



**DECISION NOTICE**  
**FWP-DN-WLD-R2-24-001**  
**Spotted Dog Wildlife Management Area Grazing and Water Development Plan**

June 2, 2025

**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, with modification, and approves Alternative 2, the proposed action.

**AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT**

According to the applicable requirements of the Montana Environmental Policy Act or 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. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a standard 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 January 12, 2024 – February 12, 2024. The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received several substantive public comments during the public comment period. See *Public Comment and FWP Response*, below.

## **DESCRIPTION OF PROPOSED ACTION**

Under the proposed action, FWP would adopt and implement a cattle grazing and water development plan for the Spotted Dog Wildlife Management Area (SDWMA). Under this proposed action, FWP would enter into one or more grazing leases with neighboring private landowners, and, as a result, would achieve wildlife habitat improvements on portions of SDWMA. Use of SDWMA for cattle grazing by neighboring private landowners would be in exchange for resting adjacent native range on private land from cattle grazing on a rotational basis to benefit wildlife, especially wintering elk, by enhancing native wildlife habitats. This type of arrangement is referred to as an "exchange of use grazing lease agreement," or EOU agreement. The EOU agreements would also require affected landowners to provide public hunting access to their private lands, thereby maintaining or improving public recreational opportunities on and adjacent to SDWMA. FWP also proposes water development on SDWMA to focus grazing treatments, where needed, and avoid livestock over-use and associated adverse impacts to sensitive riparian areas, wetlands, and aspen stands.

To achieve grazing treatment goals on pastures within SDWMA, FWP proposes a framework where stocking rate and pasture size can be adjusted through individual EOU agreements. FWP proposes expanding livestock grazing into the areas previously determined to be appropriate for enhancing wildlife habitat through targeted cattle grazing, and into two small additional areas for special circumstance grazing (Figure 1) (or Figure 5, as presented in the Draft EA).

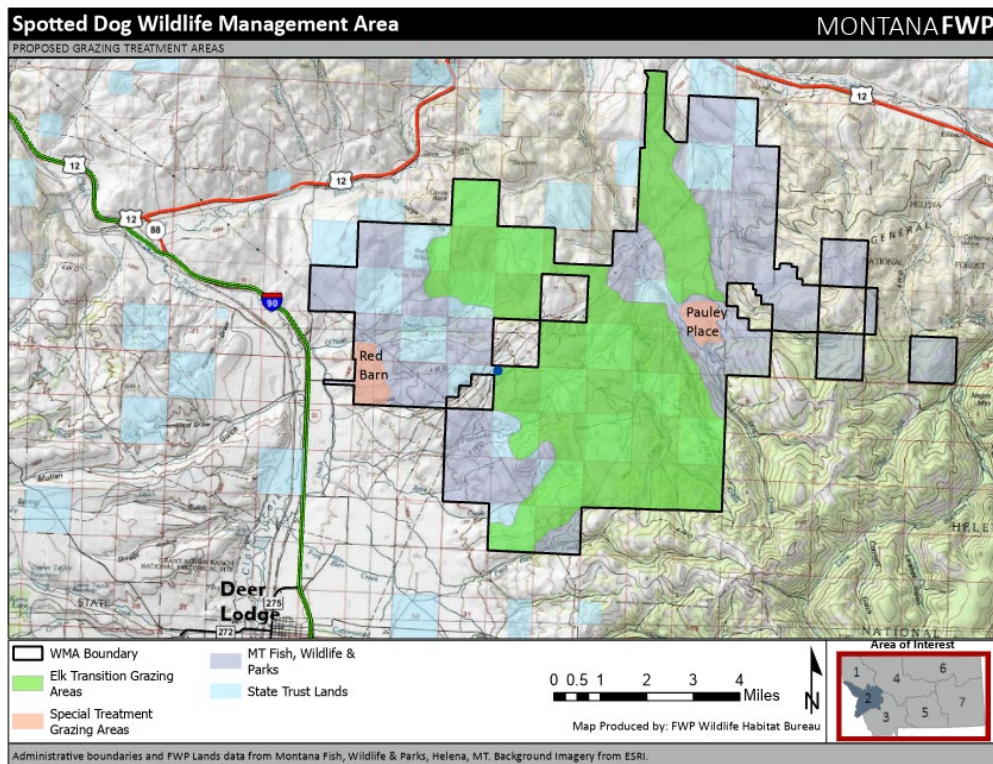


Figure 1 (or Figure 5, as presented in the Draft EA). Proposed grazing areas on SDWMA.

Grazing would be conducted using regenerative grazing practices through EOU agreements that meet or exceed FWP Grazing Standards (Appendix B in the Draft EA). For the purpose of this proposal, regenerative grazing is defined as rotationally moving livestock through pastures using short-duration grazing periods, followed by appropriate periods of grazing rest. Regenerative grazing practices are used to promote soil, plant, and animal health by introducing or enhancing a variety of natural processes in rangelands, including soil stabilization and formation, water infiltration, nutrient cycling, biomass production and diversity, and ecosystem resilience.

The SDWMA Grazing and Water Development Plan would develop the framework for entering EOU agreements with neighbors to SDWMA. If this proposed action were adopted, each individual EOU agreement would be proposed to the Montana Fish and Wildlife Commission for their consideration and approval. This process would necessarily afford the affected public with additional opportunity for review and comment on each proposed EOU agreement. As proposed, FWP would implement EOU agreements and water development incrementally as need, funding, and staff resources allow.

## **PURPOSE AND NEED**

FWP's purpose for the SDWMA Grazing and Water Development Plan is to enhance the structural and species diversity of native grasslands over a large landscape by establishing grazing EOU agreements on a portion of SDWMA and neighboring private lands. Grazing treatments are intended to benefit a variety of game and nongame species. Water development and virtual fencing using e-collar technology would focus the grazing

treatments on high-priority grassland habitats while minimizing livestock impacts on ecologically sensitive riparian and wetland areas.

More specifically, project goals for habitat enhancement include the following:

- Enhance native plant productivity and species diversity within ecologically intact grassland habitats; and
- Enhance and maintain soil health within ecologically intact grassland habitats as well as on two unique areas of SDWMA affected by historical land uses.

By implementing and achieving these habitat enhancement goals, FWP anticipates the following wildlife benefits:

- Increased elk use of transitional habitat between summer and winter range on SDWMA;
- Maintenance and improvement of winter forage for ungulates and wildlife habitat productivity on adjacent private lands; and
- Increased diversity of grassland bird species on SDWMA.

Another benefit of the proposed project would be to improve recreational opportunities on and adjacent to SDWMA.

FWP would implement grazing leases and portions of water development incrementally, as need, funding, and staff resources allow.

## **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 implement the SDWMA Grazing and Water Development Plan. Grasslands on SDWMA would continue to accumulate litter, would be less attractive to elk during the spring green-up period, and would lack the structural diversity that could be accomplished with periodic grazing treatments. Elk would likely continue to use spring and fall habitats on SDWMA to a lesser extent than could be achieved through proactive range management, contributing to ongoing game damage issues on private lands adjacent to SDWMA. Additionally, grassland habitats on private lands would not be included in a cooperative grazing rotation with SDWMA, allowing periodic rest for the purposes of enhancing wildlife habitat. FWP would retain funds that would be used to implement the grazing system but would miss the opportunity to work collaboratively on grazing to accomplish wildlife habitat objectives.

### **Alternative 2: Proposed Action**

Under the proposed action, FWP would adopt and implement a cattle grazing and water development plan for the SDWMA. The intent would be to achieve a desired wildlife habitat improvement treatment on portions of SDWMA by implementing one or more grazing leases with neighboring private landowners. Use of SDWMA for grazing by private landowners would be in exchange for resting adjacent native range on private land from cattle grazing on a rotational basis to benefit wildlife, especially wintering elk, by enhancing native wildlife habitats. This type of arrangement is referred to as an “exchange of use grazing lease agreement,” or EOU agreement. The EOU agreements would also require affected landowners to provide public hunting access to their private lands, thereby maintaining or improving public recreational opportunities on and adjacent to SDWMA. FWP also proposes water development on SDWMA to focus grazing treatments where needed and avoid livestock over-use and associated adverse impacts to sensitive riparian areas, wetlands, and aspen stands.

## **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. In some cases, multiple individuals provided the same or similar comment; these comments were summarized, categorized, or listed once, and a single FWP response is provided below. The following constitutes public input received and FWP’s response to those comments.

### **COMMENT #1: CATTLE GRAZING ON SDWMA**

*There were several commenters that expressed concern with grazing on SDWMA and whether it is compatible with stated management goals of the SDWMA.*

#### **FWP RESPONSE:**

We appreciate these comments and concerns as they relate to foundational questions as to why we would graze livestock on a Wildlife Management Area (WMA). We offer some additional background and context below to address these concerns.

FWP, through its employees and citizen commission, provides for the stewardship of the fish, wildlife, parks and recreational resources of Montana, while contributing to the quality of life for present and future generations (FWP Mission Statement).

About 63% of Montana is privately owned (<https://www.summitpost.org/public-and-private-land-percentages-by-us-states/186111>). Therefore, FWP is directed by its mission and operating environment to work closely with private landowners if it hopes to provide for the stewardship of wildlife resources for present and future generations. Although private land comprises a lower percentage (about 30%) in FWP Region 2, a disproportionately high percentage of wildlife species and populations occur on private lands. Private lands are subject to migratory patterns of many wide-ranging birds and mammals and comprise some of the most productive wildlife habitats along the broad river bottoms and valleys of western Montana.

WMAs do not stand alone as closed systems. That SDWMA as “Part of a Larger Whole” is an important point of Management Direction in the SDWMA Habitat Plan (2018).

<https://myfwp.mt.gov/fwpPub/landsMgmt/siteDetail.action?lmsId=39754722#collapseAdditionalFiles>.

Therefore, under the guidance of the Habitat Plan, cross-boundary habitat management is a priority to

maintain and enhance not only the habitats on the SDWMA, but adjacent habitats on which species that use the SDWMA are also dependent.

The Montana Fish and Wildlife Commission was acutely aware of these foundational facts when it long-ago adopted the ARM (Administrative Rules of Montana) guiding FWP's implementation of the Habitat Montana Program, as follows:

#### **12.9.510 BENEFITS**

(1) The commission intends Habitat Montana to deliver the following services and benefits:

- (a) conserve and enhance land, water and wildlife;
- (b) contribute to hunting and fishing opportunities;
- (c) provide incentives for habitat conservation on private land;
- (d) contribute to non-hunting recreation;
- (e) protect open space and scenic areas;
- (f) promote habitat-friendly agriculture; and
- (g) maintain the local tax base, through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.

(<http://www.mtrules.org/gateway/RuleNo.asp?RN=12%2E9%2E510> )

While ARM 12.9.510 does not predetermine that livestock grazing occurs on WMAs—far from it—the rule does direct FWP to look for opportunities to work with private landowners and to manage FWP lands in its Habitat Montana portfolio with an eye toward expanding its influence across property boundaries to demonstrate that managing for fish and wildlife can be compatible with agriculture. In accordance with ARM 12.9.510 FWP has managed as many as 30 grazing system leases on 21 of the 71 WMAs in Montana. At the time of this DN, there are currently 17 grazing leases occurring on 13 WMAs.

To further clarify question #1 regarding the stated purpose of SDWMA: The FWP Decision Notice for the purchase of SDWMA, dated August 2, 2010, further reads, in part: “Spotted Dog WMA would be managed in a manner consistent with that of other WMAs owned and managed by FWP (e.g., Blackfoot-Clearwater, Lost Creek, Garrity Mountain, Fleecer Mountain, and Sun River). Management priority would be for the benefit of native fish and wildlife resources...Vegetation management by way of livestock grazing, commercial timber harvest, or other land use practices may be prescribed if and as needed in the future to enhance the fish and wildlife values of the property, and their connection with the larger landscape. FWP strives to be a good neighbor and would cooperate with adjoining landowners on noxious weed management, fence maintenance, historic and necessary road access, and other issues common to the local community.”

#### **COMMENT #2: ANALYSIS OF ALTERNATIVES**

*Some commenters expressed concern that only two alternatives were analyzed (Proposed Action and No Action) and suggested that prescribed fire should be considered as an additional alternative.*

#### **FWP RESPONSE:**

FWP thanks the commenters for their thoughtful consideration of project alternatives. Use of prescribed fire on the WMA does not constitute a reasonable alternative to the proposed action because it would not “appreciably accomplish the same objectives or results as the proposed action.” See ARM 12.2.429(2)(a)(i).

More specifically, we would not realize the same benefits on adjacent private land that could be accomplished with an EOU agreement. The EOU agreement would have additional benefits that could not be realized by using prescribed fire on the WMA. Those additional benefits are as follows: 1) resting adjacent native range on private land from cattle grazing on a rotational basis to benefit wildlife; and, 2) maintenance or improvement of public recreational opportunities on adjacent private land.

This EA was not intended to be a comprehensive habitat management analysis for the WMA. However, this does not preclude the possibility of proposing the use of prescribed fire as a habitat management tool on the SDWMA in the future. We recognize the physical and social environment is dynamic and, as such, may require a different approach in the future. If we decide to bring forward a proposal to use prescribed fire, we will conduct a separate MEPA analysis at that time. Currently, our choice to propose grazing first is because it better follows direction from the 2018 Habitat Plan by facilitating cross-boundary habitat management. In addition, the Habitat Plan recommended that FWP consider prescribed cattle grazing to diversify vegetation community structure in grasslands and to improve and maintain species diversity and productivity (see Appendix A).

### **COMMENT #3: COST BENEFIT ANALYSIS**

*Several commenters pointed out a concern for the absence of a Cost/Benefit Analysis in the EA.*

#### **FWP RESPONSE:**

FWP thanks the commenters for their thoughtful consideration of the proposed action and offers the following in response. FWP did not complete a cost/benefit analysis before the issuance of the Draft EA and is not required to per ARM 12.2.432(3). Nevertheless, FWP is of the opinion that implicit within Section II, "Purpose and Benefits of the Proposed Project," is a qualitative cost/benefit analysis for the Proposed Action, which is discussed throughout the EA. Other aspects of the project which require funding were discussed in their relevant sections: 1) A preliminary budget for costs of water development was provided in Appendix C; and, 2) funding for virtual fencing was discussed on page 15. EOU agreements, by definition, do not involve exchange of money.

### **COMMENT #4: OPERATIONAL MANAGEMENT AND OTHER COSTS**

*There were several questions about who would assume operational management of the grazing project and pay for costs associated with water development and maintenance.*

#### **FWP RESPONSE:**

Managing livestock is the responsibility of the lessee; however, that does not prevent FWP staff from assisting when and where staff time is available. FWP staff worked closely with Dan McQueary to implement virtual fencing during a pilot project in 2023 (see page 15 of EA) and will continue to work together to make sure the technology is running smoothly. FWP expects day-to-day management of the EOU agreements to be the responsibility of the lessee. In addition, if FWP moves forward with the proposed action, FWP would have authority to develop water. If and/or when water would be developed, FWP would pay for water development and assume maintenance duties.

### **COMMENT #5: TIMING OF WATER DEVELOPMENT & IMPACTS ON RIPARIAN HABITAT**

*There were several questions/concerns regarding potential effects to riparian habitat. More specifically, commenters were interested to get better information on how FWP planned to protect riparian habitat and*

*potential effects of cattle at water gaps before water development is implemented.*

**FWP RESPONSE:**

Livestock involved with the current EOU agreement have had access to natural water sources but were excluded from major wetland complexes, intact willow communities, and aspen stands. Photo points and an ecological assessment completed in 2023 indicate maintained and improved riparian health along riparian systems located within this area. The intended frequency of grazing and long periods of grazing rest should allow riparian communities to continue to maintain or improve in health over time.

The proposed timing of grazing, and periods of rest within the Draft EA represent grazing prescriptions meant to achieve specific habitat goals as opposed to general livestock production, allowing FWP to use grazing as a management tool while minimizing or avoiding some of the common negative impacts to habitat from livestock grazing. Pasture boundaries would be designed to minimize impacts to riparian areas, wetlands, and aspen stands. This would be accomplished through fencing livestock out of major wetland complexes, intact willow communities, and aspen stands. Livestock would typically be excluded from such areas using virtual technology and/or temporary electric fencing.

For any new EOU agreement that is implemented prior to water development, livestock would have access to water via natural sources. Where livestock do need to have access to natural water sources, FWP would include water gaps to match predicted livestock use in a given pasture. FWP recognizes some upland areas analyzed within the scope of this EA would have limited potential for achieving the desired grazing treatments prior to water development. Therefore, FWP will give careful consideration to when/how any new EOU agreements are developed, keeping pasture boundaries and water resources in mind, to ensure realization of desired treatments and project goals.

**COMMENT #6: VEGETATION MONITORING**

*FWP received the following comments regarding vegetation monitoring:*

- A. *“The proposed vegetative monitoring of the McQueary pastures committed by FWP for improvement in the plant community was not completed to my knowledge. Therefore we do not know whether the vegetative benefits touted earlier are actually realized, nor are they essential to elk well being.”*

**FWP RESPONSE:**

Vegetation baseline monitoring was completed in 2021 across the McQueary pastures by Ecological Services Group (ESG). The full monitoring report is available from FWP upon submission of a public records request. This assessment was completed two years following the implementation of the grazing on SDWMA in 2019. The 2021 assessment determined that upland habitats across the McQueary pastures are in “healthy” condition. The overall upland health score was 90%. In addition, lentic and lotic habitats rated “healthy, but with problems.” The overall health scores were 73% and 71% for lotic and lentic habitats across the McQueary pastures, respectively. Legacy impacts are the main drivers for the current lotic and lentic habitats. However, these habitats are expected to recover further under the current EOU agreement due to reduced grazing pressure and the time required for healing in lotic and lentic sites to achieve “healthy” ecological conditions.

Following two years of EOU grazing on the SDWMA, the ESG report highlights that habitat conditions are being maintained or improved across the McQueary pastures. No habitats were encountered within the McQueary pastures that would qualify as “unhealthy” conditions under the current EOU agreement.

Further, the upland vegetation and landscape and soil health conditions highlight that desirable winter elk forage (e.g., rough fescue) are being left and are available for elk winter use within the McQueary Pastures. Lastly, follow up monitoring across all upland, lotic, and lentic sites will be conducted to further track the efficacy of the EOU agreement.

- B. *“Moving ahead with the EA prior to having the remeasurement results of the original Dr Hanson Ecological Vegetative Evaluation ignores the potential that conditions have indeed changed. In the light of 22 invasive species already known to occur on the WMA, it would be professionally prudent to complete the evaluation of the new study before moving ahead. How will proposed monitoring elements in the FWP Monitoring technique be able to document site specific vegetative changes, and how will data be able to be compared with the Paul Hanson techniques which should serve as professional baselines? Will the baseline that the Hanson technique be useless in comparing it to the proposed FWP technique? Less costly perhaps, but as effective in detecting changes before changes become severe enough to be apparent?”*

**FWP RESPONSE:**

In 2023, a subsample of the original 2011 and 2014 monitoring plots were re-assessed by Dr. Hansen and ESG staff. This reassessment evaluated all upland plots that were in the EOU agreement grazing pastures on the SDWMA. In addition, this monitoring effort included all upland grassland and shrubland monitoring plots that were in “unhealthy” conditions along with a random sample of upland, lentic, and lotic monitoring sites (n= 55 plots).

Habitat monitoring results highlight that ecological conditions have improved significantly from 2014 to 2023 across all grazed pastures on the SDWMA under the McQueary EOU agreement grazing system (Table 1 and Table 2). Further, this monitoring determined overall vegetation and soil/landscape stability across the SDWMA has improved significantly under current FWP management. For example, multiple upland monitoring plots now have double to triple the composition of rough fescue and bluebunch wheatgrass from the original assessments in 2011 or 2014. Further, all habitat monitoring plots continue to improve in ecological health or maintain “healthy” ecological conditions (e.g., score  $\geq 80\%$ ). The full report prepared by ESG is available on the FWP SDWMA webpage under the additional files tab located towards the bottom of the webpage. The URL link to access the webpage is:

<https://myfwp.mt.gov/fwpPub/landsMgmt/siteDetail.action?lmsId=39754722>.

Table 1. 2014 inventoried upland plots within Exchange of Use SDWMA Grazing Pastures

Polygon ID	Polygon Size (Acres)	Vegetation Score	Soil/Landscape Stability Score	Overall Score	Overall, Health Category <sup>1</sup>
G59	22.1	87	67	76	Healthy, but with problems
G60	21.2	97	96	96	Healthy
G67	21.1	95	96	95	Healthy
G71	22.9	77	62	69	Healthy, but with problems
G72	24.7	82	67	74	Healthy, but with problems

G75	16.3	85	73	79	Healthy, but with problems
G77	12.4	87	62	74	Healthy, but with problems
G79	20.9	85	73	79	Healthy, but with problems
Totals/Averages <sup>2</sup>	161.6	86.7	74.9	80.3	Healthy
<sup>1</sup> Health Categories:  Healthy = score rating from 80 to 100 percent  Healthy, but with problems = score rating from 60 to 79 percent  Unhealthy = score rating below 60 percent					
<sup>2</sup> Averages are calculated as a weighted average based on each polygon's size (acres)					

Table 2. 2023 inventoried upland plots within Exchange of Use SDWMA Grazing Pastures

Polygon ID	Polygon Size (Acres)	Vegetation Score	Soil/Landscape Stability Score	Overall Score	Overall, Health Category <sup>1</sup>
G59	22.1	92	96	94	Healthy
G60	21.2	92	96	94	Healthy
G67	21.1	100	96	98	Healthy
G71	22.9	79	96	88	Healthy
G72	24.7	90	96	93	Healthy
G75	16.3	97	100	99	Healthy
G77	12.4	92	89	90	Healthy
G79	20.9	100	100	100	Healthy
Totals/Averages <sup>2</sup>	161.6	92.4	96.4	94.4	Healthy

<sup>1</sup> Health Categories:

Healthy = score rating from 80 to 100 percent

Healthy, but with problems = score rating from 60 to 79 percent

Unhealthy = score rating below 60 percent

<sup>2</sup> Averages are calculated as a weighted average based on each polygon's size (acres)

Following ESG's retirement in spring of 2024, FWP will continue to complete the same monitoring methodology in-house. During the 2023 re-sample ESG trained FWP personnel on the monitoring methodology to maintain consistency and future continuity. This approach will allow FWP to make future comparisons directly with past monitoring efforts. Follow-up monitoring will also continue across all the remaining habitat monitoring plots not resampled in 2023. Those remaining monitoring plots will be resampled by 2030. Following 2030, all established monitoring plots will again be resampled to evaluate habitat trends through time. Additional monitoring plots will also be established to track the efficacy of new EOU grazing leases where additional monitoring locations are not sufficiently covered by current ESG monitoring plots. These new monitoring plots will occur on all upland types, lotic, and lentic habitats to ensure "healthy" habitat conditions are being maintained or improved under the proposed grazing. Monitoring responsibilities will be completed on an annual basis by the current FWP Plant Ecologist. The results from the Hansen 2023 survey provides a sufficient benchmark to justify moving forward with the proposed action. In addition, the final report provides additional management input and recommendations to guide future decisions in development of EOUs, as well as considering additional monitoring plots as described above.

- C. *"Page 19 - Please be more specific regarding range evaluation cycle. You state 5-10 years. I think you need to write into this EA a promise of evaluations every 3-5 years for the first 15 years. Then, if range conditions improve you can lengthen the cycle to 5-10 years."*

**FWP RESPONSE:**

Presently the monitoring resample cycle on the SDWMA is based on a 5–10-year interval. Given rangeland conditions have significantly improved across the SDWMA and within the present grazing system, we believe that the present 5–10-year interval is sufficient for tracking landscape changes and informing management. Going forward, FWP habitat staff will typically resample a minimum of 10–15% of the previously established ESG plots annually, while establishing new monitoring plots as needed to track and describe habitat changes on the SDWMA with these proposed grazing treatments. It is likely, but not guaranteed, that all the previously established ESG plots and newly established plots will be resampled within a 5-year resample interval window. However, areas that decline in rangeland condition or rate unhealthy will be resampled on a more frequent basis that is between 3–5-year intervals to inform management. Information pertaining to habitat conditions will be made available to the public.

**COMMENT #7: ELK**

*We received multiple comments on elk and elk management on and off the SDWMA. The comments below represent the primary questions/concerns we received. There were several comments that sought additional clarification on elk use of transitional habitat, in particular.*

- A. *"Page 13, would one of the primary purposes be to use livestock grazing to improve forage quality within grazing pastures and reduce elk use on adjacent private lands? If so, please provide that comment in this section. Otherwise, it gets lost in the document. It's an important objective."*

**FWP RESPONSE:**

FWP thanks the commenter for this question. In fact, the question highlighted the need for FWP to better clarify the goals as they relate to elk use of the SDWMA and adjacent use of public and private lands. The Draft EA now includes additional language on page 13, whereby it now states that one of the primary purposes for cattle grazing in the elk transition grazing areas is for "[i]mproved elk use of transition habitat on the WMA, thereby providing more rest on grasslands that comprise both elk winter and summer range

and reducing potential for damage on private land.” It is important to note that the overarching goal is to make the transition habitat attractive to elk for longer periods of time, which would then put less pressure on other seasonal habitats which can be more limiting. This point is reiterated on page 21, where it states “[t]he early spring period is also a time when elk depredation on private grazing lands can be most impactful. The goal of reintroducing managed cattle grazing to specific areas of SDWMA is to attract elk away from private lands and to SDWMA during spring green-up to benefit rangeland health on private lands.” Moreover, one of the primary goals in purchasing the SDWMA was to enhance critical winter habitat. . As stated in Section 2 of the Draft EA, cross-boundary management is acknowledged as a priority to maintain and enhance habitats on the SDWMA, recognizing the need to mitigate damage while also providing critical resources for elk. The current EOU agreement, with Dan McQueary, implements a rest-rotation grazing program not just on the SDWMA but also on the McQueary property which provides critical winter range for elk, especially in severe winters.

- B. *“When it comes to the elk population on the WMA, it is very difficult to determine what problems the project is supposed to be addressing when it comes to this species. It is first worth noting the two-fold increase in elk populations – from 1,365 to 2,850 – that occurred in HD 215 in the years immediately following the cessation of livestock grazing on the WMA (See 2018 SDWMA Habitat Plan, 3). As of 2023, the elk population is still holding steady around 2,000 (See Montana 2023 Elk Counts). It appears that elk are doing just fine in this district and have in fact increased in number subsequent to the removal of livestock from the SDWMA. It is thus hard to see what is meant by claims that grazing in specific areas would be “enhancing wildlife habitat” (Project Cover Letter, 1). It appears habitat for elk is more than sufficient, and likely received a needed boost after forage competition with domestic livestock was eliminated in 2014.”*

FWP RESPONSE:

FWP thanks the commenter for this question and the opportunity to further clarify the SDWMA elk management goals. The observed count (1,958) reported in the “Montana 2023 Elk Counts” included the entire hunting district. The population that winters on SDWMA has remained stable over the last few years with an estimated population of 1,200 elk. Under typical winter conditions, resources on the SDWMA seem to be adequate to support those elk. However, improving habitat to increase resource availability on the SDWMA, as well on neighboring private lands, is necessary to support a herd of that size during harsh winters. Specifically, FWP’s primary objective in improving forage quality on the SDWMA is to meet elk distribution goals. It is not to increase the overall elk population. Ideally, the SDWMA will continue to provide and improve necessary resources during spring and fall transition periods and in the winter. Should elk need additional resources on private land during severe winters, those resources would be available because of rested pastures as determined in EOU agreements.

- C. *“The proposed alternative needs more data on the relationship between elk and cattle distributions. With the virtual fencing technology and elk collaring data, we have a situation where we can potentially see this interplay in new ways. [We] welcome a grazing alternative that incorporates a more thorough research component of elk and cattle relations.”*

FWP RESPONSE:

FWP appreciates the commenter’s interest in and recognition of an opportunity to learn more about elk and cattle interactions. FWP agrees that having collared elk and cattle on the landscape could be informative in many ways and a draft proposal to collar elk on SDWMA is currently being proposed internally. This work would be contingent on funding and internal FWP research review and approval. In the absence of funding and approval to collar elk, monitoring efforts as outlined in the Draft EA, on page 23, will be continued.

- D. *"If FWP believes livestock grazing can be used as a habitat treatment affecting elk distribution, we believe there should be a holistic look at the WMA and an investigation of the reasons for why elk are often found on neighboring private lands and not the WMA. While habitat, topography and other factors likely play a role- elk security is also key. Increasing hunter numbers and access on the WMA will likely play a much more significant role than habitat. Decreasing hunting pressure on the WMA and increasing pressure on neighboring properties must be part of this same discussion."*

**FWP RESPONSE:**

FWP appreciates the commenter's concerns about how hunter pressure affects elk distribution on SDWMA. FWP agrees that hunting pressure likely plays a significant role in seasonal elk distribution patterns in the area. FWP included a goal in the 2023 Montana Statewide Elk Management Plan to "[m]aximize elk use of Spotted Dog WMA" with one measure of success being that "[h]unting pressure does not disperse large groups of elk off the WMA during hunting season." See 2023 Montana Statewide Elk Management Plan, at 146. If the elk collaring project is funded and approved, then elk location data will be used to learn more about elk distribution during the hunting season, and help inform any future recommendations to help meet this goal.

- E. *"Figure 9 shows the distribution of elk post-hunting season. Most of the areas where livestock grazing is currently occurring and is planned for expansion includes high- and moderate-levels of elk winter use. How does this spring-summer use of forage by private livestock improve forage conditions for wintering elk?"*

**FWP RESPONSE:**

FWP appreciates the commenter's question. FWP recognizes there is a gradient of elk use and some overlap in areas referred to as winter range and transition habitat. The habitat that elk use during the winter depends on the severity of the winter as well as the forage quality. In a mild winter there is more forage available, and elk will spread out and use a larger area. In a hard winter there is much less available forage, and elk will congregate in smaller areas referred to as "critical winter range." For this reason, it is impossible to perfectly delineate winter and transition habitats. The grazing plan focuses on treating the habitat that would best benefit elk during spring and fall. By implementing a rest-rotation system, this ensures a mosaic of treatments across the landscape. Rested pastures will retain winter forage for elk in areas where grazing under the proposed EOU agreements is taking place. In addition, attracting elk to transition areas earlier in the year and keeping them there longer by enhancing forage conditions should take some elk grazing pressure off the winter range.

**COMMENT #8: PREDATOR MANAGEMENT**

*FWP received the following comments regarding predator management on SDWMA:*

- A. *"How will predators that might target livestock be managed? Without cattle there would be no need to remove predators, such as mountain lions, coyotes, wolves, black and grizzly bears (a T/E listed species). Due to presence of cattle possibly requiring predator control actions, is FWP potentially simplifying the wildlife ecosystem? How does removal of an offending predator meet the wholistic wildlife intent of the WMA?"*

**FWP RESPONSE:**

FWP appreciates the commenter's concerns and questions. Unfortunately, attempting to establish guidelines for depredation of livestock on the SDWMA is extremely difficult. As one would expect, each depredation situation is different, and while the lessee has a right to protect their livelihood, even when their cattle are grazing publicly owned grasslands, balancing grazing benefits and predator complexities further advances the difficulty in attempting to establish guidelines. That being said, WMAs are established with the primary goal of protecting and enhancing wildlife habitat. If livestock depredation became an issue under the proposed grazing plan, FWP would work with the landowner to explore non-lethal methods of deterring predators. Moreover, FWP has a grizzly bear conflict specialist and wolf management specialist that are available and proactively work to reduce grizzly bear, black bear, and wolf conflicts. If/when any conflict occurred then FWP would first evaluate the situation and decide how best to mitigate potential for future conflicts, including consideration of using non-lethal tools and lethal removal if warranted.

- B. *"We have seen that wolves in the area can redistribute wildlife and make livestock production challenging so much so that healthy habitat will not even be used. Effectively managing wolves in the SDWMA and adjacent area will be a necessary component in making this proposed plan successful."*

FWP RESPONSE:

Thank you for your comment. FWP is aware that predators can affect the distribution of both wild prey as well as livestock. So far, these types of issues with the current EOU agreement have not occurred. Wolves are managed by FWP with hunting and trapping as the main management tool both on and off the SDWMA. Livestock will be closely monitored, preferentially with e-collar technology, and would therefore be able to quickly detect if cattle move outside of the perimeter of the virtual fence or display other abnormal behavior that could potentially be in response to the presence of wolves.

- C. *"Some of the FWP grazing programs I administered had challenges with holding cattle on scheduled pastures due to wolf presence and predation. How will the new system with GPS collars adapt or work with the presence of a large carnivores on the landscape?"*

FWP RESPONSE:

Thank you for your comment. One of the big advantages of the e-collar technology is to be able to quickly detect an unusual shift of cattle behavior and therefore be able to follow-up quickly. Similar to FWP's above response (see #8-B), FWP staff and lessees will be able to quickly detect whether cattle have moved outside of the virtual fence or display other abnormal behavior that could potentially be in response to the presence of wolves, or other predators. If, for example, there is a situation where the entire herd suddenly leaves the designated pasture or huddles to one side of the fenced area, this will be a red flag to follow up and try to determine the cause. Cattle can be moved back into the perimeter by creating an additional "band-aid" of virtual fences that will guide them back within the original boundaries of the prescribed grazing area.

- D. *"Are cattle carcasses immediately disposed of or are they left on the WMA to attract additional predators?"*

FWP RESPONSE:

FWP appreciates the commenter's question. Carcasses can be attractants to predators. Although e-collars do not currently have a mortality signal to specifically alert the producer that a collar has stopped moving, the monitoring program would facilitate earlier detection of any mortalities. While it can be logistically challenging to remove a carcass in a remote setting, each livestock depredation situation will be evaluated

on a case-by-case basis as described in FWP's response above (see #8-A).

**COMMENT #9: INVASIVE WEEDS**

- A. *There were multiple commenters concerned with the potential for increased weed management issues as a result of grazing, with specific concerns about management of cheatgrass in and around water development sites.*

**FWP RESPONSE:**

FWP shares concerns regarding cheatgrass and other invasive species. Noxious weeds known to be present on the SDWMA can be located in the EA on page 31. FWP treats noxious weeds on SDWMA as part of routine maintenance. Grazed areas and water development sites would be monitored annually and followed by chemical and/or biological treatment according to weed management practices contained in FWP's Integrated Noxious Weed Management Plan. In addition, ecological health assessments will continue on a 5-10 year schedule and will include information on occurrence and abundance of invasive plant species.

- B. *"Targeted cattle grazing of cheatgrass and spotted knapweed should be utilized and valued as a service provided through the EOU agreements and seen as a public benefit. In a thesis completed by Montana State University graduate student Katie Tierney in 2013, it was noted that cattle consumed a considerable amount of spotted knapweed in a study to determine effects of training cattle grazing spotted knapweed and Canada thistle. Virtual fencing using e-collar technology would make this targeted grazing realistic."*

**FWP RESPONSE:**

FWP appreciates this comment about how targeted cattle grazing might help control noxious weeds. This citation is a study conducted on how cheatgrass-dominated Wyoming big sage communities in the Great Basin, which are ecologically different than the grassland communities that would be treated with rotational grazing on SDWMA. However, the citation speaks to potential cumulative effects of cattle grazing that can increase bare soils and create conditions conducive to continued cheatgrass dominance. The study also highlights managers promoting bunchgrass health and reducing bare soils to limit cheatgrass invasion. The proposed action in this EA is intentionally designed to promote vegetation and soil health, which should limit the ability for noxious weeds to spread when combined with a noxious weed management program.

**COMMENT #10: PLANT LITTER**

*There were several questions/comments about plant litter, and some clarification needed on whether build-up of litter (and how much) is beneficial or not.*

**FWP RESPONSE:**

Thank you for asking clarifying questions about plant litter. Some of the commenters highlight an unintended mis-representation of the value of plant litter by the authors, as negative. FWP recognizes positive and negative attributes from the buildup of plant litter, both from wildlife and vegetation community perspectives. An appropriate level of litter buildup promotes favorable soil moisture retention, organic enrichment of soil, water infiltration, nutrient cycling, and soil fertility. Excessive buildup of plant litter can lead to reduced plant growth, shifts in plant communities, and excessive fire risk. FWP recognizes that placing values regarding plant litter buildup therefore differ based on intended range management goals. The proposed action, which includes prescribed grazing followed by long periods of livestock grazing rest, provides for periodic disturbances which can promote spatial and temporal habitat structure diversity.

This diversity in habitat structure includes variation in the amount and extent of litter buildup. Diversity in habitat structure provides a range of habitat conditions for the varied habitat preferences of different wildlife species and during different seasons. Prescribed livestock grazing can also stimulate plant growth during times such as spring green-up, which can make those grazed areas more attractive to big game and other wildlife. The proposed action would implement reasonable stocking rates and provide sufficient rest from livestock grazing to promote healthy accumulations of litter on lands included in EOU agreements. FWP referred to “excessive dead plant material” on page 18, which to clarify, meant the same thing as excessive buildup of plant litter.

**COMMENT #11: AVIAN**

*FWP received the following comments regarding avian species on SDWMA:*

- A. *“While a diversity of grassland conditions may favor a few additional grassland bird species, Montana is certainly not in short supply of grasslands altered by grazing. Instead, ungrazed grasslands across Montana are in short supply and SDWMA should serve as rare sanctuaries for bird species benefitting from ungrazed grassland habitats.”*

**FWP RESPONSE:**

FWP appreciates the commenter’s concerns. Birds can be useful indicators of grassland habitat diversity and health because they show strong preferences for different structural characteristics of the habitat and most are dependent on primary and secondary production from the grasslands (e.g., insects and seeds). Furthermore, their migratory nature means that on an annual basis they are making choices about which habitat to breed in, and those choices can give biologists a strong indication of habitat conditions and changes to those conditions.

Initial information from bird point-counts on SDWMA indicate low bird diversity in grassland habitats being proposed for grazing under EOU agreements. Birds that prefer shorter grass environments as well as raptors are largely absent from the proposed grazing areas and these grasslands are instead dominated by generalist species. Therefore, even bird species that “benefit from ungrazed grassland habitats” are not present in great numbers on SDWMA. This indicates there is a lack of structural diversity in the grasslands that is not typical of historical conditions. Historical conditions would have been mediated by disturbance brought about by large grazing animals, climate, and wildfire, all of which have substantially changed on this landscape relative to the time period during which the grasslands ecosystem evolved. FWP therefore believes that active management of the disturbance regime in the grasslands under consideration is necessary to achieve habitat objectives outlined in the SDWMA Habitat Plan (2018).

- B. *“Examples of bird species that are impacted by livestock grazing, in both rangelands, riparian areas, and aspen stands, are many noted to occur in the SD MWA in Appendix D of the draft EA....Even though the FWP is required to manage for all wildlife, there is no identified management strategy for these 35 bird species, of which 8 are Montana Species of Concern. The claims that grazing improves habitat for these species was never supported with any actual analysis or monitoring data. The agency needs to actually complete a valid assessment of how livestock grazing impacts these 35 bird species based on their habitat needs and how these needs will be affected by livestock grazing.”*

**FWP RESPONSE:**

FWP appreciates the commenter’s concerns. During the development of the proposed grazing and water development plan, FWP’s Region 2 nongame wildlife biologist conducted a thorough evaluation of all nongame wildlife species with the potential to be affected by the proposed action. During this evaluation, FWP staff used experience gained from having spent considerable time on the SDWMA landscape as well as

professional knowledge of bird ranges in Montana and habitat associations to arrive at the conclusions outlined in the Draft EA.

Many of the bird species included in Appendix D and on the commenter's list are associated with specific plant communities and habitat patches that can be easily identified and excluded from grazing pastures (e.g., aspen stands, shrubby draws, willow communities). FWP intends to identify those areas ahead of entering any EOU agreement. Fortunately, there is substantial flexibility with these EOU agreements on SDWMA in terms of the timing, location, and intensity of grazing treatments, so these specific habitat patches can be avoided, or use minimized, if and when they are identified.

It is also important to note that the list of species known to occur on SDWMA includes many species for which the habitats on the WMA are not essential to their populations. With respect to the species identified on SDWMA, it is important to note that abundance and frequency do not matter. Whether the species was observed once or is observed frequently, the species is placed on the SDWMA's species list. Therefore, some of these species may have only been observed a few times on SDWMA or may have only been observed during migration. Moreover, some of the species identified as on SDWMA are on the edge of their range, and, therefore, occur at low numbers naturally.

Overall, the level of grazing pressure and long periods of rest between grazing treatments would provide adequate resources and periods with lack of disturbance for birds on SDWMA. While some nests may be trampled or parasitized by brown-headed cowbirds during grazing treatments, the years of rest following treatment should more than make up for any temporary negative impacts. Additionally, the birds listed in the comment all evolved with grazing as a natural form of disturbance on these grassland landscapes, and therefore their life-history strategies can accommodate grazing impacts and their populations are resilient to it as a form of disturbance, as long as the grazing is well-managed.

C. *"Has FWP considered that new upland water developments may increase densities of ground-nesting bird predators in these habitats?"*

**FWP RESPONSE:**

FWP appreciates the commenter's question. Unfortunately, it is not clear which ground-predators the commenter is referring to. Nevertheless, there are already healthy numbers of these ground-nesting predators (skunks, badgers, weasels, snakes) on the SDWMA landscape. While ground-nesting predators might key in on water tanks to find large concentrations of birds and other wildlife, any impact from that potentially occurring should be small and be limited to ambush predators that can take advantage of that situation. Overall, the area to be potentially impacted by the presence of water tanks is small enough that any increase in ground-nesting bird predators should not cause population-level impacts to grassland birds on SDWMA.

**COMMENT #12: DISEASE**

*"I think given the problems FWP is already having with the cattle industry over the prevalence of brucellosis in elk -- and the potential for CWD, which is appearing in more and more places in our state, it doesn't make sense in the long run to continue to encourage mixing elk, deer, and cattle in the same areas. And as you know, whenever there is a conflict, it usually winds up being to the detriment of the wildlife, not the cattle ranchers."*

**FWP RESPONSE:**

The scale of this proposal is relatively small compared to the average range size of most wild ungulates. Under current conditions, if grazing were excluded from the WMA, elk and deer would still encounter and

comingle with livestock elsewhere. Given that much winter range exists on ag lands managed for livestock production and livestock routinely graze the National Forest, it would be extremely difficult to avoid all contact between wildlife and domestic livestock. If disease transmission is occurring at a landscape scale, solely prohibiting cattle on SDWMA likely would not significantly reduce the probability of disease spread across the population. However, should a disease arise in the future and restricting the comingling of livestock and wildlife would be effective, appropriate action would be taken to minimize disease transmission.

CWD is a slow-progressing, fatal neurologic disease of deer, elk, moose, and caribou. FWP recognizes that CWD may have population-level effects and has prioritized CWD surveillance and monitoring statewide. Infected animals can shed prions throughout their range via saliva, feces, and urine for years before the animal succumbs to the disease. Prions can remain infectious on the landscape for at least two years. To date, CWD has not been documented to have infected domestic livestock. Therefore, due to the scale of prion spread across the landscape and the fact that livestock are not currently susceptible to CWD, comingling of livestock and wildlife with respect to CWD is not a concern at this time.

Brucellosis is a bacterial pathogen that can infect both elk and cattle and can have population-level effects to elk herds and significant financial, regulatory, and biological impacts to producers. As a result, FWP has prioritized brucellosis surveillance in southwestern Montana in or near areas where brucellosis has been confirmed. To date, brucellosis has not been detected in the Spotted Dog elk herd, or anywhere in the Deer Lodge Valley. If elk are captured and collared in the future, brucellosis testing would be conducted. If the presence of brucellosis is confirmed, wildlife health professionals would be consulted and an appropriate action, likely beyond the scope of this project, would be implemented.

Competition between livestock and wildlife is not expected to be significant on SDWMA under the proposed action. In general, wildlife and livestock will be separated temporally and spatially in that livestock will graze an area on the WMA for a few months making that area more attractive to elk the following spring, well before any livestock grazing would occur.

#### **COMMENT #13: OVERGRAZING**

*"Overgrazing is always a risk, particularly as we enter an era of climate change that will reduce moisture and thus diminish the amount of forage available for wildlife and cattle alike. The temptation to get that last little bit of grass will be high and the likelihood of effective supervision and enforcement will be low."*

#### **FWP RESPONSE:**

FWP has described implementing livestock grazing management strategies designed to promote long-term ecological sustainability. These strategies are flexible to accommodate for the differing amounts of forage availability during wet or dry years. This includes adjusting durations of graze periods in a given graze area (pasture) based on yearly conditions, in order to achieve desired graze treatments.

#### **COMMENT #14: HISTORIC GRAZING**

- A. *"If diverse community structure will be enhanced by cattle grazing, why hasn't past cattle grazing accomplished it? If grazing will improve palatability and productivity and improve soil health, how is it that practiced grazing there has had the opposite effect?"*

#### **FWP RESPONSE:**

SDWMA has a legacy of livestock grazing practices which have helped shape the current ecological conditions, which vary across the WMA. While some livestock grazing strategies implemented over time

across the West have promoted qualities such as improved palatability, productivity, and improved soil health, other strategies have not. SDWMA is no exception, and historic livestock grazing has had varying ecological influences across the WMA. The proposed action is to use livestock grazing as a tool to achieve habitat management goals, not to maximize yield for livestock production. This is a deviation from previous cattle grazing strategies on the landscape in place prior to the public taking ownership of the property, and FWP taking management responsibility. Overall, the proposed action represents livestock grazing strategies that should maintain and improve ecological conditions on the WMA.

- B. *"I have visited Spotted Dog on 2 occasions, with FWP staff and neighboring ranchers present both times and I know first hand that the landscape has not yet even recovered from its history of cattle and overgrazing. Additional grazing will not help this situation."*

**FWP RESPONSE:**

Thank you for sharing your concern. There are places on the SDWMA where habitat is still recovering from historical use. There are also areas that, after 10 years of rest from major livestock grazing, could benefit from a return to periodic disturbances more reflective of historical conditions. Some of those areas that are still recovering, like some riparian areas, will not be grazed. FWP and partners are currently conducting riparian restoration across the Spotted Dog Creek drainage, as one example outside of this project where the department is working on habitat improvement. This grazing plan is carefully designed in a way to improve habitat for wildlife. See FWP RESPONSE to Comment #6 and preliminary vegetation monitoring results on and off the SDWMA for lands included in the current EOU agreement.

**COMMENT #15: STRUCTURAL DIVERSITY and FORAGE**

- A. *"Aside from not specifying what you mean by diversity, and it is an exceedingly broad concept, you seem to think it's a function. Productivity is a fundamental attribute of the plant community. Diversity is a descriptive concept. Ways to measure it are contrived. What would we want for a unit of diversity? Units that are equally different. Not, by default, the fundamental unit of taxonomy, the species. For structural diversity, physiognomic types would be a decent unit. I suggest that you don't toss the term around so casually, much less assume it is causally related to elk behavior."*

**FWP RESPONSE:**

FWP appreciates the opportunity to clarify what the authors meant when discussing diversity. In the EA, diversity was meant in the context of the structure of the vegetation within areas analyzed for the proposed action. Diversity would essentially equate to differences in vegetation, including residual vegetation, in areas that include ungrazed, actively grazed, and recently grazed grasslands by livestock in the proposed area described in the EA.

Metrics of grassland structural diversity are captured through bird and vegetation surveys outlined in the draft EA, and include variables such as percent cover and average height of various structural vegetation classes, live and dead grass and forb cover and height, and percent cover of other structural components like bare ground and rock outcroppings. These data will be used alongside bird abundance, density, and diversity data to monitor changes to the structural diversity of grassland habitats on SDWMA over time and in relation to grazing treatments.

- B. *"When you say, 'underutilize forage,' is that a wildlife thing or a cattleman's phrase? Unused forage here in southwest Montana would feed legions of elk."*

**FWP RESPONSE:**

Thank you for the opportunity to clarify what was meant by "underutilize forage." The intent was to

describe not achieving a desired grazing treatment within particular pastures. On page 16 of the EA we state that “cattle tend to underutilize forage resources in areas that are far away from water, or in areas with steep topography...” by which we mean that by adding water we could better focus grazing in these upland areas and therefore better meet our treatment goals thereby improving spring forage for elk.

**COMMENT #16: PAULEY PLACE SPECIAL TREATMENT AREA**

*Several commenters voiced concern that the Pauley Place Special Treatment Area appeared to be within the riparian restoration area currently undergoing treatment. There were also concerns about unauthorized cattle within the fenced off portion of the restoration project.*

**FWP RESPONSE:**

FWP appreciates and shares this concern. The location of the hayfields intended for consideration of grazing treatments are located generally to the east of the restoration site. The completion of the MEPA process does not require FWP to implement grazing in this area. However, if or when a grazing treatment should occur, that grazing would occur outside the restoration areas. FWP is working to maintain the fence around the riparian restoration area while simultaneously working to maintain the perimeter fence around SDWMA. FWP is also working with surrounding landowners to quickly identify and fix breaches in the perimeter fence and restoration area fence to minimize unauthorized cattle use on the SDWMA.

**COMMENT #17: STOCKING RATE**

*There were several comments about the number of cattle needed to achieve treatments and concerns about too many, or too few livestock.*

**FWP RESPONSE:**

While every EOU agreement is unique across all cooperative grazing leases FWP has on WMAs, FWP recognizes that an EOU agreement blends habitat management between a working lands model (private lands) and an ecological model (WMA lands). Essentially, through an EOU agreement, FWP seeks to achieve a grazing treatment on a WMA, while the lessee gains opportunities to introduce grazing rotations and rest on the lessee’s private lands. In an EOU agreement, FWP and the lessee work together to manage both sides of the fence in ways that can promote long-term sustainability, both economically and ecologically. The goal of the grazing plan is achieve a desired treatment on the WMA and the actual number of cattle, and their distribution, may vary in order to meet this treatment.

**COMMENT #18: PUBLIC ACCESS AND HUNTING**

A. *“What is planned to ‘Provide lasting Public Access to this area (as one of the original objectives)?”*

**FWP RESPONSE:**

One of the original goals in purchasing SDWMA was to “[p]rovide lasting public access to previously inaccessible lands.” FWP believes the commenter is referring to that goal. That goal was accomplished by finalizing the purchase of the property and opening it up to public access. SDWMA is open to public use with the exception of a winter closure to protect wintering wildlife from Dec 2 – May 15.

B. *“It’s also worth noting that the current and future Exchange of Use (EOU) agreements require that ‘partner producers on SD WMA must allow sufficient access to their private lands for public hunters,’ something [we] appreciate. However, this fails to mention if those producers are still being (or would be) paid the impact payments associated with a program like Block Management, if they’re even enrolled in Block Management, if the Hunt Roster would be more effective at*

*distributing elk, and if public, equitable permissions are needed for this 'public hunters' requirement or not (i.e., are friends and family enough to satisfy the 'public hunters' requirement?). In other words, are partner producers being paid for the public hunter access required for them to graze the SD WMA for free? And is that public access really public access? [We] welcome an alternative that requires the majority of public hunter days outlined in agreements be equitably allocated via FWP."*

**FWP RESPONSE:**

Thank you for asking some clarifying questions about public hunting access as it relates to EOU agreements. To be clear, FWP is not exchanging grass or fish and wildlife habitat for public hunting access. This would constitute a contrary use of habitat purchased for wildlife. This proposal is, instead, a plan to jointly manage fish and wildlife habitat across property boundaries, with public hunting access as a matter of qualification regarding the private landowner. Partner producers who enter into EOU agreements with FWP must allow sufficient access to their private land for public hunters to provide the hunting pressure (during the general season) needed to aid in meeting FWP's big game population objectives for the affected area. These objectives may change over time as big game numbers fluctuate. Therefore, there is no requirement to allow wide open public access for hunting. Rather, FWP will evaluate and propose an adequate level of public hunting and this will go to the FWP commission for approval along with the other specifics about the grazing agreement. There will be an opportunity for public comment on each EOU agreement, as part of this process.

There is no requirement to be enrolled in Block Management for those entering into EOU agreements. However, in the event that a partner producer is already enrolled or chooses to enroll in Block Management they will receive payments from the program, regardless of the EOU agreement. Landowners enrolled in Block Management are not paid for allowing access; they are paid to offset costs of impacts to their property from public access.

- C. *"The EA states that 'Any additional EOU agreements would also include public hunting access on participating private lands. Therefore, more public hunting opportunity across lands included in EOU agreements would be realized because of the proposed project.' Our family has allowed free, but managed, hunting on our private property for decades and would continue as we have, promoting hunting as an effective means to accomplish necessary elk population control."*

**FWP RESPONSE:**

Thank you for pointing out that we incorrectly referenced 'more' and 'increased' public hunting as a result of adding any additional EOU agreement. You make a valid point that public hunting access would not necessarily increase on properties that already allow public hunting. Therefore, the language in the Draft EA has been changed to say 'maintained or increased' or the 'same or more' in reference to the amount of public access.

**COMMENT#19: SHEEP GRAZING**

There were several comments suggesting FWP consider grazing sheep, or sheep and goats, rather than just cattle and that there are potentially more benefits using multi-species grazing.

**FWP RESPONSE:**

Thank you for your comments. FWP acknowledges that there can be additional benefits with multi-species grazing. Currently FWP is not willing to consider using sheep and goats on SDWMA due to disease concerns with wildlife. Domestic sheep, and to a lesser extent, goats, can carry pathogens that can cause respiratory disease in bighorn sheep. Although there are no resident bighorn sheep on SDWMA per se, there are still some sheep in the Garrison herd, which is fairly close by. FWP has invested heavily in bighorn sheep

management and mitigating risk of disease is a top priority. FWP would be open to considering sheep and goat grazing in the future if and when disease ceases to be an issue.

**COMMENT #20: TERMINATING LEASE AGREEMENTS**

*“The Spotted Dog management MUST necessarily prioritize public interest...Any grazing program for domestic livestock on the Spotted Dog must have clear, enforceable benchmarks with controls and monitoring that prove the benefit. If that benefit cannot be proven by real time, continual assessment processes with measurable standards of performance, the program should be discontinued.”*

**FWP RESPONSE:**

If FWP moves forward with the proposed action, FWP would be required to act under the intent of proposed action as described in the EA, which is also within the scope of the Spotted Dog Habitat Management Plan that was finalized in 2018. As described in the EA, monitoring will occur. In addition, FWP grazing leases include contract language where the Department reserves the power and authority, at its discretion, to terminate a lease prior to expiration when violations of lease terms occur, as well as for any other cause which the judgement of the Department makes the cancellation of the lease necessary in order to do justice to all parties concerned, and to protect the interest of the Department.

**COMMENT #21: FENCING**

- A. *“You may be spending too much money on technology when poly wire will do the job. The Beartooth WMA has been using an intensive grazing program with poly wire for several years. AND, the rancher uses about 3 miles of poly wire on his own property.”*

**FWP RESPONSE:**

While the proposed action prefers the use of virtual technology, it does not preclude the use of poly wire, like what is used in some areas on the Beartooth WMA. In the first year of the EOU agreement with Dan McQueary, the primary avenue for containing wildlife in the prescribed grazing pastures was poly wire. Unfortunately, due to the rocky soils and outcrops along portions of the pastures, the fences were not effective enough to justify their continued use. However, there are still plenty of places where physical fences, including poly wire, can be used on the SDWMA, and could be used in particular areas if or when it is appropriate.

- B. *“The virtual fence technology seems like a promising tool to accomplish management objectives. In the January 2024, Montana FWP Region 2, Spotted Dog WMA Pilot Virtual Fencing Project Report, it states that 3 towers were purchased at a cost of \$10,000 per tower and the annual collar lease and battery fee has a cost of \$50 per collar. Annual collar costs for a two month growing season equate to \$25 per month per cow. Asking private landowners to cover this fee should be factored into the EOU agreement for the benefit being provided or received.”*

**FWP RESPONSE:**

During the 2023 grazing season FWP implemented a virtual technology pilot project, using the company Vence, with the current EOU agreement lessee. In that arrangement, the Department and the lessee discussed costs, and decided that FWP would acquire the towers and the lessee would acquire the collar subscriptions. As this document is written, there are more companies developing and marketing virtual technology, which have different models. The pilot project implemented in 2023 will likely not be the final version of such EOU agreements. That being said, FWP agrees that virtual technology agreements with lessees need to factor in things like costs when developing grazing agreements.

- C. *“If /when some livestock escape from the assigned grazing area, how does FWP ensure the return of*

*the vagrant cattle to the assigned pasture and maintain the other cattle in the assigned pasture?”*

**FWP RESPONSE:**

Virtual fence technology allows users to see, in near real time, when and where livestock are located, including outside an area designated for grazing. Therefore, determining livestock locations is much easier than in traditional lease agreements that use physical fences to contain livestock. The technology allows users to update fence boundaries in near real-time as well, so that additional fence boundaries can be drawn to guide escaped livestock back into the designated pasture. If livestock cannot be guided back using the virtual fence technology, then, as per FWP WMA grazing leases, the lessee is typically responsible for maintaining livestock in their assigned pastures. FWP staff are able to log on to the virtual fence website platform to ensure cattle containment in designated pastures is occurring.

*D. “If virtual or electronic fencing is [in]effective with cattle and excessive damage continues to occur, will other deterrent practices be used to reduce elk impacts? What is the cost of the virtual fence collars and what is their longevity? If other landowners want to be involved in the EOU agreements, what is the potential for cost sharing or grants to off-set some of the costs?”*

**FWP RESPONSE:**

While virtual fence technology is the preferred method for grazing livestock on the SDWMA, it is not the only method allowed in the proposed action. Physical fences, including electric and hardwire fences, can also be used if and/or when necessary. However, within virtual fence platforms, additional measures can be taken within the programs to help contain and return livestock that have left the assigned grazing location. Thus, the Department doesn’t anticipate an ineffectiveness with respect to the virtual fence technology; however, if that were to occur additional measures would be utilized.

Costs for virtual technology in 2023 through the company Vence, was \$10,000 per tower, and there was a \$50 per year subscription cost for each collar. In Vence’s model, the producer owns the tower, and then subscribes to a service annually where the producer receives the collars and can then return the collars annually to be refurbished with updates to software and physical components. Additional services, such as technical assistance and component warranties, are also provided in the subscription. As more companies develop and market their own virtual fence technologies, prices will likely vary between companies and throughout time. For 2023, costs to the Department and the lessee were zero, as there were outside entities interested in funding different parts of the costs associated with the Vence system. In future years, the Department would welcome opportunities for outside entities to partner with FWP and lessees as additional virtual fence technologies for grazing are implemented.

*E. “What kind of fences currently are in place, and may be added, to protect riparian areas, and where would these be added? Why wouldn't wire fencing of any type in riparian areas be highly detrimental to wildlife due to collision risk? Why wouldn't any fencing needed for site-specific reasons be post and rail fences, which are not a hazard to wildlife? Is this too expensive?”*

**FWP RESPONSE:**

There are some internal fences that still exist within the SDWMA that, for the most part, have not been maintained since the SDWMA was purchased. Boundary fences have been installed across most of the SDWMA boundary since it was purchased, and are maintained annually. There are new physical fences located on a section of Spotted Dog Creek that were installed specifically to protect the riparian restoration project that is taking place in that area. At the same time, FWP is working internally and with partner organizations to remove old and unneeded fences on the SDWMA to reduce wildlife risk. Under the current EOU agreement, specific sensitive areas, such as some aspen stands and riparian areas, were fenced out

using electric fence. However, cattle, some authorized and some not, have been observed in riparian and restoration areas. A recent survey comparing riparian conditions pre and post grazing suggests that, under the rest-rotation schedule of the current EOU agreement, these sensitive areas continue to function and, in some cases, have improved health and ecological function. Future grazing leases would continue to implement conservative grazing strategies and use physical or virtual fences to exclude cattle from sensitive areas. Virtual fence technology is advantageous in that it allows for small or large-scale exclusionary virtual fences to be drawn or moved and collars updated relatively quickly and easily.

F. *"The EA at 47 states that bitterbrush areas would be excluded from livestock grazing. Where are these areas (4,371 acres?)? How would they be excluded from grazing?"*

**FWP RESPONSE:**

Almost all bitterbrush stands on the SDWMA are located in the elk winter ranges, and typically are located on western and southern facing slopes in the western portion of the SDWMA. These areas would not be subject to grazing as these areas have been excluded from the areas proposed for grazing as described in the EA.

**COMMENT #22: SOIL HEALTH**

*"It is likely that the SDWMA would become more drought tolerant because the healthier soil would have enhanced water holding capacity. The ecological service that prescriptive cattle grazing would provide to the SDWMA should be assigned a value in potential exchange of use (EOU) agreements."*

**FWP RESPONSE:**

The commentor brings up an innovative concept about circumstances where livestock could provide an ecological service. This would be very evident on locations where rangelands and soils have been heavily impacted and compromised, where livestock could be used specifically as a restoration tool to build soil in order to promote a return of healthy ecosystems. FWP appreciates this comment, and this concept is something FWP will consider when seeking to apply livestock grazing in habitat restoration locations on all WMAs.

Specifically, in typical EOU agreements, ecological services livestock provide by prescriptively grazing on WMAs have traditionally been valued as an equitable trade for ecological services provided to the private lands by introducing grazing rotations and grazing rest on those private lands in exchange for grazing on WMA lands.

**COMMENT #23: GRAZING PLAN**

A. *"We question the amount of rest that may be asked of private lands in a potential EOU agreements and also the long rest (3-4 years) for the proposed grazing areas on the SDWMA. It appears too much rest has created the challenge this plan is attempting to address. We would prefer grazing systems that promote healthy soils and plants rather than promoting 'rested' and unhealthy vegetation stands just to deter elk use, especially on private lands participating in an EOU."*

**FWP RESPONSE:**

Every EOU agreement is unique across all cooperative grazing leases FWP has on WMAs. FWP recognizes that an EOU agreement blends habitat management between a working lands model (private lands) and an ecological model (WMA lands). Essentially, through an EOU agreement, FWP seeks to achieve a grazing

treatment on a WMA while the lessee gains opportunities to introduce grazing rotations and rest on the lessee's private lands. In an EOU agreement, FWP and the lessee work together to manage both sides of the fence in ways that can promote long-term sustainability, both economically and ecologically. Generally, we believe a 3-4 year rest will achieve these goals but we can adjust if that turns out to be too much or too little.

- B. *"Based upon the existing monitoring that is occurring on the SDWMA and the additional monitoring proposed in the EA, there should be sufficient data to guide the grazing plan. Based upon monitoring outcomes, a portion of the proposed grazing area should be used as a demonstration area that would allow adaptive management strategies to follow what monitoring results may be indicating. Examples would include adjusting timing of grazing treatments, or reducing rest /rotation times to target invasive species or incorporate excessive litter due to a favorable moisture year. Building this into this grazing plan would encourage all parties involved to always be looking for results that would accomplish the plan's goals."*

FWP RESPONSE:

Regenerative grazing strategies include adaptive management strategies that can include, but are not limited to, adjusting timing of grazing treatments, or reducing rest /rotation times to target invasive species or incorporate excessive litter due to a favorable moisture year. These two examples provided in the comment represent two aspects of flexibility that can be accommodated in the proposed action.

- C. *"Why limit grazing treatments to elk transition areas?"*

FWP RESPONSE:

The proposed action includes elk transition areas and 2 special circumstance areas. Other areas were not included in this proposed action include areas on the SDWMA that are ecologically unhealthy or are healthy but with problems, areas that are parts of different habitat projects, and areas that include elk winter range.

- D. *"Page 11, use of 'appropriate rest' doesn't build trust. I think you need to be more specific in this statement....amount of rest that ensures continued plant health and recovery or a period of rest that moves the vegetation community toward our desired goals...."*

FWP RESPONSE:

The comment highlights a good point that "appropriate rest" isn't very specific. Therefore we followed that statement to better describe the goals of using regenerative grazing: "Regenerative grazing practices are used to promote soil, plant, and animal health through introducing or enhancing a variety of natural processes in rangelands including soil stabilization and formation, water infiltration, nutrient cycling, biomass production and diversity, and ecosystem resilience." Each pasture is different and therefore, the length of "appropriate rest" could vary in order to meet these goals. The specific amount of rest for each pasture would be worked out in individual EOUs and each would be proposed to the Fish and Wildlife Commission for their consideration and approval, which would also include the opportunity for public review and comment.

- E. *"[We] recognize that regenerative grazing has proven to be effective in some controlled cases elsewhere. But in the case of Spotted Dog, FWP's own regenerative grazing goals in their own grazing agreement with the McQueary ranch have not been met in any single year since the agreement has been in place. We ask that FWP does not use regenerative grazing as a justification for more grazing, when grazing in this instance has not proven beneficial to the forage base, using FWP's own standards."*

FWP RESPONSE:

While livestock grazing has been effective in portions of McQueary pastures, regenerative practices are not a part of the existing EA for the McQueary EOU agreement. Furthermore, the proposed action outlines critical steps to better achieve habitat goals through rotational grazing practices (e.g., virtual fence technology) that differ from previous years under the McQueary EOU agreement. Preliminary ecological survey reports from 2023, received after this EA was published, indicate, contrary to this comment, that ecological conditions are improving in pastures included in the McQueary EOU agreement.

- F. *“The FWP must first have a plan to initially restore the land to pre-livestock overgrazing and to bring the environment back to equilibrium displayed to pre-livestock overgrazing... We recommend the FWP develop a rest rotation grazing system that will give the land “more rest” in the immediate future in order to achieve the level of forage development to pre-overgrazing levels. We believe the plan should allow the native grasses to grow to maturity and head out. We ask that the grazing plan allows that one half of the forage mass be left for the benefit of wildlife.”*

FWP RESPONSE:

The proposed action does incorporate “more rest” between grazing treatments by typically including 3-4 years of rest post grazing treatment. Under the proposed action, plants would typically be allowed to complete growth cycles in their entirety during the years scheduled for “rest,” in between disturbance cycles.

- G. *“Elk and several other species will continue to graze and browse these same acres during any proposed livestock grazing rest period, depending on snow depth and the relative attractiveness of the forage. Other species such as deer, and even voles, may also be significant grazers and browsers throughout the year. So when (rhetorically) is “rest” from all grazing and browsing to occur? There is none proposed, or even possible, and the EA should acknowledge this. With this ecological reality, it would seem appropriate for the final EA to include measurable habitat objectives as influenced by the combination of grazing and browsing by both livestock and wildlife. For example, Hansen found in 2015 that significant portions of the property’s grassland, shrub, wetland and forest communities were in degraded conditions due to livestock grazing and unnaturally long fire-return intervals. Has FWP considered how your proposed livestock grazing will improve shrub communities, or how fire exclusion (by omission of any discussion here) will improve forest health?”*

FWP RESPONSE:

When “rest” is discussed in the EA, the term is meant to imply no grazing by livestock will occur. Wildlife is not included in this. As the commenter highlights, if there is wildlife present on the SDWMA, the potential for foraging by wildlife could occur. Given this, and as a wildlife agency, rest from livestock grazing is also an important factor and one that has to be accounted for when grazing is utilized. Timing, duration, location, and scheduled rest from livestock grazing are all factors considered with respect to improving shrub communities and improving forest health. Note, prescribed fire is not part of the proposed action in the EA. Prescribed fire is not precluded in the areas proposed for grazing, because of this EA. Prescribed fire can be considered in all parts of the SDWMA in the future should FWP propose such actions. At that time FWP would conduct an EA for prescribed fire.

- H. *“It appears that the agency is planning to implement livestock grazing on all suitable acres in the SDWMA, except for the most key elk winter ranges. The expansion does include a large area of winter range areas for elk, as identified in Figures 5 and Figure 9. Since the purpose of the grazing*

*exchanges were previously to retain winter forage for elk, what has happened that now the agency has learned that there is excessive winter forage for elk that can be used by private livestock?"*

FWP RESPONSE:

There are no changes to the elk winter range. Depending on the extent of severity of winter seasons, elk use different portions of the SDWMA. As severity of winters increase, elk focus more and more on the critical winter range, located along the western and southern facing slopes on the western portion of the WMA and on private property. Certain private lands are integral to meeting SDWMA's purpose of "enhancing critical winter habitat for elk." By resting pastures on private land, ungulates will have improved winter forage especially during severe winters (see page 21). See Comment #7E for additional clarification about elk use of winter range and transitional habitat.

- I. *"We could not understand specifically how much of the SDWMA is open rangeland/shrubland that would be suitable for private grazing interests. There is no actual map of the various vegetation types in this WMA. The draft EA notes that there are 4,371 acres of shrublands (draft EA 30), and 14,049 acres of grasslands. This would comprise 18,420 acres of the WMA. The total acres in this WMA are approximately 38,000 acres (draft EA at 35). Thus it appears that only 47% of this WMA is open and suitable for livestock grazing. With some exclusions for the lower elevation elk winter range (Figure 5), is all of the remaining open rangeland/shrubland in the WMA being planned for private livestock grazing?"*

FWP RESPONSE:

Only the land inside the green and red polygons in Figure 5 (in the EA) are being considered for livestock grazing. See the SDWMA Habitat Plan for descriptions of habitat types across the WMA.

- J. *"We would not be able to understand what the current grazing regime is in this WMA. Figure 1 identified 5 areas of the WMA, but does not provide the acres within each. Also, it is stated that areas 4-5 have a grazing program associated with the Forest Service. Why isn't this information being provided? If they are already being grazed, the public should be informed of this. The agency needs to identify all of the existing grazing programs, including what acreage and percentage of the WMA currently has grazing use and what type, and season. Also, once the expanded grazing program is to be implemented. What acreage and percentage of the SDWMA will have livestock grazing?"*

FWP RESPONSE:

Habitat management direction and descriptions of Management Units (MU) 4 and 5 are outlined in the SDWMA Habitat Plan (2018). Historically, isolated sections in MU-4 and MU-5 were private sections of land included within USFS grazing allotments. FWP did not acquire those USFS allotments when SDWMA was purchased by the State of Montana. As the landowner, FWP has not been an active participant (i.e., FWP does not own cattle, nor serves as an agent for any existing ranching operation in the USFS allotment) since the lease agreements with Rock Creek Cattle Company ended in 2013. Since then, landownership boundary fences have been in various states of repair and livestock from other ranches have grazed into these sections, along with other sections of the WMA. During this time, FWP has worked with neighboring landowners, including USFS, regarding potential land swap agreements to simplify boundaries and make livestock containment more feasible. While one such land swap was completed with a private landowner, a land swap agreement with the USFS has not occurred. Because of this, FWP and USFS are currently working together to develop land management agreements. When such agreements are far enough along for FWP to propose management actions, FWP would prepare an EA as part of the MEPA process to analyze and engage the public for comment and input before finalizing any action in MU-4 and MU-5.

- K. *"The initial AUMs allowed for private livestock in 2019 was 240 AUMs (draft EA 9). What will be the AUMs allowed for this expanded grazing program?"*

FWP RESPONSE:

Previous grazing leases were based on traditional grazing methods where livestock were placed into a pasture for a given period of time with the goal of getting an appropriate grazing treatment. For the EOU agreements that are the focus of the proposed action, the goal is to implement regenerative grazing practices, where the focus is on getting an appropriate grazing treatment within a given area prior to moving along to the next area within a given grazing season. AUMs would vary from year-to-year and from lessee to lessee depending on various factors including precipitation patterns, the level of treatment needed in a given area, and other environmental factors. Some producers who use regenerative grazing practices, use "Cow Days" rather than "AUMs," as they move their livestock more frequently and are focused on the treatment as the indicator of timing to move livestock rather than the pasture. Regardless of using the term "Cow Days" or "AUMs," use would vary from year-to-year based on the factors described above. In addition, AUMs would also vary depending on the size of a lessee's livestock operation.

- L. *"The agency was not clear on the utilization level allowed in current grazing pastures, or what would be allowed in expanded grazing areas. Since this utilization is claimed to benefit wildlife, the level planned needs to be provided."*

FWP RESPONSE:

Traditionally, utilization rates are typically stated as, "take half, leave half", meaning one half of the available forage is utilized by the livestock and one half is still left behind once the livestock leave the pasture. Within the half that is "taken," or utilized by livestock, one half of that is typically consumed by the livestock and the other half is trampled and defecated on. Under this more traditional system, livestock have the ability to be selective about which plants they want to graze, focusing on areas with green forage of preferred species and ignoring areas with heavy litter accumulation and invasive or non-preferred plants. One goal of the proposed action is to achieve more of a non-selective graze, where livestock are foraging on all plants regardless of species or level of litter accumulation, because they are confined to a relatively small area through the use of virtual fence technology. This technique will allow us to treat areas that are in need of a grazing treatment more effectively to reduce excessive litter buildup and take some pressure off preferred forage that may be beneficial to wildlife.

- M. *"Where are the (45 miles) of riparian areas Grazing Program area?"*

FWP RESPONSE:

To clarify, portions of the EA include descriptions of the general area where the proposed action is being analyzed in the EA. In this case, this includes descriptions of attributes on the entire SDWMA, and surrounding landscape and community. There are 45 miles of streams on the entire SDWMA, not 45 miles of streams in the proposed grazing areas.

- N. *"The EA at 10 and 52, as examples, use the term "grazing treatment," and "focused grazing" for cows and wildlife. It is also noted that "focused grazing" treatments will be implemented "where needed" to achieve the desired wildlife habitat improvements. What these terms actually mean, and how they are identified on the ground, were never defined to the public. What is the goal of "grazing treatments" for wildlife? What does "focused grazing" for wildlife habitat improvement mean?"*

FWP RESPONSE:

Here are clarifications for three terms as requested in this comment:

“Focused Grazing” was a term used to represent where FWP would like to ensure grazing efforts are focused (i.e., where a treatment is needed), as opposed to just letting the livestock choose where they want to be in a relatively large area. The latter can result in livestock congregating near naturally wetter areas and areas that may not need grazing as a form of habitat improvement. In particular, “focused grazing” was termed on page 15 to describe the uplands where water would be developed in order to create conditions in the uplands that would enable those areas to be central to grazing efforts.

“Where needed” was a term used to describe areas where a very specific location that could benefit from a grazing treatment had not yet been identified within the larger areas proposed for the EOU agreements. However, interpretation of the term “where needed” depends on the context in which it was used. For example, on page 52, “FWP also proposes water development on SDWMA to focus grazing treatments where needed and avoid livestock use of sensitive riparian areas, wetlands, and aspen stands.” This sentence refers to strategically placing water development, knowing that livestock will be more likely to use the range closer to the water development, to make sure that grazing pressure is happening in an area where a grazing treatment will be beneficial to the vegetative resource (i.e., where it is needed).

“Grazing treatment” was a term used to describe an area that has received grazing as an avenue to bring about beneficial natural processes in the grassland ecosystem (See response to Comment #10 above). In particular, one goal of regenerative grazing is to promote non-selective grazing, where livestock focus grazing efforts on all species and plants within the area they are currently grazing rather than be allowed to select for preferred species and plants first, followed by selecting unpreferred species or plants, or not grazing a particular species or plants at all.

- O. *“The draft EA at 10 says a large portion of the currently-grazing pastures in the SDWMA have received “inadequate” grazing pressure; there are many acres that did not receive any grazing pressure. What is considered inadequate grazing pressure? What utilization level is considered inadequate for wildlife? Figure 6 in the draft EA shows one of the grazed areas where a virtual fence communications tower is located. Compare the vegetation in that photo with the vegetation in the adjacent photo of Figure 7. Even though Figure 7 is in an aspen stand, which are more productive than most grassland ranges, it certainly looks like the livestock utilization levels around the communication tower was very heavy. Is this the level the agency considers “adequate?” Why would heavy grazing be considered adequate for elk and wildlife?”*

**FWP RESPONSE:**

The term “inadequate” was used to define areas in the pastures that did not receive appropriate grazing treatments (as described above). In this case, inadequate grazing pressure occurred each year the existing EOU agreement has been in place. Regarding the comment as to why the grass looks so different between the tower (Figure 6 in the Draft EA) and aspen stand (Figure 7 in the Draft EA), that is due to the fact that the pictures were taken in different areas and at different times. With respect to the Figure 6, that picture was taken on a hill-top, where the soils are shallow due to rocky outcrops nearby. That picture was taken during late spring, prior to rapid growth. With respect to Figure 7, that picture was taken in an aspen stand, which is located in an area that has more productive soils when compared to that of a hill-top. That picture was taken in mid-summer, after rapid growth.

**COMMENT #24: GRAZING AGREEMENTS**

- A. *“Enhancing wildlife habitat and soil health, promoting drought resiliency, and facilitating potential noxious weed management provide substantial public benefit and are much more attainable with the improved management of cattle using collars. The value of these services should not be*

*underestimated in attracting neighboring cattle producers to enter into EOU agreements. We are concerned that asking adjacent landowners to provide extended rest to their already managed lands, adding the expense of collar rent, going through public review of each agreement before the Commission, adding monitoring to their lands, and potentially requiring additional hunting would not be an equal exchange for the valuable ecological service their cattle and time would provide. This may deter some from entering into an EOU. When EOU agreements are set up, both parties should benefit equitably.”*

**FWP RESPONSE:**

FWP has a long history of EOU agreements with neighboring landowners to other WMAs. Virtual technology is new, and developing continuously as more companies invest and develop virtual fence services for livestock management. In 2023, FWP developed a pilot project to test virtual technology with the Vence company on SDWMA. In this case, FWP acquired the towers and the lessee was responsible for the livestock collar subscriptions. Both parties benefitted from external funding sources for purchasing towers and subscriptions. In this case, both FWP and the lessee felt this was fair, and therefore implemented the virtual portion of the existing EOU accordingly. FWP is currently working through developing strategies to ensure EOU agreements, that also include virtual fence technology, remain equitable for both FWP and lessees.

- B. *“The current plan that trades off grazing use for hunter access is not beneficial to the average hunter whose license dollars pay for the management of the Spotted Dog WMA....We ask that a payment plan be developed for the grazing rights and the proceeds from that plan be used for the management of the WMA.”*

**FWP RESPONSE:**

FWP does not trade grazing for hunting rights. This would constitute a contrary use of habitat purchased for wildlife. This proposal is, instead, a plan to jointly manage fish and wildlife habitat across property boundaries, with public hunting access as a matter of qualification regarding the private landowner. Public hunting allowances are a prerequisite for lands that are incorporated into a cooperative grazing system, such as an EOU agreement. In addition to EOU agreements, where no cash is exchanged for grazing on WMAs, FWP has two additional leasing options that do not include additional private lands as part of grazing leases. In these cases, the lessee pays a standard rate, which is the current National Agricultural Statistics valuation for grazing leases in Montana, or pays a reduced rate from that value, based on specific responsibilities taken by the lessee. However, in these cases, no additional lands outside WMA boundaries are included in these grazing programs.

**COMMENT #25: WATER DEVELOPMENT**

**FWP received the following comments regarding water development:**

- A. *“Page 16....include wildlife use of water developments, especially stock tanks or cisterns. These will be an enhancement for some species of wildlife too.”*
- B. *“We ask that water development be monitored to evaluate impacts on wildlife. It seems that water in areas historically dry will change patterns of wildlife usage and concentrations. It could improve bird and small game populations. We are interested in more than benefits to livestock. It may be that some impacts are negative to wildlife. We need to know the net effect.”*

**FWP RESPONSE:**

The primary purpose of water development is to achieve desired habitat treatments, not to provide a water source for wildlife. However, FWP agrees water development could affect wildlife, both directly and

indirectly, as wildlife could take advantage of the watering sites. Water development could create areas where wildlife are more concentrated, which could affect disease transmission and predation rates. While FWP is monitoring vegetation, big game use, and bird communities, these monitoring efforts are at too large of a scale to provide information on the relatively small portion of the landscape that will be affected by water development (See response to Comment #11C). Unfortunately, limited staff time and funding need to be directed towards monitoring effects on vegetation and wildlife use in the grazed areas in their entirety. Understanding the specific impacts of water development would require a separate research project. However, we welcome any outside entities that may want to develop such a research project.

- C. *"Figure 8 typifies a standard grazing practice on various public lands in Montana, with the eventual goal to get a cow on every acre by continually adding more water tanks. This WMA proposal would add 7 new stock tanks within barely 3 sections of ground in the WMA. There will also be an undisclosed number of springs developed. The BLM has noted that every water tank results in about 125 acres of severe grazing pressure around the tank. So 2 new tanks will result in roughly 875 acres of severe livestock use and associated noxious weed infestations where none currently exist. Please define why this is wildlife habitat improvement. Also, the design strategy for these new tanks needs to be addressed. In section 5, there will be 2 new tanks, or one tank every 320 acres; with 125 acres of heavy grazing impacts per tank, this would leave 195 acres of this section with lower levels of grazing impacts. For Section 3, there would be 3 new tanks, or one tank every 213 acres. The acres which would not receive heavy grazing use would be only 88 acres. For sections 8 and 4, there would be only 1 tank per section, so most of the section would avoid the heavy grazing use (415 acres). The impact of these stock tanks on localized grazing impacts needs to be addressed to define why these tank locations and densities were selected for wildlife habitat improvement."*

FWP RESPONSE:

Figure 8 is only an example of what water development within the boundaries of the proposed action could look like. While sources were not provided, BLM grazing practices likely differ from grazing practices described in the proposed action. In many traditional grazing regimes, livestock have continual access to individual water sources for long periods of time, sometimes several months, annually. As described in the EA under proposed grazing practices, livestock would have access to an area once every 3 to 4 years, which would limit their ability to graze an area to a level that would be considered "severe." And typically, within a scheduled grazing year, each tank would not be the sole source of water for livestock for the entire duration of the grazing year.

- D. *"It is not clear why developing springs to service many of the proposed new tanks would not impact wildlife, including 3 amphibians, including one that is a Montana Species of Concern (Western Toad), and 2 others, the Columbian Spotted Frog and long-toed Salamander. How were determination of no significant impacts determined for these amphibians? How many tanks are expected to require per grazing season, and what level of wetland drying (acres) is expected as a result? Why is the reduction of wetland expanse considered habitat improvement for amphibians?"*

FWP RESPONSE:

We appreciate the commenter's concern for wetland acres and associated wildlife. FWP recognizes that it will not be possible to develop water sources without negatively impacting these resources in some locations. However, the overall impact on the landscape will be minimal and will not affect the highlighted amphibian species at the population level. The habitat preferences and life-history strategy of western toads makes it unlikely they would be breeding or otherwise substantially using the spring sites that would be developed as livestock watering sources. Columbia spotted frogs and long-toed salamanders may be negatively affected, but again this would be at relatively small areas and the development of water would

not completely eliminate habitat for these species at those locations. SDWMA has extensive springs, wetlands, riparian areas, and streams, including some of the largest and most complex beaver-modified floodplains in the entire Upper Clark Fork basin, that provide substantial habitat for the amphibian species highlighted in the comment. Additionally, FWP and Montana Natural Resource Damage Program are working across the Spotted Dog Creek drainage to restore riparian areas and slope wetland sites, and these efforts will have major benefits to amphibian habitat across a large area that will more than offset any negative impacts from water development associated with the proposed action. We do not know how many water tanks might be used during a grazing season yet, and therefore what level of potential impacts there could be to wetland acres. However, collecting water for off-site water tanks from a particular riparian site (spring, creek, etc.) is expected to be periodic in nature, typically occurring only when livestock would be scheduled to use that particular area. As described in the EA, grazing frequency would typically be once every 3 to 4 years, so sites affected by water development would be affected only for a portion of the year and would receive adequate rest to maintain stream, riparian, and/or wetland function. In addition, livestock using off-site watering locations, rather than accessing water in riparian areas, would allow for less direct impacts to riparian areas during the time livestock are scheduled to graze in the area.

- E. *"The agency makes the standard grazing claim that if water tanks are added, this will get the cows out of the riparian areas and aspen stands. Why would this be necessary because the agency claims that livestock will not be allowed in riparian areas and "some" aspen areas. If livestock are not added, there will be no need to add water tanks in a hope to draw them up out of riparian areas."*

FWP RESPONSE:

Some of the upland areas within the scope of the proposed EA are too far away from natural water sources to expect effective grazing treatments to occur. Placing watering sources in these upland sites will help facilitate grazing treatments in areas away from riparian areas. If FWP moves forward with the proposed action, FWP is not required to develop water. Instead, it provides analysis regarding whether or not, water development, used to enhance the proposed habitat management strategy, is appropriate or not. If FWP does not move forward with the proposed action, water tanks would not be needed because livestock would not be present.

- F. *"There is no compelling evidence in the DEA that warrants a massive water distribution system, and even less evidence (cited, published scientific research) that the methods being suggested will work. Please disclose peer-reviewed science to support the various theories and assumptions upon which this program is being built."*

FWP RESPONSE:

If FWP moves forward with the proposed action, development of a massive water system is not required. Instead, it provides analysis regarding whether or not, water development, used to enhance the proposed management strategy, is appropriate or not. Common practice used by the agricultural industry when considering water development includes developing water so that animals do not have to travel more than a quarter to a half mile from forage to water in steep, rough terrain, or more than one mile on level or gently rolling ground. See Osmond et al. 2007 for more information on grazing systems and water.

- G. *"Please disclose in the MEPA record all surface ("springs and seeps") and subsurface (recorded wells) water rights associated with this project. Please disclose any and all proposed changes of 1) Point of Use, 2) Place of Use, 3) Change in Volume (acre feet/year), 4) Purpose of Use (from drinking out of undeveloped springs to a pipeline diversion/stock tanks system). This appears to be an "expansion" of an existing water right in several areas where surface springs are being expanded with pipelines and stock tanks, a "Change of Use" from historical uses. If any "Change of Use"*

*application(s) have been filed with the DNRC, please disclose, and include in the MEPA file/record. If any "Objections" to the proposed "expansion of existing water rights" have been filed by affected water rights holders, please disclose and include in the MEPA record."*

**FWP RESPONSE:**

Water rights associated with SDWMA can be located in the Draft EA under Appendix F – Water Rights on Spotted Dog WMA. There are no proposed changes to existing water rights for this project. In response to this comment, a list of water rights associated with this project has been listed in Appendix F in the Final EA. Additional clarification to the EA has been added on page 17: "Water development would be conducted with existing water rights and filing for groundwater certificates as needed."

- H. One commentor states some concerns for drilling wells and states: *"The EA claims – with no scientific evidence – that drilling water wells for cattle improve the health for the land by moving cows away from riparian areas."*

**FWP RESPONSE:**

Any new water development on SDWMA would not include the drilling of any new wells. The two sites where wells may be used are for the Pauley Place and Red Barn Special Treatment grazing areas. However, there are existing wells at both sites (see page 17 in the EA).

**COMMENT #26: RIPARIAN HABITAT**

- A. *"[We do] not support the action as proposed and would only support an alternative that (in part): Repairs and restores livestock-damaged riparian zones (through plantings, beaver dam analogs and/or beaver reintroduction)."*
- B. *"What are current riparian baseline conditions?"*

**FWP RESPONSE:**

FWP, in partnership with the Montana Natural Resource Damage Program, has invested substantial time, money, and energy in a variety of restoration projects aimed at restoring beavers to historical habitats across the entirety of a headwater stream drainage on SDWMA (Spotted Dog Creek drainage). This project, which has been underway for 3 years and is ongoing, represents one of the largest beaver-mediated floodplain restoration projects in Montana. Plans to implement this work and associated MEPA analyses are separate from the proposed action and include a past EA (MFWP 2020) and an additional EA that was released for public consideration in spring 2024.

Current baseline riparian conditions on SDWMA are outlined in the draft EA.

**COMMENT #27: BULL TROUT**

*"A word search of the draft EA for the SDWMA grazing project does not yield a single mention of bull trout. This is surprising, considering that there are several Helena-Lewis & Clark NF grazing allotments immediately adjacent to the SDWMA that contain bull trout specific provisions in their Annual Operating Instructions (AOIs). These are the Spotted Dog-Trout Creek and Dog Creek allotments. Both allotments contain the headwaters for Spotted Dog Creek and its multiple forks, along with the headwaters of Trout Creek. Both of these streams run right through the SDWMA and are listed in the 2022 AOI for the Spotted Dog-Trout Creek allotment as being part of the "bull trout recovery zone" (AOI, 2). Bull trout are still listed as threatened under the ESA and their habitat has historically been heavily impacted by livestock grazing... Did FWP communicate with USFS and/or USFWS on bull trout? Were there surveys done on the SDWMA reaches of these creeks?... We request that FWP determine the status of bull trout on the SDWMA before moving forward with any decisions that would reauthorize livestock grazing."*

**FWP RESPONSE:**

The Spotted Dog Drainage is part of the Upper Columbia Headwaters Recovery Unit (encompasses the entire Clark Fork River Basin in Montana) for bull trout. However, none of the streams (i.e., Spotted Dog and Trout Creeks) on the SDWMA are designated bull trout Critical Habitat within the recovery unit, neither is the Little Blackfoot River. FWP has done extensive fisheries surveys in all fish bearing waters on the SDWMA, surrounding U.S. Forest Service property, and throughout the Little Blackfoot River Basin, and has never documented bull trout presence in the basin. Additionally, the U.S. Forest Service and U.S. Fish and Wildlife Service completed eDNA sampling in the upper reaches of Spotted Dog Creek in 2015 and all samples came back negative for bull trout presence. Additionally, Spotted Dog Creek on the SDWMA could not be recolonized by bull trout currently due to the mainstem reservoir on Spotted Dog Creek downstream of the SDWMA that is a complete fish barrier.

**COMMENT #28: ADAPTING TO CHANGE**

*"SD has experienced tremendous change since its 2010 purchase by FWP. We had two years of grazing by the previous owner, no grazing except for trespass cattle, limited grazing with McQueary. We have had extensive elk hunting opportunities to reduce the population to objective. Significant new public hunting opportunities have occurred. These events and other impacts have changed the dynamics of how wildlife use this landscape as well as adjoining public and private lands. As we proceed FWP needs to respect that how elk and other wildlife use SD will continue to evolve and adjust to these changes. FWP needs to capture these changes by wildlife to determine the best management strategies, including livestock grazing, to maximize the values of this landscape for wildlife and public recreation."*

**FWP RESPONSE:**

Thank you for this comment. FWP agrees and acknowledges that SDWMA is a dynamic system and there have been multiple changes since FWP purchased the property in 2010. FWP agrees and intends to monitor for changes as they occur on the SDWMA, and maintain flexibility to respond appropriately.

**COMMENT #29: WILDLIFE SPECIES OTHER THAN ELK**

- A. *"Elk are the dominant species on SD and for evaluation in this EA. We feel many native species are under represented on SD. In particular we hope that efforts are made restore mule deer and grouse to numbers reflective of historic experiences. Grazing should not be allowed to negatively impact native species recovery and expansion. SD is about more than elk and cattle grazing."*

**FWP RESPONSE:**

During the development of the proposed grazing and water development plan, FWP's Region 2 nongame wildlife biologist conducted a thorough evaluation of all nongame wildlife species with the potential to be affected by the proposed action. During this evaluation, experience gained from having spent considerable time on the SDWMA landscape as knowledge of species ranges in Montana and habitat associations, contributed to the conclusions outlined in the Draft EA. The conclusion of this analysis is that the benefits to nongame wildlife of reintroducing a well-managed disturbance to grassland habitats far outweigh the potential negative effects. Most nongame species with the potential to be negatively affected by livestock grazing are associated with habitats that would be largely excluded from grazing pastures. Where these habitats are accessible to livestock, the overall impacted area would be minimized so as not to cause population level impacts to any nongame species on SDWMA. For species that are associated with grassland habitats, the proposed grazing treatments are expected to be an overall benefit. Mule deer have experienced declines throughout the western U.S. including western Montana. FWP is currently working on updating a mule deer management plan and proposing a statewide research study to learn more about population dynamics of mule deer. We hope both the Plan and the study (if funded) will help inform future management decisions, including how we might better improve mule deer populations in and around

SDWMA. But FWP recognizes that restoring mule deer populations is a challenge that needs to be worked at on a larger scale than just SDWMA.

- B. *“Please analyze the effect of the project on Monarch butterflies, wolverine, Canada lynx, bull trout, cutthroat trout, big game, and grizzly bears. When was the last time the Spotted Dog WMA was surveyed [for these species]? Would the project benefit [these species]? Would the project harm [these species]? Please formally consult with the U.S. Fish and Wildlife Service on the impact of this project on [these species].”*

**FWP RESPONSE:**

Please see section X.A.8. (“Unique, Endangered, Fragile, or Limited Environmental Resources”) of the Draft EA for an impacts analysis for ESA listed species:

- C. *“[We], now for the third time since 2017, requests in writing the Spotted Dog management analysis consider the effect of proposed decisions on improving or potentially degrading habitat for upland game birds important to hunters and other stakeholders of the region.”*

**FWP RESPONSE:**

Thank you for your interest in upland game birds. In the 2019 *Decision Notice for the Draft EA: A Proposal to use cattle grazing for managing elk habitat on a portion of the SDWMA and neighboring private lands*, which was the original EA to start the EOU agreement with Dan McQueary, FWP received a similar comment and interest in upland game birds; specifically, sharp-tailed grouse, as they would seemingly be the species most likely to inhabit the grasslands of SDWMA. The proposed grazing project area is relatively uniform grassland lacking a shrub component. Ruffed grouse are found in the riparian areas and dusky grouse are found in forested areas and ridges at higher elevations. Spruce grouse are also more likely to be found in forested areas. Sharp-tailed grouse were last found in the Deer Lodge valley in 1983. A reintroduction project is underway in the Blackfoot and Bitterroot valleys and it’s possible that dispersing birds may make their way to SDWMA. However, FWP assessed the relative habitat suitability of SDWMA for reintroduction of sharp-tailed grouse and SDWMA did not rank as highly suitable habitat. Overall, grazing is unlikely to effect upland game birds on SDWMA because it will not be taking place in habitat they are likely to be found in.

**COMMENT #30: UNAUTHORIZED LIVESTOCK ON THE WMA**

*“... we are intrigued with the potential of virtual fencing technology but are also concerned with the persistent issue of trespass-cattle and how this problem could intensify with expanded grazing. We welcome a grazing alternative that holds neighboring cattle grazers accountable for damages, fence repairs, and compliance, clearly outlined in a written agreement.”*

**FWP RESPONSE:**

Thank you for your comment. FWP shares your concern for unauthorized grazing on SDWMA. The implementation of this grazing plan should help dissuade and phase out unauthorized grazing as new cooperative EOU agreements with neighbors are developed and implemented. Currently, FWP addresses unauthorized grazing when and where it occurs.

**COMMENT #31: TIMING OF EXPANDED GRAZING**

*“We suggest that Montana FWP take a step back. It appears that the virtual fence technology is showing promise for keeping cattle in their pasture. Continue with the existing McQueary agreement using the new technology with appropriate stocking rates. Monitor the vegetation and use hard data to see if the grazing*

*prescription is working. If data show the regenerative grazing program works to improve forage conditions in the specific elk transition zone grazed by McQueary's cattle, then the program could be cautiously expanded to other parts of the WMA."*

**FWP RESPONSE:**

Moving forward with the proposed action does not require FWP to move forward with additional grazing leases. Instead, it provides analysis regarding whether or not, habitat management, using livestock grazing as a tool, is appropriate or not. Preliminary reports from the 2023 vegetation monitoring indicates increasing ecological health scores since inception of the EOU agreement with McQueary.

**COMMENT #32: MCQUEARY EOU AGREEMENT**

*"The original grazing plan involved an exchange of grazing activity in the WMA for reduced grazing on adjacent private lands (McQueary livestock operation). This included the 4 pastures identified in Figure 2, along with the private lands where reduced grazing would occur to improve elk winter range. On these private lands, one pasture would be rested in the growing season, and 2 pastures would be rested year long, including 2,100 acres (Figure 2). So how will this grazing exchange be adjusted when the livestock use is increased across the WMA? The draft EA was surprisingly silent on this exchange. Are there actually going to be any increases in forage availability for wintering elk on private lands in exchange for what appears to be significant expansion of private grazing on the WMA? Without any actual measurements of planned new livestock grazing areas, it looks like areas for livestock grazing may be increased 3-4 times. This is key information that needs to be provided to the public. These grazing exchanges are the only actual valid basis for claiming that livestock grazing on the WMA can benefit wildlife, which means elk. If grazing is just now going to be expanded without reductions of more grazing pressure on private lands, this is not elk habitat improvement. Please provide the public a full accounting of this grazing exchange."*

**FWP RESPONSE:**

While each cooperative grazing lease with lessees are unique on FWP owned WMAs, the principles of introducing or increasing season long grazing rest and grazing deferment on private lands included in the grazing lease, remains the same. This principle would be no different for potential future cooperative grazing leases that include WMA lands described in the proposed action.

**COMMENT #33: LEVEL OF ANALYSIS**

*There were several commenters who stated that FWP should be conducting environmental review with an EIS, rather than an EA.*

**FWP RESPONSE:**

The Montana Environmental Policy Act or MEPA specifies three different levels of environmental review, based on the significance of its potential impacts to the affected human environment. These levels include Categorical Exclusion (CatEx), Environmental Assessment (EA), and Environmental Impact Statement (EIS).

These varying levels of environmental review are generally defined as follows:

- Categorical Exclusion (CatEx). A type of action which does not individually, collectively, or cumulatively require an EA or EIS, as determined by rulemaking or programmatic review adopted by the agency.
- Environmental Assessment (EA)
  - Checklist EA. A standard form of an EA for actions that generally produce minimal impacts.

- Standard or Narrative EA. A standard form of an EA for actions that may produce significant impacts or require mitigation to limit impacts to a level below significant. Often used to determine the need for EIS level environmental review.
- Environmental Impact Statement (EIS). A standard form of environmental review for major actions of state government significantly [and adversely] affecting the quality of the human environment.

The proposed project does not meet the criteria for a CatEx. Therefore, to determine the appropriate level of environmental review (EA or EIS) the agency must determine the *significance of impacts* associated with a proposed action. According to *ARM 12.2.430, General Requirements of the Environmental Review Process*, in relevant part, FWP is required to “...prepare a detailed statement (an EIS) on each proposal for projects, programs, legislation, and other *major actions of state government significantly [and adversely] affecting the quality of the human environment.*” (*emphasis added*)

More specifically, *ARM 12.2.430(1)(a)-(b)* states, “...In order to determine the [appropriate] level of environmental review for each proposed action that is necessary to comply with § [75-1-201](#), MCA, the agency shall apply the following criteria:

(1) The agency shall prepare an EIS as follows:

(a) whenever an EA indicates that an EIS is necessary; or

(b) whenever, based on the criteria in *ARM [12.2.431](#)*, the proposed action is a *major action of state government significantly affecting the quality of the human environment...*” (*emphasis added*)

Again, this determination (i.e., appropriate level of environmental review for a given action) is informed by the requirements of *ARM 12.2.431, Determining the Significance of Impacts*, and/or the significance of potential [adverse] impacts identified by the agency through preparation and public processing of EA-level environmental review.

*ARM 12.2.431(1)* states, “...The agency shall consider the following criteria in determining the significance of each impact on the quality of the human environment:

(a) the severity, duration, geographic extent, and frequency of occurrence of the impact;

(b) the probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur:

(c) growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts;

(d) the quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values:

(e) the importance to the state and to society of each environmental resource or value that would be affected;

(f) any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and

(g) potential conflict with local, state, or federal laws, requirements, or formal plans.

Based on these criteria, FWP initially determined the proposed action does not warrant EIS-level environmental review. However, to further support this determination, FWP prepared and publicly processed EA-level review.

Pursuant to *ARM 12.2.430(2)*, “An EA may serve any of the following purposes...

(c) to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action;

(d) to ensure the fullest appropriate opportunity for public review and comment on proposed actions, including alternatives and planned mitigation, where the residual impacts do not warrant the preparation of an EIS.”

The Draft EA prepared and publicly processed for approval of the proposed action did not identify any significant adverse impacts associated with the proposed project. Therefore, pursuant to *ARM 12.2.431*, because the Draft EA prepared for the proposed action did not identify any significant adverse impacts, FWP determined the proposed action *does not* constitute a “...major action of state government significantly [and adversely] affecting the quality of the human environment.”

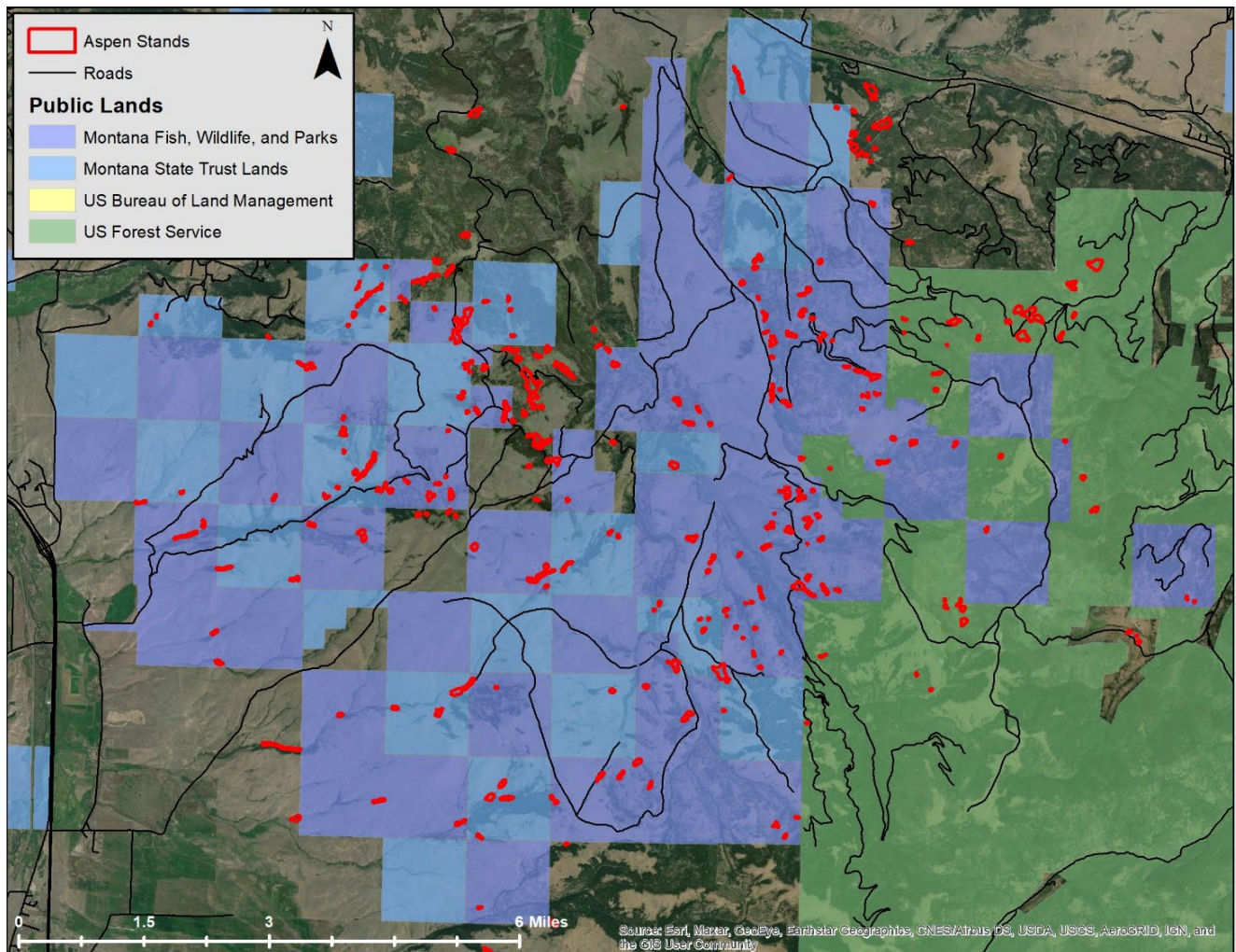
According to *ARM 12.2.431(2)*, “An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required...” Therefore, EIS-level environmental review is not required for the proposed action and FWP determined the appropriate level of environmental review for the proposed action is an EA.

#### **COMMENT #34: ASPEN**

- A. *“Please disclose and map and analyze the current condition of aspen stands in the Program Area.”*
- B. *“How many acres of aspen are now impacted by livestock grazing. How many more acres are projected?”*

#### **FWP RESPONSE:**

FWP has recently completed a mapping effort to document all aspen stands and potential aspen stands on SDWMA (see figure below). Future work on the SDWMA will seek to enhance and expand these aspen stands using mechanical treatments and possibly prescribed fire. Currently, most aspen stands on the SDWMA are diminished due to conifer encroachment caused by lack of disturbance (i.e., fire). Aspen stands in open areas were historically suppressed from expansion and growth of new trees due to a long legacy of livestock grazing. Since 2013, these aspen stands are rapidly recovering and almost all of them have a thick understory of new aspen clones growing in and around the older legacy trees. Aspen stands would be excluded from any future grazing pastures using e-collar technology or temporary electric fencing to maintain this recovery and expansion trajectory.



#### **COMMENT #35: RARE PLANTS**

*"What threatened, endangered, proposed, rare and sensitive plant species and habitat are located within the proposed project area? What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project?"*

#### **FWP RESPONSE:**

Plant Species of Concern and ESA-nexus species are listed in the Draft EA. The use of rest-rotation grazing techniques that include long periods of rest and targeted noxious weed control would maintain or enhance native plant communities, including rare and sensitive plants if they are native to the area. Sensitive plant communities around riparian areas, wetlands, and aspen stands would be excluded from grazing pastures to the greatest extent possible.

#### **COMMENT #36: CLIMATE CHANGE**

*"Disclose the impact of climate change on the efficacy of the proposed grazing and water developments."*

#### **FWP RESPONSE:**

Thank you for your comment. Pursuant to MEPA, FWP must consider and disclose potential impacts of the proposed action (rest and rotation cattle grazing and water development) on the affected human

environment. MEPA does not require FWP to analyze how climate change may impact the proposed action.

#### **COMMENT #37: CARBON STORAGE**

*“Disclose the impact of the proposed project on the carbon storage potential of the area.”*

#### **FWP RESPONSE:**

Thank you for your comment. Rest-and-rotation cattle grazing practices, as proposed, have been shown to support overall grassland ecosystem health. Healthy grassland ecosystems have the potential to increase the carbon sequestration potential of the affected area (Bai and Contrufo 2022) and to limit the potential for significant carbon release to the atmosphere as a consequence of wildfire, including catastrophic wildfire events ([USDA Northwest Climate Hub: https://www.climatehubs.usda.gov/hubs/northwest](https://www.climatehubs.usda.gov/hubs/northwest)). More specifically, grasslands are dominated by herbaceous (nonwoody) vegetation and so—unlike forests—carbon within living aboveground vegetation is a small proportion of the total ecosystem carbon pool. Additionally, this aboveground biomass carbon is relatively short-lived due to harvest, grazing, fire, and senescence. In contrast, the perennial grasses that dominate grasslands are characterized by extensive fibrous root systems that often make up 60 to 80 percent of the biomass carbon in these ecosystems. This belowground biomass may extend several meters below the surface and contribute abundant carbon to soils, resulting in deep, fertile soils with high organic matter content. Because of this, soil carbon makes up approximately 81 percent of total ecosystem carbon found in grasslands ([USFS, Considering Forest and Grassland Carbon in Land Management, https://www.fs.usda.gov/sites/default/files/fs\\_media/fs\\_document/wo-95-consideringforestandgrasslandcarboninlandmanagement-508-92517.pdf](https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/wo-95-consideringforestandgrasslandcarboninlandmanagement-508-92517.pdf), Adams et al. 1990). Further, healthy grassland ecosystems have been shown to limit the potential for catastrophic wildfire by creating fuel breaks ([USDA Northwest Climate Hub, https://www.climatehubs.usda.gov/hubs/northwest/topic/targeted-grazing-wildfire-fuel-breaks](https://www.climatehubs.usda.gov/hubs/northwest/topic/targeted-grazing-wildfire-fuel-breaks)). Catastrophic wildfire events have the potential to significantly contribute to climate change because such events release large amounts of carbon stored in the above-ground biomass of grasses directly to the atmosphere, primarily in the form of CO<sub>2</sub>. Therefore, the proposed project would be expected to promote climate adaptability and resiliency thereby promoting improved carbon sequestration capacity of soils and limiting the potential for catastrophic wildfire and the associated immediate release of large quantities of CO<sub>2</sub> to the atmosphere.

#### **ADDITIONAL INFORMATION ADDED TO THE DRAFT EA:**

Several modifications were made to the Draft EA to add clarification to particular questions received in public comment. These modifications are included in responses to Comments #7A, #18C, and #25G above. Other minor edits (wording clarification or spelling errors) were incorporated into the Draft EA as well. The following language was added to the Impacts Analysis in Section 5: Vegetation Cover, Quantity, and Quality: Climate Change: The proposed action would not result in significant adverse direct, secondary, or cumulative climate change impacts. Any impacts of the proposed action would be consistent with current impacts (i.e., the no action alternative).

#### **COMMENTS OUTSIDE THE SCOPE OF THE PROJECT**

The following issues were brought up in comments but are outside the scope of this project and therefore were not addressed in our response to comments:

- Bison
- Purchasing DNRC inholdings in SDWMA
- Road access
- Timber management

**References:**

Adams, R. M., C. Rosenzweig, R. M. Peart, J. T. Ritchie, B. A. McCarl, J. D. Glycer, R. B. Curry, J. W. Jones, K. J. Boote, and L. H. Allen, Jr. 1990. Global climate change and US agriculture. *Nature*, V345.

Bai, Y., and M. F. Cotrufo. 2022. Grassland soil carbon sequestration: Current understanding, challenges, and solutions. *Science*, V377-6606.

Osmonds, D.L., D.M. Butler, N. N. Ranells, M. H. Poore, A. Wossink, J. T. Green. 2007. *Grazing Practices: A Review of the Literature*. North Carolina Agricultural Research Service, Technical Bulletin 325-W. North Carolina State University. Raleigh, NC.

USDA Forest Service. 2017. Considering forest and grassland carbon in land management. General Technical Report WO-95.

**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 the Alternative 2, the proposed action.

Sincerely,



Kendra McKlosky  
Region 2 Regional Supervisor