



WHISKEY RIDGE CONSERVATION EASEMENT MANAGEMENT PLAN

This Management Plan, dated as of _____, 2020, is entered into by **DAVID BERGUM**, whose principal address is PO Box 125, Winifred, MT 59489 (hereafter referred to as the “Landowner 1” or “the Ranch”), and **RYAN HAGEN** and **DANIEL HAGEN** (“Landowner 2”), whose mailing address is 200 Plymouth Dr., Vista, CA 92083 (collectively “Landowners”) and **the MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS**, whose address is 1420 East Sixth Avenue, P.O. Box 200701, Helena, Montana 59620-0701 (hereafter referred to as “MFWP” or the “Department”).

This Management Plan is being entered into pursuant to Section XX.X. of that certain Deed of Conservation Easement and Public Access Easement granted by David Bergum Ryan Hagen, and Daniel Hagen to the Department on _____, 2020 and recorded in Book __, Page __ of the records of Fergus County, Montana, (the “Easement”).

This Management Plan serves as a flexible link between Conservation Easement (CE) terms intended to endure in perpetuity and changeable conditions and situations on the Land. It is a living document, to be reviewed periodically by MFWP and the Landowners, and to be amended as needed upon agreement by all three parties. Its function is to document strategies for land management in which MFWP and the Ranch would be cooperating to ensure consistency with the terms and intent of the CE. The principal strategy is periodic meetings with the landowners and field monitoring of compliance with CE terms. Additionally, this Management Plan details strategies for managing native grazing lands, controlling noxious weeds, and allowing public access as guaranteed in the CE.

The following Appendices are attached and incorporated into this Management Plan by this reference:

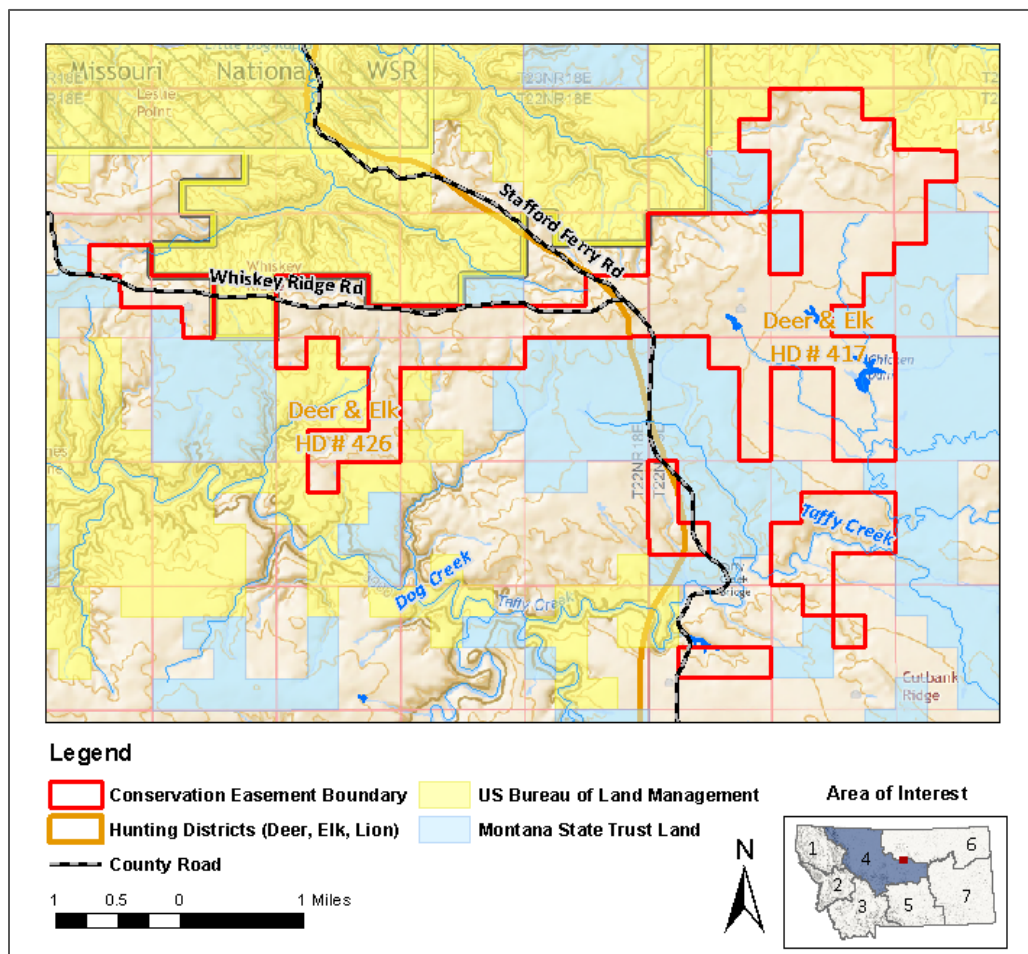
- Appendix A. MFWP’s Minimum Standards for Grazing Livestock
- Appendix B. Grazing System
- Appendix C. Hunting/Public Access Rules & Map
- Appendix D. Wildlife-Friendly Fencing Guidelines

I. Introduction

The purpose of the Whiskey Ridge Conservation Easement (hereafter, Whiskey Ridge CE) is to preserve and protect the conservation values of the Land, particularly the habitat the Land provides for its wildlife as well as the agricultural and historic resources into perpetuity. Historic use of the land is primarily livestock grazing.

The 4,424-acre property which makes up the Whiskey Ridge CE is located 9 miles north of Winifred, Montana, and 43 miles north of Lewistown, Montana, in Township 22N, Range 18E, portions of Sections 8, 9, 10, 11, 12, 14, 15, and 20, and Township 22N, Range 19E, portions of Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 29, and 30 (Fergus County, FWP Region 4, Hunting Districts (HDs) 417 and 426; Figure 1). The majority of lands fall under the ownership of David Bergum, however approximately ½-section on the northern portion of this CE belongs to David Bergum and Ryan and Daniel Hagen. The Ranch lies within two State Wildlife Action Proposal (SWAP) Focal Areas, the Greater Sage-grouse Core Area and the Judith River Focal Area, and is primarily composed of native sagebrush-grassland and the coniferous Missouri River breaks.

Figure 1. Whiskey Ridge CE deeded lands.



The lands within the Whiskey Ridge CE consist of four habitats of statewide importance: lowland/prairie grassland, sagebrush steppe & sagebrush-dominated shrubland, riparian and wetland, and conifer-dominated forest and woodland, as identified in Montana's Comprehensive Fish and Wildlife Strategy (CFWCS), published in 2005, as Tier I Community Types in Greatest Need of Conservation. Additionally, these four habitat types support several state Species of Concern. From a statewide and an eco-region perspective, riparian and shrub grassland habitats are important habitats that are highly productive, in need of protection and conservation, and are threatened by subdivision or land-use conversions (e.g., conversion to cropland).

Most notably, this property, with its associated breaks and shrub-grasslands, provides important habitat and public access to the Southern Missouri River Breaks (HD 482) bighorn sheep herd, which constitutes an important ecological and recreational resource to Montana. The Missouri Breaks sheep herd comprises a portion of the state's largest metapopulation of bighorn sheep (>1,000 individuals estimated between HDs 482 and 680).

Prior to selling a CE to MFWP, Landowner 1 ran a successful cattle operation on the property, but wished to diversify his operation by grazing domestic sheep. As an alternative to running domestic sheep, Landowner 1 decided to work with FWP to conserve long-term cattle ranch operations and the property's wildlife, rangeland, and recreational values.

The deeded lands contain approximately 1,696 acres big sagebrush steppe, 648 acres mixedgrass prairie, 985 acres coniferous woodland, 69 acres breaks/badlands, 107 acres wetland/riparian, and 1,028 acres sainfoin/alfalfa (Figure 2). Of the hayground acres, almost 800 was formerly cropland seeded back to sainfoin/grass mixture prior to the purchase of this CE. Total native range is 3,445 acres, or approximately 75% of the property's landcover.

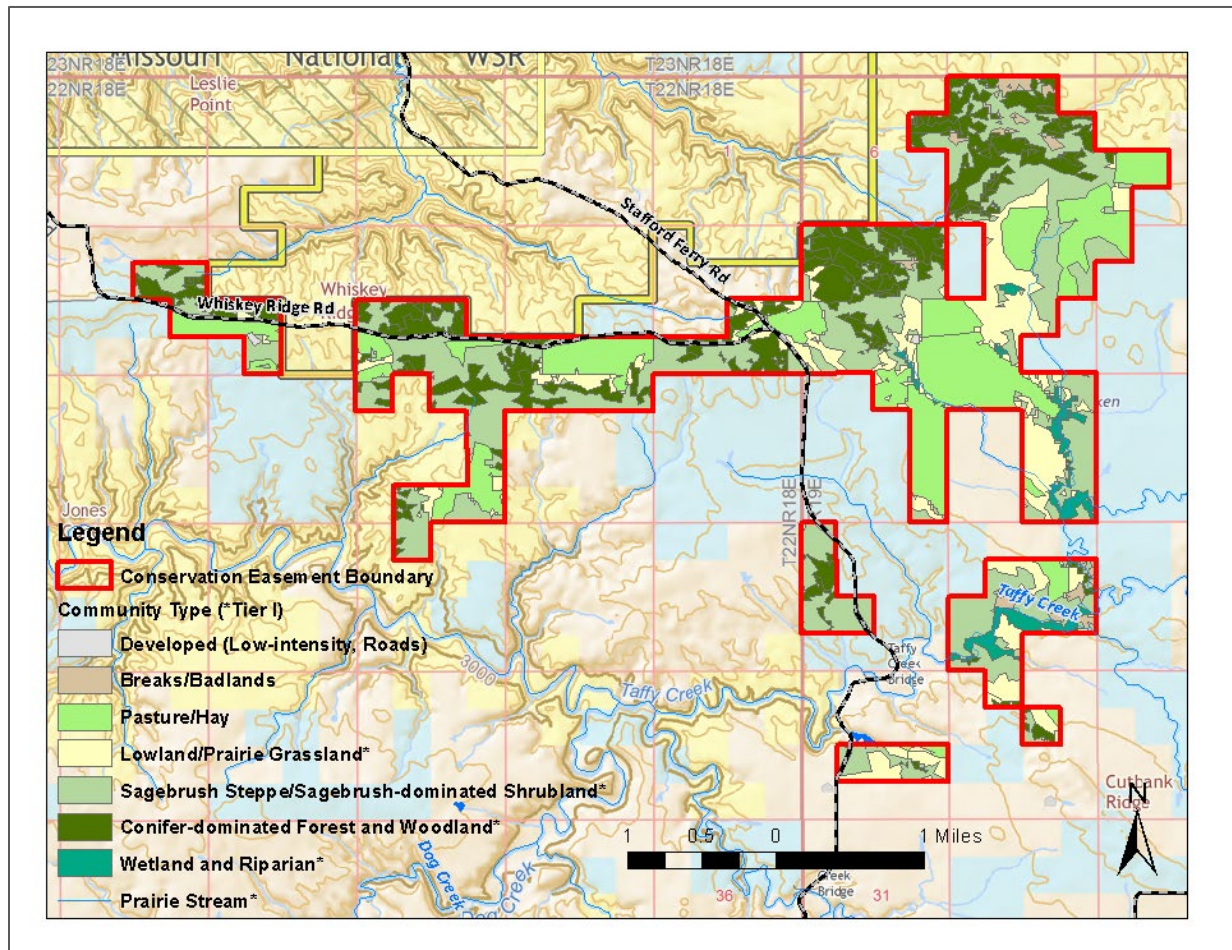
The Whiskey Ridge CE encompasses five (one large, four smaller) parcels, connected via adjoining BLM and DNRC lands (Figure 3). Because Landowner 1 leases the majority of these adjacent public lands, conservation activities through this CE will be realized on a much larger scale through the application of this Management Plan and cooperation with relevant public land management agencies.

As previously stated, the property is managed as a working cattle ranch, simultaneously maintaining wildlife habitats throughout. Primary game/furbearer species inhabiting the Ranch and adjoining public lands include bighorn sheep, elk, mule deer, pronghorn, sharp-tailed grouse, mourning doves, wild turkey, mountain lion, and bobcat. Numerous species of birds and other non-game are also afforded habitat and/or potential habitat. Several Species of Concern have potential distribution on the Ranch, including Black-tailed prairie dog, dwarf shrew, Merriam's shrew, Preble's shrew, Townsend's big-eared bat, spotted bat, hoary bat, little brown myotis, fringed myotis, swift fox, American bittern, burrowing owl, Cassin's finch, chestnut-collared longspur, Clark's nutcracker, long-billed curlew, common tern, ferruginous hawk, Forster's tern, golden eagle, great blue heron, greater sage-grouse, green-tailed towhee, horned grebe, loggerhead shrike, peregrine falcon, pinyon jay, red-headed woodpecker, Sprague's pipit, veery, white-faced ibis, Great Plains toad, northern leopard frog, plains spadefoot, greater short-horned lizard, milksnake, spiny softshell, and western hog-nosed snake.

Primary funding for the Whiskey Ridge CE is being provided through Habitat Montana, which is administered by the Department pursuant to 87-1-209 (Montana Code Annotated), created to

acquire interests in “important habitat that is seriously threatened” for the purposes of protecting, enhancing, and regulating “the use of Montana’s fish and wildlife resources now and in the future (87-1-201, MCA).” The Montana Sheep License Auction Fund, derived from the annual competitive sale of one male bighorn sheep hunting license, is the other MFWP-funding source for this CE. Additional contributors include the Wild Sheep Foundation, Northwest Energy, Montana Fish and Wildlife Conservation Trust, Great Falls Chapter Safari Club International, and the Mule Deer Foundation. Upon completion, FWP will hold and monitor the Easement.

Figure 2. Landcover types on the Whiskey Ridge CE.



II. Goals, Objectives, Concerns, and Strategies

Goal 1: Conserve and enhance native plant communities within the Whiskey Ridge CE boundaries including the native sagebrush-grassland, conifer woodlands, and riparian habitats, and preserve the integrity of these lands for future generations. By implementation of Easement terms, the quality and amounts of native habitats, important agricultural habitats and wildlife potential currently found on the Ranch shall be maintained without displacing normal private land use.

Objective 1a: *Manage native grassland, shrubland, and riparian vegetation to maintain and improve these plant communities for the benefit of wildlife and livestock.*

Strategy 1a: Maintain big sagebrush steppe, plains grassland, conifer woodland, and native riparian habitats and associated streams for wildlife habitat through CE protections. Reduced habitat quality often results in reductions and/or displacement of wildlife.

Many shrub and tree species, such as Wyoming Big Sagebrush, which is the prevailing sagebrush species on the Whiskey Ridge CE, are important to wildlife for cover and forage values. The removal, control, or manipulation of shrub and tree species important to wildlife by any means is prohibited within terms of the Easement, including, but not limited to: burning, plowing, chemical treatment or removal of shrub and tree species, unless such activity is mutually agreed upon in writing by the Landowners and FWP. These prohibitions do not apply to the routine clearing or control of brush that is confined to construction and maintenance of trails, roads, fences, and structures permitted under this Easement.

As per Easement terms, the Landowners have the right to construct, remove, maintain, renovate, repair, or replace fences (including corrals and other livestock handling structures), pipelines, waterlines, dams, and ditches necessary for generally-accepted agricultural practices provided the structures do not significantly impact wildlife habitat or wildlife migration through the Land. All new fence construction must comply with MFWP's Wildlife-Friendly Fencing guidelines (See *A Landowner's Guide to Wildlife Friendly Fences*; Appendix E).

Approximately 1,028 acres are in hay production. A portion of these acres (779) had been in crop production (referred to as cropland), but Landowner 1 reseeded these acres to a sainfoin, alfalfa, and grass mix prior to selling a CE to the Department. Haying practices currently ongoing on the Whiskey Ridge CE are permitted under this easement on existing hay and former cropland, and if Landowner 1 chooses, farmed acres may go back into cultivated cropland production upon notification to the Department. Any new sod-busting or tilling of native rangeland vegetation, or establishment of cropland on hay ground (outside of the 779 acres) is not permitted under this CE.

In addition to habitat enhancement strategies set forth in Objective 1a, additional habitat enhancement opportunities through participation in Federal, State, and other habitat programs may be pursued on the Land provided those habitat programs implemented on the Land fall within the requirements set forth by the Easement.

The Landowners will control noxious weeds, by chemical, mechanical, or biological methods, in the amounts and frequency of application constituting the minimum necessary to accomplish reasonable control in a manner that will minimize damage to native plants.

The Department will be responsible for establishing a Baseline Inventory Report that will document wildlife habitat, plant communities, roads, fences, buildings, and other infrastructure that will serve as a baseline for future monitoring. Additional vegetation photo points and/or other monitoring plots may be established and maintained by MFWP in appropriate areas to examine vegetation condition and long- and short-term changes as a measure of management effectiveness.

Objective 1b: *Maintain and/or enhance existing native plant communities. This shall be accomplished via implementation of a grazing management plan (Appendix B) involving a rest-rotation grazing system that meets or exceeds the MFWP minimum grazing standards (Appendix A).*

Strategy 1b: To perpetually define and ensure sound grazing practices across time and Landowners, this Conservation Easement requires following MFWP's Minimum Standards for Grazing Livestock (Appendix A) while being tailored to the Ranch's needs on ~4,424 Whiskey Ridge CE deeded acres and 11,071 (current at time of purchase) leased acres, divided into twenty (20) pastures. A detailed grazing management plan for the Whiskey Ridge CE, including pasture maps and tables, is located in Appendix B.

For the summer grazing system each year, one pasture or pasture set will be available for grazing during the growing season, and one pasture or pasture set will be available to graze after seed-ripe occurs. The remaining summer pasture(s) will be rested from livestock grazing that entire year. In addition to the summer pastures, cattle will alternate yearly use of spring and fall pastures such that each spring/fall pasture is rested for a year between each use.

The Department will monitor grazing plan adherence to assess effectiveness, functionality, and Landowners' compliance. Livestock use and distribution will also be assessed annually. The Department, in conjunction with Landowner 1, may recommend future fence and/or water improvements/adjustments, if deemed necessary, in addition to the rangeland improvements recommended for initial implementation of this grazing system (Appendix B, Section 6). MFWP and/or Landowner 1 may partner with other agency(s) such as NRCS for funding and future development of grazing system improvement projects.

Goal 2: Manage wildlife populations in balance with resources and provide guaranteed public hunting and wildlife viewing opportunities with minimal impact to CE lands and adjacent physical and human environments.

Objective 2a: *Maintain wildlife use of the property in balance with resources.*

Strategy 2: The Ranch and adjacent breaks habitats provide critical year-round habitat for bighorn sheep, elk, mule deer, pronghorn, upland game birds, and a host of other game and nongame species listed above. The area also provides seasonal habitat for waterfowl, mourning doves, and migratory raptors and passerine birds. Implementation of a rest-rotation grazing system, control of noxious weeds, prohibition of sodbusting and development, and the preservation of shrub species on the property will ensure the habitat values for all these species are maintained.

Wild game populations fluctuate over time and may exceed FWP management objectives, thus contributing to above-average wildlife use of Ranch property, resulting in game damage problems. Such circumstances on the Ranch will be managed through public hunting during a general season framework. Game damage assistance and prescribed hunts will be provided on an "as needed" basis to the Ranch.

Objective 2b: *Provide guaranteed public hunting access and public recreation opportunity.*

Strategy 2b: As per MFWP Conservation and Public Access Easement terms, the Landowners must allow reasonable non-motorized public access for hunting, wildlife viewing, and other forms of non-motorized recreation (hereafter, hunting and recreational access). The Landowners may not charge fees, lease, or commercially outfit hunting, or charge trespass fees on deeded land or to adjoining public lands.

A minimum of 400 hunter-days of hunting will be allowed on the Whiskey Ridge CE consistent with Fish and Wildlife Commission-established regulations and dates/seasons. Recreational access will be allowed in the same manner year-round (Appendix C). Whiskey Ridge CE Hunting and Access Rules as defined in this Management Plan may be altered upon mutual agreement between MFWP and the Landowners.

Camping opportunities on the Whiskey Ridge CE are not specified or allocated in these hunting and recreational access provisions except at the sole discretion and permission of the Landowners. The Landowners may deny access to, or expel from the Land, any person for cause, including but not limited to: intoxication or use of illegal substances, reckless behavior that jeopardizes human life, wildlife habitat, or Landowners' properties, or is in violation of law or regulation applicable to public use of the Land; or misconduct under or violation of the terms of public access provided in this Easement, including any plan of access adopted and implemented under this Management Plan.

The Landowners may apply for enrollment in, and MFWP may make available to the Landowners certain services and compensation offered through various (present or future) access and land management programs as may exist at any time. A current example at the time of this Easement's establishment is the Block Management Program. Services and/or compensation for public use impacts through the Block Management or any other access or land management Program is contingent upon Program continuation, sufficient Program funding and a prioritized ranking and selection of the Ranch and its access and hunting opportunities when compared to other land enrollment applications.

III. Overall MFWP/ Whiskey Ridge Conservation Easement Compliance

Annual monitoring will be completed on all CE lands. This assessment shall be conducted by MFWP or a designated third party and will involve meeting with the Landowners and completing field reviews to assess Management Plan effectiveness and to review the Landowners' compliance with Easement terms. The Landowners are encouraged to thoroughly familiarize themselves with the Management Plan including the grazing system schedule, the easement terms in the Deed of Conservation Easement, and to contact MFWP with any questions or concerns in order to avoid non-compliance.

Final Management Plan Approved By:

David Bergum, Bergum Ranch

Date

Ryan K. Hagen

Date

Daniel Hagen

Date

Cory Loecker, MFWP Region 4 Wildlife Manager

Date

Gary Bertellotti, MFWP Region 4 Supervisor

Date

Ken McDonald, MFWP Wildlife Division Administrator

Date