use of the WMA during the 1980s and '90s was probably sporadic at best. A 1992 study of transplanted birds by Mick Cope showed birds avoided agricultural areas. While heavy grazing by cattle throughout the Tobacco Plains may have played a role in their demise, many other factors might also have contributed, including: loss of habitat due to conifer encroachment, loss of habitat due to Libby Dam, overall land use changes in the valley, weed encroachment, and the wide-spread spraying of insecticides in the 1960s.

Comment 4: Why are there no data to substantiate that "wintering deer, elk, and bighorn will benefit from livestock grazing?" As to short-term effects upon wildlife, do the animals show any preferences among the three annual grazing treatments?

FWP Response: Formal studies substantiating the benefits of livestock grazing on the WMA for wintering wildlife have not been conducted. A 1993 study of bighorn sheep in the Ten Lakes area by Steve Johnsen failed to document any use of the WMA, even though they were captured

only several kilometers north of the WMA in British Columbia. This began to change soon after the study was completed. A 1996 spring helicopter survey located 14 sheep on the WMA with an additional 38 in Canada. Use of the WMA by bighorn sheep has increased since then, both in numbers and duration, with a high of 86 sheep being observed on the WMA. What is even more interesting is that the WMA has very poor escape cover and predator numbers (wolves) have increased. Use of open grassland slopes by sheep has been expanding to the south and is now nearly to the southern WMA boundary, far from any escape cover. Lambs were produced on the WMA for the first time in 2012. Elk use of the WMA has also increased since the mid-1990s. Mule deer numbers on the WMA have varied and tend to parallel populations in the Whitefish and Galton Mountain Ranges with greatest densities in and around the Woods Ranch WMA. Given these observations of increased wildlife use, it would be difficult to argue that current cattle grazing of the WMA has negatively affected these species. Instead, it has most likely been a benefit.

Comment 5: Analysis of the no-action alternative provides no discussion of what long-term biotic succession may occur and what wildlife species might benefit. The statement that pastures ungrazed by livestock will become less attractive to big game is not substantiated. The ecosystem value of residual vegetation, especially for ground-nesting birds, is not recognized. While noxious weeds are mentioned, there is no mention of the roles on native forbs or how they would respond to livestock grazing.

FWP Response: Any discussions about the long-term biotic succession under a no-action alternative and benefits to wildlife would involve conjecture. It is the opinion of the FWP biologist managing the WMA that the current, conservative level of grazing has already resulted in benefits for native ungulate species. While various ground-nesting birds and other species might benefit from a no-action alternative, a detailed analysis supported by data is beyond the scope of an EA for an action that is not new.

Comment 6: There is no analysis of any option with less frequent livestock grazing. (Note: on the Blackleaf WMA, livestock grazing occurs 1 year in 4, not 2 years in 3 as on the Woods Ranch).

FWP Response: The Blackleaf WMA consists of 10,400 acres and is 7 times larger than the Woods Ranch WMA. It is divided into 8 pastures vs. 3 for the Woods Ranch. Larger areas are naturally more conducive to more pastures, which allow for more options. The creation of more fencing on the Woods Ranch (which is an obstacle to wildlife) may not necessarily be better for wild ungulates. An examination of a series of photos from the Blackleaf WMA in a report published by Gary Olson (2013) indicates there is less grass cover and more bare soil at Blackleaf WMA, on average, than the Woods Ranch WMA, even after grazing on the Woods Ranch has occurred. It should also be noted that Blackleaf WMA receives less precipitation, is not being grazed in conjunction with external pastures, and is comprised of a greater proportion of native vs. introduced grasses as compared to the Woods Ranch WMA.

Comment 7: The statement, that without access to WMA forage, the lessee would provide inadequate no-grazing rest for his own pastures is dubious. It condemns the land management ethics of the lessee. Moreover, if the lessee is financially insolvent without access to WMA forage, why should FWP become a welfare agency for one, and only one, local landowner?

FWP Response: It would be impossible to accommodate a number of livestock owners on the WMA at the same time in an attempt at "fairness," nor would there be any perceived benefits to wildlife if this were attempted. This lessee was chosen for a number of reasons that include: proximity to the WMA, the number of cattle owned, the importance of the lessee's property for wildlife, the lessee's willingness to allow public hunting, land stewardship ethic, and willingness to work cooperatively with FWP. This agreement will improve the management of grasslands on both properties and will benefit the public through increased access and hunting opportunities. Any comments by FWP about the lessee and any alleged financial insolvency is outside the scope of this EA.

Comment 8: If access to WMA forage is primarily a tradeoff for "excessive" big game use of one neighbor's private land, this should be clearly stated in the EA, and there should be estimates of how many big game animals use this private land for how many days at what season. Only then can the owners of the WMA judge what is a fair trade.

FWP Response: During spring helicopter surveys, it is not uncommon to see over 100 mule deer on the lessee's property alone, one of the highest densities in north Lincoln County. Even with these high densities, FWP has not received any complaints from this landowner about deer or forage availability for his cattle. Proper grazing by cattle is a recognized tool that can improve forage quality. It is not unlike a second cutting of hay, which has a higher protein content than the first cutting. Nor is it unlike the historical grazing by buffalo on the eastern plains, which were followed by secondary grazers like deer, bighorn sheep, and elk.

Comment 9: The EA emphasizes a need to keep big game on the WMA during spring green-up, which is usually a short period. There should be discussion of what amount and season of livestock grazing may be necessary to achieve this goal. The 3-pasture rest-rotation system was not designed specifically for this purpose.

FWP Response: The above comment is in error. The EA discusses manipulating vegetation to promote use of the WMA by big game primarily during the winter months, including the spring green-up period. In addition, the EA does not emphasize a specific "need" as suggested in the comment, but instead describes the benefits and purposes of the proposed actions (EA, Part I, page 3, under Narrative Summary) including the last sentence which includes "…greater use of the WMA by those species." This goal is further defined in FWP's response to Comment 11. The amount and season of livestock grazing has also been defined in this section of the EA (EA, Part I, page 3, under Narrative Summary).

The 3-pasture, rest-rotation system on the Woods Ranch WMA was designed to promote healthy grasslands and provide a diversity of forage conditions to meet winter and spring grazing patterns of elk and deer herds in an area where winter and spring use by deer and elk can cause conflict. An example of this conflict is where a rancher in this area constructed an 8-foot-high fence around several thousand acres of his ranch solely because of issues with big game grazing, primarily elk. Although the use of private, grazed lands by big game can become an issue, the lessee has never complained about the big game use on his private property. While most ranchers are trying to do their best at stewardship, they usually do not have the option of closing their lands to grazing, strictly for the benefit of wildlife. FWP believes the proposed action will continue to promote vegetation conditions on the WMA that will benefit wildlife primarily in the winter months, and will also reduce big game usage on adjacent private lands during the spring months in this area.

Comment 10: There is no report of the financial costs for administering this project, including costs for preparing the EA and decision notice and for monitoring the project and any other associated costs – including "major fence repairs or improvements."

FWP Response: Management of the Woods Ranch WMA is part of an FWP wildlife biologist's assigned duties, whether grazing occurs or not. There is an annual budget of $5,880 that is divided between three different wildlife management areas (Woods Ranch, West Kootenai, and Kootenai Falls). This money is derived primarily from the sales of hunting licenses. The vast majority of this money is used for the spraying of weeds and for paying for mileage for state-owned vehicles. It is also used to cover minor repairs, etc., but any large repairs or projects (e.g., new road construction or repair, new fence construction, dam repair and maintenance, forest management, etc.) are handled as capital projects with funding directly from Helena. Approximately 40-60 hours of time are devoted annually to this WMA, in which everything is addressed, from spraying weeds, fixing fence, pond and irrigation ditch maintenance, to picking up garbage. Approximately 20 hours of the wildlife biologist's time have been devoted to preparing this EA and decision document. If this project is approved, this time should be considered prorated over a 6-year period, the length of the grazing agreement

Comment 11: The goal of the project is stated as "greater use of the WMA by elk, deer, and bighorn sheep." Once "greater" is defined, goal achievement may be measured. However, there is no commitment to any monitoring plan that will provide valid inferences regarding goal achievement.

FWP Response: FWP agrees the above goal could have probably been better defined in the EA. It is our desire to provide a variety of grazing opportunities for a variety of wildlife species that will maximize their use of the WMA, especially during winter and spring green-up periods. As stated earlier in this document, bighorn sheep numbers on the WMA have gone from zero in the earlier 1990s to the point where they are now giving birth on the WMA. These observations are based on annual monitoring surveys for a variety of wildlife species conducted by FWP that will continue into the future. Setting goals based on population numbers on an area that is only 1,400 acres in size is dangerous because populations are undoubtedly influenced by numerous outside factors.

FWP RECOMMENDED ALTERNATIVE AND FINAL DECISION RECOMMENDATION

In reviewing all public comments, and evaluating the environmental effects and other relevant information, I recommend that FWP pursue the completion of the Woods Ranch WMA Grazing Lease. FWP believes the completion of this agreement is in the best interests of wildlife, the management of the WMA, and the people of Montana. Through the MEPA process, FWP found no significant impacts on the human or physical environments associated with this proposal. Therefore, the EA is the appropriate level of analysis, and an environmental impact statement is not required. The draft EA will become the final EA.

James R. Satterfield, Jr.

June 7, 2013

James R. Satterfield Jr., Ph.D.
Regional Supervisor

Date