

ENVIRONMENTAL ASSESSMENT DECISION NOTICE
Fleecer WMA Habitat Management Program
Montana Fish, Wildlife & Parks
Region 3, Bozeman
15 July 2022

Preface and Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to implement a 9-year comprehensive habitat management program on Fleecer Mountain Wildlife Management Area (WMA) designed to maintain range conditions for wintering elk and other wildlife species. The program would include: 1) a renewal of a fee grazing lease and a modified grazing exchange-of-use (EOU) agreement with a coordinated grazing program between FWP, the adjacent landowner (Fleecer Cattle Company, formerly Smith 6-S Livestock) and potentially the U.S. Forest Service (USFS); 2) a renewal of an exchange-for-services (EFS) agreement on the Fleecer Addition portion of the WMA; and 3) incorporation of controlled burning on an as-needed basis to better manage smooth brome fields on the WMA. This habitat management program would extend from May 2023 through October 2031.

The coordinated grazing program between FWP, USFS, and Fleecer Cattle Company was initiated in 1987 with modifications made over the years to better suit habitat objectives. The program consisted of a grazing system laid out across the entirety of the Fleecer elk winter range which encompassed portions of these three land ownerships. The FWP portion of the program addressed by this environmental analysis (EA) would consist of an EOU agreement with the neighboring landowner for a maximum of 300 Animal Unit Months (AUMs) in spring. There would also be an option to provide up to 94 AUMs in the fall (56 AUMs via the EOU) and a separate fee-grazing lease (38 AUMs) with another neighbor.

Spring grazing would provide intensive grazing in a pasture dominated by smooth brome and lighter use in one of three other pastures on the WMA in a rest-rotation schedule. If fall grazing is utilized, grazing would occur in a third pasture according to the rest-rotation schedule while the fourth pasture would receive rest from livestock grazing that year. In the case of the EOU, the lessee would rest one pasture on private land or their DNRC lease annually.

The Fleecer Addition was purchased by FWP in 2018 because of its high value as elk winter range and shared boundary with the existing WMA. This 194-acre parcel contains approximately 70 acres of former hayfields dominated by smooth brome. At the time of purchase, FWP entered into a 5-year EFS agreement with the Moose Creek Ranch. This EFS allowed up to 120 AUMs of livestock grazing annually (divided evenly between spring and fall use) through a deferred-rotation system in exchange for maintaining and operating the irrigation system, managing noxious weeds, and maintaining fences on the Fleecer Addition parcel. Because this arrangement has proved satisfactory to both parties, no changes are being proposed to this EFS agreement other than to renew it for a 9-year term.

Where livestock grazing does not sufficiently remove accumulation of smooth brome, FWP proposes using prescribed burns to reduce build-up of old grass and promote current year growth that would be more palatable to wintering elk. Controlled burning would only be used as needed and when burning conditions allow.

Public Process and Comments

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on 14 June 2022.

Public comments on the proposed action were accepted for 18 days (through 1 July 2022). The public was notified of the proposed action through the following media:

- Two legal notices in each : Butte *Montana Standard*, Anaconda *Leader*, Dillon *Ledger*, Helena *Independent Record*.
- News release distributed to a standard list of media outlets interested in FWP Region 3 issues.
- Copies of EA notification emailed/postal mailed to neighboring landowners, local conservation groups, and other interested parties, including over 250 individuals on the Butte Wildlife Biologist’s email distribution list.
- Public notice posted on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>
- Copies of the draft EA available at FWP Region 3 Headquarters and Butte Area Resource Office; by phoning 406-494-2082; or by emailing vboccardori@mt.gov.

Fourteen parties submitted comments on the proposal. Ten parties stated full support, two parties stated partial support, and two parties did not clearly state a position on the proposed action. Comments are listed in Table 1 in the order they were received. Three lengthier comments – and FWP’s response – are attached as Appendix A to this document.

FWP thanks all parties that provided comments to this proposed action.

Table 1: Summary of comments received on the Fleecer WMA Habitat Management proposal. Comments in verbatim and FWP’s response to them are in Appendix A.

PARTY	FROM	POSITION
1. Individual	Emigrant	Support
2. Individual	Butte	Support
3. Individual	Sheridan	Partial Support
4. Individual	unknown	Support
5. Individual	Anaconda	Support
6. Montana Sportsmen for Fish and Wildlife	Montana	Support
7. Montana Sportsman Alliance	Montana	Support
8. Skyline Sportsmen’s Association	Butte	Support
9. Individual	Missoula	Support
10. Individual	Butte	Partial support
11. Anaconda Sportsmen’s Club	Anaconda	Support
12. Individual	Dillon	Not Stated
13. Individual	Dillon	Not Stated
14. Individual	Dillon	Support

Final Environmental Assessment

The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment and public comment, it is my decision to approve the proposed action to implement the Fleecer WMA comprehensive habitat management program for a 9-year term beginning in May 2023, pending Fish & Wildlife Commission approval.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Marina Yoshioka
Region 3 Supervisor
Montana Fish, Wildlife & Parks

July 27 2022
Date

Appendix A: Comments to Fleecer WMA Habitat Management Environmental Assessment

1.

Dear Fish Wildlife & Parks Commission,

I support Alternative A the Implementation of a 9-year habitat management program on the Fleecer Montana WMA.

This plan will benefit the habitat on this WMA.

Thank you

Bert Otis,

Emigrant, MT

2.

Vanna-

Thanks for the information. Alternative A is beneficial to the landowner and the health of the range, so it would have my support.

Thanks

Stan Strizic

Butte, MT

3.

Dear Vanna: In overall principle, I agree with a comprehensive habitat management program on Fleecer WMA. It needs to be managed properly so that elk and other wildlife can flourish. I totally agree with the controlled burning aspect of the proposal. I feel the majority of the proposed agreement favors the landowner(s) a lot more than FWP. I think the agreement should be for no more than 5 years, instead of the proposed 9-year agreement, with annual FWP inspections of the property to ensure it is being managed properly, and with a smaller number of AUMs than 300. I would also be in favor of the landowner(s) having to make improvements on the WMA, not just on an as needed basis. The landowner(s) in question are already getting a huge financial break on their grazing costs, so they need to be required to give back and provide improvements to the property. It seems to me that FWP is getting short-changed in this proposal. Additionally, do the landowners in question allow the general public to hunt and recreate on their properties? If they do, that would go a long way with me to be a lot more positive about this proposal and other similar proposals. If they do not, it seems that

FWP is providing a lot of benefits to private individuals that are taxpayer funded, and what is the general public really getting in return? Maybe FWP should start thinking more along these lines. If landowners allow more public hunting on their private properties, then they can participate in taxpayer-funded financially beneficial agreements with FWP and the State.

Sincerely,

Mark T. Savinski
Sheridan, MT

FWP's response: The proposed action was developed with the objective of improving habitat for wintering elk and other wildlife that use the Fleecer range, across public and private land ownerships. Two of the private landowners that are involved in this proposal would receive grazing benefits in exchange for actions on their part that benefit wildlife (i.e., resting private land pastures, maintaining an irrigation system on the WMA). Both of these landowners have their ranches enrolled in FWP's Block Management program, which is outside of this grazing arrangement. The third potential lessee would only graze on the WMA in the fall if the Forest Service continued with a grazing schedule that would provide annual rest from grazing to elk winter range pastures on National Forest land.

The proposed 9-year term analyzes the effects of the proposed action over this time period and does not serve as a guarantee of lease length. Either party can terminate this agreement at any time during the lease term if there is sufficient reason to do so. Similarly, the proposed "up to 300 aum's annually" is a maximum usage, which was determined to be within the carrying capacity of the range conditions but doesn't mean this amount is required to occur.

Permanent photo points are taken annually on the WMA and have been used since 1986 to monitor range conditions on Fleecer WMA. FWP would retain the ability to adjust the timing and amount of grazing that would take place as vegetation and soil moisture conditions warrant.

The Fleecer WMA habitat program, as with most of FWP's operations, is funded primarily through hunting license funds, not through state general fund taxes.

4.

I support the above referenced project and commend you and the Department for proposing this scale and duration of improvements to our public lands.

Meadow habitats are experiencing reduction in size through conifer encroachment due lack of fire and treatment which are necessary to stimulate growth of forbes and grasses. The type of activities this project contains will enhance these meadow habitats increasing forage and nutritional value for big game species.

It will have positive effects and outcomes on the land and wildlife, and be a benefit to sportsmen and livestock operators.

Thanks.
Keith Kubista

5.

This letter is in support of implementing the 9-year comprehensive habitat management program on Fleecer WMA.

We must take care of and improve range conditions for wintering elk as well as as other species.

We are looking at a win/win situation with FWP's involvement in a cooperative effort with land owners. We are fortunate that FWP is managing elk winter habitat conditions in a way that is compatible with neighboring livestock interests.

Sincerely,

Terry Ferguson
Anaconda, MT 59711

6.

Dear Vanna Boccadori,

Our organization, Montana Sportsmen for Fish and Wildlife (MTSFW), would like to comment on the Fleecer Mountain WMA grazing proposal. As a sportsmen's organization we support FWP's efforts to increase elk populations to their full potential on public lands. As stewards of the land and the public's elk, it is FWP's responsibility to minimize the impact that elk have on private lands by providing adequate habitat on public lands. We understand that this can be an arduous responsibility.

MTSFW supports your three prong approach of a grazing system, exchange for services, and control burning to manage smooth brome fields. The goal to coordinate resource management across land ownerships to alleviate conflict between wildlife and agricultural land, is key. Currently, the citizen appointed "Elk Working Group" is discussing the management of public lands as a component to elk distribution. MTSFW see's this grazing proposal and habitat management as a well planned effort to improve the winter range on the Fleecer WMA and working jointly with the landowners is key to its success.

MTSFW supports this proposal and applauds the forethought and effort put into this plan, which will allow for elk to be able to winter successfully on the Fleecer Mountain WMA.

Thank You,
Jeff Darrah
Executive Director
MTSFW

7.

Dear Ms. Boccadori,

At this time, the Montana Sportsman Alliance (MSA) Leadership Group would like to take a moment to commend you and others from FWP for formulating what we believe to be is a very well thought-out and comprehensive grazing management plan for the Fleecer WMA and adjoining lands. Although this proposal is quite complex and includes a number of partners, including adjoining private landowners, we believe this proposal encompasses the best possible outcome for elk and other wildlife in the area while at the same time minimizing conflicts on private land. Forming partnerships with other agencies and private landowners that truly

benefit wildlife that is based on the best available science should be a goal for managers across the state. This proposal accomplishes that objective. Thank you for your efforts.

Sincerely,

Montana Sportsman Alliance Leadership Group

Joe Perry – Conrad

Robert Wood – Hamilton

Jeff Herbert – Helena

Doug Krings – Lewistown

Andrew McKean – Glasgow

John Borgreen – Great Falls

Steve Schindler – Lewistown

Don Thomas – Lewistown

Dale Tribby – Miles City

Greg Munther – Missoula

JW Westman – Billings

Tim Thier - Trego

Ray Gross - Dillon

Harvey Nyberg - Lewistown

8.

Concerned Parties

Skyline Sportsmen's Assoc. and its 350+ members Supports the Fleecer WMA Grazing Proposal.

The plan has worked well for all parties in the past and with its provisions to allow for changes i.e. AUM numbers

time on allotments, resting of allotments in drought conditions, fall grazing adjustments if needed
Skyline can support the

plan as a whole.

Thank You

LES CASTREN

Director- Skyline Sportsmen Assoc.

9.

Dear Vanna:

Please allow me to comment regarding the Fleecer Mountain Wildlife Management Area (WMA) grazing proposal.

First, I would applaud the FWP's efforts to engage with the landowners to reach an agreement that is beneficial to all parties concerned. As a sportsman and conservationist, I agree with the balance that should and needs to occur. Thanks for your and the Dept's efforts on this. Public land habitat stewardship is critical for optimal elk survival and herd health. Much of the Beaverhead-DL National Forest is, in my opinion, in need of significant improvement regards habitat management and stewarding. Private grazing and agricultural land interface with the public lands remains a critical issue and, importantly, the steps you have taken to work with the landowners on behalf of habitat and wildlife are very important, so thank you for that.

Second, the relationship between landowners and sportsmen/hunters remains critical and, essentially, a delicate balance. Clearly, these need to be win-win situations, respecting both the landowner, their properties and resources and the public's opportunity

ties to hunt, fish, and trap. Elk often seem to be the tip of the spear. Done correctly, this would seemingly mitigate confrontational issues, optimize and balance elk herds, minimize harsh impact on the habitat and promote outcomes favored, I think, by all. FWP's grazing proposal and the previous grazing management proposals (e.g., Seymour watershed plan) are steps in the right direction.

Third, I have previously voiced my opinion regarding the road access into many of the B-DLNF areas and I think this applies in this case as well. Minimizing access by OHV, in my opinion, will improve elk strength, reduce herd pressure, mitigate impact on the habitat and avoid much spillover of the game onto private lands, thus, minimizing stress on the landowners' agricultural resources and reducing potential conflict.

Fourth, just a question? Since the Fleecer Mountain WMA has several components not contiguous, i.e., including sections close to Fairmont Hot Springs in area 341, does this proposal apply to those as well?

Thank you for allowing me to comment.

Vince Colucci
Missoula

[FWP's response: Travel management is outside the scope of this EA.](#)

10.

Interested Parties

I appreciate the opportunity to comment on the Fleecer WMA grazing plan with the adjacent landowner Fleecer

Cattle co and a renewal of exchange of services on the Fleecer Addition portion of the WMA.

Although I feel the agreements to be too long of time the opportunities in the agreement to make changes

i.e. change number of AUM's, length of grazing times, pastures used is important especially in these times of serve

drought conditions. I feel provisions should be installed either a reduction in the number of AUM's or time allowed on allotments if lease

should decide to graze allotments of private grounds promised to be rested, again because of drought conditions. .

I support the use of controlled burns to burn off decadent grasses.

I oppose any and all fall grazing of the WMA

I support the Fleecer WMA Grazing proposal.

THANK YOU

LES CASTREN

Butte, Montana

11.

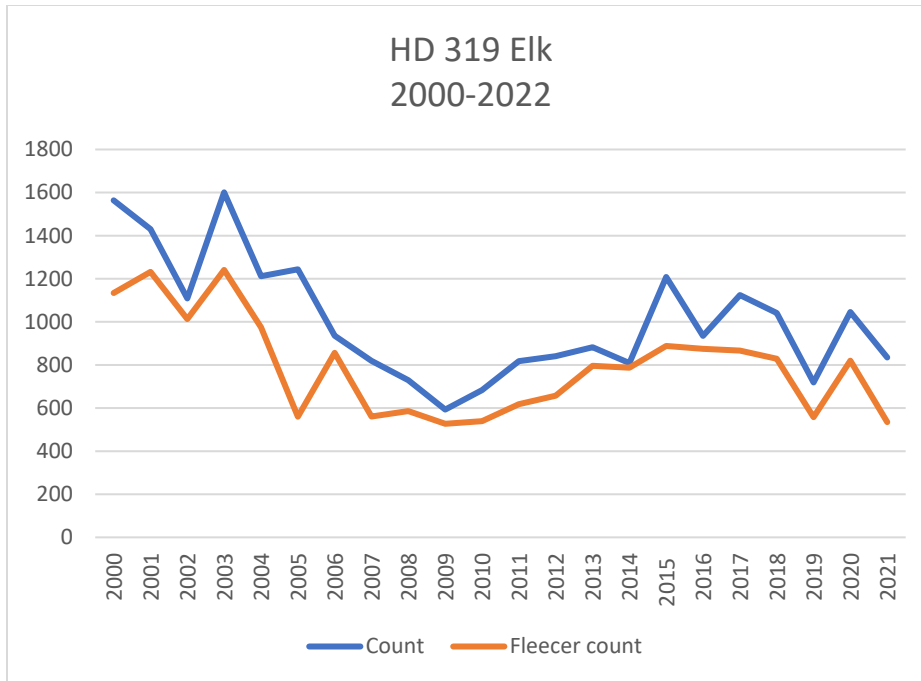
The Anaconda Sportsmen's Club is in favor of this proposal to implement a 9 year management program agreement for another nine years to help wintering Elk and it will preserve the Range conditions that prior programs have done. Thank You Gary Ouldhouse President

12.

1. Proposed action: Designed to improve range conditions for wintering elk and other wildlife species.

In trying to define what the proposed action is the document should define the situation that is driving the need for the proposed actions. What is the carrying capacity of the game range? What are the goals for number of animals this area can sustain without damaging the ecological resources? How does the MTFWP elk management plan fit into this management area? What are the vegetation conditions and suitability of the game range for wintering elk? Has any sort of inventory been conducted to determine this and also be able to determine if conditions are improving? The neighboring landowner has conducted their own inventory at their expense on their private land and understands the limits and trigger points at which management should be adjusted. This type of information should be available to the agency to make this determination. Areas such as Yellowstone National Park and the Prior Wildlife Horse Range have clear numbers that they deal with. The process then begins on how to accomplish this within the limits of their regulations.

FWP response: The EA's "2. Purpose and Benefit of Proposed Action" provides an overview of the history of the grazing arrangements, the underlying purposes, and related management objectives. According to the current FWP Elk Management Plan (2005), the population objective for HD 319 is a maximum of 1,100 observed elk, with no more than 800 wintering on the Fleecer face. Since 2006, the population has been above 1,100 observed elk in HD 319 four times (2015, 2017, 2018, 2020) and the Fleecer face subobjective has been above 800 observed elk six times (2006, 2015, 2016, 2017, 2018, 2020) (Figure 1). FWP is currently scoping for the rewrite of the statewide elk management plan. Any interested parties are invited to provide comment. Vegetation conditions on the WMA have been monitored using livestock exclosures since 2006 and permanent photo points since 1986. Both methods suggest a stable to increasing trend in health and vigor of the plant communities on Fleecer WMA.



2. The proposed action is unclear throughout the document and difficult to follow how all parties will be working together to meet the objective of improving range conditions for wintering elk and other wildlife species.
 - a. The number one item in the Coordinated Resource Plan was to “Manage the entire elk winter range in the Fleecer area as one unit regardless of ownership”. This again is mentioned in the objectives of the proposed action as being accomplished. I cannot see where this EA is addressing the unit as one 1) without the USFS being on board and having the information included in this EA 2) have information that better explains how this fits into the Fleecer Cattle Company operation. Are the AUM’s as given in the document too low/just right/too high to meet the objectives? It appears that the word “potentially” is given numerous times as to the involvement of the FS. In the original plan for Fleecer the idea of having the 3 entities and the designed rest rotation grazing system one needed to incorporate all three legs of the stool to have stability. It appears as though this is not the case as stated in this EA.
 - b. Part 2 of the proposed action is to renew an exchange-for-services agreement on the Fleecer Addition portion of the WMA along Divide Creek, involving FWP and Moose Creek Ranch. Is it proposed to extend this agreement for a 9-year term and would be in effect until 2031?

FWP response: FWP developed this proposal in conjunction with the USFS, Fleecer Cattle Company, and the Moose Creek Ranch. Foremost was ensuring that this proposal allowed FWP to manage habitat to support wintering elk and other wildlife on the WMA. A key component is using livestock grazing as a tool for habitat management, by removing accumulated dead grass and providing rest from livestock grazing during the growing season in a scheduled rotation. Since 1986, the USFS scheduled rest into 2 of the 3 elk winter range pastures on the Fleecer allotment. To offset this rest, FWP cooperated by allowing light fall grazing on one of three

WMA winter range pastures annually. Last year, the USFS moved away from scheduled rest on the three Fleecer allotment winter range pastures due to concerns over not meeting utilization metrics. They are currently working to make changes in their grazing schedule. This proposal leaves open the option for working with the USFS by hosting a fall grazing lease as has been provided in the past, i.e., if or when the USFS will once again provide scheduled rest to the Fleecer allotment winter range pastures. Since grazing an FWP pasture in the fall served as an offset for rest on a USFS winter range pasture, the fall lease arrangement is contingent on the outcome of USFS grazing rotation details. Retaining elk forage on winter range is a priority of the proposed action.

If the proposed action is approved by the Fish and Wildlife Commission, it would give FWP the authority to implement all portions of the proposed action for 9 years, beginning in 2023 and continuing through 2031.

3. The amount of scoping to meet the requirements of the EA are weak.

FWP response: Public scoping is helpful for identifying issues and options, particularly with actions that are new and not as well understood by an agency. The proposed action involves renewal of existing grazing lease activities. FWP has experience ranging from 5 to nearly 40 years administering these grazing leases. The department has a reasonable understanding of how these leases operate and their impact on the physical and human environment. Public scoping is not a standard requirement of an EA completed under requirements of the Montana Environmental Policy Act.

The only alternative to the proposed is no action? This is inadequate to meet all the requirements of the planning process. At least one alternative would be to devise a proper grazing plan IF the USFS is not involved in this management action. Another would be if there was a different grazing system put forward that may better address climate change on the game range which was not in the initial set-up years ago. Is there any additional information that includes additional techniques that might be used to increase the production of areas that the elk habituate in the winter and what are those habitats? How would seeding additional introduced areas that would provide this? How does the adjoining private landowner deal with tough winters where elk seek lower ground and how would this be incorporated into the plan? How is drought planned for in the plan? This is standard planning process for landowners to have some consistency in their operation and knowing trigger points to initiate different plans.

FWP response: FWP chose to analyze two alternatives. The no action alternative offers a view of the effects if FWP dropped the lease program and didn't pursue the option for prescribed fire. The proposed action is a program of managing vegetation through grazing leases and prescribed fire to achieve wildlife habitat objectives. The scope of the analysis allows for variations across those two possibilities, which could result as FWP incorporates input received by the public.

4. The amount of time to make comments is frustratingly short. Given everyone is busy less than one month is unacceptable. Groups that have dedicated personnel are able to concentrate on addressing this whereas the common citizen does not.

FWP response: FWP felt the length of time for public comment on this environmental assessment was appropriate and commensurate with the scope of the proposed action.

Thank you for the opportunity.

Barbara Landgraf-Gibbons, Dillon, MT

13.

Fleecer Habitat Plan Draft EA

Comments due 7/1/2022

1. Does this EA document meet the administrative requirements of the MDFWP administrative rules for MEPA? See Administrative Rules of Montana (ARM) 12.2.432 and other adjacent rules for how State agencies like MT FWP are to prepare EA's.

a) Has there been adequate scoping - how did they discover and assess the potential issues? What preliminary scoping was done in communication with those potentially affected? Timeframe permitted for comment on the draft EA was only 19 business days including the announcement date, or 26 days counting weekends and one Federal holiday for comments. Request additional time for review of a revised or final draft.

b) The draft EA states that the proposed action is routine and does not have impacts that would require full disclosure in an EIS or any special mitigation. The analysis of effects relies on a checklist completed by one person, a wildlife biologist for MTDFWP. Without discounting her experience, there is no evidence of interdisciplinary involvement, such as a report from a soil scientist, hydrologist, range management specialist, cultural resource specialist, lands and realty specialist, or forester – nor is there any examination of available data such as the Web Soil Survey.

c) The draft EA does not identify any potential secondary or cumulative impacts on the physical environment or the human population in the area. The most affected human in the area, owner of Fleecer Cattle Company, and the many hunters who enjoy the elk sustained by the WMA do not appear to have been consulted prior to issuing this draft document and their concerns are not included.

d) The Purpose and Benefit of Proposed Action needs to be clarified. Assuming that the purpose of WMA habitat management is to sustain elk in the winter months, December through February, the document should plainly state the situation that is driving the need for the actions proposed. How many elk are planned for? How much forage is available on the game range? It is no secret that there are problems for adjacent landowners due to elk leaving the game range in large numbers and grazing private forage resources, trampling and damaging fences, and potentially spreading disease. How does this habitat management plan address these issues? Is there a plan for management of the elk herd including population goals which should be referenced here with regard to habitat goals?

e) There is a Proposed Action, and there is No Action (two alternatives presented). Are these the only reasonable alternatives? There are 4,700+ acres of land within the WMA, all dedicated to the purpose of winter elk habitat. What is the current productivity of these lands? What does the soil survey say is the potential productivity of these lands? How many AUM are needed to sustain the planned herd? How is drought being considered in the planning for the WMA?

What happened twenty or more years in the past – even back into the 1930’s is not relevant except to show that in good years there has been more forage available and fewer elk. The problems we are seeing in the present are the elk herd has grown substantially, forage resources are inadequate on the WMA, and we are in an extended drought. The elk have become habituated to leaving the WMA to feed on private forage resources, causing hardship and conflicts on private land, necessitating intervention such as special hunts and hazing. The current proposal is to continue to do what has been done for many years: manage WMA habitat through periodic livestock grazing, irrigation and fertilization of certain recently-acquired former hayfields on Divide Creek, with the additional use prescribed fire in smooth brome areas when livestock grazing is inadequate to stimulate grass growth. Under this plan we can only expect the same results, with elk leaving the WMA and increasing conflicts on private land. What alternatives DO exist to improve the WMA habitat (more forage resources, better shelter, and fewer human-animal interactions) and/or adjust the elk population goals? We have been in a sustained drought period, and forage production is low. Why not consider actually improving forage resources on the WMA through seeding projects, perhaps introducing plant species such as Russian wildrye and forage kochia in areas suitable for their establishment, in coordination with reducing the elk herd while these areas get established. Such alternatives might require an actual interdisciplinary analysis and even an EIS, but they could significantly improve the ability of the WMA to sustain elk.

FWP response: Please see the responses to 12.2 and 12.3 above.

The proposed action involves grazing lease treatments that FWP has experienced over the past 5 to nearly 40 years. The department has a reasonable understanding of how these leases operate and their impact on the physical and human environment. Similarly, the prescribed fire proposal would primarily affect stands of bromegrass with minimal negative impacts, as long as the fire is conducted appropriately. Public scoping is not a standard requirement of an EA completed under requirements of the Montana Environmental Policy Act and this level of analysis fits with the proposed action.

The author of the EA consulted with the following FWP specialists in the writing of this document: Big Hole watershed fisheries biologist, Region 3 nongame biologist, and statewide habitat biologist.

FWP held several meetings between FWP, USFS and Fleecer Cattle Company to develop the proposed action. These meetings occurred on 1/21/2021, 3/7/2022, 6/15/2022.

2. The Proposed Action needs to be clarified at the outset (page 2), with regard to the details of what agreements or leases are proposed with the two landowners and how everything will work together. It seems to change throughout the document until page 11.

a. Part 1 of the proposed action seems to be to renew (for a period of 9 years) a fee grazing lease and a modified grazing exchange-of-use (EOU) agreement with a coordinated grazing program between FWP, Fleecer Cattle Company and *potentially* the U.S. Forest Service (USFS). What is this supposed to mean – POTENTIALLY? Page 11: *“If or when USFS grazing plans can align with this proposed action, an additional 94 AUMs could be utilized in the fall (56 AUMs via EOU and 38 AUMS via a separate fall fee-grazing lease).”* It seems there is no fee grazing lease or fall grazing EOU unless the USFS engages in the agreement. Therefore, it would be premature to discuss as part of the proposed action.

That issue aside, the EOU is described as encompassing up to 300 AUM of spring grazing with Fleecer Cattle Company. Page 6 of the document states that 500 AUM of spring grazing have been included in the EOU in the past 20+ years. Why is the proposed action 200 AUM less than the historical EOU? On page 6 the document states that grazing fees have been reduced by 50% in exchange for the maintenance of fences, etc. by the livestock owners. However, there is no specific mention of a fee grazing lease, nor of the status of the current lease or EOU with Fleecer Cattle Company. Without a fee grazing lease, will the ranchers still have to maintain the fences? On p. 3 the document indicates a Decision Notice authorizing the Fleecer WMA grazing program was last issued in 2019. Would the proposed action create an EOU with Fleecer Cattle Company for the years 2023-2031? What about the grazing lease – if any?

b. Part 2 of the proposed action is to renew an exchange-for-services (EFS) agreement on the Fleecer Addition portion of the WMA along Divide Creek, involving FWP and Moose Creek Ranch (current agreement set to expire in 2023). This EFS allows Moose Creek Ranch up to 120 AUMs of livestock grazing annually (divided evenly between spring and fall use) through a deferred-rotation system on the Fleecer Addition portion of the WMA in exchange for Moose Creek Ranch maintaining and operating the irrigation system, managing noxious weeds, and maintaining fences on the Fleecer Addition parcel. It is proposed to extend this agreement for a 9-year term. So it would be in effect until 2031?

c. Part 3 of the proposed action is to employ “controlled burning” as needed to better manage smooth brome fields on the WMA. The terminology is not good here - “prescribed burning” is the more appropriate phrase. It is not clear where prescribed burning might take place – in the Pond Field, or in the Fleecer Addition fields. How would the riparian WRP land in the Fleecer Addition be impacted by prescribed burning? Page 6 indicates burning would take place in the spring if livestock grazing (the previous spring, or the same spring?) did not sufficiently remove the old grass and promote current-year growth. It would be helpful to have a map of the specific locations of brome fields that could be subject to burning, and a report by a fire management specialist. In the Pond Field, with private property on two sides, and timber on the upper slope, there would possibly be some concerns with a planned burn. In the Fleecer Addition, there are also adjoining private lands and residences to consider. Air quality and water quality are also issues that should be addressed for a plan including burning. According to the Draft EA checklist, there would be no impacts from burning, but an interdisciplinary approach should reveal at least some concerns, and describe some mitigation. It seems this part of the proposed action is not fully developed or ripe for decision in its present form.

FWP response: The proposed action is clearly stated at the beginning of the EA. The ensuing text provides background context to the proposed action.

The reduction in this EA from 500AUM to 300AUM for Fleecer Cattle Company (FCC) reflects current use by FCC, plus contingency, as explained above. If grazing on the WMA by FCC is through exchange of use only, FWP and FCC would share the responsibility of fence maintenance.

If the proposed action is approved by the Fish and Wildlife Commission, it would give FWP the authority to implement all portions of the proposed action for 9 years, beginning in 2023 and continuing through 2031.

FWP agrees with the commenter that the correct terminology is “prescribed” burning rather than “controlled” burning. As stated in the EA, prescribed burning would be done in the smooth brome pastures, i.e. Pond Pasture and Fleecer Addition. Burn permits would be obtained, burning would be

conducted by trained personnel using proper equipment and safety precautions. FWP agrees that the EA did not adequately state the impacts to prescribed burning, should it occur on the WMA. The EA has been modified to reflect the potential impacts from this action (additions are in RED in the EA).

3. There is only one alternative offered to the proposed action – that is “no action?”

No action would discontinue the coordinated grazing management program with Fleecer Cattle Company on the WMA, and discontinue the EFS agreement with Moose Creek Ranch. The no action alternative is summarized, with one paragraph generally describing possible impacts, on page 12, while the impacts of the proposed action is treated with an extensive checklist (pages 13-24). For benefit of those not generally in favor of cattle on the WMA, full exploration of the impacts of no action alongside the proposed action would be helpful. One thing not mentioned is the impact of no grazing on fuel and fire hazard (increasing it). As noted above, other alternatives exist, but have not been explored in the document.

FWP response: Please see response to 12.3 above.

4. Looking at the Environment Checklist, a few issues:

a) Land Resources (page 13): Since prescribed burning is included in this proposal, it would seem reasonable to indicate at least some potential impacts under parts d and e.

b) Air (page 14): As above, with prescribed burning, there would be some impacts and a better description of the type of burning is needed.

c) Water (pages 14-15): Which streams on the WMA have water quality issues, and what are they? It seems that cattle once again are the culprits, and the potential impacts of fire are not mentioned. It is certainly possible to have some impacts to water quality due to fire, “controlled” or not.

d) Vegetation (pages 16-17): Minor and/or temporary change in plant communities is acknowledged. Elk are noted as the cause of aspen suppression. Evidently, lack of aspen is not a concern? Meanwhile cattle are singled out as causing a minor impact from spreading weeds on the WMA, even though there is a myriad of vectors listed that are potentially significant, and ongoing weed management – thanks in large part to the cattle owners – is helping keep weeds in check. The benefit of grazing bluebunch wheatgrass areas with cattle one year and resting it the next for use by elk is described, but the brome fields are not explored. The drought conditions which are so critical to forage production are not considered. “Climate change” has a very real impact on vegetation. Forage availability and the grazing capacity of the WMA is not discussed.

e) Fish/Wildlife: Fish and Wildlife “critical habitat” is rather a broad and undefined term used here. In this checklist, any impacts are considered minor and mitigated by livestock management. Since we are talking about an elk winter range, this is the key question. The analysis should focus specifically on the carrying capacity and quality of the elk winter range. Is that not the critical habitat in question? By doing the proposed action, how will elk winter range be impacted? Numbers, please. How many elk are we planning for? IS there enough forage?

FWP response: FWP agrees with the commenter’s suggested additional impacts and has incorporated many of those suggested impacts into the draft EA (additions are in RED in the EA). Regarding statement

4e, FWP has analyzed the proposed actions within the context of improving elk winter range and habitat for wildlife in general. This is part of the overall elk management for HD 319. As stated previously, FWP is currently scoping for the rewrite of the statewide elk management plan. All interested parties are invited to provide comments on that.

5. Looking at the Human Environment Checklist:

a) Noise/electrical: none mentioned.

b) Land use: A minor positive impact to local land use and economics of involved ranches is suggested. Numbers could help with this. Summarize all the costs of the participants for their labor and materials to maintain facilities, control weeds, irrigate, deal with rampant elk, recreationists and biologists, attend meetings, etc. and balance that against the benefits accrued by the EOU and EOS. It could also help perspective to show how the grazing available on the WMA/Addition helps keep ranches viable (or not), and the existence of ranches preserves open space and prevents suburban sprawl (ultimately reducing habitat). Since use of fire is a possibility, even a “controlled burn” can cause impacts, and the potential effect on residences should be mentioned.

c) Community impact: Location, distribution, density, or growth rate of the human population should be unaffected, except... see above.

d) Public Services/Taxes: see above.

e) Aesthetics/Recreation: Some people do not think cows should be on this earth, especially on the WMA – so noted. Fences and gates would be there even without grazing, due to land ownership patterns, so opening/closing gates should not be an issue. Where is the tourism report mentioned here?

f) Cultural Resources: Is there an inventory of the cultural resources of the WMA and Addition?

g) Other – while we are at it, how about talking about fire management in general. How are wildfires to be managed in this “critical habitat”?

FWP response: 5a. FWP added additional analyses of prescribed fire to the EA (additions are in RED in the EA).

5b. If FWP were to charge lessees for grazing at the current rate of \$26.50 per AUM according to the National Agricultural Statistics Service, Fleecer Cattle Company would pay up to \$7,950 and Moose Creek Ranch would pay \$3,180. Although precise accounting of the expenses to participate in the Exchange of Use and Exchange for Services with FWP is not known, it can be assumed that it is worth the cost for cash lease grazing or else the lessees would not be interested in renewing their agreements with FWP.

5c-d. FWP does not think this proposed action would have any significant impact on these categories.

5e. In the absence of grazing, there would be not interior fencing and gates. Tourism report does not apply to this proposed action.

5f. The proposed action does not involve a ground disturbing activity and therefore does not require additional cultural resource analysis.

5g. Wildfire management is not within the scope of the proposed action.

6. Cumulative effects

No cumulative or significant effects from the proposed action are identified per the checklist, concluding that an EIS is probably not needed. This is selling the proposal short, considering the benefits. The overall impact of a 9-year commitment could be quite important, though perhaps not an unmitigated disaster or irrevocable loss of resources. It will build stability into a couple of ranch operations and overall management of the WMA, and maintain some important working relationships which are presumed to have an overall positive impact on the primary purpose, which is to maintain critical elk winter habitat.

FWP response:

Katie Bump, Dillon, MT

14.



Estates & Trusts – Planning & Administration
Real Estate | Land & Water | Agriculture | Business

July 1, 2022
Vanna Boccadori
Butte Area Wildlife Biologist
Montana Fish, Wildlife and Parks
1820 Meadlowlark Lane
Butte, MT 59701

Sent via email only to vboccadori@mt.gov

RE: Fleecer Cattle Company Comments to June 2022 Draft Environmental Assessment – Fleecer Wildlife Management Area Habitat Management Program

Dear Ms. Boccadori:

I am writing on behalf of Meg Smith, owner of Fleecer Cattle Company, to comment on the June 2022 Draft Environmental Assessment for the Fleecer Wildlife Management Area Habitat Management Program (“Draft EA”).

Fleecer Cattle Company supports Proposed Action – Alternative A versus the No Action Alternative, which would eliminate cattle grazing. However, Fleecer has several continuing concerns about the Proposed Action.

Fleecer Cattle Company is focused on three specific objectives for the Proposed Action in these comments.

Objective: Continue to manage the entire elk winter range in the Fleecer area as one unit regardless of ownership.

Historically, this effort has been three-pronged, including FWP, Fleecer Cattle Company and its predecessor, and the U.S. Forest Service. This Draft EA inexplicably appears to cut out the USFS by indicating that the USFS is only “potentially” included. Statements regarding “if or when USFS grazing plans can align with this proposed action...” are concerning because it appears that FWP is trying to dictate what the USFS can do with its own land and its grazing allotments. The USFS grazing allotment is a vital part of the Fleecer Cattle Company’s grazing program. The omission of the USFS from this Draft EA hinders the achievement of the first objective.

Objectives: Continue to minimize impacts of winter and spring use by elk on private land by providing quality habitat on public lands. AND Continue to work with local livestock producers to achieve wildlife management goals that also provide benefit to their operations.

While Fleecer Cattle Company appreciates the intent of this EA and these objectives, actions to date have been insufficient to address the wide-ranging impacts of elk on Fleecer Cattle Company’s private property. FWP must take action to address these issues with more tools than just limited cattle grazing and controlled burns to remove old-growth smooth brome in an attempt to make FWP lands more attractive to the elk.

Fleecer Cattle Company reiterates the same concerns it raised in response to the December 2018 Draft Environmental Assessment – Fleecer Wildlife Management Area Grazing Lease Renewal. Although FWP owns thousands of acres bordering Fleecer Cattle Company, elk continue to prefer to winter on Fleecer Cattle Company lands. These private lands are lower in elevation than most of the acreage owned by FWP and have been managed with Best Management Practices, making this private range resource the most desirable and beneficial for wildlife use. Fleecer Cattle Company continues to experience 800+ elk on its private property throughout the winter and early spring months.

Because Fleecer Cattle Company is exchanging grazing for rest rotation of its private pastures, the grazing allowance should not alleviate FWP of its obligation to mitigate the continuing and worsening issues of elk overrunning Fleecer Cattle Company private lands.

The Final EA should address the elk numbers that will be expected to be allowed to winter on Fleecer Cattle Company lands. The Final EA should address allowed actions such as hazing or herding of elk off of Fleecer Cattle Company lands and the implementation of damage hunts.

The grazing plan alone, especially when already traded for through the rest and rotation of privately-owned pastures, is not enough to alleviate issues that Fleecer Cattle Company continues to experience. Since Fleecer Cattle Company changed operations from its predecessor, only half as many cattle will graze under the grazing lease. Yet, no change will be made to the elk numbers and damage that Fleecer Cattle Company is expected to withstand.

Fleecer Cattle Company needs relief from the impacts of elk, not just for the viability of the ranching operation, but also for the preservation of the soil and grass resource on the ranch. The cattle need the grass, the elk need the grass, and the grass needs rest in order to maintain strong root systems.

Fleecer Cattle Company intends to continue to work with FWP, however, Fleecer will not continue to accept the lopsided exchange represented by the grazing lease and this new proposed Habitat Management Program indefinitely. Other options are available to Fleecer Cattle Company to preserve its interest that may be contrary to FWP goals for elk management.

The Final EA should allow flexibility for Fleecer Cattle Company and FWP to explore new ideas to figure out how to change behavior patterns in wintering elk, so they do not spend so much time on Fleecer Cattle Company's private property. The lease agreement between FWP and

Fleecer Cattle Company should include a contingency plan to allow more grazing by Fleecer on the WMA to account for particularly bad winters when elk spend more time on the lower elevations of the Fleecer Cattle Company's private lands. Damage hunts and hazing or herding opportunities to move elk from private lands must be part of this plan.

Sincerely,

BLUEBIRD LAW

By _____

Ariel Overstreet-Adkins

FWP response: Please see the response to comment #12 above as well. FWP agrees that the USFS has been a collaborator in the past for this grazing system, particularly as relates to fall grazing. It is not FWP's intention to "cut out" USFS involvement or "dictate" what the USFS does on land it administers. Instead, FWP is leaving the option open for USFS to participate in this cooperative grazing system if they so choose. FWP agrees that the USFS participation in the past has included a very tangible benefit for the elk winter range that the USFS administers. Fall grazing on the WMA in cooperation with the USFS grazing system would not occur unless the USFS chooses to implement a grazing schedule that includes annual rest on a rotational basis for their winter range pastures. This decision lies with the USFS. If the grazing leases are approved by the Commission, FWP would have the ability to re-engage with the USFS if and when that schedule is implemented on USFS lands.

Both proposed tools (grazing and fire) are intended to make habitat on the WMA more attractive to elk. The proposed action therefore serves two roles: 1) help reduce elk use of private land by making the WMA more attractive and 2) provide alternative spring livestock grazing for Fleecer Cattle Company on the WMA instead of relying on their own property, which comprises elk winter range (i.e., exchange of use). This collaborative approach isn't always 100% effective in addressing substantial elk game damage

issues on Fleecer Cattle Company lands. In spite of these grazing lease measures, FWP has at times had to initiate the following game damage protocols:

- Elk game damage hunts in 2016, 2017, 2019, 2020, and 2022
- Stackyard materials in 2020

The proposed action allowing up to 300 AUMs through exchange of use with Fleecer Cattle Company has some contingency built into it already. This AUM allowance is more than Fleecer Cattle Company currently uses, which is suitable for normal range conditions, but could be reduced to compensate for drought years.

FWP intends to continue working with Fleecer Cattle Company and other landowners adjacent to Fleecer WMA to explore new ideas to resolve damage caused by elk on private lands, both through FWP's game damage program and other effective measures that may be of interest by private landowners and that fit with department policies.