



# Montana Fish, Wildlife & Parks

Region 2 Headquarters  
3201 Spurgin Road  
Missoula, MT 59804-3101  
406-542-5500  
August 2, 2010

Dear Interested Citizen:

Enclosed you will find the Decision Notice (DN) for a Montana Fish, Wildlife & Parks (FWP) Draft Environmental Assessment (EA) concerning its proposal to purchase via fee title a 27,616-acre Wildlife Management Area (WMA) northeast of Deer Lodge, to be called Spotted Dog WMA. The purpose of this proposal is to secure critical fish and wildlife habitat and to enhance compatible recreational opportunities and access for the public. The project area is centered in the Spotted Dog Creek watershed in Powell County, within FWP administrative Region Two.

FWP would fund the project with a grant of \$16,574,009 from the Natural Resource Damage Program (NRDP). FWP would pay the fair market value of approximately \$15.2 million (~\$550/acre). Funding for a 10-year grazing lease on 10,200 acres of intermingled lands owned by the Montana Department of Natural Resources and Conservation (valued at \$148,869) and a 5-year maintenance fund (totaling \$1,225,140) is included in the total grant request.

This DN is available for review in Helena at FWP's Headquarters, the State Library and the Environmental Quality Council. It also may be obtained from the Region 2 FWP Headquarters or viewed on FWP's Internet website at <http://fwp.mt.gov> ("Recent Public Notices").

In consideration of the Draft EA and the DN, we will recommend that the Fish, Wildlife & Parks Commission approve the proposed purchase of the Spotted Dog property at its August 5<sup>th</sup> meeting in Helena. Approval will also be necessary from the Montana Board of Land Commissioners, contingent on the award of funding from the NRDP. Both the Commission and Land Board meetings are open to the public.

Sincerely,

A handwritten signature in black ink that reads "Mack Long". The signature is fluid and cursive, with the first name "Mack" and last name "Long" clearly legible.

Mack Long  
Regional Supervisor

ML/sr



**DECISION NOTICE**  
**For the Proposed Land Acquisition: Spotted Dog Wildlife Management Area**

Montana Fish, Wildlife & Parks  
Region 2  
3201 Spurgin Road, Missoula MT 59804  
406-542-5500

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**DESCRIPTION OF PROPOSED ACTION**

FWP proposes to purchase the 27,616-acre Spotted Dog property, in Powell County, from Rock Creek Cattle Company. FWP also would lease 10,260 acres of Department of Natural Resources and Conservation (DNRC) lands to establish a 38,000-acre Wildlife Management Area (WMA) between I-90 and Highway 12. Access to the property is from Deer Lodge, Avon and Elliston.

FWP would fund the project with a grant of \$16,574,009 from the Natural Resource Damage Program (NRDP). FWP would pay the fair market value of approximately \$15.2 million (~\$550/acre). The 10-year DNRC grazing lease is valued at \$148,869, and a 5-year maintenance fund would total \$1,225,140.

FWP's goals for acquiring and managing the proposed Spotted Dog WMA are to:

- Permanently protect fish & wildlife resources;
- Enhance critical winter habitat for elk, mule deer, and antelope;
- Maintain migratory patterns to and from the National Forest for a regionally significant elk herd;
- Provide lasting public access to previously inaccessible lands;
- Maintain landscape connectivity between the Blackfoot and Clark Fork watersheds;
- Replace lost and injured natural resources that were the subject of *Montana v. ARCO*.

The proposed Spotted Dog WMA is exceptional in the quantity of intact native grassland that would be conserved for wildlife within its boundaries. Currently, deeded and leased acres constitute the second-largest block of privately owned native grasslands in Montana, west of the Continental Divide. Management activities should serve to maintain and enhance the native species composition and connected, unbroken expanse of this relict landscape. Activities should be avoided that would diminish native vegetation, increase establishment and spread of non-natives, or otherwise fragment the existing intact landscape. It is the size and expanse of this

grassland habitat complex, coupled with its native qualities, which make it exceptional and especially worthy of perpetual conservation.

Antelope bitterbrush and rough fescue communities exist on the property in significant abundance. Both communities are limited, uncommon, and apparently declining in their occurrences across western Montana, yet both are exceptionally valuable as forage for elk and mule deer, as well as food and cover for a variety of wildlife. Management activities should feature the conservation of bitterbrush and rough fescue communities on the property.

Spotted Dog is exceptional in the availability of surface water scattered across the property, in the form of seeps, springs, and creeks. These waters and wet meadows greatly enhance the ability of the land to attract and produce wildlife. Aspen and cottonwood occur in many of these wet areas at present. Riparian areas constitute a significant opportunity and need for improvement with future management, which would enhance fish and wildlife diversity.

Spotted Dog is exceptional winter range for elk, mule deer and antelope—quite likely among the best remaining winter ranges in Montana. Topography, vegetation, connectivity, size and juxtaposition with elk and deer summer ranges along the Continental Divide are the primary contributing factors to the inherent quality of this property as big game winter range. In addition to considerations of soil and vegetation, management actions should serve to prevent human disturbance of wintering wildlife to avoid displacing populations from traditional winter ranges and to minimize loss of body-fat reserves before spring. Management should include cooperation with the Forest Service to enhance summer ranges and security to maintain migratory patterns and traditions of deer and elk.

Spotted Dog has the potential to provide new and exceptional opportunities for hunting and wildlife viewing by the public. The expansive size of the property and fortuitous lay of the land, coupled with sweeping view-sheds, are outstanding assets of regional significance for wildlife appreciation. Management should maintain an open road system sufficient to allow people of all abilities the opportunity to attain views and key points of access for parking and hiking or hunting. However, it is critical to the success of the project that motorized access be strategically managed to allow big game to continue using the property in hunting season. A balance between access and habitat security should be achieved to serve both interests.

Spotted Dog WMA would be managed in a manner consistent with that of other WMAs owned and managed by FWP (e.g., Blackfoot-Clearwater, Lost Creek, Garrity Mountain, Fleecer Mountain, and Sun River). Management priority would be for the benefit of native fish and wildlife resources. Public access would be provided to the extent that such access is compatible with the stewardship of soil, native vegetation, and the endemic fish and wildlife resources. Vegetation management by way of livestock grazing, commercial timber harvest, or other land use practices may be prescribed if and as needed in the future to enhance the fish and wildlife values of the property, and their connection with the larger landscape. FWP strives to be a good neighbor, and would cooperate with adjoining landowners on noxious weed management, fence maintenance, historic and necessary road access, and other issues common to the local community. Maintenance and management would be headquartered locally, at Warm Springs WMA.

## ALTERNATIVES TO THE PROPOSED ACTION

### **No Action: FWP would not purchase the Spotted Dog Property**

Under the No Action Alternative, FWP would not purchase the Spotted Dog property. Presumably the owner would continue offering the property for sale to other potential buyers. The possibility would exist that the property could be subdivided and developed in the future depending upon the desires of a new owner, and if so the exceptional habitat qualities of this property could be jeopardized. Public access to the property would be unlikely, given past history and trends. Previously identified Natural Resource Damage Program and FWP funds would be released from this proposed project to support different projects. Replacement of lost and injured natural resources subject to *Montana v. ARCO* would be delayed and diminished.

### **Alternative Considered but Eliminated from Analysis: Conservation Easement**

FWP could achieve many, but not all, of its habitat and public access objectives for the Spotted Dog property by purchasing a conservation easement on the property instead of acquiring it in fee. A conservation easement could achieve these objectives at approximately two-thirds of the cost of a fee title acquisition. A conservation easement would not have allowed FWP complete management control over the property for the benefit of fish, wildlife and the public. The Rocky Mountain Elk Foundation and the Seller have discussed a conservation easement for the Spotted Dog property in the past, without arriving at agreement.

## PUBLIC REVIEW PROCESS

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions on the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision to proceed or not with the project.

FWP released a draft environmental assessment (EA), including a draft preliminary management plan and socio-economic assessment, for public review on July 1, 2010 and accepted public comment until 5:00 P. M. on July 30, 2010. The EA was available for public review on FWP's web site (<http://fwp.mt.gov>, "Recent Public Notices") from June 28 through July 30, 2010. FWP mailed approximately 79 copies of the EA (and approximately 45 email notifications of the EA's availability) to adjacent landowners and interested individuals, groups and outside agencies. FWP notified the Powell County Commission of the proposed acquisition pursuant to the requirements of HB 674 and the property was inspected by the county weed management district on July 30, 2010 as required by 7-22-2154, MCA.

Legal notice of the Spotted Dog Acquisition EA was published (date/s) in the following newspapers: *Anaconda Leader* (June 30, July 9), *Great Falls Tribune* (June 30, July 11), *Independent Record* (Helena; June 30, July 11), *Missoulian* (June 30, July 11), and *Silver State Post* (Deer Lodge; June 30, July 7). Proof of publication was not received from the *Montana Standard*, although this newspaper printed an advertisement paid by NRDP, news stories and letters to the editor that served a similar purpose. FWP issued a state-wide news release regarding this proposal on July 1, 2010. Several newspapers and newsletters with local and

statewide circulations reported on the proposal and public hearing, and printed public opinions during the public comment period.

A public hearing to explain the project, answer questions, and take public comment was held on July 14 (7:00 p.m. in Deer Lodge at the Deer Lodge Community Center), and 108 people signed in. A court reporter transcribed the public's testimony verbatim, as it was received.

## **SUMMARY OF PUBLIC HEARING COMMENTS**

One-hundred-eight (108) people signed in at the public hearing in Deer Lodge. Thirteen (13) people testified on the record. Of these, four (4) may be characterized as supportive, two (2) conditionally supportive, two (2) opposed to government land ownership, one (1) opposed to NRD funds being prioritized to fund this project, three (3) concerned about the proposed funding and process, and one (1) concerned about the cumulative effects on adjacent landowners. The transcript of public testimony follows (edited for format):

*JULES MARCHESSEAULT: My name is Jules Marchesseault. I'm from Beaverhead County. My address is Box 1146, Dillon, Montana, 59725. Thirty-five percent of all the property in the whole United States is owned by the government in one form or another. I am absolutely against government owning any more property.*

*JOHN THOMPSON: My name is John Thompson. I live at 909 Kohrs Street, Deer Lodge, Montana, 59712. Thompson is spelled T-H-O-M-P-S-O-N. I've had the opportunity to read a lot of environmental assessments, and I have to say that you guys have set a record for the shortest accumulative impact session. And as being affiliated with one of the adjacent landowners, I don't think you're adequately addressing accumulative impacts to the adjacent landowners. I know Fred's here from DNRC. I would ask that you address accumulative impacts in his fire suppression program. When you remove a fire suppression tool from the land, that being a cow, and what impacts the enhanced vegetation growth will have on the adjacent landowners, not only to their grazing lands, but their timber lands should a large fire occur. I just think the accumulative impact section is pretty weak.*

*CARL NYMAN: If I could, this is backwards. I was a musician for a lot of years, and it's really awkward to talk. My name's Carl Nyman. I live at 1014 Highway One West in Anaconda. And I came here tonight thinking that, on its merits, that acquiring this land was a good thing. And after listening to some of the landowners, I'm not so sure. It sounds like Fish, Wildlife and Parks sincerely wants to be a good neighbor and there's some issues to be worked out. So I'm just going to state that I'm sort of neutral on that, to see how it develops. With regard to the funding mechanism, that's what I came to speak tonight. And this is addressed not only to NRD but also to Fish, Wildlife and Parks. This is sort of what should be a new era in the NRD Program, in that the final settlement was made in 2008. NRD staff worked that year to develop a restoration plan in which to spend that money. I'm not sure, but it appears that there may have been some political opposition. Something caused that to lose momentum. There's a great deal of money in some respects in that pot. In other respects, there's not, when you look at the size of the basin and the affected lands and what needs to be restored. And I believe that it's irresponsible to spend any of that money, especially when we're getting into the corpus, on anything but restoration, but most especially to be spending it before there's a plan adopted that dictates how*



*we will do that. First and foremost, we should be looking at the damaged, the injured, areas to see if we can do anything there. We need to prioritize things geographically. And although I live in Deer Lodge County, I'm speaking for the entire basin, because there's damage all the way down to Missoula and past, back into Butte and our county, and other counties, as well. This is a finite pot, and once it's gone, it's gone. What troubles me, also, is that it is a political cramdown. And while I respect that Fish, Wildlife and Parks is able to move quickly -- and I like people that can do that -- it hasn't been the same for the NRD staff. I'm told that they had two hours to review the proposal before their meeting. It has been crammed down for them. And the fact that they're having to make an amendment in a period where we should be looking at a restoration plan, by all rights we should either be slowing down the process or stopping it, maybe sticking with interest only, so that this plan can be implemented. And that doesn't mean that Fish, Wildlife and Parks can't qualify for this, just that this thing smells, I guess, is what I want to say. And what it does, it undermines the credibility and the integrity of the Governor's office, the Trustee's Council and Fish, Wildlife and Parks. I don't believe that it meets the criteria of the NRD Program, because there should be -- this is an era where there should be new criteria. There were things that were done as part of the interest-only program that were a bit of a stretch, but we recognized that we had to start taking care of some things. I am opposed to spending 1.2 million on operation and maintenance of the facility -- or of the property. I'm sorry. Although the operations and maintenance are certainly needed, I'm opposed to that NRD money being spent for that and also for the leases. If this was a project -- if this was a restoration project, then I think that operation and maintenance money is valid to maintain that restoration. I feel like this is a stretch. What I would like to do is suggest some sort of compromise, because I understand what Fish, Wildlife and Parks, the people at the lower levels, the people on the ground, are trying to achieve here. And I do think they are sincere. And that is that Rock Creek Cattle Company has an option on this for the next 16 months. It seems to me like Fish, Wildlife and Parks could enter into an agreement with Rock Creek Cattle Company for first right of refusal on that property, as well. That would allow this to run through the proper channels with NRD. The other thing that I've heard is rather than NRD -- I'm sorry. Rather than Fish, Wildlife and Parks taking the -- the money from the NRD program, that it would essentially be placed in trust, that the State would acquire a stimulus bond to pay for the property, and then the interest on a certain amount of money would go to pay down the debt on that bond every year. That would make sense to me because we're contributing the interest to this project. NRD is able to retain the principal. However, because this is a political cramdown and what appears to be happening is there seems like there's an all-out rush to spend this money in the next three years and doesn't accomplish what we need to do in restoration. I think what the State's compromise needs to be is that the Advisory Council and citizens seem to prefer a 15- to 20-year plan, restoration plan, that would spend that money more carefully and more deliberately. And if the State is willing to accept that 20-year plan, then this money could be set aside so that Fish, Wildlife and Parks could use the interest for this. However, that needs to be an iron-clad agreement. And if there are any more political cramdowns, if there is an effort to spend this money down, then that money -- then that land reverts back to the owner. There has to be that kind of stake attached to this. Thank you.*

*JOHN STAVLO: Hi. Good evening. My name is John Stavlo, and I live at 1045 Beck Hill Road. My small parcel of property is directly adjacent to the wintering area for all the elk, as is my front yard. And I stand here in support of this acquisition. I've had the opportunity to live in this*

valley and in the Helena valley for the last 15, going on 20 years. I see the development which has occurred in the other valleys, Helena, Flathead, etc., where private lands have been taken, subdivided into smaller parcels of land and inaccessibility to State land, which is checkerboarded and inter-dispersed between this property, is denied to the general public. This is land that we already own as citizens of Montana, that should private sale occur to this property, which, if we don't, as a state, acquire it, is a good possibility for the owner of the property to sell to a private or several private individuals, more breaking up this winter range which is vital to the elk herd. It's not uncommon for me to see 3- or 400 elk out on that winter range in the wintertime, grazing and being unmolested. And it's a wonderful thing that Rock Creek doesn't push them as much as they do or more than they do, which allows that herd to -- herd to thrive and survive. I would like to see that herd continue to do that. In addition, traveling up and down the valley, I realize that the Anaconda Company previously, and now currently Arco -- although it did a great deal of positive effects to the areas in this valley, with the labor that it provided and the jobs and the money it brought in, it also had a negative impact, not just on the Anaconda area, but the entire valley itself. The watershed. There's issues with runoff from the corporate holdings all the way to Missoula. Missoula used this money to take out the Milltown dam, some 90 miles away from the -- or the business site. It is good to see that Arco and the monies that are gotten from Arco through the lawsuit are having a positive impact on the entire valley and beyond. And this is an opportunity for that money, which was recovered by the State through a lawsuit and not through taxpayer funds, to take an opportunity to develop a piece of land for our children and our children's children. I want to see access to the national forest from this side of the hill, not just the Helena side. I want to see that -- I would like to see that winter range be protected and guarded for those elk and other animals that are using that for feeding. And I believe that DNRC, working through management, can develop this resource and be a good neighbor. And I am a neighbor, and I want to make sure that you are a good neighbor. And I'm sure all the other ranchers and people that live around it want to make sure that you are a good neighbor. And so I think it would be good that if you do develop this into a wildlife management area, you should have a landowner opportunity to sit on a landowner board around -- that's around this area to make sure that they continue over the years to have a voice in what happens with this property and be able to present their issues, whether it's elk damage to their properties or other issues which occur with access. I think if you would develop a board which would allow people to have input on what happens here, or at least a continuous point of contact to address their issues, that may alleviate some of the problems with this particular parcel of land. I realize, from listening to a lot of people, there are some questions about the acquisition and the money. I think that you need, as a group, to better present how this acquisition came about, how the negotiations occurred, and what the decision-making process for the amount of money that you were -- that you are willing to do this. I realize you put it out in a statement, but I don't think you quite give it an "oomph." When somebody says that they went directly to the Governor and set up some kind of deal, that makes everyone apprehensive. Okay. So you people need to make an effort to try and better explain to the public why this acquisition came about and the monies involved. I think, economically, right now Rock Creek Cattle Company is desperate. I don't think their operations on the western side of the interstate have turned out quite the way they thought they would. I have spoken to some of the people that are doing some of that development, and I think that they need the money from this acquisition on the east side of the highway to continue their operations and do better. I think if another person can come along and meet their margin, they, more than likely, will sell this property off

*and we will lose an opportunity for generations to come, one we will never be able to recover again. Again, I stand in support of this, but I want to make sure that whatever deals have been made that aren't transparent to the general public are more transparent and presented in a better way and that there's an advisory opportunity for people who reside around this area to have a say, or at least have an ability to present issues to FWP in a comprehensive manner.*

*BECKY GUAY: Hi. My name is Becky Guay. I'm the chief executive in Anaconda-Deer Lodge County and a former member of the Citizen's Advisory Committee. But I'm not here this evening to speak on behalf of the commission. They have not taken a formal position but are going to do so next Tuesday and send you a letter. I have just a couple of comments to make. The first is I need to state that, personally -- and the name is spelled G-U-A-Y. It's French. So -- but, unlike my French compatriot here, I do support public ownership of land and public access to that land. And, as a replacement project, I think the Spotted Dog is probably a pretty good project. I know there seems to be many management concerns that need to be worked out, and I believe that we should take the time to do that upfront, before we actually enter into any agreements. So I'm going to say that I'm basically in support of these types of projects, and Spotted Dog is probably an okay project. However, what I'm very concerned about is the process. As a member of the Citizen's Advisory Committee, we represented -- during my term, we represented with several opportunities to either purchase lands or purchase conservation easements that came in through the regular grant process. And, in fact, the Citizen's Advisory Committee members were told at times that, you know, certain decisions were necessary because we had -- because the projects had to fit within that process. And now, all of a sudden, we're throwing that process wide open and saying, "Well, because it's an important project, it can come in now." Well, most of the projects that I listened to for land purchases while I was on the committee were important projects. One was the Vanisko easement, which doesn't seem to have gone anywhere. And there were concerns on that project because of when the funding could become available, the landowner didn't want to wait or blah, blah, blah. So, those types of emergencies arise with most land acquisition projects. And I think that the owners of this property should be held to the same standards that owners of other properties were in previous land acquisition or conservation easement acquisition deals. If we don't have to play by the rules that were established -- Anaconda-Deer Lodge County has been hoping to acquire a 4,000-acre parcel of land that's adjacent to the Mt. Hagen Wildlife Management Area that I talked to Mike about. And I'm certain that if we could get NRD money tomorrow to purchase that from the owner we would have a done deal. We haven't brought that to the table because it wasn't part of the regular process. So I think that you're just throwing open the door to a lot of emergencies and a lot of good projects without taking the time to do the priority. And that's my second point, is now that the lawsuits are settled, there is a lot of land that needs restoring, not just along the Clark Fork River. For instance, Warm Springs Creek in Anaconda-Deer Lodge County, Blacktail. Lots -- lots of different restoration priorities. And, in fact, just recently, a priority list of aquatic resources in stream regions came out from Fish, Wildlife and Parks that would be included in the NRD priority process. And I understand a similar process was going on for terrestrial -- terrestrial resources. And I think that it's extremely important at this time for us to develop a restoration priority. We need to know what needs to be restored first, and then replaced second. Although Anaconda has had the benefit of replacement projects, and I'm grateful for that, we do need -- we need to see what our restoration priorities truly are. And without a restoration plan, we can't do that. It's difficult for me to say I fully support the Spotted Dog because I don't know*



*what I'm giving up, what restoration opportunities I may be giving up, to purchase the Spotted Dog. So, again, is this -- yeah. Okay. So, again, that's the second crux of my testimony tonight, is that I absolutely believe that we must have a restoration priority that's established and we need to follow that once it is established and fund the highest priority restoration projects first and move down the list and see how much we can get done. Thirdly, while property acquisition is certainly allowed and a good thing under the NRD Program, one thing that it doesn't create is jobs. And actual restoration work on the ground, boots on the ground, restoring streams, planting willows, working on culverts, etc., actually employes a lot of people. And the Governor talked about the restoration economy several years ago and all the jobs that it would provide. I believe he said there were 50 jobs for every million dollars in restoration. So about 18 -- 17 and a half million dollars of land acquisitions, we're not getting those jobs. So, thank you.*

*LORRY THOMAS: My name's Lorry Thomas. I would like to be the last one to speak, but right now I'd be bumping heads with our leaders because the Anaconda Sportsmen is in favor of this purchase and there's several reasons why. We're scared if we don't get this chunk of land it will be subdivided, and when it's subdivided that means even some landowners won't be able to use some of their existing roads. And second -- and if -- for the wolves, the sportsmens will help control the wolves. And we're really out to help the landowners to curtail these wolf problems. And for -- also, for him, for the elk, it takes sportsmen to help control the elk herds. So this is a good project and I hope we don't lose it. If we lose it, it's gone.*

*HEARING OFFICER: Lorry, could you give your address and spelling of your name for the record.*

*LORRY THOMAS: Oh, I thought you knew it. No. 2 Cherry, Anaconda.*

*JOSH MCGRAW: My name's Josh McGraw, M-c-G-R-A-W, P.O. Box 260, Avon, Montana. I just want to state up front that I am opposed to this. As a nation, as I said before during the talk, that we're founded on private landowners being the owners for this nation. It was said 35 percent's owned by government. That's what we're built on. It seems like we're getting more and more built on government owning this land and not the private landowners. I also just want to say that with this amendment being done, it sounds -- it seems to me as an unfair process, and it needs to go through the long-term process as everything else has done. I would like to see that be carried out the way it should be and not through a fast-track process. Thank you.*

*JOHN HOLLENBACK: John Hollenback, Gold Creek, P.O. Box 3300, 25 Gold Creek, H-O-L-L-E-N-B-A-C-K. And I just want to go on record that I really don't like the way the process has happened. I have taken part in that through the years. But I think that if the whole process is allowed to work, I still think there's time so we can go through and have the process and let everybody truly understand what's happening. And I had a lot of projects when I was on the board that I didn't like. They went through anyway. But they went through the process. And when it got done, we shook hands, we left and said, "Good, we worked with those projects." And I kind of think that this project needs to do that same thing. Because when we're done, if the property's bought, I would like to see, you know, people happy with that -- with that, and, you know, when it's over not to say, "Well, this is the Governor pushing it and it was rammed down our throat," and all of this type of stuff. If it goes through the process and it happens, then it happens, and then we live with it. And we work with it the best, and we work with the people*

*that do it, we show respect for the Fish, Wildlife and Parks, we show respect for the people doing it. But I don't like the comments that I hear that this thing is being shoved down our throats, crammed down, because of the short time. So I'm just concerned that all of the hard work that's gone into the process in the past is kind of taking a backseat now. And I just want to go on record to say that if -- you know, we need to give the whole process a chance. Thank you.*

*ROSE NYMAN: My name is Rose Nyman, N-Y-M-A-N. My address is 518 Cedar in Anaconda. I am a commissioner in Anaconda-Deer Lodge County. I am speaking this evening as a private citizen. I believe our commissions to be divided on this issue. And, as our CEO said, we will be voting on it next Tuesday night. I'm not going to comment on the project because I'm not a neighbor to it, but I am a strong believer in equality. And I don't think that there is any equality present here in this project. I think it's a question of ethics. I think you're making rubber stamps out of the Advisory Council and the Trustee Council. They volunteer a great deal, a great number of hours, on these projects. And I think this process has to be adhered to or you will go down in infamy. Thank you.*

*WAYNE NEUBAUER: My name's Wayne Neubauer, N-E-U-B-A-U-E-R. I live at 109 Second Street here in Deer Lodge. The Trustee's Resolution, the council is putting out a request for -- to amend the NRD criteria to allow money we spend outside of the traditional grant program. I'm sure against that because of what they haven't done here yet. We had our high water this spring. I used to swim in this river when I was a kid and I know what color it was. And when we had the high water this spring, that river was running yellow and muddy, dirty, yellow from that, and that's washing out of the banks and all of the spots that haven't been taken care of. I could take you down here to Grant Kohrs Ranch or down as far as Garrison and stick a steel knife in these slicker areas and it will turn it copper color. I don't know when they're going to do that. They haven't finalized that project here. They're wanting to use that money to buy property. I don't think they're going to have enough money to finish these projects. The prices are going to keep going up to fix, restore, this property, and they better get the damage done first. Thank you.*

*LORRY THOMAS: I just forgot to mention that part of the settlement is for loss of habitat. And I think that's what all of the sportsmen are worried, that we lost a lot of habitat, and this is one chance to bring some of it back. Thanks.*

*RALPH PHILLIPS: Yeah, I would, please. My name is Ralph Phillips, P-H-I-L-L-I-P-S. I live at 802 West Peterson here in Deer Lodge. And I'm here not as a landowner but as a sportsman. And the Fish and Game represents the sportsmen more than anybody else does in acquiring property that the general public can't afford to buy. We don't have large ranches, we don't have property, our own little elk herds, whatever, but we all pay our license fees, and we all are losing many, many acres every year to development. Two weeks ago I went to Yellowstone Park, went through the Gallatin, went through the park, came back through the Madison. Every hill up there has a little house -- not a little house -- a monster house, no trespassing. Deer Lodge valley hasn't quite got to that point yet, but it's going fast. We need to keep areas like this for the sportsmen, for the general public, for, actually, the majority. So I'm totally in favor of it. I wasn't when I first heard about it. I thought, "Oh, my God, this is going to be a real mess." Then I went the other way. Then I took the trip through the Yellowstone country, back up through that way, and that changed my mind again. And I've been back and forth a lot on this. And I can*

*understand the concerns of the landowners about having elk run across their property. But -- and then I understand that, you know, our tremendous number of elk that we have here in the valley are all located on private land, and we do get to shoot a few of the residuals that come off, but it's getting worse all the time. So, finally, when what I come down to the conclusion, that, yes, we need this property. We need the open space. We need a place to recreate. And thank you.*

*LEE SNOW: My name is Lee Snow. And it's S-N-O-W. My address is 105 North Locust in Anaconda. And when -- when the land belongs to the government, we have to remember that the government is of the people. So we should take care of it. And if we let this gentleman, this trapper over here, take care of the wolves, we wouldn't have a lot of problems that are running around here. And the way that they're building houses in Montana, it won't be long until you have to hunt on somebody's lawn. And I don't suppose they would like that any more than the landowners like having a neighbor of the Fish and Game.*

*DOUG BUSKIRK: Yeah. My name's Doug Buskirk. I live at 1115 West Third Street in Anaconda. I'm 100 percent for the purchase of this property. I think it's a wonderful opportunity, but I think that the funding for this property needs to come from somewhere else or it needs to go through the regular channels that are established by the NRD, just like any other project.*

## **SUMMARY OF ALL PUBLIC COMMENTS**

FWP considered public comment received at the public hearing, by phone, by email, and in letters until 5:00 P. M. on July 30<sup>th</sup>. Comments received afterward are not summarized herein nor considered in this decision, but as always are welcomed and will be considered in future management.

A total of 101 individuals or organizations provided comments for the record. Commenters were distributed geographically as follows: Deer Lodge (14), Missoula (1), Unknown (20), Public Hearing (13), Gold Creek (1), Elliston (2), Emigrant (1), Helena (14), Clancy (1), Billings (1), Bozeman (3), Missoula (2), Butte (11), Anaconda (6), Livingston (1), Denton (1), Wolf Point (1), Lincoln (1), Avon (1), Toston (1), Helmville (1), Clinton (1), Stevensville (1), Kalispell (1).

In a few cases, FWP received more than one set of comments from a single person. For example, one person may have testified at the public hearing, and then submitted a letter or email later in the process. For the purposes of categorizing and summarizing comments, we counted two or more comments from the same individual as a single comment in cases where the same opinion was registered more than once. However, if a second email or letter from one individual added new information, we collected and counted the new information offered by that individual. This was our attempt to hear and consider every single comment from every single individual or organization, but to avoid allowing any one entity's support or opposition to be tallied multiple times.

Also, FWP occasionally received a letter or email signed by more than one person. These instances were few and involved no more than nine signatures on any single email or letter. Therefore, we chose to consider these comments as one for each signatory when tallying support

or opposition. This process choice did not tip the outcome in any particular direction, and we preferred to err on the side of hearing and counting everyone's voice. We also considered that FWP did not provide any instruction in advance that would diminish or disqualify anyone's opinion if given in this manner. We received no petitions or form letters that might have forced us to take a different tack when evaluating multiple signatures. A letter, email, or testimony from an organized group was counted as one set of comments in our tallies, though our further consideration of comments and content was mindful that these represented a larger membership or body.

Six non-governmental organizations submitted comments as did four governmental organizations. Photocopies of the letters from these entities are appended in full to this decision notice. All comments from all individuals are also listed at the end of this notice.

A total of 54 individuals and organizations (53% of all who commented) indicated support for FWP to purchase the Spotted Dog property. Comments given in support of FWP acquiring the Spotted Dog property may be summarized as follows:

1. Protect fish and wildlife values (17 individuals or organizations)
2. Provide public hunting and outdoor recreation (24)
3. Maintain and enhance habitat connectivity with adjoining public lands (5)
4. Opportunity to consolidate public land ownerships and form partnerships (4)
5. Best management practices and stewardship of grasses, timber, and watersheds (2)
6. Improved ability to decrease elk population to objective and reduce game damage (1)
7. Opportunity to record prescriptive access routes and uses by adjoining landowners (1)
8. No loss of county tax revenue; FWP pays taxes (1)
9. Pass on fish and wildlife heritage for future generations (8)
10. Extraordinary piece of land and asset for the people of Montana (16)
11. Contributes to rural lifestyle (2)
12. Prevent future subdivision and development (12)
13. Great price (3)
14. Good use of NRDP dollars (3)
15. Support FWP acquiring the land, but oppose or have concerns about the process or using NRDP funding (4)
16. Important to keep large parcels intact and opportunities to do so are rare (3)
17. Maintenance and upkeep could be done by a grazing lessee (1)
18. Further restrict open road access to keep elk on the property (1)
19. Do a better job of being transparent about the proposed transaction (1)
20. Provide access for trapping in winter (1)
21. Public access should be non-motorized, except for designated open routes (1)
22. Public influence on future management is lost if a private party buys the land (1)
23. Urge that an overall Restoration Plan be developed to guide use of NRDP funds (1)

A total of 32 (32%) individuals and organizations registered opposition to FWP acquiring Spotted Dog WMA. Concerns expressed in opposition to FWP acquiring Spotted Dog WMA may be categorized as follows:



1. Need private property in the tax base (5)
2. Would restrict public access more than desired (1)
3. Inappropriate use of NRDP Restoration Funds (10)
4. High costs of maintenance and concern that FWP cannot fund maintenance (7)
5. A losing proposition for our community and an economic loss (3)
6. Takes land out of production (1)
7. State has low and limited funding—seems to assume that NRDP funds could be spent on other government functions (2)
8. Opposed to turning private land into another wildlife management area (2)
9. Opposed to government owning more land (8)
10. Price is too high (1)
11. Deadline and rush erodes public trust (3)
12. This project has fraud written all over it, and being shoved down our throats (2)
13. Taxpayers of Montana will end up paying for this proposal in the end (1)
14. Opposed to FWP (2)
15. Ungrazed grass will be a fire hazard (1)
16. Concerned about the fast-tracked process (4)
17. Concerned that the purchase is intended to introduce bison (3)
18. Dispute that the Stagecoach Road is a county road (1)
19. Concerned about increased public use, trespass, theft (1)
20. Extensive School Trust inholdings add maintenance costs (2)
21. Do not want this purchase to benefit this particular seller (2)
22. More wolves will be protected on the land (1)
23. Land exchanges and a conservation easement should be pursued instead (1)
24. Economic impacts to the Deer Lodge area are not adequately addressed (1)
25. Concerned about being able to continue crossing corners of the property to access adjacent property (1)

The remaining 15 individuals or organizations (15%) did not state an opinion as to whether FWP should acquire the proposed Spotted Dog WMA, but provided the following comments for FWP to consider in its decision:

1. Oppose closure of off-road use by snowmobiles (4)
2. Keep the property open to livestock grazing (3)
3. There are issues to address on intermingled and unfenced sections in the National Forest (2)
4. Concerned about increased fire danger without the vegetation being grazed (2)
5. Cumulative effects on adjacent landowners poorly considered in the EA, or generally concerned about effects on adjacent landowners (5)
6. Concerned about NRDP funding being used and the political rush and fast pace (5)
7. Concerned about effects on livestock on neighboring lands if elk, grizzly, black bear, and wolves increase and bison are introduced (2)
8. Concerned about road maintenance to sufficient standard for all publics (2)
9. High costs of maintenance and concern that FWP cannot fund maintenance (4)
10. Should paint a clearer picture of subdivision development potential and risk under the Powell County Growth Policy (1)

11. Create an Advisory Board to input on the management of the area (1)
12. Wonderful idea, but lots of variables and unknowns need to be cleared up (1)
13. Concerned about elk being slaughtered and damaging fences in hunting season (1)
14. Maintain adequate motorized access (1)

Comments from organized groups, agencies and business may be summarized as follows:  
(Again, photocopies of the letters from these entities are appended in full to this decision notice.)

Anaconda Sportsmen support the proposal.

City of Deer Lodge supports the proposal.

Rocky Mountain Elk Foundation supports the proposal, adding that it has been interested for many years in seeing the Spotted Dog property conserved due to its value for elk and wildlife habitat.

Helena National Forest supports the proposal.

Powell County supports the proposal.

Gallatin Wildlife Association supports the proposal.

Montana Buffalo Foundation supports the proposal.

Powell County Planning Board wrote that “The Board is not opposed to FWP’s proposed acquisition,” and contributed helpful comments for consideration in future management.

Montana Wildlife Federation supports the proposal.

Hellgate Hunters and Anglers supports the proposal.

## **FWP RESPONSES TO SPECIFIC PUBLIC COMMENTS**

Following are a subset of comments printed verbatim from the whole of public response. These particular comments were selected because they are representative of the range of issues and concerns received. They were also selected because they prompt clarifying responses from FWP, which are paired with each public comment. It is FWP’s intent that this interchange of comment and response will further clarify the proposal for the public. Perhaps more importantly, it is a method of capturing how public input is being used to adjust and improve the proposal, and how FWP is using public input to develop its decision.

Comment: City of Deer Lodge

*This area for public access northeast of Deer Lodge opens up habitat for a Wildlife Management Area which would benefit grassland dependent species.*

**FWP Response:** We concur.

**Comment:** Rocky Mountain Elk Foundation

*The RMEF supports the proposed purchase of this property by the MTFWP with the understanding this property would be managed as a public wildlife management area. We hope that if this property is purchased and protected by MTFWP it will be managed in the future with an emphasis on benefits to the estimated 1000 elk that use this property and it would be open for public hunting and recreational purposes.*

**FWP Response:** This comment highlights the balance between wildlife protection and public recreation as practiced by FWP on its other existing WMAs—and proposed for Spotted Dog. Public access would be allowed and encouraged from May 15 through November 30, and would be prohibited or severely restricted to protect wintering wildlife from December 1 through May 14.

**Comment:** Rocky Mountain Elk Foundation

*This property also lies adjacent to and within the Helena National Forest, and around land owned by the Department of Natural Resources and Conservation and there is potential for land exchanges with those state and federal agencies that would further consolidate land ownership and management in the region.*

**FWP Response:** FWP intends to work with DNRC to consider and propose mutually beneficial land exchanges involving the Spotted Dog properties before expiration of the proposed 10-year grazing lease. FWP also intends to consider opportunities for land exchanges for the public benefit with the Helena National Forest and other neighbors to the Spotted Dog property.

**Comment:** Helena National Forest

*As you know, the eastern-most parcels under lease to the Rock Creek Cattle Company are located within the proclaimed Helena National Forest Boundary... I would hope that if your acquisition of the larger block is successful, we might at some point in the future be able to negotiate a land exchange or purchase that would transfer jurisdiction to the United States of those lands that would most logically be managed long-term by the USDA Forest Service...I encourage you to provide enough flexibility for a future transfer in jurisdiction of some of the acquired lands if it is deemed mutually beneficial to the State of Montana and the United States.*

**FWP Response:** The conditions and authorities for this proposed acquisition would not preclude FWP from working with the Helena National Forest and other neighbors to consider future land exchanges. It is our understanding that Powell County already receives the maximum allowable payment in lieu of taxes owing to federal land ownership, so we would be mindful of the County's request that FWP not diminish its taxable acreage in the County or school district as a result of such an exchange.

**Comment:** Powell County

*The network of roads will allow hunting access for grounds that have not been easily accessible for the general public. The snowmobile groomed trails from Elliston will be*

*able to provide winter recreational opportunities for wildlife observations. We would hope that the roads will remain public and open.*

**FWP Response:** We realize that your comments were made before the draft management plan and EA were available for your review. To reiterate briefly, the WMA would be open to public access from May 15 through November 30, with motorized access allowed on a designated open road system. Public roads would remain open during this period. FWP further proposes to close the WMA to public access from December 1 through May 14 to prevent disturbance to wintering wildlife, and we hope to discuss the possibility of gaining Powell County's cooperation in seasonally closing public roads on the WMA during the winter period. The snowmobile groomed trails from Elliston will remain open to snowmobile recreation where they cross the Spotted Dog property, and in response to public comment the lands lying east of USFS Road #314 would be open for winter recreation. This area is already used by winter recreationists in this manner, so this would be a continuation of existing uses by the public, generally at existing levels of use.

**Comment: Powell County**

*We would also expect that good neighbor practices would also be followed in regard to the management size of the elk herd so as to not impact the grasslands of the working cattle ranches. Accesses that perhaps had been prescriptive by nature and use, hopefully, will become acknowledged by a recorded easement for that neighbor.*

**FWP Response:** Please see the Corrections and Additions to the Draft EA, which follows later in this document, for a detailed discussion of these issues.

**Comment: Powell County**

*We appreciate the fact that with the FWP management of the property that we will not see a decrease in tax revenue or our taxable value for the county or the three school districts that will be impacted. We would request that any land trades the FWP completes with a tax-exempt entity (i.e., DNRC) that the land that FWP acquires or trades be in the same school district. The impact will become minimal for the taxable value for that special school district and, of course, the land trade must be within Powell County boundaries.*

**FWP Response:** We understand and appreciate this concern, and anticipate that any such land exchanges would most likely consolidate and maintain FWP fee-title ownership in the immediate Spotted Dog area in the long run, due to the high priority of this area for fish and wildlife.

**Comment: Montana Buffalo Foundation**

*We support the acquisition of this excellent buffalo habitat and recommend that the quarantined buffalo be released on this land.*

**FWP Response:** FWP has initiated a statewide bison management planning process for Montana, separate and apart from this proposal to acquire the Spotted Dog property. WMAs are being evaluated for the possible role that one or more WMAs could play in future bison management. If such a proposal were developed to include Spotted Dog WMA or any other



WMA in the future, it would be considered with full public participation and review under MEPA.

Comment: FWP 4

*This should remain private property, as we need the tax base. The more property taken away from private use, the fewer taxes are available for use by the state.*

**FWP Response:** The sale of the Spotted Dog property to FWP would not change the tax revenues that Powell County currently collects on these lands, since FWP is required by Montana Code 87-1-603 to pay “to the county a sum equal to the amount of taxes which would be payable on county assessment of the property were it taxable to a private citizen.” Existing taxes on this land are \$23,407.02 per year based on the current assessment. Powell County does not assess a tax on livestock so there would be no financial impact to the county from FWP not allowing grazing on the Spotted Dog property. The preclusion of subdivision would also save the county from having to provide services to ex-urban communities. It has been demonstrated that costs to counties from providing services to rural subdivisions are sometimes higher than the revenues generated by taxes.

Comment: FWP 4

*In addition, there is no access to this land for public use. Seasonal access would likely only be on foot or on horse, which discriminates against the majority of hunters.*

**FWP Response:** From the Draft Management Plan: “Management should maintain an open road system sufficient to allow people of all abilities the opportunity to attain views and key points of access for parking and hiking or hunting.” A system of open roads is proposed and mapped in the Draft Management Plan, which would be open for public motorized travel from May 15 through November 30 annually.

Comment: FWP 4

*This does not seem to be an appropriate use of the Restoration Funds, as this property was never a major mining area. These funds should be used in the areas which need reclamation and restoration.*

**FWP Response:** We appreciate hearing this. However, the issue of allocating funds administered by the Natural Resource Damage Program (NRDP) is beyond the scope of FWP’s decision. NRDP is conducting a public involvement process concurrently with the FWP public involvement process, and we have shared your comment with NRDP for its consideration. The proposal, the Trustee Restoration Counsel’s funding recommendation, the NRDP Criteria Evaluation and the UCFRB Restoration Plan Procedures and Criteria amendment can be found on the NRDP website at <http://doj.mt.gov/lands/naturalresource/noticespubliccomment.asp>. Further comment to NRDP must be received by 5 p.m. on August 9, 2010 and can be sent to NRDP, PO Box 201425, Helena, MT 59620 or [nrdp@mt.gov](mailto:nrdp@mt.gov), or faxed to (406) 444-0236.

Comment: FWP 6

*Where is our cash-strapped State getting the money to pay for this land (which we the public will then have to pay to maintain)?*

**FWP Response:** The proposed funding source is detailed at the top of this document. While the Spotted Dog proposal raises the issue of how NRDP funds should be allocated within the Upper Clark Fork Basin (UCFRB), it is important for the public to understand that these particular funds may only be used in accordance with procedures and criteria adopted by the State of Montana regarding the expenditure of damages recovered by the State as a result of a partial settlement of its natural resource damage lawsuit against the Atlantic Richfield Company (ARCO). The State received about \$130 million, including interest, specifically to restore, replace, rehabilitate or acquire the equivalent of the natural resources that were injured by hazardous substances as a result of decades of mining and smelting in the UCFRB. These funds can only be used in the UCFRB and for these specific purposes. They cannot be used to balance the State's budget, for example.

**Comment: FWP 11**

*As a resident of Montana and an avid snowmobiler, I am totally against the proposed closure of off road use to snowmobilers. There are no facts that they disrupt the elk or deer winter areas. Furthermore the sleds do not damage the landscape.*

**FWP Response:** Actually, research summarized and referenced in the publication entitled Effects of Recreation on Rocky Mountain Wildlife—A Review for Montana (Montana Chapter of The Wildlife Society, September 1999) has documented impacts to wintering wildlife from disturbance by snowmobiling, cross-country skiing, and other human activities. Recommendations from this compendium include the following: (1) Route winter-use facilities, trails, and/or roads away from ungulate wintering areas (this may include high-elevation areas used by some sex and age classes or during mild conditions); (2) establish designated travel routes within area closures where recreation occurs on or across winter ranges (no off-road/trail use) to make human use of wintering areas as predictable as possible. Two points are relevant to the particular situation on the Spotted Dog property. First, groomed snowmobile trails currently exist where elk and deer are not heavily concentrated in winter. Second, FWP would enforce a winter closure to all public entry on the rest of the WMA, if acquired. With these understandings, FWP has modified its proposed travel plan in response to public comment, and will allow winter recreation on WMA lands located east of USFS Road #314. This area is already used by winter recreationists in this manner, so this would be a continuation of existing uses by the public, generally at existing levels of use.

**Comment: FWP 24**

*It appears that the Montana Department of Fish, Wildlife & Parks has made the decision that the Natural Resource Damage Settlement funds are their own personal "slush fund" and can be used for any purpose they desire.*

**FWP Response:** FWP is applying for NRDP funds, as it applies for myriad other funding grants from state, federal and non-governmental granting institutions to help achieve the mission of FWP and the grantor. The NRDP review process may result in approval, denial, or a partial or conditioned award of funding, based on the merits of the proposal and public review.

**Comment: FWP 29**

*And finally, it was brought up at the meeting several times how the maintenance, upkeep, etc, of this property would be financed after the 5-year funding period. I spend a lot of time each year hunting in eastern Montana on WMAs. The moneys derived from grazing cattle is used to hire, house (Spotted Dog Ranch), a person to live and work the property. Roads, fencing, water and patrolling are accomplished by this person who has the best knowledge of the property. Just a thought.*

**FWP Response:** Thank you for this suggestion. We have added quite a bit of detail toward the end of this document about FWP's anticipated approach to livestock grazing on Spotted Dog WMA, if acquired. As for maintenance after the 5-year start-up fund is used, FWP plans to allocate its regularly programmed maintenance funding from existing budgets and accounts to maintain roads, control weeds, repair fences, and meet its other maintenance obligations and needs. We would like to clarify that 20% of the particular hunting license revenues that are earmarked for wildlife habitat protection (i.e., House Bill 526) are set aside annually for maintenance of WMAs (~\$1.2 million per year). There are other FWP sources of maintenance support as well. Over the years, the Rocky Mountain Elk Foundation (RMEF) has been a generous financial supporter of habitat improvement projects on WMAs in Region Two, and we would anticipate developing similar projects that serve a maintenance and enhancement function on Spotted Dog WMA for RMEF's consideration in the future. If livestock grazing were prescribed in the future, limited maintenance could certainly be included as part of the agreement.

**Comment: FWP 37**

*In your EA there was no mention of the fact that there are several intermingled and unfenced sections of RCCC land which are in , or partially in, two Forest Service grazing allotments....In both cases the allotments have other permittees with the bulk of the permitted livestock. If there is to be no grazing on the WMA how will this situation be dealt with within the Forest boundary? How will it affect the Forest Service permittees? They have not been informed.*

**FWP Response:** Thank you for raising this issue. FWP will work with the Helena National Forest to arrive at practical solutions that avoid needlessly impacting the existing permittees. FWP has no plans in the near term to fence out the sections you describe. One long-term solution may be a land exchange with the Forest Service to resolve issues of intermingled ownership, and the Forest has already expressed an interest in this.

**Comment: FWP 37**

*As mentioned in your EA there are a lot of miles of fencing in the area. Who will take care of the boundary fences as those boundary fences do not belong to the Forest Service?*

**FWP Response:** FWP will be responsible for maintaining its boundary fences.

**Comment: FWP 37**

*My other concern is access... Right now the only motorized access (except in winter) to the Forest Service is via the Tree Farmer road. For better or worse this does keep*

*hoards of people out of the area. However even with this long drive there are increasing travel plan violations, mostly in the area between Irish Mine Hill and the Limberger Springs. The Forest Service is in the process of doing a new travel plan which I suspect will have some more restrictions. Do you think that your improved access will result in more travel plan problems on the forest?*

**FWP Response:** Certainly public traffic would increase on and surrounding Spotted Dog WMA, and with this more travel plan violations would be expected on the National Forest. FWP will be interested in working closely with the Forest on its travel plan update to envision and address improvements that might minimize new violations and lessen existing levels. The two agencies need to work cooperatively on travel management so that wildlife and the public are best served on both properties. Ideally we would strive for travel management that would appear seamless to the public recreationist.

**Comment: FWP 41**

*I'm quite familiar with the lands within this block and, due to the open terrain, it will be nearly impossible to prevent people from driving off road and enforcing the road closures.*

**FWP Response:** We agree that confining motorized vehicles to open roads and achieving compliance with off-road restrictions will be difficult. We have been successful under similarly difficult circumstances on other WMAs, but not without great effort. Buy-in from the local community is critical, supported by a frequent and responsive FWP presence on the property.

**Comment: FWP 41**

*A primary objective of this acquisition is to “permanently protect fish & wildlife resources for elk, mule deer and antelope,” but the amount of roads being proposed to be open from May 15<sup>th</sup> – December 1<sup>st</sup> will directly conflict with this objective. These open roads will be loop roads and will become a road hunter’s dream....I’m not advocating closing them off at the bottom, just somewhere at an effective location to still provide the road hunters some access and the walk-in hunters some quality hunting as well...Do you honestly believe that by allowing “roughly 3,000 hunter days for 500 hunters” and keeping those roads open, the elk will remain on those lands?*

**FWP Response:** We have been concerned about this, too. It is important to FWP to provide good access for people of all abilities to see and appreciate what they have purchased. At the same time, we have been trying to keep enough country closed to motorized traffic to keep wildlife on the property, including a good number of elk in hunting season. We would view it as a positive outcome of public access on Spotted Dog if elk became better distributed on Forest Service and other lands—as well as the WMA—during hunting season. However, we have been concerned about the very issue you raise—that all or most of the elk will be driven off Spotted Dog on opening day. Generally we are satisfied with the proposal we have crafted, given that there would be a lot of miles between open roads in a good part of the proposed WMA. However, upon consideration of yours and other comments, we have decided to close another segment of the open road system where we think it might do the most good with the least loss of



access. Please see the short description and map toward the end of the next section (Corrections and Additions to the Draft EA).

Comment: FWP 46

*The FWP has totally ruined this area [Canyon Creek] for wildlife by their gross mismanagement. This area has tall coarse grasses that wildlife will not eat and areas where brush has taken over creating a fire hazard. This has happened all over the state.*

**FWP Response:** FWP does intend to manage for a greater standing crop of native grasses and shrubs for the benefit of wildlife. In the case of elk, the animals can stimulate the vegetation with their own winter grazing of the current year's standing crop, as we see on the Blackfoot-Clearwater WMA and elsewhere. So, many years accumulations of grass often do not develop as quickly as one might imagine where wintering elk graze in large numbers. Livestock grazing treatments may be used if and as needed to assist with vegetation management on some portions of the WMA in the future. The improved cover is important for a wide variety of wildlife that does not thrive on heavily utilized landscapes. Everything in its place. Increased annual crops of grasses on Spotted Dog under FWP ownership could add fuel to fires, and increased public use could increase the risk of fire starts. FWP and the agencies cooperate in monitoring forest fuels in the summer, and cooperatively implement public use restrictions according to fire risk as the summer progresses. Spotted Dog WMA would be managed in accordance with the Stage One, Stage Two and Stage Three fire restrictions as needed, along with other public lands.

Comment: John Stavlo (from public hearing testimony)

*And so I think it would be good that if you do develop this into a wildlife management area, you should have a landowner opportunity to sit on a landowner board around -- that's around this area to make sure that they continue over the years to have a voice in what happens with this property and be able to present their issues, whether it's elk damage to their properties or other issues which occur with access. I think if you would develop a board which would allow people to have input on what happens here, or at least a continuous point of contact to address their issues, that may alleviate some of the problems with this particular parcel of land.*

**FWP Response:** Thank you for this suggestion, and we intend to pursue it. FWP and wildlife have benefitted greatly from the information and advice of advisory boards over the years and we agree that one pertaining to Spotted Dog WMA would be very valuable for everyone who participates.

Comment: FWP 48

*I have trapped on parts of this land in past years and no thinking trapper in his right mind will pack traps or the animals that he harvests around on foot. I do not own a horse and therefore must rely on a four-wheeler, snowmobile or pickup to trap out of. Furthermore, November through mid-April is when fur trapping is done in Montana....Trappers are a part of the Montana landscape. Let's not push them out.*

**FWP Response:** Trapping may be allowed with written permission on Spotted Dog WMA. The provision for requiring written permission allows FWP to control the geographic distribution of

trapping on the property, seasons, methods, and require any other stipulations as may be needed to minimize potential conflicts with other resources. Lands located east of USFS Road #314 will be open to trappers with permission during the winter closure period.

Comment: FWP 55

*As property owners of adjacent land and also Forest Service livestock permittees in this area we have numerous concerns of how this acreage will be managed. We feel that it is obvious that our livestock will be in jeopardy as the area will be a breeding ground for the grizzly and black bear, wolves, elk and possibly even bison. Will there be any protection or compensation in the event of loss?*

**FWP Response:** We understand and appreciate these concerns. FWP's purchase of the Spotted Dog property is not for the purpose of growing more elk, bear and wolves. Instead, the benefit to wildlife of FWP ownership is to protect and manage habitat in perpetuity for wildlife in the numbers that live there now, and to prevent the future loss of habitat from development. Under FWP ownership, the Spotted Dog property will be opened to greatly expanded public hunting for elk, deer, black bear, and wolves. As a result, harvest of these species is likely to increase under FWP ownership, which should help minimize potential conflicts with livestock. The elk population is currently above objective in Hunting District 215, due to restricted hunting access on private land, so elk numbers could decrease toward objective as a result of the hunting access provided with FWP's purchase. The largest concentrations of deer and elk on Spotted Dog would occur in winter, when bears are in dens. The reduction of livestock presence on Spotted Dog WMA should reduce the amount of potential prey that might attract wolves. You probably remember the Spotted Dog Pack from 2005-06—one of the largest wolf packs ever documented in Region Two—which occurred with the land under private ownership. (By comparison, a small wolf pack established for the first time on the Blackfoot-Clearwater WMA only last year.) Responses by FWP and USDA Wildlife Services to any confirmed livestock loss due to wolf, lion or bear will be the same with Spotted Dog under FWP ownership as it has been or would be with Spotted Dog under private ownership.

Comment: FWP 55

*As property owners of adjacent land and also Forest Service livestock permittees in this area....Other matters of concern are the fencing and the maintenance of the fencing in this area, the access roads and the possible influx of people in general for hunting and recreation...*

**FWP Response:** We take these concerns very seriously and have provided a detailed response in the next section of this document, under the subheading of Effects on Adjacent Landowners. We look forward to working with you on these issues if the proposed acquisition is accomplished.

Comment: FWP 56

*Are license fees going to be raised a huge amount of money? I hope not. Where are you folks going to get the money and manpower to take care of this area?*

**FWP Response:** FWP is not proposing a license fee increase for the next biennium. Provision for money and manpower is made in the application to NRDP for dollars to fund operations and improvements in the first 5 years. Thereafter, FWP intends to absorb annual maintenance by budgeting and managing dollars from existing maintenance accounts. We would like to clarify that 20% of the particular hunting license revenues that are earmarked for wildlife habitat protection (i.e., House Bill 526) are set aside annually for maintenance of WMAs (~\$1.2 million per year). Other FWP sources exist for maintenance as well.

**Comment: FWP 57**

*I received a copy of the Draft Environmental Assessment referenced above on 1 July 2010. ...unfortunately no one contacted us regarding this proposal until I made contact with Ray Vinkey at Fish, Wildlife & Parks during the week of 5 July 2010. Ray was helpful and I appreciate the time he spent with me on the phone. I believe that early contact with us as neighbors as well as a number of other neighbors would have resulted in an opportunity for all of us to work together toward the best possible use of the property.*

**FWP Response:** We agree completely. We would have much preferred to take more time communicating with landowners and learning from them in advance of this proposal, but the private seller's offer to FWP came quickly and is time sensitive. Rather than pass on the seller's offer, FWP felt a responsibility to bring it to light for the public's consideration. We are listening, and have provided a detailed response to landowners' concerns in the next section of this document, under the subheading of Effects on Adjacent Landowners.

**Comment: FWP 57**

*The amount of time left open for public comment and input of the most affected people (those residing in the valley near Avon, Montana) and particularly the closest neighbors [is a concern]. We believe the time for reviewing this proposal should be extended from its present date of 30 July 2010.*

**FWP Response:** We understand this comment to be in reaction to the fast pace of this proposal overall. FWP's standard for public review of projects of this type and magnitude under its Habitat Montana Program policy and the Montana Environmental Policy Act (MEPA) is 30 days, which was observed for this proposal. FWP mailed hard copies of the Draft EA to every adjacent landowner (as you acknowledged above) so that landowners would have the maximum time available to be informed and provide comment. This decision notice and comment analysis demonstrates that the public involvement period has served the public and its decision-makers well. We have heard the concerns of many landowners, organizations, and citizens, locally and across Montana, and have benefitted from an extensive interactive dialogue. Comments are hitting and emphasizing similar points repeatedly, which suggests that we are hearing all sides of the issues, and that an extended public comment period would not likely bring new information to bear upon the decisions to be rendered by the Fish, Wildlife & Parks Commission and the State Board of Land Commissioners. We hope you agree that this decision notice faithfully carries your input forward to inform that decision (and everyone's comments are preserved in full and attached at the end of this decision notice).

Comment: FWP 57

*There are concerns about whether the State of Montana needs to invest a considerable sum of money acquiring more private land and whether or not private land should be left as private land versus more ownership by the State of Montana.*

**FWP Response:** This proposal would implement authorities already granted in statute by the people of Montana, and would spend dollars already reserved only for purposes such as this one. However, every proposal is evaluated on its individual merits, and the need for public ownership is always critically considered in the final decision. For reference, FWP has acquired 386,488 acres in WMAs in 70 years, amounting to 4-tenths of 1 percent of Montana.

Comment: FWP 57

*We have some significant concerns with the prospects of this property being potentially utilized for the introduction of bison into this area. The prospects of importing brucellosis to this area of Montana with the introduction of the bison cannot and should not be taken lightly by any of the ranchers in this area or by members of Fish, Wildlife & Parks.*

**FWP Response:** FWP has initiated a statewide bison management planning process for Montana, separate and apart from this proposal to acquire the Spotted Dog property. WMAs are being evaluated for the possible role that one or more WMAs could play in future bison management. If such a proposal were developed to include Spotted Dog WMA or any other WMA in the future, it would be considered with full public participation and review under MEPA.

Comment: FWP 57

*Cross Canyon Ranch has a historic use of access across the property in question for purchase for management of our ranch.....*

**FWP Response:** Please find a detailed response to this and related concerns of adjacent landowners in the next section of this document, under the heading of Effects on Adjacent Landowners.

Comment: FWP 59

*...the lands [should] be managed as non-motorized except for a couple of key access routes. I have seen too much public land shredded and abused by the tsunami of ATV's that are out there today.*

**FWP Response:** We hope that we have largely addressed your concern in our original proposal, which would keep many miles of old ranch roads closed to motorized vehicles, while leaving the main roads open. Upon consideration of yours and other comments, we have decided to close another short segment of the open road system, which would eliminate one loop route, while leaving other loops for motorized travel through the property. Please see the short description and map toward the end of the next section (Corrections and Additions to the Draft EA).

Comment: FWP 66

*The Board suggests that motorized use (snowmobiling) be allowed not only on United States Forest Service (USFS) Road No. 314, but also on all the lands lying east of this road that would be obtained as part of this acquisition.*

**FWP Response:** We worked on this suggestion immediately after the Planning Board meeting on July 15<sup>th</sup>, and propose to implement it in full. Please note the Travel Management Provisions subheading in the next section of this document.

Comment: FWP 66

*Regarding your proposal to eliminate grazing, we believe that is ill-advised (that is the only tactful way to convey our concern). Our position is that livestock grazing needs to continue. The following points represent support for that position... (FWP note—those points are preserved and reprinted in their entirety with all other comments at the end of this decision notice.)*

**FWP Response:** We appreciate the cultural and economic values of livestock grazing, as well as its utility as a vegetation management tool. Please see our expanded disclosure and analysis under the Livestock Grazing subheading in the next section of this document.

Comment: FWP 66

*In the case of the Deer Lodge-Avon County road, any reconstruction would need to meet Powell County Road Standards unless a variance were received. Additionally, all planned maintenance work on county roads needs to be approved by the Powell County Commissioners.*

**FWP Response:** Thank you for this information.

Comment: FWP 66

*..people who don't have a 4-wheel drive vehicle may be shut out since your state roads will be maintained to "reasonably accommodate" a 4-wheel drive vehicle with good ground clearance. For some roads you may "reasonably accommodate" 2-wheel drive vehicles to support many potential recreationists.*

**FWP Response:** We agree, and much of the road system will be passable to 2-wheel drive vehicles when the roads are dry. However, all vehicles—and especially 2-wheel drive ones—may find roads on Spotted Dog WMA to be impassible when wet.

Comment: FWP 66

*In reality, this area is basically in Zoning District 3, which limits new divisions of land for residential purposes to 160 acres. This should be noted.*

**FWP Response:** Thank you for this clarification. From the Draft EA: “The Powell County Zoning and Development Regulations (2009) detail the development requirements for each District, and the Zoning/Development Districts map (2007) depicts the location of the Districts. The Spotted Dog property lies in portions of three Districts: 1 (approximately 3% of the subject lands are in this District; minimum lot size 5 acres); 3 (86%; minimum lot size 160 acres); and 4



(12%; minimum lot size 40 acres).” The simple math (without considering matters of land use planning and any existing parcel divisions) could result in a potential residential build out of approximately 376 lots.

Comment: FWP 66

*The Board encourages you to create an Advisory Board for the management of the area. Such a Board of interest groups and adjacent landowners could work closely with you over the next three to five years to develop a management plan for the area...*

**FWP Response:** We heard this at the public hearing in Deer Lodge on July 14<sup>th</sup> and enjoyed our further discussion of this idea with the Planning Board on July 15<sup>th</sup>. We would like to do this, if Spotted Dog WMA is acquired.

Comment: FWP 62

*The access you believe you are going to use in Trout Creek is not the old stage road—it went to Elliston instead, I can show you the route. Therefore, I do not believe you will be able to use that road.*

**FWP Response:** Thank you for this information, and we will want to continue working with you on this issue if Spotted Dog WMA is acquired. Also, please see the more detailed response in the next section, under the subheading Effects on Adjacent Landowners.

Comment: FWP 69

*Giving Rock Creek Cattle Company \$6 million to roll their option to buy is a huge waste of money. Wait and buy it from RY Timber directly and save that money.*

**FWP Response:** Your suggestion is a reasonable one, but it assumes that there are no other viable buyers. Our best information and understanding is that there are other buyers. FWP is obligated to inform the public that if it waits to buy the land from RY Timber, the opportunity for the public to acquire this land is likely to be lost.

Comment: FWP 71

*Most importantly, I think as this acquisition may move forward, we need to be very mindful of multiple use of this unique property. It is becoming increasingly important that the public has “buy in” to this major acquisition by FWP....I believe that multiple use can be accommodated without detriment to the wildlife habitat.*

**FWP Response:** We agree and we remember this conversation at the Planning Board meeting. FWP is interested in accommodating a variety of common sense uses at times and in places where such uses do not substantively conflict with the purpose of protecting and enhancing fish and wildlife habitat. There is room for existing winter recreation in the area located east of USFS Road #314, for neighboring ranchers to continue using certain roads for ranch purposes, for trapping, and for other uses of the land where conflicts can be managed or avoided. We appreciate the principle of including people as much as possible, and excluding them as little as necessary.

Comment: FWP 72

*MWF believes that some of FWP's calculations for upkeep, maintenance, etc, are slightly overstated. MWF believes that such items as fence removal, or modification, can be achieved, in part, by partnering with local rod and gun clubs, conservation organizations, or civic groups...MWF also believes that FWP slightly overestimates the need to obliterate roads, when gating and obstructions could achieve the same goal, at least in the short term.*

**FWP Response:** We have benefitted greatly from volunteer fence removal projects (sponsored by the Rocky Mountain Elk Foundation and others) on other WMAs, and would look forward to working with volunteers on the Spotted Dog property. However, we have experienced that volunteerism can only go so far, and your suggestion that we could do less maintenance “at least in the short run” is a helpful way to clarify our suggested approach. Working to get by “in the short run” implies that greater funding and maintenance capability will come to pass in the future. Our approach is to make investments upfront that would serve to reduce annual maintenance expenses in the future, not knowing what the future may bring. We have intended to be economical in our estimates toward this end, but it would be a happy surprise for all if we have overestimated.

Comment: FWP 72

*As noted in the EA, FWP is committed to putting aside roughly \$300,000 to enact the “good neighbor” policy. MWF strongly urges FWP to fully implement this policy in order to maintain properly functioning habitats.*

**FWP Response:** Under 87-1-209 MCA, “any acquisition of land or water rights for purposes of this subsection, except that portion of acquisitions made with funds provided under [87-1-242\(1\)](#), must include an additional 20% above the purchase price to be used for maintenance of land or water acquired by the department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited in the account established in [87-1-230](#). As used in this subsection, “maintenance” means that term as defined in and consistent with the good neighbor policy in [23-1-127\(2\)](#).”

If granted by the NRDP, the 5-year maintenance fund of \$1,225,140 would be managed in a subaccount of “Good Neighbor” deposits and earmarked for Spotted Dog WMA. If NRDP denies FWP’s grant request for the \$1,225,140, and if Spotted Dog WMA is acquired, then FWP would deposit \$300,000 into the Good Neighbor account for maintenance of FWP lands. In either case, grazing income resulting from RCCC’s continued grazing of the Spotted Dog WMA during the transition from private to FWP ownership would be used to fund operations and maintenance on FWP lands. Under terms of the purchase agreement between FWP and RCCC, this could amount to approximately \$300,000 through 2012, depending on actual AUMs grazed. For a further disclosure of grazing allowed in the purchase agreement, please see the expanded analysis under the subheading of Livestock Grazing in the next section of this decision notice.

Comment: FWP 72

*MWF fully comprehends the time frame, pressures and urgency of FWP's actions, but gently cautions FWP to follow the established public processes and protocols as it relates to NRD monies, lest FWP find itself in an indefensible situation.*

**FWP Response:** We appreciate this comment and its context. FWP is an applicant for funding from the NRDP, and is operating in good faith that the opportunity we present to NRDP is of extraordinary importance to their mission and efforts, and that the procedural avenues provided to us by NRDP are legitimate. In the end, the NRDP process may lead to approval or denial of our application. We do understand and are constantly reminded of the negative consequences of bringing forward something of this magnitude on a tight timeline, but we judged that the consequences of not bringing this opportunity to the public's attention would constitute the greater failure to serve.

**Comment: FWP 73**

*Rock Creek Cattle Company is already in the process of developing the ground on the other side of the valley and all people that enjoy the outdoors are losing access to the ground that they grew up on and used for many generations.*

**FWP Response:** Thank you for clarifying the development threat that FWP perceives.

**Comment: FWP 74**

*I believe that you said when you released the wolves that they wouldn't eat livestock, and that the ranchers would be reimbursed for their losses. Forgive me if I do not believe any promises that you are making to the public in your proposal to buy the Spotted Dog.*

**FWP Response:** Just to clarify, FWP did not reintroduce wolves. That was an action by the federal agency, the U.S. Fish and Wildlife Service, under the authority of the Endangered Species Act. FWP is your state wildlife management agency. There is a mechanism for compensating landowners for their documented losses of livestock to wolves, and FWP authorized lethal removal of the Spotted Dog Pack by USDA Wildlife Services in response to livestock losses several years ago. FWP does understand how the wolf issue has eroded public trust, and there is a lot of misinformation and misunderstanding.

**Comment: FWP 75**

*Before any decisions for purchase are made and with a parcel this size, I ask that a minimum of one year be used to observe the property through the seasons to complete an accurate survey of all natural resource issues, and to work with all parties (adjacent landowners, agricultural interests, public agencies, local governments, recreationalists, hunters and other interested individuals/groups) that will be impacted to develop a consensus-driven well thought-out management plan.*

**FWP Response:** We agree that yours would be the preferred approach. However, the seller is not willing to wait and has other options for sale of the property. We are operating under that reality, as is often the case in property transactions. If this were a matter of estate planning or other long-term considerations on the part of the seller, we could certainly adopt your suggested approach. But, such is not the case, so FWP brings this opportunity forward, along with a

disclosure of its advantages and risks, and we appreciate your input that will assist decision makers in arriving at their decision. But, waiting to decide later is not a viable option for acquiring this property, under the terms being represented to FWP by the willing seller.

Comment: FWP 75

*..I ask that an additional alternative be considered....This alternative would be to pursue conducting a land swap to block all of the DNRC lands into one parcel where public access would be possible. Rather than have RMEF pursue a conservation easement, I would recommend DNRC/FWP pursue an easement that would protect the remaining private block from development with the current owner/option holder.*

**FWP Response:** We wholeheartedly agree that this would be an excellent outcome, but FWP, DNRC, RMEF and Rock Creek Cattle Company have already exhausted negotiations that were pointed in precisely the direction you have suggested. Agreement could not be reached, and the private landowner listed the Spotted Dog property for sale.

Comment: FWP 75

*Having served on the Powell County Weed Board in the past, I am familiar with the noxious weed issues on portions of the proposed property and can say that the cost estimates are too low and a survey needs to be completed to adequately develop a plan for management and cost. In addition to noxious weeds, cheatgrass infestations are present on this property and a plan not only for management of cheatgrass but also for fire mitigation needs to be completed and included in the cost of maintenance.*

**FWP Response:** Having had the pleasure to work with you in your capacity on the Weed Board, we respect and value your assessment. Although FWP has factored weed control into its annual maintenance obligation for the foreseeable future, our estimated weed expense of \$146,845 pertains only to the first 5 years of the project, if that helps clarify. We also budgeted an additional \$21,900 for revegetation in the road obliteration and weed treated areas. If these estimates prove to be low, we would have the ability to redirect funds within the initial \$1.2 million operations and maintenance grant as necessary to accomplish this work. Currently the species of cheatgrass (Japanese brome, soft brome and cheatgrass) that are present are growing on large disturbed areas of Spotted Dog and occur to a lesser degree on many mildly disturbed sites. On the larger disturbed sites herbicide treatment will be used, followed by a planting of a native/tame grass seed mix. As you know, cheatgrass communities respond to yearly climatic conditions and FWP will monitor some of the mildly disturbed sites to track changes to both the cheatgrass community and the native grasses and forbs communities that are affected.

Comment: FWP 75

*The Socio-Economic Assessment failed to analyze a majority of the potential economic impacts upon the low income area. While there is no guarantee that the purchase of the parcel by Rock Creek Cattle or another private party would continue livestock grazing, it is spelled out the 2,000 cows currently grazed in the summer would immediately lose their grazing area for a number of years if purchased by FWP. Finding summer pasture for 2,000 cattle is next to impossible, so there would be a substantial reduction (up to 2,000 cows) by Rock Creek caused by the FWP purchase of the property.*

**FWP Response:** We appreciate the context in which you presented this comment—that No Action by FWP does not assure the persistence of livestock grazing on the Spotted Dog property. A purchase agreement has been negotiated that would allow Rock Creek Cattle Company (RCCC) to continue grazing livestock on the Spotted Dog WMA, if acquired, through December 2012. This would allow RCCC to maintain near-existing cattle numbers in the immediate future while pursuing additional pasture or other business options prior to extinguishment of this grazing right. This is new information that was not available when FWP released the Draft EA for public comment, nor when FWP held the public hearing in Deer Lodge on July 14<sup>th</sup>. Hopefully, this will help RCCC maintain its cattle numbers in Powell County, if it so desires.

Comment: FWP 75

*The loss of [RCCC] cows would cause the State a loss of tax revenue and would negatively impact the businesses in Deer Lodge that provide feed, veterinary care, breeding, and transportation services for these cows. In addition, the cowboys have potential to lose their jobs, which in turn promotes a loss of families in the Deer Lodge area, and reduction in enrollment of the schools, not to mention less dollars coming from the state to the school. I ask that another assessment be completed that addresses all these potential negative impacts.*

**FWP Response:** Thank you for outlining these potential impacts, and they are preserved herein for the consideration of decision-makers as part of the analysis under MEPA. The potential impacts of RCCC cattle being removed from the land are more a matter of choice by the private seller and owner of the livestock—RCCC—than one of FWP’s intent as the proposed buyer. RCCC has listed the property for sale, in full consideration of its livestock operation and business. By all appearances in offering its grazing ground for sale, RCCC first and independently came to a decision about reinvesting or relocating a portion of its livestock operation. The issue pertaining to FWP’s proposed purchase is not the effect of RCCC’s choice to maintain or reduce its local livestock operation, but rather how FWP proposes to manage the land upon acquisition. Please refer to the discussion in the next section of this decision notice, under the subheading of Livestock Grazing.

As noted earlier in this decision notice, a purchase agreement has been negotiated that would allow Rock Creek Cattle Company (RCCC) to continue grazing livestock on the Spotted Dog WMA, if acquired, through December 2012. Hopefully, this will ease, if not avoid, some of the economic effects you have raised as concerns.

From the Draft Socio-Economic Assessment: “While the acquisition of this WMA is likely to increase the total number of hunter days in this area, it will help to distribute hunting pressure and improve the quality of hunting. The Spotted Dog WMA would provide positive economic benefits to local businesses in the surrounding communities. In addition to hunting, the purchase would provide opportunities for other recreational activities such as wildlife viewing, hiking, etc., all of which would contribute to the economic well-being of local businesses.”

Comment: FWP 75



*I ask that a specific legally binding clause be agreed to by the State that the property will never be used for bison that have the potential to decimate the cattle industry in Montana by losing the brucellosis free status.*

**FWP Response:** Thank you for this pointed comment. We cannot provide you with the assurance that you are requesting. FWP has initiated a statewide bison management planning process for Montana, separate and apart from this proposal to acquire the Spotted Dog property. WMAs are being evaluated for the possible role that one or more WMAs could play in future bison management. If such a proposal were developed to include Spotted Dog WMA or any other WMA in the future, it would be considered with full public participation and review under MEPA.

**Comment: FWP 77**

*We do have a concern for the absence of an overall Restoration Plan to guide the program and the use of the NRDP funds. This is a critically important program that needs to stay focused on our highest priorities for restoration and replacement objectives. We believe this acquisition would be at or near the top of priorities if the Plan had been completed, but all the same, we believe it is none too soon to develop that Restoration Plan. In most circumstances, we would seriously question digging into the “corpus” of the NRDP funds. In this case, however, we believe the importance of public ownership of the Spotted Dog property and the time frame associated with this opportunity to make this happen, provide the adequate support rationale to do so.*

**FWP Response:** Your comment provides an opportunity to add that FWP and NRDP are close to completing a draft Terrestrial Wildlife Resource Prioritization document, which is intended for NRDP Advisory Council review in early August. This would complement the Aquatic Resources Prioritization already prepared by FWP and NRDP. These are important steps toward the Restoration Plan, or its equivalent. For the sake of disclosure as it may inform the decision at hand, the current working draft Terrestrial Wildlife Resource Prioritization identifies habitats including the Spotted Dog property among the highest priority in the Upper Clark Fork River Basin. The difference between highest priority and other priority habitats—as currently being drafted—is the level of intactness. Highest priority areas depict the most intact assemblages of terrestrial resources in the Basin. They are habitats that contribute to wildlife occurrence and persistence across a much larger percentage of the Basin than their own footprints. They are the best remaining examples of what was the Basin before the mining injuries occurred, and they are the cornerstones of restoration and recovery. The loss of resources in the highest priority areas would diminish the terrestrial benefits of restoration elsewhere in the Basin. With this disclosure it is imperative to caution that this is preliminary and has not yet benefitted from full NRDP staff review, nor review by the NRDP Advisory Council and the public.

**Comment: FWP 79**

*And what about the noise level? On p. 29 in the EA, it states, “..the potential for changes in noise levels is expected to be minimal since the rural character of the property would be unchanged.” Wouldn’t the noise level escalate with the sound of rifles, people talking and motors running? People would also bring their hunting dogs and kids into a pristine*

*area. And 3,500 snowmobile users were listed on a 2011 trail grant application (p. 25 EA). That's a lot of noise.*

**FWP Response:** You contribute a different perspective to the noise analysis. FWP's emphasis was in assessing effects on humans in areas surrounding the Spotted Dog property, and in that regard, noise levels would not change markedly (with the possible exception of occasional rifle fire during the hunting season). We appreciate your view of noise levels as they may affect wildlife on the Spotted Dog property, which is a different matter. Snowmobile activity would not change directly as a result of this proposal because FWP's allowance of snowmobile use in winter would be confined to the relatively small portion of the property where public snowmobiling activity already occurs. Public vehicular travel would otherwise be confined to a system of open roads, which are separated by miles of terrain where motorized vehicles would not be allowed. Therefore, most noise associated with public use would occur along the open road corridors, and only from May 15-November 30. Changes in noise and activity levels would be greatest in the 5-week hunting season when human activity on the roads—and on foot away from the roads—would be highest. A one- or two-day spike in noise from human activity would also occur on May 15<sup>th</sup>, when the public would be allowed to gather shed antlers. None of these changes in noise levels would be expected to negatively affect wildlife at the population level, due to the limited amount, distribution, season or duration of noise disturbances. FWP specifically intends to reduce and minimize noise levels on the critical winter range during winter and early spring, so public use in the area west of USFS Road # 314 would be prohibited from December 1 through May 14.

**Comment:** FWP 79

*Also, would wolves be hunted on this property if they should reappear?*

**FWP Response:** Yes. From May 15 through November 30, Spotted Dog WMA would be open to the hunting of all species for which a season is open in that hunting district.

**Comment:** FWP 79

*What kind of a wildlife sanctuary would it be if hunting and trapping are in the future?  
What would be trapped and why?*

**FWP Response:** Spotted Dog WMA would not be a sanctuary from hunting and trapping, nor is that the intent. The WMA would assure the perpetuation of important wildlife habitat to sustain hunted and unhunted species of wildlife for consumptive and nonconsumptive enjoyment by the public. Habitat is the fundamental limiting factor for wildlife populations. FWP prescribes and regulates hunting and trapping to allow an annual harvest that wildlife populations can sustain, given available habitat. Both the hunting and nonhunting publics benefit from the wildlife that has been restored and maintained in this manner.

**Comment:** FWP 79

*Who has the water rights to the reservoir?*

**FWP Response:** We understand the owner of water rights to the reservoir on Spotted Dog Creek to be a downstream user, and not RCCC or Y.T. Timber, though we were unable to access this precise information in time for the publication of this decision notice.

Comment: FWP 79

*Would the Wildlife Management Area open the way to more development on the edges of the property...like a hunting lodge?*

**FWP Response:** The open space guaranteed by FWP ownership is an amenity that is highly sought and valued by certain buyers who want to be assured that their “backyards” will never be developed, and this can increase property values around the perimeter of the WMA. The question of a hunting lodge is a good prompt for us to clarify that commercial outfitting would be prohibited on the WMA. However, the business model for a “hunting lodge” could take other forms, including commercial outfitting on lands surrounding the WMA, or simply food and lodging for hunters without the added services of guiding or outfitting. The large size of the Spotted Dog property itself insulates its resource values to a great degree from the effects of development on private properties around its outer boundaries, though future development of private inholdings within the outer WMA boundary would be a concern. The eastern boundary of the proposed WMA abuts the Helena National Forest.

Comment: FWP 79

*Would fire danger escalate from campers who smoke even if they don't have open fires?*

**FWP Response:** Yes. FWP and the agencies cooperate in monitoring wildland fuels in the summer, and cooperatively implement public use restrictions according to fire risk as the summer progresses. Spotted Dog WMA would be managed in accordance with the Stage One, Stage Two and Stage Three fire restrictions as needed, which include increasing restrictions on smoking as one moves through the stages of fire risk.

Comment: FWP 79

*Could an elusive species like the lynx survive with all the recreational activity?*

**FWP Response:** Forests in their currently harvested condition on Spotted Dog WMA would not support lynx. Trapping harvest records for lynx exist for nearby forested lands, which accounts for mention of lynx in the Draft EA.

Comment: FWP 79

*I bring up these points because I think they should be thoroughly discussed before a final decision is made. In essence, the proposal appears to be a wonderful idea, but there are so many variables and unknowns, such as the long-term effects on the wildlife and the fire danger.*

**FWP Response:** We agree that there are many questions, but there are informed answers available in experience to answer the vast majority of them. We hope you'll agree that the public dialogue preserved in this decision notice goes a long way toward turning the unknowns into

points of information and clarification, and serves the role for which public involvement is intended.

Comment: FWP 80

*My main concern is access to my property, which adjoins the Spotted Dog property with 1-1/2 miles of border. To access my property I cross 1 to 1-1/2 miles of Spotted Dog property depending on the corner of my land that I will be accessing. These routes have been used for over the last 40 years, since 1968. If I cannot continue to use these access routes by motor vehicle and by snowmobile in winter, I would be very much opposed to the purchase. Also, would access be allowed to trail cattle across the Spotted Dog property to and from my property?*

**FWP Response:** Thank you for the opportunity to clarify that adjacent landowners would be granted continued passage across Spotted Dog WMA for historic ranch uses. Specifically, you would be able to drive trucks and snowmobiles across the routes you described above for historic uses, and you would be able to trail cattle as you have in the past.

Comment: FWP 80

*You say that FWP will continue to pay the county the same amount in taxes that is presently being paid on the property. Where is the money to pay the taxes coming from?*

**FWP Response:** Funding to pay taxes is generated from the sale of Montana hunting licenses.

Comment: FWP 81

*There is a predator problem in this whole area. No longer do I run a jack rabbit down while driving to town. No longer does a flock of grouse upset my horse. As I see it, the wolves are pressing the coyotes down to us and the small prey has been eaten. Now the coyotes are feasting on newborn Hereford calves. There has also been evidence of mountain lions and bears. I also feel that the wolves are partly responsible for pushing the elk down to our hay fields, especially in the fall. Now that the elk have tasted tender second crop or regrowth, they don't want to stay up on the dry hillside. I do want to thank you for the panels you gave us to fence the haystacks. They work great!*

**FWP Response:** Your observations are really valuable for us to better understand the wildlife situation in your area. We are reminded that FWP tends to obtain a better sense of wildlife populations and understand more about the challenges faced by landowners in the areas where WMAs are located. We are charged with managing wildlife and working with landowners wherever the two shall meet, but it's just a natural thing that FWP spends more time on the land and with landowners in locales where FWP is managing WMAs. Your comment reminds us of this and we would enjoy the chance to work with you in this capacity.

Comment: FWP 81

*I do oppose the Jake Creek route to Spotted Dog. I'm uncertain if travelers would close the gate, and/or our horses might get tangled up in a cattle guard. The road is deplorable. It would be expensive to fix. It would be an imposition to Johnsons, Mosier, and Reistad.*

**FWP Response:** We really appreciate the comment about the cattle guard because we have talked about cattle guards as a possible solution with some of the other neighbors. We've seen horses break legs in cattle guards and appreciate your reminder. FWP wants to work with the neighbors to make the reopening of the County road work for everyone.

**Comment: FWP 82**

*We have 300-700 elk on and off for 5 months on our land. We leave around 150 acres graze free for the elk. Our 10-1/2 miles of fence gets hammered hard by the elk. We would like to voice our opinion: (1) to have limited access for the hunters; (2) walk-in only; (3) we as adjacent landowners that support the elk for 5 months should get some priority for hunting (possibly a 3-day hunting season ahead of the crowd, which scatter the elk around). By letting hunters drive in it will lead to a slaughter of a lot of elk and a lot of wounded animals. It will also cause a great deal of landowner fence down.*

**FWP Response:** FWP's Block Management Program may be able to offer advice and incentives on ways to address the hunting issues that you already experience and are concerned about in the future. If you don't mind, we will ask our Block Management coordinator to contact you and discuss the possibilities.

**Comment: FWP 84**

*I personally have bad hips and am now unable to hike for long distances and every year it seems like I am unable to access more and more areas due to my reliance on motorized vehicles. Restrict access on only the most vital of areas but don't treat the entire areas as one vital spot for wildlife so everyone must get out.*

**FWP Response:** We hope that if you've read this far, you have seen that FWP proposes to leave motorized access the way you've always enjoyed it on the lands east of USFS Road #314. In addition, FWP proposes to open roads on the Spotted Dog property from May 15 through November 30, across land that has been closed to the public for many years.

## **CORRECTIONS AND ADDITIONS TO THE DRAFT EA**

### **Livestock Grazing**

Livestock grazing was raised by the public as an important issue (emphasized by the Powell County Planning Board), and merits an expanded analysis. We have heard the following points presented in support of continued livestock grazing on Spotted Dog WMA, if acquired:

- The property has been grazed by livestock for well over 100 years;
- The property is productive of fish and wildlife in its historic, grazed condition;
- If the property is not grazed, range and forage quality will decline;
- If the property is not grazed, elk will move to forage in grazed private pastures;
- If the property is not grazed, elk damage on adjacent private lands will increase;
- Livestock grazing leases are a potential source of revenue to FWP for maintenance;
- Livestock grazing on Spotted Dog is an important source of revenue to Powell County;



FWP has been working as a neighbor in livestock economies for 70 years, since purchasing the Judith River WMA in 1940. FWP currently holds 70 WMAs across Montana, which were acquired and are managed under longstanding and evolving statutory authorities as disclosed in the Draft EA. In Powell County, FWP made one of its earliest and largest acquisitions in 1948, when it acquired the Boyd Ranch and established the Blackfoot-Clearwater WMA. The Aunt Molly and Nevada Lake WMAs also were established in Powell County in the 1970s.

FWP has a long history of incorporating livestock grazing and the livestock operations of adjacent landowners into the management of its WMAs. Currently FWP employs livestock grazing as a management tool on 14 (20%) of its WMA properties across Montana, involving approximately 82,913 acres on FWP lands. While this acreage grazed by livestock is substantial, it represents a relatively small proportion (21%) of the total WMA acres being managed by FWP for the benefit of wildlife and the public statewide. These statistics demonstrate that FWP values and commonly employs livestock grazing as a tool for benefitting wildlife habitat, while also reflecting the fact that FWP employs livestock grazing prescriptively on its WMAs to achieve objectives on a case by case basis, leaving most of its WMA acreage untreated by livestock. Some WMAs are grazed to a greater extent than others, depending on the circumstances. FWP employs livestock grazing specialists to design grazing systems that meet fish and wildlife objectives.

In Powell County, management of the Blackfoot-Clearwater WMA provides a local example of FWP's practices statewide. FWP has a long history of leasing-out hay and grazing on the Blackfoot-Clearwater WMA, focused primarily on the agricultural acres that were irrigated by the Boyd and Dreyer Ranches prior to FWP ownership. A lease with a neighboring cattle ranch is currently active. However, FWP has excluded livestock for over 60 years from the native rough fescue rangelands, which form the heart of the elk winter range and the majority of the Blackfoot-Clearwater WMA. Elk numbers and elk utilization of this winter range have markedly increased during this time, and range condition has improved. The prescription of livestock grazing, while occupying a low percentage of the WMA overall, nonetheless provides opportunity to the rancher that is of value to his operation, while improving forage quality on the species of meadow grasses that are more palatable to elk when managed with grazing or other treatments.

Also in Powell County, FWP leases grazing to an adjacent landowner on a portion of the Aunt Molly WMA. The Nevada Lake WMA is not leased for grazing, although grazing has been considered and discussed with neighboring landowners in the past.

FWP's purpose for prescribing livestock grazing on WMAs is to benefit wildlife habitat if and where the need exists. In so doing, FWP recognizes that its WMAs are not closed and complete ecological systems; each is part of a much larger whole. Typically, elk, mule deer and many other migratory wildlife congregate seasonally on WMAs, and depend on neighboring or distant private and public lands during the rest of the year. So, when considering livestock grazing on a WMA, FWP often seeks partnership with owners of key habitats on private lands within the yearlong home range of WMA wildlife populations. The livestock grazing prescription is followed by the cooperating private landowner on his included private pastures, as well as on

WMA pastures. Under such agreements, known by FWP as Cooperative Habitat Management Agreements, wildlife benefits from prescriptive livestock management on private land as well as on WMA lands, and the effect of the WMA on wildlife habitat is thus extended beyond its borders.

Under a Cooperative Habitat Management Agreement, FWP and the rancher exchange grazing services across the public and private property lines, instead of exchanging money. The rancher's cattle treat a particular pasture or pastures on the WMA that FWP has identified to be in need of treatment to benefit wildlife. The rancher's livestock operation benefits from the use of the grass that was previously unavailable to his operation on the WMA. The grazing treatment on a portion of the WMA can help attract more elk from adjacent private lands to the WMA in the spring, to the benefit of FWP and the private owner. With the addition of the WMA grass to the livestock operation, the private landowner is able to periodically rest wildlife habitat on his private property from grazing by cattle. In many circumstances, this enhances range condition in the long run for both cattle and wildlife on the private land. A Cooperative Habitat Management Agreement with FWP seldom enables a ranch to expand its cattle numbers; instead the economic benefit to the rancher is realized through improved range condition, sustainability, and weight gains over time.

FWP's intent would be to look for opportunities to prescribe livestock grazing in this manner in the future on Spotted Dog WMA, for the mutual benefit of range resources on public and private land. The procedure generally would be to learn and document wildlife use on private and public lands within the yearlong home range of the Spotted Dog elk population. Working with the cattle ranchers in that area, FWP and the ranchers would look for opportunities where livestock could be used to better distribute elk and other wildlife across public and private lands, reduce game damage, enhance hunting opportunities, improve FWP management of elk numbers, and enhance ranching operations. We view the formation of an advisory board, as suggested in testimony at the public hearing on July 14<sup>th</sup> (and emphasized by the Powell County Planning Board), to be important in the process of developing any future Cooperative Habitat Management Agreement on Spotted Dog WMA. Such an agreement would require that an EA be prepared under MEPA and review by the Montana Fish, Wildlife & Parks Commission.

There is benefit in resting the Spotted Dog property from grazing, at least temporarily and periodically. Riparian areas and stream banks are in declining condition when viewed from a fish and wildlife perspective, and will benefit rapidly from grazing rest. The lower elevation, driest rangelands, where cattle are grazed and gathered in spring and fall, are in the poorest range condition and would benefit from rest to allow some native grassland species to recover vigor and better compete with noxious weeds. A significant benefit to fish and wildlife habitat and species diversity can be expected from an initial rest from livestock grazing. When this benefit is realized and assessed, a prescription may be devised to best maintain that benefit and address other aspects of habitat management—potentially including a limited livestock treatment.

A purchase agreement has been negotiated that would allow Rock Creek Cattle Company (RCCC) to continue grazing livestock on the Spotted Dog WMA, if acquired, through December 2012. This would allow RCCC to maintain near-existing cattle numbers in the immediate future while pursuing additional pasture or other business options prior to extinguishment of this

grazing right. Grazing under this provision of the purchase agreement would be a continuation of current practice; i.e., approximately 1,700 cow-calf pairs and 85 bulls, grazed from mid-May through mid-November in 2011, and 1,500 pairs and 75 bulls grazed in the same months of 2012. Cattle would not be present on the property from mid-November until mid-May. At 1,613.0-1,827.5 animal-units for 6-months grazing, this amounts to approximately 9,675-10,965 animal-unit-months (AUMs) annually. RCCC would pay FWP an annual rental fee of \$15/AUM, or \$145,125-\$164,475, which FWP would use to fund operations and maintenance on FWP lands. This is new information that was not available when FWP released the Draft EA for public comment, nor when FWP held the public hearing in Deer Lodge on July 14<sup>th</sup>. However, this action would be consistent with the existing analysis of alternatives in the Draft EA, and with public comment. In effect, this temporarily incorporates a portion of the No Action alternative into the proposed action of purchasing the Spotted Dog property.

The presence of up to 3,485 cattle (1,828 animal-units) on Spotted Dog WMA through mid-November will overlap with the public's new opportunity to access and enjoy the property through 2012. Effects will be most pronounced during hunting season, when hundreds of hunters are expected to explore and enjoy this new WMA. Effects on the livestock operation may include cattle redistribution in response to human traffic from the more remote pastures to low elevation habitats where cattle would congregate to "come home" in the fall. This could affect weight gain and increase grazing pressure on native vegetation at the lowest elevations. Effects on the hunting public and other recreationists may include a decline in aesthetic appeal and reduced elk and deer harvest success (depending in part on livestock distribution). These effects would be temporary and would conclude at the end of 2012.

The issue of potential conflict between the existing livestock operation (which historically occurred largely to the exclusion of the public) and the introduction of public hunting serves to highlight the practical differences between historic livestock grazing practices and those that could be expected and practically achieved on a public WMA. It is unlikely that future livestock grazing on Spotted Dog WMA, if acquired, would occur on any or significant portions of the land during the general rifle season. Grazing prescriptions would take into account the September-October archery and upland bird hunting seasons as well, in addition to other recreation and the overriding concerns of fish and wildlife habitat. Therefore, as a practical matter it is unlikely that livestock grazing on the order of 10,000 AUMs would occur under an FWP prescription on Spotted Dog WMA after the terms of the purchase agreement expire in 2012. For necessities explained herein, any livestock grazing on Spotted Dog WMA after 2012 would be substantially restricted in numbers, distribution, and duration compared with the current condition.

FWP stated in the Draft Socio-economic Assessment that Powell County does not assess a tax on livestock, so there would be no loss of county tax revenue from FWP not allowing grazing on the Spotted Dog property. Public comment has pointed out that there would be effects on families and businesses if a reduction of grazing on Spotted Dog resulted in a corresponding reduction of livestock in the local area. Without diminishing this possibility, it is important to note that the Spotted Dog property is being actively marketed for sale. If FWP does not complete the proposed action, there is no assurance that a different buyer will graze livestock in the future.

No Action is not status quo regarding the issue of livestock grazing; No Action is likely change toward an unknown future condition after RCCC completes a sale to another buyer.

### Effects on Adjacent Landowners

Testimony was received at the public hearing in Deer Lodge on July 14, which criticized FWP's analysis of cumulative effects and called for FWP to provide an enhanced analysis of cumulative effects on adjacent landowners. Interests and concerns of adjacent landowners—expressed by the landowners themselves and by many others—formed a body of public comment that FWP values highly, and merits further consideration here.

FWP would work with adjoining landowners to continue respecting prescriptive routes across the Spotted Dog property to access private lands. As suggested by Powell County, FWP would work to perfect such accesses with recorded easements as appropriate. Temporary access across the WMA for checking or gathering cattle, or for other routine purposes between neighbors, would be respected.

Access across the Spotted Dog WMA would not be routinely granted for expanded uses of private lands, such as subdivision and development. Special rights of recreational access would not be granted to adjacent landowners beyond those enjoyed by the public, such as vehicular access for recreation on closed roads or during the winter closure period.

Powell County has determined that the Stagecoach Road is a county road, and FWP would intend to manage it as part of the road system that would be open for public vehicular travel from May 15 through November 30. FWP has contacted and been contacted by landowners affected by the reopening of this public road for public travel. Discussion with individual landowners so far has included a need for the installation of cattle guards in some places to avoid gates being left open, though we have also heard concerns about cattle guards where horses are grazed. FWP is also aware of some misunderstanding and opportunity for resolution regarding the specific route of the county road across some private property. FWP respects the concerns of private landowners regarding this change and will work with affected landowners to the best of its ability to minimize impacts of increased public travel on the Stagecoach Road, and on other open roads where public travel would increase as well.

The establishment of Spotted Dog WMA would introduce public traffic to the immediate and surrounding area for 6.5 months of the year. With increased traffic comes increased litter, increased contacts by hunters or recreationists with landowners for access or information, increased risks of vehicular accidents, increased road damage, increased possibility of vandalism and trespass, and other issues. FWP hopes that occurrences will be few, but realizes that every instance represents an impact to the landowner who is affected on his private property or in his community. FWP will cooperate with signage to indicate where public roads pass through private property, and patrols to maintain an FWP management and enforcement presence in the area.

Enforcement of rules and regulations is advantaged with an FWP Warden based close by in Deer Lodge. While this individual covers a much larger area than Spotted Dog and is stretched thin,

his close residential proximity is a great asset for patrolling and responding when called. Similarly, FWP's maintenance of the property will be headquartered only 15 miles south of Deer Lodge, at Warm Springs WMA. The Warm Springs staff of one full time manager and one seasonal aide also has responsibilities that take them far from Spotted Dog, but the close proximity of their home base is an advantage. FWP's grant application to the NRDP also includes funding for an additional seasonal employee to help make public contacts on Spotted Dog WMA in FWP's first 5 years of ownership. This is not to suggest that FWP will be constantly present or close to Spotted Dog WMA, but it does identify personnel and practical expectations for routine patrols, prevention, and enforcement.

If Spotted Dog WMA is acquired, FWP is interested in forming a citizens' advisory committee for the WMA, to serve as a sounding board and information source to inform FWP's management strategies and activities. Adjacent landowners would form the foundation of any such group, but it should also include representation by sportsmen and other local interests as well. FWP and its management of public properties has benefitted greatly in other areas where the community has come together in this manner. Not only is the land better managed, but often the partnership extends to volunteerism, such as litter pick up, fence maintenance, weed control and other activities that increase community buy-in. A side benefit often realized is that vandals strike less frequently when the eyes and ears of the whole community are upon them, rather than turned away.

After RCCC cattle are removed from the Spotted Dog WMA at the end of 2012, FWP would assume full responsibility for fencing the neighbors' livestock out of the WMA. This may reduce fence maintenance responsibilities and expenses for neighbors who currently share half of the fence maintenance with RCCC. FWP has proposed to obtain funding from the NRDP to replace boundary fences on a prioritized basis in the first 5 years of FWP ownership, which would also benefit adjacent landowners. We would like to clarify that 20% of the particular hunting license revenues that are earmarked for wildlife habitat protection (i.e., House Bill 526) are set aside annually for maintenance of WMAs (~\$1.2 million per year).

FWP would place its highest priority for weed control where roads and properties under FWP management adjoin private properties where weed control is also practiced. FWP has proposed to obtain funding from the NRDP to escalate its normal weed control efforts for the first 5 years of FWP ownership. It is FWP's intent that this 5-year start-up cost will bring the weed problem to a level that FWP can address with regularly programmed funding thereafter. Trade-offs due to limited future funding would come from other areas of maintenance first before being taken from the priority of controlling weeds along private properties where weed control is also practiced.

Increased public hunting on Spotted Dog WMA would increase elk harvest. Currently the elk population in Hunting District 215 is more than 20% above objective and generally increasing. Increased elk harvest would help FWP reduce the elk population to its objective, and help control the severity of elk-caused damage on adjacent private lands. Hunting success may increase on surrounding lands when elk are no longer allowed refuge from hunting on the Spotted Dog property.



Elk behavioral response to the introduction of public hunting on Spotted Dog WMA is a serious concern expressed by some adjacent landowners. If elk are congregated on the WMA in large numbers at the start of the general rifle season, they may be spooked through fences on neighboring lands in the opening hours and days of hunting. FWP and adjacent landowners expect this to be an issue in the first year or longer as elk adapt to the new distribution of public hunting pressure. FWP's intent in designating the proposed open road system is to provide room and security away from open roads for elk to remain on the property in hunting season. FWP would retain the option of closing certain additional roads on the WMA during hunting season as may be needed to address this concern if warranted.

In general, FWP strives to be a good neighbor and intends to be available and responsive to work on issues of concern to adjacent landowners as they arise, and over the long haul. Interest will be elevated on all sides of the issues in the first months and years if Spotted Dog WMA is acquired. While some important issues can be addressed in the first few years, experience has shown that many other issues are matters of continual maintenance and improvement, involving communication, respect, and a willingness to work together over many years after the initial spotlight has dimmed. FWP is willing and practiced at working in the community continually.

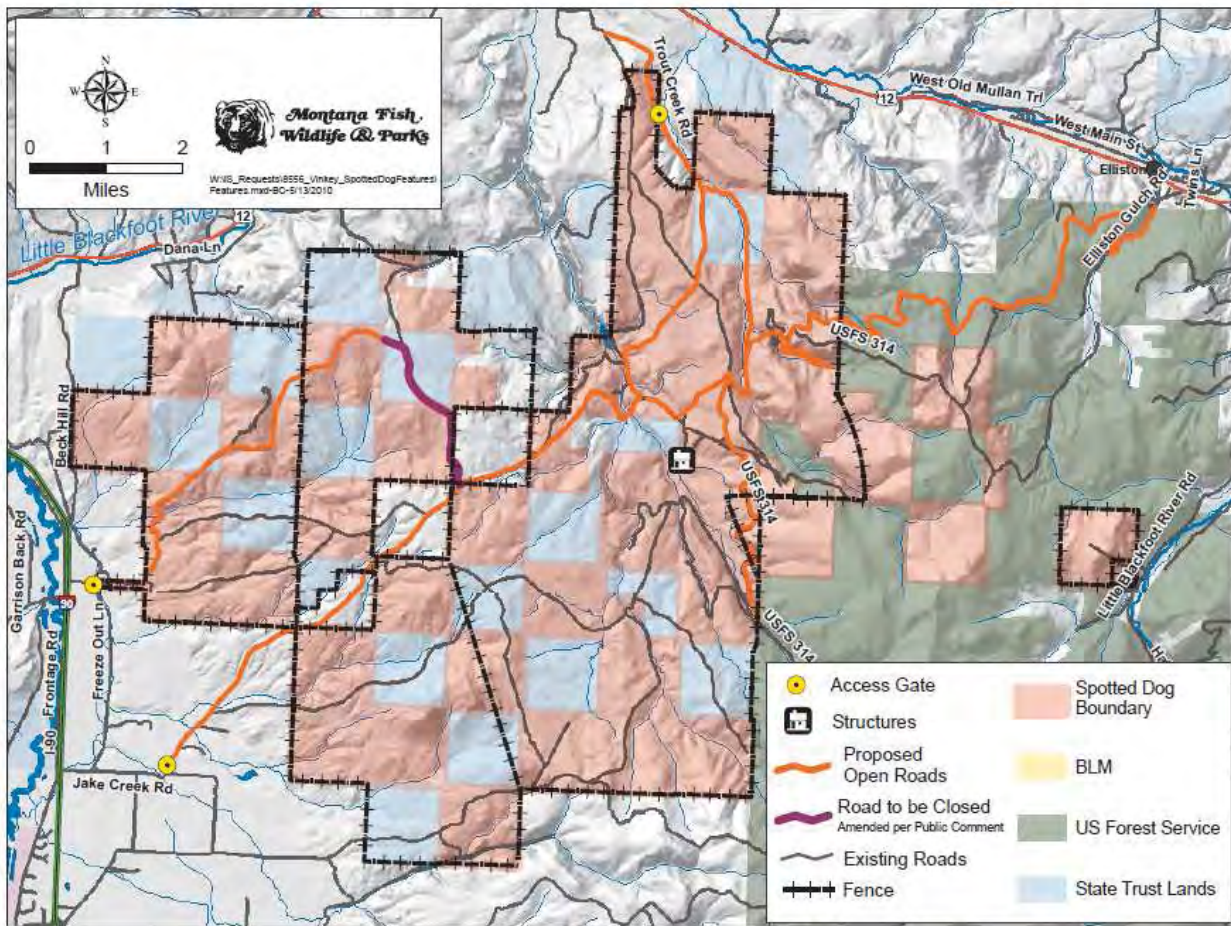
### Trapping

In response to public comment, FWP intends to clarify here that trapping may be allowed with written permission on Spotted Dog WMA, if acquired. The provision for requiring written permission allows FWP to control the geographic distribution of trapping on the property, seasons, methods, and require any other stipulations as may be needed to minimize potential conflicts with other resources. Lands located east of USFS Road #314 will be open to trappers with permission during the winter closure period.

### Travel Management Revisions

In response to public comment, FWP will allow winter recreation (e.g., snowmobiling, snowshoeing, cross-country skiing) on WMA lands located east of USFS Road #314. As disclosed in the Draft EA, this relatively small portion of the WMA is at higher elevation and generally not used by wintering elk and deer. USFS Road #314 is a groomed snowmobile route and would make a good boundary for the public to observe and for FWP to enforce. This area is already used by winter recreationists in this manner, so this would be a continuation of existing uses by the public, generally at existing levels of use.

Also in response to public comment, FWP would close a segment of road in the proposed open road system to alleviate concerns of some landowners, and partially address others' concerns that open road densities would be too high to avoid pushing elk onto adjoining properties in hunting season. The map below shows the segment of road that would be closed (purple).



## DECISION

With the corrections and clarifications preserved as noted above in this Decision Notice, we adopt the Draft EA, Draft Management Plan, and Draft Socio-Economic Assessment as final. All of these documents will be posted on FWP's website.

Based upon the Environmental Assessment (EA) and the applicable laws, regulations, and policies, we have determined that the proposed action will not have measureable effects on the human and physical environments associated with this project. Therefore, we conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is unnecessary.

This decision has benefited from extensive public review of the proposal and thoughtful, informed comment. We have heard from the Powell County Commissioners, Powell County Planning Board, adjacent private landowners, adjoining public land management agencies, non-profit conservation groups, a large number of the local citizenry, and interested parties from across Montana.

The scope of FWP's decision is limited to the question of whether FWP should acquire and manage the Spotted Dog property as a WMA. Concurrently, the Natural Resource Damage Program (NRDP) is evaluating FWP's application for funding. As a partner in natural resource management in the Upper Clark Fork Basin, FWP has closely tracked issues raised by the public regarding the requested expenditure of NRDP funds to establish a Spotted Dog WMA. FWP and NRDP have exchanged public comments that each has received to ensure that both agencies have the fullest understanding of the issues. We have heard the public raise concerns about exceptions being made in the NRDP process to entertain FWP's proposal, as well as the continuing long-term dialogue regarding how NRDP Restoration Funds should be spent in the Basin. We continue to inform these discussions to the best of our abilities, and defer completely to the NRDP process as to whether FWP's application to fund the proposed purchase of Spotted Dog WMA should be granted.

Within FWP's decision space, we have heard concerns from the public that FWP's negotiations and actions have been rushed and not sufficiently transparent. We acknowledge these concerns as critical matters of public trust. Procedurally, FWP has met or exceeded its obligations and established practices under the Montana Environmental Policy Act (MEPA) and Habitat Montana Program in advancing this proposal with public participation, and worked under review by the Montana Fish, Wildlife & Parks Commission and ultimately the State Board of Land Commissioners. This proposal has obtained support from Powell County, and FWP has consulted with the Powell County Planning Board. And, while one commenter noted that he appreciated an organization that can mobilize as quickly as we have, he and others have gone on to say that the fast pace of this proposal and process has been alarming. This is important feedback for FWP in its constant consideration and reconsideration of practices and communications that build respectful working relationships, and those that erode trust.

Bottom line is that we are presented with an opportunity long sought to acquire an extraordinary expanse of wildlife habitat for the benefit of present and future generations. The price is at fair market value, as independently and professionally appraised in the past few weeks in full consideration of a depressed real estate market. The proposal is fully within FWP authorities directed in statute, and exemplary of FWP's mission and strategic objectives. FWP and Montanans share a 70-year history and experience in doing precisely what is proposed herein—acquiring and managing a system of WMAs. A majority of the public who registered an opinion for the record, for or against, has indicated support for this project. Failure to act is a gamble that this significant landscape will always be kept intact, will not be sold to another buyer, will not be subdivided and developed. FWP's best understanding and assessment is that this would be a risky gamble.

Fundamental to FWP's decision is the effect on the local community. We have established that there will be no negative effect on the tax base, and that County expenditures to provide services to possible future subdivisions on Spotted Dog would be avoided if FWP purchased the property. FWP has applied for a significant start-up grant to upgrade roads, fencing and other infrastructure, and control weeds, for the first 5 years of FWP ownership. Operations and maintenance beyond the first 5 years would fall to existing FWP maintenance funds and would be a matter of budgeting. We would like to clarify that 20% of the particular hunting license revenues that are earmarked for wildlife habitat protection (i.e., House Bill 526) are set aside





Appendix A. Comments on Spotted Dog WMA Acquisition EA received by FWP by the comment deadline.

Com- menter #	Para- graph #	Comment
1		<b>See page A-16</b>
2		<b>See pages A-17 &amp; A-18</b>
3		<b>See page A-19</b>
4		I am not in favor of purchasing the Spotted Dog ranch property. This should remain private property, as we need the tax base. The more property taken away from private use, the fewer taxes are available for use by the state. In addition, there is no access to this land for public use. Seasonal access would likely only be on foot or on horse, which discriminates against the majority of hunters. This does not seem to be an appropriate use of the Restoration Funds, as this property was never a major mining area. These funds should be used in the areas which need reclamation and restoration.
5	1	As a water resource professional and a sportsman I <u>fully support</u> the FWP's purchase of the Spotted Dog Ranch through the NRD program. Over the last couple years I have had the opportunity to visit the Spotted Dog Ranch in evaluating water quality for the State of Montana. The ranch is truly an extraordinary piece of land and will be a tremendous asset for the people of Montana and in promoting the health of the Upper Clark Fork Watershed.
	2	Thank you for your time and commitment to making this happen.
6		According to their own website, "Rock Creek Cattle Company is comprised of the 28,000-acre Home Ranch, the 50,000-acre Spotted Dog Ranch, and secluded Rock Creek Lake". If it is currently owned in whole or in part by Bill Foley, I presume he and his tenants/co-owners are paying property taxes on it, and maintaining the land in the condition prescribed by the State. So this leads me to ask four questions. [1] If the 27,616 acres in question are sold to the State, how much will this reduce the revenues of the County and State? [2] How will Powell county and the State compensate for the loss of revenue? [3] Where is our cash-strapped State getting the money to pay for this land (which we the public, will then have to pay to maintain)? [4] And lastly, why is the State doing this? It seems like a losing proposition for our community.
7		I support Alternate A, the Purchase of the Spotted Dog property from Rock Creek Cattle Company. What a great piece of property!!!! Please "Thank" Rock Creek Cattle Company for offering it to the public, I know it takes allot more time to get it sold this way then to a private party.
8		The Spotted Dog Property represents a once in a lifetime opportunity to keep vital winter ground intact while also providing public access, asthetic values, and helping keep the rural nature of Montana. In my opinion the FWP should pursue this purchase at all costs. Everyone knows what the end result will be if it goes on the open market. The only gain will be to the realtors with wildlife bearing the brunt of economic development. Good luck with the aquisition, I wish you the best.
9		I am a land owner and avid fisherman. I strongly support The Spotted Dog WMA acquisition. The west side of the Deer Lodge Valley has very limited public access with Rock Creek, The Prison and The Letica property all virtually locked up. The East side, though much better, still is largely inaccessible. The Spotted Dog property would be a great asset to the sporting public.
10		<b>See page A-20</b>
11		As a resident of Montana and a avid snowmobiler, I am totally against the proposed closure of off road use to snowmobilers. The are no facts that they disrupt the Elk or Deer winter areas. Further more the sleds do no damage to the landscape.....
12	1	I saw the news today...congratulations! Wondering if you might be interested in a similar property with an amazing array of wildlife just north of Yellowstone Park in Paradise Valley?
	2	It is adjacent to the WSA, NFS and a large dude ranch. 1187 acres under conservation easement is offered for \$9,750,000. Please see the attached pdf brochure for photos and more info. I would be happy to address any questions. or take your staff to view the property.
	3	Also, do you know the name of the listing agent on the Spotted Dog Ranch? The name was not mentioned in the local paper.
13		[Landowner] who owns adjoining property to the east of SD, called to say he is in full support of the project. He has concerns over increased OHV use, and wants to be sure we do something in the Management Plan to protect the resource.
14		We have major budget problems now, and you want to spend this kind of money to take a large portion of land off of the tax roles? this just shows how inadequate these agencies have become.
15		Please don't waste money that this state does not have taking more land out of production and out of the tax base.
16	1	It has come to my attention that the FWP is planning on purchasing land in the upper Clark Fork Basin, turning private land into another wildlife management area, and that funding will come from the Natural Resource Damage Program. You appear to be abusing your power and taking care of special interest needs with this activity.
	2	This is the wrong thing to do at the wrong time. DO NOT SPEND <u>our</u> money foolishly like this.



Com- menter #	Para- graph #	Comment
17		This is a good use of NRD \$. Great project. And it sounds like a great price.
18	1	I started this rant as a reply to a specific article about the state buying 28,000 acres of private land for 16.6 (plus that they're spent acquiring) million dollars but realized shortly after starting the reply that this is about fundamental values that our forefathers held and we should hold dearly. It's about freedom, not capitalism, democracy or conservatism, freedom and basic rights our countries citizens have that almost no other country in the world can offer. We are special, Montana is special, and I say lets quit changing things so that we're like everyone else. if people don't like tthe color of our necks or the stains on our door panels, there's 49 other states they can go too. Please! True, real and thankful Montanans, wake up. We don't have to take this.
	2	Dan McQuery and Josh Magraw both had valid points in the aquisition of a HUGE amount of land by the state. I enjoy and use the state and federal land we have in our county but I'm not sure the government should be owning any more.
	3	There doesn't seem to be much the state (or any government body for that matter)can run efficiently. The DOT is a nightmare of waste, fraud and abuse, our correction system is a joke and the department of labor and industry is a leach on society (I have personal experiance with all three of these if you would like to contact me for details). I don't like to see private land split up and sub-divided any more then the next guy, but the key term here is private property. I have yet to hear a valid REASON the state wants to buy this, and if I could get in on doubling my money overnight I do have 20 acres the state might want to buy.
	4	Montana has historically been a "free from crap" politics state and kind of a refuge for people whom didn't like the direction their state was moving in. That is what is beautiful about America, if you want medical marijuana, there's like 28 states you can move to and obtain a card, if you want gay marraige there's like five. We (Montanans) don't have to follow these trends (notice I included us in one example). It's ok to leave. That is what our whole republic is based on (I didn't say democracy).
	5	State land ownership gives the public great opportunity, but the cost of a government whom is a land majority owner is going to basically have the same effect as a government whom is the major employer in the state (which it is). It depends onitsel to live. the taxes it collects from the people it pays is not enough to pay the people, get it? If you want to live in Europe, move there, don't change us even if we are the minority. There are places already established that have the government controls which you seek, we don't necessarily need them here.
	6	There is no way this (increasing state land ownership) can be efficient, effective or economically feasible. Let the government stick to "protecting" us by keeping criminals off the street and keeping our transportation and communication pathways open. they have enough trouble doing that properly, much less delving deep into our citizenry.
	7	My brother, a public service official for 23 years had a nice little saying that actually runs true, not some times, and not generally, it is true, all of the time, "there's the people (government employees) out there who think it's us against them, and then there's the people out there who want to serve."
	8	In God We Trust--Despite what anybody else thinks!
19		I am opposed to purchasing the Spotted Dog Ranch using money from Natural Resource Damage Program. I suggest FWP find other funding sources to purchase this property but at a better price. I believe FWP is using the imposed "deadline" as ploy to push this purchase through. NRD money should only be used for restoration projects in the Clark Fork Basin and unfortunatley this proposal has nothing to do with restoration.
20		I believe the ranch should be kept open to grazing as this property has some of the best pasture in the state.I used to work for Rock Creek Cattle Co. back when it was still owned by Russel Stovers in the 1990s and there was always alot of grass. The elk hunting was great also. I also think that there are alot of folks that make their living ranching in this area and they need more consideration .Also, this ranch should be entered in the Farm and Ranch Protection Program, this will allow both grazing and hunting.
21a		Please add me to the mailing list for the Spotted Dog WMA proposed purchase.
21b		<b>See page A-21</b>
22a		[First comment letter received from this person] This proposal has "fraud" written all over it, disguised as something that it is not, for the public good. I can guarantee if this "acquisition" proceeds, there will be legal consequences and anyone involved will be held accountable for official misconduct in addition to the intent to defraud. The truth will be exposed. Where has the honesty and integrity in the public sector gone? In the end, if successful, the taxpayers of Montana will end up paying for this proposal, no matter what spin is put on it.
22b		[Second comment letter received from this person]
	1	Analysis: Due to some time constraints, I only analyzed a few aspects of the Spotted Dog Land Acquisition.

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- 2 History: According to the CAMA website, this property was purchased by Y T Timber, LLC (RY Timber) in 1983. Since RY Timber is a logging operation in Townsend, it is presumed this was purchased for the timber. After logging the merchantable timber it is assumed that they intended to sell the property. It was for sale for a length of time. The price was reduced from \$22,000 to \$17,000. The Rocky Mountain Elk Foundation was interested in the property and the now deputy director of FWP, Art Noonan, former legislator and past director of the Democratic Party has stated that 10 years prior the State tried to acquire it but could not find the money. It is not certain how much Mr. Foley eventually paid for the home portion and the option for the Spotted Dog. Mr. Foley purchased the home portion of the Rock Creek Cattle Company with the intention of developing it into an exclusive subdivision. This option is assumed to expire in 2011. Mr. Foley is attempting to sell the unsold lots of the home portion per public media articles.
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- 3 The Spotted Dog Ranch portion shows conflicting reports on who contacted who. Governor Schweitzer states he was looking for properties 4 to 6 months prior to July. However, the property was not on the market at that time. The urgency was due to the pending private sale, however no proof of a pending sale has surfaced. It is therefore assumed that the State contacted Mr. Foley regarding the property.
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- 4 Apparently the option for the Spotted Dog Ranch was \$9,000,000. However, this is not certain either as the option price was removed from the appraiser's report for the grant.
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- 5 Fish, Wildlife and Parks: Fish, Wildlife and Parks has gone through some major personnel changes during Governor Schweitzer's tenure. In 2006 the Parks Administrator retired. This is a hired position according to personnel policies in accordance with State law. The Governor intervened in the process and as a result, Joe Maurier, Governor Schweitzer's college buddy was hired. Joe Maurier was the previous director of the Colorado Parks Department. There was apparently some misappropriation of funds in the Colorado Division of Parks and Outdoors Recreation from approximately 2000-2006. Joe Maurier reported directly to the Governor instead of his supervisor, the Director.
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- 6 As soon as Governor Schweitzer was re-elected in 2008, he fired the Director and appointed Joe Maurier to the director's position. In January, per public reports Joe Maurier in turn hired Art Noonan as Deputy Director. Art Noonan as stated earlier is the past director of the Democratic Party.
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- 7 Land Acquisitions: In December 2008 Joe Maurier of FWP approved a \$3.3 million dollar 30 year lease in West Yellowstone, at the Royal Teton Ranch, called the Buffalo Field Campaign.
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- 8 FWP immediately began work on the Environmental Assessments for this property in addition to property in the Alberton Gorge area. Funding for the Alberton Gorge acquisition is being requested through the USFS. The funding for the Spotted Dog acquisition is being requested from the ARCO restoration settlement funds for toxic contamination of the Upper Clark Fork River Basin.
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- 9 The Bair Ranch Foundation sold the first 1,160 acres of an eventual \$10 million, 8,200-acre land deal to the Rocky Mountain Elk Foundation, which then conveyed the lands to the federal government for inclusion in the Lewis and Clark National Forest as reported in July, 2010.
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- 10 The only other large expenditure from the Restoration Fund was a 9,000 acre acquisition managed by FWP between Anaconda and Georgetown Lake. The Elk Foundation obtained \$17.3 million to purchase 23,300 acres under the U.S.F.S.
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- 11 Environmental Assessment Spotted Dog: I concentrated mainly on the financial portion of the acquisition. FWP in addition to the acquisition cost is requesting \$1.2 million for operation costs for the next 5 years in addition to paying the lease payments to the Department of Natural Resources. There will be no grazing. This will have a negative financial impact. The \$1.2 million dollars will generate approximately \$2 million in positive economic impact. The \$15.2 million dollars purchase price will have no economic impact and will leave the State. If these same funds were used for restoration projects there would be a \$30 million dollar economic impact within the State.
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- 12 The EA was submitted to the public on June 29, 2010.
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- 13 Grant Application: The grant applications requests were supposed to be submitted by March. A special amendment had to be instituted to accommodate this application by FWP. There is no date on the application on the web-site, so it is not certain when it was submitted. The criteria points will be analyzed in a comment directly in comments to the
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- 14 Again, I concentrated on aspects of the acquisition dealing with the financial aspect of the acquisition.
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- 15 It stated there would be no negative tax consequences. The estimate of taxes is stated at \$15,000 annually. However, the 2009 actual taxes on the property was \$22,000.
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- 16 It states that FWP does not have the funds to acquire or maintain this project. The application receives more points for matching funds. FWP is proposing \$13,000 cash for contract services, the balance is for work-in-kind, for a total of approximately \$30,000. This is less than 1% of the grant request. The other grant requests for 2010 average 17% matching. The grant only includes operational funding for 5 years.
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- 17 Appraisal: According to the appraisal by Hall and Hall, it is assumed that there is complete access. The preliminary title report shows 40% lacks a right of access. The option price was completely blacked out. The property is no longer listed. In the 27,000 plus acre appraisal, no consideration was given to the fact that the property has been logged by the current owner. In addition, the total property owned by YT Timber, LLC has an additional 600 acres, which is not listed in the acquisition. This property is adjacent to the home ranch owned by the Rock Creek Cattle Company, who FWP wishes to purchase the property from. Some of the other parcels belong to private individuals and the Spotted Dog Land Investment from Michigan. This is the most prime property of the Spotted Dog. Hall and Hall has ties to environmentalist special interest groups.
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- 18 Conclusion/Opinion: It appears that this is just another land acquisition for "public use". It is fairly obvious that the Rocky Mountain Elk Foundation is a clear player and Governor Schweitzer does have extensive ties with this organization. Fish, Wildlife and Parks, through personnel changes instituted by the Governor no longer has the ability to conduct itself according to the mission of the agency; to the people of Montana and to the protection of the fish and wildlife resources.
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- 19 The money would be better spent restoring the toxic damage created by ARCO. This would generate 15 times the economic benefit for the citizens of Montana.
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- 20 The Governor is the trustee of the fund, regardless of the council's recommendation or public comment.
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- 21 The only real way to challenge this proposal is to file a lawsuit. The basis for this legal challenge would be a conspiracy. The number and title of the participants is unknown, but for certain the Governor and officials from FWP would be named. The basis for the legal challenge would be intentional misrepresentation of material facts with the intent to deceive – fraud.
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- 23 The national economy is based on the most productive use of PRIVATE PROPERTY. When you take productive property out of the tax base and put into government ownership, you destroy another opportunity to increase the GDP and improve the national economy. We do not need nor want another failed "wildlife management area". We are sick to death of this dishonest government agency stealing the money from another program to buy more land for the government. It is not a productive investment. It is not a purchase that is wanted or needed. Our Constitution has designated the only uses or reasons for government to own property. This is NOT ONE OF THEM. We, the undersigned, want you to know we emphatically oppose the purchase of property in the upper Clark Fork basin for another wildlife management area. We strongly say NO!!
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- 24 1 I would like to go on record as being opposed to using Natural Resource Damage Settlement funds for the Spotted Dog land acquisition. While I am not opposed to purchasing the land and actually think it is a good idea for the State of Montana to make the purchase, I do not support using Natural Resource Damage funds for that purpose. If this property is purchased by the State of Montana, other sources of funds should be used for that purchase.
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- 2 As a former seven-term Montana Legislator representing Butte, I have been very active in monitoring the cleanup and restoration of the Clark Fork River and Silver Bow Creek Superfund sites. I strongly believe that the Berkeley Pit, the Butte Hill, Butte's Silver Bow Creek and the Montana Pole Treatment Plant have received band-aid type cleanups. Until responsible cleanup and restoration has taken place on these sites, I believe it would not be prudent for the State Of Montana to spend monies from the Natural Resource Damage Settlement Program for such purchases as the Spotted Dog land acquisition.
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- 3 It appears to me that the Montana Department of Fish, Wildlife and Parks has made the decision that the Natural Resource Damage Settlement funds are their own personal "slush fund" and can be used for any purpose they so desire. I am a former seven-term member of the Fish and Game Committee in the Montana House of Representatives. I believe the Department would far better serve the State of Montana if they would devote their efforts to managing important wildlife issues such as dealing with the wolf issue that is destroying the big game population in the state of Montana. Far better than trying to figure out how to use the Natural Resource Damage funds as a "slush fund!"
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- 4 I describe this type of purchase of the Spotted Dog land as a "frills type purchases!" Purchases such as this at this time are not a prudent use of these funds. The entire Butte area including Butte's Silver Bow Creek, the Parrott Tailings, the Berkeley Pit, the Butte Hill and the Montana Pole Treatment Plant should be remediated and restored or guaranteed to be cleaned and restored to a quality level before these funds are allocated for such purchases. A guarantee to use the remaining \$65 to \$70 million funds from the cleanup of Silver Bow Creek from Montana Street to the Warm Springs Ponds, to assure these cleanups and restorations are completed at the headwaters of the Clark Fork and Columbia Rivers would help to accomplish this goal.
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- 5 I also believe that using these funds in a creative way such as selling bonds for the purchase and guaranteeing the bonds is a far more prudent and responsible use of the funds. I also believe that using Federal Stimulus funds or funds from the Fish Wildlife and Parks funds created for such purchases is by far a better way to purchase the property.
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Com- Par-  
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Comment

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- 6 I have no doubt that from all of the recent and former information gathered on the cleanup of Butte's Silver Bow Creek and the Parrott Tailings area, that substantial future cleanup and removal of contaminants from these areas will be necessary. Until such cleanup and restoration is completed, a threat or real release of toxic mine tailings will eventually lead to a recontamination of Silver Bow Creek, the Clark Fork River and the Milltown Dam area. I strongly believe that cleanup and removal of contaminated tailings from these areas is a Superfund cleanup action. However, because of the incompetent decisions made to date by the Environmental Protection Agency and the State of Montana agencies, this necessary cleanup and removal of toxic tailings will eventually become the responsibility of future taxpayers in Montana or will require the use of Natural Resource Damage funds!
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- 7 Future fish kills in these areas are inevitable until a responsible cleanup and restoration has taken place on Buttes' Silver Bow Creek and a removal of the Parrott Tailing along side and under the Butte Civic Center and Butte Silver Bow County Shops. To solidify my point, a recent groundwater sample of the Parrott Tailings area has determined that the groundwater in this area is more toxic than Berkeley Pit water. There is no doubt these toxic tailings are currently re-contaminating the cleaned Silver Bow Creek from Butte to Milltown Dam!
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- 8 The recent oil spill in the Gulf of Mexico should also be a major concern for the residents of the State of Montana and the State Agencies. British Petroleum Company the company that caused the oil spill and has shown an irresponsible attitude in dealing with the spill, is the same company responsible for cleaning the toxic Berkeley Pit waters in perpetuity. As I say to folks when asked how long it will take to clean the Berkeley Pit waters, "perpetuity is a pretty longtime!"
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- 9 While I realize the decision on the acquisition of the Spotted Dog land is what most folks in Butte and Montana would describe as the "fix is in," and there is nothing can be done to change this decision I still feel compelled to write this letter! As my old friend and former lawyer in Butte, "Cubsy" Coyle would say, "When the fix is in equally on both sides, justice will prevail." Let us hope the fix is in equally on both sides and justice will prevail!
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- 25 To whom it may concern; I am a Deer Lodge valley resident and I oppose the use of DNRC funds to purchase this land. I own land that is contaminated by irrigation from the river and needs rehabilitated. The DNRC money should be spent for rehab only--not more land purchases by the state.
- 
- 26 1 We should buy the land from Rock Creek. We need to keep it in public hands for all times.  
2 I don't like using NRD money but it's our only choice.
- 
- 27 1 With the State purchasing the Spotted Dog Ranch and run right, will be a benefit for all time. Yes, there will be changes and adjustments for wildlife and ranchers. This purchase will guarantee greedy developers will not build subdivisions, roads and infrastructure. Nor bring traffic and pollution.  
2 Please remember, we the people are only the caretakers, we do not own a thing. Our Creator, God, is counting on us to care for His land best we can. I am in favor for the State purchase.
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- 28 1 I am in favor of buying the Spotted Dog property.  
2 Once the land is bought, make an agreement or law that it will always be Public land, no developing or dividing ever, buildings; keep it the way it is.  
3 We need our Public lands for generations to come.
- 
- 29 1 Just a couple thoughts per the public meeting held in Deer Lodge--  
2 1) As long as public access is available to this property, I would support the purchase.  
3 2) At \$550 per acre for this amount of land in western Montana is a great deal.  
4 3) And finally, it was brought up at the meeting several times how the maintenance, up-keep, etc. of this property would be financed after the 5 year funding period. I spend a lot of time each year hunting in eastern Montana on WMAs. The money derived from grazing cattle is used to hire, house (Spotted Dog Ranch), a person to live and work the property. Roads, fencing, water and patrolling are accomplished by this person who has the best knowledge of the property. Just a thought.
- 
- 30 1 I strongly urge the Department to purchase the Spotted Dog Ranch near Deerlodge. Large, intact parcels of land are critical to the long term future of wildlife, and opportunities to purchase such large parcels are rare. It would be tragic if this opportunity to buy this ranch were missed.  
2 Compared to other western states, Montana has a smaller percentage of its land area in public holdings than any other--about 30% or so. By comparison Idaho is 65%, Oregon is 60% and even crowded California is more than 50% public. If we are going to have opportunities to hike, camp, hunt, fish, and just enjoy the outdoors in the future, we need to buy land at every opportunity. As Will Rogers quipped "Buy Land--they aren't making it anymore."
- 
- 31 Please record my comments as being in favor of the Spotted Dog acquisition. It is very important winter range and will provide a variety of recreational opportunities. There will be habitat enhancement opportunities. Now is the time to conserve these lands before they go into a sub-divisional type development.
- 
- 32 Great idea. I am for it.
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33		I was very surprised to learn of the FWP's plan to purchase this property. There has been nothing in the Helena's Independent Record newspaper that I have seen. An online search shows most major papers in the state have had an article on this but nothing in Helena. Has FWP contacted the IR staff regarding this proposal? Please respond via email.
34	1	I oppose the Spotted Dog Acquisition for three reasons.
	2	1. The amount of money being taken out of the NRD funds for the purchase is too large given the fact that no restoration of damaged natural resources will take place.
	3	2. It is not clear the FWP has the financial resources to operate and maintain this property over a long period of time. The fact that FWP has requested five years of Operation and Maintenance Dollars from NRD funds in addition to the acquisition cost only adds to the concern that FWP is acquiring lands beyond their ability to maintain.
	4	3. The fast track, the amending of established procedures, the cloud over how ownership will transfer to FWP and how much money will be gained by whom all create an atmosphere that leads the public to question what is taking place. At a time when public confidence in government is low, the handling of this proposal by decision makers further erodes that lack of confidence.
35		<b>See page A-22</b>
36		I am writing in full support of the FWP purchase of the Spotted Dog Ranch. This ranch is located in a perfect local, between federal lands, and provides a great access benefit to all such lands. The wildlife value is without question something which must be protected, and enhanced through professional management. This is a once in a century opportunity for FWP and all Montanans.
37	1	I have gone through your draft EA for the proposed Spotted Dog WMA. My comments are not to be construed as being for or against, but rather just to raise some questions that come to mind because I could not find them addressed anywhere in the document. They involve grazing permits and travel planning.
	2	My comments are based on my knowledge from spending 20+ years working in range management on the Helena National Forest and probably knowing this area better than anyone who has worked up there. I am now retired and my comments do not necessarily reflect the ideas or concerns of the Forest Service.
	3	In your EA there was no mention of the fact that there are several intermingled and unfenced sections of RCCC land which are in, or partially in, two Forest Service grazing allotments. RCCC has two private land and one special use permits in these areas. In the case of the Hat Creek allotment RCCC has not grazed there for quite a few years due to the inconvenience of location. The Spotted Dog allotment has been used by them continuously. In both cases the allotments have other permittees with the bulk of the permitted livestock.
	4	If there is to be no grazing on the WMA how will this situation be dealt with within the Forest boundary? How will it affect the Forest Service permittees? They have not been informed. Fencing the sections out separately would be impractical which is why they have never been fenced. I see on your map on page A9 that section 35 between Slate and Hat Creeks is shown as fenced. It is not fenced except on the north side unless this has been done in the last couple of years. RCCC also has a private fence across the north side of section 21 (north of Baldy) which is not exactly on line but which serves as a private allotment boundary fence. This is not on your map.
	5	As mentioned in your EA there are a lot of miles of fencing in the area. Who will take care of the boundary fences as those boundary fences do not belong to the Forest Service?
	6	My other concern is access. It was stated in the EA that one of the reasons for the proposed WMA is better public access. Right now the only motorized access (except in winter) to the Forest Service land is via the Tree Farmer road. For better or worse this does keep hoards of people out of the area. However even with this long drive there are increasing travel plan violations, mostly in the area between Irish Mine Hill and the Limberger Springs. The Forest Service is in the process of doing a new travel plan which I suspect will have some more restrictions. Do you think that your improved access will result in more travel plan problems on the forest?
38	1	This is a wonderful opportunity for FWP and all sports and outdoor people to use and enjoy this beautiful piece of land forever.
	2	If this land were to go into private ownership, divided and developed, this would add to the pollution and mis-use to the Clarks Fork tributaries and environment, and headwaters.
	3	I have hunted and fished on bordering property and it has been a long time wish of mine to be able to access this land.
	4	Money spent on this proposal will be forever for all of us.
39		I am in agreement for the State of Montana to acquire the Spotted Dog Property, as long as it is open for public access to hunt, fish, and vehicle or ATV access.
40	1	The chance to acquire land such as this does not happen often. The department should definitely acquire this piece if funding can be arranged.
	2	I am familiar with this area and hunted it in the past. It is perfectly located by bordering public lands.



Com- menter #	Para- graph #	Comment
41	1	I am in favor of the Montana Department of Fish, Wildlife and Parks proposed acquisition of the Spotted Dog tract. I would rather see these lands in public ownership than a private entity where it could likely be subdivided.
	2	However, my primary concern is with the proposed roads to be kept open from May 15 <sup>th</sup> – December 1 <sup>st</sup> . I'm opposed to these roads being open, because of the subsequent impact to the overall hunting, for the following reasons:
	3	1. I'm quite familiar with the lands within this block and, due to the open terrain, it will be nearly impossible to prevent people from driving off road and enforcing the road closures.
	4	2. A primary objective of this acquisition is to "permanently protect fish & wildlife resources for elk, mule deer and antelope" but the amount of roads being proposed to be open from May 15 <sup>th</sup> – December 1 <sup>st</sup> will directly conflict with this objective. These open roads will be loop roads and will become a road hunter's dream. Combine that with the open nature of the land and it will only be a short time before those animals realize these lands are not a safe place to be and run to adjacent private land causing future headaches for both those landowners and the FWP. Eliminating these loops roads and protecting the core of the block will keep some of these animals on the property and provide for a quality hunt for those hunters willing to walk a couple miles. I'm not advocating closing them off at the bottom, just somewhere at an effective location to still provide the road hunters some access and the walk-in hunters some quality hunting as well. I also believe this would greatly increase the FWP's ability to keep people on designated roads.
	5	3. If the roads are to be kept open, I believe a stricter management for elk on these lands is needed to perpetuate the herd on the property. The reason the elk herd is large and thriving on this block is due to the limited amount of access. I understand the elk herd in 215 is currently over objective, as defined by the Elk Management Plan but the plan is largely politically driven and flawed. Do you honestly believe that, by allowing "roughly 3,000 hunter days for 500 hunters" and keeping those roads open, the elk will remain on those lands? The opportunity to hunt will be there but realistically, I don't believe the opportunity to harvest elk will be that great.
	6	The EA states that this acquisition would provide "long term conservation for some of the "best big game habitat in Western Montana". What currently makes this some of the "best big game habitat"? Forest resource managers routinely hear from FWP biologists that logging and open roads do not provide good habitat. Given this tract has been, to say politely, intensively harvested and heavily roaded, how can the FWP say this proposal will contribute to these lands being "some of the best habitat" when there is very little cover left, proposed open roads through the core of the block, open terrain and being opened to "roughly 3,000 hunter days for 500 hunters"?
	7	Again, I support the proposed acquisition but would like to see further restrictions to the access in order to keep the elk on the property rather than drive them to adjacent private which provides little to no opportunity for the general public.
42	1	As a Board member of the Skyline Sportsmens and a member of FWP R[egion] 3 Citizens Advisory Committee:
	2	I fully endorse this proposal. It will be a great acquisition for future generations of all walks of life, not only hunters and sportsmen. Our children and future generations can look to this as they come of age. This will replace lost habitat from the mining that left Butte and area to Missoula spoiled.
43	1	I believe acquiring this area would be very important to protecting far our big game animals, and perhaps--hunting, hiking and sightseeing opportunities.
	2	We are losing our wild and scenic areas and should do all we can to protect them.
44		I am completely in favor of this purchase and hope it can be done.
45	1	The last thing FWP needs is a 28 million dollar play ground for all FWP employees! This would be an absolute waste of money at the expense of sportsmen and women and the tax payers of MT. Wrong--Wrong!
	2	I have talked to a lot of people about this and nobody disagreed with me! It is way past time to clip your wings!
	3	And this just another reason why I haven't supported FWP for many years.
46	1	I ranched in the Canyon Creek Area ½ way between Helena and Lincoln from 1953-1989. 40 years ago elk and deer stayed up in the high country between Wolf Creek and Ellenston along the continental divide. There was 4000 to 5000 sheep grazing in the area also. You seldom saw an elk in the lower Canyon Creek valley, summer or winter.
	2	Then enter the FWP. Domestic livestock grazing was eliminated. The area was determined to be a Wildlife Management area (WMA). The FWP bought some of the private property and bought conservation easements on two ranches in the area.
	3	Last fall where were the elk? 300 to 500 head, depending on who you talk to were on three private ground in the lower Canyon Creek valley. There were no elk between Fletcher Pass and Stemple Pass until hunters chased them up there from the lower valley.
	4	The FWP in their infinite wisdom created a WMA that wildlife did not like and will not stay on.
	5	The FWP has totally ruined this area for wildlife by their gross mismanagement. This area has tall coarse grasses that wildlife will not eat and areas where brush has taken over creating a fire hazard.
	6	This has happened all over the state. South of Dillon on the Blacktail WMA, the Robb-Ledford near Alder and over on the Madison.

Com- menter #	Para- graph #	Comment
	7	The FWP is the very worst land managers in the state of MT and should not be allowed to own or manage even one acre of ground.
	8	For these reasons I vehemently oppose the FWP purchasing the Spotted Dog property. These lands should be left as private property.
47	1	I am in favor of acquiring the Spotted Dog property.
	2	I am not excited about FWP ownership as it will result in expansion of a beauracracy.
	3	However, the alternative is probably development which is creating thousands of "warts" on the landscape.
48	1	I was in attendance at the public hearing in Deer Lodge on July 14, 2010. I don't have any problems with the FWP purchasing the proposed Spotted Dog property. But, I do have a problem with no mention of trapping or trappers. I see hunting, fishing, camping and recreation. But no trapping.
	2	Then from December 1 to May 15, there will be no one on the land, four-wheelers, snowmobile or walking.
	3	I have trapped on parts of that land in past years and no thinking trapper in his right mind will pack traps or the animals that he harvests around on foot. I do not own a horse and therefore must rely on a four-wheeler, snowmobile or pickup to trap out of.
	4	Furthermore, November through mid-April is when fur trapping is done in Montana. Also no trapper wants to be trapping in an area of high hunting pressure. Because along will come some hunter, see a coyote or other animal in a trap, feel sorry for them and put him out of his misery. So he puts a 180 grain 300 mag the full length of the critter. End result – wasted time and wasted fur.
	5	Trappers are a part of the Montana landscape. Let's not push them out.
49		As a dedicated hunter and sportsman for over 40 years, as a resident of Montana and a director with Skyline Sportsmen, I wish to lend full support for acquisition of the Spotted Dog Ranch for the public.
50	1	I fully support the pruchase of the Spotted Dog ranch with NRD funds. I support the proposal and the corresponding amendment. Keep in mind two very important truths while considering this proposal:
	2	First, the fact that "they" quit making land.
	3	Second, a bird in hand is worth two in the bush.
51		Yes, I support the puprchase of the Spotted Dog property.
52		FWP received a voicemail today from Jim Crichton of Helena, giving support for the Spotted Dog acquisition. He noted that he was born in Deer Lodge. He said that he would follow with an email.
53		I believe that this land should be purchased by the State even though there are financial concerns for both the short and long term. It is a one-of-a-kind acquisition that will not be available again, ever. There is no other available property that would be of as much value in terms of wildlife management and protection in the state. Thanks for the opportunity for input.
54	1	I am writing in enthusiastic support of acquiring Spotted Dog Ranch land for fish and wildlife habitat and public access.
	2	These kinds of opportunities don't present themselves very often and the people of Montana would forever regret it if the state doesn't acquire the land.
	3	It's also a good use of resotration fund money in my opinion.
55	1	We have been reading and following the proposal and possible sale of the property known as Spotted Dog with interest and concern. As property owners of adjacent land and also Forest Service livestock permittees in this area we have numerous concerns of how this acreage will be managed.
	2	We feel that it is obvious that our livestock will be in jeopardy as the area will be a breeding ground for the grizzly and black bear, wolves, elk and possibly even bison. Will there be any protection or compensation in the event to loss?
	3	Other matters of concern are the fencing and maintenance of the fencing in this area, the access roads and the possible influx of people in general for hunting and recreation. In general, they are very respectful of others, but a few can ruin it for everyone including destruction on this very land that is open to them. Will this all be monitored?
	4	Thank you for the chance to address these issues to you. Please consider our landowner/permittee rights when you make your final decision.
56	1	Opponent.
	2	I was born and raised in Butte, and now the mess there. There are still miles and miles of river left to clean up, and I think it should be cleaned all the way to Mill Creek or beyond. Have a price of what it is going to cost to finish the project and a little stash in the bank.
	3	Are license fees going to be raised a huge amount of money? I hope not.
	4	Where are you folks going to get the money and manpower to take care of this area?
	5	I'm sorry but I don't think the FWP needs this much area.
57	1	I received a copy of the Draft Environmental Assessment referenced above on 1 July 2010. Together with my two sons I own the Cross Canyon Ranch located just south of Avon in Powell County, Montana. I believe our property has more contiguous borders with the Rock Creek Cattle Company land in Avon, Montana than does any other property owner.

2		We have a number of concerns related to this proposed acquisition and its impact on us as a neighbor. Additionally, we are a bit frustrated, in "Article VI Good Neighbors" of your Management Overview there is an indication of wanting to develop a good neighbor policy, and unfortunately no one contacted us regarding this proposal until I made contact with Ray Vinkey at Fish, Wildlife & Parks during the week of 5 July 2010. Ray was helpful and I appreciate the time he spent with me on the phone. I believe that early contact with us as neighbors as well as a number of other neighbors would have resulted in an opportunity for all of us to work together toward the best possible use of this property. Having talked with some of my neighbors I believe a great number other neighbors have concerns with this proposal.
3		In summary, the concerns that are most frustrating to the people in this area are the following:
4		• The amount of time left open for public comment and input of the most affected people (those residing in the valley near Avon, Montana) and particularly the closest neighbors. We believe the time for reviewing this proposal should be extended from its present date of 30 July 2010.
5		• There are concerns about whether the State of Montana needs to invest a considerable sum of money acquiring more private land and whether or not private land should not be left as private land versus more ownership by the State of Montana.
6		• All of us in the Avon area are supportive of and will continue to support good wildlife management policies. However, we have some significant concerns with the prospects of this property being potentially utilized for the introduction of bison into this area. The prospects of importing brucellosis to this area of Montana with the introduction of the bison cannot and should not be taken lightly by any of the ranchers in this area or by members of Fish, Wildlife & Parks.
7		I think the above considerations affect all the residents of the Avon area. Additionally, there certainly are impacts directly on my property that would include the following:
8		• Cross Canyon Ranch has a historic use of access across the property in question for purchase for management of our ranch. (There are a variety of recorded easements as well as historical uses that have taken place across this property)
9		• Access from Avon through Trout Creek or Stagecoach Road (or what is being called Stagecoach Road) is in question and should be thoroughly reviewed. We believe that access will adversely affect us as neighbors and the stated purpose of this acquisition and protection of wildlife management will be affected as well.
10		• Management of our ranch from unauthorized trespass is going to be difficult under this current proposal.
11		• Lastly I have in-holdings within the proposed purchase area and I have had numerous conversations over the last five years and had understandings with the RCCC about swaps and other land acquisitions related to our in-holdings.
12		While I was not able to attend the 14 July 2010 meeting in Deer Lodge, Montana, I believe a number of my neighbors were in attendance. I have had an opportunity to meet with Ray Vinkey this week and while I have many apprehensions and support the current concerns of my neighbors I would like to have further conversations with FWP to discuss this issue. I look forward to further conversation related to this matter and hope that with that further conversation a direction can be accomplished that will meet the needs and protect the rights of adjoining property owners and all ranch owners in Avon Montana while considering the wildlife applications at the same time.
58		I support the acquisition of the Spotted Dog Ranch and I believe the Draft Environmental Impact Statement adequately addresses all concerns.
59	1	I support the purchase of the Spotted Dog Ranch, which will be a wonderful asset for both wildlife and sportsmen, but under one condition: that the lands be managed as <b>non motorized</b> except for a couple of key access routes. I have seen too much public land shredded and abused by the tsunami of ATV's that are out there today. I have attached a couple of pictures taken on USFS lands to illustrate my point. Thank you for your interest in Montana's wildlife habitat .
	2	<b>See pages A-23 &amp; A-24 for the 2 pictures enclosed with #59</b>
60		Just a short note to let you know I think we need it for the future of wildlife in Montana.
61		I strongly support FWP's effort to purchase the Spotted Dog Ranch. This is a tremendous opportunity to provide outstanding public winter range for wildlife as well as excellent public hunting opportunities.

62		The government should not be buying land, that is wrong. If they continue to do so then they have the power to control the people and it turns into a communist state, therefore I am STRONGLY OPPOSED to the FWP buying the dog creek ranch. FWP is having to change the rules to get the money to buy this and that is also wrong, if you don't have to obey the rules on this you will not obey them on other things. Rules are NOT just for us the public they are also for YOU, FWP. The money is for restoration not purchase of property and doing so is not using the money when it was intended. In buying this property you will be taking a minimum of \$1000,000 out of the economy plus several jobs and in this economy that is drastic and WRONG! I believe your ultimate goal is to bring buffalo from Yellowstone to this property which will at some point bring brucellosis, you need to deal with the buffalo issue down there NOT HERE! The access you believe you are going to use in Trout Creek IS NOT the old stage road, it went to Elliston instead, I can show you the route. Therefore I do not believe you will be able to use that road! I understand the need for hunters to be able to hunt, but in doing this we will be overrun with hunters doing whatever they want, trespassing, littering, stealing, this will not solve any of the issues but create a boatload of them for us to deal with. I do not see ANY good coming from this purchase, just more problems for the rancher that FWP does not want to deal with.
63		I am strongly opposed to the sale of such a large piece of land to the government. I am also STRONGLY opposed to the method of acquisition, you should not be able to push something like this through or change the rules for ANY reason.
64	1	I am positively opposed to the State of Montana buying this land.
	2	FWP has shown no above board need for this land. If they follow through with their under the table bison plan it would be a travesty to the ranching community.
	3	Further, the use of NRDP funds is inappropriate.
	4	At a time when our Governor and FWP need to play above board and work with the people of this state and within established policy standards this would be a big mistake.
65		I strongly support FWP's and Governor Schweitzer's efforts to acquire Spotted Dog Creeks properties. Thank You!
66		<b>See pages A-25 through A-28</b>
67		I was born and raised in Anaconda and I'm still living in Anaconda. Since NRD money is supposed to be used for reclamation and since that reclamation is ongoing, that money should be there for it. It should not be used to buy a ranch! Reclamation could go on for years and that is what the money is for. One very angry Anaconda citizen! Leave the money alone!
68	1	I support the purchase of the Spotted Dog Ranch. The MFWP needs to do this for the benefit of all the people of the State of Montana. In fact there needs to be more of these land acquisitions. This Ranch is an important if not more important to the wildlife as the Sun River Game Range. It also sits within 100-150 miles of almost all the major centers in Montana giving access to all those people is tremendous. If the land was bought and subdivided would be a shame when money is available to purchase this ranch and have it Montana owned!
	2	A special thank you to all who are working on this to make it a reality and to Gov. Schweitzer for his involvement.
69	1	Rancher. Opponent.
	2	We oppose this acquisition for the following reasons:
	3	1. Time Frame – we own several miles of Clark Fork River at Bearmouth. We have consulted with the FWP and several other groups connected with restoring the river and we probably won't be considered for any bank stabilization projects or anything else for at least 20 years. That is when this section of river is scheduled for work. Ridiculous! If we can't do real restoration projects in a timely manner, why rush this Spotted Dog WMA thru? It should follow the proper channels like all other projects.
	4	2. Money – Once again, the river should be restored first and then buy land if there is any money left. Giving Rock Creek Cattle Company \$6 million to roll their option to buy is a huge waste of money. Wait and buy it from RY Timber directly and save that money. But that gets back to the time thing and working this out right and not rushing. Besides, all the information coming out about Foley sounds like he's a crook and FWP shouldn't deal with him anyway.
	5	3. State School Trust Lands – The approximate 10,000 acres of state land adds considerably to the long term maintenance expenditures of this project. Not only is the lessee (FWP) responsible for fence maintenance but also for weed control as well.
	6	4. FWP – FWP is having money problems already and they simply cannot afford another WMA at this time.
70	1	Don't buy!
	2	If you do buy:
	3	No bison! At anytime.
	4	No travel off county roads.
	5	No 4 wheelers or snowmobiles anywhere, except on county roads at any time.
	6	No special snowmobile trails.
	7	Game retrieval off county roads only.

Com- menter #	Para- graph #	Comment
	8	County roads open July 1 til Nov 30th.
	9	Key locked for ranchers access at all times.
71	1	I will focus more on the motorized use of portions of the proposed land acquisition.
	2	I suggested to Mike Thompson, FWP, at the Powell County Planning Board Meeting of 7-15-10 that we allow snowmobiling, not only on USFS Road # 314, but also allow wintertime motorized use on all the lands lying east of this road that would be obtained as part of this acquisition.
	3	The logic of this suggestion is as follows:
	4	1) Snowmobiling has been an historical use of this road (which is part of the groomed trail system) and also the forest and state lands lying to the east of this road. And I think admittedly there has been traffic across private parcels of ground that are contained within and surrounded by the US Forest Service holdings. Those upper reaches of the subject property have always contained trails and open areas that the public has used, I believe largely because they were perceived as being open to the public to travel upon, whether by easement or otherwise.
	5	2) The USFS Road # 314 happens to lie more or less along the naturally occurring transition from grasslands/meadows, etc. to timberlands, and mixed timber and grasslands of steeper terrain with significant increases in elevation. Thus the road serves as a dividing line between ground that is physically different in character.
	6	3) Lands lying east of Rd. #314, due to its higher elevation, has always received significantly more snow in the winter, thus making it ideal for snowmobiling.
	7	4) By and large, the elk tend to winter west of Rd. #314 in the lower elevations.
	8	5) Having travelled this area extensively for over 35 years both summer and winter, I have observed that the elk do not use the higher elevations to any significant degree in the winter.
	9	6) I have also observed that the elk are not bothered much by snowmobiles passing through the area. The moose in the area do not seem to be disturbed at all. And I have not seen much disturbance of other wildlife that might be present in the upper elevations. I believe that recent studies of elk and induced stress by man, has shown that they are less bothered by snowmobiles than they are by someone on foot.
	10	7) I also believe that wildlife populations have increased over the years under the current pattern of use.
	11	8) As the USFS lands lying east of the Rd. # 314 have always been open to winter time cross country travel, it would seem that in order to maintain some continuity of use in that area, it would be sensible to extend the motorized winter time use to the newly acquired lands that will be in the WMA.
	12	9) From a law enforcement aspect, I would think it would be much easier to regulate snowmobile use and compliance issues by designating the entire east area as open to that type of use.
	13	10) Summertime motorized use should also be continued and allowed on the upper reaches (ridge trail) of this property also, as this has been a low impact to this area in the summer months.
	14	11) It will also be important that there is not an overly cumbersome process to accommodate hunting on the property.
	15	12) Most importantly, I think as this acquisition may move forward, we need to be very mindful of <b>multiple use</b> of this unique property. It is becoming increasingly important that the public has 'buy-in' to this major acquisition by FWP. From what I have read in the EA, and seen presented so far, this seems to be a sound purchase and seems to be in the public's best interest when compared to potential other outcomes for this incredible piece of Montana. I believe that multiple use can be accommodated without detriment to the wildlife habitat.
72		<b>See pages A-29 through A-31</b>
73	1	I would like to support the purchase of the spotted dog ranch for the use of a WMA. If the purchase does not go through we as people of the state of Montana will loose another battle against the developers and the land will be subdivided and road and homes will be built in the middle of some of the best elk country in the state.
	2	Rock Creek Cattle company is already in the process of developing the ground on the other side of the valley and all people that enjoy the outdoors are loosing access the the ground that they grew up on and used for many generations. I do not want to see this happen to the Spotted Dog Ranch.
74	1	I am very against the purchase of the Spotted Dog Ranch for the following reasons.
	2	1. The Upper Clark Fork Basin Restoration Grant is settlement money for the Clark Fork River Operable Unit of the Milltown Reservoir/ Clark Fork River Superfund Site. I feel the money would be better spent on the clean up of these areas. If these areas did not need cleaning up then there would not have been a settlement and no money for grants.
	3	2. RCCC is owned and affiliated with an out of state developer who has already borrowed 120 million dollars from Farm Credit Services to develop the other half of this property next to Deer Lodge. I feel that as a taxpayer that we have lent and lined this mans pocket enough.
	4	3. FWP's budget is not unlimited. There is a tremendous cost to maintaining such a property. Spraying for noxious weeds is very expensive and important. You have historically been limited by your budget in controlling weeds. This area has been historically highly contaminated by spotted knap weed. I do not feel that your employees will cover and control the weeds in the same manner as someone with a financial interest in the land.



Com- menter #	Para- graph #	Comment
	5	4. Paying for the lease of DNRC lands from grant funds for 10 years is short sighted. After 10 years then what? It is one hand of the government paying the other hand of the government. And what about property taxes? I didn't think FWP paid taxes as they are a government agency. So then you are taking that money away from the schools and county.
	6	5. I do not feel the wolves need any more public land to protect them.
	7	They eat enough livestock. I believe that you said when you released the wolves that they wouldn't eat livestock, and that the ranchers would be reimbursed for their losses. Forgive me if I do not believe any promises that you are making to the public in your proposal to buy the Spotted Dog.
	8	Clean up the Clark Fork drainage as the money was originally intended, do a complete budget, show some income on the property and then we'll talk.
75	1	I am opposed to the acquisition of the Spotted Dog Property as outlined in the Draft Environmental Assessment, June 2010. It is apparent not only in the abbreviated EA document, but at the public meeting held in Deer Lodge, that the purchase and the EA process are being fast-tracked to meet the bare-bone requirements of the law. Before any decisions for purchase are made and with a parcel this size, I ask that a minimum of one year be used to observe the property through the seasons to complete an accurate survey of all natural resource issues, and to work with all parties (adjacent landowners, agricultural interests, public agencies, local governments, recreationalists, hunters, and other interested individuals/groups) that will be impacted to develop a consensus-driven well thought-out management plan.
	2	If the previous comment is not addressed, I ask that an additional alternative be considered that has potential to protect a good portion of the land from development, would allow public access, and provide beneficial elk habitat while continuing cattle grazing leases. This alternative would be to pursue conducting a land swap to block all of the DNRC lands into one parcel where public access would be possible. Rather than have RMEF pursue a conservation easement, I would recommend DNRC/FWP pursue an easement that would protect the remaining private block from development with the current owner/option holder. This may provide more bargaining power if a land swap is necessary for DNRC lands within Rock Creek lands west of Interstate 90. This alternative of balancing public and private ownership would hopefully continue to support the historical agricultural use of this property that has for the last 140 years balanced livestock production with maintaining valuable elk habitat.
	3	Having served the Powell County Weed Board in the past, I am familiar with the noxious weed issues on portions of the proposed property and can say that that the cost estimates are too low and a survey needs to be completed to adequately develop a plan for management and cost. In addition to noxious weeds, cheatgrass infestations are present on this property and a plan not only for management of cheatgrass but also for fire mitigation needs to be completed and included in the cost of maintenance.
	4	The Socio-Economic Assessment failed to analyze a majority of the potential economic impacts upon the low income area. While there is no guarantee that the purchase of the parcel by Rock Creek Cattle or another private party would continue livestock grazing, it is spelled out that the 2,000 cows currently grazed in the summer would immediately lose there grazing area for a number of years if purchased by FWP. Finding summer pasture for 2,000 cattle is next to impossible, so there would be a substantial reduction (up to 2,000 cows) by Rock Creek caused by the FWP purchase of this property. The loss of these cows would cause the State a loss of tax revenue and would negatively impact the businesses in Deer Lodge that provide feed, veterinary care, breeding, and transportation services for these cows. In addition, the cowboys have potential to loose there jobs, which in turn promotes a loss of families in the Deer Lodge area, and reduction in enrollment of the schools, not to mention less dollars coming from the state to the school. I ask that another assessment be completed that addresses all these potential negative impacts. To prevent negative economic impacts to the cattle industry in the future, I ask that a specific legally binding clause be agreed to by the State that the property will never be used for bison that have the potential to decimate the cattle industry in Montana by losing the brucellosis free status.
	5	Finally, in these recessionary times when the state budget appears to be shrinking, it doesn't seem prudent for the state to be pursuing property acquisition (though costs are limited in the first 5 years) that will require state funds in the future for personnel and maintenance costs. I am opposed to this proposal because of the top down style management plan where there has been limited planning, lack of consideration of other viable alternatives, and limited analysis of environmental and socio-economic consequences.
76	1	I have read the published article (IR dated 7/25/2010) regarding a golden opportunity for the state of Montana to acquire a vast parcel of privately owned land located in the Spotted Dog drainage south of Avon, MT. I have reviewed the arguments, particularly from the CPA in Missoula, the Clark Fork Coalition science director, and from the gentleman in Anaconda. Let me remind you that public treasures such as our country's federal and state parks, memorials, wildlife refuges, wilderness areas, Forest Service, BLM, and other areas of the public domain have always encountered stiff resistance whenever they were becoming established as, well, public lands.

2		It is acceptable for me that private interests express their opposition to the possibility of state acquisition of the Spotted Dog property . Afterall, I served in this great nation's armed forces during time of war in part to help uphold the principles of democracy and freedom of speech. Some naysayers expressed problems about maintenance costs to the state if successful in acquiring the property, particularly how it relates to weed control. I would remind them that the matter of weed control is out of our control if the property is lost to private interests. I would silence the concerns over rushing the deal since private interests with funding are all too willing to rush in. They are not holding off. There is the risk of loosing out on the land purchase without the expedited process for sending the project forward. I personally interviewed a manager of a private reserve inholding within one of our wilderness areas. He told me the Forest Service had an opportunity to acquire it back in the 80s, but lost it due to "official foot-dragging" and heart-breaking incompetence. Mistakes are good, but only when we learn from them.
3		Let me also share the short story of former FS chief, Jack Ward Thomas, who told about his experience as a Texan later transferring to the state of Oregon. Jack told about growing up in Texas and how fishing, hunting, and other outdoor recreation pursuits was a risk-taking exercise getting onto private lands where he could experience such outdoor pleasures. Afterall, Texas is only about 2% public lands. When Jack moved to Oregon and discovered all that public land available to him for his (and others) enjoyment, here is what he said, "It was like I died and went to heaven."
4		I have worked in the Spotted Dog country since 1988 inventorying and assessing aquatic resources for the Helena NF. Therefore, I am very familiar with the area. It would be tragic to see it lost ultimately to overdevelopment; my mission would be to save it. During his presidency, Theodore Roosevelt (R) implemented national refuges, monuments, and National Forests to restore wildlife and preserve wild places and other lands for the commons that is of immense value to the American people. These are things the majority of us want more and better of.
5		In 1803, the federal government granted land to each new state for supporting public schools, but some states sold out those lands and spent the proceeds. Now they having nothing to show for it today. Other states, like Montana, wisely retained these lands and earn revenue from them, not to speak of the tremendous recreational value they hold. Teddy Roosevelt said, "We do not intend that our natural resources shall be exploited by the few against the interests of the many." Now is the time to assert that brand of leadership this country was blessed with in the past and go forth acquiring this extraordinary area called Spotted Dog. Our future Montanans deserve it, and is one major reason why visitors make Montana their destination choice.
6		I grew up in Montana third in a line of generations beholden to this great state. The most difficult and disheartening trend that I have had to endure in all my lifetime has been watching helplessly aside as too many of Montana's vast treasures --its open spaces, wild places, and stream corridors--have been lost forever to development. There are many other reasons beside my values for preserving Montana's integrity and heritage. It's about our culture, our people, our way of life at stake. Thank you for this opportunity to comment.
77		<b>See page A-32</b>
78	1	It's a good idea to purchase Spotted Dog.
	2	He likes that bison might be put on the land.
	3	He owns property south of Deer Lodge.
79	1	The Spotted Dog Environmental Assessment (EA) seems to have something for everyone, but would it benefit wildlife? It also foreshadows some complex issues.
	2	As I read it, I wondered if it was a large-scale hunting plan disguised as an environmentalist's dream.
	3	First, let's mention the positive aspects. It was a fascinating sketch of diverse habitat (including riparian areas)". . . with the largest concentration of wintering elk in the Upper Clark Fork . . ." (p. 15 EA) It's "long-term conservation for some of the best big game habitat in Western Montana . . ." (p. 3 EA)
	4	Activities could include hunting, wildlife viewing, fishing, hiking, bird watching and snowmobiling.
	5	The project would decrease the threat of subdivisions while maintaining "landscape connectivity" to provide a home for "Montana Species of Concern" and "Federally listed Threatened/Endangered" species, like the Canada lynx.
	6	The cost per acre is a reasonable \$550.
	7	On the other side, where would the maintenance funds come from after the possible five years funding from the Natural Resource Damage Program and the 20 percent of the purchase price?
	8	And what about the noise level? On p. 29 in the EA, it states, ". . .the potential for changes in noise levels is expected to be minimal since the rural character of the property would be unchanged."
	9	Wouldn't the noise level escalate with the sound of rifles, people talking and motors running? People would also bring their hunting dogs and kids into a pristine area. And 3,500 snowmobile users were listed on a 2011 trail grant application. (p. 25 EA) That's a lot of noise.
	10	Also, would wolves be hunted on this property be if they should reappear? What kind of a wildlife sanctuary would it be if hunting and trapping are in the future? What would be trapped and why?
	11	Who has the water rights to the reservoir?

Com- menter #	Para- graph #	Comment
	12	Would the Wildlife Management Area open the way to more development on the edges of the property . . . like a hunting lodge?
	13	Would fire danger escalate from campers who smoke even if they don't have open fires?
	14	It's a sizable undertaking. On p. 26 of the EA, it says, "With the large size of this property, there would likely be challenges associated with managing recreation on this property. The challenges would include enforcement coverage, vandalism, maintenance and resource protection."
	15	There is a conflict between the comment in the EA, p. 27 and Attachment B. The EA, states, "The proposed acquisition of the Spotted Dog property is not expected to have any direct affects to the city of Deer Lodge."
	16	In Attachment B, it says, "The Spotted Dog WMA would provide positive economic benefits to local businesses in the surrounding communities. In addition to hunting, the purchase would provide opportunities for other recreational activities such as wildlife viewing, etc, all of which would contribute to the economic well-being of the local businesses."
	17	Could an elusive species like the lynx survive with all the recreational activity?
	18	I bring up these points because I think they should be thoroughly discussed before a final decision is made. In essence, the proposal appears to be a wonderful idea, but there are so many variables and unknowns, such as the long-term affects on the wildlife and the fire danger.
80	1	1. My main concern is access to my property which adjoins the spotted dog property with 1 1/2 miles of border. To access my property I cross 1 to 1 1/2 miles of spotted dog property depending on corner of my land that I will be accessing. These routes have been used for over the last 40 years, since 1968. If I cannot continue to use these access routes by motor vehicle and by snowmobile in winter, I would be very much opposed to the purchase. Also would access be allowed to trail cattle across the spotted dog property to and from my property?
	2	2. You say that FWP will continue to pay the county the same amount in taxes that is presently being paid on the property, where is the money to pay the taxes coming from?
	3	3. I am concerned by the large amount of acreage already under state and federal ownership in Powell Co., seems like private ownership would be better overall for the county.
81	1	I have enclosed an article from the <i>Silver State Post</i> [newspaper, Deer Lodge, Montana; July 28, 2010; pg. 4; Letter to the editor by Patty Lovaas]. I agree with her viewpoint. I feel that this property should be purchased directly from RY Timber in November 2011. I attended the meeting held in Deer Lodge on July 14. It was stated that rock Creek Cattle Company would be collecting \$9 million dollars, not \$6 million as stated by Patty Lovaas. The Spotted Dog property is one mile from our ranch. I have ridden my horse through it many times. In that area, there aren't any developed roads and I don't foresee any "land rush" there.
	2	We rented summer pasture from [landowner] in section 22. We trail our cattle through the Spotted Dog. Will we be allowed to continue to do so?
	3	There is a predator problem in this whole area. No longer do I run a jack rabbit down while driving to town. No longer does a flock of grouse upset my horse. As I see it; the wolves are pressing the coyotes down to us and the small prey has been eaten. Now the coyotes are feasting on newborn Hereford calves. There has also been evidence of mountain lions and bears. I also feel that the wolves are partly responsible for pushing the elk down to our hay fields, especially in the fall. Now that the elk have tasted tender second crop or regrowth; they don't want to stay up on the dry hillside. I do want to thank you for the panels you gave us to fence the haystacks. They work great!
	4	There is a dead elk carcass on Jake Creek. Do you want me to send a picture of it so it could be sent to the wolf lovers?
	5	I do oppose the Jake Creek route to Spotted Dog. I'm uncertain if travelers would close the gate, and/or our horses might get tangled up in the cattle guard. The road is deplorable. It would be expensive to fix. It would be an imposition to [other landowners using this road].
82	1	My husband and I live on 1200 acre section in Powell County, our property borders state land for approximately 2 1/2 miles. We have 300-700 elk on and off for 5 months on our land. We leave around 150 acres graze free for the elk. Our 10 1/2 miles of fence gets hammered hard by the elk. We would like to voice our opinion.
	2	1. To have limited access for hunters.
	3	2. Walk in only
	4	3. We as adjacent landowners that support the elk for 5 months should get some priority for hunting (possibly a 3 day hunting season ahead of the crowd – which scatter the elk around)
	5	4. By letting hunters drive in it will lead to a slaughter of a lot of elk and a lot of wounded animals. It will also cause a great deal of landowner fence down.
	6	In 2009 my husband replaced 34 fence posts in less than a 1/2 mile on Beck Hill Rd. due to the elk moving back and forth across the road. There was also numerous places in the fence that needed mending. To say the least we let deer, antelope and elk graze our land. My jusband has been trying to draw a big horn sheep tag for 29 years with no success. He also has never drawn a goat, moose or elk tag. Do you think that is fair to him? We give out so much for the wildlife but we get nothing in return. The pictures enclosed are elk that winter on our land.

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7	<b>See page A-33 through A-35 for the 5 pictures enclosed with #82</b>
83	I fully support the State of Montana purchasing the Spotted Dog Ranch in Avon, MT. I was born and raised in Elliston, MT and have hunted the hills around Avon all my life. My family and I hunt that area every year. It would benefit a lot of people to have access to areas that are now privately owned. We have a wonderful State and should be afforded the opportunity to be able to venture out into the hills and mountains without the worry of obtaining ownership permission, with more saying "no" than yes, or charging an exorbitant fee to hunt. I am all for farmers and ranchers owning property, and some are very considerate and understanding. Others, not so much. I do, however, understand some of their frustrations with hunters as well. I know the State has what they refer to as "block management" for property owners and hunters, which, in my opinion, works fairly well. However, as mentioned above, it would be nice to be able to access the hills and mountains of Montana for hunting without the worry of possibly trespassing on someone's property or venturing into a restricted area. Again, purchasing the Spotted Dog Ranch would benefit a lot of Montanans.
84	<p>1 I and my family have used this area for over 20 years for all types of outdoor activities including snowmobiling. First I have to say that I am a little upset at the short comment period on this EA and think this should be addressed! In the EA you state that you will manage the area for many uses "as well as public recreational opportunities". Extremely limited opportunities for only specific groups would probably be more appropriate! These groups will probably only be hikers and cross country skiers because it looks like to me, a lot of motorized access will be restricted as usual, except for the main roads which will be probably be even more limited in the years to come. We are slowly being squeezed out of areas on so called "public land" that we have been using for generations .</p> <p>2 You state that this area has a large wildlife population. So obviously the current restrictions that allow access and motorized (snowmobile) use are working....enhance it but why change it completely???? Manage the land but don't put even more restrictions on the people that enjoy and use it most. I believe the land should be purchased and managed but don't use public money to purchase land and then restrict our use so much that only an elite thinking few can use it. I personally have bad hips and am now unable to hike for long distances and every year it seems like I am unable to access more and more areas due to my reliance on motorized vehicles. Restrict access on only the most vital of areas but don't treat the entire area as one vital spot for wildlife so everyone must get out. Land and wildlife can be managed without widespread restrictions on the publics use. At a minimum the eastern side of the main road should be left open as much as possible for general use and snowmobiling during the winter. This is a great purchase for FWP and should not be passed up. All I would ask is that the land be used wisely and in consideration of ALL concerned.</p>
85	The following comment on the possible Spotted Dog Land Purchase represents my personal thoughts as a private individual and should not be construed as a comment from [the name of employer]. As a private individual I strongly support the acquisition of lands in the Spotted Dog drainage as it is a tremendous opportunity to increase public access as well as improve habitat conditions for a variety of fish and wildlife species. There will also be opportunities with other agencies and private groups for joint partnerships that could help reduce some of the state costs in managing the land in the future. From my perspective it is well worth the expenditure of some of the principal in the trust funds, if necessary, to obtain the lands.

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Mary Ann Fraley  
Mayor  
Tiffany Heaton  
City Attorney  
Chris J. Zawada  
City Clerk / Treasurer

CITY OF  
**DEER LODGE**  
300 MAIN STREET  
DEER LODGE MT 59722-1098

**CITY COUNCIL**  
DAVID AUSTIN  
HELEN G. GILL  
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MARLENE L. OLMSTEAD  
KARLA RYDEEN

May 27, 2010

Ray Vinkey - Wildlife biologist  
Montana Fish, Wildlife & Parks  
P.O. Box 1066  
Philipsburg, MT 59858

RE: Spotted Dog Letter of Support

Dear Mr. Vinkey:

The City of Deer Lodge supports the efforts of the Montana Department of Fish, Wildlife and Parks to purchase the Spotted Dog property. The proposed funding would come from the state's Natural Resource Damage Program money.

This area for public access northeast of Deer Lodge opens up habitat for a Wildlife Management Area which would benefit grassland dependant species.

Sincerely,

Mary Ann Fraley  
Mayor





# ROCKY MOUNTAIN ELK FOUNDATION

5705 Grant Creek Road  
Missoula, MT 59808  
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Fax: (406) 523-4550  
E-mail: [rmef@rmef.org](mailto:rmef@rmef.org)  
[www.elkfoundation.org](http://www.elkfoundation.org)

May 10, 2010

FWP 2

Carol Fox, Administrator  
Natural Resources Damage Program  
1301 East Lockett  
P.O. Box 201425  
Helena, MT 59620

RE: NRDP Funding for the Spotted Dog Acquisition Project

Dear Ms. Fox,

This letter is intended to be the Rocky Mountain Elk Foundation's (RMEF) support of the Spotted Dog Property Acquisition by the Montana Fish, Wildlife and Parks Department (MTFWP). We are very familiar with this landscape and have been interested for many years in seeing this property conserved due to its value for elk and wildlife habitat. This project is especially significant since this land is a very large contiguous block consisting of approximately 27,537 acres. The RMEF supports the proposed purchase of this property by the MTFWP with the understanding this property would be managed as a public wildlife management area. We would hope if this property is purchased and protected by MTFWP it will be managed in the future with an emphasis on benefits to the estimated 1000 elk that use this property and it would be open for public hunting and recreational uses.

The Spotted Dog property purchase will protect important wildlife habitat and the fact that it will eventually become public ownership owned and managed by the MTFWP means the land will provide public recreational benefits and public access to additional lands. Protecting large tracts of habitat near other protected lands and public lands is integral to ensuring for the year-long habitat needs of big game. This property also lies adjacent to and within the Helena National Forest, and around land owned by the Department of Natural Resources and Conservation and there is potential for land exchanges with those state and federal agencies that would further consolidate land ownership and management in the region.

The RMEF's mission is to ensure the future of elk, other wildlife and their habitat. RMEF has conserved or enhanced habitat on nearly 6 million acres—a land area equivalent to a swath three miles wide and stretching along the entire Continental Divide from Canada to Mexico. RMEF also works to open, secure and improve public access for hunting, fishing and other recreation.

We are pleased to go on record supporting this acquisition and the RMEF has indicated to the MTFWP that we would discuss additional ways we can assist with protecting this important elk country landscape. If you need additional information please contact me at [mmueller@rmef.org](mailto:mmueller@rmef.org).

Sincerely,

*Mike Mueller*

Mike Mueller  
Lands Program Manager

CC: Ray Vinke, MTFWP  
Blake Henning, RMEF Director of Lands



File Code: 1950/5420

Date: July 8, 2010

Mack Long, Regional Supervisor  
Region 2 FWP  
3201 Spurgin Road  
Missoula, MT 59804

Dear Mr. Long:

This letter is in response to your solicitation for comments on the Draft Environmental Assessment associated with the proposed acquisition of lands in the Spotted Dog area. These 27,000 (+) acres are located northeast of Deer Lodge, Montana.

I support public acquisition of the subject lands. I applaud your efforts at purchasing this large block in an effort to protect fish and wildlife habitat, while assuring improved public recreational access and use.

My staff has been working in the background for several years in an effort to consolidate lands in this drainage. As you know, the eastern-most parcels under lease to the Rock Creek Cattle Company are located within the proclaimed Helena National Forest Boundary. From within our project files, we have recently provided background information and resource-specific input to Darlene Edge of your staff in support of your analysis.

I would hope that if your acquisition of the larger block is successful, we might at some point in the future be able to negotiate a land exchange or purchase that would transfer jurisdiction to the United States of those lands that would most logically be managed long-term by the USDA Forest Service. Specifically, we have a high degree of interest in the following lands:

Township 9 North, Range 7 West,

Secs. 21, 29, 31, 33, 35, 20 (portions), 27 (portions), and 30 (portions).

Please consider the authorities under which you complete this acquisition, and future implications. I encourage you to provide enough flexibility for a future transfer in jurisdiction of some of the acquired lands if it is deemed mutually beneficial to the State of Montana and the United States.

Larry Cole of my staff can be reached at the address found at the top of this letter or by phoning 495-3728 should you need additional information.

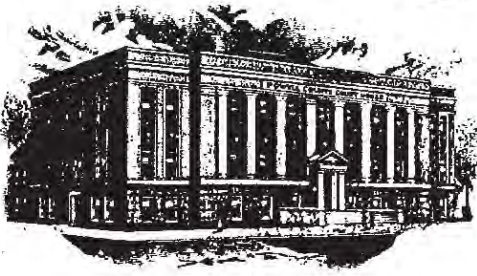
Sincerely,

KEVIN T. RIORDAN  
Forest Supervisor

cc: Larry Cole







409 Missouri Avenue  
Deer Lodge, MT 59722  
406-846-3680

June 16, 2010

We would like to add our support to the Fish, Wildlife and Parks grant proposal to the Upper Clark Fork River Basin Remediation and Restoration Advisory Council.

The Spotted Dog Unit is a unique piece of real estate that will become a recreational legacy for the residents of Powell County and the State of Montana. The recreational access for approximately 27,500 acres plus the additional 10,260 acres of DNRC land allows Montanans the opportunity for hunting, hiking, wildlife watching, snowmobiling, fishing, horseback riding, and other various activities. The network of roads will allow hunting access for grounds that have not been easily accessible for the general public. The snowmobile groomed trails from Elliston will be able to provide winter recreational opportunities for wildlife observations. We would hope that the roads will remain public and open.

We would hope that the management by FWP will insure that all the best management practices of grasses, timber and watersheds will be maintained through their stewardship of the property. We would also expect that good neighbor practices would also be followed in regard to the management of the size of the elk herd so as to not impact the grasslands of the working cattle ranches. Accesses that perhaps had been prescriptive by nature and use, hopefully, will become acknowledged by a recorded easement for that neighbor.

We appreciate the fact that with the FWP management of the property that we will not see a decrease in tax revenue or our taxable value for the county or the three school districts that will be impacted. We would request that any land trades the FWP completes with a tax-exempt entity (i.e. DNRC) that the land that FWP acquires or trades be in the same school district. The impact will become minimal for the taxable value for that special school district and, of course, the land trade must be within Powell County boundaries.

Sincerely,

  
Ralph E Marnix Jr., Presiding Officer

  
Donna Young, Commissioner

  
Cele Pöhle, Commissioner

**GALLATIN WILDLIFE  
ASSOCIATION**

P. O. Box 5276  
Bozeman, MT 59717  
(406) 586-1729



July 20, 2010

**Subject:** Purchase of the Spotted Dog Wildlife Management Area

Dear FWP:

The Gallatin Wildlife Association (GWA) is a non-profit volunteer wildlife conservation organization representing hunters and anglers in Southwest Montana and elsewhere. Our mission is simply to protect habitat and conserve fish and wildlife. GWA supports sustainable management of fish and wildlife populations through fair chase public hunting and fishing opportunities that will ensure these traditions are passed on for future generations to enjoy.

We would like to be added to the mailing list for the proposed Spotted Dog WMA purchase. We support this purchase and appreciate the FWP's efforts to secure this property as a WMA.

Sincerely,

Glenn Hockett  
Volunteer President, Gallatin Wildlife Association



To: Sharon Rose Coordinator  
MT. St. Fish Wildlife & Parks Region 2  
3201 Spurgin Rd. Missoula MT. 59804

7-19-2010

Joe Gutkoski Pres.  
Yellowstone Buffalo Foundatio  
304 N. 18th. Ave.  
Bozeman MT 59715  
406-587-9181

Dear Sharon,

Following are our recommendations on the purchase of Yankee Timber land on Spotted dog Cr. E. of Deerlodge. We support the acquisition of this excellent Buffalo habitat and recommend that the quarantined buffal be released on the land.

Sincerely,

Joe Gutkoski Pres.  
Montana Buffalo Foundation  
406-587-9181

FWP 35



FWP 59b

One of many mudbogs near Foolhen Lake



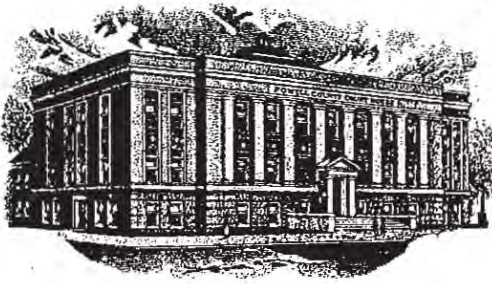


West and East Pioneers

FWP 59c

A-24





FWP 66

DEER LODGE, MONT.

July 28, 2010

Mike Thompson  
Montana Fish, Wildlife & Parks  
3201 Spurgin Road  
Missoula, MT 59804

Dear Mike:

Thank you for briefing the Powell County Planning Board on Fish, Wildlife & Parks' proposal to acquire the Spotted Dog property. Your presentation and your response to the Board's questions helped greatly in understanding the proposal.

First off, we are thankful for your acknowledgement of the Powell County Growth Policy. Your reference and response to our Goals are a plus for your Environmental Assessment (EA). Unfortunately, your Draft Management Plan fails to acknowledge the importance of the livestock industry to the economy of Powell County.

The Board is not opposed to FWP's proposed acquisition. However, the Board has some serious reservations about the Draft Management Plan.

The goals of the Draft Management Plan are admirable. However, the landscape connectivity goal should probably cite the Little Blackfoot Watershed instead of the Blackfoot Watershed.

The Board has two major concerns and several suggestions on the Draft Management Plan. The concerns relate to the limitation of motorized use (especially snowmobiling) and the elimination of grazing.

The Board suggests that motorized use (snowmobiling) be allowed not only on United States Forest Service (USFS) Road No. 314, but also on all the lands lying east of this road that would be obtained as part of this acquisition.

The logic of this suggestion came about by the following concerns that were raised by a Board member who is intimately familiar with the area. The Board fully supports his comments:

- Snowmobiling has been a historical use of this road (which is part of the groomed trail system), and also the forest and state lands lying to the east of this road. And I think admittedly, there has been traffic across private parcels of ground that are contained within and surrounded by USFS holdings. Those upper reaches of the subject property have always contained trails and open areas that the public has used, largely because they were perceived as being open to the public to travel upon, whether by easement or otherwise.
- The USFS Road No. 314 happens to lie more or less along the naturally occurring transition from grasslands/meadows, etc. to timberlands, and mixed timber and grasslands of steeper terrain with significant increases in elevation. Thus the road serves as a dividing line between ground that is physically different in character.
- Lands lying east of Road No. 314, due to its higher elevation, have always received significantly more snow in the winter, thus making it ideal for snowmobiling.
- By and large, the elk tend to winter west of Road No. 314 in the lower elevations.
- Having travelled this area extensively for more than 35 years both summer and winter, I have realized that the elk do not use the higher elevations to any significant degree in the winter.
- I have also observed that the elk are not bothered much by snowmobiles passing through the area. The moose in the area do not seem to be disturbed at all. And I have not seen much disturbance of other wildlife that might be present in the upper elevations. I believe that recent studies of elk and induced stress by man has shown that they are less bothered by snowmobiles than they are by someone on foot.
- I also believe that wildlife populations have increased over the years under the current pattern of use.
- As the USFS lands lying east of Road No. 314 have always been open to winter time cross country travel, it would seem that in order to maintain some continuity of use in that area, it would be sensible to extend the motorized winter time use to the newly acquired lands that will be in the Wildlife Management Area (WMA).
- From a law enforcement aspect, I would think it would be much easier to regulate snowmobile use and compliance issues by designating the entire east area as open to that type of use.
- Summertime motorized use should also be continued and allowed on the upper reaches (ridge trail) of this property also, as this has been a low impact to this area in the summer months.
- Most importantly, I think as this acquisition may move forward, we need to be very mindful of multiple use of this unique property. It is becoming increasingly important that the public has "buy-in" to this major acquisition by FWP. From what I have read in the EA and seen presented so far, this seems to be a sound purchase and seems to be in the public's best interest when compared to potential other outcomes for this incredible piece of Montana. I believe that multiple uses can be accommodated without detriment to the wildlife habitat.



Regarding your proposal to eliminate grazing, we believe that is ill-advised (that is the only tactful way to convey our concern). Our position is that livestock grazing needs to continue. The following points represent support for that position:

- After about 140 years of livestock grazing, the grasslands are in moderate to good condition, and the bunch grass and bitterbrush communities are productive and intact. Granted, there are some problem riparian areas and mesic/wet meadow communities, which can be dealt with through management. There doesn't seem to be any ecological basis for prohibiting livestock grazing.
- The elimination of grazing represents an annual loss of \$55,000+ to the State of Montana. Granted, you propose using Natural Resource Damage Program (NRDP) grant funds to buy 10 years of no grazing on leases of the DNRC. This does not seem to be an appropriate use of NRDP funds. Regardless, FWP is foregoing \$40,000 per year that could be used for management personnel for the area.
- It seems like you want to eliminate livestock grazing on day one so that big game can establish patterns of habitat use not influenced by livestock. Philosophically, that seems reasonable. However, to some degree big game are creatures of habit, and habits don't change that fast. Our guess is that it would take five to 10 years for new habits (i.e. patterns of use) to be developed. These habits are also going to be influenced by significantly increased hunting pressure.
- The idea of a Cooperative Habitat Management Agreement has merit. Your being open to such an approach is encouraging. Again, however, trying this approach after having stopped livestock grazing is problematic. Our understanding is that such agreements have led to the enhancement of forage for wildlife. Additionally, they have resulted in reduced levels of noxious weeds and reduced fire danger. We believe that, with the help of an Advisory Board of interest groups and adjacent landowners, you could put together such an "Agreement" over the next three to five years as part of the Management Plan for the area.

Other comments the Board has are listed below:

- The proposal identifies the need for a significant amount of road maintenance. I suspect some of the work would be more accurately classed as road reconstruction. In the case of the Deer Lodge-Avon County road, any reconstruction would need to meet Powell County Road Standards unless a variance were received. Additionally, all planned maintenance work on county roads needs to be approved by the Powell County Commissioners.
- The proposal relies on NRDP funds to purchase the property. The rationale for the proposal is to replace lost resources (i.e. recreation opportunities). Recreation opportunities mentioned in the Environmental Assessment include hunting, wildlife viewing, fishing, hiking, mountain biking, horseback riding, picnicking and camping. However, people who don't have a 4-wheel drive vehicle may be shut out since your state roads will be maintained to "reasonably accommodate" a 4-wheel drive vehicle with good ground clearance. For some roads you may "reasonably accommodate" 2-wheel drive vehicles to support many potential recreationists.

- One of the threats to the area is listed as subdivision. The word “subdivision” creates an image in a reader’s mind of houses, cabins and roads all over the 27,000+ acres. In reality, this area is basically in Zoning District 3, which limits new divisions of land for residential purposes to 160 acres. This should be noted.
- The Board encourages you to create an Advisory Board for the management of the area. Such a Board of interest groups and adjacent landowners could work closely with you over the next three to five years to develop a management plan for the area. Once the management plan is finalized, you should start making adjustments to grazing and other activities instead of making what appears to be some arbitrary decision on day one.
- Our final comment also relates to the management of the area. You stated that funds for future management would come from an existing FWP account. We have a concern that the funds in that account are currently not adequate for management of all of the WMA lands (see attached letter). The addition of this 27,000-acre area will make matters even worse for all WMAs.

Mike, we hope these are basically the same comments you heard at the Planning Board meeting, though they may be stated in different words here.

Again, thank you for your presence at the Board meeting and your responses to our concerns and comments.

Sincerely,

John T. Manley  
Planning Board President

July 28, 2010

FWP Director Joe Maurier  
FWP Commission Chairman Bob Ream

Dear Director Maurier and Chairman Ream;

On behalf of Montana Wildlife Federation, which includes more than 7,500 members and 23 affiliate clubs, please accept the following comments regarding the Proposed Wildlife Management Area Land Acquisition - Spotted Dog Environmental Assessment.

Montana Wildlife Federation has been advocating for wildlife, wildlife habitat, hunter/angler opportunity and sound, scientifically based management of wildlife based on the North American Model of Fish and Wildlife Conservation for 75 years. Our members live, work, hunt and fish from Libby to Miles City, Great Falls to West Yellowstone. Currently, MWF has two affiliate clubs in Missoula, two in Helena and one club in Anaconda who with membership that would all benefit directly from the acquisition of the Spotted Dog property.

To that end, MWF supports Alternative A of the EA, the acquisition of in fee title of the Spotted Dog property, and the leasing of associated DNRC lands for ten years. MWF firmly believes that this property, which is the winter home to the largest herd of elk along the Upper Clark Fork, year long home to mule deer, pronghorn, whitetail, moose, black bear and other species, and transitional habitat for grizzly bears is a prime candidate for establishment as a Wildlife Management Area.

The location of the Spotted Dog Ranch, and the size of the property would be a huge benefit to Helena and Butte area hunters and anglers, as well as other sportsmen and sportswomen in central and western Montana. The area itself, as noted by FWP in the Spotted Dog EA, is the second largest block of unbroken native grasslands privately held west of the Continental Divide. This by itself lends credence to its ultimate conservation, and placing it in public hands. Furthermore, native westslope cutthroat populations in Trout Creek, O'Neil Creek and Spotted Dog Creek will provide anglers with opportunities to fish for a native species, in prime, unbroken habitat. It is rare to find a property such as the Spotted Dog ranch, where all of the pieces remain in place from the time of Lewis and Clark, to help maintain Montana's wildlife legacy. Spotted Dog deserves the full consideration of the FWP Commission.

Several skeptics have quipped about the price of this acquisition, and the fact that Rock Creek Cattle Company will re-purchase the property from YT Timber for \$9 million, and then sell the property at the appraised value of roughly \$15 million. We believe that this concern should not influence your decision for this EA, or the effort to conserve this property. Whatever private parties engage in, or are contractually entitled too, outside of the expenditure of public monies, should not be a consideration of FWP or the FWP Commission. That distraction is a private transaction, and has no bearing on FWP's

charge to only pay appraised value. MWF notes that this type of property (high value amenity property in similar instances) typically does not sell for \$500 per acre but for far more. This opportunity is priced right, and certainly meets the fiscally conservative charge that FWP has been legislatively tasked with when considering new land acquisitions. In our opinion, acquisition of this property will be considered a bargain in the long run.

MWF believes that some of FWP's calculations for upkeep, maintenance, etc, are slightly overstated. MWF believes that such items as fence removal, or modification, can be achieved, in part, by partnering with local rod and gun clubs, conservation organizations, or civic groups. Furthermore, while MWF fully supports the limited use of motorized travel within the proposed WMA, MWF also believes that FWP slightly overstates the need to obliterate roads, when gating and obstructions could achieve the same goal, at least in the short term. MWF believes that limiting access to the north end for motorized use can also help achieve the limited use in relation to motorized access that FWP is working towards achieving.

Access to public lands is critical in order to achieve management goals, ensure hunter opportunity and success, MWF also firmly believes that hunter success increases when motorized use is managed and controlled on important hunting areas and wildlife habitat. Spotted Dog is no different. MWF supports the closing or obliteration of several roads, while maintaining hunter access and the ability to reasonably retrieve harvested animals.

As noted in the EA, FWP is committed to putting aside roughly \$300,000 to enact the "good neighbor" policy. MWF strongly urges FWP to fully implement this policy in order to maintain properly functioning habitats. Invasive species and noxious weeds are one of the greatest threats to prime wildlife habitat. Aggressive action is needed to maintain or restore productive plant communities, and MWF fully supports the eradication of noxious weeds on all WMA's, Spotted Dog included. Travel Management, spraying, pulling of weeds and many other tools exist beyond simply putting chemicals on the ground. We encourage FWP to fully consider all options when looking considering how to combat invasive species and noxious weeds.

While MWF strongly supports acquiring the Spotted Dog property, and the use of NRD monies for this acquisition, several respected and authoritative figures have questioned the process that has fast tracked this project. MWF fully comprehends the time frame, pressures and urgency of FWP's actions, but gently cautions FWP to follow the established public processes and protocols as it relates to NRD monies, lest FWP find itself in an indefensible situation. While MWF rarely lets "perfect" be the enemy of "good," we do note that following the processes established by the legislature, and other governing bodies reduces the amount of controversy, and makes easily supported projects such as the Spotted Dog Acquisition even easier to accomplish. MWF further remains concerned over spending the corpus of the NRD account.

MWF believes that this acquisition and potential WMA would permanently conserve, and provide recreational opportunity for thousands of sportspersons to 27,616 acres of deeded

land, and 10,261 acres of DNRC state trust lands. Together, over 37,000 acres of prime wildlife real estate would be placed in the public trust ensuring our continued wildlife heritage, and increasing hunter opportunity in an era of shrinking access.

Opportunities to harvest elk, mule deer, moose, whitetail deer, black bear and to fish for native westslope cutthroat trout is in short supply due to changing landownership patterns. Nowhere is that more evident than in Central Montana, and the intermountain valleys. This acquisition will truly increase the ability of hunters to continue to access the public wildlife resource and will continue to ensure our cherished open spaces accessible to the public.

Thank you for the opportunity to comment,

Skip Kowalski  
Chairman  
Wildlife and Wildlife Habitat Committee  
Montana Wildlife Federation  
[1287 Wheelbarrow Creek Road  
Stevensville, MT 59870]  
[(406) 777-2321]  
[E-mail: skipnmar@bitterroot.com]



July 30, 2010  
Hellgate Hunters and Anglers  
P. O. Box 7792  
Missoula, Montana 59807

Region 2 FWP  
3201 Spurgin Road  
Missoula, MT 59804

Attn: Mack Long, Supervisor

Re: Spotted Dog Acquisition Proposal Comments by Hellgate Hunters and Anglers

Hellgate Hunters and Anglers, which is an organization of over 250 members in western Montana, supports Alternative A for the proposed acquisition of the Spotted Dog Property for a Wildlife Management Area. Clearly the management of the area, 27,616 deeded acres in conjunction with the over 10,000 acres of DNRC managed School Trust Lands, as a WMA protects against the obvious potential management of this property for subdivision purposes and provides long term assurances for management of the property for the benefit of public wildlife resources and the public's ability to enjoy those resources. This area supports an amazing array of wildlife on a continuing basis and also provides for critically important connectivity essential in sustaining the wildlife resources we have strived long and hard to achieve. In spite of a couple process concerns, which we will explain below, we believe this acquisition is best for the long term benefits to wildlife, the hunter and angler communities and Montanans in general.

We do have a concern for the absence of an overall Restoration Plan to guide the program and the use of the NRDP funds. This is a critically important program that needs to stay focused on our highest priorities for restoration and replacement objectives. We believe this acquisition would be at or near the top of priorities if the Plan had been completed, but all the same, we believe it is none too soon to develop that Restoration Plan.

In most circumstances, we would seriously question digging into the "corpus" of the NRDP funds. In this case, however, we believe the importance of public ownership of the Spotted Dog property and the time frame associated with this opportunity to make this happen, provide the adequate support rationale to do so.

We support moving ahead with this proposed acquisition.

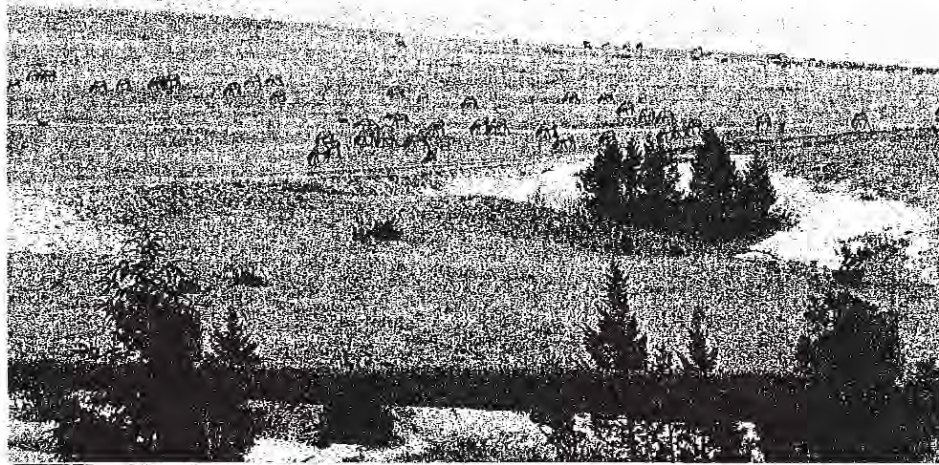
/s/ Ryan Pruitt-Chapin

Ryan Pruitt-Chapin, Vice President  
Hellgate Hunters and Anglers





Elk crossing Beck Hill  
Rd. off my 640 ac.

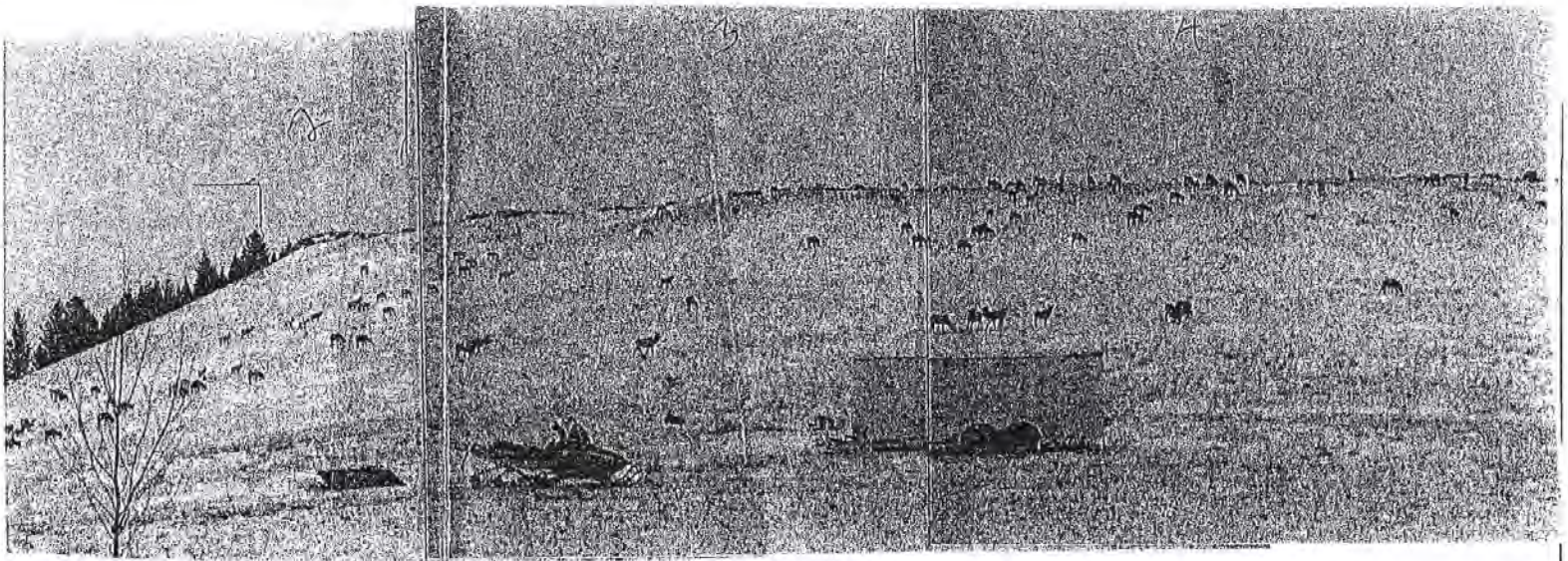


Elk on my driveway



Elk coming through  
my fence





Elk in my door yard





July 2010 elk in my feedlot