



DECISION NOTICE

Stafford Ferry Conservation Easement

FWP-CEA-WLD-R4-24-002

10/29/2024

ACTION

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves Alternative 2, the proposed action.

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act (MEPA) and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. See Title 75, Chapter 1, Parts 1-3, Montana Code Annotated (MCA).

Based on these factors, FWP determined a Checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from February 15 to March 21, 2024. A

Legal Notice was published in the *Lewistown News Argus* and the *Great Falls Tribune* and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council (EQC) website, <https://leg.mt.gov/mepa/search/>, by individual request, and through direct notice to identified interested parties.

FWP also held a public informational meeting on February 27, 2024, at the Bureau of Land Management's Lewistown Field Office. Eight members of the public and three FWP staff attended. No comments were taken at the meeting, but FWP answered questions about the project and relayed information on how to comment.

FWP received 95 comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

FWP proposes to purchase a conservation easement (CE) to protect 1,080 acres of important wildlife habitat in the Missouri River Breaks region of central Montana and ensure that the land continues to be available for cattle grazing and other traditional agricultural uses.

The proposed Stafford Ferry CE is located approximately 10 miles north of Winifred, MT and 43 miles north of Lewistown, MT in Fergus County. The land straddles FWP Administrative Deer/Elk Hunting District(s) (HDs) 417 and 426. The property ranges in elevation between 3,075 feet and 3,375 feet. It is comprised entirely of native sagebrush-dominated shrubland, Ponderosa pine and Douglas-fir dominated woodland and savanna, sparse shrub badlands, mixed deciduous shrubs, and wetland/riparian vegetation. Small drainages on the property ultimately feed into Dog Creek to the south and the Missouri River to the north. Historic and current land use is livestock (cattle) grazing, and the property is incorporated into a grazing allotment managed by the Bureau of Land Management (BLM)/Upper Missouri River Breaks National Monument (UMRBNM). The Landowner, Cliff Henderson, seeking to conserve the open-space, wildlife habitat, and agricultural values of the property in perpetuity, approached FWP about selling a CE to the Department.

Given its location and habitat values, the property comprises a portion of the larger landscape key to maintaining viable populations of game species (i.e., bighorn sheep, mule deer, Merriam's wild turkey, sharp-tailed grouse, gray partridge, mountain lion), furbearers, and a host of native non-game species (including numerous Species of Concern and a species under review for listing, Little Brown Myotis) in central Montana. In addition to the potential conservation footprint, a CE would facilitate improved recreational and hunting access to ≈15,400 acres of DNRC and BLM lands (including the UMRBNM). The property is adjacent to the Whiskey Ridge CE, which was acquired by FWP in 2020. An easement on these parcels would complement the improved access and conservation footprint across this larger area in perpetuity.

Most notably, this property and its associated breaks provide important habitat and access to the Southern Missouri River Breaks (HD 482) bighorn sheep herd, which constitutes an important ecological and recreational resource to Montana. The Missouri Breaks sheep herd comprises a portion of the state's largest metapopulation of bighorn sheep.

Market value of the CE was determined by an independent appraisal to be \$1,080,000. The Landowner would donate \$85,000 of the conservation easement's value, so the cost of the CE would be \$995,000. Associated expenses, including appraisal, due diligence, and closing, are estimated to be just under \$45,000. Funding for this proposed CE would primarily come from FWP's Habitat Montana Program with additional funds from the Bighorn Sheep Auction Account. However, Northwestern Energy and the Wild

Sheep Foundation (both National Chapter and Montana Chapter) are partnering on the project and have committed to contribute \$50,000 and \$10,000 respectively. Therefore, the total state funding used to purchase the CE would be \$980,000.

The CE would include terms typical to other FWP CEs, but also prohibit domestic sheep/goats on the deeded parcels, ensuring added protection to the valuable recreational, aesthetic, and ecological resource this bighorn sheep population provides to the state of Montana.

PURPOSE AND NEED

Conservation easements are voluntary, binding agreements between a landowner and another entity, in this case, FWP, wherein FWP purchases certain uses (rights) of the land in order to protect its Conservation Values. The Deed of CE is then recorded at the County Courthouse (i.e., Fergus) and the terms of the CE attach to the property in perpetuity.

FWP CEs only encumber deeded private lands. Developing and implementing CEs require ongoing partnerships between FWP and participating private landowners with the primary intentions of conserving important wildlife habitats and providing free public recreational access, while keeping the land in private ownership and in agricultural production. The proposed Stafford Ferry CE would prohibit subdivision and development (outside of two pre-identified 5-acre building envelopes), prevent tillage or other destruction of native vegetation, allow free, year-round public recreational access, and prohibit grazing by domestic sheep, llamas, and goats until such time as effective management practices are developed and implemented to mitigate concerns of disease transmission between wild and domestic sheep, thereby protecting the Land's Conservation Values in perpetuity.

ALTERNATIVES ANALYZED

Alternative 1: No Action

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative, FWP would not purchase the proposed Stafford Ferry CE. The land would continue to be managed as a working cattle ranch, but there would be no guarantee of permanent conservation and public access on the land, especially if the property were to be sold. There would be no guarantees regarding the prohibition of domestic sheep, goats, and llamas on the property that would otherwise prevent intermingling between wild sheep and domestic sheep, goats, and llamas. The Landowner may, at some future time, decide to develop or sell some or all the affected property depending on their priorities and market conditions. Such a sale may open important wildlife habitat for development, jeopardize key wildlife habitat, and preclude FWP's objective to build on the successes of other nearby conservation work.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would purchase the proposed Stafford Ferry CE for \$995,000. The mixed sagebrush-grassland habitat making up the CE lands would be protected and conserved in perpetuity. The CE would also guarantee free public access for hunting and other recreational pursuits on these deeded CE lands, satisfying FWP's objective of providing access and recreational opportunities to the public. The CE also includes terms to minimize the spread of disease between domestic sheep and the Southern Missouri

River Breaks bighorn sheep herd. A CE on the property would expand the footprint of conserved lands in the area that includes the Whiskey Ridge CE and the UMRBNM.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comment on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. A verbatim transcript of all comments officially received and FWP's responses are attached to this Decision Notice.

DECISION

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves Alternative 2, the proposed action.

The proposed Stafford Ferry conservation easement will be presented to the Fish & Wildlife Commission for review. Should the Fish & Wildlife Commission approve proceeding with the conservation easement purchase, the project will, if required, move to the Montana Board of Land Commissioners for final approval.

For further questions regarding this project please call the FWP Great Falls office at (406) 454-5840.

Sincerely,

A handwritten signature in cursive script that reads "Jason Rhoten".

Jason Rhoten
Region 4 Supervisor
Montana Fish, Wildlife & Parks



Stafford Ferry Conservation Easement Environmental Assessment Public Comments

Total Comments Received: 95

Comments are provided verbatim, however personal contact information such as addresses, phone numbers, and emails have been removed.

1	Received: February 15, 2024	Sender: Don Reiter
Subject: Stafford Ferry Easement Proposal.		
Sonja, I fully support FWP purchasing and managing what is being called the Stafford Ferry Easement. It makes total sense from my perspective.		
I would also support FWP's purchase and management of what is called the Whiskey Ridge Easement.		
Don Reiter A One Montana Master Hunter		
FWP Response: <i>Whiskey Ridge CE was purchased and closed on by FWP in December 2020.</i>		

2	Received: February 15, 2024	Sender: Joseph Gokey
Subject: I do not agree to buy more and buy more land,,,, lets take care of the ground we have !		
FWP Response: <i>This is not a fee title acquisition proposal. The lands would remain in private ownership. FWP proposes to purchase a Conservation Easement, or certain rights (e.g., public access, limits on development and subdivision, etc.) on the land to conserve its conservation values and provide access for present and future generations.</i>		

3	Received: February 15, 2024	Sender: Curt Reynolds
Subject: Stafford Ferry Conservation Easement		
Dear Ms. Andersen,		
I fully support MT FWP purchasing and managing the "Stafford Ferry Conservation Easement" as long as the public can access it for hunting and other outdoor recreational purposes. Thank you for listening.		

Best Regards,

Curt Reynolds
Stevensville, MT

FWP Response: *Hunting and recreational access for the public is among the rights that FWP is purchasing. One of the purposes of this proposed CE is to provide hunting and recreational access to the public in perpetuity.*

4	Received: February 15, 2024	Sender: Harvey Nyberg
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Subject: Stafford Ferry Easement

Good evening: I have travelled this area of and on over the last 50 years and currently live in Lewistown. Having floated the Wild and Scenic Missouri and taken the ferry, I know firsthand the value of the land covered by this easement and wholeheartedly support it.

I hope Montana Fish, Wildlife and Parks will proceed on this project to its' conclusion.

Congratulations on a job well done.

Harvey Nyberg

5	Received: February 16, 2024	Sender: Gary Root
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Subject: Stafford Ferry Easement

This is a good thing. Do it. Keep it wild and natural.

6	Received: February 16, 2024	Sender: Jason and Niki Sholley
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Subject: Stafford Ferry Conservation Easement

I have reviewed the Stafford Ferry CE documentation and I applaud Montana FWP and the other contributing partners for wanting to expand public access for hunting and recreation while also providing wildlife conservation and habitat protection. I hope MT FWP will move forward with the purchase of the easement. Thank you, Jason Sholley

7	Received: February 16, 2024	Sender: Robert Jacobi
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Subject: stafford ferry easement

go for it can only do good

8	Received: February 16, 2024	Sender: Steven Ranney
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Subject: Stafford Ferry CE

Sonja -

I support FWP's purchase and management of the Stafford Ferry conservation easement. I look forward to being able to recreate on these deeded lands.

Steven Ranney
Bozeman, MT

9	Received: February 16, 2024	Sender: Mike Getman
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Subject: Stafford Ferry CE

Sonya,

Attached are my comments concerning these documents.

Mike Getman

February 16, 2024

Sonya,

Thank you for the opportunity to review and comment on the Stafford Ferry Conservation Easement Draft EA and associated documents.

I support the proposed project action of this EA for FWP to acquire a conservation easement on this property.

The following are reasons I support this effort –

It would ensure the conservation values of this property are protected in perpetuity,

It is quality native habitat,

It allows recreational access to this property and would make access to adjacent BLM and state lands easier, and

It has incredible scenic values.

Both the Deed and Hunting/Public Access documents define the hunting season as 9/1-12/31 which precludes the spring turkey hunting season. If the landowner is willing, I'd like to see this property open for spring turkey hunting also.

Sincerely,

Mike Getman

Lewistown, MT 59457

FWP Response: *FWP CEs generally reference the general big game season as a minimum requirement for public access, but CE terms include language that “The parties further agree that the general season may be extended, or seasons may be added by mutual agreement through the Management Plan.” The landowner has been amenable to incorporating spring turkey hunting into the Management Plan and corresponding Block Management contract.*

10	Received: February 16, 2024	Sender: Randall Knowles
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Subject: Winifred area conservation easement

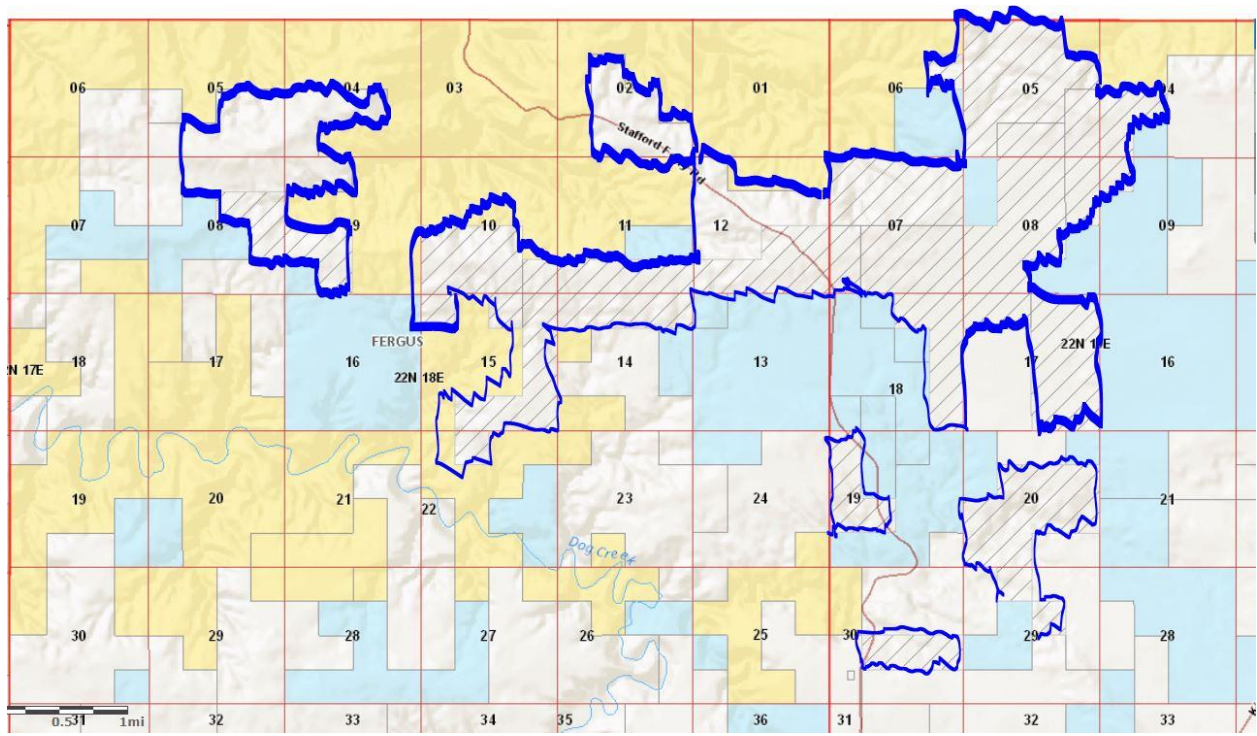
Any easement is a better use of Sportsmen's dollars than the money being spent on the Pheasant Project. Randy

11 **Received:** February 16, 2024

Sender: Randall Knowles

Subject: Knowles BETTER MAP Winifred area conservation easement

Attached is a better map, we need to see the amount of DNRC and BLM land that these easements connect and the road(s) that gives us access. Visually it is a no brainer. Randy



FWP Response: Thank you for your comment. The proposed Stafford Ferry CE is adjacent to the Whiskey Ridge CE, which was completed in 2020. They are shown and labeled as different properties on the map in part to illustrate how this proposed CE builds on FWP's previous efforts in this area.

12 **Received:** February 17, 2024

Sender: Matt Vittal

Subject: Stafford Ferry CE

I am writing in support of the Stafford Ferry Conservation Easement. I think this is a great opportunity to conserve wildlife habitat and provide additional opportunities to Montana sportsman. I would love to see FWP continue to work with private landowners to create more opportunities like this.

Matt Vittal
Columbia Falls, MT

13	Received: February 18, 2024	Sender: Bert Lindler
<p>Subject: Letter of Support for Montana FWP Purchase of the Stafford Ferry Conservation Easement</p> <p>Dear Sonja Andersen,</p> <p>I support the Montana Fish Wildlife and Parks' purchase of a 1,080-acre conservation easement on the Henderson Ranch north of Winifred protecting these sagebrush grasslands from development and providing public access not only to the lands themselves but to an additional 15,400 acres of DNRC and BLM lands, including lands in the Upper Missouri River Breaks National Monument.</p> <p>I have recreated along the Missouri River in this area for five decades and greatly value protecting the environment there and providing public recreational access where, when and in the manner appropriate.</p> <p>Thanks so much.</p> <p>Bert Lindler Missoula, MT</p>		

14	Received: February 18, 2024	Sender: Bert Otis
<p>Subject: Stafford Ferry Conservation Easement</p> <p>Dear Fish Wildlife & Parks Commission,</p> <p>I support the Stafford Ferry Conservation Easement. Having hunted the land north of this years ago, I am somewhat familiar with this property. This easements cost/value is pretty high, but since it opens up access to other land it is certainly worth the value.</p> <p>Please support this Easement.</p> <p>FWP Response: <i>It is FWP internal policy to compensate landowners up to a certified-appraised value, so the cost of the proposed CE reflects an independent, USPAP appraisal. The landowner also agreed to donate \$85,000 of the CE value.</i></p>		

15	Received: February 18, 2024	Sender: Nate Ward
<p>Subject: Stafford ferry conservation easement</p> <p>Good morning,</p> <p>I am writing to voice my support for the Stafford ferry conservation easement. Conservation easements are a great tool and I appreciate FWP's efforts to establish them across the state.</p> <p>Thank you,</p>		

Nate Ward
East Helena, MT

16 **Received:** February 18, 2024 **Sender:** Darrel Beach

Subject: Stafford Ferry Easement

Great Plan and I hope it gets approved

Darrel Beach
Great Falls, MT

17 **Received:** February 19, 2024 **Sender:** Dave Bergum

Subject:

hey sonja put me down as a definite yes on cliffs easement

18 **Received:** February 20, 2024 **Sender:** Paul Pacini

Subject: Stafford Ferry Conservation Easement

The Stafford Ferry Conservation Easement is good news for conservation and public use. If it is contiguous with the American Prairie, it's use should be encouraged.

Paul Pacini

Helena, MT

FWP Response: *The proposed CE is an agreement between a private landowner and FWP. The American Prairie Foundation is not involved with this CE and is a separate entity.*

19 **Received:** February 20, 2024 **Sender:** Mark Savinski

Subject:

I strongly support this conservation easement proposal. Mark Savinski, Sheridan, MT

20 **Received:** February 21, 2024 **Sender:** Al Gadoury

Subject: Stafford Ferry Easement

I support the Stafford Ferry Easement. This would be a valuable addition to our public lands providing much needed access.

Best Regards,

Al Gadoury
6X Outfitter

21	Received: February 22, 2024	Sender: Mike Mueller
Subject: FW: MTFWP call for comments re: Stafford Ferry CE Hi Sonja, great work. Mike		

22	Received: February 22, 2024	Sender: Kevin Farron
Subject: Re: Stafford Ferry Conservation Easement Proposal Hey Sonja - Hope you're doing well. Thanks for your work on this CE and for the opportunity to weigh in with our support. Attached here is a letter on behalf of our chapter signed by Mr. Krings. Please let us know if there's anything else we can do to support you and the Department in this effort. Thanks again, -Kevin		



**BACKCOUNTRY
HUNTERS & ANGLERS**
MONTANA

February 22, 2024

Sonja Andersen, Wildlife Biologist
Montana Fish, Wildlife & Parks
PO Box 938
Lewistown, MT 59457
sandersen@mt.gov

Re: Stafford Ferry Conservation Easement Proposal

Ms. Andersen:

On behalf of the Montana Chapter of Backcountry Hunters & Anglers and our roughly 3,000 dues-paying members, please consider the below comments outlining our full support of the Stafford Ferry Conservation Easement located on the southern edge of the Missouri River Breaks.

Our members value wild places, quality habitat, public access and the fair-chase hunting and fishing opportunities these things provide. It should come as no surprise then how excited we are for this potential CE where mule deer, bighorn sheep and other wildlife are found. Conserving these sagebrush grasslands where native animals can thrive and providing public access and hunting opportunities in perpetuity are all things Montana BHA supports.

The CE will open to public access approximately 1,080 deeded acres along Whiskey Ridge & Stafford Ferry Roads, improving public access to this rugged country. Additionally, it will improve access to some 15,400 adjacent acres of existing state and federal public lands.

The Scoping Notice prepared by the Department highlights the perfect balance struck between the existing agricultural operation and public access for hunters and nature enthusiasts alike. We appreciate the requirement that all new fence construction must comply with FWP's wildlife-friendly fencing guidelines.

The CE terms are both fair and generous from the perspective of both the landowners and the public. We thank the Henderson family for their \$85,000 value donation, Northwestern Energy for contributing \$50,000, and Wild Sheep Foundation for an additional \$10,000. The remaining



WWW.BACKCOUNTRYHUNTERS.ORG/MONTANA
MONTANA@BACKCOUNTRYHUNTERS.ORG

funds needed for this CE are a good use of the primarily hunter-funded Habitat Montana funds, and we encourage even more of this; easements like this help conserve wildlife habitat and open spaces, while keeping working lands in Montana.

In closing, this CE speaks to all things Montana BHA cares deeply about and we offer our full support to move forward with the Stafford Ferry Conservation Easement. We thank both the Department for facilitating this and the Henderson family for their willingness to conserve their lands and provide public access and hunting opportunity in perpetuity.

Sincerely,

Doug Krings, Lewistown, MT
Volunteer Regional Board Member
Montana Chapter of Backcountry Hunters & Anglers

23	Received: February 22, 2024	Sender: Carl Seilstad
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Subject: FW: Stafford Ferry Conservation Easement Comments

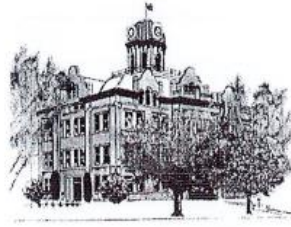
Sonja,

Please find attached Fergus County's comments on the conservation easement.

Please acknowledge receipt of this email and if you have any questions please call.

Thank you. Carl Seilstad

Fergus County Commissioner



FERGUS COUNTY

February 22, 2024

Stafford Ferry Conservation Easement Draft EA and
Deed of Conservation Easement
Montana Department of Fish, Wildlife & Parks
Attn: Sonja

RE: Comments from Fergus County Commissioners

Thank you for giving us the opportunity to comment on the above proposal. We do have concerns or objections to this proposal as written.

Page 10 of the deed states the landowner may conduct limited mining activity for materials (e.g. sand gravel, rock) with prior approval for agricultural operations. With more and more of these conservation easements coming forth, is limiting the county's ability to acquire gravel for our roads. We would like to see verbiage in this document that allows counties to extract gravel, with prior approval.

There is no mention in this conservation easement document that gives the county permission to maintain our county road and the infrastructure associated with that road. In the past this road has sluffed, and culverts washed out. Repair work required exceeding the 60ft road ROW/Easement. We would like to see something in writing in this document or from FWP, giving Fergus County the authority to go beyond the 60ft easement within reason to repair the damages. If the road is impassible after a weather-related event or natural cases, time is of the essence to get the repairs made. This road is a major route to access both sides of the river.

The CE language will also prohibit grazing by domestic sheep, llamas, and goats until mitigation measures are made concerning transmission of disease between wild sheep and domestic. The easement also specifies that the landowner will be restricted from using the land for a bison preserve (pg. 14).

Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

commissioners@co.fergus.mt.us

Ross Butcher, District 1
Jennifer Saunders, District 2
Carl Seilstad, District 3



FERGUS COUNTY

Page 35 of the draft EA you commented to a comment that there are no known disease concerns between bison and domestic sheep. We realize this but the comment was between bison and cattle. The idea that disease spread from bison in this area is **low** is unacceptable as agriculture is the number one economic driver in Fergus County. We feel there needs to be a similar line in this section about grazing Bison until measures are developed and implemented to mitigate the transmission of disease between bison and **cattle**.

On page 31 of the Deed for the conservation Easement it states on FWP lands livestock within pasture grazing systems are not to be fed hay. This has the potential to have a huge impact on the producer. Most of the time it would not be a long term practice but merely a short term practice to get the producer out of a hardship, such as a huge storm that covers the available forage for cattle. It should be noted that the feeding of hay would only be allowed on a case-by-case basis with prior approval being authorized immediately.

We are opposed to conservation easements being placed on lands in perpetuity. We are adamantly opposed to these conservation easements being transferred to anyone that is not going to keep the land in agriculture production. We feel this needs to be addressed in the Deed about the transfer of this easement.

Sincerely,

Fergus County Commissioners


Ross Butcher

Jennifer Saunders

Carl Seilstad

Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

commissioners@co.fergus.mt.us

Ross Butcher, District 1
Jennifer Saunders, District 2
Carl Seilstad, District 3

FWP Response: *Regarding page 10 of the Deed of CE, neither FWP nor the Landowner has identified any gravel deposits on the property, however page 10 of the CE Deed allows for gravel extraction for "agricultural operations on the land," to include necessary road maintenance, so use by the county of any potential future gravel resources would be at the Landowner's discretion and subject to FWP approval. The CE Deed does not preclude the county from maintaining county roads within the county right-of-way. FWP lacks the authority or mandate to negotiate a deed restriction requiring a landowner to make gravel available to the county, and the county is free to negotiate with the Landowner to find an alternative (or additional) contractual arrangement to meet the county's road maintenance concerns.*

Regarding on page 35 of the Draft EA, “there are no known disease concerns between bison and domestic sheep” should read, “there are no known disease concerns between bison and wild sheep.” Per CE terms, cattle and horses are the only classes of livestock permitted on CE lands without prior approval by FWP. As noted in the Draft EA, domestic bison are subject to strict quarantine regulations implemented by the Montana Department of Livestock, as well as federal requirements related to grazing on BLM lands. Therefore, measures to mitigate disease transmission between bison and cattle have already been developed and implemented. Additionally, the proposed CE fits into a larger grazing allotment leased by an adjacent landowner that is administered by the BLM. In order for bison grazing to occur on the BLM allotment, a NEPA process administered through the BLM would first be necessary.

According to the USDA, all domestic bison herds are certified brucellosis-free and therefore brucellosis concerns related to this proposed CE, should bison ever be present on the Land, are moot. On the other hand, domestic flocks (sheep, goats, llamas) do not receive this same level of testing (nor removal if they test positive). The 2011 National Animal Health Monitoring Survey detected 60% prevalence of *M.ovi* in domestic sheep, and because they can survive and act as reservoirs for *M.ovi*, the risk factor of spillover between domestic and wild sheep vs. bison and cattle is much greater. Strain diversity of *M.ovi* is also extremely high in domestic sheep, making it difficult if not impossible to eradicate it from flocks where it exists. Hence, the importance of language specifically prohibiting domestic sheep in this CE vs. any language specifically prohibiting known brucellosis-free domestic bison. It is not FWP’s practice to restrict a landowner’s right to engage in agricultural practices as authorized by state law if those practices do not harm the conservation values of the easement. For this proposed CE, grazing by domestic bison would not harm the conservation values of the land, but grazing by domestic sheep, goats, and llamas, at present, would.

The commission also addresses “FWP Minimum Standards for Grazing Livestock” (“Grazing Standards”) document, attached to the CE Deed as Exhibit C, p. 27-31. This document sets forth FWP policy regarding allowable practices for grazing on lands under FWP ownership or control. Specifically, the Commission mentioned the clause on page 31, under the heading “Mineral and Other Supplements”, that states: “On FWP lands livestock within pasture grazing systems are not to be fed hay.” FWP notes that, even if FWP acquires a conservation easement on the land in question here, that acquisition will not convert the property to “FWP lands.” The land will still be owned by the Landowner, with FWP holding only an easement interest in preserving the agricultural uses and conservation values of the property. Accordingly, the prohibition on feeding hay would not apply in this instance.

On page 31, in the Grazing Standards document, under the heading “Flexibility” there is a clause that acknowledges that circumstances beyond the control of the Landowner or FWP – e.g., as pointed out by the Commission, “a huge storm that covers the available forage for cattle” – may require the parties to deviate from the Grazing Standards. The clause provides a framework for the Landowner and FWP to work together to find an appropriate solution to the problem. Thus, if the prohibition on feeding hay to livestock applied to this proposed CE, the Landowner would have the recourse of working with FWP to find a mutually acceptable resolution. FWP has worked with other CE landowners in Fergus and other

counties to relax or alter grazing systems as a response to drought and other factors on a temporary basis without long-term negative impacts to the conservation values of the land.

FWP notes that the Landowner has been fully appraised of all the CE Deed requirements, including the Grazing Standards, and has agreed that those terms are acceptable. FWP respects landowners' rights to evaluate their individual situations and to pursue a course of action that best serves their interests. In this instance the Landowner has, in his discretion and according to his freedom of contract, determined that selling a partial ownership interest in the land to FWP to conserve the significant agricultural uses and conservation values of the property in perpetuity is the appropriate action.

Lastly, the Commission comment notes its ideological opposition to perpetual easements and to the prospect of "these conservation easements being transferred to anyone that is not going to keep the land in agricultural production." The Commission suggests addressing such transfers of the easement in the text of the CE Deed. While FWP acknowledges the Commission's opposition to perpetual easements, such easements are authorized by Montana's Open-Space Land and Voluntary Conservation Easement Act ("the Act"), Mont. Code Ann. §§ 76-6-101, et seq., for the purpose of "preservation of native plants or animals, biotic communities, or geological or geographical formations for scientific, aesthetic, or educational interest" or "for the preservation of other significant open-space land anywhere in the state". Mont. Code Ann. §§ 76-6-103(1)-(2). FWP respectfully contends that this proposed voluntary perpetual easement acquisition fits within the stated legislative purpose of the Act.

The Commission's concerns about the potential for the easement to be transferred out of agricultural production are, fortunately, addressed in the CE Deed itself. Paragraph II(A)(3), on page 3 of the CE Deed, provides:

An additional specific purpose of this Easement is to keep the land in Active Agricultural Production in a manner consistent with the Conservation Values, to protect the productive natural resources of the state, to maintain the agriculture and agriculture-related economy of the state, and to assure continued production of food and agricultural products while preserving open space, plant diversity, soil health, water quality, and a resilient landscape vital to successful wildlife populations. As used in this Easement, "Active Agricultural Production" means the use of the Land primarily and directly for raising and marketing livestock, their offspring, or products derived from the livestock in the regular course of business, consistent with Section II.C.1. Livestock includes cattle and any other livestock authorized under the terms of this Easement. "Active Agricultural Production" includes activities and uses that are customary and necessary in raising livestock and preparing them, their offspring, or the products derived therefrom for market.

As the institutional holder of easements for the benefit of the people of the State of Montana, it is not FWP's practice to transfer easement ownership. Though the land itself may be sold, the State's interest in maintaining the property as active agricultural land would 'run with the land' and remain binding on all future landowners.

Should FWP not purchase the proposed Stafford Ferry CE, the Landowner may exercise private property rights to sell or donate a perpetual CE to another entity. A CE through a different entity would likely not include free public hunting and recreational access, which is a tangible benefit to the citizens of Montana and Fergus County. Alternatively, the landowner could sell the property to a different individual, and there would be no protections in place ensuring that the land stays in agriculture. For instance, subdivision and development are alterations on the land inhibiting agriculture. Alternatively, the land could be sold as a recreation property, which may inhibit FWP's ability to manage game populations (via public hunting and recreational access) on deeded lands and thus possibly negatively impact neighboring traditional agricultural producers. An FWP CE on the property not only ensures that the property stays in agriculture, but if it is sold, it would likely be purchased by a traditional agricultural producer given the public access component and reduced value of the land resulting from CE encumbrances.

24	Received: February 22, 2024	Sender: Sheila Byrd
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February 22, 2024

RE: Stafford Ferry Easement Proposal

I am writing to you with regard to the proposal for the conservation easement in the Stafford Ferry and Whiskey Ridge area.

I see that the majority of the land will be off the Whiskey Ridge Road which I understand will open up some access to some nice hunting and recreational land. However, this past hunting season in that area was hunted by droves of people, and that is fine as there is an abundance of Block Management to be hunted.

However, my concern is that over the years there has been an increased number of hunters who completely disrespect the rules and regulations, to include making camps outside of the allowed areas, trespassing and leaving behind all of their trash etc.

And I disagree with the fact that you published about the abundance of wildlife in that area. I feel that the numbers are down. Last fall we saw very few does, hardly any turkeys, grouse and bighorn sheep. I am hoping with this new proposal that you will consider limiting the number of permits for the sheep, as well as the elk, and deer.

My other concern is that with the increased amount of local and out of state hunters, will there be an increase in law enforcement? I see that there have been agents out driving on the roads and stopping people to inquire on proper licensing etc. It would be nice to see that they can actually hike into these areas when it appears that there are numerous vehicles and find out if compliance is being met. As well as with no sign in box to monitor the amount of people hunting, how do you monitor anything? Last year when we went to sign in at a box somebody had taken all the book coupons out of the box. Really mature 😞

Also, I know several hunters have been in on horseback and I am sure there are many that do not know to have certified weed free hay.

I hope that you get a lot of feedback as this area has gone great to now being overhunted. There needs to be a balance, to be fair to hunters as well as the area that these animals call this area their home. Please consider draw tags only in the future for some of these areas. Thank you. Good Luck!

montanagirl370@gmail.com

FWP Response: *The comment references increased hunting activity along Whiskey Ridge Road and increased hunter use. Hunting access already exists and will continue to exist along Whiskey Ridge Road as a result of publicly accessible lands and adjacent deeded lands under CE, which are enrolled in FWP's Block Management Program. The commenter references illegal activities as a result of increased hunter activity. Enforcement staff patrol the area during the hunting season but receive very few calls/complaints specific to that area (i.e., only 1 call, not related to the existing BMA out there, in the last several years).*

The comment also notes reduced populations of game species in the area. Ultimately, hunting seasons and quotas are outside the scope of the proposed CE, however FWP manages these seasons and quotas as necessary across the entire hunting district (HD) in question. Presently, some game populations are reduced in the area primarily due to extended drought. However, the habitat values exist in the area to support thriving game populations when the conditions are present, and CE terms will ensure these habitat values persist in perpetuity. FWP recognizes the current reduced numbers of mule deer and bighorn sheep and has reduced quotas for mule deer and bighorn sheep and altered season structure to restrict opportunity in these hunting districts (including implementing permits for mule deer in HD 417 as well as in HD 426 for a portion of the season). Public access to deeded lands and improved access to public lands in this area will improve FWP's ability to manage populations in the future if numbers increase to exceed population objectives.

The proposed CE, if completed, will be managed through FWP's Block Management Program and, as such, parking areas will be established to localize vehicles and reduce weed spread. On this particular property, whether managed through Block Management or similar means, hunting and recreational access will be controlled via the use of sign-in boxes or permission slips granted through the landowner or landowner's representative. As currently exists, there will be enforcement along Whiskey Ridge and Stafford Ferry Roads via game warden and Hunting Access Technician patrols throughout the season. Hunting access rules for both the proposed Stafford Ferry CE and Whiskey Ridge CE explicitly state that certified weed seed-free hay must be used if hunters are utilizing horses.

25	Received: February 22, 2024	Sender: Bill Long
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Subject: Stafford Ferry CE

Hi All,

Good evening and greetings from Helena.

Great project! Impressive leverage of various funding sources to protect these private lands and open up for public access a bounty of new lands. FWP conservation easement make so much sense for those of us still chasing birds in their mid-70's as well as hopefully my granddaughters and their families for their lifetimes.

Well done all.

Thanks,

Bill Long
Solid Ground Consulting

26 **Received:** February 23, 2024 **Sender:** Jim Winjum

Subject: Attn: Stafford Ferry Easement Proposal

Hello Sonja,

This proposed land purchase is wonderful step in securing sportsman's access to public lands in the crucial north breaks area. I believe loss of public access is the biggest threat causing declining hunter numbers and thereby general public loss of hunting support. Hopefully the land is purchased at a fair market value.

Thanks,
Jim Winjum
President at Kenetrek, LLC

FWP Response: *This proposed CE is being purchased at an independent, USPAP appraised value. The landowner in turn has also willingly donated \$85,000 of that value CE value.*

27 **Received:** February 23, 2024 **Sender:** Jim Winjum

Subject: Stafford Ferry Conservation Easement

Hello, My name is Casey Phelps from Helena. I am writing in support of the conservation easement. I believe this easement will benefit both people and wildlife conservation. Thank you
Casey Phelps
Helena, MT

28 **Received:** February 23, 2024 **Sender:** Rebecca Spring

Subject: Stafford Ferry Easement Proposal

Dear Sonja,

I am writing to add support to this endeavor that has so many benefits including protection of sage brush habitat for deer, bighorn, turkey, grouse etc. and the creation of essential public access to the Missouri River Breaks. With similar areas being subdivided it is crucial to take every opportunity to protect these critical habitats. It is also vital to protect these lands from domestic sheep grazing, as we all know any contact with our world-renowned Breaks wild sheep populations would be disastrous.

Thank you,
Rebecca Spring

29 **Received:** February 23, 2024 **Sender:** Mark Schwomeyer

Subject: Henderson CE

Good morning, I think it goes without saying that this is a win/win for all parties involved. I support the conservation easement. I'm grateful that it is being considered.

Mark Schwomeyer

30 **Received:** February 23, 2024 **Sender:** Jeff Ryan

Subject: Stafford Ferry Conservation Easement

This is one of my favorite places in Montana. The acquisition of the conservation easement is an excellent opportunity!

31 **Received:** February 23, 2024 **Sender:** Kyle Wink

Subject: STAFFORD FERRY CONSERVATION EASEMENT DRAFT ENVIRONMENTAL ASSESSMENT FWP-CEA-WLD-R4-24-002

I think this is a great easement to purchase. This will allow access for future hunters for many years to come

32 **Received:** February 23, 2024 **Sender:** Paul Cockrell

Subject: Attention Stafford Ferry Conservation Easement

As a long time member of Montana Wild Sheep Foundation and Wild Sheep Foundation, I am very much in support of FWP going forward with the Stafford Ferry Conservation Easement.

Thank you
Paul Cockrell
Hamilton, MT

33 **Received:** February 23, 2024 **Sender:** Jason Matzinger

Subject: Stafford Ferry Conservation Easement

Good Afternoon,

As a member of both the Montana Wild Sheep Foundation and the Wild Sheep Foundation I strongly agree with Montana Fish, Wildlife & Parks proposal to purchase and manage a conservation easement on the 1,080 acres north of Winifred, MT at Stafford's Ferry. I have hunted in that area many times and have seen first hand what a treasure this entire area and ferry are to Montana.

Regards,

Jason Matzinger

34	Received: February 23, 2024	Sender: Doug Bailey
Subject: Stafford Ferry Conservation Easement Please, include this email as written support for MT FWP to pursue protecting and conserving habitat for Big Horn Sheep while increasing public awareness and access to the project. Thanks, Doug Bailey		

35	Received: February 23, 2024	Sender: Rodger Warwick
Subject: Stafford Ferry Easement Proposal Dear Ms. Sandersen, I am in favor of the proposed conservation easement referred to as Stafford Ferry Easement. Additional protection of wildlife habitat and additional access for hunting and recreation would be good for Montana residents and visiting non-residents alike. Thank you, Rodger Warwick Billings, MT		

36	Received: February 23, 2024	Sender: Don Drake
Subject: stafford ferry ce Good job on getting this together. I support getting this finished up. Very important piece to help link this together. Thanks Don Drake Whitehall Mt		

37	Received: February 23, 2024	Sender: Randy Hodges
Subject: Attn: StaffordFerry Easement Proposal I am writing in support of the proposed conservation easements on the Henderson property near Whiskey Ridge and the Stafford Ferry. I have hunted this property in the past, and I feel it is a wise use of funds to secure access to this property for the people of Montana.		

Randy Hodges

38 **Received:** February 23, 2024 **Sender:** Dave Yerk

Subject: Proposed Stanford Ferry Conservation Easement Purchase Comments

Dear FWP:

I fully support your proposal to purchase a conservation easement (CE) on Mr. Henderson's holdings in the Missouri River Breaks. Not only will this CE help protect critical wildlife habitat in perpetuity, but will also provide tremendous public access to both private and public lands in the area. This is a great and wise investment of the hunting public's license dollars.

My sincere appreciation goes to Mr. Henderson for his interest in pursuing this CE with FWP, and thank you Sonja Andersen for doing all the work to move this proposal forward. Now let's get it across the finish line!

Sincerely-
Dave Yerk
Choteau, MT

39 **Received:** February 23, 2024 **Sender:** Marcus Hockett

Subject: Stafford Ferry Conservation Easement

Hello Sonja,

I wanted to provide a comment in support of the purchase of the Stafford Ferry Conservation Easement.

As a Montana native who has spent many days on the surrounding public lands adjacent to the proposed CE, I would say this purchase is an extremely worthwhile investment. There is an incredible diversity of wildlife that use the area and protecting their habitat is well worth the cost.

The fact that this CE includes year round habitat for one of the world's most famous bighorn sheep herds is more than enough to make it worthwhile, but add in mule deer, elk, pronghorn, numerous other birds and small mammals, this land is very worthy of protection.

As hunters, we would undoubtedly benefit from this CE regardless, but the added bonus of guaranteed public access is just the icing on the cake!

Thank you very much for pursuing this easement!

Marcus Hockett

40 **Received:** February 24, 2024 **Sender:** Jill Paul

Subject: Stafford Ferry Easement

I am writing to strongly support the Stafford Ferry Conservation Easement. It will protect important wildlife habitat and increase public hunting/wildlife enjoyment opportunities.

Dr. Jill Paul
Billings MT

41	Received: February 24, 2024	Sender: Randy Newberg
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Subject: Stafford Ferry Easement Proposal

Sonja:

Thank you for putting together the proposed Conservation Easement at Stafford Ferry and Whiskey Ridge. I've hunted that area and it is an amazing place. I helped a friend with a sheep tag and it was a spectacular hunt.

CE's provide so many benefits to wildlife, landscapes, and provide another option to keep working landowners on their land. This proposal accomplishes many of those objectives.

I am writing to express my support for this easement. The public hunting access component is valuable and is rarely found in CEs. That makes this CE even more valuable to the public.

Thanks for your work on this project and your consideration of my comments.

Sincerely,

Randy Newberg

42	Received: February 25, 2024	Sender: Kyle Reedy
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Subject: Stafford Ferry Easement Proposal

Hello,

I support the proposal to purchase and manage a conservation easement (CE) on 1,080 acres owned by Cliff Henderson north of Winifred, MT. This is a great opportunity.

Thanks,
Kyle

43	Received: February 25, 2024	Sender: Gary Olson
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Subject: Stafford Ferry Conservation Easement

Hi Sonja:

Thanks for all of your work on this important project. The benefits to wildlife, native habitats and the outdoor public will be increasingly important in the coming years, especially where large tracts of public land are relatively inaccessible. This conservation effort ties in well with the Whiskey Ridge Easement and helps secure public access to thousands of wildland acres, not to mention safeguards for native vegetation and wildlife management.

I hope to visit the area sometime and support this effort 100%!

Gary Olson

Great Falls, MT

44	Received: February 25, 2024	Sender: Christopher Servheen
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Subject: Comment letter on Stafford Ferry Conservation Easement

Attached please find MWF's comment on this conservation easement. Thank you for the opportunity to comment.

Chris Servheen



Protecting Montana's wildlife, land, waters, and
hunting & fishing heritage for future generations.

February 23, 2024
Montana Fish, Wildlife & Parks
Attn: Sonja Andersen, Wildlife Biologist
PO Box 938
Lewistown, MT 59457
sandersen@mt.gov

Re: Stafford Ferry Conservation Easement Proposal

Dear Fish Wildlife & Parks,

On behalf of the Montana Wildlife Federation (MWF), Montana's oldest and largest hunter and angler-based conservation group, founded in 1936 by conservationists, landowners, hunters and anglers. MWF is a 501(c)3 nonprofit organization comprised of staff, more than 5000 members, and 14 affiliate clubs throughout the state who share a mission to protect and enhance Montana's public wildlife, lands, waters, and fair chase hunting and fishing heritage. Please accept these comments in full support of the Stafford Ferry Conservation Easement.

Our members hold a deep appreciation for pristine landscapes, accessible public lands, and healthy wildlife populations. Consequently, we are enthusiastic about the prospect of this proposed Conservation Easement, particularly given its potential to safeguard habitats for mule deer, bighorn sheep, elk and various other wildlife species. We are particularly enthusiastic about the preservation of sagebrush grasslands, fostering an environment conducive to the flourishing of native fauna, alongside ensuring perpetual public access and hunting opportunities.

This easement will facilitate public access to approximately 1,080 deeded acres along Whiskey Ridge & Stafford Ferry Roads, thereby enhancing accessibility to this rugged terrain. Furthermore, it will augment access to approximately 15,400 contiguous acres of state and federal public lands.

The Scoping Notice issued by the Department achieves a balance between maintaining the existing agricultural operation and facilitating public access for hunters and other outdoor recreationists. We support the stipulation that all new fence constructions adhere to the wildlife-friendly fencing guidelines established by FWP.

The terms of the CE reflect fairness and generosity, benefiting both the landowners and the public. We extend our gratitude to the Henderson family for their contribution. The funding, sourced primarily from Habitat Montana supported by hunters, underscores an excellent investment returned to the public. These easements play a pivotal role in conserving wildlife, habitat and access to expansive landscapes.

The Stafford Ferry Conservation Easement encapsulates the values of the Montana Wildlife Federation, and we endorse its advancement. We extend our appreciation to the Department for their facilitation of this initiative and to the Henderson family for their commitment to land conservation and the perpetual provision of public access and hunting opportunities.

Sincerely,

Christopher Servheen, Ph.D.
President and Board Chair, Montana Wildlife Federation <https://montanawildlife.org/>
Montana Wildlife Federation
servheenc@mtwfo.org

45	Received: February 25, 2024	Sender: Mike Mershon
Subject: Stafford Ferry CE letter of support		
Hello Sonja,		
Please see my attached letter of support for the proposed Stafford Ferry CE.		
Thanks for your work on this,		
Mike Mershon		

Stafford Ferry CE

I write in support of Montana Fish Wildlife and Parks going through with the purchase of the Stafford Ferry Conservation Easement.

This CE puts in place important protections which will help conserve the ecologically valuable sagebrush, shrub-grass lands, conifer forest and riparian ecosystems on the property. This will benefit a host of species who call the region home, including various species of concern. In addition to the habitat conservation this CE provides guaranteed free public access for hunting and recreation to hunting units hd417 for Deer and Elk and hd482 for Bighorn sheep, both of which are in high demand by hunters. This proposed CE and associated management plan still allows the landowners to continue to practice sustainable livestock grazing per current management as part of a larger BLM allotment on the UMRBNM. Completion of this CE would further the habitat conservation efforts in the surrounding area by complementing the existing Whisky Ridge CE to the South as well as the BLM's Upper Missouri River Breaks National Monument lands to the North of the property.

I support private property rights, keeping working properties on the landscape, protection of high value ecosystems and increased public access which this CE accomplishes all of.

46	Received: February 26, 2024	Sender: Tom Erskine
Subject: Stanfford Ferry		
I am in favor of the additional land in the breaks. Whenever we can open up more private and public land, it is great!		

47	Received: February 26, 2024	Sender: Stephanie Prater
Subject: In favor of Stafford Ferry CE		
To whom it may concern, I am writing in favor of the Stafford Ferry CE. This will protect and conserve mixed sagebrush-grassland habitat adjoining the Missouri River Breaks in deer/elk hunting districts 417 and 426. This easement will also guarantee free public access for hunting and other recreational pursuits. Thank you so much, Stephanie Prater Lewistown, MT		

48	Received: February 26, 2024	Sender: Bruce Sterling
Subject: Stanford Ferry CE		
Hi Sonja. Wanted to express my strong support for the Stafford Ferry conservation easement proposed purchase by FWP. Although I have not been on the property, I can remember as a former board member of the Montana Wild Sheep Foundation our fight to obtain and support the adjacent Whiskey Ridge CE. What a magnificent piece of property that was and I'm sure the Stafford Ferry property is as well.		

Providing public access and protection of native habitat is of vital importance not only to the critters that live there, but also to many of the people who call Montana home.
I hope the project is successful and thanks for all you do.

Sincerely,
Bruce Sterling
Retired FWP Biologist
Thompson Falls

49	Received: February 26, 2024	Sender: Patrick Byrne
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Subject: Stafford Ferry Conservation Easement

As a supporter of the MT Wild Sheep Foundation, I would highly encourage this conservation easement to move forward. We need to conserve this to add into the already fantastic sheep, elk and deer area before it's lost.

Thank you,

Patrick J. Byrne
Anaconda, MT

50	Received: February 27, 2024	Sender: Susan Hillstrom
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Subject: Stafford Ferry Conservation Easement

Dear Sonja Andersen,

I support the Montana Fish Wildlife and Parks' purchase of a 1,080-acre conservation easement on the Henderson Ranch north of Winifred protecting these sagebrush grasslands from development and providing public access not only to the lands themselves but to an additional 15,400 acres of DNRC and BLM lands, including lands in the Upper Missouri River Breaks National Monument.

I have recreated along the Missouri River in this area since moving to Great Falls in 2004 and greatly value protecting the environment there and providing public recreational access.

Sincerely,

Susan Hillstrom
Choteau, MT

51	Received: February 27, 2024	Sender: Dennis Mayhew
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Subject: Stafford Ferry Easement Proposal

Hello

I'm reaching out to encourage you to please vote in favor of the Stafford Ferry Easement Proposal.

Thank You
Dennis Mayhew
258 Rocky Meadows Loop
Kalispell, MT 59901

52	Received: February 27, 2024	Sender: Johnathan Champion
Subject: Stafford Ferry CE Grazing Comment		
<p>Good afternoon Sonja,</p> <p>I have reviewed the Stafford Ferry Conservation Easement EA, Deed, and Management Plan. So far, only one thing stands out to me. The CE Deed states under C.1, "...;provided that any livestock grazing is consistent with a rest-rotation system as approved in writing by the Department as part of the Management Plan described in Section II.E. of this easement..." A rest rotation is currently implemented on the River Allotment (#20046) in accordance with the Upper Missouri Watershed EA (MT060-02-04), so that is just fine. However, the CE Management Plan states, "There are no grazing stipulations tied to this CE," at the bottom of page 6. So one document says there needs to be a rest-rotation in place and the other says there are no grazing stipulations, which I find a bit contradicting. I plan on attending the meeting this evening. I don't have any more comments, but maybe I can help answer some questions from the public. I'll probably see you then.</p> <p>Thanks and have a great day!</p> <p>Jonathan Champion Rangeland Management Specialist BLM Lewistown Field Office</p> <p>FWP Response: <i>The language in the management plan was intended to express that there is no CE-specific grazing plan associated with the CE, and that the CE deeded lands would continue to be managed under the current BLM allotment. We adjusted language in the Management Plan to state: "There is no additional grazing plan tied to this CE Management Plan, as the deeded lands are part of a larger BLM allotment and managed as part of the Upper Missouri Breaks National Monument."</i></p>		

53	Received: February 27, 2024	Sender: Randy Gazda
Subject: Stafford Ferry Conservation Easement - comment		
<p>Sonja:</p> <p>I want to express my strong support for MT FWP acquiring the Stafford Ferry Conservation Easement. As a tag holder in 482 last year, I saw bighorn sheep, mule deer and turkeys on the property. Public access to and through this property would be a real win for Montana sportsmen and women and conserving important wildlife habitat.</p>		

Thank you for the opportunity to comment,
Randy Gazda
Seeley Lake, MT

54 **Received:** February 28, 2024 **Sender:** Ryan Stutzman

Subject: Attn: Stafford Ferry Easement Proposal.

Greetings Sonja,

I'm writing in support of the proposed Stafford Ferry conservation easement. This project would be a great step in protecting important wildlife habitat, including threatened sage brush grasslands while providing public access. A voluntary conservation easement is a tremendous commitment by the landowner with tremendous public benefits. Thanks for your great work and I hope this project can get across the finish line.

Ryan Stutzman, Missoula

55 **Received:** February 28, 2024 **Sender:** Don Thomas

Subject: Stafford ferry

As a longtime resident of the area, I am writing to express my strong support for the Stafford Ferry CE. This proposal will be of great benefit to local wildlife and those of us who recreate there. Thank you.

Don Thomas, Lewistown.

56 **Received:** February 28, 2024 **Sender:** Robert Dunnagan

Subject: Stafford ferry conservation easement

Sent from my iPhone I favor the proposed, Stafford ferry, conservation easement for a number of reasons, including the positive aspects of this easement for wildlife and public access. I also favor the fact that traditional agriculture will be permitted within the easement.

Let's do what we can to maintain fish and wildlife, and their habitat for future generations.

Thanks ...

57 **Received:** February 28, 2024 **Sender:** Raymond Gross

Subject: Comment Stafford Ferry Conservation Easement

I strongly support the Stafford Ferry Conservation Easement. This conservation easement will protect wildlife habitat adjoining the Missouri River Breaks in bighorn sheep hunting district 482. This easement will also guarantee public access for hunting and other recreational pursuits, on this property and access to adjoining 15,400 acres of State of Montana and BLM lands including the Upper Missouri River Breaks National Monument.

Raymond Gross

Dillon, Mt

58	Received: February 28, 2024	Sender: Tim Wiley
Subject: Stafford Ferry Conservation Easement		
<p>I would like to go on record in support of the proposed Stafford Ferry CE. Having just placed 310 acres of private land on the North Fork of the Flathead River adjacent to Glacier National Park under conservation easement, I can attest to the value of conserving such places for perpetuity. Having had the opportunity to hunt in the Stafford Ferry area once, I was struck by the wild beauty of the area and would like nothing better than to see this area placed under easement so that Montanans may continue to enjoy all that it has to offer.</p> <p>Tim Wiley Kalispell, MT</p>		

59	Received: February 28, 2024	Sender: William Holmes
Subject: Stanford Ferry Easement		
<p>I strongly support the Stafford Ferry Conservation Easement. This conservation easement will protect wildlife habitat adjoining the Missouri River Breaks in bighorn sheep hunting district 482. This easement will also guarantee public access for hunting and other recreational pursuits, on this property and access to adjoining 15,400 acres of State of Montana and BLM lands including the Upper Missouri River Breaks National Monument.</p> <p>William Holmes Lewistown, MT</p>		

60	Received: February 29, 2024	Sender: Jack Sorum
Subject: Proposed Stafford Ferry Conservation Easement		
<p>Sonja Andersen</p> <p>I strongly support the Stafford Ferry Conservation Easement. This conservation easement will protect wildlife habitat adjoining the Missouri River Breaks in bighorn sheep hunting district 482. This easement will also guarantee public access for hunting and other recreational pursuits, on this property and access to adjoining 15,400 acres of State of Montana and BLM lands including the Upper Missouri River Breaks National Monument.</p> <p>The proposed conservation easement will open to public access approximately 1,080 deeded acres along Whiskey Ridge & Stafford Ferry Roads, improving public access to this rugged country. This easement would be great for Montana sportsman and outdoor enthusiasts and I urge you to move forward with approval.</p> <p>Jack Sorum Florence, Montana</p>		

61	Received: February 29, 2024	Sender: Scott Merrill
Subject: Stafford Ferry Easment		

The plan is excellent! Keep up the good work! S.M. Thompson Falls.

62 **Received:** February 29, 2024 **Sender:** Ron Biglen

Subject: Winnefred Conservation easement

Greetings,

I really look forward to seeing the Winnefred Conservation easement in place. Thank you and all who work hard to achieve access through easements, Block managements and the work done with landowners.

Ron Biglen
Lewistown Mt.

63 **Received:** February 29, 2024 **Sender:** Scott Boettger

Subject: Great idea

To whom it concerns,

I think the conservation easement near Winifred is a wonderful idea. Please approve it and do many more, keep protecting Montana, and keeping it open to hunting.

Scott Boettger

64 **Received:** February 29, 2024 **Sender:** George Wuerthner

Subject: Stafford Ferry

Dear MDFWP

I support the acquisition of an easement called the Stafford Ferry Easement.

George Wuerthner
Livingston MT

65 **Received:** February 29, 2024 **Sender:** Harry Liss

Subject: Conservation Easement

Don't you think the Government has enough What are you going to do when they get it all? And you can't go there! You might think it is great now. But down the road there is going to be Hell to pay. Your grandkid are going to be locked out. We have plenty in the Madison Valley come over and try to get in and hunt there. NO!,,,! Don't do it!

FWP Response: *This is not a fee title proposal; the CE lands would remain in private ownership. The department is proposing to purchase a Conservation Easement, or certain rights (e.g., public access, limits on development and subdivision, etc.) on the land to conserve its conservation values and provide access for present and future generations. CE terms explicitly refer to perpetual free public access on CE lands, so there is no concern about people being locked out. The landowner(s) do retain the right to deny access for cause (e.g., for violating public access rules and regulations).*

66	Received: March 1, 2024	Sender: Greg Neudecker
Subject: Stafford Ferry CE		
<p>I would like to voice my support for the proposed MTFWP Conservation Easement at Stafford Ferry. I have recreated in this area and support the protection and recreation opportunities this CE would bring.</p> <p>Thanks for all your work on this and hope this will be approved. Thanks much.</p> <p>Greg Neudecker</p>		

67	Received: March 1, 2024	Sender: Dale Gilbert
Subject: Stafford Ferry Conservation Easement		
<p>I support the proposed conservation easement.</p> <p>Dale Gilbert</p>		

68	Received: March 1, 2024	Sender: Jim McCollum
Subject: Attn: Stafford Ferry Easement Proposal.		
<p>Hello Sonja,</p> <p>After reviewing the Stafford Ferry Conservation Easement proposal, I believe this project should be approved and implemented. The easement will be complementary to the values of nearby national monument lands, state lands and other conservation easements. The guarantees for hunting access will be of benefit to numerous people who use the Missouri Breaks to pursue a variety of game species. The easement will also be of substantial value to the long term health of the bighorn sheep population which occupies the area by ensuring that the habitat covered by the easement is not degraded by any form of future development.</p> <p>I encourage the Department to pursue this proposal to its successful conclusion.</p> <p>Jim McCollum Great Falls, MT</p>		

69	Received: March 2, 2024	Sender: Greg Scheeler
Subject: I support the STAFFORD FERRY CONSERVATION EASEMENT		
<p>I'm writing in support of the Stanford Ferry Conservation Easement. This is a great project to provide access to the public through a conservation easement in an area with high recreational opportunities. The additional public land access gained through the easement makes this project a huge win for the 99% of us that rely on public lands to recreate. Public land is the only "ranch" my family will ever own, and I appreciate your efforts to increase our opportunity to recreate in this highly coveted part of our state.</p> <p>Greg Scheeler Clancy, MT</p>		

70	Received: March 2, 2024	Sender: Edrienne Kittredge
<p>Subject: Stafford Ferry Easement Proposal, Attn: Sonja Anderson</p> <p>DATE: 1 March 2024</p> <p>TO: Montana Fish, Wildlife & Parks c/o sandersen@mt.gov Attn: Sonja Anderson Stafford Ferry Easement Proposal</p> <p>FROM: Edrienne L. Kittredge Bird Creek Ranch PO Box 532 Cascade, MT 59421</p> <p>RE: Stafford Ferry Easement</p> <p>As a six-generation Montana land-owner of a ranch protected by an FWP easement, I wholeheartedly support the Stafford Ferry Conservation Easement, which will protect and conserve its sagebrush and grassland habitat adjoining the Missouri River Breaks. This easement protects native habitat, while also providing hunting and recreational access to the public and facilitating access to DNRC and BLM land.</p> <p>An easement such as Stafford Ferry protects more than the habitat, its animals, or access for the public. It protects into the future the open spaces of the easement proper. Such open space is not unlike clean air and water. We all benefit from it and so bear responsibility for it. In this swath of time, we all are responsible for understanding the value of the space we enjoy. What we choose to send forward in time reflects us and what we hold dear.</p> <p>Because this responsibility cuts through time into the future, it moves beyond and out of the political sphere. It lives with the concept of choice. Just as the public exercises its choices, farmers and ranchers should enjoy the right to decide and choose how they protect their land and legacy.</p> <p>Open spaces like Montana's incubate the development and preservation of cultural resources such as attitudes, values, social practices, and knowledge. The open spaces of the wild and working land provide the contexts for how a culture sees, becomes, knows, and thrives. Such resources don't live and thrive in subdivided space.</p> <p>If we base our choices now solely on financial or political gain, we run the risk of having made choices not as solid for the future welfare of our state. How can we expect our hopes for a viable culture, educational systems, recreational opportunities, and a sustainable economy to endure if knowledgeable and committed Montana farmers and ranchers invested in their land and their community are forced to sell their land which has become simply a real estate commodity for sale?</p> <p>Spaces like the Stafford Ferry Conservation Easement help to form the context for the place we call Montana. The space shapes us, and we in our choices shape it. Once that reality is destroyed or altered, a Disneyland re-creation cannot replace it. The open spaces that nurture us simply are, and we each bear responsibility for them. They are our visual commons that came to us through the past, sustain us now, and carry our imprint into the future.</p>		

Our family, which has been part of Montana since before it was given its name, has worked for nearly twenty years with FWP to help us protect and preserve our family ranch. Our management of our ranch remains our choice, guided by the needs and health of the land. We have found the relationship of working with the agency and its staff helpful and unintrusive, both useful and enjoyable. For that, we extend our thanks for their commitment and work.

Sincerely yours;
Edrienne (Cindy) Kittredge

71	Received: March 2, 2024	Sender: Mike Menke
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Subject: Stafford Ferry Conservation Easement

Hello Sondra, I am a Past President and Board member of the Mt. Wild Sheep Foundation. I will always be fond of the Breaks area and the wildlife that exists there. I was somewhat involved in the Whiskey Ridge project and I believe that the Stafford Ferry C.E. project, adds to that nicely. Protecting the Bighorn population in this region is an important issue. I thank you for working on this project and I know first hand what these projects entail.

On another note, I had either an either sex elk permit in 417 and saw very little game. I am hoping to hear what the success rate was and why we didn't find elk or deer as in the past. We hunted Boyces B.M.A. and surrounding areas that we could access. It appeared that drought was a factor. I waited a long time for that opportunity and I ended the season feeling like a failure. Thanks for any feedback that you may send. Also, good luck on the S.F.C.E. Project.

Mike Menke

72	Received: March 2, 2024	Sender: Travis Heater
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Subject: Stafford Ferry Conservation Easement

I strongly support the purchase of the the Stafford Ferry Conservation Easement. I have spent quite a bit of time both working and recreating in the Whiskey Bench area including on this property. This is an incredible part of the Upper Missouri Breaks area and deserves to be protected.

This area is excellent habitat for a large number of wildlife species including mule deer and bighorn sheep. This CE will provide excellent habitat for these species without the threat of development in perpetuity. The CE language that prohibits grazing by domestic sheep, llamas, and goats while disease transmission to the world renowned "Breaks" bighorn sheep population is a concern, is an excellent and vital addition to this CE.

This CE will allow for traditional agricultural operations to continue in perpetuity. Land ownership in desirable parts of Montana has been shifting from traditional farming/ranching families to wealthy recreation buyers. This has caused hardships for many neighboring working ranches in many ways. The public recreation component of this easement will be beneficial to both public hunters as well as likely resulting in this property being less desirable for future sale to a wealthy recreation land buyer with no interest in maintaining the property as a working ranch.

Thank You,
Travis Heater
Trout Creek, MT

73	Received: March 3, 2024	Sender: Sean Fields
<p>Subject: Attn: Stafford Ferry Easement Proposal</p> <p>Hi Sonja,</p> <p>I am writing to you in support of the Stafford Ferry Easement Proposal on property owned by Cliff Henderson north of Winifred, MT. I have hunted the adjacent Whiskey Ridge CE and understand the value of the area to a variety of game and non-game wildlife. As a retired USFWS biologist, I fully understand the value of partnering with NGOs and other stakeholders like the Montana Wild Sheep Foundation and the Wild Sheep Foundation. I look forward to seeing this important easement project move forward!</p> <p>Thank you, Sean Fields Belt, MT</p>		

74	Received: March 3, 2024	Sender: Mike England
<p>Subject: Stafford Ferry Easement Proposal</p> <p>Yes, please.</p> <p>I and my friends have hunted around that area for nigh on three decades now. Used to be plenty of room to spread out, but every year it gets harder to get away from other hunters. If we want to protect both wildlife and the hunting experience in years to come, we need more land, and more access to it. This project accomplishes both goals and is a great example of FWP working with gracious private landowners to create a win-win situation. This one is a slam-dunk and a hearty thanks to those who put it together.</p> <p>Mike England Editor Outside Media Group Bozeman, MT</p>		

75	Received: March 3, 2024	Sender: Jeff McMaster
<p>Subject: Stafford Ferry Easement Proposal.</p> <p>I support the Stafford easement purchase. Thank you!</p> <p>Jeff McMaster Jefferson City, MT</p>		

76	Received: March 4, 2024	Sender: Randy Brenteson
<p>Subject: Stafford Ferry CE</p> <p>I think it would be of great interest for access now and in the future. I was very fortunate having drawn the tag years ago while access was easier. I hope I have the opportunity to draw again.</p> <p>Randy Brenteson</p>		

77	Received: March 4, 2024	Sender: Thomas Ryan
Subject: Stafford ferry easement I would like to express my whole hearted support for this easement. Having hunted this area I can say from experience that the improved access created by this easement would be of great value to sportsman. In addition the conservation of this unique habitat is a benefit that will benefit everyone far into the future.		

78	Received: March 4, 2024	Sender: Jason Clinkenbeard
Subject: Stafford Ferry CE Hello Sonja I am expressing my support for the proposed conservation easement at Stafford Ferry. Thank you Jason Clinkenbeard Arlee, MT 59821		

79	Received: March 4, 2024	Sender: Doug Bolender
Subject: Stafford Ferry Conservation Easement I have reviewed the Stafford Ferry Conservation Easement and approve of it! Thank you, K. Doug Bolender Kalispell, MT 59903		

80	Received: March 4, 2024	Sender: Brian Ashe
Subject: Stafford Ferry Easement Proposal Sonja, I wanted to send a quick note in support of the Stafford Ferry CE proposal. This looks like an amazing project that allows for greater access to public lands. Thank you for being a part of the process, these types of projects make me proud of the work that folks are doing throughout the great state of MT. 100% behind this! Brian Ashe Bozeman, MT		

81	Received: March 4, 2024	Sender: Glenn Elison
Subject: Stafford Ferry Easement Proposal Dear Sonja,		

I support the Montana Fish Wildlife and Parks' purchase of a 1,080-acre conservation easement on the Henderson Ranch north of Winifred. This easement protects valuable sagebrush grasslands from development and provides public access not only to the easement lands but to more than 15,000 acres of state and BLM lands, including lands in the Upper Missouri River Breaks National Monument.

For many years I have recreated along the Missouri River in this area and value protecting the local environment and providing public recreational access.

I look forward to FWP completing this important conservation easement. Thank you for the opportunity to comment.

Glenn Elison

82	Received: March 4, 2024	Sender: Grant Godbolt
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March 4, 2024
Whitehall, MT 59759

Ms. Anderson,

Thank you for an opportunity to comment on your proposed Safford Ferry Easement. I fully support your proposal.

I helped a friend on his bighorn sheep hunt several years ago in the Safford Ferry area. Access was a challenge to say the least. If my friend had lots of money he could have bought vehicle access to the sheep. Not having lots of money, we floated the Missouri River then backpacked a camp to the area we wanted to hunt. It was a very memorable hunt.

The proposed easement is a solid proposal and would greatly improve public access to the Safford Ferry/Whiskey Ridge area. It also protects wildlife habitat.

Thanks again for the opportunity to comment.

Sincerely,
/s/Grant Godbolt

83	Received: March 4, 2024	Sender: Joel Moellenkamp
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Subject: conservation easement

I am in favor of the Stafford Ferry conservation easement.

Joel Moellenkamp, Bozeman, MT

84	Received: March 4, 2024	Sender: Bruce Sterling/MSA
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Subject: Stafford Ferry Conservation Easement

Hi Sonja,

The Montana Sportsmen Alliance strongly supports the Stafford Ferry Conservation Easement. This easement will protect and conserve native sagebrush/grassland habitat vital to the many wildlife species in the Missouri River Breaks. The proposed easement borders with the Whiskey Ridge Conservation Easement protecting important public access to over 15,000 acres of land administered by the Bureau of Land Management and Montana Department of Natural Resources. As private land access becomes

limited, access to public land is crucial to hunters, hikers and other recreational activities in Montana. Thank you for the opportunity to comment and we look forward to the successful completion of this important conservation easement.

Sincerely,

Montana Sportsmen Alliance
Helena, Montana

85	Received: March 4, 2024	Sender: Jerry Anderberg
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Subject: Stafford Ferry Easement

I am in favor and highly recommend that the Stafford Ferry Easement proposal be approved and implemented as soon as possible

Sincerely,
Jerry Anderberg
Billings, MT

86	Received: March 5, 2024	Sender: Harry Liss
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Subject: Don't do it

You will be sorry. Down the road FWP. Will stop everyone from going there. There's one [https://urldefense.com/v3/__http://here.you_!!GaaboA!q5lhJOWsVj5sWsPuM7oj6T1bjbLwMOM1Ri3tUFOkOa5Q4f3na2MFKdcPxkWy5ov7F3_B01FeWzoq8\\$](https://urldefense.com/v3/__http://here.you_!!GaaboA!q5lhJOWsVj5sWsPuM7oj6T1bjbLwMOM1Ri3tUFOkOa5Q4f3na2MFKdcPxkWy5ov7F3_B01FeWzoq8$) have to put in at least a year in advance before you can hunt there. You buy these with our money 💰 and they lock it up. Before you do it go ask the folks at Miles City. what happened on the Tounge River. You are heading for more government control

FWP Response: *This is not a fee title proposal; the CE lands would remain in private ownership. The department is proposing to purchase a Conservation Easement, or certain rights (e.g., public access, limits on development and subdivision, etc.) on the land to conserve its conservation values and provide access for present and future generations. CE terms explicitly refer to perpetual free public access on CE lands, so there is no concern about people being locked out. The landowner(s) do retain the right to deny access for cause (e.g., for violating public access rules and regulations).*

87	Received: March 5, 2024	Sender: Jim Stutzman
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Subject: Stanford Ferry Conservation Easement

Dear Ms. Andersen and MT FWP,

I am writing to strongly support the Stanford Ferry Conservation Easement proposal. Providing protection to this 1,080 acre tract will ensure that habitat for bighorn sheep, upland gamebirds and non-game species remains intact. I am concerned about the increasing habitat fragmentation occurring across Montana. This tract's proximity to large DNRC and BLM lands makes it a vulnerable to those threats.

I have lived in Montana for over 40 years. Work has taken me from Malta to Great Falls and I now live in Missoula. I have thoroughly enjoyed the hunting and angling opportunities that exist in this great State. This easement proposal helps preserve those opportunities for future generations.

Jim Stutzman
Missoula, MT

88	Received: March 5, 2024	Sender: Riley Pearson
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Subject: Stafford Ferry Conservation Easement

Ms. Andersen,

I am writing this email in support of the Stafford Ferry Conservation Easement. The easement will ensure sportsman access and ensure that habitat for species such as wild sheep will be protected.

Thank you for your consideration,
Riley Pearson
WSF & MTWSF Life Member

89	Received: March 5, 2024	Sender: Greg Munther
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Subject: Stafford ferry cE

I support acquisition of this easement

Providing both public access to adjoining public land as well as protecting over a thousand acres of sage/grass habitat is certainly worthwhile.

Greg Munther
Missoula 59804

90	Received: March 6, 2024	Sender: Ryan Lutey
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Subject: Re: Stafford Ferry Conservation Easement Draft Environmental Assessment FWP-CEA-WLD-R4-24-002

March 6, 2024

Stafford Ferry CE c/o Sonja Andersen
Montana Fish, Wildlife & Parks
PO Box 938
Lewistown, MT 59457
(via email)

Dear Ms. Anderson,

I am writing in support of MFWP's proposed Stafford Ferry Conservation Easement. The project will provide several important public benefits, including permanently protecting irreplaceable wildlife habitat and securing public access opportunities for myriad recreational activities in an area exemplifying Montana's unique Missouri River Breaks ecosystem.

My family strives to visit Stafford Ferry and surrounding areas at least annually to join extended family and friends for recreation (including camping, fishing, hunting and hiking) and work, and we strongly support this project and future MFWP efforts in its continued collaboration with private landowners to protect wildlife habitat and open space, maintain and expand public access, keep agricultural lands intact and in production, and protect important historical features across Montana's landscape.

Sincerely,

Ryan Lutey
Lolo MT

91	Received: March 7, 2024	Sender: Kevin Gilbert
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Subject: Stafford Ferry Conservation Easement

Hello Sonja,

As a Premium Life Member of the Montana Wild Sheep Foundation and a Summit Life Member and Marco Polo Society Member of the Wild Sheep Foundation, I fully support MTFWP moving forward with this conservation easement to ensure Public Access and to maintain non-development of this wildlife habitat.

Thank you,

Kevin Gilbert
Clancy, MT

92	Received: March 9, 2024	Sender: Dan Vincent
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Subject: Stafford Ferry Conservation easement

Sonja. For the record, please include our hearty endorsement of the Stafford CE proposal. Mr. Henderson should be commended for his enlightened perspective toward wildlife conservation and public recreation. Dan and Teri Vincent

93	Received: March 9, 2024	Sender: Travis Vincent
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Subject: Stafford CE - Support

Ms. Anderson,

I am a lifetime resident of Montana, a hunter and frequent visitor to the area where the proposed Stafford conservation easement is located. I am in full support of the easement and request that you register my support for the project in any public comment period.

You and the FWP staff should be commended on your efforts in putting this project together. My friends, family and I would love to see more like it. Thank you so much for your work on behalf of landowners, wildlife, and the everyday members of the public.

If/when appropriate, please pass along to Mr. Henderson that we are incredibly grateful for his generosity and foresight. Montanas will cherish this land forever.

Thank you,
Travis Vincent
Helena, MT

94 Recieved: March 11, 2024

Sender: Greg Bergum

RE: Stafford Ferry Conservation Easement.

I am an adjacent landowner to the proposed conservation easement (CE) and I have several concerns not only regarding this CE, but CEs in general. As you are aware, this proposed CE is adjacent to the Whiskey Ridge CE that was established several years ago. During the past 4 to 5 years, I have noticed a significant increase in traffic on the Whiskey Ridge Road, some of which is attributable to the establishment of the Whiskey Ridge CE. I have also noticed a significant increase in the number of camp sites along the road during hunting season. This has had a negative impact not only on the road, but also on the wildlife population in the area. The mule deer population in this area has dropped significantly over the past several years. Many would attribute this decline to drought and tough winters, but the increase in hunters has also had a significant impact. From personal observation, many of these hunters are from out of state. Having travelled from out of state, most of these hunters will camp/stay in the area during adverse weather. They drive the roads when they are wet and muddy, creating ruts and causing significant damage to the road. These vehicles can also carry noxious weed seeds that can be deposited on the road shoulders and barrow ditches. These vehicles are allowed to park anywhere they want along the road, thus increasing the opportunity to spread weeds and/or potentially start fires. These weeds then migrate to the adjacent fields and pastures, thus affecting the county roads and the adjacent land owners. With the number of CE's being proposed and adopted, Montana Fish, Wildlife and Parks (MFWP) needs to account for the cumulative effects of these easements on the wildlife, county road system and adjacent landowners. I have personally seen a significant increase in the amount of Leafy Spurge weeds in the Whiskey Ridge area. I have had to spray several patches of Leafy Spurge in the road ditches, adjacent to my property over the past several years. MFWP needs to provide funding to the affected counties to address these impacts before the weeds can spread to other areas. These funds should be allocated specifically to the affected road. The CEs should also address weed control measures within the CE itself. This should include funding to address weed control. The draft environmental assessment (EA) states numerous times that this CE complements the Whiskey Ridge CE, but nowhere does it address the cumulative effects of both CE's. Having spent time in Western Montana I have seen the impact that Knapweed has had. Literally thousands of acres of prime grazing and forest lands have been devastated by the spread of Knapweed. It would be a shame to see this happen to the Missouri River Breaks area.

Specific to the Stafford Ferry CE, the Brougner Ridge landowner contends that the decrease in the Big Horn sheep population is primarily due to drought and tough winters. I would contend, based upon personal observation, that this decline is more attributable to MFWP's sheep relocation program. Over the past 15-20 years MFWP has captured and transferred numerous sheep from this area to other areas within the state. We use to see numerous sheep ewes and lambs in this area. Today you struggle to see any at all. Of course, the increase in the number of ewe sheep permits issued in this area has also had a significant impact.

The Human health and safety section of the draft EA states that "Whiskey Ridge and Stafford Ferry Roads are already well-traveled roads seasonally (i.e., hunting season) so this CE is unlikely to significantly further increase traffic along these rights-of-ways." This statement is made without including any analysis of traffic volume pre-Whiskey Ridge CE or post-Whiskey Ridge CE. The actual and projected

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cumulative effects of both CE's need to be accounted for in this section. Do you have any data to support your statement?

The Distribution and density of population and housing section notes that two pre-approved 5-acre "building envelopes" exist on the property, but exhibit E notes two 2-acre "residential sites". Which is correct? Are the definitions of residential sites and building envelopes the same? This section also states that "The CE would not impact development on adjacent lands considering that the landowner's retained rights would include road access and utility management." Later, in the Demands on environmental resources of land, water, air, and energy sections it states; "No utilities would be constructed to support residential development on the property or nearby private lands." These two statements are confusing and may contradict each other. This would indicate to me that the CE would directly impact potential development on nearby private lands. Would utilities be allowed to be constructed on/to the building envelopes and residential sites? Does the landowner retain rights that include road access and utility management?

Appendix A notes that certified weed seed-free hay is required for users using stock to access the property. Does MFWP have the staff to monitor and enforce this rule?

The Geology section notes in one location that, "The proposed CE would limit gravel extraction for use on the property by the surface owner but would not restrict mineral development options by third party mineral owners." Later in the same paragraph it states that "It would be expected that the proposed CE would have long-term, minor, beneficial cumulative impacts to geology resources considering that the surface rights landowner would be prohibited from extracting mineral resources and gravel pit development would be limited." I believe gravel is considered a mineral so these two statements are confusing and may contradict each other.

The Vegetation cover, quantity, and quality section states, "Noxious weed control would remain the responsibility of current and future landowners. Any potential establishment or spread of noxious weeds would be mitigated by annual weed monitoring followed by chemical and/or biological treatment according to county regulations." Who is responsible for the weed monitoring? How is the monitoring performed? It goes on to say "Spread of noxious weeds by public hunters would be mitigated via development of parking areas and prohibition of motorized use by the public on CE lands." The current practice of parking on the Whiskey Ridge CE is on any wide spot, ridge, shoulder, ditch area along the road that is wide enough to park a vehicle. Not to mention numerous vehicles driving off the Whiskey Ridge Road and camping on adjacent property. I have never seen any MFWP personnel enforce any parking/camping restrictions in this area. This is not conducive to efficient and effective weed control.

I realize and understand that there are some current benefits of conservation easements for landowners and some members of the public, but I believe that the long-term benefits will be out-weighted by confusing and misunderstood documentation that is misinterpreted by future owners, managers, recreationalists and used to the detriment of private property rights. Today's unenforced requirements will become forgotten and the current violations will be the future norm and accepted practices.


Greg Bergum

FWP Response: *The comment references increased hunting activity along Whiskey Ridge Road as a result of the Whiskey Ridge CE, completed in 2020. Hunting access already exists along Whiskey Ridge Road as a result of publicly accessible lands via public county road, and adjacent deeded lands under CE which are also enrolled in FWP's Block Management Program. The Whiskey Ridge CE was purchased in 2020, but prior to that it was enrolled in FWP's block management program, so there has been public access to those deeded lands for some time. The commenter references illegal activities as a result of increased hunter activity. To date, enforcement staff do patrol that area during the hunting season but receive very few calls/complaints specific to that area (i.e., only 1 call, not related to the existing BMA out there, in the last several years).*

The comment notes reduced populations of game species in the area. Ultimately, hunting seasons and quotas are outside the scope of the proposed CE, however FWP manages these seasons and quotas as necessary across the entire hunting district (HD) in question. Presently, some game populations are reduced in the area primarily due to extended drought. However, the habitat values exist in the area to support thriving game populations when the conditions are present, and CE terms will ensure these habitat values persist in perpetuity. FWP recognizes the current reduced numbers of mule deer and bighorn sheep, and has reduced quotas for mule deer and bighorn sheep and altered season structure to restrict opportunity in these hunting districts (including implementing permits for mule deer in HD 417 as well as in HD 426 for a portion of the season). Public access to deeded lands and improved access to public lands in this area will improve FWP's ability to manage populations in the future if numbers increase to exceed population objectives.

The comment references past bighorn sheep transplants. Specific to bighorn sheep transplants, bighorn sheep have been above population objective in the area since 2018, and both transplants and ewe hunting have been used as tools to bring sheep populations back to objective. The last sheep transplant out of HD 482 occurred in 2021, when 10 sheep were removed from the district and, at that time, sheep numbers were still over objective. In response to removing sheep via transplant and drought, quotas have been reduced in the area since 2021 and will remain so until sheep return to objective numbers. Habitat protection and a prohibition on domestic sheep, goats, and llamas via CE terms will help ensure this sheep population is conserved into the future.

The comment also references vehicles parking along the roads, introduction of noxious weeds, and weed management on the proposed CE. The proposed CE, if completed, will be managed through FWP's Block Management Program and as such, parking areas will be established to localize vehicles and reduce weed spread. Hunting access rules for both the proposed Stafford Ferry CE and Whiskey Ridge CE explicitly state that certified weed seed-free hay must be used if hunters are utilizing horses. Similarly, there are no restrictions related to weed-seed free hay on adjacent public lands, so this restriction on the proposed CE represents an added measure to reduce noxious weeds in the area. The Block Management Program also comes with a separate annual payment specifically for weed control. As the land will remain under private ownership with the purchase of a CE, the landowner retains the responsibility for managing weeds on the property as required by Fergus County. Even without the purchase of any CE, nothing prohibits hunters (or anyone else) from parking along Whiskey Ridge Road or any other county road at any time of the year. Weeds have been present prior to the purchase and establishment of the Whiskey Ridge CE and proposed Stafford Ferry CE, and they will likely persist following as they do elsewhere in Montana. Without a CE on the property, the landowner may not choose to enroll in Block Management and thus additional measures to assist in weed control will not be available.

The comment addresses language in the EA that states, "...this CE is unlikely to significantly further increase traffic along these rights-of-ways." FWP did not perform any studies related to traffic volume on Whiskey Ridge Road prior to or following the Whiskey Ridge CE or proposal of the Stafford Ferry CE. As stated before, hunter and other traffic already occurred along the county right-of-way prior to implementation of the Whiskey Ridge CE due to the access that is already available via public lands. Additionally, CE terms on both properties prevent subdivision. Should either property have been subdivided into lots for housing development, traffic volume along Whiskey Ridge Road would likely have increased beyond what currently exists.

The comment references "two pre-approved 5-acre 'building envelopes'" in the Draft EA, and "two 2-acre 'residential sites'" in the Draft CE. These documents reference the same thing, and the 5-acre notation in the Draft EA is an error; both building envelopes/residential sites should be 2-acres as stated in the CE Deed. FWP thanks the commenter for his attention to detail and notes that the error has been corrected.

The comment also asks for clarification on two statements: first, the statement that "the CE would not impact development on adjacent lands considering the landowner's retained rights would include road access and utility management," and second, the statement that "no utilities would be constructed to support residential development on the property or nearby private lands." To clarify, the first statement reflects the fact that acquisition of the CE would not alter the current road/utility access status for the purposes of future development on adjacent lands. In other words, the landowner, who currently owns access rights across the proposed CE lands, would retain those access rights as they pertain to development or construction. Thus, the CE would not affect potential future development of adjacent lands, because the landowner's access rights thereto would remain unchanged.

The second statement reflects the fact that, by its terms, the CE does not require utilities supporting residential development to be built across the CE property. To be clear, the landowner would retain the

right to construct utilities to support residential development, but only on the two residential building envelopes as described in the CE.

The comment expresses concern about third-party mineral rights and gravel extraction. Per statute, FWP CEs do not restrict third-party mineral owners from exercising their mineral rights. However, in Montana, under the terms of a general real estate transaction, gravel is not considered a “mineral”. CE terms do restrict the landowner from utilizing their part of the mineral estate, and that encumbrance is reflected in the appraised value. As the landowner has minimal mineral estate on the property, this is a moot point. Furthermore, no gravel resources have been identified on the property. If discovered, Page 10 of the CE Deed allows for gravel extraction for the limited purpose of “agricultural operations on the land.”

Finally, the comment references “confusing and misunderstood documentation” and concern about future enforcement of CE terms. FWP hopes this response has cleared up any confusion for the commenter. This Draft EA is part of the public process FWP undergoes to complete CE acquisitions, but the Draft EA does not constitute a binding agreement between the landowner and FWP. Rather, the Deed of CE and accompanying Management Plan represent the binding agreement will carry forward with the land in perpetuity, so current and future landowners will rely on the Deed of CE vs. the EA insofar as restrictions and allowable activities on the land. FWP also performs annual monitoring of CEs to ensure CE terms are being met.

95 **Received:** March 12, 2024

Sender: Derrick Pettelle

Subject: Stafford CE- Support

Ms Anderson,

I am a 12 year resident of Montana, a hunter and someone who has recreated in the area but overall an advocate for protecting wildlife habitat and public access.

I am fully supportive of this Easement and I want to thank you and the FWP for their efforts in collaborating with Mr. Henderson on this incredible project. Any time we can protect grassland/sagebrush habitat, it is something worth celebrating and working for.

Thank you so much for all the work you do, and I look forward to hearing more about the Stafford CE in the future.

Derrick Pettelle

Missoula, MT