

## House Bill 2 Questions and Answers from February 9, 2021

### Natural Resources and Transportation Appropriations Subcommittee

Q: Will the gates going into Ft. Keogh be locked or monitored?

A: At this point, we do not know if a gate is available or who will pay for it. The original plan was to have an automated gate provided by a third party. Right now, the focus is on getting the access agreement in place between Ft. Keogh, BNSF, and FWP. After that all parties will look at on the ground implementation.

Q: Have we been successful with efforts on recouping insurance costs from spills? Interested in the “big” ones – Billings and Glendive.

A: FWP received settlements of \$500,000 for the Yellowstone oil spill (Billings) and \$27,374.80 for the Bridger oil spill (Glendive).

Q: What are our funds invested in - short or long term? Where does the money go in the department? Provide a breakdown of investment funds.

A:

Long-term invested funds			
Fund #	Description	Earnings are deposited in fund:	
02409	General License Account	02409	General License
08021	Wildlife Mitigation Trust Fund	08021	Wildlife Mitigation Trust Fund
09002	Real Property Trust Fund	02410	Real Estate Trust Earnings
09004	Coal Tax Trust Fund	02408	Coal Tax Trust Account
09006	Real Property Trust Fund Habitat	02469	Habitat Trust Interest

Short-term invested funds			
Fund #	Description	Earnings are deposited in fund:	
02061	Nongame Wildlife Account	02061	Nongame Wildlife Account
02084	Fish WL Forest Management	02084	Fish WL Forest Management
02085	Waterfowl Stamp Spec. Rev.	02085	Waterfowl Stamp Spec. Rev.
02086	Mountain Sheep Account	02086	Mountain Sheep Account
02092	Parks Forest Management	02092	Parks Forest Management
02112	Moose Auction	02112	Moose Auction
02113	Upland Game Bird Habitat	02113	Upland Game Bird Habitat
02114	Wildlife Habitat	02114	Wildlife Habitat
02115	Off-Highway Decal	02115	Off-Highway Decal
02148	Paddlefish Roe Account	02148	Paddlefish Roe Account
02149	River Restoration Account	02149	River Restoration Account
02176	Mountain Goat Auction	02176	Mountain Goat Auction
02239	Off Hwy Vehicle Acct (Parks)	02239	Off Hwy Vehicle Acct (Parks)
02332	Snowmobile Registration-Parks	02332	Snowmobile Registration-Parks
02333	Fishing Access Site Maint	02333	Fishing Access Site Maint



# MONTANA FISH, WILDLIFE & PARKS

Short-term invested funds			
Fund #	Description	Earnings are deposited in fund:	
02334	Hunting Access	02334	Hunting Access
02408	Coal Tax Trust Account	02408	Coal Tax Trust Account
02409	General License	02409	General License
02410	Real Estate Trust Earnings	02410	Real Estate Trust Earnings
02412	Motorboat Fuel Tax	02412	Motorboat Fuel Tax
02414	Snowmobile Reg	02414	Snowmobile Reg
02415	Fishing Access Site Acq.	02415	Fishing Access Site Acq.
02416	Drawing Clearance Account	02416	Drawing Clearance Account
02423	Wolf Collaring	02423	Wolf Collaring
02424	Wolf Depredation	02424	Wolf Depredation
02459	Hunting Access Acquisitions	02459	Hunting Access Acquisitions
02469	Habitat Trust Interest	02469	Habitat Trust Interest
02547	Search & Rescue	02547	Search & Rescue
02559	Mule Deer Auction	02559	Mule Deer Auction
02560	Elk Auction	02560	Elk Auction
02600	Hunters Against Hunger	02600	Hunters Against Hunger
02687	Upland Game Bird Planting	02687	Upland Game Bird Planting
02724	Trails & Rec Facilities	02724	Trails & Rec Facilities
06068	MFWP Visitor Services	06068	MFWP Visitor Services
08021	Wildlife Mitigation Trust Fund	08021	Wildlife Mitigation Trust Fund
08041	Fisheries Mit Trust Fnd-Private	08041	Fisheries Mit Trust Fnd-Private
08042	Wildlife Mit Trust Fnd-Private	08042	Wildlife Mit Trust Fnd-Private
09002	Real Property Trust	09002	Real Property Trust
09004	Coal Tax-FWP Trust	09004	Coal Tax-FWP Trust
09006	Real Property Trust-Wild. Hab.	09006	Real Property Trust-Wild. Hab.

Q: Can we get helicopters in the air and remove wolves in the Ruby area? Or can FWP give Wildlife Services the money to do it? What is the wolf density in this area?

A: If there are confirmed livestock depredations, Wildlife Services (WS) is authorized to remove wolves. FWP already provides \$110,000/year to WS to respond to wolf depredation complaints.

WOLF PACK	FWP Region	MIN. ESTIMATED PACK SIZE DEC 2019	BREEDING PAIR?
Centennial	3	6	N
Price Creek	3	5	Y
Sweetwater	3	?	N
<b>Montana Totals</b>		<b>11</b>	



Q: How much federal money is in the wolf program and how much is earmarked for collaring? Can this money be used to target wolves for collaring in the Ruby area?

A: Yes. This funding can be used to collar wolves in the Ruby area.

The following tables represent the budget for FWP's wolf program.

Total Wolf Budget with DP 519		
02409	\$ 410,745	\$ 410,990
02423	\$ 140,049	\$ 139,937
02424	\$ 144,000	\$ 144,000
<b>03097-PR</b>	<b>\$ 236,474</b>	<b>\$ 236,474</b>
	\$ 931,268	\$ 931,401
<b>% Federal Needed</b>	<b>\$ 419,071</b>	<b>\$ 419,131</b>

There are two statutory components to the FWP wolf program, defined in 87-1-623. Collaring and management per 87-5-132 and Lethal Control per 87-1-217. It was determined that the work done with fund 02423 meets the statutory requirements of 87-5-132 and the Division utilizes PR dollars to help fund this activity. It was determined that work done with fund 02424 meets the statutory requirements of 87-1-217 and is not PR eligible. The current distribution of expenses determine that the budget must have approximately 25% of federal dollars in order to maximize the current grant. As you can see above this is how the budget is currently built.

Upon further review of the program, it was determined that there is the ability to spend more federal dollars in the collaring/management program. If the subcommittee wishes to change the funding model the program would be able to utilize another \$182,597 per year in federal authority for the management of wolves. This would put the federal portion of this program at 45% overall instead of 25%. Please see the following funding table for DP 519:

DP 519 - New Funding		
02409	\$180,723	\$180,796
02423	\$35,188	\$35,188
02424	\$15,901	\$15,901
<b>03097-PR</b>	<b>\$182,597</b>	<b>\$182,657</b>
	\$414,409	\$414,542

Q: How much does it cost to collar a wolf?

A: Aerial efforts range from \$2,900 to \$15,000 to collar one wolf, with an average of \$5,000/wolf. The cost of the collar is \$1,850 and the rest of the cost is mostly attributed to flight time. The reason the cost is so high is because cost/wolf increases if you cannot find or capture a wolf by air, but still spend the money to fly.

Q: What are the criteria set by the Army Corps of Engineers for those applying for the Hell Creek lease?

A: Please see attachment.



Q: How can we address the last three miles of the road going into Hell Creek?

A: The entire 26-mile road is a county-managed road. The Park boundary begins at the cattle guard and FWP maintains the roads (~2 miles) in the Park. We understand the roads within the Park boundary need improvement and are severely wash-boarded at times; maintenance is an ongoing issue.

We will continue discussions with the county on how we may be able to work together to maintain the county road and continue discussions on providing signs asking drivers to slow down.





US Army Corps  
of Engineers®  
Omaha District

## Evaluation Criteria for Lease Applications USACE Recreation Areas

**DESCRIPTION:** The following criteria is used when multiple requests for lease of Corps lands by Federal, Tribal, State, local and/or private entities for recreation development are received. A standard approach or methodology is used to evaluate these requests to ensure the same criteria are applied to all and the proposals are consistent with public regulations, policy and guidance. A lease will be granted to the entity, presenting the best plan for providing recreation service and development. Applications will be evaluated by their: (1) Understanding of natural resource management, park and recreation services and development; (2) Experience and past performance, and (3) Financial capability and quality control.

### **CRITERIA:**

#### **1. Demonstrate understanding of natural resource management, park and recreation services and quality of development.**

- Is the proposal consistent with Project authorized purposes?
  - Addresses Fish / Wildlife, Navigation, Flood Damage Reduction, Hydroelectric Power, Water Quality, Water Supply, and Recreation
- Does the proposal have reasonable connection with project resources?
  - ER 1130-2-550 Chapter 15/16
- Is the proposal consistent with the resource management objectives in the Project Master plan or supplement thereto?
- Is the proposal in the public interest?
  - Includes scope of the visitation (public and visitors; local, regional, multiple state).
  - Estimates public demand (project visitation, anticipated growth trends).
  - Provides a detailed description of services to be provided.
  - Includes availability of services (seasonal, year round, estimated operation dates).
  - Includes an evaluation of recreational opportunities that are currently not provided in the area or at the Operating Project.
  - Includes short and long term development plans (0-5, 5-10+ year plans) any proposal must include a conceptual development plan in sufficient detail to evaluate the proposed recreation development.
- Does the proposal provide an evaluation of impacts on the environment and natural resource?
  - Addresses environmental and natural resource stewardship objectives and responsibility.
  - Includes an evaluation of proposal's potential impacts to Project shoreline.
  - Evaluates the potential impacts to the Project's visual and aesthetics value.
  - Balances meeting recreation demands and natural resource requirements?



## **2. Experience and Past Performance**

- Does the proposal include agency/organization/management structure/information?
  - Includes staffing levels/organizational hierarchy/management structure, including proposed reoccurring contracts
  - Includes, where applicable, anticipated contract length (i.e. Park Ranger/manager, water operator, licensed herbicide applicator, equipment operator, etc.)
  - Includes proposed plan for operating procedures (direct management or subleases or combination).
  - Demonstrates plans for emergency operations and procedures.
  - Addresses public safety, law enforcement, environmental compliance and public health plans.
- Does the proposal demonstrate experience in recreation management or like industry?
  - Includes examples provided of prior experience in successful recreation management
  - If no examples of recreation management are available, provides reason and examples of similar experiences that could be utilized to determine experience and past performance.

## **3. Financial Capability and Quality Control Measures**

- Does the proposal include a plan to address existing facilities and current condition of recreation area?
  - Shows an understanding of the current facilities, their condition and operation and maintenance needs.
  - Identifies current opportunities and challenges at the recreation area.
- Is the proposal justified by public demand?
  - Includes a market study.
  - Outlines and justifies current and proposed facilities and services.
  - Demonstrates a demand for current and proposed facilities and services.
- Is the proposal economically viable demonstrated by a feasibility study?
  - Includes an estimated cost and revenue projection for facilities and services.
  - Demonstrates that the entity can finance all the elements of the proposal to include current and future facilities, and make a reasonable return on investment or is economically viable to sustain level of service through other means.
- Does proposal address statutory compliance with all federal, state and local laws?
  - Outlines federal, state and local laws and how they will be met.
  - If they will not be met provides justification.

### **Reference:**

- 16 USC 460d. Construction and operation of public parks and recreational facilities in water resource development projects
- ER 1130-2-550 Chapter 16 Recreation Development Policy
- ER 1130-2-540 Chapter 2 Natural Resources Stewardship
- ER 5-1-11, USACE Business Process
- ER 405-1-12, Real Estate Handbook
- AR 405-80, Management of Title and Granting Use of Real Property
- Fort Peck Master Plan



REPLY TO  
ATTENTION OF  
REAL ESTATE DIVISION

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
1616 CAPITOL AVENUE  
OMAHA NE 68102-4901

July 30, 2020

Montana State Parks  
ATTN: Beth Shumate  
P.O. Box 200701  
Helena, MT 59620-0701

Dear Ms. Shumate:

This is in response to your letter dated April 28, 2020. Thank you for expressing interest in leasing federal lands at the Hell Creek Recreation Area (HCRA) in Fort Peck, Montana. Presently, the lands are leased to the State of Montana for public park and recreation. The current lease term expires on April 30, 2021. In compliance with guidance provided by all applicable policy and regulations attached is the "Evaluation Criteria for Lease Applications." The criteria described therein is used when multiple requests to lease Corps lands for recreational development are received from Federal, Tribal, State, local and/or private entities. This criteria will be used to evaluate your Plans for Recreational Development and Management (Development Plan) of the HCRA during a new lease term.

A lease for the new term will be granted to the entity, presenting the best plan for providing recreation service and development. Applications will be evaluated by their: (1) understanding of natural resource management, park and recreation services and development; (2) experience and past performance, and (3) financial capability and quality control. The new lease will be for a 10-year term, beginning May 1, 2021. Please provide your final Development Plan to this office at the address listed above, ATTN: CENWO-REC, no later than December 31, 2020.

Thank you for your interest in the Hell Creek Recreation Area. If you have any questions, please write to me at the above address or telephone Taryn Kjelstrup of my staff at (701) 654-7709 or by email [Taryn.L.Kjelstrup@usace.army.mil](mailto:Taryn.L.Kjelstrup@usace.army.mil).

Sincerely,

*Rick L. Noel*

Rick L. Noel  
Chief, Civil Branch, Real Estate Division  
Real Estate Contracting Office

Enclosure