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
LYLE E. GILLETTE, JR.
TOM GODDARD
EDWARD M. HEBBE IV
JOHN J. MOLENDYKE
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

TELEPHONE: (406) 846-2238 ~ FAX: (406) 846-3925

ROCKY MOUNTAIN ELK FOUNDATION

5705 Grant Creek Road
Missoula, MT 59808
(406) 523-4500
Fax: (406) 523-4550
E-mail: rmef@rmef.org
www.elkfoundation.org

May 10, 2010

FWP 2

Carol Fox, Administrator
Natural Resources Damage Program
1301 East Lockey
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.

Sincerely,

Mike Mueller

Mike Mueller
Lands Program Manager

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

USDA United States Department of Agriculture | Forest Service | Helena National Forest | 2880 Skyway Drive
Helena, MT 59602
406-449-5201

FWP 3

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).

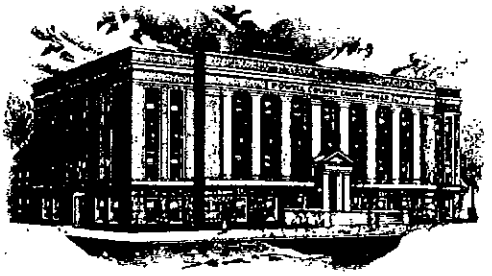
Please consider the authorities under which you complete this acquisition, and future implications. I encourage you to provide enough flexibility for a future transfer in jurisdiction of some of the acquired lands if it is deemed mutually beneficial to the State of Montana and the United States.

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



COUNTY OF POWELL

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 Mannix Jr., Presiding Officer

Donna Young

Donna Young, Commissioner

Cele Pohle, 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

7-19-2010

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

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 Yonke 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,

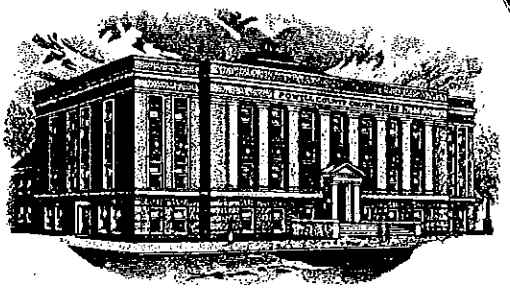
Joe Gutkoski Pres.
Montana Buffalo Foundation
406-587-9181

FWP 35

One of many mudbogs near Foolhen Lake

West and East Pioneers

FWP 59c



COUNTY OF POWELL

DEER LODGE, MONT.

FWP 66

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.

Powell County Planning, 409 Missouri Avenue, Deer Lodge, Montana 59722
Phone (406) 846-3680 Fax: (406) 846-2784

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 his ~~is~~ 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.

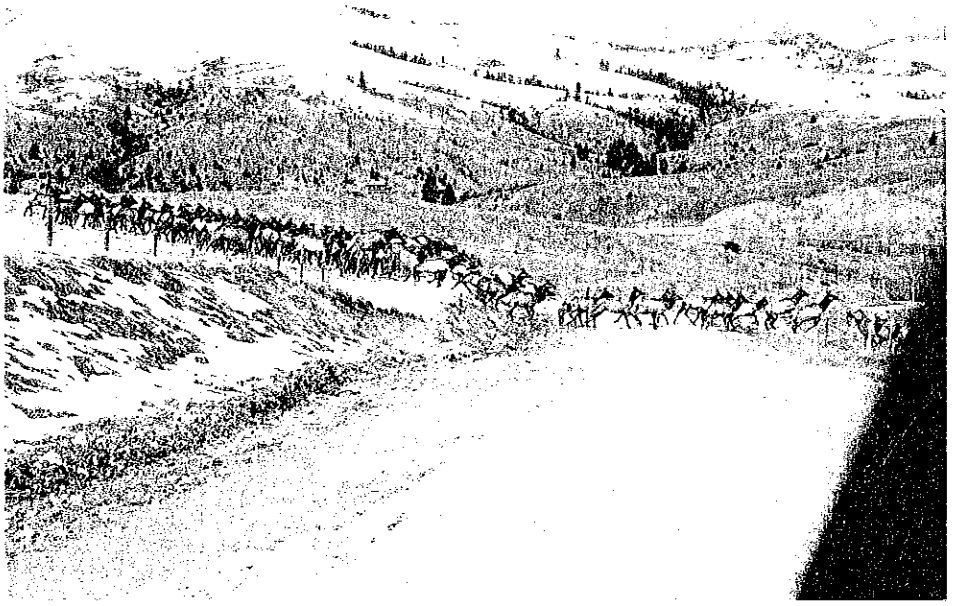
We do have a concern for the absence of an overall Restoration Plan to guide the program and the use of the NRDP funds. This is a critically important program that needs to stay focused on our highest priorities for restoration and replacement objectives. We believe this acquisition would be at or near 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.

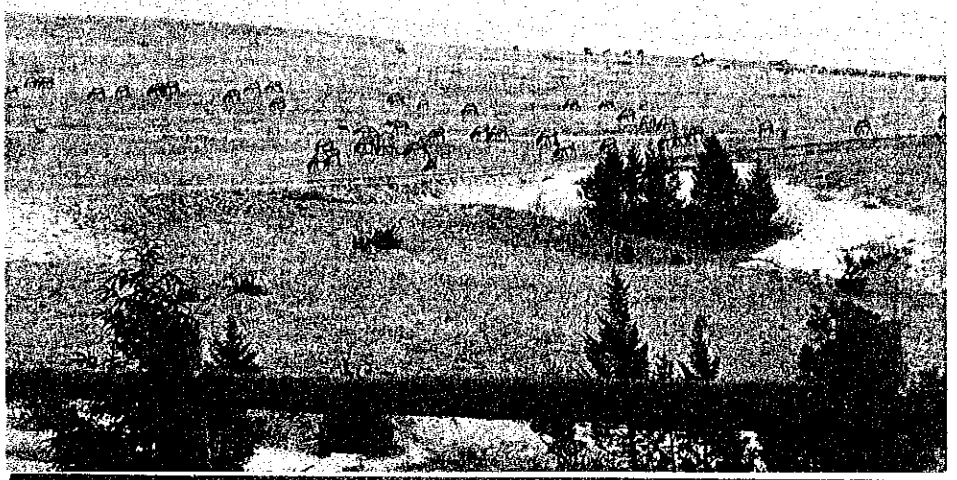
We support moving ahead with this proposed acquisition.

/s/ Ryan Pruitt-Chapin

Ryan Pruitt-Chapin, Vice President
Hellgate Hunters and Anglers

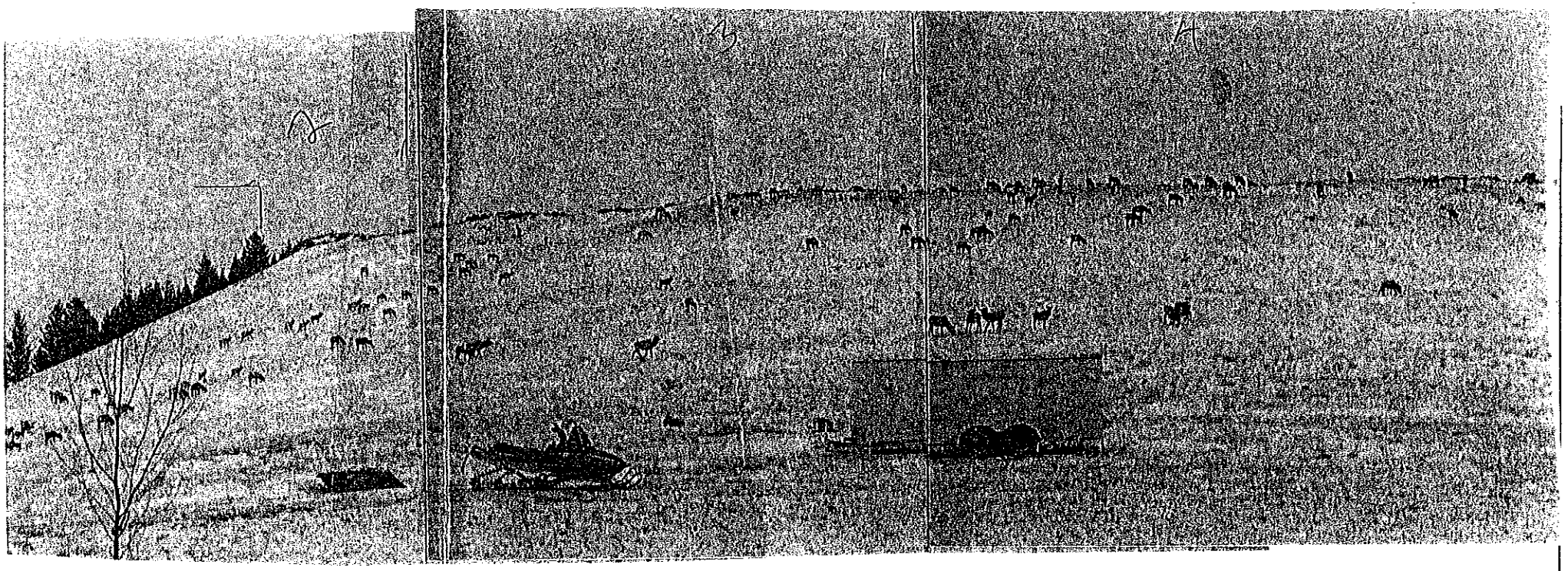


Elk crossing Beck Hill Rd. off my 640 ac.



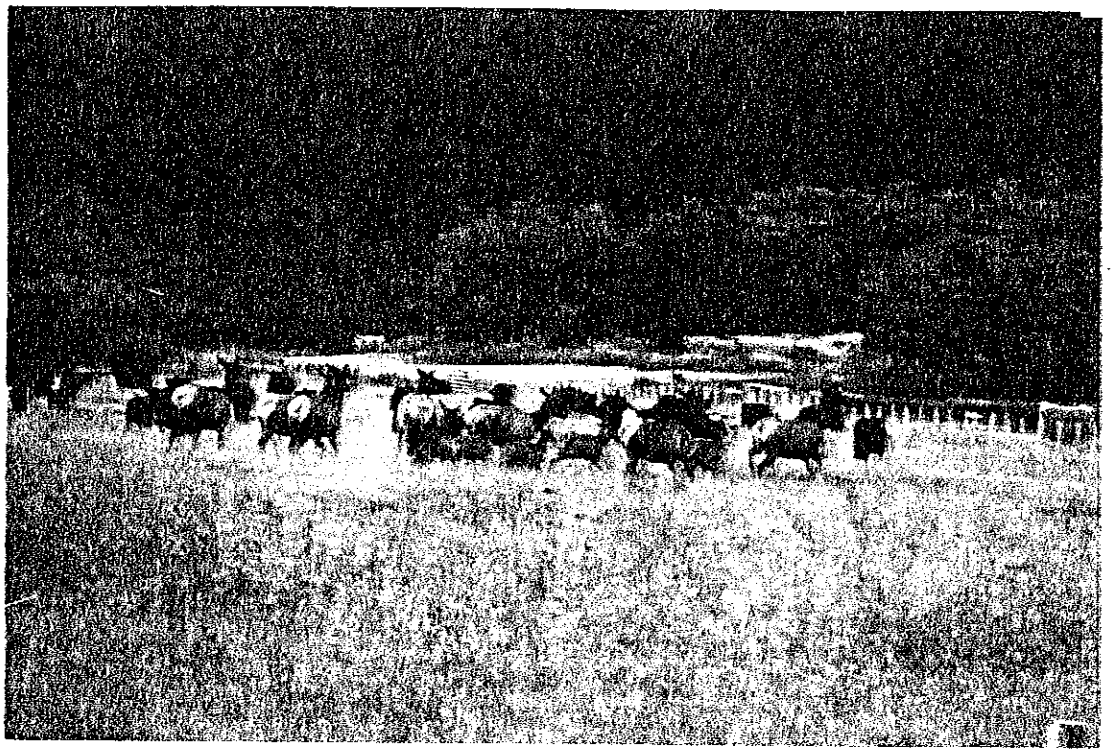
Elk on my driveway

Elk coming through my fence



Elk in my door yard

FWP 82c



July 2010 elk in my feedlot