



Montana Fish, Wildlife & Parks

Region 2 FWP
3201 Spurgin Road
Missoula, MT 59804
Phone 406-542-5500
June 29, 2010

Dear Interested Citizen:

Enclosed you will find for your review the Draft Environmental Assessment (EA) for a Montana Fish, Wildlife & Parks (FWP) proposal to acquire a 27,616-acre Wildlife Management Area northeast of Deer Lodge, in Powell County. The purpose of this proposal is to secure critical fish and wildlife habitat and to enhance compatible recreational opportunities and access for the public.

FWP will hold a public hearing in Deer Lodge on July 14 (Wednesday) at 7:00 p.m. at the Deer Lodge Community Center (Cottonwood Street, north of the County Courthouse) to discuss the proposed acquisition and take public comment.

The EA may also be obtained by mail from Region 2 FWP at the address above; by phoning 406-542-5500; by emailing fwprg22@mt.gov; or beginning June 29, by viewing FWP's Internet website <http://fwp.mt.gov> ("Recent Public Notices").

Comments should be directed by: mail to FWP at the address above; phone to 406-542-5500; or email to SpottedDog@mt.gov. Comments must be received by FWP no later than 5:00 p.m. on July 30, 2010.

As part of the decision making process under MEPA, I expect to issue the Decision Notice for this EA very soon after the end of the comment period. The Montana Fish, Wildlife & Parks Commission has the final decision-making authority for FWP land acquisition proposals, and the Commission will be asked to render its decision on this proposal at its August 5th meeting in Helena. Approval will also be necessary from the Montana Board of Land Commissioners.

Sincerely,

A handwritten signature in black ink that reads "Mack Long". The signature is fluid and cursive.

Mack Long
Regional Supervisor

ML/sr

DRAFT Environmental Assessment

Proposed Wildlife Management Area Land Acquisition-- Spotted Dog Property



Wintering Elk on the Spotted Dog Property, 2009

June 2010



**Montana Fish,
Wildlife & Parks**

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1.0 PURPOSE OF AND NEED FOR ACTION

1.1. Proposed Action and Need

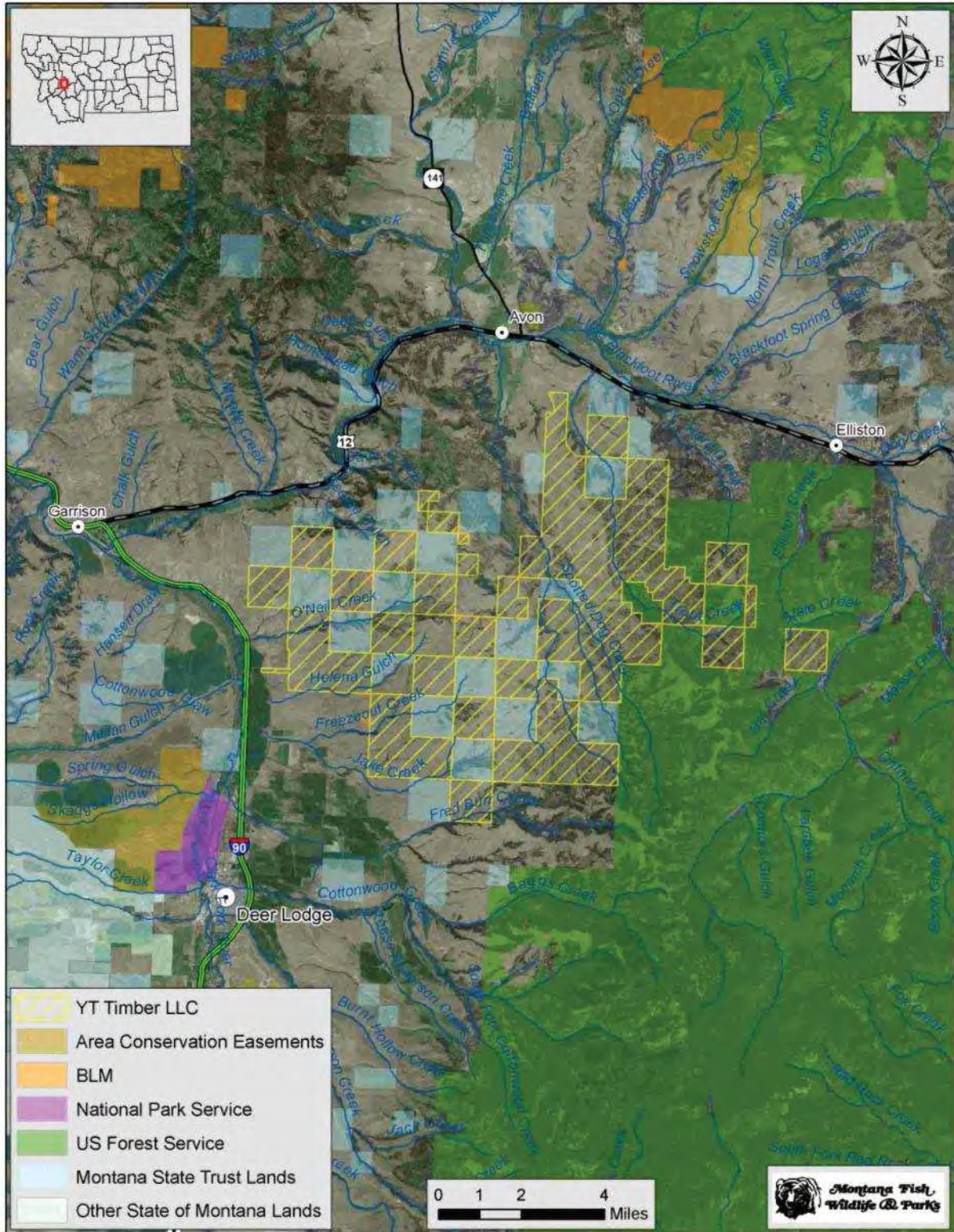
Montana Fish, Wildlife and Parks (FWP) proposes to purchase via fee title the 27,616-acre Spotted Dog property from Rock Creek Cattle Company (RCCC). RCCC leases an additional 10,261 acres from the Montana Department of Natural Resources and Conservation (DNRC) for cattle grazing, and FWP proposes a 10-year lease for these acres as part of this proposal. The fee-title property and leased DNRC acres are intermingled in an area northeast of Deer Lodge and south of Avon, Montana (Figure 1).

The Spotted Dog property is owned by Y-T Timber LLC (a.k.a., RY Timber) and under lease with an option to purchase by RCCC that expires in November 2011. Hereafter FWP assumes the transaction between Y-T Timber and RCCC will be concluded during summer of 2010 and RCCC would have the right to negotiate sale of the ranch to FWP.

FWP intends to manage the property as a Wildlife Management Area (WMA) for fish and wildlife habitat as well as public recreational opportunities. Spotted Dog provides habitat for a diversity of wildlife species ranging from grasshopper sparrows to grizzly bears. The lands provide especially significant big game habitat with the largest concentration of wintering elk in the Upper Clark Fork (almost 1,000 elk in 2009), and yearlong habitat for antelope, mule deer, white-tailed deer, elk, moose, black bear, and other species. The Spotted Dog property is a large, intact landscape (in combination with DNRC lands is 37,877 acres) with extensive native intermountain grasslands (rough fescue/bluebunch wheatgrass), shrub grasslands (bitterbrush/juniper/rabbitbrush), approximately 45 miles of riparian habitat along Spotted Dog, O'Neil and Trout Creeks, aspen patches, and dry Douglas-fir forests. Native westslope cutthroat trout reside in Spotted Dog Creek and its tributaries, as well as in O'Neil and Trout Creeks.

The Spotted Dog property is the second-largest block of unbroken native grasslands (14,049 acres) held under a single private owner west of the Continental Divide in Montana and the most significant single block of winter range in the Upper Clark Fork River Basin (UCFRB). The property offers abundant opportunities for outdoor recreation including hunting, hiking, horseback riding, or bird watching and is within an hour (or less) of Deer Lodge, Butte, Anaconda, Helena, and 1 ½ hours from Missoula. Public ownership of Spotted Dog would provide long-term conservation for some of the best big game habitat in Western Montana and extensive public recreational opportunities within reach of three of Montana's largest cities.

Threats to Spotted Dog include the subdivision of the property for residential and recreational homes as well as a high likelihood that the property would be sold in parts to a multiple owners with differing management goals. The ranch was recently listed by Faye Ranches for \$17,215,000. If it is sold to a private party, the opportunity to bring it into public ownership would be lost for the foreseeable future.



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Figure 1. Map of the Spotted Dog property ownership boundaries

1.2 Objectives of the Proposed Action

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

1.3. Location

The Spotted Dog property is located approximately 5 miles north east of Deer Lodge, Montana and one mile south of Avon, Montana.

Township & Range of the deeded Property in general terms:

- T8N, R8W: All of Sections 1, 3, 5, 7, 9, 11, 13, 14, 15, 17, 18, and 21
Portion of Section 2
- T8N, R9W: All of Sections 1 and 2
Portion of Section 3
- T9N, R7W: All of Sections 7, 18, 19, 21, 29, 31, 33, and 35
Portions of Sections 20, 27, and 30
- T9N, R8W: All of Sections 1, 11, 13, 14, 19, 23, 24, 25, 29, 31, 33, 35, and 36
Portions of Sections 2, 17, 21, 22, 26, and 27
- T9N, R9W: All of Sections 23, 25, 27, and 35
- T10N, R8W: Portion of Section 35

1.4 Relevant Plans

Application to FWP's Comprehensive Fish and Wildlife Conservation Strategy

During the last century intermountain grasslands and riparian habitats have declined significantly in Montana, as a result of sod busting, noxious weed invasions, and residential development. The 175,260-acre Deer Lodge Valley is identified in the Montana Fish, Wildlife & Parks' (2005) Comprehensive Fish and Wildlife Conservation Strategy (CFWCS), as 1 of 10 Terrestrial Focus Areas in the state. The Deer Lodge Valley supports four community types of greatest conservation need (Tier 1 community types; grassland complexes, riparian & wetland, mixed shrub & grass associations, and sagebrush & salt flats) as well as 10 Tier 1 species. The abundance of large continuous tracts of intermountain grasslands is what makes the Upper Clark Fork and the Deer Lodge Valley in particular, unique. Out of 10 Terrestrial Focus areas, only the Rocky Mountain Front has a similar prevalence of grasslands (60% vs. 59% in the Deer Lodge Valley).

Montana Species of Concern (SOC) and Federally listed Threatened/ Endangered species that have been observed on the property or are predicted to occur within the property are listed in Table 1.

Table 1. Montana Species of Concern (SOC) and Federally listed Threatened/Endangered species that have been observed on the property or are predicted to occur within the property.

| Common name (<i>Scientific name</i>) | Status | Habitat | Status in Spotted Dog Property Vicinity |
|--|----------------------------|---|---|
| Species of Concern | | | |
| Westslope Cutthroat Trout (<i>Oncorhynchus clarki lewisi</i>) | SOC, Tier 1 | Coldwater streams | Verified in area, in Spotted Dog, Trout, and O'Neil creeks |
| Canada Lynx (<i>Lynx Canadensis</i>) | Threatened, Tier 1 | Subalpine conifer forests | Harvested near property |
| Fringed Myotis (<i>Myotis thysanodes</i>) | SOC | Riparian & dry mixed conifer forests | Suitable habitat in area, not verified |
| Gray Wolf (<i>Canis lupus</i>) | Delisted, SOC, Tier 1 | Generalist | Verified on the property |
| Grizzly Bear (<i>Ursus arctos</i>) | Threatened, SOC, Tier 1 | Generalist | Suitable habitat for expansion into the area |
| Hoary Bat (<i>Lasiurus cinereus</i>) | SOC | Riparian and forest habitats | Suitable habitat in area, not verified |
| Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>) | SOC, Tier 1 | Caves and mines | Suitable roost sites near area, foraging habitat on property |
| Preble's Shrew (<i>Sorex preblei</i>) | SOC | Sagebrush/Grasslands | Suitable habitat in area, not verified |
| Wolverine (<i>Gulo gulo</i>) | SOC | Conifer forests | Harvested within 2 miles of eastern boundary |
| Bald Eagle (<i>Haliaeetus leucocephalus</i>) | Delisted, SOC, Tier 1 | Riparian forests | Nesting pairs along Little Blackfoot, some foraging habitat on property |
| Brewer's Sparrow (<i>Spizella breweri</i>) | SOC | Sagebrush | Suitable habitat in area, not verified |
| Brown Creeper (<i>Certhia Americana</i>) | SOC | Mixed conifer forests | Verified on Forest Service lands near the property |
| Cassin's Finch (<i>Carpodacus cassinii</i>) | SOC | Conifer forests | Verified on Forest Service lands near the property |
| Clark's Nutcracker (<i>Nucifraga Columbiana</i>) | SOC | Conifer forests | Verified on Forest Service lands near the property |
| Flammulated Owl (<i>Otus flammeolus</i>) | SOC, Tier 1 | Low-mid elevation conifer forests with large trees | Verified on Forest Service lands near the property |
| Golden Eagle (<i>Aquila chrysaetos</i>) | SOC | Generalist | Verified on property |
| Grasshopper Sparrow (<i>Ammodramus savannarum</i>) | SOC | Grasslands | Suitable habitat in area, not verified |
| Great Blue Heron (<i>Ardea Herodias</i>) | SOC | Riparian woodlands | Rookery on the Little Blackfoot near Garrison, foraging habitat on property |
| Great Gray Owl (<i>Strix nebulosa</i>) | SOC | Conifer forests | Limited suitable habitat in area, not verified |
| Lewis's Woodpecker (<i>Melanerpes lewis</i>) | SOC | Riparian forests | Verified on Forest Service lands near the property |

| Common name (Scientific name) | Status | Habitat | Status in Spotted Dog Property Vicinity |
|--|--------------------|---|--|
| Long-billed Curlew (<i>Numenius americanus</i>) | SOC, Tier 1 | Grasslands | Verified on property |
| Northern Goshawk (<i>Accipiter gentilis</i>) | SOC | Mixed conifer forests | Verified near the area, suitable habitat present |
| Peregrine Falcon (<i>Falco peregrines</i>) | Delisted, SOC | Cliffs, forages over riparian, wetland habitats | Foraging habitat in area, not verified |
| Sharp-tailed Grouse – Columbian or prairie subspp. (<i>Tympanuchus phasianellus</i>) | SOC (Columbian) | Grasslands | Suitable habitat, not verified, possible reintroduction site |
| Veery (<i>Catharus fuscenscens</i>) | SOC | Riparian forests, shrubby habitats | Suitable habitat, not verified |
| Western Toad (<i>Bufo boreas</i>) | SOC, Tier 1 | Wetlands, lakes, floodplain ponds | Suitable habitat in area, not verified |
| Potential Species of Concern | | | |
| Silver-haired Bat (<i>Lasionycteris noctivagans</i>) | PSOC | Riparian and forest habitats | Suitable habitat in area, not verified |
| Common Poorwill (<i>Phalaenoptilus nuttallii</i>) | PSOC | Open conifer woodlands | Suitable habitat in area, not verified |
| Swainson's Hawk (<i>Buteo swainsoni</i>) | PSOC | Sage/grasslands with woody draws | Suitable habitat, verified in Deer Lodge Valley |
| Western Screech-Owl (<i>Megascops kennicottii</i>) | PSOC | Riparian forests | Suitable habitat, not verified |
| An Agapetus Caddisfly (<i>Agapetus montanus</i>) | PSOC | Fast-flowing streams | Verified in Spotted Dog Creek north of the property |
| Additional Tier 1 Species | | | |
| Olive-sided Flycatcher (<i>Contopus cooperi</i>) | CFWCS Tier 1 | Early seral forest/shrub patches, and burned forest | Verified on Forest Service lands near the area |

** Tier 1 status identifies those species in greatest conservation need

Powell County Growth Policy serves as a planning guide for local officials and citizens throughout the planning period from its adoption in 2006 up to the year 2025. It provides a long-range statement of local public policy defining guidance for managing and accommodating development within the county (Powell County, 2006).

1.5 Authority and Responsibility

FWP has the authority to purchase lands that are suitable for game, bird, fish or fur-bearing animal restoration, propagation or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation per Montana state statute 87-1-209.

Per state law, 87-1-201(9) MCA, FWP is required to implement programs that address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife

management area under the department's jurisdiction. FWP would develop and implement forest management plans for this property to meet the intent of this statute.

FWP is also required to deposit 20% of the purchase price, capped at \$300,000/acquisition, for properties it acquires (87-1-209 and 23-1-127 (2) MCA). Such an account would be used for weed maintenance, fence installation or repair of existing fences, streambank stabilization, erection of barriers to preserve riparian vegetation and habitat, and similar activities. Such maintenance activities should be consistent with the good neighbor policy.

2.0 ALTERNATIVES

2.1. Alternative A--Proposed Action: For FWP to Purchase the 27,616-acre Spotted Dog property from the Rock Creek Cattle Company

FWP proposes to purchase via fee title 27,616.35 acres northeast of Deer Lodge, Montana, to establish a new wildlife management area. The target property includes portions of Spotted Dog, Trout, and O'Neil Creeks. In addition to the acquisition, FWP would assume and pay for a 10-year lease for RCCC's existing DNRC grazing leases on 10,260.85 acres that are interspersed within the Spotted Dog property.

FWP has applied for an Upper Clark Fork River Basin Restoration Grant for approximately \$15.2 million (\$550/acre), which is the appraised fair market value for the purchase of the property. The grant funds would come from the Montana Natural Resource Damage Program. This program has been responsible for performing natural resource damage assessments, pursuing the lawsuit against ARCO, and administering funds from the settlement. The 1999 partial settlement earmarked about \$130 million to restore or replace the injured natural resources in the Upper Clark Fork River Basin. In general, restoration funds can be used on projects that will improve:

- water, fish and wildlife resources
- public drinking water supplies
- natural resource-based recreational opportunities such as hunting, fishing, hiking and wildlife watching

The estimated net present value of a 10-year grazing lease agreement for the 10,260.85 acres from the DNRC is \$148,869. This expense also proposed to be paid through the Upper Clark Fork River Basin Restoration Grant.

FWP has drafted a management plan for the property that is attached as *Attachment A*. The Management Plan would disclose and guide FWP management direction for the WMA in the first months and years following acquisition.

Challenges of the proposed acquisition include: the oversight and enforcement of management strategies and existing FWP rules throughout the property for protecting resource values, as well as for public appreciation and enjoyment of these resources. Estimated 5-year maintenance expenses are \$1,225,140 for weed management, fence maintenance and replacement, and road maintenance and obliteration. The maintenance budget is described in more detail in the Draft

Management Plan (Attachment A). FWP has made application to the Natural Resource Damage Program to fund this 5-year maintenance expense, which includes 0.5 FTE for additional staff to help manage the property during the start-up period.

Taxes would total approximately \$15,000 per year and would be paid from existing FWP accounts.

2.2 Alternative B--No Action: FWP would not purchase the Spotted Dog Property

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

2.3 Alternative Considered but Eliminated from Further Analysis--Conservation Easement

FWP could achieve many, but not all of the habitat and public access objectives, for the Spotted Dog property by purchasing a conservation easement on the property instead of acquiring it in fee. A conservation easement could achieve these objectives at approximately two-thirds of the cost of a fee title acquisition (\$15.19 million X 0.64 = \$9.7 million). A conservation easement would not have allowed FWP complete management control over the property for the benefit of fish, wildlife and the public. In previous years, the Rocky Mountain Elk Foundation tried to obtain a conservation easement, but the landowner and option holder declined to sell a conservation easement.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENT CONSEQUENCES

3.1 LAND USE

Since the early 1870s, the Spotted Dog property has been used for grazing cattle and sheep. Much of the conifer forest habitat has been harvested, including considerable removal since 2005. Currently, only 51 acres near the center of the property (hay-ground; 0.1% of the total ranch) are being used for agriculture (hay) production. RCCC has approximately 2,000 cow/calf pairs grazing on the property annually, in addition to 20 horses.

Local lore of the property connects it with the historic Grant-Kohrs Ranch in the Deer Lodge Valley, which was a large cattle operation in the mid-1800s through the early 20th century when the ranch was split into three large parcels and sold. The National Park Service, which maintains the original Grant-Kohrs Ranch buildings as a National Park (National Historic Site), has yet to discover any documentation to conclusively substantiate a connection between the two ranches (NPS, personal communication, 5/7/10).

Approximately 60 miles of fence are present and functional around the perimeter of the property for controlling cattle and generally demarcating the proposed WMA boundary. The interior of

the ranch is fenced into four pasture areas and those fences are in various conditions. Some of the interspersed sections owned by DNRC within in the ranch are also fenced. There are small established corrals for cattle management activities throughout the property.

Although there are some undeveloped access points into the Spotted Dog property, there are only four legal points of entry, of which two are currently gated. One entrance is on the northwest side of the property near O’Neil Creek, one is south of Avon along Trout Creek (Trout Creek Road), one is the old Stagecoach Road up Helena Gulch, and the fourth is via Forest Service Road #314 (the Tree Farmer Road) from the east side of the property. Access from the Deer Lodge and Avon sides are gated at their junction with county roads. In total, there are approximately 117 miles of roads crossing the property, with most roads being small roads for timber harvest and low-impact jeep trails. Ownership of the roads is mixed between the landowner, County, and Forest Service.

The ranch is bisected by several major power lines and two pipelines (one gas and one for refined product).

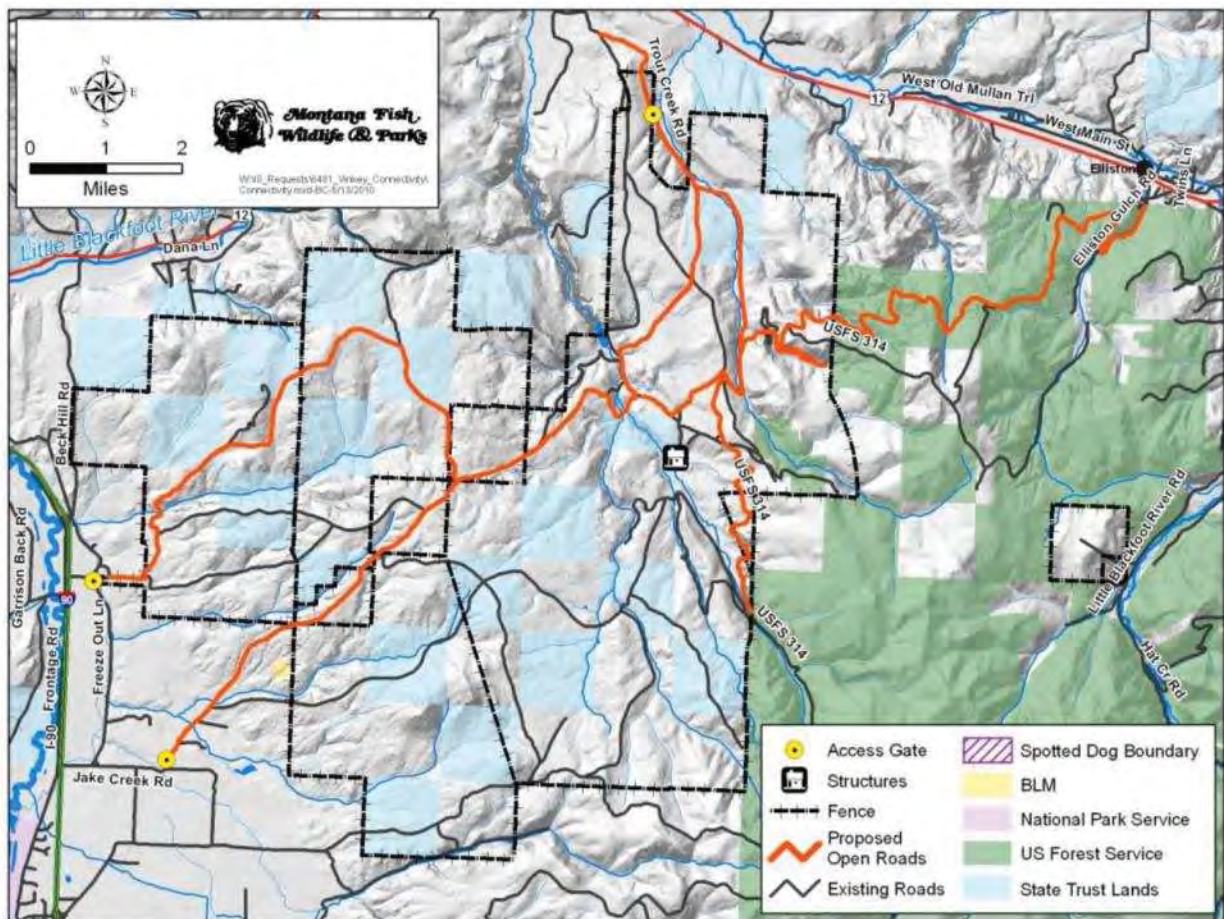


Figure 2. Map showing the Spotted Dog Property access points and fencing.

There are two large structures on the property: a 6,600 sq. ft. barn used for livestock management and a 2,000 sq. ft. modular home with an outbuilding that is currently not occupied and is used for storage and occasional bunking facilities.

Proposed Action: Spotted Dog WMA would be managed in a manner consistent with that of other WMAs owned and managed by FWP (e.g., Blackfoot-Clearwater, Lost Creek, Garrity Mountain, Fleecer Mountain, and Sun River). Management priority would be for the benefit of native fish and wildlife resources. Public access would be provided to the extent that such access is compatible with the stewardship of soil, native vegetation, and the endemic fish and wildlife resources.

FWP would monitor the status of streambanks, riparian vegetation and uplands, and consider grazing on a case by case basis. Livestock may be considered in the future as a tool for managing forage quality and enhancing forb diversity, depending on the initial results of livestock exclusion. On some WMAs in Montana, FWP has entered into cooperative habitat management agreements and structured grazing systems with adjoining landowners, which provide for grazing treatments and periodic yearlong rest from livestock grazing on the WMA and private properties for the enhancement of elk forage (typically) across the broader landscape. FWP would be open to exploring such possibilities if such agreements would appear to meet resource objectives in the future.

There is approximately 60 miles of existing 5-strand barbed-wire boundary fencing. As the old fencing is replaced, FWP may employ more wildlife-friendly designs. FWP would plan to inventory all the interior fencing to determine if some sections should be removed or stored to improve wildlife passage and movement while maintaining essential infrastructure for any future grazing systems if warranted.

The public would gain access to the WMA from noon May 15th through November 30th each year for motor-vehicle driving, hiking, horseback riding, hunting, shed-antler hunting, primitive camping, and related outdoor recreation. The WMA would be closed to all public entry from December 1st until noon May 15th to provide protection for elk, deer, and antelope while concentrated on winter range. An exception to this closure would be for snowmobiles use upon and restricted to the existing groomed snowmobile trails following the Forest Service roads in the eastern portion of the property. The Forest Service holds road easements in that area for Forest Service #314 (the Tree Farmer Road) and Irish Mine Roads that allows for year-round public use. An open road system would be maintained to provide the public with ample opportunities for motorized access during the May 15th through November 30th season. Additional detail is provided in the attached Draft Management Plan.

FWP would provide routine road maintenance to support public travel on the primary roads and correct existing and new road issues on a prioritized basis.

A search of the MT Bureau of Mines and Geology Abandoned and Inactive Mines database for Powell County did not identify any old hard rock mines (gold, silver, etc.) within the Spotted Dog property. The database search did acknowledge four locations where pumice had been located (8N8W, Sec. 18 - 8N9N, Sec. 2 - 9N8W, Sec. 31 and 9N9W, Sec. 25) within the property's boundary.

Any mineral interests owned by RCCC attached to the parcels would be transferred to FWP. Final determination of those interests is pending. Approximately mineral rights for 14,149 acres of the Spotted Dog property are owned by a third party and research of property has showed the potential for mineral development is very low. Water rights attached to the project property would also be transferred to FWP.

No Action: Under the No Action Alternative, there is a high degree of likelihood that RCCC would attempt to find another buyer for this property and may consider selling the property in smaller parcels, which would increase the likelihood that the property would be subdivided for residential development. This would increase the probability that habitat function would be compromised and land uses would differ by owner.

3.2 Vegetation

The productivity of lands on the Spotted Dog fee-title property varies across the landscape. In general, 14,048 acres of foothills, valley, and lower and upper montane grasslands are in moderate to good condition; sagebrush communities are in to fair to good condition, and the condition of riparian areas and mesic/wet meadows ranges from poor to good depending on stocking densities and use by livestock. Only 51 acres are in agricultural production and only 6 structures exist on 27,616 acres, indicating that native habitats are remarkably intact and almost entirely available for use by wildlife.

In 2009, the Montana Natural Heritage Program (MNHP) mapped habitat types in the UCFRB, as part of an assessment of terrestrial resources conducted by FWP and cooperators, funded by the Natural Resource Damage Program (NRDP). Results of the assessment are in Table 2.

Intermountain Grasslands are abundant with over 12,420 acres of lower montane, foothill, and valley grasslands. Native bunchgrasses, including rough fescue (*Festuca scabrella*), bluebunch wheatgrass (*Elymus spicatus*), Sandberg bluegrass (*Poa secunda*), and blue grama (*Bouteloua gracilis*), dominate these communities. These grasslands provide year-round habitat, including winter range, for antelope, mule deer, and elk, as well as nongame species dependent on intact native grasslands.

Riparian habitats on the ranch are found along 45 miles of perennial and seasonal streams as well as on the edges of springs, ponds, and seeps. Riparian woodlands, wet meadows, and emergent marsh cover an estimated 621 acres. In a dry landscape, these rare habitats provide especially important habitat for birds, bats, reptiles, and amphibians.

Shrub Grasslands dominated by antelope bitterbrush and its associates (rabbitbrush, juniper, and forbs) occupy 2,719 acres. Bunchgrass and bitterbrush communities are productive and intact. Mule deer use these habitats extensively as do calving elk, antelope, and nongame species. Antelope bitterbrush and rough fescue communities occur on the property. Both communities are limited, uncommon, and apparently declining across Western Montana, yet both are exceptionally valuable as forage for elk and mule deer, as well as food and cover for a variety of wildlife.

Table 2. Habitat types by acreage on Spotted Dog. (Acres are estimates based on refinements to Montana land-cover mapping completed by the Montana Natural Heritage Program in 2009.)

| Habitat Type | Acres |
|--|-------------------------|
| Lower montane, foothill, & valley grasslands | 12,420.6 |
| Douglas-fir forest | 4,158.8 |
| Montane sagebrush steppe | 2,719.0 |
| Lodge pole pine | 1,794.7 |
| Harvested forest | 1,750.0 |
| Subalpine-upper montane grassland | 1,628.8 |
| Mesic meadow | 1,317.0 |
| Ponderosa pine | 435.5 |
| Riparian woodland | 411.4 |
| Wet meadow | 207.9 |
| Deciduous shrub land | 185.9 |
| Subalpine spruce | 135.2 |
| Aspen | 69.2 |
| Developed | 50.9 |
| Limber pine - juniper woodland | 13.3 |
| Water | 9.8 |
| Cliffs & canyons | 5.3 |
| Emergent marsh | 2.0 |
| Agriculture | 0.4 |
| <i>TOTAL classified habitats</i> | <i>27,315.70</i> |

Coniferous forest comprises approximately 30% of the target property. Forest types include lodgepole pine in higher elevations and ponderosa pine and Douglas-fir elsewhere. Much of the conifer forest has been harvested, including considerable removal since 2005. Timber harvest has included near total removal of some forest patches. In spite of intensive timber harvest, some of the remaining timber shows evidence of pine beetle mortality. The property is close to major pine beetle infestations near the community of Deer Lodge.

Invasive weed species are present along both active and abandoned roadways, and other heavily used sites. Exotic weed species include spotted knapweed (*Centaurea maculosa*), leafy spurge (*Euphorbia esula*), common hound's-tongue (*Cynoglossum officinale*), common mullein (*Verbascum thapsus*), hoary-cress (*Cardaria pubescens*), and Canada thistle (*Cirsium arvense*). Some weed control activities have been implemented by Y-T Timber LLC in the past.

Proposed Action: Under FWP management, timber harvest would not occur in the near-term because most of the merchantable timber was recently harvested. FWP's direction would be to

recruit large trees and snags in the future for their value as wildlife habitat. Although forest management would be a management priority in the long run to recruit and maintain forest stands of highest value for wildlife, there would not be an immediate need for active forest management, with the possible exception of spot sanitation harvests for disease control.

FWP would consult with professional foresters to evaluate the need for harvest to address remaining mountain pine beetle infestations. FWP's primary motivation would not be the salvage of monetary value from dead or dying trees, because dead and dying trees provide important habitat for a diversity of wildlife. However, FWP would evaluate each situation for the potential of beetle infestations spreading to unaffected stands, and may choose to remove beetle-killed trees as a preventive measure and as a good neighbor where neighboring stands are at risk.

Wildfires would be subject to immediate suppression upon detection. In an attempt to prevent human-caused ignitions, FWP and DNRC may institute temporary, emergency measures to progressively restrict public access if and as summer-fall drought conditions intensify in some years. Fire suppression on the Spotted Dog WMA would fall under the existing jurisdiction of the county. Prescribed fire may be used for enhancing aspen regeneration and herbaceous forage quality, and managing fuels in the forest understory, but only with public notice and the cooperation of local fire management entities.

If FWP were to acquire the Spotted Dog property, FWP would agree on a Weed Management Plan specific to the Spotted Dog property with Powell County that would be in accordance with the Montana Weed Management Plan (2008) prior to closing. In accordance with 7-22-215 MCA, the FWP is required to develop a noxious weed management plan, and to have the plan approved by the Powell County weed board (as well as provide a biennial report on its weed management activities). Any isolated patches of invading species would be eradicated by the most efficient and effective means (e.g., hand-pulling, digging or herbicide spot treatment), depending on weed species and site limitations. FWP's priority for herbicide control of noxious weeds on the subject lands would be to spray roadsides and recent log landings, skid trails and other disturbed sites. Roadsides would be inspected annually for the purpose of detecting and eradicating any new weed introductions before infestations become established. As an additional preventive measure, FWP would confine motorized traffic to the previously described road system and would otherwise avoid disturbance of the soil surface.

Ongoing noxious weed control would require cooperation and partnership with DNRC and private landowners on intermingled ownerships, as well as with Bonneville Power Administration power line right-of-way maintenance, to ensure its effectiveness throughout the property.

No Action: If RCCC retained the property and sold it to another buyer, the future impacts to resources and public access would be dependent on the desires of the property's new owner(s). It is difficult to predict how new ownership would affect existing vegetation and wildlife habitat resources since actual landowner activities are unknown. There is the potential for subdivision of the property for residential development, which could negatively and irreversibly impact habitat for wildlife species.

3.3 Wildlife Species

The Spotted Dog property provides habitat for a diversity of wildlife species. The lands provide especially significant big game habitat with the largest concentration of wintering elk in the Upper Clark Fork and yearlong habitat for antelope, mule deer, white-tailed deer, elk, moose, black bear, and other species.

The property has the right mix of native grasslands, bitterbrush communities, forests, and water to provide exceptional habitat for elk year-round. Calving habitats and winter range are found throughout. Some of the best winter range in the Upper Clark Fork exists on the Spotted Dog and intermingled DNRC lands with high numbers of wintering elk observed annually (Figure 3). In 2009, 1,014 elk were counted in the northern portion of Hunting District 215, mostly in the Spotted Dog country.

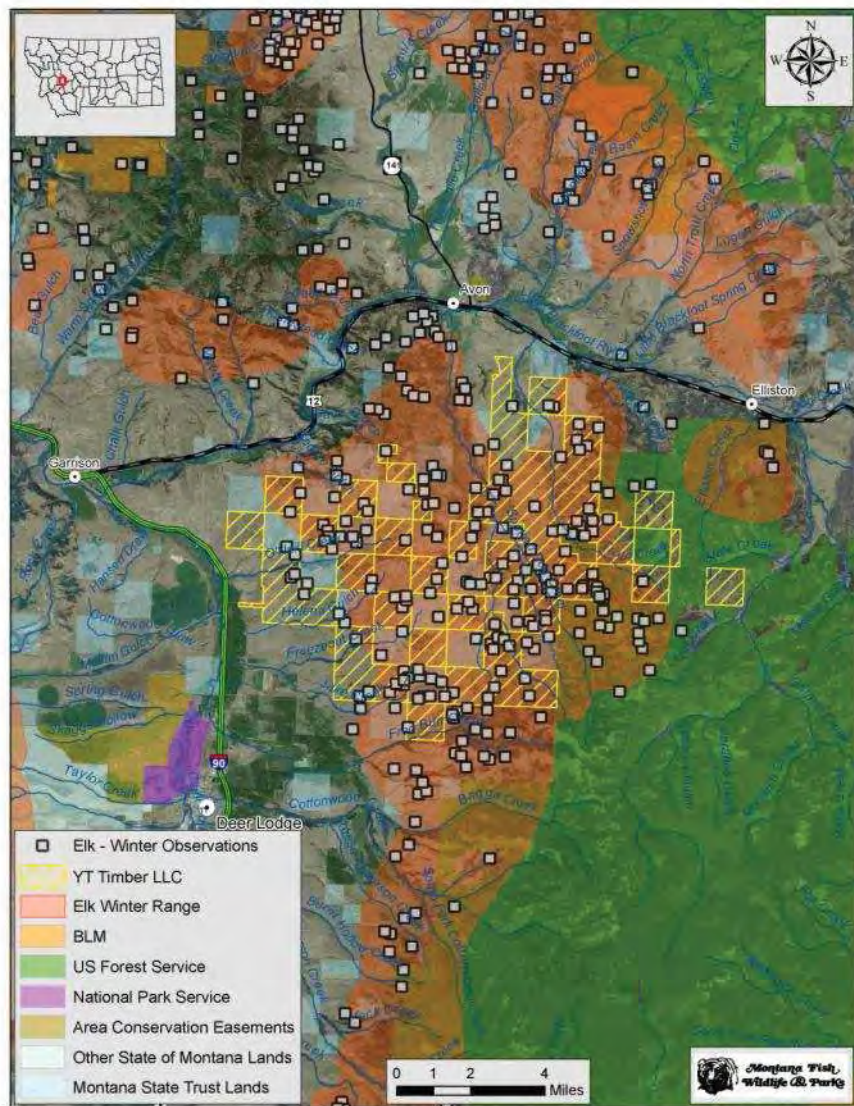


Figure 3. Elk survey locations and winter range, 1984-2008

The Spotted Dog property provides yearlong habitat for numerous Species of Concern. Species which are petitioned for federal protections under the Endangered Species Act (wolverine), delisted species (gray wolf and bald eagle), and listed species (*threatened*; grizzly bear and Canada lynx) are all known to use the ranch or nearby lands. See Section 1.4 for a complete list of species identified as federally listed Threatened/Endangered and/or as Montana Species of Concern.

The Spotted Dog area provides landscape connectivity between the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide, as evidenced by occurrences of wide-ranging wildlife species such as gray wolf, Canada lynx, and wolverine (Figure 4), and recently, grizzly bear.

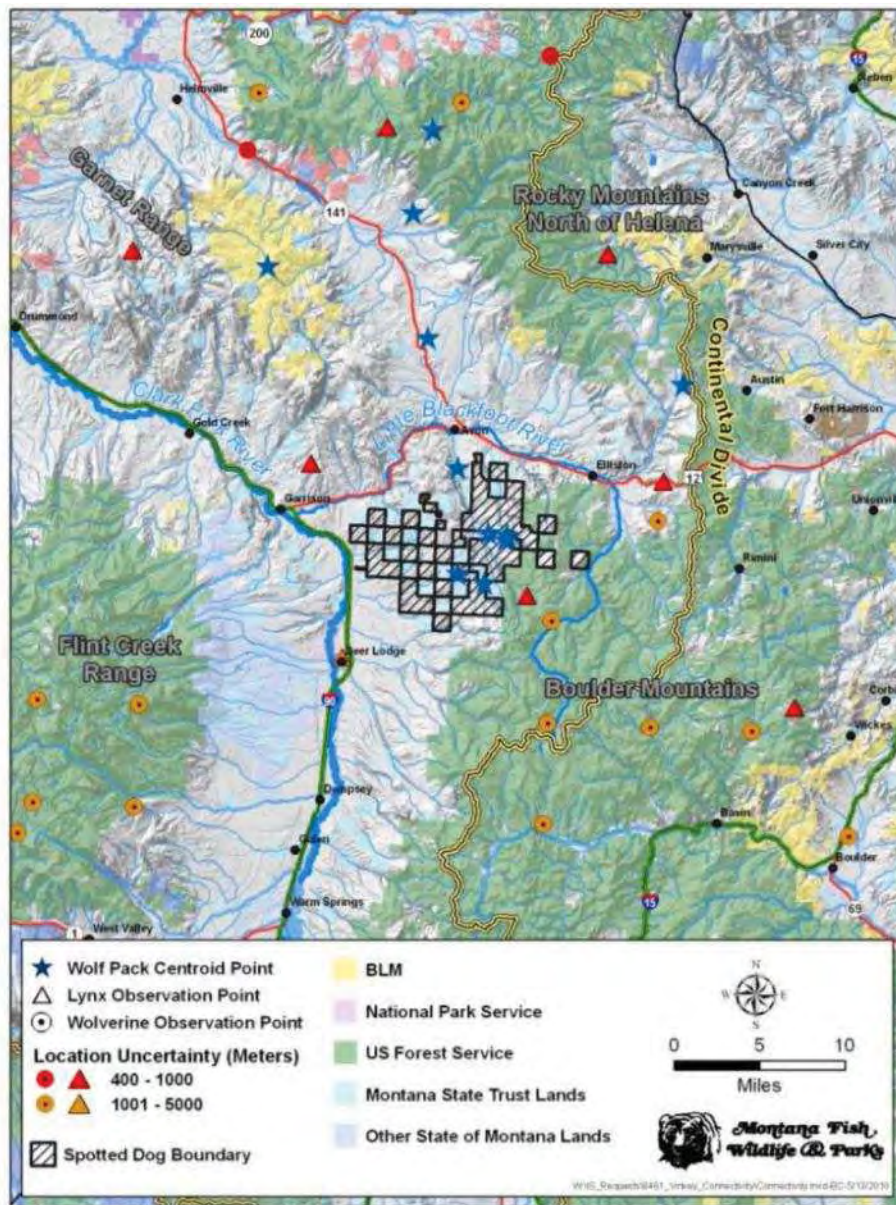


Figure 4. Spotted Dog landscape connectivity and carnivore locations

Over the past fifteen years, there has been documented evidence that two packs of gray wolves, the Boulder and Spotted Dog packs, have used the target property. The Boulder pack (aka Castle Rock pack) was the first documented pack in the area until depredation issues required the removal of pack members in 2003 and there were no sightings of the remaining pack members after 2004. The Spotted Dog pack resided south of Avon since 2006, but as of 2008, the pack is considered gone from the area since no sightings have been reported by landowners or the public. No new packs are known to use the property at this time.

Little information exists on nongame wildlife on the property, which is typical for most privately-owned ranches. Based on habitat, the property likely provides good nesting habitat for grassland bird species such as long-billed curlews, western meadowlarks, vesper sparrows, and grasshopper sparrows. The limited riparian habitat and woody coulees should support a rich diversity of songbirds where adequate cover exists. The combination of grasslands, small timber patches, and shrubby coulees may provide opportunities for reintroduction of sharp-tailed grouse, though further evaluation would be needed to fully evaluate this.

White-tailed jackrabbits have been reported from the area in the past. Jackrabbits are not common in Region 2 western valleys, compared to grasslands east of the Divide. Jackrabbits and ground squirrels provide the primary prey base for many birds of prey.

Raptors found in the area include golden eagles, red-tailed hawks, American kestrels, and northern harriers. The property offers good foraging habitat for prairie falcons, but limited nesting habitat. No ferruginous hawks have been documented nesting in the Deer Lodge Valley, so they are unlikely to occur on the property even though the habitat appears suitable. Swainson's hawks may occur along the western edge of the property, though this species has mainly been found in areas with mixed grassland and irrigated agriculture in the Deer Lodge Valley. Bald eagles nest along the Little Blackfoot River, and they probably spend time foraging on the property.

Northern goshawks were documented in two places in adjacent National Forest lands within ½ mile of the property boundary during goshawk surveys conducted by USFS. However, many forest patches that could have supported goshawk nesting have been removed from the property. Sufficient patches of conifer forest remain to potentially support a number of other forest species, especially near the boundary.

Rocky outcrops and cliffs provide nesting sites for some raptor species and roosting sites for bats. No caves are known on the property. The area has abandoned mines, but it is unknown if any provide roosting habitat suitable for Townsend's big-eared bats.

The pond on Spotted Dog Creek that spans the property boundary may provide breeding habitat for amphibians such as spotted frogs, boreal toads, and long-toed salamanders. Beaver ponds on the property also provide potential breeding sites for amphibians.

Other vertebrate species occur on or near, or are likely to occur on, the Spotted Dog property (Table 3).

Table 3. Vertebrate species observed on or nearby the Spotted Dog property, or likely to occur there based on species distribution range and habitat suitability.

| Common Name | Scientific Name |
|--------------------------------|-----------------------------------|
| Columbia Spotted Frog | <i>Rana luteiventris</i> |
| Long-toed Salamander | <i>Ambystoma macrodactylum</i> |
| American Kestrel | <i>Falco sparverius</i> |
| American Coot | <i>Fulica americana</i> |
| American Crow | <i>Corvus brachyrhynchos</i> |
| American Robin | <i>Turdus migratorius</i> |
| American Three-toed Woodpecker | <i>Picoides dorsalis</i> |
| Bank Swallow | <i>Riparia riparia</i> |
| Barn Swallow | <i>Hirundo rustica</i> |
| Belted Kingfisher | <i>Megaceryle alcyon</i> |
| Black-billed Magpie | <i>Pica hudsonia</i> |
| Black-capped Chickadee | <i>Poecile atricapillus</i> |
| Black-headed Grosbeak | <i>Pheucticus melanocephalus</i> |
| Brown-headed Cowbird | <i>Molothrus ater</i> |
| Brewer's Sparrow | <i>Spizella breweri</i> |
| Canada Goose | <i>Branta canadensis</i> |
| Cassin's Vireo | <i>Vireo cassinii</i> |
| Cedar Waxwing | <i>Bombycilla cedrorum</i> |
| Chipping Sparrow | <i>Spizella passerina</i> |
| Cliff Swallow | <i>Petrochelidon pyrrhonota</i> |
| Common Merganser | <i>Mergus merganser</i> |
| Common Nighthawk | <i>Chordeiles minor</i> |
| Common Raven | <i>Corvus corax</i> |
| Common Yellowthroat | <i>Geothlypis trichas</i> |
| Cooper's Hawk | <i>Accipiter cooperii</i> |
| Cordilleran Flycatcher | <i>Empidonax occidentalis</i> |
| Dark-eyed Junco | <i>Junco hyemalis</i> |
| Downy Woodpecker | <i>Picoides pubescens</i> |
| Dusky Flycatcher | <i>Empidonax oberholseri</i> |
| Dusky (Blue) Grouse | <i>Dendragapus obscurus</i> |
| Eastern Kingbird | <i>Tyrannus tyrannus</i> |
| European Starling | <i>Sturnus vulgaris</i> |
| Evening Grosbeak | <i>Coccothraustes vespertinus</i> |
| Golden-crowned Kinglet | <i>Regulus satrapa</i> |
| Gray Catbird | <i>Dumetella carolinensis</i> |
| Gray Jay | <i>Perisoreus canadensis</i> |
| Gray Partridge | <i>Perdix perdix</i> |

| Common Name | Scientific Name |
|-------------------------------|-----------------------------------|
| Great Horned Owl | <i>Bubo virginianus</i> |
| Hammond's Flycatcher | <i>Empidonax hammondii</i> |
| Hairy Woodpecker | <i>Picoides villosus</i> |
| Horned Lark | <i>Eremophila alpestris</i> |
| House Wren | <i>Troglodytes aedon</i> |
| Hermit Thrush | <i>Catharus guttatus</i> |
| Lazuli Bunting | <i>Passerina amoena</i> |
| Least Flycatcher | <i>Empidonax minimus</i> |
| Lincoln's Sparrow | <i>Melospiza lincolnii</i> |
| MacGillivray's Warbler | <i>Oporornis tolmiei</i> |
| Mallard | <i>Anas platyrhynchos</i> |
| Mountain Bluebird | <i>Sialia currucoides</i> |
| Mountain Chickadee | <i>Poecile gambeli</i> |
| Mourning Dove | <i>Zenaida macroura</i> |
| Northern Flicker | <i>Colaptes auratus</i> |
| Northern Harrier | <i>Circus cyaneus</i> |
| Northern Oriole | <i>Icterus galbula</i> |
| Northern Pygmy-Owl | <i>Glaucidium gnoma</i> |
| Northern Rough-winged Swallow | <i>Stelgidopteryx serripennis</i> |
| Northern Saw-whet Owl | <i>Aegolius acadicus</i> |
| Northern Shrike | <i>Lanius excubitor</i> |
| Northern Waterthrush | <i>Seiurus noveboracensis</i> |
| Olive-sided Flycatcher | <i>Contopus cooperi</i> |
| Orange-crowned Warbler | <i>Vermivora celata</i> |
| Osprey | <i>Pandion haliaetus</i> |
| Pine Grosbeak | <i>Pinicola enucleator</i> |
| Pine Siskin | <i>Carduelis pinus</i> |
| Prairie Falcon | <i>Falco mexicanus</i> |
| Red-breasted Nuthatch | <i>Sitta canadensis</i> |
| Red Crossbill | <i>Loxia curvirostra</i> |
| Red-naped Sapsucker | <i>Sphyrapicus nuchalis</i> |
| Red-tailed Hawk | <i>Buteo jamaicensis</i> |
| Red-winged Blackbird | <i>Agelaius phoeniceus</i> |
| Rock Pigeon | <i>Columba livia</i> |
| Rock Wren | <i>Salpinctes obsoletus</i> |
| Rough-legged Hawk | <i>Buteo lagopus</i> |
| Ruby-crowned Kinglet | <i>Regulus calendula</i> |
| Ruffed Grouse | <i>Bonasa umbellus</i> |
| Sandhill Crane | <i>Grus canadensis</i> |

| Common Name | Scientific Name |
|--------------------------------|----------------------------------|
| Savannah Sparrow | <i>Passerculus sandwichensis</i> |
| Sharp-shinned Hawk | <i>Accipiter striatus</i> |
| Snow Bunting | <i>Plectrophenax nivalis</i> |
| Song Sparrow | <i>Melospiza melodia</i> |
| Spotted Sandpiper | <i>Actitis macularius</i> |
| Spotted Towhee | <i>Pipilo maculatus</i> |
| Swainson's Thrush | <i>Catharus ustulatus</i> |
| Townsend's Solitaire | <i>Myadestes townsendi</i> |
| Tree Swallow | <i>Tachycineta bicolor</i> |
| Turkey Vulture | <i>Cathartes aura</i> |
| Vesper Sparrow | <i>Pooecetes gramineus</i> |
| Violet-green Swallow | <i>Tachycineta thalassina</i> |
| Warbling Vireo | <i>Vireo gilvus</i> |
| Western Meadowlark | <i>Sturnella neglecta</i> |
| Western Tanager | <i>Piranga ludoviciana</i> |
| Western Wood-Pewee | <i>Contopus sordidulus</i> |
| White-breasted Nuthatch | <i>Sitta carolinensis</i> |
| White-crowned Sparrow | <i>Zonotrichia leucophrys</i> |
| Willow Flycatcher | <i>Empidonax traillii</i> |
| Wilson's Snipe | <i>Gallinago delicata</i> |
| Wilson's Warbler | <i>Wilsonia pusilla</i> |
| Yellow-rumped Warbler | <i>Dendroica coronata</i> |
| Yellow Warbler | <i>Dendroica petechia</i> |
| American Beaver | <i>Castor canadensis</i> |
| Badger | <i>Taxidea taxus</i> |
| Big Brown Bat | <i>Eptesicus fuscus</i> |
| Black Bear | <i>Ursus americanus</i> |
| Bobcat | <i>Lynx rufus</i> |
| Bushy-tailed Woodrat | <i>Neotoma cinerea</i> |
| Columbian Ground Squirrel | <i>Spermophilus columbianus</i> |
| Coyote | <i>Canis latrans</i> |
| Deer Mouse | <i>Peromyscus maniculatus</i> |
| Dusky or Montane Shrew | <i>Sorex monticolus</i> |
| Elk or Wapiti | <i>Cervus canadensis</i> |
| Ermine | <i>Mustela erminea</i> |
| Golden-mantled Ground Squirrel | <i>Spermophilus lateralis</i> |
| Heather Vole | <i>Phenacomys intermedius</i> |
| Little Brown Myotis | <i>Myotis lucifugus</i> |
| Long-eared Myotis | <i>Myotis evotis</i> |

| Common Name | Scientific Name |
|-----------------------------|--------------------------------|
| Long-legged Myotis | <i>Myotis volans</i> |
| Long-tailed Vole | <i>Microtus longicaudus</i> |
| Long-tailed Weasel | <i>Mustela frenata</i> |
| Marten | <i>Martes americana</i> |
| Masked Shrew | <i>Sorex cinereus</i> |
| Meadow Vole | <i>Microtus pennsylvanicus</i> |
| Mink | <i>Mustela vison</i> |
| Montane Vole | <i>Microtus montanus</i> |
| Moose | <i>Alces alces</i> |
| Mountain Cottontail | <i>Sylvilagus nuttallii</i> |
| Mountain Lion | <i>Puma concolor</i> |
| Mule Deer | <i>Odocoileus hemionus</i> |
| Muskrat | <i>Ondatra zebithicus</i> |
| Northern Flying Squirrel | <i>Glaucomys sabrinus</i> |
| Northern Pocket Gopher | <i>Thomomys idahoensis</i> |
| Pika | <i>Ochotona princeps</i> |
| Porcupine | <i>Erethizon dorsatum</i> |
| Pronghorn (Antelope) | <i>Antilocapra americana</i> |
| Pygmy Shrew | <i>Sorex hoyi</i> |
| Raccoon | <i>Procyon lotor</i> |
| Red Fox | <i>Vulpes vulpes</i> |
| Red Squirrel | <i>Tamiasciurus hudsonicus</i> |
| Red-tailed Chipmunk | <i>Tamias ruficaudus</i> |
| Southern Red-backed Vole | <i>Clethrionomys gapperi</i> |
| Snowshoe Hare | <i>Lepus americanus</i> |
| Striped Skunk | <i>Mephitis mephitis</i> |
| Vagrant Shrew | <i>Sorex vagrans</i> |
| Water Shrew | <i>Sorex palustris</i> |
| Western Jumping Mouse | <i>Zapus princeps</i> |
| Western Small-footed Myotis | <i>Myotis ciliolabrum</i> |
| White-tailed Deer | <i>Odocoileus virginianus</i> |
| White-tailed Jackrabbit | <i>Lepus townsendii</i> |
| Yellow-bellied Marmot | <i>Marmota flaviventris</i> |
| Yellow-pine Chipmunk | <i>Tamias amoenus</i> |
| Common Gartersnake | <i>Thamnophis sirtalis</i> |
| Terrestrial Gartersnake | <i>Thamnophis elegans</i> |

Proposed Action: Under the Proposed Action, FWP would protect and enhance the entirety of the wildlife linkage area and significant winter range. The Spotted Dog WMA land acquisition would secure protection a forest carnivore linkage zone, providing important habitat connectivity to-and-from the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide ecosystems. It would also protect and enhance wildlife movement corridors along riparian habitats, which would benefit migratory songbirds, small mammals, amphibians, and fish (fish species are described in Section 3.4). In addition, FWP would open the area to hunting, trapping, and wildlife viewing opportunities for the general public, which was previously only accessible by permission of the owners. Hunting would be in accordance with regulations pertaining statewide and to Deer/Elk Hunting District (HD) 215. See Section 3.5 for additional information and discussion about the recreational opportunities.

Wildlife habitat would be protected and enhanced by taking the administrative steps outlined in the Spotted Dog WMA Management Plan (See *Attachment A*). Seasonal closures are expected to ensure wintering wildlife is undisturbed during winter and selective road closures would provide protection for forage and cover habitat for all species. The only exception to the winter closure would allow snowmobilers to continue using the pre-existing groomed trail system in the eastern half of the property, where potential conflicts with wintering wildlife are minimal. In this area snowmobilers would be required to stay on the groomed route.

No Action: If no action were taken, FWP would not protect crucial winter range for elk, white-tailed deer, mule deer and moose, as well as an important forest-carnivore linkage zone that provides important habitat connectivity to-and-from the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide ecosystems. Consequently, the persistence of connected wildlife populations in the Upper Clark Fork watershed would be placed in greater long-term risk. In addition, FWP would not be able to provide hunting and wildlife viewing opportunities associated with the project area. If RCCC retained the property and sold it to another buyer, the exact level of this risk is unknown since the future impacts to resources and public access would be dependent on the desires of the new property owner(s). There is the potential for subdivision of the property for residential development, which could negatively and irreversibly impact habitat for wildlife species.

3.4 Fisheries Species and Water Resources

The Spotted Dog property encompasses significant portions of three drainages for which FWP has fisheries data. This includes 4½ miles of Spotted Dog Creek as well as most of its tributaries (11 miles in Middle, South & West Forks), 4 miles of Trout Creek, and 4 miles of O'Neil Creek. Several other small streams flow across the ranch including Freezeout Creek and Fred Burr Creek. While FWP does not have any fisheries data for these smaller streams and their recreational fisheries value is likely low; they may support populations of native westslope cutthroat trout. The following is a brief summary of the main fisheries within the property.

Spotted Dog Creek is a significant tributary to the Little Blackfoot River that flows for approximately 14 miles before reaching its mouth near Avon. The Spotted Dog property encompasses about 4 ½ miles of upper Spotted Dog Creek as well as much of its Middle and South Forks. Fish surveys completed on Forest Service land above the ranch in 2007 showed the presence of good densities of native westslope cutthroat trout, which appear to be genetically

pure based on past testing. Introduced brook trout were also found to be present in relatively low densities. The reach of Spotted Dog Creek flowing through the ranch likely provides a medium to good quality fishery for resident westslope cutthroat trout as well as brook trout. The main stem of the creek is large enough to provide a quality, small-stream angling opportunity, and fish habitat appears to be in fair condition; although impacts of riparian livestock grazing are evident.

A 16-acre reservoir is located near the downstream extent of the ranch ownership (about 5.5 miles up from the mouth of the stream). This reservoir is surrounded by private land and the Spotted Dog property appears to have access to the upper half. The reservoir, although not large, provides good quality angling for westslope cutthroat trout as well as brook trout. Brown trout are very common in Spotted Dog Creek below the reservoir, but it is unknown whether the species is present upstream of the dam which appears to be an upstream fish barrier.

Trout Creek is a moderately sized tributary to the Little Blackfoot River that drains for approximately 11 ½ miles before reaching its mouth near the town of Avon. The Spotted Dog property encompasses 3 to 4 miles of Trout Creek. Fish sampling conducted in 2008 by FWP showed that introduced brook trout dominated the lower reaches of the stream, while native westslope cutthroat trout (genetically pure based on past testing) were more common in the upper part of the drainage. Habitat quality throughout much of the stream appears to be fair to poor, with much of the degradation being related to unregulated livestock grazing in the riparian zone. The stream is not large and provides limited angling opportunities. However, the stream could be a source of westslope trout recruitment for the Little Blackfoot River if habitat issues could be addressed sufficiently.

O'Neil Creek is a very small tributary to the Clark Fork River that flows for about 4 ½ miles before reaching its mouth between Deer Lodge and Garrison. The Spotted Dog property (including DNRC leased land) encompasses 3 to 4 miles of the upper drainage. The lower reaches of the stream appear to be ephemeral, and the creek is only connected to the Clark Fork River during spring runoff. Nevertheless, sampling conducted in 2009 by FWP showed the presence of relatively high densities of native westslope cutthroat trout in the upper reaches of the stream. The genetic status of this population is currently unknown, although samples have been submitted for testing. In addition, the transmitter of one adult westslope cutthroat trout radio tagged in the Clark Fork River in the spring of 2009 was recovered in O'Neil Creek during the summer of 2009. This suggests that the stream may support westslope cutthroat trout with a fluvial life history. The stream is considered too small to support significant angling opportunity.

Water Rights: A search of the Montana Department of Natural Resources and Conservation water rights database identified 55 water right records associated with the Spotted Dog property, of which the bulk are described as being used for providing water for livestock.

Wetlands: There are numerous freshwater emergent and freshwater forested/shrub wetlands throughout the 27,616 acres. The largest are along the upper reaches of the three forks of Spotted Dog Creek, with their sizes ranging from 4 acres up to 35 acres (USFWS, Wetlands Database, 4/29/10).

Proposed Action: Under the Proposed Action, water resources within the target property would be maintained or enhanced by protecting riparian areas. There are no proposed changes that would result in increased discharge, changes in drainage patterns, alteration of the creeks' course (including flooding), changes in the quality or quantity of groundwater, and/or changes in water rights or other water users. Protection of existing cold, clean, complex, and connected native salmonid habitat critical to bull trout and westslope cutthroat trout would be maintained.

As a consequence of the acquisition, FWP would have the ability to initiate habitat restoration projects for the benefit of imperiled aquatic species and other wildlife species. Reaches of Spotted Dog Creek (and its tributaries), O'Neil, and Trout Creek have been degraded by repeated livestock use over the years. FWP fisheries crews who conducted sampling on these creeks from 2007 to 2009 described riparian conditions along Spotted Dog as fair to good, O'Neil Creek as fair, and private lands portions of Trout Creek as fair to poor. Aquatic prioritization is expected to be completed in 2010 that will identify streams where restoration will yield the greatest benefit for native fisheries and/or recreation.

All water rights would transfer to FWP at closing. There are two water rights for irrigation; one in the amount of 4.5 CFS and the other 5 CFS. The irrigation claims can provide improved flows in Spotted Dog Creek to the reservoir located in T9NR8W sections 15 and 22. Anything below the reservoir would need to be agreed upon with the lower landowners. No water rights attached to the ranch are associated with the reservoir. In stream flows in the upper reaches of Spotted Dog Creek would be improved. These rights have the potential to augment in-stream flows in the Little Blackfoot and Clark Fork Rivers if we can get that water downstream beyond the reservoir, which would enhance ongoing restoration and remediation actions.

No Action Alternative: If FWP decides not to exercise its right to purchase the property, it is unknown if any of the water resources (riparian areas, wetlands) would be affected by another buyer's plans if RCCC sold the property in the future.

3.5 Aesthetics and Recreation Opportunities

Spotted Dog property encompasses a large view-shed from Elliston to Garrison in the Little Blackfoot River Canyon and from Garrison to Deer Lodge along the Interstate-90 corridor. The open, uncluttered views of grasslands and forests as an observer enters the Little Blackfoot or upper reaches of the Clark Fork River reveal some of the least developed grassland valleys in Western Montana.

The Little Blackfoot corridor is an especially scenic drive with a narrow canyon bounded by an agricultural landscape. The western half of the property drains into the Clark Fork River and its topography is gently sloping. The eastern half drains into the Little Blackfoot River, and is more deeply incised, and steeply sloping, between broad, prominent benches and plateaus. From the eastern portions of the ranch there are unobstructed views across the Deer Lodge Valley and the Flint Creek Mountain Range. Several rocky outcrops and small cliffs are present, especially in the vicinity of Beacon Hill, located on DNRC land at the head of George Gulch near the north boundary of the area.

The Spotted Dog property is in HD 215 and currently, public access on the property is by private permission only.

Fishing opportunities on the ranch are limited. The reach of Spotted Dog Creek flowing through the property provides a medium to good quality fishery for resident westslope cutthroat trout and brook trout. The main stem of the creek is large enough to provide a quality, small-stream angling opportunity. Only marginal fishing opportunity is available on O'Neil and Trout Creeks, which are small and in some cases, ephemeral.

Within the eastern portion of the property there is an existing groomed snowmobile trail system maintained by the Helena Snowdrifters Snowmobile Club that is accessible from a trailhead along the Little Blackfoot River Road. Approximately fifteen miles of groomed and ungroomed snowmobile trails traverse the Spotted Dog property (Helena Snowdrifters Snowmobile Trails, 2003). The estimated usage level, as reported by the Snowdrifters in a FY2011 FWP trail grant application, was 3,500 users for the season.

Proposed Action: FWP's acquisition of the proposed Spotted Dog WMA would open the property for many outdoor recreational opportunities previously unavailable to the general public, including hunting, wildlife viewing, fishing, hiking, mountain biking, horseback riding, picnicking, and camping. The acquisition of this property would also provide access to 10,261 acres of DNRC trust lands that are interspersed with the Spotted Dog lands, as well as access to areas of the Helena National Forest along a seven-mile shared border.

In the 2008 hunting season, HD 215 had the highest number of elk hunters (estimated at 2,063 hunters with 16,270 hunter days and 356 elk taken) of any HD in the Upper Clark Fork drainage. Opening almost 40,000 acres of property to public hunting would increase the numbers of hunters who use the district and would also re-distribute existing hunters. Both results would be positive because some public lands accessed for hunting close to Butte and Helena have crowding issues, and increased hunting pressure on Spotted Dog would result in more harvest overall.

A very conservative estimate of hunter days on the proposed WMA and DNRC lands would be roughly 3,000 hunter days for 500 hunters. Most of the north half of HD 215 is on RCCC and the checker-boarded DNRC lands within it. Opening this area to public hunting would provide tremendous hunter opportunity in a game rich location.

Spotted Dog is an area where there is little public hunting activity and FWP receives complaints from neighbors about game damage. FWP has had limited opportunity to conduct game damage hunts or resolve this situation because the elk typically find refuge from hunters on RCCC. The elk population in HD 215 is currently well over objective (1,759 elk counted, compared with the objective of 1,000) largely due to the fact that hunting is restricted in the northern portion of the HD (which includes Spotted Dog). FWP ownership of Spotted Dog would mitigate, if not eliminate, the impact to nearby landowners from elk.

Camping would be allowed within the WMA; however, parking would be restricted to the road shoulder and pullouts. Firewood cutting and open fires would be prohibited.

The property would be open annually to the public from noon on May 15 through November 30, and closed to the public from December 1 through noon on May 15 to protect wintering elk, mule deer and antelope. An exception to the winter closure would allow snowmobilers to continue using the pre-existing groomed trail system that follows Forest Service roads or trails in the eastern half of the property, where potential conflicts with wintering wildlife are minimal. Snowmobilers would be required to stay on the established route. FWP anticipates the Helena Snowdrifters Snowmobile Club would continue to maintain and groom these trails.

FWP anticipates that visitor use of the WMA would be moderate to high depending upon the season. With the large size of this property, there would likely be challenges associated with managing recreation on the property. These challenges would include enforcement coverage, vandalism, maintenance, and resource protection. For the immediate future, existing FWP staff plus a proposed additional 0.5 FTE would manage the property and administrative staff would be based out of the Warm Springs WMA office, which is south of Deer Lodge.

Recreation would be managed in accordance with applicable FWP rules and regulations, including FWP's Commercial Use Rules. Commercial outfitting would not be permitted on any portions of the wildlife management area. FWP would install appropriate boundary and regulation signage and additional site information would be available via brochures and the FWP website to inform the public of the allowable activities within the WMA.

No Action: If FWP decides not to exercise its right to purchase the property, RCCC would likely continue their current permission-only access policy until another buyer(s) is discovered. FWP would continue to receive complaints from neighbors about game damage if the property remained in private ownership and closed to hunting for wildlife population management.

Future access for public recreation opportunities under different ownership would be difficult to analyze since it is unknown what a new owner(s) might do. However, there would be a high likelihood that the public's access to additional hunting and other recreational opportunities would be minimal, if granted at all, if this property were sold to a private party.

3.6 Community and Taxes

The Spotted Dog property is in Powell County, located south of the community of Avon and northeast of the city of Deer Lodge, the County seat. The population of the county as of the 2000 U.S. Census is 7,180, with 3,421 residents in Deer Lodge and 124 in Avon.

The economy of Powell County is dependent on government, manufacturing, retail trade, and service industries (Powell County, 2005). As of the last census, only 9.2% of Deer Lodge's residents were employed in natural resource-based (agriculture, mining, fisheries, hunting, and forestry) jobs. Ranching and services are the primary businesses in the Avon area.

In 2006, the leadership of Powell County completed updates to their 2004 Comprehensive Plan and Growth Policy to provide guidance for decision-making for community and economic development, transportation management, public facilities, and natural resource management until the year 2025. The Plan defines six land-use districts. The Powell County Zoning and

Development Regulations (2009) detail the development requirements for each District, and the Zoning/Development Districts map (2007) depicts the location of the Districts. The Spotted Dog property lies in portions of three Districts: 1 (approximately 3% of the subject lands are in this District; minimum lot size 5 acres); 3 (86%; minimum lot size 160 acres); and 4 (12%; minimum lot size 40 acres). Both Districts 3 and 4 promote “agricultural and timber operations and other related activities,” and emphasize protection of open space, watersheds, and wildlife resources, among other protections.

Current taxes assessed on the ranch are approximately \$15,000 per year based on the County tax current assessment.

Proposed Action: The proposed acquisition of the Spotted Dog property is not expected to have any direct affects to the city of Deer Lodge. The planned management of the WMA would be consistent with these objectives and policies of the goals of the Powell County Growth Policy:

- 1) to protect non-commercial timberlands in order to maintain forage production and watershed values to enhance the wildlife, scenic, and recreational qualities (Goal 4, Natural Resources, Objective B);
- 2) to encourage protection of fish and wildlife, and its habitat with emphasis on those species that contribute to the economy of Powell County (Goal 4, Objective E);
- 3) to encourage and support effective noxious weed control measures (Goal 4, Policy 5);
- 4) to limit development adjacent to perennial streams and in riparian areas (Goal 4, Policy 6);
and
- 5) to promote recreational facilities to serve all segments of the population within Powell County (Goal 5, Public Facilities, Objective D).

Purchase of the Spotted Dog property by FWP for a Wildlife Management Area would preclude future subdivision of the property and associated revenues to the county that would result. However, preclusion of subdivision would also save the county from having to provide services to ex-urban communities. It has been demonstrated that costs to counties from providing services to rural subdivisions are sometimes higher than the revenues generated by taxes.

The actual amount of property taxes paid to the County is not expected to change due to the exclusions of timber harvesting and grazing activities within the property. The department is required by law to make tax payments to counties equal to the amount that a private landowner would be required to pay per Montana Code 87-1-603. DNRC does not pay property taxes on land it owns, so the tax status on the DNRC land would not change as a result of FWP leasing those acres.

The Spotted Dog property is currently marketed for sale. FWP assumes that its purchase of the Spotted Dog property would have a similar effect on the livestock operation of RCCC as would the purchase of the property by a private buyer. Since for the immediate future grazing would be prohibited on the WMA and DNRC leased acres, RCCC would have to relocate its livestock elsewhere.

See *Attachment B*, FWP's Socio-Economic Assessment, for additional information regarding predicted consequences.

No Action: If RCCC decided to retain the Spotted Dog property for grazing cattle, it is unlikely that the tax revenue to the County would change and there would be no affect to the nearby communities. If RCCC decided to develop the Spotted Dog property in the same fashion their "home ranch" has been developed with a private golf course, trophy homes, and numerous luxury amenities or if the property were sold and subdivided for other residential development, the amount of tax revenue paid to the County could be higher than the current level. Predicting the final use of the property and exact tax consequences if owned by another party is difficult to assess.

3.7 Cumulative Impacts

Proposed Action: The proposed purchase would contribute to the permanent conservation and protection of Montana's second-largest unbroken grassland west of the Continental Divide. This unique habitat would ensure important wildlife movement corridors are preserved for wide-ranging wildlife such as lynx, grizzly bear, and other species between the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide. Such connectivity is essential for recovery of *threatened*, *endangered*, and sensitive species and maintaining viability of numerous other wide-ranging species such as elk, black bear, and mountain lion.

Similarly, the long term protection of Spotted Dog, Trout, and O'Neil Creeks and their tributaries would contribute to the perpetuation of native trout populations in the Little Blackfoot River and the larger Clark Fork River watershed. Any future fisheries restoration activities initiated by FWP to improve water quality for native trout population would have positive benefits for all aquatic species, as well as terrestrial species.

Establishing public access to the subject lands would contribute to recreational opportunities for the general public, specifically local residents, through the redistribution of hunting pressure in HD 215 and new allowable activities on acres previously closed. The extension of public hunting on to the property would provide FWP the opportunity to manage game populations towards their target levels with the hunting district.

There would be no additional impacts to RCCC from the prohibition of grazing on the property by FWP than would be sustained if Spotted Dog were sold to most private buyers.

No Action: If no action were taken, the perpetuation of critical habitat suitable for maintaining wildlife and fish metapopulations in the Lower Clark Fork watershed could be potentially vulnerable to subdivision and commercial or residential development in the future. Maintaining crucial winter range for ungulate populations may be compromised under no action, and a cumulative loss of wildlife movement corridors for threatened, endangered, and sensitive fish and wildlife species would be risked as well. The continued loss of public access to the Spotted Dog property would contribute to a cumulative loss of areas for public recreation and reduce the potential for active wildlife population management by FWP (i.e. hunting).

4.0 RESOURCE ISSUES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

The Montana Environmental Policy Act (MEPA) provides for the identification and elimination from detailed study of issues, which are not significant or which have been covered by a prior environmental review, narrowing the discussion of these issues to a brief presentation of why they would not have a significant effect on the physical or human environment or providing a reference to their coverage elsewhere (Administrative Rules of Montana 12.2.434(d)). While these resources are important, FWP anticipates they would be unaffected by the proposed action or if there were any effects, those influences could be adequately mitigated; as a result the following resources were eliminated from further detailed analysis.

4.1 Soils

A query of the U.S. Department of Agriculture's (USDA) Soil Survey database of the Spotted Dog property identified over 100 different soil types within its boundaries ranging from clay and cobbly loams to outcrop complexes. The predominant types at over 2,000 acres each included Libeg-Monad-Copenhaver complex, Braziel-Tolbert complex, Worock gravelly loam, Braziel-Tolbert-Rock outcrop complex, Danvers clay loam, and Roy-Shawmut-Danvers complex. The remaining soil types are represented in acres of lesser amounts. Depending upon the location within the ranch, slopes ranged from zero to sixty percent. (USDA Soil Survey database, 5/7/2010)

Of the approximately 28,000 acres, less than 1% is designated as Prime Farmland and nearly 11% is designed as Farmland of Local Importance by the USDA. The bulk of the property is classified as Not Prime Farmland.

4.2 Air Quality

Under either alternative, changes to the ambient air quality are unlikely since neither FWP nor RCCC have disclosed plans for construction or development which would affect particulate levels and air quality.

4.3 Noise and Electrical Effects

Since RCCC has been using the property for their livestock business, and FWP would be purchasing the property for a WMA, the potential for changes in noise levels is expected to be minimal since the rural character of the property would be unchanged. The potential for changes in noise levels would depend on the FWP's authorized recreational activities within the WMA and the intensity of those activities in a specific location.

Existing electrical structures (cell phone and radio repeater towers) and pipelines would not be affected by either alternative.

4.4 Risk and Health Hazards

As part of FWP's due diligence, the Department would complete a hazardous materials survey prior to the property's acquisition. An aerial survey was completed and ground survey is planned to investigate potential hazards in the area.

4.5 Cultural & Historical Resources

The Montana State Historic Preservation Office (SHPO) completed a cultural resource file search for the Spotted Dog property and reported that there are a few previously recorded sites within the project area. Most of the sites are associated with a historic irrigation system and railroad stage route that traversed numerous sections of the property.

Additionally, SHPO's file search did locate a historic site recorded to have lithic scatter from prehistoric period within the boundaries of the Spotted Dog property. Prehistoric and historic use of Deer Lodge Valley was by many Native American tribes including: Pend d'Oreille, Shoshone, Blackfoot, Nez Perce, Salish, and Kootenai (MT Historic Preservation Office, 1995). These tribes probably used Spotted Dog property in historic times.

FWP's proposed acquisition would likely have a positive effect on any cultural or historical resources by securing and managing them in public ownership. By Montana law (22-3-433 MCA), all state agencies are required to consult with the State Historic Preservation Office on the identification and location of heritage properties on lands owned by the state that may be adversely impacted by a proposed action or development project. It is uncertain if unrecorded historic sites would be affected by the activities of an owner other than FWP.

5.0 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the significance criteria evaluated in this EA, is an EIS required? No. Based upon the above assessment, which has identified a very limited number of minor impacts from the proposed action, an EIS is not required and an Environmental Assessment is the appropriate level of review.

6.0 PUBLIC PARTICIPATION

6.1 Public Involvement

Public notification of the EA release and opportunities to comment will be by:

- A statewide press release;
- Two legal notices in each of these newspapers: *Anaconda Leader*, *Independent Record* (Helena), *Missoulian*, *Montana Standard* (Butte), and *Silver State Post* (Deer Lodge);
- Direct mailing (or email notification) to adjacent landowners and interested parties;
- Public notice and posting the EA on the FWP web page, <http://fwp.mt.gov>.

Copies of this EA will be available for public review at FWP Region 2 Headquarters in Missoula, FWP's Butte Area Resource Office, and on the FWP web site.

A public meeting will be held on July 14th beginning at 7 p.m. at the Deer Lodge Community Center (Cottonwood Street, north of the County Courthouse). At this meeting the public will have a venue to submit comments and have questions answered by FWP staff. This level of public notice and participation is appropriate for a project of this scope having few, limited physical and human impacts.

6.2 Duration of Comment Period

The public comment period will extend for thirty (30) days beginning July 1, 2010. Written comments will be accepted until 5:00 p.m. on July 30, 2010 and should be mailed to this address:

Spotted Dog WMA Acquisition
Montana Fish, Wildlife & Parks
Region 2 Headquarters
3201 Spurgin Rd.
Missoula, MT 59804

or email comments to SpottedDog@mt.gov

or phone comments to 406-542-5500

6.3 Timeline of Events

| | |
|--|---------------------------------|
| Environmental Assessment Public Comment Period | July 1--July 30, 2010 |
| EA Submitted to FWP Commission | August 5 |
| EA Submitted to MT Land Board | August 16 or September 20 |
| NRDP Grant Decision | End of August 2010, tentatively |

6.4 Offices/Programs contacted or contributing to this document:

Grant-Kohrs Ranch National Historic Site, Deer Lodge, MT
Montana Fish, Wildlife & Parks:
 Lands Bureau, Helena
 Legal Bureau, Helena
 Parks Division, Helena
 Wildlife and Fisheries Division, Missoula
Montana Department of Natural Resources and Conservation, Helena
Montana Historical Society, Helena
Montana Natural Heritage Program, Helena
Montana Natural Resource Damage Program, Helena
Montana State Historic Preservation Office, Helena
Rock Creek Cattle Company, Deer Lodge, MT
U.S. Department of Agriculture, Soil Survey Database
U.S. Fish and Wildlife Service, Wetlands Database
U.S. Forest Service, Helena, MT

7.0 EA PREPARATION

Rebecca Cooper, FWP MEPA Coordinator, Helena, MT
Kristi DuBois, FWP Non-game Wildlife Biologist, Missoula, MT
Darlene Edge, FWP Lands Agent, Helena, MT
Jason Lindstrom, FWP Fisheries Biologist, Deer Lodge, MT
Paul Sihler, FWP Lands Bureau Supervisor, Helena, MT
Mike Thompson, FWP Region 2 Wildlife Manager, Missoula, MT
Ray Vinkey, FWP Wildlife Biologist, Philipsburg, MT

REFERENCES

American Wildlands. 2008. Priority Linkage Assessment Reports. <http://www.wildlands.org/programs/corridors/pla>

Helena Snowdrifters. 2003. Snowmobile Trails. Helena, Montana.

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Montana Historic Preservation Office. 1995. National Register of Historic Places Registration Form--Warm Springs Mound.

Montana Natural Heritage Program. 2009. Montana Animal Species of Concern, July 2009.

Montana Natural Heritage Program (MTNHP). 2009. Montana Land Cover/Land Use Theme. Based on classifications originally developed by the University of Idaho, Sanborn and MTNHP for the Pacific Northwest ReGAP project. Helena, Montana.

Powell County. 2006. Powell County Growth Policy. Deer Lodge, Montana.

ATTACHMENTS

- A. Draft Management Plan, Proposed Spotted Dog Wildlife Management Area
- B. Socio-Economic Assessment, Proposed Spotted Dog Land Acquisition

ATTACHMENT A
DRAFT MANAGEMENT PLAN
Proposed Spotted Dog Wildlife Management Area

INTRODUCTION

Montana Fish, Wildlife and Parks (FWP) proposes to purchase fee-title ownership of lands to establish the Spotted Dog Wildlife Management Area (WMA). FWP offers this draft management plan as an instrument for disclosing its management intent to the public, for inviting public comment, and for documenting and preserving existing information and understandings for future reference. This initial overview will serve as a framework for attaching enhancements as they are gathered over time.

Goals:

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

I. ACQUISITION DATE

FWP plans to acquire the property in Fall 2010, pending public review, approval, and funding.

II. CHAIN OF OWNERSHIP

RY (also known as YT) Timber is the current landowner; however, Rock Creek Cattle Company (RCCC) has an option to acquire the property that is valid until November 1, 2011. FWP would acquire the property from RCCC with no encumbrances (i.e., no timber or grazing reservations).

III. PROPERTY DESCRIPTION

Location

The land is bounded by Highway 12 to the north, Interstate 90 to the west, Fred Burr Creek to the south and Elliston Creek to the east. Elliston, Avon, Garrison, and Deer Lodge are all within 5 miles or less of a property boundary (Figure 1).

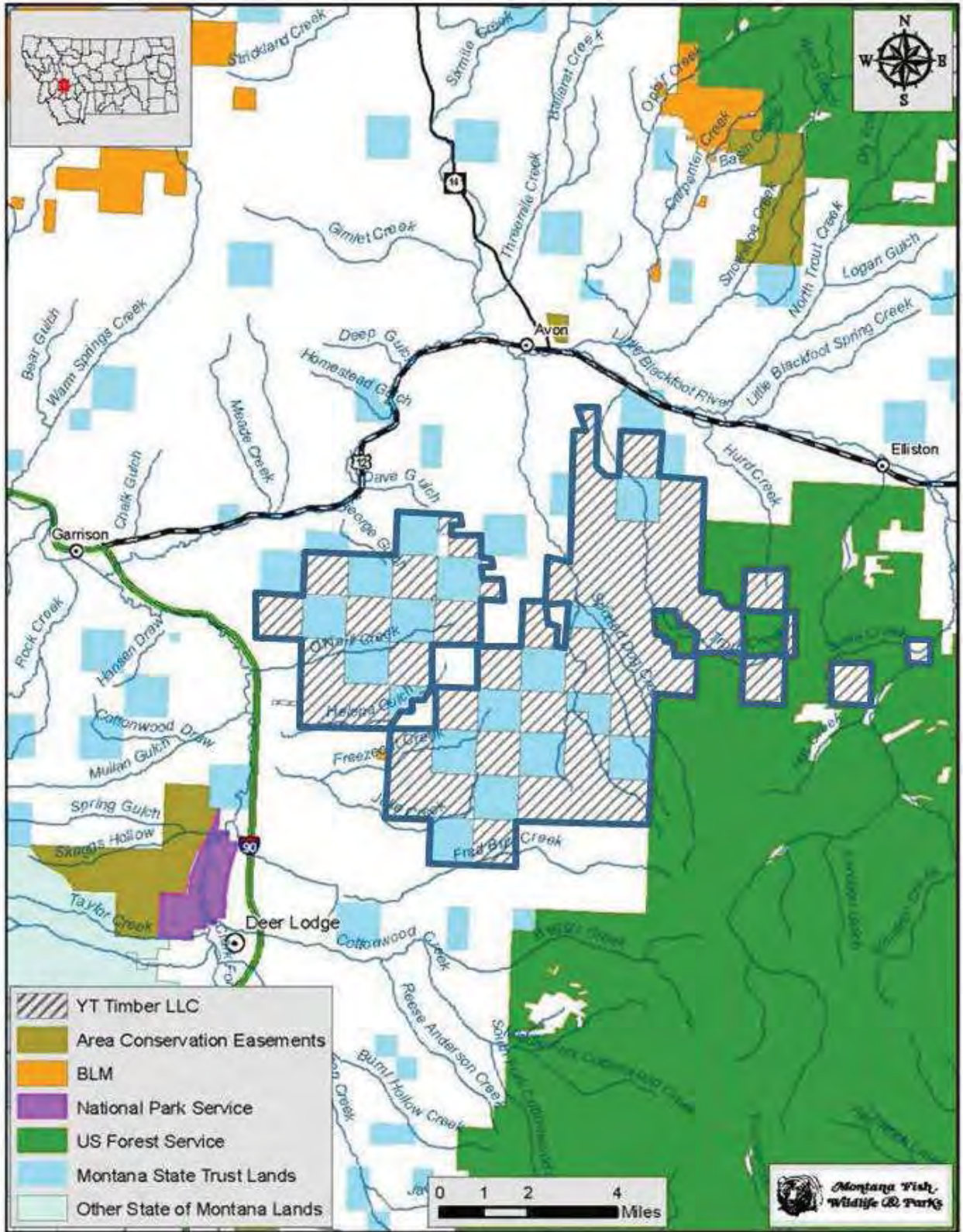


Figure 1. Draft boundary around deeded (hatched) and leased lands in the Spotted Dog WMA

Acreage Deeded

Spotted Dog WMA would encompass 27,616.35 deeded acres, generally described as follows:

- T8N, R8W: All of Sections 1, 3, 5, 7, 9, 11, 13, 14, 15, 17, 18, and 21
Portion of Section 2
- T8N, R9W: All of Sections 1 and 2
Portion of Section 3
- T9N, R7W: All of Sections 7, 18, 19, 21, 29, 31, 33, and 35
Portions of Sections 20, 27, and 30
- T9N, R8W: All of Sections 1, 11, 13, 14, 19, 23, 24, 25, 29, 31, 33, 35, and 36
Portions of Sections 2, 17, 21, 22, 26, and 27
- T9N, R9W: All of Sections 23, 25, 27, and 35
- T10N, R8W: Portion of Section 35

Acreage Leased

FWP plans to lease 10,260.35 acres from the Montana Department of Natural Resources and Conservation (DNRC), which are intermingled with the deeded acres. These acres comprise only those DNRC lands currently leased by the seller (Rock Creek Cattle Company). FWP's intent would be to lease the equivalent of the livestock grazing rights for the purpose of providing herbaceous and shrub forage and cover for wildlife, consistent with FWP's purposes for owning Spotted Dog WMA.

Total Acreage

The combined deeded and leased lands in the proposed Spotted Dog WMA would total 37,877 acres (Figure 1).

IV. LANDFORMS AND DRAINAGE

The proposed Spotted Dog WMA lies between the Garnet and Boulder Mountains, adjoining the Deer Lodge Valley and Clark Fork River plain (Figure 2).

The western half of the WMA generally drains into the Clark Fork and its topography is gently sloping (Figure 2). The eastern half drains into the Little Blackfoot River, and is more deeply incised, and steeply sloping, between broad, prominent benches and plateaus. Several rocky outcrops and small cliffs are present, especially in the vicinity of Beacon Hill, located on DNRC land at the head of George Gulch (Figure 1), near the north boundary of the area. Spotted Dog Creek is the largest drainage and portions of Trout, O'Neill, Freezeout, Jake, and Fred Burr Creeks also traverse the property (Figure 1).

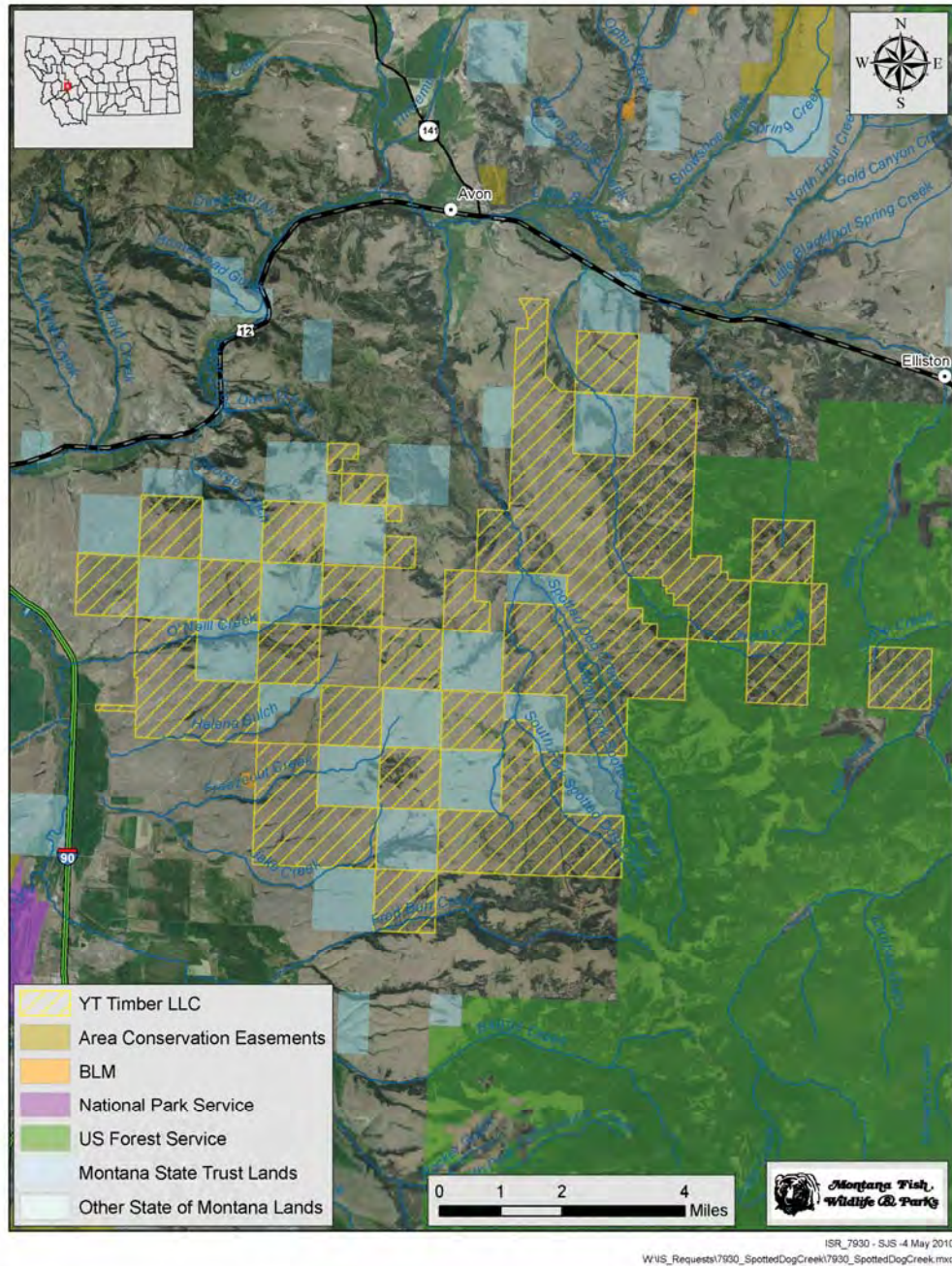


Figure 2. Topographic position of the proposed Spotted Dog WMA.

V. VEGETATION

Vegetation cover is 30% coniferous forest and 62% native grassland or shrub-grassland (Table 1). Numerous springs scattered throughout the area are surrounded by patches of cottonwoods, aspen, or deciduous shrubs. Less than 1% of the WMA is classified as developed or cultivated.

Most of the forested acres are located near Forest Service land in the Eastern half of the proposed WMA (Figure 2).

Table 1. Habitats on Spotted Dog WMA from refined Montana land-cover map for the Upper Clark Fork River Basin. (Based on refinements by Montana Natural Heritage Program in 2009.)

| Habitat Type | <i>Acres</i> |
|--|-------------------------|
| Lower montane, foothill, & valley grasslands | 12,420.6 |
| Douglas-fir forest | 4,158.8 |
| Montane sagebrush steppe | 2,719.0 |
| Lodge pole pine | 1,794.7 |
| Harvested forest | 1,750.0 |
| Subalpine-upper montane grassland | 1,628.8 |
| Mesic meadow | 1,317.0 |
| Ponderosa pine | 435.5 |
| Riparian woodland | 411.4 |
| Wet meadow | 207.9 |
| Deciduous shrub land | 185.9 |
| Subalpine spruce | 135.2 |
| Aspen | 69.2 |
| Developed | 50.9 |
| Limber pine - juniper woodland | 13.3 |
| Water | 9.8 |
| Cliffs & canyons | 5.3 |
| Emergent marsh | 2.0 |
| Agriculture | 0.4 |
| <i>TOTAL classified habitats</i> | <i>27,315.70</i> |

Land Use

Cattle have grazed the proposed Spotted Dog WMA since the late 1800s. Current stocking is approximately 2,000 cow-calf pairs. Hay is produced and harvested on a small portion of the property. Most of the merchantable timber has been harvested. Recreational use generally has been limited to family and friends of the owners.

Vegetation Condition

All but a minor percentage of the native vegetation communities remain intact. Native grasslands generally are in fair to good condition. Coniferous forests are recently harvested and in early successional stages, with good regeneration. Riparian areas and streambanks are impacted across a significant portion of the property.

Weeds and Forest Pathogens

Noxious weeds are present on the property—primarily spotted knapweed and hound’s-tongue. Weeds do not dominate the vegetation in any location and occur at manageable levels. Knapweed and hound’s-tongue densities generally are highest in the western half of the property, and are less prevalent in the eastern half. Interspersion of weeds with antelope bitterbrush poses a management challenge because bitterbrush—an important native forage plant—is sensitive to herbicides. Ground has been scarified with recent timber harvest and weeds are establishing.

The property is in a landscape impacted by mountain pine beetle. Most of the timber affected by mountain pine beetle on the proposed Spotted Dog WMA has already been removed, although spots remain.

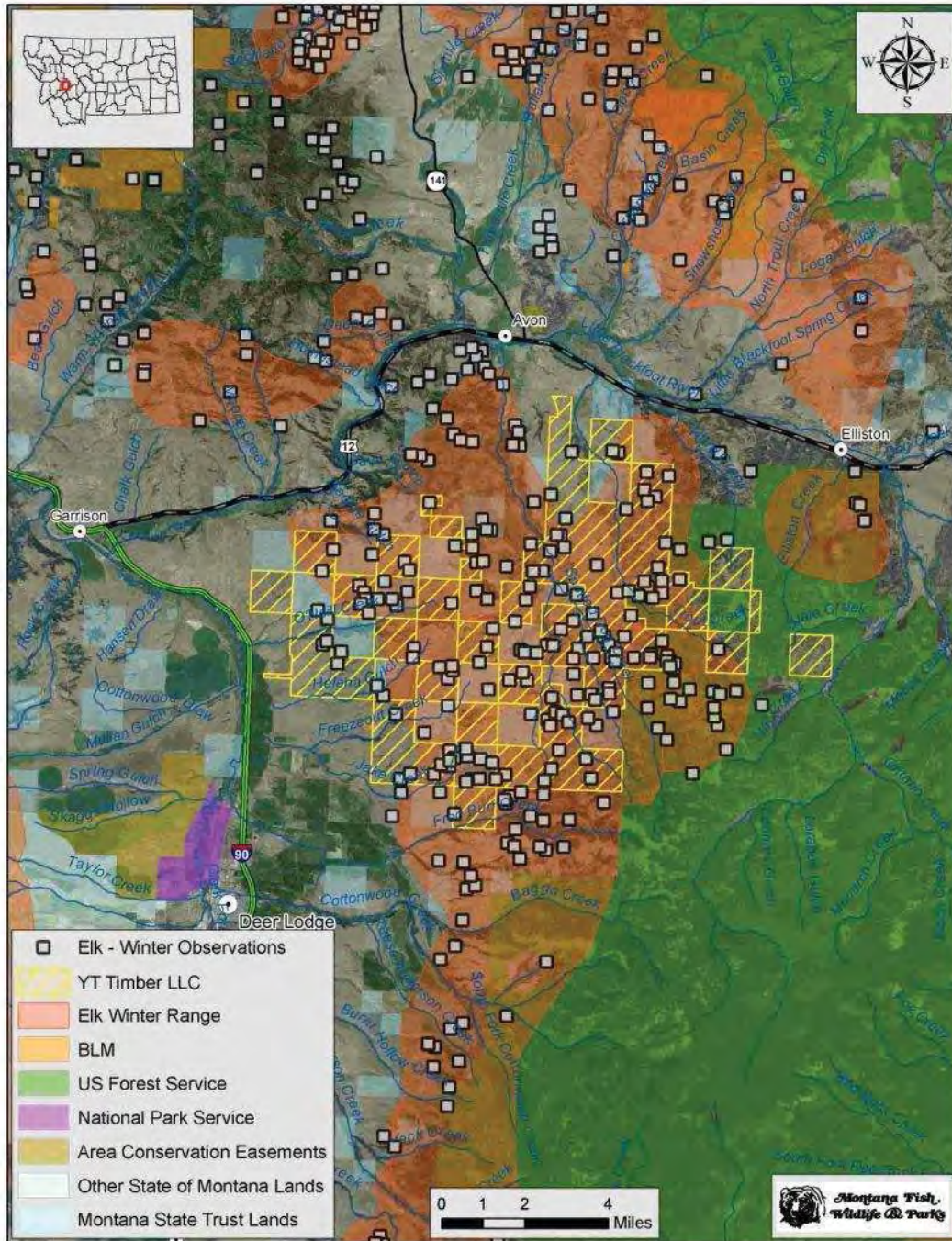
VI. EXCEPTIONAL WILDLIFE HABITAT QUALITIES

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

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

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

Spotted Dog is exceptional winter range for elk, mule deer and antelope—quite likely among the best remaining winter ranges in Montana (Figure 3). Topography, vegetation, connectivity, size and juxtaposition with elk and deer summer ranges along the Continental Divide are the primary contributing factors to the inherent quality of this property as big game winter range. In addition to considerations of soil and vegetation, management actions should serve to prevent human disturbance of wintering wildlife to avoid displacing populations from traditional winter ranges and to minimize loss of body-fat reserves before spring. Management should include cooperation with the Forest Service to enhance summer ranges and security to maintain migratory patterns and traditions of deer and elk.



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Figure 3. Elk groups observed during winter aerial surveys on the proposed Spotted Dog WMA

Spotted Dog has the potential to provide new and exceptional opportunities for hunting and wildlife viewing by the public. The expansive size of the property and fortuitous lay of the land, coupled with sweeping view-sheds, are outstanding assets of regional significance for wildlife appreciation. Management should maintain an open road system sufficient to allow people of all abilities the opportunity to attain views and key points of access for parking and hiking or

hunting. However, it is critical to the success of the project that motorized access be strategically managed to allow big game to continue using the property in hunting season. A balance between access and habitat security should be achieved to serve both interests.

Wildlife

Spotted Dog provides habitat for an estimated 181 vertebrate species, which include small and large mammals (58), birds (115), reptiles (2), amphibians (3), and fish (3) listed in Appendix A. Twenty five of these species are listed as statewide species of concern (SOC; Appendix B) with 10 of those 25 considered of greatest conservation need (Tier 1 species from the Comprehensive Fish & Wildlife Conservation Strategy; CFWCS 2005). Of these, the property provides important habitat for grassland species, such as long-billed curlews. Spotted Dog provides habitat for 7 big-game species—elk, antelope, mule & white-tailed deer, moose, black bear, mountain lion; 6 furbearers—beaver, muskrat, mink, marten, bobcat, wolverine; 2 carnivores listed as *Threatened* under the Endangered Species Act (ESA) –lynx, grizzly bear; and 1 delisted carnivore—wolf; as well as habitat for 42 other mammals (17 rodents, 7 carnivores, 6 shrews, 9 bats, 3 rabbits). Some species, like badgers, may be present year-round and other species, like Canada geese, may only stop over for a few nights. As pioneering grizzly bears have demonstrated, the area provides a movement corridor from the Blackfoot south to the Clark Fork and beyond.

Fisheries

Aquatic resources on Spotted Dog include 4½ miles of Spotted Dog Creek as well as most of its tributaries (11 miles in Middle, South & West Forks), 4 miles of Trout Creek, and 4 miles of O'Neil Creek. The headwaters of Spotted Dog, Trout, and O'Neill Creeks sustain what based on past testing are likely genetically pure westslope cutthroat trout. Jake, Freezeout, and Fred Burr Creeks are largely ephemeral, and only Fred Burr is known to support fish.

VII. IMPROVEMENTS AND DEVELOPMENTS

Approximately 60 miles of fence are present and functional around the perimeter of the property for controlling cattle and generally demarcating the proposed WMA boundary (Figure 4). Additional interior fencing is also present.

Approximately 117 miles of primitive roads (primarily jeep trails and timber haul routes) cross the property, originating from access points near Deer Lodge, Avon, and Elliston (Figure 4). Access from Elliston is via Forest Service road #314 (the Tree Farmers Road), while access from Deer Lodge and Avon is on ranch roads that are gated at their junction with county roads.

An old homestead, shop, and modular home are located in the center of the Eastern half of the Spotted Dog property (Figure 4). The buildings are not occupied and serve as storage and occasional bunking facilities.

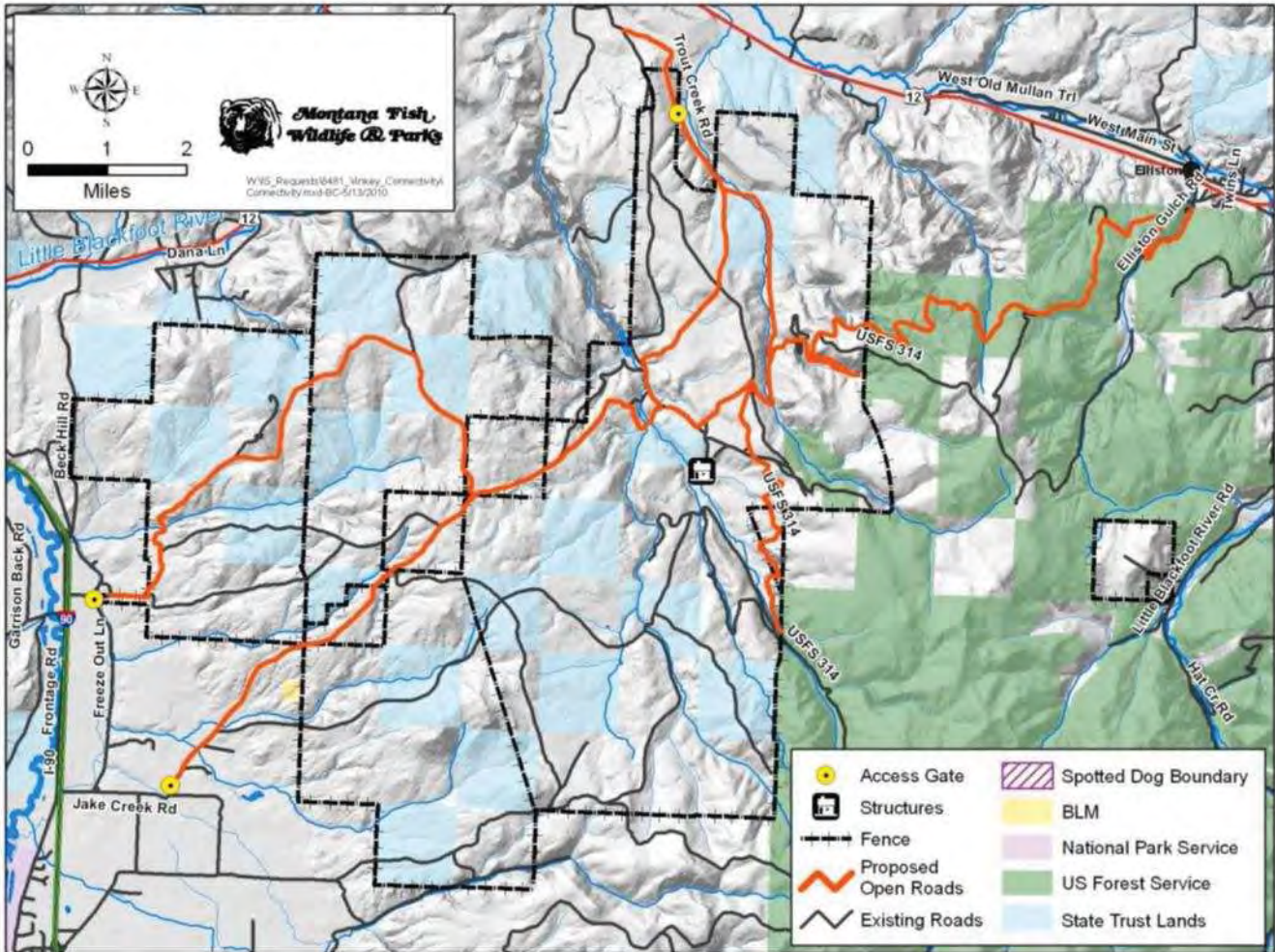


Figure 4. Existing fences, roads, access gates, and outbuildings on the proposed Spotted Dog WMA.

MANAGEMENT OVERVIEW

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

I. PUBLIC ACCESS

- Spotted Dog WMA would be open to public use from noon on May 15 through November 30 for motorized travel on open roads for hiking, horseback riding, and mountain bicycling.
- Motorized vehicles would be restricted to the main, designated open road system (no motorized vehicles off roads or on closed roads).
- The designated open road system would include USFS #314, and likely include all or portions of the Trout Creek Road, Stagecoach Road, and the Beacon Hill Road. Arterial roads would be closed to motorized travel.
- Camping would be allowed (motorized vehicles restricted to the road shoulder or pullouts, and open fires prohibited).
- No firewood cutting.
- Permits required for groups of more than 15 people.
- Pack in, pack out garbage and litter.
- Hunting would be in accordance with regulations pertaining statewide and to Deer/Elk Hunting District 215.
- Outfitting will be prohibited within the WMA.
- The WMA would be closed to all public entry from December 1 until noon on May 15 to provide undisturbed access for elk, deer and antelope to critical winter habitat.
- Due to the winter closure, the WMA would be closed to the winter season for mountain lion hunting, and would open for bear at noon on May 15th.
- An exception to the winter closure would allow snowmobilers to continue using the pre-existing groomed trail system along Forest Service roads (Tree Farmer Road and Irish

Mine Road) in the eastern half of the property, where potential conflicts with wintering wildlife are minimal. Snowmobilers must stay on the groomed route.

- Commercial activities would be prohibited, except as authorized by permit, as specified by FWP's commercial use policy.

Issues:

- Road maintenance to reasonably support public travel will constitute a significant and recurring expense. The standard for public travel will be to reasonably accommodate a 4-wheel drive vehicle with good ground clearance, and to accommodate horse trailers to certain access points. This standard is currently met, but will require regular maintenance. Some road portions are nearly impassible when wet and subject to surface damage.
- Some roads and parking areas would need to accommodate horse trailers.
- Roads and culverts would be inspected for compliance with Best Management Practices (BMPs) and any noncompliance corrected.
- Powell County has clarified that the Stagecoach Road is a County Road.
- Illegal off-road travel is expected and will require regular monitoring and enforcement to minimize resource damage when the area is opened to the public.
- Efforts will have to be made in winter to enforce the restriction that snowmobilers stay on the groomed, marked trail system. Signage and outreach will be needed to make snowmobilers aware and increase their cooperation.
- Gates and barriers will be required for closing arterial roads to motorized vehicles.
- Arterial roads in excess of needs for management purposes or public access should be reclaimed as identified in future inventories.
- Signage will be required at the main access points to communicate the public access regulations on the WMA.
- Shed-antler hunting will likely be a popular activity enjoyed by the public on and after May 15th each year (beginning at noon on the 15th). FWP would plan for an enforcement presence to address trespass on the WMA during the winter closure period prior to May 15th, and to ensure that motorized vehicles stay on open roads when antler hunting legally begins.
- Boundary signage will be needed to identify the WMA property line in places where the public is likely to cross the boundary.
- Hardcopy brochures and FWP website updates would be prepared to communicate regulations and provide basic road maps for the public.

II. LIVESTOCK GRAZING

FWP would monitor the status of streambanks, riparian vegetation, and uplands, and consider grazing on a case by case basis. Livestock may be considered in the future as a tool for

managing forage quality and enhancing forb diversity, depending on the initial results of livestock exclusion. On some WMAs in Montana, FWP has entered into Cooperative Habitat Management Agreements and structured grazing systems with adjoining landowners, which provide for grazing treatments and periodic yearlong rest from livestock grazing on the private-- as well as WMA--properties for the enhancement of elk forage (typically) across the broader landscape. FWP would be open to exploring such possibilities if they would appear to meet resource objectives in the future.

FWP would assume the DNRC grazing leases currently held by Rock Creek Cattle Company (as outlined in Figure 1), and would not graze livestock on those leases until such time in the future that a Cooperative Habitat Management Agreement might be developed on the WMA deeded acres.

Issues:

- Fence maintenance to exclude livestock—or possibly include cattle in the future—will be a major expense, with annual repair and periodic replacement required.
- Wildlife movement on and off the WMA would be better accommodated as the existing fence comes due for replacement over time, with the implementation of wildlife-friendly designs when old fencing is replaced.
- Interior fencing will be inventoried, the worst sections removed, and the best sections “stored” with gates opened and some sections rolled up to improve wildlife passage while maintaining infrastructure for a future grazing system, if warranted. Opportunities may exist to remove one or more strands of standing fence while still maintaining options for future livestock control.

III. NOXIOUS WEED MANAGEMENT

Noxious weed management would be conducted in accordance with the Montana Weed Management Plan (2008). In accordance with 7-22-215 MCA, the FWP is required to develop a noxious weed management plan, and to have the plan approved by the Powell County weed board (as well as provide a biennial report on its weed management activities). Prior to closing, FWP and Powell County will agree on a Weed Management Plan specific to the Spotted Dog property.

FWP’s first priority will be to document and map all noxious weed occurrences on the subject lands during the first growing season under FWP ownership. Any isolated patches of early invading species will be eradicated by the most efficient and effective means (e.g., hand-pulling, digging or herbicide spot treatment), depending on weed species and site limitations. Roadsides will be inspected annually for the purpose of detecting and eradicating any new weed introductions before infestations become established. A strategy will be developed to contain and control the spread of established infestations that are identified in the initial mapping effort, which would probably involve integrated application of chemical and biological controls.

FWP's priority for herbicide control of noxious weeds on the subject lands will be to spray roadsides and recent logging landings, skid trails, burn piles, and other disturbed sites. Roadside spraying and annual inspections (with spot eradications) are important strategies to prevent new weed establishments and spread. As an additional preventive measure, FWP will confine motorized traffic to designated open roads, and will otherwise avoid disturbance of the soil surface.

Issues:

- Leafy spurge, thistle, spotted knapweed and hound's-tongue are establishing on sites disturbed by logging. Infested sites adjoining "weed-free" grasslands and riparian areas threaten the habitats of highest wildlife value on the property. FWP would prioritize such sites of early weed establishment for herbicide treatments.
- Spotted knapweed is scattered through stands of antelope bitterbrush, which may be damaged by some of the more common herbicides. Knapweed control in bitterbrush would require the added expense of the most selective herbicides, and/or an effort to introduce biological controls.
- Noxious weed control will require cooperation and partnership with DNRC and private landowners on intermingled ownerships, as well as with Bonneville Power Administration power line right-of-way maintenance.

IV. FOREST MANAGEMENT

Most of the merchantable timber has been recently harvested from the Spotted Dog property. FWP's direction would be to recruit large trees and snags in the future for their value as wildlife habitat. Although forest management would be a management priority in the long run to recruit and maintain forest stands of highest value for wildlife, there would not be an immediate need for active forest management (with the possible exception of spot sanitation harvests for disease control).

Issues:

- FWP will consult with professional foresters to evaluate the need for sanitation harvests to address remaining spots of mountain pine beetle damage, and to monitor for any recurrent management needs in stands already harvested. FWP's primary motivation would not be the salvage of monetary value from dead or dying trees, because dead and dying trees provide important habitat for a diversity of wildlife. However, FWP would evaluate each situation for the potential of beetle infestations spreading to unaffected stands, and may choose to remove beetle-killed trees as a preventive measure and as a good neighbor where neighboring stands are at risk.

V. FIRE PREVENTION AND SUPPRESSION

Fire suppression on the Spotted Dog WMA would be covered by the county under an existing cooperative agreement with the state. Under this agreement, the county agrees to provide protection to all non-forest-district state properties in exchange for the state providing the county with training, equipment and some planning assistance. The state also agrees to assist the county when a fire is too big to handle and then picks up the tab of the county for that particular fire-fighting effort as part of their supplemental appropriation request. FWP also pays property taxes to the county, as do private landowners. FWP would consider whether paying for additional fire protection from DNRC would be warranted in this case.

Wildfires would be subject to immediate suppression upon detection. In an attempt to prevent human-caused ignitions, FWP and DNRC may institute temporary, emergency measures to progressively restrict public access if and as summer-fall drought conditions intensify in some years.

Prescribed fire may be used as a tool for enhancing aspen regeneration and herbaceous forage quality, and managing fuels in the forest understory, but only with public notice and in close coordination with DNRC and local fire management organizations.

VI. GOOD NEIGHBOR

FWP would develop and maintain effective working relationships with neighboring landowners. Priority would be placed on addressing and responding to matters of fence maintenance, weed control, and public trespass onto neighboring private lands along the WMA boundary.

Issues:

- Private in-holdings within the perimeter of the proposed Spotted Dog WMA require special consideration.
- FWP would respect the customary, prescriptive rights of access by private landowners and their guests across the WMA to their properties for historic uses and levels of use.
- FWP would not be obligated to grant access across the WMA for expanded private access beyond historic uses or levels of use.
- FWP would respect the senior water rights held by other water users.

VII. MAINTENANCE BUDGET

Following is a preliminary 5-year maintenance budget for the proposed Spotted Dog WMA. On June 8, 2010, the “core” of the WMA was inspected to inventory roads, fences, weeds and culvert locations. FWP personnel using Global Positioning Systems (GPS) mapped 43.9 miles of road (3,287 acres) within the core area. Because of time limitations, fence placement and condition was noted but not mapped. Also weeds and culvert locations were noted but not

mapped. From the data that was collected, we extrapolated road density and the above listed associated issues to the other parcels that were not inspected. FWP discovered that the road layer GIS map that has been generated and used for the NRDP grant application does not reflect new roads that were constructed for timber harvest. Because of the recent timber harvest and the associated issues that come with that disturbance, invasive plant species would impact large and diverse native plant communities in upland and riparian habitats. Listed below are the improvements and developments—with cost estimates—that would be needed to protect the habitat qualities of this WMA.

Roads

FWP estimates that 117 miles of primitive roads are located within the boundary of the WMA. FWP anticipates that many miles of unnecessary roads will be abandoned and restored. This includes road obliteration, removal of culverts, restoration of burned roadside slash piles and replanting of native grasses and forbs. The estimated time in manpower and equipment would be 480 hours of contracted services.

- Excavator @ \$140.00 per hour = \$67,200.00
- Backhoe @ \$95.00 per hour = \$45,600.00
- Bobcat @ \$75.00 per hour = \$36,000.00
- Road Grader @ 120.00 = \$4800.00
- Native grasses and forbs plant mix = \$14,600.00
- Broadcast planting ATV = \$7,300.00
- Maintain opened roads = Contracted services with miles yet to be determined = an estimated \$297,761.

Total \$472,761

Fences

An estimated 60+ miles of boundary fence exists on the property. Much of the current fence is 5-strand barbed wire with old wood posts or material gathered and used on site. The boundary fence is in poor shape in many places that we observed. Construction of a new wildlife friendly fence would be accomplished at a rate of 6 miles per year. The topography of the landscape would limit construction time as the many deep ravines would not only slow construction but would also require a large amount of time for maintenance. Average fence construction cost is \$12,000.00 per mile with a 5% increase each year.

- 30 miles fence (5 year period) @\$12,000.00 per mile (adjusted 5% per year) = \$397,830
- Estimated cost of interior fence removal (21 miles) @\$4900.00 per mile = \$102,900
- 5 year cost of personnel time @ 0.50 FTE = \$105,000.00

Total \$605,730

Weed Control

Currently, invasive plant species include Spotted Knapweed, Hoary Cress (whitetop), Common Mullen, Canada thistle, Leafy Spurge and Hound's-tongue. Many of these weeds are associated

with disturbed sites from timber harvest activities on both new and historic roadways. On the eastern half of the property many of the listed weeds are confined to the disturbed areas listed above. On the western half of the property weeds are present both on the disturbed areas and also interspersed across the west face that parallels Interstate 90. This more southwesterly facing landscape is of dryer aspect. Antelope bitterbrush is abundant here and is extremely valuable to wildlife as both for forage and cover. Spotted Knapweed is widespread throughout this area and is in direct competition with the bitterbrush. Aerial herbicide treatment and biological control insects would be used to manage the infestation of spotted knapweed. Using Transline™ as an herbicide of choice would help manage the spotted knapweed while not injuring the bitterbrush plants. But Transline™ is nearly double the cost of other herbicides used in treating spotted knapweed. Below is an estimated first year cost itemized; follow-up years of treatment would vary according to successes or failures in previous years.

- Roadside weed treatment for 117 miles of road (prior to road abandonment and restoration) is \$15,599 per year for five years for a total of \$77,995
- Treatment to 165 acres of slash piles, skid roads and equipment sites is \$6,600 per year for two years for a total of \$13,200
- One-time aerial herbicide spraying of an estimated 975 acres of spotted knapweed is \$46,250
- Biological control -- The annual cost of releasing insects 22 times per year is \$1,600. Over five years this totals \$8,000. The monitoring cost to determine effectiveness is \$1,400. The five year total for biological control of weeds is \$47,000.

5 year Total Estimated cost for Weed Management is \$146,649

Operations & Maintenance Total Cost

The items listed above have a cost estimate total for 5 years of \$1,225,140. This does not include taxes to be paid. Other significant costs include boundary line surveys, timber cruise, weed assessment survey and travel barriers where needed. As with other FWP- owned lands, maintenance is an ongoing process. New fences can be constructed but they must be maintained. Noxious weeds continually try to establish and must be treated. Roads erode over time or degrade from continual use. The potential for the Spotted Dog property to come into public ownership is a positive step forward, but with this acquisition comes management responsibilities that are both demanded by the recreating public and dictated by state law.

APPENDIX A. Spotted Dog Vertebrate Species List

List of all species of concern observed on or nearby the property, or likely to occur based on species distribution range and habitat suitability. On-site surveys are needed to verify occurrence of some species.

| Common Name | Scientific Name | SOC | CFWCS Tier | Comments |
|-----------------------------|---------------------------------|------|------------|--------------------------|
| Amphibians—3 Species | | | | |
| Long-toed Salamander | <i>Ambystoma macrodactylum</i> | | | |
| Western Toad | <i>Bufo boreas</i> | SOC | 1 | |
| Columbia Spotted Frog | <i>Rana luteiventris</i> | | | |
| Birds—115 Species | | | | |
| Great Blue Heron | <i>Ardea herodias</i> | SOC | 3 | |
| Canada Goose | <i>Branta canadensis</i> | | | |
| Mallard | <i>Anas platyrhynchos</i> | | | |
| Common Merganser | <i>Mergus merganser</i> | | | |
| Turkey Vulture | <i>Cathartes aura</i> | | | |
| Osprey | <i>Pandion haliaetus</i> | | | |
| Bald Eagle | <i>Haliaeetus leucocephalus</i> | SOC | 1 | ESA-delisted, monitoring |
| Northern Harrier | <i>Circus cyaneus</i> | | | |
| Sharp-shinned Hawk | <i>Accipiter striatus</i> | | | |
| Cooper's Hawk | <i>Accipiter cooperii</i> | | | |
| Northern Goshawk | <i>Accipiter gentilis</i> | SOC | 2 | |
| Swainson's Hawk | <i>Buteo swainsoni</i> | PSOC | 2 | |
| Red-tailed Hawk | <i>Buteo jamaicensis</i> | | | |
| Rough-legged Hawk | <i>Buteo lagopus</i> | | | |
| Golden Eagle | <i>Aquila chrysaetos</i> | SOC | 2 | |
| American Kestrel | <i>Falco sparverius</i> | | | |
| Peregrine Falcon | <i>Falco peregrinus</i> | SOC | 2 | ESA-delisted, monitoring |
| Prairie Falcon | <i>Falco mexicanus</i> | | | |
| Gray Partridge | <i>Perdix perdix</i> | | | |
| Dusky (Blue) Grouse | <i>Dendragapus obscurus</i> | | | |
| Ruffed Grouse | <i>Bonasa umbellus</i> | | | |
| Sharp-tailed Grouse | <i>Tympanuchus phasianellus</i> | SOC | 1 | |
| American Coot | <i>Fulica americana</i> | | | |
| Sandhill Crane | <i>Grus canadensis</i> | | | |
| Spotted Sandpiper | <i>Actitis macularius</i> | | | |
| Long-billed Curlew | <i>Numenius americanus</i> | SOC | 1 | |

| Common Name | Scientific Name | SOC | CFWCS Tier | Comments |
|--------------------------------|-----------------------------------|------|------------|--------------------------------|
| Wilson's Snipe | <i>Gallinago delicata</i> | | | |
| Rock Pigeon | <i>Columba livia</i> | | | |
| Mourning Dove | <i>Zenaida macroura</i> | | | |
| Flammulated Owl | <i>Otus flammeolus</i> | SOC | 1 | Limited habitat |
| Western Screech-owl | <i>Megascops kennicottii</i> | PSOC | 3 | |
| Great Horned Owl | <i>Bubo virginianus</i> | | | |
| Northern Pygmy-Owl | <i>Glaucidium gnoma</i> | | | |
| Great Gray Owl | <i>Strix nebulosa</i> | SOC | 2 | Limited habitat |
| Northern Saw-whet Owl | <i>Aegolius acadicus</i> | | | |
| Common Nighthawk | <i>Chordeiles minor</i> | | | |
| Belted Kingfisher | <i>Megaceryle alcyon</i> | | | |
| Lewis's Woodpecker | <i>Melanerpes lewis</i> | SOC | 2 | |
| Red-naped Sapsucker | <i>Sphyrapicus nuchalis</i> | | | |
| Downy Woodpecker | <i>Picoides pubescens</i> | | | |
| Hairy Woodpecker | <i>Picoides villosus</i> | | | |
| American Three-toed Woodpecker | <i>Picoides dorsalis</i> | | | |
| Northern Flicker | <i>Colaptes auratus</i> | | | |
| Pileated Woodpecker | <i>Dryocopus pileatus</i> | SOC | 2 | |
| Olive-sided Flycatcher | <i>Contopus cooperi</i> | | 1 | Recently removed from SOC list |
| Western Wood-Pewee | <i>Contopus sordidulus</i> | | | |
| Willow Flycatcher | <i>Empidonax traillii</i> | | | |
| Least Flycatcher | <i>Empidonax minimus</i> | | | |
| Hammond's Flycatcher | <i>Empidonax hammondii</i> | | | |
| Dusky Flycatcher | <i>Empidonax oberholseri</i> | | | |
| Cordilleran Flycatcher | <i>Empidonax occidentalis</i> | | | |
| Eastern Kingbird | <i>Tyrannus tyrannus</i> | | | |
| Horned Lark | <i>Eremophila alpestris</i> | | | |
| Tree Swallow | <i>Tachycineta bicolor</i> | | | |
| Violet-green Swallow | <i>Tachycineta thalassina</i> | | | |
| Northern Rough-winged Swallow | <i>Stelgidopteryx serripennis</i> | | | |
| Bank Swallow | <i>Riparia riparia</i> | | | |
| Cliff Swallow | <i>Petrochelidon pyrrhonota</i> | | | |
| Barn Swallow | <i>Hirundo rustica</i> | | | |
| Gray Jay | <i>Perisoreus canadensis</i> | | | Limited habitat |

| Common Name | Scientific Name | SOC | CFWCS Tier | Comments |
|-------------------------|----------------------------------|------------|-------------------|-----------------|
| Clark's Nutcracker | <i>Nucifraga columbiana</i> | SOC | 3 | |
| Black-billed Magpie | <i>Pica hudsonia</i> | | | |
| American Crow | <i>Corvus brachyrhynchos</i> | | | |
| Common Raven | <i>Corvus corax</i> | | | |
| Black-capped Chickadee | <i>Poecile atricapillus</i> | | | |
| Mountain Chickadee | <i>Poecile gambeli</i> | | | |
| Red-breasted Nuthatch | <i>Sitta canadensis</i> | | | |
| White-breasted Nuthatch | <i>Sitta carolinensis</i> | | | |
| Brown Creeper | <i>Certhia americana</i> | SOC | 2 | |
| Rock Wren | <i>Salpinctes obsoletus</i> | | | |
| House Wren | <i>Troglodytes aedon</i> | | | |
| Golden-crowned Kinglet | <i>Regulus satrapa</i> | | | |
| Ruby-crowned Kinglet | <i>Regulus calendula</i> | | | |
| Mountain Bluebird | <i>Sialia currucoides</i> | | | |
| Townsend's Solitaire | <i>Myadestes townsendi</i> | | | |
| Veery | <i>Catharus fuscescens</i> | SOC | 2 | |
| Swainson's Thrush | <i>Catharus ustulatus</i> | | | |
| Hermit Thrush | <i>Catharus guttatus</i> | | | |
| American Robin | <i>Turdus migratorius</i> | | | |
| Gray Catbird | <i>Dumetella carolinensis</i> | | | |
| Cedar Waxwing | <i>Bombycilla cedrorum</i> | | | |
| Northern Shrike | <i>Lanius excubitor</i> | | | |
| European Starling | <i>Sturnus vulgaris</i> | | | |
| Warbling Vireo | <i>Vireo gilvus</i> | | | |
| Cassin's Vireo | <i>Vireo cassinii</i> | | | |
| Orange-crowned Warbler | <i>Vermivora celata</i> | | | |
| Yellow Warbler | <i>Dendroica petechia</i> | | | |
| Yellow-rumped Warbler | <i>Dendroica coronata</i> | | | |
| Northern Waterthrush | <i>Seiurus noveboracensis</i> | | | |
| MacGillivray's Warbler | <i>Oporornis tolmiei</i> | | | |
| Common Yellowthroat | <i>Geothlypis trichas</i> | | | |
| Wilson's Warbler | <i>Wilsonia pusilla</i> | | | |
| Western Tanager | <i>Piranga ludoviciana</i> | | | |
| Black-headed Grosbeak | <i>Pheucticus melanocephalus</i> | | | |
| Lazuli Bunting | <i>Passerina amoena</i> | | | |
| Spotted Towhee | <i>Pipilo maculatus</i> | | | |

| Common Name | Scientific Name | SOC | CFWCS Tier | Comments |
|-----------------------------|------------------------------------|-----|------------|----------|
| Chipping Sparrow | <i>Spizella passerina</i> | | | |
| Brewer's Sparrow | <i>Spizella breweri</i> | | | |
| Vesper Sparrow | <i>Pooecetes gramineus</i> | | | |
| Savannah Sparrow | <i>Passerculus sandwichensis</i> | | | |
| Grasshopper Sparrow | <i>Ammodramus savannarum</i> | SOC | 2 | |
| Song Sparrow | <i>Melospiza melodia</i> | | | |
| Lincoln's Sparrow | <i>Melospiza lincolnii</i> | | | |
| White-crowned Sparrow | <i>Zonotrichia leucophrys</i> | | | |
| Dark-eyed Junco | <i>Junco hyemalis</i> | | | |
| Snow Bunting | <i>Plectrophenax nivalis</i> | | | |
| Red-winged Blackbird | <i>Agelaius phoeniceus</i> | | | |
| Western Meadowlark | <i>Sturnella neglecta</i> | | | |
| Brown-headed Cowbird | <i>Molothrus ater</i> | | | |
| Northern Oriole | <i>Icterus galbula</i> | | | |
| Pine Grosbeak | <i>Pinicola enucleator</i> | | | |
| Cassin's Finch | <i>Carpodacus cassinii</i> | SOC | 2 | |
| Red Crossbill | <i>Loxia curvirostra</i> | | | |
| Pine Siskin | <i>Carduelis pinus</i> | | | |
| Evening Grosbeak | <i>Coccothraustes vespertinus</i> | | | |
| Fish—3 Species | | | | |
| Westslope Cutthroat Trout | <i>Oncorhynchus clarkii lewisi</i> | SOC | 1 | |
| Brown Trout | <i>Salmo trutta</i> | | | |
| Brook Trout | <i>Salvelinus fontinalis</i> | | | |
| Mammals—59 Species | | | | |
| Masked Shrew | <i>Sorex cinereus</i> | | | |
| Preble's Shrew | <i>Sorex preblei</i> | SOC | 2 | |
| Vagrant Shrew | <i>Sorex vagrans</i> | | | |
| Dusky or Montane Shrew | <i>Sorex monticolus</i> | | | |
| Water Shrew | <i>Sorex palustris</i> | | | |
| Pygmy Shrew | <i>Sorex hoyi</i> | | | |
| Little Brown Myotis | <i>Myotis lucifugus</i> | | | |
| Long-eared Myotis | <i>Myotis evotis</i> | | | |
| Fringed Myotis | <i>Myotis thysanodes</i> | SOC | 2 | |
| Long-legged Myotis | <i>Myotis volans</i> | | | |
| Western Small-footed Myotis | <i>Myotis ciliolabrum</i> | | | |

| Common Name | Scientific Name | SOC | CFWCS Tier | Comments |
|--------------------------------|----------------------------------|------|------------|---|
| Silver-haired Bat | <i>Lasionycteris noctivagans</i> | PSOC | 2 | |
| Big Brown Bat | <i>Eptesicus fuscus</i> | | | |
| Hoary Bat | <i>Lasiurus cinereus</i> | SOC | 2 | |
| Townsend's Big-eared Bat | <i>Corynorhinus townsendii</i> | SOC | 1 | |
| Mountain Cottontail | <i>Sylvilagus nuttallii</i> | | | |
| Snowshoe Hare | <i>Lepus americanus</i> | | | |
| White-tailed Jackrabbit | <i>Lepus townsendii</i> | | | |
| Yellow-pine Chipmunk | <i>Tamias amoenus</i> | | | |
| Red-tailed Chipmunk | <i>Tamias ruficaudus</i> | | | |
| Yellow-bellied Marmot | <i>Marmota flaviventris</i> | | | |
| Columbian Ground Squirrel | <i>Spermophilus columbianus</i> | | | |
| Golden-mantled Ground Squirrel | <i>Spermophilus lateralis</i> | | | |
| Red Squirrel | <i>Tamiasciurus hudsonicus</i> | | | |
| Northern Flying Squirrel | <i>Glaucomys sabrinus</i> | | | |
| Northern Pocket Gopher | <i>Thomomys idahoensis</i> | | | |
| American Beaver | <i>Castor canadensis</i> | | | |
| Deer Mouse | <i>Peromyscus maniculatus</i> | | | |
| Bushy-tailed Woodrat | <i>Neotoma cinerea</i> | | | |
| Southern Red-backed Vole | <i>Clethrionomys gapperi</i> | | | |
| Heather Vole | <i>Phenacomys intermedius</i> | | | |
| Meadow Vole | <i>Microtus pennsylvanicus</i> | | | |
| Montane Vole | <i>Microtus montanus</i> | | | |
| Long-tailed Vole | <i>Microtus longicaudus</i> | | | |
| Muskrat | <i>Ondatra zebithicus</i> | | | |
| Western Jumping Mouse | <i>Zapus princeps</i> | | | |
| Porcupine | <i>Erethizon dorsatum</i> | | | |
| Coyote | <i>Canis latrans</i> | | | |
| Gray Wolf | <i>Canis lupus</i> | SOC | 1 | ESA delisted, monitoring |
| Red Fox | <i>Vulpes vulpes</i> | | | |
| Black Bear | <i>Ursus americanus</i> | | | |
| Grizzly Bear | <i>Ursus arctos</i> | SOC | 1 | ESA-threatened, suitable habitat for reoccupation |
| Raccoon | <i>Procyon lotor</i> | | | |
| Marten | <i>Martes americana</i> | | | |
| Ermine | <i>Mustela erminea</i> | | | |
| Long-tailed Weasel | <i>Mustela frenata</i> | | | |

| Common Name | <i>Scientific Name</i> | SOC | CFWCS Tier | Comments |
|----------------------------------|-------------------------------|------------|-------------------|-----------------|
| Mink | <i>Mustela vison</i> | | | |
| Wolverine | <i>Gulo gulo</i> | SOC | 2 | |
| Badger | <i>Taxidea taxus</i> | | | |
| Striped Skunk | <i>Mephitis mephitis</i> | | | |
| Canada Lynx | <i>Lynx canadensis</i> | SOC | 1 | ESA-threatened |
| Bobcat | <i>Lynx rufus</i> | | | |
| Mountain Lion | <i>Puma concolor</i> | | | |
| Elk or Wapiti | <i>Cervus canadensis</i> | | | |
| Mule Deer | <i>Odocoileus hemionus</i> | | | |
| White-tailed Deer | <i>Odocoileus virginianus</i> | | | |
| Moose | <i>Alces alces</i> | | | |
| Pronghorn (Antelope) | <i>Antilocapra americana</i> | | | |
| <i>Reptiles—2 Species</i> | | | | |
| Terrestrial Gartersnake | <i>Thamnophis elegans</i> | | | |
| Common Gartersnake | <i>Thamnophis sirtalis</i> | | | |

APPENDIX B. Spotted Dog Species of Concern

List of all species of concern observed on or nearby the property, or likely to occur based on species distribution range and habitat suitability. On-site surveys are needed to verify occurrence of some species.

| Species | Status | Habitat | Status in Spotted Dog Ranch vicinity |
|--|-------------------------|--|---|
| Species of Concern | | | |
| Westslope Cutthroat Trout (<i>Oncorhynchus clarki lewisi</i>) | SOC, Tier 1 | Coldwater streams | Verified in area, in Spotted Dog, Trout, and O'Neil creeks |
| Canada Lynx (<i>Lynx Canadensis</i>) | Threatened, Tier 1 | Subalpine conifer forests | Harvested near property |
| Fringed Myotis (<i>Myotis thysanodes</i>) | SOC | Riparian & dry mixed conifer forests | Suitable habitat in area, not verified |
| Gray Wolf (<i>Canis lupus</i>) | Delisted, SOC, Tier 1 | Generalist | Verified on the property |
| Grizzly Bear (<i>Ursus arctos</i>) | Threatened, SOC, Tier 1 | Generalist | Verified in area, suitable habitat |
| Hoary Bat (<i>Lasiurus cinereus</i>) | SOC | Riparian and forest habitats | Suitable habitat in area, not verified |
| Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>) | SOC, Tier 1 | Caves and mines | Suitable roost sites near area, foraging habitat on property |
| Preble's Shrew (<i>Sorex preblei</i>) | SOC | Sagebrush/Grasslands | Suitable habitat in area, not verified |
| Wolverine (<i>Gulo gulo</i>) | SOC | Conifer forests | Harvested within 2 miles of eastern boundary |
| Bald Eagle (<i>Haliaeetus leucocephalus</i>) | Delisted, SOC, Tier 1 | Riparian forests | Nesting pairs along Little Blackfoot, some foraging habitat on property |
| Brewer's Sparrow (<i>Spizella breweri</i>) | SOC | Sagebrush | Suitable habitat in area, not verified |
| Brown Creeper (<i>Certhia Americana</i>) | SOC | Mixed conifer forests | Verified on forest service lands near the property |
| Cassin's Finch (<i>Carpodacus cassinii</i>) | SOC | Conifer forests | Verified on forest service lands near the property |
| Clark's Nutcracker (<i>Nucifraga Columbiana</i>) | SOC | Conifer forests | Verified on forest service lands near the property |
| Flammulated Owl (<i>Otus flammeolus</i>) | SOC, Tier 1 | Low-mid elevation conifer forests with large trees | Limited suitable habitat in eastern part of area, not verified |
| Golden Eagle (<i>Aquila chrysaetos</i>) | SOC | Generalist | Verified on property |
| Grasshopper Sparrow (<i>Ammodramus savannarum</i>) | SOC | Grasslands | Suitable habitat in area, not verified |
| Great Blue Heron (<i>Ardea Herodias</i>) | SOC | Riparian woodlands | Rookery on the Little Blackfoot near Garrison, foraging habitat on property |

| Species | Status | Habitat | Status in Spotted Dog Ranch vicinity |
|---|--------------------|---|--|
| Great Gray Owl (<i>Strix nebulosa</i>) | SOC | Conifer forests | Limited suitable habitat in eastern part of area, not verified |
| Lewis's Woodpecker (<i>Melanerpes lewis</i>) | SOC | Riparian forests | Verified on Clark Fork River west of the property |
| Long-billed Curlew (<i>Numenius americanus</i>) | SOC, Tier 1 | Grasslands | Verified on property |
| Northern Goshawk (<i>Accipiter gentilis</i>) | SOC | Mixed conifer forests | Verified near the area, suitable habitat present |
| Peregrine Falcon (<i>Falco peregrines</i>) | Delisted, SOC | Cliffs, forages over riparian, wetland habitats | Foraging habitat in area, not verified |
| Sharp-tailed Grouse -- Columbian or prairie subspp. (<i>Tympanuchus phasianellus</i>) | SOC (Columbian) | Grasslands | Suitable habitat, not verified, possible reintroduction site |
| Veery (<i>Catharus fuscenscens</i>) | SOC | Riparian forests, shrubby habitats | Suitable habitat, not verified |
| Western Toad (<i>Bufo boreas</i>) | SOC, Tier 1 | Wetlands, lakes, floodplain ponds | Suitable habitat, not verified |
| Potential Species of Concern | | | |
| Silver-haired Bat (<i>Lasionycteris noctivagans</i>) | PSOC | Riparian and forest habitats | Suitable habitat in area, not verified |
| Common Poorwill (<i>Phalaenoptilus nuttallii</i>) | PSOC | Open conifer woodlands | Suitable habitat in area, not verified |
| Swainson's Hawk (<i>Buteo swainsoni</i>) | PSOC | Sage/grasslands with woody draws | Suitable habitat, verified in Deer Lodge Valley |
| Western Screech-Owl (<i>Megascops kennicottii</i>) | PSOC | Riparian forests | Suitable habitat, not verified |
| An Agapetus Caddisfly (<i>Agapetus montanus</i>) | PSOC | Fast-flowing streams | Verified in Spotted Dog Creek north of the property |
| Additional Tier 1 Species | | | |
| Olive-sided Flycatcher (<i>Contopus cooperi</i>) | CFWCS Tier 1 | Early seral forest/shrub patches, and burned forest | Verified on forest service lands near the area |

ATTACHMENT B

**SOCIO-ECONOMIC ASSESSMENT
PROPOSED SPOTTED DOG LAND ACQUISITION**

MONTANA FISH, WILDLIFE AND PARKS

Prepared by
Rob Brooks
June 2010

I. INTRODUCTION

House Bill 526, passed by the 1987 Legislature (MCA 87-1-241 and MCA 87-1-242), authorizes Montana Fish, Wildlife and Parks (FWP) to acquire an interest in land for the purpose of protecting and improving wildlife habitat. These acquisitions can be through fee title, conservation easements, or leasing. In 1989, the Montana legislature passed House Bill 720 requiring that a socioeconomic assessment be completed when wildlife habitat is acquired using Habitat Montana monies. These assessments evaluate the significant social and economic impacts of the acquisition on local governments, employment, schools, and impacts on local businesses.

This socioeconomic evaluation addresses the fee title purchase of property from the Rock Creek Cattle Company (RCCC). The report addresses the physical and institutional setting as well as the social and economic impacts associated with the proposed fee title acquisition.

II. PHYSICAL AND INSTITUTIONAL SETTING

A. Property Description

The Spotted Dog property lies between Avon and Deer Lodge, Montana, in Powell County. The property that FWP would acquire encompasses 27,616 acres and is interspersed with 10,260 acres of Department of Natural Resources and Conservation (DNRC) land. This property is comprised of native intermountain grassland, shrub grassland, coniferous forests, and 45 miles of riparian habitat. A detailed legal description is included in the Environmental Assessment.

B. Habitat and Wildlife Populations

This property supports a diversity of wildlife including elk, mule deer, white-tailed deer, moose, and black bear to name a few. It also provides habitat for one of the largest concentrations of elk in the Upper Clark Fork. In addition, west-slope cutthroat trout are found in the three major drainages on the property. For a complete list of species, see the Draft Environmental Assessment or Management Plan.

C. Current Use

Currently the property is owned and managed by RY Timber, with a sale pending to Rock Creek Cattle Company. The ranch is an operating cattle ranch with about 2,000 cow-calf pairs on the property. There are 51 acres of land used for hay production. The majority of commercially valuable timber has been harvested from the property.

D. Purchase Alternatives

- 1) Purchase the property fee title.
- 2) No fee title purchase

FWP Fee Title Purchase

FWP plans to designate this property as a Wildlife Management Area (WMA). The goal is to protect and enhance the fisheries and wildlife habitat and provide recreational opportunities that meet the management plan's guidelines. Under FWP management hunting, hiking, fishing, and other recreational opportunities would be allowed while protecting the largest unbroken grassland habitat under private ownership in the Upper Clark Fork.

No Purchase Alternative

The no purchase alternative requires some assumptions since use and management of the property would vary depending on what RCCC may do with the property.

III. SOCIAL AND ECONOMIC IMPACTS

The fee title purchase would provide long-term protection of important wildlife and fisheries habitat and provide public access to the land. This section describes the social and economic impacts of the fee title purchase.

The financial impacts section of this document address the cost of the fee title acquisition by FWP and discuss the impacts on tax revenues to local government agencies including school districts.

A. Financial Impacts

Montana Fish, Wildlife & Parks would pay approximately \$15.2 million for fee title ownership of the Spotted Dog property. The funding would come from an Upper Clark Fork River Basin Restoration Grant administered by the Natural Resource Damage Program (NRDP). FWP has also made application to this same funding source to cover maintenance expenses in the amount of \$1,225,140, which would be used for weed management, roads and fencing during the first five years of FWP ownership. The budget to support this estimate of maintenance cost is contained in the Draft Management Plan, along with an outline of long-term maintenance needs.

Senate Bill 164 passed by the 2009 legislature directs that FWP establish a maintenance account to address maintenance requirements defined in the bill. For this acquisition, the maintenance account would be \$300,000, which is covered by the \$1,225,140 NRDP operations and maintenance request.

The sale of this land by RCCC and subsequent title transfer to FWP would not change the tax revenues that Powell County currently collects on these lands, since FWP is required by Montana Code 87-1-603 to pay "to the county a sum equal to the amount of taxes which would be payable on county assessment of the property were it taxable to a private citizen." Existing taxes on this land are approximately \$15,000 per year based on the current assessment.

Powell County does not assess a tax on livestock so there would be no financial impact to the county from FWP not allowing grazing on the Spotted Dog property.

B. Economic Impacts

The maintenance and enhancement work necessary on the Spotted Dog WMA would provide economic activity for local businesses. As mentioned above, FWP expects to spend over a million dollars during a 5 year period to improve and maintain the WMA.

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

Under the management plan for Spotted Dog, pastures would be initially rested from grazing. It is unknown whether RCCC cattle currently utilizing this property would be moved to other ranch lands or sold, and whether there would be an impact on local businesses. The Spotted Dog property is currently being marketed for sale, and the disposition of the RCCC cattle currently grazing the property would likely be the same, whether the property is sold to FWP or a private buyer.

FINDINGS AND CONCLUSIONS

The Spotted Dog property fee title purchase by Montana Fish, Wildlife and Parks would provide long term protection for wildlife habitat, maintain open space and the integrity of the land, enhance public recreation opportunities, and improve the condition of the riparian areas.

This purchase would not reduce the tax revenues that Powell County collects on this property under Montana Code 97-1-603.

The financial impacts to local businesses from this purchase would be neutral to positive given that recreational opportunities would not be negatively impacted and FWP would be working to address weed issues, road and fence maintenance, as well as fire and timber issues.

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