Church Universal and Triumphant

Final Environmental Impact Statement

Montana
Department of Health
and
Environmental Sciences



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and

Environmental Sciences

Final

Environmental Impact Statement

Church Universal and Triumphant

Park County

MAR 15 1989

In accordance with the Montana Environmental Policy Act, Section 75-1-101, et seq., MCA, and the Montana laws regarding Public Water Supplies, Section 75-6-101, et seq., MCA and ARM 16.20.401, Food Establishments, Section 50-50-102, et seq., MCA and ARM 16.10.3, Trailer Courts and Tourist Campgrounds, Section 50-52-101, et seq., MCA and ARM 16.10.9, the following Environmental Impact Statement was prepared by the Department of Health and Environmental Sciences concerning a request for the approval of plans submitted to the department by the Church Universal and Triumphant near Corwin Springs in Park County, Montana.

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
SUMMARY	1-4
ADDITIONAL STUDIES	4
DEIS SYNOPSIS	4
WILDLIFE	4-5
FISH	5
WATER	5
AESTHETICS	5
UNIQUE ENVIRONMENTAL RESOURCES	5
HISTORICAL AND ARCHAEOLOGICAL SITES	5
ECONOMIC CONSIDERATIONS	5
TRANSPORTATION	6
PLANNING	6
PROPOSED ALTERNATIVES	6
PROPOSED RECOMMENDATION	6-8
DESCRIPTION AND CURRENT ENVIRONMENTAL CONDITIONS	8-16
SUBSTANTIVE COMMENTS: GENERAL	16-24
WRITTEN PUBLIC COMMENTS	25
MONTANA ENVIRONMENTAL QUALITY COUNCIL	26-29
UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, YELLOWSTONE NATIONAL PARK	30-48
UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FISH AND WILDLIFE ENHANCEMENT	49-50
UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, YELLOWSTONE FISHERY ASSISTANCE	51-52
MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS	53-58
MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION	59-61
STATE HISTORIC PRESERVATION OFFICE, MONTANA HISTORICAL SOCIETY	62-63
PARK COUNTY ASSESSOR	64
PARK COUNTY PLANNING COMMENTS	65
REPORT FOR PARK COUNTY PLANNING BOARD AND PLANNING OFFICE, PREPARED BY JIM E. RICHARD	66-67
GARDINER PUBLIC SCHOOLS	68
RICHLAND SCHOOL DISTRICT	69
PARK COUNTY SUPERINTENDENT OF SCHOOLS	70
HANK RATE	71-72
GREATER YELLOWSTONE COALITION	73-90
BEAR CREEK COUNCIL	91-93
YELLOWSTONE RAFT COMPANY	94-96
DOUG CHAPMAN	97-98
FISHING AND FLOATING OUTFITTERS ASSOCIATION OF MONTANA	99-109
EDWIN L. JOHNSON	110-112
NEWMAN V. BROZOVSKY	113-114

DIANA CADY..... 115-116
WAYNE H. PURDIN..... 117-119
MONTANA STOCKGROWERS ASSOCIATION..... 120-121
MONTANA WOOL GROWERS ASSOCIATION..... 122-123
ALLYN O'HAIR..... 124-125
TIMOTHY J. CONNOR..... 126
JOYCE WAID..... 127-128
ERIC R. VLAM..... 129-130
RONALD BOECKMAN..... 131
COLLEEN M. BIRD..... 132
JAMES VOLLBRACHT AND JEANNE VOLLBRACHT..... 133-134
A. MOHAN..... 135-136
PARK COUNTY BOARD OF REALTORS..... 137
CHURCH RESPONSES..... 138-325
FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES
Yellowstone National Park..... 140-176
United States Fish and Wildlife Service..... 176-178
Montana Department of Fish, Wildlife and Parks..... 179-182
Montana Department of Natural Resources and Conservation..... 182
Park County Planning Board and Planning Office..... 182-186
PRIVATE AND SPECIAL INTEREST ORGANIZATIONS
Greater Yellowstone Coalition..... 186-196
Fishing and Floating Outfitter Association of Montana..... 196-198
PRIVATE INDIVIDUALS
Julia Page/Peter White/Yellowstone Raft Company..... 198-199
Doug Chapman..... 199-201
ADDITIONAL INFORMATION AND COMMENTS..... 201-202
CHURCH RESPONSES ATTACHMENTS..... 203
Attachment 2..... 204-209
Attachment 3..... 210-213
Attachment 4..... 214-215
Attachment 5..... 216-217
Attachment 6..... 218-219
Attachment 7..... 220-221
Attachment 9..... 222-223
Attachment 10..... 224
Attachment 11..... 225-226
Attachment 12..... 227
Attachment 13..... 228-229
Attachment 14..... 230
Attachment 15..... 231
Attachment 16..... 232-234
Attachment 17..... 235
Attachment 18..... 236-238
Attachment 19..... 239
Attachment 20..... 240
Attachment 21..... 241-242
Attachment 22..... 243

Attachment 23 244
Attachment 24 245
Attachment 25 246-256
Attachment 26 257-258
Attachment 27 259-260
Attachment 28 261-262
Attachment 29 263-265
Attachment 30 266-268
Attachment 31 269-271
Attachment 32 272
Attachment 33 273
Attachment 34 274
Attachment 35 275
Attachment 36 276-277
Attachment 37 278-279
Attachment 38 280-285
Attachment 39 286-293
Attachment 40 294-296
Attachment 41 297-298
Attachment 42 299-300
Attachment 43 301
Attachment 44 302-303
Attachmetn 45 304-306
Attachment 46 307-309
Attachment 53 310-312
Attachment 56 313
Attachment 57 314-316
Attachment 58 317-321
Attachment 59 322-323
Attachment 60 324-325

FINAL RECOMMENDATION 326

APPENDIX

A - PERSONS GIVING STATEMENTS AT DEIS HEARING, CHURCH UNIVERSAL AND TRIUMPHANT 327
DEIS REVIEW RESPONDERS 329-343
LETTERS POSTMARKED AFTER APRIL 21, 1988 .. 344

B - MITIGATION PLAN AGREEMENT 345-350-A

C - REPORT ON EIS REGARDING CHURCH UNIVERSAL AND TRIUMPHANT FOR PARK COUNTY AND ADDENDUM TO REPORT ON EIS REGARDING CHURCH UNIVERSAL AND TRIUMPHANT, PREPARED BY JIM E.RICHARD 351-368

D - QUESTIONNAIRE ON ECONOMIC IMPACT, COMPILED BY JOYCE WAID 369-373

INTRODUCTION

The Department of Health and Environmental Science's (DHES) final environmental impact statement (FEIS) on the Church Universal and Triumphant's proposed developments in the Corwin Springs, Montana, area incorporates all the material in the draft EIS (DEIS)--issued February 5, 1988. The FEIS should be considered in conjunction with the previous material.

SUMMARY

The DHES rules and regulations implementing the Montana Environmental Policy Act (MEPA) direct the department to prepare a preliminary environmental review (PER) on public water and sewer systems which are not reviewed under either the Sanitation in Subdivisions Act or the Tourist Campground and Trailer Court Act.

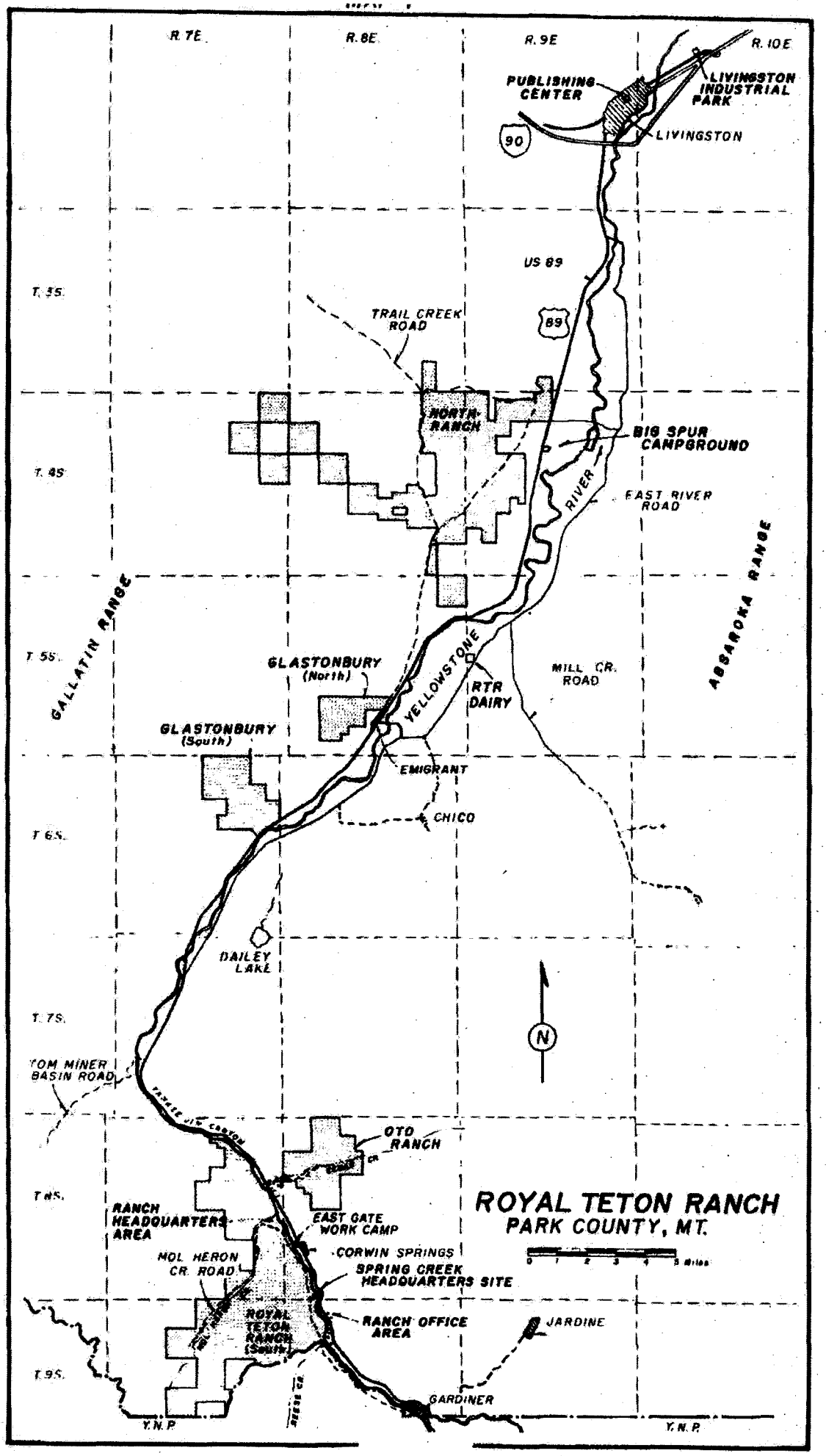
After considering the PER prepared for the proposed Church Universal and Triumphant projects in the Corwin Springs area (collectively referred to as the Royal Teton Ranch - South [RTR-S]), the DHES decided an environmental impact statement (EIS) should be written to address the issues associated with the developments. (Maps 1 and 2)

On December 18, 1986, the department held a scoping meeting in Gardiner, Montana, to receive suggestions from groups and individuals concerning some of the important issues involved with the Church's proposals. Based on the information from the meeting and the DHES's review, a draft EIS was written and distributed for comment on February 5, 1988.

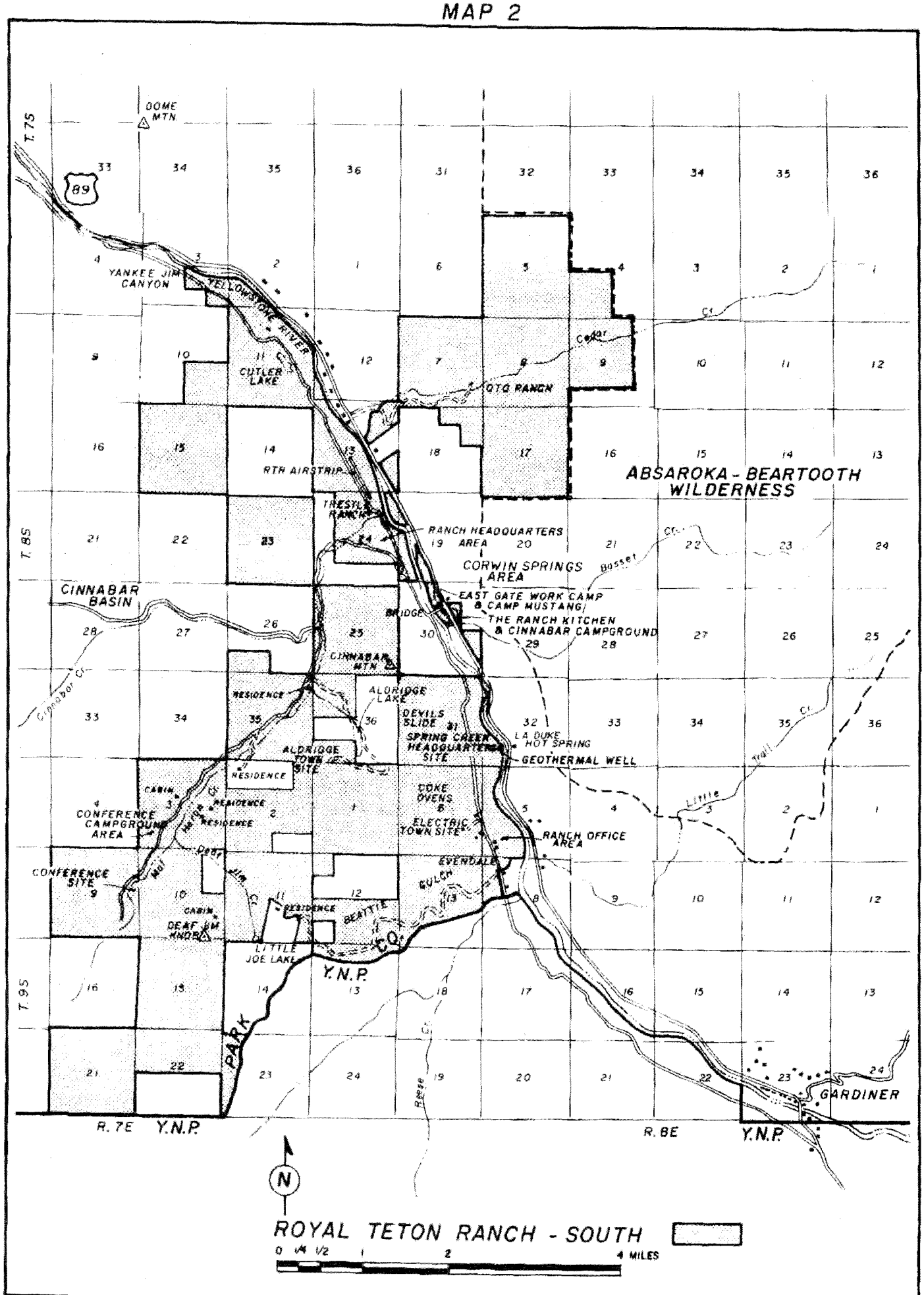
A total of 600 copies of the draft were printed, with more than 300 sent to interested persons. The Church--which paid for all the printing--reserved 200 copies for its members and provided copies to the public upon request. The remaining copies were distributed by the department. The draft was sent to public libraries throughout Park County and to the Bozeman Public Library. Additionally, copies were sent to the State Library in Helena and the university libraries at Montana State University (MSU), Bozeman and the University of Montana, Missoula.

A public hearing was held in Gardiner on March 21, 1988, to enable interested persons to comment on the DEIS. Written reviews were accepted by the DHES until April 21. Letters postmarked after that date were not considered by the department during its review.

MEPA requires the DHES to consider substantive comments, or comments that pertain specifically to an issue, as opposed to persons simply indicating whether they like or dislike a proposed development. Although the FEIS addresses substantive comments, to provide a perspective of the overall response to the DEIS the


R. 7E.
R. 8E.
R. 9E.
R. 10E.
PUBLISHING CENTER
LIVINGSTON INDUSTRIAL PARK
LIVINGSTON
90
US 89
89
T. 3S.
TRAIL CREEK ROAD
NORTH RANCH
BIG SPUR CAMPGROUND
T. 4S.
EAST RIVER ROAD
YELLOWSTONE RIVER
GALLATIN RANGE
ABSAROKA RANGE
T. 5S.
GLASTONBURY (North)
RTR DAIRY
MILL CR. ROAD
GLASTONBURY (South)
EMIGRANT
CHICO
T. 6S.
DAILEY LAKE
T. 7S.
TOM MINER BASIN ROAD
OTO RANCH
T. 8S.
RANCH HEADQUARTERS AREA
EAST GATE WORK CAMP
CORWIN SPRINGS
MOL HERON CR. ROAD
SPRING CREEK HEADQUARTERS SITE
ROYAL TETON RANCH (South)
RANCH OFFICE AREA
JARDINE
T. 9S.
GARDINER
Y.N.P.
Y.N.P.
N
ROYAL TETON RANCH
PARK COUNTY, MT.
0 1 2 3 4 5 Miles

MAP 2


DOME MTN.
T. 7S
89
YANKEE JIM CANYON
YELLOWSTONE RIVER
CUTLER LAKE
QTQ RANCH
RTH AIRSTRIP
ABSAROKA - BEARTOOTH WILDERNESS
TRESTLE RANCH
RANCH HEADQUARTERS AREA
CORWIN SPRINGS AREA
T. 8S
CINNABAR BASIN
EAST GATE WORK CAMP & CAMP MUSTANG
THE RANCH KITCHEN & CINNABAR CAMPGROUND
BRIDGE
CINNABAR MTN.
RESIDENCE
ALDRIDGE LAKE
DEVILS SLIDE
SPRING CREEK HEADQUARTERS SITE
LA DUKE HOT SPRING
GEOTHERMAL WELL
ALDRIDGE TOWN SITE
RESIDENCE
CABIN
RESIDENCE
RESIDENCE
CONFERENCE CAMPGROUND AREA
COKE OVENS & ELECTRIC TOWN SITE
RANCH OFFICE AREA
CONFERENCE SITE
EVENDALE
GULCH
RESIDENCE
BEATTIE
CABIN
DEAF SM KNOB
LITTLE JOE LAKE
Y.N.P.
T. 9S
PARK
R. 7E Y.N.P.
R. 8E Y.N.P.
GARDINER
N
ROYAL TETON RANCH - SOUTH
0 1/4 1/2 1 2 4 MILES

department compiled the following statistics based on material submitted during the March public hearing and letters sent to the DHES (Appendix A):

Public Hearing	Persons
Those testifying in favor of the DEIS.....	9
Those testifying against.....	33
Total.....	42

Written Comments	
Letters supporting the DEIS.....	273
Letters against.....	131
Letters postmarked after April 21, 1988.....	15
Total.....	419

ADDITIONAL STUDIES

In response to comments received on the DEIS, the Church was directed to complete two studies in the area of the proposed projects. The first was to determine whethter any rare plant species existed near La Duke Hot Spring. No rare plants were found. The results of the survey are in Attachment 60.

The second study addressed radon levels in various structures. All but three of the samples recorded readings below the Environmental Protection Agency (EPA) guidelines. The three were slightly above the standards, and the Church will have those areas tested again.

DEIS SYNOPSIS

The DEIS for the RTR-S included such important considerations "as follows:"

Wildlife

-- Some of the small wildlife have been, and will be displaced by construction activities.

-- It appears the migration routes of the larger wildlife in and out of Yellowstone National Park (YNP) should not be greatly affected by the Church's proposals since the activities are occurring in or near areas of established development.

-- Fencing will restrict domestic livestock to specific areas.

-- Waste material that could attract wildlife will be properly

disposed.

-- Hunting and fishing on Church property will continue to be on a permission basis.

Fish

-- By using proper construction techniques, it is unlikely the proposed developments will impact the fishery in the Yellowstone river and its tributaries.

-- The aquatic life in several of the streams could improve if the Church, and federal agencies can form agreements to maintain minimum stream flows.

Water

-- By having plans and specifications for public water and wastewater systems approved by the DHES, water quality in the area will be maintained.

-- Based on long-range scientific projections, wastewater will have an "unmeasurable" effect on the aquatic life in the Yellowstone River.

Aesthetics

-- The area near Corwin Springs will appear more urban, but the new facilities at the Spring Creek site should not be visible to travelers along U.S. Highway 89.

Unique Environmental Resources

-- Until the Church decides to use its water well across from La Duke Hot Spring, there probably will not be any concerted effort to investigate the possible impacts on the geothermal resources in YNP.

Historical and Archeological Sites

-- A thorough survey of the Church's property and adjacent land in the Corwin Springs area resulted in the identification of a number of historical and archeological sites.

Economic Considerations

-- The Church is the fourth-leading taxpayer in Park County. It and its members do use public services even though the Church provides some comparable services. It also does a considerable amount of business in Park County.

Transportation

-- The Church is working with the county to upgrade unsurfaced roads and control dust.

-- If the Corwin Springs Bridge across the Yellowstone River can eventually be upgraded, the heavy vehicles that now must use the county road between Gardiner and the ranch (west of the river) will be able to cross at Corwin Springs.

Planning

-- Park County residents have chosen not to implement any form of comprehensive county plan or special planning district in the Corwin Springs-Gardiner area.

PROPOSED ALTERNATIVES

1. Deny all licenses and approvals.

2. Unconditionally approve all licenses, plans and specifications.

3. Modify or conditionally approve the licenses, plans and specifications.

4. Approve all licenses, plans and specifications subject to implementation of a mitigation plan for indirect or secondary impacts.

PROPOSED RECOMMENDATION

The DHES recommends Alternative No. 4, the approval of all licenses, plans and specifications, subject to the implementation of a mitigation strategy by the Church. The plan includes the following considerations:

1. Utilization of a site plan that will allow housing and work facilities to be clustered in small units, minimizing loss of productive land impacts on wildlife and preserving aesthetics of the area.

2. Implementation of a road improvement and dust control program undertaken jointly with Park County. Carpooling and other methods of common transportation should be utilized.

3. Solid waste from the slaughterhouse operation will be removed from the site at the conclusion of processing to a properly licensed disposal area outside of the immediate area. (Note: The slaughterhouse will be situated at the Royal Teton Ranch - North [RTR-N]).

4. Domestic sheep will not be allowed to use the winter range of the bighorn sheep herd on Cinnabar Mountain to minimize the potential of disease transmission.

5. Construction of a bear proof fence around the tree farm and the root crop fields. **(Note: The root crop farming has been moved to the North Ranch.)**

6. Any composting of vegetation be moved to Church property away from the RTR-S where there is little likelihood of bear problems developing.

7. Implementation of a sediment control plan for all developed areas where the natural vegetative protective covering is removed.

8. Minimum instream flows be maintained in Reese Creek, Mol Heron Creek and Cedar Creek.

9. A catch-and-release program be developed with the assistance of the Department of Fish, Wildlife and Parks (DFWP) for the upper section of Mol Heron Creek during the time of the year when the outdoor conference will be held.

10. Monitoring of the groundwater impact of the wastewater disposal system serving the shower and toilet facility on Mol Heron Creek. If adverse impact is identified, an alternate method of wastewater disposal be implemented with approval of the Park County Health Department and, if appropriate, the DHES.

11. Best management practices be utilized in all aspects of agricultural production.

12. The geothermal well drilled to tap the aquifer serving La Duke Hot Spring not be developed or utilized until a change in the point of diversion and place of use is approved by DNRC under Montana water law.

13. Monitoring of the groundwater impact of the proposed new wastewater facility serving the East Gate Work Camp. If adverse impact is identified, an alternative method of wastewater disposal be implemented with approval of the Park County Health Department and, if appropriate, the DHES.

14. Monitoring of the groundwater impact of the existing wastewater facility serving the Ranch Headquarters. If adverse impact is identified, an alternative method of wastewater disposal be implemented with approval of the Park County

Health Department and, if appropriate, the DHES.

15. Monitoring and reporting of flows at all wastewater systems previously approved and all systems that will be approved by the DHES. Flows in excess of design parameters will require system modification with the DHES and Park County Health Department approval.

16. Sand-lining of the drain field trenches for the proposed waste water systems at the East Gate Work Camp and at Ranch Headquarters.

DESCRIPTION AND CURRENT ENVIRONMENTAL CONDITIONS

The Church Universal and Triumphant bought the Forbes Ranch in 1981. The property was purchased in the name of Royal Teton, Ltd. At that time the Church headquarters was located in the Southern California area. On July 3, 1986, the Church's international headquarters property was unexpectedly sold after an unsolicited inquiry and a brief period of negotiations. The sale agreement required the Church to vacate its facilities by December 15, 1986.

Shortly after completion of the sale, the decision was made and plans announced to transfer the Church's headquarters to various locations on the Royal Teton Ranch. These development plans required construction of a number of new buildings in addition to existing facilities, primarily in the vicinity of Corwin Springs. Due to the size and nature of several of these structures, some aspects required review and licensing by the DHES.

Montana law, in Section 75-6-112, requires that plans and specifications for water and wastewater systems serving 25 or more persons be reviewed for public health and engineering adequacy. Montana law further requires, in Section 50-50-102 and Section 50-52-101, licensing of both work camps and food handling establishments.

The DHES's Water Quality Bureau (WQB) is reviewing engineering information on proposed water and wastewater facilities, and the Food and Consumer Safety Bureau (FCSB) is reviewing applications for licensing a work camp and food handling establishment.

Projects requiring review and approval have been identified as (1) a work camp license and residential water and sewer systems for the East Gate Work Camp, (2) a work camp license and the construction of the Spring Creek Church Headquarters, which will include water and sewer systems and (3) a water and sewer system for the food processing facility at the Ranch Office. The expansion of the water and sewer systems and licensed dining

hall at the Royal Teton Ranch - North, located south of Livingston, are possible future developments but will not be a part of this review. The slaughterhouse proposed to be situated at the Ranch Office, RTR-S, is now proposed to be at RTR-N. (Map 1)

The Church's main activities consist of (1) holding religious services, lectures, seminars and conferences, (2) publishing and distributing of religious writings, art and audio and video productions, (3) servicing an international membership and affiliate churches, (4) conducting a 12-week religious course of study for members, known as "Summit University," and (5) operating a private school (Kindergarten-12) for the children of staff and members, known as "Montessori International."

Royal Teton, Ltd., was a wholly owned subsidiary of the Church. It was established in September 1981 and by 1966 included a total ownership in Park County of about 33,000 acres. "The Ranch," even though its assets were transferred to the Church in December 1986 with the liquidation of Royal Teton, Ltd., remains the largest private taxpayer in the county outside of the Burlington Northern Railroad, Mountain Bell and Montana Power Company. None of the Church's or the former corporation's property has been claimed for the tax exemptions.

The main ranch activities include (1) cattle and sheep ranching (currently a total of about 700 cows and 1,800 sheep), (2) farming of about 3,000 irrigated acres with traditional crops of alfalfa, grass, barley, oats and wheat, (3) a produce farm of about 80 acres and 2 green houses, with particular emphasis placed on growing carrots and potatoes, (4) poultry farming (currently a total of about 1,000 chickens and 1,500 turkeys) and egg production (currently a 1,000-hen laying flock), (5) dairy farming (currently a total of 85 milking cows plus replacements), (6) processing facilities for farm produce for private on-farm use, (7) a restaurant known as "The Ranch Kitchen," with appurtenant campground known as the "Cinnabar Campground," both open to the public, and 2 nearby mobile home parks campgrounds operated primarily for private staff housing, known as the "East Gate" (formerly Camp Mustang) and the "Cinnabar Trailer Court," respectively, all located along U.S. Highway 89 at Corwin Springs, Montana, (8) a leased campground and mobile home park located 13 miles south of Livingston on Highway 89, known as the "Big Spur Campground," open to the public, (9) a rural 20-acre subdivision for members of the Church located west of Highway 89 near Emigrant, Montana, known as the "Community of Glastonbury," together with a 49-unit mobile home park subdivision known as the "Golden Age Village" (not completed) included therein, and (10) the maintaining of an in-house engineering and construction crew for farm and ranch projects and the planned Church facilities. (Map 2)

The Park County property includes a number of separate units located in the Paradise Valley between Livingston and Gardiner as follows:

1. RTR-S - Approximately 12,000 acres located 4 miles north of Gardiner, mostly west of the Yellowstone River and Highway 89 (former Forbes Ranch) and adjacent to Corwin Springs. This includes the East Gate Work Camp, Spring Creek Church Headquarters, Ranch Office and Ranch Headquarters. Also included in the RTR-S area is the OTO Ranch, which is approximately 3,300 acres located 8 miles north of Gardiner and 3 miles north of Corwin Springs, east of the Yellowstone River and Highway 89. (Map 2)

2. RTR-N - Approximately 15,000 acres located 12 miles south of Livingston, west of Highway 89 and the Yellowstone River.

3. Community of Glastonbury - Two units totaling approximately 4,500 acres (about 2,500 acres of which have not been sold) located near Emigrant, west of Highway 89 and the Yellowstone River.

4. Royal Teton Ranch Dairy - Approximately 40 acres located near Pray, Montana, on the East River Road (old Highway 89), east of the Yellowstone River.

5. Big Spur Campground (leased) - Approximately 10 acres located 13 miles south of Livingston, east of Highway 89 and west of the Yellowstone River.

6. Livingston Industrial Park (leased) - Approximately 33 acres 4 miles east of Livingston, used for warehousing and storage (former Waggoner Park).

7. Livingston Railroad Yard, former Burlington Northern (BN) property - Two buildings located on about 5 acres in Livingston, used for the Church's publishing activities.

After confirming the sale of the California facilities, a site selection and preliminary master planning process for location of the Church's headquarters began in early July 1986. The goal was to select a site or sites for the location of facilities that would be the most beneficial and efficient, and least harmful to the land.

As a result of the site selection and preliminary master planning process, the Church has stated the following tentative decisions were reached in mid-August of 1986:

1. The publishing, distribution, data processing and warehousing functions of the Church, along with vehicle maintenance and cabinetmaking, would be located in Livingston. The staff for those jobs would be housed in the Big Spur Campground mobile home park. All of

those facilities predate the Church's arrival in Park County in 1981. State and local government agencies approved the conversion of some of the recreation vehicle (RV) spaces to mobile home units at a ratio of 3 RV spaces to 1 mobile home unit. Prior to the conversion the park had 91 campground units and 12 mobile home spaces; after the conversion there were 21 campground units and 19 mobile home spaces.

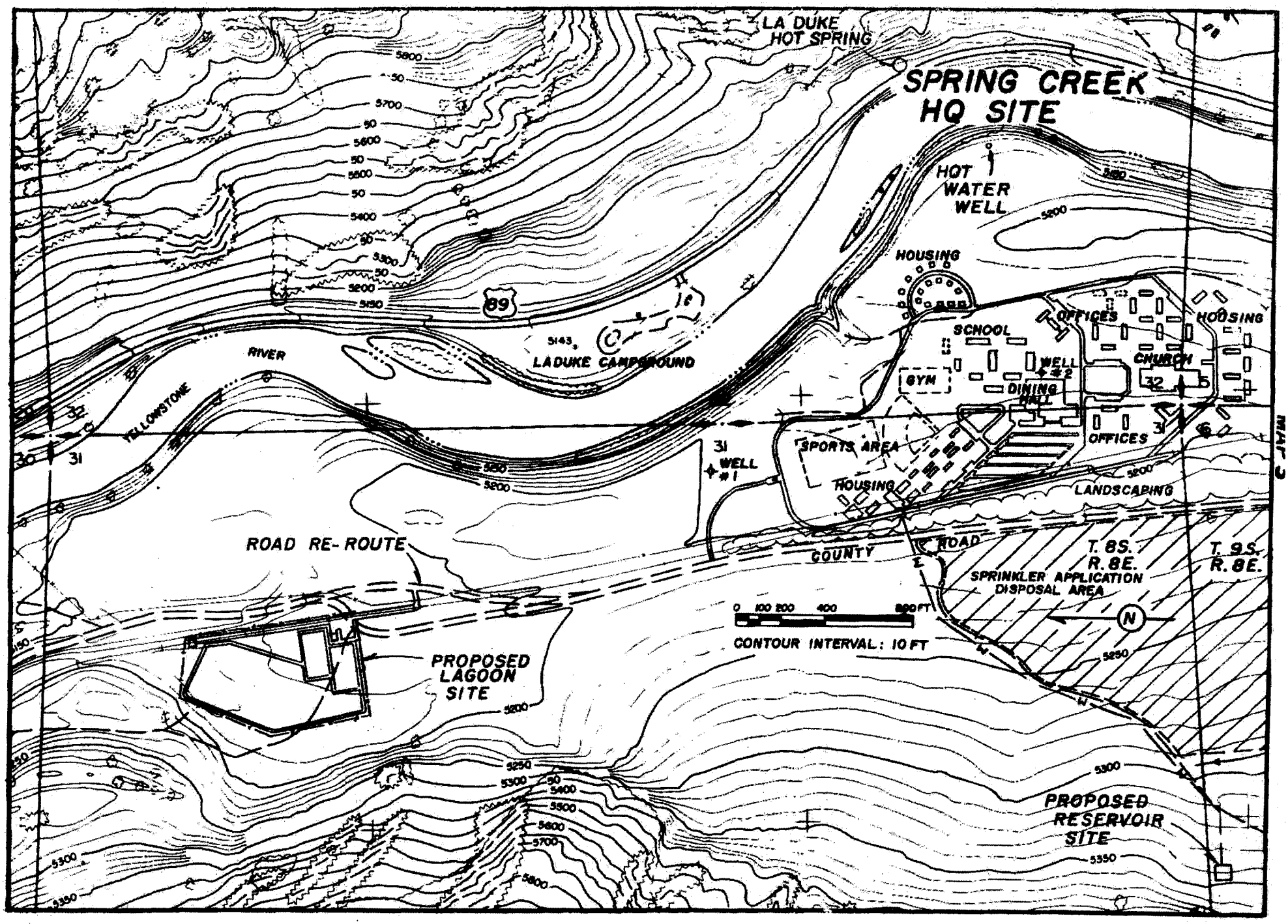
2. The administrative, editorial and audio-visual functions of the Church, together with a church sanctuary, school buildings, dining hall, offices and other support facilities, would be located at the Spring Creek site on the Royal Teton Ranch. Summit University, when and if opened, would use the church building and some additional offices at the location also. This site would be a completely new development. (Map 3)

3. Church staff working at the Spring Creek Headquarters would be housed primarily on site. Students and some faculty would be housed at the Cinnabar/East Gate (formerly Camp Mustang) locations at the Corwin Springs, in existing facilities as well as by expansion to those facilities in modular buildings. The Cinnabar/Camp Mustang facilities also predate the Church's arrival in Park County. Total licensed capacity for these 2 adjacent facilities is 27 mobile homes, 14 motel units, 95 recreational vehicles, 50 tents and one cabin. (Map 4)

4. The Ranch Office area, the current location of administrative offices and shops,located 3 miles south of Corwin Springs on the west side of the Yellowstone River, would be converted over a period of time to the produce farm headquarters only. Much of this development existed before the Church's arrival, except for several additions which have been made since then, including the greenhouses and several houses. A building for processing poultry and meat grown on the ranch and wild game hunted by staff members is just being completed. (Map 5)

5. The New Ranch Headquarters area, located a mile north of Corwin Springs on the west side of the Yellowstone River, would be established as the permanent site of the ranch's administrative offices, maintenance shop and housing and dining facilities for farm and ranch workers. The facility was begun in 1983-84 and has not yet been completed. (Map 6)

In carrying out the design work for the total development, the Church stated it used and continues to use the following principles to guide development:


LA DUKE HOT SPRING
SPRING CREEK HQ SITE
HOT WATER WELL
HOUSING
SCHOOL
OFFICES
HOUSING
CHURCH
WELL #2
GYM
DINING HALL
OFFICES
SPORTS AREA
HOUSING
LANDSCAPING
WELL #1
LADUKE CAMPGROUND
RIVER
YELLOWSTONE
89
ROAD RE-ROUTE
COUNTY ROAD
T. 8S. R. 8E.
T. 9S. R. 8E.
SPRINKLER APPLICATION DISPOSAL AREA
N
0 100 200 400 800 FT
CONTOUR INTERVAL: 10 FT
PROPOSED LAGOON SITE
PROPOSED RESERVOIR SITE
5800
5700
5600
5500
5400
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5200
5150
5250
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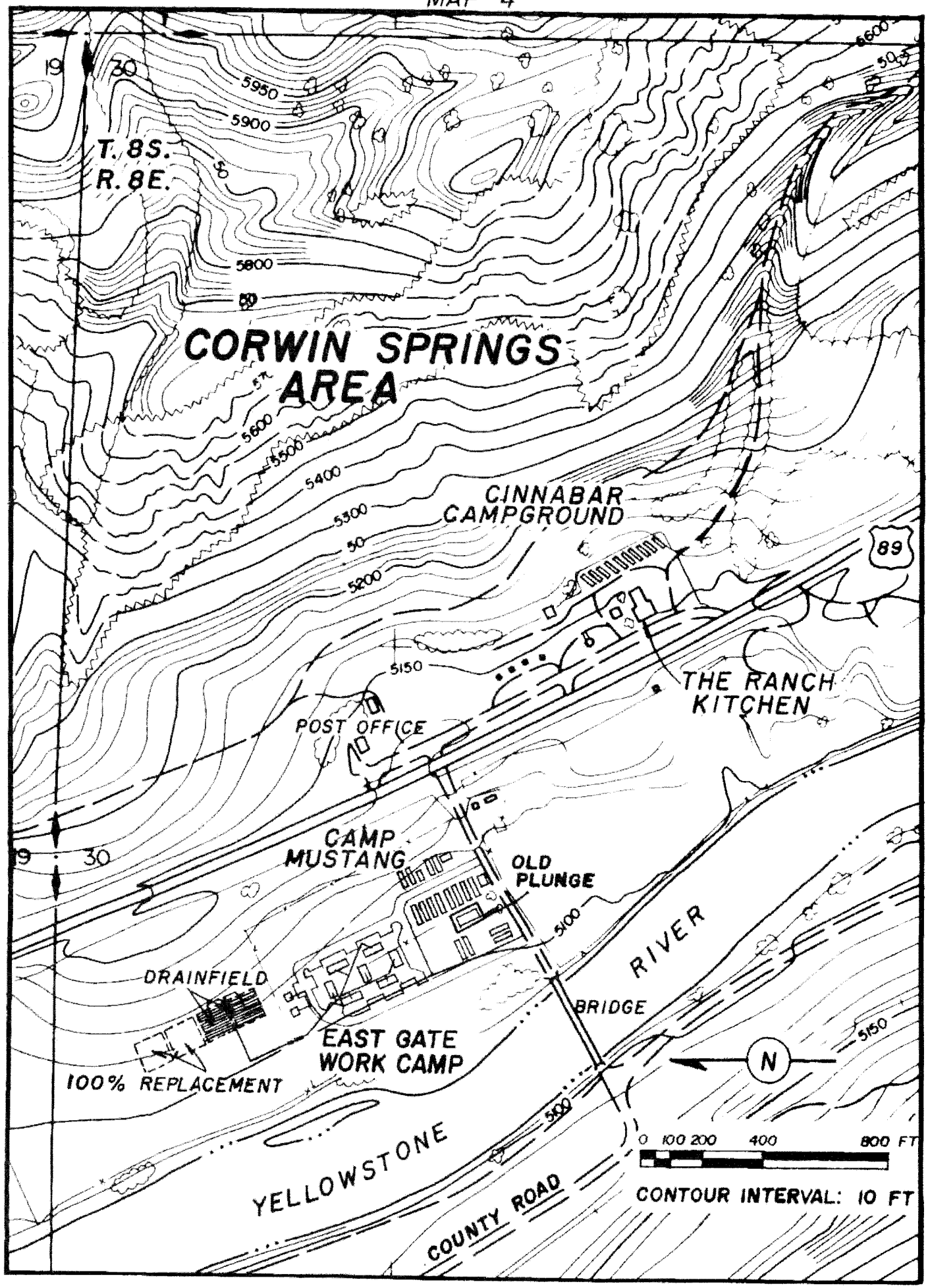
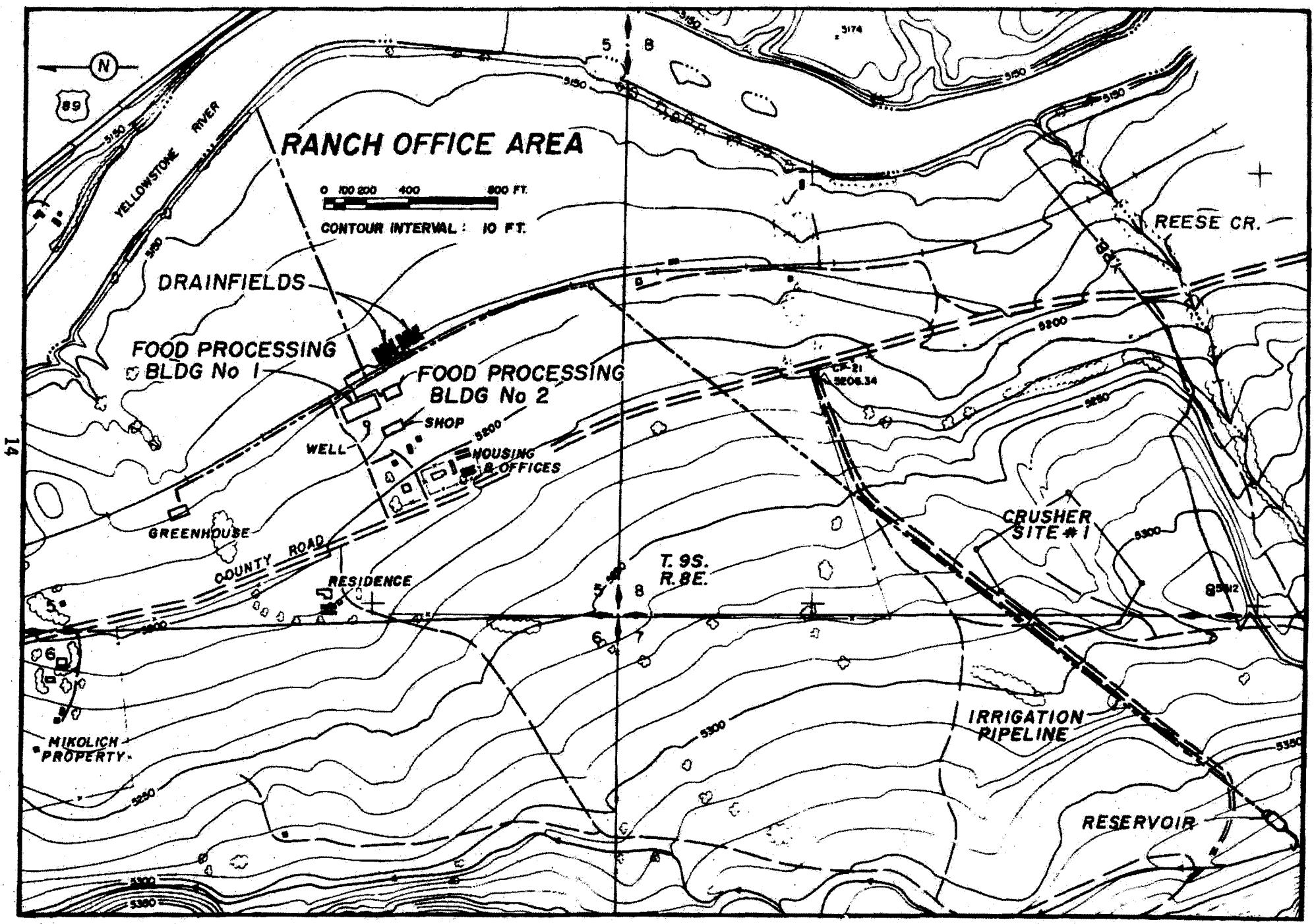
50
31
32
30

MAP 3

MAP 4


19
30
T. 8S.
R. 8E.
5950
5900
5800
5600
5500
5400
5300
5200
5150
5100
5000
CORWIN SPRINGS
AREA
CINNABAR
CAMPGROUND
89
THE RANCH
KITCHEN
POST OFFICE
CAMP
MUSTANG
OLD
PLUNGE
DRAINFIELD
EAST GATE
WORK CAMP
100% REPLACEMENT
RIVER
BRIDGE
N
0 100 200 400 800 FT
CONTOUR INTERVAL: 10 FT
YELLOWSTONE
COUNTY ROAD


RANCH OFFICE AREA
0 100 200 400 800 FT.
CONTOUR INTERVAL: 10 FT.
N
89
YELLOWSTONE RIVER
DRAINFIELDS
FOOD PROCESSING BLDG No 1
FOOD PROCESSING BLDG No 2
SHOP
WELL
HOUSING & OFFICES
GREENHOUSE
COUNTY ROAD
RESIDENCE
MIKOLICH PROPERTY
T. 9S. R. 8E.
CRUSHER SITE #1
IRRIGATION PIPELINE
RESERVOIR
REESE CR.
5174
5150
5200
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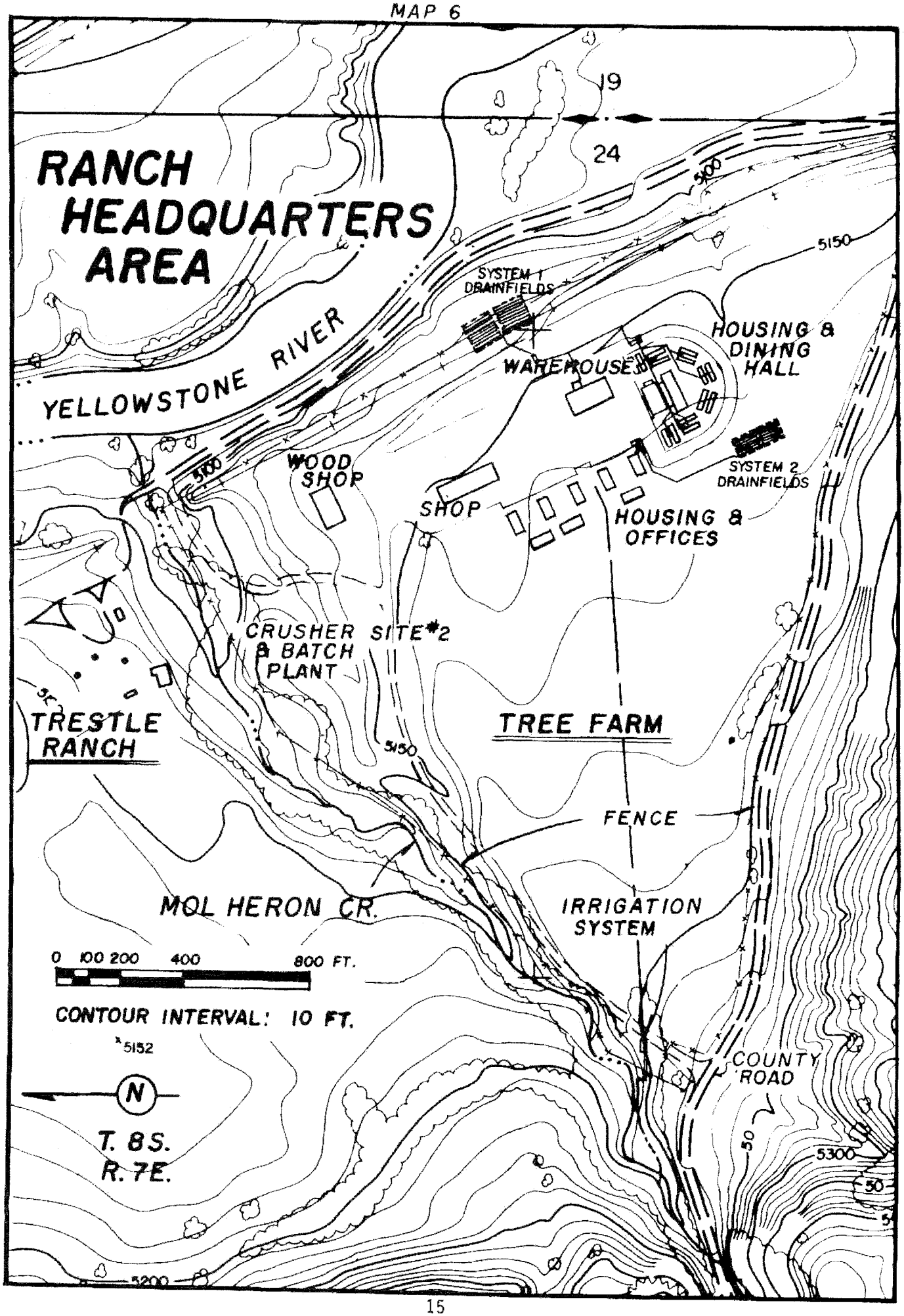
5380

MAP 6


RANCH HEADQUARTERS AREA
19
24
5100
5150
SYSTEM 1 DRAINFIELDS
HOUSING & DINING HALL
WAREHOUSE
YELLOWSTONE RIVER
SYSTEM 2 DRAINFIELDS
WOOD SHOP
SHOP
HOUSING & OFFICES
CRUSHER SITE #2 & BATCH PLANT
TRESTLE RANCH
TREE FARM
FENCE
MOL HERON CR.
IRRIGATION SYSTEM
0 100 200 400 800 FT.
CONTOUR INTERVAL: 10 FT.
5152
N
T. 8S.
R. 7E.
COUNTY ROAD
5300
5200

1. Development of housing and work areas is to be clustered in small units with minimum impacts on valuable agricultural and range lands, wildlife, views, aesthetics, roads, utilities and existing land uses.

2. The maximum amount of valuable land in agricultural usage (including cropland, pasture and range) is to be retained and current levels of farming and ranching are to be maintained.

3. Areas of potential flooding or instability are to be avoided.

4. Visual impacts of and from any areas to be developed are to avoided and minimized to the extent possible as a benefit to ranch residents as well as to neighbors and passersbys.

5. Changes to the predominantly rural character of the ranch with such impacts as bright lights, excessive traffic, loud noises and degradation of water and air quality are to be avoided.

6. Wildlife populations and key habitats on and around the ranch are to be preserved as an important aesthetic and economic resource. Historical levels of paid private and free public hunting and other recreational opportunities will continue to be promoted.

7. Traffic flows on and around the ranch are to be minimized. The Church has undertaken a cooperative program with Park County to improve roads and control dust problems and has implemented a group shuttle service on the ranch between work and living centers. These are to be continued and improved upon in the future.

8. Dependence on and impacts to county services are to be minimized by developing private in-house capabilities for schooling, garbage collection and disposal, group transportation, fire control and emergency medical response for ranch residents.

SUBSTANTIVE COMMENTS: GENERAL

A number of the substantive comments received from persons reviewing the DEIS were similar. The following comments are those which were most often posed, and are followed by DHES answers.

Comment I:

The EIS process did not solve many of the issues raised by

various persons and groups. Why not? Also, why didn't the DHES say how it would monitor mitigation issues and why wasn't there a wider range of alternatives?

Answer:

The EIS process does not guarantee that problems associated with proposed developments will be solved to satisfaction of all those involved. Rather, the principal aims are to (1) call to the attention of other agencies and the public that a development has been proposed, (2) to the fullest extent possible, create a broad-based body of knowledge about the existing environment and possible impacts of the development and (3) promote public participation. All the elements are collectively aimed at giving the person or persons responsible for making decisions the best information possible before he or she must act.

Since people, not information, solve problems, it is possible to completely go through the EIS process and not solve a single problem but the process provides an opportunity to begin solving problems. The ultimate goal for a state agency is to make the best decision or decisions possible and provide a complete record of the agency's decision-making procedures.

Additionally, environmental reviews are not voting or mitigation processes. Simply voicing personal opinions for or against an EIS does not substantively add to the base of knowledge.

As for mitigation, in most instances the process is not designed to acknowledge "if you do this, then it will lessen the affect of a particular action." Mitigation is not mentioned in either MEPA or the rules and regulations under which this review was conducted. Some state regulations specifically mention mitigation, providing agencies the authority to take certain steps to lessen impacts. The Montana courts have mentioned mitigation in the EIS process but under specific conditions. For agencies to require mitigation, they need the authority to monitor actions so compliance can be assured. The fact that persons or groups proposing developments choose to do certain things to reduce or mitigate impacts is permissable, but there is no legal means to make certain the actions are carried out.

Another consideration involves alternative actions. Based on the broad spectrum of information generated, MEPA requires state agencies to propose "reasonable" alternatives. Depending on one's perspective, reasonable alternatives can vary widely; however, as far as the EIS process is concerned, it is the responsible agency which must set forth the alternatives.

Comment II:

Why doesn't the DEIS clearly cite the number of persons who

belong to the Church Universal and Triumphant or project what future growth figures will be for the Corwin Springs area, Park County and the Church in general?

Answer:

The EIS is not an investigation of the Church Universal Triumphant. MEPA focuses on the proposed development, not the developer. When an individual or corporation proposes projects that trigger the EIS process, the study centers on the proposals. The same criteria applies to the Church.

The number of people who can inhabit the Corwin Springs sites is proportional to the permitted capacity of the sanitary facilities, according to the DHES. (Reference p. 51 DEIS) If the Church wants to expand beyond that point, it will have to submit new proposals to the department.

As for the possibility of future growth, there are three possibilities: Membership will increase, remain according to anticipated projections on which the systems were designed, or will decrease. One can only guess which will occur. Even the Church cannot accurately predict possible future growth.

From the beginning of the EIS process, the DHES has stated this is a study of the proposed projects in the Corwin Springs area, not of the Church Universal and Triumphant.

Comment III:

The Church has and continues to operate under the auspices of a number of different corporate names. Is this entity, collectively or separately, a Church or is it a profit-making corporate conglomerate?

Answer:

As previously stated, EIS's are about developments, not developers. The question of whether the Church Universal and Triumphant is a profit-making corporation or a religious institution is not for the DHES to decide. The Montana Secretary of State's office has ruled the Church to be a nonprofit corporation, thus the MEPA review was done from that perspective.

Comment IV:

Why were Glastonbury and the North Ranch not addressed in the DEIS?

Answer:

None of the proposed developments were situated at either Glastonbury or the RTR-N. The focus of the DEIS was on areas which would be affected by the proposed actions.

Neither MEPA nor the DHES reviews can be used as a de facto means for instituting local land-use planning. In Montana the responsibility of land planning is vested with local government and its citizens. The scope of the DEIS was centered on the Corwin Springs-Gardiner area, not on all the Church properties in Park County.

Comment V:

Should proposed developments have been considered in the context of the "greater Yellowstone ecosystem?"

Answer:

The idea of managing the Yellowstone Park area as an ecosystem is a provocative land-use idea, yet it would be difficult to implement. An example of those difficulties would be the management of wildlife. As soon as an animal steps out of the park, it is subject to a different type of management. State methods are not the same as those of the Park Service.

The ecosystem management idea probably has a greater chance of succeeding on tracts of government land. In such instances, public influence can be brought to bear on state and federal agencies to work cooperatively. However, it is a much different matter when attempting to apply the idea to private property, particularly in areas which have historically resisted community planning, such as Gardiner. The townspeople--by choice--continue to support an unincorporated town and have rejected various forms of special planning. Individual property owners are under no obligation to cooperate with groups or individuals whose land-management philosophies they disagree with and, unlike government agencies, it is difficult to influence those attitudes and practices. Thus, groups espousing special land-use philosophies, such as the "Yellowstone ecosystem," must persuade the private landowners to agree with their point of view if they wish them to implement their ideas.

As a private property owner, the Church has choices concerning the management of its lands. If it chooses to adopt the management principles ascribed to by people who support the Yellowstone ecosystem concept, it may.

Comment VI:

Why weren't the plans and specifications for the proposed projects included in the DEIS?

Answer:

The plans and specifications for the proposed developments were voluminous. Due to the technical nature and sheer amount of

information, it was not incorporated into the DEIS, rather a summary was provided. A few of the persons commenting on the DEIS felt the unabridged material should have been included.

During investigation, writing and reviews of the DEIS, complete copies of the plans and specifications were available at the Park County Sanitarian's office and at the DHES in Helena. No one asked department personnel to see the plans or jointly review the plans with them. The material is public information and can be inspected at any time. Additionally, DHES personnel are always willing to explain or discuss any aspect of such plans and specifications.

Comment VII:

Has Church traffic significantly affected the amount of traffic on the highway and county roads?

Answer:

There is presently more traffic at the RTR-S than when the ranch was owned by Malcom Forbes. The areas of contention include assertions that there is significantly more traffic, many of the larger vehicles must go through Gardiner and back along a county road -- a portion of which is in YNP -- rather than over the bridge at Corwin Springs and a large amount of Church-related traffic at night has been disruptive.

The DEIS discusses a traffic survey done by the Church, working relations with Park County and the status of the Corwin Springs Bridge.

The Church's survey contends its members make efforts to travel efficiently in proportion to its membership and after the proposed developments are completed, many of the people who are now traveling to the area will be living there.

In response to the information cited in the DEIS, the Park County Planning Office did its own traffic count. The results of that study were included in its comments on the DEIS. The Planning Office also disputed aspects of the Church's study. Other persons who commented on the draft cited increased traffic during early morning hours. Many of the reports were eye witness accounts.

In addition to the Church's study, persons who support the Church pointed out that U.S. Highway 89 is a major arterial in and out of Yellowstone Park and compared to that volume, the Church's additional traffic is small.

The Montana Department of Highways (DOH) has a permanent traffic counter situated between Corwin Springs and Gardiner and takes periodic counts 4 miles south of La Duke Hot Spring. The DOH only records highway traffic and doesn't differentiate between Church and non-Church members.

The surveys and the accounts, pro and con, provide a body of information but conclusions are challenged according to preferred positions. One means for generating nonpartisan information would be for the Church and county to cooperatively design and conduct a traffic study of the sections of the county roads which have generated the most concern. (Reference Appendix B, the Mitigation Plan Agreement for proposed cooperative efforts between the Church and Park County concerning transportation matters.)

Comment VIII:

Will more consideration be given to La Duke Hot Spring?

Answer:

The fate of La Duke Hot Spring is not an issue at this time but could be in the future. Before the Church can use the hot water in its well across the river from the spring, it must apply to the Montana Department of Natural Resources and Conservation (DNRC) for an authorization to change the point of diversion and place of use. According to the state agency the process to do so will involve an environmental evaluation, possibly public hearings and will likely take from 6 months to a year. Until the Church submits a proposed change to DNRC the issue will remain static. (Reference Appendix B, the Mitigation Plan Agreement.)

Comment IX:

What is the basis for the assumption that drainfield systems reduce fecal coliform concentrations by one order of magnitude before the effluent reaches the river?

Answer:

In 1978 and 1979 the DHES contracted with MSU to study the effects of on-site septic systems in 5 Montana subdivisions in areas of high groundwater (2 feet to 11 feet below the ground surface) and porous soils. Forty-one groundwater monitoring wells and a number of private domestic wells were sampled during the study. Two-hundred ninety-nine samples were analyzed for 8 parameters each. Very few of the samples showed the presence of fecal coliform bacteria. The highest value reported was 3 organisms per 100 milliliters of sample.

The same study provided a literature search that showed septic tank effluent to contain a mean concentration of fecal coliform organisms of 160,000 organisms per 100 milliliter. It therefore seems reasonably conservative to estimate that fecal coliform organisms would be reduced by one order of magnitude before the waste enters the river as part of the groundwater system.

Comment X:

Explain the basis for the assumptions on which the nutrient effects analysis is based.

Answer:

Nutrient loadings from previous sites will not be considered in the EIS. These sites are licensed for a certain capacity and that capacity is not being exceeded according to our inspections and to information provided by the Church. These sites could be occupied legally at full occupancy by Church members, or anyone else, whether or not DHES issues any approvals. Consideration of nutrient loadings from these sites therefore seems inappropriate since the DHES denial of the proposed Church developments would almost certainly not change the occupancy of the existing sites.

The average daily streamflow was selected both as a matter of convenience and to represent the "average" or "typical" condition of the river. A lower streamflow could have been used to present a worse-case scenario. Assumptions 2,3,4 and the first part of 5 present worst-case situations which are not likely to occur (DEIS, p. 59 & 60).

Theoretical increases in nutrient concentrations in the Yellowstone River that would be attributable to the Church have been recalculated based on the 7-day, 10-year low flow at Corwin Springs (519 cubic feet/second [cfs]). These increases are 0.000671 milligrams/liter (mg/l) phosphorous and 0.004801 mg/l nitrogen.

Even at this streamflow, these increases would still be smaller than DHES detection limits for phosphorous (0.001 mg/l) and nitrogen (0.01 mg/l). These recalculated increased don't change the conclusions in the DEIS regarding nutrient effects on the river.

Comment XI:

On page 60 of the DEIS, nutrient loading from irrigation apparently was not accounted for in calculating nutrient inputs. Why not?

Answer:

Nutrient loading from irrigation was not considered because, as previously stated, DHES denial or approval of the proposed Church developments would likely not effect the irrigation practices on the ranch.

Comment XII:

On page 62 of the DEIS, the linear response model indicates that the lab standing crop of Selenastrum could be increased by

30 percent under the nutrient loading conditions expected from the Royal Teton Ranch/South Ranch. This calculation was based on nitrogen and phosphorous concentrations for average annual flow. Would it not be more appropriate to assess inputs based on nitrogen and phosphorous loading at the 7-day, 10-year low flow, in that this is when problems with high nutrient concentrations and algal growth would be expected?

Does such an analysis change the conclusions on whether algal growth could be a potential problem?

Answer:

Yes, it would be more appropriate to assess nutrient inputs on the basis of the 7-day, 10-year flow because lower than average flows often coincide with periods of maximum water temperature and algal growth in the river. (See response to Comment X.) Assuming that low streamflows also coincide with high ambient nutrient concentrations, and using the maximum recorded DHES phosphorous value of 0.078 mg/l as baseline, the increase in phosphorous would be unlikely to result in a measurable change in algal biomass. Selenastrum bioassays are not useful for predicting the magnitude of an algal growth response in running water but only the direction of the response and the identity of the limiting nutrient.

Comment XIII:

What are the DHES laws and regulations that apply to the review of the proposed developments?

Can applicants do any construction prior to receiving approval from the DHES?

Answer:

The title page for the DEIS lists the legal citations for the DHES laws and regulations that are the basis for reviewing the Church's proposed developments. Additionally, the first page of the DEIS gives a literal description of the department's review.

Any construction for which plan and specification approval is required but not yet obtained is completed at the developer's own risk. Prior construction has no bearing on the review and approval of plans and specifications.

The fact the DHES is legally mandated to review plans and specifications for certain types of construction does not mean that all building must cease until the appropriate approvals are issued. Unless a county has building codes or construction provisions associated with planning regulations, the building of facilities not associated with DHES review requirements can occur at any time. DHES did recommend to the Church that no

construction be initiated that would indicate disregard for the EIS process.

Comment XIV:

The DHES failed to adequately incorporate existing information from the U.S. Geological Survey (USGS), National Park Service (NPS), DFWP and other knowledgeable individuals and agencies on the wildlife, geothermal systems, soils, plants, fisheries and other resources of the area.

Answer:

A review of the 14-page DEIS Reference Section indicates that numerous information sources were contacted or referenced from professional and scientific publications. In the case of those directly contacted, the DHES tried to provide each with a copy of the DEIS so they could review draft during the comment period.

Comment XV:

The DHES failed to analyze the individual and cumulative effects of ongoing and proposed activities.

Answer:

The question of analytical degree is subjective. Many of the response letters felt the level of analysis was appropriate. Some thought it too extensive, others not extensive enough.

Determining the extent of analysis is ultimately left to the judgement of the lead agency, which in the case of the DEIS was the DHES. The department considered the information received from the scoping meeting and the concerns perceived by other sources and available resources before focusing on various subjects.

Due to its breadth of experience and legal responsibilities in the area of analyzing environmental reviews, the Montana Environmental Quality Council's (EQC), comments are of great interest to state agencies producing EISs. Please refer to the EQC's comment letter found in the following Written Public Comments Section of this FEIS. It contains thoughts on the level of analysis with respect to the spirit of meeting the requirements of MEPA.

WRITTEN PUBLIC COMMENTS

Due to the many comments received by the DHES, the department decided to select a representative sample for presentation in the FEIS.

STATE OF MONTANA
ENVIRONMENTAL QUALITY COUNCIL
STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3742

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April 21, 1988

Steve Pilcher, Chief
Water Quality Bureau
Department of Health and Environmental Sciences
Helena, MT 59620

Dear Mr. Pilcher:

The staff of the Environmental Quality Council has reviewed the Draft Environmental Impact Statement (DEIS) on the developments proposed by the Church Universal and Triumphant in Park County. Based on this review, I offer the following comments for your consideration.

Impact Assessment

In general, the DEIS is an informative and readable document that provides a thorough picture of the proposed developments and their potential impacts in southern Park County. For the most part, the narrative aptly describes the local context of the proposed development, including various social and environmental considerations. As a student of religion, however, I personally question the incorporation of Dr. Smith's detailed description of Church history and theology. For example, it may not contribute to the stated goal "to create a greater degree of understanding" to include a description of the number of husbands of Elizabeth Clare Prophet or of lawsuits filed by disenchanted former Church members. The Church's religious beliefs should be treated carefully in future documents.

Technical analyses are well-reasoned and the underlying assumptions fully presented. The conclusion that the project will not have significant direct environmental impacts is well supported.

The DEIS review of secondary impacts seems thorough and, notably, the secondary impacts identified are closely tied to the mitigation measures recommended. The DEIS cites future land-use as a key to the ultimate impacts of the CUT development. Discussion of the Church's current development philosophy and its use of cluster development help provide a framework for analysis of the reasonably foreseeable impacts. At the same time, there are considerable uncertainties about the future use of the CUT property (as there are with the future use of any other private lands). The relationship between permit approval (or disapproval) and

the likelihood of additional development on the CUT property probably merits some additional discussion in the DEIS.

The DEIS does emphasize the potential role of local planning and zoning in guiding future development on private land in Park County. Inclusion of this important public policy consideration in the DEIS informs the reader that local land-use controls are an available means to direct future development and reduce potential adverse environmental impacts.

Inclusion of comments by the Department of Fish, Wildlife and Parks (in the fisheries, wildlife and water quality sections) and by the Church as the permit applicant (in the social/cultural section) provide important perspectives on the impact analysis. This approach, somewhat unique for a DEIS, should benefit the reader by highlighting subjects that may be worthy of comment and by indicating sources for additional information on specific issues.

In our review, these comments have raised one issue that merits consideration. On page 43, DFWP indicates that the Church has applied for permits for significant additional water withdrawals from Mol Heron Creek for "power generation, industry and mining." This issue should be further researched by DHES as you review public comment on the DEIS; any new information could be included in the final EIS or, if no FEIS is prepared, in the statement containing your proposed course of action and your responses to public comments (response statement).

MEPA Discussion

The DEIS introduction could have benefitted from some additional discussion of the department's role in reviewing the permit applications under the Montana Environmental Policy Act. The DEIS simply states (p. 1), "As the DHES proceeded with its review, it became apparent to the department that an EIS should be prepared in accordance with MEPA." This sentence does not clearly present the department's rationale for deciding to do an EIS (i.e., the potential for significant environmental impacts) nor does it define the department's responsibilities in conducting the environmental review.

Additional discussion of the scope of the EIS (i.e., departmental decisions made after the public scoping meeting) would further clarify the department's approach and the justification for it. Questions over the scope of the document have apparently been raised since its publication, particularly with reference to the question of assessing impacts on the entire "Greater Yellowstone Ecosystem." Providing a rationale for the present scope of the document would help the public understand the limits to the DEIS analysis and the reasons for those limits.

I would add that the document's focus on local and regional (upper Yellowstone Valley) impacts seems reasonable. Attempting to assess all potential developments surrounding Yellowstone National Park through this DEIS might result in a hypothetical and unwieldy document that fails to adequately address the permit issues and impacts in question.

On a related note, the impacts of the CUT development could, however, appropriately be assessed in conjunction with the impacts of the Jardine mine. The impacts of the Jardine mine are documented in recent draft and final environmental impact statements prepared by the Department of State Lands and the U.S. Forest Service. While this project is referenced in the CUT DEIS, few specifics are provided. Integration of these Jardine findings with the CUT impacts would better indicate the potential for cumulative environmental impacts from these two developments in the upper Yellowstone Valley.

Recommended Alternative

The department's recommended alternative is to "approve all licenses and plans and specifications subject to implementation of a mitigation plan." The department has thus tied its assessment of the secondary environmental impacts of the permit issuances to such mitigation; as a result, anticipated impacts could change if mitigation is not implemented.

Because of this link, the final EIS or response statement should discuss how such mitigation might be accomplished. Only one method, voluntary action by the Church to carry out certain recommendations, is presented in the DEIS. While the text indicates that most mitigating measures have been agreed upon, contractual agreements or other arrangements might need to be considered for those issues not yet resolved.

Finally, EQC would suggest one mitigating measure not currently included in the list on pages 125-126. Prior to and perhaps during the annual gathering at the conference site in the upper Mol Heron drainage, it would seem advisable to have qualified wildlife professionals scout the area for the presence and location of grizzly bears. Such a scouting program (accompanied by temporary closures of areas that grizzlies are using) has been used successfully for years in Glacier National Park to help avoid possible confrontations between hikers and bears. A similar cautionary program during the two-week period of intense use in upper Mol Heron could sharply reduce the possibility of human injury and resultant bear removals.

Summary

Overall, the department appears to have properly reviewed the direct and indirect impacts of the proposed development and has developed an appropriate series of mitigating measures. Consideration should be given to incorporating some of the suggestions in the above text into the final EIS or response statement on the proposed action.

Thank you for the opportunity to comment.

Sincerely,

Deborah B. Schmidt
Executive Director

ZMEPA: CUT EIS 4/88

United States Department of the Interior

NATIONAL PARK SERVICE

YELLOWSTONE NATIONAL PARK
WYOMING 82190

IN REPLY REFER TO:
L76(YELL)

April 21, 1988

Mr. Steven L. Pilcher
Montana Department of Health and
Environmental Sciences
Cogswell Building
Helena, Montana 59620

Dear Mr. Pilcher:

The staff of Yellowstone National Park have carefully reviewed the Draft Environmental Impact Statement (EIS) addressing proposed developments by Church Universal and Triumphant in Park County, Montana. The enclosed is submitted in response to your request for review and comment of the document.

Thank you for the opportunity to review and comment on the dratt EIS.

Sincerely,

Robert D. Barbee
Superintendent

Enclosure

Written Comments on the Montana Department of Health and Environmental Sciences Draft Environmental Impact Statement related to prospective developments by the Royal Teton Ranch in Park County, Montana

Submitted by

Yellowstone National Park

Historical Overview of Yellowstone as a Recreation Area and a Preserve

Early explorers of the Yellowstone area quickly recognized that its outstanding geological wonders and great biological diversity were unique. Others soon agreed that such a natural treasure should not be exploited for the benefit of just a few; rather, it should be preserved for the enjoyment of all people for all time. This new concept, of creating a national park for public use, became a legal reality when Congress and President Grant approved the park's Organic Act on March 1, 1872 (U.S. Statutes at Large, Vol. 17, Chap. 24). Even at that early date, lawmakers realized that the new Yellowstone National Park would have a dual role. Thus, while it was "dedicated and set apart as a public park or pleasureing-ground for the benefit and enjoyment of the people," it also was declared that "regulations shall provide for the preservation from injury or spoilation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition."

By 1916, the mandate was extended in the National Park Service Act: "The service ... shall ... conserve the natural and historic features and the wildlife ... by such means as will leave them unimpaired for the enjoyment of future generations."

Yellowstone, as the mother of all national parks, has truly become recognized as one of the great wonders of the world, and its renown continues to grow. Annual park visitation has steadily grown from only 300 people in 1872 to over 2.6 million in 1987, and it will likely continue to increase for the foreseeable future. Statistics compiled in the recently published Greater Yellowstone Area Aggregation report show that recreation in the greater Yellowstone area provides annual employment for over 14,000 people, with a total income of over $365,000,000. This is well over three times the combined income from timber, range, and minerals development in the area.

Even with this tremendous economic value and rate of recreational use, the mandate for park protection has grown stronger. For most Americans--plus a vastly increasing number of foreign visitors--the attraction of

Yellowstone, and thus its essence, is found in its wildness. The more the park plays host to visitors as a destination mecca, the more vigilant we must be to assure that the essence of wildness remains intact. In the past 15 years, this nation, and the world, have repeatedly confirmed the importance of this fact. In 1972, Yellowstone and Grand Teton National Parks hosted the Second World Conference on National Parks. Further evidence of the area's importance to the world was provided in 1976, when the Man and the Biosphere Project of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) designated Yellowstone as a U.S. Biosphere Reserve. Such reserves are valued as undisturbed representative natural ecosystems, which may serve as baseline areas for monitoring and research activities undertaken in the Global Environmental Monitoring System (GEMS) for the United Nations Environment Program (UNEP). Additional international recognition of Yellowstone National Park as a World Heritage Site was given by UNESCO's World Heritage Committee in 1978. The parent body of this committee, the World Heritage Convention, now has 100 member nations, and this group "created the international machinery for the identification and protection of outstanding natural and cultural areas that are the common heritage of mankind, a legacy for all" (Train 1972).

The greatest challenge now facing land managers in the greater Yellowstone area is integrating a variety of agency mandates and public needs in a way that will maintain the integrity of the resource. In recent years, both resource managers and the public have become increasingly aware of this challenge and have responded to it with many boundary-crossing programs and concepts. For a host of ecological reasons, some of which we are only now beginning to understand, it is not possible for managers, whether they be federal, state, or county, in any part of the greater Yellowstone area, to manage their units in isolation. As early as 1928, adjustments were made to Yellowstone's original boundaries to recognize watersheds and add a petrified forest and bison summer range. Several other boundary changes were made after 1928 in recognition of important ecological values. The time when national parks could be perceived as autonomous islands is past. The evolution of management thought has been conditioned by encroaching civilization and scientific knowledge. Forty years ago, Aldo Leopold observed, "Even the national parks ... have not been large enough to retain their natural predators, or to exclude animal diseases carried by livestock. Thus the Yellowstone has lost its wolves and cougars ...." "The National Parks do not suffice as a means of perpetuating the larger carnivores; witness the precarious status of the grizzly bear ...." Today, both public and private lands in the greater Yellowstone area are known to contribute to the well-being or destruction of the same complex web of life.

A welcome side effect of our growing realization that all parts of this ecosystem depend on all other parts has been a heightened recognition of the remarkable qualities of the lands that border Yellowstone Park. The park itself, so long seen as a "crown jewel" of wild nature, was for many years viewed with no reference to its nonpark setting. Now, because of extensive scientific research involving many elements of the physical and

biological system, we have overcome the old stereotype of the park being surrounded by lands that were somehow less important. From an ecological perspective, the entire ecosystem has scientific and cultural values that can be demeaned by human actions in any part.

Naturally, the National Park Service's most pressing concern is to ensure the welfare of Yellowstone Park, and to be watchful that actions taken outside the park boundaries do not impair our ability to meet our legal and moral obligations in protecting the Yellowstone resource. Review of the contents of this EIS makes it clear that external actions, beyond the normal administrative control of the National Park Service, could impair our ability to protect the grizzly bear, maintain healthy hooved animal populations, or perpetuate naturally-occurring levels of geothermal activity in the park. The following comments detail our particular areas of concern, and offer some ways the concerns might be addressed.

Specific Areas of Concern Raised by This EIS

The first two pages of the EIS describe the activities and development plans of the organization called "Church Universal and Triumphant." Unfortunately, the EIS does not carefully identify whether a religious group or a profit-making business is being evaluated, and this confusion continues throughout the EIS (see especially pp. 91-97). Obviously, legal, strictly religious practices of the group are of no concern to government, as guaranteed by our United States Constitution. References in the EIS to religious organizations and practices are irrelevant, and should be deleted.

The primary activities of this organization, in terms of impacts on the environment, governmental entities, and other citizens, are largely related to its status as a major growing business. Some of the following information may help to elucidate this fact. The Church Universal and Triumphant was incorporated in 1974. This corporation created the wholly-owned subsidiary "Royal Teton Ranch Limited" in 1981, and the subsidiary company managed its various Park County properties until 1986. (For unspecified reasons, the subsidiary transferred its paper assets back to the parent corporation in December, 1986.) Income-producing business operations of this corporation that we know of in Park County include the following:

1. Real estate sales
   a. Subdivision and sale of occupancy rights at the "Glastonbury" properties and elsewhere
   b. Subdivision and leasing of mobile home lots in Golden Age Village
2. Sale of mobile homes to place on subdivision lots
3. Sale of cedar home kits to place on subdivision lots

4. Sale of blueprint plans for chalet-type houses, to be placed on subdivided lands

5. Sale of food to the public
   a. The Ranch Kitchen restaurant at Corwin Springs
   b. General store at Corwin Springs
   c. General store at Glastonbury North (planned)
   d. Sale of "organically grown" produce at the Royal Teton Ranch truck farm (120,000 pounds of carrots sold nationwide in 1984; unknown amounts of other vegetables sold commercially)

6. Sale of trophy hunting rights to harvest elk migrating out of Yellowstone National Park (produces income in the tens of thousands of dollars annually)

7. Sale of ranch livestock (cattle, sheep)

8. Campground use sales
   a. Corwin Springs sites
   b. Big Spur sites

9. Literature sales
   a. Bookstore in Livingston
   b. Sale of newsletters and brochures to the public (and members)

10. Seminar sales to the public (and members), including primitive (tent) accommodations
   a. Five- to 10-day summer retreat ($200-$225 per adult, with "thousands" attending)
   b. Wilderness survival seminar (2 days - $65)
   c. World teachers' seminar (5 days - $75)

11. Motel unit rentals at Corwin Springs

Sources: Royal Teton Ranch News, Vol. 2, No. 1, 1985; Freedom 1987 Conference Poster, 1987.

It must be emphasized that the above items refer to local cash income, and do not cover the extensive volunteer labor or cash donations provided by group members. Also, the above list does not include activities such as cabinetmaking, dairy farming, or poultry and egg production, which may or may not be solely for group member use and not resale. Lastly, the list does not include the net income generated by other corporate transactions in other counties and states, including, but not limited to, the millions of dollars produced by the sale of properties near Missoula, Montana, and Calabasas, California.

From the above, it is abundantly clear that the Royal Teton Ranch is a large corporate conglomerate of money-making activities. Corporations are common business entities in the United States, and we see absolutely no

reason why this particular corporation should be treated any differently from the others which secure permits from the Montana Department of Health and Environmental Sciences. Lead smelters, paper mills, coal-fired power plants, and large-scale rural development all can have great environmental and socioeconomic impacts on Montana's residents, as well as on nearby natural areas. Consequently, we expect this EIS to be just as complete, in relation to gathering baseline data and thoroughly analyzing reasonable alternatives, as have been other EIS's prepared by the department. Accordingly, the following items should be improved to meet the past high standards of analysis produced by DHES staff.

Description of potential developments

A single corporation, which the EIS usually refers to as the Royal Teton Ranch (RTR), owns about 33,000 acres of land and over 100 structures in Park County, Montana. Since all of these properties (including those in Livingston) offer a variety of practical alternative sites for placement of new facilities, all of the corporate holdings must be evaluated as a whole. These properties were purchased within a short time of each other, and arbitrarily ignoring some of them now in this EIS is without merit. Also, RTR executives obviously have prepared a master plan for their entire holdings, and that total plan should be analyzed. As we stated during the "scoping" process, it is important to ascertain whether the currently proposed development represents the complete end product, or whether it is just one stage of a continually expanding, multifaceted project. We still have no answer to that question.

Analysis of plans should be done in more detail. As the National Park Service was present at one of the initial meetings between officials of the DHES and RTR, we are aware there are far more detailed plans and maps available. The EIS only gives one page of text and four rough maps (pp. 5-10) in describing what is sure to be a multimillion dollar development project. This project will assure that hundreds, if not thousands, of new permanent residents will live within such a short distance of Yellowstone's borders that ecological and socioeconomic impacts would be impossible to avoid. Likewise, when dozens of current and future water supply or disposal systems are discussed (such as on pp. 50-55 of the EIS), this needs to be accompanied by detailed diagrams of where they are or will be and how they are constructed. Of particular interest would be information on how the DHES distinguishes between a mobile home residential development that is called a "work camp," and one that is for "staff housing." At present, we only have a hazy idea of what developments are planned. Thus, we cannot conduct an informed analysis as to where these developments would best be located.

Wildlife baseline data, impacts, and mitigation

Using old data from one "latilong" data management unit, which spreads over three or four counties, is of course not an accurate way to determine what

birds or mammals reside on RTR properties. Just as with other major development projects DHES has evaluated, consultants need to be hired to do field work to find out what animals are actually present. At least a 1-year survey needs to be made, and special attention should be given to use of the area by the several threatened and endangered species which are known to be in the vicinity. These include the trumpeter swan, grizzly bear, bald eagle, and peregrine falcon. Additionally, special inventory emphasis must be given to unique and special concern species, as listed in Yellowstone's current Natural Resource Management Plan. The State of Montana maintains similar lists that evidently were not consulted or evaluated. Accurate surveys of resident and migratory ungulate populations also need to be made. The simple literature review in the draft EIS is not adequate by itself.

The projected impacts part of the wildlife section glosses over several impacts that are known to occur:

a. Human use of wildlife, and especially ungulate, habitat, particularly in remote areas like the upper Mol Heron drainage or other riparian corridors, definitely does displace animals into other habitat, which is usually filled to capacity with its own resident animals. Naturally, overcrowding soon leads to the elimination of excess animals.

b. Page 17 of the EIS notes that bighorn sheep spend a considerable amount of time grazing in areas where RTR grazes cattle. Page 19 states that the Cinnabar Mountain bighorn herd has declined in number, the reproductive rate recently reached an all-time low, and that the animals are unusually small and not in good physical condition. Knowing this, why was competition with RTR cattle for winter range feed ignored as a possible impact? What data are available which show that keeping RTR sheep .5 mile from bighorn winter range is an adequate distance to prevent bighorn movements from exposing them to domestic sheep diseases? Will domestic sheep be monitored for diseases and removed, if necessary? Additionally, a study needs to be made to see if RTR pedestrian and vehicle traffic is further stressing the bighorns, above what occurs when they are subjected to disturbance by photographers and sightseers. The DHES might wish to contact Yellowstone Park officials to benefit from past NPS experience in determining the need for seasonal closure of bighorn sheep range to high human use.

c. RTR agricultural practices definitely have attracted pronghorns out of Yellowstone National Park, and RTR then requested the Montana Department of Fish, Wildlife and Parks (MDFWP) to hold special hunts to control "depredation" by these animals. There is a recognized possibility that this migratory pronghorn herd, which has been genetically isolated for at least 100 years, represents the last of a distinct subspecies. The park has strenuously objected to the annual issuance of 50 doe permits for a herd that contains, on the average,

only 100-150 does capable of breeding. One hunting season could eliminate nearly one-half the reproductive potential of this entire isolated herd. Effects of the harvest, and direct habitat loss from displacement due to RTR developments, could be greatly aggravated by one or more severe winters in a row, possibly causing extinction of the herd.

d. The Park Service has data that show the jackleg fence definitely does restrict migratory movements of elk, and does hinder the movements of pronghorn antelope. This problem can be greatly magnified when gates in the fence are closed by the ranch. Thus, for 12 months of the year, the fence is a hindrance to naturally occurring animal movements, and for at least 2 months it is a complete barrier to the larger animals. Additionally, the EIS provides no data as to whether or not more barrier-type fences will be built around planned developments. If such fences were placed around the ranch office, slaughterhouse, and truck garden area, as well as around the proposed Spring Creek headquarters area, a formidable ungulate barrier would extend from the left bank of the Yellowstone to the high forested mountains, nearly 3 miles to the west.

e. As mentioned on p. 30 of the EIS, RTR livestock, and compost piles, definitely have attracted grizzly bears to ranch property, where the bears had to be controlled. From experiences of other residents in the upper Yellowstone Valley, and in Gardiner, even small gardens with root crops, or even tiny patches of fruit trees definitely will attract grizzly bears to human habitations, necessitating control actions. Repeated control actions result in bear mortalities. Films made by professional cinematographers Steve and Marilynn French clearly show that odors of offal or carrion will bring grizzlies at a run from over 1 mile away. Just the smell during slaughter, or while transferring offal from the RTR slaughterhouse to a haul truck, would be enough to attract bears from Yellowstone and National Forest lands. Such bears are easily habituated, and habituated bears must be destroyed. Of course, the same very real potential problems also would apply to the much more numerous black bear, which also frequent RTR lands.

The entire section on potential impacts to grizzly bears is very weak, particularly when considering cumulative impacts. The Interagency Grizzly Bear Committee (IGBC) definitely does have a working computer model which helps to predict the cumulative impacts of human developments on the grizzly bear. Yellowstone National Park and Gallatin National Forest lands surrounding the RTR-S property definitely have been classified as critical "Situation One" grizzly bear habitat, based on current bear use. The State of Montana, as a full member of the IGBC, has been an active sponsor in the design and use of the cumulative effects model, and the IGBC or the state definitely can do a cumulative effects analysis for RTR-S developments. The Montana DHES definitely should make use of the model in evaluating RTR impacts on this threatened species which is Montana's "State

Animal" and, according to information in state literature, represents one of Montana's "most beloved and familiar sights." A report prepared by the Library of Congress Congressional Research Service (1986) considered developments that attracted grizzlies to be population sinks, because the local attractants eventually caused bear habituation, and thus led to the bears' deaths. Population sinks were deemed to be "around towns; second home and resort developments; relatively undeveloped roadless areas; and at heavily developed campsites." The area around and including the RTR property was classified as one of the seven major population sinks in the greater Yellowstone area (CRS Committee Print No. 6, 99th Congress, 2nd Session, pp. 50, 147). Therefore, it is very obvious that a cumulative effects analysis must be a prerequisite before final decisions are made about suitable development sites and other mitigating measures on RTR properties. (The Gallatin National Forest has set a good example of how this is done in their analysis of the "Ski Yellowstone" project, which affected grizzlies living both on public and private lands.)

The section on mitigating techniques for wildlife impacts only contains a few "stop-gap" measures of dubious value. For instance, placing fences around the fruit tree and truck garden farms is very unlikely to prevent bear depredations, since no fence, electric or otherwise, has been shown to stop the source of the problem, which is attractive odors. Thus, bears may still be habituated to attempt to secure human foods which, again, inevitably leads to bear destruction. True mitigation is evaluated by comparing various development alternatives. Just as DHES suggested that the compost pile should be moved to a more suitable site, movement of all other ranch facilities which greatly affect wildlife should be considered.

f. Research on bald eagles has shown that high human activity definitely will discourage nesting attempts. Although bald eagle populations are recovering in the greater Yellowstone area, potential eagle nesting sites along RTR-owned banks of the Yellowstone River likely will not be colonized, unless the causes of high human use are removed. As one example, the RTR airport and subsequent increasing air traffic from 500-1000 new residents will increase the possibility of eagle disturbance by aircraft, over and above that already resulting from current Gardiner airport traffic.

Fisheries baseline data, impacts, and mitigation

As with the wildlife resource analysis, the DHES needs to hire qualified consultants to determine baseline conditions in the trout streams flowing through ranch property. Fish populations, as well as populations of major fish-food animals, need to be determined throughout a 1-year period.

Yellowstone Park is particularly interested in Reese Creek, since almost all of this stream flows within Yellowstone's borders. Discussion

regarding effects of the proposed actions on Reese Creek by RTR is inadequate and does not even acknowledge the data provided the state on minimum flow. The DHES recognizes the value of the dwindling Yellowstone River cutthroat trout fishery, and the importance of tributaries in trying to maintain the cutthroat trout population (pp. 33, 35, 119). However, several distinctions have been made between Reese Creek and other tributaries in the area. Maintenance of channel flow in Mol Heron Creek is assumed to result in a high probability of enhancing the fishery, yet the identical action in Reese Creek supposedly yields a much lower probability of enhancement: ("could" or "possibly").

The proposed mitigating action is maintenance of a minimum flow. Because the suggested flow levels are below those recommended by U.S. Fish and Wildlife Service fisheries biologists, the proposed mitigation action greatly limits any potential enhancement benefits to the Reese Creek fishery except in years of very high flow. In addition, the mouth of Reese Creek has a high gradient. Without flows substantially above the minimum levels, cutthroat trout will be unable to enter Reese Creek to spawn. Because rapid dewatering devastates aquatic insect populations, the current practice of completely dewatering Reese Creek for months at a time further suppresses an already heavily depleted population. Continuous uninterrupted instream flow is the only way to enhance productivity of the dewatered portion of Reese Creek.

The comment about wildlife grazing and the riparian condition of Reese Creek (p. 36) is based on speculation. No evidence is presented to substantiate this claim. Its inclusion in the discussion of Reese Creek serves only to obscure the issue of dewatering and destruction of aquatic habitat in the stream.

The RTR has filed 32 claims in the Montana Water Court for waters of Reese Creek and its tributary, Sawmill Creek, totaling over 100 cfs. The National Park Service can only assume that RTR has large-scale development plans for the future to justify the size of these claims. As a consequence, we question the statement on EIS p. 39, "There will be no construction activities in the vicinity of Reese Creek ...."

The United States is attempting to maintain its entitlement as successor in interest to water rights in Reese Creek through negotiations rather than through litigation. Clearly, if the RTR did not injure water rights claimed by the park through stream dewatering, there would be no need for an agreement to maintain an instream flow.

Currently RTR, other claimants, and the NPS are negotiating water use rights on Reese Creek. Should these negotiations be succesful, conditions in Reese Creek would improve for aquatic insect life and riparian vegetation, but would still be far below instream flow requirements for fish as specified by the U.S. Fish and Wildlife Service.

The objectives of the fishery management program in Yellowstone National Park are to:

1. Manage fish populations as integral parts of the park's ecosystem.

2. Preserve and restore native species and aquatic habitat.

3. Promote the understanding and enjoyment of the fisheries resource by park visitors.

To meet these objectives for Reese Creek, the following recommendations are made:

1. Alter road culvert and irrigation diversions to allow upstream migration of fish.

2. Place grates or screens across irrigation diversions to prevent fish from migrating into ditches. (This also should be done for Mol Heron and Cedar Creeks, if needed.)

3. Attempt to maintain maximum permissible flows in the stream during May 15-July 30 and October 1-December 1 spawning periods for cutthroat and brown trout, respectively.

It is obvious that, if Reese Creek is to be partially saved as a spawning place for native cutthroat trout, there is not going to be enough surface water left over to irrigate a massive truck farming operation by the RTR corporation. There would, however, be enough water to irrigate nearby hayfields, which was a historic use of the water in this area. If RTR analysts would examine land use practices throughout the state of Montana, they would find that citizens long ago discovered it is not a suitable place for truck farming--especially in semiarid locations having less than 12 inches of rainfall a year. Alternative locations for this operation, more in concert with the available resources, obviously need to be explored. There are many other places in this country where truck crops can be grown, but very few places where native cutthroat trout may be raised.

Vegetation baseline data, impacts, and mitigation

For this EIS, vegetation on the RTR property should be mapped by consulting botanists to a resolution of 2-5 acres or less. Communities should be classified according to dominant overstory and understory plant species, if present.

A review of "species of special concern" printouts for this area, from the Montana Natural Heritage program office in Helena, will reveal that several such species have been collected in this vicinity in the past. Careful survey of the property should be done to determine if rare plant

populations would be destroyed by construction activities. A general literature review is inadequate to determine such site-specific information.

Possibly except for small irrigated lawns which are regularly mowed, the suggested seed mixtures for revegetating disturbed areas are not desirable. Most of the species or varieties are not native to this area or, for the few that are, they are seldom dominant in the very dry environment of the upper Yellowstone Valley. Locally collected, native seed should be used for reclamation work. This is especially important since some of these exotic grasses would spread into Yellowstone National Park. This is, of course, unacceptable, since one of the purposes of Yellowstone is to preserve natural biological communities and native gene pools.

Water quality baseline data, impacts, and mitigation

Other than nutrient analysis, and rough indicator species work, water quality and quantity data are exceedingly scarce in this EIS. Competent hydrologists need to gauge the seasonal flows of all perennial streams on RTR property. Likewise, pumping tests on all existing water wells need to be made and tabulated along with static water level figures.

Chemical and biological quality of the surface and ground waters must be analyzed at all seasonal levels. These baseline data are absolutely necessary to determine if degradation takes place. How else would DHES know if the septic system on upper Mol Heron Creek begins to "adversely" affect the water (p. 42)? (Organic enrichment is not the only potential problem.) Also, considering the amount of RTR livestock, the intense fertilizer application on fields, and the number of septic tanks to be used, it would be very wise to monitor for groundwater degradation at all RTR wellheads, along with those wells belonging to neighbors within 1 mile.

As mentioned previously, all water supply and disposal systems covered in this section need much more detail to facilitate analysis. For example, does the Department of Health and Environmental Sciences fully agree with the ranch's proposal to use a septic tank system for the "industrial" strength wastes from the slaughterhouse and food processing activities? Also, the population tables (p. 51), listed as part of the water usage information, do not address the washwater and processing water for the slaughterhouse and the food processing area.

With regard to potential sediment problems, the Draft EIS compared estimated sediment discharge from planned construction sites to the total sediment load of the Yellowstone River, and then concluded the impact would be insignificant (p. 56). However, it would be more appropriate to compare the potential sediment contributions from the construction sites to that of nearby streams rather than to the Yellowstone River as a whole. The Yellowstone River at Corwin Springs reflects sediment contributed from a vast (1,600 $mi.^2$) drainage area downstream from Yellowstone Lake. The

total estimated sediment discharge of the Yellowstone at Corwin Springs between May and October was 135,142 tons in 1985 and 602,208 tons in 1986 (USGS Water Resources Data Montana, 1985, 1986). Thus, very large quantities of RTR sediment could enter the Yellowstone, having a very deleterious effect on local fishing, and still constitute only a small percentage of the river's total sediment load.

Two streams near the proposed developments were monitored for sediment discharge by the Yellowstone National Park Research Office in 1985 and 1986. Mol Heron Creek (42 $mi.^2$ drainage area) transported between 1,674 tons/year (1985) and 6,156 tons/year (1986), based on the instantaneous mean tons/day for the March to October (1985) and February to October (1986) periods (Ewing et al. 1986, Mohrman et al. 1988). Reese Creek (13 $mi.^2$ drainage area) transported between 94 tons/year (1985) and 2,484 tons/year (1986) based on the instantaneous mean tons/day for the same periods. If the rates of sediment runoff per acre given in the EIS (p. 56) are multiplied by the development size (p. 51), the Spring Creek site (60 acres) would contribute 1,039 tons/year and the East Gate site (5 acres) would yield 31 tons/year. Comparing these sites to the 1985 sediment discharges of Mol Heron and Reese Creeks, one can see that the Spring Creek construction could transport about 62 percent of Mol Heron's sediment and 11 times that of Reese Creek. High runoff occurred in 1986, and the Spring Creek site's estimated sediment runoff would constitute only 17 percent of Mol Heron's and 42 percent of Reese Creek's sediment in that year.

In a worst case scenario, the Spring Creek site would have the effect of adding the input of another watershed 13-42 $mi.^2$ in size for a year, depending on the amount of snowmelt runoff and rain during construction times. This sediment could have an adverse impact on fishing, fish spawning, and recreation in the immediate area. Therefore, every effort should be made to minimize sediment runoff during construction. Additionally, it might help to confine the construction period to the dry, low runoff summer period. Of course, reclamation with vegetation would have to be timely, and failures could produce significant sediment loss. Considering the problems encountered with reclaiming semiarid lands, reclamation failures are very possible, if not probable.

Geology and soils baseline data, impacts, and mitigation

Soils on the RTR properties need to be mapped, and a summary placed in this EIS. Specific soils data are needed for:

a. Preparing a conservation plan

b. Determining realistic agricultural capabilities

c. Determining inherent physical and chemical limitations when planning the location of structures and roads

d. Ascertaining limitations in constructing sewage lagoons or septic tank drainfields

Additionally, major geologic features should be mapped. Faults near sewage lagoons and structures should be noted (if any). Major outcrops of unstable material, subject to mass slumping, must be identified. Areas where road cuts would cause slope instability must be determined. Planning of this nature is standard practice on corporate and government lands, and must apply to this business, also. This is necessary to protect human lives, as well as to promote environmental quality.

Aesthetics: baseline data, impacts, and mitigation

The EIS needs to have a table which inventories the buildings that were on the acquired Park County lands at the time the RTR corporation purchased them, and the acreage those structures covered. Then, all current and future RTR structures, with acreages, could be added to the table for comparison. It is definitely not adequate to consider only the new buildings and trailers which will be erected after 1988, since the earlier structures are part of the whole corporate entity. (If the public, or DHES, had been fully informed of the corporation's intentions back in 1981, this EIS would have been done at that time, for the whole development.)

Other vital baseline information which is needed includes maps and lists of all parcels which have been subdivided by the company in Park County. Additionally, a list needs to be made of what parcels have been sold as of March 1, 1988, and what parcels have been leased for long or short terms. Also, all parcels which have been further subdivided by group members need to be mapped. These are very basic needs, since a major portion of RTR corporate income appears to be derived from real estate sales. Obviously, whether parcels such as the "four new houses on Mol Heron Creek" are being sold or leased for long periods is of enormous importance to the migratory wildlife of Yellowstone National Park. If these small lots or rural subdivisions increase in number to any degree, use of the lands by wildlife will be discouraged by the presence of fences, dogs, cars, houses, lights, voices, and all the other appurtenances of suburban life. Such a permanent barricade to wildlife movements would be intolerable. We also note here that the RTR's filing of aliquot division papers for the 12,000-acre Forbes Ranch is an exceedingly strange way to "protect property rights," just because a county considered rural zoning. If it were true that the corporation "never intends" to sell, or long term lease, such lots, then why would it ever be necessary to file aliquot divisions? It is, of course, obvious that the only thing being "protected" is the ability to subdivide at a later date.

With reference to proposed large concentrated urban developments, the DHES needs to hire a landscape architect, or a qualified geographer, to analyze the scenic values before and after RTR moved to the upper Yellowstone Valley. There are several well documented, objective ways of quantifying

visual changes of this nature, and such objectivity must be employed. Simply stating "changes will occur" does little to address the concerns of Park County residents. Also, since this valley is the historic main entrance to Yellowstone Park, a fact about which Montana citizens are justifiably proud, it seems to us that DHES would want to survey citizens from throughout the state to see what their opinions are about having a large corporate development along the final approach to Yellowstone. Of course, Yellowstone is a national park, and a similar survey should definitely be made of visitors coming to Yellowstone from other states. Montana is now trying to dramatically increase her tourism income, and careful attention should be paid to what image the state wants to present to Yellowstone visitors driving in from the north. Are there better places in Park County, or the state, for this development to be located?

Air quality baseline data, impacts, and mitigation

The EIS fails to adequately address how the proposed action may affect the unique air resources in and around Yellowstone. This is a key point, as Yellowstone has been designated a Class I air quality area and the airshed must be maintained in as pristine a condition as possible, by law. Because of typical valley wind systems, especially in the mountainous terrain of this region, Yellowstone lies downwind from RTR operations in the mornings (excluding major weather disturbances) and thus will be affected on a regular basis.

A much more detailed description of the affected environment and the subsequent environmental consequences of the proposed action on air quality should be included in the EIS. Environmental baseline data that were not addressed include climate, meteorological dispersion, and existing air quality. Anticipated impacts may result from the proposed action directly or from secondary impacts (e.g. population growth, mobile sources, induced industrial growth, etc.). The largest sources of air pollution emissions would likely be from space heating (e.g. wood or coal stoves), transportation, and power generation (e.g. wood or coal fired boilers). Actions that should be evaluated include, but are not limited to, construction (roads, buildings), extraction (timber harvest, prescribed burns), excavation (mines, wells), utilization (grazing, pesticides), and disposal (landfills, burning, etc.).

A determination should be made of the effects of the projected gaseous and particulate pollutant levels from woodburning, fugitive dust levels, and secondary pollutant levels, on visibility degradation and on Class I area air quality-related values (e.g. flora, fauna, soil, water, geologic formations, and cultural/historic structures). This evaluation should be done for all alternatives. We are especially concerned that heavy truck and auto traffic from RTR properties often takes a "shortcut" to Gardiner through the park, or takes this route to avoid the Corwin Springs bridge. This traffic is so regular that we have reason to believe that Yellowstone's Class I air standards are being violated for several hundred

yards on each side of the road for most of the day. If this is the case, it must be stopped.

The total cumulative impacts from the proposed source and other sources in the region should also be evaluated along with any mitigation measures that might be needed.

Geothermal resource baseline data, impacts, and mitigation

The technical information summarized in paragraph 5 on p. 73, and listed in the following paragraph, are inconsistent with conclusions elsewhere in the Hydrometrics report, as previously mentioned in a letter from Superintendent Barbee to Mr. Francis (1987). While the probability of impact on distant hydrothermal features decreases as proposed pumping rates decrease to actual spring discharge, it is important to note that a 500 gpm target rate exceeds spring discharge by a sizeable factor.

The "... technical considerations ..." in the first paragraph on p. 74 are not persuasive, as shown on the next page by Sonderegger's report. Hydrometrics did not consider the La Duke Spring to be part of a confined aquifer system. We consider confinement to be likely enough to warrant a careful analysis. Sonderegger's recommendations on p. 76 must be confirmed by further studies so they can be clearly defined and understood.

At present, potential development of La Duke Hot Springs is probably a moot point, as the U.S. Senate has unanimously approved a bill to suspend development until the USGS can fully determine whether such developments would harm Yellowstone's thermal features. We invite the DHES to participate in this study as part of its responsibility to gather baseline data, and predict impacts, for an improved EIS.

Lastly, we find it incredible that the RTR corporation testified before a Senate subcommittee that "... no firm decisions have been reached ... concerning the ultimate uses of the [geothermal] water. We have only general plans and ideas at this time ...." We strongly urge that no action be taken on any future request to use this resource unless detailed, constructive, needed, and economic uses were to be made of the water. The presently-offered vague ideas about low grade heating of one to three small buildings hardly seems sufficient justification to even take the request seriously.

Cumulative Impacts

In section one of our comments, we believe we have made a strong case for the fact that Yellowstone National Park, and the larger setting in which it occurs, offers extremely high tangible and intangible values to the people of Montana, the nation, and the world.

In section two, we discussed what we know, or do not know, about potential RTR corporate developments. We then determined the probable impacts that reasonable people and existing data would suggest would occur. These major impacts are summarized in the following table:

Summary of expected impacts on Yellowstone National Park resources from RTR corporate developments.

1. Human disturbance of wildlife which migrate from Yellowstone.
2. Continued decline in vitality of the bighorn sheep herd due to competition with RTR livestock and possible disease transmission.
3. Planting of crops which attract pronghorns, then having animals killed.
4. Building a massive boundary fence to hinder animal migrations.
5. Planting truck crops which will attract threatened grizzly bears, and black bears, from Yellowstone.
6. Building of a slaughterhouse which will attract grizzlies and black bears from Yellowstone.
7. Planting of fruit tree orchards which will attract grizzlies and black bears.
8. Human disturbance preventing nesting colonization by bald eagles.
9. Diminishing Reese Creek flows and limiting its use as a spawning place for native cutthroat trout.
10. Planting of exotic plant species near Yellowstone's border, thus risking genetic pollution.
11. Possible pollution of other surface waters which may be used by spawning fish or recreationists.
12. Massive degradation of the natural, pastoral setting that has historically been the main gateway to Yellowstone.
13. Subdivision and building of homes on lands that are used by Yellowstone's migratory mammals.
14. Polluting Yellowstone's air with suspended particulates and gasses from a number of sources.
15. Potential endangerment of some of Yellowstone's thermal features through a frivolous attempt at appropriating thermal waters.

We find the cumulative effects of these impacts to be enormous.

We find the cumulative impacts of these developments, in this location, to be unacceptable and intolerable.

We believe the people of Montana, the region, and the nation will agree.

Recommendations

We recommend that the Montana Department of Health and Environmental Sciences work with RTR in carefully analyzing other corporate properties that would be more suitable for the proposed intensive agriculture, urbanization, and exploitation. We feel this is a reasonable and practical solution at this time, before further development takes place.

We assert that the Department of Health and Environmental Sciences does have the authority and the obligation to evaluate other meaningful alternatives to this project (Option No. 3), which means analyzing other RTR lands in the county, at least. This approach is not novel and is not excessive. Environmental impact statements for the many national forest plans which have been developed over the last few years almost always evaluate the entire holdings, and then present several alternatives for developing various land parcels. This method would work well for this development.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
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IN REPLY REFER TO:
M.19 Gallatin NF/CUT

April 11, 1988

Mr. Steven L. Pilcher, Chief
Montana Department of Health and
Environmental Sciences
Water Quality Bureau
Cogswell Building
Helena, Montana 59620

Dear Mr. Pilcher:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement for the Church Universal and Triumphant. Although direct impacts to threatened and endangered species are expected to be minimal and some mitigation measures will be taken to preclude potential impacts, the Service is still concerned with cumulative indirect impacts associated with the development. Following are some suggestions which may alleviate some of our concerns:

1. Develop a proactive cooperative (Montana Department of Fish, Wildlife and Parks, Forest Service, Church Universal and Triumphant and other interested landowners or parties) Wildlife and Fisheries Area Management Plan which will address and promote the conservation of all wildlife and fisheries in the area;

2. Adopt all possible mitigation measures for protection of threatened and endangered species including those measures identified on page 32 as "mitigative measures which may be considered";

3. Adopt all possible measures for protection and enhancement of ungulate habitat and populations. Particularly any measures suggested from Montana Department of Fish, Wildlife and Parks or any other biologists or managers with local expertise; and

4. Because of the grizzly bear propensity to predate on domestic sheep, it would be desirable to replace the sheep with cattle where a grizzly livestock conflict potential is high.

Also attached are comments from Ronald D. Jones, Project Leader, U.S. Fish and Wildlife Service, Yellowstone National Park, which addresses our fisheries concerns. Thank you for the opportunity to comment on the Draft Environmental Impact Statement.

Sincerely,

Wayne G. Brewster
State Supervisor
Montana State Office

Enclosure

cc: Kurt Alt, MDFWP, Livingston, MT
Gallatin NF, Bozeman, MT
Ronald Jones, USFWS, Yellowstone NP, WY

RMH/clh

United States Department of the Interior

FISH AND WILDLIFE SERVICE
YELLOWSTONE FISHERY ASSISTANCE
P.O. BOX 184
YELLOWSTONE NATIONAL PARK, WYOMING 82190

IN REPLY REFER TO

March 21, 1988

Mr. Steven L. Pilcher, Chief
Water Quality Bureau
Department of Health and Environmental Sciences
Helena, Montana 59620

Dear Mr. Pilcher:

We have reviewed the Church Universal and Triumphant's draft Environmental Impact Statement and welcome the opportunity to submit our comments. Since we have been directly involved with instream flow concerns on Reese Creek, we will limit our comments to that issue. We believe that the discussion regarding Reese Creek and effects of the proposed actions by Church Universal and Triumphant are inadequate. The Church recognizes the value of the Yellowstone River cutthroat trout fishery and importance of tributaries to successful maintenance of the cutthroat trout population (pp. 33, 35, 119). However, several distinctions have been made between Reese Creek and other tributaries in the area. Maintenance of channel flow in Mol Heron Creek results in a high probability of enhancing the fishery. The identical action in Reese Creek yields a much lower probability of enhancement ("could" or "possibly"). Studies by the U. S. Fish and Wildlife Service have documented the presence of cutthroat trout spawners from the Yellowstone River in Reese Creek during periods of adequate streamflow (Lentsch 1986; Mahony 1987). A study was planned in 1987 to obtain specific quantitative data on cutthroat trout migrating into Reese Creek from the Yellowstone River using two-way fish traps; however no fish were able to reach the trap because streamflows were excessively low for all but five days of the spawning season.

Irrigation water rights claims by the Church exceed the amount of water available in Reese Creek. "Changes in land use" (p. 39) including filling of reservoirs and new dwellings construction will lead to an increased demand of Reese Creek water. Because the Church diverts the major portion of the stream (p. 79), current practices indicate that Church Universal and Triumphant will continue to use all available streamflow in Reese Creek.

The proposed mitigating action is maintenance of a minimum flow. The U. S. Fish and Wildlife Service has recommended minimum flows of 4.3 cfs from 15 May to 30 July to provide adequate spawning and passage flows for cutthroat trout from the Yellowstone River (Lentsch 1986). Recommended incubation and rearing flows for the remainder of the irrigation season are 1.6 cfs. Without maintenance of instream flow, there can be no benefit to Reese Creek by Church Universal and Triumphant development (p. 122); however, to date, negotiations between the National Park Service and Church Universal and

Triumphant have failed to reach an agreement.

Because rapid dewatering devastates aquatic insect populations (Gislason 1985), the current practice of completely dewatering Reese Creek for months at a time further suppresses an already heavily impacted population. In addition, current practices will continue to have severe negative impacts on the potential cutthroat trout reproduction and recruitment to the Yellowstone River. Only continuous uninterrupted instream flows can enhance productivity of the dewatered portion of Reese Creek.

The comment about wildlife grazing and the riparian condition of Reese Creek (p. 36) must be based on pure speculation. No evidence at all is presented to substantiate this claim. Its inclusion in the discussion of Reese Creek serves only to obscure the issue of dewatering and destruction of aquatic habitat in Reese Creek.

According to the draft E.I.S., the proposed actions of Church Universal and Triumphant are expected to create no new adverse impacts (p. 43). This is misleading because the present actions of the Church are at a substantial environmental cost. Long term continuation of present irrigation practices will consistently limit reproduction of cutthroat trout spawners from Yellowstone River and negatively impact the fish and aquatic insect habitat in the dewatered portions of Reese Creek. The proposed actions indicate increasing demand for utilization of Reese Creek. At present, there has been little indication by the Church that they will maintain instream flows. On the contrary, the severity of dewatering has increased during the negotiation process. Since 1984, the duration of total dewatering of Reese Creek channel has increased dramatically from approximately 20 days in 1984 to 130 days in 1987.

Because Yellowstone Park is a unique natural resource, it is important to protect all aspects of this natural heritage. The U. S. Fish and Wildlife Service welcomes this opportunity to express our concerns regarding actions that have a direct impact on Yellowstone Park. We feel that the above issues deserve detailed consideration.

Sincerely,

Ronald D. Jones
Project Leader

Montana Department of Fish, Wildlife & Parks



April 6, 1988

1420 East 6th Avenue
Helena, MT 56920

Mr. Steve Pilcher
Water Quality Bureau
Department of Health &
Environmental Sciences
Capitol Station
Helena, MT 59620

Dear Steve:

Enclosed are comments on the Church Universal and Triumphant Environmental Impact Statement. These comments were developed by our regional staff and are submitted for your information.

Any consideration you can give these comments will be greatly appreciated.

Sincerely,

James A. Posewitz
Resource Assessment

JAP/bfs

Enclosures

cc: LeRoy Ellig

Montana Department of Fish, Wildlife & Parks

Office Memorandum

TO : Jim Posewitz

DATE: March 4, 1988

FROM : LeRoy Ellig

SUBJECT: Fisheries Comments on CUT Draft EIS
(Wildlife comments will follow)

Page 34 - Mol Heron Creek

The existing sheep pen allows unlimited access to Mol Heron Creek for approximately 190 feet. This is a point source of sediment immediately above areas that cutthroat trout utilize for spawning. We would recommend that the sheep pen be modified to provide a small water gap to Mol Heron Creek and fence the sheep out of the creek for the remainder of the 190 feet. This recommendation should be incorporated in the mitigation proposal on page 125.

Page 36 - Reese Creek

The subject of the dewatering of Reese Creek by the CUT is dealt with on page 36 of the EIS. The document dismisses the fact that the CUT dewaters the stream by saying that the CUT and YNP are negotiating an instream flow agreement. As of March 1, 1988, these negotiations have broken off and we are left with the existing situation of extreme to total dewatering of Reese Creek before it enters the Yellowstone River.

Yellowstone cutthroat trout in the Yellowstone River are limited by the number and quality of spawning tributaries entering the river. The dewatering of Reese Creek prevents cutthroat from ascending Reese Creek and successfully reproducing in all but high water years. This dewatering represents a serious impact associated with the proposed and existing development of CUT and must be addressed in the EIS.

Mol Heron and Cedar Creeks

The Church has filed for irrigation water rights that, taken together would totally dewater these streams during the summer irrigation season. In the case of Mol Heron Creek, separate year-round claims were also submitted for power generation, industry and mining. Based on the number and purpose of these claims, it appears that large scale developments that could severely impact the fisheries of these two streams are being considered. As long as the Church continues to pursue these claims in the water adjudication process, the department can only assume that such developments are possible in the future. Water claims were also submitted for many of the tributaries to Mol Heron Creek. If these claimed rights are developed in the future, the flow of Mol Heron Creek would be impacted even further.

For the reasons stated above, we do not believe that the statements, "no activities are planned for these drainages" is an accurate representation of the available facts.

We would suggest that the CUT be required to list all of the water right claims that it filed for under S.B. 76 for Mol Heron and Cedar Creeks including flows, volumes, purposes and periods of use. This listing should appear in the EIS so reviewers can assess the magnitude of impact associated with the water right claims of the CUT. The draft EIS fails to address the impacts associated with these water right claims.

Page 121 - Irreversible and irretrievable commitments of environmental resources.

We cannot support the statement "It is not anticipated that there will be any irreversible impacts on aquatic resources." Based on the multitude of water right claims for power generation, industry, mining and irrigation submitted by CUT, we would argue that we can anticipate irreversible impacts on aquatic resources in Mol Heron, Cedar and Reese Creeks.

Page 126 - Mitigation

8) "Minimum instream flows be maintained in Reese Creek, Mol Heron and Cedar Creeks."

The Montana DHES has no authority to require any instream flow in Reese, Mol Heron or Cedar Creeks. While a guaranteed instream flow in these streams is a worthy goal, it could only be achieved by a contractual agreement between the CUT and our department or YNP.

LE:JW:jh

Montana Department of Fish, Wildlife & Parks

Office Memorandum

TO : Jim Posewitz **DATE:** 4/18/88

FROM : LeRoy Ellig

SUBJECT: CUT - EIS Comments

The comments relating to fisheries were sent in an earlier memo.

We feel all the comments made previously which appear in pages 41 and 42 are still relevant.

In addition, we appreciate the opportunity to comment on the present CUT Draft Environmental Impact Statement. The importance of the upper Yellowstone Valley within the State of Montana for its contributions to large and diverse wildlife populations cannot be over stated. As the CUT is a major landowner within the upper portion of the valley, its land management practices will potentially have a significant influence on the continued health and distribution of these important wildlife populations.

Detailed maps of the Royal Teton Ranch-south unit are presented in this document, however, references to other land holdings further north of the RTR-S properties are made on an irregular basis. No discussion of wildlife values on these other CUT lands is presented in the document. We are limiting our comments to that area south of Yankee Jim Canyon, specifically RTR-south and the OTO Ranch properties.

We recommend that maps be provided which show location and acreage of current and proposed cultivated lands plus grazing practices which will be applied to rangelands.

The following comments apply directly to Preferred Alternative #4 and its listing of mitigation measures. Items to be changed or added are underlined.

Mitigation Measure #4. The map on page 18 showing sheep winter distribution is based on 1975 data and is outdated. We recommend utilizing the attached map showing a more realistic winter distribution. Based on the above rewrite the measure as follows: Domestic sheep will not be allowed to use the winter range of the ~~bighorn sheep herd on Cinnabar Mountain~~ Cinnabar Mountain bighorn sheep herd as delineated to minimize the potential of disease transmission. Also, add the following sentence: It is desirable to replace domestic sheep grazing with cattle grazing on the RTR-S.

Mitigation Measure #11. Rewrite this measure as follows: ~~Best management practices~~ Environmentally sound management practices be utilized in all aspects of agricultural production. Also, add the following sentence: CUT is strongly encouraged to apply the principles of rest-rotation grazing in their livestock management.

Add Mitigation Measure #17. Existing native rangeland should not be cultivated in order to maintain its long-term value to native ungulates and to minimize future game damage conflicts.

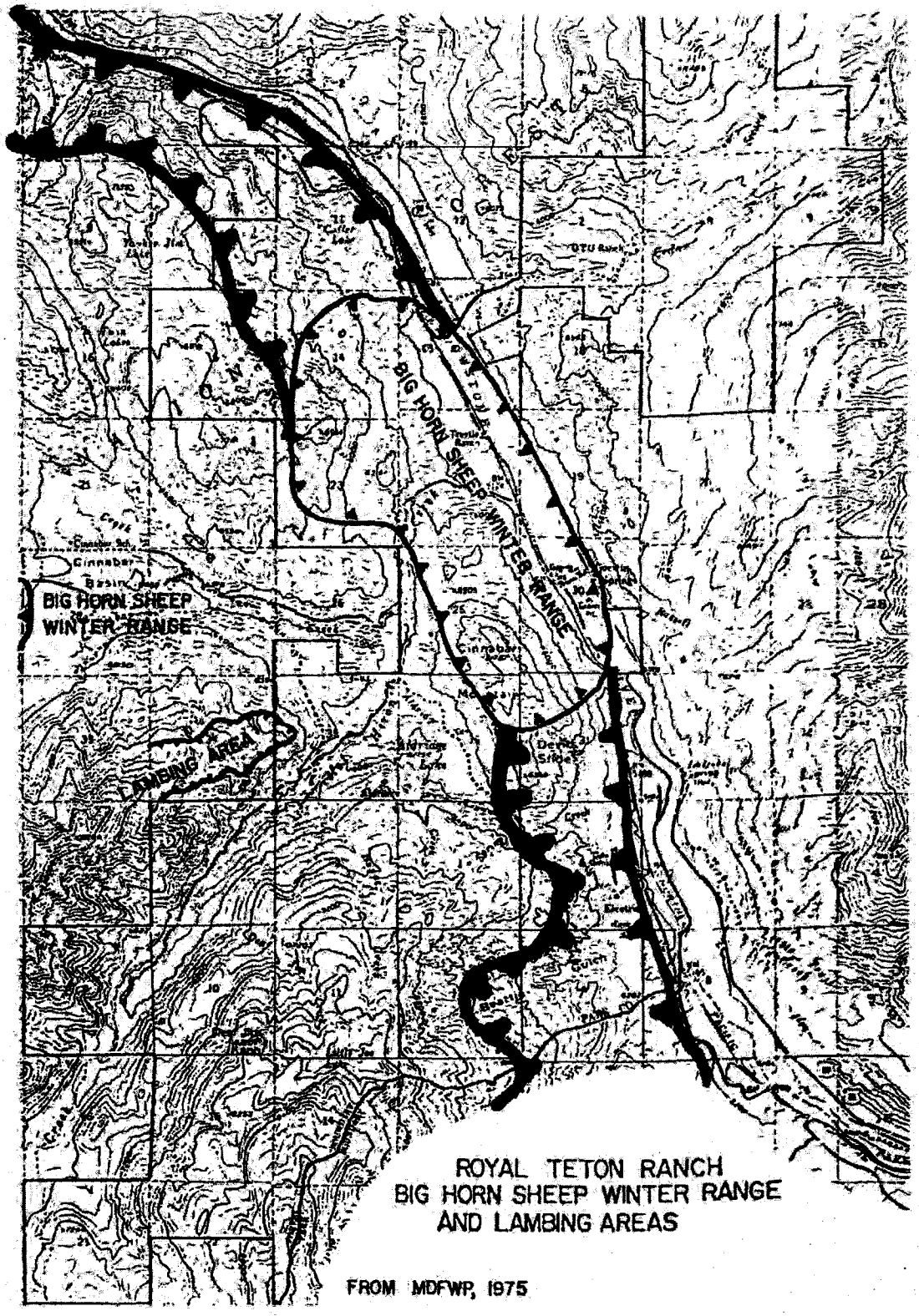
Add Mitigation Measure #18. Agricultural production ont he OTO portion should not be increased over current hay production and grazing levels, and yearlong human habitation of the OTO should be minimized. This is an important mitigation measurement for elk since this property represents excellent elk winter range values.

Add Mitigation Measure #19. Work cooperatively with the MFWP to allow for removal, by sport hunting, of bison as they leave YNP. This is an important consideration since the bison population within YNP continues to increase and MFWP has been legislatively mandated to control bison leaving YNP by sport hunting.

LE:jtb

Attach.

Map 9



ROYAL TETON RANCH
BIG HORN SHEEP WINTER RANGE
AND LAMBING AREAS

FROM MDFWP, 1975

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

TED SCHWINDEN, GOVERNOR

1520 EAST SIXTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-6699

HELENA, MONTANA 59620-2301

MEMORANDUM

TO: Water Quality Bureau
Department of Health and Environmental Sciences

FROM: Larry Fasbender, Director Larry
Department of Natural Resources and Conservation

RE: Draft Environmental Impact Statement
Church Universal and Triumphant

DATE: April 7, 1988

The Department of Natural Resources and Conservation (DNRC) offers the following comments on the Draft Environmental Impact Statement (DEIS) on developments proposed by the Church Universal and Triumphant (Church) in the Corwin Springs area.

Geothermal Well (pages 72-78)

1. We have confirmed that the transfer in ownership for LaDuke Hot Springs rights between the Forbes Ranch and the Church has in fact taken place.

2. In the first sentence of paragraph 6 on page 72, "a permit" should be changed to "an Authorization to Change." Under Montana law, permits are issued for new or additional appropriations. When changes are made to existing rights, however, such as changing the point of diversion, place of use, type of use, and/or place of storage, it is an Authorization to Change that is required.

   For the same reason, "a permit" should be changed to "an Authorization to Change" in the first line of the third paragraph on page 77.

3. Again in the first sentence of paragraph 6 on page 72, "could" should be changed to "must." As it is presently worded, that sentence could be interpreted to mean that securing the authorization is optional.

4. You have noted the discrepancy between the total amount of water claimed and the various estimates of the actual amount of natural discharge. It should be reiterated that the Church's future use under decreed rights will be limited to the natural discharge of the spring, regardless of the cumulative flow rate of the claims.

5. The second sentence in the first full paragraph on page 77 should read as follows:

> It has not applied to DNRC to change the point of diversion and the place of use--a process that will itself involve environmental evaluation, may involve public hearings, and will likely take from 6 months to a year to complete.

6. With regard to the second full paragraph on page 77, legally, <u>any</u> withdrawal of water of over 100 gallons per minute from a well requires a permit. If the withdrawal is for testing purposes only, an interim permit for testing is necessary. Any subsequent withdrawals from the geothermal well, including those for testing, are subject to this permitting requirement.

7. With regard to statement 6 on page 78, the use of an injection well might qualify the system as a nonconsumptive use. However, that determination would be made by DNRC based on the specific design and performance of the well.

<u>Water Quality (pages 56-65)</u>

8. What Is the basis for the assumption in line 13 of the first paragraph on page 57 that drainfield systems reduce fecal coliform concentrations by one order of magnitude before the effluent reaches the river?

9. At the bottom of page 59 and top of page 60 are the assumptions on which the nutrient effects analysis is based. These assmumptions deserve some explanation.

Assumption 1, for instance, concerns nutrient inputs from previously approved sites. Are those sites operating to the limits of their permits from the Department of Health and Environmental Sciences? If not, shouldn't the additional inputs from those sites be accounted for in calculating increased nitrogen and phosphorus loadings and concentrations in the future?

Also, assumption 5 states that nutrient impacts are based on an average flow year. Why wasn't a low flow like the 7-day, 10-year low flow used for this analysis, as it was for the coliform bacteria analysis?

10. On page 60, nutrient loading from irrigation apparently was not accounted for in calculating nutrient inputs. Why not?

11. On page 62, the linear response model indicates that the lab standing crop of Selenastrum could be increased by 30 percent under the nutrient loading conditions expected from the Royal Teton Ranch/South Ranch. This calculation was based on nitrogen and phosphorus concentrations for average annual flow. Would it not be more appropriate to assess inputs based on nitrogen and phosphorus loading at the 7-day, 10-year low flow, in that this is when problems with high nutrient concentrations and algae growth would be expected?

    Does such an analysis change the conclusions on whether algae growth could be a potential problem?

DNRC review of the DEIS is continuing, and we could possibly have additional comments before the end of the extended comment period.

Thank you for the opportunity to review this document.

LF/CM/nj
cc: Carole Massman

State Historic Preservation Office
Montana Historical Society
Mailing Address: 225 North Roberts • Helena, MT 59620-9990
Office Address: 102 Broadway • Helena, MT • (406) 444-7715

February 24, 1988

Steven L. Pilcher
Department of Health and Environmental Sciences
Cogswell Building
Helena, Montana 59620

RE: Church Universal and Triumphant Draft Environmental Impact Statement

Dear Mr. Pilcher:

Thank you for providing us with a copy of the above cited study. In reviewing the cultural resource aspects of the document we note that our office has been designated as the clearinghouse for information about cultural resources recorded during the archaeological study. To my knowledge, we have not received a copy of the cultural resource study conducted by GCM. We request a copy of that study to insure that archaeological and historic site information from the area is entered into our Statewide Cultural Resource Records for future research and management purposes.

We agree with the study's conclusions and recommendations concerning cultural resources in the area. We believe that the Church Universal and Triumphant holdings in the Yellowstone Valley are extremely rich and sensitive for cultural resource concerns and that additional significant heritage sites other than those currently recorded in the area can be expected. For this reason we agree that CUT should avoid, whenever possible, currently identified historic and prehistoric sites. Prior to additional major land altering activities such as construction and agricultural development, CUT should consider the potential impacts to historic and prehistoric resources from their actions. In areas of proposed development which have higher cultural resource potential (such as flat terraces of the Yellowstone River) and have not been previously examined for cultural resource values, a professional cultural resource examination is recommended as the best possible way to insure preservation of significant sites. We also agree that CUT should make an effort to discourage uncontrolled digging and collecting of historic and prehistoric sites so as to preserve those resources for future generations.

There is little doubt that development and increased population in the Corwin Springs area will have an effect on historic and prehistoric cultural resources in one of Montana's most significant cultural landscapes. However if CUT proceeds with sensitivity and concern for heritage resources, adverse impacts can be minimized and improved protection might even be afforded cultural resources in the area from better, more informed stewardship.

Pilcher
February 24, 1988

Thank you for consulting with us.

Sincerely,

David Schwab,
Archaeologist/Anthropologist

File:DHES, CUT

ASSESSOR
PARK COUNTY COURTHOUSE
414 East Callender
LIVINGSTON, MONTANA 59047
Phone 1-406-222-3[illegible] 6120



April 8, 1988

Steve L. Pilcher, Chief
Water Quality Bureau
Dept. of Health & Environmental Sciences
Cogswell Bldg., Capitol Station
Helena, MT. 59620

Dear Mr. Pilcher:

This letter is regarding taxes assessed to and paid by Church Universal and Triumphant, Inc. in Park County, Montana. It is being submitted for the draft E.I.S. currently being applied to the Church projects in this county.

The 1987 assessment and tax records indicate the following information. Actual taxes paid by and the percentage of total taxes assessed to the Church and Glastonbury property owners in 1987 were:

City of Livingston	$ 37,105.54	1.22%
Unincorporated portion of Park County	$108,276.09	3.15%
Park County	$145,381.63	2.40%

Actual taxes paid by and the percentage of total taxes assessed to the Church and Glastonbury property owners (all of whom are in School District #75) in 1987 were:

Gardiner Elementary Dist. #7	$ 55,464.00	14.77%
Gardiner High School Dist. #4	$ 55,464.00	10.77%
Arrowhead Elementary Dist. #75	$ 13,377.71	4.11%
Richland Elementary Dist. #2	$ 22,748.67	16.04%
Park High School Dist. #1	$ 89,730.13	2.14%

The increase in the county tax base according to actual taxes paid on properties acquired by the Church and the Glastonbury owners from 1981 to the most recent completed tax year (1987) is:

City of Livingston	(Church)	$ 37,105.54	-19.00%
	(former owner - B.N.)	$ 46,020.88	
Unincorporated portion of Park County	(Church)	$108,276.09	+193.00%
	(former owners)	$ 36,876.49	

Please contact this office if you require further information.

Sincerely,

Homer K. Langley

Homer K. Langley
Park County Assessor

HKL/mmg/tc

PARK COUNTY PLANNING COMMENTS

The Park County planning board and planning office was represented by the former County Planning Director, Ben Berto, at the public hearing in Gardiner and filed a 35-page review of the DEIS. The review had 7 appendices including one entitled "Report on Environmental Impact Statement Regarding Church Universal and Triumphant," by Jim E. Richard, a consultant from Malta, Montana.

Many of the issues posed by Berto, were also in one form or another mentioned by others. These issues were previously mentioned in the general section of the FEIS entitled Substantive Comments: General. Other issues such as threatened and endangered species, aquatics and social and cultural issues were also mentioned by others. The Church devoted 11 pages to responding to various aspects of the planning director's testimony and review.

Richard's analysis provided a unique addition to Berto's comments. The following summarizes the 18-page report. (For the complete text, reference Appendix C.):

REPORT ON ENVIRONMENTAL IMPACT STATEMENT REGARDING CHURCH UNIVERSAL AND TRIUMPHANT

Prepared for Park County
by Jim E. Richard, Consultant
Malta, Montana

INTRODUCTION

This report is submitted in response to the Park County Planning Board and County Commissioners' interest in having an outside perspective of the adequacy of the Environmental Impact Statement from a local government point of view, and outside observations and recommendations.

I looked at the EIS from a view point of local government considerations. In particular, I considered the fiscal impacts on local government, the land use implications of the proposed development, the local government planning implications. The report offers a number of observations and recommendations from a local government perspective.

It is important to understand that the scope and depth of this examination was quite limited.

REVIEW OF FISCAL EFFECTS ON LOCAL GOVERNMENT

This report looks at the fiscal effects of the proposed CUT development on Park County and four elementary school districts: Arrowhead, Gardiner, Pine Creek, and Richland. No analysis was made of Livingston elementary school districts, the Gardiner and Livingston high school districts, nor of the City of Livingston.

For Park County and the four elementary districts, tables have been prepared that compare the estimated costs of public services to serve CUT with the public revenues CUT generated for each of the local government jurisdictions during the current fiscal year (1987-88). Using the projected population and development circumstances set forth in the EIS I projected the CUT impact costs and revenues for Park County at full development.

The enclosed tables use population levels, both current and projected, from page 51 of the EIS. The current budgets of each of the local jurisdictions was used to determine costs of services, and the service charges and property tax mill levies. Current taxable valuation and property appraisals from county offices were used.

It may be that the actual CUT population is significantly higher than that used in the EIS. For example, the EIS apparently does not deal with the population of non-staff CUT members residing throughout the county. My figures would understate the impact costs if that is the case.

Except for projected population levels, I am responsible for any projected figures.

It is important to emphasize that this fiscal analysis is an effort to examine the costs and revenues that the presence of the Church generates for public services. This report treats CUT members, as well as all residents, as numbers. No sociological statements are implied, and none should be inferred.

OBSERVATIONS AND RECOMMENDATIONS

This cursory fiscal examination seems to indicate that CUT is creating net costs for Park County in providing county services. This situation usually happens with residential development. Local governments depend on business, industry and agriculture to make up the difference between the cost of serving residential properties and the tax revenues generated by them.

During this current year, CUT school revenues did not meet the estimated costs of educating the CUT students. In several districts that situation will improve as the current CUT enrollments bring in increased School Foundation monies.

But the Church decision on if, or when, to build school facilities to handle most of its member students will have a major impact on school planning for several of the districts.

Park County and the school districts need basic information in order to be more effective in planning budgets and provision of local services. Essential information that the governing bodies need include: the total number of people that have migrated into the county, their location, the number of school age children that will be attending public schools, the ages and grades of those children, and the number of students that will be attending each of the public schools.

The EIS did not provide this information, and some mechanism should be established to obtain data on a regular basis.

CUT, Park County and the various school boards need to work more cooperatively. The CUT development is similar to any large scale development. The cooperative approach of the Stillwater Mining Company in Stillwater County serves as an excellent example.

Park County should take the initiative to instigate, as a minimum, annual or semi-annual meetings to share information with CUT. At those meetings, the leaders of CUT should explain the expected demographic characteristics of its membership and population as best as it can.

The county should candidly discuss the provisions of county services, find where the county might better serve the church, the problems the county has in providing services.

CUT has acquired significant holdings throughout Park County, including the City of Livingston. The Church is not an isolated entity off in a corner of the county. It has become an integral part of the physical development of Park County. As a result of CUT's presence, it behooves the Church and the local government units to work together and share facts and perspectives.

The Church would benefit from working with the local government units. The willingness to work more openly with the local officials would likely reduce the mistrust of CUT that currently exists among many county residents.

GARDINER PUBLIC SCHOOLS

DISTRICTS NO. 7 & 4

P. O. Box 26 — Phone 848-7563

Gardiner, Montana 59030

March 30, 1988

Mr. Steve Pilcher
Montana Department of Water Quality
Cogswell Building
Room A-206
Helena, MT 59620

Dear Mr. Pilcher:

My name is Lynn Mavencamp. I am school Superintendent of Gardiner School District 4 & 7.

The E.I.S. addresses schools on pages 108 and 109. Gardiner School has approximately 45 unanticipated students this year. We are unaware, and actually have made no attempt to find out, how many of these students are a result of the presence of the Church Universal and Triumphant. Based on the number of students riding the bus and casual conversation, we assume the CUT impact on Gardiner Schools to be 25-30 students.

Fluctuations in enrollment (+/-) requires advanced planning. If we might expect additional students or a mass withdrawal of students the longest possible lead time will best serve the educational interests of our community.

Sincerely,

Lynn H. Mavencamp

Lynn H. Mavencamp
District Superintendent



"North Entrance to Yellowstone Park"

DATE: 4-18-1988

TO: WATER QUALITY BUREAU
DEPT. OF HEALTH & ENVIRONMENTAL SCIENCES
COGSWELL BUILDING
CAPITOL STATION
HELENA, MT. 59601

RE: Church Universal & Triumphant Draft EIS in Park County

Dear Sirs,

We as a local school board feel compelled to address this Draft EIS as it pertains to our local school system.

Richland School District #2, Park Co.,Board members do not agree with implications or statements made at local public hearings concerning the negative impact on local school systems. We welcome more children to our school no matter what race, color, creed or religion they are. The addition of C.U.T. children to our school has meant that the school will be able to remain open as opposed to closing down do to lack of students.

An explination is in order to clarify the situation at Richland School. Declines in enrollment in the last 10 years have put a burden on District #2's budgeting process, as the District has relied soley on State Foundation money derived from ANB,Average Number Belonging,figures to operate. Our ANB has declined, meaning less operating funds available,while fixed costs have risen. This translates into using accumulated Reserve Moneys to suppliment the General Budget to operate the school from year to year. At the end of the 86-87 school year we anticipated only 2 or 3 students attending Richland School in the fall of 1987. We were pleasantly surprised when 12 students enrolled at the beginning of school in August of 1987. This meant that the school would remain open and continue to provide education to district students and help keep local tax burdens at low levels. These new students, whether C.U.T. members children or not, are keeping this school open and a viable part of Park County's educational system. Our only disappointment is that more children have not enrolled at Richland School so the School Board could apply to the State Foundation Program for more money for an emergency budget.This being the case, the Board has used available reserve funds to operate the school and to supplement the Foundation Program in our General Budget. A special levy was voted on and passed on April 5th to use in the 1988-89 school year General Budget. We hope more students will attend next year so more ANB money will be appropriated from the State to use in our budget instead of local tax dollars. We only need 3 additional students for this to take place.

In closing we, as a locally elected School Board, have felt no adverse effects on our School District from C.U.T.'s presense in Park County. The opposite is true,the C.U.T. has benefited our school system by providing children to attend classes which in turn leads to increased funding from the State and puts contol of Schools where it belongs at the Local Level.

Feel free to contact any of the School Board members for any further comments or if there are any questions concerning this matter.

With Equal Education In Mind,

Richland School District #2, Park Co.
Rt. 38 Box 2259
Livingston, Mt. 59047
Robert Anderson,chm.
Andy O'Hair
Jim Francis

Billie J. Fleming
Superintendent



PARK COUNTY SUPERINTENDENT OF SCHOOLS

414 East Callender
Livingston, Montana 59047
406-222-6120, Ext. 255

April 20, 1988

Jim E. Richard, Consultant
Box 1365
Malta, Montana 59538

Dear Jim:

The Report on Environmental Impact Statement regarding Church Universal and Triumphant was brought to my attention through the Livingston Enterprise yesterday. It appears Lewin Dover's statements and mine have been misrepresented.

We stated our district policies clearly on issues dealing with race, creed, sex, or handicap. School districts approach these issues from the standpoint of individual dignity, equality in its fullest sense, and an understanding of others' points of view, problems and actions.

In our conversations we also emphasized that school exists for the education of children. As educators, our task is to assist students to explore and develop their potential and intellectual, personal, and social growth. We are in the business of assisting students to acquire the skills and knowledge necessary to become productive and contributing citizens of society.

We would not argue the fact that Arrowhead has a new/increase student enrollment of 26, Richland a new student enrollment of 11, and Pine Creek has had three to five new sutdents enrolled during this school year. However, as a school district, we have made no attempt to identify students other than for district attendance and transportation purposes. Because any fluxuation, plus or minus, requires planning, we could best serve the educational needs of our community if districts were notified prior to enrollment. We will be working to develop this communication.

You have done a great deal of research, but in fairness to our conversations, students should not have been labeled.

Sincerely,

Billie Fleming

Billie Fleming

cc: Lewin Dover
Steven L. Pilcher

Hank Rate
Box 873
Corwin Springs, Montana 59021

April 17, 1988

re: Church Universal & Triumphant EIS

Water Quality Bureau
DHES
Cogswell Building
Capitol Station
Helena, Montana 59620

Dear Sirs:

The EIS totally fails to clarify the numerous laws and regulations that might affect CUT's developments. A discussion of this in a single section, along with a detailed appendix (citations and authorities) is needed in order for Park County and the rest of us to understand what can be done.

In each instance, who is responsible for requesting review and requiring compliance?

What is the policy toward a developer who starts or completes the work first and then is determined to be subject to permit or review ? We get the feeling that both CUT and the DHES feel that since the work is started or completed, it can't be challenged and that the reviews after the fact are just for the purpose of papering things over. Some agencies take the opposite view, and approach such work from the standpoint that the developer is in violation. Permits issued to justify such work are approached with prejudice.

The following is an outline of some of the considerations that need to be addressed in such a discussion:

Subdivision & Platting Act
- Primary responsibility Whom to contact?
- "Bunkhouse" exemption
- Mobile home parks
  - Differentiation: Modular vs. mobile
    - UBC vs. HUD stamp

Sanitation in Subdivisions Act
- Primary responsibility. Whom to contact?
- Mobile home parks

Other DHES Authority
- Existing sanitary & water permits
- Work Camps
- Communal Kitchens
- Day-care centers
- Schools
- Churches
- Factories

Building permits
- Required for what types of structures?
- Where do you apply for permits?
- Where are the records kept?
- Who does the actual inspections?
- At what stages of construction?
- Are as-built plans kept on file?
- Electrical
- Plumbing & heating
- Structural
- Other

Seismic considerations

Water rights
- Changes in diversion
- In-stream flows and concept of beneficial use.

Will you provide us with a discussion of these laws and regulations in the revised EIS, so that the public has some sort of handle on what recourse they have ?

Sincerely,



Greater Yellowstone Coalition

April 21, 1988

Mr. Steve Pilcher
Water Quality Bureau
Dept. of Health & Environmental Sciences
Cogswell Building, Capitol Station
Helena, MT 59620

Dear Mr. Pilcher:

Enclosed are the Greater Yellowstone Coalition's final comments on the Environmental Impact Statement on the developments proposed by the Church Universal and Triumphant. This is the most recent edition of our comments, so we would appreciate you replacing any former copies you may have received.

In addition, we would also like to express our wholehearted support of the comments submitted by the National Park Service and the Montana Department of Fish, Wildlife and Parks. We hereby incorporate their recommendations and comments in those of the Coalition.

In addition, we urge you to fully examine the recent reports released by the Montana Department of Fish, Wildlife and Parks regarding the net economic value of elk, deer and antelope hunting, and fishing in Montana. These values should be useful in revising the Environmental Impact Statement on CUT to thoroughly reflect the economic implications of the proposed development activities and tradeoffs between wildlife habitat protection and other land uses.

These values also reinforce the importance of adequate wildlife and fisheries mitigation measures. For instance, reported values for fishing in the Upper Yellowstone and Gallatin rivers show that the net economic value per year is $840,339. Furthermore, the gross willingness to pay for stream fishing is $214.39 per trip, with an average expenditure of $96.74 per trip. Regarding antelope hunting, the state average value is $143 per permit, with an average expenditure of $114 per trip. The net economic value of antelope hunting under the existing lottery system is $6 million per year. Regarding deer, the state average net economic value is $108 per hunting trip. The total recreational value of Montana deer hunting based on reported costs is $36.6 million. And, the annual aggregate value of Montana elk hunting is $38 million. In the Gardiner area, the net economic value per elk hunting trip is $193.93.

It is clear from these recent studies that the value of big game hunting and fishing in Montana is far higher than previously understood. We urge you to incorporate these figures in your analysis in the Final Environmental Impact Statement on CUT.

Thank you for the opportunity to submit these comments. We look forward to continuing our involvement in the development of the final EIS.

Sincerely,

Louisa Willcox
Program Director

Encl.



Greater Yellowstone Coalition

COMMENTS OF LOUISA L. WILLCOX, PROGRAM DIRECTOR OF THE GREATER YELLOWSTONE COALITION, TO THE MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT REGARDING DEVELOPMENTS PROPOSED BY THE CHURCH UNIVERSAL AND TRIUMPHANT, MARCH 16, 1988.

Good evening, Mr. Pilcher. My name is Louisa Willcox, and I am the Program Director of the Greater Yellowstone Coalition, based in Bozeman, Montana. I thank you for the opportunity to submit these comments for the Coalition on the Draft Environmental Impact Statement (EIS) on projects proposed by the Church Universal and Triumphant.

The Greater Yellowstone Coalition was founded in 1983 for the purpose of preserving the integrity of the Greater Yellowstone Ecosystem, the largest essentially intact Ecosystem remaining in the lower 48 states. We presently have a membership of approximately 2,000 individuals and 50 local, regional and national conservation organizations, many of which are represented here tonight.

This evening, I would like to focus my comments on improvements that are needed in the EIS regarding developments proposed in ecologically and aesthetically critical areas north of Yellowstone Park on properties owned by the Church Universal and Triumphant (CUT). Since waste disposal, water quality, and fisheries issues will be thoroughly discussed by others, I will concentrate on deficiencies in the EIS regarding the protection of wildlife, Yellowstone's geothermal systems, and the aesthetic experiences of those who live and visit this important part of Greater Yellowstone.

The Coalition has been deeply involved in this issue since the Church originally proposed to move its corporate headquarters and additional personnel to the Corwin Springs area over 18 months ago. Our involvement with the Montana Water Quality Bureau, the Church and Park County personnel has centered around concerns about serious adverse effects that will result from ongoing and proposed developments in important habitat for Yellowstone cutthroat trout, bighorn sheep, elk, moose, antelope, bison, mule and white-tail deer, raptors, Species of Special Concern for Montana, rare and unique plants, as well as the endangered bald eagle and peregrine falcon, and the threatened grizzly bear. In addition, we are deeply concerned about the protection of Yellowstone's geothermal system, as well as the aesthetic experience of thousands of tourists traveling to

Yellowstone Park from the north. These tourists, and those who hunt and recreate in the surrounding backcountry, and fish and boat on the Yellowstone River, provide the backbone of the Gardiner and Livingston area economy.

With the exception of the nearby Burlington Northern holdings, it would be hard to find another single private property as ecologically critical to the integrity of Yellowstone Park and the Greater Yellowstone Ecosystem. The U.S. Forest Service and National Park Service, which have sought to purchase the property since the 1920's, have clearly recognized the biological and visual quality of this unique holding. As written, however, the EIS entirely fails to recognize the value of this area as habitat for species listed above, or as important to the recreational experience of the millions of visitors who enjoy this portion of Greater Yellowstone each year.

Because of these inadequacies, which I will discuss tonight and in additional written comments, we request that you: 1) thoroughly revise the Draft EIS using available information from the National Park Service, the Department of Fish, Wildlife and Parks, U.S. Geological Survey and others; 2) resubmit a draft EIS for full public review and comment; and 3) collect missing pieces of critical data important to developing stringent mitigation measures, while this EIS is being revised.

Before discussing the specific deficiencies of the EIS, I would first like to place this property within the context of the entire Greater Yellowstone Ecosystem.

Greater Yellowstone Ecosystem

Greater Yellowstone is one of perhaps three ecosystems in the continental United States that is still functioning much as it did before the arrival of European settlers. It is a land of superlatives: the first national forest and park, the largest geyser system remaining in the world, one of the last populations of grizzlies in the lower 48 states, the last known refuge of the black-footed ferret, home to the whooping crane, bald eagle, trumpeter swan, as well as the headwaters of three of the nation's major drainage systems -- the Yellowstone-Missouri, Green-Colorado, and the Snake-Columbia.

Today, however, the Greater Yellowstone Ecosystem is becoming a natural island surrounded by a sea of human development, from logging and road building, to oil and gas exploration and subdivisions. Taken individually, each threat might be tolerated and its effects mitigated. But taken together, the cumulative impacts of these activities amount to the fragmentation and destruction of critical habitat to such an

extent that Greater Yellowstone may no longer be able to support viable populations of its historic diversity of species. These species include those now threatened and endangered, others sensitive to human disturbance, and some perhaps yet undiscovered.

We are learning to recognize the global importance of ecosystem destruction in tropical rain forests. Here, at home, in one of America's and the world's favorite parks, we can already see tell-tale signs of ecosystem erosion from declining populations of such sensitive species as trumpeter swans and grizzlies. In other national parks, major mammalian species have been lost since their establishment. It has recently been found that Mount Rainier, for example, has lost 28% of its original heritage of major mammals; Yosemite, 31%; Bryce, 38%; Lassen, 42%.

In Yellowstone, where only the grey wolf is known to be extinct, there is still an opportunity to prevent this kind of ecological collapse. Yellowstone, which stands as a tremendously important worldwide symbol of park protection, could carry new significance as an example of ecosystem protection -- but only if we act to protect what remains now.

Deficiencies of the EIS

One of the best ways to protect biological diversity is through comprehensive protection of the remaining quality habitat for wildlife, fisheries and plants. For far-ranging and sensitive species which use the area, such as mountain lion, elk, bighorn sheep, grizzly, bald eagle and cutthroat trout, full protection means minimizing human intrusion, displacement, habitat loss and direct mortality.

The major threat to these species is posed simply by the numbers of people the Church proposes to add to their properties, particularly in the Corwin Springs and Glastonbury areas. Sensitive species will probably not be seriously affected by one activity alone, but by all the activities taken together, including farming, residential and educationally oriented developments, meat processing, the construction of the fence along the Park boundary and along the river road, as well as the Church's annual conference which draws an additional 2,500 people to the pristine subalpine meadows of Mol Heron Creek.

Due to several serious procedural deficiencies, the Environmental Impact Statement fails to adequately disclose or ensure sufficient mitigation of impacts, which should have been anticipated from the proposed developments. These deficiencies include:

1. Failure to include adequate site-specific descriptions of development projects, and associated human activities.

Although over 300 pages of documents relating to development projects were apparently submitted to the State by the Church Universal and Triumphant, much of this information seems not to have been included in the Draft EIS. Site-specific information on individual projects and levels of associated human activity was not disclosed. Without such data, it is impossible to fully analyze the impacts, individually or cumulatively of the entire Church development program.

Furthermore, the EIS lacks coherent maps of activities that show: 1) how the development projects will relate to wildlife movement corridors in and out of the Park, and to the visual experience of those approaching the Park from the north, and 2) the accurate "zone of influence" of various activities and projects on wildlife and fisheries. If this had been done, the nature of the environmental impacts could have been clearly analyzed, and accurately assessed.

For example, a map of developments and activities associated with the annual conference in Mol Heron Creek, combined with an accurate assessment of the time required to set up and take down the event, would have shown that the period of displacement for grizzlies is not 2 weeks, as indicated in the EIS, but closer to 2 months. In addition, it would have been clear that the area of displacement was not 60 acres as indicated, but the entire drainage. Similarly, a map of antelope movement patterns, particularly in severe winters, would have shown the critical nature of the CUT property to the survival of this limited population. It would also have shown the potential for serious conflicts with the border fence, and with continued agricultural land conversion in the area. These examples serve only to illustrate the problem which also applies to other wildlife species addressed in the EIS.

2. Failure to adequately incorporate existing information from the USGS, National Park Service, Montana Department of Fish, Wildlife and Parks, and other knowledgeable individuals and agencies on the wildlife, geothermal systems, soils, plants, fisheries, and other resources of the area.

A substantial body of information on the unique natural resources of the Church property is available from known sources, such as those listed above. It is unclear why these sources were not fully consulted or their views fully integrated in the EIS. This information is critical to a complete disclosure of environmental impacts and an educated selection of important mitigation measures. Some of these sources are listed below:

1. Geothermal systems -- USGS.

2. Fisheries -- Montana Dept. of Fish, Wildlife and Parks.
3. Big game species -- National Park Service, MSU Biology Department, Montana Dept. of Fish, Wildlife and Parks, biologists employed by Northern Yellowstone Rim Alliance.
4. Mountain lions -- National Park Service, Maurice Hornocker from the University of Idaho.
5. Peregrine falcons -- the Peregrine Fund.
6. Bald eagles -- Greater Yellowstone Ecosystem Bald Eagle Working Group.
7. Bison -- Mary Meagher.
9. Non-game species -- Dennis Flath (MTDFWP), MSU Biology Department.
10. Grizzlies -- Harold Picton, MSU, IGBST, USFWS.
11. Soils -- MSU, Cliff Montagne, P.M. Davis and others.
12. Plants -- Dr. John Rumley, Peter Lesica, Bob Dorn.

Information from these sources must be fully incorporated in the revised EIS in order to make a full analysis of impacts and mitigation measures.

3. Failure to fully analyze the individual and cumulative effects of ongoing and proposed activities.

The level of analysis contained in the EIS of individual and cumulative effects of CUT-related activities is superficial at best. Essentially, there was no analysis of the cumulative impacts of Church and adjacent activities on private and public land, although techniques for conducting such analyses are available and have been used by the adjacent Gallatin Forest.

Quantitative Cumulative Effects Analysis models are available for grizzlies and bald eagles, but were not applied in the EIS. In the recent case of the proposed Ski Yellowstone development on the Gallatin Forest, Cumulative Effects Analyses clearly demonstrated that the future of the grizzly bear and bald eagle would have been jeopardized had this development proceeded. Non-quantitative cumulative effects analyses are also easily conducted. Only through a careful and thorough evaluation of cumulative impacts can the full effects be anticipated and mitigated; such an analysis must be included in the revised EIS for all threatened and endangered species, Species of Special Concern, and big game species.

The EIS also substantially downplays the seriousness of individual impacts on wildlife. One of the most serious deficiencies in the EIS is its failure to adequately recognize and mitigate the negative impacts that can be expected as a result of human-wildlife interactions, particularly with grizzly bears, mountain lions, eagles and other sensitive species. These impacts ensue not only from direct confrontations that involve trapping or removals, but from displacement due to disturbance.

The continual presence of so many people, who are also concentrated during the convention in even higher numbers in a particularly sensitive drainage, will certainly displace animals and precipitate direct conflicts with such species as grizzlies. In such situations, wildlife is the ultimate loser.

The scientific literature as well as information from the National Park Service, Montana Department of Fish, Wildlife and Parks, and others, clearly demonstrate the serious nature of human-induced impacts on sensitive species. This information was either not included or was given short shrift in the Draft EIS. The EIS hints at such impacts on pp. 60 ff but fails to probe in depth at the problems.

The potential for mortality as a result of available human food attractants, for example, is thoroughly documented in the USFWS' Grizzly Bear Compendium, -- a document not even referenced in the EIS. Also, human impacts on antelope, cutthroat trout, peregrines, bighorn sheep and other species were given only cursory attention, although substantial information is available from the MTDFWP, biologists associated with the Northern Yellowstone Rim Alliance, Peregrine Fund, the National Park Service, the USGS and others. These deficiencies must be corrected in the revised EIS.

4. Failure to develop an array of alternatives which analyzes the pros and cons of various activity levels and mitigation measures.

MEPA requires that Environmental Impact Statements contain "a description of reasonable alternative actions that could be taken by the Department." In order to be reasonable, these alternatives must allow the Church to proceed with activities, while ensuring the protection of the environment. The reason for this is clear: the agency must be able to evaluate trade-offs among the alternatives in order to make an informed selection for a preferred action.

In this EIS, however, the State has failed to sufficiently develop each alternative so that it is clear why the Preferred Alternative was selected. A paragraph or two on each alternative is simply inadequate to display the trade-offs among each of the alternatives. To simply say, for example, that "monitoring of groundwater impact" will be done, is not specific enough to allow the public to know how this will be done and whether it will be adequate to protect water quality. Without specificity in the discussion of mitigations and the tradeoffs between alternatives, there is simply no defense for the selection of the Preferred Alternative. These deficiencies must be corrected in the revised EIS.

5. Failure to respond to concerns raised by National Park Service, MTDFWP and the USGS.

During the public scoping process, the USGS submitted substantial information on concerns about impacts to Yellowstone Park's geothermal features as a result of drilling at La Duke Hot Springs. These concerns were further expressed in the review of the Hydrometrics Report. The EIS, however, fails to include the discussion of these concerns, and fails to respond to them. These must be included in the revised EIS, particularly since USGS has conducted substantial research in the area over the years.

The Montana Department of Fish, Wildlife and Parks also participated in the scoping process, and reviewed a draft. Some of these concerns were discussed in the EIS (EIS p. 40ff). These concerns refer to impacts on:

1. The fisheries of Mol Heron as a result of inadequate waste-water treatment;

2. The fisheries of Mol Heron and Cedar Creeks as a result of de-watering for irrigation by the Church;

3. The bighorn sheep as a result of mixing with domestic sheep;

4. Cumulative effects on quantity and quality of habitat for wildlife species.

These serious and legitimate concerns, not fully addressed in the draft, must receive a thorough response in the revised EIS.

The National Park Service has been closely involved with the development of the EIS, and has expressed concerns about the following areas which were also not fully addressed in the Draft EIS:

1. Disposal of wastewater through water diversions, wells, water pumping and operation and their effects on aquatic life, including fishes between the Park and the upper Yellowstone River.

2. Impacts of development on already limited pronghorn habitat.

3. The impacts of proposed developments on the Cinnabar Mountain sheep population.

4. Impacts of fencing on the movement of wildlife, particularly elk, mule deer, bison, pronghorn antelope and bighorn sheep.

5. Impacts of proposed development on federally listed

threatened or endangered species, specifically the bald eagle, grizzly bear, whooping crane, peregrine falcon, and the wolf.

6. Impacts on species listed by the State of Montana as Species of Special Concern.

7. Impacts from development at La Duke on the aquifer pressure that includes the hotsprings, fumeroles and geysers within Yellowstone Park.

8. Impacts of development on air quality.

These concerns must be fully addressed in the revised EIS.

In addition, in its correspondence with the State, the U.S. Fish and Wildlife Service expressed its concerns about "... developments involving potential bear food such as human garbage, produce and poultry, which could have the potential to increase bear-human conflicts resulting in the death of bears and potential injuries of people" (USFWS, 1986). As indicated in our own testimony tonight, these concerns have not been fully addressed and must be included in the revised EIS.

6. Failure to identify and fill in important gaps of information on resources and impacts.

The EIS recognizes that insufficient information exists on water quality, use of the area by various birds, rare plants, and socio-economic impacts. Although the EIS may not itself be able to fill in these gaps of information, it should at least set up a process to do so in a timely fashion, prior to the initiation of potentially impactive activities. However, the EIS entirely fails in this regard. Thus, serious primary, secondary and cumulative impacts, required to be assessed by MEPA, may not be properly anticipated and mitigated. These deficiencies must be corrected in the revised EIS.

7. Failure to adequately protect wildlife and fisheries of a critical portion of the Greater Yellowstone Ecosystem.

THREATENED AND ENDANGERED SPECIES

Despite the potential for serious and irreversible impacts on three threatened and endangered species, the grizzly bear, bald eagle, and peregrine falcon, the Montana DHES failed to adequately assess these impacts or formally consult with the US Fish and Wildlife Service, as required by Section 7 of the Endangered Species Act. Such a consultation must be completed prior to the release of the final EIS, and impacts fully assessed and mitigated, to ensure that these species will not be jeopardized by development activities.

GRIZZLY BEAR

The EIS recognizes the value of Church property to spring, summer and fall forage for grizzlies. It also recognizes the potential for seasonal problems of food availability, which would force grizzlies into human-occupied areas, creating conflicts which the bear would inevitably lose. Furthermore, it admits that bears in the area would inevitably come into contact with food sources on the Church property, and that this problem would lead to control measures -- removal to zoos, destroying problem bears, or transplants elsewhere in the Greater Yellowstone Ecosystem. In addition, the EIS recognizes that relocations, as have been conducted on the Church property twice in the last several years, are usually "ineffective as a deterrent to continuation of the same behavior patterns, and removal becomes necessary" (EIS p. 26).

Despite these admissions, the EIS fails to direct an adequate response to these problems, which could contribute to a further decline in an already precarious population. These failures are discussed specifically below.

1. The EIS fails to adequately assess or deal with the potential for human-bear conflicts.

The Gallatin National Forest and adjacent areas are already responsible for the highest grizzly mortality of any area in the Greater Yellowstone Ecosystem. Data from the Interagency Grizzly Bear Study Team shows that the Gallatin Forest and adjacent private lands, including Cooke City, Gardiner and West-Yellowstone, are responsible for the entire allowable female mortality for the Ecosystem. In the last 7 years, an average of 2 females have died each year in this general area. Such mortality could effectively prevent recovery of the Greater Yellowstone Ecosystem grizzly bear population. Measures must be taken to ensure that human development activities do not continue to contribute to this serious and ongoing mortality in the area.

Church-related activities involve the introduction or increasing of numerous grizzly attractants, including produce, poultry processing, livestock, orchards, and crops. Such activities are well documented as causing human-bear conflicts and mortality (see Grizzly Bear Compendium).

Aside from fencing and garbage removal, there are nearly no measures suggested to deter bears from food sources. However, electric fencing, proposed by the Church, is known to be inadequate to keep bears out of produce gardens, according to Gardiner-area residents who have applied this technique.

Of particular concern is the absence of any discussion of

how smells will be controlled or grizzlies deterred that are drawn into the slaughterhouse area. Just because daily hauling of carcasses is planned (EIS p. 31) does not mean that not enough odors will be produced to entice the keen-nosed grizzly into trouble. These deficiencies must be corrected in the revised EIS.

2. The EIS fails to accurately assess habitat loss and bear displacement from human-occupied areas, and thus also fails to develop adequate mitigations.

The failure of the EIS to include site-specific descriptions of activities makes it impossible to accurately assess how much habitat will be lost and where. As previously discussed, the figure of habitat loss of 60 acres for grizzlies is totally inaccurate, however. First, the EIS admits that another 85 acres will be eliminated as a result of development (EIS p. 27). Secondly, there is no discussion of the zone of influence and displacement of bear use near human activity centers such as the Mol Heron conference site.

The only mitigation measures proposed by the EIS to cope with this serious situation is through education of conferees and the hauling of garbage. These mitigation measures are entirely inadequate and fail to address displacement by concentrations of people, however educated they may be. This must be improved in the revised EIS.

BALD EAGLES

The value of the Church property for bald eagle wintering and potential nesting is recognized by the EIS on page 26. The EIS, however, entirely fails to assess the impacts of additional human activities on potential successful nesting along the Yellowstone; the effects on bald eagles of a decline in the fisheries, as a result of water pollution from inadequate sewage disposal; and effects of agricultural chemical use on bald eagle survival.

These impacts can be serious, and are well documented by the Greater Yellowstone Bald Eagle Working Group, which identified human use and activity as major contributors in the abandonment of nests and displacement from seasonal feeding areas (Greater Yellowstone Bald Eagle Working Group, 1983, 1987, 1988). One reason that the known bald eagle nest sites in the CUT area are not presently occupied could be that current use levels are excessive. The revised EIS must include a complete analysis of current and future use levels, as well as existing and anticipated impacts on bald eagle nesting and wintering.

In addition, the Greater Yellowstone Bald Eagle Working Group has also identified agricultural chemicals as causes of

increasing bald eagle mortality (Greater Yellowstone Bald Eagle Working Group, 1983, 1987, 1988). It is not clear whether agricultural chemicals are going to be used, and if so which ones will be applied. The impacts of such chemical use must be fully evaluated in the revised EIS.

PEREGRINE FALCON

1. The EIS fails to include accurate data on peregrine falcon hacking efforts in the CUT area.

During the summer of 1987, the Peregrine Fund attempted to hack young peregrine falcons near Gardiner. This effort was not discussed in the EIS, nor were impacts on peregrine falcons in the area as a result of Church Universal and Triumphant activities. This deficiency must be corrected in the revised EIS.

2. The EIS fails to adequately assess the impacts of agricultural chemicals on peregrines.

The impacts of agricultural chemicals on peregrines, eagles and other raptors have long been recognized. As discussed in the section on bald eagles, the potential for serious effects on peregrines must be fully evaluated in the revised EIS.

BIG GAME SPECIES

BIGHORN SHEEP

1. The EIS fails to adequately assess and respond to impacts of domestic sheep on bighorn sheep and their habitat.

Current efforts to prevent domestic and bighorn sheep from mingling are inadequate, and are not corrected in the EIS. The penned areas for domestic sheep on the Church property are not, as indicated in the EIS, off the winter range. Furthermore, it has also been documented that bighorn sheep do get inside the pen and mingle with the domestic sheep, thereby increasing the potential for the transmission of disease.

In order to adequately protect bighorn sheep of the Cinnabar Mountain area, it is critical that sheep be moved off-site of the RTR-S. This was discussed "as a proposed mitigation" in the EIS, but was not fully explored or considered. This must be specified in the revised EIS.

In addition, the EIS failed to adequately assess competition for forage between bighorn sheep and CUT livestock. This also

must be included in the revised EIS.

2. The EIS fails to adequately assess the negative impacts as a result of Church fencing on bighorn sheep movements and habitat use.

Both the boundary fence and the barbed wire fence along the road are known to hang up and injure bighorn sheep. This source of impact was simply not addressed in the EIS. It was assumed that the fencing and openings along the fence would be adequate to allow animal movements, but this assumption was not evaluated. These impacts must be thoroughly evaluated and mitigated in the revised EIS.

ANTELOPE

The importance of the Church property to migratory antelope in the northern portion of the Park is well documented. The EIS recognizes the critical role of this property for antelope, particularly in severe winters (EIS page 20). The nature of the antelope herd in the northern portion of the Greater Yellowstone Ecosystem is tenuous at best. Thus, any additional impacts, through depredation hunts, displacement or habitat loss, could lead to the elimination of this unique remnant herd.

The EIS fails, however, to assess the loss of this habitat to this already marginal herd through: 1) the construction of the boundary fence; 2) conversion of habitat to irrigated crop lands; 3) displacement as a result of human activities.

Furthermore, the EIS fails to assess the impacts of depredation hunts which involved the issuance of 50 permits in 1987. If all 50 animals were taken, it is probable that reproduction would not be able to make up the loss. Genetically, the already small herd could drop below the point from which it could recover from the combined impact of the hunt and loss of habitat on the Church property. These issues must be addressed and the deficiencies in analysis must be corrected in the revised EIS.

ELK

The elk herd of the northern portion of Yellowstone Park rely on areas outside the Park for survival in the winter. In fact, the EIS recognizes that the Church owns between 30-35% of the winter range outside Yellowstone Park (EIS, page 12).

Human disturbance, elk competition for forage with cattle and sheep, the fence along the border and the river, and loss of habitat to agricultural uses could have major impacts on elk wintering and calving. These impacts were not fully addressed in

the Draft EIS and must be included in the revised version.

In addition, it should be made clear in the revised EIS that these are Park animals. The value of these animals to the public experience of the National Parks must be considered in the analysis of these private lands developments.

BISON

The story of bison in Greater Yellowstone is one of the few wildlife success stories in the Ecosystem. From a total of fewer than 50 individuals at the turn of the century, bison numbers have increased to nearly 3,000 animals. As indicated in the EIS, page 21, bison use of the northern range has been increasing. In the past few winters, however, bison use of the Church property has not been particularly heavy, due to the location of the fence and the mild winters. However, this use can be expected to increase, particularly in a harsh winter that is long overdue.

1. The EIS failed to adequately assess the potential for increased bison use of the Church property.

The EIS fails to treat bison as legitimate Park migrants onto the Church property. The EIS approach to bison use of the Church property is as follows: "it is hoped that the hunt can remove enough problem animals and negatively condition other bison using property north of YNP so that the hunt will not have to be instituted annually" (EIS, page 21). This approach fails to acknowledge the value of bison to the Park visitor, and fails to recognize alternative forms of management.

Since hazing practices have stopped in the Park, there is increased potential that the growing herd will migrate to the north. Does the EIS honestly assume that in a harsh winter the hunt can remove over a thousand animals, if so many migrate north? The EIS must fully address alternative measures in the event of a harsh winter that forces numerous bison onto the Church property. Furthermore, it must address impacts on bison as a result of habitat conversion, construction of the border fence and other developments in the area.

MOUNTAIN LION

The importance of the Church property to mountain lions has not been adequately assessed in the EIS. Although Maurice Hornocker was cited (EIS page 22), Hornocker's perspectives about the importance of this property to mountain lion use in the northern part of the Greater Yellowstone was not discussed.

Furthermore, the EIS entirely fails to discuss the impacts

on lions of ungulate habitat loss and potentially declining ungulate populations. In addition, while it is well known that mountain lions are very sensitive to human disturbance, the DEIS fails to examine the impacts of this disturbance on mountain lion behavior. In fact, the EIS says that mountain lions "will probably not feel the effects of the development on RTR-S" (EIS page 29). There is no rational basis for this conclusion, which must be corrected in the revised EIS.

NON-GAME SPECIES

The EIS entirely fails to assess the impacts of developments on non-game mammals, birds and fish as listed in Appendix 1. There is no discussion of the impacts on Species of Special Concern for Montana, including osprey, harlequin duck, Cooper's hawk, northern goshawk, ferruginous hawk, golden eagle, merlin, prairie falcon, upland sandpiper, long-billed curlew, northern pygmy owl, burrowing owl, great gray owl, long-eared owl, northern saw-whet owl, olive-sided flycatcher, clay-colored sparrow, Brewers sparrow, bobbelink, Uinta chipmunk, wolverine, lynx and bobcat.

These species all rely on the appropriate distribution of specific habitat types, some of which could be affected by the development projects. The revised EIS must contain information on the use of the area by these species, and a full discussion of adverse effects and mitigation measures to alleviate negative impacts.

PLANTS

Although no rare, or proposed threatened or endangered plant species are known to occur on the Church property, the DEIS incorrectly concludes that "none of these species are likely to occur on the RTR-S" (DEIS page 43). This is entirely untrue, according to botanists Bob Dorn and Jack Rumley (pers.comm., 1988). There is a possibility that some species, particularly those dependent on thermal springs, could be present in the La Duke area.

Field surveys are the only way to assess the presence of any rare, threatened or endangered plant species. This was advised by the Greater Yellowstone Coalition and others during public scoping for this EIS. One field season has already passed when such a survey could have been conducted. This must be done prior to release of the final EIS. If rare or unique plants are located, adequate protection must be ensured.

GEOTHERMAL SYSTEMS: LA DUKE HOT SPRINGS AND THE THREAT OF DEVELOPMENT TO YELLOWSTONE'S GEYSERS.

1. The EIS underestimates the importance of La Duke Hot Springs for the entire Greater Yellowstone geothermal system.

Yellowstone is the largest remaining intact geyser basin in the world, and one of only three major geyser systems that have not been destroyed or damaged by geothermal development. Yellowstone's geysers are one of the primary reasons the area was set aside as a National Park and International Biosphere Preserve. Although little is known about the interconnections of the aquifers between the thermal areas inside and outside Yellowstone Park, the USGS and National Park Service geologists have concluded that drilling and pumping of geothermal areas around the Park could impact the Park geyser systems themselves. These geologists have also noted that there could be a lag time between development and future deterioration of geyser systems, and that this damage may not be reversible.

The EIS recognizes that the "La Duke Hot Spring and the well drilled by the Church intercept the same aquifer" as Yellowstone's geysers (DEIS, p. 76). The EIS fails, however, to acknowledge the importance of this connection to this irreplaceable geyser system. It is this connection, however, that raises the issue from one of local to national and international concern.

Senator John Melcher has recently recognized the fragile nature of Yellowstone's geothermal system, and the threat posed by development at La Duke in his recent amendments to S 1006, the Geothermal Steam Act Amendments of 1987. This amendment would withdraw the Known Corwin Springs Geothermal Area from development and would direct the acquisition of development rights, if critical relationships with Park geothermal systems are confirmed by a 3-year study conducted by the USGS and the National Park Service.

GYC supports these amendments, believing that any risk is unacceptable where such national treasures as Yellowstone Park's geysers are concerned. Specifically, the ongoing development activity by the Church Universal and Triumphant on their property at La Duke is considered the most immediate threat to the geothermal integrity of the Park.

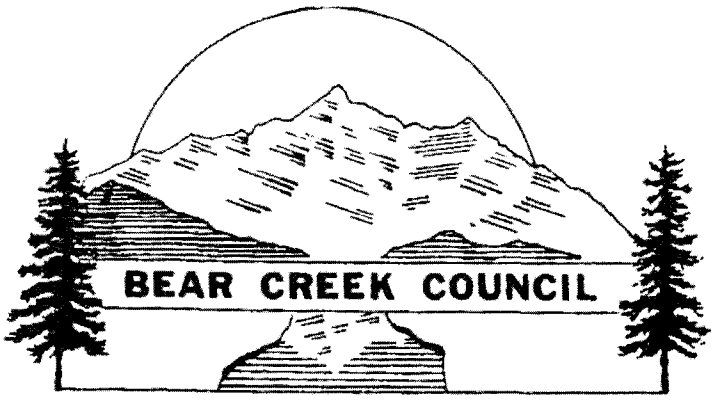
2. The EIS entirely fails to assess the risk to Yellowstone Park of development at La Duke Hot Springs or to thoroughly evaluate the truly worst case scenario should development occur (EIS page 75).

The EIS appears to leave the issue of La Duke development and the risk to Yellowstone's geysers to Congressional action.

Just because Senator John Melcher's bill also addresses geothermal issues at La Duke does not mean that the State lacks authority over or responsibility for protection of the unique geothermal systems of the Park, however. The EIS must be revised to allow the State to exercise this important responsibility.

In this revision, it is imperative to include information available from the USGS and National Park Service not included in the draft. Although substantial information from these agencies is available, it appears that most of the geothermal analysis was derived from testimony of the Church at the Senate Energy Subcommittee hearings in 1987. The analysis thus lacks a fair and objective review of the issues pertaining to geothermal development. These deficiencies must be corrected in the revised EIS.

GYC believes that these deficiencies clearly warrant a complete reformulation of the EIS, and resubmission in a draft form for public comment. We appreciate the opportunity to submit these comments. We look forward to the opportunity to offer additional analysis during the comment period.



P. O. Box 448 — Gardiner, Montana 59030

Mr. Stephen Pilcher, Chief
Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building
Helena, MT 59620

April 21, 1988

Dear Mr. Pilcher:

I am writing on behalf of the Northern Plains Resource Council (NPRC) and Bear Creek Council (BCC), an affiliate. The comments in this letter are in addition to the comments presented at the March 21 public meeting, regarding the Church Universal and Triumphant Draft Environmental Impact Statement. Thank you for the opportunity to comment.

In addition to these comments, the following members of the Bear Creek Council have submitted written commenrs or presented oral comments at the March 21 public hearing:

Gardiner residents – Betty Deweese, Julia Page, Richard Parks, Linda Collins, Robin Collins, and Bill Berg
Jardine residents – Sue Johnson and Jim and Joan Marty.
Corwin Springs residents – Lill Erickson and Hark Rate

NPRC and BCC concerns center around two major areas. The first area of concern is the mitigation measures stated in the document. The measures are not presented as clear-cut, enforceable conditions on the permits. The second area of concern is that the scope of the study is inadequate.

There is no discussion of the adequacy and appropriateness of the sewage systems currently in place for the intensity and type of usage they are <u>now</u> receiving. There is also no discussion of the present

housing occupied on the "OTO" unit, the development at "Glastonbury," or "North Ranch" areas. Without these discussions there is an incomplete picture of the total development, its impact on water quality of the Yellowstone River and tributary streams, its impact on socio-economic factors, and the immense changes such a development will have on the environment.

As we stated in our oral comments, it has been our experience with Environmental Impact Statements that mitigating measures must be clear, precise, and measurable conditions of permits. Mitigating measures that begin or contain, the word "should" are not mitigation measures at all because by their very nature no enforcement parameters exist. Why are the mitigating measures stated so imprecisely in the document? Will the department make the mitigating measures enforceable conditions of the permit? If not, why not?

In this document we found only brief descriptions of the "Royal Teton Ranch South" developments and their proposed or existing sewage systems. Why are there no supporting engineering drawings and system specifications for the sewer systems and the water permits being requested?

The DEIS states that water-quality monitoring will occur or has been occurring at the Big Spur Campground, East Gate (Camp Mustang), and the Cinnabar Campground and Ranch Kitchen. Who conducts this monitoring? What are the substances being monitored? How often will the monitoring be conducted? What will be the consequence if monitoring shows that the water quality has deteriorated?

During the discussion on nutrient loading no information is given concerning how much nitrogen and phosphorus loading exceeds the existing or pending permits. Why not? Without this information Tables 4 and 5 are not very helpful.

In addition, without any discussion of "Glastonbury" and "North Ranch" areas we are deprived of an adequate analysis of the cumulative impacts of the development, as well as the scope for mitigation and alternatives. How can the state assess the cumulative impacts and decide appropriate mitigation measures if the project as a whole has not been analyzed?

Furthermore, we found the discussion of alternatives not very useful in

light of the general lack of information. NPRC and BCC were stunned that this document was so brief considering that a new community is being built.

Thank you again for the opportunity to comment. We look forward to your response to these and the other comments from Bear Creek Council and Northern Plains Resource Council.

Sincerely,

Miriam Skertich

Miriam Skertich
President

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(Year round)
Box 46
Gardiner, MT 59030
(406) 848-7777

YELLOWSTONE RAFT COMPANY
MOUNTAIN WHITEWATER

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April 20, 1988

Water Quality Bureau
Montana Dept. of Health and Environmental Sciences
Cogswell Building
Helena, MT 59620

Dear Sirs,

Please include the following as comment on the draft EIS for CUT.

As a river outfitters, we are distressed by the developments of the Church Universal and Triumphant in the Corwin Springs area and elsewhere throughout Park County because they are noticably degrading the aesthetic appearance of the river corridor and they have the potential to degrade the water quality of the Yellowstone River and affect the fishery there. Also, the draft EIS pays little attention to the effect this will have on tourism in our area and tourism is the cornerstone of the Gardiner economy and has been for over 100 years

Unfortunately, the impacts of the developments of the church reach beyond their own property lines and affect all of us in the Gardiner area who depend on tourism for business. Visually their developments are very intrusive in both the Corwin Springs area and in the Emigrant area where many of the houses and trailers of Glastonbury North are visible on the skyline to the west of Highway 89. The Camp Mustang/East Gate complex is visible from the river despite the fact that the draft EIS says it is largely hidden by the willows on the bank. The noise from traffic on the road from the Corwin Bridge to Ranch Headquarters at the mouth of Mol Heron Creek is constant now, and dust raised off the road is visible from many places on the river besides just the immediate Corwin area. The large blue warehouse and the yellow cabinet shop/warehouse are visible for several miles of floating and the noise from the crusher at the mouth of Mol Heron detracts greatly from the experience of floating that section of river

All this development is taking place along Highway 89 which is one of 3 Montana entrances to Yellowstone National Park and in a state which has recently made tourism a priority and enacted a bed-tax to fund tourism promotion. A recent newspaper article (attached to this comment) indicated that the State is rebuilding the rest area at Meditation Point, between Corwin Springs and Emigrant, in an effort to impress visitors entering Montana from Yellowstone Park. What do you suppose the visitor thinks who drives by Corwin Springs during the church's conference in early July? The state's new motto for tourism is "Unspoiled and unbelievable". Corwin Springs at conference time is unbelievable with hundreds of cars parked in the field east of Camp Mustang, with people milling around between the parking area, East Gate and the Ranch Kitchen, and with constant bus and car traffic from the Highway 89 turn-off, to East Gate and on to beautiful, formerly pristine upper Mol Heron Creek. We have had people off of our rafts actually start laughing at the devastation at East Gate at conference time. It is a circus and it occurrs in the middle of the tourist season.

The church has said that with few exceptions its developments are occurring in previous developed areas. The draft EIS printed that statement, page 27, despite the fact that three of the church's largest and most intrusive developments, those at Spring Creek, the Ranch Headquarters at the mouth of Mol Heron Creek and the conference site in upper Mol Heron Creek, are brand new locations. The church further uses that reasoning by saying that the town of Electric used to exist on its property so that its okay to reintroduce a town to the area now. True, Electric did used to exist, but it lasted only 20 years or so around the turn of the century and the only remnants of it are the coke ovens and the railroad bed. The land has long since reverted to agricultural use.

Tourism is and always has been the cornerstone of the Gardiner economy. Most people come here to see Yellowstone Park or to go fishing, hunting, hiking or boating. The trout fishery of the Yellowstone River is nationally famous and is used by many local outfitters from Gardiner, Livingston and Bozeman as the source of their income. Further, the Yellowstone River offers good opportunities for whitewater rafting and kayaking and flatwater paddling for commercial and private boaters. The outfitters who operate on the Yellowstone are not just selling fish, or water in the face, they are selling a total experience on a river in a beautiful place. The massive developments of the church along the boundary of Yellowstone Park and the Yellowstone River and seriously degrading this experience.

Besides the fact that the draft EIS does not even attempt to analyze the impact of the CUT developments on the local tourism industry and should do so, the document has other serious failings. It failed to include all of CUT's developments. Glastonbury, the North Ranch and Big Sour are all

owned or leased by LOI and should be included in the analysis by the State. Also the document fails to establish baseline information for Cedar and Mol Heron Creeks as far as water quality and must do so in order to assess what future impact there may be. Because of these deficiencies we urge the state to redraft the the document and resubmit it for public review.

Thank you for this opportunity to comment.

Sincerely,

Peter White

Julia Page

Peter White
Julia Page
Owners, Yellowstone Raft Company

Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building
Capitol Station
Helena, MT 59620

RE: Draft EIS- Church Universal and Triumphant

Dear People:
Please enter this letter into the record as a supplement to my written and oral statement given to the DHES at the public hearing on this matter on March 21, 1988.

This part of my comment involves a letter written to Mr. Steve Pilcher of the DHES by Edward Francis on November 17, 1986. The intent of the letter was to supply information requested on a "Preliminary Environmental Review" form. This information was intended to be a basis from which the DHES could obtain some basic information on the subjects addressed in the draft EIS. The writing of the draft was to be entirely a function of the Department. Yet in comparing the above-mentioned letter to the EIS, one finds that a lot of the information supplied by Edward Francis was used directly from his letter with apparently no substantiating research done on the state's part. Please note and respond to the following:

1. EIS page 3, paragraph 2, item 9: Glastonbury is described as a "rural 20-acre subdivision". On page 4 of the letter, it is also described as a "rural 20-acre subdivision" It is actually a 4,500 acre subdivision.

2. EIS page 3, last paragraph: It is implied that 2,000 acres have been sold in the community of Glastonbury. Page 4 of the letter also states that acreage has been sold in Glastonbury. The Livingston Enterprise reported that the lots referred to are not being sold, but being leased to members of the church, with actual ownership of the land retained by the church.

3. EIS page 105, last paragraph: A study by Mountain International, Inc. is cited as an indication of new jobs that will be created in the area by the church's presence. This was taken from page 25 of Edward's letter. It is a totally unrealistic analogy, because all available information about the income of church workers shows that they earn less than 100 dollars per month, which is around 1/25 of the income of the workers they were compared with.

4. Without utilizing any other source, the DHES used the church's statement from their letter, page 23, para. 3.a. regarding tax benefits to Park County on page 107, paragraph 3 of the EIS. A recent study by Jim Richard, prepared at the request of the Park County Planning Board, shows that the church's presence is a liability to the financial condition of the county.

5. On page 105 of the EIS, paragraph 5 records the church as not having engaged in any political influencing. The fact exists that the church bussed about 138 members to the Gardiner School on April 5, 1988 for the school board election and their votes comprised approximately 35% of the total vote. Only 15 children of church members attend the Gardiner School system and the church contends that they will construct their own school for their children. Why would they show that kind of political interest in this matter?

I would like to comment on another situation. Page 106 of the EIS quotes the church in saying that they make a substantial contribution to the local economy. From my standpoint, I must refute that. My livelihood is partially connected to a local aviation business. The church has owned aircraft since coming to this area and all primary services required for an aircraft operator are available at Gardiner, yet they choose to take their business elsewhere. Not only that, on page 114 of the EIS, they contend that their private airstrip sees several arrivals and departures per week. If this is the case, the pilot apparently chooses not to provide for the safety of himself and other local pilots by announcing his intentions or location on his aircraft radio, as is recommended by the FAA when operating in the vicinity of an established airport. The Unicom radio at the Gardiner Airport has no record of any radio contact by any church-associated aircraft. I feel that this type of conduct could endanger the lives of local pilots such as myself.

Please respond to the issues raised in this letter. Thank You.

Doug Chapman
Box 542
Gardiner, MT 59030

Fishing & Floating Outfitters
Association of Montana
P.O. Box 1372
Livingston, Montana 59047

April 8, 1988

Mr. Steve Pilcher
Water Quality Bureau
Cogswell Bldg.
Helena, MT 59620

Dear Steve

Enclosed are our Association's comments on the Draft CUT EIS. They should be used in place of the summary submitted in person at the hearing.

I had to leave the state on a business trip on the Wednesday following the hearing so I was surprised to read your comments on the hearing that were carried by the papers on my return. It seemed to me, contrary to the tenor of your comments, that there was a plethora of very specific concerns and issues raised by the witnesses. I will admit that my verbal testimony was somewhat lacking in specifics for logistical reasons of which we were all quite aware by 10:30 or there-abouts when my turn came. Any failure of specificity in the enclosed document is due to the failure of the Draft EIS to provide the fundamental information that would have allowed more detailed analysis. It is even possible that the draft could have answered the questions raised by the scoping session and thereby eliminated the need to comment.

It is neither my personal intent nor the position of our Association that we should oppose the applicant's presence in Park County because we dislike the institution. It is our position that the applicant should get what he asks for; equal treatment of his projects under the laws and regulations of the various jurisdictions involved. It doesn't seem to us that this goal is advanced by the applicant or your department interpreting every critique as a religious attack.

Sincerely

Richard C. Parks, President

FFOAM
Fishing & Floating Outfitters
Association of Montana
P.O. Box 1372
Livingston, Montana 59047

April 8, 1986

Comments on CUT Draft EIS.

For the record, my name is Richard Parks. I own the Parks' Fly Shop here in Gardiner which is a sporting goods store and fishing outfitting service. I am President of the Fishing and Floating Outfitters Association of Montana on whose behalf I appear. We thank you for the opportunity to appear on this matter. FFOAM has over 200 members on a statewide basis. Our services to our clientele on the Yellowstone River brings several million dollars annually in primary income* into Park and Gallatin Counties. This income can be expected to increase at the rate of 5-10% annually for the next several years - **but only if the necessary environmental preconditions are maintained.** The complex of projects begun or proposed by the applicant for these permits poses a substantial threat to the continued viability of this resource. We are not selling fish, if we were we would be at the Fulton Meat Market. We are selling an integrated experience. The trout are a critical part but so is the aesthetic quality of the setting. Fix this firmly in your minds - the Yellowstone River is a resource of international significance. The Greater Yellowstone Ecosystem, of which it is a part, is unparalleled on this planet. If error is to occur it must occur on the side of protection - not exploitation.

An environmental impact statement must meet four objectives. The first mission is to describe the critical elements of the pre-existing condition that may be subject to impact. This establishment of a baseline is not only necessary to determine what the impacts could be but to document the conditions that can be monitored to track compliance with the law. The second mission is to describe the critical elements of the project being analyzed. This is necessary because unless we know what is proposed there is no way to assess the impacts. The third mission is the impact analysis itself. The fourth mission, by use of mitigations and planning options expressed as alternatives, is to find a set of conditions under which the developer's objectives can be achieved or, if no such set of conditions can be found, to deny the permits involved. Our remarks will concentrate on water quality and quantity issues. Since other groups will be covering other issues our Association wishes to be on record that we support the concerns expressed by speakers for Bear Creek Council, Greater Yellowstone Coalition, the National Park Service, Trout Unlimited, the Upper Yellowstone Defence Fund and other concerned citizens.

*See the enclosed AP article of 4/6/86.

The logical way to go about this would seem to be on a stream by stream basis and the first of these is Reese Cr. The document has done an adequate job of pinpointing what the central Reese Cr. issue is - namely dewatering. Discussion of this appears on pages 36, 39 and 40. While it has been common for Reese Cr. to be dewatered during the summer irrigation season flows were formerly restored with the effective end of that season in late September. For reasons which are not analyzed the applicant has each year continued withdrawals after most other systems in the area have been shut down. In 1987 this reached into November. Why and when will this situation be analyzed? While some effort was made to document the aquatic invertebrate inventory in Reese Cr. it is inadequate through failure to identify the populations of the key indicator species. Will this be corrected? An important side-bar here, a common, repeatable, sampling method must be employed on all the waters under discussion. Will this be done? Most important however is that amoung the alleged benefits of issuing the permits is the restoration of a permanant in-stream flow to Reese Cr. through negotiations being conducted with the Park Service. Did the developer inform you that he had withdrawn from these negotiations? If so, why doesn't this fact appear in the document? After making this statement at the hearing I was challenged by Mr. Doney, the applicant's water attorney, with his assertion to me that the negotiations were continuing. Not wishing to perpetuate a falsehood I rechecked my facts. Fact: the NPS has a water right on Reese Cr. which is currently being expropriated by the applicant. Fact: this water right, if used for in-stream flow would still be insufficient to maintain a spawning tributary. Fact: the ongoing negotiation is not about solving the in-stream flow problem, it is about how much of the NPS right, if any, the applicant will acknowledge without the compulsion of a law suit. In any case it is clear that renewed in-stream flow in Reese Cr. can not be used as a trade-off against other impacts from the project unless the negotiations are concluded by an agreement to provide them. The permits should be conditioned on such an agreement. Will the final document so require and if not, why not?

In turning to Mol Heron Cr. we are immediately confronted with another problem. Over and over at the scoping meeting the Department of Health was asked to establish a baseline for the area that could be used to monitor compliance with any permits issued as well as to assess the impacts. On page 31 we find an appreciation of the significance of species diversification as an indicator of a healthy environment, in this case aquatic, and that macroinvertebrates are a key indicator for monitoring. Unfortunately, as noted above, we are not given a uniform and repeatable sampling methodology. When we get to Mol Heron Cr. (page 37) this whole issue is dropped with the statement, "There is no available aquatic insect

information for Mol Heron or Cedar Creeks " Why not? It is important that before any permits are issued that a proper inventory of these two streams be completed. This report must include which species are found and which are key monitoring indicators. Will this be done, and if not, why not?

The next Mol Heron issue is the matter of the "Confrence Site". On page 35 we find that the developer expects to be able to use the Gardiner sewage system as a dump point for wastes pumped from various holding tanks in this area. The applicant alluded to the repairs required by the Gardiner system (which prohibit this solution untill completed) in his testimony at the hearing but no discussion is provided on alternative measures. Will this matter and its solution be analyzed? If not, why not; and if so, why doesn't the document comprehensively discuss alternative arrangements? The apparent point of the applicant's testimony was to make some sort of case that because other systems in the area have problems his project should be excused from meeting the standards. On the contrary doesn't that argue for greater attention to the cumulative impacts of his project? Several people have made observations indicating that materials from several holding tanks are currently being dumped someplace that is alleged by the developer to be an "approved disposal site". Where is this site? What is its capacity and operational conditions? What impacts are associated with this activity? A tank truck was observed dumping liquid near Emigrant (see photo) alongside Highway 89. Is this an "approved site?" Is the material being dumped effluent and if not, what is it? Will this practice be terminated as other systems come on line? If so, what is the schedule for this and if not, why not? Where are the new well and holding tank for the confrence site to be located? What are the design specifications for the holding tank? What is the maximum population capacity of the "Confrence Site?"

The "Ranch Headquarters" area is the third issue in the Mol Heron drainage. We find on page 54 the admission that the developer emplaced units considerably in excess of his permits here, and having been caught at it, the subsequent requirement to provide proper facilities for this location. Unfortunately we have not been provided with the minimum necessary material to assess the impact of these changes as there are no site plans or system specifications in the document. I don't know if it was the developer's idea or the Department's not to provide these key elements of the applications to the reviewing public in the EIS. We don't need to see the whole "330 pages filed in Helena where it belongs" that the developer claimed in a recent letter. We do need to see a complete and adequately detailed site plan, (not just a location map), soil test results for the drainfield area and enough of the technical specifications for the system

to evaluate its capability, durability and potential capacity. Will there be an opportunity for public review and comment on these elements of the plan? Absent such an opportunity I am forced to conclude that they are not provided because the impacts have not, in fact, been analyzed; or, once analyzed, somebody realized that mere technical compliance with the standards and hence the law might easily be deemed insufficient. An alternative conclusion is that the developer would be forced thereby to expose an actual intent to house several times the previously indicated number of persons with all the impacts and implications of that eventuality. Which is it, or if neither, just what is going on? If the Department is looking at a system plan scaled to service, say 1000 people, in an area where the EIS claims there will be 138 it is reasonable to ask for an explanation of the over-design and to place some sort of controls on its usage. Will this be done?

The fourth Mol Heron issue is again, dewatering. The document correctly evaluates the significance of Mol Heron to the Yellowstone as a spawning tributary. In view of the developer's non-agricultural water right filings on this stream I am boggled by the failure to discuss the water supply issue. This has obvious overriding importance in the face of the clear alert provided by the Department of Fish, Wildlife & Parks on page 43. If that were insufficient; a reasonable person would think that DHES' own experience with the level of confidence they could place in this developer (as exemplified by the previous discussion of permit abuse); would have led you to question the "no impact" assertion. Instead we find this document attempting to make a case for considering the developments as a benefit through more stable in-stream flow. I, and others, have been told by department personnel that you "have to take the developer's word" on issues brought to your attention but I have been completely unable to find any language in the law or Administrative Code that <u>permits</u> you, much less ***<u>obligates</u>***, you to ignor such an issue simply because the developer doesn't want to talk about it. Will you provide an analysis of the water-right claims in place or in progress on Mol Heron Cr.? If not, why not? Assuming that you find these claims, if exercised, to have an adverse impact on the creek, will you require their abandonment or subordination to an in-stream flow agreement worked out with F,W&P's?

The final topic I want to bring up under the Mol Heron review is the matter of the fishing regulations. The developer's assertion that they, ". . . have developed fishing regulations . . . more stringent than those promulgated by the DFW&P's" is an internal document and as such is unenforceable, even on their own people. Given the small size of the stream involved a limit of even one fish, if exercised by each of their confrence attendees, could easily destroy the spawning trout population entirely. If they are serious about protecting the population in this stream they need to consult with

FW&P's and the local organizations such as FFF and TU to build the consensus required to legally change the regulations. Will this be required?

Turning now to Cedar Creek we find ourselves again facing the draft's failure to provide baseline information. As discussed above with regard to Mol Heron Creek the failure to aquire basic information on the aquatic biology is amazing. Once again the question is, will this information be required prior to the issuance of any permits and if not, why not? I don't think that DHES should accept at face value the developer's assertion that there is no need to worry about Cedar Creek as they are negotiating a land exchange with the USFS putting the old OTO property into the public domain. While that negotiation has not been broken off as was the Reese Creek negotiation, it is important to note that it has not been signed, sealed and delivered either. In the meantime the department does not seem to have found the large number, perhaps 100, inhabitants of this property interesting or problematical. What arrangements have been made for water and sewer service here? Are they adequate? Absent a conclusive agreement on the disposition of the property the only responsible position for the department is that full disclosure is required on the assumption that the current situation will continue. Will this be required? This only sharpens the urgency of the question on the failure to establish a baseline.

On page 41 we find "No changes in the fishery of Cedar Creek are anticipated as no activities are planned for this drainage." The fact of the matter is, planned or not, activities are taking place, as we have just seen, in this drainage. The Department must ask for and recieve a full accounting of the developer's activities on Cedar Cr.. Historically Cedar Creek has had a reliable flow which is the reason that it has been a significant resource for Cutthroat recruitment. While 1987 was a markedly dry year that doesn't seem to bear sole responsibility for the fact that the developer was responsible for periodic dewatering last season. This dewatering deprived us of the 1987 year class. Given the probable discharge for 1988 we are looking at the same situation again unless a managment agreement is worked out that provides for critical in-stream flow. Will this be required?

I turn now to the mainstem of the Yellowstone River and general considerations. I have searched this document in vain for information that would allow an independent analysis of the sewer and water systems for the "Spring Creek" and "East Gate Work Camp" sites. If there is anything that should be in this document it should be the soil tests, site plans and basic system specifications for these two areas. To tell me, "They are on file in Helena" is unacceptable. When will this information be provided for

public review and comment? If not, why not? The same basic questions already covered for the "Mol Heron Work Camp" also apply here. Just what will be the capacity of the systems proposed? What will the impacts be if we assume that the systems are loaded to or over capacity? During the scoping session the adequacy of the systems in place at Corwin Springs was questioned. The draft dismissed the issue as one dealing with existing permits and therefore apparently not of interest. Given the fact that the usage of these facilities has changed completely, these systems should be surveyed and brought into full compliance with current standards. Will this be required? If not, why not? What relationship exists between the sanitary systems for the Ranch Kitchen area and the Bassett Cr. drainage? Here, as with the other streams, the document fails to provide critical baseline information on the aquatic invertebrates, especially as they relate to monitoring. Why not? What are the facts and when will that data be provided?

On page 57 we are confronted with a paragraph that is internally contradictory in a way that frustrates lay analysis. "All drainfields are, or will be dosed to **promote** drying of the fields in between cycles. This will help to **prevent** large saturated fronts of ...effluent from developing. The large saturated fronts are **desirable** because they promote movement of microorganisms through the soil." Surely you mean to say that these saturated fronts are undesirable but which is it? In the preceeding paragraph we find, "**If** it is assumed that the drainfield systems reduce ... concentrations by 1 order of magnitude ...the impacts ..should not be detectable ...." The subsequent review by F,W&P's was evidently based on this assumption. Given the failure rate of rural systems as experienced in the Big Sky, Bozeman and Missoula areas, I have to ask; is this a safe assumption in this case? If so, why?

The draft's discussion of the "Ranch Office" area is strangely contradictory as well. A new system for the slaughter-house and vegetable processing facility (**already built!**) is required because more than 25 people will be employed there. Does it not strike you as problematical that a facility is built before the permits to authorize it are issued? On the other hand nearly 40 people are in residence here but their sewage doesn't count because it is distributed between several smaller systems. Isn't it time to review the cumulative effects of this aggregation? Will such an integrated solution be analyzed and required? Other commentators are discussing this "typical ranch headquaters", totally unlike any other I have ever seen; from the perspective of other concerns. I want to add mine to theirs and suggest that the processing facility should be relocated to the "North Ranch". Will this be required?

This document is being touted by the developer as a "complete and comprehensive analysis" of their activities. Why is it that there is virtually no discussion, much less any analysis, of the impacts of the "Glastonbury" and "North Ranch" areas? What impacts will these developments have? What plans are proposed to mitigate those impacts? When does the public get their opportunity to review and comment on these developments? By effectively excluding them from the review, DHES has also restricted the options open for mitigation and alternatives in other impacted areas.

In the absence of any analysis we are invited to believe that there are substantive unexplored impacts. On page 3 the "Glastonbury" development is described as a "rural 20 acre subdivision with an attached 49 unit trailer park." In point of fact the 4500 acres of this unit have been divided into 20 acre parcels and several of them have been occupied by unreviewed multiple units. I submit that the large number of unregulated housing units being emplaced in the "Glastonbury" development may exceed the available ground water supply at one end and saturate the soils with effluent at the other end of the domestic cycle. On page 55 we find our only indication of what might be in store for the "North Ranch" area in the off-hand mention of schools and a communal kitchen to serve 200 people daily. The developer has been pretending to the people of Park County that they would have a staff of 600 people. This document locates 596 of them in the Corwin Springs area so these 200 are new staff. Is that correct? What is their function? Will this casually mentioned, unanalyzed, facility replace, or be in addition to, the also unanalyzed "Big Spur Campground" facility? Just exactly how many people will the developer have in Park County and exactly where will they be located?

What happens to the tributaries will affect the main-stem of the Yellowstone. The high potential for damage to Mol Heron and Cedar Creeks has already been discussed but there is another issue that I want to raise relative to water quality. That issue is the aerial application of pesticides, particularly in the Mol Heron drainage, flown off of the ranch airfield. Who is the "consultant" that advised this program? Is his report a public document or will it be made available to the public? In the 1950's, during the previous peak of Spruce Bud-worm activity, the USFS sprayed something like 2 million acres of this region as a control measure. They used DDT in fuel oil to such effect that the eagles have only recently recovered; mink and otter have never recovered; the most effected aquatic insect has just recently made a reappearence; and because of the 10's of thousands of dead fish a permanent change was affected in the habits of the Brown Trout population.

Now I recognize that "B.t." is a much safer agent but the program puzzles me just the same. My own observation is that this cycle of activity (the insect peaks at about 25 year intervals) crested in 1984. I pay some attention to such things because when the insect is prevalent it becomes of interest to fish. What is different about the Mol Heron drainage that the insect remains active? Or possibly, is there some other reason that the developer finds it convenient to spray this area? Not only is the need for this activity unclear; the developer's record of confining his application to his own property is poor. (In this regard I must say that his concern for private property rights seems hypocritically one sided.) My concern is sharpened by Mr. Francis' statement at a Chamber of Commerce meeting that they have mixed the B.t. with another agent called "Sevin". Now this agent, while not as problematic as DDT, is still a broad spectrum insecticide with all the implications that goes with it. The use of Sevin is not even discussed in this document. Why not? When do we get to see its use analyzed? Aerial applicators have a high accident rate. What are the chances of a plane load of Sevin being sponged into the Yellowstone or Mol Heron Creek? What would the consequences of such an accident be? The permits should require that aerial applications be restricted to minimally risky agents such as B.t.. Will this be the case? If not, why not? What sactions can be applied, and by whom, should the developer continue to commit aerial trespass with broad spectrum agents?

Mr. Francis, the spokesman for these developments, is fond of describing himself as a "steward of the land." In any event DHES is charged with ensuring that the stewardship functions are carried out. The analysis of costs and benefits combined with the action alternatives is the logical place to look to see how well this has been done so lets take a look:

Benefit #1 - direct purchases on the economy. An honest balance sheet would have to question this assertion. Compare the figures in my opening statement about the real, known value of our industry with the following: We find on page 106-107 this developer speaking of creating service sector jobs on the basis of his payroll. He was invited to quantify that payroll at a meeting of the Gardiner Chamber of Commerce last spring but declined to do so. In the absence of an official figure I will use the largest of the monthly wages reported by employees of the applicant in various conversations. That number was $80 which, when extended by the 600 claimed personnel, comes to $48,000. Using the developer's wildly optimistic assumptions this might be sufficient to create a job if it were spent in the local economy. Unfortunately we know that much of it is recaptured by the developer through internal assessments. Risking established primary jobs for pie in the sky is silly. Exactly what, expressed in dollars, will be the financial benefits?

Benefit #2 - increased tax base. Again, indeed a benefit to the extent that it occurs but I think another presentation has or will expose the weaknesses in this. Can this benefit be quantified in comparison to the tax base if the property was held and managed normally? What are the differences between public revenues and expenditures under each scenario? Benefit #3 - In-stream flow for Reese Cr. We have already seen how this is an illusion untill such time as it is backed up by effective conditions on the permit applications. Benefit #4 - Improved county roads. This gets the cart substantially before the horse as is revealed by another presentation. This is not properly a benefit but rather a necessary mitigation given the impacts.

Benefit #5 - The development is occuring on previously used sites. This is no benefit, its a precondition of sensible planning. Mr. Francis has repeatedly attempted, in this document and elsewhere, to justify his organization's actions and plans by comparing them to past actions or other locations. All the activity in the Corwin Springs area is justified for instance because of the prior existance of Corwin, Electric, Aldridge, et. al.. An explicit assumption has been made that because we service nearly 3 million visitors every year that the developer's incremental impact is negligable. Is it really? Mr. Francis has told the Senate of the United States that he is prepared to experiment with Yellowstone's geothermal features (see page 74). There seems to be some sort of assumption that previous errors justify making still more mistakes. The document summarizes the difficulty Park County has had in preparing a County Master Plan but fails to mention that this developer has done everything in his power to frustrate that effort. Benefit #6 - Noxious pest and weed control; Benefit #7 - car pooling; and Benefit #8 - Proper waste disposal are further examples of false advertizing. They are not **benefits** they are necessary **mitigations**.

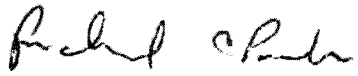
When we turn to Costs the picture is a little different. Here the list is accurate as to type but is presented so as to depreciate the values lost. Given that this area is primarily dependent on the tourist industry, and what we have to sell is the aesthetics, how is it that this should be ranked last and unquantified?

When we start to look at what the Department identifies as alternatives we find an amazing lack of detail, given the complexity of the situation. Obviously neither alternative 1 or 2 is responsive to the Department's mandate. Alternative #3 is is drafted with an empty pen and dismissed with the statement; "Modification or conditional approval of the licenses or plans and specification approval would not appear to significantly change the environmental impact." How would the Department know? They seem to have made every effort not even to look at the projects, much less

explore alternatives. That leaves only Alternative 4 as a rational action item. Unfortunately the fuzzy conditional language in the alleged mititgation alternative gives us no enforcement trail or assurance that any of this will actually be carried out except for the developer's word. That has already proven time and again, even within the context of this document, to be a thin reed indeed.

In our opinion this document has failed to establish an adequate baseline. We believe that this document has failed to fully identify the proposed or inferable developments. We think that this document has failed, in part because of the lack of a baseline, in part by ignoring available information and in part by improperly restricting its scope, to fully assess the impacts of the proposed developments. It is our opinion that this document has failed to adequately propose and assess alternatives. In short, we think that this document is so deficient that it must be taken back into the shop and overhauled. We need to see a new **draft** that does, in fact, provide a baseline, fully identify the projects, assess the impacts and present us with an enforcable action alternative based on **Alternative #3**. Will this be done?

Submitted:



Richard C. Parks, President

Enclosures:

cc.
Mike Coil, UYDF
Dr. John Drynan, DHES
Governor Ted Schwinden

Box 896
Corwin Springs, MT 59021

April 20, 1988

Department of Health and
Environmental Sciences
Cogswell Building
Capitol Station
Helena. MT 59601

Dear Sirs:

The enclosed petition is submitted to demonstrate that vocal self interest groups who attended the public hearing on March 21, 1988 in Gardiner do not represent most local Montana residents and landowners who live next to the Royal Teton Ranch above Yankee Jim Canyon.

I gathered 32 signatures from the following neighbors:

Name(s)	Telephone	Comments
Chas & Annie Mickolich	848-7243	lifetime residents who grew up in Aldridge and own land surrounded by the Royal Teton Ranch
The McDonald Family	848-7285	owns an adjacent ranch in Cinnabar Basin. Lifetime residents three generations
James & Karen Hotchkiss	848-7947	own land on Reese Creek between Royal Teton Ranch and Yellowstone Park
John Robidou	848-7786	Licensed Montana Outfitter who lives across the river
Franklin & Susan Rigler	848-7648	own the Slip & Slide Ranch across the river. Outfitter and lifetime resident
Joe & Chanie Hiemer	848-7633	Licensed Montana Outfitter who lives across the river
Fred & Glen Howie	848-7616	own land on Cedar Creek
Ed & Anne Papesh	848-7604	lifetime residents who own land across the river from the Ranch Office
Dave & Gert Muckey	848-7717	own land across the river from the Ranch Office
Welch & Wanda Brogan	848-7200	own a ranch and run the U.S. Post Office at Corwin Springs
R.L. Olsen		one of Brogan's employees
Joseph K. Vandersnick	848-7228	lives on Cedar Creek
George Athas	848-7217	outfitter and largest landowner in Jardine
Ray Roberts	848-7774	landowner across the river near Rigler's ranch
Tom Adkins	848-7224	landowner across the river near Rigler's ranch and lifetime resident

Name(s)	Telephone	Comments
Steve Blomquist	848-7765	owns the local Chevron gas station
Al & Judy Jensen	848-7798	ranch foreman in Cinnabar Basin and a member of the Gardiner School Board. Judy drives the school bus and is a lifetime resident
Walter Stebbins	848-7315	life long resident who grew up in the old town of Electric and owned land on Cinnabar Creek
Arthur Wilmer	848-7732	landowner in Cinnabar Basin

I think the wording of the petition speaks for itself. None of these people are members of the Church but they all know I'm from the Royal Teton Ranch. Feel free to call any of them if you want to verify these signatures.

I am a Licensed Montana Outfitter who has enjoyed the company of many outdoorsmen who love the environment of this state. Four of the signatories on the attached petition are also Licensed Montana Outfitters who live and work near the Royal Teton Ranch.

Working as a staff member and outfitter on the Royal Teton Ranch I have come to make a few observations about the critics of development in the area.

First, Yellowstone Park says it doesn't like the new fence near Reese Creek. I think what they really don't like is the fact that they don't own or control the land on the other side of the fence. The fence is big and sturdy because elk run back and forth through it on a daily basis during hunting season, and it needs to stand the test of time and the harsh weather in this area. If it was made of wire or skinny rails it would fall down in a hurry, then the Church would hear about it when their cows got into the Park. The fence has not blocked or impeded the migration of wildlife and has not injured any animals crossing it. However, I've cut more than a few elk calves and deer out of the barbed wire fence that used to be there.

Steve Ibost, the Park ranger who testified at the public meeting, has a personal garden plot within Yellowstone Park at Stephen's Creek. So do 20-30 other Park Service employees. Their garden plots cover a total of 2-3 acres in the Park, are sprinkler irrigated and surrounded by a fence to keep the elk, deer and antelope out. But the fence is not bear proof like they want church fences to be. I know of no regulations or restrictions on these garden plots preventing root crops from being grown. I have enclosed a map showing the location of the Yellowstone Park vegetable garden in relation to the Royal Teton Ranch. By the way, the Church went down and plowed the garden for free one year.

The Park agency often puts the church in a "damned if you do, damned if you don't" position. When the church allows an antelope depredation hunt, that's bad. But when it didn't allow a public hunt on bucillosis infected bison, that's bad too. It seems to me like they're saying if you do hunt it's bad for the wild life, but if you don't hunt it's bad for wild life too. I thought the EIS addressed wild life concerns as well as possible. Ask any member of the Fish & Game Commission and they will tell you there are as many opinions about wild life as there are people who hunt and fish, and some Park rangers believe in doing neither.

Second, are several local activist groups (Upper Yellowstone Defense Fund, Bear Creek Council, FFOAM, and The Gardiner Chamber of Commerce), all run by the same group of people whose major commercial interest is boat floating and fishing on the Yellowstone River. Yellowstone Park does not allow commercial rafting and floating. The people who run these groups want to make as much money as possile putting boats on the river just outside the park. The impact of their rafts and fishing boats is the only development they want to allow in the area. They pay nothing to access or float the river commercially. In effect they are squatters and they want landowners along the river to be prevented from utilizing their property rights which have been paid for. The largest environmental impact on the Upper Yellowstone River is on the surface of the river itself. Thousands of people scream through the rapids at $25 per head each summer disturbing the peace and tranquility of property owners along the banks. Ducks and geese used to nest in the river's slow places. They have been driven off by people on the river. In the willows where they used to nest you now find kleenex. Are landowners to flee the river banks as waterfowl have been forced to do for the commercial benefit of boat ride companies owned or invested in by the people who now head local "environmental" groups?

I think your EIS is done well. Let the Church Universal and Triumphant get it's building done so the construction sites can be planted back into productive grasses. To do a thicker EIS as your critics demand would only give them that much more to find fault with.

Sincerely,

Edwin L. Johnson

Edwin L. Johnson
Licensed Montana Outfitter

P.S. A member of the public, Richard Ricardi made derogatory statements about my outfitting business. Attached is a copy of a letter from our local game warden responding to Mr. Ricardi's unfounded accusations. Feel free to contact him for verification also.

ELJ: mm

Enclosures

Newman V. Brozovsky
Rte. 38 Box 2252A
Livingston, Mt. 59047

Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building, Capitol Station
Helena, Mt. 59620

I would like to take this time to thank you for your efforts on the Draft EIS Report. I feel that it was well done and more than adequately fulfills the requirements of the law.

Having attended and listened to the comments at the public hearing in Gardiner, I heard very little besides emotionalism about the supposed "irreparable damage the church will cause to the environment." Throughout the evening no-one presented any facts to back up these claims. As a scientist looking at this EIS, I need facts not opinions if I am expected to find fault with a scientific document. As we all know, an EIS is supposed to be factual documentation of actual and foreseeable effects that the proposed project will have on the environment. It is my opinion, as a Wildlife Biologist (B.S. in Wildlife Biology and B.A. in Botany from the University of Montana), that the DHES meets those requirements in this document.

We all know that this proposed project will effect the environment; the question is how much and in what ways. I feel that the DHES has done an excellent job of answering that question. I also feel that you did a good job determining mitigating factors to lessen the actual and potential impacts.

I am grateful to hear that you were not swayed by the vocal few who attempted, by emotionalism, to blow this project out of proportion. As a former NPS Park Ranger, I did find it to be a sad state of affairs when YNP has to use hypocritical emotionalism to try to prevent the church from building on their own land. They want the church to move their headquarters for "environmental reasons" yet they would not move their Fishing Bridge campsite even though they publicly stated that that would be the environmentally right thing to do. I could go on but enough is enough.

As a Wildlife Biologist, I will focus my comments on wildlife concerns where I have the training to respond appropriately. First, I want to remind all concerned that we are looking at an area of land that is less than 1% of the church's holdings in the Corwin Springs area alone. Not only is it a small

area of actual land but, at the same time, it is also an area that has known human activity for years even before the church purchased that land. From personal observations of the sheep, elk, and deer herds, I've noticed that these animals pay little attention to people as long as they are not harassing them. The only observations I've had of harassment have been from tourists who are not as familiar with the wildlife as we are. I would say that the wildlife of this area are acclimatized to humans and that this process started well before the church came on the scene.

I believe, from my observations and from my understanding of wildlife, that the effects on them and the environment as a whole will be minimal. In fact, with the mitigating factors and some habitat improvement projects put into effect, I feel the quality of the wildlife could be improved.

I have noticed that the proposal to put a fence around the root crop fields may not be preferable for the wildlife. Each winter the deer herds are down eating the gleanings from those fields just like they do for the grain fields. If the fence were built, this food source would be unavailable. Since these fields have been in production for 6 years without any major problems, it might be better to keep these fields open.

In conclusion, I want to thank the DHES, the OEA and all involved in preparing the documentation that went into this report. It's a good job well done. I hope you will continue to keep a scientific mind throughout the comment period as these vocal minorities band together to attempt to stop or stall this process.

Thank you for your time and considerations.

Sincerely,

Newman V. Brozovsky

Newman V. Brozovsky

April 15, 1988

Box 178
Livingston, Montana 59047
April 17, 1988

Water Quality Bureau
Department of Health and
Environmental Sciences
Cogswell Building
Capitol Station
Helena, Montana 59620

Dear Sirs:

This letter is to support your department's recent EIS report on Church Universal and Triumphant and to address several issues discussed at local meetings concerning the Church's activities and future plans in the Paradise Valley/ Park County area.

First, I wholeheartedly support your EIS Study and its mitigating measures. I find your report is fair, sensible, scientifically informative and well-documented and at the appropriate points, where science cannot measure, does not present either side in an unfavorable or distorted light. Consequently, I would like to state that I am in favor of the acceptance of the DHES's EIS document as it stands. I am not in favor of a new EIS as I see no need for it.

Secondly, I would like to comment on several of the points brought up at the local meetings that reviewed this Draft EIS. To begin, one major objection to allowing CUT to proceed with their building plans is that it would "desecrate" the area with unsightly urban developments. Then pictures of current CUT developments have been shown to prove the point. I would have to agree that the current developments are not particularly aesthetically pleasing; however, it must be remembered CUT has not been allowed to continue their plans and thus has had to do with these temporary-type facilities. Pictures of the CUT California property clearly show it was highly aesthetically pleasing and suited to the environment. The plans put forth in the Draft EIS of the CUT Spring Creek Site to me are most beautiful and well-suited to the surround-

ing natural environment. It appears to me that this site will definitely be an asset to the area in the same way the beautiful YNP Mammoth development has become an asset to the entire region over the years.

Next, I am seriously concerned about some of the objections made at these local meetings that were asking for your department to demand that CUT move their development plans elsewhere, or require CUT to follow restrictions that no other land-owner in the area has to follow. These demands to me pose a serious constitutional threat to the basic freedoms of all our citizens especially private property owners. It seems to me those requesting these demands are really covertly attempting to harass the Church because they feel unfriendly toward the Church's presence.

Also it seems to me many of the objections are inconsistent with what occurs elsewhere in the area including YNP. For instance, obviously YNP draws literally millions more people and vehicles to the area, and, using their own argument, poses a far greater threat to the environment and wildlife. The numerous towns and developments inside the park and on the boundaries of the park elsewhere are far greater by many times than the relatively small urban area at the Spring Creek Site and other Corwin Springs developments that exist now or are being proposed.

Last, I would like to make a most common-sense observation that, as yet, I have not heard anyone make. That is that when driving through YNP in summer months I have been backed-up in traffic jams for miles while elk sauntered across the road or tourists stopped and approached animals of all types with cameras or simple curiosity. No one seems to be overly concerned about this activity seriously disrupting the animals. In the late fall a trip to Mammoth will reveal elk sprawled out on every yard of the homes there. One could drive right up to them without even a blink of their eye. Now I find it hard to accept after these observations, that during two weeks out of the year, a few thousand people on a comparatively small conference site could be such a serious threat to the wildlife there, particularly the elk, as some have tried to suggest.

To conclude, I hope you will accept the EIS Draft as it stands and will not be overly influenced by the few loud voices that do not represent the majority nor even put forth sensible or reasonable objections.

Thank you for your honest and straight-forward effort on this report.

Yours truly,

Diana Cady

Diana Cady

April 18, 1988

Mr. Steve Pilcher
Water Quality Bureau, DHES
Cogswell Building
Capitol Station
Helena, MT 59620

Dear Mr. Pilcher:

I have been a resident of Corwin Springs, Montana for over four years and a member of Church Universal & Triumphant (CUT) for about five years. I have read the Draft Environmental Impact Statement (EIS) on CUT's proposed developments and was present at the public hearing on March 21, 1988 in Gardiner, Montana. Many things were said at that meeting which I and other Church members could have refuted right then and there if rebuttals had been allowed. However, now that I have had time to study my notes of the hearing and reread the EIS, I can give a much better presentation of my comments and additional facts that will disprove some of the contentions.

One argument presented by Betty DeWeese was that the increased ranch traffic along Highway 89 would increase maintenance costs and road kills. She also argued that increased ranch traffic on the county road will degrade air quality due to increased fugitive dust and spread knapweed. Other people expressed concern about the dust and erosion damage during the grading and construction phases of the proposed developments.

According to Mary Murphy of the National Park Service, there were 371,582 visitors in 127,402 vehicles that entered Yellowstone National Park through the North entrance at Gardiner last year. These figures were for the 1987 summer season which ran from May 1st to October 31st. This works out to an average of 2019 people and 692 vehicles per day that travel South on Highway 89 to get to the Park. This does not include a similar amount of traffic leaving the Park and traveling north, nor does it include the local traffic by other residents of the Paradise Valley and Gardiner (based on Mary Murphy's and Mrs. DeWeese's data, this should be about 220 vehicles). Therefore, I estimate that during the summer approximately 1,600 non-Church vehicles use Highway 89. The average number of Church-related vehicles that travel daily on Highway 89 is 162, or approximately 10% of the total during the summer season. This figure was arrived at by a visual count, in which I participated, between January 29 and February 14 of this year. Therefore the added maintenance cost and road kills due to ranch traffic on Highway 89 would be negligible. During the winter season, the traffic along Highway 89 due to visitors entering and leaving the Park is about 180 vehicles per day on the average.

In reference to the second part of Mrs. DeWeese's argument, I have some other facts and observations. The part of the valley in which the proposed developments are situated has always been dusty because it's like a wind tunnel. According to the records of the National Weather Service, the average wind velocity at the Gardiner airport is nine m.p.h. In the past, I have observed gusts of winds along the road between the Ranch Headquarters and the Corwin Springs bridge, creating clouds of fugitive dust. However, since this stretch of road has been repaved with Magnesium Chloride as mentioned on page 113, I have not noticed this phenomenon. Also, the short-term dust, erosion and weed problems during development should be weighed against the long-term benefits of the grass and shelterbelts that will be planted in and around the developments which along with other measures would help control dust, erosion and weeds.

Another argument put forth by Cindy Hoe and others was that ranch traffic along the county road between the Ranch Headquarters and the Corwin Springs bridge would put stress on the Bighorn sheep that graze on either side of the road. I have no stress data, but I do have two observations in this regards. One is that during the winter and early spring I often pass the Bighorn herd. I have never noticed any of them become skittish or nervous as I slowly drove past, at times within a few feet of them. In fact, the sheep often seem to congregate around the roads. The only times I have noticed the herd become stressful and stampede were when tourists attempted to approach them on foot.

A third argument presented by Lill Erickson and Louisa Wilcox was the impacts on wildlife in the Cinnabar Basin during CUT's July conference. They brought up the potential for increased human-bear conflicts and loss of grazing land for elk. I have attended three July conferences and have not seen a bear or any other animal in the conference area nor have I heard of any bear encounters by other conference participants. I attribute this to the fact that bears and other wildlife usually avoid areas with a large number of people and that the orientation handout given to each conference participant contains advise on how to avoid bear encounters. As far as the grazing land is concerned, last September I returned to the conference site with the local boy scout troop and noticed that the grass in the meadow had completely recovered.

One other concern in connection with the July Conference was raised by Mauray Miller when she said, "...we have a lot of influx of different people coming in that could bring different diseases from across the whole United States." I would like to point out that most of the conference participants have little or no contact with Gardiner residents, and the CUT children who attend local schools could not spread any diseases because they're on vacation. I think there would be more chance of diseases being spread in Gardiner by the approximately 370,000 visitors from all over the world who pass through Gardiner each summer season.

Glenn Boltz raised the question of dewatering of Reese Creek and other creeks. He asked, "Where will water for fire protection come from?" Donna Gray asked, referring to Glastonbury, "Is it good public policy to have 100 to 200 homes situated where there is no guaranteed access for fighting fires...?"

The above statements are false and misleading, but they do bring up the subject of fire protection which I feel was not completely covered in the Draft EIS. In addition to the existing and planned fire fighting equipment and facilities mentioned on page 109, the following should be considered for inclusion in the Final EIS.

1. Church members form small fire fighting units both at Emigrant and Corwin Springs.

2. At least nine members of the Chico Volunteer Fire Department are Church residents at Glastonbury.

3. Some CUT members have been trained in fire fighting and life saving/CPR techniques and could assist fire fighters. This was demonstrated recently on April 6 when a group returning from a training exercise spotted a brush fire just north of Yankee Jim Canyon and helped extinguish it before it could destroy a neighbor's home and spread to the forest. The Church's volunteer fire unit from the Ranch responded to that fire, as did the Chico Volunteers.

4. CUT has constructed new roads and improved existing roads in several areas of the valley (including Glastonbury) which previously were impossible or difficult to reach with fire fighting equipment.

5. The Church's lifestyle prohibits smoking, which is a major cause of fires.

In conclusion, I would like to reiterate the statement in my March 14, 1988 letter that based on my experience as a hydrogeologist, researcher and technical writer, I consider the Draft EIS one of the most professionally done environmental impact statements I have ever read. It is concise, comprehensive, well-written, and unbiased. I do not agree with the unfounded assertion of some people that a new Draft EIS needs to be done or re-issued for another public hearing. If anything, the desired additional studies should be conducted on the environmental impact of uncontrolled developments in Gardiner, Montana and Yellowstone National Park by those entities themselves.

Also, I do not feel that CUT should be forced to change the location of its planned buildings and facilities or the location and date of its July conference. To do so would be a gross violation of private property rights, religious freedom and freedom of assembly.

Therefore, I am in agreement with the conclusions and recommendations of the Draft EIS. Any additional data and observations supporting these conclusions should be incorporated into a Final EIS. Then, the permits and applications for the proposed developments should be approved, providing the 16-point mitigation plan is carried out.

Thank you for again considering my comments.

Sincerely yours,

Wayne H. Purdin

Wayne H. Purdin
Box 446
Corwin Springs, MT 59021

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 – 420 NO. CALIFORNIA ST. – PHONE (406) 442-3420 – HELENA, MONTANA 59624

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April 19, 1988

Water Quality Bureau
Department of Health/Environmental Sciences
Cogswell Building
Capitol Station
Helena, MT 59620

Mr. Steve Pilcher:

The Montana Stockgrowers Association, an organization representing private ranching interests, would like to offer the following comments relating to the Draft Environmental Impact Statement of the Royal Teton Ranch (RTR) or Church Universal and Triumphant.

We are not going to support or reject the alternatives proposed by the Department of Health and Environmental Sciences (DHES), but instead will address private property rights and livestock issues addressed by the draft and the public comments offered at the March 21, 1988 hearing.

It appears several environmental groups feel that what happens on private property should have the approval of outside interests. However, this is not the case. If the RTR wants to develop on their own land, private property, they should have every right to do so. These people in the groups opposed certainly wouldn't appreciate the RTR telling them what to do in their own homes.

Future development on private property anywhere in the state, by anyone, may be placed in jeopardy if the RTR has to bow before the clamoring of outside interests. It appears that agriculture and the survival of a ranching operation, therefore people's livelihoods, are secondary instead of a top priority to these groups.

The RTR has offered to work with the DHES, Park County, National Forest Service and others to lessen the impact of their development. In the long run, all parties will be served by this cooperative effort.

We would like to point out the gray wolf should not be an issue in this Draft EIS. There is no recovery plan

implemented for the wolf and as indicated by Frank Dunkle, United States Fish and Wildlife Service, there is none planned.

Conflict between domestic sheep, cattle, and bighorn sheep was brought up. The RTR has taken steps to mitigate the conflict between these animals. We feel people are grasping at straws when conflicts between these animals are discussed. There is no published documentation, to our knowledge, which proves the conflict exists.

We would also like to point out that the RTR is using domestic sheep as a control of spotted knapweed, a noxious weed. Whereas, the bighorn sheep may be a reason the weed is increasing due to uncontrolled grazing during a time when seeds are present.

The planting of highly attractive forage is addressed as having a negative impact on the pronghorn herd. These animals supposedly will be attracted to these crops and then will have to be destroyed. It is our understanding the highly attractive forages are alfalfa and grass hay. Crops that other ranches in the area may also be producing. We would also point out it is our understanding the only time wild animals are killed on the RTR is thru regulated public hunting. Another area that could be addressed is - maybe the RTR should be compensated for game damage on the ranch.

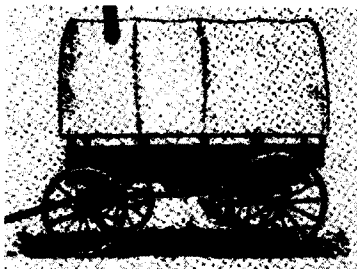
In conclusion, we support private property rights, not only RTR's, but of everyone in the state. We are concerned that these rights will be placed in jeopardy if outside interests will be allowed to dictate what occurs on the RTR. Agriculture is the mainstay of the State of Montana. Any effort to stop a ranch from making a living, not only in Park County, but other counties as well, will not only harm the operator, but the local economy dependent on agriculture.

We appreciate being able to comment on this Draft EIS.

Sincerely yours,

Kim Enkerud

Kim Enkerud
Natural Resources Coordinator



MONTANA WOOL GROWERS ASSOCIATION

Livestock Building • 7 Edwards St.
P.O. Box 1693
Helena, Montana 59624
Phone: (406) 442-1330

Water Quality Bureau
Department of Health/Environmental Sciences
Cogswell Building
Capitol Station
Helena, MOntana 59620

April 19,1988

Mr. Steve Pilcher:

The state has completed a draft environmental impact statement concerning proposed development on the Royal Teton Ranch near Gardiner. The MWGA has no position in support or opposition to such development but in reading about some of the public comment given on the draft environmental impact statement March 21,1988 we do have some comment regarding statements made.

Comment from the public and statements within the EIS allege that the domestic sheep raised by Royal Teton Ranch pose some threat to the Bighorn sheep in the area. Such comment can not be supported by fact. We assume the states EIS statements regarding Bighorn sheep and domestic sheep conflicts comes from a review of Montana Fish, Wildlife and Parks. There simply is no substantive data to prove the theory of some FWP biologists that domestic sheep pose a health threat to Bighorns. Montana Woolgrowers Association is supporting financially a ongoing study of Bighorn sheep and domestic sheep in the Absaroka Beartooth wilderness area. The study is being conducted by Dr. Clayton Marlow of Montana State University. While allegations are made about this conflict by fish and game biologists and then taken up by environmental groups and environmental spokesmen, no hard data exists to prove the theory. Royal Teton has agreed to keep their domestic sheep away from the Bighorn sheep to accomodate complaint.

Question was raised regarding EIS comments about wolves. There are no wolves in Yellowstone Park or the area in question. The entire Montana congressional delegation is opposed to reintroducing them to the park as is the policy of the State of Montana via Fish, Wildlife and Parks and Governor Ted Schwinden. Thus, there is no basis for concern over a non existant wolf population.

Environmental spokesmen and publication contend that the farming and ranching practices of Royal Teton Ranch in some way harms the environment. Agriculture is what makes Montana. It is uncomprehensible how responsible people could come to such conclusions. Comment from opponents that water used by Royal Teton for irrigation is harmfull is another fallacy. Water used for irrigation eventually is returned to the ground or streams from which it is drawn.(most of the water as documented by drought studies) Royal Teton has water rights guaranteed them and their use of that water is protected.

Steve Pilcher

The Montana Wool Growers Association has for 105 years represented private landowners. We believe that people who own their land, pay taxes on that land for public good have deep constitutional rights to develop and use that land. We must observe that Royal Teton/Church Universal and Triumphant indeed owns the land and does pay considerable land taxes to Park county. Royal Teton has cooperated with the state throughout the EIS and has agreed to make changes as recommended in the draft. It would seem that private property rights and water rights be recognized by the State of Montana.

We appreciate the opportunity to make comment about some issues raised at the public hearing.

Sincerely,

Robert H. Gilbert

Bob Gilbert
Secretary-Treasurer



O'HAIR RANCH COMPANY

BOX 955 LIVINGSTON, MONTANA 59047

April 20, 1988

Water Quality Bureau
Dept. of Health and
Environmental Sciences
Cogswell Building
Capitol Station
Helena, MT 59601

Dear Sirs:

After reading the Environmental Impact Statement, it seems to me to be very fair and thorough.

Most of the complaints centered around the agricultural activity, cattle grazing, sheep raising, and the impact they have on the Prong Horn Sheep which have migrated out of the Yellowstone National Park. The complaint seemed to be saying the owners of this land should move their livestock further down the river in favor of the wildlife.

Another complaint was the construction of facilities in the Corwin Springs Area. Admittedly, this does not blend with the construction of commercial buildings and tourist traps in Gardiner or Livingston. For the most part the development is across the river from the highway. It is an agricultural development and consistent with land conservation and water conservation practices. The production of hay, grain and livestock is the fundamental basis of the economy in Park County and in the entire state and should not be viewed as an environmental eyesore. The water quality will not be more adversely affected by development in a cluster as is done in the Corwin Springs Area than if it were developed with small housing units scattered up and down the river the length of the valley. The aesthetic effect is not as visible to the scrutiny of the travelling public on their way to Yellowstone National Park as some of the tourist traps they must endure through some of the small towns and cities on their way to the Park.

The economic impact is a plus to Park County considering the taxes paid. The vacancy of homes due to the 392 pullout have been partially filled by members of the C.U.T. The goods and services required by the the people moving in has helped our local merchants. The merchants I have personally contacted are pleased with their business.

Unlike an influx of populations related to some industries, there is little or no law enforcement problems. To my knowledge there are no D.U.I.'s, assaults, or thefts reported.

In regard to some of the complaints made at the public hearing held in Gardiner March 21, 1988. First I would remind Mr. Jobst of the Yellowstone National Park that his authority and jurisdiction begins within the boundaries of Yellowstone National Park and it also ends there. Also, if he has any land management expertise the Park would be better served if he exercised it there. This is Park County, Montana, and the people of Park County can manage their problems without his biased input.

As for Mr. Berto's conclusion that "Land use regulations, and a zoning law is an absolute necessity". If the appetities of Mr. Berto and most of those giving testimony would be satisfied through a land use law and spepcifically a zoning law it would give the land owners their best reasons for a speedy and well deserved death to the idea.

I move the E.I.S. Statement be passed without further debate.

Yours Truly,

Allyn O'Hair

Timothy J. Connor
Box A
Corwin Springs, MT 59021
(406) 848-7381

April 21, 1988

Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building
Capitol Station
Helena, Montana 59601

Gentlemen:

This letter is in regard to the draft EIS involving Church projects in Park County, Montana.

At the public hearing held March 21, 1988, Ben Berto, the Park County Planner, made the following statement: "The Sheriff's Office estimates that one-third of its calls in the Gardiner area are due to CUT...."

As a result of Mr. Berto's assertion I contacted the Park County Sheriff's Office to ascertain, if possible, the accuracy of this statement. Today I personally reviewed the official Complaint Reports for 1987 with Charley Johnson, the Park County Sheriff.

Our review disclosed the following:

For the Gardiner district, including Jardine and Corwin Springs and the immediately surrounding areas, the total number of calls for Sheriff assistance or response originating from, or involved with the Church Universal and Triumphant, including complaints about the Church and its Royal Teton Ranch in Corwin Springs, during 1987, was 28. There were a total of 392 Complaint Reports in the entire district during this same period. This would therefore constitute approximately 7% of all Sheriff's calls.

If you have any questions on this information, please contact me.

Sincerely yours,

Timothy J. Connor

Verified as to statistical data:

Sheriff Charley Johnson

TJC:paf

Box 205
Emigrant, MT 59027
21 April 1988

Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building
Capitol Station
Helena, MT 59620

Dear Sirs:

I am writing this letter to you regarding the EIS on the Church Universal and Triumphant.

First, I want to commend you on your job. I have read the EIS and believe it to be adequate to the task. I know that you have had a lot of criticism of it (I attended the comment meeting in Gardiner and also another meeting in Emigrant at St. John's Church and one in Bozeman at MSU) but I believe that you have done the job that the law asked you to do.

I did not speak at the meeting in Gardiner because at the time I didn't have any more factual input but, as I heard the distortion, innuendo and downright bigotry that some people were voicing, I began to think of all the positive input the Church Universal and Triumphant has had on this local community.

I know that the Emigrant/Chico/Prey area had no fire department until last year when quite a few of the members of the Church who live in Glastonbury and Emigrant, and some of the employees of Chico Hot Springs, got together and took the fire training and now we have an active, working, rural fire department. One third of this fire department are members of the Church. My husband is one of them. Many is the time that we have mobilized the men to fight brush fires, chimney fires and barn fires.

The other area of which I have knowledge of inpact is on the local economy by members of CUT who live and work in Park County. We live and work just like any other family. We buy our groceries in town just like everyone else. We purchase insurance and pay interest at the local banks for our loans. We buy cars, building supplies, homes, see the local doctors and dentists, take our animals to the vet, and contribute to the local charities.

Since my family has lived and worked here in Montana now for five years, I can tell you that our relationship with almost all our neighbors is extremely good.

My husband has a garage/auto body shop in Emigrant, and we have treated everyone the same who walks in the doors regardless of their religion or color of their skin. We charge the same prices to everyone and try to be honest and reasonable. The list of satisfied customers is pretty long. Many is the time we have helped people stranded by car breakdowns in the middle of the night or, indeed, anytime of the day or night. We have driven them to local motels or even let them camp out at our house. We have fed them at our table and let them use our phone. Occasionally, we have even had people break down here who were out of money and fixed their cars for free, and sometimes we have even given them money.

I am saying all of this not to toot our own horn, but so that you understand that most Church members believe and act this way. We just happen to be in a situation where we have more of an opportunity to help people. "I am my brother's keeper."

We love Montana and treasure her natural beauty and resources. I am an herbalist and gather medicinal herbs in the warm weather. My husband loves to hunt. We have three horses which we ride in the mountains and, therefore, we experience the loveliest places there are to see anywhere.

Some of the people in Gardiner seem to infer that, because their grandparents or ancestors had come here one or two generations ago, they were the real citizens of Montana and the people of the Church were second-class citizens, not really worthy to be called citizens of Montana. Well, my ancestors helped to settle this county in Virginia at Jamestown. I am related to Martha Washington. So what? Does this mean that some of the citizens of the United States are not as entitled to their citizenship because they came here more recently? God forbid.

These people who are yelling and complaining the loudest about the Church coming here are voicing misinformation and criticism. Since I have been aware in most cases what the truth of the situations are, I have been amazed. They are very good at it. But, I must say that most of my friends and neighbors who do not belong to the Church who live here have not even bothered to come to these meetings because they do not support this kind of bigotry and unreality.

One of the assertions by several people, Richard Parks being one of them, is that Church members only have $80 a month to spend. I think they have a serious misunderstanding on this point. The people who belong to the Church who have settled in Livingston, Glastonbury, Bozeman and Paradise Valley live here just like other normal families. Many of them are buying or building their homes. Many bring an income from outside of Montana. Some have businesses which employ non-Church members and do not compete with local businesses. They have purchased hundreds of thousands of dollars worth of building supplies, automobiles, trucks, food, gas, clothing, etc., locally, mostly in Livingston and Bozeman.

To prove my point and to give you something factual and tangible to go on, I decided to conduct an informal sociological survey of local Church members to try to assess their economic impact upon Park County. Fifty-nine households were questioned. I want to tell you that I am not an expert on sociological surveys. I've never conducted one before, and it was a lot of work. I hope it opens some eyes. I have included it here with my letter. (Reference Appendix D)

Thank you for all your time and energy in thoroughly examining this entire situation.

Sincerely yours,

Joyce Waid

Joyce Waid

Attachment
cc: Edward Francis

Eric Vlam
Rt. 38 Box 2246
Livingston, Mt.

Water Quality Bureau
Dept. of Health and Enviromental Sciences
Cogswell Building
Capitol Station
Helena, Mt. 59620

Dear Sirs:

As a local resident of Park Co., Mt.as well as a member of Trout Unlimited (Joe Brooks Chapter), Ducks Unlimited, and the Montana Wildlife Federation, I am interested in making a comment on the Draft Enviromental Impact Statement on Church Universal and Triumphant.

(1) As reference data the four year study on the Yellowstone River Turbidity conducted through the support of our Trout Unlimited Chapter should be included in the final E.I.S. This data is fundamental in ascertaining the impact of land use on Sedimentation in the River. This would also aid in comparison data for future monitoring of land use impacts from all the Upper Yellowstone River tributaries.

(2) Montana Dept. of Fish and Wildlife should consider Catch and Release Regulations for Cutthroat Trout in Mol Heron, Cedar, And Tom Miner Creeks. This would insure the future of the Yellowstone Cutthroat Trout.

(3)If water rights impact on fisheries is at issue in this D.E.I.S. than the courts are the proper forum for settling this issue. Until settled the Water Rights of property owners are the law and should not be infringed upon.

(4)Having driven this valley for years I have to note that many areas are being developed by subdivision such as Paradise Valley Ranch, Jumping Rainbow Ranch and Flying "Y" Ranch. I would like to be sure that all developments are coming under equal scrutiny as are C.U.T.'s. Are the same tough standards applied to all.

Eric Vlam
Rt. 38 Box 2246
Livingston, Mt. 59047

(5) Finally other than my earlier comments concerning the Draft E.I.S. I feel the draft is very thorough and acceptable and that all the permits should be issued in consideration of all the mitigating comments by the Church. I am happy and feel the citizens of Montana have been well served by the effort and professionalism exhibited by this draft.

Thank You for your kind consideration,

Eric R, Vlam

P.S. The T.U. Sedimentation Study should be available through any of the officers of the Joe Brook Chapter in Livingston.

R Boeckmann
Box A
Corwin Springs
59021

Dear Sirs,

I applaud your work on the EIS. This document presents an unbiased analysis of the proposed developments. It is not desirable nor is it wise to start over. Additional facts can be taken into account before you do the final draft. It is not a popularity contest nor is it a forum for public opinion and bias. You have stayed within the guidelines for evaluating the impacts that the proposed developments would have on the environment. Don't waste time and money to turn this fine document into an editorial page of the local newspaper.

My job on the ranch is to collect garbage. We have a collection system that is more effective than in the town of Gardiner. The 90 gallon Rubbermaid toters are effective against animals. The regular pick up prevents a build up of waste materials on the property. The major feature is that the truck is capable of removal of materials and bulk waste from construction sites. It is easier to put the waste in the truck than it is to burn it. The truck can handle up to 5 tons which eliminates our need to use the Gardiner dump. We no longer burn our trash nor do we allow it to pile up in pockets around the Ranch. Over the past three years I have seen our trash collection system become the best in Paradise Valley.

Sincerely,
Ronald Boeckmann

CB
826 S. Third
Bozeman, MT
59715

April 20, 1988

Water Quality Bureau
Dept. of Health and Environmental Sciences
Cogswell Building
Helena, MT 59620

To Whom it May Concern:

As a licensed Engineer-in-Training in the state of Montana, I feel compelled to comment on the Draft EIS, and some of the ironies I perceive in the views of the Yellowstone National Park on the situation.

Last year, as a senior in Civil Engineering at MSU, I did an extensive computer analysis on the Gardiner water system in conjunction with two other seniors and Sanderson, Stewart and Gaston, an engineering firm in Bozeman. The purpose of the study was to evaluate the current system and suggest improvements to it. In retrospect, it is amazing to me that C.U.T. is under such scrutiny for its relatively minor developments, especially when the Gardiner water system is so inadequate. What I want to know is why no such concern has been expressed over the Gardiner system, when it is so much larger and ineffective than the Church's is.

One local resident expressed concern about fire access and protection. I would like to point out that the Gardiner system has no where near the fire protection suggested for a town that size, as I found out last year. The figures are actually very startling. The Recommended Standards for Water Works determines storage requirements for fire by taking the average daily demand on a maximum use day to the necessary fire reserve held in storage. In the main area in Gardiner, fire protection is 300,000 gallons. Adding this to the average daily demand of 432,000 gallons gives a total of 732,000 gallons. The current storage of 450,000 is quite inadequate. With these kinds of deficiencies in Gardiner, I am wondering how the complaints of the local residents on C.U.T.'s prudent use of their property be taken seriously? It sounds to me like some of them haven't done their homework!

By the way, in our study we also review the water use records of T.W. services in the Park. In August 1986 they used 740,000 gallons of water. Why isn't that being addressed?

I approve of the Draft EIS as the final version, and I thank you for the opportunity to point out these discrepencies I have found in the attacks on C.U.T.

Sincerely,
Colleen Bird
Colleen M. Bird, E.I.T.

Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building
Capitol Station
Helena, MT.

April 17, 1988

Sirs,

Having been a resident of Montana and Wyoming for the past six years, and as a current resident of Cinnabar Basin adjacent to the Park, I am somewhat appalled and concerned at the lack of logic expressed by members of the Upper Yellowstone Defense Fund, other environmental groups, and the management of Yellowstone Park.

I have always been in favor of a systematic EIS study and respect its findings. However, now that the EIS has been completed and summarily rejected by the Upper Yellowstone Defense Fund and others, I can't help but believe that the Defense Fund and the management of Yellowstone Park are not only becoming arrogant in their current requests, but that their requests have grave implications for all who are residents adjacent to or near the Park.

I am particularly struck by the total lack of Park logic in that requests they are making of CUT, they themselves violate in excess!

How could the Park who caters to a few million visitors a year, who employs individuals on a grand scale throughout the year, who operates numerous "mini" communities (with hotels, restaurants, gift shops, horse/backpacking/ski/boat and related services), and who has as one of its greatest problems traffic jams that rival large cities--object to any organization (church, hotel, motel, ranch) that is not only <u>outside</u> the Park, but whose numbers are in the hundreds or potentially a few thousand over a limited time in the summer?

The logic is ludricous! If the Park were to follow its own logic it would simply have to close its doors for over-impacting its fragile environment five to six months out of the year!

And what about us who reside in the shadow of the Park? Could not the logical extension of their requests for CUT to move or shut down operations simply be extended to any who live near or adjacent to Park boundaries? Also, if they are able to dictate usage of <u>private</u> lands on specified dates (i.e. CUT's 4th of July Retreat), does that not mean they can potentially dictate use of other private land in the area? If the Park is so concerned over land usage over the 4th of July perhaps they should close the Park doors during that time to protect the fragile infrastructure!

I am concerned that the Yellowstone Park Management and others are beginning to sound more like they are operating a separate nation with its own borders, buffer zones, and defense forces, and not a Park that was created to serve those who sponsor its very operations--we, the taxpayers.

Water Quality Bureau

Like it or not--the Park had its chance to buy the Forbes Ranch.
Like it or not--an EIS was requested, fairly documented and presented.
Like it or not--CUT is a landowner with rights.

And finally, if the Park and other environmental groups can get away with dictating who should or shouldn't own and develop lands adjacent to the Park, I believe the precedent would be tragic for generations to come.

I consider myself an environmentalist. I want this land protected, and the EIS has addressed this issue. I also believe in fair play and believe that there is room for us all.

Sincerely,

James L. Vollbracht
Jeanne M. Vollbracht

James Vollbracht
Jeanne Vollbracht
Cinnabar Basin Road

18th April, 1988

J. F. Drynan

V. J. Opitz

Stan Fitcher

From
A. MOHAN
302 Jackson #54
Billings, mt 59101.
(406) 252-8298

To
State of MONTANA
Dept. of Health and
Environmental Sciences.
Helena, mt.

RECEIVED
APR 21 1988
MDHES
DIRECTOR'S OFFICE

Dear Sir

Ref:- my aquantance with the members of Royal Teton Ranch.

I am a mobile Home broker and I also manage a mobile Home court in Billings. my first contact with Royal Teton Ranch was around April of 1986. Since then I have sold several mobiles to several members of the Ranch. Every one I have met, has been pleasant to work with and honest and just plain nice. my business has increased substancially due to these sales. I have worked with financing with couple of the members and was amazed at their credit worthyness. I was really impressed with their high standard of morality and honesty.

Right now I am working with about 4 mobile deals and moving them to Golden Age Village, their new mobile court. Since all the materials I needed wouldn't fit in my truck in one trip, I moved some tools and supplies to the lot up at Emmigrant 2 weeks prior to starting the work. when I went back to start the work 2 weeks later, nothing was touched or moved; Everything was just as I left them. I wouldn't dare try that with any other Trailer court.

About the quality of Golden Age Village, it is outstanding. when I first read their requirements and covenants, I was skeptical and thought that it is over doing it, but when I followed their covenants, the finished work was so complete and the mobiles are set so sound, I am going to redo my own mobile that I live in the same way.

For example where we use 6" Blocking to block mobiles they use 8" Blocks. Where we use single Block They use two blocks side by side. The water lines are double wrapped to avoid freeze ups. Only wood sided and shingled roof mobiles are allowed in the Court. All the mobiles are Tied down. The list goes on and on. Once the streets are paved and grass is planted, I don't think there is another mobile Court any where in the State that Can match up To Golden Age Village.

Here in Billings Shiloh Village is the best mobile court in Town. It is considered the Cadillac of mobile home courts in the County. If Shiloh Village is the Cadillac, Golden Age Village is certainly Rolls Royce.

Yours.

H. Mahan.

Park County Board of Realtors
P.O. Box 1214
Livingston, MT 59047

April 18, 1988

Water Quality Bureau
Department of Health and Environmental Sciences
Cogswell Building
Capitol Station
Helena, Montana 59601

Gentlemen:

The Park County Board of Realtors has voted to write you this letter to inform you of our concern about the issues of private property rights as raised in the ongoing controversy concerning Church Universal and Triumphant's plans in the Corwin Springs area. The Board (38 members) wishes to go on record in support of the private property owners right to use his/their land as they see fit as long as there is no public hazard. We strongly feel that this right is guaranteed in both the state and the national constitutions.

We would further like to state that over the last three years there has been a large influx of new families into Park County which generally makes up for the population losses created by B.N.'s withdrawal. We are all aware that such increases in population can have only a positive effect on the local economy.

We would greatly appreciate your consideration on the views of the Park County Board of Realtors in this matter.

Sincerely,

Max Ward
President-Park County Board of Realtors

CHURCH RESPONSES

The MEPA regulations provide the applicant (the Church) with the opportunity to respond to any of the DEIS comments received by the DHES.

The Church's responses are selectively edited to match the representative letters chosen by the department.

Those wishing to see the unabridged document submitted to the DHES by the Church can do so by reviewing copies in the public libraries throughout Park County and the Bozeman Public Library.

CHURCH RESPONSES

APPLICANT'S RESPONSE TO PUBLIC COMMENTS

RECEIVED BY THE

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

ON THE

CHURCH UNIVERSAL AND TRIUMPHANT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

SUBMITTED AUGUST 29, 1988

The Church Universal and Triumphant ("the Church") Draft Environmental Impact Statement ("EIS") was released for public comment by the Montana Department of Health and Environmental Sciences ("the Department") on or about February 18, 1988. A public hearing was held on March 21, 1988 in Gardiner, Montana for testimony by interested persons, and the period for written public comments was left open until April 21, 1988. The Department's Procedural Rules provide an opportunity for the applicant (the Church) to respond in writing to the comments received by the Department on the Draft EIS prior to the preparation of a final EIS.

At the public hearing and in the written comments received by the Department, numerous statements and assertions were made which the Church feels were untrue, inaccurate, inappropriate or exaggerated and which require correction. In addition, substantive comments were received which the Church appreciates the opportunity to elaborate upon and respond to.

The purpose of this response, therefore, is to (1) rebut selected misstatements of fact, incorrect assumptions, exaggerations, misrepresentations and untruths, (2) comment on substantive issues raised by any of the public comments or testimony, and (3) provide additional factual input and information where relevant.

We will first respond to the written comments and public testimony of federal, state and local government agencies, and then to the extent particular issues are not already covered, to the written comments and public testimony of private special interest groups and other private parties. Where possible, repetitive statements and themes will be responded to once. In addition, the Church has already provided some comments and information to the Department concerning the Draft EIS and several issues raised in the public comments, and these are incorporated herein by reference (see Attachments 2 and 3).

Finally, this statement is not intended to be all-encompassing or to cover every single issue raised in the public comments--that would require much more space than has been allotted here. It should not be assumed that subjects or allegations appearing somewhere in the public comments which are not discussed in this document are consented to by the Church. Many of these are either too irrelevant, picayune or inappropriate, or are simply beneath the dignity of the EIS process itself, to warrant a response in this forum. For brevity's sake, such as it is, we have tried to limit our response to issues having a bearing on ascertainable environmental impacts of some kind or to subjects of at least some relevance to this EIS. However, should any questions arise with regard to issues not covered in this document, the Church would be pleased to respond to them upon request.

I. FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES

A. Yellowstone National Park.

Yellowstone National Park ("YNP") has taken the unusual step of placing itself in the forefront of opposition to and criticism of both the Church's activities as well as the Draft EIS prepared by the State of Montana. The written comments signed by Park Superintendent Robert D. Barbee and the verbal testimony given under his authority wandered exceedingly far afield, being confined not to the Church's future development plans examined by the Draft EIS, but extending to such irrelevant issues as whether or not the Church is really a religious organization, Yellowstone Park's past history, as well as urging that past land-use activities

substantially predating the Church's ownership of the property be evaluated as if they were brand-new activities and impacts. YNP's surprisingly strident and narrow-minded remarks are unprecedented, and apparently signal a radical departure from past practice of the agency--so much so that the written comments devoted a full two and one-half pages simply to justifying the statements to follow. YNP's position is remarkable in many of its aspects, not only in what is said but in what isn't said, including the following:

- While giving lip service to private property rights,[1] YNP speaks of the Church's property as if it were inside the Park's boundaries and jurisdiction. In fact, the Church's property is located 100% outside of any borders or legal jurisdiction which can be claimed by YNP. These lands are not subject to the management goals, policies or mandates of Yellowstone Park. It is of no small significance that the Church property is located within the boundaries of the Gallatin National Forest, which agency was originally one of the parties that requested that an EIS be prepared and then provided no written or verbal comments to add to the Draft EIS as it now exists. This can only be interpreted as indicating no major objection to the results.

- YNP's written comments state that "the time when national parks could be perceived as autonomous islands is past....the National Park Service's most pressing concern is to ensure the welfare of Yellowstone Park, and to be watchful that actions taken outside the park boundaries do not impair our ability to meet our legal and moral obligations in protecting the Yellowstone resource." (Emphasis added) While this may sound good, we question the legality and appropriateness of this statement under federal and state law and YNP's own regulations. The current fiasco of allowing fires to burn up over 400,000 acres (so far) of the Park's beautiful forests and grasslands should serve as a reminder that Park officials have their eyes fixed in the wrong direction. YNP's legal mandate is to manage and preserve the resources inside its boundaries, not outside.

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[1] **"It is with high regard for the rights of private property ownership that we offer these remarks."** (YNP Verbal Testimony, Gardiner Public Hearing, March 21, 1988)

- A careful analysis of YNP's complaints and recommendations regarding the Church's use of its property reveals that this is in fact a thinly veiled effort to impose some kind of de facto restrictive zoning without due process of law, accomplish a taking without any compensation (just or unjust), and effectively expand the Park's boundaries without authorization. The list of activities on the Church's private property that are described as unacceptable, intolerable or damaging to Park resources is extensive and all-encompassing. These include: farming of alfalfa and grass hay ("attractive forage"), farming of vegetables, farming of carrots and potatoes, orchards, fertilizing farmland, irrigating farmland, using stream water for irrigation, composting, ranching of sheep, ranching of cattle, raising of other livestock (dairy) and poultry, grazing of open land, fencing, churches, schools, housing for ranch residents, religious communities, religious conferences and seminars, campgrounds, restaurants, general stores, printing and distributing of religious literature, pedestrian and vehicle traffic, truck traffic, ranch landing strips, temporary removal of vegetation for construction, revegetation of disturbed areas, construction activities, timber harvesting, prescribed burning, excavation, drilling wells, using septic or sewage treatment systems, disposal of wastes, landfills, use of free-flowing hot springs (beneficially or otherwise), hunting of migratory animals, game management, meat processing facilities, as well as the subdivision, sale, or lease of land and any other human disturbances. The real question is not so much what you cannot or should not do, but what can you do with this land? The obvious though unstated conclusion is: practically nothing--no development, no farming, not even any ranching. Nothing, that is, unless it is 100% compatible with YNP's internal "natural" management philosophy. Can there be any doubt what YNP's real intentions are toward the Church's land?

- This radical position is all the more striking when considered in comparison to activities that already go on inside and adjacent to the Park, as well as plans for future development and expansion. Government statistics show that already over 2.6 million people and 892,000 vehicles visit the 2.2-million-acre Park annually--more than one person per acre each year (see Attachments 4 and 5). There are facilities, housing, campgrounds and RV parks for up to 17,000 residents and visitors in the Park at any one time--including 1,159 cabins, 1,043 heated rooms, 13 RV Park/Campgrounds with

over 2,000 spaces, 330 backcountry campsites, 1,400 NPS buildings, 15 restaurants, plus the gas stations, stores, laundries, etc. to serve the needs of visitors and residents (see Attachment 5).

There are at least six "towns" inside the Park, including Mammoth, Canyon Village, Lake, Grant Village, Old Faithful and Roosevelt. And plans for future expansion are substantial, including the building of 488 new lodging units at Canyon Village, and the upgrading of facilities for winter use at Old Faithful and Mammoth (see Attachments 6 and 7). This compares with additions in the border town of Gardiner in the last several years of three large motels (total of over 100 units), a new mobile home park and 40,000 gallons of sewage per day from a new laundry operation inside Yellowstone Park into the Gardiner community sewage system, which is known to be leaking and not operating properly (see Attachments 9, 10, 11 and 12). YNP statistics show that annual Park usage has grown by almost 500% since World War II and has almost doubled since the 1960's (see Attachment 4). Neither in its comments, nor in any other context that we are aware of, has YNP ever made any mention or expressed any concern over these recently added and planned facilities and the increased visitor activity--mostly inside the Park. It is essentially a nonsubject. By contrast, on the Church's property we are talking about 600 permanent residents plus perhaps 5-6,000 visitors annually on a total of 15,000 acres which comprise the Royal Teton Ranch outside the Park--less than half the visitor density as in Yellowstone Park itself. YNP's testimony delivered at the Gardiner public hearing claimed that "we do not want massive development threats on Yellowstone's border and the people of the United States will not stand for it." Evidently, however, Park management does feel that the American people will stand for such development inside the Park.

As if the foregoing isn't enough, in building its case against the Church YNP has attempted to undertake the highly questionable role for a government agency of evaluating "whether a religious group or a profit making business is being evaluated" (YNP Written Comments, page 33). This is totally inappropriate and outside of any legitimate role or expertise held by the National Park Service. Evidently, nothing is sacrosanct to this agency in pursuit of its goals--not even the U.S. Constitution. The religious organization vs. business distinction is of no real importance to an analysis of the Draft EIS anyway, since it is clear from the document that no preference has been given in

environmental issues on account of the Church's religious status. As will be demonstrated, this is simply a transparent attempt--using superficial examples and outright misrepresentations--to subjectively denigrate the Church and portray it as something that it is not.

From the above examples, by no means exhaustive, it should be abundantly clear that the present management of YNP has shown little regard for its statutory role and jurisdiction--including constitutional mandates--or for respecting the private rights of its neighbors, minding its own business, and getting along in a society of divergent priorities and goals. Far from expressing some kind of "high regard," YNP's remarks fly in the face of even a minimal respect or concern for private property ownership and individual rights. The only major question to be answered is why.

A point-by-point response and rebuttal to the YNP written comments and verbal testimony may help to bring this into focus. (Note: Throughout this document, statements shown in bold are quotations or summaries taken from the written comments and verbal testimony received by the Department.)

1. **"Unfortunately, the EIS does not carefully identify whether a religious group or a profit-making business is being evaluated, and this confusion continues throughout the EIS (see especially pp. 91-97)."** (YNP Written Comments, page 33)

This is simply not the case. The Draft EIS and the qualified sources drawn upon (Melton, Smith, etc.) clearly identify the Church as a bona fide religious organization.

2. **"The primary activities of this organization, <u>in terms of impacts on the environment</u>, governmental entities, and other citizens, are largely related to its status as a major growing business....Income-producing business operations of this corporation that we know of in Park County include the following:**

"1. Real estate sales
"a. Subdivision and sale of occupancy rights at the 'Glastonbury' properties and elsewhere
"b. Subdivision and leasing of mobile home lots in Golden Age Village
"2. Sale of mobile homes to place on subdivision lots
"3. Sale of cedar home kits to place on subdivision lots
"4. Sale of blueprint plans for chalet-type houses, to be placed on subdivided lands
"5. Sale of food to the public
"a. The Ranch Kitchen restaurant at Corwin Springs

"b. General store at Corwin Springs
"c. General store at Glastonbury North (planned)
"d. Sale of 'organically grown' produce at the Royal Teton Ranch truck farm (120,000 pounds of carrots sold nationwide in 1984; unknown amounts of other vegetables sold commercially)

"6. Sale of trophy hunting rights to harvest elk migrating out of Yellowstone National Park (produces income in the tens of thousands of dollars annually)
"7. Sale of ranch livestock (cattle, sheep)
"8. Campground use sales
"a. Corwin Springs sites
"b. Big Spur sites
"9. "Literature sales
"a. Bookstore in Livingston
"b. Sale of newsletters and brochures to the public (and members)
"10. Seminar sales to the public (and members), including primitive (tent) accommodations
"a. Five- to 10-day summer retreat ($200-$225 per adult, with 'thousands' attending)
"b. Wilderness survival seminar (2 days - $65)
"c. World teachers' seminar (5 days - $75)
"11. Motel unit rentals at Corwin Springs

"It must be emphasized that the above items refer to local cash income, and do not cover the extensive volunteer labor or cash donations provided by group members. Also, the above list does not include activities such as cabinetmaking, dairy farming, or poultry and egg production, which may or may not be solely for group member use and not resale [and]...the millions of dollars produced by the sale of properties near Missoula, Montana, and Calabasas, California.

"From the above, it is abundantly clear that the Royal Teton Ranch is a large corporate conglomerate of money making activities." (Emphasis added) (YNP Written Comments, pages 33 and 34)

While the ostensible purpose of including this listing of alleged "business activities" of the Church in these EIS comments is impacts on the environment (see emphasis at beginning of quotation), a careful reading of the entire YNP written comment document will reveal that very few of these activities that preexist this EIS process are ever discussed again and almost none of these alleged impacts are documented or explained at all. Rather, the true purpose of this listing is to attempt to characterize the Church as a "business operation" and not as a religious organization--in other words, YNP urges the state to adopt its view of what is religious activity and what is not.

In the United States a church generally is not required to justify or defend its religious beliefs or its status as a religion. But because YNP has raised this issue in such an aggressive and demeaning manner, it deserves some amount of discussion here.

To begin with, a detailed analysis of the list shows that most of these alleged "business operations" are either in fact functions of the Church's religious purposes, are only incidental to the establishment of a religious community on the Montana property, or are simply insignificant in nature:

a. The sale of land and homes at Glastonbury are a function of the goal of establishing a religious community of members of the Church, with common beliefs, practices and lifestyle. The Glastonbury Covenants make this very clear (see Attachment 13, page 1). Furthermore, no one else besides the Church is in a position to sponsor the establishment of such a community--and without such sponsorship it probably would never come to pass. This has been upheld by federal courts as a legitimate religious activity on several occasions (see Junaluska Assembly Housing, Inc. v. Commissioners, 86 T.C., No. 64 (1986)).

b. There have in fact been no sales of cedar home kits or blueprint plans of houses by the Church to members or to anyone else.

c. It would be difficult to imagine a more traditional and basic carrying out of a spiritual mission than "spreading the gospel" through religious publishing and distribution of literature. Obviously, books must be charged for or the effort would fail rather quickly. The Church publishing and "literature sales" is of its teachings, beliefs, doctrines, practices, etc. There is no bookstore in Livingston, only a printing plant and distribution warehouse for the religious books. The Church's printing plant does not do any commercial printing for outside customers--only the Church's publications are printed there. Newsletters and brochures are an obvious way of communicating with members and the public about a religious group's beliefs and activities.

d. Seminars and conferences are the most basic religious gatherings we have and are very common for religious groups throughout America and the world. They are composed of religious worship, prayer and lecture sessions several times each day. They do cost a substantial amount of money to put on. YNP seems to take the position that if a charge is made for attendance to defray these expenses, or for anything else, the activity

is per se not religious but a "business operation." This is totally preposterous. Suffice it to say that there is no legal support for this position.

e. Farming, ranching, dairy farming, the raising of poultry, and the selling of ranch livestock and crops (i.e., carrots) is largely for the sustenance of the members of our religious community and is also incidental to the ownership of the land upon which the Church's religious community is being established. Not only is this not unprecedented, it is traditional and has been repeated over and over again in agriculturally based religious communities across America for over four centuries (i.e., from the first pilgrim communities on the East Coast and the Spanish missions of the Southwest starting in the 17th century, to the Amish, Mennonite, Amana and Hutterite communities starting in the 19th century, to the modern phenomenon of rural nonorthodox religious communities, just to mention a few). YNP's charge in verbal testimony at the public hearing that carrots are an "industrial crop" and are grown by the Church "...not just for the Ranch's self sufficiency, since two-thirds of [the crop] is sold to nationwide distributors" is a typical exaggeration and twisting of words to suit YNP's "business" theory. The fact is that over the last two years an average of less than 25% of the carrots and potatoes grown on the ranch have been sold or otherwise consumed outside of our community. And I doubt that most people think of themselves as consuming the results of "industrial" production when they eat a carrot.

f. The "sale of trophy hunting rights" is in fact a lease of part of the land on the ranch to a private hunting club. No services are provided to the hunters other than the right to hunt on the land. Income from rents, dividends and royalties has long been considered a legitimate means of tax-exempt charities (including churches) managing their resources for the benefit of the primary purposes of the organization without it being considered "unrelated business" (see Section 512(b) of the Internal Revenue Code of 1954). That's because a lease is a "passive" form of investment and not an "active" business endeavor that competes with others. The Church is not in the outfitting business.

g. As evidenced by the 1987/88 Montana Accommodations Tax Returns, campground rentals at Corwin Springs and Big Spur are insubstantial (less than $3,500.00 per year total), and are only incidental to the primary purpose at both locations of providing housing for the members of the Church's community (see Attachments 14 and 15). Both facilities are primarily preexisting mobile

home parks, with incidental public camping facilities also included. Motel unit rentals (4 cabins at Corwin Springs) have been nonexistent since 1986 because the cabins are being occupied for Church staff use. The $300 per month derived from renting camping spaces isn't even enough to pay a caretaker's salary.

h. The sale of food to the public at The Ranch Kitchen restaurant at Corwin Springs is probably the one activity that is at least partially of a "business" nature. It does provide an income, it is open to the public and it competes with other restaurants in the area. However, it also provides an outreach to local residents and the public which we have felt is an important and needed window into our community, and it provides types of foods preferred by Church members which are not generally available in the area. The general store at Corwin Springs and the one planned at Glastonbury North (currently nonexistent, but possible in the future) are primarily for the convenience of our members, including special types of products not generally available in the area (health foods, natural cosmetics and toiletries, vitamins, sugarless snacks, etc., all of which are advocated by the Church as part of our religious lifestyle). Are the restaurant and general stores causing some kind of environmental impacts we don't know about?

i. Volunteer labor, donations, and the sale of Church properties no longer needed are normal church and nonprofit organization activities in the United States. Churches do not exist in a vacuum and they must receive income and carry out minimal commercial transactions to function. Obviously, not even Yellowstone Park is exempt from such needs.

j. There is obviously a significant difference between a religious organization having to receive and spend money in order to function in a capitalist society, and a "large conglomerate of money-making activities" (as we are described in YNP parlance). Are churches by definition required to be poor on pain of being labeled as "commercial" if they receive too much money? YNP does not conceive of itself in this fashion, even though the Park is liberally dotted with hotels, campgrounds, stores and filling stations, all of which charge for their services, including a $10 entrance fee to drive into the Park. Boats are rented, firewood is sold, snowmobiles are leased, and snow coach rides are given for a fee. Tens of millions of dollars are received and spent annually in the Park's operation.

The YNP comments on this subject are ill-conceived and

only serve to underscore the fact that the agency has no experience, expertise or authority to be attempting to make such evaluations. The remarks simply amount to the use of innuendo and superficial circumstantial evidence to attempt to portray a religion as a business--without any substantive analysis.

The fact of the matter is ascertainable. The key differences between nonprofit corporations and business corporations are that the latter primarily exist for business (profit) purposes and have shareholders that own them and earn the benefits of the profits (dividends), whereas nonprofit corporations primarily exist for purposes other than earning a profit (i.e., charitable, scientific, educational, religious, etc.) and they have no shareholders, are owned by no one, and the net income is not payable to anyone. This is a function of both state nonprofit corporation law as well as federal law concerning tax-exempt organizations. This does not mean that nonprofit, tax-exempt religious organizations cannot earn a net income that gets plowed back into the organization's needs--in fact, it is obvious that they must do so if they wish to expand. It also does not mean that they cannot carry on some business activities that are incidental to their primary religious purposes--they can and very often do. YNP may not like it, but that's the law and practice in this country.

Church Universal and Triumphant is in fact recognized as a nonprofit corporation in the State of Montana, does have as its primary purpose and function the advancement of a recognized set of religious beliefs and principles clearly stated in its corporate charter, bylaws and published literature, is recognized as an exempt church by the Internal Revenue Service and the Montana Department of Revenue (see Attachments 16 and 17), and does comply with all of the continuing requirements and conditions of this status. The Church has no shareholders or owners and any net income earned by the Church in a given year is in fact plowed back into the organization's needs. It does not find its way into the pockets of the board of directors, the officers or anyone else. The Church's Articles of Incorporation, on file in the office of the Montana Secretary of State, include the following limitations:

"Article V

"This corporation is not organized, nor shall it be operated, for pecuniary gain or profit, and it does not contemplate the distribution of gains, profits, or dividends to any private individual, excepting normal compensation for services rendered. The property, assets, profits and net income of this corporation are irrevocably dedicated to charitable and religious purposes. No part of the net earnings of this corporation shall inure to the benefit of any member or individual. Upon the dissolution

or winding up of the corporation, its assets remaining after payment of, or provision for payment of, all debts and liabilities of this corporation shall be distributed to its appropriate successor organization, or to a nonprofit fund, foundation or corporation, which is organized and operated exclusively for charitable and religious purposes, and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or its appropriate successor code."

These limitations have been adhered to and are in fact representative of the way the Church is operated. Obviously, YNP's superficial comments did not even touch upon these factors.

In short, Superintendent Barbee's efforts to cast the Church as a business rather than a religion are irrelevant and without merit. This is only an unethical attempt to identify the Church and its members as some kind of second-class citizens or enemies of society, and thereby create a justification for obeying YNP's primary demand: "tell them to move their community further north to some other property--we don't want it here." Conversely, the only issue that should be examined in an EIS is whether a given plan, proposal or activity is harmful to the environment or not.

None of this can change the fact that the Church is in fact a bona fide religion, that its primary purposes and functions are the advancement of its teachings, beliefs, practices and lifestyle, that members of the Church's community are here for the primary purpose of helping in that advancement and participating in that lifestyle--not for earning profit--and the private property which we have chosen as our retreat and permanent home, on which we hold our sacred religious gatherings, and at which we seek to build our headquarters is consecrated for that purpose as a matter of religious inspiration and conviction and not out of business or profit motives. This cannot be ignored because it is the primary background reason for the activities and development examined in the EIS. We therefore believe the information about the Church included in the Draft EIS was proper as background data so the reader can understand what is going on.

Superintendent Barbee makes the point that there are better places in the nation for the growing of truck crops. Quite so. But by a like token, there are also better places for carrying on business operations if making money is the object. This is even a less desirable place for that than growing vegetables. It should not have to be stated that neither an EIS nor the lawful exercise of private property rights require that the land be the best place in the U.S.A. for carrying on the desired activity. Obviously, the purpose of locating to the

Royal Teton Ranch is not business, but religion.

To put it mildly, Superintendent Barbee's comments are not only inappropriate and nonfactual, they are totally insulting and offensive to every sincere member of our Church and to anyone who respects the rights afforded to all citizens in the U.S. Constitution.

> 3. "...we see absolutely no reason why this particular corporation should be treated any differently from the others which secure permits from the Montana Department of Health and Environmental Sciences. Lead smelters, paper mills, coal-fired power plants, and large-scale rural development all can have great environmental and socio-economic impacts on Montana's residents, as well as on nearby natural areas. Consequently, we expect this EIS to be just as complete, in relation to gathering baseline data and thoroughly analyzing reasonable alternatives, as have been other EIS's prepared by the department." (YNP Written Comments, pages 34 and 35)

YNP's comparison of the Church's planned developments to lead smelters, paper mills, and coal-fired power plants is obscene and unjustified. There is no remote comparison and this is obvious from the information provided in the Draft EIS. It appears to have been inserted only for its inflammatory and shock value. The nearest thing we have seen to a lead smelter around here is the clouds of smoke billowing out of the "natural" fires being allowed to burn in Yellowstone Park. Any vague references to the Major Facility Siting Act and the strip, underground and hard rock mining, siting and reclamation acts, which are applicable to the types of industrial developments referred to by YNP, have no application to a rural religious community of clustered housing, church, school, dining hall, and farming and ranching buildings. Putting the hot air aside, we agree that the Department should do just as complete a job on this EIS as others prepared by it in the past for similar activities. This has nothing to do with "lead smelters." It appears that what YNP wants, however, is not an equal but a much more elaborate job than has been the case for similar projects in the past.

> 4. "RTR executives obviously have prepared a master plan for their entire holdings, and that total plan should be analyzed...[I]t is important to ascertain whether the currently proposed development represents the complete end product, or whether it is just one stage of a continually expanding, multifaceted project." (YNP Written Comments, page 35)

The only plans that have been prepared by the Church for the RTR property have been submitted to the Department for inclusion in the EIS. We are therefore unaware as to what

"master plan" YNP refers to.

5. **"Analysis of plans should be done in more detail...," etc.** (YNP Written Comments, page 35, see entire paragraph 2)

The plans sought by YNP for analysis are available as a matter of public record both at the Department's offices in Helena and in the Park County Sanitarian's Office in Livingston, as well as at the Church's offices in Corwin Springs. Anyone wanting to review these plans in more detail has had ample opportunity to do so during both the Draft EIS preparation and the 60-day public comment periods. It would be a waste of money and materials to reproduce all of these plans in the EIS, adding hundreds of pages that almost no one would read anyway. It should be pointed out to persons who demand the inclusion of such voluminous material that ARM 16.2.611(1) states that, "the recommended maximum length of the text of either a draft or final EIS is 150 pages."

6. **YNP insists that field surveys must be conducted and compiled into at least a one-year survey of baseline data for wildlife, fisheries, water quality, air quality, vegetation, geology, soils, geothermal resources, and aesthetics for the entire RTR property so that it can be determined "where these developments would best be located."** (YNP Written Comments, pages 35-45).

To begin with, there is no reason why a one-year baseline study would yield significantly more accurate data than already exists--and it could result in less accurate data. Much of the data already included in the EIS was obtained from studies and surveys conducted by agencies and other professionals which spanned many years. This happens to be an area that has been intensively studied over the years. It is commonly known that one year's data can be significantly skewed by anomalies in such variable annual climatic conditions as temperatures, precipitation, snowpack, frost, storms, etc. Data can vary widely from one year to the next--this year's drought conditions and resulting stream flows being a prime example. To be of any scientific value, data should generally be gathered over a number of years and averaged out.

We already know that RTR property is inhabited occasionally by elk, deer, bighorn sheep, grizzly bears, cutthroat trout, etc. Issues such as wildlife, fisheries, water quality and archeology have been looked at based upon a wealth of information already available.

The questions that must be asked are whether there is a significant lack of data and whether additional field work will have a likelihood of changing the results. If the impacts

have already been assumed as a worst case possibility and then mitigated, as is the case in this EIS, then doing another year of field work to try to verify the worst case is of little use.

The law in America does not require or allow government agencies to arbitrarily tell private landowners what the appropriate places on their property are to use and not to use. If that were the case, we might as well all live in Eastern Europe. It is up to an applicant to propose a particular use, and the reviewing agency to evaluate that proposal.

7. **"Human use of wildlife, and especially ungulate, habitat, particularly in remote areas like the upper Mol Heron drainage or other riparian corridors, definitely does displace animals into other habitat, which is usually filled to capacity with its own resident animals. Naturally, overcrowding soon leads to the elimination of excess animals."** (YNP Written Comments, page 36)

This statement is both an oversimplification as well as an absolutist-type conclusion that is not supported by real world experience. If this were always the case, then how is it that animals can exist inside of Yellowstone Park with human visitations steadily growing over the years to an all-time high in 1987 of 2.6 million people and 892,000 cars, which has six "towns" where elk, buffalo, etc. are often seen walking down the streets and grazing on the lawns, where herd populations continue to grow and are also now at all-time highs--and yet Park management insists that range and habitat conditions within Yellowstone are not overcrowded?

The answer lies in the fact that, in the real world, all animals don't use all habitat components all of the time. And there is a big difference between heavy and light human usage. Thus, it is possible for large crowds of people to visit public areas in Yellowstone Park in the summer while most wildlife is on remote summer ranges and some wildlife remains near the occupied areas. The same is true for the Mol Heron drainage. Ungulates and bears are not dependent on this area in the middle of the summer when the Church's outdoor conference is held. Wildlife summer ranges are much more remote and higher in altitude. The summer conference spans only a few weeks, plus several more weeks for setup and breakdown. The Mol Heron drainage is mostly a spring and fall range area for wildlife, while winter snows are generally quite deep. (Note: It is perhaps even more revealing that Park officials can allow and even encourage the burning of hundreds of thousands of acres of wildlife habitat and grasslands in a single season, and still similarly insist that there will not even be any short-term impacts on animals.) (See Attachment 18.)

8. **"...why was competition with RTR cattle for winter range feed ignored as a possible impact? What data are available which show that keeping RTR sheep .5 mile from bighorn winter range is an adequate distance to prevent**

bighorn movements from exposing them to domestic sheep disease? Will domestic sheep be monitored for diseases and removed, if necessary? Additionally, a study needs to be made to see if RTR pedestrian and vehicle traffic is further stressing the bighorns, above what occurs when they are subjected to disturbance by photographers and sightseers." (YNP Written Comments, page 36)

Cattle and sheep ranching is a traditional activity in this area and throughout Montana. Such livestock usage on the Royal Teton Ranch predates even the creation of Yellowstone National Park--this is not some new activity being proposed by the Church. There are no laws that could be even remotely construed as forcing a landowner to remove cattle and sheep from private land for the ostensible benefit of expanding bighorn sheep range--a species which is neither endangered nor threatened. These comments are preposterous. This is private land, not public park land.

We are willing to agree to reasonable management techniques and conditions based upon reasonable expectations, such as adjusting our operation to keep domestic sheep off of Cinnabar Mountain. Without evidence of any ascertainable harm, anything further would be unreasonable. We are not willing to quit using a private ranch for ranching so that Park ideologues can expand their experimentation with the environment. YNP's outrageous comments only serve to expose the agency's true intent, which is to attempt to deny the Church any use of its property at all. If you can't ranch cattle, then what is left?

Likewise, unless there is some evidence that pedestrian or vehicular traffic is a particular disturbance to bighorn sheep, we can see no reason why further studies should be conducted. Bighorns habituate this area along the county road by choice and, to our knowledge, no decline in usage adjacent to road areas has occurred. Evidently, the heavy traffic generated on the highways and by the crowds inside of Yellowstone Park don't seem to be a problem either.

We see a certain irony in YNP's demands that domestic sheep be not only physically separated from bighorn sheep, but completely barred from using the same range outside the Park even in different seasons, based upon the somewhat speculative contention of disease transmission--while they continue to pursue a policy of allowing an ever-increasing herd of brucellosis-infected bison to migrate out of the Park onto land already occupied by domestic cattle. In the latter case the potential for disease transmission from bison to cattle is now firmly documented by studies and is clearly a serious threat, while YNP biologists continue to say it has never been proven (see Attachments 19 and 20). It would be easier to consider land-use recommendations made by Park officials if they practiced what they preached in their own operation.

9. "RTR agricultural practices definitely have

attracted pronghorns out of Yellowstone National Park.... There is a recognized possibility that this migratory pronghorn herd, which has been genetically isolated for at least 100 years, represents the last of a distinct subspecies.... Effects of the harvest, and direct habitat loss from displacement due to RTR developments, could be greatly aggravated by one or more severe winters in a row, possibly causing extinction of the herd." (YNP Written Comments, pages 36 and 37)

What was referred to as "highly attractive forage" attracting pronghorns out of the Park in YNP's verbal testimony at the public hearing is in fact alfalfa and grass hay, the most common crop grown for livestock feed in the region. This type of hay crop has also been grown on this ranch for over 100 years. We have noticed no tendency for pronghorn to be attracted to vegetable crops. The fact is that the pronghorn herd now numbers about 500 and is at its highest level since before World War II, yet range conditions in the Park are in relatively poor condition because of the ever-increasing size of the various game herds. It is no wonder the animals are increasingly forced to leave the Park--to avoid starvation. If hay crops were not grown on the Church's land, then this pronghorn herd would simply be "attracted" to the next ranch down the valley. These animals are in need of at least some game management and the Department of Fish, Wildlife and Parks agrees (see Attachment 21). We have requested any data or information that YNP has to substantiate its statement regarding a "distinct subspecies" in this pronghorn herd and have received no response to date (see Attachment 22).

10. "The Park Service has data that show the jackleg fence definitely does restrict migratory movements of elk, and does hinder the movements of pronghorn antelope." (YNP Written Comments, page 37)

It should be recognized, first, that for over 100 years there has been a fence located on the ranch's southern boundary, first on the border with the Hoppe Ranch that was situated to the south and by the 1930's along the Park line. This fence was made of barbed wire to keep livestock from entering Yellowstone Park, but was largely ineffective due to large-scale damage that has occurred each year from elk migrations (elk cannot see a wire fence at night). We have been subjected to repeated complaints each year from Park officials who want us to keep our cattle from crossing the line. In addition, we have witnessed game animals being injured in the old wire fence and have found elk calves tangled in it on numerous occasions. Our experience with the new jackleg fence is contrary to YNP's contention, in that we have noticed no animals being injured in the fence (elk can see it at night), the fence isn't significantly damaged by migrations as in the past (there are 20 gates left open through the fall, winter and spring on migration trails), the migrations are not being hindered since the animals are learning the locations of the openings, and our cattle are not crossing the line into the Park. We have requested any data

or information that YNP has to substantiate its statement regarding restrictions on movements of wildlife and have received no response to date (see Attachment 22).

We have, however, continued to receive complaints from Park officials regarding RTR cattle allegedly crossing the Park line in areas where the fence has not been replaced (the jackleg fence covers only about one-third of our boundary with YNP). We are at a loss to know what YNP would have us do--fence the line to retain our cattle on the ranch, with openings for wildlife to pass during the migration season, or leave no fence in the area and be chasing cows out of the Park all summer. YNP has suggested no other alternative solutions. They shouldn't complain about it if they don't have a better solution.

11. **"From experiences of other residents in the upper Yellowstone Valley, and in Gardiner, even small gardens with root crops...definitely will attract grizzly bears to human habitations, necessitating control actions."** (YNP Written Comments, page 37)

We question the validity of this statement as an absolute given, since root crops have been grown successfully here for the last six years as well as historically both on the ranch and even inside Yellowstone Park (at their employees'2-acre community garden, gravity irrigated out of Stephens Creek) without any bear problems. We've even plowed the YNP garden, located just over two miles from the ranch's garden area (see Attachment 23), upon request in some years. However, we are informed that YNP has just this year terminated or suspended use of the garden apparently so that they could argue against the Church's use of its garden. If gardening is so bad, why didn't they stop it inside of the Park years ago? The implication is rather obvious.

Though there have been no problems in the past, we are willing to grant that bears could be attracted to root crops under some circumstances. This doesn't mean the end of the bear as a species--rather, it is one of the hazards of growing carrots and potatoes in this area. The problem could either be mitigated or the activity could be moved to other fields to avoid repetitive attraction. In the meantime, we have decided to relocate the production of root crops (carrots and potatoes) to fields at our North Ranch property, approximately 40 miles north of their prior location. This includes this year's crop. We feel that for the foreseeable future this will work well for us. If root crops are grown in significant quantities at the South Ranch in the future--although this is not currently planned--mitigative measures can be implemented to prevent any potential bear conflict problems (see letter dated June 20, 1988 for further information, Attachment 3).

12. **"Building of a slaughterhouse...will attract grizzlies and black bears from Yellowstone."** (YNP Written Comments, page 46)

The subject of the poultry processing facility was already adequately covered in the Draft EIS, including the specified mitigating measures. Since completion of the Draft EIS, the Church has also decided to relocate the poultry processing facility to its North Ranch property, close to the area where the birds are raised. This will work out well for us because we will use the existing metal barn at the Ranch Office for other farm-related needs. There will be no slaughtering or meat processing facilities located at the South Ranch, other than normal kitchen and dining hall food preparation activities (see also Attachments 3 and 24). This facility is not and has never been planned as a commercial slaughterhouse but as a small facility for processing poultry for on-farm use (see letter dated June 20, 1988 for further information, Attachment 38).

13. **"Just as DHES suggested that the compost pile should be moved to a more suitable site, movement of all other ranch facilities which greatly affect wildlife should be considered."** (YNP Written Comments, page 38)

All actions which could have any impact on wildlife have already been taken into account and mitigated in the Draft EIS. We know of no activities which will "greatly affect wildlife."

Furthermore, the "movement of all other ranch facilities" scenario is not a true alternative or mitigation as suggested by YNP. It would be a taking without just compensation and without due process, pure and simple. There simply is no other way to characterize it.

14. **"...potential eagle nesting sites along RTR-owned banks of the Yellowstone River likely will not be colonized, unless the causes of high human use are removed. As one example, the RTR airport and subsequent increasing air traffic from 500-1000 new residents will increase the possibility of eagle disturbance by aircraft...."** (YNP Written Comments, page 8)

The Yellowstone River corridor in this area already is heavily settled and occupied. Prohibition of activity on the Church's side of the river will not remove the human habitations and dwellings that dot the east side (see Table 3, page 51 of Draft EIS). We note that no suggestion is made that all of the houses and facilities on these other properties be moved somewhere else.

The air traffic use at the RTR airstrip is so slight that no appreciable impact will be made upon raptors near the river. Figures given in the Draft EIS are on the high side, if anything. The landing strip is much too small (2,600') for use by commercial airplanes, as has been suggested by some. Thus, the increase in population on the ranch will not appreciably

increase air traffic. The Gardiner airport is much closer to the Yellowstone River and Yellowstone Park, and any reduction of use at the RTR airstrip would only increase the use at Gardiner. We have noted that Park officials as well as local environmentalists have made frequent use of the Gardiner airport, often to observe and photograph RTR property and activities, evidently without adverse effects.

15. "...several distinctions have been made between Reese Creek and other tributaries in the area. Maintenance of channel flow in Mol Heron Creek is assumed to result in a high probability of enhancing the fishery, yet the identical action in Reese Creek supposedly yields a much lower probability of enhancement: ('could or possibly')....The comment about wildlife grazing and the riparian condition of Reese Creek (p. 36) is based on speculation. No evidence is presented to substantiate this claim. Its inclusion in the discussion of Reese Creek serves only to obscure the issue of dewatering and destruction of aquatic habitat in the stream." (YNP Written Comments, page 39)

This same complaint is made by Ronald D. Jones of the U.S. Fish and Wildlife Service ("USFWS") in his written comments. There is, however, ample justification for both questioning the viability of Reese Creek as a cutthroat trout fishery vs. Mol Heron Creek and of suspecting an adverse effect on riparian conditions from wildlife overgrazing. To begin with, Mol Heron Creek is known to have spawning cutthroat trout in it, while Reese Creek is not. In addition, the reports of two professional fishery biologists (Hunter and Fillinger) question the results of the government reports (see Attachment 25). This is an issue of competing arguments as well as unresolved questions on the reasons for the poor condition of the Reese Creek riparian zone and fishery (i.e., wildlife overgrazing vs. dewatering vs. basic stream viability in relation to other creeks).

The fact is that YNP has by no means proven its case that Reese Creek would be a significant and viable fishery if it weren't used for irrigation in the summer. Thus, it would be inappropriate for the Department to adopt the YNP/USFWS position and conclude that Reese Creek is just as good a fishery as Mol Heron, when there is still a serious question and only inconclusive data to support such an ironclad conclusion.

We would suggest that YNP obtain the services of a qualified independent expert in range and riparian vegetation, such as William S. Platts of the U.S. Forest Service in Boise, Idaho or Wayne Elmore of the Bureau of Land Management, and that this consultant study the creek jointly with RTR's consultant to help settle these questions.

16. "The RTR has filed 32 claims in the Montana Water

Court for waters of Reese Creek and its tributary, Sawmill Creek, totaling over 100 cfs. The National Park Service can only assume that RTR has large-scale development plans for the future to justify the size of these claims. As a consequence, we question the statement on EIS p. 39, 'There will be no construction activities in the vicinity of Reese Creek....' [I]f the RTR did not injure water rights claimed by the park through stream dewatering, there would be no need for an agreement to maintain an instream flow....It is obvious that, if Reese Creek is to be partially saved as a spawning place for native cutthroat trout, there is not going to be enough surface water left over to irrigate a massive truck farming operation by the RTR corporation. There would, however, be enough water to irrigate nearby hayfields, which was a historic use of the water in this area. If RTR analysts would examine land use practices throughout the state of Montana, they would find that citizens long ago discovered it is not a suitable place for truck farming--especially in semiarid locations having less than 12 inches of rainfall a year." (YNP Written Comments, pages 39 and 40)

The list of claimed water rights on Reese Creek represents the historical appropriated rights to which the Church succeeded as the owner of the property. As YNP well knows through its negotiations with the Church and from the written offers that have been submitted, the Church has been willing to substantially reduce its claims to Reese Creek water--including the withdrawal of all claims for mining and industrial uses--as well as to give YNP some priority instream flow rights which the Church feels YNP is not legally entitled to, in order to resolve the dispute. We fail to understand the strident tone and the false portrayal of facts evidenced by the YNP comments to the Department and the media, and how YNP believes this can be calculated to lead to a peaceful settlement. The facts are as follows:

a. The Church has not implemented new irrigation practices that have reduced the fishery in Reese Creek. It is well known and will be proven if YNP wishes to test the question in the Montana Water Court that Reese Creek has been dewatered for substantial parts of the irrigation season almost every year since the late 19th century--including every year for over 50 years since YNP purchased the land adjacent to the creek, with few exceptions--for irrigation needs on the private lands to the north of the Park.

b. The Church's raising of vegetable crops has not resulted in increased water usage from Reese Creek. Though vegetable crops need slightly more water than hay and alfalfa crops on a per-acre basis (see sub-paragraph c below), this has been more than offset by the Church's conversion from flood irrigation and the conveyance

of water in open ditches to sprinkler irrigation and the conveyance of water in pipelines. Ditch loss alone in this area will increase water usage up to 30% or more and flood irrigation is recognized by the DNRC and the Montana Water Court to use up to twice as much water to irrigate the same acreage. Almost 50% of the conversion from flooding to sprinklers has already been completed, and the balance is planned for the future. Two tables showing current and projected water usage were prepared in 1986 by the Church for review in the Reese Creek water rights negotiations with YNP (see Attachments 26 and 27). A third table has also been prepared showing the approximate minimum historical water usage on Reese Creek from flood irrigation prior to the Church's conversion to sprinklering (see Attachment 28). The table labeled Situation 1 shows that out of a total of 269 acres irrigated from Reese Creek in 1986, including 144.5 acres of flood-irrigated alfalfa/grain, 32 acres of sprinkler-irrigated alfalfa/grain and 92.5 acres of sprinkler-irrigated vegetables, a total of 10.09 cfs of irrigation water was needed. This contrasts with the probable former use shown on the table labeled Approximate Minimum Historical Usage, prior to the Church's commencement of a plan to convert to sprinkler irrigation, of at least 307.5 flood-irrigated acres using a total of 14.47 cfs. The table labeled Situation 2 shows the planned water usage from Reese Creek upon completion of conversion to sprinkler irrigation to conserve water, including the expansion of vegetable acreage to 129.5 acres and total acreage (after squaring off fields to accommodate sprinkler systems) to 354 acres, to be a total of 8.76 cfs. Thus, the total impact of the Church's crop and water use practices on Reese Creek after full conversion to sprinkler irrigation is a net decrease of 40%. The net decrease in 1986 water usage (Situation 1) was already 30%. The 1988 rate of water usage has declined further due to the completion of the conversion of another 32 acres (office field) to sprinkler irrigation. The alleged robbing of water from Reese Creek for truck farming, either currently or in the future, is a myth.

c. A "massive truck farming operation" is not responsible for the use of any more water from Reese Creek than has been the case historically. To begin with, out of a conservative minimum of approximately 307.5 acres that have been historically irrigated on the RTR from Reese Creek, only 130 acres are actively used or planned for use by the Church for growing vegetables (see Attachments 26, 27 and 28). In addition, our predecessors in ownership of this property historically did grow potatoes and other crops in large quantities. This can be documented. More importantly, vegetables are estimated to have an average water need only slightly higher than alfalfa and irrigated grains. For example, potatoes (which have one of the highest water requirement rates among all vegetables) grown in this area require an average of 10.4 gpm per acre

while alfalfa and irrigated grains require an average of about 8.95 gpm per acre--an increase of only about 15% (source: Montana Irrigation Guide and Montana Irrigation Manual, see Attachments 29 and 30). These calculations were made using the formula provided in the Irrigation Manual at pages 9-19, footnote 4, as follows:

(1) Potatoes:

$$\frac{453 \times 1 \times 3.0}{10.34 \times 22 \times .65} = \frac{1359}{147.86} = 9.2$$

Elevation Adjustment @ 13% + 1.2

10.4 gpm

(2) Alfalfa:

$$\frac{453 \times 1 \times 3.0}{12 \times 22 \times .65} = \frac{1359}{171.6} = 7.92$$

Elevation Adjustment @ 13% + 1.03

8.95 gpm

As previously discussed, this small increase for the 130 acres on which vegetables are or might be grown is more than made up for with the more efficient irrigation practices employed by the Church.

d. The Church has no construction plans in the vicinity of Reese Creek.

e. The most important issue to examine is not the existing and planned water uses of the private owners north of Reese Creek (including the Church and two others)--these are obvious for anyone to see because they've been continuing unabated for over 100 years--but the reason why Yellowstone Park has sat idly by for over 50 years and let the stream be dewatered each year without so much as a whimper. The reason--not publicized by YNP--is because of the limited purposes for which the lands around Reese Creek were originally acquired. The Congressional authorization for the acquisition of these lands (Act of May 26, 1926, 16 U.S. Code Sections 37, 38, 39 and 40 (1982)) was specifically for the limited purposes of "...winter range and winter feed facilities indispensible for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands" (see Attachment 31). Notably, fish are not mentioned. This is considerably less broad than the purposes for which the rest of Yellowstone Park was established, and does help

explain why the Reese Creek fishery has never been considered a high priority by YNP--that is, until recently. The obvious water use appurtenant to the purposes for which these lands were acquired would be for wildlife stock water (for the "elk, antelope, and other game animals")--and that has always been and continues to be available in adequate quantities.

f. Furthermore, the referenced enabling legislation for these acquired lands provides that the acquisitions were to be made "...subject, however, to all valid existing claims and to reservations..." (see Attachment 31). It is therefore totally unjustified for YNP to now assert that private use of preexisting water rights "injure water rights claimed by the Park" and is causing the "destruction of aquatic habitat in the stream," when YNP has been legislatively mandated to respect those private rights.

g. In its summary of impacts on page 16 of the written comments, YNP claims that the Church is responsible for "diminishing Reese Creek flows and limiting its use as a spawning place for active cutthroat trout." However, YNP has submitted no evidence or data that the Church is in fact diminishing the flows or using more water than has historically been the case. We have cited evidence and data that is to the contrary--we are probably using less water than has been the case historically, and we have in the past offered to give the Park an instream flow right (which has been made possible due to our conservation practices). This offer has never been accepted. The fact of declining stream flows is not due to the Church's water use practices, but due to the drought conditions the region has been experiencing for the last several years. Virtually every stream in the state has been affected with declining stream flows in these years. YNP's comments conveniently ignore this fact.

h. It is interesting to note that, while YNP and USFWS piously refer to the Church's use of its historical Reese Creek water rights--exercised in the same way they have been by prior owners for over 100 years--as "the destruction of aquatic habitat," they easily excuse their own occasional mismanagement of other cutthroat trout fisheries that has caused some real damage. In one recent case, a USFWS biologist negligently killed 400 to 500 cuts in a single day by using too much poison in conducting a fish survey. The biologist's comment was, "It looked worse than it really was" (see Attachment 32). It has sometimes been the case in the last several decades that environmental "experts" condemn private citizens as the cause of environmental damage and wildlife mortality, while they literally study and research important species into extinction or insanity (i.e., California condor nest robbing incidents, the adverse effects of repeatedly tranquilizing grizzly bears with PCP, etc.) To some extent, we'd all be better off if

the experts would leave both the wildlife and the people alone.

17. "Possibly except for small irrigated lawns which are regularly mowed, the suggested seed mixtures for revegetating disturbed areas are not desirable. Most of the species or varieties are not native to this area or, for the few that are, they are seldom dominant in the very dry environment of the upper Yellowstone Valley. Locally collected, native seed should be used for reclamation work. This is especially important since some of these exotic grasses would spread into Yellowstone National Park. This is, of course, unacceptable, since one of the purposes of Yellowstone is to preserve natural biological communities and native gene pools." (YNP Written Comments, page 41)

We find this assertion hard to understand, since the areas of the Park adjacent to the Royal Teton Ranch are all former ranch land upon which hay crops and pastures were grown using many of the same types of grasses. Furthermore, YNP itself has seeded the majority of its land from its northern boundary bordering the ranch most of the way to Gardiner with Crested Wheatgrass--the dominant variety to be used by the Church (and commonly used throughout the region) in establishing dryland pasture and reclaiming disturbed areas. Similar seed mixtures are commonly recommended by the U.S. Forest Service for reclamation of disturbed areas in national forests all around the Park (see Attachment 33, reclamation requirements from recent USFS Special Use Road Permit within a few miles of Park boundary).

Any area under irrigation, whether regularly mowed or pastured, will do well with the proposed mixture for irrigated land. It should also be noted that most of the development sites are on irrigated land and are slated for sprinkler irrigation to maintain vegetative cover after construction work is completed.

18. "Also, considering the amount of RTR livestock, the intense fertilizer application on fields, and the number of septic tanks to be used, it would be very wise to monitor for groundwater degradation at all RTR wellheads, along with those wells belonging to neighbors within 1 mile. As mentioned previously, all water supply and disposal systems covered in this section need much more detail to facilitate analysis. For example, does the Department of Health and Environmental Sciences fully agree with the ranch's proposal to use a septic tank system for the 'industrial' strength wastes from the slaughterhouse and food processing activities?" (YNP Written Comments, page 41)

The amount of RTR livestock (150 head of cattle + 675 head of sheep = 285 animal units) located on 12,000 acres

adjacent to the Park is an exceedingly low stocking rate for the amount of land involved (more than 42 acres per animal unit). In addition, YNP apparently has little understanding of the fertilization methods used on the ranch--simply assuming it to be "intense fertilizer application" due to the fact that vegetables are grown. As shown in the detailed farming and ranching plans provided to the Department in 1987 during the preparation of the Draft EIS, no petrochemicals or toxic fertilizers are used on the RTR and application rates of composts and "biochemical" and mined fertilizers (i.e., rock phosphate and sulfur soil) are very low. Pollution of the groundwater from these sources is not a factor.

Septic system groundwater monitoring has already been identified by the Department as a mitigation measure. We find it somewhat ironic that YNP expresses such concerns over small ranch septic systems and so-called "industrial wastes" (i.e., poultry processing), when the Park itself is by far the largest single contributor of human and industrial wastes to the local surface and groundwater systems (i.e., 40,000 gal. per day from Park laundry into the Gardiner municipal system, which either discharges directly into the Yellowstone River when it is working or leaks into the groundwater when it isn't, see Attachments 11 and 12). To illustrate this double standard, when at least 100,000 gal. of raw sewage was spilled into the Yellowstone River inside the Park last month, the YNP response was that "...there is no concern about contamination" and local newspapers even made jokes about it (see Attachments 34 and 35). Yet, the Church's systems which have been subjected to thorough review by the Department are portrayed by YNP as polluting the environment (YNP Written Comments, page 46).

19. **"If the rates of sediment runoff per acre given in the EIS (p. 56) are multiplied by the development size (p. 51), the Spring Creek site (60 acres) would contribute 1,039 tons/year and the East Gate site (5 acres) would yield 31 tons/year. Comparing these sites to the 1985 sediment discharges of Mol Heron and Reese Creeks, one can see that the Spring Creek construction could transport about 62 percent of Mol Heron's sediment and 11 times that of Reese Creek....In a worse case scenario, the Spring Creek site would have the effect of adding the input of another watershed 13-42 mi. in size for a year, depending on the amount of snowmelt runoff and rain during construction times."** (YNP Written Comments, page 42)

We seriously doubt the accuracy of these calculations and don't see how it is remotely possible for runoff from this small area to come anywhere near to the types of volumes projected by YNP, much less approaching the annual sediment volume transported by a large stream that is draining dozens of square miles of eroding terrain. Vegetation has already been stripped on parts of the Spring Creek site for almost two years, and there is no visible evidence of this kind of sediment runoff. We feel the Department should re-verify

these figures.

We would point out that most of the 60-acre Spring Creek site is formerly flood-irrigated farmland which has been frequently plowed and planted to hay, grain and potato crops in the past. How could stripping of vegetation for construction produce more sediment runoff than plowing the soil and flood irrigating it on an annual basis? Furthermore, the entire 60 acres would not have vegetation stripped all at once.

Since both the Spring Creek and East Gate sites were previously irrigated pastures or crop fields, have appurtenant water rights, and are scheduled to be planted to grass and sprinkler irrigated when construction is complete, we disagree with the YNP statement that "reclamation failures are... probable" (YNP Written Comments, page 42). Irrigated lands in this area are very capable of supporting thick vegetative cover, and dryland reclamations on the ranch have by and large been successful. This can be documented if necessary.

20. **"Specific soils data are needed for:**

"a. Preparing a conservation plan
"b. Determining realistic agricultural capabilities
"c. Determining inherent physical and chemical limitations when planning the location of structures and roads
"d. Ascertaining limitations in constructing sewage lagoons or septic tank drainfields" (YNP Written Comments, page 42 and 43)

Soil surveys and a crop-and-range conservation plan already exist for the Church's North Ranch, and this plan is followed. The Soil Conservation Service (SCS) will be conducting soil surveys on the remainder of the ranches in the southern part of Park County by 1990 (see Attachment 36). A conservation plan will be developed and followed as a result. The SCS already does review crop practices on RTR lands that are designated as potentially highly erodible, as part of the RTR's participation in the Federal Farm Program. And the Church already has its own soil test data for most of its farmland adequate to determine realistic agricultural capabilities. This was obtained beginning in 1981 and 1982. If yields and production were not economical, we wouldn't be growing the crops in the quantities that we are. We do not believe that YNP has any expertise at all to know what is and is not viable agriculturally in this area. It should be obvious that YNP has philosophical rather than scientific objections to agriculture in the Upper Yellowstone Valley.

Soils testing is always conducted in connection with planned construction activities and sewage systems. This soil data has been transmitted to the Department as part of the sewage system engineering reports.

21. **"...major geological features should be mapped.**

Faults near sewage lagoons and structures should be noted (if any). Major outcrops of unstable material, subject to mass slumping, must be identified. Areas where road cuts would cause slope instability must be determined." (YNP Written Comments, page 43)

This type of information already was taken into account in choosing the siting for all of the proposed developments, including Spring Creek, East Gate, Ranch Headquarters and the Ranch Office area. Engineering reports for each of the developments include a discussion of these factors. Developments are located on flat ground with stable soils well away from any sloped areas where sliding or slumping is possible. No new road cuts are necessary to reach these areas except for driveways on flat ground within the developments.

22. **"It is definitely not adequate to consider only the new buildings and trailers which will be erected after 1988, since the earlier structures are part of the whole corporate entity. (If the public, or DHES, had been fully informed of the corporation's intentions back in 1981, this EIS would have been done at that time, for the whole development.)"** (YNP Written Comments, page 43)

YNP has assumed that the Church's current plans were known and formulated back in 1981. This is definitely not the case. Since the National Park Service (through the Santa Monica Mountains National Recreation Area) was instrumental in efforts to force the Church to leave its California headquarters so the property could be added to that park--which definitely can be documented--YNP would seem to have been in a position to have anticipated the Church's forced move to Montana on the assumption that the Park's efforts in California would be successful. The Church didn't finally throw in the towel on retaining its California headquarters until 1986. The EIS is examining specific proposals by the Church for development based upon applications for water and sewer systems submitted to it. What is the legal or ethical justification for turning the clock back on the Church to cover past projects long ago completed? When has such a precedent ever been set for any other EIS in Montana?

23. **"Other vital baseline information which is needed includes maps and lists of all parcels which have been subdivided by the company in Park County. Additionally, a list needs to be made of what parcels have been sold as of March 1, 1988, and what parcels have been leased for long or short terms. Also, all parcels which have been further subdivided by group members need to be mapped."** (YNP Written Comments, page 43)

With regard to the Community of Glastonbury, this is the result of an exempt division made by a previous owner and then purchased by the Church. It has been completed for over

six years. All projects requiring review under the law have been examined and approved by both the Park County authorities as well as the applicable state agencies. What justification is there for reopening an inquiry into this project simply because there are some who wish it had never been allowed to happen in the first place? Similarly, it would not be fair to Church members, over whom we have only minimal control even in Glastonbury, to include their activities on their own private land in the Church's EIS.

24. **"...whether parcels such as the 'four new houses on Mol Heron Creek' are being sold or leased for long periods is of enormous importance to the migratory wildlife of Yellowstone National Park."** (YNP Written Comments, page 43)

There are no plans to sell or lease any of the four houses in the Mol Heron drainage, nor have they been sold or leased to date. They are for Church housing. Furthermore, we disagree that this would be of "enormous importance" to YNP's migratory wildlife, since the houses are not located on or near any established migration routes. This area is mostly inhabited seasonally by indigenous herds of elk and mule deer, not by Park migratory wildlife.

25. **"The threat on Yellowstone's border is obvious. Indeed, some private lands have been sold in this area already...."** (YNP Verbal Testimony, Gardiner Public Hearing, March 21, 1988)

YNP's assertion that any of the RTR lands near Yellowstone Park have been sold, leased, or otherwise separated from the ranch are totally untrue and are without basis. No land has been sold off of the Royal Teton Ranch. However, previously segregated lands have been added to the ranch.

26. **"We also note here that the RTR's filing of aliquot division papers for the 12,000-acre Forbes Ranch is an exceedingly strange way to 'protect property rights,' just because a county considered rural zoning. If it were true that the corporation 'never intends' to sell, or long term lease, such lots, then why would it ever be necessary to file aliquot divisions? It is, of course, obvious that the only thing being 'protected' is the ability to subdivide at a later date."** (YNP Written Comments, page 43)

The reasons for this aliquot division are fully explained in the Draft EIS, from both viewpoints, and were fully understood publicly at the time it occurred (see Attachment 37). The reasoning should not be difficult to understand at all, and we believe YNP fully understands the obvious implications. If the Church can establish its religious community and carry out the minimal alterations to existing land use as is proposed in the Draft EIS, there would

be no need and there is no intention of utilizing the aliquot division, developing lots, etc. However, should the Church be denied the right to make reasonable use of its property, whether through the use of overly restrictive regulations, lawsuits from special-interest groups, federal government intervention, etc., the aliquot parceling stands as a legally enforceable and completed division that requires no further government review. This protects both the property value as well as the landowner's right to make use of each parcel. This definitely does protect our property rights and it definitely is an effective insurance policy. We would be interested in knowing what methods YNP would propose be used to protect private property rights that aren't so strange. If there were no groups such as Yellowstone Park, the Upper Yellowstone Defense Fund and others seeking to effectively confiscate landowners' rights without paying for it, then such protective moves would never be necessary. One Yellowstone Park employee put it rather succinctly when he said in a recent letter to the editor that authorities shouldn't "let legalities get in their way" to stop development near Yellowstone (see Attachment 37).

27. **"...it seems to us that DHES would want to survey citizens from throughout the state to see what their opinions are about having a large corporate development along the final approach to Yellowstone. Of course, Yellowstone is a national park, and a similar survey should definitely be made of visitors coming to Yellowstone from other states."** (YNP Written Comments, page 44)

An environmental impact statement is not a public opinion poll, but a scientific study used to ascertain environmental impacts. A more than adequate opportunity has already been given for any member of the public to express his or her opinions and give factual input on the project and the results of the Draft EIS. The matter has certainly been well publicized throughout Montana and nationally. There has been full public involvement. On the other hand, a private landowner's rights are no more based upon public opinion than the Park's internal management policies. We can't help but wonder if YNP would be so eager to have an independent survey of local residents conducted to determine if they are in favor of reintroducing wolves to Yellowstone or of allowing hundreds of thousands of acres of fires to burn "naturally" inside the Park during one of the worst droughts on record (see Attachment 38).

28. **"The EIS fails to adequately address how the proposed action may affect the unique air resources in and around Yellowstone....Yellowstone lies downwind from RTR operations in the mornings (excluding major weather disturbances) and thus will be affected on a regular basis."** (YNP Written Comments, page 44)

The Draft EIS clearly does address the possible air quality impacts. Regardless of the requested baseline data,

the projects proposed by the Church will not produce any significant amount of airborne pollution or contaminants. In addition, YNP's statement about lying downwind from RTR operations in the mornings is directly contradicted by its own published climatological data, which states as follows:

> "In the valleys and basins of the Parks, local topography largely dominates the airflow data, both seasonally and diurnally. Diurnal changes in wind distributions are illustrated in Figure 15 for the Stevens Creek station (UW11) near Gardiner. This station was near the bottom of the broad Yellowstone River valley, which is oriented northwest-southeast at this point, with northwest being the lower end. The air normally flows along the open valley parallel to its axis. At night and in the morning dense cold air drains downhill through the valley from the higher elevations of YNP toward the lower elevations in the northwest, like water running down through a ravine. The cold drainage creates the predominantly southeast winds at Stevens Creek. Surface heating in the summer creates a 180 degree shift in the wind direction by afternoon as warm air rises up the valley slope from the lower elevations, creating northwest winds at Stevens Creek. In the wintertime there is insufficient afternoon heating to create the uphill winds; thus

southeast winds dominate the distribution all day long. Cold air drainage winds undoubtedly dominate the winter airflow in most other valleys and basins in the Parks"[2] (see Attachment 39).

Stevens Creek is located just a few miles south of the RTR in the Upper Yellowstone Valley. It is clear that for at least 75% of the time during an average year, and almost always in the mornings during all seasons, YNP lies upwind rather than downwind from the RTR. Recent experience with the fires in Yellowstone tends to bear this out--smoke comes down out of the Park and fills the valley for about 16 hours out of the day, making life almost unbearable. The only relief is for a few hours in the late afternoon. Evidently, YNP has little concern for this air quality problem--since it is "natural."

29. **"The largest sources of air pollution emissions would likely be from space heating (e.g., wood or coal stoves), transportation, and power generation (e.g., wood**

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[2]The Climate of Yellowstone and Grand Teton National Parks, by Richard A. Dirks of National Science Foundation and Brooks E. Martner of Department of Atmospheric Science, University of Wyoming, National Park Service Occasional Paper Number Six, published by U.S. Department of the Interior/National Park Service.

or coal fired boilers). Actions that should be evaluated include, but are not limited to, construction (roads, buildings), extraction (timber harvest, prescribed burns), excavation (mines, wells), utilization (grazing, pesticides), and disposal (landfills, burning, etc.)." (YNP Written Comments, page 44)

The Church has no plans to install any wood or coal-fired stoves or boilers for space heating or power generation. The existing three wood-fired boilers have already been evaluated by the Department in the Draft EIS. Furthermore, the type of housing planned for the project sites will not allow for the easy installation of wood-burning stoves.

The Church has no plans for large-scale timber harvest, prescribed burns or mining activities. Pesticide applications have been and will continue to be of a nontoxic variety (i.e., BT type or EPA approved) and in accordance with the manufacturer's application guidelines. These applications are rare on the Church's crops and are usually by ground (spray coupe) delivery. Further large-scale forest spraying is not planned for the future as thinning and management will be relied upon to control outbreaks of pine bark beetle and spruce budworm.

We fail to see how drilling a few water wells and "grazing" at such a low stocking rate as on the Royal Teton Ranch will impact air quality. However, in view of the concern over "cumulative effects," we would recommend that the YNP policy of allowing fires to burn "naturally" inside Yellowstone Park should be examined for its impact on the Class I air quality requirement referred to in YNP's written comments. For the past month in this area, visibility has frequently been reduced to below one mile and the air has been choked with smoke from over twelve fires covering over four hundred thousand acres inside Yellowstone Park. No efforts were made to suppress or extinguish these fires until they were totally out of control. This gross disparity leads us to question the sincerity of Park officials' "concern" over small emissions from ranch activities while they seem to remain unperturbed over the truly massive air quality impacts of their fires. We believe it will be seen that the small amount of dust produced by the Church's construction activities is minor in comparison to the air pollution generated by these large fires. The Department's Air Quality Bureau has set up a monitoring station in Gardiner and should have data on this (see Attachment 40). The fact that the fires are "natural" as opposed to "man-made" is of little consolation as far as the effect on air quality and human health is concerned.

30. "We are especially concerned that heavy truck and auto traffic from RTR properties often takes a 'shortcut' to Gardiner through the park, or takes this route to avoid the Corwin Springs bridge. This traffic is so regular that we have reason to believe that Yellowstone's Class I

air standards are being violated for several hundred yards on each side of the road for most of the day. If this is the case, it must be stopped." (YNP Written Comments, pages 44 and 45)

The road in question, commonly known as the Stephens Creek Road, is in fact a county road used freely by the public and maintained by Park County. The existence of this road predates the expansion of Yellowstone Park into Montana and the Park's acquisition of the land in this area by many years. To our knowledge, the right-of-way has never been acquired from Park County. An improvement project on the road was completed in 1986 at the county's expense using gravel provided on a cooperative basis by the RTR at 25per cubic yard. To our knowledge, YNP has contributed nothing to the maintenance or improvement of this road. The road is commonly used by travelers to and from Yellowstone Park as a scenic route as well as by local residents. Neighbors living on the west side of the Yellowstone River as well as the Church must use the route for any vehicles weighing in excess of 11 tons due to the load limits on the Corwin Springs bridge. This includes commonly the transportation of hay and concrete to neighboring properties (RTR produces its own hay and concrete), horses into and out of YNP, as well as other RTR, YNP and neighbors' truck traffic.

Preventing RTR from using the road would not stop the dust problem since many other people use the road and RTR traffic comprises only a portion of it. We do not believe closure of this road would be possible or in the public interest due to: (1) the county's ownership of the right-of-way predating the Park, (2) the dependence of numerous neighboring households as well as the RTR on the route for heavy loads, and (3) the common use of the road for scenic travel by YNP visitors. Alternatives that might be considered by YNP could include application of a dust suppressant such as magnesium chloride to reduce fugitive dust, or acquisition of the road from Park County and payment of a sufficient amount to the county to allow for upgrading or replacement of the Corwin Springs bridge as an alternate route.

31. **"...we find it incredible that the RTR corporation testified before a Senate subcommittee that '...no firm decisions have been reached...concerning the ultimate uses of the [geothermal] water. We have only general plans and ideas at this time....' We strongly urge that no action be taken on any future request to use this resource unless detailed, constructive, needed, and economic uses were to be made of the water. The presently-offered vague ideas about low grade heating of one to three small buildings hardly seems sufficient justification to even take the request seriously."** (YNP Written Comments, page 45)

The YNP comments concerning LaDuke Hot Spring and the well drilled by the Church adjacent to the spring are unneces-

sarily strident. It is common knowledge that the Church has not applied for an authorization from the Montana Department of Natural Resources and Conservation (DNRC) to change the point of diversion or place of use, and that until such an application takes place no change in use of the water can occur. Why should this be viewed as "incredible"? It is only logical that such a delay be made while the following other processes are occurring:

a. EIS being prepared by the Department to evaluate whether development of the Spring Creek site will be approved;

b. Water rights adjudication process being conducted by the Montana Water Court on the Upper Yellowstone Basin, including the Church's claimed rights on LaDuke Hot Spring;

c. Baseline data gathering on LaDuke Hot Spring being conducted by RTR's consulting hydrologist, Hydrometrics; and

d. A Bill being considered in Congress to direct the U.S. Geological Survey (USGS) to conduct a study on the possible effects of the use of the well and the development of other wells in the Corwin Springs area on Yellowstone's geothermal resources.

No one has asked the DNRC to consider giving a change authorization based upon the general plans given in the Senate Subcommittee testimony as reproduced in the Draft EIS. A DNRC application, when and if it is made, will include specific uses and details based upon information gathered from the above processes.

It should be clearly understood that this EIS is not being conducted for the purpose of evaluating the Church's possible use of LaDuke Hot Springs and no decision as to the use of the water will be made as a result. The development of the Spring Creek site as the Church's new headquarters is not in any way contingent upon approval of the use of the well. The information on LaDuke Hot Spring is included only as a collateral matter in this EIS and was adequately covered in the draft.

32. **"Massive degradation of the natural, pastoral setting that has historically been the main gateway to Yellowstone."** (YNP Written Comments, page 46)

The inclusion of this description of the Church's land in YNP's "summary of expected impacts" is simply an alarmist statement with no basis in fact. The Church's property near Yellowstone Park totals 15,000 acres. Out of that, a total of 120 acres will be developed with dwellings, church, school and other facilities. Most of the new facilities will not be

readily visible from Highway 89. What is the rest being used for? Farmland for hay, grain and vegetable crops that will be green rather than dead and brown in July and August; forest land on which little visible logging will ever be conducted; livestock grazing of one animal per 42 acres; wildlife habitat with seasonal hunting by several dozen hunters; and thousands of acres of unused open space. Does that constitute "massive degradation"?

The Church's RTR property is located approximately six miles northwest of the north gate to Yellowstone Park, not right next to it as is implied. We note that no complaint is or has been made regarding the unsightliness of the town of Gardiner literally right next to the historic gate. Yet, the Church's property historically has also been the site of substantial human usage--including the coal mining towns of Aldridge and Electric, and the resort town of Corwin Springs (see Attachments 41, 42 and 43). This has evidently been ignored by YNP.

33. **"We assert that the Department of Health and Environmental Sciences does have the authority and the obligation to evaluate other meaningful alternatives to this project (Option No. 3), which means analyzing other RTR lands in the county, at least. This approach is not novel and is not excessive. Environmental impact statements for the many national forest plans which have been developed over the last few years almost always evaluate the entire holdings, and then present several alternatives for developing various land parcels. This method would work well for this development."** (YNP Written Comments, page 47)

The distinction may be blurred in YNP's perception, but environmental impact statements for national forest plans are prepared under a complex and voluminous set of federal statutes which regulate and direct major federal actions and the drafting of forest plans--including the National Environmental Policy Act, the Forest and Rangelands Renewable Resources Planning Act of 1974 and the National Forest Management Act of 1976, just to name a few. These statutes regulate federal agency activities on federal lands and have nothing to do with state lands and private activities on nonfederal private lands. We know of no provision or interpretation of the Montana Environmental Policy Act (MEPA) under which private landowners can be totally denied the use of their land, as YNP insists be done, and told to go use another piece of land somewhere else. We would also direct the Department's and YNP's attention to the Supreme Court's decision in First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, California, 482 U.S. ____, 96 L.Ed.2d 250, 107 S.Ct. 2378, which stated that "where a regulation takes all use of a property, the property owner is entitled under the just compensation clause of the Fifth Amendment, to compensation..." and that "'temporary' takings which deny a property owner all use of the property are not different in kind from

permanent takings;...."

We find it nothing short of amazing that YNP seeks the selection of an alternative that would totally bar the Church from the effective use of its property based upon speculative and undocumented environmental impacts, while it affords itself (much less a national forest) infinitely more leeway. The Fishing Bridge EIS is a prime case in point. In a newsletter entitled, "Fishing Bridge Planning Update," issued in February 1987, YNP states that "the agency's preferred alternative is the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. The 'preferred alternative' may differ from the 'environmentally preferred alternative' and often does" (see Attachment 44). YNP went on to choose an alternative that allowed much of the Fishing Bridge facilities to remain on the site even though it found that the result would be more human-grizzly conflicts. Is the Church to be treated more restrictively on its own private land than YNP treats itself on Park land? This is simply illogical.

34. **"We recommend that the Montana Department of Health and Environmental Sciences work with RTR in carefully analyzing other corporate properties that would be more suitable for the proposed intensive agriculture, urbanization, and exploitation."** (YNP Written Comments, page 47)

The Church is not interested in "urbanization" or "exploitation" of the Royal Teton Ranch. The ranch represents consecrated land for a religious community to the Church and its members. It has been carefully tended, cared for and loved with a view toward sustaining it as the permanent home of the Church. The clean water, clean air, wildlife, fish, scenery and other natural resources on the ranch and in Yellowstone Park are not viewed as commodities to exploit as YNP's written comments suggest. There is absolutely no basis for YNP to make these self-righteous claims. YNP's irresponsible statements are akin to yelling "fire!" in a crowded theater. In this regard we would point out that almost all of the "impacts" cited by YNP are their predictions of what might happen, rather than any harm that has actually occurred in the Church's seven years on the ranch. They are hardly reasonable projections of future events based upon known facts and data.

It might appear to some from the above response that the Church doesn't like or appreciate the significance of Yellowstone Park, just as it appears all too obvious that Yellowstone Park officials don't like the Church. This is not the case at all--and we wish to go on record as being in support of the original concept for Yellowstone Park and all that it stands for. The clean air, clean water, wildlife, fish, scenery and other natural resources and wonders are the reason we came here. The Church's community and activities on its land will not despoil these. But there definitely is a

difference between Yellowstone Park and the Park's management hierarchy. There definitely is a double standard being applied by Park management to the Church's land use outside the Park as compared to YNP's land use inside the Park.

Given the size of our endeavor, our land use and management philosophy is and will continue to be conservative and nonconsumptive. The Church's agricultural endeavors are clearly what the land will support, and are nonpolluting to the environment. But this is portrayed by YNP as "unacceptable and intolerable" and they find the "impacts to be enormous." Yet, 100,000-gallon sewage spills into the Yellowstone River inside the Park are portrayed as no problem, 2.6 million people and 892,000 cars per year and growing is considered acceptable and tolerable, 500 cutthroat trout killed in a single day just looks worse than it really is, and one failed management effort after the next is dismissed as "the great experiment."[3] These cannot be merely passed off as "past mistakes" while condemning and denigrating the Church's responsible use of its land.[4]

We don't believe Yellowstone is seriously endangered by outside activities. If anything, it is primarily threatened by its own interior management blunders and experimentation. (For more information on the problems associated with Yellowstone

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[3]Wildlife in Transition, by Despain, Houston, Meagher and Schullery of Yellowstone Association Research Fund (1986), pages 10, 62 and back cover.

[4]**"We wish to acknowledge there are shortcomings in past developments that have taken place both inside and adjacent to the Park borders. Nevertheless, past mistakes provide no justification for making more in the future."** (YNP Verbal Testimony, Gardiner Public Hearing, March 21, 1988)

Park management's "theory of natural regulation," see a recent article in Western Wildlands, Fall 1987 issue, entitled, "Too Many Elk in Yellowstone?", Attachment 45). YNP management's practice of covering up its own shortcomings and trying to turn the attention away by condemning its neighbors has got to stop. This year the bogeyman is the Church. If it isn't stopped, next year it will be one or more of our neighbors, and then their neighbors, and then the rest of the country from Bozeman to Jackson and Cody to Idaho Falls.

YNP has apparently never taken serious stock of the fact that there are many worse things that could have happened to this property on its northern boundary. The property could have easily been subdivided and sold off already. Indeed, Malcolm Forbes was contemplating subdivision of the property into hundreds of lots and had made substantial progress toward finishing a development plan. Then the federal government had several years of negotiations and an option contract to purchase

the property from Forbes before the Church did. Before that, the government had the opportunity in the 1930's to purchase the land all the way to Yankee Jim Canyon, and declined. The Feds passed up those opportunities and should not now be able to dictate that nothing may be done with the land by the private owner who did pay the price.

To put it more succinctly, if a church can't put a religious community on 120 acres and grow crops on 600 historically farmed acres, while leaving the rest of a 15,000-acre ranch essentially untouched--whether next to Yellowstone Park or not--then where else could it possibly do it that others wouldn't likewise complain?

In summary, we find YNP's comments to be without merit and totally lacking in the American spirit of freedom, honor, fairness and honesty. Trying to blame the Church now for Yellowstone Park's future problems and many of its present shortcomings is simply an abdication of Park management's responsibility to continue to live within its means and to ably administer what already is within its jurisdiction.

B. U.S. Fish and Wildlife Service.

Comments from the U.S. Fish and Wildlife Service ("USFWS") came in two increments, including a letter from Project Leader Ronald D. Jones (regarding the Reese Creek fishery) and State Supervisor Wayne G. Brewster (regarding wildlife). Some of the comments regarding Reese Creek are essentially a duplicate of statements contained in the YNP written comments and have been responded to in the previous section. Additional comments we wish to respond to are as follows:

> 1. **"'Changes in land use' (p. 39) including filling of reservoirs and new dwellings construction will lead to an increased demand of Reese Creek water....The proposed actions indicate increasing demand for utilization of Reese Creek."** (USFWS Written Comments, Ronald D. Jones, page 51)

There is no support for this statement at all. As previously stated, the Church has offered to YNP to withdraw all of its historical claims for mining and industrial uses, and has also offered to substantially reduce the amount of its vested rights for irrigation water, and to grant the Park a priority right for instream flow. None of the Church's plans for construction call for the increased use of Reese Creek water. The filling of the reservoir which feeds the Church's gravity irrigation system does not result in an increased usage of water--in fact, the case is to the contrary, as previously stated, regarding the conversion from flood irrigation to sprinkler irrigation. The small reservoir feeding the pipeline does not impound any significant volume of water, as it is filled in a matter of only a couple of

hours from the existing ditch diversion.

2. **"Without maintenance of instream flow, there can be no benefit to Reese Creek by Church Universal and Triumphant development (p. 122); however, to date, negotiations between the National Park Service and Church Universal and Triumphant have failed to reach an agreement."** (USFWS Written Comments, Ronald D. Jones, pages 51 and 52)

It was also stated by an individual at the public hearing in Gardiner that the Church had "broken off negotiations" with Yellowstone Park on the possible granting of some instream flow rights to YNP (see verbal and written testimony of Richard Parks). Upon questioning this individual following his testimonial he stated that this information had been obtained from Ron Jones of the USFWS. These contentions are in fact false. Negotiations have proceeded since 1986 to attempt to work out differences between YNP and the private water users on Reese Creek. Attached is a chronology of the meetings which have occurred and the correspondence which has been exchanged pursuant to these negotiations (see Attachment 46). As can be seen, these negotiations continue to the present date. A matter of some importance is the fact that the Church is not the only water user on Reese Creek that must agree to any change in the status quo. There are two other private water users involved in the negotiations which also have their own rights to protect (Jim Hotchkiss and Charley Mikolich). Any agreement between YNP and the Church must also include the agreement of these other two water users in order to be valid or enforceable. It should be clear that any effort on the part of YNP and USFWS to pressure private users to give up vested water rights in the middle of the most severe drought year on record will only decrease the likelihood of a reasonable agreement ultimately being reached.

3. **"According to the draft E.I.S., the proposed actions of Church Universal and Triumphant are expected to create no new adverse impacts (p. 43). This is misleading because the present actions of the Church are at a substantial environmental cost. Long term continuation of present irrigation practices will consistently limit reproduction of cutthroat trout spawners from Yellowstone River and negatively impact the fish and aquatic insect habitat in the dewatered portions of Reese Creek."** (USFWS Written Comments, Ronald D. Jones, page 52)

The fallacy of this argument is that it assumes there is an existing fishery in Reese Creek that is or could be affected by the Church's actions. The fact is that a viable fishery has not existed in Reese Creek for at least over 100 years, if ever. The irrigation practices which continue today by the Church and two other water users have been carried on by our predecessors for generations. In the context of the EIS there is no way this can be viewed as a negative impact attributable to the Church, since these practices are based

upon prior existing water rights and historical usage. If anything, the current condition of the Reese Creek fishery must be considered as part of the existing environment. The Church's proposed actions do stand to possibly benefit Reese Creek should an agreement be worked out with YNP to establish an instream flow. In order for the current status quo to be viewed as environmentally damaging, then the same would also have to be true for every other private irrigator throughout the state of Montana. Needless to say, this is supported neither by Montana Water Law nor the preponderance of public opinion.

> 4. **"...the severity of dewatering has increased during the negotiation process. Since 1984, the duration of total dewatering of Reese Creek channel has increased dramatically from approximately 20 days in 1984 to 130 days in 1987."** (USFWS Written Comments, Ronald D. Jones, page 52)

As previously indicated, the severity of the dewatering of Reese Creek is a function not of increased RTR water usage but of the severe drought conditions being experienced in this region over the last several years. Undoubtedly Jones is aware of this, but makes no mention of it in his comments.

> 5. **"Because of the grizzly bear propensity to predate on domestic sheep, it would be desirable to replace the sheep with cattle where a grizzly livestock conflict potential is high."** (USFWS Written Comments, Wayne G. Brewster, page 49)

While it might be somewhat desirable from a producer point of view under some circumstances, this action would not seem to be required in the case at hand. In the six years since sheep have been raised on RTR property, only one bear conflict has ever occurred, when one ewe and two lambs were killed by a grizzly bear. In that incident, the bear was trapped by Department of Fish, Wildlife and Parks personnel, relocated to the interior of the Park, and has not been involved again in depredation on RTR property. In six years of ranching, this is certainly no greater an incident rate than could be expected with only cattle on the range. There are some particular aspects of the Church's management methodology which probably account for this low rate. These include the fact that our sheep are grazed only on the northern periphery of occupied grizzly habitat well away from any Management Situation One areas, that they are always accompanied by a herder with dogs, and that the sheep are always enclosed in a protective portable electric fence at night when on the range. Notably, the one incident that did occur with bear depredation was not out on the range but when the sheep were being pastured overnight next to the main sheep headquarters, and were not put inside the electric fence.

C. Montana Department of Fish, Wildlife and Parks.

Comments we wish to respond to from the Montana Department of Fish, Wildlife and Parks ("DFWP"), in addition to the comments already made in our letter dated April 20, 1988 (see Attachment 2), include two Office Memorandums dated March 4, 1988 and April 18, 1988 from LeRoy Ellig to Jim Posewitz of DFWP.

1. "The existing sheep pen allows unlimited access to Mol Heron Creek for approximately 190 feet....We would recommend that the sheep pen be modified to provide a small water gap to Mol Heron Creek and fence the sheep out of the creek for the remainder of the 190 feet." (DFWP Written Comments, March 4, 1988, page 54)

This same recommendation was made by the wildlife consultant for the Draft EIS, OEA Research. This change was accomplished as recommended early this year.

2. "The document dismisses the fact that the CUT dewaters the stream by saying that the CUT and YNP are negotiating an instream flow agreement. As of March 1, 1988, these negotiations have broken off and we are left with the existing situation of extreme to total dewatering of Reese Creek before it enters the Yellowstone River.... This dewatering represents a serious impact associated with the proposed and existing development of CUT and must be addressed in the EIS." (DFWP Written Comments, March 4, 1988, page 54)

This issue is answered in previous sections responding to Yellowstone National Park and U.S. Fish and Wildlife Service comments. We fail to see how a more-than-100-year-old practice supported by recognized water rights can be considered a "proposed and existing development of CUT." The issues with regard to Mol Heron and Cedar Creeks have been fully covered in previous correspondence to the Department (see Attachment 2).

3. "We would suggest that the CUT be required to list all of the water right claims that it filed for under S.B. 76 for Mol Heron and Cedar Creeks including flows, volumes, purposes and periods of use. This listing should appear in the EIS so reviewers can assess the magnitude of impact associated with the water right claims of the CUT. The draft EIS fails to address the impacts associated with these water right claims." (DFWP Written Comments, March 4, 1988, page 55)

In addition to the comments previously offered, we question the advisability of including a listing of claimed existing rights in an EIS that is supposed to be examining proposed future development. These claimed water rights are a matter of public record under adjudication with the Montana Water Court. We are aware of no mechanism by which either an EIS or

public opinion can be used to alter decisions by the Montana Water Court on existing rights, since these rights are vested by law and are based on documented prior usage. We feel that to do so, and to attempt to evaluate these claims in the context of an EIS that is based upon permit applications which have nothing to do with the use of the water rights, would be unduly interfering with the adjudication process and giving an unfair advantage to the DFWP--who is an objector to many of these claims. It would appear that the only way these rights and the Church's future water usage can be clarified is either through the adjudication process or through a process of negotiation with DFWP and other water rights claimants to accommodate the priorities and concerns of all parties. Apparently, this is also recognized by DFWP when it is stated that "the Montana DHES has no authority to require any instream flow in Reese, Mol Heron or Cedar Creeks. While a guaranteed instream flow in these streams is a worthy goal, it could only be achieved by a contractual agreement between the CUT and our department or YNP." (DFWP Written Comments, March 4, 1988, page 55)

4. **"The map on page 18 showing sheep winter distribution is based on 1975 data and is outdated. We recommend utilizing the attached map showing a more realistic winter distribution. Based on the above rewrite the measure as follows: Domestic sheep will not be allowed to use the winter range of the Cinnabar Mountain bighorn sheep herd as delineated to minimize the potential of disease transmission. Also, add the following sentence: It is desirable to replace domestic sheep grazing with cattle grazing on the RTR-S."** (DFWP Written Comments, March 18, 1988, page 56)

We are unaware of any studies or documentation justifying the expansion of the Cinnabar Mountain bighorn sheep winter range, as suggested by DFWP. To our knowledge, frequent sightings on the pasture areas between the Yellowstone River and the foothills to the west have been confined to the bighorn sheep winter range as shown on the 1975 map. We would like to know whether the proposed delineation of this range area included in the DFWP written comments is based upon a documented use area or upon an anticipated or desired expansion of that area. The existing winter range as shown on the 1975 map includes a mixture of public and private lands. A restriction on domestic sheep use of range areas on Cinnabar Mountain is therefore logical. However, the proposed expansion area as shown in the DFWP written comments is almost entirely on private land. We feel it is unreasonable to attempt to use an EIS process that is based on applications for proposed construction projects as a forum for attempting to extort concessions on preexisting legal agricultural practices.

5. **"CUT is strongly encouraged to apply the principles of rest-rotation grazing in their livestock management."** (DFWP Written Comments, March 18, 1988, page 57)

All of the livestock grazing on the Royal Teton Ranch, except in fenced pasture areas, is subject to a private land grazing permit with the U.S. Forest Service. Grazing practices and stocking rates are currently under the control of the U.S. Forest Service and the grazing management plan specified by them.

6. **"Existing native rangeland should not be cultivated in order to maintain its long-term value to native ungulates and to minimize future game damage conflicts."** (DFWP Written Comments, March 18, 1988, page 57)

This should not apply to historically irrigated pasture or crop areas, even though they may not have been irrigated for several years due to participation in the Federal Farm Program or other conflicting priorities. There are very few of these areas capable of cultivation due to terrain features and availability of irrigation water, but the Church does not intend to give up its right to cultivate pastures where appropriate.

7. **"Agricultural production on the OTO portion should not be increased over current hay production and grazing levels, and yearlong human habitation of the OTO should be minimized. This is an important mitigation measurement for elk since this property represents excellent elk winter range values."** (DFWP Written Comments, March 18, 1988, page 57)

We feel the best way to ensure the availability of the OTO Ranch property for elk winter range is to encourage the proposed land exchange between the Royal Teton Ranch and the U.S. Forest Service. Under the terms of this tentative land exchange, the U.S. Forest Service would succeed to the ownership of the entire OTO Ranch and the Church would succeed to the ownership of isolated, primarily non-winter-range areas in the Mol Heron drainage that are currently checkerboarded within the Royal Teton Ranch. We do not feel that either the Department or DFWP has the authority under Montana law to restrict what agricultural practices may be followed on existing cropland and pasture areas or to tell us that the existing buildings at the OTO Ranch cannot be used.

8. **"Work cooperatively with the MFWP to allow for removal, by sport hunting, of bison as they leave YNP. This is an important consideration since the bison population within YNP continues to increase and MFWP has been legislatively mandated to control bison leaving YNP by sport hunting."** (DFWP Written Comments, March 18, 1988, page 57)

The Church has an existing legal commitment to the Fund for Animals to attempt to prevent bison migrations out of Yellowstone National Park through the use of at least minimal avoidance measures. This includes hazing of animals that have crossed out of the Park back inside of YNP boundaries. These

measures failing, RTR has the discretion to allow bison hunting to occur on the ranch. There are, however, problems associated with this hunt as currently established. These include a high incidence of brucellosis in wild bison migrating out of Yellowstone Park, as well as substantial damage to fences and pastures that can occur from the hunting of these large animals in the springtime. The Church will be making efforts to cooperate with DFWP to attempt to mitigate and/or avoid these problems as recommended.

D. Montana Department of Natural Resources and Conservation.

There are two items from the Department of Natural Resources and Conservation ("DNRC") written comments to which we wish to respond:

1. **"You have noted the discrepancy between the total amount of water claimed and the various estimates of the actual amount of natural discharge. It should be reiterated that the Church's future use under decreed rights will be limited to the natural discharge of the spring, regardless of the cumulative flow rate of the claims."** (DNRC Written Comments, page 60)

As pointed out in the Church's testimony before the Senate Subcommittee on Mineral Resources Production and Development, it is in fact the case that the Church's Application for a Change Authorization from DNRC, when and if submitted, would be limited to the demonstrated natural discharge of the spring, regardless of the cumulative flow rate of the decreed rights.

2. **"...nutrient loading from irrigation apparently was not accounted for in calculating nutrient inputs. Why not?"** (DNRC Written Comments, page 61)

We question the need to include nutrient loading from preexisting irrigation activities in evaluating impacts to be expected from future developments. It should be apparent that any such nutrient loading would already be a part of background levels in the existing environment. In this regard, it should also be noted that such nutrient inputs may be significantly reduced due to the conversion from flood irrigation to sprinkler irrigation practices and the light use of applied fertilizers in the Church's farming practices. Sprinkler irrigation not only uses much less water but also reduces runoff and inputs to the groundwater to very low levels.

E. Park County Planning Board and Planning Office

13. **A major portion of Berto's written comments is centered around the report on fiscal impacts and related issues prepared by consultant Jim E. Richard. We requested a review of that report by a firm that specializes in socioeconomic impact studies--Economic Consultants**

Northwest of Helena, Montana. That review is included herein as Attachment 53. Based upon the Economic Consultants Northwest review and our own analysis of the Jim Richard report, the following conclusions can be drawn:

· For numerous reasons, the fiscal impact analysis and results prepared by Jim Richard are of limited use. Primary deficiencies are the lack of documentation and a heavy reliance upon unverified assumptions.

· No fiscal impact period was defined. Furthermore, it is obvious that the Jim Richard report picked the worst year upon which to base any conclusions, and no effort was made to take past fiscal benefits from the Church (with little impact on public services) into account or to make any future projections based upon completion of development. In a personal telephone conversation, Jim Richard stated that he was specifically told by Ben Berto not to make a future projection for even one extra year when school foundation funding would have caught up with new public school enrollments. This appears to be a deliberate omission of any information that would tend to improve the fiscal impact picture for the Church. The report is essentially a snapshot that exploits the fact that the Church has moved its headquarters to Montana, but has not been allowed to complete developments which would increase tax revenues.

· Apparently, major assumptions were made in the preparation of the report with little effort at verification. Following upon Berto's testimony at the Gardiner Public Hearing, enrollments of "CUT kids" are given for several public schools, but no clues are given as to how these figures were arrived at. School administrators and principals have questioned these numbers and say they don't know where they came from or how anyone could ever figure them out with any degree of certainty. This was confirmed by Economic Consultants Northwest during its review through telephone conversations with school officials. Since Ben Berto and Jim Richard don't have access to school enrollment records, and the school administrators didn't give them the numbers, it is obvious that the figures were merely "estimated" by them. It appears that the total amount of increased enrollment at every school examined in the report was attributed to "CUT kids." This is alluded to in the "apology" published by Berto in the Livingston Enterprise on April 22, 1988, where it is stated that "these figures were drawn by the consultant from the recent population increases in the various school districts. School administrators, public officials and the like were not involved in pointing out any population of children as belonging to the Church." This is shooting from the hip at its worst--a slightly different version of the "Church-is-responsible-for-all-problems-in-the-county" theme. How a study that purports to be scientific can be based on such tenuous assumptions boggles the mind. We have requested a formal explanation of how these figures were arrived at, so far without any reply.

· There are other deficiencies with the alleged "CUT kids" fiscal impacts methodology. It is apparent that the report has attempted to calculate the fiscal impacts to schools attributable to both the Church and its nonemployee members, while only taking into account the revenues generated by the Church itself. Thus, the Church is charged for all the impacts but only credited with some of the revenues. The tax revenues from Church members who may live in the Paradise Valley and send their children to school are ignored. This points up the fallacy of attempting to hold the Church responsible for what any nonemployee Church members may do in Park County--these people are citizens just like anyone else and are entitled to avail themselves of public services. The Church does not have the statistics on these people necessary to calculate the impacts incurred and the revenues generated by them. The justification repeatedly given for this is the Hard Rock Mining Act--a law that has no applicability in this case. Equating Church members (that aren't even employed by the organization) to mining employees is totally ridiculous. We know for a fact that the number of children of Church staff enrolled in Park County public schools is nowhere near the figures stated in the Jim Richard report. And we don't try to keep track of how many Church members enroll their children in public schools.

· Even worse, the effort at an official level of trying to identify Church members as they function in society and their children as they enroll in public school is not only totally outrageous but clearly unconstitutional. This action caused enough outrage that complaints were lodged with the County Commissioners, a lawsuit was threatened by one distraught parent, letters were written by several school officials dissociating themselves from the claims in the report, and finally, the Planning Office issued an apology in the newspaper (see Attachments 54, 55 and 56 - note: Attachments 54 and 55 are found in the Written Public Comments Section - letters from Billie Fleming and Richland School District #2).

· While the Jim Richard report faults the Church for allegedly causing fiscal impacts to the Richland School due to children enrolled there, the members of the Richland School Board stated that without these children the school would not have been able to remain open (see Attachment 55). Closing the school would result in everyone in the area having to send their children much farther away to other schools and being added to another taxable district. In addition, the Jim Richard report and comments from others seem to lament the presence of children of Church members in the schools--referring to the "fiscal impacts"--but warn of even greater impacts if these children are taken out of public school to attend the Church's private school when it is built. This is called being "damned if you do, and damned if you don't." We would point out the fact that when this EIS was first started it was anticipated that additional enrollments in public schools

would occur since the Church would be delayed in building its own school. At the time, local residents wanting an EIS said this would be no problem.

· Putting the manipulation of school funding figures aside, the Church does pay 15% of all the taxes assessed in the Gardiner Elementary School District area--including the bond which paid for the construction of the new school after it burned down in 1985. We're paying for our share of it, and we should have the right to use our share of it for educating our children without all this complaining.

· Numerous revenue-generating factors were omitted in the report, including increased commercial taxable valuations due to increased demands for goods and services from the Church and its members doing business in the area, vehicle registrations, etc. It is a fact that business activity and taxable valuations in Park County did not significantly decline from 1986-87 as was expected after the Burlington Northern Railroad pullout. No explanation has ever been given. It should be recognized that the influx of people and business from the Church has helped to maintain this balance in the county.

· It is assumed in the report that additional costs of government are incrementally incurred for each additional person that moves into the county. This theoretical assumption of per capita cost increases is unjustified, and common sense tells us this simply is not the case. There are empirical ways of determining whether increased costs have actually occurred or not. For example, it is well known in Park County that the total number of public employees has decreased rather than increased over the last five years. Increased costs of government (other than inflationary-type increases) are based upon hiring additional employees, purchasing additional equipment, etc. to meet the demands of more people needing public services. Where is any documentation--other than the Planning Director's claims of spending one-third of his time worrying about the Church--for actual increased costs of local government? What new employees have been hired due to demands for public services made by the Church? What has really happened in Park County government is that the Church's influx has helped fill the gap created by the Burlington Northern pullout and other business closures that have occurred in the Livingston area over the last several years. Without any appreciable increase in government (and in fact with some decrease in terms of real dollars), the Church's net increase in the tax base and annual revenues has effectively spread out and reduced the per capita costs among Park County residents--i.e., instead of increased government costs (not counting inflation), the per capita cost of government has probably been decreased in Park County.

· Applying the methodology used in the Jim Richard report, it is obvious that practically no one "pays their way"

in the State of Montana. The per capita costs of government generally exceed what individuals and small businesses pay in taxes--that is inherent in our tax structure. These revenue shortfalls are made up from other sources, such as coal mining, the railroads, etc. The fact is that the Church does pay its fair share, and Park County would undoubtedly be worse off financially if the Church and its members weren't here.

II. PRIVATE AND SPECIAL INTEREST ORGANIZATIONS

Comments from private organizations and special interest groups that are similar to subjects already covered in our responses to the comments submitted by federal, state and local government agencies need not be discussed again. Our responses in this section are therefore primarily intended to cover only additional issues not previously raised or fully dealt with.

A. Greater Yellowstone Coalition.

The Greater Yellowstone Coalition ("GYC") is an environmental advocacy group that consists of a coalition of both individual members and member organizations that have an interest in environmental issues around the Yellowstone region. Although literature describing the organization states that one of the six GYC purposes is to "...support responsible resource management policies and programs for...private lands," the primary goal of the group seems to be the unification of all lands in the "Greater Yellowstone Ecosystem" under one administrative jurisdiction that emphasizes wilderness considerations over all other competing interests. The Greater Yellowstone Ecosystem is defined as most of the land from Bozeman and Livingston on the North, to beyond Jackson on the South, to Cody on the East, and almost to Idaho Falls on the West. These "ecosystem" boundaries are largely theoretical--i.e., no one really knows whether the area could actually function as an "intact natural ecosystem" and not as an island requiring human management, as proponents insist, even if all human activities were removed from the entire area. The National Park Service is the agency preferred by GYC because of its emphasis on natural processes and wilderness considerations, and its antagonism towards commodity production of all kinds, timbering, mineral exploration, motorized recreation, economic development, human activity, jobs, private land uses, etc.

Thus, in general, the GYC has been in the forefront of opposing almost all significant private land uses, forest plans, timber sales and other public land multiple uses, while being the prime proponent of more wilderness and wildland management, throughout the Greater Yellowstone Ecosystem. It is therefore almost a given that the GYC would be opposed to most of the Church's plans.

Unfortunately, we feel the GYC tends to key itself more to opposing any and all activities that conflict with its ultimate goal of conversion of the entire Greater Yellowstone Ecosystem to wilderness under one administrative jurisdiction than to actual or anticipated environmental impacts. Rather than promoting environmentally sound land use, or conservationism, the GYC is in the mode of opposing almost all land use. In this sense, it has therefore become more of a political/legal lobbying group than a scientific/ecology group.

Most of the forest plans and timber sales in the region have been appealed by GYC. Sawmills are beginning to worry about running out of lumber and having to close. GYC arguments against developments, whether private or public, typically take the shotgun approach of throwing in everything but the kitchen sink--not much in the way of specific arguments. We believe GYC's verbal and written comments on the Draft EIS clearly fall into this category.

GYC arguments can also be very politically pragmatic. Thus, on the one hand, they express great concern over the aesthetic experience of visitors to Yellowstone Park, tourism, local economies and the livelihoods of local residents--warning that the Church's land use will have a negative impact on these. Yet, on the other hand, they argue in favor of closing campgrounds and facilities in the Park, cutting down on the number of visitors to the Park (i.e., establishing a "carrying capacity"), allowing huge natural fires to burn hundreds of thousands of acres of forest, stopping timber sales, closing sawmills, and preventing almost any development that will produce new jobs or even preserve old ones. Those who believe that the GYC is inclined to be protective of local small business interests and livelihoods may be in for a few surprises in the future.

But perhaps the most disturbing tactic used by the GYC and some of the other affiliated environmental groups is the emotional appeals to members and mailing lists, often deliberately distorting, misrepresenting or even omitting facts to make things appear as bad as possible. A prime example is the EcoAction newsletter sent out by GYC prior to the March 21, 1988 public hearing in Gardiner, and an identical one sent out by the affiliated Upper Yellowstone Defense Fund. These newsletters, essentially telling members what to say when submitting public comments, contained blatantly false and misleading statements about the Draft EIS, such as:

- That the EIS "totally fails to disclose or mitigate anticipated impacts." This is an outrageous statement, because it ignores the entire content of the study and the 16-point mitigation plan.

- That the EIS "fails to include site-specific descriptions of development projects and associated human activity."

This totally ignores the first ten pages of the report and six detailed area and site maps.

- That the EIS has "no data on traffic projections." This acts as if a four-page section in the document, which is backed up by a lengthy report and analysis, doesn't even exist--an outright lie.

These misrepresentations are amplified in more detail in several letters from the Church to the GYC dated April 19, 1988 and August 27, 1988 (see Attachments 57 and 58).

In reading through the GYC written public comments submitted on the Draft EIS, one is struck by two repetitive similarities in many of the opposing letters: (1) the number of comments submitted which exactly or very closely quote the statements made in the EcoAction newsletter, in one case even retyping almost the entire text of it, and (2) the number of medical doctors from all over the country submitting these kinds of parroted comments. We were surprised to see the written comment letters from the Wilderness Society and the National Parks and Conservation Association fall into the first category.

Following are our specific responses to the GYC written comments:

1. **"...we urge you to fully examine the recent reports released by the Montana Department of Fish, Wildlife and Parks regarding the net economic value of elk, deer and antelope hunting, and fishing in Montana. These values should be useful in revising the Environmental Impact Statement on CUT to thoroughly reflect the economic implications of the proposed development activities and tradeoffs between wildlife habitat protection and other land uses."** (GYC Written Comments, Cover Letter dated April 21, 1988, page 73)

We agree that elk, deer and antelope hunting, and fishing in Montana are of important economic value. The Church has not only recognized and practiced this in its past land use practices, but has clearly planned for maintaining these natural and economic values on its own property. Large parts of the ranch are managed to enhance hunting opportunities, including the limiting of forage utilization by domestic livestock to less than 50% of the total, and the ranch is leased to a hunting club consisting of less than 30 individual hunters per year. This provides economic income on the ranch which is at least as important as agriculture, and individuals coming into the area from out of state to hunt on the ranch also spend a substantial amount of money in the local economy for lodging, dining, purchasing equipment, hiring guides, renting cars, processing meat, mounting trophies, etc.

The clustering concept embodied in the Church's religious

community developments reflects the importance placed upon big game hunting and recreation as well as agriculture on the ranch. We see nothing in the referenced reports from the DFWP which is in conflict with these goals and practices on the ranch, and the Church's religious community developments are certainly not in conflict with the reports' conclusions. This is evidenced by the fact that we've had no difficulty in continuing to renegotiate our hunting lease and the quality of hunting on the ranch has certainly not been diminished. In this regard, it is important to note that the high quality big game habitat on the ranch is located primarily in the backcountry areas which are many miles distant from and not within earshot or eyeshot of the planned development sites.

If the Church's activities are not even affecting the quality of hunting and recreation on its own ranch or the willingness of trophy hunters to pay for the opportunity to enjoy that experience, then how could it be causing a drastic impact on the economic value of other hunting opportunities and employment in the area? Also, it must be emphasized that hunting and fishing are not the only sources of economic value that should be emphasized in the state of Montana, and nothing contained in the DFWP reports suggests this to be the case. There is, in fact, no reason why many different kinds of small businesses, industries and economic opportunities cannot coexist in the same environmental framework.

2. **"The net economic value of antelope hunting under the existing lottery system is $6 million per year."** (GYC Written Comments, Cover Letter dated April 21, 1988, page 73)

It is interesting to note that while the GYC first stresses the net economic value of antelope hunting as a factor to be regarded in the Draft EIS, later on in its comments it warns that "depredation hunts [of pronghorn antelope]...could lead to the elimination of this unique remnant herd."

3. **"The U.S. Forest Service and National Park Service, which have sought to purchase the (Church's) property since the 1920's, have clearly recognized the biological and visual quality of this unique holding."** (GYC Written Comments, page 76)

The obvious question is, if the federal government has wanted to purchase this property so badly for almost 70 years, why didn't it do so when it had the clear opportunity? In the 1930's and 40's the federal government had the opportunity to purchase almost all of the private land in the Upper Yellowstone Valley south of Yankee Jim Canyon and chose not to do so. Then, throughout most of 1980 the federal government had a legally enforceable option contract to purchase the Forbes Ranch for less than what the Church ultimately paid for it. Contrary to the misinformation which is often given out on this subject, the purchase was not blocked by the Reagan

Administration. The option was negotiated, acquired, considered and ultimately rejected entirely during the final two years of the Carter Administration, with a Democratic majority in both Houses of Congress. More than ample time was included within the option period for the appropriation of funds during the last session of Congress under the Carter Administration. By the time Ronald Reagan was elected and assumed office, the option had already expired.

The Church initially learned of the Forbes Ranch in the spring of 1980 and was told that the federal government already had an option contract on it. The Church waited, and upon expiration of the federal government's option began negotiating to purchase the property early in 1981. The Church fund-raised for this property and its members donated the necessary funds to meet the obligations of the down payment and to pay off the short-term mortgage within four years, with the certain knowledge that the federal government had had the opportunity to buy the Forbes Ranch and had turned it down. It would be difficult to imagine a more unfair situation than for the federal government to come back now and say they've changed their minds--now that Ronald Reagan is gone.

The time for considering government ownership of this property has passed. Rather than stating that the federal government has sought to purchase this land since the 1920's, the GYC should admit that they and groups like them have sought to convince the government to purchase it and were unsuccessful. Instead of trying to rewrite history, the GYC should accept what has transpired and seek to cooperate with the landowner to promote and support environmentally sound land use.

> 4. **"The major threat to these species is posed simply by the numbers of people the Church proposes to add to their properties, particularly in the Corwin Springs and Glastonbury areas. Sensitive species will probably not be seriously affected by one activity alone, but by all the activities taken together, including farming, residential and educationally oriented developments, meat processing, the construction of the fence along the Park boundary and along the river road, as well as the Church's annual conference which draws an additional 2,500 people...."** (GYC Written Comments, page 77)

This statement implies that there is some kind of "synergism" to the Church's activities that will result in the threatened environmental impacts. Somehow this seems illogical without supporting evidence or a realistic scenario of how individual activities, which GYC admits will not seriously affect sensitive species, can somehow work together to produce the result. It just doesn't make any sense that if farming or ranching on the Royal Teton Ranch, or a residential and educationally oriented headquarters facility, or the replacement of a fence on the Park boundary, or the Church's summer conference--

individually and in the places they are located--will not seriously affect sensitive species, that they will somehow do it together. This is not to say that cumulative impacts should not be considered. But the process of anticipating cumulative impacts must bear a reasonable relationship to the ascertainable effects of each of the individual activities. Absent a realistic explanation of how each of the individual activities added up will produce unacceptable cumulative impacts, we do not believe that "synergism" is an acceptable theory to apply to an Environmental Impact Statement section on wildlife.

5. **"..a map of developments and activities associated with the annual conference in Mol Heron Creek, combined with an accurate assessment of the time required to set up and take down the event, would have shown that the period of displacement for grizzlies is not 2 weeks, as indicated in the EIS, but closer to 2 months. In addition, it would have been clear that the area of displacement was not 60 acres as indicated, but the entire drainage."** (GYC Written Comments, page 78)

Maps of developments and all activities associated with the annual conference in the Mol Heron Creek drainage have been submitted to the Department and to the wildlife consultant that investigated this activity during the preparation of the Draft EIS. While it is certainly true that additional parts of the Mol Heron drainage are lightly affected by human activity during the annual summer conference, such as along several hiking trails and the access road, it is certainly not a legitimate assessment to say that "the entire drainage" is rendered uninhabitable by grizzly bears. As is the case inside of Yellowstone Park, human disturbances away from the occupied areas are minimal as compared to the actual activity sites themselves and these disturbances steadily decrease as the distance from the site increases.

We question how Louisa Willcox, writing for the GYC, could claim to have a working knowledge of how people conduct themselves at one of the Church's conferences--not having ever attended one of these events herself. However, the most important factor concerning the grizzly bear is not so much the area of use but the season of use. As any person familiar with their activity and habitats around Yellowstone Park knows, the bear's food sources in mid-summer are at higher elevations and well away from valley bottoms such as Mol Heron Creek. This is underscored by the fact that in six years of holding conferences at the Mol Heron site, there has never been a single bear encounter or problem. It isn't until much later in the summer and early fall that grizzly and black bears pass through these areas as their food sources at higher elevations dwindle.

6. **"During the public scoping process, the USGS submitted substantial information on concerns about impacts to Yellowstone Park's geothermal features as a**

result of drilling at La Duke Hot Springs." (GYC Written Comments, page 81)

The only information of which we are aware that could fall into this category is a letter and similar testimony submitted by Irving Friedman of the USGS. The information contained in this letter is both vague and anecdotal. It is clear that neither the USGS, YNP or any other government agency has sufficient information to be able to ascertain whether drilling or pumping at LaDuke Hot Spring will or will not cause any adverse impacts on Park geothermal features. This subject has literally been beaten to death--speculation by scientists and bureaucrats is no better than speculation by lay persons, and it is certainly nothing upon which to base conclusions in an EIS. If the GYC or any government agency has any scientific information to add to the body of data that has already been received and considered either by the Department or by the Church's hydrologist, then we would be more than happy to have it included in the Draft EIS. We do not believe that any such information exists. If it did, then there would be no need for Congress to consider directing the USGS to undertake the study as envisioned in Senator Melcher's bill. The passage of the bill largely renders this subject moot. The study likely will be undertaken, and hopefully these questions will be laid to rest in future years.

7. **"...the Montana DHES failed to...formally consult with the US Fish and Wildlife Service, as required by Section 7 of the Endangered Species Act."** (GYC Written Comments, page 82)

Whether or not a formal consultation with the USFWS is required in this case is questionable. However, the USFWS was provided with a copy of the Draft EIS and was given a formal opportunity to comment on the information contained therein. The USFWS did in fact provide comments on the Endangered Species section of the Draft EIS and concluded that "...direct impacts to threatened and endangered species are expected to be minimal...." Recommendations for mitigations similar to the Department's were also included. This should in any event meet any requirements that may exist for a formal consultation.

8. **"...the EIS recognizes that relocations, as have been conducted on the Church property twice in the last several years, are usually 'ineffective as a deterrent to continuation of the same behavior patterns, and removal becomes necessary.'"** (GYC Written Comments, page 83)

While this may be true as a general proposition in cases of repeated habituation of bears to attractive sources such as garbage dumps, this has not in fact been the case on the Royal Teton Ranch. The bear relocations that have occurred on or near the ranch (one in the case of the killing of a sheep and two lambs, and another involving our neighbor Charlie Mikolich's apple trees) were both successful and have

not resulted in repeat behavior by the bears involved. There have been no such occurrences in at least four years.

> 9. **"The only mitigation measures proposed by the EIS to cope with this serious situation is through education of conferees and the hauling of garbage. These mitigation measures are entirely inadequate and fail to address displacement by concentrations of people, however educated they may be."** (GYC Written Comments, page 84)

While it has been previously stated, we wish to emphasize again that six years of experience has shown these methods to be successful. Similar methods have also been successful in Yellowstone National Park and the national forests surrounding the area. Also, as previously discussed, the issue of displacement is only valid if analyzed on a seasonal basis. If the Mol Heron valley in the middle of the summer is not occupied habitat for the grizzly bear, then how can displacement be considered as a serious problem?

> 10. **"The EIS, however, entirely fails to assess the impacts of additional human activities on potential successful nesting along the Yellowstone; the effects on bald eagles of a decline in the fisheries, as a result of water pollution from inadequate sewage disposal; and effects of agricultural chemical use on bald eagle survival."** (GYC Written Comments, page 84)

While it may be possible that agricultural chemical use in some circumstances and a decline in fisheries as a result of water pollution from inadequate sewage disposal could have an adverse effect on bald eagles, there is no evidence and it has not been established that any of the Church's activities fall into these categories. As a matter of fact, the opposite is the case. GYC, in keeping with its no-land-use philosophy, simply seems to assume that the sewage disposal will be inadequate and that agricultural chemicals are used, while all information is to the contrary. This is unfortunate since it is a misdirection of where GYC's efforts could better be directed. We have noted no similar outcry from the GYC or environmentalists over the known impacts on fisheries emanating from within Yellowstone Park, including the sedimentation problem detailed in a recent USFWS report, the dumping of 100,000 gallons of raw sewage into the Yellowstone River at the Lake development, and the discharge of tens of thousands of gallons of partially treated sewage per day from the faulty Gardiner municipal sewage treatment plant.

We also note that the GYC assessment of the lack of bald eagle activity along this stretch of the Yellowstone River does appear to be in agreement with a point made by us previously in this document, i.e., "...that the known bald eagle nest sites in the CUT area are not presently occupied [because]...current use levels are excessive." (GYC Written Comments, page 84) The primary uses along this stretch of

the Yellowstone River are from the established private developments off of the Church's property. The fact is that this stretch of the Yellowstone already is a significantly developed and used portion of the river.

> 11. **"...it has also been documented that bighorn sheep do get inside the pen and mingle with the domestic sheep, thereby increasing the potential for the transmission of disease....The EIS failed to adequately assess competition for forage between bighorn sheep and CUT livestock....Both the boundary fence and the barbed wire fence along the road are known to hang up and injure bighorn sheep. This source of impact was simply not addressed in the EIS. It was assumed that the fencing and opening along the fence would be adequate to allow animal movements, but this assumption was not evaluated."** (GYC Written Comments, pages 85 and 86)

We are unaware of any incidents of bighorn sheep "inside the pen" with our domestic sheep, and we know of no such documentation. The competition for forage between bighorn sheep and "CUT livestock" is a subject that has been addressed. A mitigation measure accepted by the Church will keep domestic sheep off the Cinnabar Mountain bighorn sheep winter range. In addition, the U.S. Forest Service grazing permit, which involves both federal lands and private lands in the Mol Heron drainage, limits utilization of forage by domestic livestock to 45% of the total. The remainder is reserved for wildlife

Finally, as far as private lands and pastures outside of the grazing allotment are concerned, this grass is privately owned and paid for by the Church. It is up to the landowner to decide how to allocate utilization of forage between domestic livestock and wildlife. We know of no reports or documentation showing that these bighorn sheep are suffering from a lack of forage due to competition with domestic livestock. It should be noted, however, that reports prepared by wildlife professionals have documented the adverse effects of competition from elk on bighorn sheep. In short, the bighorn sheep lose out. The continued growth of the Yellowstone Park northern range elk herd is the primary threat to the bighorn sheep in this area that needs to be addressed.

> 12. **"The nature of the antelope herd in the northern portion of the Greater Yellowstone Ecosystem is tenuous at best...The EIS fails, however, to assess the loss of this habitat to this already marginal herd through: 1) the construction of the boundary fence; 2) conversion of habitat to irrigated crop lands; 3) displacement as a result of human activities."** (GYC Written Comments, page 86)

We know of no scientific data or reports that would tend to indicate that the state of this antelope herd is

"tenuous," and the DFWP seems to disagree with this position (see Attachment 21). As to the issue of loss of habitat, however, the following facts are clear.

a. The jackleg fence along the ranch's boundary with YNP does not hinder the migration of antelope at all. Antelope have regularly been seen on the ranch both before and since the installation of the fence in early 1987. This has been documented photographically within the last few days (see Attachment 59).

b. There has been no "conversion of habitat" to irrigated cropland. All the irrigated lands on the ranch are historically farmed and irrigated fields. But even more importantly, it is difficult to understand how a field of irrigated hay and alfalfa obviously preferred by the antelope is of less habitat value than a dead, dry, burned-out field of sparse vegetation such as would be the case without the irrigation (and as is the case currently just on the other side of the Park line).

c. Displacement as the result of human activities does not appear to be a problem. Antelope will freely graze very close to human facilities, and as is well known the Church's total proposed conversion of land for developed areas totals only 120 acres in the Yellowstone River valley.

13. **"...it should be made clear in the revised EIS that these are Park animals."** (GYC Written Comments, page 87)

We do not believe that there is any legal justification under Montana law for making such a distinction. In fact, under the system of federalism practiced in the United States, it is clear that animals located within the jurisdiction and boundaries of any state are subject to the laws and powers of that state. In Montana, wildlife is considered to be the property of the state and is to be managed as such. Once these animals have crossed out of Yellowstone National Park onto private land in the state of Montana they are subject to the jurisdiction and prerogatives provided by state law, including the management decisions made by the DFWP and the Fish and Game Commission. That's the way it's always been and that's the way it should be left. We know of no actions taken by the Montana State Legislature to recognize "Park animals" as any different from just plain animals.

This comment only serves to point out the basic prejudice held by the GYC against state policies, including Fish and Game policy, and in favor of the way the National Park Service manages (or doesn't manage) its property.

14. **"Although no rare, or proposed threatened or endangered plant species are known to occur on the Church property, the DEIS incorrectly concludes that 'none of**

these species are likely to occur on the RTR-S' (DEIS page 43). This is entirely untrue, according to botanists Bob Dorn and Jack Rumley (pers.comm., 1988). There is a possibility that some species, particularly those dependent on thermal springs, could be present in the La Duke area." (GYC Written Comments, page 88)

Notwithstanding the opinions of botanists Bob Dorn and Jack Rumley, a field investigation by OEA Research has now verified the absence of any rare or proposed threatened or endangered plant species in or around LaDuke Hot Spring (see Attachment 60).

B. Fishing and Floating Outfitter Association of Montana.

1. **"Most important however is that among the alleged benefits of issuing the permits is the restoration of a permanent in-stream flow to Reese Cr. through negotiations being conducted with the Park Service. Did the developer inform you that he had withdrawn from these negotiations?"** (FFOAM Written Comments, page 101)

This is the same lie repeated by this individual at the Gardiner Public Hearing on March 21, 1988. The Church has not and never has withdrawn negotiations with YNP concerning Reese Creek water rights and instream flows. This fact has recently been verified by the attorney who has represented us in these negotiations, Ted Doney, with the Department of Interior Field Solicitor who has handled these negotiations on behalf of YNP, Rich Aldrich (see Attachment 46). These negotiations have been extensive and are continuing to the present date. However, as previously mentioned, it must be emphasized that in order for the negotiations to be successful they will require the concurrence and agreement of all of the water users and claimants on Reese Creek.

2. **"Fact: the NPS has a water right on Reese Cr. which is currently being expropriated by the applicant."** (FFOAM Written Comments, page 101)

If either this writer or anyone else reading his comments would care to check the accuracy of his statement, it would be discovered that the National Park Service neither filed for nor was it awarded any water rights on Reese Creek in the temporary preliminary decree issued by the Montana Water Court for the Upper Yellowstone River Basin. Fact: the NPS filed for a Reserved Water Right on Reese Creek which became subject to the Montana Reserved Water Rights Compact Commission. Subsequently, it was determined by NPS that there was no reserved water right on the lower reaches of Reese Creek, and the NPS has now attempted to file a late claim on Reese Creek for appropriated water rights. We wouldn't care to guess how the NPS will try to convince the Water Court that

it should be awarded an existing water right for irrigation uses when it doesn't even intend to use the water for irrigation, and has not in fact exercised any such right for over 50 years. As previously mentioned, the other water users on Reese Creek have consistently utilized their prior existing water rights to the exclusion of Yellowstone National Park for over half a century. If this is what FFOAM means by "expropriation," then YNP deserves to have any such claimed water rights declared abandoned.

3. **"A tank truck was observed dumping liquid near Emigrant (see photo) alongside Highway 89. Is this an 'approved site?' Is the material being dumped effluent and if not, what is it? Will this practice be terminated as other systems come on line?"** ((FFOAM Written Comments, page 102)

Neither the tank truck nor the land near Emigrant referred to in these comments, or as shown on the photo attached to the FFOAM written comments, are the property of the Church nor is either operated by or under the control of the Church. We have no knowledge of what kind of liquid the tanker truck was discharging in this incident, nor can we understand why these comments are directed to the Church. We do not know whether this is an approved dumping site or not. The inference that the Church is somehow responsible for an unidentified tank truck dumping liquid on an unidentified property near Emigrant or anywhere else in the Paradise Valley is typical of this writer's bias against the Church and everything else that is included in the Draft EIS. From the picture, this tank truck appears to be associated with some kind of drilling operation. Other than that, we have no clues as to what kind of activity was occurring when this picture was taken.

4. **"Will you provide an analysis of the water-right claims in place or in progress on Mol Heron Cr.? If not, why not? Assuming that you find these claims, if exercised, to have an adverse impact on the creek, will you require their abandonment or subordination to an in-stream flow agreement worked out with F,W&P's?"** (FFOAM Written Comments, page 103)

Such a forced abandonment or subordination of vested rights would clearly constitute a taking without just compensation. It is not insignificant that such an action would clearly work toward the benefit of the person suggesting the confiscation, the owner of a fishing business. It is interesting to note that the same individual has also argued forcefully in other forums for limitations on new fishing outfitter's licenses, evidently to preserve his own fishing rights on the Yellowstone River in perpetuity.

5. **"Historically Cedar Creek has had a reliable flow which is the reason that it has been a significant**

resource for Cutthroat recruitment. While 1987 was a markedly dry year that doesn't seem to bear sole responsibility for the fact that the developer was responsible for periodic dewatering last season." (FFOAM Written Comments, page 104)

The Church was not responsible for periodic dewatering of Cedar Creek either in 1987 or in any other year. Since the Church is not the owner of the first rights on Cedar Creek, it would be a practical impossibility for that to occur. Again, it is interesting to note that while Mr. Parks places the full responsibility for the dewatering of Cedar Creek on the Church, he evidently has absolved the holder of the first rights on Cedar Creek--fellow Upper Yellowstone Defense Fund member Hank Rate--from all such responsibility. For example, Cedar Creek is currently (late August 1988) nearly dewatered....., yet the Church is taking no water through any of its diversions. At the same time, the holder of the first right (Hank Rate) is taking all the water he needs through his diversion..... So much for the Church-is-responsible-for-dewatering-Cedar-Creek accusation.

III. PRIVATE INDIVIDUALS

Comments from private individuals are largely repetitive of the themes raised in the comments from government agencies and special interest groups. Indeed, many of the private commentaters seem to be members of the organizations that submitted comments, and in a number of cases were the same individuals that drafted or presented the group comments. Our responses in this section are therefore intended to cover only the issues not previously raised or fully dealt with.

A. Julia Page/Peter White/Yellowstone Raft Company.

1. "The Camp Mustang/East Gate complex is visible from the river despite the fact that the draft EIS says it is largely hidden by the willows on the bank." (Julia Page/Peter White Written Comments, page 94)

While it is true that the Camp Mustang/East Gate is visible for a short distance along the river, primarily south of the Corwin Springs Bridge, it is also important to note that this is a preexisting developed area. Facilities including campground, mobile home park, plunge, restaurant, post office, cabins, and formerly a 72-room hotel, have all historically existed in this area. The Church's additions will not drastically change the character of this area. North of the Corwin Springs Bridge the site is largely hidden by the willows on the river bank.

2. "...the noise from the crusher at the mouth of Mol Heron detracts greatly from the experience of floating that section of river." (Julia Page/Peter White Written

Comments, page 94)

There is no longer a crusher located in the gravel pit near Mol Heron Creek and this has been the case since early 1988. When a crusher has been operated in this gravel pit, just as in other gravel pits around the county, it is only for a temporary period of time. Once a stockpile of material has been established it is no longer necessary to run the crusher.

3. **"Corwin Springs at conference time is unbelievable with hundreds of cars parked in the field east of Camp Mustang, with people milling around between the parking area, East Gate and the Ranch Kitchen and with constant bus and car traffic from the Highway 89 turn-off, to East Gate...."** (Julia Page/Peter White Written Comments, page 95)

Yes, we imagine it's just about as "unbelievable" as the annual Rodeo weekend in Gardiner, the "Rendezvous" held each year at the Pete Story ranch, or the area around the Old Faithful complex in YNP just about any time between Memorial Day and Labor Day in any given year. These river floaters--including Page, White, Parks and others--need to come to the realization that floating the river through adjoining private lands as a personal business is a privilege, and does not provide superior rights for them over private landowners. These privileges end at the high water marks of the river or stream they are floating. They seem to take the position that nothing can occur on any private lands within eyeshot of the river that would be at all objectionable to a person riding in one of their rafts. The time has come for them to realize the nature and limits of their privilege and to stop trying to control everything that goes on in the world around them for their own personal benefit.

4. **"Their work includes many nontraditional uses of ranch land, such as schools, church services, lectures, seminars and conferences."** (Julia Page Verbal Comments, Gardiner Public Hearing, March 21, 1988)

Practically every large ranch in the county has an old schoolhouse or church on it. And in the former settlements of Aldridge, Electric and Corwin Springs on the Church's land there were at least two former schoolhouses, two churches, a 72-room hotel, meeting halls, a power generating plant, stores, housing for at least 2,000 people, etc. Whoever said that freedom of assembly is something that is "nontraditional" anywhere in America?

B. Doug Chapman.

1. **"The fact exists that the church bussed about 138 members to the Gardiner School on April 5, 1988 for the school board election and their votes comprised approximately 35% of the total vote."** (Doug Chapman

Written Comments, page 98 of second letter)

This is totally untrue. No one from the Church was bussed to the Gardiner School on April 5, 1988 for the election. Church staff wishing to vote in any election are given time off and the availability of a vehicle if they don't have one of their own to go vote. We have no idea what the percentage of Church members voting in the recent Gardiner School Board election was as compared to the total. And we don't know how individuals such as Doug Chapman and Hank Rate could legitimately claim to know.

2. **"The church has owned aircraft since coming to this area and all primary services required for an aircraft operator are available at Gardiner, yet they choose to take their business elsewhere....They contend that their private airstrip sees several arrivals and departures per week. If this is the case, the pilot apparently chooses not to provide for the safety of himself and other local pilots by announcing his intentions or location on his aircraft radio, as is recommended by the FAA when operating in the vicinity of an established airport. The Unicom radio at the Gardiner Airport has no record of any radio contact by any church-associated aircraft. I feel that this type of conduct could endanger the lives of local pilots such as myself."** (Doug Chapman Written Comments, page 98 of second letter)

The Church does not now own and never has owned any aircraft. The single aircraft operated off of the RTR airstrip is owned by myself. As an aircraft owner, I can say that the decision of where to have your airplane serviced and maintained is one that should not be based upon community loyalties but upon the expertise and level of service available. You simply don't mess around with your airplane and allow it to be given an inferior level of maintenance simply because you want to give a local guy the business. This is ridiculous. The fact is that, in my opinion, an adequate level of service has not been available at the Gardiner Airport. This is not intended as a disparaging remark toward the Chapman family--the operators of the facility at the Gardiner Airport. It simply is a personal decision that I have made based primarily upon safety considerations. It is also a fact that the overall quality of the Gardiner Airport has deteriorated significantly since an inadequate effort was made to pave the runway several years ago. Unfortunately, the job was not done right, and the pavement is now pealing up and leaving potholes and exposed gravel in numerous places. In the past, airplanes have also become stuck in the mud in the winter at Gardiner.

The RTR airstrip is located over five miles northwest of the Gardiner Airport--the normal size of an airport traffic area. There is no legal requirement, to my knowledge, that the unicom frequency for the Gardiner Airport be used for operations at the RTR airstrip, nor would it necessarily be

advisable under all conditions. However, I do make it a practice to monitor the Gardiner unicom frequency and generally do announce my intentions for either takeoff or landing whenever operating out of the RTR airstrip. I have never received any complaints whatsoever that my piloting technique is endangering the lives of local pilots in any way. As a relatively new pilot, I don't feel that Doug Chapman is fully qualified to make such a statement. I have been flying continuously for over 14 years and have logged over 1,000 hours of piloting time with no violations. If Chapman is looking to attract business to his family's facility at the Gardiner Airport, this seems like an exceedingly poor sales technique.

I could talk about some of the unsafe piloting I've witnessed from time to time at the Gardiner Airport, but that is really beside the point and irrelevant to this EIS. I would simply say, for the purpose of this study, that I always fly my aircraft in the safest possible manner and with every consideration toward protecting the lives of passengers and persons on the ground when operating out of the RTR airstrip.

IV. ADDITIONAL INFORMATION AND COMMENTS

In addition to the specific responses included above, we also wish to provide the Department with the following additional information and comments relative to the EIS:

A. We agree that elements of the final mitigation plan (Appendix B) should be the subject of a contractual agreement between the Department and the Church to clearly set forth our respective duties, obligations, rights and privileges. We will be contacting the Department on this for further discussions.

B. Bulk fuels and buried fuel tanks on Church properties have been detailed in the required reports filed with the Department last year.

C. We will be submitting a new summary of plans and facilities for the Ranch Office area at the RTR-S, including the proposed sewage disposal system for farm food processing facilities without poultry or meat processing included.

D. We will also be submitting plans for the poultry processing facility and septic system to be located at the North Ranch. This facility will be for on-ranch use only for the foreseeable future.

E. We are planning the construction this fall of a 90'x200'barn adjacent to the plowed field on the former "Gantz Ranch," located in the NW¼ of Section 36, Township 8 South, Range 7 East at the RTR-S. This site was historically used as a dairy during the Aldridge coal mining days, and has since been a working ranch. The barn will have no water, sewage facilities or habitation, and will be used for storage related to the adjacent 60-acre farm, ranching for the entire Park Allotment range area, and some of the materials used in the annual summer conference. There is one old house plus several small cabins already located on the farm--no additional dwellings or other buildings are planned.

We have appreciated the opportunity to provide you with our responses to public comments as well as additional information which may have a bearing on your completion of the EIS. Should you wish to discuss any of this further, or if you have any other questions, please feel free to contact us.

August 29, 1988.

CHURCH UNIVERSAL AND TRIUMPHANT, INC.

By: _____
Edward L. Francis, Vice President

CHURCH RESPONSES

ATTACHMENTS



Royal Teton Ranch

Box A, Corwin Springs, Montana 59021 406/848-7381

April 20, 1988

Steven L. Pilcher, Chief
WATER QUALITY BUREAU
DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES
Cogswell Building - Room A206
Helena, Montana 59620

Re: Comment on Draft EIS

Dear Steve:

The following constitutes our initial comment on the contents of the Draft EIS issued on February 19, 1988. Please note that we have reserved the right to comment on the other comments, testimony and information received by you during the public comment period ending on April 21, 1988 (see enclosed copy of letter dated April 18, 1988), and any matters related thereto contained in the Draft EIS.

1. A copy of the complete statement from which my testimony at the March 21, 1988 public hearing in Gardiner was taken is enclosed. I would like this to be a part of the public record.

2. In response to the Department of Fish, Wildlife and Parks comments contained on pages 41-43 of the Draft EIS, we would like to make several points that we feel are worthy of consideration in assessing and/or mitigating the possible overall impacts to wildlife and fisheries:

a. Conflicts with Agriculture

While the DFWP points are well taken and it may be true as a general proposition that as agricultural activities intensify the tolerance that involved landowners have for wildlife may decrease, there are several factors

here that should help to maintain a healthy balance between wildlife and agriculture on the Royal Teton Ranch:

(1) Big game hunting on the ranch presently brings in at least as much revenue as agriculture, with only a fraction of the expense. This can only be expected to improve in the future. Economically, it will continue to make good sense for quality wildlife habitat to be maintained on the ranch for trophy big game hunting. Consideration is also being given to the benefits of a long-range habitat improvement program for the same reasons.

(2) Wildlife depredations have typically not coincided with the primary summer growing season in this area. Most game populations are at higher elevations or in Yellowstone Park at that time of year. This helps to minimize potential conflicts.

(3) Intensified agriculture, including increased production of hay and forage crops, also provides additional food sources for wildlife in the winter.

b. Mol Heron and Cedar Creeks

The DFWP is correct that claims for existing rights have been filed on Mol Heron Creek in the adjudication process that could potentially dewater the stream. These claims represent the historical uses of water from the creek made by our predecessors. However, it should be noted that while the creek has in fact been dewatered historically by our predecessors for irrigation and other purposes, this practice has never been followed by the Church and we have no intention of doing so in the future.

Many of these claims have been objected to by DFWP. As is the case with Reese Creek and Yellowstone National Park, the Church would consider negotiating with DFWP to limit its potential water usage in favor of an in-stream flow in Mol Heron Creek to protect the fishery. This might also include the withdrawal of some or all of the historically used industrial and mining water rights.

In the case of Cedar Creek, the Church is unaware of claims filed for anything other than previously decreed irrigation rights currently being used. The vast majority of these claims were filed by former owners before the Church purchased the OTO Ranch. Like many other creeks in the Paradise Valley, Cedar Creek already is occasionally

dewatered--or nearly so--due to the irrigation practices of numerous water users (currently at least 15 in number, including the Church).

The Church does not hold first or second water rights on Cedar Creek (these are owned by other neighbors), and therefore it is not necessarily in a position to prevent the dewatering. However, should the land exchange with the U.S. Forest Service involving the OTO Ranch be concluded, USFS could become the owner of the third, sixth and seventh rights on Cedar Creek currently held by the Church and might possibly be able to convert some of these rights into an in-stream flow for establishing a viable fishery.

3. With regard to the Mitigation Plan contained on pages 125-126 of the Draft EIS, we would like to comment on each of the proposed measures, as follows:

a. Item No. 1): This proposed mitigation measure is no problem at all and has already been incorporated into our plans. We would like to clarify, however, that this refers only to the developments currently under consideration and is not some form of de-facto land-use planning or zoning provision that will necessarily restrict any future activities.

b. Item No. 2): This proposed mitigation measure is acceptable within the understanding of our April 27, 1987 letter to the Park County Commissioners and the Traffic Survey Report and Impacts on County Roads dated May 18, 1987. This will involve voluntary cooperative action on our part and not the assessment of any "impact fees" or other payments over and above the property taxes we already pay for improvements to roads and bridges.

c. Item No. 3): This proposed mitigation measure is no problem at all and has already been incorporated into our plans and operations.

d. Item No. 4): We have not allowed the grazing of domestic sheep on Cinnabar Mountain for several years and do not intend to do so in the future. However, any legal land-use restriction to this effect will ultimately be subject to the completion of the tentative land exchange with the U.S. Forest Service--which includes this as a condition of the agreement--or the negotiating of an acceptable lease with the DFWP for which there have been past discussions but no agreement.

e. Item No. 5): A bear-proof fence already exists around the tree farm. For the root crop and vegetable fields, a bear-proof fence could be an environmental disadvantage because this would also have the effect of removing a large amount of cropland from big game winter range usage (primarily deer). The root crops (primarily carrots and potatoes) cannot be grown in the same small plots every year. They must be rotated with other crops to avoid the depletion of certain nutrients and minerals from the soil and the concentration of certain parasites and plant diseases. Thus, a fairly sizeable amount of acreage is involved. It is important to note that no bear problems have occurred in this crop after six seasons here. We feel this particular part of the proposed mitigation should not be activated unless bear problems do occur in the future. In such an event, the options should also include: (1) temporary bear-proofing with portable electric fencing, (2) moving root crop fields further north, and (3) trapping and removal of problem bears to a remote area. See also the comments made in my Gardiner public hearing statement.

f. Item No. 6): This proposed mitigation measure would be acceptable.

g. Item No. 7): This proposed mitigation measure would be acceptable and will be incorporated into our construction plans. We presume this means the use of hay or straw bales around the perimeter of construction zones where runoff is likely.

h. Item No. 8): See the comments made in my Gardiner public hearing statement and in paragraph 2(b) above. We will conditionally agree to use reasonable efforts to work and negotiate toward this end. However, this mitigation measure cannot be interpreted or used in such a way as to take the Church's water rights without just compensation, or to require the unilateral relinquishment of any of those rights, or to deny the Church the use of its legal private water rights appropriated, decreed or permitted under Montana Water Law. The objective of maintaining minimum in-stream flows can only be achieved if a voluntary and legally binding agreement between all present and potential water users, appropriators and claimants can be reached on each creek and approved by the Water Court. This will necessarily include the agreement of all of the affected government agencies. The Church should not be the only water user required to abstain from the use of some of its water rights in such agreements.

Stephen L. Pilcher - DHES
April 20, 1988

i. Item No. 9): There is a question here whether the Church has the legal authority to restrict fishing on Mol Heron Creek, due not only to the state fish and game laws but the new stream access law and court decisions. We will agree to work with DFWP to implement such regulations subject to their agreement, approval and official action.

j. Item Nos. 10, 13 and 14): These proposed mitigation measures would be acceptable, subject in the case of Item No. 10--which is not covered by any DHES permit--to the requirements and allowances of the Park County health regulations.

k. Item No. 11): This proposed mitigation measure is no problem at all and has already been largely incorporated into our plans and operations.

l. Item No. 12): This proposed mitigation measure would be acceptable.

m. Item No. 15): This proposed mitigation measure would be acceptable.

n. Item No. 16): This proposed mitigation measure would be acceptable to the extent that the soils in the drainfield trenches at East Gate and the Ranch Headquarters do not already contain a sufficient amount of sand to satisfy this requirement. This could be established with appropriate soil testing to be approved by DHES.

We request that the above comments be included in the public record and given your due consideration in the remainder of the EIS process.

Very truly yours,

CHURCH UNIVERSAL AND TRIUMPHANT, INC.

Edward L. Francis
Vice President and Business Manager

ELF:tcb
Enclosures

cc: Ted J. Doney, Esq.



Royal Teton Ranch

Box A, Corwin Springs, Montana 59021 406/848-7381

April 18, 1988

Steven L. Pilcher, Chief
WATER QUALITY BUREAU
DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES
Cogswell Building - Room A206
Helena, Montana 59620

Re: Royal Teton Ranch - EIS

Dear Steve:

This is to confirm our recent discussion concerning the Church's opportunity to comment on the Draft EIS and other comments received during the public comment period which expires on April 21, 1988. We have elected to avail ourselves of the opportunity provided in ARM Section 16.2.608(3) to provide you with our detailed written comments within a reasonable time after the closing of the formal public comment period and our receipt from you of copies of all the comments received.

Very truly yours,

ROYAL TETON RANCH

Edward L. Francis
Vice President and Business Manager

ELF:tcb

Enclosure

cc: Ted J. Doney, Esq.



Royal Teton Ranch

Box A, Corwin Springs, Montana 59021 406/848-7381

June 20, 1988

Steven L. Pilcher
WATER QUALITY BUREAU
DEPARTMENT OF HEALTH &
ENVIRONMENTAL SCIENCES
Room A206
Cogswell Building
Helena, Montana 59620

Dear Steve:

In view of the fact that the EIS is not yet completed, I am writing to inform you of several projects in process on the ranch and some changes in our plans that may have an effect on the overall findings as expressed in the Draft EIS:

1. The Church owns a 22'x26' wood frame house and several outbuildings located on U.S. Forest Service property in Section 4, T8S, R7E (known as the "Sphinx Lodge" and named after the former railroad section house on that spot). Under the terms of a Special Use Permit, the Gardiner District Ranger has required that we move the house off of Forest Service property and onto the ranch by no later than July 1, 1988 (see enclosed copy of USFS letter dated October 1, 1987). The need to move this house has been mentioned in previous information given to you. We are therefore proceeding with our plans to relocate this house onto ranch property in Section 11, T8S, R7E.

2. We are installing a 75'x80' addition onto an existing metal barn at the Ranch Office area. This addition will be used for farm and ranch purposes and is needed to support farming operations and storage needs already in existence on the ranch.

3. We have decided to relocate our production of root crops (carrots and potatoes) to fields at our North Ranch

property, approximately 40 miles north of their prior location. This includes this year's crop. We feel that for the foreseeable future this will work well for us. If root crops are grown in significant quantities at the South Ranch in the future--although this is not currently planned--mitigative measures can be implemented to prevent any potential bear conflict problems.

4. We have also decided to relocate our poultry processing facility to the North Ranch, close to the area where the birds are raised. This will work out well for us because we will use the existing metal barn at the Ranch Office for other farm related needs (such as vegetable and grain processing and storage). There will be no slaughtering or meat processing facilities located at the South Ranch, other than normal kitchen and dining hall food preparation activities.

5. In view of the changes noted above--in particular the relocation of the poultry processing facility and associated personnel to the North Ranch--the planned septic system at the Ranch Office area submitted for review on April 4, 1987 (Food Processing Facility Waste Water System) will neither be large enough to qualify as a non-public community system (well under 24 workers) nor will it contain the type of effluents (blood, animal fats, etc.) that would distinguish it from other private septic systems. With your concurrence, we would propose to (1) revise our plans for the Ranch Office area with the submittal of a new summary of current and proposed activities there, (2) redesign and submit plans for the septic system for several restrooms in the two metal barns at the Ranch Office to the Park County Sanitarian for permitting, and (3) design and submit plans to you for the new poultry processing facility and septic system to be placed at the North Ranch.

These changes are being made partly because of the expressed public concerns over the poultry processing and growing of root crops as well as priorities on the ranch which make it logical and convenient to make these adjustments now. In the long run, we feel we could have continued to carry on these activities as we have in the past without any harm to the environment or serious conflicts with wildlife--particularly with the implementation of your proposed mitigation measures. The evidence of this is the fact that root crops have been grown successfully here for the last six years as well as historically both on the ranch and even inside Yellowstone Park (at their employees' 2-acre community garden) without problems, and that our next-door neighbor (Charlie Mikolich) has had a slaughter-

Steven L. Pilcher
DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES
June 20, 1988

house on his property for decades also without any significant bear problems.

However, we also feel it is important to show good faith and to at least meet the expressed concerns of those who have been vocal on these issues half-way. These changes are being made in that spirit of cooperation.

I am still in the process of finishing up our response to the comments received by the Water Quality Bureau on the Draft EIS. I will be getting back to you with these shortly. However, in the meantime, I wanted to inform you of these activities and planned changes.

Please contact me if you wish to clarify any of these matters or discuss them further.

Very truly yours,

ROYAL TETON RANCH

Edward L. Francis
Vice President and Business Manager

ELF:tcb

Enclosure

United States Department of Agriculture
Forest Service
Gardiner Ranger District
P.O. Box 5
Gardiner, MT 59030
(406) 848-7375

Reply To: 2720

Date: October 1,1987

Mr. Edward L. Francis
Vice President, Royal Teton Ranch
Box A
Corwin Springs, MT 59021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Ed:

Thank you for your letter of September 16th concerning the status of the Sphinx Lodge. We are in agreement with your plans to move the structure by July 1, 1988. I do feel it may be helpful to clarify our position on the status of the permit.

There are several points of concern:

- Since the holder of the permit is no longer the owner of the improvements, the permit is subject to termination. Please review clauses 13, 17, and 24 of the special use permit.

- The permit is for use of the National Forest land to maintain a building for recreational purposes. We note that you appear to now be using the building as a year around residence. This is not within the intent of the previously authorized use.

- As long as the structures are occupying the National Forest land, it will be necessary to continue billing the permit holder for the occupancy. **Please be advised that any structures remaining on the tract after July 1, 1988 will be considered property of the United States.** However, this will not relieve the permit holder of the financial responsibility for removal and clean-up of the site.

If you have any further questions concerning this matter, please do not hesitate to contact either myself or Phil Cowan at this office.

Sincerely,

LARRY N. LEWIS
District Ranger

cc: Sphinx Lodge Partnership
c/o Albert Robson
cc: SO

TRAVEL TABLE
Yellowstone National Park

The number of visitors during the period between the establishment of the park (1872) and the beginning of this compilation (1895) was estimated to be not less than 1,000 nor more than 5,000 each year.

Year	Visitors	Year	Visitors	Year	Visitors	Largest Visitor Day	Total
1895	5,438	1930	227,901	1960	1,443,288		
96	4,659	31	221,248	61	1,524,088	7/06/61	18,943
97	10,680	32	157,624	62	1,925,227	7/04/62	22,004
98	6,534	33	161,938	63	1,872,417	8/06/63	20,043
99	9,579	34	260,775	64	1,929,316	8/04/64	22,182
		35	317,998	65	2,095,509	8/05/65	25,822
1900	8,928	36	432,570	66	2,165,820	7/10/66	22,687
01	10,769	37	499,242	67	2,210,023	7/02/67	30,845
02	13,433	38	466,185	68	2,229,662	7/04/68	30,550
03	13,165	39	486,936	69	2,193,894	7/05/69	28,155
04	13,727						
05	26,188	1940	526,437	1970	2,297,290	8/05/70	29,089
06	17,182	41	581,761	71	2,120,487	7/04/71	27,116
07	16,414	42	191,830	72	2,246,827	8/09/72	26,762
08	18,748	43	64,144	73	2,061,537	8/09/73	24,616
09	32,545	44	85,347	74	1,937,768	8/08/74	23,213
		45	178,296	75	2,246,132	7/05/75	28,021
1910	19,575	46	814,907	76	2,525,174	8/11/76	30,526
11	23,054	47	932,503	77	2,487,084	7/20/77	28,228
12	22,970	48	1,013,531	78	2,623,141	7/02/78	31,479
13	24,929	49	1,133,516	79	1,891,927	8/08/79	21,111
14	20,250						
15	51,895	1950	1,109,926	1980	2,009,581	8/10/80	21,513
16	35,849	51	1,166,346	81	2,544,242	8/09/81	26,706
17	35,400	52	1,350,295*	82	2,404,862	8/10/82	26,527
18	21,275	53	1,326,858	83	2,405,653	7/06/83	25,193
19	62,261	54	1,328,893	84	2,262,969	8/08/84	25,703
		55	1,368,515	85	2,262,455	7/05/85	26,705
1920	79,777	56	1,457,782	86	2,405,063	7/13/86	26,002
21	81,651	57	1,595,875	87	2,618,429		
22	98,225	58	1,442,428				
23	138,352	59	1,408,667				
24	144,158						
25	154,282						
26	187,807						
27	200,825						
28	230,984						
29	260,697						

*Beginning in 1952 the figures represent travel during the calendar year instead of the period October 1 to September 30 as previously used.

SEASONAL VISITATION STATISTICS

YEAR	SUMMER(May 1- Oct. 31)	WINTER(Dec. 1- Mar. 31)
1975	2,159,820	69,802
1976	2,421,138	63,938
1977	2,361,895	57,086
1978	2,471,669	95,143
1979	1,751,281	94,605
1980	1,847,808	102,748
1981	2,395,968	90,609
1982	2,261,140	108,355
1983	2,297,092	78,304
1984	2,159,373	74,944
1985	2,144,864	84,828
1986	2,275,790	99,728
1987		95,814

CUMULATIVE VISITORS BY ENTRANCE STATION CONTINUED
JAN. 1. - DEC.31, 1987

ENTRANCE STATION		TOTAL	NORTH	WEST	SOUTH	EAST	NORTHEAST
BUS PASSENGERS - NON-	-1987	84792	7369	23531	28949	24328	615
COMMERCIALLY ORGANIZED TRIPS	-1986	76030	9101	22080	23749	20240	860
	-1985	60448	6628	15494	19313	18511	502
1986-1987(FOOTNOTE 1)		8762	-1732	1451	5200	4088	-245
1986-1987(FOOTNOTE 2)		11.52 %	-19.03 %	6.57 %	21.90 %	20.20 %	-28.49 %
VISITORS ON PRIVATE	-1987	53999	639	39111	11016	3233	0
OVERSNOW VEHICLES	-1986	44974	1640	32103	9066	2165	0
	-1985	42464	1819	31109	7255	2281	0
1986-1987(FOOTNOTE 1)		9025	-1001	7008	1950	1068	0
1986-1987(FOOTNOTE 2)		20.07 %	-61.04 %	21.83 %	21.51 %	49.33 %	0.0 %
SNOWCOACH PASSENGERS	-1987	9921	2476	5419	2016	10	0
	-1986	9414	2557	5162	1675	20	0
	-1985	9016	1879	4916	2191	30	0
1986-1987(FOOTNOTE 1)		507	-81	257	341	-10	0
1986-1987(FOOTNOTE 2)		5.39 %	-3.17 %	4.98 %	20.36 %	-50.00 %	0.0 %
VISITORS ON FOOT OR OTHER	-1987	2289	106	906	763	447	67
	-1986	2342	110	978	697	491	66
	-1985	2630	185	958	988	456	43
1986-1987(FOOTNOTE 1)		-53	-4	-72	66	-44	1
1986-1987(FOOTNOTE 2)		-2.26 %	-3.64 %	-7.36 %	9.47 %	-8.96 %	1.52 %

VEHICLES BY ENTRANCE STATION THIS YEAR

TOTAL VEHICLES	-1987	892158	142782	306401	237822	150927	54226
	-1986	818237	142362	280757	202169	137692	55257
	-1985	771926	127196	260472	193546	139382	51330
1986-1987(FOOTNOTE 1)		73921	420	25644	35653	13235	-1031
1986-1987(FOOTNOTE 2)		9.03 %	0.30 %	9.13 %	17.64 %	9.61 %	-1.87 %
AUTOMOBILES-EXCLUDING	-1987	701347	112167	248477	194402	109194	37107
RECREATIONAL VEHICLES	-1986	612171	99788	220012	154704	102431	35236
	-1985	588538	89862	207013	150997	105805	34861
1986-1987(FOOTNOTE 1)		89176	12379	28465	39698	6763	1871
1986-1987(FOOTNOTE 2)		14.57 %	12.41 %	12.94 %	25.66 %	6.60 %	5.31 %

CONTINUED NEXT PAGE

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Rev. 03/87

YELLOWSTONE FACT SHEET

General:

3,472 sqaure miles
2,221,766 acres
63 miles north to south
54 miles east to west

96% in Wyoming
3% in Montana
1% in Idaho

Larger than Rhode Island and Delaware combined

370 miles of paved roads

5 entrances

6 visitor centers

Approx. 10% of park covered by water

Precipitation ranges from 10 inches (25cm) at north boundary to 80 inches (200 cm) in southwest corner

Temperatures range from 10°F (-12°C) mean January, to 55°F (13°C) mean July at Lake Yellowstone in the center of the park

Wildlife:

Largest concentration of large and small mammals in lower 48 states

7 species of ungulates
2 species of bears
About 50 species other mammals
11 species of fish
5 species of reptiles
4 species of amphibians

Yellowstone Lake:

136 sq. miles surface area
110 miles shoreline
20 miles north to south
14 miles east to west
Average depth - 139 feet
Maximum depth - 320 feet

Geology:

Approx. 10,000 thermal features
Approx. 200-250 active geysers
One of the world's largest calderas (30 x 40 miles)
Highest waterfall: Lower Falls (308 feet)

Facilities:

15 restaurants
1,043 hotel rooms
1,159 cabins
1,400 NPS buildings
1 concessioner RV park
12 NPS campgrounds
330 designated backcountry campsites
85 trailheads
1,200 miles of trail

Park officials plan to replace Canyon buildings

By ROBERT EKEY
Gazette Bozeman Bureau

YELLOWSTONE NATIONAL PARK — Officials at Yellowstone National Park want to replace 488 lodging units at Canyon by constructing larger buildings in the next five to six years.



Under the proposal, between 40 and 55 rooms would be put in each building. The existing buildings at Canyon, built in the late 1950s, house an average of eight rooms per building, according to Steve Iobst, park planner.

Most of the development would be concentrated in one area, allowing the overall acreage used for housing at Canyon to be reduced from 36 to 29 acres. About four acres of lodgepole pine forest would be cleared for construction.

Iobst said the replacement of the buildings would be phased in over a five-year period. Money for construction of the first phase of between 75 and 80 rooms has been included in this year's budget, he said.

Construction will probably not begin until 1989. Each phase is expected to cost between $3 million and $4 million.

Iobst said that buildings constructed during the first phases of the project will be built for seasonal use only.

The park had been considering designing some of the buildings for year-round use so that Canyon could be opened during the winter season.

But environmentalists had complained that the Park Service has not yet completed a winter-use plan, which should be used to help decide whether Canyon should be opened for overnight accommodations in the winter. By planning the buildings to be for year-round occupancy, the agency could be forcing the issue, they said.

Iobst said that since the project will be done in phases, the final phases could include buildings designed for year-round use if such a proposal were approved in the winter-use plan.

"They are designed with seasonal use in mind. There would have to be some different design features if a decision was made to go with winter operations there," Iobst said.

He said there have been grizzly-bear conflicts in the Canyon area, but that none of the conflicts could be traced to the lodging units. Instead, most are at a nearby campground and other areas.

Michael Scott, of The Wilderness Society, said the Park Service should be cautious to make certain that the new construction will not affect grizzly bears.

"On the face of it, the proposal to replace old and decrepit buildings is laudable, but they should make certain the new buildings are in the right spot," Scott said.

The Park Service has completed an environmental assessment of the proposal. Comments on the proposal are due by April 22. A copy of the assessment can be obtained by writing to: Superintendent, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, Wyo 82190.

The Billings Gazette Tuesday, May 3, 1988

Groups condemn park renovation

By ROBERT EKEY
Gazette Bozeman Bureau

YELLOWSTONE NATIONAL PARK — Several regional and national conservation groups are criticizing the National Park Service for initiating plans to renovate cabins and Canyon Village and requesting more money for winter operations.

The National Parks and Conservation Association has called for a moratorium on construction at Canyon and allocation of any additional money for winter operations until a Winter Use Plan is completed for Yellowstone.

In a letter to Yellowstone Superintendent Robert Barbee, Terri Martin of the NPCS, said that the additional money and the improvements at Canyon could ultimately force decisions regarding winter operations in the park.

Yellowstone officials decided earlier this year to embark on a five- to seven-year program to rebuild 488 cabins at Canyon. The existing cabins are deteriorating, have structural problems and have a confusing site plan. The new buildings would consolidate the units on a smaller area and would better serve visitors, according to Steve Iobst, planner at Yellowstone.

Yellowstone officials have also asked Congress for $16.5 million to pay for new warming huts and equipment for the winter season. The request includes a $4.8 request to rebuild snow lodge at Old Faithful, currently the only guest housing in the interior of the park during the winter months.

> "NPCS believes that there should be a moratorium on the expansion of existing winter use operations."
>
> — Terri Martin
> conservation association

Iobst said most of the money is to allow for better visitor services and safety.

"Snow lodge is the most controversial of all those. We believe it is necessary because the current situation there does not serve the visitor well," Iobst said.

In her letter to Barbee, Martin said that the Park Service has failed to assess the effects of expanded winter operations on park resources, including wildlife.

"NPCA believes that there should be a moratorium on the expansion of existing winter use operations, and that some winter activities, such as snowmobiling, should be carefully monitored and possibly curtailed, until the impacts of winter operations has been adequately assessed," she said.

Iobst said that the first phase of the Winter Use Plan should be completed by early summer, then groups will be able to comment on the plan. The Park Service then, over the next 18 months, would finish the plan.

He said that part of the plan could include putting limits on the number of visitors in certain areas of the park during winter or limited according to activity, so that the increased activities will not effect either park resources such as wildlife or have a detrimental effect on the quality of the experience for visitors.

Martin was also critical of the agency for not considering moving the Canyon cabins to another location in the park — or at least removing them from the area.

Louisa Willcox, of the Greater Yellowstone Coalition, said that the Canyon area is well-known for encounters with grizzly bears and there is some fear that extending the season at Canyon could lead to more conflicts between bears and humans.

Iobst said that the decision to rebuild the Canyon cabins was made after considering several alternatives, but the park did not consider moving them elsewhere because they "did not want to tear up another area."

He said there have been bear conflicts in the Canyon area, but never near the cabins.

Bozeman Daily Chronicle Thursday, February 11, 1988

Park wants $1.6 million for winter

By ELIZABETH LADEN
Chronicle Staff Writer
and The Associated Press

YELLOWSTONE NATIONAL PARK, Wyo. — Park planners launched a campaign this week to convince Congress that Yellowstone's annual budget should be boosted by around $1.6 million and nearly $15 million should be appropriated for capital improvements and new equipment for the winter season.

At the request of Congress, the park prepared a report, "Winter Operations in Yellowstone National Park," which park managers presented to members of the Senate Committee on Energy and Natural Resources last weekend.

After spending two days looking at Yellowstone's underfunded winter facilities and recreation, Sen. Malcolm Wallop, R-Wyo., said, "I think we need to slow down on (park) acquisition and start funding the resources we have."

Wallop, who visited the park with Sen. James McClure, R-Idaho, and Rep. Bennett Johnston, D-La., said the tour showed them the complexities and problems posed by Yellowstone's winter operations.

"It is a sophisticated operation, ranging from the medical problems to interpretation," he said. "We want to make certain the people in the parks are safe and have a great experience.

"It is obvious how much the winter operation has come to mean to gateway communities and the regional travel industry and it is clear to me additional funding is in order."

The 20-page report says "the quality and quantity of both the summer and winter operations have been seriously compromised because the winter program has been funded at the expense of the park's summer program."

The report states that a fully funded winter program would cost $1,658,630. Currently the program is funded at $854,100, but this money comes out of the summer operations fund.

"The winter program is still evolving and the park will need to continue to balance the use of the park resources by visitors along with careful planning and monitoring of the operation," said Committee Chairman Johnston.

"... With additional help, Superintendent (Bob) Barbee could provide a much safer, more quality experience than currently is feasible."

Wallop said he expects the Park Service to make a formal budget request for more money to fund winter operations, but said the request won't be heard until next year. In the meantime, Wallop said he might try to have the Park Service budget reorganized to get some more money for Yellowstone.

"I can't speak for the entire (Interior Appropriations) committee, but the people there and I are fairly like-minded," he said.

Yellowstone National Park Management Assistant Steve Iobst said Wednesday that the park is requesting an appropriation that would earmark $854,100 for winter use, plus fund an additional $804,530 to increase winter staff and purchase more equipment for winter operations. This total appropriation would mean that summer programs would no longer have to be shortchanged, Iobst said.

Winter programs should be improved and staff increased by 38 people from the current 62 people, the report says. About $2 million is needed for new equipment for winter operations, and $12.9 million is needed for capital improvements, it says.

Iobst said Congress requested the report because winter visitation to the park has increased steadily since 1964, when six private snowmobiles used the park. Last season, 45,025 people on snowmobiles and 9,573 snowcoach passengers entered Yellowstone.

Iobst said as winter visitation grew, park managers "reacted to the increase rather than planned for it." As a result, overnight visitor accommodations and employee housing were not winterized, and sufficient staff was not funded to ensure visitor safety and provide educational services.

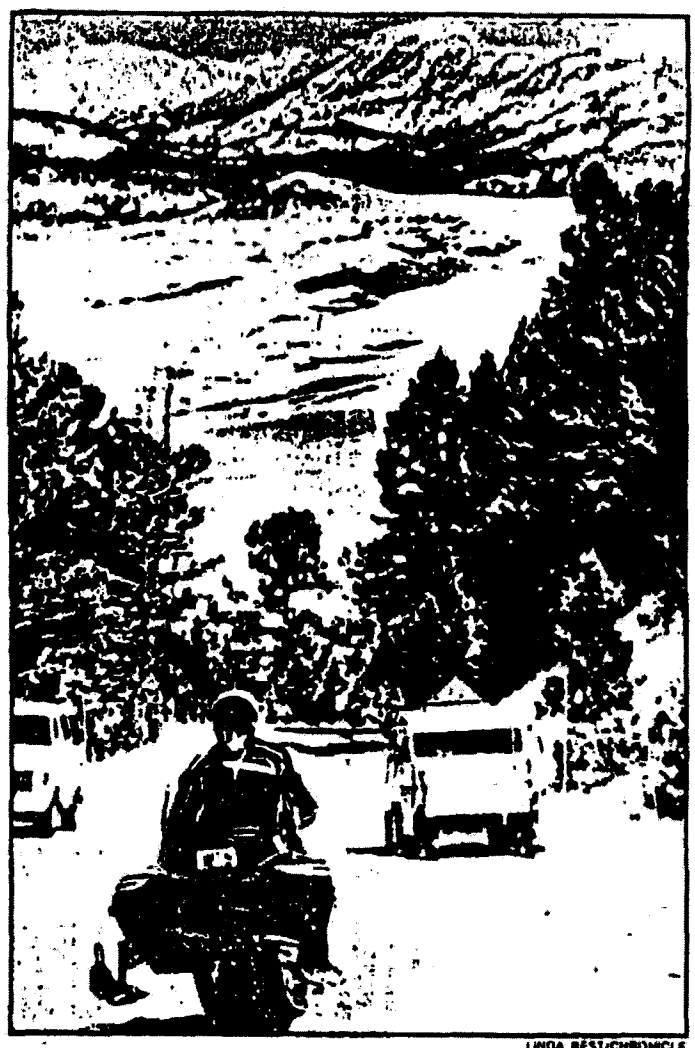
Iobst said the park probably will not receive any of the requested fund increases until the winter of 1990-91.

The multimillion-dollar capital improvement plan includes $4.8 million for a new Snow Lodge at Old Faithful, the report says, because the present Snow Lodge is too small. Other capital improvements include about $2 million for winterized employee housing, $770,000 for "community gathering and exercise centers" for employees, $450,000 for warming hut improvements and a new hut at Fishing Bridge, and $500,000 to upgrade the Old Faithful Visitor Center.

The report states that $110,000 is needed for a research program to study the impacts of winter visitors on wildlife, specifically peregrine falcons, ospreys, bald eagles, trumpeter swans and large mammals.

In asking for an additional $66,000 over the $45,000 currently spent on interpretative programs, the report says park education programs should be offered more frequently and be presented by professionals.

Other employee increases are needed in the resource management and visitor protection and maintenance divisions. The employee shortfall, the report says, means that visitor and employee protection, welfare and safety are compromised; wildlife and other resources do not receive the high level of management they deserve, and valuable historic structures are threatened by inadequate fire response.



LINDA BEST/CHRONICLE

A snowmobiler travels along a Yellowstone Park highway near Mammoth.

The Billings Gazette Monday, Mar. 28, 1988

Park tries to boost winter- tourism budget

YELLOWSTONE NATIONAL PARK, Wyo. (AP) — Twenty years ago, Yellowstone National Park didn't have a winter season, and now officials are trying to make up for lost time by seeking $12.9 million for winter improvements.

Discussions on money for winter improvements began last week in Washington, D.C., as a Senate subcommittee opened initial hearings on the National Park Service budget.

The winter season at the nation's first national park ended last weekend. Visitation through February was up by 2 percent from last year, as winter visitors in the park numbered just under 100,000 during the mid-December to mid-March winter season.

Steve Iobst, management assistant to park Superintendent Robert Barbee, said the National Park Service "backed into this winter operation" in Yellowstone.

Twenty years ago, winter visitation was virtually non-existent. Iobst said the real boom came in the late 1970s to early 1980s. During that same time, year-round visitation has hovered near 2.6 million people.

But Yellowstone has never budgeted separately or developed plans for winter operations.

Iobst said Yellowstone seeks about $12.9 million for winter capital improvements. One of the major items would be consolidation of Snow Lodge facilities at Old Faithful at a cost of $4.8 million.

Winter use involves the present Snow Lodge, five winter cabins and two employee dormitories with a total of 91 rooms. Iobst said the lodge is fairly full through the winter season.

The winter renovation plans include consolidating those facilities in one lodge structure. Iobst said the present lodge lacks space for day users and their gear.

Warming huts at major road intersections also need more space and some attention, according to Iobst. The trailers offer a place to warm up, restrooms and machine-vended food service.

> Yellowstone seeks about $12.9 million for winter capital improvements.

Park officials would also like to have a new winter visitor contact center at the south entrance, which has seen some of the largest increases in winter visitation.

Iobst said housing is needed for winter employees, which includes 50 persons who would not otherwise work in the park in winter. Officials would like to have another 20 employees to handle visitor services and protection.

Added housing costs would total $2 million, Iobst said. Winter storage of employee vehicles is needed as well as added snow grooming equipment, snowmobiles, search and rescue equipment, and firefighting equipment capable of over-snow travel, he said.

Besides capital facilities and equipment costs, Iobst said the actual winter operation cost of $650,000 has come from Yellowstone's summer operations budget. Yellowstone officials want to add $800,000 to Yellowstone's annual budget.

Senate committee members "seem to be pretty supportive of what we're trying to do," Iobst said.

A Yellowstone Newspaper

livingston enterprise

Vol. 76—No. 165. Livingston, Mont., Friday, April 3, 1987—Thirty Five Cents

Super 8 Motel under construction in Gardiner

By AL KNAUBER
Enterprise Staff Writer

GARDINER — A Super 8 Motel now under construction in Gardiner could be open for business by early June.

Gregory Lester, president of G & G Development in Rapid City, S.D., said Thursday that ground was broken for the motel project earlier this week and on Thursday the footings were to have been poured. Work on the basement walls could start by Friday, he said.

Lester is involved in the Super 8 project with Gary Hunsacker, who is now in Gardiner at the construction site. G & G Development is the general contractor for the project.

The motel will have 48 units on six-tenths of an acre, located on U.S. 89 north of the Yellowstone River.

Gardiner has been considered as a possible motel site for three years, Lester said. The primary delay in getting the project from the drawing board to construction stage was the cost of property in the gateway community.

"They want ocean-front prices," Lester said of the land he inspected for a possible motel location.

Discussing the choice of Gardiner for a Super 8 Motel, Lester said he believed the financial potential exists in that community to justify the motel's construction.

"Major chain motels are calling cards to a community," Lester said. As to why there has not been much development to date in Gardiner, he said the town has simply been overlooked.

"Without a major name there, people feel the town is lacking. People are afraid to go to a community without a national name. It wouldn't suprise me in two years to see a Thrifty Scott or a Quality Inn" built in Gardiner, Lester said.

Gardiner does have a Best Western motel.

"It is one of the prettier communities," near the park, Lester said. He added that it has not been developed like the other three entrances to Yellowstone National Park — Cody and Jackson, Wyo., and West Yellowstone.

"I think the town is really overlooked," Lester said, explaining that with elk hunting and snowmobiling in the winter, Gardiner does not close its doors and wait the return of spring.

Another factor in his selection of Gardiner was the availability of medical services at the hospital at Mammoth Hot Springs.

Lester is no stranger to the motel business. He owns a Ramada Inn, a Quality Inn and the Foothills Inn at Rapid City.

About 15 people will be employed at the Gardiner Super 8 Motel, Lester said.

The motel construction cost was projected at about $500,000. This did not include a pool or sauna, Lester said, which is tentatively planned to be added "two years down the line."

There are no plans for a restaurant or bar at the motel, Lester said, adding that "we will give that to the local trade."

Addressing the issue of whether added competition from a Super 8 Motel would adversely affect other local motels, Lester said "I have yet to see a motel next to a chain motel that does not do better."

Lester said he believed his Super 8 Motel would have a demand for 80 rooms a night in the summer which would exceed its capacity. This demand would,"help some other motel," he said.

Sanitarian Joe Meek said plans for the motel call for the lower level of the three-floor building to be beneath the ground level. Parking spaces for 40 vehicles are located on three sides of the building.

"It all happened in a flash," Meek said of the speed with which developers obtained the necessary permits and started construction.

Meek said he was first contacted by the developers on March 10. Since that time, the developers obtained a building permit from the state, as well as receiving permission from the water district in Gardiner to tap into the line and getting the go-ahead from Park County commissioners to connect into the sewer system.

"All our questions are answered. He has that approval from us," Meek said.

According to Julie Baker, Franchise Service Development Coordinator for Super 8 Motel Inc. in South Dakota, there are 19 Super 8 motels now open in Montana. One additional facility is under construction and two others, including the Livingston franchise, are listed as "highly probable" prospects.

Rose Mullner, with the motel's franchise sales office, said the cost of a Super 8 Motel franchise is $20,000 with the motel operator to receive a 6 percent royalty fee on the monthly gross room revenue.

222

opinions

Good for Gardiner

Good news came out of Gardiner last week, when ground was broken for a new 42-unit Super-8 motel. Developers say they hope to have the new facility open for business by early summer.

The new addition to Gardiner's tourist facilities will be an extra "draw" for the entire North Entrance corridor. The community already has a number of motels, but another with a national affiliation can only help. Travellers who use a national chain develop a loyalty to them, and tend to design their trips around the facilities. Thus, the availability of a Super-8 motel in Gardiner is likely to bring more travellers through the North Entrance, most of whom might not have planned to take the route without the Super-8.

The fact that Gardiner and the North Entrance provide the only year-around access to Yellowestone certainly encouraged the developers, and their plans for year-around operations should cheer the rest of the community. That could mean more visitors in the off-season.

It's a little ironic a Super-8 has been in the planning stages for Livingston for a year or two, and is still stuck somewhere in the governmental approval process. The Gardiner motel swept through to a groundbreaking so fast most folks didn't know it was coming.

The Super-8 firm means business — business for eveyrone in the area. Once again we find Gardiner getting things done, while Livingston shuffles papers.

LIVINGSTON ENTERPRISE, Wednesday, December 9, 1987

New motel going up in Gardiner

By AL KNAUBER
Enterprise Staff Writer

GARDINER — While many people may be thinking about the Christmas season, Virginia Dowdy said her Christmas wish is to see a roof put on her new motel before winter comes.

Dan and Virgina Dowdy recently began construction of a 22-unit motel in this town of about 800 people. It will be called the Yellowstone Village Motel.

Since breaking ground for the project, Mrs. Dowdy said she is hoping crews are able to get a roof on the frame building before winter's snows again blanket the countryside.

The foundation is in place, walls are going up and the floor is scheduled to be poured within two weeks, she said.

"We are pretty excited about it and looking forward to getting it going," she said.

The Dowdy's now own the Paradise Campground and Trailer Court located near the rodeo grounds on the north end of Gardiner.

To accommodate the two-story, 10,000 square foot building, Mrs. Dowdy said about 16 of the tent and recreational vehicle sites at their campground were removed to make room for the motel.

She added that the motel will be operated in conjunction with the remaining 40 tent and RV sites.

Mrs. Dowdy said construction is scheduled to proceed through the winter. Having set a May 1 completion date, she hopes the motel will be ready for occupancy by April 15.

No bar or restaurant is planned for the motel, she said, because there are several bars in town. "We try to be family oriented," she explained

Gardiner, at the north end of Yellowstone National Park, does not completely shut down in the winter since the northern entrance to the park remains open through the winter.

Mrs. Dowdy is hoping winter recreationists will provide them with some business during the off season.

While winter is a leaner season for the businesses in Gardiner, the summer months are a struggle to keep up with the demands of the tourists.

"There aren't enough beds in Gardiner" to accommodate the summer tourists, Mrs. Dowdy said.

In the past four years, she said she has seen more tourists using motels as opposed to camping facilities.

She said more people are discovering the attractions in the north end of the park and tourism in Gardiner has increased.

"Last year was definitely up from the past two years," she added.

Mrs. Dowdy, who said she and her husband owned the campground in the early 1970's and reclaimed it in the early 1980's, have long considered building a motel.

"It's been in the works for a while. This summer we decided to go for it," she said.

The facility received approval from the state health department, said Park County Sanitarian Dan Kennedy. The motel will use Gardiner water and sewer systems, he added.

The Dowdy's motel marks the second motel to be built in Gardiner this year and the third in as many years.

A 42-unit Super 8 Motel was also built and opened for business this year and a Best Western was opened two years ago.

While motel construction appears to be booming in Gardiner, the future shows no promise for the construction of a Super 8 motel in Livingston.

Rose Mullner, administrative assistant for Super 8 franchise sales, said Wednesday there have been no developments in the sale of the Livingston franchise.

Vernon Bitz of Bozeman, who owns the Livingston Super 8 franchise, is still attempting to sell the franchise, Ms. Mullner said.

She said Super 8 is not encouraging Bitz to sell the franchise since no one has expressed interest in acquiring it.

"If we had someone else who wanted to build in Livingston, we would be putting some pressure on him" to sell the franchise, she added.

LIVINGSTON ENTERPRISE, Friday, March 25, 1988

Another motel set to open in Gardiner

By AL KNAUBER
Enterprise Staff Writer

GARDINER — The Yellowstone Village Motel — the newest addition to this gateway community — will be opening in time for the tourist season.

Virginia Dowdy said the motel should be ready to open by mid-April. Construction was started last December.

The 22-unit motel, located on the north end of Gardiner near the rodeo grounds, provides a spectacular view of the mountains in Yellowstone Park.

Mrs. Dowdy said the motel was designed as a chalet. The two-story, 10,800 square-foot building is highlighted by a cedar-sided A-frame lobby.

"We feel we've added to the community in a nice way. It is an attractive building," Mrs. Dowdy said.

The rooms will be larger than the standard motel room, she said. Each will have a telephone and a color television with cable service.

Mrs. Dowdy said the rooms were designed to provide the features which the Dowdy's prefer to find in motel rooms when they travel.

She said no decision had been made on the room rate, but added that the charge would be comparable to that of other motels in Gardiner.

Mrs. Dowdy expects to employ about four or five people in the business as maids and desk clerks.

The motel will be separated from the Dowdy's recreational vehicle park and campground by the parking lot.

Dowdy's used a portion of the recreational vehicle and tent camping spaces in their Paradise Campground and Trailer Court to make room for the motel. They have owned the campground for the past seven years.

The campground will still have sites for about 30 recreational vehicles and 14 tents, she added.

There are no plans for either a bar or a restaurant at the motel, she said adding that she prefers the business to have a family atmosphere.

After years of evaluation, the Dowdy's decided last year to build the motel. She said tourism in Gardiner has been increasing as more people discover the community.

"I think this end of the world is picking up," she said.

Construction of the Yellowstone Village Motel marks the second motel to open in two years and the third motel to be build in recent years.

LIVINGSTON ENTERPRISE, Friday, December 11, 1987

Gardiner sewer plant eyed for repair work

By AL KNAUBER
Enterprise Staff Writer

Repairs or renovation to the Gardiner sewer plant may be forthcoming as the Park County Commissioners are preparing to seek engineering bids for the work.

Commissioner Carlo Cleri said the proposals will attempt to determine what action should be taken to correct leaks at the sewer plant.

He estimated that an engineering proposal would cost about $15,000. The commissioner added that he hoped to have some response to the request for proposals by early January.

Dave Holland, manager of Gardiner sewer district, said the facility has a hole in the asphalt liner of the second cell or treatment pond.

Even though the second pond is leaking, he said he did not believe the leak posed a health hazard.

He said the wastewater was being treated sufficiently in the first pond so the wastewater which is leaking from the second pond should not pose a problem.

Holland said the state Health Department or federal Enviromental Protection Agency would not permit the community to use a municipal water well, located only a few hundred yards from the sewer plant, if there was a health hazard.

The sewer plant has two ponds where wastewater is treated before being discharged into the Yellowstone River.

Raw sewage is pumped into the first pond where the solids are destroyed through an aerobic action. Oxygen is pumped into the pond to assist the bacteria that treats the sewage.

The sewage is then pumped into the second pond, which Holland called a "polishing pond." The remaining solids are allowed to settle before the treated wastewater is discharged into the Yellowstone River.

He said the hole in the second pond is allowing wastewater to percolate into the soil.

The leak at the sewer plant is "not that serious yet," said Cleri, adding that by correcting the problem now, Cleri said the county would not later be forced by state officials to remedy the situation in what would ultimately result in a quick and expensive solution.

Holland favors construction of a third pond at the facility to further treat the wastewater and allow it to then percolate through a sand filter into the soil instead of using the river for final disposal.

He estimated it could cost $200,000 to both repair the second pond and build a third pond.

Cleri said the engineering study would look at two objectives — what should be done to accommodate future growth in Gardiner as well as correct the leak which now exists at the facility.

Cleri said the town of about 800 can increase in size during the summer tourist season to almost 2,000 people.

"We are trying to look ahead on this and solve some of the problems," he said.

Randy Nelson, an enviromental engineer with the state Water Quality Bureau said the county could apply for state funds to offset the cost of both the engineering study and the construction.

Other government money could also be used to assist the county with the cost of construction, he added.

Anticipating the repair costs, the commissioners raised the Gardiner sewer levy by roughly $5,000 a year.

The increase in the levy plus money which the commissioners budgeted for the sewer plant means the Gardiner sewer budget will have about $20,000 for repairs and maintenance this year.

Gardiner sewer plant repairs may keep waste out of river

By AL KNAUBER
Enterprise Staff Writer

If Dave Holland, the manager of Gardiner sewer district number five, has any say in how the Gardiner sewer plant is repaired, the plant will no longer discharge its wastewater into the Yellowstone River.

The plant is located north of Gardiner, below the airport, which is adjacent to U.S. 89.

Holland said the Gardiner sewer plant has only two cells in which the sewage is treated. The problem at the facility is with the second cell. A hole in the asphalt liner of the cell is allowing wastewater to percolate into the ground before the wastewater is completely treated.

Raw sewage is pumped into the first cell where the solids are destroyed through an aerobic action. Oxygen is pumped into the cell to assist the bacteria that treats the sewage.

The sewage is then pumped into the second cell, which Holland called a "polishing pond." The remaining solids in the sewage are allowed to settle from the wastewater before the treated wastewater is discharged into the Yellowstone River.

Holland said he would like to see the second cell patched and a third cell constructed to receive the wastewater from the second cell. The third cell would further treat the wastewater and allow it to percolate into the ground rather than using the river to dispose of the treated wastewater.

"I think that is the way to go with it. It would be better to percolate into the ground than go into the river," Holland said.

He estimated the cost of his proposed improvements at $200,000.

The Park County commissioners agree that work needs to be performed on the Gardiner sewer plant.

Last week, the commissioners held a public hearing on a proposed increase in the Gardiner sewer levy.

With no protests received on the proposed increase, the commissioners approved raising the levy from last year's level of 4.61 mills to 5.36. The increase is expected to generate about $5,000.

The increase in the Gardiner sewer levy combined with other non-tax revenue and money which the commissioners budgeted last year for the sewer plant means that the Gardiner sewer budget will have about $20,000, said Commissioner Carlo Cieri.

Commissioner Cliff Olson said that the National Park Service assisted in the cost of the sewer plant when it was first constructed in the early 1970s.

Olson said the Park Service was a "major user" of the sewer plant from Park Service facilities in Mammoth.

Tim Hudson, chief of maintenance for Yellowstone National Park, was unavailable to comment on what money the Park Service may be able to contribute toward the repair of the Gardiner sewage plant.

According to project cost estimates, the facility cost $700,000 when it was first built, of which the Park Service contributed about $138,000. Cieri said the county's share of the project was about $356,000.

Other money for the project came from state and federal sources.

Cieri said he favors the idea of building a third cell at the sewage plant but questioned if there was sufficient room at the site for another cell.

"I'm trying to look 10 to 20 years ahead. If we are going to go in there, it may be the thing to do," he said of building an additional cell.

ATTACHMENT 12

A Yellowstone Newspaper

livingston enterprise

Vol. 74—No. 199—Livingston, Mont., Thursday, May 2, 1985—Thirty Five Cents

Park laundry construction begins in Gardiner

By TOM SHANDS
Enterprise Staff Writer

GARDINER — After working out a plan to ease the impacts on Gardiner's water and sewer system, the Park Service has begun construction on its centralized laundry facility.

The facility will be housed in a portion of an existing warehouse and work crews are about halfway through the job of building an enclosure for the laundry, according to Steve Iobst, head of planning and development at Yellowstone National Park.

The already existing building was one reason the facility is being built in Gardiner, Iobst said. The building is located just inside the park boundary next to TW Services.

The Park Service started discussing the need for a new laundry facility about four years ago. The two existing facilities at Old Faithful and Lake Lodge were quite old and needed upgrading, Iobst said, which was one option outlined in the park's study. Another option was to truck all laundry to Billings or Bozeman to have a private contractor clean it, he said.

The third option was to consolidate the two facilities, he said. Two locations — Canyon and Gardiner — were considered, but Gardiner was selected because of the existing structure.

After the Park Service announced Gardiner was chosen, residents there feared adverse impacts on the air quality, the water supply and the sewer system, and were concerned about the amount of traffic the facility would generate.

Iobst said the laundry will be required to meet Class I air standards required of all facilities constructed in national parks. Had the facility been built in Gardiner, he added, it would only have had to meet Class II standards.

The main source of pollution will come from the boilers needed to heat water and dry the laundry, Iobst said. When the three boilers are at peak capacity they will burn about 25,000 gallons of diesel fuel every 21 days. Burning diesel fuel produces sulfur dioxide.

Iobst said the emissions will be vented through a 100-foot metal stack. During the peak season, he said, the facility will operate about 10 hours a day and clean about 40,000 pounds of laundry.

The dirty laundry will come from all the hotels and restaurants TW Services operates inside the park. Since the facility is located inside the park, he said, truck traffic to and from the laundry will not affect Gardiner.

To alleviate concerns about how much water the laundry facility will use, Iobst said, the Park Service plans to install a new well and connect it to Gardiner's distribution system. The well site is located near the Gardiner Airport.

Iobst said the Park Service will pay for installing the well and the pipeline to hook it into Gardiner's system. The well is expected to pump about 400 gallons per minute, he said, adding the laundry will require about 40,000 gallons of water each day.

In addition, Iobst said, the Park Service plans to build a 125,000-gallon reservoir inside the park that will also be connected to Gardiner's water system.

Both projects should "assure" the facility does not affect Gardiner's system, he said.

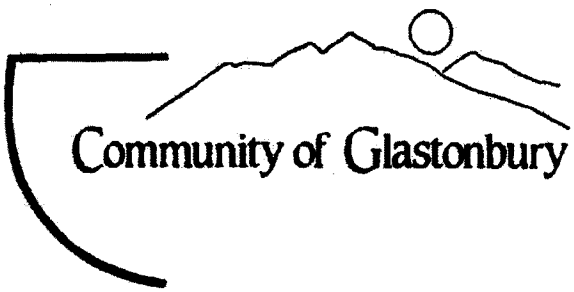
After studying Gardiner's sewage ment plant, engineers determined should be able to handle the lau discharge and still leave room for expa Iobst said.

Park Service engineers met wit engineers who originally designed the he said, and found that even with the dry's wastewater the plant would s able to accommodate 130 new homes.

Iobst said the laundry will be compl early fall, which will give the Park Ser chance to work out any bugs in the s before it goes into full production nex mer.

227

DECLARATION OF COVENANTS



A RELIGIOUS COMMUNITY SPONSORED BY
ROYAL TETON, LTD. FOR MEMBERS
OF
THE SUMMIT LIGHTHOUSE

DECLARATION OF COVENANTS FOR
THE COMMUNITY OF GLASTONBURY

This Declaration of Covenants is made on the 16th day of December, 1982, by ROYAL TETON, LTD. (hereinafter sometimes referred to as "Grantor"), a Montana Corporation, Box A, Livingston, Montana 59047, with respect to the following facts and circumstances:

WHEREAS, ROYAL TETON, LTD. is the fee simple owner of certain real property located in Park County, Montana, more particularly described on Exhibits "A" and "B", attached hereto and incorporated herein by reference, which property is the subject of this Declaration; and

WHEREAS, the said property has been divided into separate parcels, each twenty acres or larger, by Certificates of Survey--which certificates are on file and of record with the Park County Clerk and Recorder's Office as Certificates of Survey Nos. 615-A and 616-A; and

WHEREAS, the development (hereinafter sometimes referred to as the "Community") has been created for the purpose of serving the needs of members of The Summit Lighthouse, a religious organization affiliated with Church Universal and Triumphant, who desire to own property near the organization's religious retreat in Park County, Montana known as the "Royal Teton Ranch" or the "Inner Retreat"; and

WHEREAS, the development is intended to be and has been designed as a religious community oriented around the teachings of the ascended masters as taught by the Messengers Mark and Elizabeth Prophet and as published by The Summit Lighthouse; and

WHEREAS, the name of the development is "COMMUNITY OF GLASTONBURY"; and

WHEREAS, ROYAL TETON, LTD. has been created and is wholly owned by THE SUMMIT LIGHTHOUSE, INC. (hereinafter sometimes referred to as the "Church"), a Montana Nonprofit Corporation, and has been designated by the Church as the corporate entity to be assigned the responsibility of managing, administering and maintaining the Church's religious retreat and community in Park County, Montana; and

WHEREAS, the Grantor, in fulfilling its responsibility, desires to place certain covenants, conditions, restrictions, servitudes, limitations, terms, provisions, liens, charges, regulations, easements, reservations and burdens upon the property in the Community to be sold to members of the Church, for the benefit of the Grantor and future owners and purchasers thereof;

NOW, THEREFORE, the Grantor hereby declares that the property hereinafter designated shall be held, transferred, sold, conveyed, used and occupied, SUBJECT TO the following covenants, conditions, restrictions, servitudes, limitations, terms, provisions, liens, charges, regulations, easements, reservations and burdens, each of which shall be deemed to be a covenant running with the land and shall be binding upon the Grantor, its successors and assigns, and upon all successive owners, lessors or possessors of said property or portions thereof, as hereinafter provided:

ACCOMMODATIONS TAX

STATE OF MONTANA DEPARTMENT OF REVENUE

1. Federal Identification Number: 510161351
2. Tax Type Identifier: 000952
3. Quarter Ending: SEPTEMBER 30, 1987 DUE: October 30, 1987
4. If you are no longer in business and want your account cancelled enter final date.

CHURCH UNIVERSAL AND TRIUMPHANT, INC.
BIG SPUR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	1643.82
6. Less Non Taxable Charges	0
7. Taxable Receipts (Line 5 less Line 6)	1643.82
8. Tax Due (4% of Line 7)	65.75
9. Adjustments. Explain on back of this form.	0
10. Amount Paid With This Return.	65.75

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form. Yes ☐

10/7/87 Date — Joan Hoffmann Signature — ACCOUNTANT Title (Owner, etc.) — (406) 848-7381 Telephone Number

AT4 Make Check Payable to STATE TREASURER and Return with this Copy to DEPT. of REVENUE, Box 5835 Helena, Montana 59604-5835 87/88

Regular 1st Class

ACCOMMODATIONS TAX

STATE OF MONTANA DEPARTMENT OF REVENUE

1. Federal Identification Number: 510161351
2. Tax Type Identifier: 000952
3. Quarter Ending: DECEMBER 31, 1987 DUE: January 30, 1988
4. If you are no longer in business and want your account cancelled enter final date

CHURCH UNIVERSAL AND TRIUMPHANT, INC.
BIG SPUR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	27.00
6. Less Non Taxable Charges	—
7. Taxable Receipts (Line 5 less Line 6)	27.00
8. Tax Due (4% of Line 7)	1.04
9. Adjustments. Explain on back of this form.	
10. Amount Paid With This Return.	1.04

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form. Yes ☐

1/28/88 Date — Margaret Gros Signature — Accountant Title (Owner, etc.) — (406)848-7381 Telephone Number

AT4 Make Check Payable to STATE TREASURER and Return with this Copy to DEPT. of REVENUE, Box 5835 Helena, Montana 59604-5835 87/88

Regular 1st Class

ACCOMMODATIONS TAX

STATE OF MONTANA DEPARTMENT OF REVENUE

1. Federal Identification Number: 510161351
2. Tax Type Identifier: 000952
3. Quarter Ending: MARCH 31, 1988 DUE: April 30, 1988
4. If you are no longer in business and want your account cancelled enter final date

CHURCH UNIVERSAL AND TRIUMPHANT, INC.
BIG SPUR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	-0-
6. Less Non Taxable Charges	-0-
7. Taxable Receipts (Line 5 less Line 6)	-0-
8. Tax Due (4% of Line 7)	-0-
9. Adjustments. Explain on back of this form	-0-
10. Amount Paid With This Return.	-0-

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form. Yes ☐

4/29/88 Date — Margaret Gros Signature — Accountant Title (Owner, etc.) — (406)848-7381 Telephone Number

AT4 Make Check Payable to STATE TREASURER and Return with this Copy to DEPT. of REVENUE, Box 5835 Helena, Montana 59604-5835 87/88

Regular 1st Class

ACCOMMODATIONS TAX

STATE OF MONTANA DEPARTMENT OF REVENUE

1. Federal Identification Number: [illegible]
2. Tax Type Identifier: [illegible]
3. Quarter Ending: JUNE 30, 1988 DUE: July 30, 1988
4. If you are no longer in business and want your account cancelled enter final date

CHURCH UNIVERSAL AND TRIUMPHANT, INC.
BIG SPUR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	684.00
6. Less Non Taxable Charges	-0-
7. Taxable Receipts (Line 5 less Line 6)	684.00
8. Tax Due (4% of Line 7)	27.36
9. Adjustments. Explain on back of this form	-0-
10. Amount Paid With This Return.	27.36

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form. Yes ☐

Certified Return Receipt
P 720 690 [illegible]

ACCOMMODATIONS TAX

1. Federal Identification Number: 510181351

STATE OF MONTANA DEPARTMENT OF REVENUE

ABOVE SPACE FOR DEPARTMENT USE ONLY

2. Tax Type Identifier: 004013

4. If you are no longer in business and want your account cancelled enter final date

3. Quarter Ending SEPTEMBER 30, 1987 DUE: October 30, 1987

CHURCH UNIVERSAL AND TRIUMPHANT, INC
CINNABAR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	►	717 64
6. Less Non Taxable Charges	►	
7. Taxable Receipts (Line 5 less Line 6)	►	717 64
8. Tax Due (4% of Line 7)	►	28 71
9. Adjustments. Explain on back of this form	►	0
10. Amount Paid With This Return	►	28 71

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form Yes ☐

10/7/87 — Signature — ACCOUNTANT — Title (Owner, etc.) — (406) 848-7381 Telephone Number

Date

AT4 ← Make Check Payable to STATE TREASURER and Return with this Copy to DEPT. of REVENUE, Box 5835 Helena, Montana 59604-5835 87/88

ACCOMMODATIONS TAX

1. Federal Identification Number: 510181351

STATE OF MONTANA DEPARTMENT OF REVENUE

ABOVE SPACE FOR DEPARTMENT USE ONLY

2. Tax Type Identifier: 004013

4. If you are no longer in business and want your account cancelled enter final date

3. Quarter Ending DECEMBER 31, 1987 DUE: January 30, 1988

CHURCH UNIVERSAL AND TRIUMPHANT, INC
CINNABAR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	►	
6. Less Non Taxable Charges	►	23.00
7. Taxable Receipts (Line 5 less Line 6)	►	-0-
8. Tax Due (4% of Line 7)	►	23.00
9. Adjustments. Explain on back of this form	►	.92
10. Amount Paid With This Return	►	.92

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form Yes ☐

1/22/88 — Margaret Hess — Signature — Accountant — Title (Owner, etc.) — (406)848-7381 Telephone Number

Date

AT4 Make Check Payable to STATE TREASURER and Return with this Copy to DEPT. of REVENUE, Box 5835 Helena, Montana 59604-5835 87/88

ACCOMMODATIONS TAX

1. Federal Identification Number: 510181351

STATE OF MONTANA DEPARTMENT OF REVENUE

ABOVE SPACE FOR DEPARTMENT USE ONLY

2. Tax Type Identifier: 004013

4. If you are no longer in business and want your account cancelled enter final date

3. Quarter Ending MARCH 31, 1988 DUE: April 30, 1988

CHURCH UNIVERSAL AND TRIUMPHANT, INC
CINNABAR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	►	9.00
6. Less Non Taxable Charges	►	-0-
7. Taxable Receipts (Line 5 less Line 6)	►	9.00
8. Tax Due (4% of Line 7)	►	.36
9. Adjustments. Explain on back of this form	►	
10. Amount Paid With This Return	►	.36

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form Yes ☐

Accountant — Title (Owner, etc.) — (406)848-7381 Telephone Number

Signature

Date

AT4 Make Check Payable to STATE TREASURER and Return with this Copy to DEPT. of REVENUE, Box 5835 Helena, Montana 59604-5835 87/88

ACCOMMODATIONS TAX

1. Federal Identification Number

STATE OF MONTANA DEPARTMENT OF REVENUE

ABOVE SPACE FOR DEPARTMENT USE ONLY

2. Tax Type Identifier

4. If you are no longer in business and want your account cancelled enter final date

3. Quarter Ending JUNE 30, 1988 DUE July 30, 1988

CHURCH UNIVERSAL AND TRIUMPHANT, INC
CINNABAR CAMPGROUND
BOX A
CORWIN SPRINGS MT 59021

5. Gross Receipts from Accommodation Charges	►	274.75
6. Less Non Taxable Charges	►	-0-
7. Taxable Receipts (Line 5 less Line 6)	►	274.75
8. Tax Due (4% of Line 7)	►	10.99
9. Adjustments. Explain on back of this form	►	-0-
10. Amount Paid With This Return	►	10.99

Has your Name or Address Changed? If Yes, Note New Information on Back of this Form Yes

Internal Revenue Service Department of the Treasury

Washington, DC 20224

Church Universal and Triumphant, Inc.
c/o Edward L. Francis Asst. Secy.
P. O. Box 1717
Colorado Springs, Colorado 80901

DO: 74

Person to Contact: P. K. Bros
Telephone Number: (202) 964-4343
Refer Reply to: E:EO:T:R:2-5
Date: NOV 4 1975

Gentlemen:

This refers to your application for recognition of exemption and group exemption under section 501(c)(3) of the Internal Revenue Code of 1954.

Based on the information supplied, we recognize your organization and the subordinates on the list you submitted as exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

Additionally, we have classified the organizations you operate, supervise, or control and which are covered by your notification to us, as organizations that are not private foundations within the meaning of section 509(a) of the Code, because they are organizations described in section 170(b)(1)(A)(i) of the Code.

You and your exempt local subordinates are not required to file Federal income tax returns so long as you and the exempt subordinates retain a tax exempt status, unless you or they are subject to the tax on unrelated business income under section 511 of the Code. If you or the exempt subordinates are subject to this tax, it will be necessary to file an income tax return on Form 990-T. In this letter we are not determining whether any of your or their present or proposed activities are unrelated business as defined in section 513 of the Code.

You are not required to file the Return for Organizations Exempt From Income Tax, Form 990, as you come within the exception contained in section 6033(a)(2)(A)(i) of the Code. Your subordinates are also not required to file the Form 990 if they qualify as churches or integrated auxiliaries of churches, or otherwise come within the exceptions provided in section 1.6033-2(g) of the Income Tax Regulations.

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you and your exempt subordinates are not automatically exempt from other Federal excise taxes.

You and your subordinates are not liable for social security (FICA) taxes unless you or they file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You and they are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA). Inquiries about the waiver of exemption certificate for social security taxes, or any questions concerning excise, employment, or other Federal taxes should be addressed to the District Director, Austin, Texas, which is your key district for exempt organizations matters.

Donors may deduct contributions to you and your exempt subordinates as provided by section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to or for the use of you and your exempt subordinates are deductable for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you change your purposes, character, or method of operations, please let your key district director know, so that he may consider the effect on your exempt status. Please keep him informed of any changes in your name or address.

Each year within 45 days after the close of your annual accounting period, please send the following to the:

Philadelphia Service Center
11601 Roosevelt Boulevard
Philadelphia, Pennsylvania 19155
Attention: EOR Branch

1) A statement describing any changes during the year in the purposes, character, or method of operation of your subordinates.

2) Lists of the names, mailing addresses, including Postal Zip Codes, and employer identification numbers of subordinates that

a. changed names or addresses
b. were deleted from your roster; or
c. were added to the roster.

3) For subordinates to be added attach

a. a statement that the information upon which your present group exemption letter is based, applies to the new subordinates;

b. a statement that each has given you written authorization to add its name to the roster;

c. a list of those to which the Service previously issued exemption rulings or determination letters; and

d. a statement that none of the subordinates are private foundations as defined in section 509(a) of the Code.

4) If applicable, a statement that your group exemption roster did not change during the year.

You should advise each of your subordinates of the provisions of this ruling, including the requirements for filing information or other returns.

Please use your employer identification number on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key District Director, Austin, Texas, of this ruling. If you have any questions please contact him.

Please keep this ruling letter in your permanent records.

Sincerely yours,

Milton Cerny
Chief, Rulings Section 2
Exempt Organizations
Technical Branch

STATE OF MONTANA

DEPARTMENT OF REVENUE
MITCHELL BUILDING
HELENA, MONTANA 59601

March 11, 1976

Church Universal and Triumphant
P. O. Box 1717
Colorado Springs, CO 80901

Dear Mr. Francis:

Based on information submitted with your letter of March 4, 1976, we have determined that you are exempt from Montana Corporation License Tax under the provisions of Section 84-1501 (d), Revised Codes of Montana, 1947, as amended.

Accordingly, you will not be required to file any returns with this office. If your purpose, character or method of operation is changed, you should let us know so we may consider the effect of the change on your status.

Very truly yours,

DEPARTMENT OF REVENUE

G. L. Foster, Administrator
Corporation Tax Division

GLF/lk

ATTACHMENT 18

Fires in Yellowstone: Renewal and Criticism

By JIM ROBBINS
Special to The New York Times

YELLOWSTONE NATIONAL PARK, Wyo. — The most widespread forest fires to roar through this park in 400 years have created both headaches and opportunities for the National Park Service and private landowners near the park.

So far, the fires have blackened more than 192,000 acres in Yellowstone, the nation's first and largest national park. Tree rings indicate that the fires are the worst in four centuries, park naturalists say.

Warmer weather and low humidity over the last two days have made conditions worse as more than a dozen separate fires continue to burn in the 2.2 million-acre park, which is mostly in northwestern Wyoming but includes narrow strips of southern Montana and eastern Idaho.

The Park Service has a policy of allowing fires in the park to burn as long as they do not threaten human lives, private property or commercial timber on nearby public land.

Chanting Against the Wind

But that policy has come under attack from at least one landowner, a religious group whose property adjoins Yellowstone's northwestern boundary. About 250 members of the Church Universal and Triumphant have been chanting in a meadow near the park 24 hours a day, hoping to reverse the wind's direction and keep the flames from spreading to church property.

Park officials say they have stopped the fire from spreading to the church property by clearing brush and trees away from the fire's northern edge.

As long as the fire remains in the park it is beneficial, park officials say, because it clears out old timber and allows new growth. "We don't even like to use the word 'damage' " in describing the fires, said Joan Anzelmo, a park spokeswoman.

Still, there is a sense of urgency, along with a great deal of smoke, pervading the usually crystalline air here. In some places the smoke is so thick it appears as if a thin sheet of barely transparent white gauze has been pulled over Yellowstone's normally stunning vistas. And the smoke has caused sore throats and stinging eyes among visitors and park employees.

Driving Hazard for Tourists

It has also become a driving hazard. As tourists drive along park roads, especially in the southern part of the park, they must drive slowly through thick rolling clouds of blue-gray smoke. People who stop can often hear the fire crackling and roaring as it consumes lodgepole pine and Douglas fir.

Last Thursday people driving along the western shore of Yellowstone Lake were greeted by the sight of a rolling fire that leaped through the air at treetop level. This condition occurs when a fire on the forest floor and in lower branches of an evergreen tree releases a gas that is ignited by fires burning in the crown.

Officials are trying to keep all park roads open, closing them only when necessary. But sometimes the fire moves so fast it reaches a road before it can be closed.

Yellowstone usually draws two million tourists a year, but park officials said the number of visitors dropped 20 percent after the fires started in mid-July. For all of July attendance was off by 7 percent, they said, but now it was returning to normal.

Most visitors seem unperturbed by the fires, however. Indeed, many see them as an added attraction.

The park policy of allowing fires to burn is the talk of the campgrounds and restaurants here. "It's still beautiful," said June Peyton, of San Bernardino, Calif. "It's more beautiful. It'll give me something to shoot and tell everyone about back home."

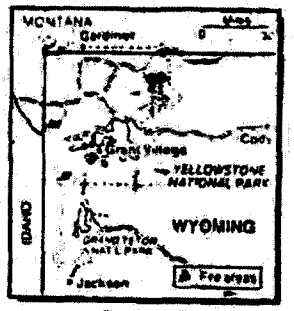
This opinion is not shared by members of the Church Universal and Triumphant, whose property abuts the park's northwestern corner. The 20,000-acre Fan Creek fire is burning about a quarter of a mile away.

"I believe Yellowstone has been irresponsible," the group's leader, Elizabeth Clare Prophet, told a reporter in Livingston, Mont., about 30 miles north of the park. "I believe they are spineless. That forest is not going to be replaced in our lifetime."

Interspersed among the charred chimps of forest are islands of green that the fires missed; pockets of life that will sustain elk, deer, grizzly bears and other wildlife until the forest begins to regenerate.

Park officials say the wildlife are not displaced by the fire, and many will find their habitat improved as forage begins to grow again.

"I've seen elk rolling around in the ashes after the fire has cooled," said Robert Barbee, Yellowstone's superintendant. "This is not destruction. Period."



The worst fires in 400 years have swept through Yellowstone.

Billings Gazette Tuesday, Aug. 9, 1988

Bears, elk dodge fire

YELLOWSTONE NATIONAL PARK, Wyo. — Grizzly bears seem to be taking a cue from elk in their attitude toward the extensive forest fires in Yellowstone National Park — both are nonchalant about the burning.

John Varley, chief of research at Yellowstone, said that bears do not seem to be moving away from fires.

"The grizzly bears seem to be reacting much the same as elk. They're just stepping aside from the fires."

Varley said that the aircraft fighting the fire has kept the Park Service from doing many tests on the location of radio-collared bears, but what little checking that has been done shows the bears have not moved away from their traditional range.

The same is true for elk. Eight radio-collared elk have been staying in the islands of trees within the perimeter of one large fire. No collared elk have moved out of the area, Varley said. "It appears as if they're just cruising around in those islands of greenery," Varley said.

Billings Gazette Sunday, Aug. 28, 1988

Fires dramatically change Yellowstone Park's vistas

YELLOWSTONE NATIONAL PARK, Wyo. (AP) — Fires have blackened many of the vistas of Yellowstone Park, and nobody alive today will ever again see it the way it was just last spring.

Montanans, who know the park and think of it as part of their home, will find that many of the drives and views they hold close to their hearts have changed completely. The smoke won't be the only cause of teary eyes.

Gibbon Falls, about halfway between Madison Junction and Norris, is a place of such charm that even the most hurried of Yellowstone travelers usually stop for a moment.

The falls remain unchanged. The Gibbon River tumbles over the series of cliffs and boulders as it always did.

But the area around them has been scoured by fire. The surrounding forest is now little more than charred tree trunks. Even the cliffs flanking the Gibbon River are blackened.

Gibbon Falls is still beautiful, it still takes away the breath, but its beauty now is stark, almost cruel. Black and grey dominate the view. The pastoral greens are gone.

Further south, to Madison Junction and beyond to West Yellowstone, parts of the roads used to seem almost like tunnels as they wound through the doghair timber that grew right up to the shoulder of the highway. Most of the lodgepole tunnels are gone now.

Nearly every other drive in Yellowstone reveals similar or more severe changes.

Yellowstone's roads have no names or numbers. Rather, they are referred to by the developments they connect. There are 13 of these connections in Yellowstone, and 10 now take visitors through large burned areas.

Only the routes from Fishing Bridge to the East Entrance, from Mammoth to Tower, and from Tower to Canyon do not yet reveal burns to drivers.

Park officials say that around 50 percent of the trees within that perimeter have been killed by the fires. More are killed daily as winds rekindle small blazes within the burned areas, consuming vegetation missed by the fire on its first sweep.

Officials stress they are doing everything humanly possible to put out the blazes.

The Billings Gazette Thursday, Aug. 11, 1988

Fires actually help over-treed forests



Gazette photo by Robert Ewy

When forest fires strike they often do a cleanup job allowing smaller vegetation to flourish.

Wyoming Outdoors



Bob Krumm

Forest fires have ravaged much of northern Wyoming and Montana. While the losses of timber have been high, there are many benefits of forest fires.

In the first place, forest fires open up timber stands so that vegetation other than trees can grow. Dense stands of timber allow little sunlight to reach the forest floor. Most plants can't survive under such low light.

Shrubs, grasses and forbs flourish after forest fires. These plants are the mainstay of the diets of deer, elk and moose.

In many areas, the stands of spruce and fir had grown so dense that they actually lowered the carrying capacity of the land.

One of the forage species that benefits from fire is quaking aspen. Aspen will die out if the stand isn't disturbed. Timbering or fire will help aspen to regenerate. Aspen root sprouts, that is aspen shoots come up from the roots. After a fire, a decadent aspen stand will prosper. The stand will have a host of shoots that elk, deer and moose relish.

Fire promotes lodgepole pine germination. Lodgepole pine seedlings don't survive in heavy shade. In other words, they can't grow in the shade that older trees give. Spruce and fir seedlings can thrive in the shade. Without a fire, a lodgepole stand gradually is succeeded by spruce and fir.

A fire exposes the mineral soil that lodgepole pine seedlings thrive in. It heats up the tight lodgepole pine cones and causes them to expand and expel the seeds.

Fire not only creates a seedbed for plant species, it fertilizes as well. Many soil nutrients are tied up in the timber. A fire releases the trapped nutrients and stimulates vigorous growth in the initial regrowth vegetation.

One thing that many people don't realize is that a forest fire doesn't kill every tree in its path. Islands of unburnt vegetation remain in the burnt over area. These islands provide shelter for the wildlife that come back into the fire-swept land. The old snags that stand provide homes for birds such as woodpeckers and bluebirds.

Prior to fire suppression, most all western forests would burn every 300 years or so. Many of the plant species have evolved in response to fire. Both lodgepole pine and quaking aspen are termed fire disclimax trees. In fact, aspen is labelled the Phoenix tree because it rises from the ashes of a forest fire.

While habitat is lost due to fire, in a short time more big game habitat is created by a fire than is lost. In 10 years, stands of doghair lodgepole will provide more than adequate escape cover and shelter for deer and elk. In a year or two, the invading vegetation will offer ample forage for deer, elk and moose. The time span between now and then is critical for big game animals.

Will there be enough forage to tide the animals over until then? I doubt it. This year's drought has curtailed vegetation growth markedly. There will probably be losses of big game due to the fires. The severity of the winter will determine the extent of the losses.

Still, the forecast for the next 10 years calls for increased forage and numbers of game animals. While fire kills, it also causes regeneration and growth from a land that once was senescent. Like all things in nature, fire has positive as well as negative effects.

ATTACHMENT 19

Brucellosis in Yellowstone Park Bison and Elk

By William Harrer
MSGA Executive Committee

A meeting on brucellosis in Yellowstone Park, called by Dr. Greg Nelson, was held at Jackson, Wyoming on June 22, 1988. Those attending included state veterinarians from Idaho, Wyoming and Montana and cattle producers from these states. Also, there were Park officials, wildlife officials and members of USDA-APHIS.

This meeting was a follow-up to a meeting held two years ago with Park officials to express concerns of cattlemen and animal health officials over brucellosis in bison and elk in the Park, and threat of its spread to animals outside the Park. Park people stated their goal to maintain the Park in a biological natural state not to be interfered in by outside interests. Also, they were not convinced that brucellosis could spread from bison and elk to cattle. Recent incidents and new research studies reported at this meeting contain evidence that, indeed, brucellosis can and does spread between the sub-species.

Dr. Don Ferlicka reported that five elk from a group trapped in southwest Montana were tested and shown to have brucellosis of the same Biotype I as cattle. Also, a hunter who shot an elk in this same herd in 1986 came down later with undulant fever, the human form of brucellosis.

Results of Texas A&M Bison/Brucellosis Research was reported by Drs. Don Davis and Gary Adams. This research indicated clearly that "infected bison transmit B. abortus to cattle under experimental conditions." They also reported that "Strain 19 adult vaccination protects bison against Brucella abortions and infection rates similar to that observed in domestic cattle."

Dr. Tom Thorne of the Wyoming Fish and Game Commission reported on brucellosis vaccination he is doing with elk on feed grounds in Wyoming. They have a wildlife problem with brucellosis in elk they feed in the winter because of the animals being concentrated in small areas. They are using ballistic air gun vaccinations as the elk are on the feed ground and are used to people among them. They also trap and test to determine their progress in the effort to reduce brucellosis to a very low level. Dr. Thorne was asked if the air gun would work on bison and the answer was "yes."

Realizing cattle concerns, Park official Stuart Coleman wanted an understanding of the Park's role in protecting the natural ecosystem. He stated that this Park is recognized as one of the last places in the world to maintain a biosphere reserve. One purpose of this reserve is to provide natural systems to monitor and compare to human ecosystems. Another is to maintain a genetic reserve to meet the needs of future generations.

Mary Meagher, biologist for the Park, has a large role in protecting the natural conditions in the Park. She works to maintain all forms of life that were in the Park when it was set aside and eliminate any that were introduced later. An effort to eliminate something that was introduced could have an adverse effect on life they want to maintain. Therefore, there are trade-offs based both on money and cost to the balance of the system. Since some of the bison were introduced into the Park after it was established, it is possible that brucellosis is not natural to the Park. Mary says efforts to control the disease by corrals, roads, tests, and vaccinations are too damaging to bison and the Park, besides there is the role in population regulation to consider. With the easy winters lately, the herd is steadily growing to now about 2,000 bison.

Gary Brown, Park ranger, expressed the Park's concern for its neighbors and their efforts to prevent bison from leaving the Park. They have used experimental fences and cattle guards. Also, they used herding or hazing, but nothing has worked. So far, the Montana bison hunt has worked. However, he stated that the Park was sued by the Fund for Animals, headed by Cleveland Emery. The complaint was the Park was not doing its duty to protect the bison by letting them escape and be shot by hunters. The judge found for the Park, saying they made reasonable efforts.

Summing up the meeting, Park officials agreed that new developments have shown that brucellosis is transmittable from bison and that it could be a threat to cattle and humans. They expressed an interest in new technology and research that could allow something to be done within the constraints of their mission.

It was agreed that a technical committee be formed from this meeting's attendees to study and discuss at least once a year any possibilities to control brucellosis in the Park. On the committee will be animal health directors of the three states, officials from the Park and from Fish and Game departments of the three states. Also, USDA-APHIS officials would be on the committee. An item for discussion could be vaccination of bison by ballistic air gun using snowmobiles when animals are hampered by deep snow.

Brand Directory Spaces Available

The Montana Stockgrowers Association is offering 3"x1" spaces to list your brand in the *Montana Stockgrower* magazine to both members and non-members who are interested in promoting their products.

These spaces will sell for $20 each and may be designed in any manner to fit in that 3"x1" spot. The *Montana Stockgrower* reaches 2,500 ranchers, cattlemen and others associated with the cattle industry.

This is an excellent opportunity for you to show pride in your brand, your ranch and your cattle as well as create interest in your cattle and possibly make a few new acquaintances. Also, we would be willing to dedicate our brand page to a certain breed, i.e.: Angus, Red Angus, Hereford, each month providing we have enough brands of one breed to fill a page.

We will allot up to two pages each month for these brands on a first come-first served basis. If you are interested in displaying your brand in the *Montana Stockgrower*, please send us a copy of your brand and information pertaining to your ranch, i.e.: logo, directions to ranch, sire information, breed facts, etc., and we will adjust it to fit the space. Send information and $20/brand to: MSGA, P.O. Box 1679, Helena, MT 59624. (See example of the brand directory in this month's issue of the *Montana Stockgrower*.

BOZEMAN DAILY CHRONICLE, Thursday, April 21, 1988

Local man hunting bison

A Bozeman man today is hunting for a buffalo that left Yellowstone National Park and is near West Yellowstone's airport.

Harold Billings is looking for a buffalo bull about two miles north of West Yellowstone, Bud Hubbard of Bozeman, warden captain of Region 3 of the Montana Department of Fish, Wildlife and Parks, said today.

On Saturday, a bull bison was shot by Elwood Cleasby of Billings at Eagle Creek on the Jardine Road near Gardiner.

Thirty-one buffalo have been killed during this hunting season.

The 1985 Legislature approved a buffalo hunting season because state agriculture officials believe that many of Yellowstone's buffalo have brucellosis and could transmit the disease to cattle. Brucellosis could cause cattle to abort, the agriculture officials say.

However, Yellowstone Park biologists say it has never been proven that buffalo could transmit brucellosis to cattle.

Helena, MT 59620
February 4, 1987

Mr. Robert D. Barbee, Superintendent
Yellowstone National Park
Mammoth, WY 83020

Dear Mr. Barbee:

Your letter of December 24, 1986, expressed concern over the antelope hunt immediately north of YelLowstone National Park. It is not the intention of the Department to eliminate the antelope population in the Upper Yellowstone Drainage, but to direct attention to that segment of the population that persistently utilizes the Royal Teton holdings. This is a procedure we frequently utilize on private lands to minimize the use levels of wildlife, particularly in situations where the problem animals are not available during a scheduled hunting season, or in this situation where scheduled seasons are not established. We have found this type of season to be effective for reducing the problem with a relatively minimal reduction in animal numbers.

We agree that food habitat studies for antelope have shown the significance of shrubs (particularly sage brush) as a most vital forage source during the winter season. The status of the antelope and the condition and availability of shrubs on their winter range in Yellowstone Park indicate that the state of essential shrubs is the crucial problem facing the antelope in this locality. The limited impacts that will occur on the population as the result of hunting activity are not. This conclusion is based on our experience in working with and managing antelope in Montana.

The condition of forage on the winter range within the park must be recognized rather than to hold our Department accountable for the ultimate future of the antelope in this locality.

Sincerely,

James W. Flynn
Director

JWF:TD

Antelope hunt splits state, feds

By The Associated Press

A special antelope hunting season on the Church Universal and Triumphant's ranch north of Yellowstone National Park last December has caused a rift between state and federal officials.

State wildlife officials sanctioned the hunt in December at the church's request, after park officials protested that the hunt threatened to wipe out the park's northern antelope herd of 300 animals.

And state officials say they believe the park antelope are more threatened by deteriorating range conditions inside the park than they were by the special hunt, a contention denied by park officials.

Arnold Foss, a biologist with the state Fish, Wildlife and Parks Department, said the hunt was necessary to stop crop damage by antelope on the Church Universal's Royal Teton Ranch north of Gardiner.

He said 50 permits were issued for the five-week-long depredation hunt, but only a few antelope were shot.

"Until the longstanding problem of forage deterioration on this winter range within the park is recognized and effectively resolved, our department or the Royal Teton Ranch cannot be held accountable for the ultimate future of the antelope in this locality," Foss said in remarks published Wednesday.

Ed Francis, vice president of the church, said the hunt was necessary because of a growing number of antelope on the church's range, causing damage for crops. He said the antelope don't have any meaningful threats.

"This has resulted in a lack of fear of humans and almost a zoo-like daily routine," he said.

But Yellowstone Park research chief John Varley disputed their contentions, noting that the park's 360-head herd left the park for only three weeks last winter and then migrated back into the park when snow melted between Gardiner and Mammoth.

"That tells me there is enough food for them in the park. Why else would they return?" Varley said. "It also tells me there could not be that much damage to crops in such a short time."

242

ATTACHMENT 22



Royal Teton Ranch

Box A, Corwin Springs, Montana 59021 406/848-7381

June 22, 1988

Robert D. Barbee, Superintendent
YELLOWSTONE NATIONAL PARK
P.O. Box 168
Yellowstone National Park, WY 82190

Dear Superintendent Barbee:

In your written comments on the Church Universal and Triumphant Draft EIS submitted to the Department of Health and Environmental Sciences on April 21, 1988 you made the following references to NPS data:

1. "There is a recognized possibility that this migratory pronghorn herd, which has been genetically isolated for at least 100 years, represents the last of a distinct species."

2. "The Park Service has data that show the jackleg fence definitely does restrict migratory movements of elk, and does hinder the movements of pronghorn antelope."

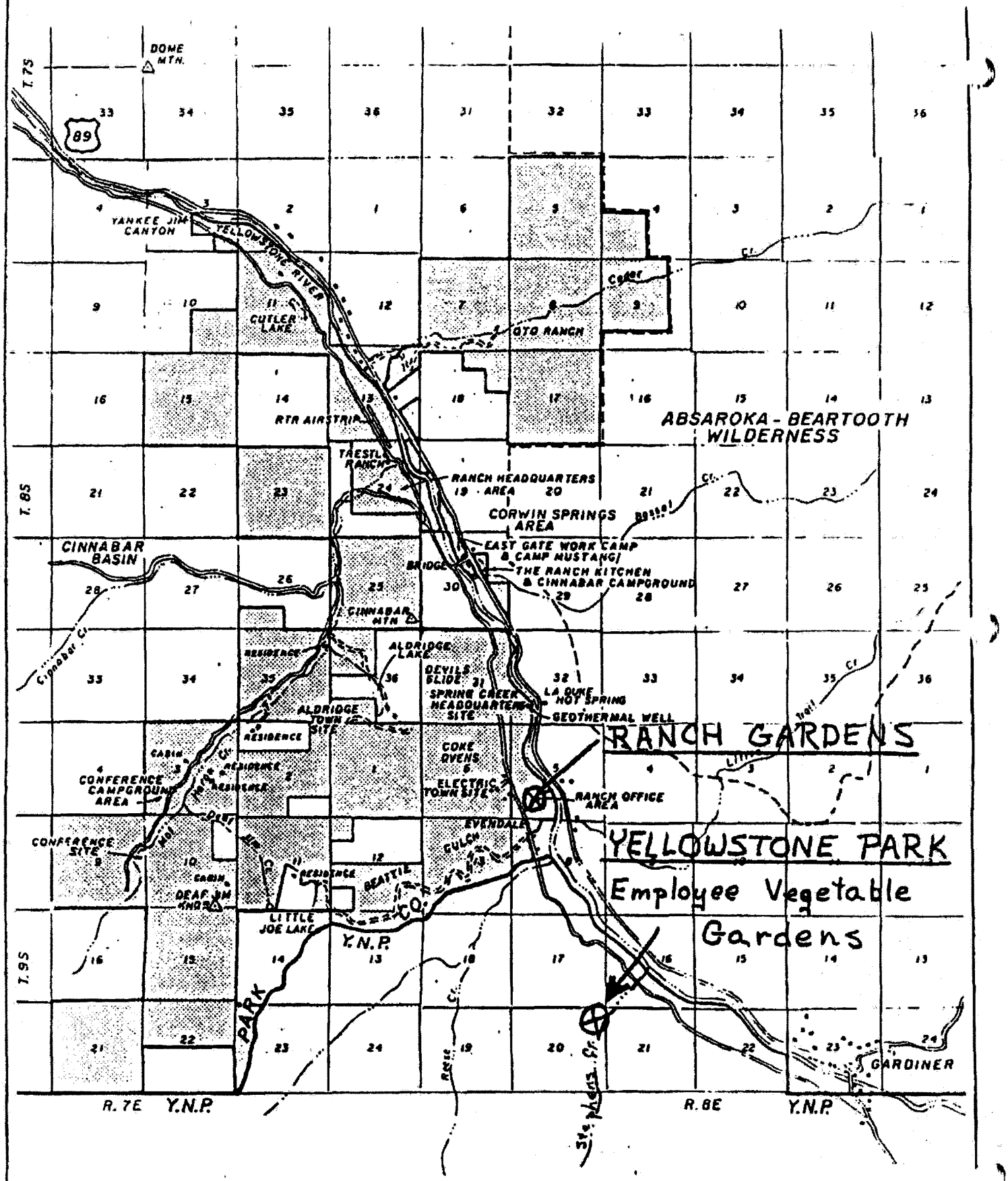
I would appreciate it if you could provide me with a copy of any data or information you have to substantiate or elaborate upon these statements. Thank you for your cooperation.

Very truly yours,

CHURCH UNIVERSAL AND TRIUMPHANT, INC.

Edward L. Francis
Vice President and Business Manager

ELF:tcb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YANKEE JIM CANYON
YELLOWSTONE RIVER
CUTLER LAKE
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RTR AIRSTRIP
ABSAROKA - BEARTOOTH WILDERNESS
TRESTLE RANCH
RANCH HEADQUARTERS AREA
CORWIN SPRINGS AREA
T. 8S
CINNABAR BASIN
EAST GATE WORK CAMP & CAMP MUSTANG
BRIDGE
THE RANCH KITCHEN & CINNABAR CAMPGROUND
CINNABAR MTN
RESIDENCE
ALDRIDGE LAKE
DEVILS SLIDE
SPRING CREEK HEADQUARTERS SITE
LA DUKE HOT SPRING
GEOTHERMAL WELL
ALDRIDGE TOWN SITE
RANCH GARDENS
CABIN
CONFERENCE CAMPGROUND AREA
COKE OVENS
ELECTRIC TOWN SITE
RANCH OFFICE AREA
EVERDALE
CONFERENCE SITE
GULCH
YELLOWSTONE PARK
Employee Vegetable Gardens
DEAF JIM KNOB
BEATTIE
LITTLE JOE LAKE
Y.N.P.
T. 9S
PARK
GARDINER
R. 7E Y.N.P.
R. 8E Y.N.P.
ROYAL TETON RANCH - SOUTH

LIVINGSTON ENTERPRISE, Friday, July 22, 1988

CUT plans to move poultry plant

By AL KNAUBER
Enterprise Staff Writer

A poultry processing plant, initially proposed for construction at the Church Universal and Triumphant's ranch headquarters near Corwin Springs, will be moved to the church's North Ranch property.

The church's North Ranch is located about 10 miles south of Livingston, bordered on the north by Trail Creek road.

Church vice president Ed Francis said Friday that a decision had been made to move the proposed facility from the ranch headquarters which is located in Situation I grizzly bear habitat — an area containing grizzly bear population centers.

The proposal to locate the processing plant in prime grizzly bear country was criticized during a public hearing this year on an environmental impact statement prepared by the state Water Quality Bureau. The EIS was designed to assess the impact from the church's proposed developments.

Those opposing the church's developments on its roughly 12,000-acre Royal Teton Ranch, located near the border of Yellowstone National Park, felt the location was not suited for a poultry processing plant.

Francis said the concern from having a processing plant in prime grizzly bear country was one of two factors leading to the decision on moving the facility to the North Ranch.

Also influencing the decision to move the processing plant was that the chickens and turkeys are raised at the North Ranch, Francis added.

According to the EIS — which excludes several other developments such as the North Ranch — the church is raising about 1,000 chickens, 1,500 turkeys and a laying flock of about 1,000 hens.

To minimize the impacts from having the poultry processing plant at the ranch headquarters, the EIS suggested that solid waste from the plant be hauled to a disposal site in Livingston.

Cities of the EIS maintained that smells from the processing plant would continue to draw grizzly bears into the area increasing the chances of problems with bears.

Francis said a new building would be erected at the North Ranch to house the processing plant. The area of the new building would be about 1,500 square feet, about 1,000 square feet smaller than the facility would have been had it been located on the Royal Teton Ranch south property.

Unlike the proposed facility that was to have been located at the Royal Teton Ranch, the plant to be built at the North Ranch will not be capable of processing red meat, Francis said.

Most of the church's processing of red meat is done at United States Department of Agricultural approved plants in Livingston and Bozeman, he added.

The initial move to have a facility capable of processing both poultry and red meat was designed to meet future needs, Francis said, adding that the church now has no plans to process its own red meat.

The North Ranch poultry processing plant will be able to handle up to 20,000 birds per year, Francis said. The plant will be operated less than 30 days a year.

"We are not planning on competing or going into business. It would essentially be for use all on the ranch. We don't have any plans to sell them," Francis said of the processed chickens and turkeys.

The processing plant, slated for construction in August, will prepare the poultry to be frozen and will not have the capability of canning.

METHODOLOGY REVIEW OF

YELLOWSTONE FISHERIES OFFICE

TECHNICAL REPORT NUMBER 1

REPORT TITLE

FISHERIES INVENTORY AND INSTREAM FLOW REQUIREMENT FOR REESE CREEK, YELLOWSTONE NATIONAL PARK

By

Michael A. Fillinger

Aquatic Ecologist

5532 Eldorado Court

Helena, Montana 59601

Reviewed

December, 1986

REPORT OVERVIEW

This study basically attempts to divorce water quantity from water quality and baseline biological potential. I found no problems in the derivation of the flow recommendation for the low flow period using the wetted perimeter inflection point method developed by the Montana Department of Fish, Wildlife and Parks. The upper inflection point of 1.6 cfs, which by design of the Montana Department of Fish, Wildlife and Parks method should protect high aquatic habitat potential, seems to be a reasonable request. The data base appears sound and it is understood that collection and interpretation were made by quaified professionals. However, the extrapolation from the 1.6 cfs value to the 4.3 cfs value (an increase in reserved flows of 270 percent) for migration passage flows for cutthroat trout is not a species specific environmental requirement and presumes without scientific documentation that this stream has the biological potential for this fishery. While this may be the case the present data base does not confirm this. The evaluation of the existing stream resource was not thorough. Almost all the work effort in the two years of study was targeted on the downstream dewatered reach of the stream where one would expect to see degradation. Only one day of shocking fish was afforded to the remaining 85% of the drainage to assess potential and it showed very little. Since game fish carrying capacity is proportional to fish food production, which is in turn proportional to the wetted perimeter in

riffle areas, the biological parameter which could have best assessed stream fishery potential would have been a detailed quantitative aquatic macroinvertebrate study of the headwaters of the stream (upstream from diversion #3). Without this information there is little validity in making a request for reservation flows which exceed 1.6 cfs.

METHODS

FISHERY INVENTORY (P. 5)

There is no indication of the type of equipment used or procedures followed for specific stream reaches sampled on any of the four electrofishing studies performed in 1984 and 1985. (This is not acceptable scientific procedure even among professionals.) If all the studies were inclusive of the entire stream reach recorded, the number of fish captured is extremely low. This is especially relevant for the 21 May 1984 study commencing at Irrigation Diversion #3 and proceeding upstream for approximately 0.8 miles.

The above-mentioned stream reach would logically represent the area not directly affected by dewatering and should contain a viable resident fishery if the possibility for such a population exists due to the natural environmental conditions. However, in the study reach of approximately 0.8 miles only two fish were recovered and neither were

young of the year. This is highly suggestive that Reese Creek upstream of the diversions is incapable of producing or supporting a viable fishery on a year-round basis.

The cause or causes for this may be multifold, but presently the only issues being addressed are water quantity related (i.e., dewatering and diversions which affect fish passage). There apparently has been no effort expended to determine if the physio-chemical water quality parameters or natural environmental factors are conducive to the reproduction, rearing and maintenance of a viable fishery.

The geology of this area should immediately suggest to the biologist that a check on the chemical consituents of the water column would be warranted. One should be reasonably sure that there are no substances carried in the drainage that fish and fish food organisms would find as an irritant, if not toxic, and that they would naturally avoid. Also, due to altitude and geographic location, one needs to know whether ~~ice~~ anchor ice formation is extensive enough in the winter months to decimate through scouring the macroinvertebrate or fish food population. If so, this stream may not be able to support anything but a marginal fishery. In addition, the question of whether the stream velocities are conducive to any or all of the life cycles of the fish species of concern in the study was not addressed. All of these questions should have been addressed in the report.

The single macroinvertebrate sample collected 4 July 1984 (no location sited) indicates the distinct probability of environmental degredation attributable to sources other than quantity of water in the stream. Regardless of sample location, the low number of species collected and extremely low total number of organisms present is indicative of problems not addressed in this report.

The basis for the above conclusion is predicated on the following line of reasoning:

1. Quality of a stream is never based on a single quantitative sample. (It is assumed this was a quantitative sample due to the method of reporting, although not articulated anywhere in the report.)

2. Sample site location is not a relevant factor if the purpose would be to relate small total numbers or few species of organisms collected to dewatering in the past. A stream with a healthy viable macroinvertebrate population in its headwaters would repopulate a relatively short downstream reach through natural invertebrate drift in approximately the time it takes to re-establish microhabitat requirements (normally 6-8 weeks). Hypothetically the most recent total dewatering of

the sample site tested would have occured in the prior irrigation season which would have been at least 9 months prior to the taking of the sample.

3. In my own evaluation of non-degraded or naturally unaffected headwater streams, I've normally found them to produce 300 to in excess of 600 percent of the kinds of organisms found here, and consistantly more than a 1000 percent increase in total numbers per quantitative sample than those reported. This includes my work on the Bear Creek drainage just a few miles from this area.

4. The relatively poor showing from the macro-invertebrate sample (fish food) combined with the near absence of fish in an uneffected portion of the stream in 1984 should have been justification for the trained aquatic biologist involved in this study to place at least an equal emphasis on baseline biological quality and potential of the unaffected stream reach in 1985 instead of a near total emphasis on the amount or quantity of water in the stream. The desire to provide for the undocumented potential of a stream should not be a substitute for sound scientific methodology, investigation and interpretation.

STREAM FLOW (P. 5)

My only comment in this section is that the staff gages are not of a permanent type and therefore are easily disturbed, and I question their placement.

On December 12, 1986, the staff gage at the road crossing appeared not to be perpendicular to the streambed. Readings from a gage in this condition could be off in either direction (plus or minus) anywhere from 5 to 20 percent depending on calibration.

In selecting monitoring stations in a water quality study, one does not normally choose those stations with a tributary (Sawmill Creek) between them if at all possible, especially without actually gageing the tributary. I am familiar with instances where surface waters do recharge ground water and where downstream flows are measurably less than upstream flows without any diversions.

MINIMUM STREAM FLOW REQUIREMENTS (P. 6)

Exception needs to be taken to the statement that the wetted perimeter/inflection point method (MDFWP) was used to derive a minimum flow necessary to <u>support</u> fish populations in Reese Creek. Actually the upper inflection point derived from this method (which is designed to protect high aquatic habitat potential) is 1.6 cfs.

The Montana Department of Fish, Wildlife and Parks Wetted Perimeter/Inflection Point Method for deriving instream flow requirements considers a waterway a stream if the mean annual flow is less than approximately 200 cfs. Factors considered in their flow recommendation evaluation process include the level of recreational use, the existing level of environmental degradation, water availability and magnitude and composition of existing fish population. In general, only streams with exceptional resident fish populations or those providing crucial spawning and/or rearing habitats for migratory populations would be considered for a recommendation at or near the upper inflection point. Their process combines the wetted perimeter method with a thorough evaluation by a field biologist of the existing stream resource.

Discrepancy arises in this study when we realize the actual requests for minimum flows are based on fish passage or migration and not support. This request is at best arbitrary and based on data which may not be relevant to a stream this size or to the requirements of the target species involved being the cutthroat trout (Salmo clarki). The minimum depth for passage recommended (and thus the accompanying flow) is taken from work done in Oregon on migratory salmonids up to 20 inches in length and closely

correlated work from Colorado which deals with streams greater than 10 feet in width. Reese Creek, however, is smaller than the Colorado streams for which recommendations are made and the fish actually observed don't approach 1/2 the size of those evidentally studied on Oregon, yet the request for instream flow for more than 1/3 of the year is nearly 3 times the amount the WETP program would suggest as adequate for protecting high aquatic habitat potential. Perhaps modification in the current (WETP) methodology is needed when its application is directed to a stream of this size. There appears to be too great a discrepancy between the upper inflection point (and what it represents in this method) and the requested instream flow reservation.

RESULTS AND DISCUSSION

FISHERY INVENTORY (P. 8)

Unless one utilizes some standardized quantitative methodology of marking and recapturing fish it is not acceptable to make reference to resident and migratory fish populations. The data presented in the report does not support such a differentiation and could just as easily point to a transitory, occasional or opportunistic use of this stream by a few fish. I count only seventeen fish total captured in two years of studies (p. 11, Table 2).

MIGRATORY POPULATION (P. 10)

Paragraph 1: Migration for spawning or feeding by fish is not conclusive from the data presented. The qualitative nature of the techniques employed in the fish studies were designed basically to determine only presence or absence of a fishery, not their migratory or resident status. To make such a conclusion quantitative methods employed at the appropriate times would need to be utilized. Comments were made earlier in this review on the macroinvertebrate sample.

Paragraph 2: Five young of the year brown trout collected in the lower 1/2 mile of this stream only demonstrates they were there. They may have moved in from the river on their own accord due to pressure from larger fish or in response to some other undocumented stimulus and not be the product of actual spawning effort in Reese Creek. Their assumption may be correct but the stream needs further study during the actual spawning period to determine if it is indeed utilized.

Last Sentence P.10: At no time is mention made of testing either qualitatively or quantitatively the insect drift in Reese Creek. There is absolutely no data to support the claim "to feed on the large amount of insect drift." This is an irresponsible statement which demonstrates little scientific integrity.

Second Sentence P. 15: "Further, they are probably the remnants of a once substantial run of cutthroat that spawned in Reese Creek and has been diminished due to historic irrigation practices." This is a very melodramatic statement which conjures up a sorrow for the fishes' plight, but its only basis from this report is in wild-eyed speculation and naive assumption, not in the thorough evaluation of the existing resource which is the field biologist's job.

MIMIMUM STREAM FLOW REQUIREMENTS (P. 15)

Second Paragraph: The minimum passage flow requirement being based on an assumption that is not species or area specific appears to be premature until the non-dewatered reaches of the stream are adequately addressed and the biological potential established.

Because of the economic realities involved in implementing the recommendations at the conclusion of this report, decisions must be based on utilization of the best available technology. This is a mandate for inclusion of applicable water quality parameters and quantitative biological methodologies. One must get past the generalities presumed and down to the specifics that are required.

ATTACHMENT 26

ROYAL TETON RANCH

Situation 1: Reese Creek 1986 Minimum RTR Irrigation Usage

Location/Field	Acreage	Irrigation Method	Crop	Place of Use MI	Place of Use CFS	Ditch Loss %	Ditch Loss MI	Ditch Loss CFS	Point of Diversion MI	Point of Diversion CFS
1. Beattie Gulch	32.0	Sprinkler	Alfalfa/Grain	24	.61	15	4	.09	28	.70
2. Truck Farm	92.5	Sprinkler	Vegetables	87	2.16	15	13	.32	100	2.48
3. Office Field	32.0	Flood	Alfalfa/Grain	48	1.20	20	10	.24	58	1.44
4. Electric Field	7.0	Flood	Alfalfa/Grain	10	.25	25	3	.06	13	.32
5. Upper Spring Creek	73.0	Flood	Alfalfa/Grain	109	2.74	30	33	.82	142	3.56
6. Lower Spring Creek	32.5	Flood	Alfalfa/Grain	49	1.22	30	15	.37	64	1.59
TOTALS	**269.0 Acres**			**327**	**8.18**		**78**	**1.90**	**403**	**10.09**

TOTAL 1986 MINIMUM RTR IRRIGATION NEEDS: 10.0 CFS

ROYAL TETON RANCH

Schedule of Water Use Rates

1. Sprinkler Irrigation Rates:
   a. Alfalfa/Grain Crop - 8.5 gpm
   b. Vegetable Crop - 10.5 gpm

2. Flood Irrigation Rates:
   a. Alfalfa/Grain Crop - 1.5 Miner's Inches Per Acre

3. Conversion Factors:
   a. Miner's Inches = GPM ÷ 11.22 or CFS x 40
   b. CFS = GPM ÷ 448.8 or MI ÷ 40
   c. GPM = MI x 11.22 or CFS x 448.8

ATTACHMENT 27

ROYAL TETON RANCH

Situation 2: Reese Creek Modified* Minimum RTR
Irrigation Usage to Conserve Water

Location/Field	Acreage	Irrigation Method	Crop	Place of Use MI	Place of Use CFS	Ditch Loss %	Ditch Loss MI	Ditch Loss CFS	Point of Diversion MI	Point of Diversion CFS
1. Beattie Gulch	32.0	Sprinkler	Alfalfa/Grain	24	.61	15	4	.09	28	.70
2. Truck Farm	92.5	Sprinkler	Vegetables	87	2.16	15	13	.32	100	2.48
3. Office Field	37.0	Sprinkler*	Vegetables	35	.87	15	5	.13	40	1.00
4. Electric Field	56.5	Sprinkler*	Alfalfa/Grain	43	1.07	15	6	.16	49	1.23
5. Upper Spring Creek	100.0	Sprinkler*	Alfalfa/Grain	76	1.90	30	23	.57	99	2.47
6. Lower Spring Creek	36.0	Sprinkler*	Alfalfa/Grain	27	.68	30	8	.20	35	.88
TOTALS	**354.0 Acres**			292	**7.29**		**59**	**1.47**	**351**	**8.76**

259

TOTAL 1986 MINIMUM RTR IRRIGATION NEEDS WITH WATER CONSERVATION: 8.75 CFS

*Modification from 1986 usage marked with an asterisk.

ROYAL TETON RANCH

Schedule of Water Use Rates

1. Sprinkler Irrigation Rates:
   a. Alfalfa/Grain Crop - 8.5 gpm
   b. Vegetable Crop - 10.5 gpm

2. Flood Irrigation Rates:
   a. Alfalfa/Grain Crop - 1.5 Miner's Inches Per Acre

3. Conversion Factors:
   a. Miner's Inches = GPM ÷ 11.22 or CFS x 40
   b. CFS = GPM ÷ 448.8 or MI ÷ 40
   c. GPM = MI x 11.22 or CFS x 448.8

ATTACHMENT 28

ROYAL TETON RANCH
REESE CREEK APPROXIMATE MINIMUM HISTORICAL IRRIGATION WATER USAGE

Location/Field	Est. Min. Acreage	Historical Irrigation Method	Historical Crops	Place of Use		Ditch Loss			Point of Diversion	
				MI	CFS	%	MI	CFS	MI	CFS
1. Beattie Gulch	30.0	Flood	Alfalfa/Grain	45	1.13	15	7	.17	52	1.30
2. Truck Farm	90.0	Flood	Alfalfa/Grain/ Potatoes	135	3.38	25	34	.85	169	4.23
3. Office Field	32.0	Flood	Alfalfa/Grain	48	1.20	20	10	.24	58	1.44
4. Electric Field	50.0	Flood	Alfalfa/Grain	75	1.88	25	19	.47	94	2.35
5. Upper Spring Creek	73.0	Flood	Alfalfa/Grain	109	2.74	30	33	.82	142	3.56
6. Lower Spring Creek	32.5	Flood	Alfalfa/Grain/ Potatoes	49	1.22	30	15	.37	64	1.59
TOTALS	307.5 Acres			461	11.55		118	2.92	579	14.47

TOTAL HISTORICAL MINIMUM IRRIGATION NEEDS: 14.47 CFS

ROYAL TETON RANCH

Schedule of Water Use Rates

1. Sprinkler Irrigation Rates:
   a. Alfalfa/Grain Crop - 8.5 gpm
   b. Vegetable Crop - 10.5 gpm

2. Flood Irrigation Rates:
   a. Alfalfa/Grain Crop - 1.5 Miner's Inches Per Acre

3. Conversion Factors:
   a. Miner's Inches = GPM ÷ 11.22 or CFS x 40
   b. CFS = GPM ÷ 448.8 or MI ÷ 40
   c. GPM = MI x 11.22 or CFS x 448.8

MT IRR GUIDE

PREFACE

This Montana Irrigation Guide contains technical data for use by Soil Conservation Service personnel in Montana. A companion document, the Montana Irrigation Manual, contains "how to" information needed to properly make use of this data. Some of this material may be of use to others.

This guide is loose leaf, and will be updated and modified as the need arises. Those using this document should make sure they are on the list for updates.

Any errors, omissions or suggestions for improvement should be brought to the attention of:

State Water Management Specialist
USDA Soil Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715

	CLIMATIC ZONE 4							CLIMATIC ZONE 2						
Weather Station:	Bozeman Mont. St. University							Bridger						
County:	Gallatin							Carbon						
Crop	Net Irrigation Application (inches)					Peak Month		Net Irrigation Application (inches)					Peak Month	
	1	2	3	4	5	Month	Cons. Use (in/mo)	1	2	3	4	5	Month	Cons. Use (in/mo)
Alfalfa	.27	.25	.24	.24	.23	Jul	6.64	.30	.29	.28	.27	.26	Jul	7.47
Alfalfa seed														
Beans, Dry								.30	.28	.27	.26	.26	Jul	7.29
Beets, Sugar														
Corn, Grain														
Corn, Silage								.25	.23	.23	.22	.22	Jul	6.22
Corn, Sweet								.29	.27	.26	.26	.25	Jul	7.16
Grain, Spring	.29	.27	.26	.25	.25	Jul	7.11	.25	.23	.22	.22	.21	Jun	6.15
Orchards, With Cover								.30	.29	.28	.27	.26	Jul	7.48
Pasture Gresses	.22	.21	.20	.19	.19	Jul	5.53	.25	.23	.23	.22	.22	Jul	6.21
Peas	.27	.25	.24	.23	.23	Jul	6.59	.30	.28	.27	.26	.26	Jul	7.31
Potatoes, Irish	.32	.30	.29	.28	.28	Jul	7.87	.33	.31	.30	.29	.29	Jul	8.06
Sod														
Vegetables, Small								.21	.20	.19	.19	.18	Jul	5.38
Wheat, Winter (Fall)								.05	.05	.05	.05	.05	Oct	1.50
Wheat, Winter (spr.)								.21	.20	.19	.18	.18	Jun	5.28

	CLIMATIC ZONE 3							CLIMATIC ZONE 2						
Weather Station:	Livingston							Malta						
County:	Park							Phillips						
Crop	Net Irrigation Application (inches)					Peak Month		Net Irrigation Application (inches)					Peak Month	
	1	2	3	4	5	Month	Cons. Use (In/mo)	1	2	3	4	5	Month	Cons. Use (In/mo)
Alfalfa	.28	.26	.25	.25	.24	Jul	6.88	.32	.30	.29	.28	.27	Jul	7.72
Alfalfa seed														
Beans, Dry														
Beets, Sugar														
Corn, Grain														
Corn, Silage	.22	.20	.20	.19	.19	Aug	5.47	.26	.25	.24	.23	.23	Jul	6.54
Corn, Sweet	.26	.24	.23	.23	.22	Jul	6.37							
Grain, Spring	.26	.25	.24	.23	.23	Jul	6.52	.28	.27	.26	.25	.25	Jul	7.02
Orchards, With Cover														
Pasture Grasses	.23	.21	.21	.20	.20	Jul	5.72	.26	.24	.23	.23	.22	Jul	6.42
Peas														
Potatoes, Irish														
Sod														
Vegetables, Small														
Wheat, Winter (Fall)	.05	.05	.05	.05	.05	Oct	1.50							
Wheat, Winter (spr.)	.21	.20	.19	.19	.19	Jun	5.41							

MONTANA IRRIGATION MANUAL

PREFACE

This Montana Irrigation Manual contains "how to" information for use by Soil Conservation Service personnel in Montana. A companion document, the Montana Irrigation Guide, contains technical data needed to properly make use of the procedures described herein. Some of this information may be of use to others.

This manual is intended to cover the most frequently encountered irrigation related questions and problems that Soil Conservation Service (SCS) personnel must deal with in Montana. In general, material contained in SCS National Engineering Handbooks, the SCS Engineering Field Manual, and other readily available SCS references are not duplicated here. There are some instances where figures, tables or statements are included from such documents for the purpose of continuity and clarity.

Some subjects are only covered in enough detail to describe the subject in general terms. Other references will need to be consulted to become proficient with these subjects.

The manual is loose-leaf, and will be updated and modified as the need arises. Those using this document should make sure they are on the list for updates. The list will be maintained by the SCS State Water Management Specialist.

Any errors, omissions or suggestions for improvement should be brought to the attention of:

State Water Management Specialist
USDA Soil Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715

Figure 9.3
EXAMPLE IRRIGATION PLANNING WORKSHEET

MT

IRRIGATION PLANNING
WORKSHEET
(fill out only as needed)

page 1

Landuser Joe Example Date 7/24/86
Location SE¼ Sec 20 T3N R29E County Yellowstone
Planner Ed Planner Field Office Billings
Field name/number East Field

SYSTEM FLOW REQUIREMENT CALCULATIONS

SOILS DATA

Limiting Soil Series Name	Total Available Water Capacity (AWC) 1 ft	2 ft	3 ft	4 ft	5 ft	Depth to Restrictive Layer (ft)	Intake Family/Group 1/
Glenberg loam	1.8	3.4	6.0	6.0	7.9	76	E
Keiser silty clay loam	2.0	4.0	6.0	8.0	10.0	76	D

WEIGHTED MONTHLY CONSUMPTIVE USE

Crops (Grown in the same season)	Acres (A) (Portion of Area)	Monthly Consumptive Use: June MCU (in/mo)	June A x MCU	July MCU (in/mo)	July A x MCU	August MCU (in/mo)	August A x MCU
Corn (Silage)	50	3.04	152	6.38	319	6.20	310
Alfalfa	76	7.0	433	7.51	571	6.14	467
Total	126		585		890		777
Weighted average consumptive use = (A x MCU / total A)			4.64		7.06		6.17

IRRIGATION REQUIREMENTS

Crops	Root Zone Depth (ft)	Total AWC (in)	Management Allowed Deficit (%AWC)	Max. Net Replacement (SWD @ MAD) (inches)	Peak Daily CU (in/day)	Max. Irr. Frequency (SWD @ mad/CU) (days)
Corn (Silage)	4	6.0	50%	3.0	.26	12
Alfalfa	5	7.0	50%	3.5	.25	14

SYSTEM FLOW REQUIREMENTS

Alternative System Design (Title)	Irrigation Application: Net (D) (inches)	Efficiency (E)2/ (percent)	Gross (D/E) (inches)	Weighted Peak Daily CU 3/ (in/day)	Maximum Irrigation Frequency (F)= D/CU (days)	Minimum System Flow Requirements: Total (Q)4/ (gpm)	(gpm/ac)
Pivot	7.0	70	1.43	.28	2.5	970	7.7
Side Roll	3.0	65	4.6	.26	12	998	7.9

1/ Either sprinkler intake group, border intake family, or furrow intake family.

2/ "E" is design efficiency.

3/ Use weighted monthly consumptive use calculated above, and determine daily peak consumptive use from table 4.3 in the guide.

4/ $Q = \frac{453 \times A \times D}{F \times H \times E}$ = required system capacity (H = total operating hours/day)

In areas like Montana, for which few or no measurements of consumptive use are available, it is usually necessary to estimate consumptive use of crops from climatological data. There are several methods available to do this. The Soil Conservation Service (SCS) has used the Blaney-Criddle method. Other methods are now being used when adequate climatological data is available.

4.2.2 MODIFIED BLANEY-CRIDDLE (TR-21)

Since the 1950's the SCS has used the modified Blainy-Criddle method to estimate the consumptive use. A detailed discussion of this method is in SCS Technical Release No. 21.

Blaney and Criddle found that the amount of water used by crops during their normal growing season was closely related to mean monthly temperatures and daylight hours. They developed coefficients that can be used to transpose the consumptive use data for a given area to other areas for which only climatological data is available. Temperature and precipitation records are more readily available than most other climatic data. The effects of sunshine can be introduced by using the length of days during the growing season at various latitudes.

The Blaney-Criddle procedure has generally given sufficiently accurate results when used for the purpose for which it was originally developed; that is for estimating seasonal consumptive use. However, the design and management of irrigation systems, distribution systems, and water storage facilities require that estimates of consumptive use be made for shorter periods. The Blaney-Criddle procedure should only be applied for periods of one month or longer.

Built into the TR-21 procedures are crop coefficient curves which adjust the calculated potential evapotranspiration value for crop stage. These coefficients are unique to the Blaney-Criddle procedure and should only be used with that procedure.

One factor of importance for Montana that is not considered in the Blaney-Criddle procedure is the effect of elevation on consumptive use. The authors of FAO Irrigation and Drainage Paper 24, "Crop Water Requirements" suggest that consumptive use values can be adjusted upward some three percent for each 1,000 feet altitude change above sea level. Pochop, Borrelli and Burman studied the effect of elevation on values derived by the TR-21 procedure in Wyoming. Their conclusion was that calculated consumptive use should be increased 2 to 3 percent per 1000 feet in elevation above the location at which the formula is calibrated, and decreased 2 to 3 percent per 1,000 feet for locations below the calibration location.

Calibration of the TR-21 Blaney Criddle procedure has not been accomplished in Montana. Until such time as calibration is accomplished or another procedure such as the FAO method, is calibrated and adopted, it is recommended that consumptive use be adjusted 3 percent upward per 1,000 feet in elevation for sites with elevations greater than 1,000 feet above sea level. This recommendation is based on the assumption that the original calibration was at locations in the vicinity of 1,000 feet elevation.

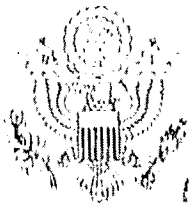
ATTACHMENT 31

UNITED STATES CODE

1982 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES, IN FORCE
ON JANUARY 14, 1983

Prepared and published under authority of Title 2, U.S. Code, Section 285b
by the Office of the Law Revision Counsel of the House of Representatives



FEDERAL DEPOSIT PUBLICATION

VOLUME SIX

TITLE 16—CONSERVATION

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1983

§ 37. Provision of feed and range facilities for game animals

As a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of sections 37 to 40 of this title.

(May 26, 1926, ch. 399, § 1, 44 Stat. 655.)

CROSS REFERENCES

Conservation of elk in Wyoming, National Elk Refuge in Wyoming, and Wyoming Elk Reserve, see sections 673 to 673e of this title.

Trust funds, donations for National Park Service deposited into Treasury as, see section 1321 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38, 39, 40 of this title.

§ 38. Exchange for State or private lands authorized

The Secretary of Agriculture is authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships described in section 37 of this title, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

(May 26, 1926, ch. 399, § 2, 44 Stat. 655; June 11, 1960, Pub. L. 86-509, § 1(f), 74 Stat 205.)

TRANSFER OF FUNCTIONS

Functions of the Secretary of the Interior under this section, with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana, transferred to the Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat 205, set out as a note under section 2201 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 39, 40 of this title.

§ 39. Reservation of timber, minerals, or easements by owners on exchange

Reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of sections 37 to 40 of this title. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in said sections: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(May 26, 1926, ch. 399, § 3, 44 Stat. 656.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 40 of this title.

§ 40. Additions to park; entry under other acts

The President of the United States is authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of sections 37 to 40 of this title, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as

are authorized by section 39 of this title; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of sections 37 to 40 of this title: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 37 of this title shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests.

(May 26, 1926, ch. 399, § 6, 44 Stat. 656.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

Act of June 11, 1906, referred to in text, means act June 11, 1906, ch. 3074, 34 Stat. 233, which was classified to sections 506 to 508 and 509 of this title, and was repealed by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157.

CROSS REFERENCES

Change of boundaries of park, see section 21a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 39 of this title.

§ 10a. Educational facilities for dependents of employees; payments to school districts; limitation on amount

Under such regulations as may be prescribed by the Secretary of the Interior, payments may be made, as provided in sections 40a to 40c of this title, in advance or otherwise, from any revenues received by the United States from visitors to Yellowstone National Park, to the appropriate school district or districts serving that park, as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the administration, operation, and maintenance of the park, and living at or near the park upon real property of the United States not subject to taxation by the State or local agencies and upon which payments in lieu of taxes are not made by the United States: *Provided*, That the payments for any school year for the aforesaid purpose shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils, in average daily attendance during that year, bears to the whole number of pupils in average daily attendance at those schools for that year.

(June 4, 1948, ch. 417, § 1, 62 Stat. 338.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40b, 40c of this title.

§ 10b. Cooperative agreements with States or local agencies; expansion; Federal contributions

If in the opinion of the Secretary of the Interior, the aforesaid educational facilities cannot be provided adequately and payment made therefor on a pro rata basis, as prescribed in section 40a of this title, the Secretary of the Interior, in his discretion, may enter into cooperative agreements with States or local agencies for (a) the operation of school facilities, (b) for the construction and expansion of local facilities at Federal expense, and (c) for contribution by the Federal Government, on an equitable basis satisfactory to the Secretary, to cover the increased cost to local agencies for providing the educational services required for the purposes of sections 40a to 40c of this title.

(June 4, 1948, ch. 417, § 2, 62 Stat. 339.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40a, 40c of this title.

§ 10c. Creation of special fund; expenditure

For the purposes of sections 40a and 40b of this title, the Secretary of the Treasury is authorized to maintain hereafter in a special fund a sufficient portion of the park revenues, based upon estimates to be submitted by the Secretary of the Interior, and to expend the same upon certification by the Secretary of the Interior.

(June 4, 1948, ch. 417, § 3, 62 Stat. 339.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40a, 40b of this title.

SUBCHAPTER VI—SEQUOIA AND YOSEMITE NATIONAL PARKS

GENERAL GRANT NATIONAL PARK ABOLISHED

General Grant National Park was abolished and lands transferred to Kings Canyon National Park, see section 80a of this title.

§ 11. Sequoia National Park

The tract of land in the State of California known and described as township numbered 18 south, of range numbered 30 east, also township 18 south, range 31 east; and sections 31, 32, 33, and 34, township 17 south, range 30 east, all east of Mount Diablo meridian, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as provided in section 43 of this title, shall be considered trespassers and removed therefrom.

(Sept. 25, 1890, ch. 926, § 1, 26 Stat. 478.)

CROSS REFERENCES

Revision of boundaries of park, see section 45a of this title.

Bozeman Daily Chronicle
The Big Sky
Sunday, August 14, 1988 3

Miscue kills park cutthroat

By PARKER HEINLEIN
Chronicle Staff Writer

YELLOWSTONE NATIONAL PARK, Wyo. — A miscalculation by the U.S. Fish and Wildlife Service during a fish survey Thursday on Soda Butte Creek near the Northeast Gate killed between 400 and 500 cutthroat trout.

"We were doing some chemical sampling," fisheries biologist Bob Gresswell said. "We miscalculated."

Gresswell and other USFW biologists were using the chemical compound rotenone while doing a genetic survey of Soda Butte Creek cutthroat. The fish must be dead to be genetically tested Gresswell said. Rotenone, which is a biodegradable chemical, is deadly to fish, but harmless to mammals.

"We used just a little too much (rotenone)," Gresswell said. "It was a shame. I feel really badly."

The biologists added a rotenone-antidote called potassium manganete to the creek after collecting fish for testing, but the chemical solution failed to nuetralize the rotenone.

Gresswell said smoke and ash from the nearby Clover-Mist fire may have been part of the problem.

"There was a heavy ashfall in the area at the time and it's possible that the ash in the water cancelled the detox chemical," he said. "But we really don't know what happened."

Gresswell estimated that all of the fish killed were within a half-mile stretch of water below the testing site near Ice Box Canyon. The dead fish washed downstream to the Pebble Creek area and were collected by USFW employees Friday.

"It looked worse than it really was," Gresswell said. "Within a year the fishing in that stretch will be back to what it was before. I doubt if any anglers notice any change in the creek. They were mostly young fish."

EXHIBIT 2

1. REHABILITATION CONTINGENCY. This authorization is contingent upon the holder's timely performance and satisfactory completion of items set forth in the approved rehabilitaton plan and improvement schedule which is expressly made a part of this authorization.

2. ROAD REHABILITATION AND CLOSURE. Upon completion of use, the Permittee shall perform the following:

Any slash or leaning trees as a result of road-use operations will be disposed of by cutting at ground level, scattering and lopping so as to lie close to the ground.

The road prism will be reshaped and smoothed to the natural contour providing scarification of compacted areas to a depth of at least two inches to prepare for grass seeding.

The road prism, including all areas disturbed through use under this permit will be broadcast-seeded and fertilized to the following specifications:

Species Mix Species	Seeding Rate (lbs/acre) (Pure, Live Seed)
Crested wheatgrass (Agropyron desertorum)	3
Siberian wheatgrass (A. sibericum)	5
Canadian bluegrass (Poa compressa var. Rubens)	1
Pubescent wheatgrass (Agropyron trichophorum)	19
Yellow sweetclover (Melilotus spp)	5
	33 lbs/acre

PLS: Each seed rate is given in PLS (Pure Live Seed). Since seed from suppliers varies in quality, each rate must be modified to allow for dead or defective seed. If PLS = 90%, a PLS rate of 20 lbs/acre must be raised to 20 + (1 - 0.9) 20 = 22 lbs/acre actual seeding rate. PLA proportions of 97% or above can be ignored.

BOZEMAN DAILY CHRONICLE, Tuesday, June 28, 1988

Sewage leaked into park river

By TERRY SACKS
Chronicle Staff Writer

Some 100,000 gallons of raw sewage from a Yellowstone National Park development leaked into the Yellowstone River last week following a mechanical failure at a sewage treatment plant, park authorities have confirmed.

A lightning storm last Tuesday resulted in a power failure at the Fishing Bridge sewage pump station in Yellowstone Park, causing the sewage pumps to fail and some 50,000 to 100,000 gallons of raw sewage to overflow into the Yellowstone River, park spokeswoman Amy Vanderbilt confirmed when coutacted .by The Chronicle on Monday.

And Tuesday's incident was followed on Wednesday by yet another discharge at Fishing Bridge of some 4,000 gallons of raw sewage into the Yellowstone, also caused by a power failure in a lightning storm, Vanderbilt said.

While Yellowstone Park and Wyoming state authorities say the spill shouldn't cause any environmental or health problems, one Bozeman environmental advocate says the sewage spill is a reminder that Yellowstone's aging facilities are inadequate for the growing demands placed on them.

Moreover, the environmental expert says the spill, in a critical area for grizzly bears, is another reason why the Fishing Bridge recreational area should be dismantled.

Vanderbilt said park authorities tried several times last week to report the two incidents of raw sewage discharge to the Wyoming Department of Environmental Services, as required by state and

See SEWAGE, page 8

Sewage/ *from page 1*

federal law, but that the responsible Wyoming authorities couldn't be reached.

The latest events followed a less serious spill of treated sewage onto the ground at Grant Village near Yellowstone Lake that the Park Service reported to Wyoming officials last week.

Although the Fishing Bridge sewage pump station has a backup pumping system, that system failed when the control panel and trouble light were shorted out, causing workers to believe there was no problem, Vanderbilt said. After Tuesday's malfunction, employees were able to stop the raw sewage dumped into the river during Wednesday's storm at 4,000 gallons, she said.

Nancy Ward, acting maintenance supervisor at the park, said water samples were taken at Canyon Village some 10 miles downstream from the spill where river water is taken in for drinking water. The tests turned out negative for bacteria contamination, Ward said.

"We don't believe there's a (health) concern," Vanderbilt said. "I've been assured there is no concern about contamination."

However, "as a precautionary measure," extra chlorine was added to the drinking water at Canyon Village, which comes out of the river, Ward said.

"All precautions have been taken to prevent contamination downstream," Vanderbilt said.

She added that the park has taken "additional corrective measures" to prevent future discharges of raw sewage into the pristine Yellowstone Park waterways.

Ward explained that an alarm system was installed Friday to warn dispatchers at the park's central communication center of surges in river levels. Thus, temporary discharges of sewage would trigger a switch that rings a phone in the central dispatch center.

"That way, we don't have to rely on checking the water every second," she said. "Obviously it doesn't solve lightning problems but it will alert us before the problems become too big."

Meanwhile, a Wyoming water quality official — though he hadn't yet been officially notified of the spill — said it's unlikely the raw sewage would harm the river.

The "massive dilution factor" of the Yellowstone River's enormous water flow would mitigate environmental damage, Jeff Hermansky of the Wyoming Department of Environmental Services, said Monday from Lander, Wyo.

"Of course, that's not an excuse for the discharge of raw sewage," he said.

"We'll be making an inspection of facilities in the park to see why that particular (pump) station failed," he said, adding that the follow-up inspection would be done to assure it doesn't happen again.

Sewage spills into Yellowstone's waterways "is not a growing concern but an ongoing one," Hermansky added. "Our job is to assure that any discharges meet state and federal standards and to keep them as low as possible."

Asked why the Fishing Bridge pump station was built to allow raw sewage to overflow directly into the river, Hermansky said the station would no longer pass muster because it was built before state laws requiring such measures as emergency holding ponds for untreated waste.

"We wouldn't allow (the possibility) of discharges directly into the waterway" in new systems, Hermansky said. "It's an old system."

Louisa Willcox, program director at the Greater Yellowstone Coalition, a Bozeman-based environmental group, says the incident reflects a larger, nationwide concern over aging National Park system facilities, especially in Yellowstone because it's the model for the entire park system.

"When Yellowstone was built nobody was envisioning the kind of use it would be getting," she said. "The sewage system isn't designed to deal with the kind of use it's receiving at this point....

"The whole sewage system should be looked at, if not totally revamped. Now, it's a question of getting the dollars," said Willcox, who testified in Washington, D.C., last week at a congressional subcommittee looking into such problems of the park system.

"This fits in with the larger concern with what the hell's happening to our national park system, measured by the failures in Yellowstone," Willcox said.

The Fishing Bridge sewage pump station was built between 1973 and 1975 for handling about 600,000 gallons of sewage a day, said Tim Hudson, chief of maintenance at Yellowstone. The station is currently handling about 250,000 gallons a day, well under its capacity, he said.

"Basically every system was gone through in the 1970s," Hudson said, adding that Yellostone's sewage systems are continually being improved when needed.

The Greater Yellowstone Coalition has has advocated dismantling the Fishing Bridge campgrounds area because it conflicts with grizzly bear habitat, Willcox said. "The whole facility should be eliminated, in our view. Then we wouldn't have to deal with this kind of thing.

"We can expect this kind of thing to continue to happen."

Ward said the sewage problems were solely the result of lightning storms. "I'm sure a lot of city systems are probably dealing with similar types of things," she said. "As long as you have sewage systems and mechanical parts, you're going to have problems."

BOZEMAN DAILY CHRONICLE, Monday, July 4, 1988

Fishing stunk on Yellowstone River

Fishermen who flocked to the Yellowstone River for the salmonfly hatch on Sunday, June 26, were disappointed to find the blue-ribbon trout stream turned into a brown sea of mud.

Or was it mud?

A few days later, the Chronicle learned that a sewage plant malfunction June 26-27 had discharged about 100,000 gallons of raw sewage into the Yellowstone River at Fishing Bridge in Yellowstone National Park.

By Sunday, fishing on the Yellowstone River downstream at Gardiner stunk, anglers reported.

16—LIVINGSTON ENTERPRISE, Wednesday, June 29, 1988

Sewage seeps into Yellowstone River

Fishing Bridge power failure leaks 100,000 gallons of pollution

By The Associated Press

More than 50,000 gallons of raw sewage leaked into a river in Yellowstone National Park last week following a mechanical failure at a sewage treatment plant, park officials have confirmed.

A power failure at the Fishing Bridge sewage pump station last week caused the sewage pumps to fail and some 50,000 to 100,000 gallons of raw sewage to overflow into the Yellowstone River, said park spokeswoman Amy Vanderbilt.

The following day, about 4,000 gallons more went into the Yellowstone, again because of a power failure in a lightning storm, Vanderbilt said.

Vanderbilt said park authorities tried several times last week to report the two incidents to the Wyoming Department of Environmental Services, as required by state and federal law, but that the responsible Wyoming authorities couldn't be reached.

The latest events followed a less serious spill of treated sewage onto the ground at Grant Village near Yellowstone Lake that the Park Service reported to Wyoming officials last week.

Although the Fishing Bridge sewage pump station has a backup pumping system, that system failed when the control panel and trouble light were shorted out, causing workers to believe there was no problem, Vanderbilt said.

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4—LIVINGSTON ENTERPRISE, Wednesday, July 13, 1988

Breaking new ground

Soil scientists mapping Park County cropland to beat federal deadline

By DAVID ABRAMS
Enterprise Staff Writer

Soil scientists from Livingston, New Mexico and South Carolina are working side by side, racing against the clock to get all of Park County's cropland mapped by 1990.

The three are trying to meet a federal deadline imposed by the Food Security Act of 1985 that requires farmers who have highly erodible soil to draw up conservation plans in order to retain their eligibility for certain U.S. Department of Agriculture program benefits.

Don Freeman of the local Soil Conservation Service office has been working with several area farmers, helping them determine if their land is seeing any soil loss due to erosion.

Since he was able to survey only four ranches in the county this spring, Freeman says the work of the soil scientists will greatly expand on what he has done.

In simple terms, says South Carolina soil scientist Dennis DeFrancesco, "Our job is to punch holes and see what soils are out here."

In reality, that job is tedious and time-consuming.

However, because of the federal deadline, extra time is in great demand by all parties concerned.

"Originally," says New Mexico scientist Gerald Stratton, "the goal was to have every acre in the United States mapped by the year 2000. Because of the new federal bill, it's been sped up."

DeFrancesco, Stratton and Livingston soil scientist Sandy Schultz have been working their way south from the Park County-Meagher County line since June 6.

So far, they have mapped 15,000 of the county's 230,000 cropland acres. On any given day, they average about 1,500 acres.

By September, they are hoping to have 100,000 acres completely tested, classified and mapped.

They estimate that nearly two-thirds of the land they have surveyed so far could be classified as highly erodible.

In New Mexico, Stratton says, there is a higher percentage of highly erodible land and thus a greater interest in the conservation program.

Due to wind erosion problems, he says, entire counties in his home state have fallen into the highly erodible category.

The Park County team of scientists — which is supervised by Daryl Lund, soil specialist for Gallatin County — is not alone in the state. Sixteen other scientists have been called to Montana from across the United States.

Four other states — North Dakota, Illinois, Missouri and Minnesota — are also requiring outside help in order to make the 1990 deadline.

In Montana, Stratton says, the focus is on the Hi-line because there is more cropland in that region.

However, by next summer, the number of scientists assigned to Park County could easily triple as the deadline nears for completing the soil maps.

Currently, there are approximately 1,000 soil scientists in the United States.

Ms. Schultz, who recently graduated from Montana State University with a B.S. in soil science, says this means the soil career field is





A team of soil scientists — Gerald Stratton from New Mexico, Sandy Schultz from Livingston and Dennis DeFrancesco from South Carolina — look at the texture of a soil sample taken north of Wilsall last week. The scientists are surveying and mapping all of Park County in compliance with a federal conservation program. Below left, Stratton and DeFrancesco examine clumps of clay-like earth on the hydraulic auger. (Enterprise photos by David Abrams).

ripe for those who literally want to get their hands dirty.

Last week, as the three worked their way through the Muddy Creek drainage just north of Wilsall, holes were being bored 8 feet into the topsoil with a hydraulic auger.

Pointing to the hard clumps of soil on the threads of the auger, DeFrancesco explained that differing layers — or, "horizons" — of earth are determined by changes in color, chemistry and texture.

Squeezing a clod in his palm, DeFrancesco notes that the sample indicates the layer of clay soil goes down to three feet. "Over there," he points to a spot 200 feet away where another hole had recently been dug, "it was only one foot deep. It's our job to recognize these differences and put them on the map."

The soils are also put through an acid test to determine if there is a high carbonate content.

Dripping the acid on a soil sample, Ms. Schultz says, "If it fizzles, it has carbonates and if there are carbonates, that means the soil is highly erosive."

Color is another important factor when examining the topsoil of the cropland.

DeFrancesco explains that even if the soil is dry on the day of the survey, the soil's color will indicate if it is normally wet. "The soils don't lie," he says.

As such, he adds, effects of the recent drought will not surface in the survey.

Each soil falls into a certain standard classification. The scientists then enter that class' number onto an aerial photo-map of the cropland being surveyed.

"Soils have names just like plants and animals," says DeFrancesco.

Occasionally, the scientists admit they are stumped as to what class of soil their sample belongs. In these instances, a new name must be given to the soil.

For this reason, the town of Wilsall has a permanent place in soil science history books.

While mapping soil in northern Park County, DeFrancesco says they encountered a soil with properties unlike any that were already on the books. Because they were near Wilsall, they decided to name it after the town.

They have also "discovered" another new soil and named it Vershall — "a nonsense word," DeFrancesco says with a laugh.

Once the land has been tested and mapped, a report on the findings is published — "usually five to seven years later," Stratton says.

Freeman and area ranchers can't afford to wait that long since federal guidelines state that conservation plans must be drawn up within two years of mapping.

Freeman says he is collecting maps from the scientists almost as fast as they can produce them so that he can begin working on the conservation plans.

DeFrancesco admits that he expected to come to Park County with a soil survey already one or two years in progress.

The county's soils have never before been mapped, but he says the team's past experiences coupled with the impending 1990 deadline only means they will have to push harder to break new ground.

"We're working from scratch here in Park County," he adds, "but once you're a soil scientist, you can read a landscape anywhere in the country."

Attachment 37

Church beats bureaucrats by dividing ranch

By WILLIAM NELL
Gazette Bozeman Bureau

LIVINGSTON — Beating the gun on a proposed countywide zoning ordinance, the Church Universal and Triumphant split up its entire 12,000-acre ranch into 20-acre tracts Monday.

The church's action, undoubtedly one of the largest divisions of land ever in Park County, frees it from the proposed limitation that will prevent splits of agricultural land into parcels of less than 40 acres without a zone change.

The church's action is bound to add controversy to the already hotly contested zoning issue that was recommended for passage by the county planning board last week and delivered to the county commissioners Monday.

The Los Angeles-based church bought the ranch located five miles northwest of Gardiner adjacent to Yellowstone National Park last September from financial publisher Malcolm Forbes and named it the Royal Teton ranch. It harbors critical elk habitat and borders the Yellowstone River for seven miles.

Church leaders have repeatedly stressed they have no intention of subdividing the property that is envisioned as the church's "inner retreat," comprising a self-sufficient community for church followers.

Church business manager Ed Francis, also ranch manager, said in a press release issued Monday that dividing the property "was a very difficult decision to make. We have never intended to subdivide our property and we do not intend to sell any of the lots in the future — but we just do not feel right about giving in to this massive taking of property rights."

Francis said previous county actions have alerted the church of an antagonistic relationship and, "we do not trust them to treat us or other landowners fairly in the future. We have therefore been forced to secure at least some of our rights to determine the future use of our property by severing the ownership of the ranch into 20-acre tracts."

All of the ranch except the abandoned towns of Aldrich and Evandale was divided into tracts by identifying each parcel by description only rather than actual survey. Deeds to alternate

(More on Church, Page 6A)

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278

Continued stories

Church

From Page One

tracts were conveyed to either Royal Teton, the Church Universal and Triumphant, the Summit Lighthouse, all Montana corporations, or Summit University, a California corporation that is the church's educational outlet near Malibu, Calif.

Francis told The Gazette that if the church intended to subdivide, it would have had the lots surveyed and "laid out the lots properly. It's very difficult to sell property subdivided in this manner," he said in reference to the blanket checkerboard legal descriptions filed with the divisions Monday.

"Our intent is not to sell lots, we aren't putting any up for sale, we don't ever intend to sell any, we won't even sell any to our own members," Francis explained.

"It's strictly a move to secure our property rights ... it just lessens the impact of zoning on our property," Francis said.

Francis said under the zone plan, buildings would be limited to 40 acres and that by splitting the land into 20-acre parcels, it "doubles the opportunity, doubles the flexibility and leeway in the future."

However, he admitted landowners could seek a zone change for more than one building on a parcel of ag land under the plan.

County Attorney Bruce Becker advised county commissioners Monday that they could act on the zoning proposal without holding another public hearing or allowing another 30-day protest period, contrary to earlier published reports.

Becker's latest opinion on procedure was what convinced the church to divide its land, Francis said.

Francis charged Monday that Becker is "wrong, both as a matter of state law and on basic constitutional principles of due process."

After hearing about Francis' complaints, Becker said he would "reconsider" his legal stand and deliver a final opinion on procedure at a special commission meeting 2 p.m. Wednesday.

Prior to Becker's change of mood, Commissioner Pete Knutson was ready to vote.

Francis called the zone plan "a massive land grab, an attempt by an unresponsive local government to slam the door on development and take the right of self-determination out of landowners' hands."

He is not alone in his criticism. Petitions have been presented to the county commission signed by 655 opposing the zone plan, in addition to largely negative outcry received at two earlier public hearings held by the planning board. There also have been 71 letters against and 20 for the zone plan , plus 50 form protests from a newspaper ad.

County Planner Steve Herbaly earlier said state state law required another public hearing, a commission-passed resolution of intention to adopt, and a 30-day wait to allow protesters a chance to obtain 1,472 signatures. Those signatures represent 40 percent of the county's registered landowners and would legally kill the plan.

Officials agreed Monday that a new petition would be needed to stop the plan.

Monday afternoon Herbaly confessed that he was "misinformed ... mistaken" with his earlier understanding of procedure. Becker said the confusion over procedure came about because "we're trying to implement something here and the Legislature didn't tell us how to do it. We're kind of flying by the seat of our pants."

He said he hopes to get advice from the attorney general's office by Wednesday on who would vote on the matter if the commission decides to put the matter on the ballot. Many protesters have urged that move.

In a related church matter, Francis said Monday it "looks real promising" that a summer convention expected to draw thousands will still be held at the Montana ranch this summer.

Church members were told if the $1.5 million September mortgage payment wasn't on hand by May 1, the convention would be held in California.

Francis said more than half the needed funds have been raised and a final decision will be made in the next few weeks.

BOZEMAN DAILY CHRONICLE, Thursday, July 7, 1988

Letters

Geothermal worries

I am concerned about geothermal development of areas immediately surrounding Yellowstone National Park, namely La Duke Hot Springs. I am presently employed by the Yellowstone National Park Research Division as a geothermal technician. This letter represents my personal views, not those of Yellowstone National Park.

My work involves studying the geysers and hot springs within the park. An obvious point that stands out to me is that the geysers and hot springs operate on an extremely fine equilibrium. I will cite several examples in the Upper Geyser basin, which has been the center of most of my studies.

Solitary Geyser was a hot spring until it was deliberately tapped for its hot water, to feed a now-removed swimming pool. Tapping the spring's water supply decreased the spring's hydraulic head and caused the spring to begin erupting. The eruptions altered the spring's plumbing system enough that the spring continues to erupt today, even though use of the water supply was discontinued many years ago. I have observed that the eruptive patterns of geysers are affected by changes in barometric pressure, wind, air temperature, and note this one: the greater percentage of all the geysers and hot springs are affected by changes in the activity of other (evidently related) thermal features. Explanations for some of these observations are readily apparent, while others cannot be explained without further research. Some patterns relating one thermal feature to another don't show up for decades. Proper research will take time, and I don't mean just a few years.

Geothermal tapping of La Duke Hot Springs will probably destroy the spring by stopping all water flow. If a connection exists between La Duke and the Mammoth Hot Springs area, the decrease in La Dukes' system pressure (due to tapping) could easily cause a slight decrease in the water output of the larger Mammoth Hot Springs. The effects of this change could take years to show up, but the result would be the slow drying up of Mammoth Hot Springs — thus its death.

Our forefathers used their ability to think, and created a national park to preserve the uniqueness of the Yellowstone area. They did not need a previous example to go by, nor did they let legalities get in their way. Have we lost the ability to think on our own? Must every action revolve around whether or not it makes a buck? Can't we recognize a delicate international treasure when we see one? I cannot believe that the welfare of part of the largest, most unique geothermal area on the earth is at the mercy of the personal greed of a small group of newly arrived, wealthy individuals — namely the Church Universal Triumphant.

Don't allow any geothermal development near Yellowstone National Park.

Phil Landis
P.O. Box 154
Bozeman

Sunday, August 28, 1988 The Billings Gazette

opinion

Park policy devastating

The front-page picture on The Billings Gazette Wednesday looked like ground zero after a nuclear attack.

GAZETTE OPINION

National Park Service photographer Jeff Henry walked over earth burned to ash, stepping over charred bones of a once beautiful forest lying like an indictment on the land.

The scene stretched the imagination, and the sky was gray with smoke.

Reports have come as from a battlefield. Yellowstone National Park has come under fire, and tourists and park workers have been evacuated as soldiers were evacuated from Saigon, fleeing a tide they cannot turn.

And in Billings, the sky is gray day after day, gray with soot, gray as the chances of stopping the fires that rage across the park.

The Gazette picture seems to reveal all. But there is something hidden in those ashes, in the charred bones of those century-old trees.

And that is an explanation from Park Superintendent Robert Barbee about how all this could have happened.

We know the standard response: The park has a free burn policy to ensure the area grows and develops as it would have in a pristine state. If man interferes with the natural process, the park is no longer a park.

Under normal circumstances that policy makes good sense. But conditions at the park this year are anything but normal, and the policy comes up as dry as Montana. Barbee and company should have seen that. The fact that they didn't is a matter of grave concern.

We are in the midst of record drought. Pine needles are brittle as glass and drip like gasoline from trees.

One match, one flash of lightning, a park policy that says burn, baby, burn, and the park was aflame.

In response, the Park Service did nothing but spray policy at the blaze until it was too late. Then, when the war was lost, an army of firefighers was called in.

This fiasco is riddled with questions, and it's not too late for Congress to demand to know why Barbee blindly rode a dead policy into hell.



BOZEMAN DAILY CHRONICLE, Tuesday August 16, 1988

Cooke City people want fires put out

By PARKER HEINLEIN
Chronicle Staff Writer

COOKE CITY — Worried residents of Cooke City and Silver Gate want Yellowstone National Park officials to put out the park's largest fire, which approached to less than 10 miles of the tiny mountain communities by this morning.

The Clover-Mist fire, which has been burning since July 9, had grown to an estimated 96,000 acres by Monday evening and continues to burn in a northeasterly direction toward the park boundary. Smoke in the area has been extremely heavy for 10 days.

"This fire has done everything they said it wouldn't do," Silver Gate motel owner Hays Kirby said this morning. "Embers are falling over the town and they tell us not to worry."

"We want this fire stopped," restaurant owner Kay King added. "We're concerned about our families. The smoke has made us all ill."

Residents of the two towns, located in the heavily timbered upper Soda Butte valley just outside the northeast gate to the Yellowstone, met with National Park Service, U.S. Forest Service and Department of State Lands officials three times Monday to voice their concerns.

A buffalo leaving the park Monday afternoon did little to allay their fears.

"There's what your fire is doing," outfitter Rex Jackson told a crowd of close to 100 assembled at the Range Riders Lodge in Silver Gate. The buffalo headed north down the middle of Highway 212.

Another meeting was scheduled this morning.

"The communications are getting better," said King. "We hope they'll meet with us for the next five days."

Kirby, a former Air Force pilot who flew over the area Monday night, claimed the fire was closer to Cooke City and Silver Gate than had previously been reported.

"We were told yesterday that there was no danger the fire would enter the Soda Butte drainage," Kirby said. "It crossed over last night."

According to park spokeswoman Joan Anzelmo, about 100 firefighters are working on the fire's northern flank where hot spots are concentrated in the

See COOKE, page 8

Cooke/ *from page 1*

Cache Creek drainage, which roughly parallels Soda Butte Creek.

King, however, is concerned that the park is merely trying to contain the fire instead of working to put it out.

"We want it stopped, not suppressed," King said. "I'm interested in whether or not they could even put this fire out if they wanted to."

Residents were assured Monday that Forest Service crews would be available to fight the fire if it does cross the park boundary, but many said that would be too late to save the towns. The townsite of Silver Gate adjoins Yellowstone Park and Cooke City is less than four mile from the park boundary.

"It's pretty scary from this end when you see smoke boiling over the ridge," Cooke City contractor and restaurant owner Gary Brown said. "What's scary is that they're not going to fight it until it gets to the boundary."

LIVINGSTON ENTERPRISE, Tuesday, August 23, 1988

Park officials field fire policy criticism

YELLOWSTONE NATIONAL PARK, Wyo. (AP) — As thousands of firefighters continue to battle weeks-old forest fires in Yellowstone National Park, park officials are fighting their own battle on the political front: trying to convince people that efforts are being made to snuff the flames.

"People keep saying 'why don't you just put them out?'" says Park Superintendent Robert Barbee. "You don't take a 60,000-, 70,000- or 80,000-acre fire and just put it out.

"With the gale force winds we had on Saturday those fires were just awesome and there was nothing anyone could do.... We could have had the entire United States Army in here and it wouldn't have made any difference."

Park officials say they have received numerous telephone calls — many from angry local residents — asking why the park isn't putting out the fires.

"We've been in a suppression mode for seven weeks now and those crews have done everything humanly possible to stop those fires," Barbee says.

There are nearly 4,000 firefighters assigned to the fires, including two Army battalions, supported by dozens of aircraft from helicopters to air tankers.

Barbee says some of the commanders of fires are among the best in the country from the Forest Service and Bureau of Land Management.

Last week, Sen. Max Baucus, D-Mont., blasted park officials for not doing enough to contain the Yellowstone fires during this year's severe drought, particularly the North Fork fire in the western section of the park.

Barbee says the strategy from almost the beginning has been to contain the fire because suppression is impossible. In fact, the strategy on most fires in the park has been to contain the flanks, because the leading edges have been burning so hot that they cannot be contained, he says.

"If you can get a day or two of moisture or no wind, then you can put crews in front of it," he says. "But when it's up and going you can't do that and it's been up and going."

Barbee said the combination of dry fuels on the forest floor and hot, dry weather with high winds has helped generate the large fires. Historica data show there have been similarly large fires more than 100 years ago.

"This is a significant event that has never before occurred in the history of the National Park Service," he says. "I don't know of any larger event with longer term consequences, or as dramatic," he said.

He also says more than 50 fires have been suppressed in the park this year.

Some of the larger fires now burning were caused by lightning as early as June and were allowed to burn without containment efforts. At the time, experts recommended they be allowed to burn because the fuels were not as dry as now.

But, weather patterns brought dry and windy weather without the seasonal thundershowers in the Yellowstone high country, and the fires expanded.

"Obviously if we could step back in time knowing what we know now, we would have employed different strategies," Barbee says.

The Billings Gazette is dedicated to the continued growth of Billings and Montana while recognizing that our unique quality of life must be maintained and preserved.

Wayne E. Schile: Publisher
Richard J. Wesnick: Editor
Carl Rexroad: Managing Editor
Gary Svee: Opinion Editor

Park Service playing Nero in Yellowstone

Guest columnist



Ed Zaidlicz

For years I have fumed and chafed at the cavalier way the National Park Serivce avoided accountability for their stewardship of our timbered parks.

Their arrogant attitude could be attributed to the powerful lobby groups and well organized advocates that encouraged and defended any management policy they enacted.

This self-anointed omniscience and political invulnerability culminated in recent years to a point where efforts were made to develop so called "protective buffer zones" on lands adjoining parks to ensure that the divine dogma on park land not be threatened.

Apparently the N.P. had finally reached the conclusion that Park boundaries, while finite by man's legal decrees, meant little in Mother Nature's grand plan.

Few will contest the NPS' role as "people pushers" or law enforcement authorities in administering the rules and regulations designed to protect the pristine quality of our parks. However, serious questions do arise as to NPS' competence as stewards of the natural resources — forests, ranges, wildlife, soils, watersheds etc.

The current holocaust ravishing Yellowstone Park demands objective evaluation of NPS' fire policy — if nothing else. Permitting fires to burn in timbered country is a delicate decision under the best of conditions. To do so when extreme drought conditions are predicted, when large areas of dead and windthrown timber on precipitous remote sites devoid of any access exists and when strong seasonal wind storms can also be expected can only be described as irresponsible. America is blessed with world class experts in the fields of forestry, range and wild land fire behavior in State and Federal agencies — more specifically in the U.S. Forest Service and the Bureau of Land Management. No evidence is available that these specialists were counseled or listened to when the critical decision was made to "let burn" on the Yellowstone. It was only when the situation "blew up" that professinal help was requested.

Perhaps the most exasperating portion of this futile exercise for me was the hourly progress reports by NPS spokespersons eloquently conveying the impression of how wise and effective the current fire suppression action was. Some got carried away to the point where the conflagration was termed a "blessing" and cause for celebration — champagne no less.

The "learned" prattle about control, containment and strategy to "pinch off" spoke eloquently about the NPS' lack of understanding and perhaps humility. It wasn't until Sunday Aug. 21, that Superintendent Barbee was quoted as admitting that man is helpless under the circumstances.

The enormous economic costs of such blunders in the form of wages, supplies, equipment, reduced tourism, loss of property and timber can be readily computed. Other adverse impacts like air pollution is of short run significance. For me the most troubling consequence of this holocaust is the long term loss of soil holding trees and vegetative cover on precipitous shallow-soiled sites, the massive inevitable soil erosion from sensitive water sheds, the loss of aquifers that recharge our vital streams, the subsequent siltation of many blue ribbon trout spawning beds and the unknown effect on snow pack build up and retantion. Our sensitive watersheds located in Yellowstone may be badly compromised for many years.

The NPS' spokesperson's lame attempts to minimize acreage losses by repeatedly addressing "gross" areas and stressing the islands of green timber within the fire perimeters clearly ignores a serious by product — timber beetle infestation. Timber beetle build up grows exponentially after large fires. Ideal breeding grounds are provided in fire killed and stressed timber. The green islands of trees effectively prolongs the beetles buildup. After the beetles have matured on NPS, guess where they go next?

Clearly Yellowstone N.P. is not a pristine land tract isolated under a magic bubble. What management decisions are made in the park do affect all adjoining lands. Accountability and responsibility rests on the shoulders of all neighbors. If N.P.S. has not profited by their monumental screw up, it may be cogent to establish that "protective buffer zone" — from the exterior boundary of NPS parks inward.

Ed Zaidlicz is a former area director for the Bureau of Land Management and is now active in state issues.

Bozeman
Daily Chronicle

283

A bad choice: Yellowstone National Park's forest fire policy showed an appalling lack of common sense



Jim Derleth
Outdoors columnist

I, for one, don't hate to say "I told you so" when it comes to the implementation of Yellowstone Park's fire policy.

A park brochure states that "fires under extreme conditions are being manipulated, guided, and/or suppressed, but that without help from the weather in the form of rain or snow, there is no power or technology available to extinguish them."

I find it sad that we have an agency with the power to start something it can't stop. And I've been saying it all along. This is not a "cheap shot." I feel common sense has not prevailed, nor caution, nor prudence. No, none of these, not in one of the hottest and driest ("unprecedented," according to the brochures) years ever recorded. They have — simply put — blown it.

Natural burns are fine, but why burn the whole park down in one year and mess up the economy of three states? We've taken private property, towns, developments, power lines, campgrounds and the health, water quality and financial well-being of the communities nearby?

Why spend so much of the taxpayers' money? Why strain the resources of the total firefighting community?

It is not over yet. I hope we don't need more firefighters elsewhere in Montana, Idaho or Wyoming this season, but if we do, maybe they can send us the Utah convicts to help out.

Fan Fire

Park explains policy in suppressing blaze

By AL KNAUBER
Enterprise Staff Writer

GARDINER — While the mountains in the Paradise Valley are obscured by smoke from the Fan Creek Fire, some of the concerns regarding the handling of that fire were cleared up Thursday night at a public meeting.

Roughly 60 people attended the Gardiner meeting to hear Roy Montgomery, incident commander for the fire, and Yellowstone Park Superintendent Bob Barbee explain the park's strategy in handling the fire.

Montgomery said he and his team were brought to West Yellowstone from Mount Hood, Ore., on Aug. 2 to assume control for suppressing the Fan Fire.

Montgomery, who said suppressing the Fan Fire is the "number one priority" of the fire control center in West Yellowstone, told the audience he is confident the resources he has can protect the residences in the Mol Heron Creek drainage, located on land owned by the Church Universal and Triumphant, and contain the fire to prevent it from leaving Yellowstone Park.

Land owned by the church and by the Forest Service borders Yellowstone Park near where the fire is burning within one mile of the park boundary.

Montgomery cautiously estimated that the fire could be contained within a week, but added, "I'm not prepared to say when we would have it controlled."

Church Vice President Ed Francis listened, but said that suppression efforts on the fire should have been undertaken sooner than they were started.

Management of the fire prior to Montgomery's involvement has drawn sharp criticism from CUT officials who say Yellowstone Park should be held legally responsible if the church's property is damaged by the fire.

"They never really told us the fire was coming until we looked up the valley and saw it" at the head of Mol Heron Creek, Francis said.

"They withheld information from us," he added.

The fire, was initially located in the northwest corner of Yellowstone Park and has been burning since June 25 when it was ignited by a lightning strike.

The fire was managed under Yellowstone Park's fire management plan until July 26, he said. The park fire management plan then called for permitting naturally occuring fires to burn as long as they posed no threat to developments or to human life.

The number of personnel assigned to fight the fire increased as the fire grew in size with about 286 people involved in the 10,000-acre Fan Fire on July 31.

Winds, gusting to about 40 mph, hit the area on Aug. 1 and pushed the size of the fire to 16,000 acres.

As of Friday, the fire had not increased significantly beyond that size.

Francis took issue with a statement by Barbee that "August is not a month noted for high winds" such as those that expanded the fire from 13,000 to 16,000 acres.

"I don't buy that," Francis responded, maintaining that the winds blow in the valley every month of the year.

The exchange between Barbee and Francis was brief as Barbee suggested debating the park fire management policy at another time.

Montgomery believes the fire would be "taken care of" before high winds could again push the fire.

Using a map to show the fire's position and where the blaze was believed to be most threatening, Montgomery said his management of the fire has been guided by the primary objective of preventing the fire from spreading onto private lands.

Other objectives include keeping it within the Yellowstone Park boundary and suppressing the fire.

"We made a presentation to Mr. Barbee and Mr. Gibson on how we could accomplish those objectives ... and they agreed that the strategy we were recommending was the one to follow," he said.

Firefighters are working to establish a fireline along the northern edge of the fire.

Montgomery said he has five helicopters, two aircraft, three bulldozers, 13 pumper trucks and a total of about 420 personnel committed to the fire.

Barbee added that the park is now taking moves to suppress new fires in the park, adding that "this is the driest in the recorded history of Yellowstone."

"We think we are achieving control of the most critical areas of this fire with the resources we have. We are utilizing the resources available to us," Montgomery said in response to those who questioned why efforts were underway to reopen Grant Village to park tourists while the Fan Fire posed a threat to private lands.

LIVINGSTON ENTERPRISE, Tuesday, August 2, 1988

Park fire policy upsets residents of Gardiner

By AL KNAUBER
Enterprise Staff Writer

Yellowstone National Park's policy of permitting naturally caused fires to burn in the park has been modified, but one local resident wanted Interior Secretary Donald P. Hodel to know that the smoke from the park is not appreciated by Park County residents.

Frank Rigler said he presented Hodel with a petition last week, signed by about 300 local residents, asking that the Lava Creek and Fan Creek fires be supressed.

Rigler said he and others circulated the petition in one day.

"If a guy would've had enough time . . . there would have been a lot more than that sign it," Rigler said.

"This natural policy sounds good on paper, but it will cost the taxpayer a pretty penny to put them out," he said.

The cost of supressing seven of the 12 fires in Yellowstone Park is anticipated by fire control officials to be at least $4.5 million.

Hodel, after viewing the park, defended Yellowstone Park's fire management policy, but said new fires in the park will be supressed.

Rigler, who owns an outfitting business, said he plans to circulate another petition — after the Park County fair this month — to address the policy of letting fires burn within the park.

"A lot of people feel in this county what we have to sell is clean air," Rigler said Monday.

Maintaining that "I don't have all the answers," he said he is not entirely against the fire management policy in Yellowstone Park.

"You have to use some common sense," he said of his belief that the tourist season is not the time of year to permit forest fires to burn.

Rigler, a third-generation Montanan who has lived in Park County all of his life, believes Yellowstone Park's policy needs to be changed so that naturally caused fires, ignited after mid-September, would be allowed to burn.

Fires that occur after mid-September would not impact tourism to the extent he believes the fires in the park are now affecting tourism.

Another factor in waiting until mid-September to permit naturally caused fires to burn is that the rains and snow in weather patterns at that time of year would extinguish the blazes within a short period of time.

The Fan Creek fire, the first of the park's fires to gain notoriety, was ignited by lightning on June 25. Roughly 5 percent of the Yellowstone Park's 2.2 million acres has been burned by the 12 fires raging in the park.

Rigler's proposal would mean fewer tourists would be in the area when naturally caused fires are allowed to burn.

"Tourism is a big part of our economy," he said, concerned that tourists may not seek out Montana if they believe that the area is smoky from forest fires.

If businesses adjacent to Yellowstone Park have seen fewer tourists this summer since the fires began burning, Rigler believes the Park Service should be held accountable.

"When it starts affecting people outside of Yellowstone Park, I think the park has a responsibility," he said.

The fire management in the park called for supressing all fires prior to 1972 when the policy changed to permit naturally occuring fires to burn.

"A policy like this, you can see what happens," he said of the change in how fires are treated within Yellowstone Park.

ATTACHMENT 39



The Climate of Yellowstone and Grand Teton National Parks

National Park Service Occasional Paper Number Six

The Climate of Yellowstone and Grand Teton National Parks

Richard A. Dirks
National Science Foundation
and
Brooks E. Martner
Department of Atmospheric Science
University of Wyoming

U.S. Department of the Interior / National Park Service
National Park Service Occasional Paper Number Six
1982

Cover photo by B. Martner

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under United States administration.

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CONTENTS

ACKNOWLEDGMENTS iv

SUMMARY v

INTRODUCTION 1

HISTORY OF CLIMATIC OBSERVATIONS 4

PHYSIOGRAPHY 5

NARRATIVE CLIMATE SUMMARY 5

CLIMATOLOGICAL SUMMARY TABLES 6

TEMPERATURE 11

PRECIPITATION 15

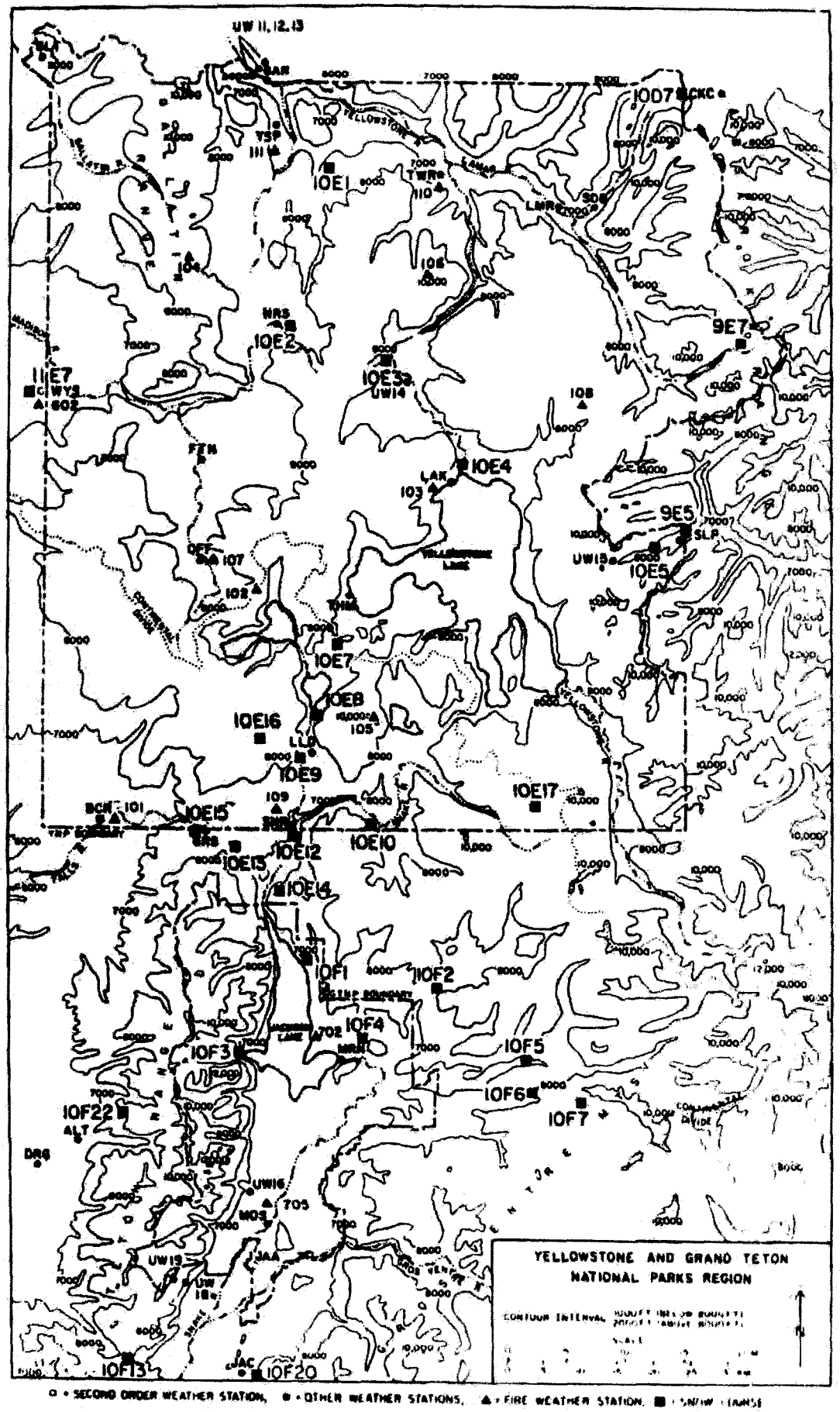
WIND 21

SUNSHINE AND HUMIDITY 24

CONCLUSION 24

REFERENCES 26

APPENDIX: Conversions to Metric Units ..... Inside back cover



○ = SECOND ORDER WEATHER STATION, ● = OTHER WEATHER STATIONS, ▲ = FIRE WEATHER STATION, ■ = SNOW COURSE

Table 17. Snow depth, averages and extremes, 1958-1972. Measurements on the first day of the month (inches).

STATION No., Name	ELEVATION (ft)	JANUARY A (H/L)	FEBRUARY A (H/L)	MARCH A (H/L)	APRIL A (H/L)	MAY A (H/L)
9E5, East Entrance	7000	22 (32/9)	31 (42/18)	35 (48/24)	31 (44/18)	9 (38/0)
10D7, NE Entrance	7400	18 (27/10)	29 (45/14)	32 (41/22)	32 (47/16)	22 (42/8)
10E1, Lupine Creek	7300	21 (31/12)	31 (49/18)	36 (46/24)	37 (50/23)	23 (45/0)
10E2, Norris Basin	7500	22 (45/12)	35 (54/20)	38 (48/29)	36 (50/25)	19 (42/0)
10E3, Canyon	7750	28 (48/14)	41 (74/23)	50 (65/35)	52 (67/33)	44 (60/25)
10E4, Lake Camp	7850	20 (32/10)	29 (49/17)	35 (48/23)	36 (52/20)	27 (43/9)
10E5, Sylvan Pass	7100	27 (42/12)	38 (54/23)	41 (59/32)	45 (62/29)	30 (56/3)
10E7, Thumb Divide	7900	37 (67/18)	56 (85/32)	61 (79/39)	66 (96/43)	
10E8, Aster Creek	7700	48 (85/21)	72 (106/42)	80 (119/49)	85 (126/56)	
10E9, Lewis Lake Divide	7900	61 (111/26)	88 (124/51)	103 (150/66)	104 (156/71)	98 (136/68)
10E12, Snake River	6780	32 (55/14)	51 (69/33)	59 (77/44)	60 (79/43)	
10E13, Glade Creek	7200	36 (61/13)	53 (71/33)	61 (79/44)	63 (89/44)	
10E14, Huckleberry Div.	7300	34 (50/16)	50 (66/33)	55 (70/42)	57 (76/38)	
10E15, Grassy Lake	7265	53 (76/21)	77 (103/46)	88 (116/63)	91 (125/54)	76 (109/52)
10F1, Arizona	6850	33 (50/15)	48 (67/30)	54 (70/37)	57 (79/33)	
10F2, Base Camp	6900	34 (54/15)	52 (81/30)	56 (80/40)	56 (86/37)	
10F3, Moran Bay	6800		50 (74/35)	60 (78/45)	56 (81/39)	
10F4, Moran	6800	25 (37/11)	38 (52/25)	41 (52/29)	38 (51/25)	
10F5, Turpin Meadows	6930		33 (48/17)	35 (42/25)	34 (44/22)	
10F6, Four Mile Meadows	7770		39 (50/24)	43 (52/33)	45 (57/34)	
10F7, Blackrock	8600		55 (77/39)	62 (80/46)	66 (94/47)	
10F19, Gros Ventre	8750		38 (58/19)	43 (56/31)	43 (61/30)	35 (57/20)
11E7, W. Yellowstone	6700	23 (41/9)	34 (55/18)	38 (55/23)	37 (53/19)	19 (41/0)

A = average; H = highest; L = lowest; – = no measurements.

WIND

Wind measurements in the Parks region are scarce. Semi-hourly spot measurements are recorded at the second order weather stations of West Yellowstone and the Jackson airport. One or two daily recordings are made during the summer at the fire weather stations. Special totalizing anemometers were erected at a few locations in the Parks by the University of Wyoming (the UW sites in Fig. 1) to augment the existing wind data. The instruments were maintained by National Park Service and U.S. Forest Service personnel from 1974 to 1977.

The mean wind conditions at a particular location are strongly shaped by the surrounding topography and can be a function of the time of day and season of the year. Fire weather station data given in Dirks (1975) show that the prevailing summertime winds in the Parks are from the southwest; this is confirmed by UW station measurements.

Frequency distributions of wind direction[1] and speed are shown in Figures 10-15. The data at Hayden Valley (Figs. 10, 11) should be reasonably representative of exposed areas of the Yellowstone Plateau, including Yellowstone Lake. The data for Upper Rendezvous Mountain (Figs. 12, 13) illustrate the strong winds at exposed mountain elevations during both winter and summer. A prevailing westerly flow is evident; however, local exposure may distort the direction significantly. This is shown in the data for Sylvan Pass (Fig. 14) where air is channeled through an exposed mountain gap parallel to its axis, producing northwest and southeast prevailing wind directions. Seasonal and time of day stratifications of the data for these and other stations are given by Martner (1977).

In the valleys and basins of the Parks, local topography largely dominates the airflow data, both seasonally and diurnally. Diurnal changes in wind distributions are illustrated in Figure 15 for the Stevens Creek station (UW11) near Gardiner. This station was near the bottom of the broad Yellowstone River valley, which is oriented northwest-southeast at this point, with northwest being the lower end. The air normally flows along the open valley parallel to its axis. At night and in the morning dense cold air drains downhill through the valley from the higher elevations

[1]Wind directions are always stated as the direction from which the air is flowing.

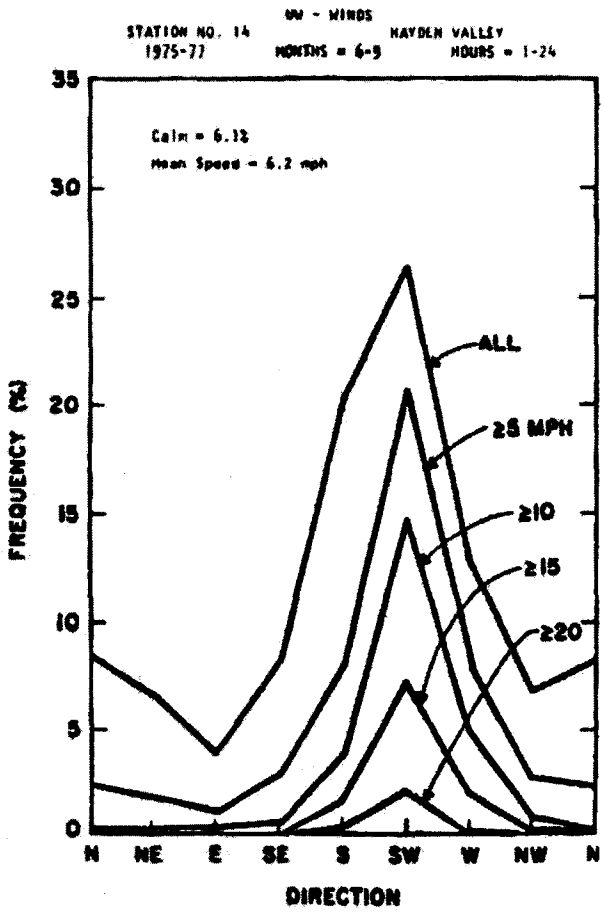


Fig. 10. Distribution of wind velocity at Hayden Valley in summer.

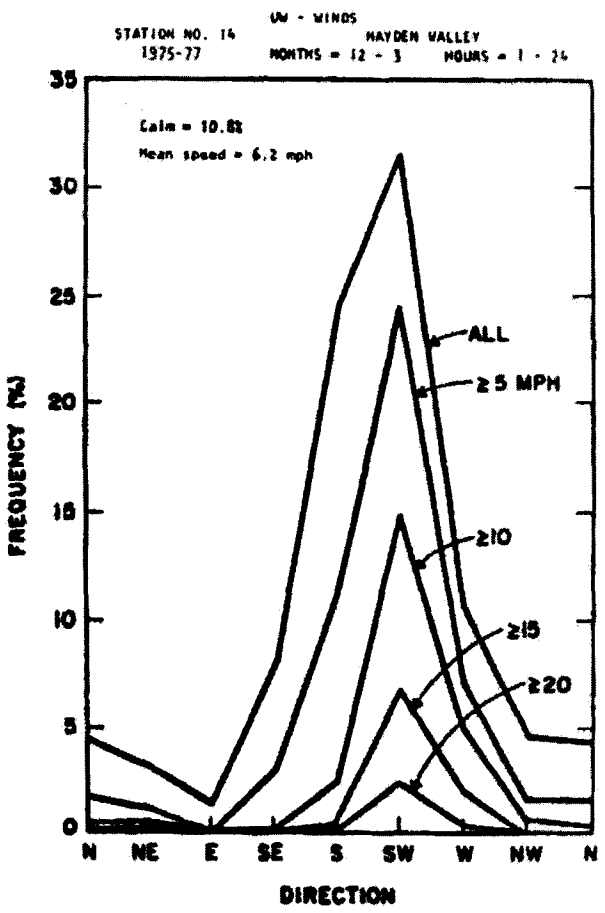


Fig. 11. Distribution of wind velocity at Hayden Valley in winter.

of YNP toward the lower elevations in the northwest, like water running down through a ravine. The cold drainage creates the predominantly southeast winds at Stevens Creek. Surface heating in the summer creates a 180 degree shift in the wind direction by afternoon as warm air rises up the valley slope from the lower elevations, creating northwest winds at Stevens Creek. In the wintertime there is insufficient afternoon heating to create the uphill winds; thus southeast winds dominate the distribution all day long. Cold air drainage winds undoubtedly dominate the winter airflow in most other valleys and basins in the Parks.

The wind chill index or factor is the air temperature required in calm or light wind conditions to produce the same rate of heat loss from exposed human skin as that which occurs for a given temperature-with-wind combination. Table 19 is a typical wind chill index chart. In the Parks region strong winds and cold winter temperatures sometimes combine to create extremely dangerous wind chill conditions. Wind chill is normally coldest at high exposed places. Wind chill factors as low as -76°F have been recorded at the Upper Rendezvous Mountain station in GTNP. Colder conditions probably occur. Winds are often light or calm in closed basins and valleys during the periods of coldest temperatures. This is due to temperature inversions which stabilize the air and trap it within the confines of the basin or valley. Hence, wind chill factors in such locations are not as extreme as on higher open terrain.

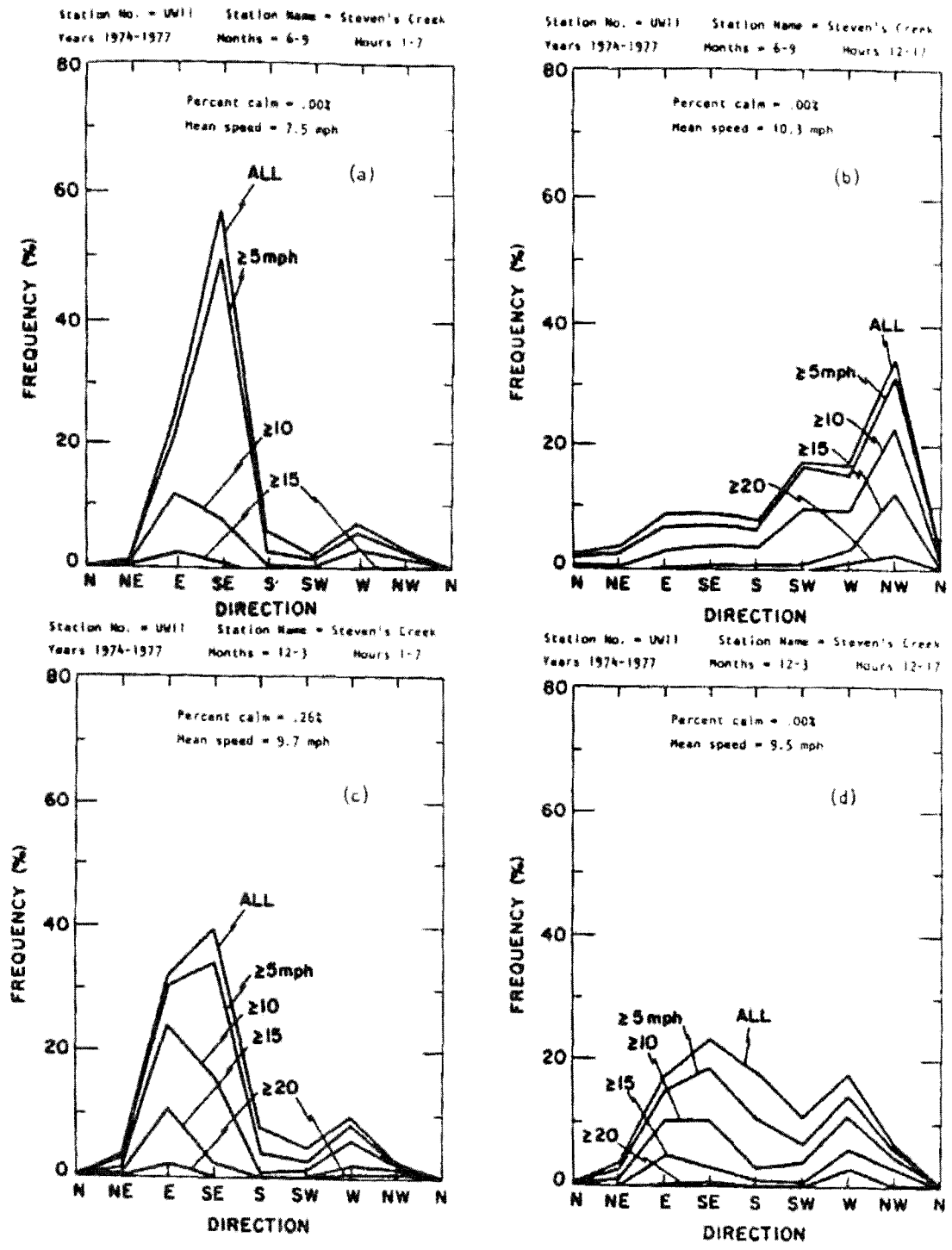


Fig. 15. Diurnal and seasonal changes of wind distribution at Stevens Creek.
(a) Summer-early morning (b) Summer-afternoon
(c) Winter-early morning (d) Winter-afternoon

Gardiner is warned about its 'lousy air'

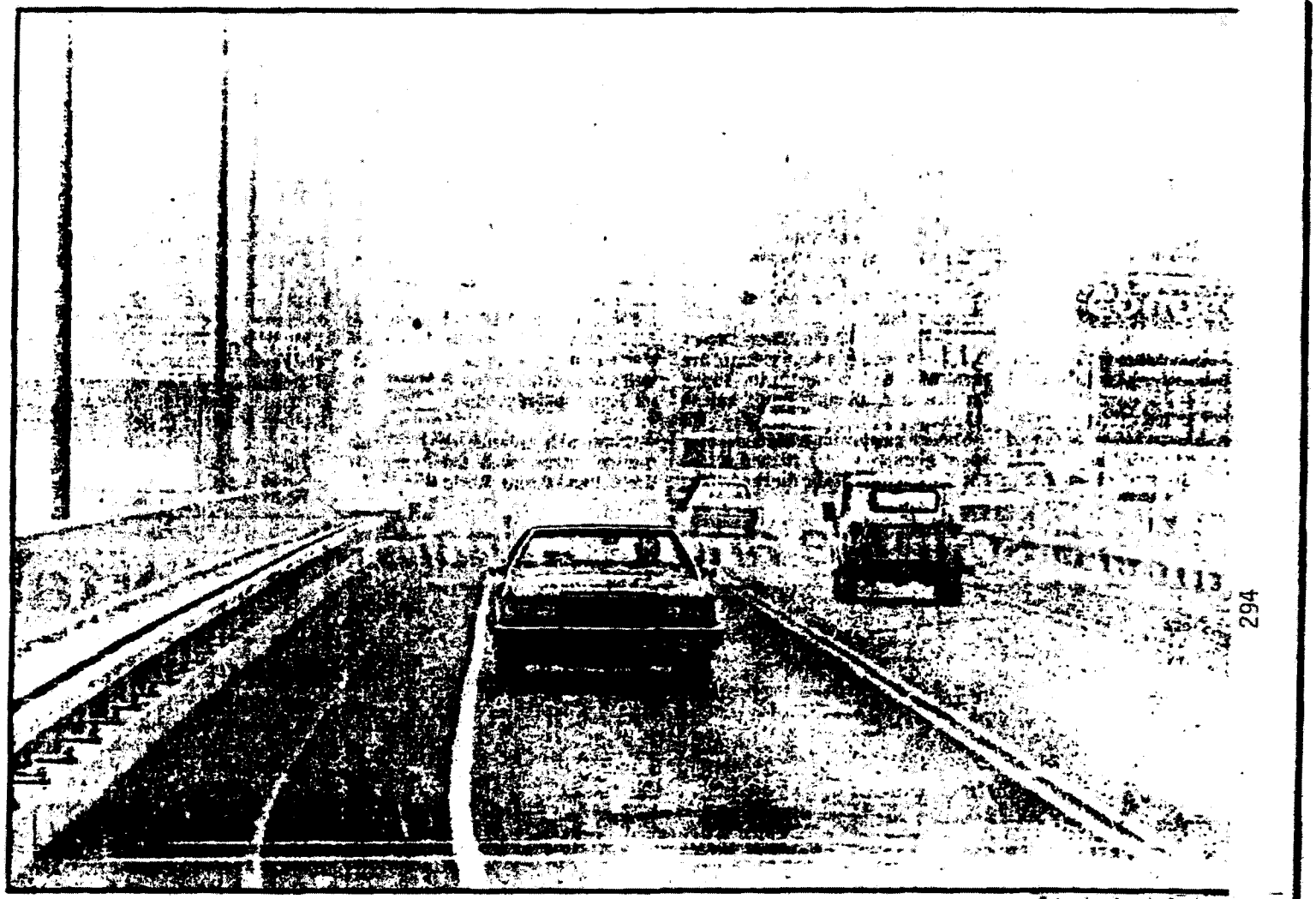
HELENA (AP) — In so many words Wednesday, the state Department of Health and Environmental Sciences said the fire-fouled air in the Gardiner region is literally lousy and poses a health hazard.

The department said monitoring devices show that since Aug. 22, the amount of particulate matter in the air at Gardiner has exceeded the state ambient air standard. An additional device installed Wednesday "indicates particulate concentrations that are well above ambient air quality standards and that may cause health impacts," the department said.

Current information suggests the public in Gardiner should take precautions, the statement added.

People were urged to eliminate outdoor exercise and strenuous activities and limit outdoor ventilation — meaning close windows.

"For those people with chronic respiratory illness or other health problems, extra caution to limit exposure is recommended," the department said, adding that in extreme cases people may want to leave the area until smoke levels diminish.



Enterprise photo by Stephen Meadow

Gardiner is shrouded in fire-caused smoke which is being called a health hazard by state officials.

Bozeman Daily Chronicle
August 26, 1988

Smoke aggravating respiratory problems

By JOAN HAINES
Chronicle Staff Writer

Smoke from wildfires is making Bozeman's air look like Los Angeles' smog, obscuring mountains and perhaps causing problems for people with chronic lung disease, two local doctors said today.

In Gardiner, the smoke is so heavy that the state Health Department is advising people there with severe, chronic respiratory illnesses to consider leaving the area until smoke levels diminish.

Dr. Curt Kurtz, a family practitioner in Bozeman, said he has seen patients with more bronchitis and more pneumonia than he would expect at this time of year. The increased cases may be due to smoke in the air, he said.

"I've noticed in here that the air conditioning hasn't totally alleviated the smoke," he said from his office in the Medical Arts Building.

A reading of Bozeman's air is taken every six days for the Health Department. The last reading was taken Aug. 19, and the air filter was received in Helena in today's mail but hasn't been analyzed yet.

Airborne particulates in Gardiner have reached high enough levels that the Health Department is warning residents to eliminate outdoor exercise and strenuous activities and to keep their windows closed.

Ryan Ballagh, 15, the son of Gardiner High School's football coach, said the players may practice indoors or may not practice at all because of the air. But today, air quality appears to be better than it has been, he said.

Air quality equipment in Gardiner recorded a concentration Monday of 263 particulates per cubic meter of air. The state daily standard for good air is a maximum of 150 particulates per cubic meter of air.

Stan Sternberg, an environmental specialist with the state Air Quality Bureau in Helena, is taking a scale to Gardiner today so air filters can be measured by a resident there every 12 hours.

A Health Department official in Helena will get a phone call from Gardiner with the measurements, and will analyze what the numbers mean. Air filters have been mailed to Helena from Gardiner, which takes too much time, Sternberg said.

Readings will be posted in the post office, where most residents go to get their mail, he added.

The Billings Gazette Wed., Aug. 30, 1988

Gardiner most smoke-polluted of state-monitored towns

By The Associated Press
and Gazette Staff Reports

HELENA — Gardiner, the northgate community to Yellowstone National Park where forest fires have burned nearly half a million acres so far this summer, has the most smoke-polluted air of three smoke- bound Montana cities being monitored by the state Health Department.

Air monitors set up by the Air Quality Bureau and operated by the Forest Service and National Park Service show that Gardiner's air exceeded air quality standards on eight occasions recently.

Similar tests in Lincoln and Choteau, which are getting smoke from fires in the Bob Marshall and Scapegoat wilderness areas, showed particulate levels never surpassed the 24-hour standard of 150 micrograms per cubic meter, Bureau Chief Jeff Chaffee said Tuesday.

Because of high smoke levels in Gardiner, the state will be installing air monitors this week at two other towns on the edge of the park, Cooke City and West Yellowstone, Chaffee said.

> "We've had quite a bit of concern. We've had some pretty irate complaints."
>
> —Jeff Chaffee
> Air Quality Bureau

The National Park Service plans to install a more extensive monitoring system at park headquaters at Mammoth Hot Springs inside the park near Gardiner, he added.

Chaffee recommended precautions against the visible smoke by eliminating outdoor exercise and strenous activities. People experiencing related health problems should contact local medical personnel or their county or state health department.

Air monitoring began Aug. 11 in response to public concern about the health effects from forest fire smoke.

"We've had quite a bit of concern," Chaffee said. "We've had some pretty irate complaints."

Initial tests at Gardiner showed no excessive readings until Aug. 22. The highest level recorded there, so far, was 293 micrograms — almost twice the standard — on Aug. 25.

Other high readings include: Aug. 22 (24 hours), 263 micrograms; Aug. 23 (24 hours), 210 micrograms; Aug. 24 (14.5 hours) 178 micrograms; Aug. 25-26 (12 hours) 207 micrograms; Aug. 26 (17 hours), 169 micrograms; Aug. 28 (12 hours) 111 micrograms, Aug. 28-29 (partial sample) 105 micrograms; Aug 29 (daytime), 259 micrograms; Aug. 29-30 (partial sample), 227 micrograms.

Because of the readings, the Gardiner monitor is being checked every 12 hours for quicker information turnaround, rather than every 24 hours.

Chaffee said the high particulate levels at Gardiner are a cause for concern. Almost all smoke particles are within the inhalable particulate range of 10 micrograms or smaller. The particles can remain in the lungs for extended periods.

"There's a potential to see even higher numbers" because the dry, hot weather shows no signs of breaking with the onset of fall, he said. September and October usually bring more frequent and longer inversions that trap smoke in the valleys for long periods and increase particulate concentrations, he explained.

"As concentrations go up, more and more people will be affected," Chaffee said.

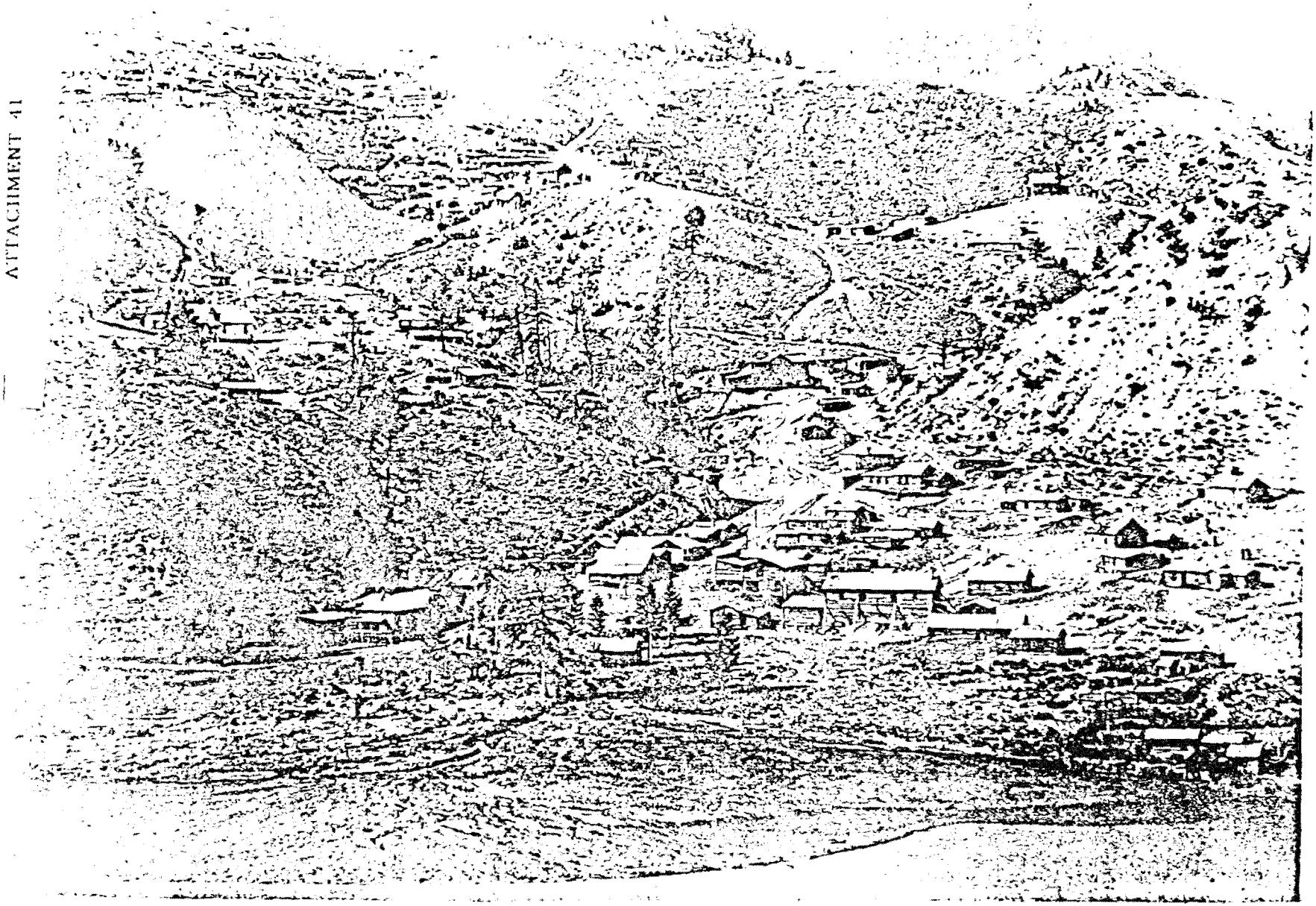
The present smoke levels are far above the average of 100 micrograms that trigger air alerts during winter months in cities like Helena and Missoula, he said.

But unlike the wood stoves that account for much of the winter smoke, forest fires cannot be stopped with an ordinance, Chaffee noted.

"Unfortunately, we have no control over the source," he said. "At this point they don't appear within anybody's control, except Mother Nature."

If smoke levels reach 600 micrograms, a state plan to protect the public would be put into action, he said. Options would include evacuation of those most seriously affected by the smoke and providing the public with breathing apparatus.

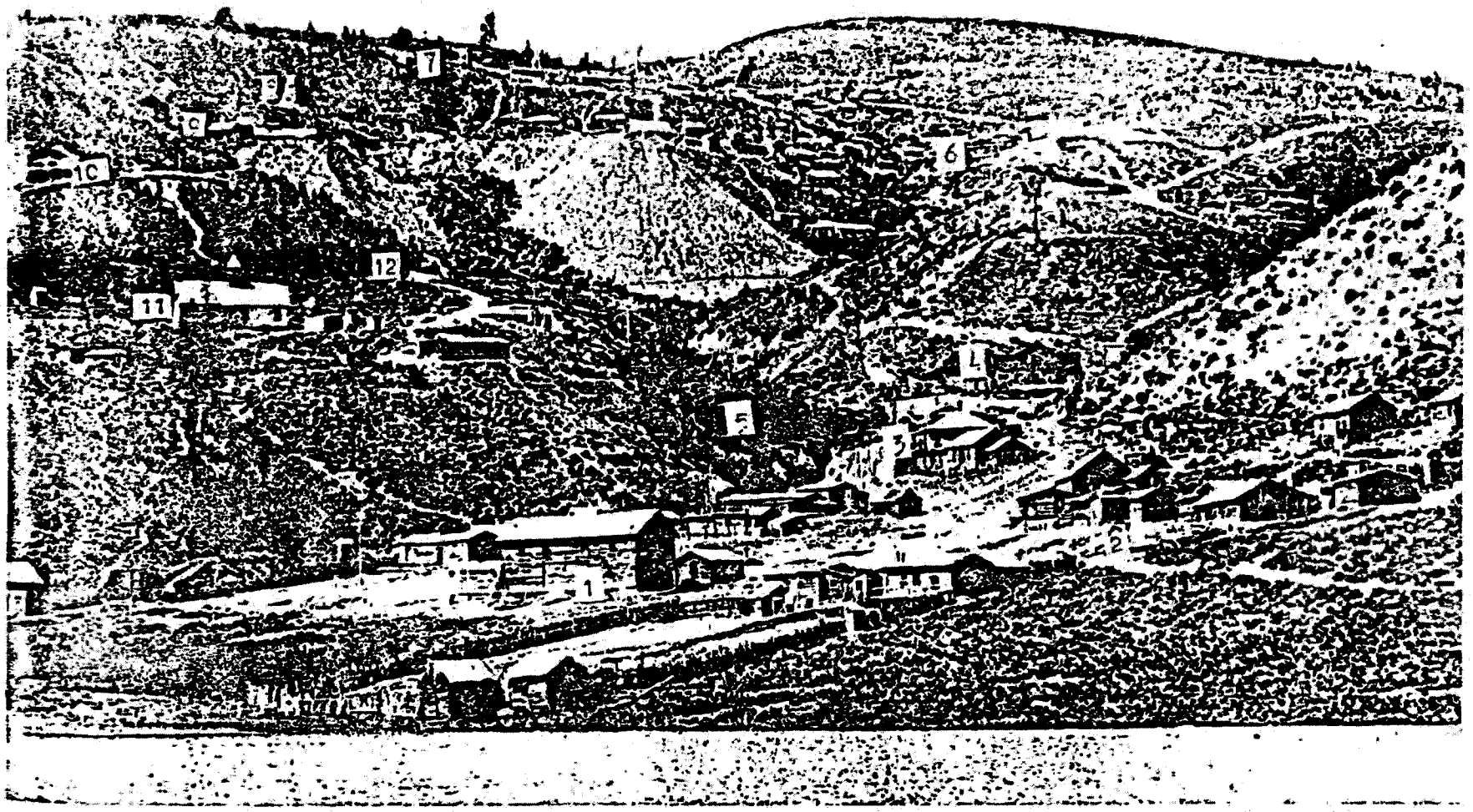
ATTACHMENT 41



Courtesy of Lester West

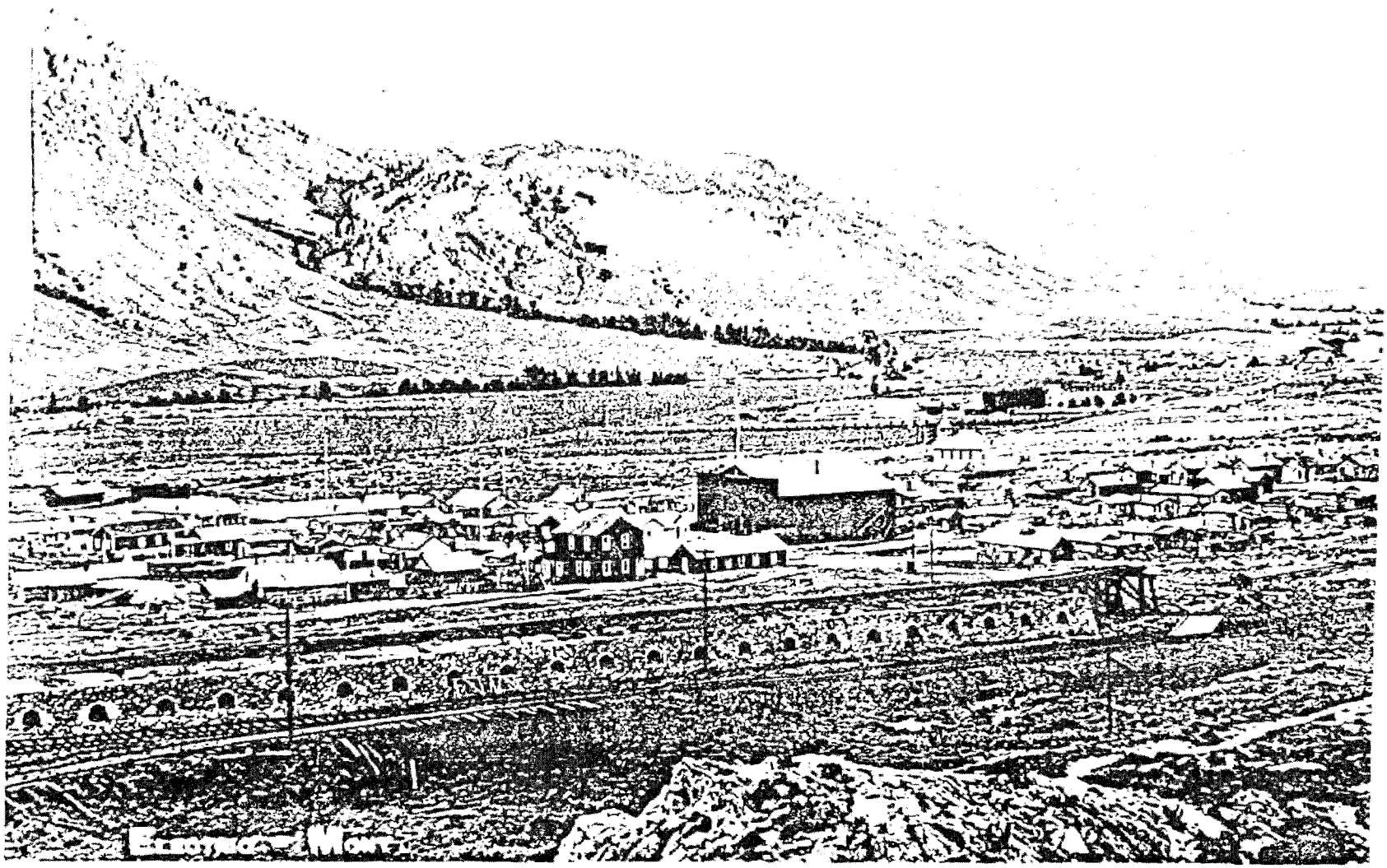
Aldridge, Montana (1902-1904)—Changes to note from the previous picture: The schoolhouse has been painted (Summer 1902); the Yellow Hall in the lower part of town across from Mrs. Agnes Sommerville's boarding house has been torn down; the trees have grown; one dead tree in front of the Sommerville's boarding house here lies prone. the delta from the Black Ditch is enlarged.

Attachments 41-43 taken from Photo History of Aldridge by Bill and Doris Whithorn.



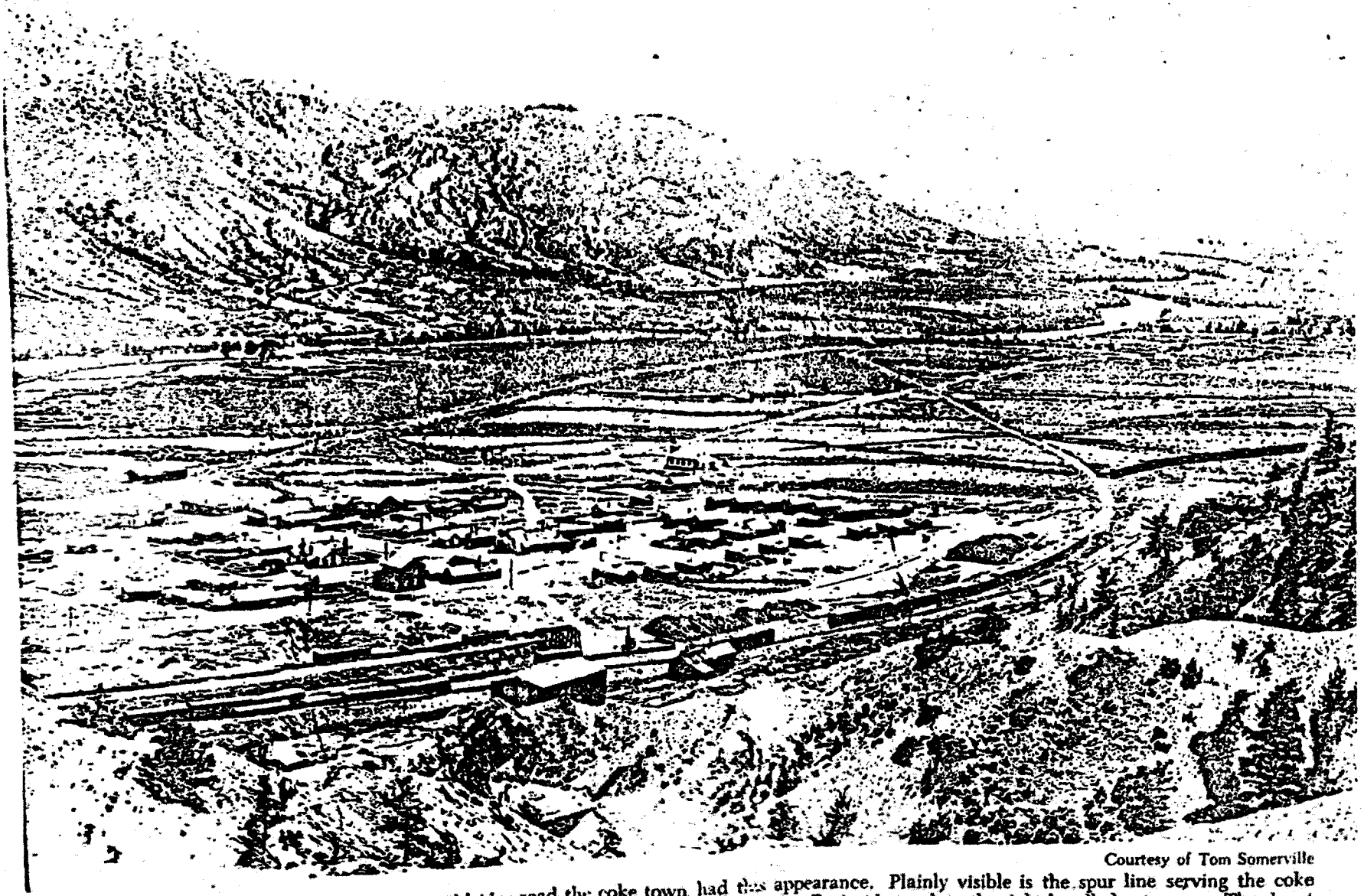
Courtesy of Bert Ruse

The Face of Aldridge, after 1905 — 1—Welcome's Hall or Blue Hall, 2—Location where Buttrey's Store had been (moved 1900), 3—Doctor's house, 4—First Company Store, 5—Black Ditch, 6—Happy Hollow, 7—Aerial Tram to the Foster Mine, 8—The Shaft, 9—Washer, Bunker, Tipple, 10—High Road from Divide, 11—Schoolhouse, 12—Hospital, 13—Off Picture Edge, Doby's Place and Sommerville Boarding House Location.



Courtesy of Lester West

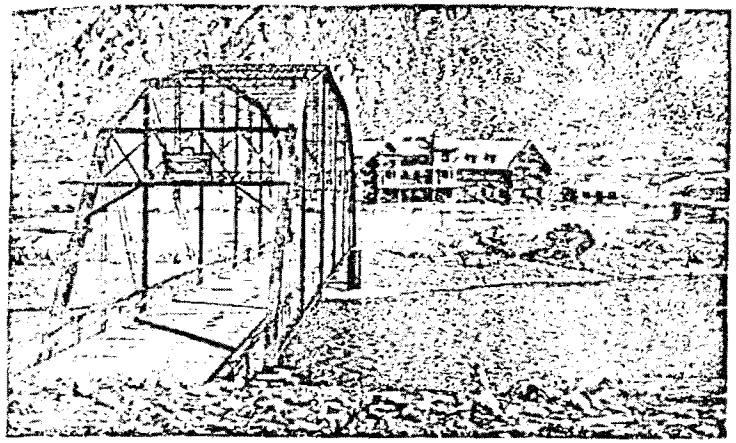
Electric, Montana, after 1905—During the long, long strike The Company proceeded with expansion plans. One of those was the building of a very large store for the Montana Coal and Coke Trading Co. at Horr. It was completed in 1905. The name of the town of Horr became Electric during the summer of 1904.



Courtesy of Tom Somerville

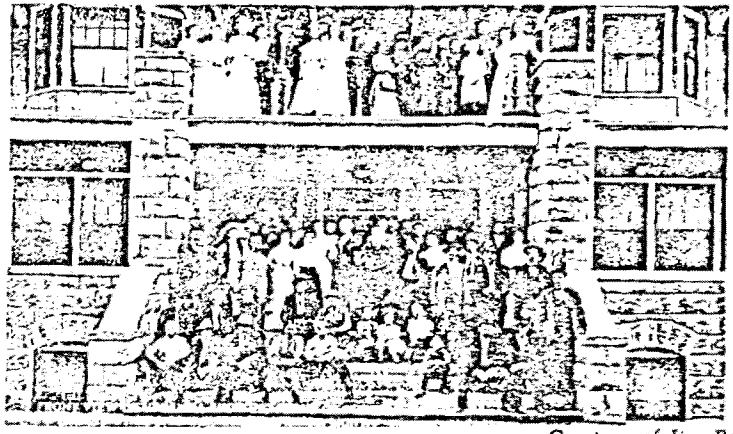
Horr, Montana, 1901-1904—From the Horr-Aldridge road the coke town had this appearance. Plainly visible is the spur line serving the coke plant from the main Park Branch with the section house visible where the spur takes off. A side-track to the right handled extra cars. The depot is at the middle left. The schoolhouse shown to the south of the town was built in 1901. The big Montana Coal and Coke Trading Co. store (finished in 1905) was not yet built at this time. Brault's store was in the lower edge of town and the Chinese restaurant behind it.

ATTACHMENT 43



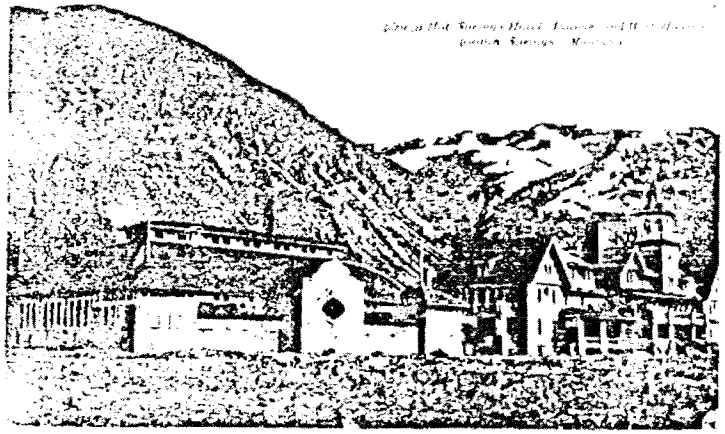
Courtesy of Frank Rigler

Construction at Corwin Springs, early 1909—Half the cost of this $13,500 county bridge was borne by the Electric Hot Springs Co., which was interested in building a 72-bed sanitarium. It was the first bridge built between Gardiner and Fridley.



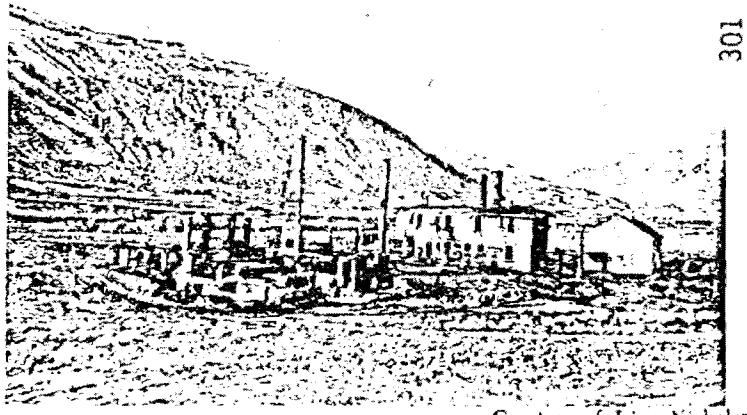
Courtesy of Jim Baily

Corwin Springs Hotel—Guests and members of the staff at the sanitarium appear on the front veranda of the resort. Doctor F. E. Corwin, for whom it was named, is third from the right on the upper balcony; Mrs. Corwin was at the far right. Among the maids in white are Lizzie Fodness, Myrtle Peterson and Grace Bailey.



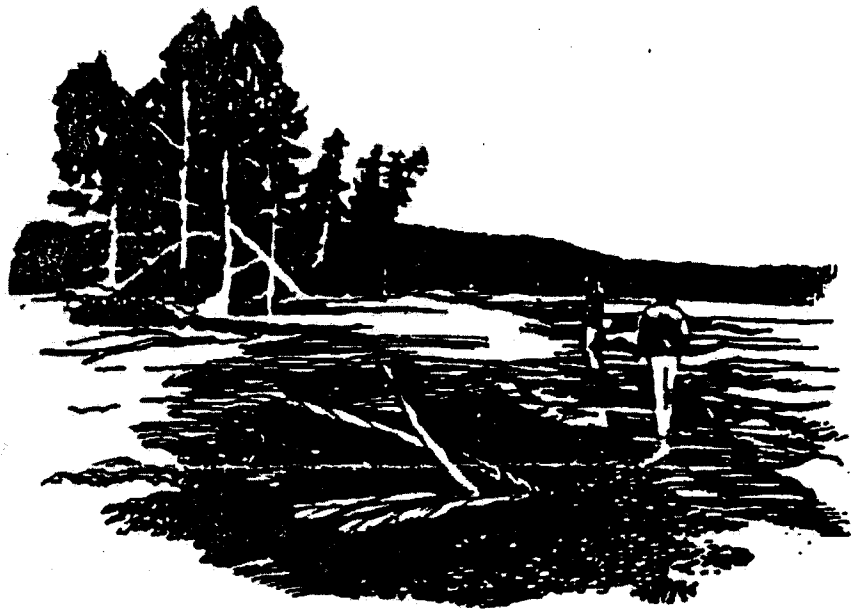
Courtesy of Tony Koncilya

Corwin Hot Springs Hotel and Plunge—Opened in July 1909, this large sanatorium boasted electric lights, steam heat, hot and cold running water and telephones in each room for $2.50 per day.



Courtesy of Lina Nickelson

After the Fire—An early-morning fire on November 30, 1916, Thanksgiving morning, leveled the fine resort which, though operated with cabins and plunge in the '20s, never again was built to such proportions.



NEWSLETTER

Fishing Bridge Planning Update

Yellowstone National Park
February 1987

Introduction

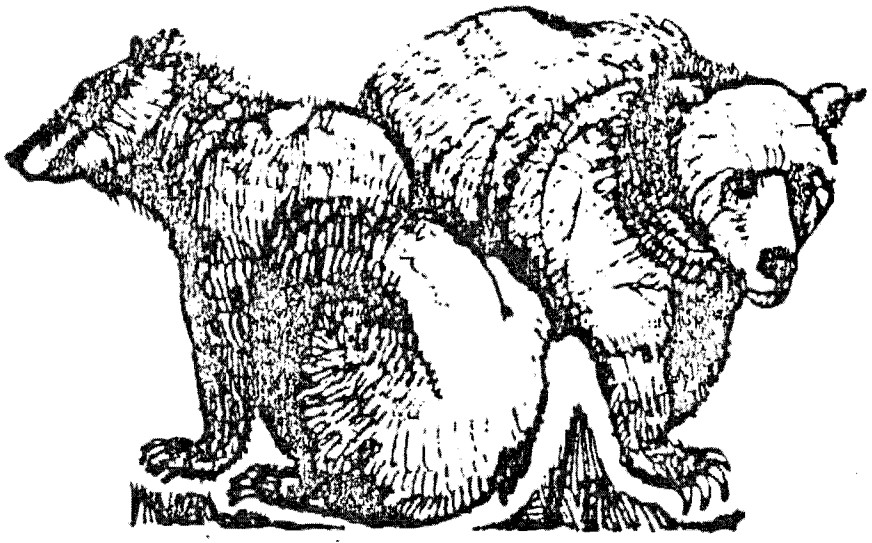
The purpose of this newsletter is to provide you with an update of the status of the Fishing Bridge Environmental Impact Statement (EIS). We released our last newsletter in April of 1986 in the midst of an extensive impact analysis underway by the planning team. That newsletter presented a preliminary set of alternatives that were being analyzed for implementation at Fishing Bridge. You were asked to respond to these alternatives, and based on considerable interest that fell on all sides of the issues, those preliminary alternatives were revised before analysis proceeded. The impact analysis is virtually complete and is presently being documented in the draft EIS. This newsletter summarizes the alternatives, the National Park Services' preferred alternative, the analysis process, interagency review, the remaining EIS schedule, and the impact of a forthcoming decision. We do not expect comment to this newsletter, it is our attempt to keep you up to date on this complex issue.

Background

The intent of the EIS is to present and analyze several alternative strategies for implementing the Fishing Bridge portion of the 1974 Master Plan. The Master Plan recognizes the superb ecological environment that exists around the Fishing Bridge development and proposes restoration of this area and/or reduction of human impact on the surrounding habitat and wildlife.

Consultation with the U.S. Fish and Wildlife Service was held from 1979-1981 regarding the potential impact on threatened and endangered species of the proposed expansion at Grant Village. The "no jeopardy" biological opinion given by the Fish and Wildlife Service on the Grant Village Development Concept Plan (DCP) considered the Park Service's long-range proposal to remove facilities from Fishing Bridge as stated in the 1974 Master Plan. Because the EIS reconsiders the Master Plan proposal and because of the strong tie between Fishing Bridge and Grant Village, the National Park Service has reinitiated consultation with the U.S. Fish and Wildlife Service. The Fish and Wildlife Service will be involved in the process until completion of the plan and will give a biological opinion on the preferred alternative contained in the draft EIS.

Biological Impacts



Obviously, the critical issue being dealt with in this EIS process is the effect of Fishing Bridge facilities as well as their potential relocation on the continued existence of the grizzly bear. Other actions the National Park Service is taking throughout Yellowstone also have to be factored into the impact analysis.

Over the past year biologists and computer analysts from the National Park Service and Interagency Grizzly Bear Study Team have been working with a computerized cumulative effects analysis to assess the effects of management decisions on the welfare of grizzly bears. Geographic (mapped) information is used in the cumulative effects analysis so that the results are site-specific. The major maps used are vegetation, human activities, and locations of protein rich areas (i.e., fish spawning streams, concentrations of wintering elk and other large animals, and concentrations of carrion). Use of this process will allow evaluation of the current habitat value of Fishing Bridge as well as the habitat value of park areas that are being considered in the EIS for relocation of Fishing Bridge facilities. This cumulative effects model will assist the Park Service in performing a thorough analysis of all alternatives.

Grizzly bear research and management decisions based on that research are a dynamic process. In addition to the habitat analysis performed via the cumulative effects model, the EIS will also present a bear mortality risk analysis and address the potential for habituation and the effect on bear movement of the various alternatives.

Impacts on other flora and fauna will also be addressed in the EIS.

Socioeconomic Impacts

In June 1985, the National Park Service contracted the University of Wyoming to conduct a socioeconomic study. The university analyzed the effects of an in-park relocation of Fishing Bridge facilities on the gateway communities and on the tax revenues of Park and Teton counties. Approximately 400 visitor surveys were conducted at Fishing Bridge campground and several other park campgrounds in August and September of 1985 to determine visitor characteristics, preferences, travel patterns, and spending modes. This information was tabulated, analyzed, and incorporated into a report presented to the Park Service in August. Data from the report will be used in preparation of the Fishing Bridge EIS. The content of the socioeconomic analysis presented in the EIS will include impacts on park concessions, regional and gateway community economics, and visitor use.

Preferred Alternative

Borrowing a definition from the NEPA: the "agency's preferred alternative is the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors." The "preferred alternative" may differ from the "environmentally preferred alternative" and often does. Some people would argue that the preferred alternative has not been analyzed like the other alternatives have been. This is simply not true; all alternatives are undergoing an objective analysis. Furthermore, NEPA specifically requires that the EIS be objectively prepared and not slanted to support the choice of the National

Too Many Elk in Yellowstone?

Charles E. Kay

Wildlife in Transition: Man and Nature on Yellowstone's Northern Range. 1986. Don Despain, Douglas Houston, Mary Meagher and Paul Schullery. Roberts Rinehart, Inc., Boulder, CO. 142 pages. $6.95.

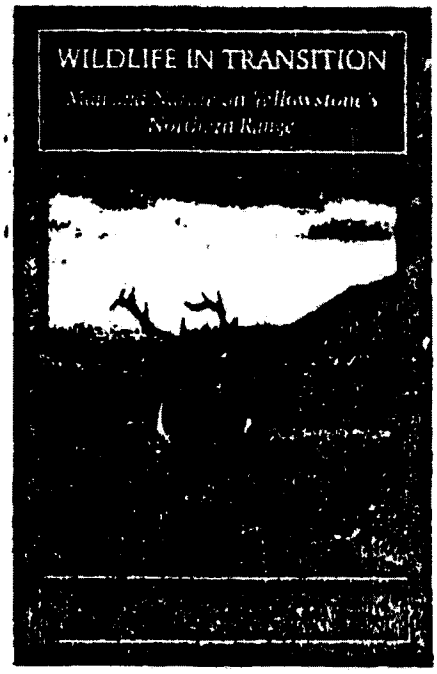
Wildlife in Transition, a popularly written book about wildlife management in Yellowstone National Park, appears to be a defense of the park's management policy in answer to criticism like Alston Chase's recent book, *Playing God in Yellowstone: The Destruction of America's First National Park*. Unlike Chase's book, which addressed all aspects of park management, *Wildlife in Transition* focuses on Yellowstone's northern winter range and the question of whether that area has been severely overgrazed by an unnaturally large elk population.

Before 1968, Park Service personnel believed that an unnaturally large population of elk was causing severe range damage in Yellowstone, and they shot elk in the park to reduce the herd and protect the range. This upset many people, and a political decision was made in late 1967 to stop the killing of elk in the park. Shortly thereafter, the policy of "natural regulation" was implemented, which involved a complete reversal in park management.

Throughout this book, the authors emphasize that "current management of the northern range is experimental management." On the other hand, Chase and other critics contend that present management of Yellowstone Park is based on political considerations and that science has been used only after the fact to justify policy decisions.

Nowhere in *Wildlife in Transition* (which draws heavily on Houston's 1982 book *The Yellowstone Elk: Ecology and Management*) is there a precise statement of the model being tested with the "great experiment." Nor is there specification of the assumptions, hypotheses, predictions and *a priori* criteria for acceptance or rejection that are essential to meaningful experimentation (Romesburg 1981, Macnab 1983, Diamond 1986). The model is evidently the "natural regulation" model referred to repeatedly in the book, but one must search out Houston's (1976) paper for a detailed statement of the hypothesis, methods for evaluation and bases for rejection. Meanwhile, the book uses nine pages to list the assumptions on which "early managers" based pre-1968 policy and to cite evidence to falsify these assumptions.

As best I can determine from *Wildlife in Transition* and other park documents (Houston 1976, 1982), Yellowstone's "natural regulation" policy or hypothesis rests heavily on the herbivore-vegetation model developed by Graeme Caughley (1970, 1976) from his work with introduced ungulates in New Zealand. Caughley's model implies that when ungulates are first introduced into an area, they and the vegetation will undergo damping oscillations over time until they arrive at some equilibrium termed "ecological carrying capacity." If ungulates and vegetation have coexisted in an area for a long period of time, they should have reached such an equilibrium.



Caughley acknowledges that predation could stabilize an ungulate population at somewhat lower levels than would be pre-

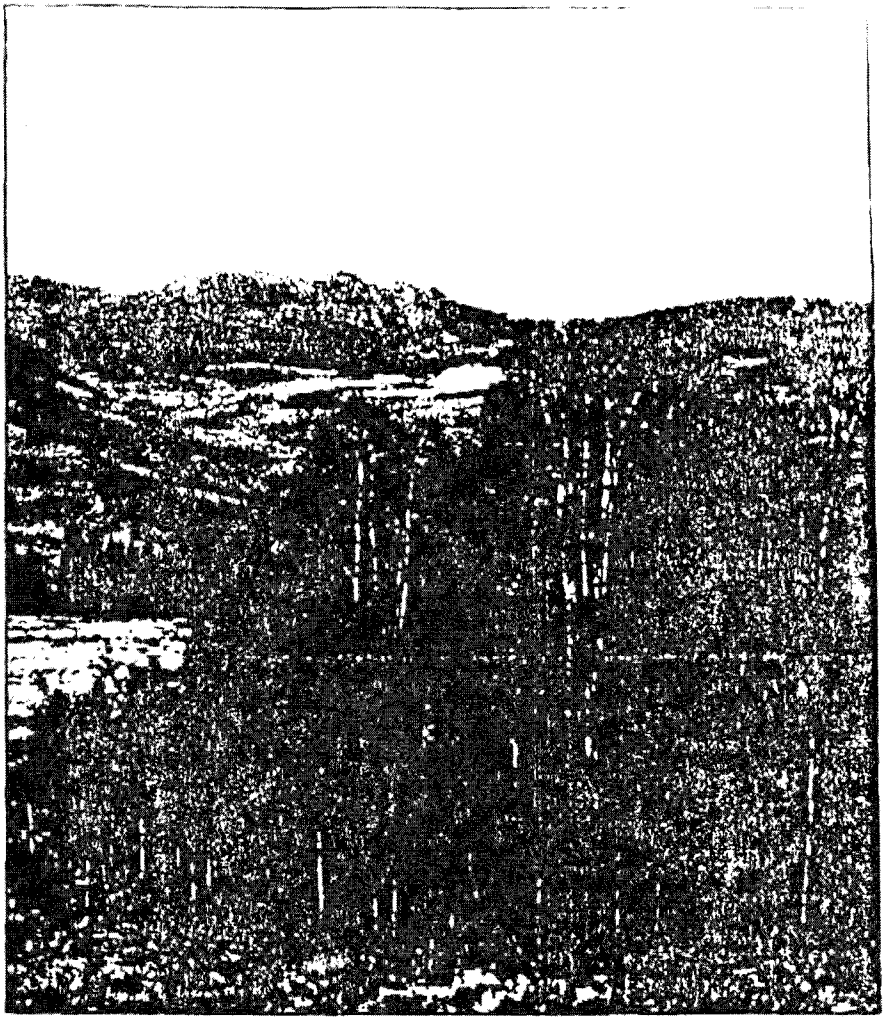
Charles E. Kay, a PhD candidate in the department of fisheries and wildlife at Utah State University, is studying ungulate-vegetation interactions in the Greater Yellowstone Ecosystem. He holds a BS in wildlife biology and an MS in environmental studies, both from the University of Montana.

sent without [illegible] discussion of its focus largely on the herbivore-vegetation interaction and limitation of herbivore numbers by food supply.

In the Park Service's analog of Caughley's model, the ungulates at equilibrium cannot erupt, cause retrogressive plant succession, or competitively exclude sympatric herbivores (Houston 1976); that is to say, a burgeoning elk population will not cause a decline in bighorn sheep, pronghorn, mule or white-tailed deer, or beaver. If any of these three things occurred, it would be the basis for rejecting the hypothesis (Houston 1976). The authors of *Wildlife in Transition* contend that large numbers of elk have always inhabited Yellowstone's northern range and that they coevolved with the vegetation to reach a dynamic equilibrium. Furthermore, they maintain that the archaeological evidence supports this contention.

The authors are correct in stating that little archaeological research has been done in Yellowstone Park, but they make no mention of the extensive archaeological research conducted in areas near the park. Elk presently make up 80 to 90 percent of the total ungulate population of the Greater Yellowstone Ecosystem. Assuming that Native Americans killed ungulates in proportion to their abundance, and that pre-Columbian ungulate communities had the same composition as today's, archaeological sites in the area should be dominated by elk. Such is not the case. Elk bones are rare in almost all Intermountain sites (Frison 1978). What's more, the bighorn sheep-to-elk ratio in the remains of archaeological sites are 25 to 430 times the ratio in the contemporary Yellowstone Ecosystem populations. Similarly, mule deer-to-elk ratios at the sites are 15 to 250 times today's ratio.

Jackson Hole, which is part of the Greater Yellowstone Ecosystem, has an historic elk problem similar to Yellowstone's. Park Service biologists now believe that large numbers of elk have wintered in Jackson Hole for thousands of years (Cole 1969). This would lead one to predict that elk would dominate archaeological sites in the area. Once again, however, no elk bones have been found in any of Jackson Hole's many archaeological sites. Wright (1984), who conducted an extensive survey of prehistoric subsistence, found that Native Americans who inhabited Jackson Hole for upwards of 10,000 years, ate mainly vegetal foods. He concluded that there is no evidence that large numbers of elk wintered in Jackson Hole before historic times. These results suggest that large numbers of elk could not have coevolved with the vegetation, as required by the "natural regulation" hypothesis.

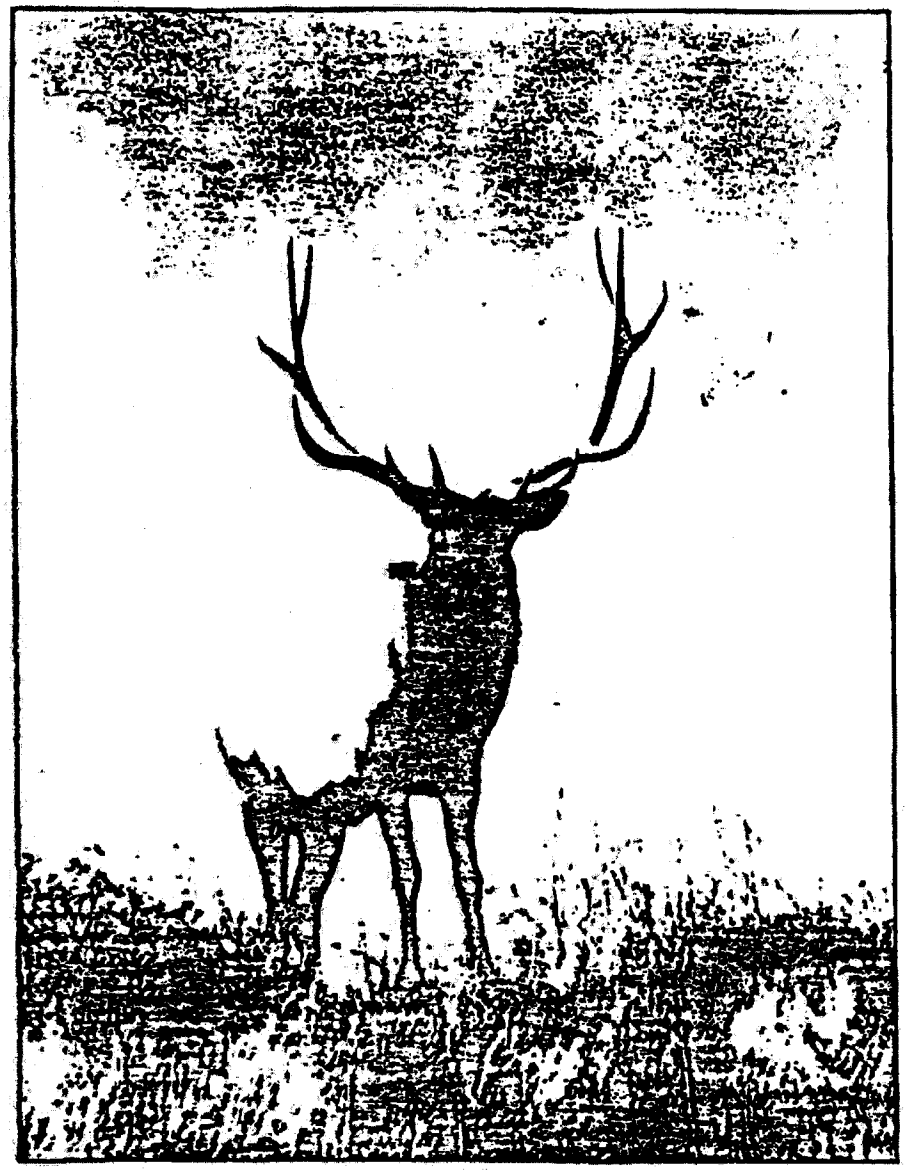


Aspen stand, Yellowstone National Park *Photo/Charles Kay*

The authors of *Wildlife in Transition* admit that aspen has declined in the park by 50 percent, but they attribute its demise to suppression of natural fire and climatic change, not elk browsing. They maintain that the elk have not changed the direction of plant succession. While the book does not specifically state that all aspen stands are seral, it does seem to imply that all aspen stands will be replaced by conifers or other vegetation if they are not burned at frequent intervals. The book also makes no mention of climax aspen stands, which are well documented in the literature. Data that I have collected show that many of the aspen stands in the Yellowstone area are not being invaded by conifers (Kay 1985).

The authors maintain that, when burned, aspen stands will regenerate despite heavy elk browsing. However, the Park Service has no data on ungulate grazing pressure before or after any burns. Moreover, the few aspen stands that have burned in or near the park have been located where there are few elk. No mention is made of the extensive Forest Service research on aspen ecology. In Jackson Hole, where aspen is also declining because of elk grazing, the Forest Service burned a 905-acre area that contained many aspen stands. Forest Service scientists documented 10,000 to 15,000 aspen sprouts per acre after the fire. However, elk ate all of the aspen suckers and prevented the stands from regenerating (Bartos and Mueggler 1981).

As discussed in this book, Park Service fire-frequency studies have shown that the northern range burned every 20 to 25 years before modern fire suppression. The authors also point out that the Park Service has had a policy of letting natural fires burn since the early 1970s. Under a 20- to 25-year fire frequency, about half the northern range should have burned in recent years. As of 1985, one fire had burned one acre on the range. The authors attribute this lack of fires to the fact that "lightning has chosen not to strike very often on the northern range," but they provide no data to support this contention. No mention is made of aboriginal burning, although recent studies have noted that burning by Native Americans was widespread. In some habitat types, aboriginal fires were probably more common than fires caused by lightning (Lewis



Photo/Montana Elk/Logging Study

1973, 1977, 1980, Barrett 1980, 1981).

The authors declare that the decline of aspen in the park "means relatively little to the ecological functions of the northern range." This statement is incorrect in my opinion. As they point out, aspen almost never grows from seed in the Intermountain West and hasn't done so for thousands of years. Aspen produces vast numbers of viable seeds, but the conditions in this area are not right for germination and establishment; it is thought that conditions have not been favorable since shortly after the glaciers receded. This means that the aspen clones of today have occupied their sites for 7,000 to 10,000 years through vegetative regeneration. During those thousands of years, aspen survived climatic variation and all sorts of other natural phenomena. Yet U.S. Forest Service researcher Norbert DeByle recently predicted that aspen will be virtually extinct in the park within 50 years under present conditions.

The plight of grizzly bears in the Yellowstone area has garnered considerable attention. Based on what is presently known about ecosystem control and function, it is my opinion that aspen are more important than grizzlies. Numerous birds and other animals utilize aspen stands, and their numbers will decrease as aspen declines. Thousands of beaver once inhabited the northern range; now they are practically nonexistent. In the early 1920s, Warren (1926) conducted a detailed beaver study in a relatively small area around Tower Junction on the northern range. He reported 232 beaver and extensive beaver dams. Jonas (1955) redid Warren's study in the early 1950s and found no beaver or recent dams. I redid the survey in 1986; no beaver.

Beaver need aspen or tall willows (which have also declined in the park) as food and dam-building materials. Aspen and willows that are cut by beaver normally resprout and grow new stems, which in turn provide more food for the beaver. However, once the mature aspen trees or tall willows are cut, the new suckers are then entirely within reach of browsing elk. By preventing aspen and willows from growing into mature plants, the elk (and moose) have eliminated the beaver's foods and thus the beaver.

Recent studies by Bureau of Land Management and Forest Service researchers have shown that beaver create and maintain riparian areas. In fact, both agencies are using transplanted beaver to restore livestock-damaged riparian areas (Munther 1981, 1983, Smith 1980, 1983a, 1983b). Moreover, other researchers have demonstrated that the beaver is a keystone species that completely alters the hydrology, energy flow and nutrient cycling of aquatic systems (Parker et al. 1985, Naiman et al. 1986). These studies make it reasonable to conclude that the elimination of beaver in most of the northern range has significantly altered the ecology of areas that formerly supported them. Beaver are relegated to a single footnote in *Wildlife in Transition*.

The decline of aspen in Yellowstone Park is no small matter and symptomatic of an important problem. As noted in *Wildlife in Transition*, the Park Service is charged "with maintaining examples of primitive American settings." What *was* the natural state of Yellowstone before the park was established? The authors tell us they do not know, so one wonders how the "great experiment" can be judged a success or a failure. If this is an experiment, where is the *control*? Without controls, meaningful experiments cannot be conducted (Romesburg 1981, Macnab 1983, Diamond 1986).

The Greater Yellowstone Coalition sponsored a conference this summer on the park's northern range. Most of the speakers appeared to support current Park Service policy. However, even they concluded that what the Park Service is doing is *not* experimental management, but simply park policy and should be stated as such.

In sum, *Wildlife in Transition* strongly advocates the Park Service's wildlife management policies for Yellowstone National Park. However, it does not provide a clear explanation of the "great experiment," which the reader is told repeatedly is underway. Nor does it present a balanced picture of the evidence both supporting and refuting the policies and the implied assumptions of the "great experiment." There is in fact a considerable amount of evidence that questions these assumptions and the Park Service's interpretations of the data.

DONEY & THORSON

Ted J. Doney
John E. Thorson*
Albert W. Stone, *of Counsel***

Attorneys at Law

P.O. Box 1185
314 N. Last Chance Gulch
Helena, MT 59624
(406) 443-7018

July 6, 1988

Mr. Richard K. Aldrich, Esq.
Field Solicitor
United States Department of
the Interior
Office of the Solicitor
P. O. Box 31394
Billings, MT 59107-1394

Re: Reese Creek

Dear Rich:

The Royal Teton Ranch is preparing to submit its responses on the comments and hearing testimony received by the Department of Health and Environmental Sciences on the Ranch EIS. As a part of those responses, the Ranch would like to set the record straight on the progress of negotiations on Reese Creek.

You will remember I gave you a summary of the chronology at our meeting on March 28. Enclosed is an updated chronology. I would appreciate it if you would review it and let me know if it is accurate.

Our intent is to submit it with the responses, stating that the chronology was reviewed by the Park and the Park had no objections to it.

Have you heard anything new? Nothing here.

Sincerely,

Ted J. Doney
Attorney at Law

Enclosure

pc: Ed Francis w/enc.

* Also admitted in California and New Mexico

** Also admitted in California

REESE CREEK CHRONOLOGY

June 12, 1986	First meeting at Park headquarters. Park stated its request for instream flow requirements based upon Technical Report No. 1, "Fisheries Inventory and Instream Flow Requirements for Reese Creek, Yellowstone National Park."
October 28, 1986	Second meeting at Park headquarters. RTR offered its written counterproposal ("Alternative II").
January 9, 1987	Park responded by letter to RTR's written counterproposal. Offered counterproposal.
January 21, 1987	Third meeting at RTR headquarters. Discussed irrigation requirements, water rights, etc. in detail. Park handed out various documents concerning these items.
May 12, 1987	RTR sent letter to Park with proposed written agreement to provide for an interim instream flow arrangement during the summer of 1987.
June 4, 1987	Fourth meeting at RTR headquarters. Discussed issues in general.
June 18, 1987	RTR received undated letter from Park saying that Park would not pursue an interim agreement, that it would provide a new proposal for settlement, and that it would file an amendatory claim for Reese Creek.
July 10, 1987	Park sent letter to RTR proposing that all water users on Reese Creek move their points of diversion to the Yellowstone River. Park agreed to provide just compensation for the additional costs incurred, and to pay for an appraisal of those additional costs.
September 11, 1987	National Park Service sent RTR copy of request for bids to conduct an appraisal of costs of pumped irrigation systems for lands currently being irrigated from Reese Creek.
September 28, 1987	RTR sent letter to Park in response to Park's letter of July 10 saying that the proposal to move all water rights from Reese Creek to the Yellowstone River was not acceptable due primarily to cost and reliability of water supply, and proposed that RTR's proposal of October 26, 1986 (Alternative II) be

	re-examined with variations.
January 26, 1988	Park sent letter to RTR saying would like to continue negotiations and would schedule a meeting in February.
February 3, 1988	Telephone conference between Doney (RTR) and Aldrich (Park) re another meeting. Agreed to look at various dates for a meeting.
February 12, 1988	Telephone conference between Doney and Aldrich agreeing to meet on March 2, contingent on Brogan deposition.
February 25, 1988	Telephone conference between Doney and Aldrich canceling meeting on March 2, and agreeing to set a new date.
March 7, 1988	Telephone conference between Doney and Aldrich setting new meeting date of March 28.
March 28, 1988	Fifth meeting at RTR headquarters; Hotchkiss and Mikolich also in attendance.
April 8, 1988	Park sent new proposal.
May 4, 1988	RTR responded to new proposal by letter from Doney to Aldrich; pointing out differences between written proposal and oral understanding at March 28, 1988 meeting.
May 19, 1988	Park sent revised proposal.
May 24, 1988	RTR orally communicated to Park (Doney to Aldrich) that revised proposal acceptable, but still need Hotchkiss' and Mikolich's consent.

ATTACHMENT 53

Economic Consultants Northwest

(406) 442-6075

August 16, 1988

Mr. Edward L. Francis
Vice President
Royal Teton Ranch
Box A
Corwin Springs, MT 59021

Dear Mr. Francis:

We have reviewed the fiscal report prepared by Park County on the Church Universal and Triumphant Draft Environmental Impact Statement (Montana Department of Health and Environmental Sciences 1988). We feel the fiscal impact analysis is of limited use for the following reasons:

1) No fiscal impact period was defined. Normally, fiscal impact analysis must be done over a period of time to determine whether impact differences are a one year phenomena or if they may be projected over time. In the case of the Church Universal and Triumphant, the analysis should have included impacts from the time the church first purchased property in Park County (when there was little demand for services) through the time when all development will be completed.

2) The fiscal analysis should have included estimates of all persons who have moved into Park County due to development of the Church Universal and Triumphant. Contrary to the analysis, the impacts including persons associated with the church but not living on church property would not accentuate negative impacts because normally these persons would build or purchase property and add to the taxable valuation of the county.

3) No attempt was made to determine increased commercial taxable valuation due to the Church Universal and Triumphant. When people move into an area there is an increased demand for goods and services. In order to provide such services, commercial businesses ordinarily need to expand in order to meet the demands. If existing businesses cannot meet the demand, then new businesses arise thus adding to the commercial taxable valuation of the county.

4) The Park County needs assessment was arbitrary and not developed over a time period. Outside of the planning function, no attempt was made to justify the increased costs due to the Church Universal and Triumphant. Under the assumptions of the analysis, every new family that moves into Park County would have a negative impact on the county budget. For example, the solid waste budget apparently would never be cost justified no matter how many people moved into Park County, regardless if they were associated with the Church Universal and Triumphant.

The impact analysis also assumes that the impacts shown under full development would continue at that level ad infinitum. For example, will one-third of the planner's time be attributable to Church Universal and Triumphant for every year from now on or is this an estimate only during development?

5) The estimate for additional costs to both the administrative functions and the Sheriff's Department seems excessive. The total expenditures for the Sheriff's Department as reported to the Montana Department of Commerce for fiscal year 1987 was $326,207.56. The rate of $27 per capita as used in the fiscal analysis would yield an annual budget of $359,100.00 (assuming 13,300 persons in Park County). Furthermore, the assumption here is that the marginal costs of providing services to newcomers to the area is the same as providing the base costs to the existing population. This is not always the case, especially if no additional employees or capital expenditures are needed.

6) The estimated costs of maintaining roads and bridges are completely unjustified.

7) The school fiscal impact analysis should have been done over time to account for delays in receiving school foundation monies.

8) Some costs associated with "Church Universal and Triumphant-related school children" are erroneous and unjustified. In the report prepared by Park County it states,

> Arrowhead Elementary School has a current CUT student enrollment of 26, out of a total enrollment of 73. The cost of one teacher and an aide were allocated to CUT, and books, supplies and other expenses were allocated on a per student basis.

In a telephone conversation with Lewin Dover, Principal of Arrowhead Elementary School (August 15, 1988), Mr. Dover stated that due to the enrollment increase, they hired a half-time teacher and a full-time teacher aide but they could have got by with a full-time teacher.

In addition, Lynn Mavencamp, Superintendent of Gardiner School District (August 15, 1988), estimated that it costs $2,000 or a little more for expenses per student. In the Park County report they attributed $19,000 in expenses for 15 Church Universal and Triumphant students; therefore, $19,000 would be a conservative estimate based on 15 students.

9) The total school enrollment figure for Gardiner Elementary School was erroneous. According to Lynn Mavencamp, Superintendent (August 15, 1988), at no time were there 245 students enrolled in kindergarten through 8. Peak enrollment for kindergarten through 12 was 245 (96 peak enrollment in the high school at that time).

Mr. Edward Francis
August 16, 1988

With respect to Church Universal and Triumphant school enrollment figures, interviews were conducted with the principals or supervising teachers of the four elementary schools as well as the School County Superintendent. The general consensus was that students are not identified as to their church affiliation and they are unsure how these enrollment numbers were derived.

10) No attempt was made to analyze high school enrollments and budgets.

All new developments of any size in the State of Montana create burdens on the fiscal resources of local governments for a period of time. This is the nature of the property tax system and the flow of income to local governments. The Montana Legislature acknowledged this fact when they created the Hard-Rock Mining Impact legislation for the mining industry.

I hope this analysis has been of some value to you. If I can be of further assistance, please feel free to contact me.

Sincerely,

Richard E. Dodge

RED:le

LIVINGSTON ENTERPRISE, Friday, April 22, 1988

Clarification of the Consultant's Report on the Economic Impact of Church Universal and Triumphant

There has evidently been considerable controversy over the report put out by Jim Richard, a consultant retained by the County Planning Board to perform an economic analysis of the impacts of Church Universal and Triumphant (CUT) in Park County. This statement is intended to provide a clarification of the views, methodology and intent of that report.

To start off, it is not the intent of the County Planning Board, the Planning Office, or Mr. Richard to promote an adverserial situation between Park County, any of its Boards, departments or employees and CUT. Rather the interest of this report was to attempt to quantify some of the economic impacts of CUT and CUT members in Park County. It is our understanding, however, that several people were offended by the report and news articles about the report, especially in the area of CUT-affiliated children attending public schools. The study did quantify to a certain extent those children who were attending public schools in Park County. These figures were drawn by the consultant from the recent population increases in the various school districts. School administrators, public officials and the like were not involved in pointing out any population of children as belonging to the Church. If the distinctions which were made can be construed as discriminatory in nature, we apologize for this inadvertent error.

We recognize that any child of school age is entitled to a public education. Whether that child is of a particular sex, race, or creed does not have any bearing on his or her right to attend public schools. Everyone is welcome.

Further, it is understood that many people in this County end up being subsidized with respect to their children attending public school. The net deficits shown in the study were not intended to be the basis for any qualitative distinction among children or their parents. There are also differences of opinion concerning the evidence presented in the report. We welcome additional information which may support, counterbalance, or refute the information presented.

Finally, it is hoped that, as the report suggests, the material provided is used to further the interaction and cooperation between all parties.

Park County Planning Office
Park County Planning Board



Royal Teton Ranch
Box A, Corwin Springs, Montana 59021 406/848-7381

April 19, 1988

Louisa Willcox, Program Director
GREATER YELLOWSTONE COALITION
Box 1874
Bozeman, Montana 59771

Dear Ms. Willcox:

I am replying to your letter of March 28, 1988 regarding inaccuracies in your printed materials concerning the Church Universal and Triumphant EIS.

As stated in my testimony at the Gardiner public hearing on March 21st, we never expected everyone to agree with what we are doing or with the results of the EIS, particularly if it was to conclude that we can proceed with the building of our religious community. It's your right as an American to express your opinions far and wide. And it's our right to disagree with them.

But what I do take issue with are misrepresentations of facts and any bending of the truth, particularly by those who are in a position to know. Whether it's in the name of protecting the environment, maintaining a business advantage or anything else, it simply is not right to deny someone else or some other group their rights just to get your way. In fact, it's un-American.

While I strongly disagree with the extremist rhetoric and alarmist choices of words used in your materials to describe our projects to your members--such as "serious adverse effects," "major environmental impacts," "major threat to Yellowstone," "will...degrade the aesthetic experience of thousands," and "could...damage Yellowstone Park's irreplaceable geothermal system"--particularly when the Draft EIS concluded otherwise, these are largely matters of opinion rather than fact. I am not writing to dispute your opinions--whether

rightly or wrongly held. I am confining my remarks in this letter to what I consider to be factual misrepresentations and inaccuracies.

The examples I am citing are particularly striking when you consider that they have been directed by you to people who by and large will not have read the Draft EIS. In most cases, they will be relying on your statements and warnings about the document in reaching their conclusions.

My complaints are directed to statements made in your EcoAction newsletter dated March 1988, as follows:

1. You stated that "the DEIS totally fails to disclose or mitigate anticipated impacts." This statement simply ignores the entire content of the document and the 16-point mitigation plan, as if it doesn't exist. You didn't say you thought it was "inadequate" or "incomplete," you said that it "totally fails to disclose or mitigate."

2. You stated that "the DEIS fails to...include site specific descriptions of development projects, and associated human activity." This totally ignores the first ten pages of the report and the six detailed area and site maps published for all to see.

3. You stated that "the DEIS fails to...analyze the individual or cumulative effects of activities." You know as well as I do that sections are included in the Draft EIS which do analyze both individual and cumulative effects. But instead of saying you disagree with them or think they are inadequate, you conveyed the erroneous impression that they just aren't there.

4. You stated that "the DEIS fails to...develop an array of alternatives which analyzes the pros and cons of various measures to mitigate environmental impacts." What about the four alternatives and the 16 mitigation measures?

5. You stated that "the DEIS had no data on traffic projections." I hate to say it, but this is an out-and-out lie. What about the four-page section included in the document, and the lengthy report that backs it up? How can you justify such a statement?

6. Finally, you stated that "the fence recently built by the Church along the Park boundary is already having significant impacts on wildlife, through preventing natural

Louisa Willcox, Program Director
GREATER YELLOWSTONE COALITION
April 19, 1988

migration and through injuring animals, particularly antelope." What migrations have been hindered and where are these injured animals? I insist that you provide proof of this allegation--because it simply is not true. In fact, the opposite is the case. Animals have continued to pass freely through, over and around this livestock fence. That was not always the case with the old wire fence that dates back generations--every year there were instances of calf elk and mule deer tangled up or hung in the barbed wire.

Again, I have no objections to your being concerned about our land use or disagreeing with the content or conclusions of the Draft EIS. That is not the issue here. Stating that you think the document is inadequate or incomplete is one thing, but stating that it "totally fails" to disclose, include or analyze things that it clearly does is an unprofessional misrepresentation of the truth. Based on the examples cited above, I have my doubts at this point on how high a priority you really do place on the use of factual data.

There are other statements about alleged environmental impacts made both in your newsletter and in your testimony at the Gardiner public hearing that I also take issue with. Space does not allow a discussion of them here. But just because there may be other environmental groups who share the same views you have expressed doesn't make them any more true if the facts don't bear them out.

I am always willing to discuss these issues and concerns with you or anyone else. I feel the complaints I have made about your prior statements should be addressed, however, before we move on and pretend they were never made. Then, I will also hope in the future that our discussions can be more frank, open, honest, accurate and free of this Chicken-Little-the-sky-is-falling rhetoric that has prevailed in the last several months.

Very truly yours,

ROYAL TETON RANCH

Edward L. Francis
Vice President and Business Manager

ELF:tcb



Royal Teton Ranch
Box A, Corwin Springs, Montana 59021 406/848-7381

August 27, 1988

Louisa Willcox
Program Director
GREATER YELLOWSTONE COALITION
P.O. Box 1874
Bozeman, Montana 59771

Re: Church Draft EIS and EcoAction Newsletter

Dear Ms. Willcox:

As I am sure you can imagine, this has been a busy summer. I am writing to reply to your letter of May 19, 1988 concerning the Church Universal and Triumphant Draft EIS and the statements made in your EcoAction newsletter issued in March of this year.

The explanations given in your May letter do not really respond to the issues I raised when I wrote to you in April. My concerns are directed to the misleading and inaccurate character of the statements made in your newsletter. These statements gave the readers of your newsletter an inaccurate picture of both the Church's proposed activities and the contents of the Draft EIS.. With regard to these issues, it is of little consequence what Yellowstone National Park, the Montana Department of Fish, Wildlife and Parks, or the Park County Planning Director later included in their written comments concerning the Draft EIS.

What is at issue is the totalistic nature of the statements made to your trusting readership. For example, in your newsletter you didn't refer to a failure to disclose or mitigate some anticipated impacts you would have liked to have

seen, while acknowledging that others were disclosed or mitigated. You said, "...the DEIS totally fails to disclose or mitigate anticipated impacts." (Emphasis added) This makes it sound as if the job conducted by the Department of Health and Environmental Sciences (DHES) simply did not refer to any impacts at all, which of course is not the case. Similarly, in reading your newsletter the reader is definitely left with the impression that the Draft EIS simply fails to include anything at all with regard to site specific descriptions, analysis of individual or cumulative effects, development of alternatives and mitigations, and traffic projections. Again, this is not the case. You could have been a lot more accurate, and left your readers with a more truthful impression, by just saying you felt these parts of the EIS were inadequate.

I note in your letter that you admit that your statement with regard to traffic projections was in error. However, this error has never been corrected by you either in your comments to the DHES or in your communications with the Greater Yellowstone Coalition membership. While I appreciate your apology, this does little to mend the damage done by making such misrepresentations to the readers of your mailing list, who for the most part believe what they hear from you.

We noted that the identical newsletter prepared by the Upper Yellowstone Defense Fund committed the same error. We have heard of no retraction or correction on their part either.

In the context of this letter, I am not really concerned about what your detailed comments to the DHES say. You can rest assured that we will carefully review these, and that if any improvements are needed to the EIS based upon the suggestions you have made we will insist they be done. We are always willing to listen to and consider additional information and recommendations that will provide for more environmentally sound land use on the Royal Teton Ranch. We are dedicated to this. By a like token, any complaints or allegations about our land use plans that are untrue will be recognized and evaluated as such. This includes untrue or exaggerated statements regarding our agricultural practices, our annual summer religious conference, the design and operation of sewage disposal systems on the ranch, and any other factually verifiable matters.

My primary concern in writing to you at this time is over the methods employed by your organization to attempt to influence public opinion in a very unfair way against the

Louisa Willcox, Program Director
GREATER YELLOWSTONE COALITION
August 27, 1988

establishment of our religious community on only 120 acres out of the 15,000 that are included on the ranch. You may not view it as such yourself, but from my perspective your efforts in this case--and perhaps in others--seem to be keyed primarily to opposing activities that conflict with your ultimate goal of conversion of the "Greater Yellowstone Ecosystem" area to wilderness under one administrative jurisdiction, rather than to actual or anticipated environmental impacts.

Stated a little differently, your efforts seem to be geared more towards wielding political influence to try to block land uses than to cooperating with private landowners and public land managers to promote more environmentally sound land use. Unfortunately, the statements made in your EcoAction newsletter do, in my opinion, amount to "Chicken-Little-the-sky-is-falling" rhetoric:

- You say that "the Church-related population in the Corwin Springs area numbers approximately 300-600, and could increase to several thousand in the future." This is simply factually inaccurate and is pure speculation on your part. Our plans call for a total of 596 people on the ranch in the Corwin Springs area.

- As previously stated, you said that "...the DEIS totally fails to disclose or mitigate anticipated impacts." It hasn't totally failed to do so, it just does not include all of the possible impacts or mitigations you would have liked to have seen. If that is the case, then why don't you simply state it in that manner?

- You also said that "...the DEIS had no data on traffic projections." Whether this was deliberate, a mistake or just careless editing, the impact is still the same. It is a totally incorrect statement.

- You said that "these and other spawning tributaries to the Yellowstone River are threatened by...proposed hydro development, mining and industrial uses." This is again totally untrue as there are no such proposals that have been made. Why is it necessary for you to create projects that don't exist and incite your members with the specter of such drastic scenarios?

These are only a few examples, but they serve to show that you have given your members a largely inaccurate picture of just what is proposed by the Church and how the Draft EIS

dealt with it. The importance of this point is driven home when one examines the many public comments submitted to the DHES on the Draft EIS. It is apparent in dozens and dozens of cases that people sending written comments to the department had never even read the Draft EIS and were deriving their information solely from what you included in your EcoAction newsletter. In fact, in most cases they merely quoted from the newsletter in drafting their own letters--in one amusing instance actually retyping practically the entire text. I was somewhat surprised to find that this was the case with the comment letters from the Wilderness Society and the National Park and Conservation Association.

I don't want to belabor the point, but I do not believe that your response in May has adequately addressed these concerns. I appreciate your explanation of how you feel the claims initially made in your newsletter could be interpreted to include the concerns actually stated in the formal written comments later submitted by the Greater Yellowstone Coalition. Unfortunately, it is not likely that most people would interpret the newsletter claims with the nuances and detailed explanations eventually given by you. The average person would interpret them as stated--i.e., "totally fails," "no data on traffic," "threatened by...mining and industrial uses," etc. This gives a false and overly critical impression of the Church's land use and the analysis of it contained in the Draft EIS.

We do appreciate your commendation on our decision to relocate the poultry processing facility from its current location to our North Ranch. You might also be interested to know that we have made a similar decision, communicated to the DHES earlier this summer, to relocate the growing of root crops (i.e., carrots and potatoes) from the South Ranch to the North Ranch. This has already been implemented during this growing season. As I have previously stated to you, we have been and we continue to be willing to be sensitive to reasonable concerns and factual input on our land uses.

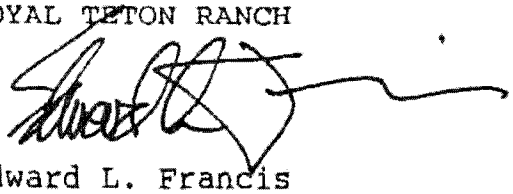
However, to state matters simply, we do not intend to become doormats or to be deprived of the lawful rights and prerogatives that are given to all citizens by God and the U.S. Constitution. Nature and the environment can be protected within these parameters. I hope you can learn to respect and be sensitive to these basic rights held by all Americans, just as you wish all people to share your concerns for the environment.

Louisa Willcox, Program Director
GREATER YELLOWSTONE COALITION
August 27, 1988

We hope that the future will hold greater opportunities for increased cooperation and the sharing of our mutual concerns.

Very truly yours,

ROYAL TETON RANCH

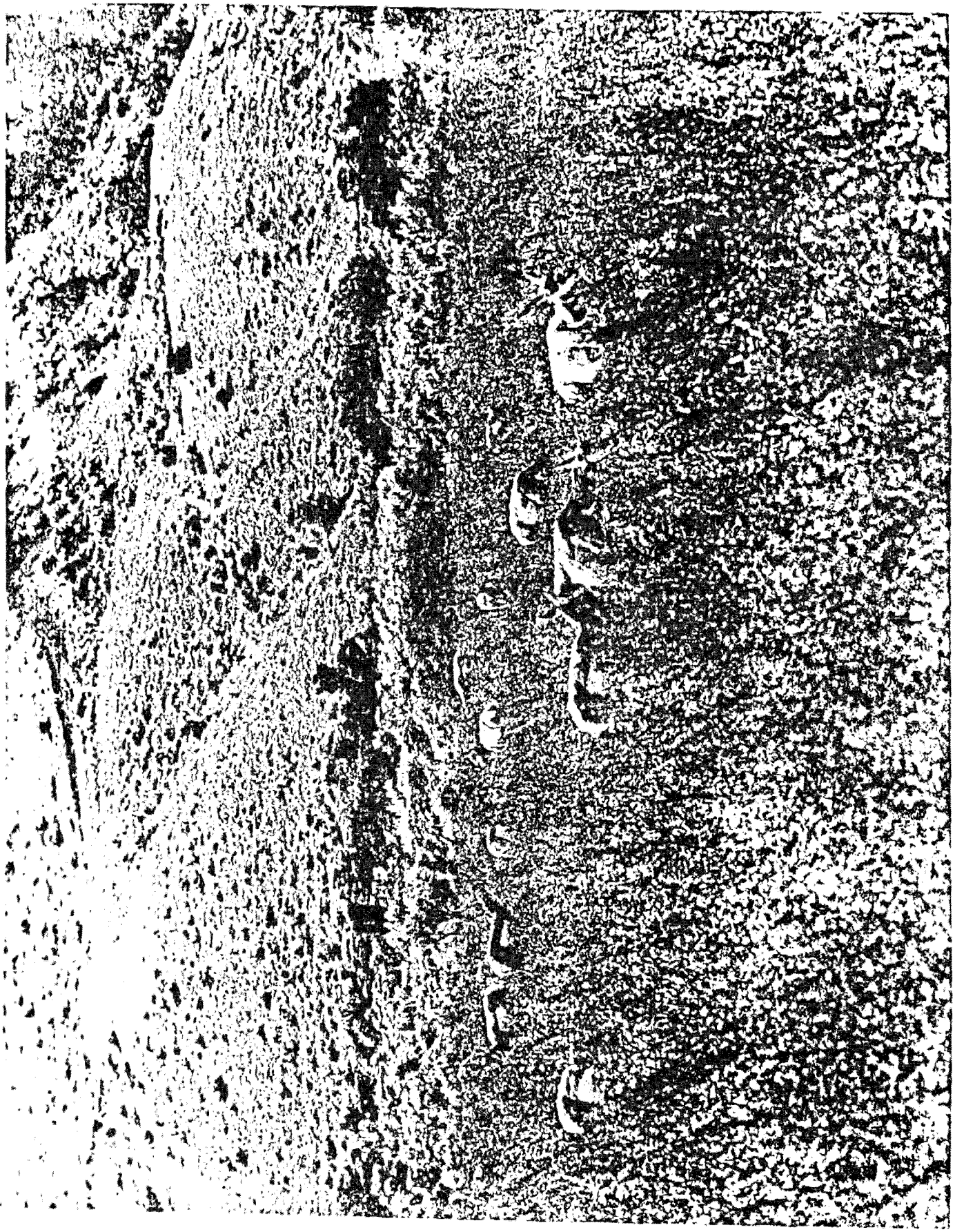


Edward L. Francis
Vice President and Business Manager

ELF:tcb

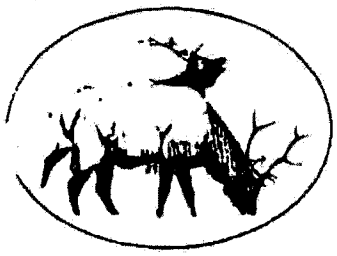


Photographed on the Royal Teton Ranch
August 28, 1988



Photographed on the Royal Teton Ranch
August 28, 1988

ATTACHMENT 60



OEA Research

Ecological Services

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Mr. Ed Francis
Royal Teton Ranch
Box A
Corwin Springs, Montana 59021

July 18, 1988

Dear Ed Mr. Francis,

I completed a vegetation inventory of the La Duc Hot Springs area on June 29, 1988. Particular emphasis was placed on determining whether any plant species of special concern in Montana were present.

Steve Shelly, botanist with the Montana Natural Heritage Program, indicated that one species may occur within the immediate influence of the hot springs. This was giant helleborine (Epipactis gigantea Dougl.) with a state ranking of S1, that is, critically endangered. An additional species, Ross' bentgrass (Agrostis rossiae Vasey), is listed in Wyoming as endangered and occurs near hot springs in the upper geyser basin of Yellowstone Park. Although Ross' bentgrass has not been identified in Montana, the similarity of habitat and the proximity of La Duc Hot Springs to Yellowstone warranted searching for the species.

The areas inventoried included the main hot springs, and three small springs or seeps located approximately 50 ft. south, 150 ft. north and 500 ft north of the main springs, respectively. These areas are included within the Highway 89 right-of-way. Neither Ross' bentgrass nor giant helleborine was identified.

A species list for the areas directly influenced by and immediately adjacent to the springs or seeps is attached. Species composition directly influenced by the springs was dominated by introduced, annual, weedy species. Immediately adjacent areas were dominated by species planted by the Montana Department of Highways within the right-of-way.

If you have any questions, please give me a call.

Sincerely,

Pam

Pam Hackley
Reclamation Specialist

Partial Species list for La Duc Hot Springs, Park Co., Montana

BINOMIAL	COMMON NAME	LIFE CYCLE*	ORIGIN**
GRAMINOIDS			
Agropyron cristatum	crested wheatgrass	P	I
Agrostis spp.***	bentgrass	P	N
Bromus inermis	smooth brome	P	I
Bromus tectorum	cheatgrass	A	I
Distichlis stricta	alkali saltgrass	P	N
Oryzopsis hymenoides	Indian ricegrass	P	N
Sporobolus airoides	alkali Sacaton	P	N
Stipa comata	needle-and-thread grass	P	N
FORBS			
Apocynum cannabinum	common dogbane	P	N
Conyza canadensis	horseweed	A	N
Erigeron bellidiastrum	fleabane	A	N
Helianthus annuus	common sunflower	A	N
Kochia scoparia	mock cypress	A	I
Lactuca serriola	prickly lettuce	A	I
Medicago sativa	alfalfa	P	I
Melilotus officianalis	common yellow sweet-clover	B	I
Opuntia polyacantha	prickly-pear cactus	P	N
Polanisia trachysperma	clammy-weed	A	N
Rubus leucoderma	black raspberry	P	N
Rumex crispus	curly dock	A	I
Typha latifolia	common cat-tail	P	N
unknown #1		A	/
unknown #2		P	/
SHRUBS			
Artemisia tridentata	big sagebrush	P	N
Chrysothamnus nauseosus	common rabbit-brush	P	N
Salix spp.	willow	P	N
Sarcobatus vermiculatus	greasewood	P	N
Toxicodendron rydbergii	poison ivy	P	N

* Life Cycle: A= annual; P= perennial

** Origin: N= native; I= introduced

*** Species not identifiable due to lack of full development; however other characteristics show that it is not A. rossiae.

FINAL RECOMMENDATION

Based on the information submitted to the DHES by the applicant and the material received during the EIS process, the department believes the proposed water and wastewater systems are adequate from a public health and engineering standpoint and will not have a measurable impact on water quality. Additionally, the application for work camp licenses is adequate and issuing them will have no adverse impact.

To address the concerns of indirect and secondary impacts, the Church and DHES have created a Mitigation Plan Agreement. A copy of the agreement is in Appendix B.

While implementation of the proposed development will bring change to the Corwin Springs area, the environment will be adequately protected by the review and approval of specific projects by the DHES and the implementation of the mitigation measures.

APPENDIX A

PERSONS GIVING STATEMENTS AT DEIS HEARING

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APPENDIX B

MITIGATION PLAN AGREEMENT

THIS MITIGATION PLAN AGREEMENT, dated the 16th day of February, 1989, is hereby made and entered into by and between CHURCH UNIVERSAL AND TRIUMPHANT, INC. (the "Church"), a Montana nonprofit corporation, and the MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES ("the Department"), an agency of the State of Montana, with regard to the following facts and circumstances:

WHEREAS, the Department has undertaken the preparation of an Environmental Impact Statement (EIS) in accordance with the provisions of the Montana Environmental Policy Act (MEPA), Section 75-1-101, et seq., MCA and ARM 16.2.601, and the Montana laws regarding Public Water Supplies, Section 75-6-101, et seq., MCA and ARM 16.20.401, Food Establishments, Section 50-50-102, et seq., MCA and ARM 16.10.3, Trailer Courts and Tourist Campgrounds, Section 50-52-101, et seq., MCA and ARM 16.10.7, and Work Camps, Section 50-52-102, et seq., MCA and ARM 16.10.9, concerning a request for the approval of licenses, plans and specifications submitted to the Department by the Church for proposed projects in Park County, Montana; and

WHEREAS, in its findings included in the Draft and Final EIS, the Department has recommended the approval of all licenses, plans and specifications sought by the Church subject to the implementation of a Mitigation Plan for indirect or secondary impacts; and

WHEREAS, the Department and the Church wish to make a contractual agreement governing the scope and extent of the various mitigation measures which make up the Mitigation Plan, the provisions for implementation of each of the measures, and the duties, obligations, rights and privileges of each of the parties with respect thereto;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. The Church agrees to coordinate and cooperate with the appropriate federal, state and local agencies to implement the recommendations included in the Mitigation Plan.

2. With regard to the various measures included in the Mitigation Plan, the Church and the Department agree upon the following provisions governing the scope, extent and implementation of each measure:

a. For the particular projects covered by the EIS for which the Church has requested an approval or license from the Department, the Church shall utilize site planning that will allow housing and work units to be clustered in small units, minimizing loss of productive land, impacts on wildlife and preserving aesthetics of the area.

b. The Church will cooperate with Park County and jointly participate in a road improvement and dust control program on the county roads which cross the Royal Teton Ranch and receive the heaviest use. These roads include:

(1) The County Roads running from the Corwin Springs Bridge to the Ranch Headquarters, Ranch Office, Spring Creek and East Gate development sites, and up to U.S. Highway 89, at the RTR-S; and

(2) The Mol Heron Creek County Road running from the Ranch Headquarters to the Mol Heron Conference Site, at the RTR-S.

The scope and extent of this cooperation and joint participation with Park County to improve the roads and control dust are described in a letter from the Church addressed to the Park County Commissioners dated April 27, 1987, together with additional agreements that have been reached since that time for providing gravel to Park County. In general, the Church's participation will include:

(1) Providing soil and clay binder material from the Church's land for blending with road gravels for magnesium chloride dust treatments, at no charge to Park County;

(2) Providing magnesium chloride road treatment material and application at the Church's expense;

(3) Providing watering and compaction with steel roller for magnesium-chloride-treated road sections with the Church's equipment;

(4) Providing culvert materials and installation on some sections of road at the Church's expense;

(5) Providing grading, cutting, filling and culvert installation to improve some sections of road with the Church's equipment;

(6) Providing occasional assistance with watering, grading, and/or compaction with steel roller when Park County is maintaining roads; and

(7) Cooperating with Park County to provide gravel sites on the Church's land at nominal expense, or on a bartered basis.

c. The Church will utilize car pooling and other forms of common transportation in moving its employees from one location to another, including the running of a ranch "shuttle service" on a regular schedule between the most highly traveled routes on the RTR-S.

d. The Church has agreed to move its poultry processing facility (also referred to in the EIS as a "slaughterhouse") from the RTR-S to a site closer to where the poultry is raised at the RTR-N. The Church will not construct any slaughterhouses on the RTR-S at any time in the future without the Department's approval.

e. The Church has reached a tentative agreement with the U.S. Forest Service (USFS) for an exchange and consolidation of public and private lands within and adjacent to the RTR-S. One of the terms of that tentative agreement provides for "...a legally binding restriction (i.e., by easement or covenant) to prohibit domestic sheep grazing on Cinnabar Mountain, as a buffer for Big Horn Sheep. The land to be included in this restriction is as follows:

> "Those portions of Sections 24 and 25, Township 8 South, Range 7 East, bounded on the north and west by the Mol Heron Creek County Road."

The Church agrees to pursue the implementation of this exchange agreement with USFS with reasonable diligence, and in the interim, to not allow its domestic sheep to use the area described above in order to minimize the potential of disease transmission. Should the tentative exchange agreement with USFS not be implemented, or should it ultimately be rejected for any reason, the Church agrees to negotiate an acceptable lease to the Montana Department of Fish, Wildlife and Parks (DFWP) for the grazing rights within the described area on Cinnabar Mountain.

f. The Church has already constructed, and agrees to maintain, a bear-proof fence around the tree farm area at the RTR-S.

g. For 1988 and any currently planned seasons in the future, the Church has removed its production of root crops (carrots and potatoes) from the RTR-S to the RTR-N.

Should the Church resume the production of carrots and potatoes at the RTR-S at any time in the future, and should conflicts with grizzly bears being attracted to the crops occur, one or more of the following mitigation measures will be undertaken by the Church until the problems are resolved:

(1) Erection of temporary bear-proofing around root crop areas with portable electric fencing;

(2) Cooperation with the DFWP for the trapping and removal of problem bears to remote areas;

(3) Construction of a permanent bear-proof fence around the root crop fields; or

(4) Moving of root crop fields farther north.

h. The Church agrees to move the composting of vegetation to other Church property away from the RTR-S where there is little likelihood of grizzly bear problems developing.

i. The Church agrees to implement a sediment control plan for all developed areas where the natural vegetative protective covering is removed for construction operations. Primarily, this will consist of the placement of hay or straw bales within and around the perimeter of construction zones where runoff is likely. Should this measure fail to adequately control sediment runoff, the Church agrees to implement any other reasonable measures specified by the Department.

j. The Church agrees to continue negotiating with Yellowstone National Park (YNP), DFWP, and other government agencies and private water users or appropriators having an interest, to establish minimum instream flows for Reese Creek, Mol Heron Creek and Cedar Creek. Nothing in this agreement, however, may be interpreted or used in such a way as to effect a taking of any of the Church's water rights without due process and just compensation, or to require the unilateral relinquishment of any of those rights, or to deny the Church the use of its private water rights appropriated, decreed, adjudicated, permitted and/or authorized under Montana Water Law.

k. The Church agrees to cooperate with DFWP, to the extent allowed by law and deemed appropriate or necessary by DFWP, to establish a catch-and-release program and/or to implement other fishing regulations for the upper section

of Mol Heron Creek during those times of year when the Church's outdoor conferences are held.

l. The Church agrees to monitor the groundwater impact, using guidelines and methods approved by the Department, of the existing wastewater disposal system serving the shower and toilet facility at the Mol Heron Creek Conference Site. If adverse impact is identified, an alternative method of wastewater disposal will be implemented with approval of the Park County Health Department and, if appropriate, the Department.

m. The Church agrees to monitor the groundwater impact, using guidelines and methods approved by the Department, of the proposed new wastewater facility serving the East Gate Work Camp. If adverse impact is identified, an alternative method of wastewater disposal will be implemented with approval of the Park County Health Department and, if appropriate, the Department.

n. The Church agrees to monitor the groundwater impact, using guidelines and methods approved by the Department, of the proposed new wastewater facility serving the Ranch Headquarters. If adverse impact is identified, an alternative method of wastewater disposal will be implemented with approval of the Park County Health Department and, if appropriate, the Department.

o. The Church agrees to monitor and report the flows, using guidelines and methods approved by the Department, at all wastewater systems previously approved and all systems that will be approved by the Department for the particular projects covered by the EIS. Flows in excess of design parameters will require system modification with approval of the Department and the Park County Health Department.

p. To the extent that the soils in the drainfield trenches at the proposed East Gate Work Camp Wastewater System and Ranch Headquarters Wastewater System 2 do not already contain a sufficient amount of sand as deemed necessary or advisable by the Department, the Church agrees to line the drainfield trenches for these new systems with sand as specified by the Department.

q. The Church agrees to make reasonable efforts to utilize the best available management practices in all aspects of agricultural production for its type of farming and ranching operations. This includes adhering to the terms of any Conservation Plans developed by the U.S. Soil Conservation Service for the RTR-S and RTR-N, and the

grazing and range management plans specified in the USFS Grazing Permits covering the RTR-S and RTR-N.

r. The Church agrees that the geothermal well drilled to tap the aquifer serving LaDuke Hot Spring will not be developed or utilized until a change in the point of diversion and place of use is authorized by the Montana Department of Natural Resources and Conservation (DNRC) under Montana Water Law.

3. The terms and provisions of this agreement are enforceable as a specific performance contract and an action may be maintained by either party to obtain specific performance of its terms, or to enjoin any action which is required to be performed or is prohibited hereunder, or to otherwise obtain equity for the protection of: (1) the environmental values envisioned by each of the mitigation measures, and (2) private land ownership rights.

4. The legal effect of this agreement is conditioned upon the issuance of a Final EIS and the approvals of all licenses, plans and specifications by the Department as recommended. Should the Final EIS or any of the approvals, permits or licenses issued by the Department be legally challenged, and be either invalidated or significantly modified by administrative, legislative or judicial action, then this agreement shall become null and void and subject to renegotiation.

5. Nothing herein shall be construed as giving any right to maintain an action for enforcement of this agreement, or any term or provision hereof, to any person or agency that is not a party to this agreement.

6. The effective date of this agreement shall be the date of issuance of the Final EIS.

7. The Church and the Department agree to have the Department conduct periodic announced and unannounced site inspections and meetings with the Church to ensure compliance with approved plans and specifications and the terms and conditions of the Mitigation Plan Agreement.

8. The Department and the Church agree that the Department will incorporate as conditions in any license or

approval issued in conjunction with the Final EIS such mitigation measures as are contained herein that are applicable to such license or approval.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and date first above mentioned.

CHURCH UNIVERSAL AND TRIUMPHANT, INC.

By: Elizabeth Clare Prophet
ELIZABETH CLARE PROPHET, President

By: Edward L. Francis
EDWARD L. FRANCIS, Vice President and Secretary

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

By: Sidney Pratt M.D.
SIDNEY PRATT, M.D., Acting Director

Appendix C

REPORT ON ENVIRONMENTAL IMPACT STATEMENT REGARDING CHURCH UNIVERSAL AND TRIUMPHANT

Prepared for Park County
by Jim E. Richard, Consultant
Malta, Montana

INTRODUCTION

This report is submitted in response to the Park County Planning Board and County Commissioners' interest in having an outside perspective of the adequacy of the Environmental Impact Statement from a local government point of view, and outside observations and recommendations.

I looked at the EIS from a view point of local government considerations. In particular, I considered the fiscal impacts on local government, the land use implications of the proposed development, the local government planning implications. The report offers a number of observations and recommendations from a local government perspective.

It is important to understand that the scope and depth of this examination was quite limited.

REVIEW OF FISCAL EFFECTS ON LOCAL GOVERNMENT

This report looks at the fiscal effects of the proposed CUT development on Park County and four elementary school districts: Arrowhead, Gardiner, Pine Creek, and Richland. No analysis was made of Livingston elementary school districts, the Gardiner and Livingston high school districts, nor of the City of Livingston.

For Park County and the four elementary districts, tables have been prepared that compare the estimated costs of public services to serve CUT with the public revenues CUT generated for each of the local government jurisdictions during the current fiscal year (1987-88). Using the projected population and development circumstances set forth in the EIS I projected the CUT impact costs and revenues for Park County at full development.

The enclosed tables use population levels, both current and projected, from page 51 of the EIS. The current budgets of each of the local jurisdictions was used to determine costs of services, and the service charges and property tax mill levies. Current taxable valuation and property appraisals from county offices were used.

It may be that the actual CUT population is significantly higher than that used in the EIS. For example, the EIS apparently does not deal with the population of non-staff CUT members residing throughout the county. My figures would

understate the impact costs if that is the case.

Except for projected population levels, I am responsible for any projected figures.

It is important to emphasize that this fiscal analysis is an effort to examine the costs and revenues that the presence of the Church generates for public services. This report treats CUT members, as well as all residents, as numbers. No sociological statements are implied, and none should be inferred.

Park County

The administrative and law enforcement functions of the county are budgeted as part of the county general fund. The costs attributable to CUT for most of the offices were based on a per capita allocation. In the case of the county commissioners, for example, I assumed that the commissioners are experiencing an increased work load because of the issues surrounding the Church with regard to land use planning, subdivision and land development questions, road and bridge discussions and agreements, and general discussions and negotiations involving CUT.

The sanitarian and public health offices incur greater costs to deal with septic tank inspections, kitchen and other public health examinations. The county treasurer, clerk and recorder, appraiser and assessor are experiencing increased work loads in dealing with land transactions, property taxes, vehicle registration, elections, and all of the financial and administrative functions. The costs to those offices are represented in the Park County Cost and Revenue table under "Finance/Admin," and the cost allocated to CUT was figured on a per capita basis.

Although the EIS conveys CUT's contention that CUT members create minimal problems for law enforcement, for the next several years there probably will be an increased demand on the Sheriff Department. That demand will come from the need for traffic control during major religious retreats and other events, "missing person" reports, and the general law enforcement and security demands generated by any rapid population growth.

The county superintendent of schools sees a negligible increase in work load. The city-county planner estimates that approximately 1/3 of his time is taken up by CUT-related activities. Rather than a per capita cost allocation, I allocated 1/3 of his time to dealing with Church-related work.

A number of different revenues provide the funding for general fund operations. The most significant is the property tax levy of 24.8 mills, which is the combined total of the general fund levy of 23.8 mills and the county-wide planning levy of 1 mill. Currently the Church has a total property taxable

PARK COUNTY: CUT IMPACT COSTS AND REVENUES

			87-88	Full Development
		CUT Population	260	600
		Co. Population w/ CUT	13,300	13,900
IMPACT COSTS				
	Needs	Rate		
GENERAL/PLANNING FUNDS				
Co. Commissioners	Oper.	$4.70/CAP	$1,222	2,820
Sanitar/PubHealth	Oper.	$3.86/cap	1,004	2,316
Finance/Admin	Oper.	$21.65/cap	5,629	12,990
Sheriff Dept.	Oper.	$27/cap	7,020	16,200
Supt/Schools	Oper	$1.35/cap	351	810
Planning Dept.	.3FTE	$6,000	6,000	6,000
	Total General Fund		21,226	41,136
		Revenues	17,348	28,396
		Net(cost)	(3,878)	(12,740)
ROAD/BRIDGE FUNDS				
Corwin Spr Bridge	Reconstr	$280,000		
Maintenance	Oper.		20,000	50,000
	Road Fund Total		20,000	50,000
		Revenues	10,726	17,582
		Net(cost)	(9,274)	(32,418)
SOLID WASTE	Oper.	$31/cap	8,060	18,600
		Revenues	7,050	15,000
		Net(cost)	(1,010)	(3,600)
TOTAL COSTS			$49,286	$109,736
		Revenues	35,123	60,978
		Net(cost)	(14,162)	(48,758)

****

IMPACT REVENUES		
CUT Taxable Valuation[$000]:	485	650
GENERAL FUND		
PROPERTY TAXES (T.V. x 24.8 mills)	12,028	16,120
Licenses and Permits (@$4.86/cap)	1,264	2,916
State/Fed Shared Revenues (@$4/cap)	1,040	2,400
Charges for Services (@$5.26/cap)	1,368	3,156
Fines and Forfeiture (@$6.34/cap)	1,648	3,804
Total General Fund Revenues	17,348	28,396
ROAD/BRIDGE FUNDS		
PROPERTY TAXES (T.V. x 15.28 mills)	7,411	9,932
Licenses and Permits (@$8.50/cap)	2,210	5,100
Fed/State/Other Revenues(@$4.25/cap)	1,105	2,550
Total Road Fund Revenues	10,726	17,582
SOLID WASTE		
Service Charge @$75/unit	7,050	15,000
TOTAL REVENUES	35,123	60,978

valuation in Park County of $485,000. That tax base produces $12,000 for the general fund and planning fund at the current 24.8 mill levy.

Other sources of general fund revenues include income from licenses and permits, charges for services, fines and forfeitures and monies from state and federal government. I projected that CUT members would generate these revenues on a per capita basis. This may overstate CUT's revenue contribution because CUT members may not buy licenses and permits and may not incur fines and forfeitures to the same extent as non-Church members.

The total of CUT's property tax contribution and income from the other sources total $17,000 as I have calculated in the Park County table. Assuming all of the above costs and revenues are reasonably, accurate, the Church creates a net loss for Park County's general fund of $3,000-4,000.

Should the Church fully develop as proposed in the EIS, the impact population increases from 260 to 600. At the point that full development occurs, the cost of providing county general fund services to CUT will total approximately $41,000.

Based on discussions with the county appraiser, I projected that CUT's taxable valuation at full development will be approximately $650,000. I understand that a significant portion of the Church's pre-fabricated buildings are already on the county tax rolls as unoccupied or stored property, although at a lower classification rate. Therefore the increased taxable value of CUT property would not proportional to the proposed magnitude of development.

The projected $650,000 tax base would provide $16,000 in tax revenues for the general fund at the 24.8 mills. With the other per capita based revenues, CUT would generate a total of $28,000 in general fund revenues.

Based on the projected CUT costs of services and CUT generation of revenues, full development as defined in the EIS would leave the Park County in a deficit position of approximately $12,000.

The Road Fund and Bridge Fund each is a separate fund account. I combined those funds in the Park County table to simplify the information. I assumed that the increased traffic on county roads in the vicinity of Corwin Springs area created a need for additional maintenance. I estimated the current added maintenance to be approximately $20,000.

A 15.28 mill levy and per capita generation of license, permit and state and federal monies represents CUT's contribution of revenues to the road and bridge funds. That contribution is approximately $10,700.

The net cost created by CUT in the road and bridge funds under the current budget is approximately $9,000.

At full development as defined by the EIS, I projected that county road and bridge maintenance will total $50,000. That annual maintenance figure assumes a greater need for road grading, shaping and maintenance and some paving and other improvements to handle higher traffic volumes. The CUT generated road and bridge revenues would total $17,600, leaving a net loss of approximately $32,400.

Note: The Park County table does not include the cost of reconstructing the Corwin Springs bridge. The EIS uses a cost figure of $280,000 to upgrade the bridge. It appears unlikely that state or federal funding for reconstructing the bridge is available in the near future. If the county were to issue bonds to build a new bridge for $280,000 at 10% interest over 15 years, the annual debt service would be $36,800. One can argue that CUT is the only reason for the need to upgrade the bridge, and therefore the entire debt service should be considered a CUT impact cost. Or one can argue that CUT's traffic volume is only approximately 1/2 of the total volume that uses the bridge, so approximately $18,000 in debt service is a CUT impact cost.

The solid waste service charges a service fee to CUT and it appears that the CUT revenues almost meet the per capita expenses of collecting and disposing of CUT solid waste.

Arrowhead Elementary School

Arrowhead Elementary School has a current CUT student enrollment of 26, out of a total enrollment of 73. The cost of one teacher and an aide were allocated to CUT, and books, supplies and other expenses were allocated on a per student basis. The table shows that CUT students generated general fund costs for Arrowhead of approximately $51,000.

In 1986 Arrowhead met its district share of general fund financing by reappropriating money from its cash reserves, rather than levying a general fund mill levy. The passage of Initiative 105 prevented the school from levying a general fund mill levy in 1987-88. Once again, the board reappropriated cash from its cash reserves to pay the district's portion of the general fund budget.

Because Arrowhead has no general fund mill levy, the $47,000 in CUT taxable valuation cannot contribute property tax revenues to the general fund.

The major source of elementary school financing is provided by the School Foundation Program. The amount of School

ARROWHEAD ELEMENTARY SCHOOL: CUT IMPACT COSTS AND REVENUES

		1987-88
CUT Enrollment:		26
current enrollment:	73	
IMPACT COSTS:		
1. GENERAL FUND	Current Budget	CUT SHARE OF COSTS
INSTRUCTION		
Teachers	$74,320	$26,470
Other Expenses	34,400	12,252
ADMIN; SUPPORT	6,150	2,180
OPER. & MAINT.	21,600	7,693
SPECIAL ED; ATHLETICS	8,360	2,978
Total Gen. Fund	$144,830	$51,573
*Gen. Fund Revenues	144,830	8,000
Net (costs)	0	(43,573)
**********		
REVENUES (Impact):		
CUT Taxable Valuation($000)		47
1. GENERAL FUND		
Sch Foundation	$114,106	8,000
Prop. Taxes @ 0 mills	0	0
Other Revenues	5889	
Total Gen Fund Revenue	$119,995	8,000

Foundation monies awarded to a school district is based on the previous year's enrollment. In 1986-87, few CUT students attended Arrowhead School, so the Church did not generate significant Foundation funding for this fiscal year.

This year the Arrowhead school board applied for and received additional funding from the School Foundation Program because the school experienced an enrollment increase of greater than 6 percent. That $24,800 in additional funding offsets part of the $51,000 of CUT-related expenses.

Next year, the 25 CUT students now enrolled will generate a significant amount of Foundation funding for the Arrowhead School.

While CUT creates a net loss in the Arrowhead general fund this year, the Church has a net positive effect in the Debt Service fund (not shown on the table). The school expanded and incurred long term debt prior to the presence of CUT. At a mill levy of 15.02 mills, the taxable valuation of CUT property in the district ($47,000) pays $700 toward the schools debt service.

At present CUT students have brought the school to near capacity but have not created overcrowding. A substantial increase in CUT students (for example, doubling the current enrollment) would create the need for expansion of the facility and hiring of additional teachers. School costs for educating an increased CUT enrollment would increase significantly. If such a hypothetical increase occurred in increments of 6% or greater, the school could receive increased School foundation monies, as it did this year.

A substantial decrease in CUT students would necessitate a reduction in staff. If the Church builds and operates a school large enough for all or most the CUT-associated elementary students, Arrowhead would be looking at an enrollment of 50 students or fewer. A program reduction of that size could adversely affect the quality of education at Arrowhead.

Even with the current CUT enrollment, Arrowhead expects to see an enrollment of fewer than 60 students, because a large class of 7th graders likely will attend junior high in either Livingston or Gardiner.

Richland Elementary School

In terms of percentage enrollment Richland Elementary School has the been the most affected. Of the 14 students enrolled in the school 12 are associated with the Church.

The presence of CUT children has had the effect of allowing the Richland school to operate these past two years. It is very unlikely that the school could have opened with only the two

RICHLAND ELEMENTARY SCHOOL: CUT IMPACT COSTS AND REVENUES

1987-88

CUT Enrollment:	11
Total Enrollment:	13

IMPACT COSTS:

1. GENERAL FUND	Current Budget	CUT SHARE OF COSTS
INSTRUCTION		
Teachers	$15,570	15,570
Other Expenses	3,050	2,581
ADMIN; SUPPORT	2,150	1,819
OPER. & MAINT.	6,500	5,500
SPECIAL ED; EXTRA CURR.	2,780	2,352
TOTAL GENERAL FUND	$30,050	27,822
*Gen. Fund Revenues	30,650	7,700
Net (costs)	600	(20,122)

****

IMPACT REVENUES		
CUT Taxable Valuation($000)		91
1. GENERAL FUND		
Sch Foundation	$20,372	6,200
Prop. Taxes @) mills	0	0
Other Revenues	10278	1,500
Total Gen Fund Revenue	$30,650	7,700

students not associated with CUT.

The CUT share of the costs of operating the school include the salaries of the two teachers, and 86 percent of the other costs, based on a per student proportion. The CUT share of the general fund costs is approximately $27,800. The 12 CUT students bring more than $16,000 in School Foundation revenues. Richland did not levy a general fund property tax mill levy this year, so as with all property taxpayers in the district, the Church does not contribute tax revenues to the general fund.

CUT's $18,000 contribution in general fund revenues is approximately $9,000 less than its share of the general fund expenses.

The Richland school may face some financial difficulties in the next several years. The district avoided levying a general fund mill levy by using money from their cash reserves to met the district share of the funding. However, the district has reduced its cash reserves to the point that cash is not available to cover the district share of the general fund expenses. Because they have not levied any mills in the general fund, Initiative 105 will prevent the school board from levying general fund mills in the future.

The school board submitted an emergency levy of 18 mills to the district voters this year. The emergency levy passed this year, raising $10,000 in tax revenues.

Pine Creek Elementary School

Pine Creek Elementary School has a current enrollment of 26 students, 4 of whom are associated with CUT. I assume that those 4 CUT students were able to be absorbed into the 3 classes without adding to the need for additional teachers or aides. The costs of books, supplies and other expenses were allocated to CUT on a per student basis. The CUT share of the general fund expenses are approximately $3,000.

Although Pine Creek levies 4.91 mills for the general fund, CUT did not own taxable property in the Pine Creek District so the Church does not contribute tax revenues.

Gardiner Elementary School

Gardiner Elementary School has a total enrollment of 245 students in grades K-8. Of those an estimated 15 are CUT students. The distribution of those students among the grades has been such that they could be absorbed with no need for additional staff. The costs of books, supplies, additional maintenance needs were allocated on a per student basis. The total general fund impact costs is estimated to be $19,000.

PINE CREEK ELEMENTARY SCHOOL: CUT IMPACT COSTS AND REVENUES

1987-88

CUT Enrollment: 4
current enrollment: 26

IMPACT COSTS:

	Current Budget	CUT SHARE OF COSTS
1. GENERAL FUND		
INSTRUCTION		
Teachers	$36,047	$0
Other Expenses	4,445	684
ADMIN; SUPPORT	3,625	558
OPER. & MAINT.	7,030	1,082
SPECIAL ED;EXTRA CURR.	4,555	701
TOTAL GENERAL FUND	$55,702	$3,024
*Gen. Fund Revenues	55,702	0
Net (costs)	0	(3,024)

****

REVENUES (Impact):

CUT Taxable Valuation($000)		0
1. GENERAL FUND		
Sch Foundation	$44,563	0
Prop. Taxes @ 4.91 mills	2,517	0
Other Revenues	8624	
Total Gen Fund Revenue	$55,702	0

GARDINER ELEMENTARY SCHOOL: CUT IMPACT COSTS AND REVENUES

		1987-88
CUT Enrollment K-8:		15
Total enrollment K-8:		245
IMPACT COSTS:		
1. GENERAL FUND	Current Budget	
INSTRUCTION		
Teachers	$178,340	$0
Other Expenses	73,260	4,485
ADMIN; SUPPORT	88,230	5,402
OPER. & MAINT.	108,700	6,655
SPECIAL ED;EXTRA CURR.	43,290	2,650
TOTAL GENERAL FUND	$491,820	$19,193
*Gen. Fund Revenues	491,820	6,000
Net (costs)	0	(13,193)
**********		
REVENUES (Impact):		
CUT Taxable Valuation($000)		241
1. GENERAL FUND		
Sch Foundation	$205,375	6,000
Prop. Taxes @ 0 mills	0	0
Other Revenues	5889	
Total Gen Fund Revenue	$119,995	6,000

Because the Gardiner school levies no general fund mills the $241,000 taxable valuation of CUT property in the district does not generate tax revenues. Approximately 4 CUT students were assumed to attend Gardiner last year, and generated an estimated $6,000 in Foundation funding.

The net cost of CUT students is estimated at $13,000.

OBSERVATIONS AND RECOMMENDATIONS

This cursory fiscal examination seems to indicate that CUT is creating net costs for Park County in providing county services. This situation usually happens with residential development. Local governments depend on business, industry and agriculture to make up the difference between the cost of serving residential properties and the tax revenues generated by them.

During this current year, CUT school revenues did not meet the estimated costs of educating the CUT students. In several districts that situation will improve as the current CUT enrollments bring in increased School Foundation monies.

But the Church decision on if, or when, to build school facilities to handle most of its member students will have a major impact on school planning for several of the districts.

Park County and the school districts need basic information in order to be more effective in planning budgets and provision of local services. Essential information that the governing bodies need include: the total number of people that have migrated into the county, their location, the number of school age children that will be attending public schools, the ages and grades of those children, and the number of students that will be attending each of the public schools.

The EIS did not provide this information, and some mechanism should be established to obtain data on a regular basis.

CUT, Park County and the various school boards need to work more cooperatively. The CUT development is similar to any large scale development. The cooperative approach of the Stillwater Mining Company in Stillwater County serves as an excellent example.

Park County should take the initiative to instigate, as a minimum, annual or semi-annual meetings to share information with CUT. At those meetings, the leaders of CUT should explain the expected demographic characteristics of its membership and population as best as it can.

The county should candidly discuss the provisions of county services, find where the county might better serve the church,

the problems the county has in providing services.

CUT has acquired significant holdings throughout Park County, including the City of Livingston. The Church is not an isolated entity off in a corner of the county. It has become an integral part of the physical development of Park County. As a result of CUT's presence, it behooves the Church and the local government units to work together and share facts and perspectives.

The Church would benefit from working with the local government units. The willingness to work more openly with the local officials would likely reduce the mistrust of CUT that currently exists among many county residents.

ADDENDUM TO

REPORT ON ENVIRONMENTAL IMPACT STATEMENT
REGARDING CHURCH UNIVERSAL AND TRIUMPHANT

by Jim Richard
April 15, 1988

This Addendum to my report tries to clarify a number of questions that have been, or may be, raised about the fiscal impact of CUT on local government services. Several explanatory points are included, a summary of CUT costs and revenues at a population level of 260 and at 400 persons. Also included is a summary of the total tax revenues paid by CUT to the various local government units, and revised cost and revenue tables for Park County and Arrowhead Elementary School.

My report does not address all the costs and revenues relating to Park County and the four elementary schools. It only addresses the general, planning, road and bridge fund accounts for Park County, the solid waste district for Park County, and the general fund for each four elementary school districts. Limited time and a limited scope of work and budget precluded a comprehensive examination of local services.

The five Park County fund accounts were selected because they involved county services that are particularly affected by the CUT development. The mill levies for the selected funds constitute almost 60% of the total Park County 68.24 mill levy, plus the service charges for solid waste. The fiscal impacts on the selected county fund accounts very likely are representative of the entire county budget.

The general fund costs and revenues of the four elementary districts were used because the general fund is the largest of the school fund accounts, and most of the costs of operating an elementary school are contained in the general fund.

As mentioned in the report, in some cases, such as the debt service fund at Arrowhead, CUT pays tax revenues into fund accounts for which it creates little or no costs. In those fund accounts CUT provides net revenues rather than net costs.

However, it must be emphasized that within county and school district budgets, monies cannot be transferred from one account to another. Thus, the net deficits incurred in the general fund of the county or a school districts cannot be offset by net revenues in other fund accounts.

PARK COUNTY: CUT IMPACT COSTS AND REVENUES

			87-88	87-88	Full Development
		CUT Population	260	400	600
		Co. Population w/ CUT	13,300	13,440	13,640
IMPACT COSTS					
	Needs	Rate			
GENERAL/PLANNING FUNDS					
Co. Commissioners	Oper.	$4.70/CAP	$1,222	$1,880	2,820
Sanitar/PubHealth	Oper.	$3.86/cap	1,004	1,544	2,316
Finance/Admin	Oper.	$21.65/cap	5,629	8,660	12,990
Sheriff Dept.	Oper.	$27/cap	7,020	10,800	16,200
Supt/Schools	Oper	$1.35/cap	351	540	810
Planning Dept.	.3FTE	$6,000	6,000	6,000	6,000
	Total General Fund		21,226	29,424	41,136
		Revenues	17,348	20,212	28,396
		Net(cost)	(3,878)	(9,212)	(12,740)
ROAD/BRIDGE FUNDS					
Corwin Spr Bridge	Reconstr	$280,000			?
Maintenance	Oper.		20,000	30000	50,000
	Road Fund Total		20,000	30,000	50,000
		Revenues	10,726	12,511	17,582
		Net(cost)	(9,274)	(17,489)	(32,418)
SOLID WASTE	Oper.	$31/cap	8,060	12,400	18,600
		Revenues	7,050	7,050	15,000
		Net(cost)	(1,010)	(5,350)	(3,600)
TOTAL COSTS			$49,286	$71,824	$109,736
		Revenues	35,123	39,773	60,978
		Net(cost)	(14,162)	(32,051)	(48,758)
IMPACT REVENUES					
		CUT Taxable Valuation[$000]:	485	485	650
GENERAL/PLANNING FUNDS					
PROPERTY TAXES (T.V. x 24.8 mills)			12,028	12,028	16,120
Licenses and Permits (@$4.86/cap)			1,264	1,944	2,916
State/Fed Shared Revenues (@$4/cap)			1,040	1,600	2,400
Charges for Services (@$5.26/cap)			1,368	2,104	3,156
Fines and Forfeiture (@$6.34/cap)			1,648	2,536	3,804
Total General Fund Revenues			17,348	20,212	28,396
ROAD/BRIDGE FUNDS					
PROPERTY TAXES (T.V. x 15.28 mills)			7,411	7,411	9,932
Licenses and Permits (@$8.50/cap)			2,210	3,400	5,100
Fed/State/Other Revenues(@$4.25/cap)			1,105	1,700	2,550
Total Road Fund Revenues			10,726	12,511	17,582
SOLID WASTE					
Service Charge @$75/unit			7,050	7,050	15,000
TOTAL REVENUES			35,123	39,773	60,978

ARROWHEAD ELEMENTARY SCHOOL: CUT IMPACT COSTS AND REVENUES

1987-88

CUT Enrollment: 26
current enrollment: 73

IMPACT COSTS:

1. GENERAL FUND	Current Budget	CUT SHARE OF COSTS
INSTRUCTION		
Teachers	$74,320	$26,470
Other Expenses	34,400	12,252
ADMIN; SUPPORT	6,150	2,180
OPER. & MAINT.	21,600	7,693
SPECIAL ED; ATHLETICS	8,360	2,978
Total Gen. Fund	$144,830	$51,573
*Gen. Fund Revenues	144,830	32,800
Net (costs)	0	(18,773)

REVENUES (Impact):

CUT Taxable Valuation($000)		47
1. GENERAL FUND		
Sch Foundation	$114,106	32,800 *
Prop. Taxes @ 0 mills	0	0
Other Revenues	5889	
Total Gen Fund Revenue	$119,995	32,800

* Includes $24,800 in increased ANB plus estimated $8,000 generated by CUT enrollment last year (1986-87).

A revised table for Park County is included as part of this addendum. The only change is that a column of CUT impact costs and revenues has been added to show the results if the current CUT population in Park County is 400 persons, as is believed by a number of local people. The main difference between the current fiscal impacts at 260 and 400, is that the costs based on a per capita basis are higher at 400, while the taxable valuation and therefore the tax revenues remain the same. Revenues based on a per capita basis, such as licenses, are greater at 400 population. The CUT net cost to the county is greater at 400 population than at 260 primarily because costs are higher and the tax revenues remain the same.

The revised Arrowhead School table credits The $24,800 "emergency" ANB monies as a CUT-related revenue source. As explained in the report, Arrowhead applied for and received the additional $24,800 because of the significant enrollment increase this year. Including that money as a CUT-generated revenue reduces the Church's net cost from $43,573 to $$18,773.

A WORD ABOUT SCHOOL FOUNDATION MONEY: The School Foundation revenues are allocated to each school district based on the previous year's enrollment. CUT receives credit for providing impact revenues by attracting School Foundation monies as a result of CUT students attendance. County and district school officials believe very few CUT students were enrolled last year. I assumed at least a minimum 1986-87 CUT enrollment in each district except Pine Creek, and gave CUT credit for generating the Foundation revenues shown in the report. If in error, the tables probably overstate CUT school revenues.

The following table summarizes the CUT-related costs, revenues and net costs for the general funds of each of the four elementary schools and the general fund, planning fund, road and bridge fund, and solid waste district for Park County. The report provides more detail on those costs and revenues.

SUMMARY OF CUT COSTS, REVENUES, NET REVENUES(COSTS)
From Tables in Report

Local Gov't Unit	CUT Costs	CUT Revenues	Net (Costs)
Arrowhead School gen fund	$51,573	32,800	(18,773)
Richland School gen fund	27,822	7,700	(20,122)
Pine Creek School gen fund	3,024	0	(3,024)
Gardiner School gen fund	19,193	6,000	(13,193)
Park Co @260 CUT pop.	49,286	35,123	(14,162)
Park Co @400 CUT pop.	71,824	39,773	(32,051)
Park Co @600 CUT pop.	109,736	60,978	(48,758)

The enclosed table showing CUT taxes paid to each local jurisdiction is based on CUT's taxable valuation in each jurisdiction (as shown in the Park County assessor's office) and the current mill levies.

The table shows that CUT owes a total of $138,318 in property taxes and assessments. CUT's actual tax statement is $145,381. This small discrepancy occurs probably because the data in the table does not include certain special assessments.

The table shows the approximate total of tax and assessment revenues CUT paid to each local government entity. It must be emphasized that this table only shows the revenue side of the picture and that total costs for each local jurisdiction's providing of services to CUT have not been estimated.

TAX AND ASSESSMENT REVENUES PAID TO EACH LOCAL GOVERNMENT UNIT

Local Government Unit	Mills Levied	CUT Taxable Valuation	Taxes Paid by CUT
Park County	68.24	$485,000	$35,022
Solid Waste Fee			7,090
City of Livingston	116.48	96,000	11,182
Livingston Sch Dist#4	74.15	177,000	13,125
Gardiner El Sch Dist	24.36	241,000	5,871
Arrowhead El Sch Dist	31.31	47,300	1,481
Richland El Sch Dist	1.3	91,200	118
Pine Creek El Sch Dist	6.97	0	0
Livingston H.S. Dist	44.63	315,500	14,081
Gardiner H.S. Dist	22.78	241,000	5,490
Livingston Rural Fire	3.73	268,000	1,000
TOTAL CUT TAXES TO LOCAL GOVERNMENT UNITS:			$94,460
Other Property Taxes			
Sch Foundation Program	45	485,000	21,825
University System	6	485,000	2,910
Teachers Retirement	35.71	485,000	17,319
Sch Transportation	3.72	485,000	1,804
TOTAL OTHER CUT PROPERTY TAXES:			$43,858
TOTAL CUT TAXES PAID IN PARK COUNTY:			$138,318

QUESTIONNAIRE ON ECONOMIC IMPACT BY 59 C.U.T. FAMILIES
LIVING IN PARK COUNTY ON LOCAL ECONOMY -- page 1

Appendix D

UESTION: HOW LONG HAVE YOU LIVED IN PARK COUNTY?

ANSWER: UNDER ONE YEAR--18 families; ONE TO TWO YEARS--25 families; TWO TO THREE YEARS--9 families; THREE TO FOUR YEARS--3 families; FOUR TO FIVE YEARS--2 families; FIVE TO SIX YEARS--1 family; ELEVEN TO TWELVE YEARS--1 family

QUESTION: HOW MANY PEOPLE ARE IN YOUR FAMILY?

ANSWER: ONE PERSON--13 families; TWO PERSONS--16 families; THREE PERSONS--8 families; FOUR--8 families; FIVE--8 families; SIX--3 families; SEVEN--2 families; EIGHT--1 family

QUESTION: HOW MANY ADULTS?

ANSWER: 102

QUESTION: HOW MANY CHILDREN?

ANSWER: 78

QUESTION: HOW MANY WAGE EARNERS?

ANSWER: 63

QUESTION: ARE YOU RETIRED?

ANSWER: YES--23 persons

QUESTION: IF YOU HAVE CHILDREN, HOW MANY ATTEND PUBLIC SCHOOLS?

ANSWER: 29

QUESTION: PRIVATE (INCLUDES DAYCARE AND PRESCHOOL)?

ANSWER: 34

QUESTION: HOME SCHOOLED?

ANSWER: 0

QUESTION: ARE YOU BUYING YOUR HOME (OR DO YOU OWN IT)?

ANSWER: 39

QUESTION: OR RENTING?

ANSWER: 20

QUESTION: DID YOU BUY THROUGH LOCAL REAL ESTATE AGENTS?

ANSWER: 19

QUESTION: DID YOU FINANCE YOUR HOME THROUGH A LOCAL BANK?

ANSWER: YES--14 families

QUESTION: APPROXIMATELY HOW MUCH IN INTEREST AND FEES HAVE YOU PAID YOUR BANK IN THE PAST YEAR?

ANSWER: Total = $69,665.94

QUESTION: DO YOU HAVE A LOCAL SAVINGS ACCOUNT?

ANSWER: YES--33 persons

QUESTION: DO YOU OWN ANY PROPERTY LOCALLY OTHER THAN THE HOUSE IN WHICH YOU LIVE?

ANSWER: YES--12 persons

QUESTION: WHAT IS THE VALUE?

ANSWER: Average = $76,291.35 (Total = $915,496.25)

QUESTION: HAVE YOU MADE ANY IMPROVEMENTS TO YOUR HOME OR REAL ESTATE PROPERTY TO INCREASE THE VALUE?

ANSWER: YES--33 families

QUESTION: HOW MUCH?

ANSWER: Total = $1,316,550.00

QUESTION: HOW MUCH DO YOU PAY IN PROPERTY TAXES PER YEAR?

ANSWER: Total = $20,279.32

QUESTION: DO YOU BUY INSURANCE FOR YOUR CAR, HOME, LIFE, OR MEDICAL THROUGH LOCAL AGENTS?

ANSWER: YES--50=PARK COUNTY; 2=GALLATIN COUNTY

QUESTION: HOW MUCH DID YOU SPEND ON INSURANCE IN THE PAST YEAR?

ANSWER: Total = $58,575.90

QUESTION: DOES ANY OF YOUR HOUSEHOLD INCOME COME FROM OUTSIDE OF PARK COUNTY?

ANSWER: YES = 50 persons; NO = 11 persons

QUESTION: WHAT PERCENT?

ANSWER: 100%--27 persons; 99%--2 persons; 98%--2 persons; 95%--2 persons; 90%--5 persons; 80%--4 persons; 50%--4 persons; 20%--1 person; 15%--2 persons; 10%--1 person; 0%--11 persons

QUESTION: ARE YOU EMPLOYED LOCALLY BY A CHURCH-MEMBER-OWNED BUSINESS?

ANSWER: YES--10

QUESTION: ARE YOU EMPLOYED BY A NON-CHURCH-MEMBER-OWNED BUSINESS?

ANSWER: YES--7

QUESTION: INSIDE PARK COUNTY?

ANSWER: YES--2

QUESTION: OUTSIDE OF PARK COUNTY?

ANSWER: YES--5

QUESTION: DO YOU OWN YOUR OWN BUSINESS?

ANSWER: YES--29

QUESTION: DOES IT EMPLOY NON-CHURCH MEMBERS?

ANSWER: YES--18 FULLTIME; 7 PARTTIME

QUESTION: DOES IT EMPLOY CHURCH MEMBERS?

ANSWER: YES--48 FULLTIME; 3 PARTTIME

QUESTION: IF YOU OWN YOUR OWN BUSINESS, DOES IT COMPETE WITH LOCAL BUSINESSES?

ANSWER: YES--12; NO--17

QUESTION: IS IT A BUSINESS WHICH BRINGS IN INCOME FROM OUTSIDE MONTANA?

ANSWER: YES-19; NO--11

QUESTION: DO YOU BUY MATERIALS ASSOCIATED WITH YOUR BUSINESS LOCALLY?

ANSWER: YES--31

QUESTION: HOW MUCH DO YOU SPEND ON SUPPLIES PER MONTH FOR YOUR BUSINESS?

ANSWER: Total = $84,594.15.

QUESTION: SINCE YOU'VE BEEN IN PARK COUNTY, HOW MUCH HAVE YOU SPENT EMPLOYING NON-CHURCH MEMBERS FOR SUCH SERVICES AS: LANDSCAPING, ELECTRICAL WORK, PLUMBING, BUILDING CONTRACTING, EXCAVATING, LEGAL, ACCOUNTING, HORSE TRAINING, ETC.

ANSWER: Total = $618,817.46 PARK COUNTY; $94,483.00 GALLATIN COUNTY; $55,546.50 OTHER MONTANA LOCATIONS

QUESTION: HOW MUCH HAVE YOU SPENT ON MAJOR PURCHASES SUCH AS APPLIANCES, TVS, VCRS, AUTOMOBILES, SPORTING GOODS, CAMPING EQUIPMENT, FURNITURE, ETC., LOCALLY, AND WHERE WERE THEY PURCHASED?

ANSWER: Total = PARK COUNTY: $242,372.00; GALLATIN COUNTY: $530,986.00; YELLOWSTONE COUNTY: $27,976.00; OTHER MONTANA COUNTIES: $11,000.00

QUESTION: ARE YOU CURRENTLY BUILDING A HOME IN PARK COUNTY?

ANSWER: YES--18

QUESTION: HOW MUCH HAVE YOU SPENT SO FAR?

ANSWER: Total = $776,000.00

QUESTION: HOW MUCH DO YOU PLAN TO SPEND?

ANSWER: Total = $411,700.00

QUESTION: HOW MUCH DO YOU SPEND ON UTILITIES PER MONTH?

ANSWER: Totals: PROPANE=$1,304.50; ELECTRICITY=$6,426.64; TELEPHONE=$8,449.13

QUESTION: HOW MUCH DID YOU SPEND ON FIREWOOD OVER THE LAST WINTER?

ANSWER: Total: $4,155.00

QUESTION: DO YOU BUY CLOTHING LOCALLY?

ANSWER: YES--59

QUESTION: APPROXIMATELY HOW MUCH HAVE YOU SPENT IN MONTANA FOR CLOTHING IN THE PAST YEAR?

ANSWER: Total: $29,697.40

QUESTION: WHERE DO YOU BUY YOUR GROCERIES?

ANSWER: LIVINGSTON--75%; BOZEMAN--25%

QUESTION: APPROXIMATELY HOW MUCH DO YOU SPEND EACH WEEK ON GROCERIES?

ANSWER: Total=$5,057.00

QUESTION: WHERE DO YOU GO FOR DENTAL WORK? AND HOW MUCH DID YOU SPEND IN THE PAST YEAR?

ANSWER: Totals: PARK COUNTY--$25,163.00 (35 PERSONS); GALLATIN COUNTY--$4,722.00 (9 PERSONS)

QUESTION: DO YOU SEE LOCAL DOCTORS?

ANSWER: YES--54

QUESTION: HOW MUCH HAVE YOU SPENT ON MEDICAL BILLS IN THE PAST YEAR?

ANSWER: Total: $53,488.28

QUESTION: HOW MUCH DID YOU SPEND ON GASOLINE EACH WEEK?

ANSWER: Total: $1,913.60

QUESTION: HOW MUCH HAVE YOU SPENT ON AUTO UPKEEP IN THE PAST YEAR?

ANSWER: Total = $64,415.00

QUESTION: HOW MUCH DID YOU SPEND ON ENTERTAINMENT PER MONTH (INCLUDING TICKETS PURCHASED THROUGH LOCAL TRAVEL AGENCIES, RESTAURANTS, SPORTS, MOVIE RENTALS, ETC.)?

ANSWER: Total = $3,528.00



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