

**DRAFT Response to Public Comments on  
the**

December 2018 NRDP Funding  
Recommendation for Purchase of Graveley-  
Warm Springs Conservation Easements

Prepared by the Montana Natural Resource Damage  
Program

Montana Department of Justice

Helena Montana

**January 2019**

**Table of Contents**

**Introduction**..... 1

**Comments summary and response**..... 1

**Appendix A**

- List of comments..... A-1
- Public Comment Letters ..... A-2

## Introduction

As part of the implementation of the *Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans* (Restoration Plans) the Natural Resource Damage Program (NRDP) released the *NRDP Funding Recommendation for the Purchase of Graveley – Warm Springs Conservation Easements* document for public comments on December 10, 2018. During the comment period, which ended January 9, 2019, the State received 11 comments. The project is for the acquisition of two conservation easements on adjoining properties (see attached map), which total 8,256 acres near Garrison. NRDP is teaming up with Five Valleys Land Trust, the Graveley's, and The Conservation Fund to accomplish this land project which will cost approximately \$3.5 million. Funding for this easement acquisition would be from the UCFRB Restoration Fund. For outreach on this public comment period, NRDP posted the public comment announcement on the NRDP webpage, sent notices of this opportunity for public comment to approximately 140 individual entities on our mailing list, and placed a set of ads in three basin-area newspapers. Also, NRDP summarized the project at the November 14, 2018, meeting of the UCFRB Remediation and Restoration Advisory Council (Advisory Council).

The NRDP received a total of 9 comment letters and two emails during the public comment period. All comment letters and emails indicated general support of the project and NRDP's funding recommendation. See Appendix A for a list of commenters, and copies of the 11 comment letters/emails.

The NRDP does not propose any changes to the funding recommendation based on the responses to comments.

This draft response to comments document summarizes the public comments received and provides NRDP's draft responses to these comments. These draft responses will be considered at the January 16, 2019, meeting of the Advisory Council and the February 6, 2019, meeting of the Trustee Restoration Council. More information about the time/location of these meetings can be found at <https://doj.mt.gov/lands/advisory-councils/>. These draft responses may be revised based on input from the UCFRB Advisory Council, Trustee Restoration Council, and the final decision by the Governor.

### **Comment Summary and Response:**

- 1) Comments in general support of the project and funding it with NRDP funds – 9 letters & 2 emails

Comments: Nine comment letters from nine entities and two email comments from one entity and one individual indicated general support for the project. The major reasons for this support include that project will achieve the following benefits and attributes:

- Project will provide a great deal of recreational opportunities for the recreating public, especially with a perpetual easement for access in an area known for its high elk and deer populations.

- The large undeveloped ranches provide connectivity between the mountains to the south, including the Yellowstone ecosystem, and the Northern Continental Divide ecosystem. We believe this area has significant wildlife values and certainly merits protection by establishing conservation easements.
- This project would protect more than 8,200 acres of quality wildlife habitat that represents a mix of native grassland, wetlands, forest and aspen groves on the flanks of the Garnet Mountain Range.
- Montana Wildlife Federation commends the Graveley family, NRDP staff, and the non-governmental organizations who have worked to put together this solid project. We understand the tremendous effort and time that goes into putting together a land deal. We strongly support this easement and the public benefits that will come with it.
- In addition to the benefits for the Clark Fork fishery and wildlife by protecting this riparian habitat, the project will also protect the rural character of the upper Clark Fork valley, continue to support local agriculture, protect wildlife habitat, and offer public hunting opportunity on over 8,000 acres of high-quality wildlife habitat.
- These easements would also increase public access to public lands on adjacent BLM and State Trust lands. Additionally, the permanent protection of these lands from development would protect critical winter habitat for mule deer, elk, pronghorn and moose, as well as other non-game species.
- Rocky Mountain Elk Foundation applauds the private landowner involved for protecting their family ranch with conservation easements and granting long-term elk hunting opportunities to the public.
- The permanent public hunting access will provide not only additional opportunity for hunters but will support Fish Wildlife and Parks efforts to manage wildlife populations in an area with a significant amount of private lands.
- The property also includes protections on over 2.8 miles of Brock Creek and 2.5 miles of Warm Springs Creek. Both streams are important tributaries to the upper Clark Fork and contain healthy populations of sport fish and westslope cutthroat trout, which is listed as a species of concern by MT FWP.
- The Graveley-Warm Springs project also clearly fits within NRDP's Terrestrial Resources Prioritization Strategy and will improve public access to thousands of acres of public and private property.

**Response:** NRDP appreciates this acknowledgment of support for the project. The funding recommendation document discusses many of the same reasons to conclude there is a favorable cost:benefit relationship. After consideration of public comment, NRDP recommends approval for the project subject to the three funding conditions specified in the funding recommendations document.

**Appendix A**  
**List of Comments**

<b>No.</b>	<b>Individual/Association</b>	<b>City/Area</b>
<b>1</b>	Public Lands/Water Access Association – Tony Schoonen	Butte, MT
<b>2</b>	Clark Fork Coalition – Alex Leone	Missoula, MT
<b>3</b>	Five Valleys Audubon Society – Rosemary H. Leach	Missoula, MT
<b>4</b>	Hellgate Hunters & Anglers – Adam Shaw	Missoula, MT
<b>5</b>	Backcountry Hunters & Anglers – Corey Ellis & Hannah J. Nikonow	Missoula, MT
<b>6</b>	Montana Wildlife Federation – Bill Geer – Helena office	Helena, MT
<b>7</b>	Rocky Mountain Elk Foundation – Blake L. Henning	Missoula, MT
<b>8</b>	Skyline Sportsmen’s Association, Inc. – Justin Mandic	Butte, MT
<b>9</b>	Carl Hamming	Deer Lodge, MT
<b>10</b>	Anaconda Sportsmen’s Club – Gary Ouldhouse	Anaconda, MT
<b>11</b>	Montana Wildlife Federation – Marcus Strange – Missoula office	Missoula, MT



**PUBLIC  
LANDS / WATER  
ACCESS  
ASSOCIATION, INC**

3609 Willoughby Avenue

Butte, MT 59701

**RECEIVED**

DEC 20 2018

**NATURAL RESOURCE  
DAMAGE PROGRAM**

Attn: Advisory Council a Trustee Restoration  
Council:  
Our group is very supportive of the  
Graveley - Warm Springs Conservation  
Easements between all willing parties.  
These easements will provide a great  
deal of recreational opportunities  
for the recreating public especially  
with a perpetual easement and  
access in an area known for its  
high elk & deer populations.

The funding provided by the NRDP  
and the Fire Valleys Land Trust is a  
very beneficial use and that funding  
and the benefits to the public will be  
realized and into the future.

In looking at the maps, the easements  
will allow access to some school trust  
lands as well as a good portion of the  
Clark Fork river, which is becoming a  
better and better fishery.

Your consideration of our comments  
will be greatly appreciated.

Sincerely,  
Tom Schoonen  
Director: S.W. Mantz

F2X 444-0236



December 18, 2018

**RECEIVED**

Dec. 19, 2018  
Natural Resource  
Damage Program

To: Natural Resource Damage Program

COMMENT #2

Re: Graveley-Warm Springs Conservation Easements

Mr. Martin

The Clark Fork Coalition (CFC) is writing to support the NRDP's proposal to place conservation easements on the Graveleys-Warm Springs property, encompassing over 8,000 acres of private property near Garrison, Montana. The CFC has been involved in the remediation and restoration of the upper Clark Fork for over 15 years and recently worked with the NRDP to place conservation easements on the CFC's Dry Cottonwood Creek Ranch near Galen, MT. The NRDP has successfully implemented several conservation easement projects over the past two decades that have protected tens of thousands of acres of upland habitat, miles of perennial streams and ensured public access to these areas in perpetuity. These conservation easements and public access agreements are important resources that benefit all Montana residents.

The Graveley-Warm Springs property is located at the foothills of the Garnet Range and features several diverse habitat types that support healthy populations of elk, antelope, mule deer and important birds (such as the golden eagle) listed as species of concern by FWP. The property also includes protections on over 2.8 miles of Brock Creek and 2.5 miles of Warm Springs Creek. Both of these streams are important tributaries to the upper Clark Fork and contain healthy populations of sport fish and westslope cutthroat trout, which is listed as a species of concern by MT FWP. Brock Creek is likely to be providing recruitment of westslope cutthroat to the upper Clark Fork fishery.

The Graveley-Warm Springs project also clearly fits within the NRDP's Terrestrial Resources Prioritization Strategy and will improve public access to thousands of acres of public and private property.

Thanks for the opportunity to comment on this conservation project. Please contact Alex Leone if you have any questions or concerns regarding our comments.

PO Box 7593  
Missoula, MT 59807

Alex Leone, Policy and Campaign Manager

T: 406.542.0539  
F: 406.542.5632

Clark Fork Coalition  
alex@clarkfork.org

www.clarkfork.org



**FIVE VALLEYS AUDUBON SOCIETY**  
**P.O. BOX 8425**  
**MISSOULA, MT 59807**



Natural Resource Damage Program Advisory Council  
PO Box 201425  
Helena, MT 59620-1425  
RE: Gravely-Warm Springs Conservation Easement  
Project, NRDP Terrestrial Restoration Funds  
December 28, 2018

We are writing to support acquisition of funding for conservation easements on the Gravely-Warm Springs properties. Our Five Valleys Audubon Chapter has conducted bird surveys on similar properties nearby, and we have observed an impressive diversity of bird species that would likely occur in the Gravely Ranch area as well. The wide variety of habitat niches occurring here include short grass prairie dissected by brushy riparian draws that become bordered by conifer patches on the north exposures. As the elevation increases; mixed conifers with stringers and patches of aspen; and significant riparian niches along two permanent streams.

These varied habitats support a diversity of birds including a number of species of conservation concern at the State or National level, which we would expect to include Golden Eagle, Northern Goshawk, Williamson's Sapsucker, Red-naped Sapsucker, Green-tailed Towhee, Brewer's Sparrow and Cassin's Finch. Importantly, this area supports breeding populations of a number of migrant songbirds including warblers, vireos and wrens that nationwide are known to be in serious decline.

This large undeveloped ranch area also provides connectivity between the mountains to south including the Yellowstone ecosystem and the Northern Continental Divide ecosystem. We believe that this area has significant wildlife values and certainly merits protection by establishing conservation easements.

Sincerely,

Rosemary H Leach  
Certified Wildlife Biologist  
Five Valleys Audubon Chapter President



**RECEIVED**  
Jan. 2, 2019  
Natural Resource  
Damage Program  
  
COMMENT #4

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P.O. BOX 7792 MISSOULA, MT 59807 (406) 241-3121  
www.hellgatehuntersandanglers.org

January 2, 2019

Montana Natural Resource Damage Program  
ATTN: Graveley-Warm Springs CE Comments  
P.O. Box 201425  
Helena, MT 59620-1425

RE: HHA Support for Conservation Easement on Graveley-Warm Springs Property

Dear Natural Resource Damage Program,

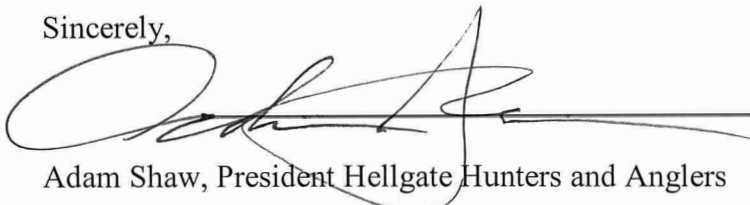
Hellgate Hunters and Anglers (HHA) is a local, all volunteer rod and gun club based in Missoula. We represent over 300 local hunters and anglers and appreciate the opportunity to provide input on the Graveley-Warm Springs Conservation Easements. HHA would like to express our support for the NRDP funding recommendation to purchase a conservation easement on the Graveley-Warm Springs Property. This project represents a unique opportunity to permanently protect forest, wetland and grassland habitats. In addition, we're pleased that perpetual public access is a central component to this proposal – as many of HHA's members hunt in this area.

In addition to the benefits for the Clark Fork fishery and wildlife by protecting this riparian habitat, the project will also protect the rural character of the upper Clark Fork valley, continue to support local agriculture, protect wildlife habitat and offer public hunting opportunity on over 8,000 acres of high quality wildlife habitat.

With the recent and ongoing remediation and restoration of these properties, the improved fish and wildlife habitat should continue to attract even more visitors in the future. This project will safeguard public access to these properties for generations come.

Thank you for the opportunity to comment and for your on-going efforts to protect and restore valuable fish and wildlife habitat in the Upper Clark Fork. We look forward to seeing this project implemented and enjoyed for years to come.

Sincerely,



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Adam Shaw, President Hellgate Hunters and Anglers

**RECEIVED**

Jan. 7, 2019

Natural Resource  
Damage Program



January 7th, 2018

Greg Mullen  
Natural Resource Damage Program  
[NRDP@mt.gov](mailto:NRDP@mt.gov)  
(406) 444-0205

COMMENT #5

Re: Graveley-Warm Springs Conservation Easements Funding

To: Greg Mullen and relevant parties,

The Montana Chapter of Backcountry Hunters and Anglers is writing to express our support for the purchase of the Graveley-Warm Springs Conservation Easements.

Our members include 2,500 Montana hunters, anglers and others who adamantly champion North America's outdoor heritage of hunting and fishing in a natural setting, through education and work on behalf of wild public lands and waters.

The purchase of these two easements would be beneficial to our members and all Montana hunters by creating permanent hunting access on lands that are now either only made accessible on an annual decision basis level (Graveley property in Block Management) or, are not publicly accessible to hunting at all (NCP Bayou II property). These easements would also increase public access to public lands on adjacent BLM and State Trust lands. Additionally, the permanent protection of these lands from development would protect crucial winter habitat for mule deer, elk, pronghorn and moose, as well as, other non-game species. These easements would maintain habitat connectivity in the region and keep a wild landscape intact, which are two central goals of our organization. We support funding for this project from the Montana Natural Resource Damage Program and any other available sources.

We commend Five Valleys Land Trust, the land owners, Fish Wildlife and Parks and The Conservation Fund for their work thus far on this important conservation project. Please keep us informed on how might be able to further support this work and see it through to its completion.

Sincerely,

Corey Ellis, Conservation Committee  
Hannah J. Nikonow, Board Member  
Montana Chapter of Backcountry Hunters and Anglers  
12 Orchard Court  
Missoula, Montana 59803  
[h.nikonow@gmail.com](mailto:h.nikonow@gmail.com)



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

**RECEIVED**

Jan. 7, 2019  
Natural Resource  
Damage Program

COMMENT #6

Jan. 7, 2019

Montana Natural Resource Damage Program  
P.O. Box 201425  
1720 9<sup>th</sup> Ave.  
Helena, MT 59601-1425

RE: Graveley-Warming Springs Conservation Easement

Dear Montana Natural Resource Damage Program,

The Montana Wildlife Federation is our state's oldest and largest wildlife conservation organization. We were formed in 1936 when hunters joined landowners to restore depleted wildlife in our state. For 83 years we have worked on issues to promote abundant wildlife, healthy habitat and public access to enjoy our public trust wildlife resources. That work includes substantial cooperation with landowners to achieve wildlife management goals.

The Graveley-Warm Springs Conservation Easement near Garrison is an excellent example of the strong working partnership between landowners and hunters. This project would protect more than 8,200 acres of quality wildlife habitat that represents a mix of native grassland, wetlands, forest and aspen groves on the flanks of the Garnet Mountain Range. It would also provide permanent public hunting access that would help the Montana Department of Fish, Wildlife and Parks manage elk, deer and other game species.

This project justifies the use of NRDP funding to accomplish its goals. The \$3.5 million is a solid investment of public funding to secure a conservation easement, guarantee permanent public hunting access and help state biologists meet their wildlife management objectives.

MWF commends the Graveley family, the NRDP staff and the non-governmental organizations who have worked to put together this solid project. We understand the tremendous effort and time that goes into putting together a land deal. We strongly support this easement and the public benefits that will come with it.

Sincerely,

Bill Geer  
President



# ROCKY MOUNTAIN ELK FOUNDATION

Via Email

January 8, 2019

Natural Resource Damage Program  
P.O. Box 201425  
Helena, MT 59620-1425  
nrpd@mt.gov

**RECEIVED**

Jan. 8, 2019  
Natural Resource  
Damage Program

COMMENT #7

RE: Graveley-Warm Springs Conservation Easements – Letter of Support

Dear NRDP:

The Rocky Mountain Elk Foundation (RMEF) supports the proposed Graveley-Warm Springs purchased conservation easement and access project located near Garrison, Montana. The mission of RMEF is to ensure the future of elk, other wildlife, their habitat and our hunting heritage. RMEF has more than 227,000 members, over 13,380 residing in Montana.

Under the proposal by Five Valleys Land Trust, The Conservation Fund and Montana Fish, Wildlife & Parks (FWP), two ranch properties totaling more than 8,200 acres will be placed under permanent protection and increase sportsmen/women hunting access. The proposed conservation easements will conserve important grassland, wetland and forest habitats utilized by elk, mule deer and antelope, while protecting open space. Public access to the ranch properties and improvement of access to existing public lands is valuable to elk hunters. RMEF understands that the conservation easements will limit residences and prohibit any subdivision of the ranches. These terms of the easements will secure important blocks of elk habitat between the southern boundary of the Garnet Range and the Flint Range further to the south.

RMEF applauds the private landowner involved for protecting their family ranch with conservation easements and granting long-term elk hunting opportunities to the public. RMEF encourages FWP to monitor the access under an Access Plan. It is encouraging to see a ranch previously enrolled in block management enter into a long-term access agreement. The conservation project will improve access to some scattered parcels of Bureau of Land Management lands and State Trust lands, while also securing access to the more than 8,200 acres of ranch lands.

We appreciate your consideration in partnering with FWP, The Conservation Fund and Five Valleys Land Trust to conserve critical wildlife habitats in Montana. We are certain that this opportunity will benefit Montana's fish and wildlife resources and hope it will meet the intent of the Natural Resources Damage Program, given its proximity and value to the Clark Fork River Watershed. Should you have any questions or need further information, please don't hesitate to contact RMEF's Director of Lands Jennifer Doherty at (406) 523-4563 or [jdoherty@rmef.org](mailto:jdoherty@rmef.org)

Sincerely,

  
Blake L. Henning  
Chief Conservation Officer

A-9



**SKYLINE SPORTSMEN'S ASSOCIATION, INC.**  
Box 173 • Butte, Montana 59703

**To: Natural Resources Damage Program**

**RE: Support for Graveley-Warm Springs Conservation Easements**

Skyline Sportsmen's Association **strongly supports** the efforts of the Natural Resource Damage Program to work with Five Valley's Land Trust, Montana Fish Wildlife and Parks, The Conservation Fund and private landowners to place a permanent conservation easement on the Graveley-Warm Springs properties near Garrison.

This easement will protect important wildlife habitat, support a long-time local ranching family's efforts to expand and improve their operation and provide permanent public hunting access to over 8,200 acres of private land while providing access to additional public lands.

The permanent public hunting access will provide not only additional opportunity for hunters but will support Fish Wildlife and Parks efforts to manage wildlife populations in an area with a significant amount of private lands.

Thank you for your consideration.

Justin Mandic

President

Skyline Sportsmen's Association

Butte, Montana

**RECEIVED**

Jan. 8, 2019

Natural Resource  
Damage Program

**From:** [Carl H](#)  
**To:** [Natural Resource Damage Program](#)  
**Subject:** Graveley-Warm Springs CE Comments  
**Date:** Tuesday, January 8, 2019 8:49:05 PM

COMMENT #9

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January 8, 2019

Dear Mr. Martin,

I am writing to voice my support for the proposed NRDP action regarding the Graveley Ranch and NCP Bayou II Ranch. I support public access and recreational opportunities and this action furthers both. Currently, there are few conservation easements in the Phosphate area and preserving open space will provide great hunting opportunities and protect wildlife corridors. This appears to be an excellent project.

Thank you for your continued work in our region.

Sincerely,

Carl Hamming  
Deer Lodge, Montana

**RECEIVED**

Jan. 8, 2019  
Natural Resource  
Damage Program

**From:** [garrett ouldhouse](#)  
**To:** [Natural Resource Damage Program](#)  
**Subject:** Gravely-Warm Springs Conservation Easement  
**Date:** Tuesday, January 8, 2019 11:29:40 PM

COMMENT #10

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Dear Sir: We the Anaconda Sportsmen's Club is in support of this Project. These CE's will permanently protect the Public Access, Conservation and Open Space Values of these properties.

These same Values are in Our Club Mission Statement. We know the importance of Public Access to Recreate, and to have Open Spaces, and good quality Water is to our Montana Way of Life; today as well as future Generations.

Thank You Gary Ouldhouse Anaconda Sportsmen's Club President



**RECEIVED**

Jan. 9, 2019  
Natural Resource  
Damage Program

**9 January 2019**

**Natural Resource Damage Program**

P.O. Box 201425  
Helena, MT  
59620

COMMENT #11

**RE: Graveley-Warm Springs Conservation Easements Purchase**

To whom it may concern,

The Montana Wildlife Federation (MWF) is Montana's oldest wildlife conservation organization. We were formed in 1936 when a diverse group of Montana saw a need to speak up for wildlife. For over eight decades we have worked to ensure abundant wildlife, healthy habitat on public and private lands, and public access to enjoy our public fish and wildlife resources

MWF strongly supports purchase of the 8,200 acres that comprise the Graveley-Warm Springs Conservation Easements. These easements would provide Montanans with improved public access and would improve wildlife habitat and security. These easements provide crucial habitat connectivity, something healthy wildlife desperately needs. As time progresses, projects, such as this, will become increasingly rare and MWF feels that we should strike while the proverbial fire is hot.

MWF commends the commitment of all those who have labored to make this project a reality. We understand the tremendous work and patience that goes into putting together a land deal. That's why we fully support the completion of this project that will have lasting benefits for future generations.

Sincerely,



**Marcus Strange**  
Central Montana Field Representative  
Montana Wildlife Federation