

Road Petition #813

Abandonment of the existing Buffalo Horn  
Road across lands owned by 320 Ranch Inc.  
Sections 26 & 27, T8S, R4E

CHECKLIST OF PROCEDURES FOR ROAD PETITIONS

Original signed petition must be submitted to the Clerk and Recorder along with a map showing the area of the road under consideration. Stamp the date received on the petition. Get name and phone number of contact person for questions.

NAME Alex Diekmann PHONE 585-8692

- 1) Determine if there are sufficient qualified signatures.
- 2) Check list of adjacent landowners for completeness.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule petition on Commissioner's agenda. DATE: 3-25-03
- 5) Make copies of petition and report. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)
  
- 6) Commissioners receive petition and assign viewing committee.
- 7) Assign Road Petition Number. 813
  
- 8) Type regular mail envelopes for:
  - All landowners named on the petition
  - All signers on the petition
  - All individuals named in the petition who could be affected
  - The postmaster of the area
  - The Public Lands Access AssociationType and prepare certified mail envelopes for:
  - All owners of land abutting the road
  - All individuals named in the petition who could be affected
  - The postmaster of the area
  - The Public Lands Access Association
  
- 9) Viewing committee completes road report.
- 10) Schedule public hearing on Commissioner's agenda and prepare notice. DATE 4-29-03
- 11) Publish public hearing notice one time. DATE 4-24-03
  
- 12) Send a copy of the viewing committee report and public hearing notice to the following:
  - Persons listed in #8
  - County Road Superintendent
  - County Attorney
  - County Commissioners (3 copies)
  
- 13) Prepare affidavit of mailing for petition file (regarding the viewers report).
- 14) Commissioners hold public hearing to grant or deny petition.
- 15) County Attorney drafts resolution for Commissioners to consider at next public hearing.
- 16) Commissioners pass resolution
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #8 (BY CERTIFIED MAIL)
- 18) Type affidavit of mailing for petition file (regarding the boards decision).
- 19) If the petition is granted, a certified copy of the resolution must be recorded.





Conserving Land  
for People

RECEIVED  
Date 2-27-03  
Clerk & Recorder  
Gallatin County, Mont.

February 27, 2003

Board of County Commissioners  
Gallatin County  
Gallatin County Court House  
311 West Main, Room 306  
Bozeman, MT 59715

**Re. Petition to abandon the existing Buffalo Horn Road  
across lands owned by 320 Ranch, Inc.**

Dear Commissioners:

Approximately two years ago, The Trust for Public Land (TPL) entered into an option agreement with 320 Ranch, Inc. and other affiliated owners to purchase, over a two-year period, the last remaining large block of private land in the Taylor Fork drainage south of Big Sky. The acquisition is a key step in a complex, decade-long effort to end the "checkerboard" pattern of private land holdings that once dominated the western side of the Gallatin National Forest.

In July 2002, TPL purchased two sections of 320 Ranch lands in the Taylor Fork totaling 1,268 acres and conveyed them to the Gallatin National Forest. Under the terms of its agreement, TPL must purchase the remaining 1,978 acres of 320 Ranch lands in the Taylor Fork no later than May 1, 2003. Funding for this second and final phase has been secured from Congress.

TPL's purchase involves several associated land use actions, which are integral to and contingent on the land purchase. These land use actions required public review and comment and preparation of a detailed Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA). A formal Notice of Decision, authorizing the various land use actions and attached hereto as **Exhibit A**, was issued by Forest Supervisor Rebecca Heath on April 12, 2002.

The Trust for Public Land  
Emerson Cultural Center  
111 South Grand Avenue, Suite 202A  
Bozeman, MT 59715

(406) 585-8692  
Fax (406) 585-8864

[www.tpl.org](http://www.tpl.org)

One of these actions involves the construction of a new road and bridge, to provide perpetual, uncontested legal public and agency access to National Forest System (NFS) lands in the Buffalo Horn area, immediately east of the 320 Ranch. The new road and bridge will be located partly on NFS land and partly on private land owned by 320 Ranch, Inc.

For many years, the public has gained access to the Buffalo Horn area by utilizing the existing Buffalo Horn Road, referred to by the Forest Service as Buffalo Horn Road #6907. The initial ½ mile or so of this road (starting at Highway 191 and ending at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana) is located on private land owned by 320 Ranch, Inc. Although the former and current owners have never tried to prevent the public from using this road, 320 Ranch, Inc. maintains that it is private and that access, as indicated on two posted signs, "is granted by the permission of owners" and that such permission "may be withdrawn at any time." The Forest Service, State of Montana, and Gallatin County, on the other hand, assert that the same stretch of road is public by virtue of documented historic public and agency use dating back to the 1890s.

In an effort to resolve this matter, 320 Ranch, Inc. has agreed to grant to the Forest Service a permanent easement that will allow the agency to construct a new road and bridge to provide perpetual, uncontested public access to the Buffalo Horn area via an alternate route. The mutually agreed upon route (highlighted on the attached **Exhibit B**) starts on NFS lands on the east side of Highway 191 approximately ¾ miles north of the existing Buffalo Horn Road #6907, crosses the Gallatin River and then heads in a general southeast direction through 320 Ranch land, and then back onto NFS land where it runs almost due east until it rejoins the existing Buffalo Horn Road #6907. Visual depictions of this alternate route are attached hereto as **Exhibit C**.

The granting of the new road easement is conditioned upon the Forest Service and Gallatin County agreeing to abandon their asserted rights of access on the Buffalo Horn Road as it currently exists across 320 Ranch lands. The Forest Service has agreed, in writing, to relinquish any and all of its asserted interests in this portion of the road, provided that (i) the new Buffalo Horn road easement is first granted to the Forest Service, and (ii) the new Buffalo Horn road and bridge is fully constructed to Forest Service standards. The intent of this provision is to assure 320 Ranch, Inc. that there will only be one public access route affecting its property following the grant of the new easement and construction of the new road and bridge.

The Forest Service intends to construct the new road and bridge following TPL's purchase and subsequent conveyance of the remaining Taylor Fork lands. The timing of this construction will depend on when the Forest Service secures the needed funding. **Gallatin County will not be required or expected to cover any of the construction or on-going maintenance costs whatsoever.**

After the easement is granted by 320 Ranch, Inc., all ownership, jurisdiction and management responsibilities for the new Buffalo Horn Road and bridge will vest with the Forest Service. Public access along this portion of the road will be year-round and unrestricted, although hauling of timber, minerals and certain levels of toxic hazardous materials will not be permitted across the 320 Ranch lands.

To help facilitate TPL's purchase and to resolve the controversy surrounding the existing Buffalo Horn Road, TPL is submitting the attached petition, requesting that the Board of County Commissioners

abandon any legal interest that Gallatin County may assert or claim to have in the Buffalo Horn Road as it currently exists on lands owned by 320 Ranch, Inc. **The County's abandonment would be conditioned on (i) 320 Ranch, Inc. granting the road easement to the Forest Service, and (ii) the new road and bridge being fully constructed to Forest Service standards and open to general traffic.** Notice of the Board's decision is needed prior to the closing of TPL's purchase, which must occur no later than May 1, 2003.

As outlined in Section 7-14-2615 of the 2001 Montana Annotated Code, the Board of County Commissioners "may not abandon a county road or right-of-way used to access public land unless another public road or right-of-way provides substantially the same access." The alternate public access that is being proposed herein is not only substantially the same, but it is also substantially better than the access that currently exists. Unlike the current situation, the new road and bridge easement to be granted by 320 Ranch, Inc. to the Forest Service will guarantee permanent, uncontested and unrestricted public access along a dedicated route. It will also ensure that all ownership, jurisdiction and management responsibilities for the new road and bridge will vest with the Forest Service. Finally, it will eliminate the need for the public to weave through the many buildings and cabins that are clustered at the eastern end of the 320 Guest Ranch near mouth of the Buffalo Horn canyon.

We have discussed the County's abandonment procedure and the legality of this request with former Chief Deputy County Attorney Christopher Gray and Deputy County Attorney Kate Dinwiddie. Both attorneys agree that the abandonment process effectuates the best possible outcome for all parties.

A quick and timely response from the Board of County Commissioners would be greatly appreciated. If you need more information, please feel free to contact me. Also, the contact for the Forest Service on this matter is Bob Dennee who can be reached at (406) 587-6914.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexander B. Diekmann", followed by a horizontal line extending to the right.

Alexander B. Diekmann  
Project Manager

Enclosures

cc: Rebecca Heath, Forest Supervisor, Gallatin National Forest  
Jose Castro, District Ranger, Bozeman Ranger District  
320 Ranch, Inc.

**PETITION TO ABANDON COUNTY ROAD**

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY, MONTANA

COME NOW the undersigned freeholders of the road district of Gallatin County, Montana, and petition this board pursuant to Section 7-14-2601, MCA, to abandon a county road located in Gallatin County, Montana and represent as follows:

1. The road to be abandoned is particularly described as follows:

The first 1/2 mile stretch of Buffalo Horn Road #6907, as it currently exists on privately-owned lands belonging to 320 Ranch, Inc.

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2. The road is commonly known as: Buffalo Horn Road

3. The general route of the road is described as follows:

Starting at Highway 191 and ending at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana. The section of road to be abandoned winds through various private buildings and guest cabins and provides the only public vehicular access to the Buffalo Horn drainage east of the 320 Guest Ranch.

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4. The lands and owners immediately adjacent to the road are:

**LANDOWNER (S)**

**MAILING ADDRESS**

- |                           |                                   |
|---------------------------|-----------------------------------|
| 1. <u>320 Ranch, Inc.</u> | <u>205 Buffalo Horn Creek</u>     |
|                           | <u>Gallatin Gateway, MT 59730</u> |

320-acre guest ranch straddling the West Gallatin River and occupying portions of Sections 27 and 34, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana.

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**PROPERTY DESCRIPTION**

- 2.) *See address info for Gallatin National Forest Following #8*  
Permittees with recreational cabin sites in the Buffalo Horn Drainage on National Forest Service system lands are as follows:

- |                                |                                  |
|--------------------------------|----------------------------------|
| 1. <u>Gary &amp; Joan Cook</u> | <u>6115 Fowler Lane</u>          |
|                                | <u>Bozeman, MT 59715</u>         |
| 2. <u>Carolyn L. Morgan</u>    | <u>27600 Rocky Mountain Road</u> |
|                                | <u>Belgrade, MT 59714</u>        |

- |    |                          |  |
|----|--------------------------|--|
| 3. | Ron & Cody Morton        | PO Box 164<br>Gallatin Gateway, MT 59730 |
| 4. | Charles & Kenneth Walker | 4533 Walker Road<br>Bozeman, MT 59715    |

Permittees conducting outfitting or guiding activities in the Buffalo Horn Drainage on National Forest Service system lands are as follows:

- |    |  |  |
|----|--|--|
| 1. | Austin-Leyman Adventures, LLC                | PO Box 81025<br>Billings, MT 59108                   |
| 2. | Jeffrey D. Bingham                           | PO Box 160003<br>Big Sky, MT 59716                   |
| 3. | Full Moon Outfitters<br>c/o Kristine Hammond | PO Box 161295<br>Big Sky, MT 59716                   |
| 4. | Lee Hart                                     | 73800 Gallatin Road<br>Gallatin Gateway, MT 59730    |
| 5. | Tom Heintz                                   | 3246 Linney Lane / PO Box 3663<br>Bozeman, MT 59772  |
| 6. | Lone Mountain Ranch                          | PO Box 160069<br>Big Sky, MT 59716                   |
| 7. | Dan Reddick                                  | 13607 Springhill Road<br>Belgrade, MT 59714          |
| 8. | LaMonte Schnur                               | 16 North Fork Road<br>Townsend, MT 59764             |
| 9. | 320 Guest Ranch                              | 205 Buffalo Horn Creek<br>Gallatin Gateway, MT 59730 |

5. Except for the following landowners/permittees, the landowners identified in Section 4 consent to the abandonment:

None.

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6. If a landowner/permittee stated in Paragraph 4 cannot be found to determine the landowner's/permittee's consent, identify the landowner and state the efforts made to locate the landowner/permittee:

All of the listed landowners / permittees were contacted by phone and have been notified of the proposed abandonment.

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7. To the best of our knowledge, the following are landowners, who do not own land immediately adjacent to the road, but who could be affected by the abandonment of the road:

LANDOWNER (S)

MAILING ADDRESS

<u>LANDOWNER (S)</u>	<u>MAILING ADDRESS</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

8. The necessity for and advantage of the abandonment of the road are as follows:

To provide for an alternative public right-of-way across the 320 Guest Ranch, guaranteeing permanent, legal, uncontested and unrestricted public access to National Forest System lands in the Buffalo Horn drainage east of the 320 Guest Ranch.

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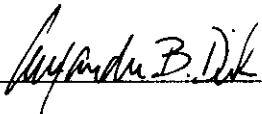
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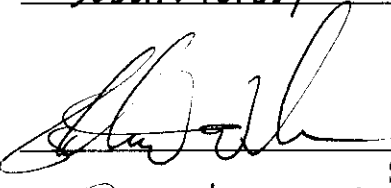
4 continued)

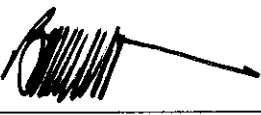
Landowner  
Gallatin National Forest

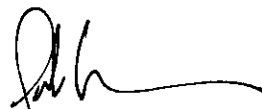
Mailing Address  
attn: Robert Dennee  
P.O. Box 130  
Bozeman, MT 59771


The undersigned state that they are owners of real property in Gallatin County road district, which is taxable for the county general road tax. If more than 10 freeholders sign, use additional pages.

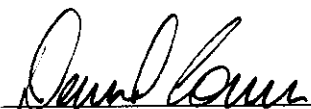
✓ 1.  Signature 912 South Third Ave Address  
Alexander B. Diekmann Printed Name Bozeman, MT 59715 City, State & Zip  
2/20/03 Date  
2-acre lot on View Ridge Lane in Triple Tree Ranch subdivision Description of Property

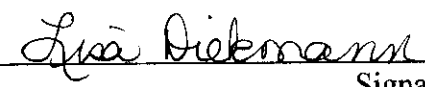
✓ 2.  Signature 11055 Gee Norman Address  
Stuart Weber Printed Name Belgrade, MT 59714 City, State & Zip  
2/20/03 Date  
80 Acres, Reese Creek Description of Property

✓ 3.  Signature 694 Canyon View Rd Address  
Ben Lloyd Printed Name Bozeman, MT 59715 City, State & Zip  
2/21/03 Date  
1/2 Acre residential property on Bear Creek Description of Property

✓ 4.  Signature 54 GOLDEN TRUIT WAY Address  
PATRICK LARUM Printed Name BOZEMAN, MT 59715 City, State & Zip  
2-20-03 Date  
1.4 AC LOT IN FT. ELLIS ESTATES WITH SINGLE FAMILY HOME Description of Property

✓ 5.  Signature 112 Goldenfront Way Address  
WENDY TASE Printed Name BOZEMAN, MT 59715 City, State & Zip  
2-21-03 Date  
F.T. Ellis Estates w/ single Family Home. Description of Property

✓ 6.  Signature 3253 SENTINEL DR. Address  
DAVID CORNES Printed Name BOZEMAN, MT. 59715 City, State & Zip  
2-21-03 Date  
SINGLE FAMILY HM. ON 1 ACRE 7 MILES NORTH OF BOZEMAN IN SPIRIT HILLS SUBDIVISION Description of Property

✓ 7.  Signature 912 S. Third Address  
Lisa Diekmann Printed Name Bozeman, MT 59715 City, State & Zip  
2-24-03 Date  
2 acre lot on View Ridge Lane in Triple Tree subdivision. Description of Property

No 8. James J Madden Signature  
JAMES MADDEN Printed Name  
2/24/03 Date  
8363 Forsward RD. Address  
BELLEVUE MT 59714 City, State & Zip

122 AC RANCH ALONG ROSS CREEK IN  
SPRINGHILL COMMUNITY. Description of Property

9. Richard C Smith Signature  
Richard C Smith Printed Name  
2-26-3 Date  
1702 Wildflower Way Address  
Bozeman MT 59715 City, State & Zip

1 acre w/home Hyalite Heights Description of Property

10. Edward M. Lewis Signature  
EDWARD M. LEWIS Printed Name  
2/25/03 Date  
37 GARDNER PARK DR. Address  
BOZEMAN MT 59715 City, State & Zip

1.5 acre homesite in Gardner Park Subdivision Description of Property

11. Gary Taylor Signature  
GARY TAYLOR Printed Name  
2/25/03 Date  
6100 Bear Claw Lane Address  
6100 BEAR CLAW LANE Address  
BOZEMAN MT 59715 City, State & Zip

4 ACRES IN BOZEMAN HEIGHTS Description of Property

No 12. K Mills Signature  
Kristena Mills Printed Name  
2/25/03 Date  
254 Meadowlark Dr Address  
Bozeman MT 59718 City, State & Zip  
1.75 acre lot w/ house in Hyalite Park Description of Property

No 13. Pete Barclay Signature  
Pete Barclay Printed Name  
2/25/03 Date  
4107 Address  
4107 McIlhattan R Address  
Bozeman MT 59715 City, State & Zip  
10 acres west of Riverside C.C. Description of Property

✓ 14. Beth Hammond Signature  
Beth Hammond Printed Name  
2-26-03 Date  
198 Springhill Lane Address  
Bozeman, MT 59715 City, State & Zip  
.05 Acre in Springhill Park Sub. Description of Property

✓ 15. Dan Dunbar Signature  
DAN H. MISWARTT Printed Name  
2-24-03 Date  
78 BRANDON TRAIL RD Address  
BOZEMAN, MT 59715 City, State & Zip  
Home in Briarwood Subdivision Description of Property

16. Bruce Rich  
Signature  
Bruce Rich  
Printed Name  
2/27/03  
Date

5350 Thatcher Dr.  
Address  
Bozeman, MT 59715  
City, State & Zip

Wheatland Hills Subdivision - 1 Acre Lot.  
Description of Property

17. Michael S. Ross  
Signature  
Michael S. Ross  
Printed Name  
02/27/03  
Date

1155 NELSON ROAD  
Address  
BOZEMAN, MT 59718  
City, State & Zip

2 acres of pasture land with family dwelling  
Description of Property

18. Candace Hinz  
Signature  
CANDACE HINZ  
Printed Name  
2/27/03  
Date

286 Meadowlark  
Address  
Bozeman MT 59718  
City, State & Zip

1 acre Hyalite Foothills w/ family dwelling  
Description of Property

19. Thomas C. Hinz  
Signature  
Thomas C. Hinz  
Printed Name  
2/27/03  
Date

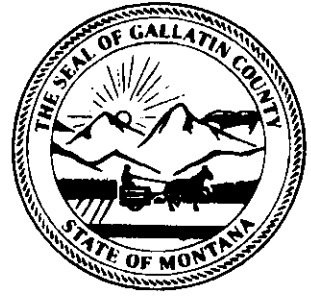
286 Meadowlark Dr.  
Address  
Bozeman, MT 59718  
City, State & Zip

1 acre w/ home in Hyalite Foothills subdivision  
Description of Property

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on April 29, 2003, at 9:00 A.M., in the Bozeman City Commission Meeting Room, 411 E. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon a portion of Big Horn Road located on lands owned by 320 Ranch Inc. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners John Vincent, Bill Murdock, or Jennifer Smith Mitchell, at 311 W. Main, Room 306, Bozeman, Montana 59715, telephone 582-3000.

Dated this 15<sup>th</sup> day of April 2003.

*Shelley Vance*  
Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

Please publish: April 24, 2003  
Please Bill: Clerk & Recorder



**USDA-Forest Service  
Northern Region  
Gallatin National Forest**

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## **320 Ranch — Taylor Fork Land Acquisition and Related Land Use Actions**

### **Decision Notice and Finding of No Significant Impact**

**Responsible Official: Rebecca Heath  
Forest Supervisor  
Gallatin National Forest**

**Further Information Available From:  
Hebgen Lake Ranger District  
P.O. Box 520  
West Yellowstone, MT 59578  
(406) 823-6961**

**April 2002**



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## Introduction

This **Decision Notice (DN)** and **Finding of No Significant Impact (FONSI)** documents the Forest Service decision to implement a project with the Trust for Public Land (TPL) and David J. Brask and other affiliated owners of 320 Ranch. (Owners, 320 Ranch).<sup>1</sup>

In this project, the Owners are offering intermingled private lands (Offered Lands) for initial purchase by TPL and subsequent conveyance to the Forest Service. The Forest Service and Owners also will complete a number of land use actions that are integral to, and contingent on, the land purchase (*EA, pp. 1-8 thru 1-12*).

The land purchase and land use actions will occur on the Hebgen Lake and Bozeman Ranger Districts of the Gallatin National Forest, in Gallatin and Madison counties in southwestern Montana. *Figure 1* is a project location map of the Offered Lands, with selected details of the integral land use actions.

The Offered Lands are located in the 'Taylor Fork' area of the Gallatin National Forest (*EA, Figure 1-1*). These lands are located in Township 9 South, Range 3 East, including all or parts of Cache Creek Sections 7 and 17, Upper Taylor Fork Sections 19 and 20, and Lower Taylor Fork Sections 35 and 1. The land use actions also will occur on the Gallatin National Forest, in the areas of Taylor Fork, Buffalo Horn, and Cinnamon creeks, which are part of the upper Gallatin River drainage.

This document is based on, and refers to, documentation in *the Environmental Assessment (EA) for 320 Ranch — Taylor Fork Land Acquisition and Related Land Use Actions*.

## Decision

As Forest Supervisor for the Gallatin National Forest, I have selected **Alternative 2 Proposed Action** (Selected Alternative). I am making this decision in the context that all elements of the project developed between the Forest Service, TPL, and Owners will be completed.

### **Detailed Description of the Decision (Alternative 2 Proposed Action)**

It is my decision to acquire and consolidate the Offered Lands into public ownership as NFS lands, and to complete the integral land use actions, as described in the EA for Alternative 2 Proposed Action (*EA, pp. 2-8 thru 2-24*). Implementation of the land use actions is contingent on completing the land purchase. It is also my decision to make a site-specific amendment to the Gallatin Forest Plan 1987 (Forest Plan) for this project. A site-specific amendment is required to exempt the relocation and construction of the Buffalo Horn Road and bridge, and the private

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<sup>1</sup> The Trust for Public Land is a national, non-profit land conservation group serving as a partner and facilitator.

road and bridge into Section 1 in the Taylor Fork, from meeting the Forest Plan standard for visual quality on NFS lands.

My decision will implement the following 12 actions, including the land purchase and 11 integral land use actions, which collectively are the Project:

**1. Purchase of Taylor Fork Offered Lands**

TPL will purchase from the Owners approximately 3,247 acres of land in all or portions of six sections of the Taylor Fork watershed in two phases. TPL then will convey the Offered Lands to the Forest Service in two phases:

Phase I in 2002 will include Offered Lands in Sections 7 and 35 (see Figure 1).

Phase II in 2003 will include Offered Lands in Sections 1, 17, 19 and 20 (see Figure 1).

The purchase will be based on an appraisal completed to federal standards. The purchase is contingent on Congress appropriating adequate funds from the Land and Water Conservation Fund (LWCF) for Phases I and II. Congress has appropriated \$3 million in 2002 for Phase I, while a Congressional appropriation for Phase II is pending. Implementation of the land use actions is contingent on completion of the land purchase.

Table 1 identifies acreages for the Offered Lands and Retained Lands.

<b>Table 1</b>			
<b>Taylor Fork Offered Lands and Retained Lands</b>			
<b>T9S, R3E</b>	<b>Currently Held by the Owners (Acres)</b>	<b>To be Retained by the Owners (Acres)</b>	<b>Offered Lands (Acres)</b>
Section 1	627*	40**	587
Section 7	628	--	628
Section 17	620*	100***	520
Section 19	631	--	631
Section 20	240	--	240
Section 35	640	--	640
<b>Total</b>	<b>3,386</b>	<b>140</b>	<b>3,247</b>

Source: Forest Service, Gallatin National Forest, 2001.  
 Totals may not add due to rounding.  
 Upon purchase, Offered Lands will be NFS lands, and Retained Lands will remain private.  
 \*One 20-acre lot in Section 1 and one 20-acre lot in Section 17 are private lands not part of the purchase.  
 \*\*Deed restrictions on Retained Lands in Section 1 will limit permitted improvements to four cabins, which will not be used for permanent residential occupancy, but will be limited to occupancy and recreational use from June 16<sup>th</sup> to November 30<sup>th</sup> annually.  
 \*\*\*Deed restrictions on Retained Lands in Section 17 will limit improvements to five single-family residences (one per 20-acre lot), which may be used for any lawful residential and non-commercial recreation purposes.

The Owners also will grant a 'right of first refusal' to TPL for all Retained Lands.

The mineral estate is severed from the surface ownership on most of the Offered Lands. The Owners and TPL must make a diligent effort to acquire the severed mineral estate and convey it to the Forest Service. If the mineral estate cannot be acquired, it will remain outstanding.

## **2. Relocate Buffalo Horn Road**

Following purchase, the Forest Service and/or Owners will jointly construct a new road and bridge to provide perpetual, uncontested legal access to NFS lands in the Buffalo Horn area, and a new parking area for public access to the Gallatin River. The new road, bridge and parking area will be located in a mutually acceptable location north of the ranch's headquarters, partly on 320 Ranch land and partly on NFS land (see Figure 1 and EA, Figure 2-1).

The Owners will grant a road easement to the Forest Service. The new road will become a Forest System Road (FSR), replacing the existing public road through the center of the 320 Ranch. Upon completion of construction of the new Buffalo Horn Road and bridge to Forest Service standards, the Forest Service, State of Montana, and Gallatin County will abandon their asserted rights of access on the existing Buffalo Horn Road. The easement will enable unrestricted, yearlong public access, but will restrict use of the road across 320 Ranch for hauling timber, minerals and certain levels of toxic hazardous materials.

The site-specific amendment will exempt the relocation and construction of the Buffalo Horn Road and bridge from meeting the Forest Plan standard for visual quality. The road and bridge will be evident after re-vegetation and other soil stabilization mitigation measures. The Forest Plan (p. II-16 and Forest Maps) has assigned foreground views in this area a Visual Quality Objective (VQO) of 'Retention', which means human activities are not evident to the casual Forest visitor.

Also, consistent with Forest Plan Amendment #19, to mitigate construction of 1.1 miles of new road, the Forest Service will close and restore 1.1 miles of existing roads on NFS lands in the Portal Creek area (EA, Figure 1-2). Portal Creek is north of Buffalo Horn Creek and is a tributary of the Gallatin River.

## **3. Grazing Permits in Cinnamon Creek Area**

Upon the Phase II purchase, the Forest Service will reconfigure the existing grazing allotments in the Cinnamon Creek area into the Cinnamon North and Cinnamon South Allotments (see Figure 1). The Forest Service will issue a grazing permit (Livestock Use Permit) to 320 Ranch for grazing 40 horses on NFS lands in the Cinnamon North Allotment, including the 11-acre pasture east of the Gallatin River that formerly was under permit to 320 Ranch.

The Forest Service will continue to issue a Livestock Use Permit to a current permittee, Covered Wagon Ranch (Gallatin Way Ranch), for grazing 35 horses on NFS lands in the Cinnamon South Allotment. Both permits will allow seasonal grazing annually from approximately June 20<sup>th</sup> to October 20<sup>th</sup> using a seasonally deferred grazing system.<sup>2</sup>

<sup>2</sup>Livestock use permits will be issued under authority of the Act of June 4, 1897.

Because of this reconfiguration, the Forest Service will not reissue the current temporary permit on the Cinnamon Administrative Allotment. That small allotment will become part of the Cinnamon North Allotment. The 320 Ranch will be required to rebuild existing fences and construct new fences for pastures in the Cinnamon North Allotment, consistent with agency standards.

#### **4. Special Use Permits in the Buffalo Horn Area**

Upon the Phase II purchase, the Forest Service will issue two special use permits to 320 Ranch for: 1) Continued use of a spring and an existing buried water transmission line on NFS lands in Section 34; 2) use of an existing picnic site located on NFS lands behind the 320 Ranch near the existing Wilson Draw Trail in Section 34. These NFS lands, including the Wilson Draw Trail, will remain open to public use (*see Figure 1*).

#### **5. Removal of Cabins, Fence and Bridges in the Taylor Fork**

Prior to and/or following the Phase II purchase, the Forest Service will issue one or more special use permits to authorize the Owners and/or TPL to remove and transport 27 cabins and the fence in Section 1 across NFS lands. When the 27 cabins are removed, four cabins will remain on two 20-acre lots of Retained Lands, and one cabin will remain on a 20-acre lot previously sold to another private owner. Removing the fence from Section 1 will eliminate a barrier to wildlife movement (*see Figure 1 and EA, Figure 2-5*).

In addition, the Owners may remove two bridges that were installed for timber harvest in Section 19. If the Owners do not remove the bridges prior to Phase II purchase, the Forest Service will then issue a permit to the Owners and/or TPL to authorize their removal from NFS lands. This permit will expire on December 31, 2003, unless extended by mutual agreement (*see Figure 1*).

#### **6. Road Access to Private and NFS Lands in the Taylor Fork**

##### ***Sections 1 and 12***

Upon the Phase II purchase, the Forest Service will grant a restricted easement<sup>3</sup> to authorize the Owners to build and maintain a private road and bridge across NFS land in Section 12, and across Offered Lands to be purchased by the Forest Service in Section 1 (*see Figure 1 and EA, Figure 2-5*). The private road will be approximately 0.9 mile in length. The easement will generally follow an existing road (0.8 mile), with minimal new construction (0.1 mile).

The road and bridge will be gated and locked near Taylor Fork Road #134. The easement will limit vehicular use to the Owners of two retained private lots and the Forest Service. The easement will allow the Owners to drive vehicles on the road only from June 16<sup>th</sup> through November 30<sup>th</sup>, annually. Consistent with permanent deed restrictions to be placed on the retained lots, the easement will not authorize use of the road for permanent residential purposes.

The site-specific amendment will exempt the proposed construction of the new road and bridge, between Taylor Fork Road and Section 1, from meeting the Forest Plan standard for visual quality. The road and bridge will be evident after re-vegetation and other soil stabilization

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<sup>3</sup> Restricted easements comply with provisions of FLPMA.

mitigation measures. The Forest Plan (*p. II-16 and Forest Maps*) has assigned foreground views in this area a VQO of Retention, which means human activities are not evident to the casual Forest visitor.

### ***Section 17***

Upon the Phase II purchase, the Owners will grant easements to the Forest Service to ensure permanent, uncontested public access on Taylor Fork Road #134 and on Taylor Falls Trail #17 through the Retained Lands in Section 17. Additionally, the Forest Service and Owners may exchange road easements to provide access on a low-standard secondary road in Section 17 to access intermingled NFS and Retained Lands in this area (*see Figure 1*).

#### **7. Road Closure and Restoration on Offered Lands**

Following purchase, the Forest Service will close and restore numerous existing low-standard roads located throughout the Offered Lands (*see Figure 1 and EA, Figure 1-6*). This activity will include ripping, seeding and stabilization of land in the old roadbeds.

#### **8. Move Trailhead in Section 17**

Following the Phase II purchase, the Forest Service will move the existing trailhead for Taylor Falls Trail #17 from its current location in the E ½ SE ¼ of Section 17 (on Owners' land, north of Taylor Fork Creek) to a new location in the SE ¼ SE ¼ of Section 17 (on land to be purchased by the Forest Service, south of the creek (*EA, Figure 2-8*)). Moving the trailhead to NFS land will provide these benefits: 1) Eliminate future conflicts inherent in parking on private land; 2) provide a well-defined parking area on NFS lands; 3) eliminate the need for trail users to wade the creek or cross the Martin bridge.

#### **9. Reciprocal Easements**

Upon purchase, the Owners and Forest Service may exchange reciprocal easements for short segments of an existing secondary road in Section 17. These easements will provide legal access to intermingled NFS and private lands (*EA, Figure 2-8*).<sup>4</sup>

#### **10. Easement for Trapper's Cabin Ranch (TCR)**

Following purchase, and upon request from TCR, the Forest Service will grant a road easement to TCR to provide continuing access on Taylor Fork Road #134 across Retained and Offered Lands to TCR land in Section 29 (*see Figure 1*).<sup>5</sup>

#### **11. Easement for Taylor Fork Road on Retained Lands in Section 17**

Upon purchase, the Forest Service will acquire an easement from the Owners to ensure permanent public and administrative access on existing segments of Taylor Fork Road across the Retained Lands in Section 17. Within this easement, the Owners will have the option to relocate segments of the existing Taylor Fork Road and bridge in Section 17, provided that any such relocation must be to a mutually acceptable location and standard (*see Figure 1*).<sup>6</sup>

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<sup>4</sup> Reciprocal easements will be granted and acquired under authority of FLPMA.

<sup>5</sup> Easement will be granted under authority of FLPMA.

<sup>6</sup> Ibid.

## **12. Easement for Taylor Falls Trail #17 on Retained Lands in Section 17**

Upon purchase, the Forest Service will acquire an easement from the Owners for existing segments of Taylor Falls Trail #17, across Retained Lands in Section 17. Within this easement, the Owners will have the option to relocate segments of the existing Taylor Falls Trail in Section 17, provided that any such relocation must be to a mutually acceptable location and standard (see Figure 1).<sup>7</sup>

### **Mitigation and Monitoring**

My decision incorporates the mitigation and monitoring measures as environmental commitments (*EA*, pp. 2-5 thru 2-6, and 2-25 thru 2-26), and Best Management Practices (*EA*, pp. 2-26 thru 2-27). These cover all aspects of implementing the Project, including specifically mitigation measures for noxious weeds, wildlife, sensitive plant species, visual quality, and wetlands/floodplains. Other monitoring as prescribed by the Forest Plan that is relevant to this project will continue to occur at the Forest Plan level, as prescribed in the Gallatin National Forest Monitoring Plan (1991).

### **Scope of the Decision**

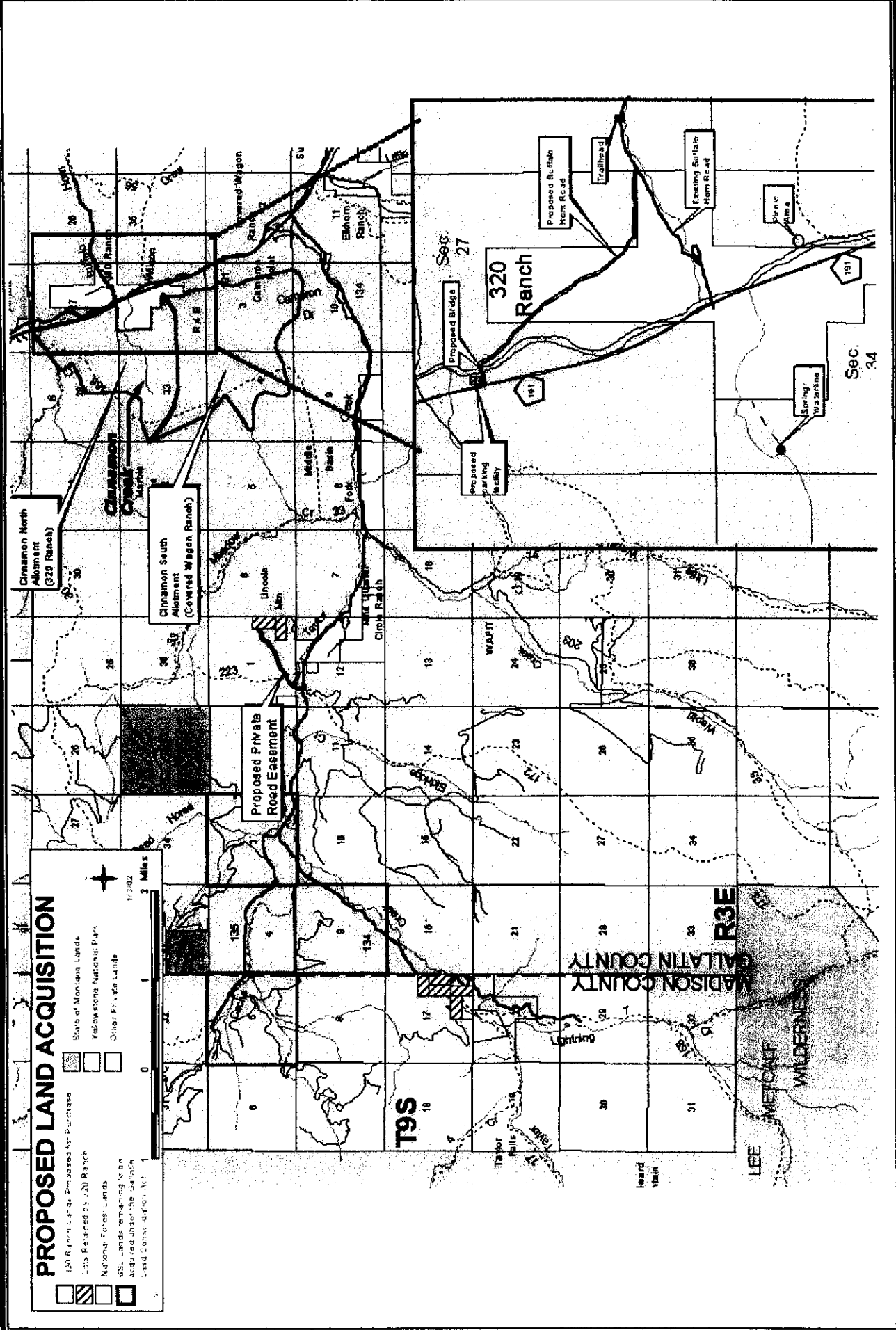
I am the responsible official for this project. The scope of my decision is limited to the actions necessary to acquire and consolidate NFS lands, and to complete the integral land use actions described in the EA and in this DN. The decision I am making is site-specific. It is not programmatic, and it is not a general management plan for the Taylor Fork and Upper Gallatin drainage areas of the Gallatin National Forest.

Implementation of the project will not specifically address future management of the acquired lands. Those decisions will be made in future amendments of the Forest Plan, other Forest Plan revision procedures, or in other project-level decision procedures. In the interim, the Forest Service will manage the acquired lands consistent with Forest Plan direction for management of surrounding NFS lands. Implementation of the proposal will not establish new Management Areas or change current travel management policy. Management direction for the acquired lands, including travel management, will be addressed in the Forest Plan revision process.

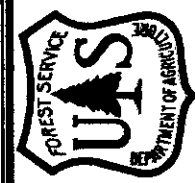
The proposal negotiated among TPL, the Owners and the Forest Service is the basis of my decision. The future of the Owners' other properties not included in the land purchase (Retained Lands) is beyond the scope of my decision. The status and future of other private lands in the Taylor Fork not owned by the Owners also is beyond the scope of my decision.

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<sup>7</sup> Ibid.



**Figure 1**  
**Project Location Map**  
**Private Lands Offered for Purchase**  
**And Related Land Use Actions**





## **Rationale for the Decision**

The project, including the land purchase and related land use actions, stems from management direction in the Forest Plan. The Forest Service, supported by TPL, Montana FWP and other conservation partners, considers acquisition of the Offered Lands crucial to protect natural resource values and traditional public uses in the Taylor Fork.

I conclude that the integrity of the human and natural environments in the drainages of the Gallatin River and Taylor Fork, Buffalo Horn, and Cinnamon creeks will be protected with an acceptable level of environmental effects. The EA addresses environmental effects of the Project on a variety of National Forest resources. I conclude from this information that the predicted effects are well within acceptable limits. Where analysis demonstrates that environmental effects are acceptable, I believe it is important to pursue the project to meet its objectives. I believe Alternative 2 Proposed Action best meets the overall public interest.

**I selected Alternative 2 Proposed Action based on several key decision factors, including:**

- 1. Relationship to Environmental Issues and Responsiveness to Public Comments (*EA, pp. 2-1 thru 2-4*)**
- 2. Achievement of the Project's Purpose and Need (*EA, pp. 1-1 thru 1-8*)**
- 3. Consistency with the Forest Plan and Applicable Laws, Regulations, and Policy**
- 4. Determination of Public Benefits**

### **1. Relationship to Environmental Issues and Responsiveness to Public Comments**

#### **Public Involvement**

In making my decision, I considered the public and agency comments made during scoping of the proposed project (*EA, p. 2-1 thru 2-4*), and public and agency comments to the EA. The public and agency comments greatly added to the information upon which I based my decision.

On October 17, 2001, the Forest Service mailed a project scoping and request for comment letter to 119 interested and/or affected individuals or organizations, resulting in 19 substantive public comments. From these comments, the Interdisciplinary (ID) Team prepared a content analysis that identified six preliminary categories of issues: 1) Public access; 2) roads; 3) water quality and fisheries; 4) wildlife; 5) Retained Lands and deed restrictions; 6) costs of No Action versus the Proposed Action.

Subsequent analysis by the Interdisciplinary Team (ID Team) identified 19 issues, each of which was considered by the ID team to determine its disposition (i.e., how/if it was related to the Proposed Action). As a result, each issue was classified into one of the following disposition categories:

- Dismiss as irrelevant
- Dismiss as outside or beyond the scope of the Project
- Eliminate from detailed study due to known minor or no effects
- Eliminate from detailed study due to effective mitigation
- List as a significant issue

The ID Team used this process to identify the seven significant issues that were studied in detail in the EA.

When the EA was completed, a *Notice for Comment* was published in the *Bozeman Daily Chronicle* on February 25, 2002, beginning the 30-day comment period thru March 27, 2002. The Forest Service also sent to the mailing list (EA, pp. 4-2 thru 4-3) a *Notice of Availability and Request for Review and Comment* on the EA.

During the 30-day comment period, the Forest Service received 10 comments, including eight letters and two comments by phone. None of the 10 public comments expressed opposition to the project, although several stated concerns about environmental impacts identified by the EA. The EA specifies appropriate measures as environmental commitments to mitigate and monitor environmental impacts, including those identified in the public comments.

Based on a content analysis of the public comments, the Forest Service has determined that most comments were in support of the project and did not dispute the analysis in the EA. Providing wildlife habitat security, including close monitoring of grazing allotments, was the most common theme regarding support of the Project. Other comments expressed support for maintaining public access to National Forest trails that have historic public use, while controlling access (e.g., locked gates) to provide secure wildlife habitat, especially for grizzly bears and calving elk. Comments also addressed shared Forest Service-county jurisdiction of Forest System Roads (FSR), and providing for access in the National Forest by foot, horse, and vehicular traffic.<sup>8</sup>

**Appendix A** presents a list of individuals and organizations that submitted public comments, and a summary of comments with agency responses.

## **ISSUES**

The ID Team considered the agency and public scoping comments in developing the issues. A description of all issues (i.e., significant and non-significant) can be found in Chapter 2 of the EA (pp. 2-1 thru 2-7). In total, there were 16 issues identified during public scoping. The ID Team

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<sup>8</sup> Gallatin National Forest. Response to Comments. 320 Ranch Environmental Assessment. 3/28/02.

determined nine of the issues were non-significant and did not require detailed study in the EA. These are the issues that I did not consider relevant to my decision:

- Soil Compaction-Loss of Productivity and Stability
- Livestock Grazing
- Fire Management
- Noxious Weeds-Susceptibility and Spread
- Cultural Resources
- Travel Management
- Mineral Potential and Risk of Development
- Hazardous Materials Inspection and Clearance
- Sensitive Plants\*

*\*The EA was completed and available for public review on February 25, 2002. As of March 27, 2002, the U.S. Fish and Wildlife Service (USFWS) issued a list for threatened and endangered (T/E) species that included a previously unlisted plant for southwestern Montana. This plant, Ute Ladies'-tresses (*Spiranthes diluvialis*), was not considered in the EA because USFWS released its new T/E list after the EA's release date. The Forest Service has prepared an Amendment to the Specialist Report for Sensitive Plants (April 1, 2002). The analysis in the amendment determined Ute Ladies'-tresses is expected to occur in wetlands associated with river meanders, and concluded that although habitat for the plant may exist in the Project Area, that habitat is limited. Therefore, it is unlikely Ute Ladies'-tresses either would occur in the Project Area, or be adversely affected by the Selected Alternative. The Amendment to the Specialist Report for Sensitive Plants is in the Project File.*

The ID Team determined seven issues were significant and required detailed study in the EA. The following issues guided development of alternatives, and they focused the evaluation of environmental impacts on forest resources:

- Issue 1 - Water Quality-Stream Sedimentation
- Issue 2 - Fisheries-Sedimentation of the Substrate
- Issue 3 - Wildlife-Maintenance or Loss of Habitat
- Issue 4 - Visual Quality
- Issue 5 - Recreation-Use and Conflict
- Issue 6 - Public, Private and Administrative Access
- Issue 7 - Wetlands and Floodplains

These seven issues were of special interest and concern to the public. I considered them relevant to my decision, and I used them as deciding factors in this document, as described below:

***Issue 1 - Water Quality-Stream Sedimentation***

Ground disturbing activities, such as timber harvest, residential development, and road, bridge and parking construction can increase sediment runoff. Increased runoff can deliver higher levels of fine sediment to stream channels, thereby diminishing water quality. More private development on Offered Lands could increase runoff and stream sedimentation, which in turn could diminish water quality in Taylor Fork Creek and its tributary streams.

### ***Issue 2 - Fisheries-Sedimentation of the Substrate***

Ground disturbing activities could affect productivity of aquatic ecosystems, which provide fisheries habitat. Timber harvesting, residential development, and construction of new roads and bridges could damage riparian areas, diminish the quality and quantity of aquatic habitat, and change the rate of delivery for sediment, water, and woody debris to stream channels. Increased levels of fine sediment in stream channels and use of streams by resident anglers could damage salmonid spawning and rearing habitat, including that of the westslope cutthroat trout.

### ***Issue 3 - Wildlife-Maintenance or Loss of Habitat***

Activities such as timber harvest, residential development, and road and bridge construction and use could cause loss of habitat and increase risk of conflict between humans and wildlife, with potential disruption of food resources, migration routes and access to habitat, and cover and denning areas. Conflict due to wildlife-human interaction could increase wildlife mortality rates.

This issue is related to: 1) T/E species, including the grizzly bear, gray wolf, bald eagle, and Canada lynx; 2) sensitive species, including the wolverine, northern goshawk, and black-backed woodpecker; 3) ungulates, including elk; 4) management indicator species (MIS); 5) neo-tropical migrant bird species.

### ***Issue 4 - Visual Quality***

Scenery in Gallatin Canyon and in the Taylor Fork area provides views from high use travel corridors and sensitive observation points. Ground disturbing activities, such as timber harvest, residential development, and road, bridge and parking construction can alter the landscape and scenery in viewsheds that occur on the National Forest.

Development and associated human activities on private lands intermingled with NFS could alter views from observation points on the Forest, dominate viewsheds, and continue to change the character of scenery. More private development could result in long-term impacts on visual quality due to increased human activities in areas that support scenic values.

### ***Issue 5 - Recreation-Use and Conflict***

The Gallatin, Taylor Fork, and Buffalo Horn drainages provide opportunities for dispersed and commercial recreation, including popular activities such as scenic viewing, hiking and camping, horse riding, mountain bicycling, fishing, hunting, and snowmobiling. Buffalo Horn Road #6907 and Taylor Fork Road #134 provide the primary access to recreation opportunities on NFS and private lands in these drainages.

Increased residential development could result in loss of opportunity for various forms of recreation traditionally enjoyed by the public in the Taylor Fork. Public recreation opportunities and access at the mouth of Buffalo Horn Creek could be lost if the confusing access situation through the 320 Ranch is not resolved.

### ***Issue 6 - Public, Private and Administrative Access***

Intermingled public and private lands in the National Forest can result in fragmented access to and through public lands. Forest access serves diverse uses, including ranching, timber harvest,

dispersed and commercial recreation, residential development, and emergency services for wildland fire protection of private, state and NFS lands.

Development and associated human activities on private lands intermingled with NFS lands could change availability of access. More private development could result in long-term impacts on access due to private landowners further restricting public access on developed private lands, and resulting in potential for conflict between landowners and people traveling in the National Forest.

### ***Issue 7 - Wetlands and Floodplains***

Ground disturbing activities, such as timber harvest, residential development, and road, bridge and parking construction, can alter or destroy wetlands and floodplains. In addition to physical alteration or destruction, these activities could affect productivity of wetlands and floodplains habitat.

### **Alternatives Considered**

I considered how the alternatives addressed the significant issues in making my decision. The EA studied two alternatives in detail: Alternative 1 No Action and Alternative 2 Proposed Action. In its agency scoping activities, The ID Team determined the No Action and Proposed Action alternatives were the only reasonable alternatives to consider in the EA, for two reasons: 1) The proposed land purchase and integral land use actions result from a negotiated agreement among the Forest Service, TPL, and the Owners. That agreement specifies the scope of the proposal. 2) The issues determined to be significant to the decision were identified based on the predicted effects of reasonably foreseeable events under the No Action Alternative (*EA, pp. 2-8 thru 2-10 and Appendix A.1*); the Proposed Action Alternative will resolve conflicts associated with those issues to acceptable levels.<sup>9</sup>

I have determined that No Action and the Proposed Action alternatives provide a full range of reasonable alternatives that sharply define the issues. I considered each of the alternatives in reaching my decision to select Alternative 2. In addition, the ID Team thoroughly studied the issues and concluded that Alternative 2, with mitigation measures, will adequately resolve conflicts related to the significant issues studied in detail (*EA, pp. 2-1 thru 2-4*).

The following discussion summarizes the alternatives considered in detail. Chapters 1 and 2 in the EA contain a complete description of the alternatives, including mitigation measures, and the process used to develop them. The Detailed Description of the Decision in this document presents details of the Selected Alternative (Alternative 2 Proposed Action).

### **Alternative 1 No Action**

The National Environmental Policy Act (NEPA) requires consideration of a No Action Alternative (40 CFR 1502.14d), with which proposed actions will not occur. This alternative provides a baseline of comparison to aid in determining the significance of issues and effects of the Proposed Action.

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<sup>9</sup> Gallatin National Forest. Proposed 320 Ranch Land Acquisition and Associated Activities Environmental Analysis-Scoping. Interdisciplinary Team Meeting Notes. November 7, 2001.

It is important to note the No Action Alternative in the EA represents conditions in which private development is expected to occur on private lands intermingled with NFS lands in the Gallatin National Forest (EA, pp. 2-8 thru 2-10 and Appendix A.1). This is based on the analysis of Reasonably Foreseeable Events in the EA, and contrasts with the Proposed Action's objectives to protect natural resource values and traditional public uses in the Taylor Fork (see Figure 1).

In Alternative 1, the purchase of the Offered Lands will not be completed. It is anticipated that the Owners will sell and/or develop currently subdivided 20-acre lots on their private lands throughout the Taylor Fork. Most or all lots likely will be sold, and road access rights likely will be secured to Sections 1, 7 and 35. The Owners likely will keep some lots in Sections 1 and 17, similar to the Project. One lot in Section 1 and one lot in Section 17 have previously sold to other private owners. The Owners likely will not remove the cabins and fence in Section 1 and the two bridges in Sections 19 and 20. Also, the Forest Service will not be able to close and restore the identified low-standard roads on the Offered Lands (Sections 1, 7, 17, 19, 20 and 35).

The Owners likely will request the Forest Service complete the NEPA and consultation processes for the proposed road and bridge access into Section 1. The road and bridge will provide access to the 32 20-acre lots that have been subdivided for residential development. The Forest Service will be required to complete the NEPA review of the application for unrestricted access to Section 1. If the Owners were to obtain road and bridge access to Section 1, they could offer the remaining 31 subdivided 20-acre lots for sale and development. Whether lots will be offered and sold individually or in larger parcels is unknown.

If the proposed land purchase is not completed by 2003,<sup>10</sup> the Owners likely will attempt to harvest a portion or all of the remaining commercial timber in Sections 19 and 20. The Owners likely will attempt to enforce its existing contract with Louisiana-Pacific, or it could contract with another company to harvest the timber. Renewed timber harvesting will require construction of new roads for access to and hauling of timber.

Since the Forest Service haul permit has expired, the Owners or a timber contractor will need to secure a new permit. Any such request will mean the Forest Service will conduct additional NEPA analysis and likely make a decision to issue a new permit to haul timber on Taylor Fork Road #134. A decision to grant a new permit likely will be challenged by environmental organizations, neighboring landowners, and other interested parties.

Changes in management of the existing Cinnamon Allotment and Cinnamon Administrative Allotment for livestock grazing will require a separate analysis.

The Owners likely will make applications to the Forest Service for continued use of the spring, waterline, and picnic site on NFS lands in Section 34. If applications were in fact received, the Forest Service will conduct separate environmental analyses and make decisions at some future date prior to issuance of any special use permits.

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<sup>10</sup> Phases 1 and 2 of the Proposed Land Purchase will be completed in 2002 and 2003, respectively.

Without relocation of Buffalo Horn Road #6907 from its current route through the center of 320 Ranch's headquarters, it is expected that the Owners will attempt to restrict public access and/or challenge the status of the existing road. The Owners could involve the Forest Service, State, and Gallatin County in lengthy and costly litigation over Buffalo Horn Road's status as an historic access route.

### **Alternative 2 Proposed Action**

This alternative is the Proposed Action described in Chapters 1 and 2 of the EA. It was developed to resolve conflicts associated with Reasonably Foreseeable Events anticipated under the No Action Alternative (*EA, pp. 2-8 thru 2-10 and Appendix A.1*). It also was developed to meet four objectives outlined in the purpose and need for action, including: 1) Bring the Offered Lands into public ownership and management; 2) Resolve long-standing issues related to access for intermingled NFS and 320 Ranch lands in the Buffalo Horn and Taylor Fork areas; 3) Address 320 Ranch's request for continued use of NFS lands and facilities under special use permits in the Buffalo Horn area; 4) Address 320 Ranch's request to obtain an area suitable for grazing horses on NFS lands near the ranch's headquarters (*EA, pp. 1-7 thru 1-8*).

The Detailed Description of the Decision (Alternative 2 Proposed Action) in this document presents details of this alternative. The Proposed Action Alternative includes 12 actions, including the land purchase and 11 integral land use actions (*see Figure 1*):

1. Purchase of Taylor Fork Offered Lands
2. Relocate Buffalo Horn Road
3. Grazing Permits in Cinnamon Creek Area
4. Special Use Permits in the Buffalo Horn Area
5. Removal of Cabins, Fence and Bridges in the Taylor Fork
6. Road Access to Private and NFS Lands in the Taylor Fork: Sections 1, 12 and 17
7. Road Closure and Restoration in the Taylor Fork
8. Move Trailhead in Section 17
9. Reciprocal Easements
10. Easement for Trapper's Cabin Ranch
11. Easement for Taylor Fork Road on Retained Lands in Section 17
12. Easement for Taylor Falls Trail #17 on Retained Lands in Section 17

## **2. Achievement of the Project's Purpose and Need**

The Selected Alternative meets the Project's purpose and need to consolidate intermingled public and private 'checkerboard' lands into public ownership and management in the Taylor Fork (*EA, pp. 1-1 thru 1-8*). Land consolidation in the Taylor Fork since 1990 has resulted in acquiring 11,829 acres as NFS lands (*EA, Figure 1-2*). In this effort, the Forest Service and various stakeholders, including the Montana Fish, Wildlife and Parks, Montana's Congressional delegation, local communities, conservation and outdoor sports organizations, and cooperating landowners have collaborated to acquire and protect these lands.

I believe my decision will accomplish the objectives of the project, based on stakeholders' interests and concerns for land consolidation, and on the Forest Service's management of NFS lands in the Taylor Fork, consistent with direction in the Forest Plan (*EA, pp. 1-7 thru 1-8*). These objectives include: 1) Bring the Offered Lands into public ownership and management; 2) Resolve long-standing issues related to access for intermingled NFS and 320 Ranch lands in the Buffalo Horn and Taylor Fork areas; 3) Address 320 Ranch's request for continued use of NFS lands and facilities (i.e., spring, waterline and picnic site) under special use permits in the Buffalo Horn area; 4) Address 320 Ranch's request to obtain an area suitable for grazing horses on NFS lands near the ranch's headquarters (*EA, pp. 1-7 thru 1-8*).

Consolidating the Offered Lands as NFS lands will protect fish, wildlife and watershed habitats, including essential grizzly bear habitat, major elk migration routes, and winter range and spring calving areas for moose and elk. It also will protect the headwaters of the Gallatin River watershed and its tributary streams, riparian areas and wetlands, and westslope cutthroat trout habitat. Land consolidation also will provide backcountry recreation and scenic viewing opportunities, including hunting, fishing, hiking, horseback riding, and commercial recreation activities. These are popular activities that use the Albino Lake, Wapiti, Taylor Falls, and Lightning Creek trails across intermingled public and private lands.

Acquisition of these lands will reduce potential for permanent development and associated environmental impacts. This is due to the Offered Lands remarkable wildlife, recreational, and scenic values, which have value for residential and commercial development. The Project also will reduce costs for public agencies that respond to demands for utilities and other services, encroachments, fire suppression, and noxious weeds.

I believe the land purchase and integral land use actions will help resolve ongoing conflicts about public access and use of Buffalo Horn Road and conflicts about public and private road and trail access in the Taylor Fork. The Selected Alternative will establish permanent legal access to the remaining intermingled NFS and 320 Ranch lands as an integral part of the project (*see Figure 1*).

The Selected Alternative will meet 320 Ranch's request to continue to use NFS lands and facilities in the Buffalo Horn area, under Forest Service special use permits. The requested uses include an existing spring, waterline and picnic area in Section 34. In addition, it will provide 320 Ranch with suitable grazing for horses on NFS lands near the ranch's headquarters. This will replace the ranch's grazing lands that are part of the Offered Lands (*see Figure 1*).

I conclude that this project will result in less adverse environmental impact than the No Action Alternative because its actions will help protect the Taylor Fork area from permanent development and help resolve conflicts over road and trail access in the Taylor Fork and Buffalo Horn areas. In contrast, the No Action Alternative likely will result in more residential development and timber harvesting on private lands, and continuing access problems involving intermingled private and NFS lands.



The Selected Alternative provides for long-term protection of lands and resource values in the Taylor Fork and other areas of the National Forest, and it will protect lands in close proximity to Yellowstone National Park and the Lee Metcalf Wilderness.

### **3. Consistency with the Forest Plan and Applicable Laws, Regulations, and Policy**

My decision is in compliance with applicable laws, regulations and policy that govern actions of the Forest Service. These include the National Environmental Policy Act, National Forest Management Act of 1976, Federal Land Policy and Management Act, the Act of August 3, 1956 (70 Stat. 7 U.S.C. 428a, *Forest Service authority to purchase land*) and Council on Environmental Quality (CEQ) regulations to implement NEPA. My decision also complies with the federal Clean Water Act (CWA), Endangered Species Act of 1973 (ESA), and National Historic Preservation Act (NHPA).

#### **Forest Plan Consistency**

Upon detailed analysis, and after public scoping, I conclude that the project is consistent with the Gallatin National Forest Land and Resource Management Plan (Forest Plan 1987), and amendments, as required by 16 U.S.C. 1604(i). The Offered Lands meet requirements of the Forest Plan for Forestwide Management Direction (Chapter II) and Management Area Direction (Chapter III).

The Forest Plan provides direction for management activities through identified goals, standards, guidelines, and designations of management areas (MAs, Forest Plan 1987). Three MAs cover this area of the Forest (*EA, p. 1-13 thru 1-14*):

- MA 5 (Travel corridor with wildlife and scenery emphasis)
- MA 14 (Big game winter range within occupied grizzly bear habitat)
- MA 15 (Occupied grizzly bear habitat, dispersed recreation)

The Selected Alternative will meet all Forest Plan standards for land and resource management, except for visual quality. A site-specific amendment will be required to exempt the proposed relocation and construction of the Buffalo Horn Road and bridge from meeting the Forest Plan standard for visual quality. The construction of a new road and bridge that will access Section 1 from Taylor Fork Road also will require amendment of the Forest Plan for exemption from meeting the Forest Plan standard for visual quality. These roads and bridges will be evident after re-vegetation and other soil stabilization mitigation measures. The Forest Plan (*p. II-16 and Forest Maps*) has assigned foreground views in these areas a VQO of Retention, which is defined as, "human activities are not evident to the casual Forest visitor."

The Selected Alternative will meet all Forest Plan goals, standards, and guidelines for protection of resources including soils, air, water, vegetation, and wetlands. It will comply with recovery and management plans for threatened and endangered (T/E), sensitive, and management indicator (MIS) fish and wildlife species. The Selected Alternative will have 'no impact' on

populations of westslope cutthroat trout or Arctic grayling in the Taylor Fork drainage (EA, p. 3-14).

### **Finding of Non significant Forest Plan Amendment**

Based on the pertinent discussions in the EA, I have determined that relocation and construction of the Buffalo Horn Road, and construction of the private road and bridge into Section 1 in the Taylor Fork, do not meet the Forest Plan VQO of Retention and therefore require a site-specific Forest Plan amendment to complete this project. This amendment does not result in a significant change in the Gallatin National Forest Plan. This determination is made in accordance with the requirements of 16 U.S.C. 1640(f), 36 CFR 219.10(e) and (f), 36 CFR 219.12(k), and Forest Service Manual 1920 – Land and Resource Management Planning. This site-specific amendment does not alter multiple-use goals or objectives for long-term land and resource management, nor significantly change the planned outputs for the Forest.

### **Findings Required by Laws, Regulations, and Agency Policy**

My decision is consistent with all laws, regulations and agency policy, as follows:

1. **Federal Laws:** Based on the issues identified in Chapter 2 of the EA, I considered the following major federal laws as applicable to my decision to select Alternative 2 Proposed Action:

- National Forest Management Act (16 U.S.C. 1600 et seq.)
- National Environmental Policy Act of 1969
- Gallatin Land Consolidation Act of 1998
- Federal Land Policy and Management Act
- Act of August 3, 1956 (70 Stat. 7 U.S.C. 428a)
- Act of June 4, 1897
- Endangered Species Act of 1973
- Clean Water Act (CWA, P.L. 92-50)
- Federal Noxious Weed Act (PL 93-639)
- Federal Actions to Address Wetlands and Floodplains (Executive Orders 11990/11998)
- Federal Actions to Address Hazardous Substances
- National Historic Preservation Act (as amended 1992)
- American Indian Religious Freedom Act
- Native American Graves and Repatriation Act
- Americans with Disabilities Act
- Federal Actions to Address Environmental Justice in Minority Populations (Executive Order 12898 and Departmental Regulation 5600-2)

Findings required by major environmental laws are summarized below:

#### **a. National Forest Management Act**

**Consistency With Forest Plan (16 USC 1604(i)):** The Forest Plan sets management direction for the Gallatin National Forest by establishing forest-wide goals, objectives,

standards and guidelines, as well as goals, standards and guidelines for individual management areas. The Forest Service implements proposed actions consistent with this direction to obtain the desired conditions described in the Forest Plan. Management direction facilitates project planning. In addition, NFMA requires all resource plans to be consistent with the Forest Plan (16 USC 1604(i)). The Gallatin Forest Plan's management direction for land ownership (p. II-6) states, "Land ownership adjustments will be made when analysis shows them to be advantageous to the public. The necessary rights-of-way to manage Forest resources, including provision of reasonable public access, will be obtained." This is further emphasized in the Summary of the Analysis of the Management Situation for lands in Chapter V of the Forest Plan (p. V-22 thru 24). The EA demonstrates that the land purchase and integral land use actions included in the Selected Alternative have public benefits, and therefore, are consistent with Forest Plan goals and objectives.

***Sensitive Species:*** Federal law and direction applicable to sensitive species include NFMA and the Forest Service Manual. In making my decision, I have reviewed and analyzed the environmental impacts on all sensitive species that may possibly occur in the Project Area (EA, Chapters 2 and 3).

A Biological Evaluation (BE) was prepared to assess effects to sensitive species. It found that implementation of the selected action will have "no effect" on any sensitive species. The BE concluded that the Selected Alternative will have "no effect" on the sensitive westslope cutthroat trout or Arctic grayling fish populations. The BE also concluded construction may affect individual boreal toads through displacement, but is not likely to affect the viability of the population.

Therefore, I conclude that the project complies with applicable direction for sensitive species.

- b. **National Environmental Policy Act of 1969:** Section 102(2)(e) of NEPA requires federal agencies to study, develop, and describe appropriate issues and alternatives for proposed courses of action. Issues may be expressed as interests, concerns, disputes or debates about potential effects of an action. NEPA requires federal agencies to identify and assess a range of reasonable alternatives to recommended courses of action (Sec. 102 [42 USC 4332]; 40 CFR 1502.14). The EA demonstrates that the Selected Alternative has been developed to comply with NEPA. Therefore, I conclude that the public interest in the Gallatin National Forest will be protected with acceptable environmental effects.
- c. **Land Management Laws:** The following federal laws provide for land management actions on NFS lands:
- Federal Land Policy and Management Act: Provides Forest Service authority to issue special use permits and easements for land use actions.
  - Act of August 3, 1956 (70 Stat. 7 U.S.C. 428a): Provides Forest Service authority to purchase land.

- Act of June 4, 1897: Provides Forest Service authority to issue livestock use permits.
- Gallatin Land Consolidation Act of 1998: Provides for land consolidation and long-term protection of lands and resource values in the Taylor Fork and other areas of the National Forest (*EA, pp. 1-1 thru 1-3 and Figure 1-2*).

The EA demonstrates that the Selected Alternative has been developed to comply with these land management laws. Therefore, I conclude that the project complies with applicable management direction for NFS lands.

- d. Endangered Species Act of 1973 (ESA):** Section 7 requires federal agencies to ensure that any action authorized, funded or carried out is not likely to jeopardize the continued existence of any T/E species. An agency prepares a Biological Assessment (BA) for proposed actions in areas with species that are threatened, endangered, or proposed for listing. If the action will result in a "may affect" determination for the species, the agency must conduct formal consultation with USFWS, which will issue a Biological Opinion (BO). If the action results in a "not likely to adversely affect" or "beneficial effect" conclusion, formal consultation is not necessary, but informal consultation and a letter of concurrence must be obtained from USFWS. If a "no effect" determination is made, no consultation is necessary. To reduce effects of an action to an acceptable level, mitigation (coordination measures) may be necessary.

In compliance with ESA, Section 7, a BA was completed for the Selected Alternative. The BA is in the project file. The BA determined that implementing the Selected Alternative will have; "no effect" on the bald eagle and Canada lynx, "may affect-not likely to adversely affect" the grizzly bear and "not likely to jeopardize the continued existence" of the gray wolf. Based on these determinations and pursuant to 50 CFR 402.13(a), informal consultation is required. Informal consultation has been completed. On April 8, 2002 the USFWS concurred with the BA's determinations and stated that formal consultation is not required. Therefore, I conclude that the Project complies with applicable direction for T/E species.

- e. Clean Water Act (CWA, P.L. 92-50) and Federal Actions to Address Wetlands and Floodplains (Executive Orders 11990 and 11998):** Section 404 of CWA defines wetlands as areas inundated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions Section 404 of CWA. The Selected Alternative will result in protection of 26.4 acres of floodplains and 22.3 acres of palustrine emergent wetlands or small bogs in the Offered Lands, which will be acquired. Therefore, I conclude that the Project complies with CWA and applicable direction for wetlands and floodplains.
- f. Federal Noxious Weed Act (PL 93-639):** Defines a noxious weed is one that causes disease or has other adverse effects on people or their environment and therefore is detrimental to the agriculture and commerce of the United States and to the public health.

The Forest Service has an ongoing monitoring program to identify and treat infestations of noxious weeds. Roads are surveyed and treated for weeds on an annual basis. Over the last three years, weed surveys have detected and eradicated small populations of weeds within the Taylor Fork area. Approximately 89% of the noxious weeds identified in 2001 were treated, using hand pulling and the chemicals Roundup, Tordon, and a combination of 24D and Tordon. Total eradication of noxious weeds is unlikely. Therefore, I conclude that the project complies with applicable direction for noxious weeds.

- g. Federal Actions to Address Hazardous Substances:** Forest Service policy pertaining to real property (i.e., lands) proposed for acquisition requires examination of the lands for potential hazardous-materials contamination. The federal transaction screening process identified no hazardous substances or petroleum products on the Offered Lands. Based on that finding, no further investigation for hazardous materials is required on the Offered Lands. Therefore, I conclude that the project complies with applicable direction for hazardous substances.
- h. Heritage Program Laws:** Several federal laws provide for preservation of historic, prehistoric, and other cultural resources. These include the National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act (AIRFA), and the Native American Graves Protection and Repatriation Act (NAGPRA). These laws require adequate and extensive review of proposed actions in order to assess potential environmental impacts on cultural and historical resources. These also provide that federal agencies conduct adequate consultation with pertinent Indian tribes in order to be informed of any possible conflicts an action might have with traditional religious practices.

Cultural resource surveys have been conducted on all federal lands on which land use actions will occur. The Forest Archaeologist has reviewed the proposal and determined locations proposed for construction of roads, bridges and parking will not affect any cultural resource sites. This includes no effects on any site, structure or object that either are eligible for listing in the National Register of Historic Places (NRHP), or may be scientifically, culturally or historically significant. Indian tribes did not express concerns about the Project. Therefore, my decision to implement the Selected Alternative is consistent with relevant heritage program laws.

- i. Americans with Disabilities Act (ADA):** Civil Rights legislation and ADA direct federal agencies to address effects on various populations, persons with disabilities. The intent is to protect the civil rights of every American citizen. My decision sought and incorporated public involvement. My decision will not have discernible effects on persons with disabilities. Therefore, I conclude that my decision is consistent with ADA.
- j. Federal Actions to Address Environmental Justice in Minority Populations (Executive Order 12898) and Departmental Regulation 5600-2:** Federal agencies are required to integrate environmental justice considerations with federal programs and

activities. Environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by governmental programs and activities affecting human health or the environment. My decision considered public involvement, and it will not have discernible effects on minorities, American Indians, or women, or the civil rights of any United States citizen. Nor will it have a disproportionate adverse impact on minorities or low-income individuals (*EA*, p. 3-72). Therefore, I conclude that my decision is consistent with the Executive Order 12898 and other federal actions to address environmental justice.

## **2. State Laws**

- a. **Clean Air Act:** Even though construction may contribute particulates into the air, it will be of very short duration and will not exceed Montana Air Quality Standards.
- b. **Clean Water Act:** The Selected Alternative will meet all Forest Plan standards for water quality in the Gallatin River and Taylor Fork Creek, which is a 303(d) Total Maximum Daily Load (TMDL) listed stream with siltation impairment. Potential impacts will be constrained by the 310 (Montana Streamside Protection Act) permit process for stream crossings and culverts and by the Corps of Engineers (COE) 404 permit process for large impacts to streambanks (e.g., riprap) or wetland dredging and filling.

During construction of roads, bridges, and parking areas on NFS lands, all precautions will be taken to ensure that sediment will not reach the Gallatin River, Taylor Fork Creek, or other streams and waterbodies. These precautions will be included in the Forest Service special use permit. Montana State Water Quality Standards will not be violated, thus the project will be in compliance with State Water Quality Standards.

## **4. Determination of Public Benefits**

In summary, I thoroughly considered the analysis of environmental impacts that will result from the No Action and Proposed Action alternatives in the EA. As required in 36 CFR 254.3(b), I have determined the Selected Alternative's land purchase and land use actions will serve the public interest.

The Offered Lands are located within the Gallatin National Forest in close proximity to other NFS lands that have been acquired by the Forest Service since 1990. The intended use of the Offered Lands will be consistent with established management objectives on adjacent NFS lands.

Acquisition of the Offered Lands meets Forest Plan objectives, will minimize permanent development on these lands, and will conserve and promote traditional land uses and recreation opportunities in the Taylor Fork. Acquisition will protect water quality and fisheries values, including westslope cutthroat trout and Arctic grayling; protect important wildlife habitat,

including habitat for the threatened grizzly bear; protect visual quality in critical Taylor Fork and Gallatin River viewsheds; protect public access to the National Forest lands for recreation; and protect 26.4 acres of floodplains and 22.3 acres of palustrine emergent wetlands or small bogs.

## **Finding of No Significant Impact (40CFR 1508.27)**

Through review of analyses in the EA, Biological Assessment (BA), Biological Evaluation (BE), public comments, and project file, I have determined the project is not a major federal action that will significantly affect the quality of the human environment. I have decided implementation of Alternative 2 Proposed Action will result in a Finding of No Significant Impact. Therefore, it is my decision that an environmental impact statement (EIS) is not necessary and will not be prepared for this project.

My decision to select Alternative 2 is based on review of the following criteria, in terms of context and intensity related to significance, as provided by 40 CFR 1508.27(b):

1. **Context** – The setting of the project is in a localized area of the Gallatin National Forest with implications only for the immediate project area. Cumulative effects areas were determined for individual resources as identified in the EA and project file. The Selected Alternative is consistent with the management direction, standards and guidelines contained in the Gallatin National Forest Land and Resource Management Plan (Forest Plan 1987).
2. **Intensity** – The intensity of activities in the project are discussed below:
  - a. **Consideration of Beneficial and Adverse Impacts.** Direct, indirect, and cumulative effects are discussed in Chapter 2 (Table 2-3) and Chapter 3 of the EA. Alternative 2, which is the Selected Alternative, either will not adversely affect, will have minor adverse effects, will maintain current conditions, or will have beneficial effects on resources associated with the significant issues in the EA, including water quality, fisheries, wildlife (including T/E, sensitive, and MIS species), visual quality, recreation use, public, private and administrative access, and wetlands/floodplains. The selected alternative also will not adversely affect other resources, including vegetative diversity, cultural resources, public utilities, sensitive plants, public safety, noxious weeds, or social and/or economic conditions.

Bald eagles could be displaced from habitat near the Gallatin River if fishing increases at the new bridge. Visible lines and cut and fill slopes with new Buffalo Horn Road will somewhat diminish scenery viewed from US191. New roads and bridges will require a Forest Plan amendment to exempt from meeting the VQO of Retention in Gallatin Canyon and the Taylor Fork. Activities associated with road, bridge, and parking area construction could cause minor temporary impacts to fish habitat, wetlands, vegetative diversity, and visual quality.

Mitigation measures and other project requirements (*EA, Chapters 2 and 3*) will ensure little or no effect to the above resources. After thorough examination of the EA and supplemental information, I conclude that no significant adverse or beneficial effects will occur due to the implementation of the Project.

- b. Degree to Which the Project Affects Public Health and Safety.** Public health and safety concerns mainly relate to construction of new roads, bridges, and parking areas. These include conflicts of construction equipment with traffic and potential for spills of fuels and hazardous materials during construction. These potential impacts will be temporary and minor. The Selected Alternative will help resolve current conflicts about public access for Buffalo Horn Road in the Gallatin River drainage and public and private access in the Taylor Fork (*see Figure 1*). Mitigation measures and other project requirements (*EA, Chapters 2 and 3*) will ensure little or no effect to public health and safety. Therefore, I conclude that the Project does not constitute a threat to public health and safety.
- c. Unique Characteristics of the Geographic Area.** The project area does contain, but will not adversely affect, any unique areas. None of the Project Area is within designated or proposed wild and scenic rivers, wilderness, wilderness study areas, or research natural areas. The EA identified no adverse impacts to any unique geographic area, cultural or historical resources, parklands, prime farmlands, rangelands, forestlands, or ecologically critical areas. The Selected Alternative will not adversely affect unique wildlife species, unique plants or plant communities, wetlands or floodplains, except for potential minor temporary impacts during construction of roads, bridges, and parking areas. Cultural surveys have been completed and the Project is consistent with heritage program laws. None of the Project is located within a designated Roadless Area. Mitigation measures and other project requirements (*EA, Chapters 2 and 3*) will ensure little or no effect to unique geographic characteristics. Therefore, I conclude that the Project does not constitute a threat to these resources.
- d. Degree to Which Effects on the Quality of the Human Environment are Likely to be Highly Controversial.** The effects of the Project to the quality of the human environment are not highly controversial. The effects of this decision are predictable and consistent with the conclusions reached in the EA. There is no professional or scientific disagreement on the scope and effects of these actions on various resources. Public involvement did not result in any controversy for either issues or comments about the EA. This proposal for land acquisition is consistent with other actions resulting in land consolidation in the Taylor Fork since 1990 (*EA, pp. 1-1 thru 1-4*). Therefore I conclude that the environmental effects of the Project will not be controversial.
- e. Degree to Which Effects are Highly Uncertain or Involve Unique or Unknown Risks.** The Project will be similar to many past actions in the Gallatin National Forest. Acquiring land under public ownership and management with Alternative 2 will be consistent with other actions of land consolidation in the Taylor Fork (*EA, pp. 1-1 thru 1-4*).



Ground disturbances in the Gallatin River and Taylor Fork drainages, and along US191 and Taylor Fork Road #134, have been common since the early 1900s (*EA, Chapter 3*). New roads, bridges, and parking areas in the Gallatin River and Taylor Fork areas will be constructed to meet Forest Service Standards. Closing and restoring low-standard roads will involve common practices used throughout the National Forest. The analysis in the EA was conducted using the best available information to estimate the effects of the two alternatives studied in detail. Based on the results of past actions, combined with review of analyses in the EA, BA, BE, I conclude that the environmental effects of the Project will not be highly uncertain or involve unique or unknown risks.

- f. Degree to Which Effects of the Project may Establish a Precedent for Future Actions with Significant Effects or Represents a Decision in Principle about Future Consideration.** Land purchase and related land use actions are consistent with established Forest Service policy. The Selected Alternative will result in management of forest resources and traditional land uses that are accepted and ongoing practices on the Gallatin National Forest. Therefore I conclude that the project will not require future undisclosed actions with significant effects, nor will it set a precedent for future management of the Gallatin National Forest.
- g. Consideration of the Project in Relation to Other Actions with Individually Insignificant, but Cumulatively Significant Effects.** Chapters 2 and 3 in the EA describe the combined effects of the Project with other past, present, and reasonably foreseeable future actions for specific resource issues. The scope of the Project is not related to, and will not combine with, other actions to result in significant cumulative environmental impacts. Administrative use will not result in any measurable cumulative effects. The EA, BA, and BE concluded that the Selected Alternative will not have adverse effects on T/E, sensitive, and MIS species of fish and wildlife. Therefore I conclude that there will be no significant cumulative impacts that result from implementation of the Project.
- h. The Degree to Which the Project May Adversely Affect Districts, Sites, Highways, Structures, or Objects Listed in or Eligible for Listing in the National Register Of Historic Places, or May Cause Loss or Destruction of Significant, Scientific, Cultural, Or Historical Resources.** Cultural resource surveys have been conducted on all federal lands on which land use actions will occur. The Forest Archaeologist has reviewed the proposal and determined locations proposed for construction of roads, bridges and parking will not affect any cultural resource sites. This includes no effects on any site, structure or object that either are eligible for listing in the National Register of Historic Places (NRHP), or may be scientifically, culturally or historically significant. Therefore, I conclude that the Project will not cause loss or destruction of significant scientific, cultural or historical resources.
- i. The Degree to Which the Project May Adversely Affect Threatened or Endangered Species or Habitat that has been Determined to be Critical Under the Endangered Species Act of 1973.** Chapters 2 and 3 in the EA describe the environmental impacts for

fish and wildlife species, including T/E, sensitive and MIS species. Analyses in the EA, BA and BE concluded that the Selected Alternative either will not adversely affect, will have minor adverse effects, will maintain current conditions, or will have beneficial effects on resources associated with the significant issues in the EA, including T/E species. Bald eagles could be displaced from habitat near the Gallatin River if fishing increases at the new bridge, and activities associated with road, bridge, and parking area construction could cause minor temporary impacts to fish habitat.

The BA concluded that the Selected Alternative will have “no effect” on the bald eagle and Canada lynx. The BA made a determination of “may affect-not likely to adversely affect” the grizzly bear. The BA also concluded that the Project is “not likely to jeopardize the continued existence” of the gray wolf. Pursuant to 50 CFR 402.13(a), formal consultation with USFWS is not required.

Mitigation measures and other project requirements (*EA, Chapters 2 and 3*) will ensure little or no effect to the above resources. After thorough examination of the EA, BA, BE, and Project File, I conclude that the Project will not result in significant effects to any T/E and sensitive species.

- j. Whether the Project Threatens a Violation of Federal, State or Local Laws or Requirements Imposed for the Protection of the Environment.** I conclude that the Project meets all federal state and local laws, regulations, and requirements for protection of the environment. This includes all NEPA disclosure requirements. The Selected Alternative will result in actions that are consistent with management direction in the Forest Plan promoting consolidation of lands for public ownership and management in the Taylor Fork. The analysis in the EA was conducted using the best available information to estimate the effects of the two alternatives studied in detail. Based on the results of past actions, combined with review of analyses in the EA, BA, BE, and Project File, I conclude that my decision is consistent with the Gallatin Forest Plan.

## **Implementation**

Implementation of the project is contingent on completion of the negotiated agreement among the Forest Service, TPL, and the Owners. The purchase, which will be based on an appraisal completed to federal standards, is contingent on Congress appropriating funds from the Land and Water Conservation Fund (LWCF) for Phases I and II. The land purchase by TPL from the Owners, and subsequent conveyance to the Forest Service, is scheduled to occur in two phases: Phase I in 2002 for Sections 7 and 35 and Phase II in 2003 for Sections 1, 17, 19 and 20.

As of April 2002, the Forest Service, TPL and the Owners are discussing final provisions of a negotiated agreement. When complete, all parties will need to document and sign the negotiated agreement. The agreement and supporting documentation will be retained in the Project File.

## Administrative Review and Appeal Provisions

This decision is subject to appeal pursuant to 36 CFR 215.7. As stated in 36 CFR 215.11, an appeal may be filed by any person or non-federal organization or entity that has provided comment or otherwise expressed interest in a particular proposed action by the close of the comment period specified in 36 CFR 215.6. A written appeal must be submitted to: Regional Forester, Regional Office, Appeals Section, P.O. Box 7669, Missoula, MT 59807. Appeals must be submitted within 45 days of the publication of the Notice of Decision in the *Bozeman Daily Chronicle*. Appeals must meet content requirements of 36 CFR 215.14.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

## Further Information and Contact Persons

Copies of the *320 Ranch – Taylor Fork Land Acquisition and Related Land Use Actions EA* and this Decision Notice are available from the Forest Supervisor's Office at 10 East Babcock Avenue, Bozeman, MT. These documents are also available for review at the Hebgen Lake and Bozeman District offices; and on the Gallatin National Forest's Web site (<http://www.fs.fed.us/r1/gallatin/projects>).


The supporting Project File includes the detailed information used in preparing the EA (e.g., data collection, analysis procedures, resource specialists reports, reference sources, and public involvement) and the decisions made in selecting Alternative 2 Proposed Action for implementation. The Project File is available for review at the Gallatin National Forest Supervisors Office.

For further information regarding this analysis and decision, please contact Tris Hoffman (Hebgen Lake District, P.O. Box 520, West Yellowstone, MT 59578) at (406) 823-6961, or Bob Dennee (Forest Supervisor's Office, P.O. Box 130, Bozeman, MT) at (406) 587-6914.

## Signature and Date of Decision



Rebecca Heath  
Gallatin National Forest Supervisor



Date

## APPENDIX A

### PUBLIC COMMENTS

Appendix A presents a list of individuals and organizations that submitted public comments, and a summary of comments with agency responses. The original documents for the public comments are in the Project File.

#### Individuals and Organizations Submitting Public Comments

Name	Affiliation	Comment Method
Joe Gutkoski	Montana River Action	Telephone
Bob Savage		Telephone
Tony Schoonen	Public Lands/Water Access Association, Inc.	Letter
Craig and Jackie Matthews	Blue Ribbon Flies	Letter
David Schulz	Madison County Board of Commissioners	Letter
Krisy Hammond	Full Moon Outfitters	Letter
Patricia B. Goodrich		Letter
Michael Scott	Greater Yellowstone Coalition	Letter
Timothy R. Border	Gallatin Wildlife Association	E-mailed Letter
Eva Patten	Upper Gallatin Community	Faxed Letter

#### Summary of Public Comments and Agency Responses

The following is a summary of public comments and agency responses.

##### Wildlife

Comment: Anticipated effects, especially with regard to wolverine, goshawk, and marten are pure speculation. The science upon which effects are based is flawed, but 10 years down the road, what is said in the EA will become erroneous "gospel."

Forest Service Response: The purpose of the EA is to disclose potential environmental effects caused by a particular proposal using the best information available at the time.

Comment: The new bridge across the Taylor Fork needs to be sufficiently gated, especially in the spring, to keep Section 1 from being easily accessed by the public. This is important because Section 1 is important secure habitat for grizzly bears and calving elk.

Comment: We particularly want to emphasize that the Forest Service should ensure that the bridge across Taylor Fork allowing 320 Ranch seasonal access to its private property in section 1 be a private bridge with no public access.

Forest Service Response: The new bridge across the Taylor Fork is not intended for public use. The road and bridge into Section 1 will be gated and locked near the Taylor

Fork Road #134 (see EA page 2-21, item 6). The private lot owners in Section 1 will be offered restricted easements, which will allow their vehicles on the road from June 16<sup>th</sup> to November 30<sup>th</sup> annually. The easement will not authorize use of the road for permanent residential purposes.

## **Access**

**Comment:** "We do want to maintain the access to all the National Forest Trails affected by the Proposed Action. In particular, we want assurances that Meadow Creek Cutoff Trail #223 in Section 1, Wapiti Trail #35 in Section 35, The Taylor Falls Trail #17 in Sections 7, 17, 19 and 20, Lightning Creek Trail #7, and the Tumbledown Trail #4 will retain their historic public use."

**Forest Service Response:** Maintaining existing public access rights on National Forest roads and trails is an important goal for the Forest Service within this proposed action. The Forest Service requires an easement for the relocated Buffalo Horn Road #6935 and the Taylor Fork road #134 across 320 Ranch Lands so that the public will have ensured public access to these lands in the future. In addition, Meadow Creek Trail #223 in Section 1 will be entirely on National Forest lands following Phase II purchase and therefore public access will be protected. Wapiti trail #35 will be entirely on National Forest lands following Phase I purchase, so public access will be protected.

The Taylor Falls/Lightning Creek/Tumbledown Creek system is affected by the proposed action. Built into the proposed action is an easement on the Taylor Fork road to a new trailhead that will be established on lands acquired in the Phase II purchase in Section 17 (SE/SE). Previously, the trailhead was on private land and therefore somewhat at risk without the benefit on an easement. One segment of the trail system in Section 17 will be acquired in the Phase II purchase. The owners will grant an easement for a second segment of this trail in Section 17. The Forest Service is continuing to negotiate to secure an easement on a third segment of the trail crossing private lands in Section 17. In Sections 19 and 20, the FS will acquire all of the lands currently owned by 320 Ranch, so the trail will be secure in those two sections. Overall, the proposed action will strengthen and improve public access to public lands, particularly in comparison to the no action alternative.

**Comment:** "We would encourage the use of vehicular traffic on roads whenever possible to facilitate equal opportunity for the elderly, partially disabled and youth."

**Forest Service Response:** The Gallatin National Forest manages for, and will continue to manage for a broad range of recreation opportunities. The Hebgen Ranger District, in particular, has an active program that allows hunters who have a mobility disability and a Montana state permit that allows hunting from a vehicle, to drive and hunt behind the gate on the Dead Horse Road, FS road #136. This proposed project will ensure continued vehicular access to the Buffalo Horn and Taylor Fork trailheads. The Forest is currently engaged in a travel planning process. All recreationists who have an interest in supporting specific types of recreational travel are encouraged to participate in this travel planning effort.

Comment: There should be a balance in public access so that people with horses have some advantage but not the greatest advantage.

Forest Service Response: Currently in both general areas of this project, the Buffalo Horn and the Taylor Fork area, there is a range of recreational travel opportunities, from sightseeing driving to non-motorized single-track travel. As mentioned in the previous response, the Forest will continue to manage for a wide range of recreational travel opportunities. All recreationists who have an interest in supporting specific types of recreational travel are encouraged to participate in this travel planning effort.

Comment: "...the last paragraph of item 1.3.1 on Page 1-12 states that road relocation must have the consent of Madison County. We [Madison County Board of Commissioners] believe that since this is not a "County" road that the owners would not be required to get consent."

Forest Service Response: The Taylor Fork Road #134 has been ruled through adjudication as a "public road" from Highway 191 to the Martin Bridge in Section 17. Therefore, consistent with State law, Madison County has jurisdiction for the public road across private land. For this reason, the Forest Service, TPL, and the landowners will request concurrence from Madison County prior to any relocation of the public road in Section 17.

### **Grazing**

Comment: "We would also encourage close monitoring of grazing allotments so some wildlife benefits will be retained such as a rest-rotation grazing system."

Forest Service Response: The Cinnamon North and Cinnamon South Allotments will be maintained under a seasonally deferred rotation system. Monitoring will be conducted in accordance with Environmental Assessments prepared for these allotments (on file at Hebgen Ranger District).

All riparian areas within the allotments will be managed according to MA7 of the Gallatin Forest Plan (USDA 1987, page III-20). Upland zones in the Cinnamon North and Cinnamon South Allotments are designated MA15. This Management Area has no provisions for forage allocation for wildlife before livestock. However, the level of grazing intensity will be established at 50% utilization to protect existing plants and to allow for seedling establishment. Since there is little dietary overlap between elk and horses or deer and horses, it is unlikely that horse grazing on the allotments will impact wildlife at the anticipated forage utilization levels.

# PROPOSED LAND ACQUISITION

## Proposed Relocation of the Buffalo Horn Road #6907

T8S, R4E

12/7/2001  
jck

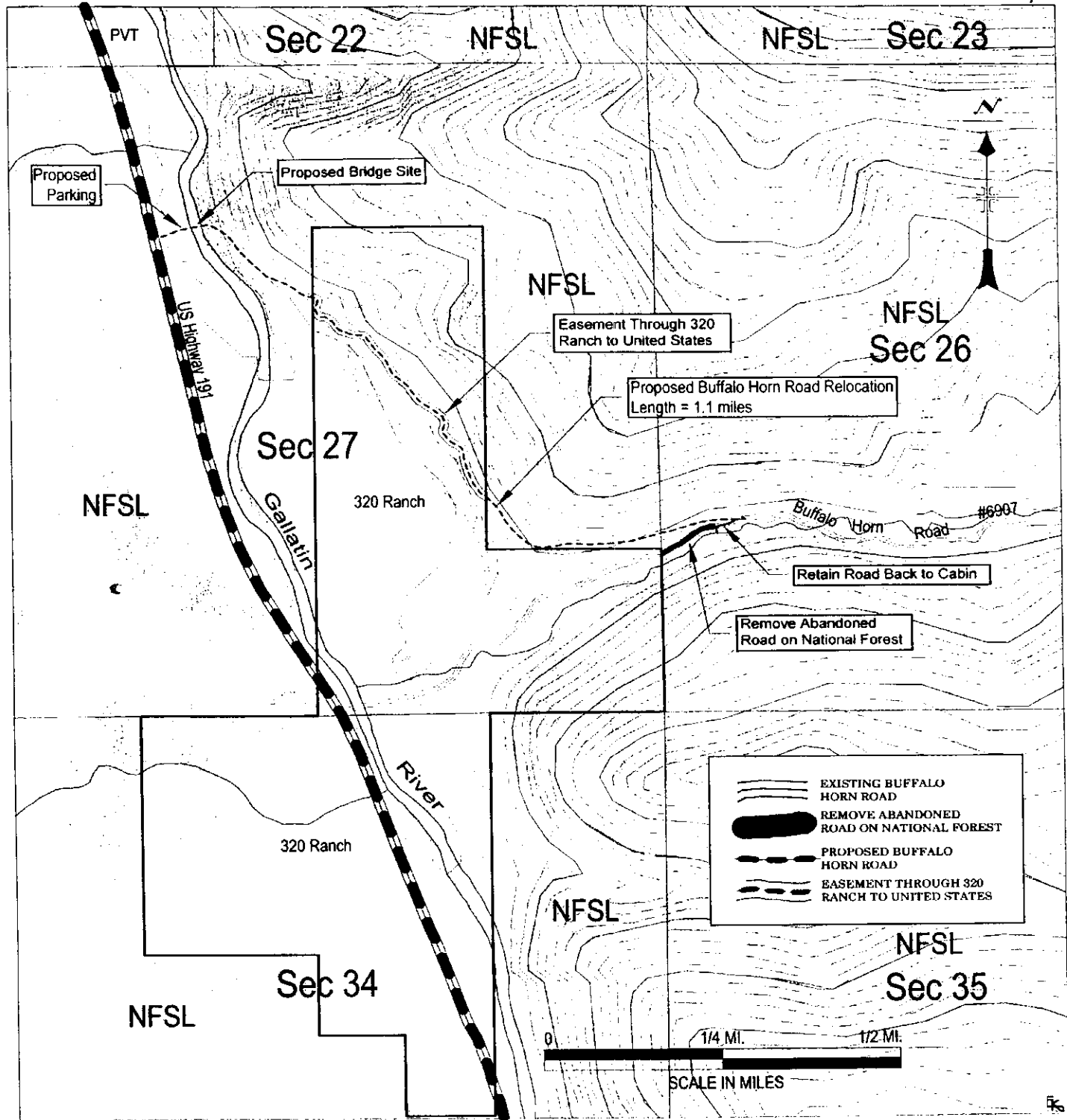


Figure 2-1  
Proposed Relocation of Buffalo Horn Road #6907

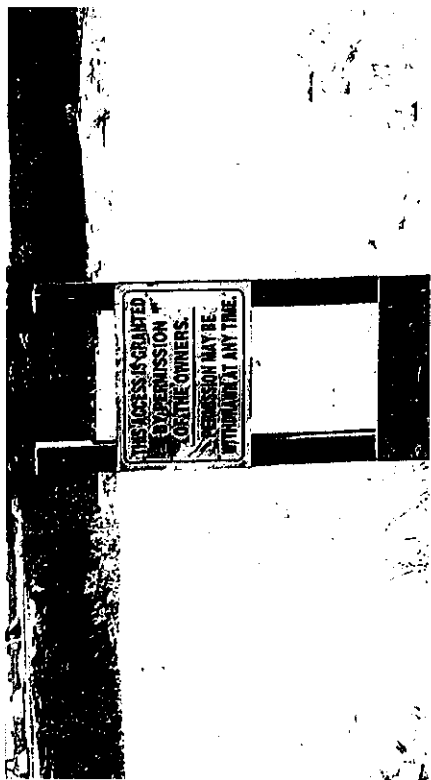
320 Ranch  
Land Purchase &  
Related Actions  
Environmental  
Assessment



Scenes of Existing Buffalo Horn Road #6907



Road Through 320 Ranch



Landowners Access Notice Sign



Road Through 320 Ranch Cabins



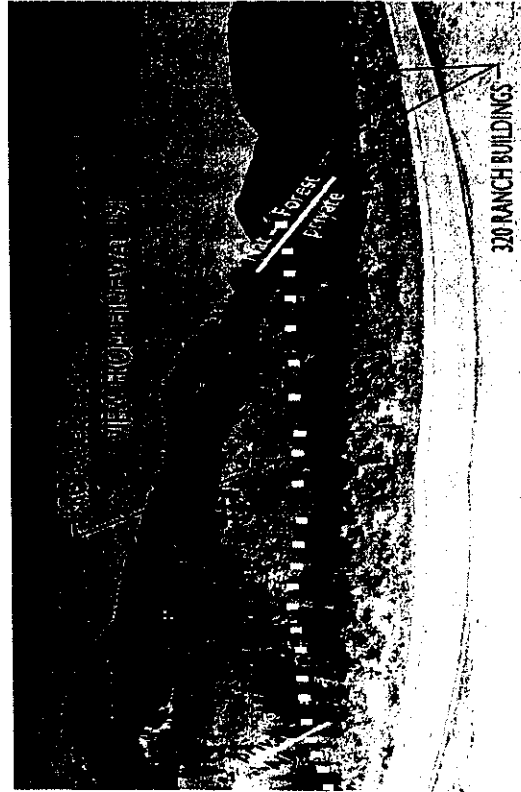
Current Buffalo Horn Road Bridge

Figure 2-2

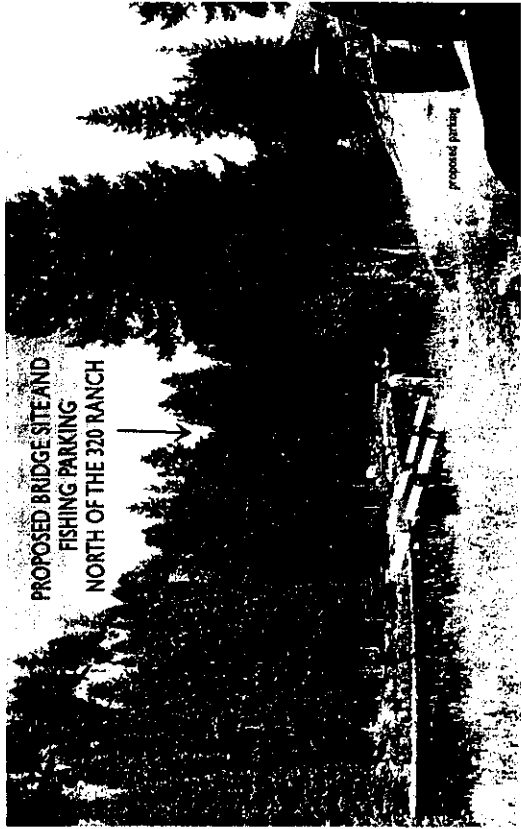


Scenes of Proposed Buffalo Horn Road #6907

Figure 2-3



Proposed Buffalo Horn Road Route



Proposed Buffalo Horn Bridge Location



Proposed Buffalo Horn Road Route



View of 320 Ranch from Proposed Road Location

State of Montana

# County of Gallatin

Bozeman



April 10, 2003

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: abandonment of the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana

Dear Board,

The undersigned viewed the area described in Road Petition No. 813 on April 3, 2003. Project Manager of the Trust For Public Land Alex Diekmann accompanied the viewing committee.

According to 7-14-2603 M.C.A., the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition.

Buffalo Horn Road was not created by petition. It is considered by the Forest Service and Gallatin County to be public by virtue of documented historic public use dating back to the 1890's. The Trust For Public Land is working with the Forest Service and 320 Ranch Inc. on Taylor Fork land acquisitions and related land use actions. One of the related land use actions is the relocation and construction of Buffalo Horn Road and bridge.

According to the letter submitted with the petition from Alex Diekmann, 320 Ranch Inc. has agreed to grant a permanent easement to the Forest Service that will allow the Forest Service to construct a new road and bridge to provide a perpetual, uncontested, public access to the Buffalo Horn area. The new road and bridge will be located partly on National Forest land and partly on private land owned by 320 Ranch, Inc. The mutually agreed upon route starts on Forest Service lands on the east side of Highway 191 approximately ¾ miles north of the existing Buffalo Horn Road, crosses the Gallatin River, and then heads in a general southeast direction through 320 Ranch land, and then back onto Forest Service land where it runs almost due east until it rejoins the existing Buffalo Horn Road. The Forest Service has agreed to relinquish any and all of its asserted interests in that portion of Buffalo Horn Road east of Highway 191 and ending at the common border between Sections 26 and 27, Township 8 South, Range 4 East provided that (1)

the new Buffalo Horn road easement is first granted to the Forest Service, and (2) the new Buffalo Horn road and bridge is fully constructed to Forest Service standards. The timing of this construction will depend on when the Forest Service secures the needed funding.

The petitioners are requesting that Gallatin County abandon any legal interest that the county may claim to have in the Buffalo Horn Road as it currently exists on lands owned by 320 Ranch Inc.

The abandonment or vacation of county roads according to 7-14-2615 (3) MCA states "The board may not abandon a county road or right-of-way used to access public land unless another public road or right-of-way provides substantially the same access". According to the petition, the alternate public access that is being proposed is not only substantially the same, but it is substantially better than the access that currently exists. The new road and bridge easement will guarantee permanent, uncontested, and unrestricted public access along a dedicated route. It will also ensure that all ownership, jurisdiction, and management responsibilities for the new road and bridge will be vested with the Forest Service.

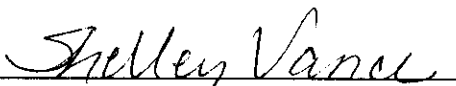
The viewing committee believes that it is feasible and desirable to grant the petition after the following conditions are met.

1. 320 Ranch Inc. grants a permanent road easement to the Forest Service, such easement to be recorded in the Gallatin County Clerk and Recorder's Office.
2. A new road and bridge is constructed by the Forest Service and opened to general traffic.

The conditions are recommended to insure that no one is denied access to public lands.

Respectfully submitted,

  
Bill Murdock, County Commissioner

  
Shelley Vance, Clerk and Recorder/Surveyor

**RESOLUTION NO. 2003-042**

**DECISION CONCERNING PETITION TO ABANDON A PORTION OF  
BUFFALO HORN ROAD**

This Resolution was introduced by Shelley Vance; moved by Commissioner Murdock and seconded by Commissioner Vincent. The Resolution was adopted 2-1.

WHEREAS, on March 25, 2003, the Gallatin County Clerk and Recorder presented a Petition to Abandon any and all legal interests that Gallatin County may have or claim to have in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana; and

WHEREAS 320 Ranch, Inc. has agreed to grant to the United States a permanent easement that will allow the Forest Service to construct and maintain a new Buffalo Horn Road and bridge to provide perpetual, uncontested public access to the National Forest System lands in the Buffalo Horn drainage via an alternative route; and

WHEREAS the Petition to Abandon is conditioned on (i) 320 Ranch, Inc. granting the easement to the United States for the new Buffalo Horn Road and (ii) the new Buffalo Horn Road and bridge being fully constructed to Forest Service standards and open to general public travel; and

WHEREAS, on March 25, 2003, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners that the petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, on March 25, 2003, the Gallatin County Commissioners appointed a committee consisting of one county commissioner, the county surveyor to investigate the contents of the petition and the feasibility, desirability and costs of abandoning any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road; and

WHEREAS, on April 29, 2003, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, the abandonment or vacation of county roads according to 7-14-2615 (3) MCA states "The board may not abandon a county road or right-of-way used to access public land unless another public road or right-of-way provides substantially the same access;" and

WHEREAS, the alternate public access being proposed is substantially better than the access that currently exists; and

WHEREAS, the new Buffalo Horn Road and bridge will guarantee permanent, uncontested, and unrestricted use along a dedicated route and will ensure that all ownership, jurisdiction, and management responsibilities for the new Buffalo Horn Road and bridge will be vested in the United States; and

WHEREAS, the County Commission determined, based upon the fact that this abandonment would not create a public safety hazard and no person would be denied access or become land-locked, that abandonment of any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. (which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana) is feasible; and

WHEREAS, the Gallatin County Commissioners support granting the petition and abandoning any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. (which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana.).

NOW, THEREFORE BE IT RESOLVED:

1. On April 29, 2003, based on the petition and the results of the investigation, the Gallatin County Commissioners conclude that the decision made herein is in the best interests of Gallatin County and the public.

2. Any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana are hereby abandoned, with the expressed understanding and requirement that this resolution shall not be recorded until such time that (i) 320 Ranch, Inc. has granted the easement to the United States for the new Buffalo Horn Road, and said easement has been recorded in the records of Gallatin County, and (ii) the new Buffalo Horn Road and bridge have been fully constructed to Forest Service standards and are open to general public travel

3. After the signing of this resolution, the Clerk and Recorder shall make a copy and send the original to Security Title Company in Bozeman, Montana, attention Betty Bos, escrow agent where the document shall be held until: (i) the easement for the new Buffalo Horn Road has been granted to the United States and filed in the records of Gallatin County, with recording information forwarded by the Clerk and Recorder to the escrow agent, and (ii) the Forest Supervisor, Gallatin National Forest, has notified Gallatin County by letter, with a copy to the escrow agent, that new Buffalo Horn Road and bridge have been full constructed to Forest Service standards and are open to general public travel . Once said documentation has been received, the escrow agent shall be

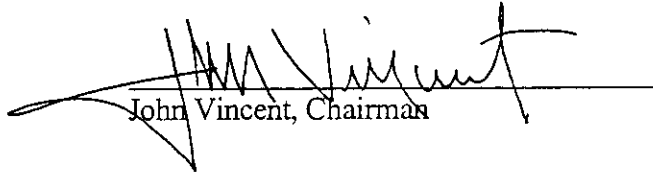
irrevocably instructed to release and return the original resolution to the Clerk and Recorder for filing. The Clerk and Recorder will then destroy the copy.

4. Within ten (10) days from the date the Resolution of Abandonment is filed the Clerk and Recorder shall send a copy of that resolution by certified mail to the Forest Supervisor, Gallatin National Forest, 320 Ranch, Inc., and all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.

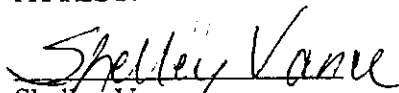
5. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of the filed resolution to the supervisor.

DATED this 29th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
John Vincent, Chairman

ATTEST:

  
Shelley Vance  
Clerk and Recorder  
Gallatin County

# Security Title Company

July 14, 2003

Shelley Vance  
Gallatin County Clerk & Recorder  
311 West Main  
Bozeman, MT 59715

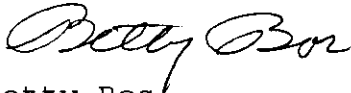
RE: Abandonment of Portion of Buffalo Horn Road

Dear Shelley,

I received the Resolution NO. 2003-042 concerning the above referenced property. I am placing it in safekeeping with SecurWest Escrow Services, Inc. a subsidiary of Security Title Company, under escrow number ESC3056. I believe this is the best place to keep the document until the conditions have been met. At that time, the document will be easy to obtain to complete the transaction.

Should you have any questions, please do not hesitate to contact me.

Best Regards,



Betty Bos  
Sr. Escrow Officer.

Serving Gallatin and Madison Counties

600 South 19th Ave (59718)      Post Office Box 6550 (59771-6550)      Bozeman, MT  
▶ Phone: 406.522.5500      ▶ Fax: 406.522.5501      ▶ Web: [www.sectitle.com](http://www.sectitle.com)

**RESOLUTION NO. 2003-042**

**DECISION CONCERNING PETITION TO ABANDON A PORTION OF  
BUFFALO HORN ROAD**

This Resolution was introduced by Shelley Vance; moved by Commissioner Murdock and seconded by Commissioner Vincent. The Resolution was adopted 2-1.

WHEREAS, on March 25, 2003, the Gallatin County Clerk and Recorder presented a Petition to Abandon any and all legal interests that Gallatin County may have or claim to have in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana; and

WHEREAS 320 Ranch, Inc. has agreed to grant to the United States a permanent easement that will allow the Forest Service to construct and maintain a new Buffalo Horn Road and bridge to provide perpetual, uncontested public access to the National Forest System lands in the Buffalo Horn drainage via an alternative route; and

WHEREAS the Petition to Abandon is conditioned on (i) 320 Ranch, Inc. granting the easement to the United States for the new Buffalo Horn Road and (ii) the new Buffalo Horn Road and bridge being fully constructed to Forest Service standards and open to general public travel; and

WHEREAS, on March 25, 2003, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners that the petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, on March 25, 2003, the Gallatin County Commissioners appointed a committee consisting of one county commissioner, the county surveyor to investigate the contents of the petition and the feasibility, desirability and costs of abandoning any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road; and

WHEREAS, on April 29, 2003, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, the abandonment or vacation of county roads according to 7-14-2615 (3) MCA states "The board may not abandon a county road or right-of-way used to access public land unless another public road or right-of-way provides substantially the same access;" and

WHEREAS, the alternate public access being proposed is substantially better than the access that currently exists; and



WHEREAS, the new Buffalo Horn Road and bridge will guarantee permanent, uncontested, and unrestricted use along a dedicated route and will ensure that all ownership, jurisdiction, and management responsibilities for the new Buffalo Horn Road and bridge will be vested in the United States; and

WHEREAS, the County Commission determined, based upon the fact that this abandonment would not create a public safety hazard and no person would be denied access or become land-locked, that abandonment of any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. (which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana) is feasible; and

WHEREAS, the Gallatin County Commissioners support granting the petition and abandoning any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. (which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana.).

NOW, THEREFORE BE IT RESOLVED:

1. On April 29, 2003, based on the petition and the results of the investigation, the Gallatin County Commissioners conclude that the decision made herein is in the best interests of Gallatin County and the public.
2. Any and all of Gallatin County's actual or asserted interests in the existing Buffalo Horn Road across lands owned by 320 Ranch Inc. which starts at Highway 191 and goes in an easterly direction approximately ½ mile and ends at the common border between Sections 26 and 27, Township 8 South, Range 4 East, P.M.M., Gallatin County, Montana are hereby abandoned, with the expressed understanding and requirement that this resolution shall not be recorded until such time that (i) 320 Ranch, Inc. has granted the easement to the United States for the new Buffalo Horn Road, and said easement has been recorded in the records of Gallatin County, and (ii) the new Buffalo Horn Road and bridge have been fully constructed to Forest Service standards and are open to general public travel
3. After the signing of this resolution, the Clerk and Recorder shall make a copy and send the original to Security Title Company in Bozeman, Montana, attention Betty Bos, escrow agent where the document shall be held until: (i) the easement for the new Buffalo Horn Road has been granted to the United States and filed in the records of Gallatin County, with recording information forwarded by the Clerk and Recorder to the escrow agent, and (ii) the Forest Supervisor, Gallatin National Forest, has notified Gallatin County by letter, with a copy to the escrow agent, that new Buffalo Horn Road and bridge have been full constructed to Forest Service standards and are open to general public travel . Once said documentation has been received, the escrow agent shall be

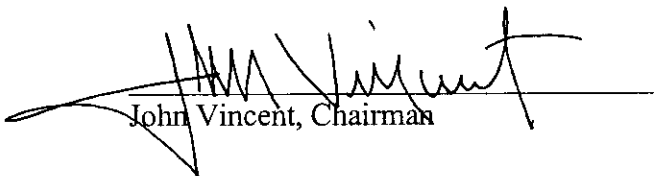
irrevocably instructed to release and return the original resolution to the Clerk and Recorder for filing. The Clerk and Recorder will then destroy the copy.

4. Within ten (10) days from the date the Resolution of Abandonment is filed the Clerk and Recorder shall send a copy of that resolution by certified mail to the Forest Supervisor, Gallatin National Forest, 320 Ranch, Inc., and all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.

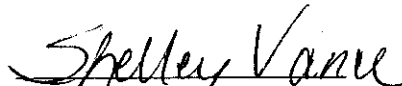
5. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of the filed resolution to the supervisor.

DATED this 29th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
John Vincent, Chairman

ATTEST:

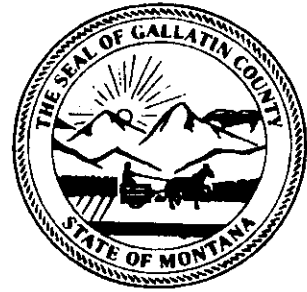
  
Shelley Vance  
Clerk and Recorder  
Gallatin County



State of Montana

*County of Gallatin*

Bozeman



# LEGAL NOTICE

**(USE ONLY FOR LEGAL ADVERTISEMENTS TO BE PUBLISHED IN THE HIGH COUNTRY INDEPENDENT PRESS)**

**FAX TO 406-388-6072**

**THIS FAX CONTAINS 2 PAGES (PLUS THIS PAGE)**

**DATE:** 4-15-03 **TIME:** 2:05

**SENDER'S FAX NUMBER:** 582-3068

**SENDER'S PHONE NUMBER:** 582-3053

**SENDER'S DEPARTMENT:** Clerk & Recorder

**DESCRIPTION OF AD:** Notice of Public hearing

**RUN AS:**  **LEGAL LINE AD**  **LEGAL DISPLAY AD\***

**PUBLISH DATES:** April 24, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, 2003

**SPECIAL INSTRUCTIONS:** \_\_\_\_\_

**BILLING:** Clerk & Recorder

TRANSMISSION VERIFICATION REPORT

TIME : 04/15/2003 14:11

DATE, TIME	04/15 14:10
FAX NO./NAME	93886072
DURATION	00:00:55
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

Charles & Kenneth Walker  
4533 Walker Road  
Bozeman, MT 59715

Lone Mountain Ranch  
PO Box 160069  
Big Sky, MT 59716

The Trust for Public Land  
Emerson Cultural Center  
111 South Grand Ave., Ste. 202A  
Bozeman, MT 59715

Attn: Alexander B. Diekmann  
Project Manager

Austin-Leyman Adventures, LLC  
PO Box 81025  
Billings, MT 59108

Dan Reddick  
13607 Springhill Road  
Belgrade, MT 59714

LaMonte Schnur  
16 North Fork Road  
Townsend, MT 59764

320 Ranch Inc.  
205 Buffalo Horn Creek  
Gallatin Gateway, MT 59730

Jeffrey D. Bingham  
PO Box 160003  
Big Sky, MT 59716

320 Guest Ranch  
205 Buffalo Horn Creek  
Gallatin Gateway, MT 59730

Gary & Joan Cook  
6115 Fowler Lane  
Bozeman, MT 59715

Full Moon Outfitters  
c/o Kristine Hammond  
PO Box 161295  
Big Sky, MT 59715

Gallatin National Forest  
attn: Robert Dennee  
PO Box 130  
Bozeman, MT 59771

Carolyn L. Morgan  
27600 Rocky Mountain Road  
Belgrade, MT 59714

Lee Hart  
73800 Gallatin Road  
Gallatin Gateway, MT 59730

Ron & Cody Morton  
PO Box 164  
Gallatin Gateway, MT 59730

Tom Heintz  
3246 Linney Lane/PO Box 3663  
Bozeman, MT 59772

Bill Fairhurst  
Public Land Access Association  
105 3rd Ave. East  
Three Forks, MT 59752

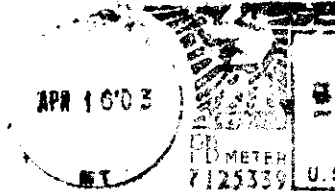
Post Master  
4 Rabel Lane  
Gallatin Gateway, MT 59730



**Gallatin County Clerk and Recorder**  
 Recording Department  
 311 West Main, Room 203  
 Bozeman, Montana 59715-4574

POSTAGE WILL BE PAID BY ADDRESSEE  
 SERVICE REQUESTED

PALESTINIAN  
 FIRST CLASS



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 112 Golden Trout Way  
 Bozeman, MT 59715

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 RETURN TO SENDER  
 TAGE  
 PO BOX 944  
 BOZEMAN MT 59771-0944  
 RETURN TO SENDER

BOAFAMP

59715/59707



7002 0510 0001 4125 9694

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**



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 7002 0510 0001 4125 9694

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark Here

Sent To  
**320 Guest Ranch**  
 Street Apt. No.  
 or P.O. Box No. **205 Buffalo Horn Creek**  
 City and State **Gallatin Gateway, MT 59730**

PS Form 3800, January 2001

See Reverse for Instructions

*Buffalo Horn Road*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

320 Guest Ranch  
205 Buffalo Horn Creek  
Gallatin Gateway, MT 59730

2. Article Number

7002 0510 0001 4125 9694

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)



7002 0510 0001 4125 9700  
7002 0510 0001 4125 9700

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

Sent To  
**LaMonte Schnur**  
Street, Apt. No.,  
**16 North Fork Road**  
City, State, ZIP+4  
**Townsend, MT 59764**

PS Form 3800, January 2001

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LaMonte Schnur  
16 North Fork Road  
Townsend, MT 59764

2. Article Number

7002 0510 0001 4125 9700

(Transfer from service label)

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

**X**

- Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)



7000 0520 0014 2179 8413  
7000 0520 0014 2179 8413

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
**Dan Reddick**  
Street, Apt. No., or PO Box No.  
**1307 Springhill Road**  
City, State, ZIP+4  
**Bellevue, MT 59714**

PS Form 3800, February 2000

See Reverse for Instructions

7002 0510 0001 4125 9700

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL**



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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
 Dan Reddick  
 13607 Springhill Road  
 Belgrade, MT 59714

2. Article Number  
 (Transfer from service label) 7000 0520 0014 2179 8413

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
 Lone Mountain Ranch  
 PO Box 160069  
 Big Sky, MT 59716

2. Article Number  
 (Transfer from service label) 7000 0520 0014 2179 8406

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
 Tom Heintz  
 3246 Linney Lane/PO Box 3663  
 Bozeman, MT 59772

2. Article Number  
 (Transfer from service label) 7000 0520 0014 2179 8390

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
 Lee Hart  
 73800 Gallatin Road  
 Gallatin Gateway, MT 59730

2. Article Number  
 (Transfer from service label) 7000 0520 0014 2179 8383

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
  
 Full Moon Outfitters  
 c/o Kristine Hammond  
 PO Box 161295  
 Big Sky, MT 59716

2. Article Number  
 (Transfer from service label) 0520 0014 2179 8369

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE. **CERTIFIED MAIL**



7000 0520 0014 2179 8406  
7000 0520 0014 2179 8406

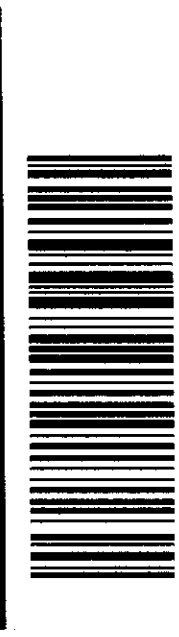
**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
 Lone Mountain Ranch  
 Street, Apt. No., or PO Box No.  
 PO Box 160069  
 Big Sky, MT 59716  
 City, State, ZIP+4

PS Form 3800, February 2000

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE. **CERTIFIED MAIL**



7000 0520 0014 2179 8390  
7000 0520 0014 2179 8390

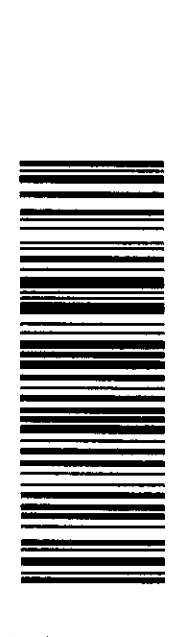
**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
 Tom Heintz  
 Street, Apt. No., or PO Box No.  
 3246 Linney Lane/PO Box 3663  
 Bozeman, MT 59772  
 City, State, ZIP+4

PS Form 3800, February 2000

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE. **CERTIFIED MAIL**



7000 0520 0014 2179 8383  
7000 0520 0014 2179 8383

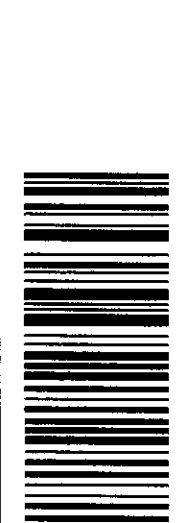
**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
 Lee Hart  
 Street, Apt. No., or PO Box No.  
 3246 Linney Lane/PO Box 3663  
 Bozeman, MT 59772  
 City, State, ZIP+4

PS Form 3800, February 2000

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE. **CERTIFIED MAIL**



0520 0014 2179 8369  
0520 0014 2179 8369

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
 Full Moon Outfitters  
 Street, Apt. No., or PO Box No.  
 c/o Kristine Hammond  
 PO Box 161295  
 Big Sky, MT 59716  
 City, State, ZIP+4

PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Jeffrey D. Bingham**  
 PO Box 160003  
 Big Sky, MT 59716

2. Article Number  
 (Transfer from service label) **7000 0520 0014 2179 8369**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

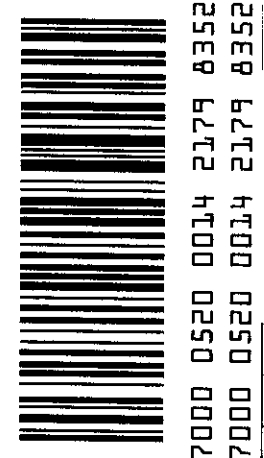
A. Signature  
**X**  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**Austin Leyman Adventure**  
 Street, Apt. No., or PO Box No.  
**PO Box 81025**  
**Billings, MT 59108**  
 City, State, ZIP+4

PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Austin-Leyman Adventures, LLC**  
 PO Box 81025  
 Billings, MT 59108

2. Article Number  
 (Transfer from service label) **7000 0520 0014 2179 8352**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

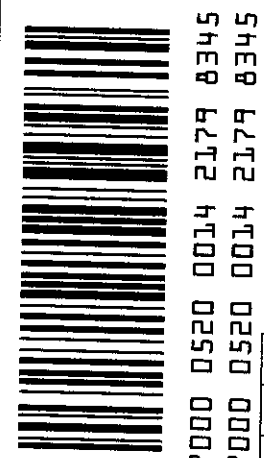
A. Signature  
**X**  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**Charles & Kenneth Walker**  
 Street, Apt. No., or PO Box No.  
**4533 Walker Road**  
**Bozeman, MT 59715**  
 City, State, ZIP+4

PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Charles & Kenneth Walker**  
 4533 Walker Road  
 Bozeman, MT 59715

2. Article Number  
 (Transfer from service label) **7000 0520 0014 2179 8345**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

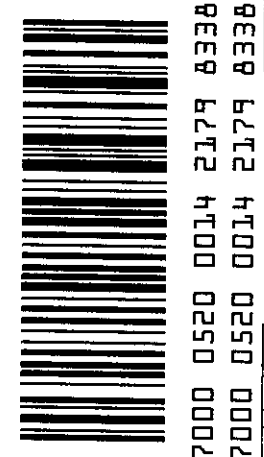
A. Signature  
**X**  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**Charles & Kenneth Walker**  
 Street, Apt. No., or PO Box No.  
**4533 Walker Road**  
**Bozeman, MT 59715**  
 City, State, ZIP+4

PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Ron & Cody Morton**  
 PO Box 164  
 Gallatin Gateway, MT 59730

2. Article Number  
 (Transfer from service label) **7000 0520 0014 2179 8338**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

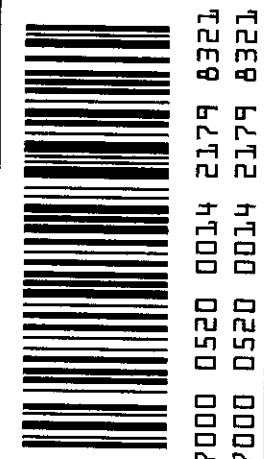
A. Signature  
**X**  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**Ron & Cody Morton**  
 Street, Apt. No., or PO Box No.  
**PO Box 164**  
**Gallatin Gateway, MT 59730**  
 City, State, ZIP+4

PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Carolyn L. Morgan**  
 27600 Rocky Mountain Road  
 Belgrade, MT 59714

2. Article Number  
 (Transfer from service label) **7000 0520 0014 2179 8314**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance)

Postage \$  
 Certified Fee \$  
 Return Receipt Fee (Endorsement Required) \$  
 Restricted Delivery Fee (Endorsement Required) \$  
 Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**Gary & Joan Cook**  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary & Joan Cook  
6115 Fowler Lane  
Bozeman, MT 59715

2. Article Number  
(Transfer from service label) **7000 0520 0014 2179 8314**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



7000 0520 0014 2179 8307  
7000 0520 0014 2179 8307

Recipient's Name (Please Print Clearly)  
**Gallatin National Forest**  
attn: Robert Dennee  
PO Box 130  
Bozeman, MT 59771  
PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gallatin National Forest  
attn: Robert Dennee  
PO Box 130  
Bozeman, MT 59771

2. Article Number  
(Transfer from service label) **7000 0520 0014 2179 8307**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



7000 0520 0014 2179 8291  
7000 0520 0014 2179 8291

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance)

Postage \$  
Certified Fee \$  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**320 Ranch, Inc.**  
205 Buffalo Horn Creek  
Bozeman, MT 59715  
PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

320 Ranch, Inc.  
205 Buffalo Horn Creek  
Gallatin Gateway, MT 59730

2. Article Number  
(Transfer from service label) **7000 0520 0014 2179 8291**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



7000 0520 0014 2179 8284  
7000 0520 0014 2179 8284

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance)

Postage \$  
Certified Fee \$  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$

Recipient's Name (Please Print Clearly)  
**The Trust for Public Land**  
Emerson Cultural Center  
111 South Grand Ave.  
Bozeman, MT 59715  
PS Form 3800, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Trust for Public Land  
Emerson Cultural Center  
111 South Grand Ave, Ste. 202A  
Bozeman, MT 59715  
Attn: Alexander B. Diekmann

2. Article Number  
(Transfer from service label) **7000 0520 0014 2179 8284**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

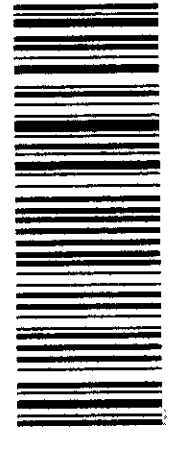
A. Signature  Agent  Addressee  
**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



7002 0510 0001 4125 9571  
7002 0510 0001 4125 9571

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance)

Postage \$  
Certified Fee \$  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$

Sent To  
**Post Master**  
Rabel Lane  
Gallatin Gateway, MT  
PS Form 3800, January 2001

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Post Master  
4 Rabel Lane  
Gallatin Gateway, MT 59730

2. Article Number **7002 0510 0001 4125 9571**  
(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee  
**X**
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**



7000 0520 0014 2179 8277  
7000 0520 0014 2179 8277

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

**Bill Fairhurst- Public Land Access**

Address No., or PO Box No.

**105 3rd Ave. East**

City, State, ZIP+4  
**Three Forks, MT 59752**

PS Form 3800, February 2000

See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**CERTIFIED MAIL**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bill Fairhurst  
Public Land Access Assoc.  
105 3rd Ave East  
Three Forks, MT 59752

2. Article Number **7000 0520 0014 2179 8277**  
(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee  
**X**
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes