

STATE COPY

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION IDENTIFIER a. NUMBER <div style="border: 1px solid black; padding: 5px; display: inline-block;">F-42-L</div>		3. STATE APPLICATION IDENTIFIER NOTE: TO BE ASSIGNED BY STATE b. DATE Year month day <div style="border: 1px solid black; padding: 5px; display: inline-block;">19 86 1 15</div>		a. NUMBER <div style="border: 1px solid black; padding: 5px; display: inline-block;">MT 860117-360-X42</div>		b. DATE Year month day <div style="border: 1px solid black; padding: 5px; display: inline-block;">19 86 1 17</div>																	
1. TYPE OF SUBMISSION (Mark appropriate box) <input type="checkbox"/> NOTICE OF INTENT (OPTIONAL) <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION		Leave Blank		4. LEGAL APPLICANT/RECIPIENT a. Applicant Name MT Dept. Fish, Wildlife, & Parks b. Organization Unit Fisheries Division c. Street/P.O. Box 1420 East 6th Avenue d. City Helena e. State Montana f. Contact Person (Name & Telephone No.) Arthur Whitney 406-444-5665 g. County Lewis & Clark h. ZIP Code 59620		5. EMPLOYER IDENTIFICATION NUMBER (EIN) 6. PROGRAM (From CFDA) a. NUMBER <div style="border: 1px solid black; padding: 2px;">152605</div> b. TITLE DJ Fisheries Restoration																			
7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project) Fishing access acquisition on Yellowstone River and Dailey Lake						8. TYPE OF APPLICANT/RECIPIENT A-State B-Interstate C-Substate D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify): Enter appropriate letter <div style="border: 1px solid black; padding: 2px;">A</div>																			
9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.) Upper Yellowstone River Valley Park County, Montana				10. ESTIMATED NUMBER OF PERSONS BENEFITING N/A		11. TYPE OF ASSISTANCE A-Basic Grant B-Supplemental Grant C-Loan D-Insurance E-Other Enter appropriate letter(s) <div style="border: 1px solid black; padding: 2px;"> </div>																			
2. PROPOSED FUNDING <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>FEDERAL</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>APPLICANT</td> <td></td> <td>.00</td> </tr> <tr> <td>STATE</td> <td>160,000</td> <td>.00</td> </tr> <tr> <td>LOCAL</td> <td></td> <td>.00</td> </tr> <tr> <td>OTHER</td> <td></td> <td>.00</td> </tr> <tr> <td>Total</td> <td>\$ 160,000</td> <td>.00</td> </tr> </table>		FEDERAL	\$.00	APPLICANT		.00	STATE	160,000	.00	LOCAL		.00	OTHER		.00	Total	\$ 160,000	.00	13. CONGRESSIONAL DISTRICTS OF: a. APPLICANT 1 b. PROJECT 1		14. TYPE OF APPLICATION A-New B-Renewal C-Revision D-Continuation E-Augmentation Enter appropriate letter <div style="border: 1px solid black; padding: 2px;">A</div>		17. TYPE OF CHANGE (For 14c or 14e) A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation F-Other (Specify): Enter appropriate letter(s) <div style="border: 1px solid black; padding: 2px;"> </div>	
FEDERAL	\$.00																							
APPLICANT		.00																							
STATE	160,000	.00																							
LOCAL		.00																							
OTHER		.00																							
Total	\$ 160,000	.00																							
15. PROJECT START DATE Year month day <div style="border: 1px solid black; padding: 2px;">19 85 2 10</div>		16. PROJECT DURATION 4 1/2 Months		18. DATE DUE TO FEDERAL AGENCY Year month day <div style="border: 1px solid black; padding: 2px;">19 86 1 20</div>		19. FEDERAL AGENCY TO RECEIVE REQUEST USFWS ORGANIZATIONAL UNIT (IF APPROPRIATE) ADDRESS		20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER N/A																	
21. REMARKS ADDED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>						22. APPLICANT CERTIFIES THAT: To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.																			
23. YES THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 1/15/86						24. NO PROGRAM IS NOT COVERED BY E.O. 12372 OF PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW																			
25. TYPED NAME AND TITLE James W. Flynn Director				26. SIGNATURE 																					
27. APPLICATION RECEIVED 19 Year month day		28. FEDERAL APPLICATION IDENTIFICATION NUMBER		29. FEDERAL GRANT IDENTIFICATION NUMBER		30. ACTION TAKEN a. AWARDED b. REJECTED c. RETURNED FOR AMENDMENT d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE e. DEFERRED f. WITHDRAWN																			
28. FUNDING <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>a. FEDERAL</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>b. APPLICANT</td> <td></td> <td>.00</td> </tr> <tr> <td>c. STATE</td> <td></td> <td>.00</td> </tr> <tr> <td>d. LOCAL</td> <td></td> <td>.00</td> </tr> <tr> <td>e. OTHER</td> <td></td> <td>.00</td> </tr> <tr> <td>f. TOTAL</td> <td>\$</td> <td>160,000.00</td> </tr> </table>		a. FEDERAL	\$.00	b. APPLICANT		.00	c. STATE		.00	d. LOCAL		.00	e. OTHER		.00	f. TOTAL	\$	160,000.00	29. ACTION DATE MAR 28 1986 31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number) Jerry J. Blackard 303 - 236-7392 Chief, Division of Federal Aid		32. STARTING DATE 19 Year month day 33. ENDING DATE 19 Year month day 33. REMARKS ADDED YES <input type="checkbox"/> NO <input type="checkbox"/>			
a. FEDERAL	\$.00																							
b. APPLICANT		.00																							
c. STATE		.00																							
d. LOCAL		.00																							
e. OTHER		.00																							
f. TOTAL	\$	160,000.00																							

The funding of these acquisitions is solely state dollars from the Parks Division. This funding by the Parks Division is for replacement of Juniper Beach on Flathead Lake which was traded for Lake Elmo Parks property. The \$160,000 acquisition cost will cover the replacement value needed for the DJ program.



Rigler Property

■ FAS LANDS
■ WMA LANDS

**Montana Department
of
Fish, Wildlife & Parks**



Helena, Montana
July 16, 1986

Regional Director
US Fish & Wildlife Service
POB 25486
Mail Stop 60150
Denver Federal Center
Denver, Colorado 80225

Attn: Jerry Blackard
Federal Aid

Dear Sir:

Attached are the summary costs for the Rigler Acquisition, W-146-L and F-42-L, Slip-n-Slide and Yellowstone Dailey Lake Fishing Access respectively. We are currently awaiting receipt of the Title Vesting Certificate and will send it as soon as we receive it.

Sincerely,

Don Childress

Don Childress
Acting Federal Coordinator

nr
enc.

SUMMARY COSTS

Yellowstone River	14.31 acres @ \$5,110	\$73,124.10
	option payment	6,900.00
	final payment	<u>\$66,224.10</u>
Dailey - Slip-n-Slide		\$1,131,002.00
	option payment	<u>113,100.00</u>
		\$1,017,902.00
Total final payment		<u>\$1,084,126.10</u>

Parks Program		
Yellowstone River		\$73,124.10
Dailey Lake		<u>91,001.90</u>
Total		\$164,126.00
	option payment	16,000.00
	final	<u>\$148,126.00</u>

Wildlife Program		\$1,040,000.10
	option payment	<u>104,000.00</u>
	final	<u>\$936,000.10</u>

**Montana Department
of
Fish, Wildlife & Parks**



Helena, MT 59620
February 14, 1986

Regional Director
U.S. Fish and Wildlife Service
P. O. Box 25486
Denver Federal Center
Mail Stop 60150
Denver, Colorado 80225

Attn: John Hardister

Dear Sir:

Enclosed are the following documents which are needed for the Slip and Slide and Yellowstone Fishing Access Acquisitions:

- F-42-L - Project Agreement Form 3-1552
reflects a change in dollar amounts
- Legal description of proposed land tracts
- W-146-L - Project Agreement supporting documents:
 - *Legal description of proposed land tracts
 - *Acquisition and associated costs
 - *Purchase agreement (reflects option on both tracts F-42-L and W-146-L)
- Public review

Sincerely,

Don Childress

Don Childress
Acting Federal Aid Coordinator

kc
Enc.

FA/MT
F-42-L
W-146-L
MAILSTOP 60132

RECEIVED
MAR 17 1986
WILDLIFE DIVISION

FA/JPHardister/mk:3/13/86

Circ rf (2) 60100
FA rf
FA file

MT Clearinghouse
State Government Operations

1420 East 6th Avenue
Helena, MT 59620

bcc: James Flynn, Director
Don Childress, FA Coordinator
MT Dept. of Fish, Wildlife
and Parks

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

BILLINGS GAZETTE
401 Broadway
Billings, MT 59103

MAR 13 1986

ATTN: Legal Notices

Dear Sir/Madam:

Enclosed is a second Advertising Order that authorizes you to publish the Attached Notice. We emphasize the urgent need for the Notice to appear one time in a weekday edition as soon as possible. If you have any questions contact Mr. Jerry Blackard or Mr. John Hardister at (303) 236-7392.

ATTENTION: PAYMENT INSTRUCTIONS

For payment, complete the Public Voucher for Advertising on the reverse side of the Advertising Order. Attach a copy of the Notice as published and return to the attention of Jerry Blackard, Division of Federal Aid, at the above address. Please do not send a separate billing as payment cannot be made without properly completing the Public Voucher.

Your cooperation is appreciated.

Sincerely yours,

/s/ Jerry J. Blackard

Jerry J. Blackard
Chief, Division of Federal Aid
Federal Assistance

Enclosures

ADVERTISING ORDER

ORDER NUMBER A0-86-09

DEPARTMENT OR ESTABLISHMENT, BUREAU OR OFFICE

Dept. of Interior, U.S. Fish and Wildlife Service, Federal Aid, R-6

DATE

March 13, 1986

The publisher of the publication named below is authorized to publish the enclosed advertisement according to the schedule below provided the rates are not in excess of the commercial rates

charged to private individuals with the usual discounts. It is to be set solid, without paragraphing, and without any display in the heading unless otherwise expressly authorized in the specifications.

NAME OF THE PUBLICATION ADVERTISED IN

Billings Gazette, 401 Broadway, Billings, MT 59103

SUBJECT OF ADVERTISEMENT

Availability of Environmental Assessment Report/FONSI

EDITION OF PAPER ADVERTISEMENT APPEARED

NUMBER OF TIMES ADVERTISEMENT APPEARED

DATE(s) ADVERTISEMENT APPEARED

SPECIFICATIONS FOR ADVERTISEMENT

COPY FOR ADVERTISEMENT

NOTICE

Notice is hereby given that Montana Projects F-42-L and W-146-L, Federal Aid in Fish and Wildlife Restoration projects funded in part by the U.S. Fish and Wildlife Service (FWS), have had Environmental Assessments and a Finding of No Significant Impact prepared. The Montana Department of Fish, Wildlife and Parks has submitted documents to initiate Federal Aid participation to purchase the following lands in fee title: (1) approximately 260 acres at Dailey Lake and a one-mile strip (14 acres) along the Yellowstone River for fishery management and public fishing access; and, (2) about 2,965 acres in the same geographical area (about 25 miles north of Yellowstone National Park) for wildlife management and public use for hunting and other outdoor recreation activities.

(copy continued on attached page)

AUTHORITY TO ADVERTISE		INSTRUMENT OF ASSIGNMENT	
NUMBER		NUMBER	
DATE	3-13-86	DATE	
SIGNATURE OF AUTHORIZING OFFICIAL	Nancy T. Bucker	TITLE	Purchasing Agent, Contracting and General Services

INSTRUCTIONS TO PUBLISHERS

Extreme care should be exercised to insure that the specifications for advertising to be set other than solid be definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified. Specifications for advertising other than solid and the advertisement copy submitted to the publisher will be attached to the voucher. The following is a sample of solid line advertisement set up in accordance with the usual Government requirements.

DEPARTMENT OF HIGHWAYS & TRAFFIC,
D.C. Bids are requested for first spring 1966 cement concrete repair contract, including incidental work, Washington, D.C., Invitation No. C-5576-H, consisting of 11,000 sq. yds. PCC Class BB sidewalk repair and 2,000 cu. yds. PCC Class A pavement, alley, & driveway repair, both cut repairs only. Bidding material available from the Procurement Officer, D.C. Sealed bids to be opened in the Procurement Office at 8:00 p.m., November 15, 1965.

Your bill for this advertising order should be submitted on the "Public Voucher for Advertising" form, which is printed on the reverse of this form, immediately after the last publication of the advertisement. If copies of the printed advertisement are not available, complete the affidavit provided on the voucher. Submit the voucher and a copy of the printed advertisement to ►.....

U.S. Fish & Wildlife Service
PO Box 25486, DFC, MAILSTOP 60152
Denver, CO 80225

IMPORTANT

Charges for advertising when a cut, matrix, stereotype or electrotype is furnished will be based on actual space used and no allowance will be made for shrinkage.

In no case shall the advertisement extend beyond the date and edition stated in this order.

(Continued from previous page)

The Environmental Assessments and Finding of No Significant Impact may be inspected at the FWS Regional Office, 134 Union Blvd., Lakewood, Colorado and at the Montana Department of Fish, Wildlife and Parks office at 1420 East 6th Avenue, Helena, Montana. Copies of the assessments may be obtained from the FWS upon payment of reasonable reproduction costs pursuant to 43 CFR, Part 2, Appendix A. Copies of the Finding of No Significant Impact will be provided free from FWS.

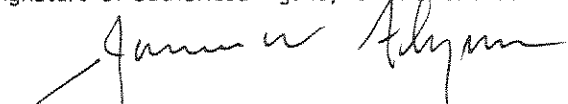


STATE OF MONTANA
Office of Budget
and Program Planning

FEDERAL ASSISTANCE MANAGEMENT ACT
GRANT CLEARANCE REQUEST FORM

The information contained in the attached schedules is submitted to support our request to submit application for Federal Funds. This request is made pursuant to the Federal Assistant Management Act, Chapter 259, Laws of Montana, 1975.

APPLICANT AGENCY

AGENCY	NAME		
	Montana Department Fish, Wildlife, & Parks Fisheries Division		
PROJECT	PROJECT NAME		
	Fishing access acquisition on Yellowstone River and Dailey Lake		
REQUESTED FUNDS	\$	STATE MATCHING FUNDS	\$160,000.00
If a grant award is made, will a budget amendment be required? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
I hereby certify that the information presented herein is true and correct and accurately reflects the justification for this request.		Signature of authorized Agency Official and date signed. 	

BUDGET AND PROGRAM PLANNING

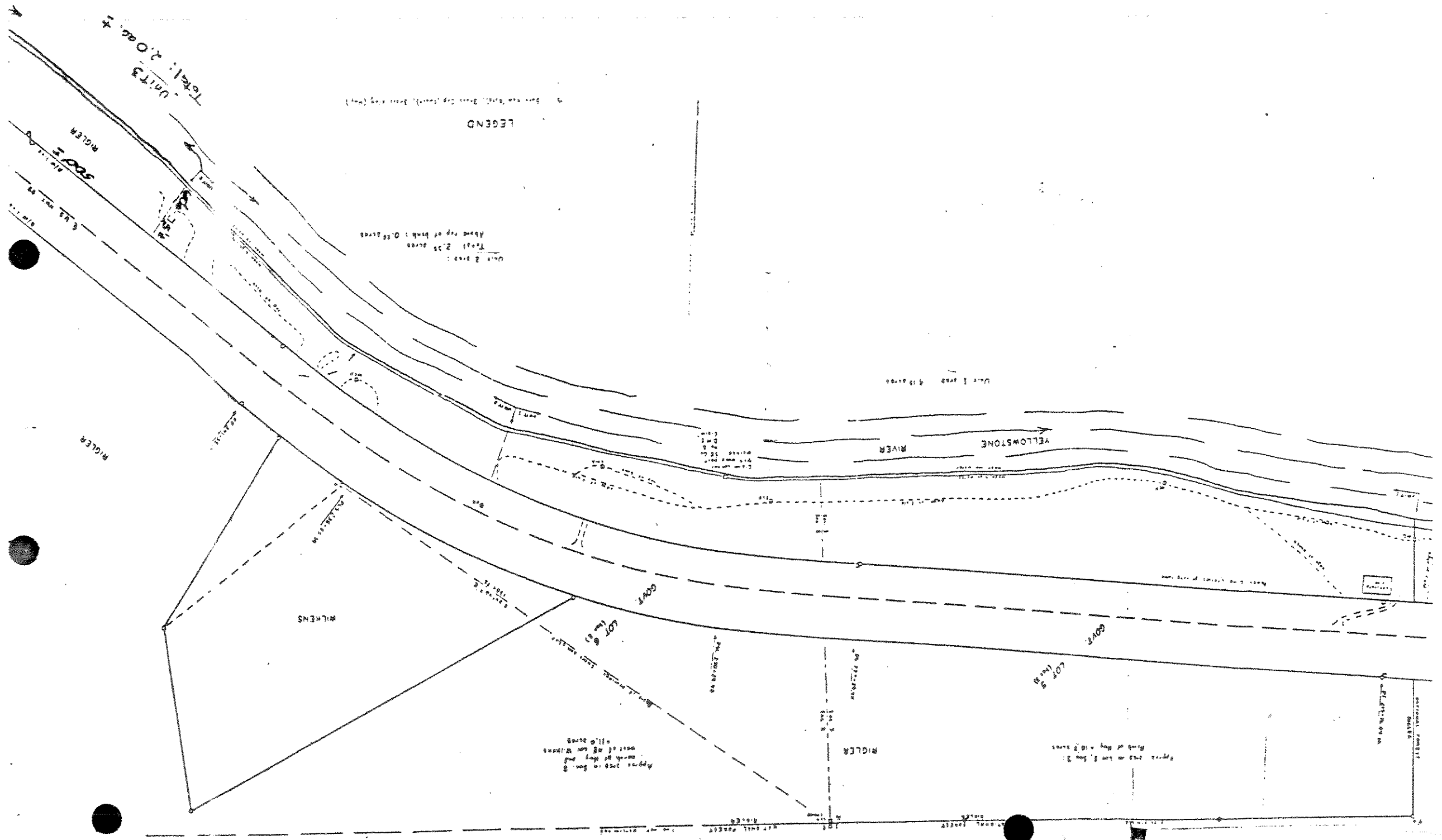
The following action is taken relative to this request for grant clearance. If disapproved, the reason therefore is recorded below.

☐ APPROVED

☐ DISAPPROVED

Signature of Budget Director and date signed.

COMMENTS:





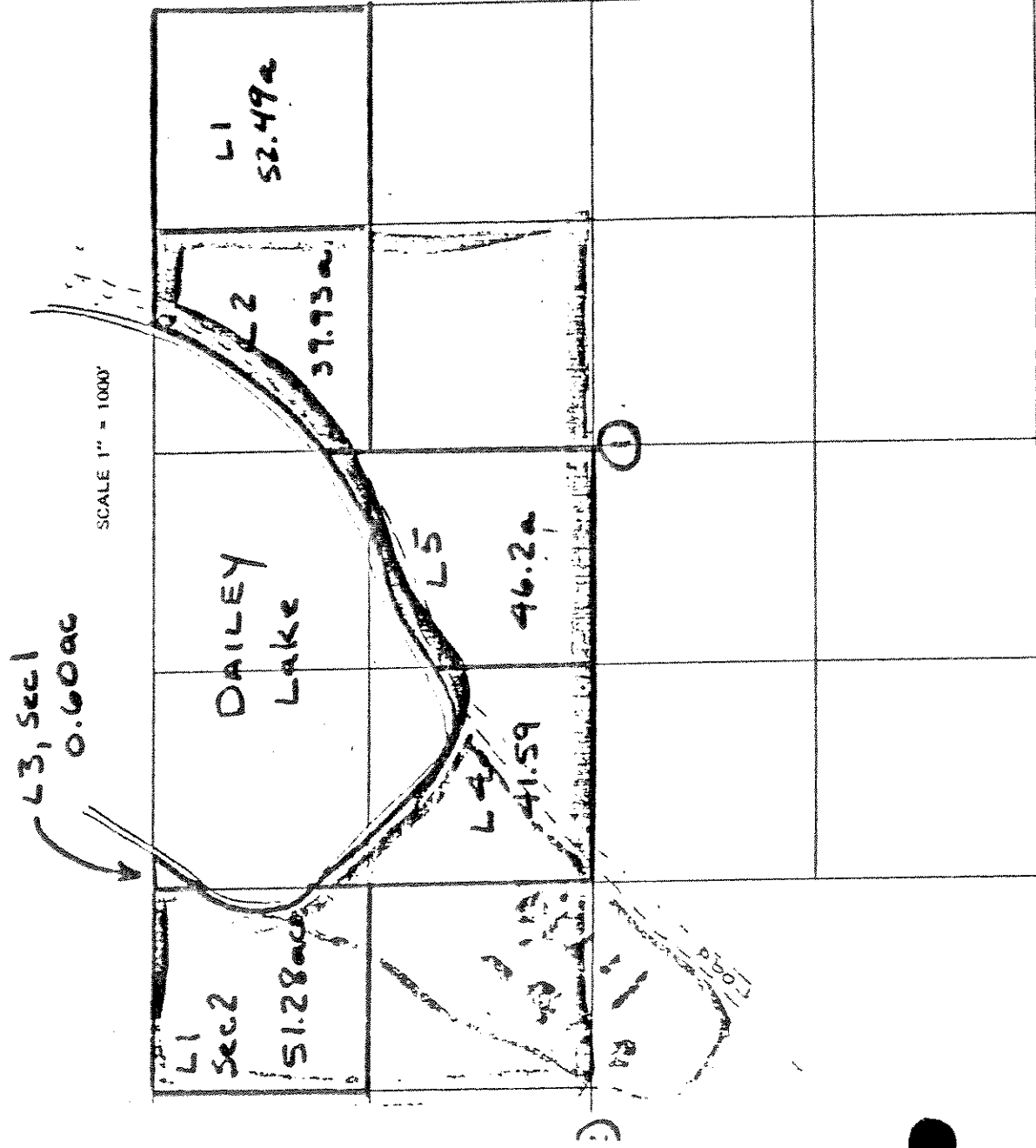
P.O. BOX 206

PH. (406) 843-5369

9565 1M ALIQUIN

L 2 Dec 2 = 53.17aw (NWNE)
L 3 Dec 2 = 53.31aw (NENW)
L 4 Dec 2 = 53.45aw (NWNW)

Township		Range			
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



Sais 1+2 are extra long north-south - hence the larger than normal lots

PROJECT AGREEMENT - SUPPORTING DOCUMENTS

LEGAL DESCRIPTION OF FISHING ACCESS
ACQUISITION ON YELLOWSTONE RIVER AND DAILEY LAKEPark CountyTownship 8 South, Range 7 East, P.M.M.

Sections 2 and 3: Those portions of the aforesaid sections lying westerly of U.S. Highway 89 and northeasterly of the Yellowstone River and extending from Slip and Slide Creek northwesterly to the west line of Government Lot 5 in said Section 3.

Containing 14.31 acres, more or less.

Township 7 South, Range 7 East, P.M.M.

Section 1: Lot 2, 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 2: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$

Containing 259.6 acres, more or less.

ACQUISITION AND ASSOCIATED COSTS

The Rigler property consists of three distinct tracts. The following is their acreage breakdown.

Slip and Slide Creek Property	360.05 acres
Daily Lake Property	2,591.19 acres
Yellowstone River Frontage Property	14.31 acres
TOTAL	2,965.55 acres

The purchase of the properties will be funded approximately as follows:

Parks Division State Funds	\$ 164,127.00
State License Wildlife Acquisition Funds (25%)	260,000.00
PR--Federal Funds (75%)	780,000.00
TOTAL	\$1,204,127.00

PART IV PROGRAM NARRATIVE

State: Montana

Project Number: F-42-L

Project Title: Fishing Access Acquisitions on Yellowstone River and Dailey Lake

A. Need:

The upper Yellowstone River has long been nationally renowned as a blue ribbon trout stream. Dailey Lake is widely known in Montana as a trout and perch lake and, more recently as a walleye lake. Fishing access is ever at a premium on these fishing waters adjacent to a main highway to Yellowstone National Park and within 25 miles of the park.

B. Objective:

The objective is to provide additional state-owned fishing access. This will serve Montana anglers, non-resident anglers who come specifically to fish in Montana, and the travelling public who will find readily available top quality fishing along the highway from Livingston to Gardner.

C. Expected Results or Benefits:

The proposed Yellowstone River access, just upstream from Yankee Jim Canyon, presently has 741 hours of fishing pressure per mile per year comprised of floating fishermen and bank fishermen. The Forest Service has a small (less than an acre) access site adjacent to the mile-long area proposed in this project. The proposed site will make the Yellowstone River in this area much more available to anglers. It is anticipated fisherman use will increase substantially.

When fishing is "hot" at Dailey Lake there is phenomenal fishing pressure. The proposed acquisition will make the hitherto unavailable south end of the lake accessible, a much needed addition as there is better fishing at the south end of the lake than at the north end.

D. Approach:

The approach is to purchase all the land between Highway 89 and the Yellowstone River in a one-mile long stretch just upstream from Yankee Jim Canyon and to purchase the land adjacent to the south half of Dailey Lake (see attached maps).

These tracts are being purchased as a replacement for the Juniper Beach site, a former fishing access site purchased with D-J funds which is now a state park. The purchase of the new tracts is being done entirely with Montana parks program state funds.

E. Related Federal Projects:

Slip and Slide Acquisition (PR).



United States
Department of
Agriculture

Soil
Conservation
Service

ATTACHMENT A

RECEIVED
JAN 14 1986
WILDLIFE DIVISION

January 13, 1986

Mr. Don Childress
Mont. Dept. Fish, Wildlife
& Parks
1420 East Sixth Ave.
Helena, MT 59620

Dear Mr. Childress:

This is in answer to your telephone call on January 9th, concerning the Franklin Rigler Ranch in southern Park County.

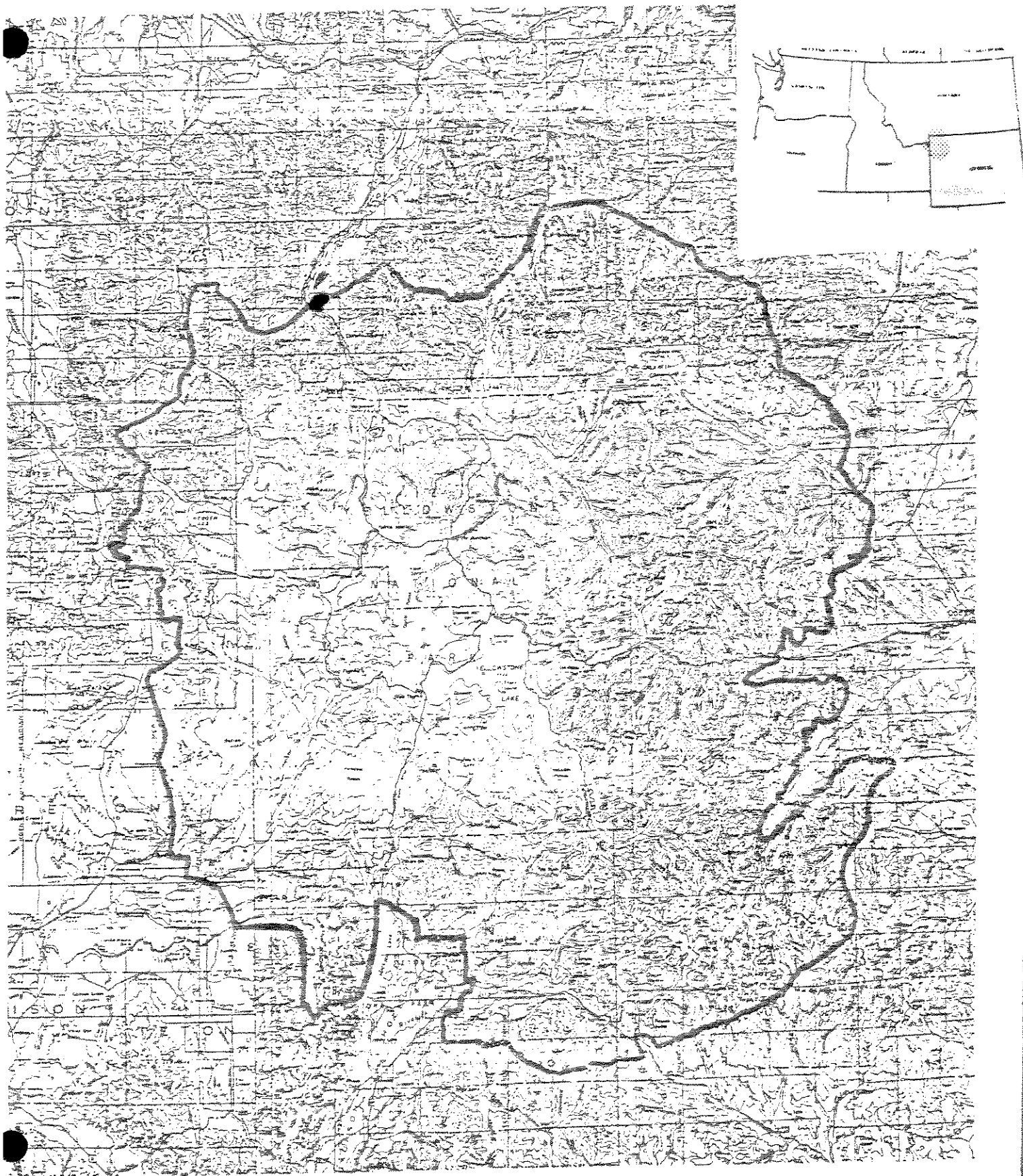
To answer your question, there is no Prime or Unique Farmland on this ranch. There is also no farmland of statewide or local importance.

If you have any further questions, give me a call and I will try to answer them.

Sincerely,

Don Freeman
District Conservationist

FIGURE 1 YELLOWSTONE GRIZZLY BEAR ECOLOGICAL MONITORING
TERRITORY) 1979. • proposed acquisition



F42J

Helena, MT 59620
October 28, 1985

Mr. Dennis Homner, Commissioner
Department of State Lands
1625 11th Avenue
Helena, MT 59620

Dear Dennis:

RE: Proposed Acquisition of Rigler Properties

The Montana Department of Fish, Wildlife and Parks would like to acquire property owned by Frank and Susan Rigler in the Yankee Jim Canyon area approximately nine miles north of Gardiner, Montana. This property is in excess of 100 acres and is valued in excess of \$100,000. Therefore, it is necessary to obtain State Land Board approval for the acquisition of it. Please place this matter on the agenda of the November Land Board meeting.

The attached summary of the acquisition has been prepared. I believe it provides all of the pertinent facts concerning the property. If additional information is needed, please advise me.

Once the matter has been placed on the agenda for the Land Board meeting, please advise me of the time. I hope to be making the presentation to the Land Board for this acquisition.

Thank you for your cooperation in this matter.

Sincerely,

JAMES W. FLYNN
Director

DJM/b

Attachment

cc: Don Hyypa

Arnie Olsen

Dan Vincent

Jim Mitchell

✓ Don Malisani

**Montana Department
of
Fish, Wildlife & Parks**



Helena, MT 59620
October 9, 1985

Mr. and Mrs. Frank Rigler
Box 877
Corwin Springs, MT 59021

Dear Frank and Susan:

RE: Dailey Lake and Slip and Slide Creek Properties

The Montana Department of Fish, Wildlife and Parks is interested in acquiring those portions of your property located in Park County in the vicinity of Dailey Lake and Slip and Slide Creek. The Dailey Lake property is approximately 2,591.19 acres in size and located in Sections 1, 2, 3, and 11 of Township 7 South, Range 7 East and in Section 35, Township 6 South, Range 7 East. The Slip and Slide Creek property is located in a portion of Section 1 of Township 8 South, Range 7 East and is approximately 360.05 acres in size.

In compliance with Section 301 of the Act of Congress of January 1, 1971, Public Law 91-646, your property has been appraised by Ben E. Stanton. I am sure you were invited to accompany the appraiser on his inspection of the property. Mr. Stanton has completed his report, and he places the full fair market value of the property at \$1,109,500 as of July 15, 1985.

The appraisal report has been reviewed and approved by a qualified review appraiser. Any decrease or increase in the fair market value prior to the date of value caused by the public improvement or project for which the property is to be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation.

In the event we purchase your property, we are required to offer you no less than the full fair market value of the property which has been determined to be \$1,109,500.

This letter is being sent to you before we actually discuss the details which may lead to the purchase of your property. Our Land Section Supervisor, Donald J. Malisani, will meet with you to obtain your comments and suggestions and to explain the details of the transaction.

Mr. and Mrs. Frank Rigler

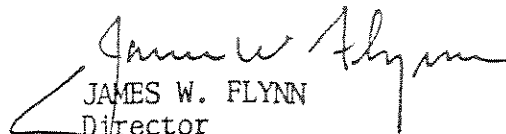
2

October 9, 1985

Since we expect to obtain Federal funding on this project, it is necessary that our files show that you received a copy of this letter. Would you please sign and return one copy for our records?

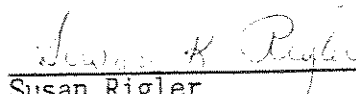
We appreciate this opportunity to examine your property, and we trust that a mutually pleasing transaction will be completed.

Sincerely,


JAMES W. FLYNN
Director

DH/kkk-b


Franklin J. Rigler 10-9-85
Date


Susan Rigler 10-9-85
Date



United States Department of the Interior
FISH AND WILDLIFE SERVICE

MAILING ADDRESS
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION
134 Union Blvd
Lakewood, Colorado 80225

IN REPLY REFER TO:
FA/MT
W-136-L

SEP 13 1985

James Flynn, Director
Montana Department of Fish,
Wildlife and Parks
1420 East 6th Avenue
Helena, MT 59620

Dear Mr. Flynn:

On August 27 and 28, 1985, our review appraiser, Ken Shelton, accompanied Don Malisani on a field review of the Blackleaf Ranch tract, previously known as the Haynes tract, that is adjacent to your Blackleaf Land Acquisition Project, W-136-L. The purpose of the trip was to review two appraisal reports of the subject tract that were completed by Mr. Ben E. Stanton, MAI and Mr. Robert O. Kembell, MAI. The fair market values established by the reports are as follows:

Stanton Report - \$350,000.00
Kembell Report - \$510,000.00

Both appraisal reports were thoroughly reviewed as were the comparable sales relied on by the appraisers. Ten of the same sales were considered by the two appraisers while the Kembell report considered two new sales that took place after the Stanton report was completed. These new sales, by a nonprofit conservation organization (The Nature Conservancy) and a hunting organization (Boone and Crockett), establish a new and higher value for properties like the Blackleaf Ranch where the highest and best use has changed from ranching to a recreational use compatible with big game species. The subject tract clearly falls within this recreational use category.

After reviewing the appraisals and comparable sales, it is our opinion that the highest and best use for recreational purposes was not clear at the time of the Stanton report, but became clear with the two new sales. This event tends to weaken the credibility of the Stanton report while giving credence to the findings of the Kembell report. Thus, we conclude that the Stanton report is so conservative that it deserves no further consideration.

RECEIVED
SEP 13 1985
FISH AND WILDLIFE SERVICE
— MALISANI
I ASSUME NOTHING
CHANCES FOR HEINZICH
OFFER & THAT WE MUST
WAIT FOR MORE INFO
IS FOR MAKING AN
OFFER TO RIGLER...
CORRECT? DBA/23

Some minor changes in acreage have occurred since the Kembell report was completed. This realignment of acreage changes the land value from \$471,190 to \$454,925 while the improvement value of \$38,810 remains unchanged. The adjusted appraisal by Kembell would be rounded to a total of \$494,000.00. We now support this figure of \$494,000.00 as the fair market value for the subject land. This value replaces the \$350,000.00 figure that appears in our letter to you dated December 21, 1984; which was based upon the Stanton appraisal report. Please be advised, however, that the remaining information in that letter is still applicable and should be used for guidance as you proceed with the acquisition.

Also, Ken and Don conducted a field review of three properties in Yankee Jim Canyon, along the Yellowstone River, owned by Mr. Frank Rigler. The three properties were appraised by Mr. Stanton as follows:

Tract I - \$288,000.00
-Tract II - \$ 67,500.00
Tract III - \$821,500.00

After thoroughly reviewing the Stanton report, we found the three estimates of value to be acceptable but on the conservative side. We conclude that an increase of up to 10 percent of the reported values would more accurately reflect current market value. Therefore, we support a total of \$1,294,700.00 as fair market value for the three tracts that were appraised. We do understand, however, that Mr. Rigler may change some of the acquisition lines for tracts I and II. If this is done, an appraisal update to reflect the changes will be required of Mr. Stanton, and we would like to review the revised report.

Sincerely,



for Jerry J. Blackard
Chief, Division of Federal Aid
Federal Assistance

cc: Dale Witt

*Montana Department
of
Fish, Wildlife & Parks*



Helena, MT 59620
October 9, 1985

Mr. and Mrs. Frank Rigler
Box 877
Corwin Springs, MT 59021

Dear Frank and Susan:

RE: Yellowstone River Frontage Property

The Montana Department of Fish, Wildlife and Parks is interested in acquiring those portions of your property located in Park County lying between the Yellowstone River and U. S. Highway 89. This property contains approximately 13.5 acres and is located in Sections 2 and 3 of Township 8 South, Range 7 East.

In compliance with Section 301 of the Act of Congress of January 1, 1971, Public Law 91-646, your property has been appraised by Ben E. Stanton. I am sure you were invited to accompany the appraiser on his inspection of the property. Mr. Stanton has completed his report, and he places the full fair market value of the property at \$67,500 or \$5,000 per acre as of July 15, 1985.

The appraisal report has been reviewed and approved by a qualified review appraiser. Any decrease or increase in the fair market value prior to the date of value caused by the public improvement or project for which the property is to be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation.

In the event we purchase your property, we are required to offer you no less than the full fair market value of the property which has been determined to be \$5,000 per acre. The property will have to be surveyed to exactly determine its size and legally describe it.

This letter is being sent to you before we actually discuss the details which may lead to the purchase of your property. Our Land Section Supervisor, Donald J. Malisani, will meet with you to obtain your comments and suggestions and to explain the details of the transaction.

Mr. and Mrs. Frank Rigler


2

October 9, 1985

Since we expect to obtain Federal funding on this project, it is necessary that our files show that you received a copy of this letter. Would you please sign and return one copy for our records?


We appreciate this opportunity to examine your property, and we trust that a mutually pleasing transaction will be completed.

Sincerely,


JAMES W. FLYNN
Director

DH/kkk-b


Franklin J. Rigler
Date 10-9-85


Susan Rigler
Date 10-9-85

Filed for record this 27th day of December, A.D. 1985, at 1:15 o'clock P.M. recorded in Roll 154 of JANICE JENNINGS, pages 196-198
 County Clerk & Recorder
 By Kathryn M. Cox Deputy
 Document No. 189246 Return to:

Attn: Donald J. Thalesian, Land Agent
 1420 East 6th Ave Helena, MT 59620

ABSTRACT OF AN OPTION AGREEMENT

1. This is an abstract of an option to purchase real property made and entered into the 16th day of December, 1985, by and between Franklin R. Rigler and Susan Rigler, husband and wife of Corwin Springs, Montana ("Grantor"), and STATE OF MONTANA, DEPARTMENT OF FISH, WILDLIFE AND PARKS, of Helena, Montana 59601 ("Grantee").
2. The real property affected by the option is situated in Park County, Montana and is more particularly described in Exhibit A attached hereto.
3. The primary term of the option is from January 1, 1986 - May 1, 1986.
4. The addresses of the parties are as follows:

Grantor - Franklin and Susan Rigler
 Corwin Springs, Montana 59021

Lessor - Montana Department of Fish, Wildlife and Parks
 1420 East Sixth Avenue
 Helena, Montana 59601

5. A full and complete copy of the option may be obtained from the Montana Department of Fish, Wildlife and Parks at the address specified above, without cost, upon request of any person.

IN WITNESS WHEREOF, the parties hereto have executed the Abstract of Option on the day and year first above written.

Franklin R. Rigler
 Franklin R. Rigler

"Grantor"

Susan Rigler
 Susan Rigler

"Grantor"

STATE OF MONTANA
 DEPARTMENT OF FISH, WILDLIFE AND PARKS

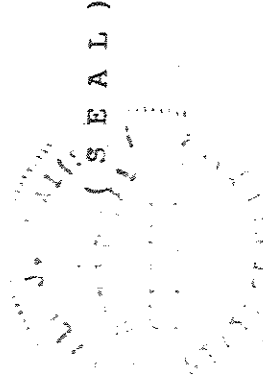
RECEIVED
 JAN 09 1986
 RECREATION & PARKS

By James W. Thymon
 "Grantee"

STATE OF MONTANA)
County of Ballwin) ss.

On this 17 day of December, 1986, before me the undersigned, a Notary Public for the State of Montana, personally appeared Franklin G. and Susan Rigler, known to me to be the persons that executed the within instrument and acknowledged to me that he executed the same as the President of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

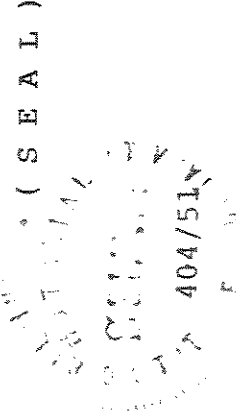


David J. Melina
Notary Public for the State of Montana
Residing at Billings, Montana.
My commission expires: July 14/1987.

STATE OF MONTANA)
County of Lewis & Clark) ss.

On this 16th day of December, 1985, before me, the undersigned, a Notary Public for the State of Montana, personally appeared James W. Flynn, known to me to be the Director of MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS, the entity that executed the within instrument and acknowledged to me that he executed the same as the Director of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



Gerald L. Bensch
Notary Public for the State of Montana
Residing at Billings.
My commission expires 404/51.

Exhibit A

DESCRIPTION SUBJECT TRACT (Occasional Sale)

A tract of land in Govt. Lot 5 of Section 3 and Govt. Lots 6 & 7 and the NE 1/4 SW 1/4 of Section 2, T8S, R7E, MPM, Park County, Montana.

From the east 1/4 corner of Section 3, which point is marked with a set stone, the point of beginning is S 69° 48.1' W a distance of 1352.40 feet. The point of beginning is marked with a Surv Kap set on the southerly right-of-way line of U.S. Hwy. 89 (ref: FAP R/W F217(14), State 1217-14, Sheets 9 & 10 of 22).

Thence following said southerly R/W line along a spiral curve to the left, a distance of 52.40 feet to a point marked with a Surv Kap. The chord of this curve is S 85° 08.7' E, a distance of 52.39 feet.

Thence S 85° 12.2' E along said southerly right-of-way line a distance of 1153.87 feet to a point marked with a brass plug.

Thence following said southerly R/W line along a spiral curve to the right, a distance of 294.22 feet to a point marked with a Surv Kap. The chord of this curve is S 83° 43.1' E a distance of 294.14 feet.

Thence following said southerly R/W line along a curve to the right with a radius of 1834.86 feet, a distance of 794.88 feet to a point marked with a Surv Kap. The chord of this curve is S 68° 22.7' E a distance of 788.68 feet.

Thence following said southerly R/W line along a spiral curve to the right, a distance of 294.22 feet to a point marked with a concrete right-of-way monument. The chord of this curve is S 52° 59.8' E a distance of 294.08 feet.

Thence S 51° 30.7' E along said southerly R/W line a distance of 908.69 feet to a point marked with a Surv Kap as a witness corner.

Thence continuing S 51° 30.7' E along said southerly R/W line a distance of 43.0 feet, more or less, to the centerline of Slip and Slide Creek.

Thence following the centerline of Slip and Slide Creek in a southerly direction, a distance of 201.8 feet, more or less, to the mean low water line of the Yellowstone River.

Thence following the mean low water line of the right bank of the Yellowstone River in a northwesterly direction, a distance of 3517.80 feet.

Thence N 0° 31.3' W along the east 1/16 line of Section 3, a distance of 44.0 feet, more or less, to a point marked with a Surv Kap as a witness corner.

Thence continuing N 0° 31.3' W along said east 1/16 line, a distance of 140.60 feet to the point of beginning.

The above-described tract contains 14.31 acres, more or less.

Including that portion of the bed and bank of the Yellowstone River which may accrue to this property by virtue of riparian rights.

ORIGINAL

STATE OF MONTANA

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

OPTION AGREEMENT

This agreement, entered into between the Montana Department of Fish, Wildlife, and Parks, an agency of the State of Montana, Helena, Montana, (hereinafter referred to as "DEPARTMENT"); and Franklin ^J G. Rigler and Susan Rigler, husband and wife, Corwin Springs Montana, (hereinafter jointly referred to as "RIGLER"):

WITNESSETH:

In consideration of the sums hereinafter stated to be paid by the department to Rigler, Rigler hereby gives and grants to the State of Montana, for the use and benefit of the department, the exclusive right and option to acquire those certain real properties of Rigler hereinafter described, according to the terms and provisions as set forth herein:

1. Description of Property: Rigler is the owner of real property in Park County, Montana, more particularly described as follows:

Township 8 South, Range 7 East, P.M.M.

Sections 2 and 3: those portions of the aforesaid sections lying westerly of U.S. Highway 89 and northeasterly of the Yellowstone River and extending from Slip and Slide Creek northwesterly to the west line of Government Lot 5 in said Section 3.

2. Purchase Price: The total purchase price for the property subject to this agreement shall be \$5,110 per acre, which purchase price will be paid by State Warrant at the time of closing, subject to adjustment as provided in paragraph #4 hereof.

3. Term of Option: The option herein granted for the purchase and exchange of that real property above described may be exercised on or before May 1, 1986.

ORIGINAL

4. Payment of Option: In consideration of Rigler reserving the above-described real property for exclusive option and the department to purchase the same for the purchase price as hereinabove stated, the parties agree as follows:

A. Upon execution of this option agreement, the department shall pay to Rigler the sum of \$6,900.

B. Upon the exercise of the option, the department shall pay to Rigler the balance of the purchase price. The total purchase price is an amount equal to \$5,110 per acre, the acreage to be more accurately described by a survey.

C. In the event of exercise of this option by the department as herein provided, the amount paid to Rigler for payment of the option (\$6,900) shall be applied to and credited to the total purchase price provided for herein.

5. Exercise of Option: If the department elects to exercise the option for the purchase of the above-described real property, it shall do so by tendering to Rigler the balance of the purchase price as set forth above together with the deed to be executed by Rigler. The option may be exercised on or before May 1, 1986.

6. Deed: Rigler agrees that, in the event of the exercise of this option by the department, Rigler will convey clear and merchantable title by warranty deed subject to no exceptions other than those herein mentioned or provided in this option agreement, and subject to existing easements appearing of record or are readily ascertainable from an inspection of the property.

7. Title Insurance: Rigler agrees to furnish at Rigler's own expense at the time of final closing, title insurance in the amount of the purchase price, showing free, clear, merchantable, and unencumbered title in the property, subject only to exceptions herein provided for. In the event that Rigler is unable to deliver title as herein provided, department shall have the option of requiring Rigler to clear any exception to the title not herein

provided for or of rescinding the sale in which case, any monies paid by the department shall be refunded, and the department relieved of all obligations hereunder.

8. Protection of Property: Rigler agrees not to do any act during the period of this option, or until final closing hereof which will diminish or encumber the title to said land and further agrees to permit the department, its officers, employees, and agents to enter upon the premises as deemed reasonably necessary for purposes of inspection or survey.

9. Payment of Taxes: Rigler will pay all taxes and assessments against the premises due or to become due for all years up to the time of final payment.

10. Time of Closing: Rigler will deliver the deed to subject property to the Department on the date and at the same time as the complete payment is made by the department. Possession of the property will be delivered to the department on the delivery date of the deed unless otherwise agreed to by the parties.

11. Mineral Rights: Rigler hereby acknowledges that the department shall receive all mineral rights owned by Rigler including oil, gas, coal, and any other minerals on, in, or under the property to be conveyed to it.

12. Water Rights: Rigler acknowledges and agrees that the department shall receive all water, water rights, ditches, and ditch rights, which have been historically used by or acquired by Rigler with respect to the property subject to this agreement, except for water rights associated with Slip and Slide Creek. Rigler agrees to exercise any documents necessary to transfer any said water rights to the department.

13. Property Survey: Rigler agrees to survey the property subject to this agreement and to record the Certificate of Survey with the Park County Clerk and Recorder's office at their expense.

ORIGINAL

The acreage delineated by the survey will be the basis for the determination of the total purchase price as defined in paragraph 4B.

Dated this 16th day of December, 1985.

Franklin W. Rigler
FRANKLIN W. RIGLER

MONTANA DEPARTMENT OF FISH,
WILDLIFE, AND PARKS

Susan Rigler
SUSAN RIGLER

James W. Flynn
Director

STATE OF MONTANA)
County of Lewis and Clark) ss

On this 16th day of December, 1985, before me a Notary Public for the State of Montana, personally appeared JAMES W. FLYNN, Director of the Department of Fish, Wildlife and Parks, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Quentin R. Burnett
Notary Public for the State of Montana
Residing at Helena. My Commission
expires May 9, 1987.

STATE OF MONTANA)
County of Callatin) ss

On this 17th day of December, 1985, before me a Notary Public for the State of Montana, personally appeared FRANKLIN J. RIGLER and SUSAN RIGLER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Donald J. Meliani
Notary Public for the State of Montana
Residing at Helena. My Commission
expires July 14, 1987.

404/51

ABSTRACT OF AN OPTION AGREEMENT

1. This is an abstract of an option to purchase real property made and entered into the 16th day of December, 1985, by and between Franklin S. J. Rigler and Susan Rigler, husband and wife of Corwin Springs, Montana ("Grantor"), and STATE OF MONTANA, DEPARTMENT OF FISH, WILDLIFE AND PARKS, of Helena, Montana 59601 ("Grantee").

2. The real property affected by the option is situated in Park County, Montana and is more particularly described as follows, to-wit:

Township 8 South, Range 7 East, P.M.M.

Sections 1: Lot 1, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Township 6 South, Range 7 East, P.M.M.

Section 35: All

Township 7 South, Range 7 East, P.M.M.

Section 1: All

Section 2: All

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 11: All

Containing 2,951.24 acres, more or less.

3. The primary term of the option is from January 1, 1986 - May 1, 1986.

4. The addresses of the parties are as follows:

Grantor - Franklin and Susan Rigler
Corwin Springs, Montana 59021

Lessor - Montana Department of Fish, Wildlife
and Parks
1420 East Sixth Avenue
Helena, Montana 59601

5. A full and complete copy of the option may be obtained from the Montana Department of Fish, Wildlife and Parks at the address specified above, without cost, upon request of any person.

IN WITNESS WHEREOF, the parties hereto have executed the Abstract of Option on the day and year first above written.

Franklin S. Rigler
Franklin S. Rigler

"Grantor"

Susan Rigler
Susan Rigler

"Grantor"

STATE OF MONTANA
DEPARTMENT OF FISH, WILDLIFE
AND PARKS

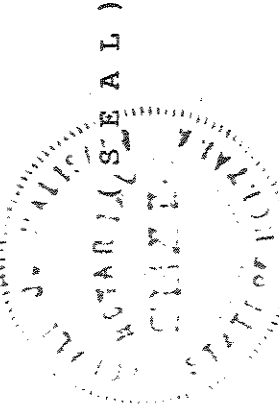
BY [Signature]
"Grantee"

RECEIVED
DEC 24 1985
REGISTRATION & PLANS
SECTION

STATE OF MONTANA)
 County of Calhoun) ss.

On this 17th day of December, 198⁵, before me the undersigned, a Notary Public for the State of Montana, personally appeared Franklin G. and Susan Rigler, known to me to be the persons that executed the within instrument and acknowledged to me that he executed the same as the President of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

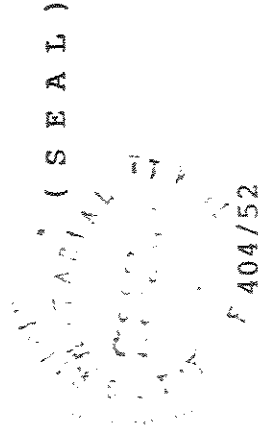


Donald J. Melius
 Notary Public for the State of Montana
 Residing at Billings, Montana.
 My commission expires: July 10, 1987.

STATE OF MONTANA)
 County of Lawrence and Clark) ss.

On this 16th day of December, 1985, before me, the undersigned, a Notary Public for the State of Montana, personally appeared James W. Flynn, known to me to be the Director of MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS, the entity that executed the within instrument and acknowledged to me that he executed the same as the Director of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



Geraldine R. Barrett
 Notary Public for the State of Montana
 Residing at Billings, MT
 My commission expires May 9, 1987.

State of Mont.)
 County of Park)
 Filed for record this 17th day of December, A.D. 198⁵, at 3:02
 o'clock P. M. Recorded in Roll 154 of , pages 75-76
Jane L. Jernigan By Deputy
 County Clerk & Recorder
 Recording Fee \$ 1.00 Document No. 189160
 Return to: Dora Malyani
Dept of Fish Wildlife & Parks
1420 E. 6th Ave
Helena, MT 59620

ORIGINAL

STATE OF MONTANA

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

OPTION AGREEMENT

This agreement, entered into between the Montana Department of Fish, Wildlife, and Parks, an agency of the State of Montana, Helena, Montana, (hereinafter referred to as "DEPARTMENT"); and ^JFranklin O. Rigler and Susan Rigler, husband and wife, Corwin Springs Montana, (hereinafter jointly referred to as "RIGLER"):

WITNESSETH:

In consideration of the sums hereinafter stated to be paid by the department to Rigler, Rigler hereby gives and grants to the State of Montana, for the use and benefit of the department, the exclusive right and option to acquire those certain real properties of Rigler hereinafter described, according to the terms and provisions as set forth herein:

1. Description of Property: Rigler is the owner of real property in Park County, Montana, more particularly described as follows:

Township 8 South, Range 7 East, P.M.M.

Sections 1: Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Township 6 South, Range 7 East, P.M.M.

Section 35: All

Township 7 South, Range 7 East, P.M.M.

Section 1: All

Section 2: All

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 11: All

Containing 2,951.24 acres, more or less.

2. Purchase Price: The total purchase price for the property subject to this agreement shall be the sum of \$1,131,002, which purchase price will be paid by State Warrant at the time of closing, subject to adjustment as provided in paragraph #4 hereof.

3. Term of Option: The option herein granted for the purchase of that real property above described may be exercised on or before May 1, 1986.

4. Payment of Option: In consideration of Rigler reserving the above-described real property for exclusive option of the department to purchase the same for the purchase price as hereinabove stated, the parties agree as follows:

A. Upon execution of this option agreement, the department shall pay to Rigler the sum of \$113,100 as consideration for the above-described exclusive option and all other obligations entered into by Rigler in this Option Agreement.

B. Upon the exercise of the option, the department shall pay to Rigler the balance of the purchase price in an amount of \$1,017,902.

C. In the event of exercise of this option by the department as herein provided, the amount paid to Rigler for payment of the option (\$113,100) shall be applied to and credited to the total purchase price provided for herein.

5. Exercise of Option: If the department elects to exercise the option for the purchase of the above-described real property, it shall do so by tendering to Rigler the balance of the purchase price as set forth above (\$1,017,902) together with the deed to be executed by Rigler. The option may be exercised between January 1, 1986 and May 1, 1986.

6. Deed: Rigler agrees that, in the event of the exercise of this option by the department, Rigler will convey clear and merchantable title by warranty deed subject to no exceptions other than those herein mentioned or provided in this option agreement, and subject to existing easements appearing of record or are readily ascertainable from an inspection of the property.

7. Title Insurance: Rigler agrees to furnish at Rigler's own expense at the time of final closing, title insurance in the amount of the purchase price, showing free, clear, merchantable, and unencumbered title in the property, subject only to exceptions herein provided for. In the event that Rigler is unable to deliver title as herein provided, department shall have the option of requiring Rigler to clear any exception to the title not herein provided for or of rescinding the sale in which case, any monies paid by the department shall be refunded and the department relieved of all obligations hereunder.

8. Protection of Property: Rigler agrees not to do any act during the period of this option, or until final closing hereof which will diminish or encumber the title to said land and further agrees to permit the department, its officers, employees, and agents to enter upon the premises as deemed reasonably necessary for purposes of inspection or survey.

9. Payment of Taxes: Rigler will pay all taxes and assessments against the premises due or to become due for all years up to the time of final payment.

10. Time of Closing: Rigler will deliver the deed to subject property to the Department on the date and at the same time as the complete payment is made by the department. Possession of the property will be delivered to the department on the delivery date of the deed unless otherwise agreed to by the parties.

11. Mineral Rights: Rigler hereby acknowledges that the department shall receive all mineral rights owned by Rigler including oil, gas, coal, and any other minerals on, in, or under the property to be conveyed to it.

12. Water Rights and Irrigation Equipment: Rigler agrees that a gravity flow irrigation system now in place on lands to be optioned by the department at Dailey Lake will be part of the transfer of the property subject to this agreement. Rigler

acknowledges and agrees that the department shall receive all water, water rights, ditches, and ditch rights, which have been historically used by or acquired by Rigler with respect to the property subject to this agreement. Rigler agrees to exercise any documents necessary to transfer any said water rights or irrigation improvements to the department.

13. Access Easements: Rigler agrees, that if this option is exercised they will grant to the department two sixty (60) foot wide easements for public access to the lands described in paragraph 1 and to National Forest land. The first easement will be located adjacent to the south and east boundary of Plat No. 617 in the SW of Section 2, Township 8 South, Range 7 East and across the SW $\frac{1}{4}$ of said Section 2. The second easement will be located north of the mid-section line of Section 12, Township 8 South, Range 7 East. The easements are shown in exhibit "A" attached hereto. Rigler further agrees to grant an easement allowing access for administration purposes for department personnel over existing roads on those portions of Section 1, 2 and 11, Township 8 South, Range 7 East which remain in Rigler's ownership.

It is recognized that Rigler is considering a land exchange with the Gallatin National Forest for Rigler's lands which the public access easement would encumber. If such a trade is completed the public access easements shown in Exhibit A will not be necessary and Rigler will not be required to grant the easements to the Department. If the land exchange is not completed Rigler will grant the easements to the Department by October 15, 1986.

It is hereby agreed that Rigler will retain the right to farm the easement areas as long as it does not interfere with the Department's or Public's use of the access easement.

14. Effect: This agreement shall be binding upon and of benefit to the heirs, successors and assigns of the parties hereto.

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15. Daily Lake House: Rigler is retaining ownership of a house and Rigler has the option to remove the house and associated personal property located in Section 1, Township 7 South, Range 7 East, P.M.M. along the shore of Daily Lake. The department will not be responsible for any costs for removing the house. It shall be removed by Rigler within one year after the date of closing. If the house is not removed it shall become the property of the department.

16. Fencing: Rigler and department shall equally share in the cost of fencing the remainder of Riglers' land from department land. Department shall provide the necessary materials and Rigler the labor.

The fencing will be completed in 1987 once additional lands have been purchased by the department from Rigler or once the department states it cannot purchase additional lands from Rigler.

The area to be fences will be in Sections 1, 2, 11 and 12 of Township 8 South, Range 7 East. It shall be a four strand barbwire fence with steel posts and pressure treated wood posts. Clips will be used to attach the wire to the posts to allow the wires to be lowered for wildlife crossings. Exhibit "B" illustrates the fence construction.

Dated this 11th day of December, 1985.

Franklin D. Rigler
FRANKLIN D. RIGLER

MONTANA DEPARTMENT OF FISH,
WILDLIFE, AND PARKS

Susan Rigler
SUSAN RIGLER

~~Director~~

STATE OF MONTANA)
County of Lewis and Clark) ss

On this 16th day of December, 1985, before me a Notary Public for the State of Montana, personally appeared JAMES W. FLYNN, Director of the Department of Fish, Wildlife and Parks, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Deborah R. Bowers
Notary Public for the State of Montana
Residing at Helena. My Commission
expires May 8, 1987.

STATE OF MONTANA)

County of Gallatin)

) ss

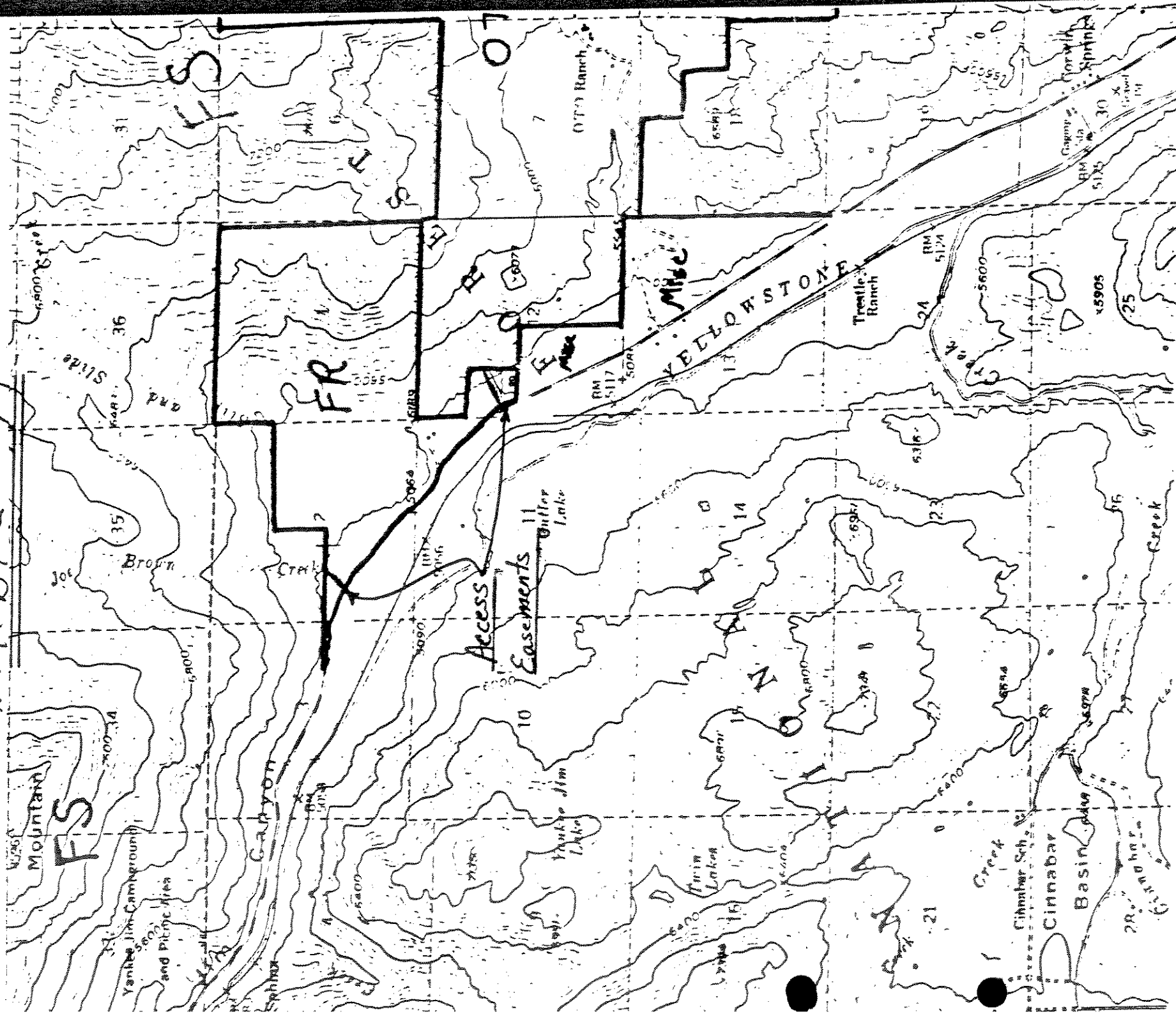
On this 17th day of December, 1985, before me a Notary Public for the State of Montana, personally appeared FRANKLIN J. RIGLER and SUSAN RIGLER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Donald J. Mahan
Notary Public for the State of Montana
Residing at Helena. My Commission
expires July 18, 1987.

404/52

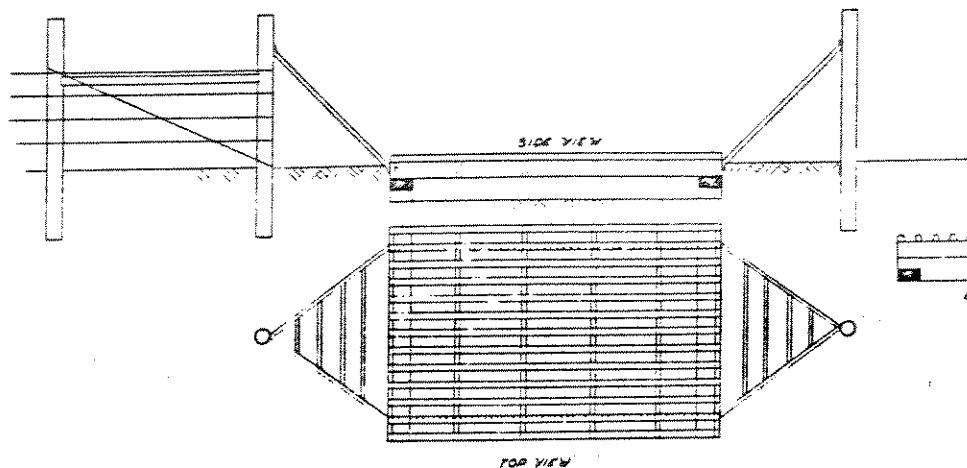
Exhibit A



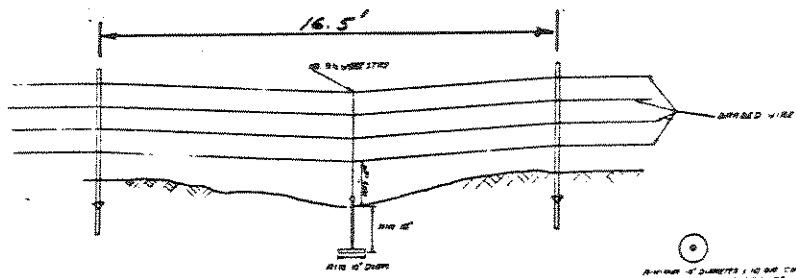
ORIGINAL

Exhibit "B"

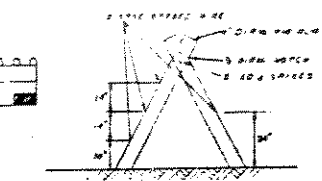
C-850



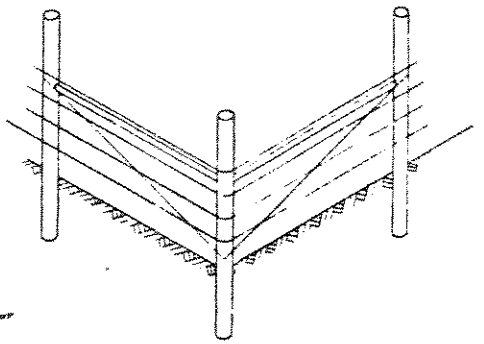
TYPICAL CATTLE GUARD DETAIL



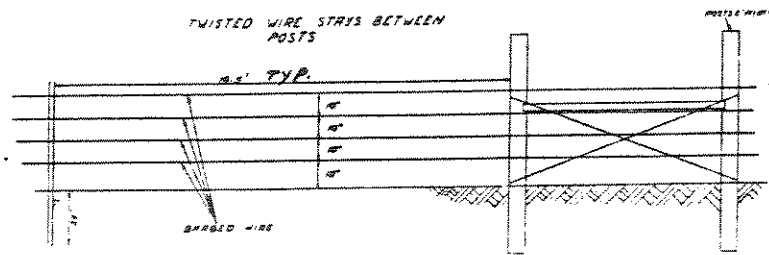
TYPICAL DEADMAN DETAIL



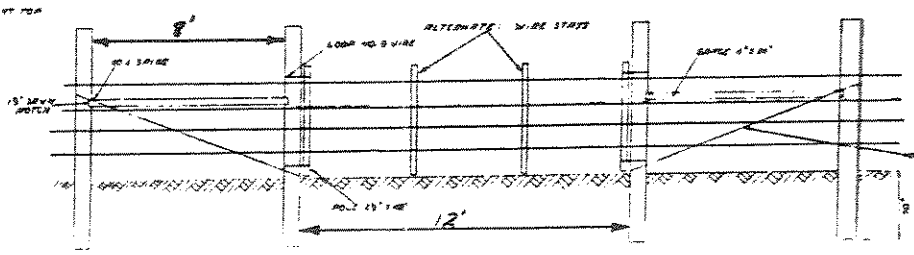
TYPICAL JACK LEG DETAIL



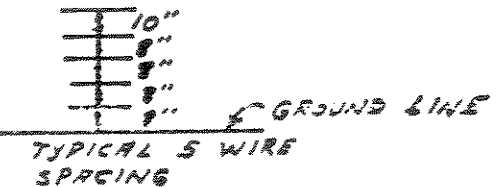
TYPICAL CORNER BRACE DETAIL



TYPICAL IN LINE BRACE



TYPICAL GATE DETAIL



TYPICAL 5 WIRE SPACING

NOTE
FOR SPECIFICATIONS OF THIS MATERIAL
REFER TO PUBLICATION DATED OCT. 1, 1967
FENCING MATERIALS - GENERAL SPECIFICATIONS.

FISH AND GAME DEPARTMENT
STATE PARKS SECTION
STANDARD FENCING SPECIFICATIONS
1-2
FARM FENCE

AGENDA
REGULAR MEETING OF BOARD OF LAND COMMISSIONERS
November 18, 1985 at 9:00 a.m.
Governor's Reception Room

17th Sign-in
boott
RECEIVED
NOV 14 1985
DIRECTOR'S OFFICE

- 1185-1 DEPARTMENT OF FISH, WILDLIFE AND PARKS - LAND ACQUISITION
- 1185-2 REINSTATEMENT OF STATE LEASE NO. 5367
- 1185-3 NOTARY SEAL ON OIL AND GAS ROYALTY REPORTING
- 1185-4 ANTIQUITIES PRESERVATION RULES
- 1185-5 RESOURCE DEVELOPMENT FUNDING FOR QUIET TITLE ACTION
- 1185-6 RIGHTS-OF-WAY APPLICATIONS
- 1185-7 REQUEST FOR UNIT AGREEMENT APPROVAL

Cut For Mike
DA 11/29

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Fish and Game Commission Meeting

October 25, 1985
Helena, MT

RECREATION & PARKS
DIVISION

The meeting was called to order by Chairman Spencer Hegstad at 9:10 a.m.,
Friday, October 25, 1985, at Helena, MT.

MEMBERS PRESENT:

Spencer Hegstad, Chairman
Don Bailey
Bob Jensen

Dan Oakland
Jim Olson

GUESTS:

Louise Keightley
Hyalite Landowners Assn.

Tom Greil
Missoula, MT

Bill Keightley
Hyalite Landowners Assn.

Robert Greil
Missoula, MT

Mike Micone
Helena, MT

TOPICS OF DISCUSSION:

1. Approve Minutes and Conference Calls
2. Approve Expense Accounts
3. Agenda Changes
4. Surplus House
5. Fisheries Budget Amendment
6. Greil Petition
7. Keightley Petition
8. Don Miller - Appointment
9. Walk-in Area R2
10. Seeley Lake Game Preserve Boundaries
11. Antelope Transplant to Nevada
12. Rigler Acquisition
13. Grizzly Bear Update
14. Warm Springs State Hospital Contract
15. New HD123
16. Rules and Policy Regulations
17. Cooney Reservoir Agreement Revision
18. Update of Regions
19. New Legislation

12. RIGLER ACQUISITION

Three tracts totaling 2,964.74 acres

Purchase price \$1,200,000
Appraisal price \$1,177,000

10/15/81
FILE

Tract 1
Irrigated hay land 156.5 acres @ \$1,200 per acre \$187,800
Sub-irrigated hay land 100 acres @ \$500 per acre 50,000
Dry land grazing 2,334.69 acres @ \$250 per acre 583,673
Appraisal price 821,473
Purchase price 843,002
Federal Aid PR 75%, State 25%

Tract 2
North slope grazing land 360 acres @ \$800 per acre
with Canyon Recreation values
Appraisal and Purchase price 288,000
Federal Aid 75%, State 25%

Tract 3 FAS
Yellowstone River frontage 13.5 acres @ \$5,000 per acre
Purchase price 67,500
Appraisal price 68,998
Parks Division funds

This acquisition gives the Department access to the National Forest for the public which was not previously available. The upper Yellowstone area has been a priority acquisition site. Pending approval, 10 percent will be paid now and the balance when federal aid is approved for it. It will be presented to the State Land Board November 18th. This property is valuable for wildlife management, access and recreational opportunities.

As an aside, the Elk Foundation plans to make funds available to the Department to acquire other property for the management of elk.

MOTION: Olson: "I move that the Department proceed with the acquisition of the Rigler property under the terms and description above."

Jensen seconded, motion carried.

This exhausts the wildlife division's acquisition funds until the next legislature.

Director Flynn stated the Department would like to conclude any pending acquisition before beginning any new ones.

13. GRIZZLY BEAR UPDATE

Arnie Olsen - 1985 Grizzly mortalities - 15 quota. There were three illegal kills, (1 female), one hunter mistaken identity kill (male), four accidental deaths (2 females) in Flathead BMA, two males on East Front due to drugs. Hunters legally killed six, all males in the Bob Marshall.



livingston
enterprise

P.O. BOX 665
LIVINGSTON, MT 59047
PHONE 222-2000

RECEIVED

2-12-86

FEB 18 1986

WILDLIFE DIVISION

Enclosed are two articles on the Rigler land sale proposal. The first was written : Nov. 1980, and the second is the most recent written in Nov. 1985.

Since that time the Enterprise has ran : least one article by the Associated Press about the state Board of Land Commissioners approving the purchase. The AP ran that story over the wire on Nov. 18.

If you have any questions contact me hereat the Enterprise.

Tom Shands

Salena, MT 59620
February 4, 1986

Regional Director
U.S. Fish and Wildlife Service
P. O. Box 25486
Denver Federal Center
Mail Stop 60150
Denver, Colorado 80225

Attn: John Hardister

Dear Sir:

Enclosed are the items which were inadvertently omitted from the EA for the Fishing Access Acquisition on the Yellowstone River and Dailey Lake.

As I mentioned on the phone we need to adjust the cost figure to reflect an increase of \$4,126.00. This will be added to the state share for a total cost of \$164,126.00. There are still no federal funds requested.

I hope you find these required documents satisfactory.

Sincerely,

Don Childress
Acting Federal Aid Coordinator

kc

Enc.

Personnel involved in project preparation, negotiation and consultation include: Jim Flynn, Director; Ron Marcoux, Associate Director; LeRoy Ellig, Regional Supervisor; Arnold Olsen, Wildlife Division Administrator; Don Childress, Acting Federal Aid Coordinator; Don Hyyppa, Parks Division Administrator; Don Malisani, Land Agent; Arnold Foss, Region Three Wildlife Manager; Jon Swenson, Region Three Wildlife Biologist; and Jerry Blackard, Chief, Division of Federal Aid from the Federal Aid Office in Denver.

The proposed acquisition was discussed at the October 25, 1985 Fish and Game Commission meeting and the State Land Board meeting on November 18, 1985. Both meetings were open to the public and listed as agenda items.

VI. Statements

A. Executive Order - Floodplain Management and Wetlands Protection

The physical feature of the tract is such that an abrupt bank exists along the parcel above the river creating a narrow river floodplain. No development is planned so there will not be any modification of the parcels.

B. Prime and Unique Farmlands

The proposed parcels do not include any prime and unique farmlands as stated by the attached letter (Attachment A).

C. Endangered Species

There have been no sightings of Peregrine falcon, Falco peregrinus anatum, on or adjacent to the property proposed for acquisition. Bald eagles, Haliaeetus leucocephalus, utilize the Yellowstone River as a migration corridor primarily during the winter months. No active nests or perch sites are available on the property.

The property lies adjacent to occupied grizzly bear, Ursus arctos, habitat as defined in the U.S. Fish and Wildlife Service recovery plan published in 1982 (Figure 1). Grizzly bear have been sighted within the last five years in drainages adjacent to the property, Dome Mountain, Cedar Creek (Dick Knight, Park Service, personal comm.). The Slip and Slide drainage and the Dailey Lake area are extremely open habitats. Grizzly bear primarily utilize the adjacent areas due to this lack of cover. Bear movements through the area primarily occur at night.

ENVIRONMENTAL ASSESSEMENT

for

Fishing Access Acquisitions on Yellowstone River and Dailey Lake

I. Purpose and Need for Action

The upper Yellowstone River has long been nationally renowned as a blue ribbon trout stream. Dailey Lake has been widely known in Montana as a trout and perch lake, and more recently as a walleye lake. Fishing access is ever at a premium on these fishing waters adjacent to a main highway to Yellowstone National Park and within 25 miles of the park.

There is a need for additional state-owned fishing access to serve Montana anglers, non-resident anglers who come specifically to fish in Montana, and the travelling public which is looking for readily available fishing access as it travels to and from Yellowstone National Park.

II. The Proposed Action and the Alternatives

The Department of Fish, Wildlife, and Parks proposes to purchase all the land between Highway 89 and the Yellowstone River in a one-mile long stretch just upstream of Yankee Jim Canyon and to purchase the land adjacent to the south end of Dailey Lake (see attached maps).

In arriving at the decision to acquire the tracts described above, the following alternatives were considered:

A. No Action

A no action decision would nulify a significant opportunity to obtain prime fishing access on the Yellowstone River and Dailey Lake. As badly as this access is needed now it will be even more critically needed in the future when such opportunities are scarce and fishing pressure increased.

B. Purchase of the Property

This will afford prime fishing opportunities not only to Montana's and regular non-resident fishermen but also afford a once-in-a-lifetime opportunity for persons enroute to and from Yellowstone National Park to experience some of the finest fishing in North America.

III. Description of the Affected Environment

A. The proposed acquisition comprises 259.6 acres of land at the south end of Dailey Lake and 14.3 acres adjacent to the Yellowstone River. Three basic land forms associated with the project include: irrigated and sub-irrigated hay meadows; mountain foothill grasslands; and the riparian type associated with the Yellowstone River, Slip and Slide Creek, and Dailey Lake.

B. Vegetation

The majority of the land area is a grassland type except for the riparian vegetation associated with the Yellowstone River, Slip and Slide Creek, and the Dailey Lake perimeter. The major grass species include Bluebunch wheatgrass, Idaho fescue, and June grass. The irrigated meadows contain a variety of domestic and native grasses suitable for hay cropping. With appropriate management, the condition of the vegetation can be improved as will the forage and cover values of the vegetation for associated wildlife.

C. Geology and Soils

Soils are thin and rocky over the majority of the native grassland types with deeper soils associated with the meadow and riparian areas. Specific soil typing and geological data are not readily available for the involved lands.

D. Water Resources

The Yellowstone River borders one tract for approximately one mile. The upper end of this tract is bounded by Slip and Slide Creek.

E. Archeological

No known archeological or historical sites exist. No developments are anticipated on the area, so any historical or archeological values that may be associated with the property will remain intact.

IV. Environmental Impacts of the Proposed Action and Alternatives

A. Land Use

The Yellowstone River tract will provide bank access. On the Dailey Lake tract there will be one main access road with walk-in fishing around the lake shore. This is gentle terrain.

B. Wildlife

The acquisition will provide significant benefits to all species of wildlife associated with the proposal through improvement of vegetation for food and cover. Some opportunity will exist for some species to be increased in number. The primary species (elk) will have much more forage available to them each winter so will extend the time they use the property. The most dominant benefit will be the infinite assurance that a very important unit of wildlife habitat will be maintained in a wild and natural state.

C. Recreation

The acquisition will provide additional opportunities for fishing and various forms of outdoor recreation. In addition, it will provide long-term assurance that these opportunities will be available in the future.

D. Economics

The removal of livestock from the proposed acquisition adjacent to Dailey Lake will initially eliminate grazing opportunity and the economic returns for these particular livestock. Possibilities do exist for involvement with other adjacent livestock to initiate livestock grazing operations that will provide mutual benefits to the livestock operators as well as to wildlife and recreation interests. Any grazing activity initiated by the department or entered into by the department will involve a rest-rotation concept. All the needs of wildlife species associated with the project will have to be met under any future grazing options.

Although specific data is not available to quantify the economic benefits to the locality and to the people of Montana, it is very likely that the economic returns associated with elk hunting in the area will more than offset any reductions associated with a lowered livestock base.

V. Consultation and Coordination with Others

The department has maintained open lines of communication with Frank Rigler over the years in an effort to work toward a viable acquisition agreement. Recently an agreement has been reached and the department has appropriate funding authority and funds to procede.

Personnel involved in project preparation, negotiation and consultation include: Jim Flynn, Director; Ron Marcoux, Associate Director; LeRoy Ellig, Regional Supervisor; Arnold Olsen, Wildlife Division Administrator; Dale Witt, Federal Aid Coordinator; Don Hyyppa, Parks Division Administrator; Don Malisani, Land Agent; Arnold Foss, Region Three Wildlife Manager; Jon Swenson, Region Three Wildlife Biologist; and, Jerry Blackard, Chief, Division of Federal Aid from the Federal Aid Office in Denver.

The Montana Fish and Game Commission authorized the acquisition of this property on October 25, 1985.

VI. Statements

A. Executive Order - Floodplain Management and Wetlands Protection

Acquisition of this tract will not impact floodplain or wetland habitat due to its physical properties and the fact that no development is planned.

B. Endangered Species Act

Acquisition of this property will not affect any federally listed endangered or threatened species or adversely affect any designated critical habitat.

Copy



State of Montana
Office of The Lieutenant Governor
Helena 59620
(406)444-3111

GEORGE TURMAN
LIEUTENANT GOVERNOR

January 17, 1986

Mr. Arthur Whitney
Fisheries Division
MT Department of Fish, Wildlife
and Parks
1420 East 6th Avenue
Helena, MT 59620

RE: Fishing Access Acquisition on Yellowstone River and Dailey Lake
Montana State IGR Clearinghouse SAI No. MT860117-360-X

Dear Mr. Whitney:

The above-captioned application for federal financial assistance has been received. In order to provide notification to parties that may be interested in review and/or comment on the proposal, it will be listed in the next Inter-governmental Review Bulletin issued from this office.

Any inquiries or comments regarding the proposal will be directed to your office. Please provide copies of the enclosed suggested review form to potential reviewers - those you feel should be invited to comment, as well as to any who may request the opportunity to do so. Copies of any comments received, along with a copy of this letter, should be submitted to the federal funding agency with the application papers, or forwarded to them to be attached to it if they are received after the application has been sent in. We have asked that comments be returned to your office by February 17, 1986, and that copies be sent to the Clearinghouse for our files.

The Clearinghouse intends to take no further action on this proposal.

Sincerely,

Sue Heath

SUE HEATH
Clearinghouse Manager

Enclosure



STATE OF MONTANA
Office of Budget
and Program Planning

FEDERAL ASSISTANCE MANAGEMENT ACT
GRANT CLEARANCE REQUEST FORM

The information contained in the attached schedules is submitted to support our request to submit application for Federal Funds. This request is made pursuant to the Federal Assistant Management Act, Chapter 259, Laws of Montana, 1975.

APPLICANT AGENCY

AGENCY

NAME

Montana Department Fish, Wildlife, & Parks
Fisheries Division

PROJECT

PROJECT NAME

Fishing access acquisition on Yellowstone River
and Dailey Lake

REQUESTED
FUNDS

\$

STATE
MATCHING
FUNDS

\$160,000.00

If a grant award is made, will a budget amendment be required?

☐ YES

☒ NO

I hereby certify that the information presented herein is true and correct and accurately reflects the justification for this request.

Signature of authorized Agency Official and date signed.

James W. Flynn

The following action is taken relative to this request for grant clearance. If disapproved, the reason therefore is recorded below.

☐ APPROVED

☐ DISAPPROVED

Signature of Budget Director and date signed.

BUDGET AND PROGRAM PLANNING

COMMENTS:

MONTANA INTERGOVERNMENTAL REVIEW CLEARINGHOUSE
REVIEW AND COMMENT FORM

Applicant: MT Department of Fish, Wildlife and Parks
Fisheries Division Phone: (406) 444-5665
Address: 1420 East 6th Avenue, Helena, MT 59620
Subject: Fishing Access Acquisition on Yellowstone River and Dailey Lake
Clearinghouse SAI No. MT960117-360-X

YOUR COOPERATION IS REQUESTED IN COMPLETING YOUR REVIEW AND RETURNING
THIS FORM WITH YOUR COMMENTS TO THE ABOVE ADDRESS, WITH A COPY TO THE
CLEARINGHOUSE, NO LATER THAN February 17, 1986

	YES	NO	COMMENTS
Is this proposal consistent with the plans, goals and objectives of your agency?			
Does the proposed action conflict with any applicable statute, order, regulation or rule with which you are familiar?			
Does this proposal overlap, conflict or duplicate other existing programs or agencies?			

Describe any suggestions or means of improving or strengthening the proposed plan.

Please convey your general conclusion by checking the appropriate response(s).

- ☐ Proposal is supported.
☐ Support only with conditions described below.
☐ Non-supportive for the reasons described below.
☐ Additional information is desired as described below.
☐ No comment on this proposal.

REMARKS:

Reviewer: Title:
Address: Phone:
Signature: Date:

Turn to Applicant listed above, with a copy to:

Montana IGR Clearinghouse
Lt. Governor's Office, Attn: Room 210
State Capitol



United States Department of the Interior
FISH AND WILDLIFE SERVICE

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

IN REPLY REFER TO:

FA MT
F42L
F42L1
W146L
W146L1

RECEIVED

MAR 31 1986

WILDLIFE DIVISION

MAR 28 1986

Don Childress
Acting Federal Aid Coordinator
Montana Department of Fish,
Wildlife and Parks
1420 East 6th Avenue
Helena, MT 59620

Dear Don:

Enclosed are your approved copies of the Applications for Federal Assistance and Project Agreements for Segment No. 1 to Federal Aid Projects F42L, "Fishing Access Acquisition on Yellowstone River and Dailey Lake" and W146L, "Slip and Slide WMA Acquisition."

Please be advised that the Project Agreement for Segment No. 1 of F42L does not obligate any Federal Aid funds. Its purpose is to document clearly that State funds amounting to \$164,126.00 are to be used to acquire 259.6 acres along the Yellowstone River and at Dailey Lake as replacement for the disposed Juniper Beach property.

We are pleased to participate in the purchase of the subject properties.

Sincerely,

Jerry J. Blackard
Chief, Division of Federal Aid
Federal Assistance

Attachments

STATE COPY

OMB Approval No. 1018-0049 Expires 8/31/85



UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Federal Aid

PROJECT AGREEMENT

DOCUMENT CONTROL	
ORGANIZATION CODE	DOCUMENT NUMBER

STATE

Montana

PROJECT NO.
F-42-L

SEGMENT NO.
1

PROJECT TITLE

Fishing Access Acquisition on Yellowstone River
and Dailey Lake

AGREEMENT PERIOD

From: January 20, 1986

To: June 30, 1986

PROJECT COST DISTRIBUTION

- ☒ Federal Aid in Sport Fish Restoration Act
(16 U.S.C. 777-777k) 50 CFR Part 80
- ☐ Federal Aid in Wildlife Restoration Act
(16 U.S.C. 669-669i) 50 CFR Part 80
- ☐ Other (specify) _____

TOTAL

Total Cost	State Share	Federal Share
\$164,126.00	\$164,126.00	
\$164,126.00	\$164,126.00	

OTHER PROJECT PROVISIONS

The State agrees to execute the project in accordance with the Acts checked above, and the pertinent rules and regulations of the Secretary of the Interior contained in Title 50 of the Code of Federal Regulations; the U.S. Fish and Wildlife Service Federal Aid Manual; and the previously approved Application for Federal Assistance to the extent encompassed by this Agreement, including the Assurances attached thereto.

STATE AGENCY (Name and Address)

Montana Department of Fish, Wildlife and Parks, 1420 East 6th, Helena, MT 59620

SIGNATURE

Don Childress

TITLE

Acting Federal Aid Coordinator

DATE

February 7, 1986

SPECIAL PROJECT CONDITIONS

APPROVED FOR THE SECRETARY OF THE INTERIOR

SIGNATURE

Henry F. Blackburn

TITLE

Chief, Division of Federal Aid

DATE

MAR 26 1986

JOB DESCRIPTION

State: Montana

Project Number: F-42-L

Job Title: Fishing Access Acquisitions on Yellowstone River and Dailey Lake

Objective: The objective is to provide state-owned fishing access on two important Montana fishing waters: upper Yellowstone River and Dailey Lake. These waters are adjacent to a main highway to Yellowstone National Park, an area in which fishing access is ever at a premium.

Location: The proposal is to buy two tracts. One borders the Yellowstone River for approximately 1 mile just upstream from Yankee Jim Canyon (map attached). It contains 14.3 acres. The other encompasses the south end of Dailey Lake and contains 259.6 acres (map attached).

Technical Personnel:

Arthur N. Whitney, Fisheries Division Administrator

Job Duration:

January 20, 1986 through June 30, 1986

Cost: \$160,000 (100% state funds)

Agency deals to buy elk winter range

By TOM SHANDS
Enterprise Staff Writer

The state Department of Fish, Wildlife and Parks has nearly completed a deal to buy several thousand acres of elk winter range in Park County, along with some Yellowstone River frontage.

FWP's Don Malisani said Tuesday the department has a few procedural steps to go through before it assumes ownership of 2,964 acres currently owned by Frank and Susan Rigler.

Malisani said the elk winter range is located in two areas. The largest portion, roughly 2,600 acres, is located around the southern end of Dailey Lake. He said FWP has agreed to purchase four full sections of land around the lake, plus 40 acres of an adjoining section.

The second parcel is located behind the Riglers' home near the mouth of Yankee Jim Canyon. There FWP will purchase 360 acres of a section along Slip and Slide Creek.

In addition, Malisani said, FWP has agreed to purchase 13.5 acres of Yellowstone River frontage from the Riglers. He said that property is located at the mouth of Slip and Slide Creek and is a long, narrow strip along the river.

Malisani said FWP has offered to buy all three parcels for \$1.2 million.

The announcement comes after years of negotiations with the Riglers. In 1980, The Enterprise reported FWP had offered to buy about 200 acres of Dailey Lake frontage from the Riglers. Those negotiations were apparently placed on the back burner until earlier this year when both sides began talking about a much larger purchase agreement.

The Fish and Game Commission has approved the purchase, which now must go before the State Land Board, Malisani said. All state purchases over 100 acres or \$100,000 must be approved by the board, he said. FWP is expected to receive approval at the board's meeting Nov. 18.

The other step FWP must go through, he said, is to secure financing from the U.S. Fish and Wildlife Service. Malisani said the state hopes to enter into an agreement whereby the Fish and Wildlife Service pays for 75 percent of the purchase and FWP pays the other 25 percent.

Those percentages could change, according to Dale Witt of FWP's Wildlife Division, but FWP is confident the federal agency will support the acquisition.

Witt said the U.S. Fish and Wildlife Service has set up a fund to make such purchases with revenue coming from a tax on arms and ammunition. He said FWP would use state hunting license dollars to pay for its share of the winter range.

Witt said the river frontage would be bought using money the state collects from fishing licenses.

During January and February, Witt said, elk migrate out of Yellowstone National Park seeking open ground. One of the first places

they find it is behind the Riglers' home. After that, the elk push up and over Dome Mountain and come down to the Dailey Lake area.

There, he said, 500 or more elk often graze on the windswept, north-facing slopes.

The elk have presented problems for the Riglers' ranching operations, said Susan Rigler, because the animals graze the area leaving little grass for cattle. For years, she said, they haven't grazed cattle on the property behind their home, which has forced them to rent pasture and cut back on the size of their herd.

Mrs. Rigler said she and her husband were happy FWP will buy the land, and added it represents a positive step by state and federal officials to work together to provide a long-term solution to the elk problem.

Witt said FWP plans to improve the forage on the Dailey Lake property, and in the future it may develop the river frontage into a fishing access site. Malisani said the purchase should be completed early next year.

11-12-85

11-5-1980

State negotiations for lake frontage in limbo.

By PAUL JONAS
Enterprise Staff Writer

Although the state Department of Fish, Wildlife and Parks has shown interest in purchasing more land around Dailey Lake for public fishing access during the past year, current department interest seems to be diverted to

According to Frank and Susan Rigler, who own about two-thirds of the Dailey Lake frontage, the Fish and Game Department first approached them last summer to talk about purchasing 200 acres of land around the lake and a mile of Yellowstone River frontage nearby.

Although the department never gave

land and has not talked to them recently about the area, department spokesmen in Helena and Bozeman say negotiations are still open.

"The Carter Administration has been putting the squeeze on some Federal funds we need for statewide for purchasing land, so we are looking

at the possibility that federal money will be trimmed," said Ralph Cooper, a department land agent in Helena. "However, we're still looking at Dailey Lake and have made other inquiries about purchasing access on the Yellowstone River near Livingston."

Cooper said he talked to a Livingston real estate agent about purchasing river access last week but said the price offered for the land under negotiation is more than what the department wants to pay.

Leroy Ellig, of the Fish, Wildlife and Parks office in Bozeman, said the department is currently attempting to purchase beach area along the

Beaverhead River before turning attention to other areas such as Dailey Lake. He said the department has been negotiating for the Beaverhead area for three to four years.

The Riglers recently listed 140 acres of land for sale around Dailey Lake for \$198,000. Frank Rigler said part of the reason he is listing the land is because of difficulties with fishermen who fish on the land illegally.

He formerly allowed fishermen to use his land but padlocked the entrance five years ago because they wouldn't pick up their trash and kept leaving a gate open for his cattle to get out.

Since that time, Rigler said fishermen have damaged about 30 acres he has placed on the gate.

"I don't have time to go down there and clean up all the time," Rigler said. "It's also a pain in the butt for me to keep replacing those locks. If I sold that land I could use the money to invest in something which would help give me a return on my ranch, such as a sprinkler system. The lake frontage doesn't mean anything for our ranch operation."

The Riglers say they would prefer to sell land around Dailey Lake to the Fish, Wildlife and Parks Department rather than to a private developer for subdivision.

"We don't want to see any more development," Rigler said. "I have notified the Fish and Game that the land is listed but their purchase schedules are tied up for quite a while."