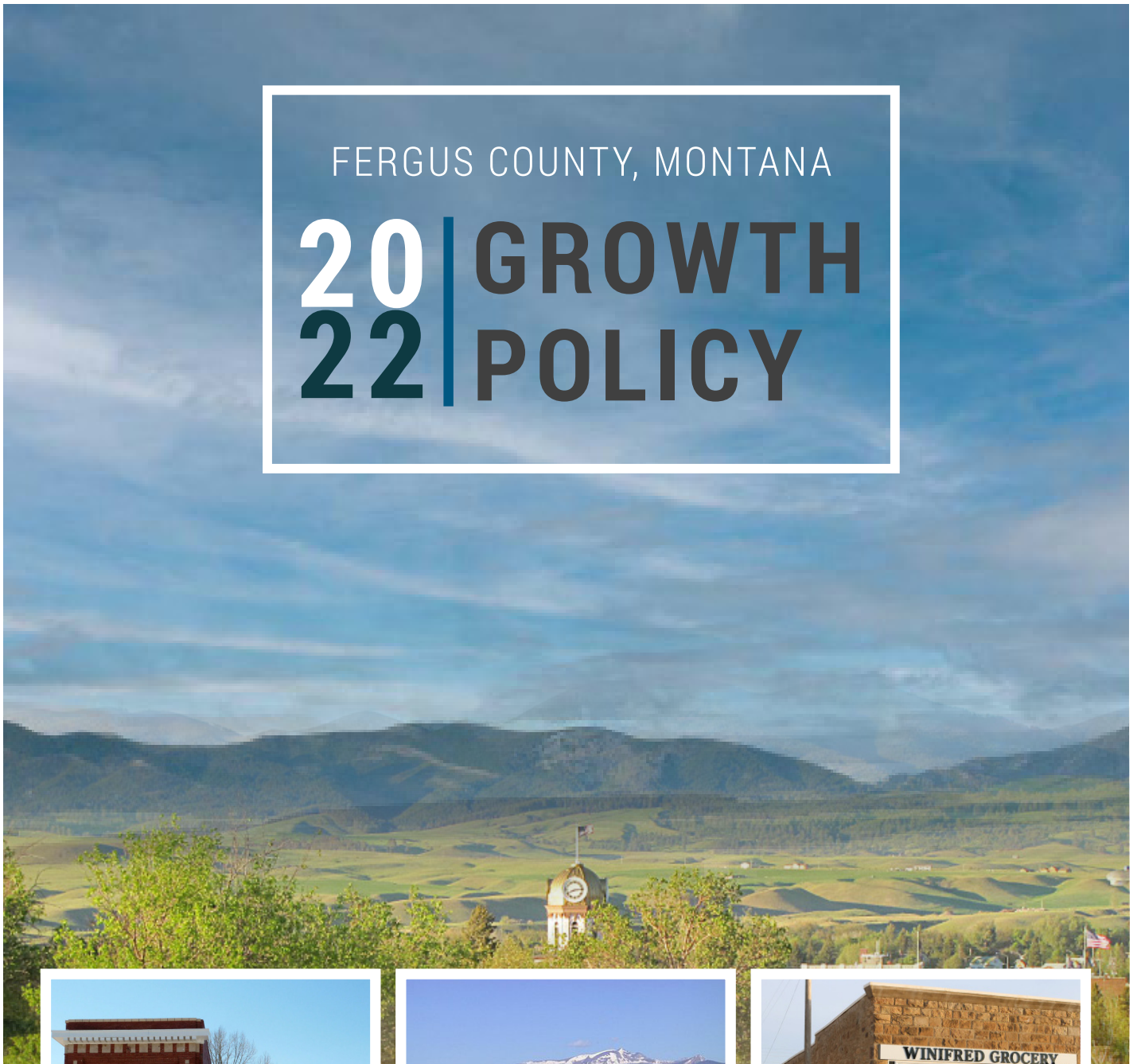


FERGUS COUNTY, MONTANA

2022 | GROWTH POLICY



PREPARED FOR:



FERGUS COUNTY
712 W MAIN STREET | LEWISTOWN,
MT 59457
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PREPARED BY:



An Employee-Owned Company

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RECOMMENDATION TO THE COMMISSIONERS

Fergus County/Consolidated Towns of Denton, Moore, Grass Range, and Winifred Growth Policy Adoption

A recommendation by the Fergus County Planning Board of Fergus County, Montana to recommend adoption of the 2022 Fergus County/Consolidated Towns of Denton, Moore, Grass Range, and Winifred Growth Policy to the Fergus County Board of County Commissioners and the Town Councils of Denton, Moore, Grass Range, and Winifred.

WHEREAS, the Fergus County Board of County Commissioners tasked the Planning Board with the preparation of a Growth Policy for the County and surrounding Consolidated Towns of Denton, Moore, Grass Range, and Winifred; AND,

WHEREAS, the proposed Growth Policy addresses all of the statutory components of a Growth Policy pursuant to MCA 76-1-601 et seq., to the extent acceptable to the Planning Board; AND,

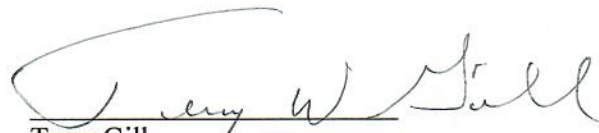
WHEREAS, the Fergus County Planning Board did conduct public hearings of the Growth Policy on October 13, 2021 and March 16, 2022; AND,

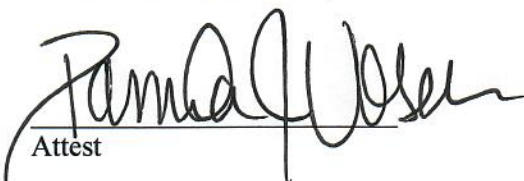
WHEREAS, comments received at the public meetings were considered by the Fergus County Planning Board;

AND, WHEREAS, MCA 76-1-603 et seq. of the Montana Code Annotated provides the process by which the Planning Board may resolve to adopt, revise or reject a growth policy, and the Board has followed this process in accordance with statute;

NOW THEREFORE BE IT RECOMMENDED, the Planning Board of Fergus County, Montana recommends to the Fergus County Board of County Commissioners and the Town Councils of Denton, Moore, Grass Range, and Winifred adoption of the Growth Policy.

THIS 14 date of April 2022.


Terry Gill
Chair, Planning Board


Attest

RESOLUTION NO. 19 - 2022

A Resolution of the Board of County Commissioners of Fergus County to adopt the 2022 Fergus County/Towns of Denton, Moore, Grass Range, and Winifred Growth Policy

WHEREAS, the Fergus County Planning Board has prepared a Growth Policy for the County and the consolidated Towns of Denton, Moore, Grass Range, and Winifred; AND,

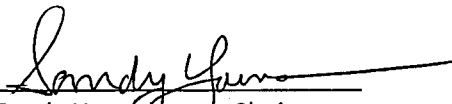
WHEREAS, the Fergus County Planning Board did conduct public hearings of the Growth Policy on October 13, 2021 and March 16, 2022; AND,

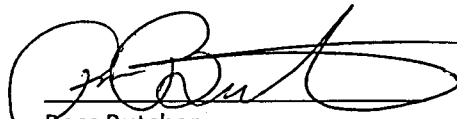
WHEREAS, comments received were considered by the Fergus County Planning Board and addressed in the final version of the document;

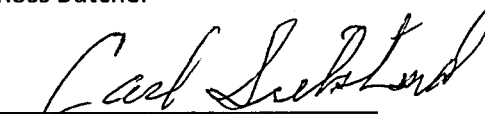
AND, WHEREAS, after considering the discussion from the public hearings, the Fergus County Planning Board recommended the Board of County Commissioners of Fergus County, Montana to adopt the Fergus County/Towns of Denton, Moore, Grass Range, and Winifred Growth Policy and to pursue the goals, objectives, and policies therein.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Fergus County, Montana to pass a Resolution to adopt the Fergus County/ Towns of Denton, Moore, Grass Range, and Winifred Growth Policy, and to pursue the goals, objectives, and policies therein.

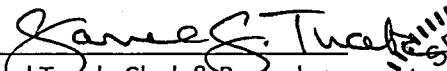
PASSED, APPROVED AND ADOPTED this 25th day of April, 2022 with the Board of County Commissioners.

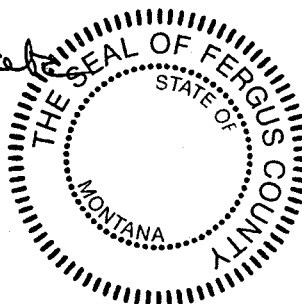

Sandy Youngbauer, Chair


Ross Butcher


Carl Seilstad

Attest:


Janel Tucek, Clerk & Recorder



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- B Fergus County Land Use Plan
- C Fergus County Resolutions - No. 16-2021 and No. 13-2018
- D Full Sized Maps as Used in Document

CHAPTER 1: Purpose and Scope

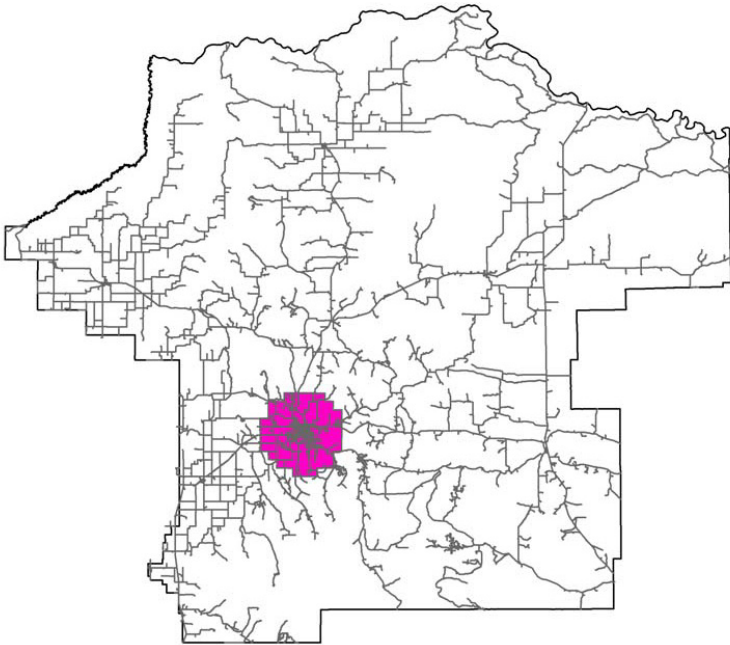
1.1 PURPOSE

A Growth Policy is a community's growth and development plan that evaluates existing community conditions and sets goals and future visions for housing, land use, economic development, local services, public safety, natural resources, transportation, and other unique characteristics and features of the community. A Growth Policy is not a regulation or ordinance, but it serves as the legal basis for enacting them.

1.2 GEOGRAPHIC SCOPE

The Fergus County Growth Policy is the responsibility of the Fergus County Planning Board and takes into consideration all areas of the County, excluding the City of Lewistown and the 4 ½ mile jurisdictional area surrounding the City, as defined by interlocal agreement between the City of Lewistown and Fergus County. This includes the incorporated Towns of Moore, Grass Range, Winifred, and Denton.

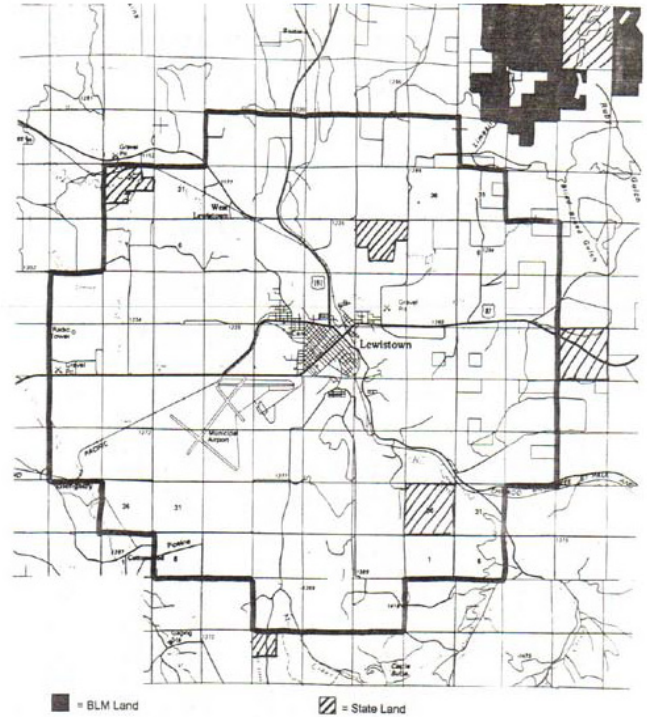
FIGURE 1.1 MAP OF FERGUS COUNTY INDICATING THE JURISDICTIONAL RESPONSIBILITY OF THE FERGUS COUNTY PLANNING BOARD



The City of Lewistown, under the guidance of the City-County Planning Board, established a Lewistown Growth Policy in 2006 that addresses growth within the City boundaries and a 4 ½ mile

jurisdiction area surrounding the City (shown in pink, at left).

FIGURE 1.2 CITY OF LEWISTOWN GROWTH POLICY COVERAGE AREA AS SHOWN IN THE LEWISTOWN GROWTH POLICY (2006)



Map provided by Applied Communications, 2000 showing a base map from the Bureau of Land Management "Surface Management Status", 1988 and the approximate 4 ½ mile boundary based on township lines and current City limits.

1.3 AUTHORITY

Fergus County Commissioners, to address the most critical issues facing the County now and in the near future, have authorized the Fergus County Planning Board to develop a County Growth Policy in accordance with 76-1-601-76-1-606, Montana Code Annotated (MCA). The requirements outlined in these statutes constitute the contents of this Growth Policy.

1.4 PLANNING IN FERGUS COUNTY AND INCORPORATED TOWNS

The Fergus County Planning Office is responsible for land use planning in Fergus County with the exception of the incorporated cities and towns other than those that contract with the County for services. The Planning Office works cooperatively

with the City of Lewistown Planning Office for planning issues in the non-incorporated 4 ½ mile area beyond the Lewistown City limits. Fergus County currently has two planning boards. The first being the County Planning Board with five members and the second City-County Planning board, consisting of nine members, who have jurisdiction for the 4 ½ mile area of Fergus County and the City of Lewistown.

Planning activities undertaken by the Planning Department over the last several years involve land use (i.e. subdivision regulations, floodplain regulations and permitting, Airport Affected Area) and general regulatory activities (i.e. COS review, permitting). The Department is also involved with other agencies in creating services and policies. They worked with Disaster and Emergency Services to create digital maps for the Pre-Disaster Mitigation Plan and participated in the Joint Land Use Study committee with Counties hosting Malmstrom Defense Installations.

Planning documents developed and/or utilized and enforced by Fergus County include:

- **Fergus County Subdivision Regulations**
- **Fergus County Floodplain Regulations**
- **Lewistown Municipal Airport Affected Area Regulations**

Fergus County has also adopted road and bridge standards and regularly updates their Comprehensive Capital Improvements Plan (CCIP), with the most recent plan prepared in 2016. Fergus County, in conjunction with Choteau County, prepared a corridor study in 2011 for the road system from Winifred to Big Sandy. The document outlines improvement options and funding strategies for the Counties to plan for improvements to this transportation corridor.

The County established a Land Use Policy (LUP) in 1992 and restated it in June of 2021. A draft update of the LUP is currently being considered by the County and will be incorporated into the Land Use section of this document. This policy helps guide the use of the lands and resources in the county

without eliminating the rights of private property owners. The LUP addresses areas of concern from business, industry, schools, education, forestry, wildlife, endangered species, tourism, recreation, mining, agriculture and water resources. Fergus County is an active member of the Snowy Mountain Development Corporation (SMDC). Their association with that organization provides planning benefits for the County that are otherwise difficult for smaller communities to develop on their own with limited budgets and staff. Participating in developing the Community Economic Development Strategy (CEDs) for the region provides opportunity for Fergus County residents to provide input on monitoring and evaluating long term economic goals and strategies for the region. This type of region-wide planning highlights capital improvements necessary for the area to provide opportunity for the economic well-being of the communities within the planning area.

Planning documents currently being utilized by the County's incorporated towns include:

- **Town of Denton Floodplain Hazard Management Regulations**
- **Town of Moore Floodplain Hazard Management Regulations**

1.5 PUBLIC INVOLVEMENT

The County Planning Board established a public involvement plan for development of the Growth Policy that included a variety of means for public education and input. The plan incorporated the use of a Growth Policy Advisory Committee to assist the County Planning Board as liaisons from the incorporated towns that participated in preparation of the document. That Committee attended regular meetings of the Planning Board, sought local comment on issues faced by each community, and assisted with public meetings and open houses. The full Growth Policy Public Involvement Plan is included in Appendix A along with other outreach documentation utilized to engage the residents of Fergus County.

A survey was prepared and conducted throughout development of the Growth Policy to solicit public

information on the growth (or lack thereof) issues and ideas to assist in establishing the goals and objectives of the Policy. The survey was made available online through the projects' web site and linked via the County's web site and Facebook Page. It was also posted in the Lewistown News Argus and at various public venues throughout the County including the Fergus County courthouse and Town Halls in Denton, Grass Range, Moore, and Winifred. Results of the survey are summarized in graphic form in Appendix A.

A public meeting was held in October 2021 at the Trade Center at the Fergus County Fairgrounds to provide information on development of the Growth Policy and to seek initial public input. A draft document was made available for review via the Planning Office and online and the Planning Board and Advisory Committee hosted individual tables for comment on the draft based on the areas addressed in the Growth Policy. The public was given the opportunity to make comment on their goals for the County, the values that should be preserved over time, and how they thought the development of a Growth Policy would benefit the citizens and communities of the county.

FIGURE 1.3 RECAP OF PUBLIC COMMENTS – OCTOBER 2021

Goals	Values	Benefit
☐ Job Opportunities ☐ Housing ☐ Sustainability of families ☐ Sustainability of agricultural areas ☐ Tourism ☐ Higher quality food/restaurants ☐ Access to business education ☐ Childcare	☐ Agricultural community ☐ Mentorship/resources/leadership development ☐ Clean/attractive communities ☐ Alternative education opportunities ☐ Keep rural schools open ☐ Adequate housing ☐ Emergency/medical services ☐ Safety/low crime ☐ Infill development	☐ Keep people involved and informed ☐ Enable stable businesses to reinvest ☐ Promotion of residents to communities ☐ Collectively identify goals ☐ Enable knowledge of infrastructure need ☐ Grant funding opportunities

A second public meeting to take comment on the final draft of the Growth Policy was held on March 16, 2022, at the Trade Center following publication of the availability of the draft document on the County's web site. A press release and the legal advertisement announcing the meeting ran in the Lewistown News Argus. Comments taken at the meeting regarding the Draft Growth Policy were

considered by the Planning Board for inclusion in the Policy.

Fergus County is a Charter form of government and, as such, maintains a Community Council. The nine Council members are elected for a two-year term from each commissioner district to advise the Commissioners. Input on the Growth Policy was sought from the Council during development and prior to adoption by the Commission in a noticed public meeting.

In addition to the Fergus County Community Council and the Advisory Committee, thank you to the following groups and organizations for participating in outreach regarding the content of the Growth Policy:

- **Fergus County Commissioners**
- **Town of Moore Clerk**
- **Big Spring Creek Watershed Council**
- **Fergus County Health Department**
- **Fergus County Family Planning**
- **Snowy Mountain Economic Development Corporation**

1.6 DOCUMENT ORGANIZATION

The Fergus County Growth Policy is organized in a manner that highlights the required elements of 76-1-601-76-1-606, MCA. Each section provides current information about the element as it relates to the existing conditions of Fergus County and the individual incorporated Towns of Moore, Grass Range, Winifred, and Denton, followed by projections that may affect the future of the County and associated communities. Goals and Objectives developed through the Planning Board's study of each issue, including public input, are also included in each section.

An implementation plan that takes into account each goal and objective developed is presented at the end of the document. The plan sets a timeframe for accomplishment. For future tracking, additional columns are added for regulations used in implementation, funding sources, and date completed.

CHAPTER 2: County Background

In the spring of 1885 at the 14th Legislative Assembly, Montana Territory, James Fergus, a delegate from Meagher County introduced a bill to create a new county and it was passed. This bill created Fergus County out of the northeastern part of Meagher County and became operative on December 6, 1886. The original Fergus County was subsequently divided into what is now entirely or partly the counties of Musselshell, Petroleum Judith Basin, Wheatland and Golden Valley. The northern part of Fergus County was annexed from Chouteau County and the Missouri River became the boundary. The size of Fergus County at its inception was greater than many of the New England States. The county now covers approximately 4,350 square miles and 2,783,891.93 acres. It is 70 miles north to south via the longest distance and 90 miles across east to west.

Homesteaders, trappers, miners, freighters, and merchants were some of the first settlers in the County. Today farming and ranching has become the economic driver along with many businesses and industries. Recreational activities are also an important part of the culture of the County. Lewistown was chosen as the County seat over the towns of Cottonwood and Maiden. Other incorporated Towns in the County are Denton, Grass Range, Moore, and Winifred. Other small communities in the County include Hilger, Roy, Forest Grove, Garneill, Brooks, and Coffee Creek.

2.1 DENTON

The Town of Denton was established as the railroad was extended to that point in the state. Denton was named for two brothers who were stockmen and owned the land where the townsite was located. Their last name was "Dent" but changed to Denton when the first post office was opened in 1888.



2.2 GRASS RANGE

Grass Range started as a small town and trading center for the early homesteaders who liked the open range grass. A post office was established in 1883 with the spelling Grassrange.



2.3 MOORE

The Town of Moore came into existence about 1903 with the construction of the Montana Central Railway's line west of Lewistown. The post office was established in 1904. D.K. Moore, whom the town is named, helped finance the "Jaw Bone" Railroad which ran from Harlowton to Lewistown.



2.4 WINIFRED

Winifred was founded in 1913 as the terminus of a newly built branch line of the Chicago, Milwaukee, St. Paul and Pacific Railroad ("the Milwaukee Road").

There are two stories of how it acquired its name. One is that it was named for E.D. Sewall's daughter. He was an official with the construction of the Milwaukee Railroad throughout Montana. Another story claimed it was named for Percy Rockefeller's daughter. Percy was a stockholder in the Milwaukee Railroad.



"There are 'doers' in Denton. Community members want to get things done."

QUOTE FROM OCTOBER 2021 PUBLIC MEETING ATTENDEE

CHAPTER 3: Population

3.1 DEMOGRAPHICS

Fergus County's total population, according to the Decennial Census and Population Estimates programs conducted by the U.S. Census Bureau, was estimated at 11,446 in 2020, an increase of 396 over 2019 and a decrease of 18 since a high of 11,902 people in 2000.¹ The gradual decline, with a potentially unusual increase in 2020, is related to a general decline in the birth rate as families are choosing to have smaller families and farms and ranches are getting bigger and turning to automation to reduce the cost or need for laborers. In addition, many productive farm and ranch operations or other local property is being purchased for recreational purposes by out of county residents.

TABLE 3.1 FERGUS COUNTY POPULATION (MONTANA CEIC)

2012	2013	2014	2015	2016	2017	2018	2019	2020
11,391	11,464	11,329	11,307	11,349	11,281	11,117	11,050	11,446

Population totals for the Towns of Denton, Grass Range, Moore, and Winifred are shown below.

TABLE 3.2 FERGUS COUNTY CONSOLIDATED TOWNS POPULATION (MONTANA CEIC)

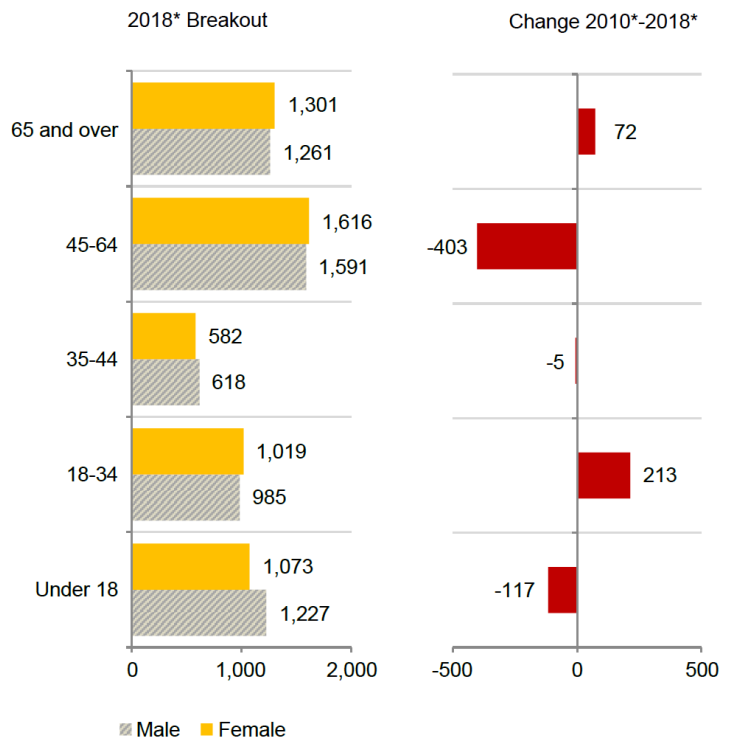
Community	2020 population	2010 population	% change
Denton	205	377	21.5%
Grass Range	110	149	19.5%
Moore	194	219	17.4%
Winifred	172	111	0%

The incorporated Towns, with the exception of Winifred, have experienced decline in population over the last six to ten years. The Headwaters Economic Demographic Profile of the County² indicates a median age in Fergus County in 2018 of 46. Nearly 23% of the population is over the age of 65 as compared to 22% in 2010. 28% is between 45 and 64 and 20% is under the age of 18.

A lack of growth in the population is typical of rural Montana communities where agriculture is the

primary source of economic activity. Young people from Fergus County tend to seek employment and economic opportunities in other areas of the state or country. Modernization of agricultural practices requires fewer people and fewer opportunities for employment. Ranches in the County, though still primarily family run operations, have consolidated and require fewer employees. The aging of agricultural leaders also carries the possibility that farms and ranches will be sold and those individuals will move out of the County.

FIGURE 3.1 HEADWATERS ECONOMICS PROFILE OF MEDIAN AGE BY GENDER IN FERGUS COUNTY



* In 2018*, the age category with the highest estimate for number of women was 45-64 (1,616), and the age category with the highest estimate for number of men was 45-64 (1,591).

* From 2010* to 2018*, the age category with the largest estimated increase was 18-34 (213), and the age category with the largest estimated decrease was 45-64 (-403).

Similar median age range and an increase in that age is evident throughout most of the consolidated towns:

¹ Population - Census and Economic Information Center (mt.gov)

² Headwaters Economics, Economic Profile System, <https://headwaterseconomics.org/eps>, March 2021 – A Demographic Profile

TABLE 3.3 HEADWATERS ECONOMICS PROFILE OF MEDIAN AGE BY TOWN

Community	Median Age 2019/2010	Under 18	18-34	35-44	45-64	65+
Denton	48.2/35.6	23%	12.8%	9.8%	37.2%	17.2%
Grass Range	59.6/43.9	12.5%	6.7%	8.3%	35%	37.5%
Moore	55.1/44.2	21%	9.9%	9.4%	28.2%	31.5%
Winifred	39.9/39.7	4.5%	31.5%	5.4%	24.3%	34.2%

The Snowy Mountain Development Corporation's (SMDC) Comprehensive Economic Development Strategy (CEDS) indicates that the two smallest age groups, 18–34-year-olds (17.8%) and 35–44-year-olds (10.6%), are the prime age for workforce, which contributes to a lack of labor force in the County.

3.2 PROJECTIONS

CEIC obtained data from a Regional Economic Models, Inc. (REMI) release dated July 2019 that projects population estimates by county to 2060. Projections for Fergus County every 10 years are shown in the table below. REMI is a forecasting and policy analysis tool utilized to inform and improve public policy decisions.³

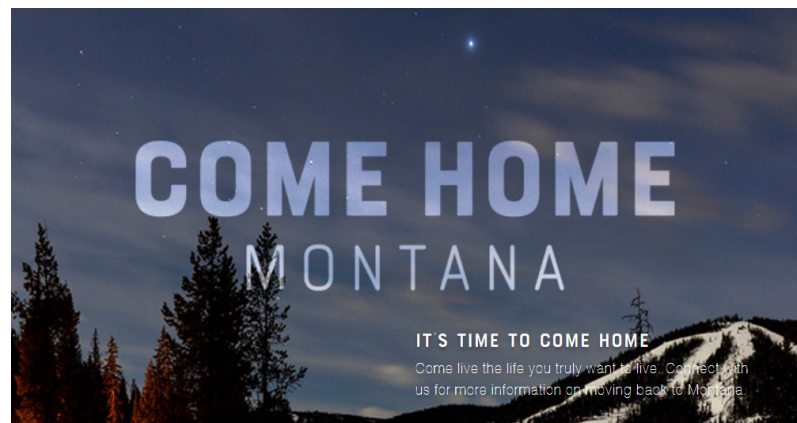
TABLE 3.4 FERGUS COUNTY POPULATION PROJECTIONS

2030	2040	2050	2060
11,866	12,017	11,949	12,001

These projections show a slight increase in the population indicating the potential for growth despite the aging population and apparent lack of current economic opportunities for residents of the County. Contributors to the content of this Growth Policy identified several factors that have or may lead to growth in population in the future. These include:

- The effect of the COVID pandemic that had provided the opportunity for remote work that allows residents who might otherwise need to move away for employment to stay local.
- The desire of younger family members to return to communities like Denton to engage in the family's agricultural business especially as the older generation of farmers and ranchers move into retirement.

- Population growth in the Town of Moore which is likely attributed to a lack of affordable housing in neighboring communities (i.e. Lewistown) and the opportunities for small town living while working remotely.
- University of Providence nursing program in Lewistown is providing opportunity for nursing education in the County.
- The **"Come Home to Montana"** campaign being initiated by the current administration seeks to encourage Montanans who have relocated to other states to return to Montana to work remotely, start a business here, or take advantage of job opportunities across the state's industries.



One caveat to the optimism about the ability for Fergus County to maintain or grow its population is that there is a lack of high-speed internet in parts of the County which may continue to stall economic development.

Housing and adequate infrastructure is also of concern in attracting and retaining residents in the County.



3 Regional Economic Models, Inc., [REMI-2020-Brochure.pdf](#)

3.3 GOALS AND OBJECTIVES

GOAL

In the near term (over the next 5 years) stabilize population at or above current levels and in the long term (over the next 10-20 years) seek to maintain the county's rural lifestyle with growth that produces a stable, vital community.

OBJECTIVES

- Utilize Snowy Mountain Development Corporation to develop means of recruiting businesses to the County. Work with SMDC to identify the benefits of locating businesses in Fergus County which may include its central location in the state, a relatively low tax and regulatory burden, and its desirable accessibility to outdoor recreational opportunities.
- Support activities that would expand opportunities that take advantage of existing economic drivers in the County such as the agricultural and recreational industries. Encourage value-added practices.
- Encourage housing development to support decisions regarding relocation. Where available, provide incentives or assistance to land or lot owners to develop housing projects.
- Consider and encourage high-density in-fill multi-family developments in and near town centers and cities to prevent urban sprawl and preserve open space and agricultural land.
- Upgrade community infrastructure commensurate with anticipated population growth.
- Support local efforts to build community values that will attract engaged community members. This may include addressing blight or other public safety issues.

CHAPTER 4: Land Use

4.1 LAND DESCRIPTION

Fergus County contains a total of 2,783,891.93 acres or approximately 4,350 square miles⁴ situated in the central region of Montana. The Missouri River acts as the northern boundary for the county with the Snowy Mountains being the southern boundary. The County contains an island of mountain ranges such as the Moccasins and Judith's, all surrounded by the central plains and coulees. Arrow Creek and Judith River Basin flow north to the Missouri River whereas McDonald and Flatwillow flow easterly, providing importance to the agricultural industry, recreational opportunities, ecosystems services, and wildlife habitat in the area.

Nearly a quarter of land ownership in Fergus County is maintained by Federal and State agencies, with the rest of the land being privately owned. The Bureau of Land Management is the largest public land institution in the County, managing the Upper Missouri River Breaks National Monument. Lewistown is the County Seat of Fergus County and there are four other incorporated towns including Denton, Grass Range, Moore, and Winifred.

4.2 EXISTING LAND USE

Land Ownership

Land Ownership in Fergus County is 76.27% privately owned while 23.65% of land is publicly owned, as seen in Table 4.1 below. Montana's Department of Revenue property type classification was used to determine the most prevalent property type in the County. Nearly 75% of land is either Vacant Land-Rural or Farmstead-Rural. Exempt Property type is the second most prevalent but is more difficult to represent what the property type may be used for. Exempt Property are parcels which have been granted exemptions through an application process for any landowner. Ownership of Exempt Property more commonly includes Local, State and Federal entities, but is not limited to religious, charitable or education groups.

TABLE 4.1 LAND OWNERSHIP IN FERGUS COUNTY⁴

Ownership	Total Acres	Percentage of Acreage
Publicly Owned Land	658,508.60	23.65%
Privately Owned Land	2,123,338.01	76.27%

MAPS OF LAND OWNERSHIP IN FERGUS COUNTY/LEWISTOWN QUADRANGLE

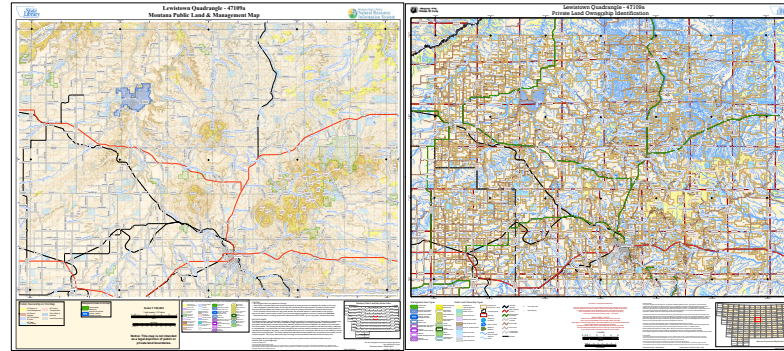


Table 4.2 represents all other property types within Fergus County. Comparing the total acres of publicly owned land to total acres of Exempt Property type, knowing majority of ownership of Exempt Property are City, State, or Federal entities, it is presumed that nearly most of the Exempt Property is public land. Calculating all Rural property types (including Exempt Property) 99.37% of property in Fergus County is consider Rural, with 0.07% property consider Urban. Residential property type including Apartment, Improved Property, and Manufactured Home for Rural and Urban environments make up a total of 0.85% of total land use in Fergus County. The most predominant property type found within incorporated limits of Denton, Grass Range, Moore, and Winifred (Figure 4.3) are shown to be Improved Property-Urban and Vacant Land-Urban, with Vacant Land-Rural and Farmstead-Rural property types surround town limits.

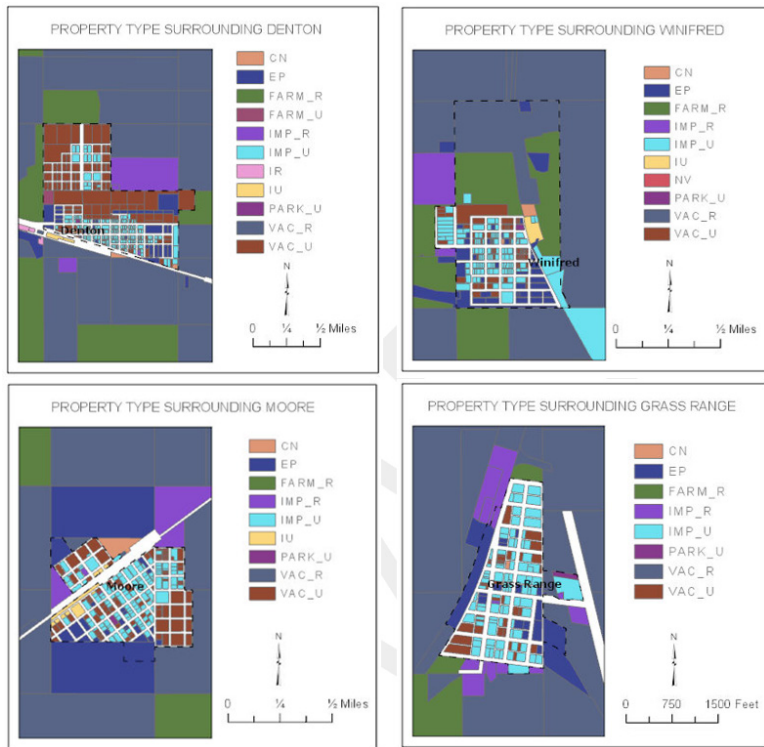
TABLE 4.2 PROPERTY TYPE IN FERGUS COUNTY⁴

Property Type	Parcels	Total Acres	Percent of Acreage in County
APT_R - Apartment Rural	1	0.72	<0.001%
APT_U - Apartment Urban	23	7.55	<0.001%
CN - Centrally Assessed Non-Valued Property	41	180.44	0.01%
EP - Exempt Property*	2,840	658,076.52	23.64%
EP_PART - Partial Exempt Property	2	1.61	<0.001%
FARM_R - Farmstead - Rural	1,577	393,913.01	14.15%
FARM_U - Farmstead - Urban	1	5.12	<0.001%
GOLF - Golf Course	4	255.14	0.01%
GRAVEL - Gravel Pit	2	21.53	<0.001%
IMP_R - Improved Property - Rural	1,707	22,686.16	0.81%
IMP_U - Improved Property - Urban	3,156	928.12	0.03%
IR - Industrial Rural	7	73.30	<0.001%
IU - Industrial Urban	13	14.69	<0.001%
MINE - Mining Claim	183	3,770.58	0.14%
NV - Non-Valued Property	3	2.17	<0.001%
NVS - Non-Valued with Specials	3	2.94	<0.001%
PARK_R - Manufactured Home Park - Rural	3	19.11	<0.001%
PARK_U - Manufactured Home Park - Urban	14	47.68	<0.001%
VAC_R - Vacant Land - Rural	10,663	1,691,588.52	60.76%
VAC_U - Vacant Land - Urban	600	833.61	0.03%
Unclassified**	194	11,463.40	0.41%
Fergus County Total	21,037	2,783,891.93	

*Exempt Property includes land owned by religious, charitable, educational groups, as well as City, State and Federal entities.

**Unclassified includes roadways and waterways.

FIGURE 4.1 PROPERTY TYPES SURROUNDING DENTON, GRASS RANGE, MOORE, AND WINIFRED.⁴



Public Land Ownership

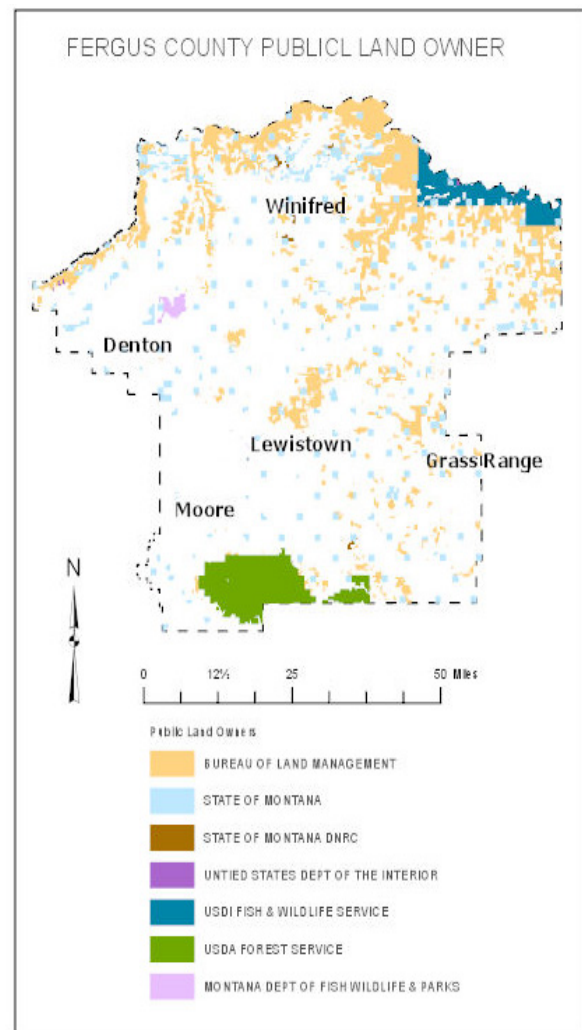
As seen in Table 4.3 below, 23.65% of land in Fergus County is public land owned by State or Federal entities. The Bureau of Land Management is the predominant public landowner encompassing nearly 12.44% in Fergus County. Geographically, the majority of public land is in the north half of the county along Arrow Creek and Missouri River corridors with USDA Forest Service managing areas of the Big Snowy and Little Snowy Mountains south in the County, as seen in Figure 4.2 below. State entities and the Bureau of Land Management is scattered throughout the county providing closer access to public land for County residents and visitors. Communities including Denton and Moore have fewer quantity of public land in proximity compared to other communities such as Winifred, Grass Range and Lewistown.

TABLE 4.3 PUBLICLY OWNED LAND IN FERGUS COUNTY⁴

Ownership	Total Acres	Percentage of Acreage
Bureau of Land Management	346,401.66	12.44%
State of Montana	157,905.46	5.67%

USFS	94,226.39	3.38%
USDI Fish and Wildlife Service	49,640.32	1.78%
Montana Dept of Fish Wildlife & Parks	6,878.61	0.25%
State of Montana DNRC	2,872.92	0.10%
United States Dept of the Interior	583.24	0.02%
Total Publicly Owned Land	658,508.60	23.65%
Total Land in County	2,783,891.93	

FIGURE 4.2 MAP OF PUBLIC LAND IN FERGUS COUNTY⁴



4.3 FUTURE LAND USE PROJECTIONS

Future property type in Fergus County is expected to remain Vacant Land and Farmstead for much of the rural area for agricultural purposes, while towns, both incorporated and unincorporated, may continue to maintain or lose population as

described in Chapter 3, Population. Families in Fergus County are aging and facing difficulties of passing their operations to younger generations, causing opportunities for outside investors to purchase those lands.

Federal agencies must coordinate actions with this Growth Policy, Planning Board, Land Use Plan, and Commission as they make decisions on land use in the county.

Currently, as seen in the Table 4.4 below, 10.55% parcels in Fergus County are out of state landowners. Absentee owners of purchased operations or for recreational reasons rarely establish roots in the community resulting in a loss sense of community. It is possible investors or developers may increase land purchase which could take land out of agricultural production and increase industrial uses.

Impacts from land use in Lewistown will greatly affect communities within proximity such as Moore, however communities such as Denton, Winifred, and Grass Range may not experience the same outcomes because of the distance. With a majority of property in town being Improved Property with existing residential, Vacant Land does exist to promote residential, commercial or industrial growth.

TABLE 4.4 LANDOWNER TAXATION BY PARCELS⁴

Residents From	Parcels Taxed	Percent of Parcels
Montana	18602	89.45%
Out of State	2193	10.55%
Total	20795	

A Note About Data Usage

All maps and numbers from this chapter used ArcGIS software by ESRI. The Montana Cadastral Base Map Service data is derived from Montana State Library which is copied data from the Montana Department of Revenue's ORION tax appraisal database. This dataset is evolving, inaccuracies may exist with both the parcel boundaries and the attribute data. This data is for informational purpose only.

4.4 POLICY, REGULATORY AND FINANCIAL ITEMS

The Fergus County Land Use Policy and Subdivision Regulations are the primary tools employed to guide the use of lands and resources while protecting the rights of private landowners of Fergus County residents. Because nearly a quarter of lands in Fergus County are Federal or State lands, the Land Use Policy is a major instrument for Fergus County. Any land management activity conducted by Federal or State agencies are required to coordinate with local communities and citizens before any action is taken.

The subdivision review process is a policy to promote development and protect public health and safety, it does not regulate the location or type of land use development. There are a variety of additional tools that can be used by the County and Incorporated City/Towns to implement land use goals and objectives. Not all land use policies and regulatory tools are appropriate for rural Montana communities and, therefore, local governments must carefully consider the use of each of these in their deliberations regarding land use decisions.

- **POLICIES** that can be used to implement future land use goals and objectives are:
 - » Long range planning
 - » Targeted Economic Development Districts (TED)
 - » Prime farmland / agricultural preservation
 - » Fergus County Land Use Plan
- **REGULATORY TOOLS** that can be used to implement and enforce future land use goals and objectives are:
 - » Subdivision regulations, including design standards
 - » Zoning regulation
 - » Conservations Easements
 - » Floodplain regulations
 - » Buildings for Leaser or Rent regulations

- **FINANCIAL ITEMS** that can be used to implement the future land use goals and objectives are:
 - » Grants
 - » Taxation changes
 - » Land acquisition
 - » Capital Improvement Plans
 - » Targeted Economic Development Districts (TED)
 - » Tax Increment Finance (TIF) Districts
 - » Education towards and development of more valuable commodities that thereby make ranches / farms more profitable

4.5 GOALS AND OBJECTIVES

GOAL

Preserve existing land uses by encouraging compatible development.

OBJECTIVES

- Maintain subdivision regulations that facilitate new development while protecting public health and safety, taxpayers, lot buyers, and the environment.
- Maintain updated subdivision regulations to reflect changes in state requirements or land use patterns.
- Maintain state mandated Buildings for Lease or Rent regulations.
- Consider zoning or other polices that may limit the type of development allowed on property in exchange for some predictability about the types of development that can be undertake.
- Coordinate land use polices and infrastructure development to preserve water resources used by agricultural, recreational, municipal, and other beneficial users.
- Encourage neighborhood plans to develop Future Land Use Maps that identify appropriate locations for different types of land use development.

- Recognize and support the critical need for infrastructure and services to be in place prior to or concurrent with new development.
Promote opportunities for multi-story and mixed-use development in areas that have adequate infrastructure and services.
- Promote multi-modal opportunities and connectivity in appropriate areas of the county.

GOAL

Promote agriculture and preserve the agricultural use of existing private, state, and federal lands.

OBJECTIVES

- Support the development of the area's agricultural resources.
- Encourage development in areas that are not in agricultural production.
- Identify opportunities for providing education on land use practices.
- Invoke Right to Farm Legislation where appropriate:

MCA 76-2-901. Agricultural activities -- legislative finding and purpose. (1) The legislature finds that agricultural lands and the ability and right of farmers and ranchers to produce a safe, abundant, and secure food and fiber supply have been the basis of economic growth and development of all sectors of Montana's economy. In order to sustain Montana's valuable farm economy and land bases associated with it, farmers and ranchers must be encouraged and have the right to stay in farming. (2) It is therefore the intent of the legislature to protect agricultural activities from governmental zoning and nuisance ordinances.

GOAL

Promote and preserve the significant open spaces and wildlands in the County

OBJECTIVES

- Support and protect the natural resource, ecosystem, and recreational opportunities in the county.
- Enhance public spaces within County communities.
- Encourage landowners to utilize conservation techniques and best management practices.

paying more than 30% of their total household income on a mortgage, and 26% are paying more than 30% of their total household income on rent.

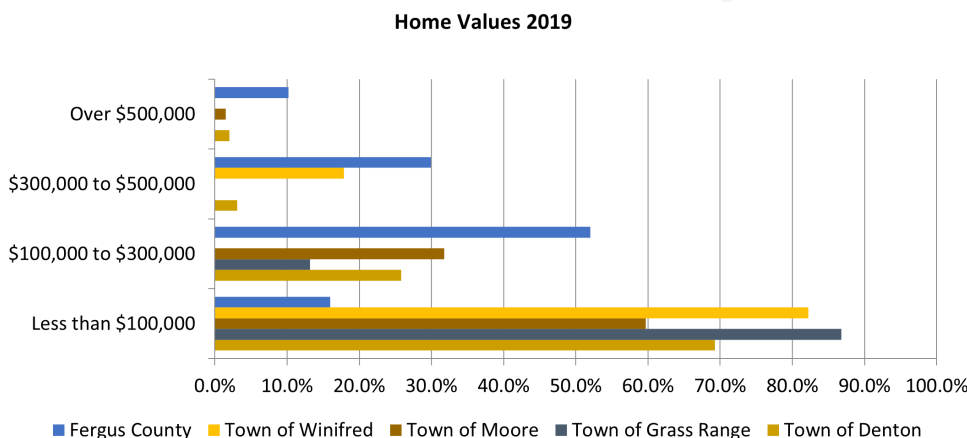
FIGURE 5.2 HOUSING AFFORDABILITY⁶

Percent of Households with Home Costs Greater than 30% of Total Household Income		
	Fergus County	United States
Mortgage Costs	24%	28.5%
Rent	26%	46.5%

The percentage of Low to Moderate Income residents in Fergus County and Incorporated Towns ranges from 31% to 60% according to the Montana Department of Commerce. Housing Choice Vouchers, which are distributed through the Montana Department of Commerce Housing Division, allow low-income families to pay no more than 30% of their income in rent, and disperses the remaining rent directly to the landlord. Currently, there are only six federally assisted rental units in Fergus County, all located within the city limits of Lewistown.

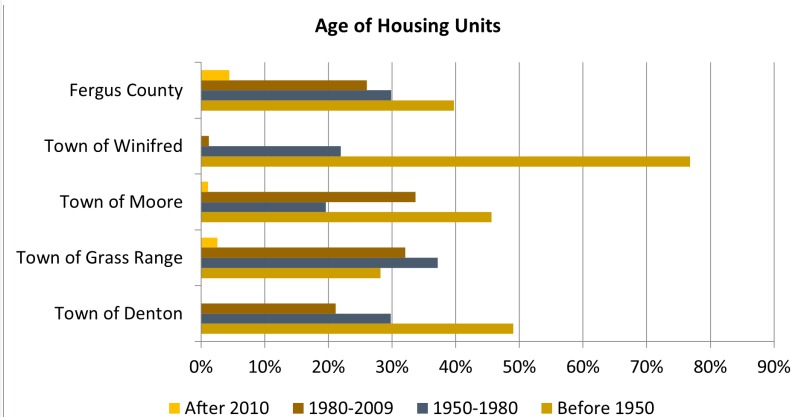
According to the ACS, the 2019 median value of owner-occupied units in Fergus County was \$143,000, up from 2014, when the median value was \$120,200. The majority of homes in Fergus County, as a whole, are valued at less than \$100,000.⁷ However, given an influx of interest in 2020-2021, realtor.com reports the median listing home price of \$225,000.

FIGURE 5.3 HOME VALUES



Most of the County is rural in nature, and in general, is comprised of older housing which does not provide the same investment value as housing in larger cities and towns. According to the CEDS written by Snowy Mountain Development Corporation in 2012, a major challenge in the general region surrounding Fergus County is the deterioration of the aging housing stock. "Approximately 45% of the homes in the area were built prior to 1940, and many are in need of repair or improvements." In addition, homes in rural communities typically need rehabilitation and retrofitting for energy efficiency. Fergus County does not impose any building permit requirements other than those required by the State of Montana for the buildings erected in the County.

FIGURE 5.4 AGE OF HOUSING UNITS⁸



5.2 ANTICIPATED FUTURE HOUSING ISSUES

Out-migration in the Central Montana Region has caused loss of young families and fewer children; however, longevity has improved among older

residents and rural counties, like Fergus County, have high populations of seniors. Furthermore, interest in living in Fergus County by telecommuters or retired individuals over the last several years may potentially change the population makeup of the County. Housing that supports the needs of seniors will continue to be in demand.

6 American Community Survey 5-year Data Profile, U.S. Census Bureau, [Housing - Census and Economic Information Center \(mt.gov\)](https://data.census.gov/tables/2019/acs/5-year-data-profile)
 7 American Community Survey 5-year Data Profile, U.S. Census Bureau, [Housing - Census and Economic Information Center \(mt.gov\)](https://data.census.gov/tables/2019/acs/5-year-data-profile)
 8 American Community Survey 5-year Data Profile, U.S. Census Bureau, [Housing - Census and Economic Information Center \(mt.gov\)](https://data.census.gov/tables/2019/acs/5-year-data-profile)

Housing prices caused by population influx verses the amount of housing available may make affordability of houses, particularly in the more metropolitan areas, difficult for seniors and young families.

To attract young individuals and families seeking to relocate or return to the area, there will be a need for quality, affordable housing in areas where there is adequate infrastructure or where the cost to provide infrastructure is not prohibitive; however, it must be noted that with an increase in senior or up-to-date housing that attracts population to the area, there needs to be corresponding improvement in services that support the health and well-being of that population group. This includes medical and emergency services, fire protection, and law enforcement. Many of these services are performed by local volunteers, which, in general, average over 45 years old. It is critical that younger members of the population become engaged in volunteering or it may become more difficult to staff emergency and fire protection service agencies.

Aging housing stock means homes in rural communities need rehabilitation and retrofitting for energy-efficiency. Furthermore, there is a shortage of land or affordable lots suitable to support development of new housing where infrastructure is readily available in Fergus County and surrounding incorporated towns. These factors contribute to housing availability that is not desirable and, therefore, not conducive to growth.

The preservation of historic properties that could serve as commercial and residential structures with the added benefit of maintaining the historic integrity of communities may be a possible avenue for addressing housing needs. Likewise, infill development that supports multi-story and multi-family units would also be desirable housing options.

Snowy Mountain Development Corporation (SMDC) provides homebuyer education and counseling for NeighborWorks Montana, which is designed to prepare first-time homebuyers for the issues that come with homeownership. The mission of

NeighborWorks Montana is to create opportunities for families to live in affordable homes.

Other housing resources that would be available to residents of Fergus County include:

- **Montana Department of Commerce (MDOC):**

- » **Federal Community Development Block Grants (CDBG) managed by MDOC**
- » **CDBG Large-Scale Multi-Family Housing Development and Rehabilitation Grants**
- » **CDBG Small-Scale Single-Family Housing Rehabilitation Grants**



- **HOME grants – provided by HUD and MDOC**

- » **Homebuyer Assistance**
- » **Affordable Housing Development and Rehabilitation Grants**



- **Housing Trust Fund – construction, rehabilitation, and preservation of affordable rental housing for extremely low-income families**



5.3 GOALS AND OBJECTIVES

GOAL

Meet housing needs for all age, income, and special needs groups.

OBJECTIVES

- **Seek resources to improve housing quality, condition, and availability.**
- **Support efforts to build affordable homes and rentals, including single family homes.**
- **Support efforts to provide options for senior housing including housing efforts to keep medically fragile individuals in the community.**

- Encourage the use of universal design elements in housing assisted by federal or state resources. Universal design benefits people of all ages and abilities.
- Support the incorporation of accessibility in home design including retrofitting existing homes with ADA compliant features to help elderly or disabled residents remain in their home.
- Work with housing agencies and lenders to promote programs for home improvement and rehabilitation.
- Support land use policies that will encourage redevelopment of land for housing purposes.
- Promote and encourage the historic preservation of commercial and residential structures to maintain the historic integrity of communities.
- Promote and encourage infill development with multi-story and multi-family units in areas where existing infrastructure exists.

CHAPTER 6: Economic Development

The remoteness of Fergus County and the incorporated Towns, limited employment opportunities, and limited goods and services all have an effect on the overall economy of the area. Of the total County population of 11,446 residents, 8,973 are over the age of 16 and 5,735 are currently working. Service-related workers make up 55.2% of the employed labor force, 28.8% are employed by non-service-related industries, and 16% are employed with the State, County, or Town government.

6.1 EMPLOYMENT

Total average employment in Fergus County has remained relatively stable since 2011. Although there have been a few small fluctuations in the work force, approximately 62% of the population over the age of 16 is currently in the labor force.

As you can see from the data below, Fergus County and the Towns of Denton and Moore report the same primary industry of education, healthcare and social assistance services. The Towns of Grass Range and Winifred report their primary industry as construction. Other industries employing a significant portion of the workforce include the agriculture, retail trade, and accommodation and food service.

TABLE 6.1 COUNTY & TOWN INDUSTRIES⁹

	Fergus County	Denton	Grass Range	Moore	Winifred
<i>Number of Civilian Employees</i>	5,735	172	54	84	66
<i>Industry</i>	<i>% of Workforce*</i>				
Agriculture, forestry, fishing, hunting and mining	16.4	18.6	5.6	14.3	21.2
Construction	8.4	1.7	51.9	2.4	25.8
Manufacturing	3.6	5.2	1.9	4.8	1.5
Wholesale Trade	2.4	6.4	3.7	11.9	0.0
Retail Trade	13.5	10.5	14.8	20.2	7.6
Transport, warehousing and utilities	3.9	9.3	1.9	3.6	0.0

Information	0.9	0.0	0.0	1.2	0.0
Finance, insurance and real estate	4.4	1.7	0.0	1.2	10.6
Professional, management, administration, waste management	5.8	0.0	0.0	6.0	9.1
Education, health care, social assistance	25.1	33.1	7.4	20.2	22.7
Arts, entertainment, recreation, accommodation, food	8.8	10.5	0.0	3.6	1.5
Other services, except public administration	4.2	2.3	13.0	8.3	0.0
Public administration	2.6	0.6	0.0	2.4	0.0

*This information was obtained from the American Community Survey, U.S. Department of Commerce, 2020. The data represents average characteristics from 2015-2019, and has been documented to "indicate that the values should be interpreted with caution."

Agriculture plays an important role in the economy of central Montana, with 78.8% of the land in Fergus County being dedicated to the industry. According to data published by the U.S. Department of Agriculture, agricultural land in Fergus County is comprised of 845 farms, with 2,188,069 acres in farmland. The market value of agricultural products sold totaled approximately \$133 million, and government subsidies to farm operators funded an additional \$12.3 million. Government appropriations include such items as crop insurance premiums, and disaster, conservation, and commodity subsidies. From 1960-2014, Fergus County saw a 40% decline of employment in agricultural occupations. 93% of the farms in the County are considered family farms, and 29% of the farms hire farm labor.

TABLE 6.2 AGRICULTURAL COMMODITIES IN FERGUS COUNTY¹⁰

<i>Crops</i>	
Grains, oilseeds, dry beans, dry peas	\$35,964,000
Other crops and hay	\$9,498,000
<i>Livestock, Poultry and Products</i>	
Poultry and eggs	\$41,000
Cattle and calves	\$93,478,000
Hogs and pigs	\$18,000

9 Demographic Profile for Fergus County, MT, *Headwaters Economics*, March 3, 2021.

10 Agriculture Profile for Fergus County, MT, *Headwaters Economics*, March 3, 2021.

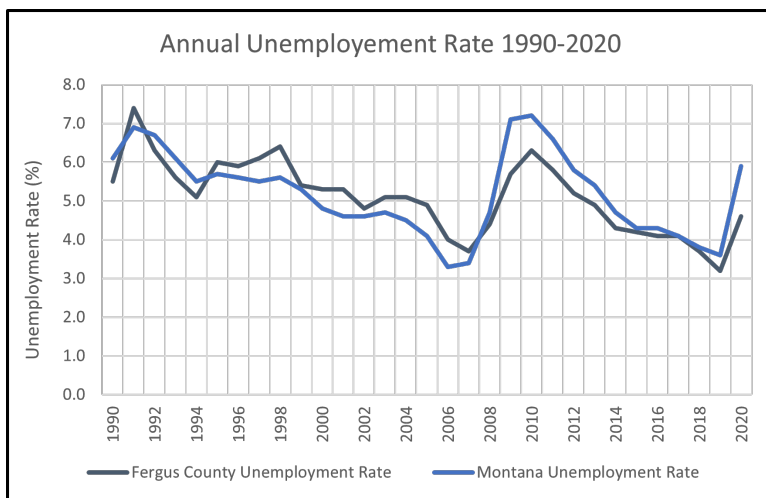
Sheep, goats, wool, mohair, milk	\$479,000
Horses, ponies, mules, burros, donkeys	\$342,000

Fergus County ranks 3rd in the State of Montana for total agricultural product sold, and 1st in the State for livestock, poultry and associated products sold. These numbers provide evidence that the agricultural industry has a large impact on the overall economic health of the County and its residents.

Unemployment in the County was 2.9% as of July 2021, which 1.2% lower than it was in July 2020, and lower than the State unemployment rate of 3.6%.

FIGURE 6.1. MONTANA COUNTY UNEMPLOYMENT RATES¹¹

In general, employment in Fergus County has remained relatively stable since 2014, with a few small fluctuations in employment numbers since



that time. 2019 had the lowest unemployment rate, with 3.6% unemployment. The highest unemployment rate was recorded in 2020, with 5.9% unemployment.

6.2 INCOME

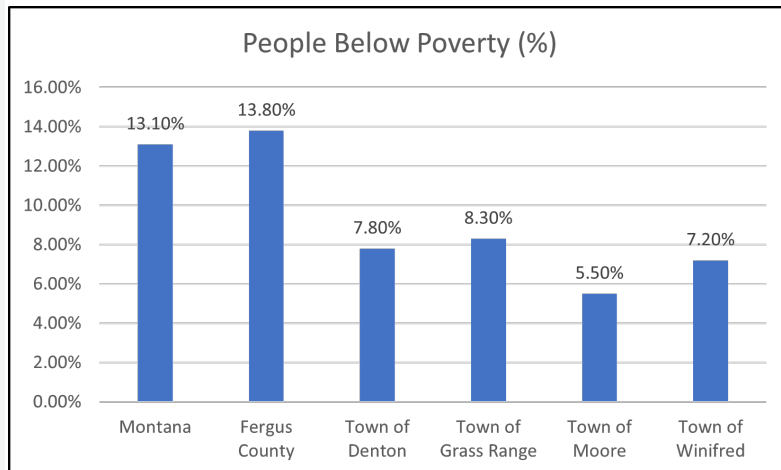
Headwaters Economics reports median household income in 2018 for Fergus County is \$50,327. In the period from 2014-2018, 21.4% of household incomes fell in the range from \$50,000 - \$74,999. 21.3% of household incomes fell below \$25,000.

TABLE 6.3 MEDIAN INCOME¹²

Income and Benefits (dollars)	Fergus County	Town of Denton	Town of Grass Range	Town of Moore	Town of Winifred
Mean earnings	\$61,951	\$55,777	\$41,328	\$35,222	\$51,373
Mean Social Security income	\$18,594	\$15,835	\$11,876	\$16,231	\$12,525
Mean retirement income	\$19,056	\$14,471	\$14,433	\$18,849	\$17,689
Mean Supplemental Security Income	\$8,971	\$7,000	\$9,650	\$17,750	N/A
Mean cash public assistance income	\$2,936	\$3,600	\$1,363	N/A	N/A
Median family income	\$59,479	\$60,000	\$33,750	\$56,000	\$49,375
Mean family income	\$83,100	\$66,329	\$43,033	\$56,916	\$80,910

Historically, poverty levels in Fergus County are generally less than the national average; however, the County ranks 32nd of 56 counties for poverty levels in Montana.

FIGURE 6.2 POVERTY LEVELS¹³



¹¹ US Bureau of Labor and Statistics, <https://www.bls.gov/data/#unemployment>

¹² American Community Survey 5-year Data Profile, U.S. Census Bureau, [Economics - Census and Economic Information Center \(mt.gov\)](https://data.census.gov/tables/2018/acs/5-year/data-tables)

¹³ Demographic Profile for Fergus County, MT, *Headwaters Economics*, March 3, 2021.

6.3 FUTURE PROJECTIONS FOR ECONOMIC DEVELOPMENT

Declining population in Fergus County is likely attributable to mechanization and consolidation of agricultural activities. This has resulted in a loss of jobs, which caused workers and young people to move away from their small hometowns in search of employment and education. The County will benefit from continuing to promote and encourage local farming and ranching.

Urban areas and urban-adjacent non-metro counties in the region have been growing due to in-migration. It is not anticipated that this trend will change significantly in the future although through the COVID-19 pandemic there seems to be a migration to more rural areas.

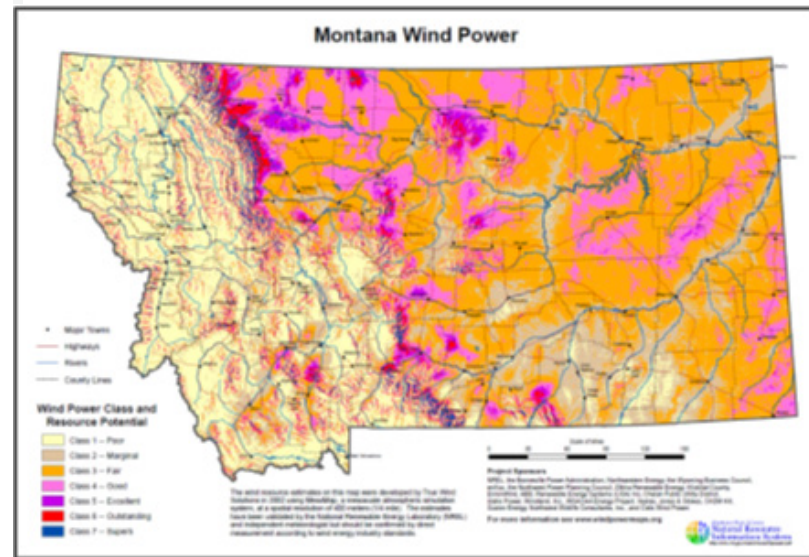
The county does not have enough jobs to provide for young families; consequently, the senior population continues to grow disproportionately, and school enrollment is declining. County residents would like to see a stronger economy, preferably based on local agricultural, the attraction of new industry, and opportunities for tourism. Some of the jobs available, generally part time, seasonal and low paying cannot be filled. Promoting the opportunity to enjoy a rural lifestyle while still earning good wages could attract telecommuters to the community. This might be particularly true for information technology experts who can perform their job remotely.

Currently, there is little activity in the County related to natural resource extraction and the employment opportunities that industry might provide. Gravel resources may provide some economic values. Alternative energy resources like wind are also not a likely source of economic development. Wind energy projects are developed by companies that seek out the areas with the strongest wind resource but also review other critical factors like access to land, access to the transmission lines, ability to sell the electricity, and public engagement other significant development factors.

Due to the lack of population, industry, and employment it is critical that the County, which has a large amount of state and federal land in its

land base, continues to receive Payment In Lieu of Taxes (PILT). This form of payment from the Federal government that takes the place of full tax payment is subject to congressional approval. Failure of this program without a viable replacement would be devastating to the operation of Fergus County government.

FIGURE 6.3 MONTANA WIND POWER



6.4 GOALS AND OBJECTIVES

GOAL

Encourage retention of wage earners in the County.

OBJECTIVES

- **Identify economic development activities that encourage local job creation.**
- **County and Town governments collaborate to support economic development projects including infrastructure, community amenities and housing for workforce.**
- **Encourage business retention and expansion by identifying business needs and supporting “buy-local” programs.**
- **Encourage State and Federal governments to move, maintain, and retain offices within the County to support local economies.**
- **Maintain County and Town budgets at a level that will support infrastructure such as water, sewer, roads and bridges and that maintains a safe, healthy, and attractive**

environment such as fire and police protection and weed management.

GOAL

Protect the Right to Farm and Ranch

OBJECTIVES

- Encourage the continuation of local farming and ranching and ensure the necessary services and infrastructure are maintained and expanded when necessary.
- In adopting new regulations and managing existing regulations, the County will support the right to farm and ranch.
- Promote development within cities, existing unincorporated communities, and other areas planned for development where public facilities and infrastructure are available, and away from rural areas and areas used exclusively for agriculture.
- Consider developing a county-wide agricultural protection plan.
- Encourage Development standards that protect the following agricultural activities including but not limited to: spraying chemicals, burning fields, and use of machinery at any hour; control of domestic animals; maintenance of agricultural fencing; protection of agricultural water user facilities, ditches, and water rights.

GOAL

Diversify and broaden the economy.

OBJECTIVES

- Support the development of markets for new and existing agricultural businesses as well as other potential businesses.
- Support increased resources for agricultural research that supports growth of agribusinesses and improves competitiveness of growers.
- Create and market a business climate that would attract home businesses and telecommuters. Promote the area's solitude,

family-friendly atmosphere, beauty, and recreational opportunities that might attract non-traditional wage earners to move to the area.

- Support expanded broadband and cellular service infrastructure within the County.
- Seek local Montana Job Service presence to fill existing seasonal and full-time jobs and/or provide education on jobs that could be performed remotely.
- Support efforts to offer workforce training.
- Promote opportunities for economic development based on recreational activities.

CHAPTER 7: Local Services

7.1 FIRE PROTECTION

Fergus County currently has twelve fire departments and fire stations situated throughout the county, which are all volunteer with the exception of Lewistown Fire and Rescue. The following fire departments are location within Fergus County:

TABLE 7.1 FERGUS COUNTY FIRE DEPARTMENTS

<i>Location</i>	<i>Department Type</i>	<i>No. of Firefighters</i>
Denton Rural Fire District	All Volunteer	16
North Fork Flatwillow Rural FD	All Volunteer	9
Cheadle Volunteer Fire Company	All Volunteer	30
Grass Range Rural Fire District	All Volunteer	28
Hilger Rural FD	All Volunteer	27
Lewistown Fire Rescue	Mostly Volunteer	28
Heath Rural FD	All Volunteer	23
Moore Volunteer FD	All Volunteer	44
Roy Rural FD	All Volunteer	32
Winifred Rural FD	All Volunteer	25
Beaver Creek Rural FD	All Volunteer	23
Coffee Creek Rural FD	All Volunteer	13

In addition to the Fergus County services listed above, the incorporated Towns of Denton, Grass Range, and Winifred have fire departments. Mutual aid agreements are currently in place with the counties of Judith Basin, Choteau, Blaine, Phillips, Musselshell, Petroleum, Golden Valley and Wheatland. Federal agencies that offer mutual aid agreements, for both fire suppression equipment and personnel, include the Northeastern Land Office of DNRC, the Lewistown Field Office of Bureau of Land Management, Lewis and Clark National Forest (USFS) and the CM Russel National Wildlife Refuge (USFWS).

The sustainability of volunteer services throughout Fergus County and incorporated towns continues to be challenging. As the age of the population continues to increase throughout the region, there are fewer resources available to fill the needed volunteer positions. In addition, stringent training requirements for volunteers prevent a number of individuals from offering their time. Finally, the Montana Department of Natural Resources and

Conversation requires the fire districts to have worker's compensation insurance for all volunteers on the local department rosters; however, most of the departments do not have the tax base to fund worker's compensation for larger volunteer rosters. The Bureau of Land Management (BLM) North Central Montana District has fire protection responsibility for 3.5 million acres of land within their coverage area. Their Lewistown Station is equipped with three (3) Type 6 engines, a Type 3 helicopter and a 12-person interagency Helitack Module. The Interagency Dispatch Center serves the Department of the Interior, BLM, USFWS, CM Russel NWR, and the Montana DNRC.



In 2004 the County developed and adopted a Wildland-Urban Interface Wildfire Mitigation Plan in an attempt to reduce the potential for wildfires that may threaten population, structures, infrastructure, and ecosystems in the County.

7.2 LAW ENFORCEMENT

Law enforcement services in Fergus County are limited to the Fergus County Sheriff, which is located in the City of Lewistown. The Sheriff's Office is responsible for patrolling unincorporated areas of Fergus County, or areas not covered by a municipal police force. The Sheriff's Office maintains a 24-hours a day, 7-days a week schedule with fulltime sworn officers, and reserve deputies. The Office has nine full time sworn officers, 16 part time sworn officers, and a number of civilian employees. The City of Lewistown operates the 911 dispatch for

Fergus County, which includes law enforcement, emergency medical calls, and fire calls. The Fergus County Detention Center is also located in Lewistown and serves the entire County. A volunteer search and rescue team is managed and lead by a local volunteer coordinator.

Towns in Fergus County are served with law enforcement by the Fergus County Sheriff Department. Comments from the public suggest that the residents of the Towns of Moore and Denton generally feel safe in their communities. However, there is recognition that the resources of the Sheriff's Department are limited and could pose an issue with a large increase in population.

The Fergus County Attorney's Office primarily prosecutes criminal cases; however, they also advise the Board of Commissioners and other public officials regarding public business. The County Attorney's Office employs the County Attorney, the Chief Deputy County Attorney, and two Deputy County attorneys, in addition to support staff.

7.3 DISASTER AND EMERGENCY SERVICES

The Fergus County Office of Disaster and Emergency Services (DES) is located in the County Courthouse, and is responsible for coordination of the emergency services system, including mitigation, preparedness, response and recovery. The DES coordinator serves as a point of contact for all matters involving state assistance with Emergency Management.



Fergus County currently has a Pre-Disaster Mitigation Plan, adopted in 2014, which aims to reduce or eliminate risks to human life and property due to hazards, including flooding, severe weather, wildland and rangeland fire, and hazardous

materials incidents.

In addition, an Emergency Operations Plan was adopted in 2019. This plan establishes the concept of operations and primary functions for managing disasters and emergencies in Fergus County, Montana including the incorporated Towns Denton, Grass Range, Moore and Winifred. This plan provides an overview of the Fergus County approach to emergency operations and serves as the foundation for standard operating procedures and other agency documents.

DES is also the fire warden and serves as the liaison between rural districts and state and federal resources and any non-districted areas in the County, including a large area in southern Fergus County.

7.4 PUBLIC HEALTH

Fergus County Health Department is governed by the Fergus County Board of Health and the county commissioners. The Health Department provides public health services within Fergus County and incorporates Central MT Family Planning that serves six counties in Central Montana. There are two main offices for the Fergus County Health Department located in Lewistown: Fergus County Nurses Office and Central Montana Family Planning staff. Programs include: Immunizations, Maternal Child Health, Communicable Disease Surveillance and Prevention, Disease Investigation, and Comprehensive Cancer Control and Cancer Screening services. Fergus County Nurse's Office provides services to the public, including: immunizations, walk in blood pressure screening, alcohol and drug screening, COVID testing and vaccinations.

Fergus County Board of Health

Central Montana Family Planning has been active in Lewistown for 48 years, and is partially funded by Federal, State and County dollars, with the

remaining revenue coming from patient fees and donations. Family Planning services are provided for a 6-county region: Fergus, Judith Basin, Petroleum, Golden Valley, Musselshell and Wheatland Counties. The County Sanitarian is also part of the health department serving Fergus County. The sanitarian is responsible for: approving septic permits, license food inspections, and food licensing.

Central Montana Medical Center (CMMC) is managed by Billings Clinic. CMMC houses 25 acute care beds, employs 271 staff, and was named a National Top 20 Critical Access Hospital. St. Vincent operates a private medical clinic in Lewistown, SCL Health. One Health is a Federally Qualified Health Center that opened in 2008 and provides medical care to residents regardless of income or ability to pay. Total Family Care is a privately owned family practice. These healthcare facilities are all located in Lewistown and provide a full range of medical services to Lewistown and the surrounding communities. Citizens of Fergus County and surrounding towns often utilize public health facilities in Roundup, Billings, and Great Falls.

The South Central Regional Mental Health Center operates in eleven (11) counties within Montana, including Fergus County. It is a registered non-profit corporation dedicated to mental health and chemical dependency care in the area.

This Growth Policy notes that there are 32 ambulance services that are provided by Fergus County Ambulance volunteers, who are responsible for a 1,500 square-mile service area.

7.5 SOCIAL SERVICES

Social services in Fergus County are provided by healthcare providers: Fergus County Health Department (Fergus County Nurses Office and Central Montana Family Planning), Central Montana Medical Center, One Health, SCL Health, and Total Family Care; all are located in Lewistown.

Senior citizens in Fergus County are primarily supported by the Fergus County Council on Aging (COA). The COA is a private Montana non-profit organization with a dedicated Board of Directors,

and provides numerous services, activities and resources for senior citizens in the service area. Primary services include home meal services, transportation services, and the operation of their second-hand store. There are no additional senior centers located within Fergus County. Fergus County is also served by the Area II Agency on Aging, which serves a total of eleven Montana counties. Some services provided include home and community-based services, state health insurance counseling, senior advocate, and the aging and disability resource center.

HRDC is located in Lewistown and provides energy share, housing assistance, work force development, and WIC. Enspire is a pregnancy outreach program to help support expectant parents with education, baby items, pregnancy support. The Office of Public Assistance is located in Lewistown and aids with SNAP (food stamps) and Medicaid applications.

7.6 EDUCATION

Fergus County currently has ten public school districts, located in the incorporated Towns of Denton, Grass Range, Moore and Winifred.

TABLE 7.2 2021 STUDENT CENSUS IN FERGUS COUNTY SCHOOLS

<i>Location</i>	<i>Approximate No. of Students</i>
Denton Elementary School	31
Denton High School	7
Grass Range Elementary	68
Grass Range High School	18
Moore Elementary School	55
Moore High School	16
Roy K-12	20
Winifred K-12 School	130
Deerfield Elementary	14
King Colony	9
Spring Creek	4
Ayers Colony	7

The high school graduation rate in the County is approximately 92.3%, which is significantly higher than the state average of 87%.

Schools in Fergus County are the center of the community. Local sports teams are important to the overall social well-being of each community. School buildings become multi-use facilities for a variety of community events and, recently, the Town of Denton opened a childcare center within their existing school. This innovative use of space is intended to attract personnel to the school that might otherwise not have access to childcare.

Housing for teachers or other school personnel is an issue in towns in Fergus County. However, both Denton, Winifred, and Moore have provided housing for personnel, including mobile homes sited on school property.

The University of Providence provides an Accelerated Bachelor of Science in Nursing program in Lewistown, in conjunction with local Nursing Instructors at the Central MT Education Center, as well as utilizing many local medical facilities. The 12-month accelerated BSN program allows students with any Bachelor's Degree to follow a fast-track nursing career path with nursing staff on site. No prior healthcare experience is required.

7.7 NOXIOUS WEED MANAGEMENT

Weed management is provided by Fergus County as a public service, as it is a critical service for the agricultural and recreational industries in the County. In addition to spray services, the Weed Department provides equipment rental and chemical sales, assists with establishing monitoring programs, and assists landowners with securing funds for noxious weed management.

The District cooperates with private landowners, county government, state agencies, federal land management agencies, other interested agencies and individuals to help assist with control of noxious weeds and provide education on weed management.

7.8 LAND CONSERVATION

The Fergus Conservation District's location is within the North Central Conservation District, Region 3, and is governed by a non-paid, nonpartisan board

of elected supervisors. The Board of Supervisors is comprised of seven individuals and the Advisory to the District contains three members. Through education, outreach and program and project development the District works hard to put local common sense natural resource conservation on the ground and to educate the current and future producers and landowners on natural resource conservation all while helping them to continue sustainability in their businesses. It regularly partners with other conservation districts, watershed groups, stakeholder groups, state and federal agencies, as well as some NGO's and nonprofits to put conservation on-the-ground.

7.9 COMMUNICATIONS

Mid-Rivers Communications, Century Link, and Triangle Telephone are the local carriers providing communication service to Fergus County. Mid-Rivers provides local phone service, high speed internet, cable television, and cellular telephone service. Triangle Telephone provides high speed internet and cellular telephone services. Additional cell service carriers that receive service within Fergus County include Verizon and T-Mobile. Most rural residents are dependent on satellite service for television. In 2015, Triangle Telephone was awarded \$30 million to improve high speed internet services in rural Montana, and new fiber-optic lines were planned for 16 counties, including Fergus County. Currently, a large portion of the County has fiber internet service available to them.

7.10 FUTURE NEED FOR ADDITIONAL OR IMPROVED SERVICES

It is anticipated that 22% of the population in Fergus County is 65 years of age and older, indicating the demand for public health and social services will continue to increase. Concern that an increased population that is aging would put additional stress on medical, emergency, and law enforcement services, a balanced approach to improving these services needs to be considered before it is crucial. An identified need is for volunteer emergency service personnel. Given the requirements to serve in that capacity and the difficulty in recruiting

new volunteers, the number of residents willing to provide that service has decreased.

Additional advanced education opportunities offered in Fergus County would be welcome as a means to attract and retain younger residents of the County.

7.11 GOALS AND OBJECTIVES

GOAL

Promote public health and social services in Fergus County and the Towns of Denton, Grass Range, Moore and Winifred to serve the needs of the citizens.

OBJECTIVES

- Identify incentives that could be provided to volunteers as a way to draw them to community service.
- Endorse a community emergency medical services training program.
- Work with the State Department of Public Health and Human Services to develop reasonable requirements for volunteer emergency personnel.
- Encourage agencies that provide health care services to serve elderly residents locally rather than forcing individuals in need of care to move to surrounding cities.

GOAL

Adequate emergency services in Fergus County and the Towns of Denton, Grass Range, Moore and Winifred.

OBJECTIVES

- Encourage volunteers for fire and emergency services.
- Encourage community involvement in supporting emergency services provided by the local volunteer fire departments.
- Ensure all new development has adequate ingress and egress to and from structures and developments to facilitate access from emergency services.
- Ensure an adequate water supply is available

for fire protection.

- Develop criteria for regulations covering building in urban/rural interface, with regard to fire mitigation requirements.
- Encourage law enforcement to not only be a police presence, but also provide education.

GOAL

Support school facilities and programs that will attract students and personnel.

OBJECTIVES

- Support programs that will provide incentives to teachers and other school personnel to attract them to employment at schools.
- Support school funding levels to support extra-curricular activities that will attract and keep students in school.

GOAL

Provide for the public service needs of the community at reasonable and acceptable cost to the taxpayers.

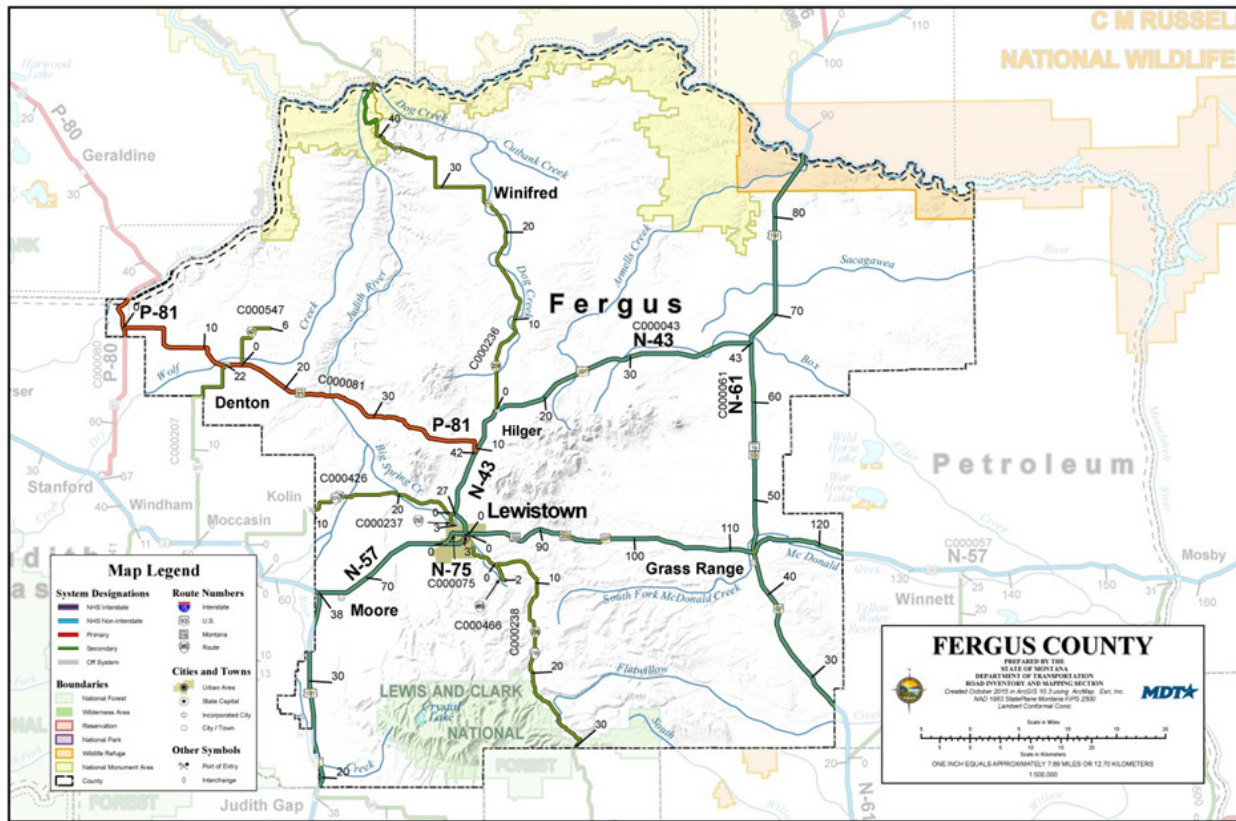
OBJECTIVES

- Maintain County and Town budgets at a level that will support local services such as emergency services, law enforcement, weed management, social services, and education that maintains a safe and healthy environment for residents without an excessive tax burden.

CHAPTER 8: Public Facilities

8.1 TRANSPORTATION

FIGURE 8.1 MDT-FERGUS COUNTY



Fergus County transportation facilities consist of an extensive network of roads and bridges, in addition to a local airport facility, which is discussed in further detail below.

Fergus County has an extensive network of local roads that are under the jurisdiction of the Montana Department of Transportation and the Fergus County Road Department. While the roads under County jurisdiction have not been inventoried, the Road Department estimates that they are responsible for approximately 1,700 miles of roads, as well as 250 miles of missile roads, which must be maintained to a higher standard than county roads due to the vehicle load requirements.

Roads located within the County that are maintained by the State of Montana are shown in the table below.

TABLE 8.1 STATE OF MONTANA ROADWAYS IN FERGUS COUNTY

Route	Location	Miles
US Highway 191 (NHS Route 43)	Lewistown to Junction with US Highway 87	42.8
Montana Highway 200 (NHS Route 57)	Central Fergus County (From Great Falls east through the County)	58.5
US Highway 87 (NHS Route 61)	Southeast Fergus County north to Malta	61.4
Montana Highway 3 (NHS Route 63)	Connecting Judith Gap to Montana Highway 200	16.7
Primary Route 81	Beginning west of Denton, continuing east to US Highway 191	42.4
Secondary Route 207	Hobson (Judith Basin County) to Denton	6.4
Secondary Route 236	Hilger to Winifred, continuing north to Blaine County	46.9
Secondary Route 238	Lewistown south to Ryegate	30.3
Secondary Route 426	Connecting Hobson and Lewistown, north of US Highway 87	16.2
Secondary Route 466	From the intersection with Route 238 south	2
Secondary Route 547	Denton north	6

Fergus County also has a number of bridges, broken into the following categories:

- **Major Structure: bridges greater than 20-feet in length, which are inspected biennially by the Montana Department of Transportation (MDT). Based on current MDT records, there are approximately 191 bridges in this category located in Fergus County. Of these 191 bridges, 88 bridges are the responsibility of Fergus County.**
- **Minor Structure: bridges less than 20-feet in length, which are not inspected regularly by MDT or Fergus County crews. There are currently 17 bridges in this category that are the responsibility of Fergus County.**

Although major structures are inspected by MDT, depending on the location of the bridge, they may be the fiscal responsibility of Fergus County for repair or replacement.

The MDT Statewide Transportation Improvement Program for 2021-2025 lists the following projects located within Fergus County, currently in the Construction Phase:

- **Roy-West: 8.4 miles of overlay on US-191**
- **SF 169 N57 SLDR WID & SLP FLAT: 3.29 miles of shoulder widening and slope flattening on MT-200 and US-87**
- **MT_200 Bridges-Lewistown Area: Bridge replacement on 1.99 miles of MT 200 and US-87**

8.2 WATER SUPPLY

The Missouri River forms the northern border of Fergus County, and the Judith River winds its way through the county before terminating at the Missouri. Lakes and storage reservoirs located in the County include Stafford Reservoir, East Fork Reservoir, Carters Pond and Crystal Lake. Big Spring Creek, Cottonwood Creek and Warm Spring Creek are three primary creeks that typically run year around providing irrigation and stock water.

Fergus County does not currently operate any public water systems; however, municipal public water systems exist in Denton, Grass Range, Moore, Roy, and Winifred. There are seven additional water systems classified as community systems throughout the county, with four of those located at Hutterite Colonies. Each of these systems is managed by the community they serve, with no assistance from Fergus County. Drinking water throughout the rest of the County is provided primarily by individual wells.

TABLE 8.2 DRINKING WATER SOURCES IN FERGUS COUNTY¹⁴

Location	Water Source	Population Served
Town of Denton	(4) Springs, (1) Well	255
Town of Grass Range	(2) Artesian Wells	102
Town of Moore	Well	186
Roy Water & Sewer District	(2) Wells	110
Town of Winifred	(2) Wells	206

Statistics from the Ground Water Information Center of the Montana Bureau of Mines and Geology indicate 3,955 total wells in Fergus County, with 1,931 being for domestic use and 1,597 used for stock water. In Montana, most individual wells are not required to be filed with the state, although that may change in the future depending on state legislative issues. To assure a water right, filing with the state is necessary.

TABLE 8.3 FERGUS COUNTY NEW WELLS ¹⁴

County Well Data per Year (New Wells Only)	Number
2020	64
2019	104
2018	68
2017	72
2016	36
2015	38
2014	30
2013	32
2012	52
2011	87

¹⁴ Groundwater Information Center, Montana Bureau of Mines and Geology. <https://mbmggwic.mtech.edu/sqlserver/v11/reports/CountyStatistics.asp?MTCountry=FERGUS>

TABLE 8.4 FERGUS COUNTY WELL USAGE¹⁴

Type of Well	Number
Unknown	131
Recreational	1
Industrial	28
Public Water Supply	52
Test Well	7
Unused	13
Wildlife	3
Fire Protection	4
Medical	1
Monitoring	684
Commercial	6
Research	19
Geothermal-Extraction	2
Open System	1
Geotech	116
Geothermal-Injection	1
Stock Water	1597
1931	118
Total*	4911

*Number may be different from County total since one well may have several reported water uses.

8.3 WASTEWATER COLLECTION AND TREATMENT

Fergus County does not operate any public wastewater systems. Public wastewater treatment and collection systems are located in Denton, Grass Range, Moore, Roy, and Winifred while the remainder of the County utilizes individual septic systems.

Individual county residents with septic systems are permitted by Montana DEQ and/or the County Sanitarian.

8.4 FERGUS COUNTY COURTHOUSE

The Fergus County Courthouse was constructed in 1908 and is home to a number of County Departments, including the Treasurer, Clerk and Recorder, District Court, Disaster & Emergency Services, Department of Revenue, County Extension Office, County Nurse, the County Planning Department, County Superintendent of Schools, and the County Commissioners.

8.5 TOWN HALL/FIRE HALL/EMS

The Town of Denton has a Community Center and Library, which also houses the Town offices. It has a large meeting room used by the various services and the city council for monthly meetings. Denton maintains a Fire Hall/Emergency Services Building, which is located in the center of town and houses the equipment for the ambulance service as well as the fire department service.

Grass Range town services share a facility with the Grass Range Volunteer Fire Department. Directly across Main Street is the facility for the Grass Range Volunteer Ambulance, Quick Rescue Unit and Rural Fire.

The community of Moore maintains government offices adjacent to the U.S. Post Office on Fergus Avenue. The local fire department facilities are located one block southeast of the town offices. The Town of Winifred maintains a Community Center, which houses the local museum, library, town hall offices, and the emergency service facility.

8.6 AIRPORT

Fergus County operates a small airport two miles southwest of Lewistown. While the airport is serviced by two aviation companies, airplanes are used for a variety of purposes in this expansive county including ambulance service, crop spraying, fire safety, tourism, and business.

The Town of Denton and the Town of Winifred also have public airports. Both airports are available for public use and are unattended airports with one turf runway and no airport communication tower. The airport in Winifred has fuel available, as well as hangars and tiedowns for parking.

8.7 CEMETERY

There are approximately 22 cemeteries scattered about Fergus County that document the history of the settlement of the region with the names of many of the earliest residents as well as multiple generations of families that lived their lives in the

community in the past 100 plus years¹⁵. Many of the homesteader cemeteries are now nothing more than small fenced off parcels of land at the edge of a field or pasture and are only visited by the descendants who have returned to learn about their ancestors. Some are simply family or neighborhood cemeteries such as the Ruckman Family Cemetery, the Strouf Pioneer Cemetery, or the Colony Cemeteries. The Town of Denton has two local cemeteries, the Town of Grass Range has three nearby cemeteries, the Town of Moore has two cemeteries, and the Town of Winifred has four neighboring cemeteries.

8.8 COUNTY/TOWN SHOPS

The primary site of the Fergus County Road and Bridge Department is in Lewistown, with district shops located in Denton, Grass Range, Moore, Roy and Winifred.

8.9 REFUSE SITE

Residential and commercial refuse collection in Fergus County is managed by Republic Services. They operate a transfer station, located in Lewistown, which acts as an intermediate collection location for local waste trucks prior to the shipment of waste to regional landfills. Republic Services provides residential, as well as small and large containers for business customers.

8.10 LIBRARY

Public libraries within Fergus County are located in the towns of Denton, Winifred and Moore. Lewistown also has a library.

8.11 COMMUNITY SENIOR CENTERS

The Fergus County Council on Aging is located in Lewistown and is partnered with the Area II Agency on Aging to provide services to the citizens of Fergus County. The Council has a 10-member board that oversees the operation of the facility and currently employs 6 staff members. In addition to staff, the programs are served by over 100 volunteers, performing services such as kitchen and meal

service, front desk assistance, and staffing the Treasure Depot, which is a secondhand store run by the Council on Aging.

The Council on Aging also provides assistance in the form of help with housework and daily tasks, managing home finances, and help with understanding complex forms.

Some Federal and State funding is available to underwrite the meals and activities of County organizations. The primary services of the Council on Aging include meal services, transportation services and the operation of the secondhand store, The Treasure Depot.

8.12 FUTURE NEED FOR ADDITIONAL OR IMPROVED FACILITIES

It is estimated that 21% of the population in Fergus County is 65 years of age and older, indicating that the demand for community senior centers and ADA compliant facilities will continue to increase. The aging population within the incorporated towns of Fergus County is slightly less than the overall county percentage.

TABLE 8.5 % OF POPULATION 65 AND OVER¹⁶

Location	% of Population 65 and over
Denton	15.6
Grass Range	14.8
Moore	11.9
Winifred	18

8.13 GOALS AND OBJECTIVES

GOAL

Systematically plan and budget for capital improvements within the Towns and County to efficiently maintain and upgrade public infrastructure as needed.

OBJECTIVES

- Prepare and utilize Comprehensive Capital Improvements Plan (CCIP) for Fergus County and incorporated towns within the County.

¹⁵ Cemeteries in Fergus County, Montana. https://www.findagrave.com/cemetery-browse/USA/Montana/Fergus-County?id=county_1607
¹⁶ Demographic Profile for Fergus County, MT, *Headwaters Economics*, March 3, 2021.

- Continue to update CCIP annually as County needs change.
- Support upgrades of public facilities for ADA compliance.
- Support the Towns of Denton, Moore, Grass Range and Winifred in their efforts to plan, fund, and build water, sewer, roads, and utilities through state and federal funding mechanisms.
- Encourage leveraging additional resources for infrastructure through private/public partnerships.
- Consider policies that require developers to pay a proportional share for infrastructure upgrades and expansion.

GOAL

Maintain the existing County roads and bridges efficiently, economically, and based on standard criteria.

OBJECTIVES

- Follow the recommendations for maintenance and improvements to the County transportation system outlined in the CCIP.
- Encourage securing financial assistance as available from programs that may help leverage local funds in the maintenance of County roads and bridges (i.e. MCEP, FLAP, TA, etc.)
- Work with state and federal agencies to improve road conditions affected by use due to public lands access.
- Encourage County staff and officials to communicate with MDT personnel on a regular basis to take advantage of MDT road, bridge, and transportation alternative programs.
- Stay apprised of funding opportunities.

CHAPTER 9: Natural Resources

Fergus County's Land Use Plan, revised in June 2021 and attached as Appendix B to this Growth Policy, addresses land use management issues directly and guides the development and management of the county's natural resources, particularly to assist federal land state land management agencies. That document "in compliance with federal statutes, federal and state agencies to the extent bound by federal law and regulation shall inform local governments of all pending actions affecting local communities and citizens and coordinate with them in the planning and implementation of those actions. The Fergus County Commission, when affected by such actions, shall be consulted and coordinated with in accordance with the constitutions and Laws of Montana and the United States and the Charter of Fergus County."¹⁷

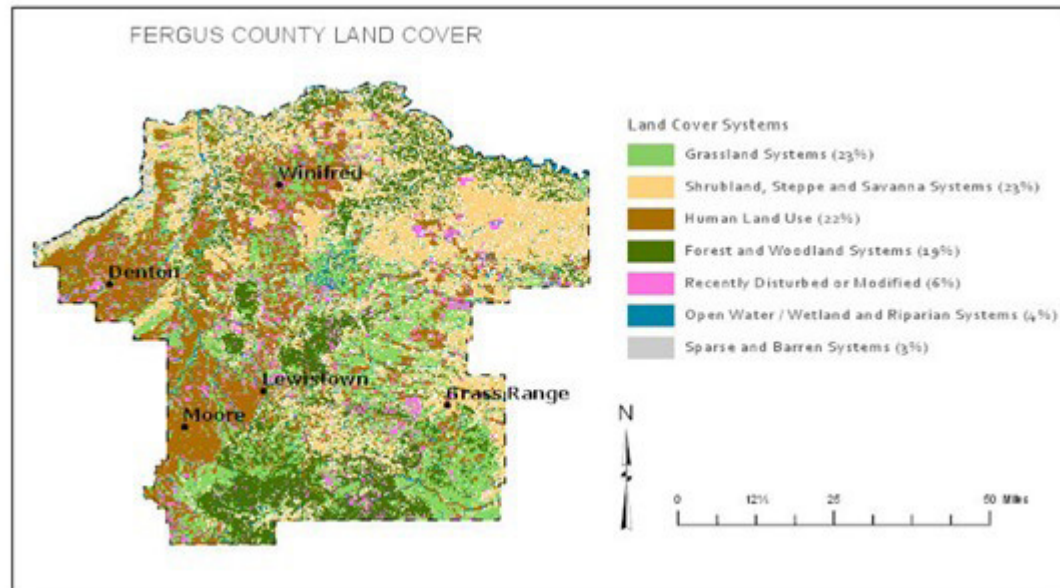
Some sections of this Chapter will refer to the contents of the Land Use Plan.

9.1 LAND COVER

Fergus County land cover is comprised of island mountain ranges in the central and south and the Missouri Breaks to the north, with expansive agricultural land and prairie land. Land cover classified by the U.S. Geological Survey, Fergus County primarily consisting 23% of Grassland (lowland/prairie grassland). 23% Shrubland (sagebrush and shrubland), 22% Human Land Use (Agriculture, developed areas, and mining and resource extraction), and 19% Forest systems (conifer-dominated forest, deciduous-dominated forest, and mixed forest). 6% Recently Disturbed or Modified is land covered altered or disturbed by introduced annual or biennial, such as knapweed, Canada thistle, or leafy spurge as well as land cover recently modified by fire, or insect killed forest. 4%

Open Water/ Wetland includes all riparian, marsh areas, and open water The map below represents the total Land Cover Systems distributed in Fergus County.¹⁸

FIGURE 9.1 FERGUS COUNTY LAND COVER



9.2 RIVERS, STREAMS, LAKES, WETLANDS AND WATERSHEDS

Nine subbasin watersheds make up the two watershed basins in Fergus County - Fort Peck Reservoir Basin and the Musselshell Basin. Two significant rivers found in the county are the Missouri River and Judith River. Countless intermittent and perennial streams flow into the Missouri River, Judith River, or Musselshell River. Countless small freshwater and saline wetlands, lakes, and reservoirs are scattered across the county, many within private property. Notable lakes and reservoirs which provide recreational opportunities include the East Fork Reservoir, the Upper Carters and Lower Carters Ponds near Lewistown, and the east fork of Hansen Creek. Crystal Lake is a natural lake tucked back in the Big Snowy Mountains.

Fergus County adopted Floodplain Hazard Management Regulations in December of 2014 with the purpose of protecting the public health, safety, and general welfare of county residents and to

¹⁷ Fergus County Land Use Plan Revised June 2021

¹⁸ Montana Natural Heritage Program

minimize public and private losses due to flooding. These regulations determined and delineated flood hazard areas known as Regulated Flood Hazard Areas in partnership with the Department of Natural Resources and Conservations (DNRC) and the Federal Emergency Management Agency (FEMA). The Fergus County Land Use Plan (Appendix B) “recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability. Fergus County shall recognize, within the context of customs and cultures, the use and development of private rights and shall require, to the extent mandated by law, full compliance in the acceptance and enforcement of such designations, and final adjudication of existing rights in a timely manner.” It provides guidelines related for State and Federal agencies as they propose designation of Wild and Scenic Rivers, and all federal and state policies or management plans that address riparian management, waterways, and wetlands in the County.

9.3 FISH AND WILDLIFE

Fish and wildlife are abundant in the rough and diverse landscapes found in Fergus County. Multiple State and Federal agencies such as the Bureau of Land Management, Helena-Lewis and Clark National Forest, US Fish and Wildlife Service, and Montana Fish, Wildlife and Parks manage critical habitat around the county. A large area of protected areas within the Upper Missouri National Wild and Scenic River and Upper Missouri River Breaks National Monument provides vital habitats for an assortment of birds, fish, waterfowl, amphibians and reptiles. Turkeys, upland birds, mule deer, antelope and larger big game such as elk and bighorns roam from the river banks to the high plains. Predators also inhabit the regions such as coyotes, fox, badgers, and mountain lions.

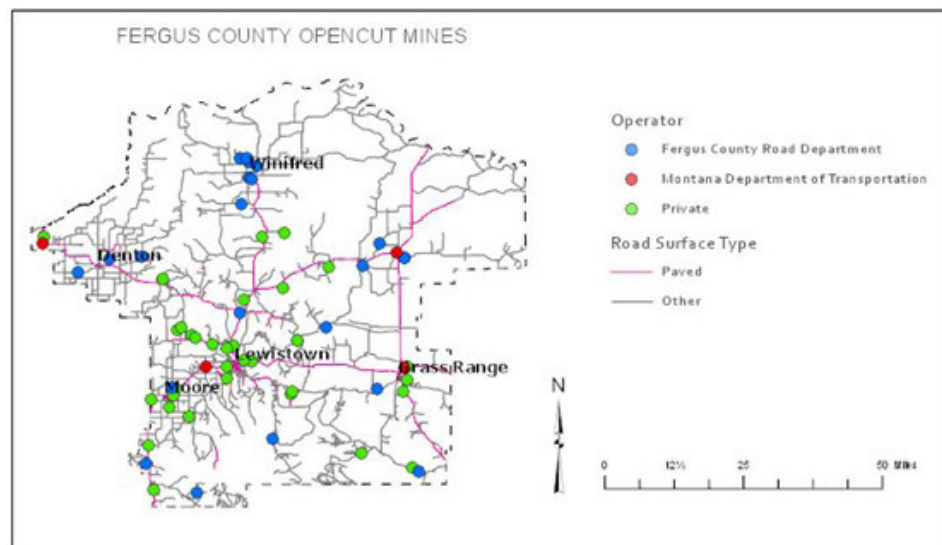
The Fergus County Land Use Plan, revised in June 2021, states that “Fergus County

shall promote wildlife opportunities compatible with local customs and cultures and within the constraints of private property rights and local self-determination.” It provides guidelines regarding wildlife and endangered species. There have been initiatives by private landowners to establish bison/buffalo in areas of Fergus County. Included as appendices are an Ordinance for the Protection of Soil and Water from Wild, Free Roaming or Domestic Bison Grazing in Fergus Conservation District, adopted October 2016 and Resolution No. 3-2016 of the Fergus County Board of County Commissioners. These documents provide policies for transporting and raising bison and establish that buffalo/bison are not considered as domestic livestock in Fergus County.

9.4 SAND AND GRAVEL RESOURCES

Fergus County has a total of 60 permitted opencut mines and one pending request for permit. Of these 60, 22 are operated by the Fergus County Road Department, four are operated by Montana Department of Transportation, and the remaining 34 open-cut mines are privately operated. As shown in the figure below, opencut mines operated by the County are geographically spread throughout the county, with a heavy concentration around Winifred.

FIGURE 9.2 FERGUS COUNTY OPENCUT MINES¹⁹



¹⁹ Montana DEQ Opencut Mining Program

9.5 WILDLAND-URBAN INTERFACE

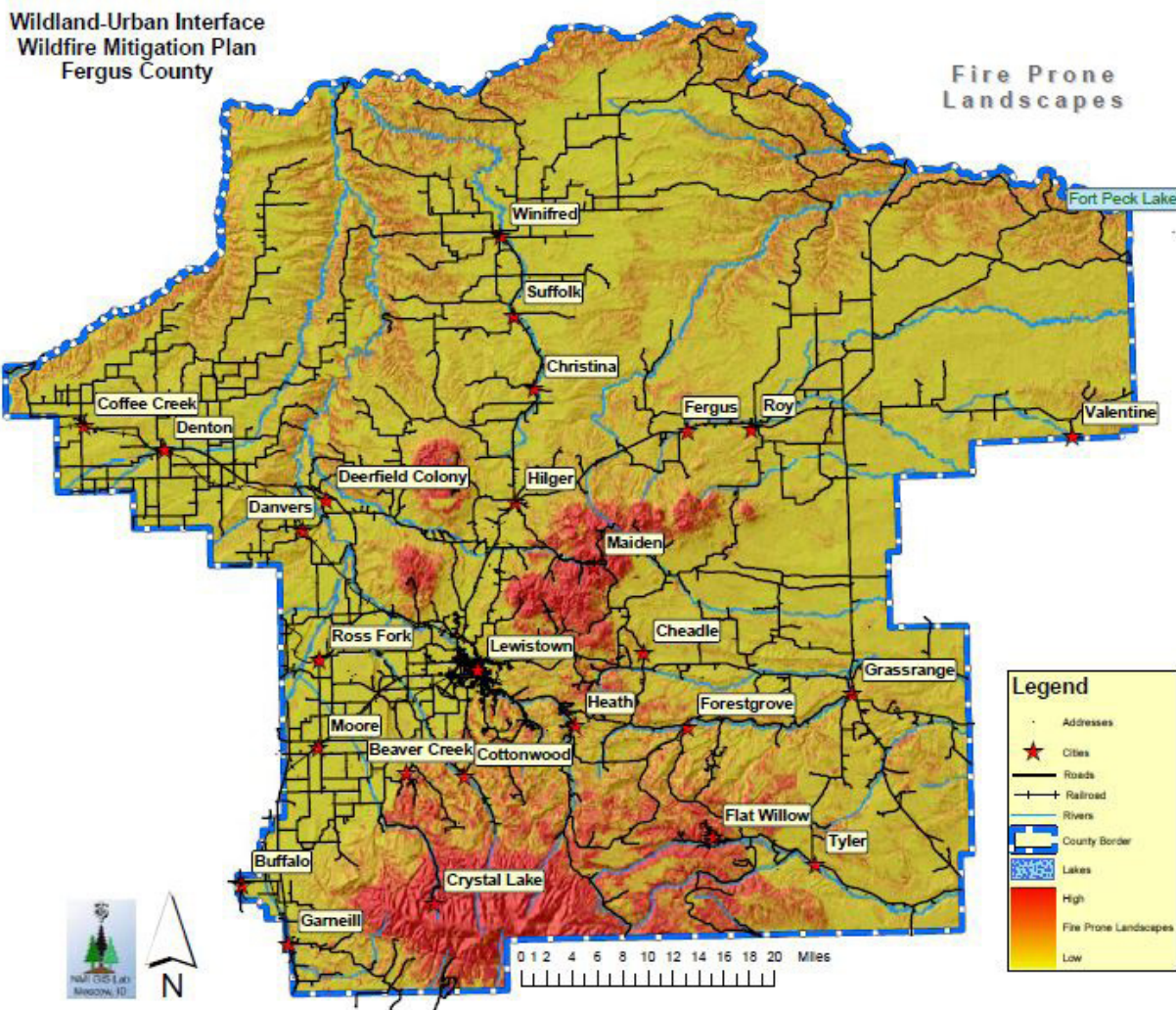
The wildland-Urban Interface refers to the areas where wildland areas meet human or urban developed areas, or where forest fuels meet urban fuels. In 2004, Fergus County adopted the Wildland-Urban Interface Wildfire Mitigation Plan in conjunction with a variety of organizations and agencies. This plan reports important findings of Wildfire Hazard Profiles, Community Risk Assessments, Community Preparedness and Treatment Recommendations for rural Fergus County and individual communities.

Historical fire records since the 1980 indicate that nearly 73% of all fires in the County have been ignited by nature and the remaining 27% being human caused. Natural ignition of wildland fires is generally during lightning storms in the July, August,

and September months. It is mentioned in the report that most homes in rural Fergus County are at a low to moderate risk from wildland fires due to mixing of scattered natural rangeland/forestland fuels with dispersed ranching and housing development. A larger concern falls along the Upper Missouri River Break due the combinations of varying topography and natural fuels, however very few structures and communities exist in the area and poses a moderate risk.

The figure below comes from the Fergus County Wildland-Urban Interface Wildfire Mitigation Plan to represent Fire Prone Landscapes in the county. The methodology used to depict the below figures is a combination of factors including past fire occurrence, vegetation cover type, and topography characteristics.

Figure 3.3. Fire Prone Landscapes in Fergus County, Montana.



9.6 MINING

Fergus County developed a rich history in mining dating back to when Gold was discovered in the Judith Mountains in the 1879. This led to the establishment of several boom towns including Gilt Edge, Kendall, and Maiden. Gilt Edge is notable for becoming one of the first mining operation in the United States to utilize the newly developed cyanide process. At one point the town of Maiden was an active town of nearly 1500 people, larger than Lewiston. Reported by the Montana Bureau of Mines and Geology, Fergus County has a total of 180 abandoned/inactive mines. A majority of these abandoned/inactive mines where lode claims searching or discovering mineralized rocks, while a few other mines for exaction of coal, silica, and limestone.

Currently there are no active or prospecting coal permits, although the Judith River Formation is known to have coal resources. Warm Spring Mining District located northeast of Lewistown, near Maiden, is still active with gold explorations. The Montana Department of Natural Resources and Conservations GIS data reports 394 permitted and approved wells in Fergus County. Of those 394 wells, 340 are dry hole which do not contain and oil or gas quantities, 34 wells are producing gas, 2 wells are producing oil, and the remaining are either test sites, for disposal, water source or unknown.²⁰

Refer to the Fergus County Land Use Plan (Appendix B) regarding guidelines related to mining, natural resources and renewable energy. The Plan generally states that “Fergus County recognizes that the development of its abundant mineral, renewable energy and natural resources are economically desirable. It is the policy of Fergus County to promote long term availability and responsible development of its minerals, renewable energy, and natural resources.” The Plan’s appendix includes a copy of The Mining Law: Summary.



20 Board of Oil and Gas Conservation — Montana DNRC (mt.gov)

9.7 ENERGY

The majority of electric production in Montana is by coal and hydroelectric facilities with about 7.5% produced by renewable wind energy. Montana currently has 13 operational wind projects utilizing 20 different sites. Many of these sites are in close proximity to Fergus County located in Judith Basin County, Wheatland County, and Meagher County. Fergus County does not have any energy producing sites.

9.8 CLIMATE AND SOILS

Fergus County is generally experiencing warm summers with average temperatures of 80-95 degrees Fahrenheit with extreme temperatures reaching up to 100 degrees Fahrenheit. Winter months consist of long and colder weather caused by arctic air moving from the north. Temperatures during the winter on average reach a low of 30 degrees Fahrenheit with extreme low temperatures reaching well into the negatives. Average annual rainfall totals to about 17.5 inches along with an average annual snowfall of 67 inches per year.

Soils in Fergus County vary due to diverse topography. As described in the Fergus County Soil Survey published by United States Department of Agriculture Soil Conservation Service in 1988, 20 general map units were found. These 20 general map units are grouped into five broad groups; soils on flood plains and low terraces make up about 3% of the county, soils mainly on terraces and along the edges of terraces make up about 15.5% of the county, soils on uplands make up about 61.5% of the county, soils on the mountain foothills make up about 10% of the county, and finally soils on mountainsides and uplands make up about 10% of the county.

9.9 FUTURE PROJECTIONS

Fergus County will continue to cherish traditions and protect all its natural resource, local customs and the private property rights of their residents. The County does not anticipate land cover to

change and will continue to foster current operation production of its natural resource and potentially tap into hosting wind energy sites.

9.10 GOALS AND OBJECTIVES

GOAL

Maintain and improve water quantity and water quality in the County.

OBJECTIVES

- Work with Watershed Groups, state, and federal agencies to develop a water plan.
- Support water use efficiency and water conservation
- Support water related training, education, and outreach.
- Support improvements to the Montana Water Information System which is maintained by the Montana State Library as a data source for information on water resources ([Home \(mt.gov\)](https://www.mt.gov)).
- Ensure private property rights are considered in decisions.

GOAL

Develop natural resources while balancing economic development with environmental responsibility

OBJECTIVES

- Encourage conservation and preservation of natural resources.
- Promote renewable resource development.
- Continue to support the Targeted Implementation Plans (TIP) as outlined in the Fergus County Long Range Plan 2020 led by local Natural Resource Conservations Service (NRCS). The Fergus County Long Range Plan is a document led by NRCS to identify natural resources (soils, water, air, plants, and animals) issues throughout the county. NRCS local Lewiston office developed this document along with other state, federal agencies, and local working groups.

The plan identifies and prioritizes natural resource issues, then develops a TIP to carry out a desired outcome. In 2021 local NRCS developed 2 TIPS.

- Encourage the updating of the Wildland Urban Interface Wildlife Mitigation Plan.
- Ensure private property rights are considered in decisions.

CHAPTER 10: Recreational Access

10.1 ACCESS SITES

Fergus County has many recreational opportunities including hunting, fishing, boating, and hiking. The Lewis and Clark National Forest manages approximately 563,432 acres of land within the Big Snowy and Little Snowy Mountains including the Big Snow Wilderness Study Area. The Crystal Lake area is among the most popular destinations in the Big Snowy Mountains providing a campground, rental cabin, miles of trails for hiking, biking, and horseback riding to the cascades, an ice cave, and alpine mountain peaks.



The Upper Missouri River Breaks National Monument and Charles M. Russell National Wildlife Refuge provides multiple historic cultural sites, natural landmarks, wildlife viewing, boating, hunting, and

fishing opportunities along the Missouri River. The Missouri Breaks Back County Byway offers an alternative travel route to enjoy the Missouri River Breaks. Montana Fish, Wildlife & Parks hosts a total of 11 fishing accesses in the County along sites such as Big Spring Creek, Casino Creek, Hansen Creek, and the Carter Ponds. Montana Fish, Wildlife and Parks manages the Beckman Wildlife Management Area located near Denton provides over 6,600 acres of rolling hills, prairie, and timber for recreationalist to enjoy wildlife viewing, hiking, horseback riding, hunting, and camping.



Denton provides a stop for excellent opportunities for game bird hunters at the Pheasants Forever properties and cultural recreationalist aboard the Charlie Russell Chew Choo route.

Grass Range is within close proximity to the War Horse National Wildlife Refuge consisting of three units for hunting, fishing, wildlife viewing, and boating. Bear Gulch Pictographs is a unique attraction for all ages to gaze upon

thousands of paintings and etchings depicted by Native Americans long before settlers made their way to Fergus County.



Moore provides an excellent hub for access to island mountains such as the Big Snowy Mountains as well as the Little Belts and Highwood Mountains. The Judith River flows north of Moore allowing for excellent water recreation.

Winifred is a grand place to start or end your float trip along the Missouri River or Judith River. Winifred also offers historical experience of the McClelland Ferry crossing and the Winifred Museum.

10.2 LOCAL RECREATIONAL FACILITIES

Fergus County owns and operates a fairground utilized for the Central Montana Fair but used year around for various events.



Services available at the fairgrounds include stall facilities for horses and livestock, camping spots with facilities, wedding facilities, outdoor picnic and gazebo areas, outdoor and indoor arenas for horse and livestock use, event rental facilities, and a covered grandstand with arena usable as a vendor venue.

Moore public schools provides park amenities such as a playground, basketball courts, and a track/ football field. They also have a City Park. The Grass Range City Park and public school have a playground as well as a basketball court and community garden. Denton provides a city park hosting multiple baseball fields, a track and football field, a basketball court and playground. Winifred is currently upgrading its public school building along with its associated park and sports field.

10.3 ISSUES IDENTIFIED

Hunting and fishing are the primary local and tourist attraction in Fergus County. Access to public land can be an issue for and create conflict between recreationalist and land owners. Limited resources also limit the presence of law enforcement in the field to mitigate illegal activities associated with public access. With increased recreational activities in the area, access sites will need to be maintained or improved to meet the demand of users.



10.4 PROJECTIONS FOR FUTURE ACCESS

The use of land managed by state and federal agencies will continue to increase due to the popularity of outdoor recreation and changes in regulations and wildlife population. This may create management challenges for agencies and any management changes to deal with those challenges often take an excessive amount of time due to required public processes and conflicts related to land use.

An Executive Order issued by President Joseph Biden in January 2021 titled “Tackling the Climate Crisis at Home and Abroad” includes a “30X30” Plan (recently rebranded as America the Beautiful) with a goal to develop a program to conserve at least 30% of the lands and waters in the United States by 2030. In alignment with its Land Use Plan (Appendix B) Fergus County’s Board of County Commissioners passed Resolution No. 16-2021 opposing the Federal Government’s “30X30” Land Preservation Goal. That resolution is included in Appendix C. The County’s intent in opposing the goal is to continue to support private ownership of land in Fergus County, oppose the designation of public land in a manner that would restrict public access, and support the use of public lands for multiple uses. If enacted, the Board believes it would threaten the well-being, health, safety, economy, and culture of Fergus County, its businesses and citizens.

10.5 GOALS AND OBJECTIVES

GOAL

Improve and maintain access to accessible public lands.

OBJECTIVES

- Improve relations between users and landowners.
- Maintain communication with state and federal agencies for current and future access to public lands.
- Support and encourage the dedication of recreation systems that are adjacent to, or continuations of, existing or planned parks, recreation areas, open space, trails, or public lands.

GOAL

Support recreational, cultural, and historical economic industries.

OBJECTIVES

- Contribute to the strong outdoor recreation industry by marketing the abundance and availability the county has to provide.
- Continue to preserve and highlight cultural and historical significance.

CHAPTER 11: Coordination with Local Jurisdictions and Agencies

11.1 COUNTY/TOWN COORDINATION

Section 76-1-601(3)(g) MCA requires that a growth policy include a statement concerning how local governments will cooperate with other jurisdictional entities in implementing its growth policy. Since this Policy is a cooperative effort between Fergus County and the Towns of Denton, Grass Range, Moore, and Winifred, this policy will be implemented by each of those entities.

The City of Lewistown and a 4 ½ mile jurisdictional area surrounding the City are part of the City of Lewistown Growth Policy area as defined by interlocal agreement between the City of Lewistown and Fergus County. Therefore, the two documents, are implemented as separate policy areas.

A City-County Planning Board has planning responsibilities for the City of Lewistown and the 4 ½ mile jurisdictional area surrounding the City. This Board also serves as a Zoning Commission for the City of Lewistown. All other areas of the county are the responsibility of the Fergus County Planning Board. Both the City-County Planning Board and the County Planning Board have duties and responsibilities described in by-laws that outline the relationship of the Boards to the respective governing bodies, meetings, membership, powers, and duties including their relationship with Planning Staff. In addition, these boards are responsible for developing a Growth Policy for their jurisdictions.

Per the Fergus County Subdivision Regulations 2006 and Montana Code Annotated 2011, when a proposed subdivision lies within the boundaries of an incorporated city or town, the application and preliminary plat must be submitted to and approved by the city or town governing body. When a proposed subdivision lies partly within an incorporated city or town, the application and preliminary plat must be submitted to, and approved by, both the city or town and county governing body. When a proposed subdivision is to be annexed into any incorporated city or town, the governing bodies shall coordinate the subdivision

review process and annexation procedures whenever possible.

When a proposed subdivision is situated entirely in an unincorporated area, the application and preliminary plat shall be submitted to and approved by the governing body of the county. However, if a proposed subdivision lies within 2 miles of an incorporated second class city, or within 1 mile of an incorporated third class city, the county governing body must submit the application and preliminary plat to the city or town governing body or its designated agent for review and comment.

11.2 STATE AND FEDERAL AGENCIES

State and Federal agencies have the potential to impact resources and influence the use and development of land in Fergus County. Agencies including the BLM, USFS, DNRC, and USFWS, and FWP occupy nearly one quarter of the land in the county (see Land Use Section of this document).

Fergus County has adopted a Land Use Plan (Appendix B) that mandates “all federal and state agencies shall consider, to the maximum extent required by law, the Fergus County Land Use Policy and coordinate with the County Commission for the purpose of planning and managing federal and state lands within the geographic boundaries of Fergus County, Montana.” The Policy is intended to assist federal and state land management agencies in developing and implementing their management actions to coordinate with the land management goals of Fergus County and its citizens. Primarily, those goals are “to protect the customs and cultures of county citizens through protection of private property rights, the facilitation of a free market economy, and the establishment of a process to ensure self-determination by Fergus County residents.”

Additionally, Fergus County adopted Resolution 13-2018 in June of 2018 as a Framework for Coordination and Cooperation. A copy of the Resolution is in Appendix C.

CHAPTER 12: Implementation Plan

12.1 REGULATORY TOOLS

LOCAL REVIEW OF SUBDIVISIONS

Subdivision regulations control the creation of new lots by imposing design and infrastructure standards and by establishing procedures for local government and public review. Regulating the division of land ensures that the development has appropriate services and does not adversely affect resources. Because of the possibility for adverse effects on resources, subdivisions will be reviewed for compliance to the Fergus County Growth Policy as well as compliance with subdivision regulations adopted by the County. As with all regulatory tools, subdivision regulations are most effective with consistent use.

As per §76-3-501 et. Seq. MCA, which requires local government to establish subdivision regulations and outlines the minimum requirements for those regulations, the County completed the process of updating new regulations in 2014.

As per §76-3-608(3)(a), MCA, the governing body must review proposed subdivisions considering the effect on the following review criteria:

- **Agriculture;**
- **Agricultural water user facilities;**
- **The natural environment;**
- **Wildlife;**
- **Wildlife habitat;**
- **Local Services; and**
- **Public health and safety**

Fergus County Subdivision Regulations that describe each of these criteria as well as the subdivision evaluation process and requirements for public review are available in their entirety at the Fergus County Planning Office in the county courthouse.

ZONING

Zoning is a commonly used tool for implementing land use policy. Zoning describes the control by authority of the use of land and the buildings that may be placed there. Areas of land are divided by

appropriate authorities into zones within which various uses are permitted.

In addition to the more traditional form of zoning, jurisdictions have explored other zoning approaches that can be used to regulate development of property. Some of these alternatives are described below.

Development Design Standards

Development design standards include site and building design standards adopted in zoning regulations. These standards are generally adopted with the intent of preserving and enhancing community character. State law supports the use of design standards if they are objective, reasonable, and applied uniformly throughout a community. Considerations for implementing design standards should include the level of administrative review required and the potential for increased development costs.

Agricultural Zoning

Agricultural zoning is commonly used to restrict land uses to resource extraction and production activities. Other agricultural protection zoning mechanisms include voluntary agricultural districts, agricultural area buffers, area-based zoning or density zoning, fixed area-based allowance zoning and sliding scale area-based allowance zoning.

Interim/Emergency Zoning

Interim zoning is specifically authorized in State law. It is a temporary land use control that expires unless replaced with permanent regulations. Interim zoning means a temporary emergency zoning that is conducted while the local government makes revisions to existing zoning ordinances, or creates and adopts a final zoning plan or zoning ordinance, or addresses some other local policy issue in the state. It helps to preserve the status quo or at least to limit the extent of change that can occur from the zoning activities. It is also termed as stopgap zoning. Emergency zoning may be put in place by the County Commissioners.

DECAY ORDINANCE

Decay ordinances are enacted to protect the general public from decaying structures that are deemed unsafe and inhabitable by a building official.

FLOODPLAIN REGULATIONS

Floodplain regulations restrict development in areas within the 100-year floodplain of a watercourse in order to protect the watercourses and their flood storage areas, as well as the public health, safety, and welfare.

Considerations for Regulatory Enforcement

Regulatory or code enforcement programs ensure that property owners comply with a jurisdiction's land use regulations. The County Planner will receive complaints and forward them to the planning board for consideration. The Planning Board will make recommendations to the County Commissioners.

FISCAL TOOLS

CAPITAL IMPROVEMENTS PROGRAM

A Comprehensive Capital Improvements Plan (CCIP) is used as a budgeting and financial tool by the County to establish long term goals for maintaining, improving, or building new public facilities. The document identifies specific projects, costs, priorities, timetables, and funding sources, and includes all public facilities owned or maintained by the local government. The importance of a CIP for land use planning is the critical connection between where and when infrastructure is provided and what the desired land use pattern is for a community or neighborhood. It is recommended that a full CCIP be prepared every 10 years at a minimum to include a full study of the capital needs of the county.

IMPACT FEES

Impact fees are charged to a developer by local government at the time of development or building permit review to pay for the impacts of new development on off-site capital facilities such as public sewer, roads, fire, or emergency services. Developing a fair and equitable impact fee program can be complex and often requires local governments to obtain outside assistance. Developers or applicants should expect a

comprehensive review of long-term costs to the County.

STATE AND FEDERAL GRANTS OR LOANS

Grant programs are a key means of implementing public policy regarding affordable and accessible housing, infrastructure extension, economic development, historic preservation, health and human services, crime victim assistance, environmental remediation, and provision of support to low- and moderate-income households and special needs populations. Acquisition and administration of grants for use by the County includes applying for and complying with the requirements of grant contracts; conducting needs assessments and program evaluations; coordinating community responses to identified needs; and seeking resources for the purpose of addressing a variety of community development issues. The County may also play a role in the acquisition of state and federal grants for local non-profit organizations. This may include sponsorship and/or assistance with grant writing and administration, and providing technical assistance and direct service program administration. Involving local non-profit organizations in needs assessment and other county planning activities may provide a valuable partnership for addressing community development issues.

Grant and loan opportunities commonly used by local governments include:

- **Montana Coal Endowment Program (MCEP): planning and construction grants for infrastructure including bridges, water systems, and wastewater systems, solid waste management, and storm water management.**
- **Community Development Block Grant (CDBG) Program: planning and construction grants for infrastructure, public facilities, housing, and economic development. CDBG eligibility for construction grants is tied to the benefit the projects will provide for low to moderate income individuals.**
- **Department of Natural Resources and**

Conservation (DNRC) Renewable Resource Grant and Loan (RRGL) Program: planning and construction grants for public facility projects including drinking water, wastewater and solid waste development and improvement projects. Other renewable resource projects that have been funded include irrigation rehabilitation, dam repair, soil and water conservation and forest enhancement.

- **MDT Transportation Alternatives (TA):** grants to improve access to alternative transportation routes along Montana's highways. This can include sidewalks, trails, community gateway features, lighting, and historic rehabilitation.
- **USDA Rural Development (RD):** planning and construction loans and grants for communities with fewer than 10,000 people. Grant amounts are dependent on Median Household Income.
- **State Revolving Fund (SRF):** low interest loans used to maintain and improve drinking water systems and water pollution control projects.

Funding Agency Alphabet Soup:

- MCEP=Montana Coal Endowment Program
- CDBG=Community Development Block Grants
- RRGL=Renewable Resource Grant and Loan
- RD=USDA Rural Development
- INTERCAP= Intermediate Term Capital Program
- SRF=State Revolving Fund
- BSTF=Big Sky Trust Fund
- TA=Montana Transportation Alternatives
- WRDA=Water Resources Development Act

TAX INCREMENT FINANCING AND TARGETED ECONOMIC DEVELOPMENT DISTRICTS

Tax increment financing (TIF) is an important fiscal tool that allows jurisdictions to finance certain kinds of development costs within a Targeted Economic Development (TED) District.

12.2 GROWTH POLICY TIMEFRAME

Annual Review

The Fergus County Planning Board will review the Growth Policy on an annual basis and provide a Status Report to the County Commissioners. The Status Report will include:

- **Status of goals, objectives and actions suggested in the Growth Policy.**
- **Recommendation/assessment of goals to be addressed in the following year.**
- **Evaluation of need to revise the Growth Policy.**

Condition for Revising the Growth Policy

This Growth Policy is based on existing conditions and anticipated future conditions. It is impossible to project every potential scenario and, therefore, the policy needs to be flexible to accommodate future issues. The Planning Board will review the Growth Policy and determine if changes are needed under the following conditions:

- **Major proposed actions made outside of County authority with potential to significantly affect implementation of the stated goals, policies, and strategies in this growth policy.**
- **Any actions that might affect the health, safety, and welfare of citizens that were inadequately addressed in the growth policy.**
- **New development proposals not provided for in the plan.**
- **Priorities that need to be reassessed to take advantage of new opportunities such as grants, partnerships, and State and Federal programs.**
- **Additional public input suggesting the need for changes.**
- **Changes in state law regarding growth policies.**
- **Court cases and/or litigation that set legal precedent in Montana for growth policies.**
- **Individual neighborhood plans developed in accordance with state law (76-1-601) that is mandated as amendments to the current growth policy.**

- **Planning Board evaluation of implementation measures and progress, and determination that modifications would enhance the effectiveness of the growth policy.**

Process for Revising the Growth Policy
County Commissioners will be notified in writing by the Planning Board prior to commencing work on the revision.

The Planning Board will follow the process outlined in State Law (MCA 76-1-602 through 76-1-603) for adopting a Growth Policy to provide revisions. The Board will conduct a public meeting on the revisions prior to making their recommendation to the County Commission for adoption. The County Commission will follow the provisions of State Law (MCA 76-1-604) to adopt, revise, or reject the changes to the Growth Policy.

12.3 ACTION PLAN

The Action Plan is a matrix intended as a snap shot of the Goals and Objectives outlined in the Growth Policy. It defines each goal and objective and sets a timeframe for accomplishment. For future tracking, additional columns are added for regulations used in implementation, funding sources, and date completed.

Timeframe is limited to:

- **Ongoing or Ongoing as Opportunities Arise** – indicates something the county or other entities are already involved in or are encouraged to become involved in as circumstances, funding, or other opportunities arise
- **Near term (1-5 years)**
- **Mid-term (5-10 years)**
- **Long term (<10 years)**

12.4 GOALS AND OBJECTIVES

Table 12.1. Fergus County/Towns of Denton, Grass Range, Moore, Winifred Action Plan

Population				
Goal: In the near term (over the next 5 years) stabilize population at or above current levels and in the long term (over the next 10-20 years) seek to maintain the county's rural lifestyle with growth that produces a stable, vital community.				
Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Utilize Snowy Mountain Development Corporation to develop means of recruiting businesses to the County. Work with SMDC to identify the benefits of locating businesses in Fergus County which may include its central location in the state, a relatively low tax and regulatory burden, and its desirable accessibility to outdoor recreational opportunities.	Near term and ongoing	N/A	Snowy Mountain Development Corporation (SMDC) Fergus County Port Authority	
Support activities that would expand opportunities and attract residents to the area that take advantage of existing economic drivers in the County such as the agricultural and recreational industries. Encourage value-added practices.	Ongoing	N/A	Montana Fish, Wildlife, and Parks (FWP) Montana Dept of Transportation (MDT)	
Encourage housing development to support decisions regarding relocation. Where available, provide incentives or assistance to land or lot owners to develop housing projects.	Ongoing	Fergus County Subdivision Regulations	Montana Department of Commerce (MDOC) Community Development Block Grant (CDBG) Housing and Urban Development (HUD) Human Resource Development Council (HRDC)	
Consider and encourage high-density in-fill multi-family developments in and near town centers and cities to prevent urban sprawl and preserve open space and agricultural land.	Ongoing	Fergus County Subdivision Regulations	Fergus County Planning Board	
Upgrade community infrastructure commensurate with anticipated population growth.	Ongoing	Montana Department of Environmental Quality (DEQ)	SMDC Fergus County Port Authority MDOC CDBG, Montana Coal Endowment Program (MCEP) HUD Renewable Resource Grant and Loan Program (RRGL) USDA Rural Development (RD)	

Support local efforts to build community values that will attract engaged community members. This may include addressing blight or other public safety issues.

Near term and ongoing

Junk ordinance – State of Montana

Tax Increment Financing District (TIFD)

Land Use

Goal: Preserve existing land uses by encouraging compatible development.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Maintain subdivision regulations that facilitate new development while protecting public health and safety, taxpayers, lot buyers, and the environment.	Ongoing	Fergus County Subdivision Regulations	Fergus County Planning Board	
Maintain updated subdivision regulations to reflect changes in state requirements or land use patterns.	Near term	Fergus County Subdivision Regulations	Fergus County Planning Board	
Maintain state mandated Buildings for Lease or Rent regulations.	Ongoing	Fergus County Buildings for Lease or Rent Regulations	Fergus County Planning Board	
Consider zoning or other polices that may limit the type of development allowed on property in exchange for some predictability about the types of development that can be undertaken.	Mid-term	Fergus County Subdivision Regulations	Fergus County Planning Board	
Coordinate land use polices and infrastructure development to preserve water resources used by agricultural, recreational, municipal, and other beneficial users.	Ongoing	Fergus County Land Use Policy	Fergus County Planning Board	
Encourage neighborhood plans to develop Future Land Use Maps that identify appropriate locations for different types of land use development.	Mid-term	Fergus County Subdivision Regulations Fergus County Land Use Policy	Fergus County Planning Board	
Recognize and support the critical need for infrastructure and services to be in place prior to or concurrent with new development.	Ongoing	Fergus County Subdivision Regulations	Fergus County Planning Board SMDC Town Councils/County Commissioners	
Promote opportunities for multi-story and mixed-use development in areas that have adequate infrastructure and services.	Near-term	Fergus County Subdivision Regulations	Fergus County Planning Board SMDC	

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Support and protect the natural resources, ecosystem, and recreational opportunities in the county.	Ongoing	Fergus County Land Use Policy Fergus County Subdivision Regulations	MT FWP MDT
Encourage the enhancement of public spaces within County communities.	Mid-term	N/A	MT FWP MDT MDOC Main Street Program
Encourage landowners to utilize conservation techniques and best management practices.	Ongoing	N/A	MSU Extension

Housing

Goal: Meet housing needs for all age, income, and special needs groups.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Seek resources to improve housing quality, condition, and availability.	Near-term	State of Montana Building Code	MDOC CDBG HUD HRDC	
Support efforts to build affordable homes and rentals, including single family homes.	Near-term	N/A	MDOC CDBG HUD HRDC	
Support efforts to provide options for senior housing including housing efforts to keep medically fragile individuals in the community.	Near-term	N/A	MDOC CDBG HUD HRDC	
Encourage the use of universal design elements in housing assisted by federal or state resources. Universal design benefits people of all ages and abilities.	Near-term	State of Montana Building Code	MDOC CDBG HUD HRDC	
Support the incorporation of accessibility in home design including retrofitting existing homes with ADA compliant features to help elderly or disabled residents remain in their home.	Near-term	State of Montana Building Code	MDOC CDBG HUD HRDC	
Work with housing agencies and lenders to promote programs for home improvement and rehabilitation.	Near-term	State of Montana Building Cod	MDOC CDBG HUD HRDC	
Support land use policies that will encourage redevelopment of land for housing purposes.	Near-term	Fergus County Subdivision Regulations	N/A	
Promote and encourage the historic preservation of commercial and residential structures to maintain the historic integrity of communities.	Near-term	State Historic Preservation Office (SHPO) MT DEQ	Montana Historic Preservation Grants MDOC CDBG HUD	

		EPA	HRDC
Promote and encourage infill development with multi-story and multi-family units in areas where existing infrastructure exists.	Near-term	Fergus County Subdivision Regulations	Fergus County Planning Board MDOC CDBG HUD HRDC

Economic Development

Goal: Retain wage earners in the County.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Identify economic development activities that encourage local job creation.	Ongoing	N/A	SMDC Fergus County Port Authority MDOC CDBG Economic Development Big Sky Trust Fund	
County and Town governments collaborate to support economic development projects including infrastructure, community amenities and housing for workforce.	Near-term	Montana Department of Environmental Quality (DEQ) Environmental Protection Agency (EPA)	SMDC Fergus County Port Authority MDOC CDBG, Montana Coal Endowment Program (MCEP) HUD Renewable Resource Grant and Loan Program (RRGL) USDA Rural Development (RD)	
Encourage business retention and expansion by identifying business needs and supporting “buy-local” programs.	Near-term	N/A	SMDC Fergus County Port Authority MDOC CDBG Economic Development Big Sky Trust Fund	
Encourage State and Federal governments to move, maintain, and retain offices within the County to support local economies.	Mid-term	N/A	N/A	
Maintain County and Town budgets at a level that will support infrastructure such as water, sewer, roads and	Ongoing	DEQ EPA	MDOC CDBG, MCEP USDA RS RRGL	

bridges and that maintains a safe, healthy, and attractive environment such as fire and police protection and weed management.

Montana Disaster and
Emergency Services (MT
DES)
FEMA
MSU Extension
American Rescue Plan Act
(ARPA)

Goal: Protect the Right to Farm and Ranch

Objectives:	<i>Timeframe</i>	<i>Regulations Used</i>	<i>Potential Funding or other Resources</i>	<i>Date Accomplished</i>
Encourage the continuation of local farming and ranching and ensure the necessary services and infrastructure are maintained and expanded when necessary.	Ongoing	Fergus County Subdivision Regulations	SMDC Fergus County Port Authority MDOC CDBG, MCEP HUD RRGL USDA RD MSU Extension	
In adopting new regulations and managing existing regulations, the County will support the right to farm and ranch.	Ongoing	Fergus County Subdivision Regulations	Fergus County Planning Board	
Promote development within cities, existing unincorporated communities, and other areas planned for development where public facilities and infrastructure are available, and away from rural areas and areas used exclusively for agriculture.	Ongoing	Fergus County Subdivision Regulations Fergus County Land Use Policy	Fergus County Planning Board	
Consider developing a county-wide agricultural protection plan.	Mid-term	Fergus County Subdivision Regulations	Fergus County Planning Board/Commissioners	
Encourage Development standards that protect the following agricultural activities including but not limited to: spraying chemicals, burning fields, and use of machinery at any hour; control of domestic animals; maintenance of agricultural fencing; protection of agricultural water user facilities, ditches, and water rights.	Mid-term	Fergus County Subdivision Regulations	Fergus County Planning Board/Commissioners	

Goal: Diversify and broaden the economy

Objectives:	<i>Timeframe</i>	<i>Regulations Used</i>	<i>Potential Funding or other Resources</i>	<i>Date Accomplished</i>
Support the development of markets for new and existing agricultural businesses as well as other potential businesses.	Ongoing	Fergus County Subdivision Regulations	SMDC Fergus County Port Authority MDOC CDBG, MCEP HUD RRGL USDA RD MSU Extension	
Support increased resources for agricultural research that supports growth of agribusinesses and improves competitiveness of growers.	Near-term	N/A	USDA RD MSU Extension	
Create and market a business climate that would attract home businesses and telecommuters. Promote the area's solitude, family-friendly atmosphere, beauty, and recreational opportunities that might attract non-traditional wage earners to move to the area.	Near-term	N/A	SMDC Fergus County Port Authority MDOC CDBG USDA RD MSU Extension	
Support expanded broadband and cellular service infrastructure within the County.	Near-term	N/A	ARPA	
Seek local Montana Job Service presence to fill existing seasonal and full-time jobs and/or provide education on jobs that could be performed remotely.	Near-term	N/A	Montana Job Service	
Support efforts to offer workforce training.	Near-term	N/A	SMDC Fergus County Port Authority Big Sky Trust Fund	
Promote opportunities for economic development based on recreational activities.	Near-term	N/A	MT FWP SMDC Fergus County Port Authority MDOC CDBG	

Local Services

Goal: Public health and social services in Fergus County and the Towns of Denton, Grass Range, Moore and Winifred that serve the needs of the citizens.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Identify incentives that could be provided to volunteers as a way to draw them to community service.	Near-term	N/A	MT DES	
Endorse a community emergency medical services training program.	Near-term	Montana Department of Public Health and Human Services (DPHHS)	MT DES	
Work with the State Department of Public Health and Human Services to develop reasonable requirements for volunteer emergency personnel.	Near-term	DPHHS	N/A	
Encourage agencies that provide health care services to serve elderly residents locally rather than forcing individuals in need of care to move to surrounding cities.	Near-term	N/A	Montana Healthcare Foundation	
Goal: Adequate emergency services in Fergus County and the Towns of Denton, Grass Range, Moore and Winifred.				
Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Encourage volunteers for fire and emergency services.	Near-term	DPHHS	MT DES	
Encourage community involvement in supporting emergency services provided by the local volunteer fire departments.	Near-term	N/A	N/A	
Ensure all new development has adequate ingress and egress to and from structures and developments to facilitate access from emergency services.	Near-term	Fergus County Subdivision Regulations	Fergus County Planning Board	
Ensure an adequate water supply is available for fire protection.	Near-term	Fergus County Subdivision Regulations	SMDC Fergus County Port Authority MDOC CDBG, MCEP HUD RRGL USDA RD MSU Extension	
Develop criteria for regulations covering building in urban/rural interface, with regard to fire mitigation requirements.	Near-term	Fergus County Subdivision Regulations	Fergus County Planning Board MT DES	
Encourage law enforcement to not only be a police presence, but also provide education.	Near-term	N/A	Montana Board of Crime Control MDT	
Goal: School facilities and programs that will attract students and personnel.				

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Support programs that will provide incentives to teachers and other school personnel to attract them to employment at schools.	Near-term	N/A	Montana TEACH Act	
Support school funding levels to support extra-curricular activities that will attract and keep students in school.	Near-term	N/A	Montana High School Association	
Goal: Provide for the public service needs of the community at reasonable and acceptable cost to the taxpayers.				
Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Maintain County and Town budgets at a level that will support local services such as emergency services, law enforcement, weed management, social services, and education that maintains a safe and healthy environment for residents without an excessive tax burden.	Near-term	N/A	MT DES FEMA MSU Extension Montana Board of Crime Control MDT	

Public Facilities

Goal: Systematically plan and budget for capital improvements within the Towns and County to efficiently maintain and upgrade public infrastructure as needed.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Prepare and utilize the Comprehensive Capital Improvements Plan (CCIP) for Fergus County and its incorporated towns.	Near-term	N/A	MDOC CDBG, MCEP ARPA	
Continue to update CCIP annually as County needs change.	Ongoing	N/A	MDOC CDBG, MCEP ARPA	
Support upgrades of public facilities for ADA compliance.	Ongoing	Americans with Disabilities Act	MDOC CDBG USDA RD	
Support the Towns of Denton, Moore, Grass Range and Winifred in their efforts to plan, fund, and build water, sewer, roads, and utilities through state and federal funding mechanisms.	Ongoing	Montana DEQ EPA	MDOC CDBG, MCEP USDA RD RRGL ARPA	
Encourage leveraging additional resources for infrastructure through private/public partnerships.	Near-term	Montana DEQ EPA	MDOC CDBG, MCEP USDA RD RRGL ARPA	

Consider policies that require developers to pay a proportional share for infrastructure upgrades and expansion.	Near-term	Fergus County Subdivision Regulations	MDOC CDBG, MCEP USDA RD RRGL ARPA	
Goal: Maintain the existing County roads and bridges efficiently, economically, and based on standard criteria.				
Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Follow the recommendations for maintenance and improvements to the County transportation system outlined in the CCIP.	Ongoing	N/A	MDOC MCEP MDT ARPA Federal Highways Administration (FHWA) Department of Defense (DOD)	
Encourage securing financial assistance as available from programs that may help leverage local funds in the maintenance of County roads and bridges (i.e. MCEP, FLAP, TA, etc.)	Near-term	N/A	MDOC MCEP MDT ARPA FHWA DOD	
Work with state and federal agencies to improve road conditions affected by use due to public lands access.	Near-term	N/A	DOD FWP	
Encourage County staff and officials to communicate with MDT personnel on a regular basis to take advantage of MDT road, bridge, and transportation alternative programs.	Near-term	N/A	MDT FHWA	
Stay apprised of funding opportunities.	Near-term	N/A	MDOC MCEP MDT ARPA FHWA DOD	

Natural Resources

Goal: Maintain and improve water quantity and water quality in the County.

Objectives:	<i>Timeframe</i>	<i>Regulations Used</i>	<i>Potential Funding or other Resources</i>	<i>Date Accomplished</i>
Ensure private property rights are considered in decisions.	Ongoing	Fergus County Subdivision Regulations Fergus County Land Use Policy	N/A	
Work with Watershed Groups, state, and federal agencies to develop a water plan.	Near-term	N/A	Big Spring Watershed Council MT FWP MT DNRC	

Support water use efficiency and water conservation.	Near-term	N/A	Big Spring Watershed Council MT FWP MT DNRC	
Support water related training, education, and outreach.	Ongoing	N/A	Big Spring Watershed Council MT FWP MT DNRC	
Support improvements to the Montana Water Information System.	Near-term	N/A	Montana State Library	
Goal: Develop natural resources while balancing economic development with environmental responsibility				
Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Ensure private property rights are considered in decisions.	Ongoing	Fergus County Subdivision Regulations Fergus County Land Use Policy	N/A	
Encourage conservation and preservation of natural resources.	Ongoing	Fergus County Subdivision Regulations Fergus County Land Use Policy	MT FWP MT DNRC	
Promote renewable resource development.	Ongoing	Fergus County Land Use Policy	MT DNRC MT DEQ	
Continue to support the Targeted Implementation Plans (TIP) as outlined in the Fergus County Long Range Plan 2020 led by local Natural Resource Conservations Service (NRCS). The Fergus County Long Range Plan is a document led by NRCS to identify natural resources (soils, water, air, plants, and animals) issues throughout the county. NRCS local Lewiston office developed this document along with other state, federal agencies, and local working groups. The plan identifies and prioritizes natural resource issues, then develops a TIP to carry out a desired outcome. In 2021 local NRCS developed 2 TIPS.	Ongoing	N/A	NRCS	
Encourage the updating of the Wildland Urban Interface Wildlife Mitigation Plan.	Ongoing	Fergus County Subdivision Regulations	Snowy Mountain Development Corp MT DES	

Recreation

Goal: Improve and maintain access to accessible public lands.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Improve relations between users and landowners.	Near-term	Fergus County Land Use Policy	MT FWP BLM US Forest Service	
Maintain communication with state and federal agencies for current and future access to public lands.	Ongoing	Fergus County Land Use Policy	MT FWP BLM US Forest Service	
Support and encourage the dedication of recreation systems that are adjacent to, or continuations of, existing or planned parks, recreation areas, open space, trails, or public lands.	Near-term	Fergus County Land Use Policy	MT FWP BLM US Forest Service	

Goal: Support recreational, cultural, and historical economic industries.

Objectives:	Timeframe	Regulations Used	Potential Funding or other Resources	Date Accomplished
Contribute to the strong outdoor recreation industry by marketing the abundance and availability the county has to provide.	Near-term	N/A	Snowy Mountain Development Corp MT FWP	
Continue to preserve and highlight cultural and historical significance.	Near-term	N/A	MDOC(Montana Historic Preservation Grants, etc.)	

Bibliography

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Regional Economic Models, Inc., [REMI-2020-Brochure.pdf](#)

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Comprehensive Economic Development Strategy, Snowy Mountain Development Corporation

American Community Survey Data Profiles, United States Census Bureau

Fergus County Land Use Plan Revised June 2021

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APPENDIX



An Employee-Owned Company



A

FERGUS COUNTY GROWTH POLICY PUBLIC INVOLVEMENT PLAN AND OUTREACH DOCUMENTATION



An Employee-Owned Company



Growth Policy Public Involvement Plan

Activity	Survey	Public Meeting/Open House	Website	Press and Other
Tasks to Accomplish	☐ Create survey instrument ☐ Determine distribution method: County/Stahly/Project web site, newspaper, Fergus electric bill, libraries, courthouse/Town Hall drop boxes, at public meeting/ Open House ☐ Analyze results ☐ Report results: within document, on web site, at second public meeting, others?	☐ July 2021—general educational public meeting ☐ Planning Board decide when, where, and format; consider multi-community venues ☐ Allow for general comments on growth issues (or lack thereof) in Fergus County and surrounding communities ☐ October 2021—open house “speed dating” format ☐ Planning Board decide when, where, and format ☐ Allow for comments on draft sections of the Policy through committee hosting area of interest tables	☐ Create site to post information about the development of the policy, provide awareness of how to get involved, provide plan updates, allow for comment ☐ Also post links on County site	☐ Community outreach—identify and invite representative from outlying communities to be part of the Growth Policy Advisory Committee ☐ News Argus—press release regarding Growth Policy in conjunction with each public meeting ☐ Personal outreach to local civic or other organizations including state and federal agencies ☐ Post bulletins in public spaces in all communities ☐ Get various announcements regarding Growth Policy on Commission Agenda as an announcement
Anticipated Start-Completion	Finalize survey instrument no later than first open house in July 2021 Conduct Survey: July 2021—September 2021 Analyze and report results: October 2021	Public Announcements: to newspaper to run two consecutive weeks before each public event	Launch site July 2021 Provide regular posts and monitoring until 03/22	Finalize Advisory Committee by June 1, 2021 and invite to committee meeting June 10, 2021 Legal notice of Public Meetings publish twice two weeks before public meeting dates Press releases: in conjunction with legal notice Newsletters: August 2021 and at plan review stage Personal outreach: throughout

For Immediate Release (prefer publication date of September 30, 2021)

Contact: Pam Vosen, Planning Director

(406) 535-9046

Press Release: Fergus County, Towns of Denton, Grass Range, Moore, and Winifred Growth Policy Public Meeting/Open House

**Fergus County and the Towns of Denton, Grass Range, Moore, and Winifred
Growth Policy Public Meeting/Open House**

Citizens of Fergus County and the Towns of Denton, Grass Range, Moore, and Winifred are encouraged to get involved in the ongoing Growth Policy process by attending a public meeting/open house on Wednesday, October 13 at the Trade Center at the Fergus County Fairgrounds at 5:30 p.m.

Fergus County Commissioners have authorized the Fergus County Planning Board to develop a Growth Policy on behalf of the County and the Towns of Denton, Grass Range, Moore, and Winifred. The Policy will not include the City of Lewistown or the 4 ½ mile fringe area surrounding the City. The City of Lewistown currently utilizes a separate Growth Policy.

A Growth Policy is a means of proactively preparing for change affected by growth or lack of growth. It is a community's development plan. It evaluates existing community conditions and sets goals for housing, land use, economic development, local services, public safety, natural resources, transportation, and other unique characteristics and features of the community.

The upcoming public meeting/open house will include a brief presentation on the purpose and process for creating a community Growth Policy. Members of the Planning Board and Steering Committee and the County's consultants from Stahly Engineering & Associates will be on hand to answer questions and take your comments on the various topics included in the Growth Policy.

A web site is being utilized to provide information and opportunities for comments regarding the Growth Policy. The web site can be accessed at www.fergus.stahlyprojects.com or via a link from the County's web site: <https://co.fergus.mt.us>. A draft version of the Growth Policy and a survey related to the content of the Growth Policy is also available for submittal online at: www.fergus.stahlyprojects.com/online-survey. Paper copies of the survey are available at the County Planning office at 712 West Main Street, Lewistown, Montana and will also be available at the public meeting/open house.

Anyone who would like more information or who wants to submit suggestions should contact Pam Vosen, Fergus County Planning Director, (406) 535-9046 or Robie Culver, Stahly Engineering & Associates, (406) 442-8594.

For Immediate Release

Contact: Pam Vosen, Planning Director

(406) 535-9046

Press Release: Fergus County, Towns of Denton, Grass Range, Moore, and Winifred DRAFT Growth Policy Available for Review and Announcement of Public Meeting/Open House

**Fergus County and the Towns of Denton, Grass Range, Moore, and Winifred
DRAFT Growth Policy**

Fergus County Commissioners have authorized the Fergus County Planning Board to develop a Growth Policy on behalf of the County and the Towns of Denton, Grass Range, Moore, and Winifred. The Policy will not include the City of Lewistown or the 4 ½ mile fringe area surrounding the City. The City of Lewistown currently utilizes a separate Growth Policy.

A Growth Policy is a means of proactively preparing for change affected by growth or lack of growth. It is a community's development plan. It evaluates existing community conditions and sets goals for housing, land use, economic development, local services, public safety, natural resources, transportation, and other unique characteristics and features of the community.

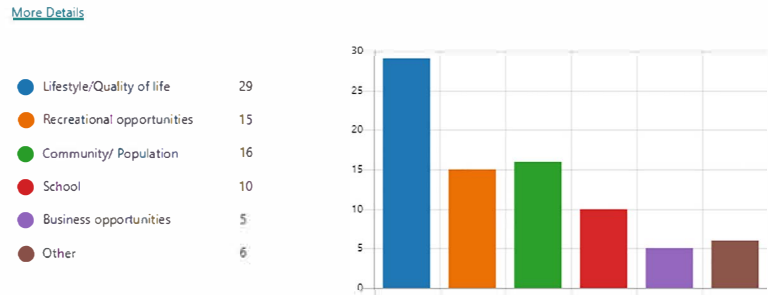
Citizens of Fergus County and the Towns of Denton, Grass Range, Moore, and Winifred are encouraged to get involved by reviewing the DRAFT Growth Policy now available on the project website at www.fergus.stahlyprojects.com or in hard copy at the Fergus County Planning Office. A public meeting/open house will be held at the Fairgrounds Trade Center on Wednesday, March 16, 2022 from 5:30-7:00 p.m. to take comment on the draft. You may also leave comments on the website or mail them: Attention Fergus County Planning Board, 712 West Main Street, Lewistown, MT 59457.

Anyone who would like more information can contact Pam Vosen, Fergus County Planning Director, (406) 535-9046 or Robie Culver, Stahly Engineering & Associates, (406) 442-8594.

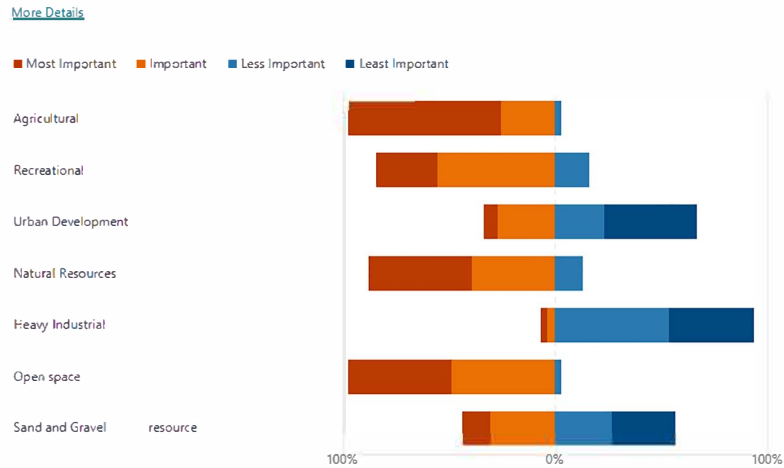
1. If you reside within one of the Incorporated Towns of Denton, Grass Range, Moore, or Winifred, which Town do you live in?



2. Why do you choose to live in Fergus County and/or the Incorporated Town you are a resident of (check all that apply)?



3. Land Use
Rank the following types of land use within the County or your community that are most important to you based on how this may affect your livelihood or your quality of life.



4. Should local government be involved with Federal agency decisions that affect land use? (If yes explain why)



5. Are there areas of the County where residential or commercial development should be promoted (check all that apply)?



6. Are there areas of the County you feel are unsuitable for growth? Where?



7. If a large scale industry (windfarm, solar farm, hog farm, feed lot, etc) were planning to develop in Fergus County or from a visible location near the highway, do you think the county should regulate the location or building of such a development in order to mitigate potential detrimental aesthetic value?



8. Would you like to see the population grow?



9. Does your community need additional subsidized low-cost housing for lower income families or senior citizens in the area?



10. Is there a need for assisted living facilities for elderly or disabled in the County or community?



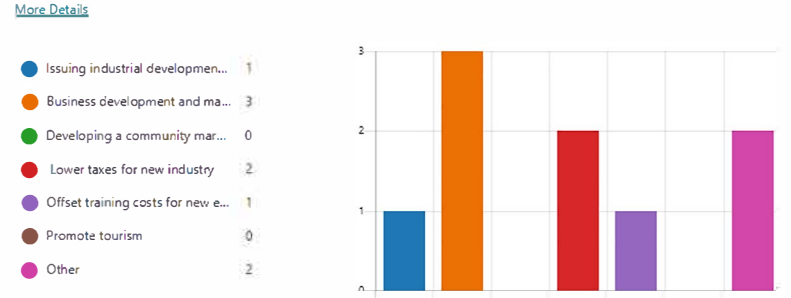
11. Are there adequate rental units available to you?



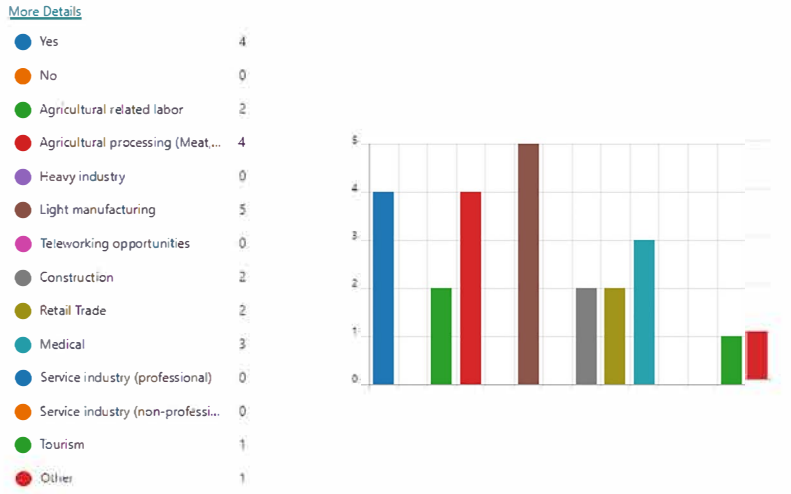
12. Would you like to see economic growth occur in the County or your community?



13. What economic development activities should be considered to promote new and existing industry? Check all activities you feel would be appropriate.



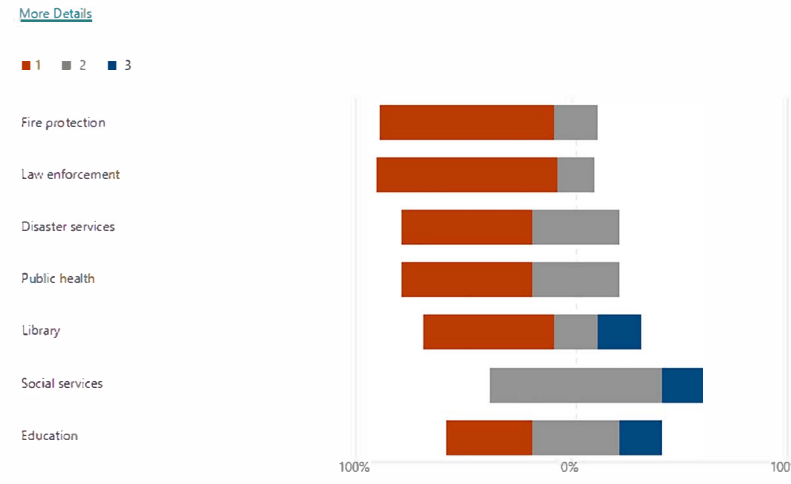
14. Are more employment opportunities needed in the county. If yes, please specify the types of employment opportunities most desirable,



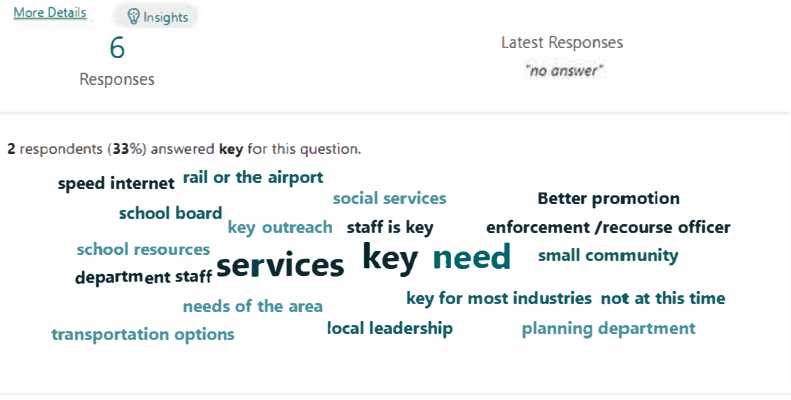
15. Do you feel the County is adequately providing local services?



16. Please rank the services the County provides that you feel are most important. 1 being Most Important and 3 being Least Important



17. Are there services that the County does not provide that you feel are important to residents of the County and should be provided?(i.e. rural high speed internet, county owned water and sewer, etc.)



18. If you reside within an Incorporated Town do you feel the Town is adequately providing local services?



19. Do you feel the County adequately provides and maintains public facilities? (Please provide example if not)

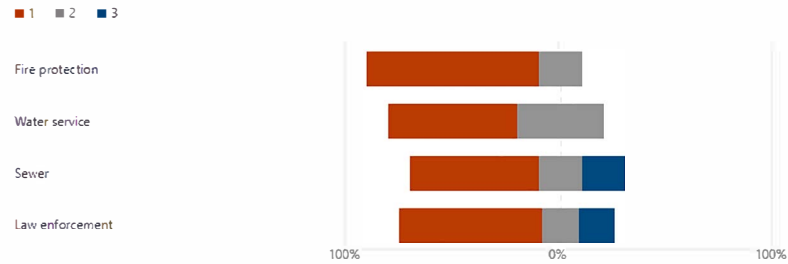


3 respondents (60%) answered yes for this question.



20. Please rank the services the Town provides that you feel are most important. 1 being Most Important and 3 being Least Important

[More Details](#)



21. Are there services that the Town does not provide that you feel are important to residents of the Town and should be provided? (i.e. recreational facilities, water or sewer services, etc.)

[More Details](#)

Insights

6

Responses

Latest Responses

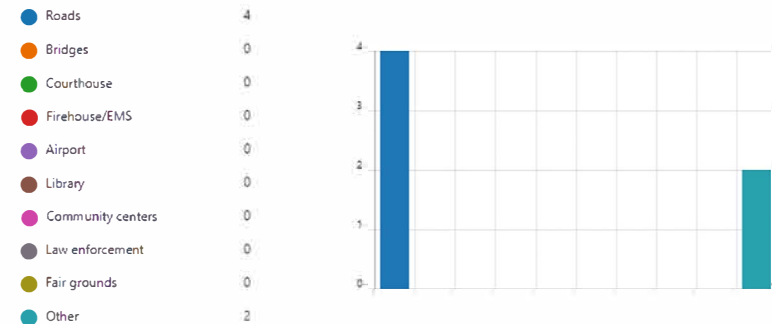
"no answer"

1 respondents (17%) answered **intentional leadership** for this question.

recreation alot of work enforcement officer
law enforcement intentional leadership residents
County Roads improvements & communications
no answer

22. Choose which you feel are most important

[More Details](#)



23. If you reside within an Incorporated Town do you feel the County adequately provides and maintains public facilities?

[More Details](#)



24. Please click the Town managed facilities you feel are most important.

[More Details](#)



25. Are there facilities that the Town does not own or manage that you feel would benefit the residents of the County? (i.e. clinic, park, recreation facilities, museum, refuse site, cemetery, jail, etc.)

[More Details](#)

Insights

6

Responses

Latest Responses

"museum owned by non-profit"

1 respondents (17%) answered **community center** for this question.

telecom 1 respondents (17%) seniors profit NONE
community center non No
museum city shop medial outreach
recreation

26. Should the County promote the development of natural resources in an effort to boost the local economy?

[More Details](#)



27. Does the County need to develop additional sand and gravel resources (if yes where)?

[More Details](#)



28. Are the recreational opportunities in Fergus County adequate

[More Details](#)



29. What additional facilities should be pursued by the County to promote recreational access? (Trails, established hunting/fishing accesses, camping, etc.)?

[More Details](#)

Insights

6

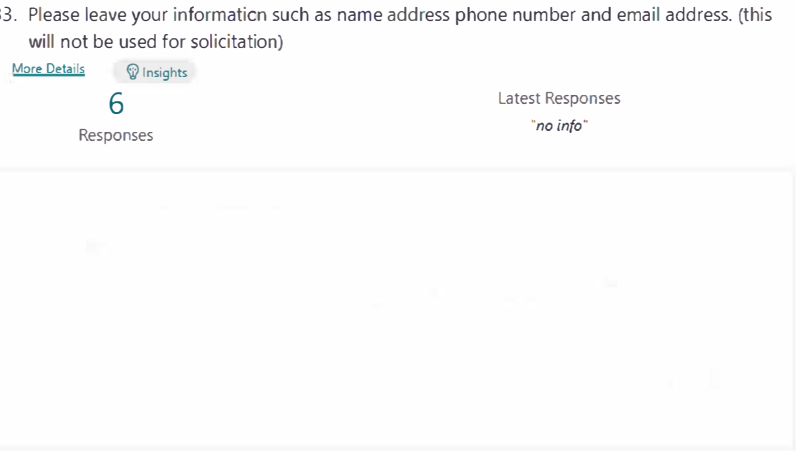
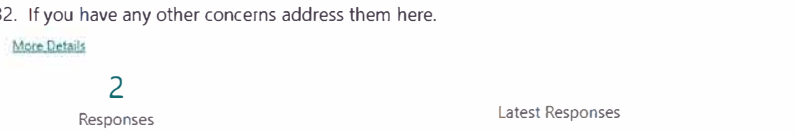
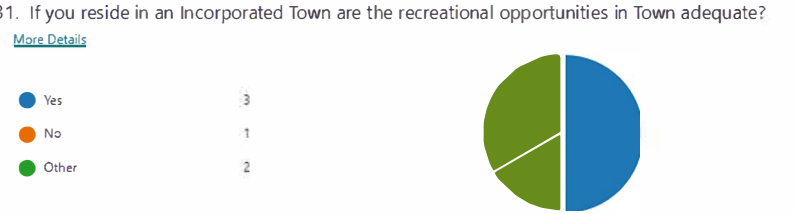
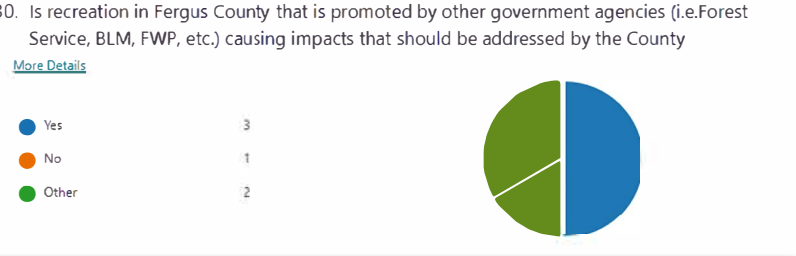
Responses

Latest Responses

"no answer"

2 respondents (33%) answered **areas** for this question.

additional facilities Trails little educational resources None
hunting areas areas park area Ash Street
access natural areas County issues and lifestyle
private lands rural issues no answer communication and understanding





B FERGUS COUNTY LAND USE PLAN



An Employee-Owned Company

Fergus County Land Use Policy



August 17, 1992
Restated October 15, 2007
Revised February 16, 2011
Revised June 2021

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INTRODUCTION:

The Fergus County Land Use Policy is the county land use plan developed by the Fergus County government to guide the use of lands and resources in Fergus County and to protect the rights of the private landowners.

Federal and State lands make up a substantial part of Fergus County. The nature and intent of the county's land use policy is to protect the customs and cultures of county citizens through protection of private property rights, the facilitation of a free market economy, and the establishment of a process to ensure self-determination by Fergus County residents.

This policy addresses land use management issues directly and is intended to be used as a positive guide to assist federal and state land management agencies in their development and implementation of land use plans and management actions. Fergus County and its citizens support the continued multiple use of federal and state lands in Fergus County. Therefore, in compliance with federal statutes, federal and state agencies to the extent bound by federal law and regulation shall inform local governments of all pending actions affecting local communities and citizens and coordinate with them in the planning and implementation of those actions. The Fergus County Commission, when affected by such actions, shall be consulted and coordinated with in accordance with the constitutions and Laws of Montana and the United States and the Charter of Fergus County.

Finally, in compliance with federal and state law, including but not limited to the National Environmental Policy Act, the Federal Land Management and Policy Act of 1976 and the National Forest Management Act, all federal and state agencies shall consider, to the maximum extent required by law, the Fergus County Land Use Policy and coordinate with the County Commission for the purpose of planning and managing federal and state lands within the geographic boundaries of Fergus County, Montana.

The Fergus County Commission can amend and add to this policy at any given time and if any part of the Policy is held invalid such invalidity does not affect other parts of the Policy.

PREAMBLE:

We, the people of Fergus County, State of Montana, accept, support, and sustain the Constitution of the United States and of the State of Montana. We have demanded through our elected legislature and governor that the federal and state governments comply with the constitution of the United States, Article One, Section Eight, which lists: (1) the specific powers of congress; (2) things forbidden to Congress; and (3) things forbidden to the States. These rights are empowered by Amendment X which says, "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or the people." That the Fifth and Fourteenth Amendments to the United States Constitution provides that private property shall not be taken for a public use without payment of just compensation and without due process. That the Presidential Executive Order 12630 was enacted and requires federal agencies to analyze the economic effects or takings implications of their proposed policies, decisions, rules, and regulations on the private property, private property rights and investment backed expectations of individual citizens. That the purpose of the Civil Rights Act, 42 U.S.C. is to protect the citizens of the United States from acts which "injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States."

Further, we reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence and acknowledge the limited nature of government as intended by the nation's founding father. Based on these cherished traditions, we declare that all natural resource decisions affecting Fergus County shall be guided by the principles of protecting private property rights, protecting local customs and cultures, maintaining traditional economic structures thorough self-determination, and opening new economic opportunities through reliance on free markets. Resource decisions made in this manner will enhance environmental quality.

SCHOOLS AND EDUCATION

Fergus County believes in the continuation of quality education for all children, while recognizing changes in educational needs and the limitations of funding.

GUIDELINES:

1. Fergus County recognizes the need for mandatory identification of all public land ownership and/or jurisdiction for all lands in Fergus County on a yearly basis.
2. Fergus County will protect the original interpretation and intent of public and school lands to fund public education.
3. Fergus County will protect and promote private ownership of lands.
4. Fergus County school districts will continue to have control of their long-term policies.

BUSINESS AND INDUSTRY

Fergus County recognizes that business and industry are vital to its economy. Therefore, it is the policy of Fergus County to promote the continuation of a sustainable industrial/business climate by promoting economic opportunity, relying on self-determination, and ensuring open markets conditions.

GUIDELINES:

1. Land use policies, set forth herein, shall be informed by local government on a county-wide basis, rather than federal or state governments.
2. Fergus County maintains that sufficient water should be available for county-wide agricultural, business, urban, and industrial uses but protected from pollutants.
3. Fergus County believes in the promotion of multiple uses of land and natural resources protecting the ability of agriculture and industry to utilize and develop those resources to their best economic potential in an environmentally sound manner.

AIRPORT AFFECTED AREA

The Lewistown Municipal Airport is an important part of the local economy in the Central Montana area. Fergus County promotes public health, safety and general welfare of the airport users and property within the vicinity of the airport, by addressing the effects of noise, height of structures and trees and land use in the designated areas.

GUIDELINES:

1. Land use polices designated in the Lewistown Municipal Airport Affected Area Regulations should be incorporated into any state or federal land use polices or regulations.

FORESTRY

The customs and cultures associated with timber and wood products production in Fergus County is necessary to the livelihood and well-being of its citizens. It is the policy of Fergus County to protect timber resources and promote the continuation of an economically viable and sustainable wood products industry.

GUIDELINES:

1. To the extent required by statute, local, state and federal agencies must comply with Fergus County's weed management plan.
2. As required by federal law and regulation, federal and state government shall consult with Fergus County before setting policies, thus taking into account local concerns.
3. Fergus County recognizes the need for more intensive management of state and federal lands to identify lands for high forest productivity; using modern techniques to utilize and promote timber growth, wildlife, and livestock grazing.
4. State, federal, or local governments should not be able to deny or restrict timber harvesting on private lands.
5. Fergus County endorses the planning efforts of any governmental agency in promoting healthy forests which involves timber harvesting.

WILDLIFE/ENDANGERED SPECIES

Fergus County shall promote wildlife opportunities compatible with local customs and cultures and within the constraints of private property rights and local self-determination.

GUIDELINES:

1. State and federal agencies furnishing wildlife habitat must take on management of those species and the control of wildlife populations, Fergus County supports the requirement that state and federal wildlife management agencies assume financial responsibility, including depredation to private property by said species.

2. Fergus County encourages federal and state agencies to manage their wildlife populations in Fergus County taking into consideration of local economics, heritage, cultures, and private property rights.
3. Fergus County shall support realistic sustainable wildlife population levels allowing for recreational hunting of game animals as a management tool for population control. The property rights of individuals is recognized as more important than fish, wildlife, and endangered or threatened species.
4. Fergus County supports no net loss of livestock grazing AUM's for any permit due to increasing wildlife population and habitats. If there is an increase in available public habitat for wildlife and game numbers are allowed to increase, there will be a proportionate increase in livestock AUM's. If an agency is considering increasing the number of wildlife in an area, the potential change in livestock AUM's should be coordinated with the Fergus County Commissioners.
5. Pursuant to the 5th Amendment of the US Constitution, there will be no "taking without just compensation" of private property rights to create protected habitat for fish, wildlife, and threatened or endangered species.
6. As required by law, any state or federal agency will coordinate with the Fergus County Commissioners and Planning Office if considering declaration of or introduction of an endangered species.
7. Realizing that Fergus County relies on the multiple use of public lands for recreation, livestock grazing, logging, fishing, and mining and that these uses are sustainable and renewable resources, Fergus County shall promote multiple uses and shall oppose the creation of wilderness designations which impede economic opportunities.

TOURISM AND RECREATION

Fergus County recognizes that the development of its recreation resources is essential to its long term economic and cultural viability. Fergus County promotes recreational and cultural opportunities compatible with local customs and cultures within the constraints of private property rights and local self-determination.

GUIDELINES:

1. Fergus County's stance will be to retain adequate legal access for multiple uses of public lands.
2. Fergus County will endeavor to promote better understanding and communication regarding legal access to public lands and the legal description of those public lands.
3. Fergus County supports and encourages historic tourism/recreation – i.e. rodeos, fairs, and winter recreation.
4. Hunting and fishing are part of Fergus County's customs and cultures. The Fergus County Land Use Policy supports hunting and fishing rights.

MINING, NATURAL RESOURCES, & RENEWABLE ENERGY

Fergus County recognizes that the development of its abundant mineral, renewable energy and natural resources are economically desirable. It is the policy of Fergus County to promote long term availability and responsible development of its minerals, renewable energy, and natural resources.

GUIDELINES:

1. Fergus County's policy will be to assure that mining will enjoy Constitutional opportunities provided by law, the multiple use concepts, and protect private property rights. The policy endorses the 1872 Mining Law concepts of self-initiation, right of access to mineral land (with consideration of surface ownership), diligent development, security of tenure, and the rights of the small miner. (Appendix B: Summary of 1872 Mining Law)
2. Fergus County recognizes that mining, renewable energy, and natural resource development has been and continues to be an important social and economic part of Fergus County and must be allowed to continue in an environmentally and socially responsible manner. Fergus County will encourage the education of the public regarding the importance of mining, renewable energy, and natural resource development to its economy and the free enterprise system, the value to and uses of extractive minerals, renewable energy, and natural resource development in our society, and the effect of legislative and regulatory activities on mining, renewable energy, and natural resource development.
3. Fergus County endorses the compliance by mining, renewable energy, and natural resource development interests of all applicable laws and regulations, terms and conditions of operating permits, and sound reclamation practices.
4. Fergus County will endorse policy to ensure that no undue restraints are placed on mining within historic mining areas and districts in Fergus County.
5. Fergus County will endorse policy to ensure that no undue restraints are placed on natural resource development in Fergus County.
6. Fergus County will endorse policy to ensure that no undue restraints are placed on renewable energy development in Fergus County.

AGRICULTURE

The customs and cultures associated with agricultural production in Fergus County are necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Fergus County to protect agricultural land and promote the continuation

of agricultural pursuits by protecting private property rights, relying on self-determination, and ensuring open market conditions.

GUIDELINES:

1. Fergus County supports the protection of private property rights including the historical use of the land by individuals to produce food and fiber without undue regulation.
2. Fergus County believes all land use decisions should take into account the effect on the economy with recognition of the fact that agricultural production is the largest segment of our economy and affects other area businesses, services, schools, and our tax base.
3. Fergus County opposes “takings” or “condemnations” without just compensation and in local control versus outside mandates in regard to, but not limited to, environmental concerns, water uses, and endangered species.
4. Fergus County supports the “multiple use” concept on public land and believes there should be “no net gain” of public lands within Fergus County.
5. Fergus County will not endorse any federal or state monument, wilderness, or wildland designations unless it has support of the Fergus County constituents and the Fergus County Commissioners.
6. Fergus County believes in a policy in accordance with Montana Code Annotated, that no agricultural or farming operations, place, establishment, or facility or any of its appurtenances of the operation thereof is or becomes a public or private nuisance because of the normal operations as a result of changed residential or commercial conditions in or around its location if the farming operation, place, establishment, or facility has been in operation longer than the complaining resident or landowner has been in possession of the property.
7. Fergus County also recognizes that all state and federal agencies must work in cooperation with the Fergus County Commission prior to enacting any new or making changes in land designations. Fergus County will consider any state & federal range management plans or guidelines that are already in place.

WATER RESOURCES

Fergus County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability. Fergus County shall recognize, within the context of customs and cultures, the use and development of private rights and shall require, to the extent mandated by law, full compliance in the acceptance and enforcement of such designations, and final adjudication of existing rights in a timely manner.

GUIDELINES:

1. The protection of existing water rights and the protection of historic water uses within the county are of primary importance to the county's economic and cultural well-being. Therefore, transfers in water uses should be carefully considered in relationship to the history, traditions, economics, and culture of Fergus County. Any federal or state proposed designation of Wild and Scenic Rivers and all federal and state policies regarding riparian management in Fergus County shall be coordinated with the county commission. Federal and state agencies managing waterways and wetlands containing endangered or threatened species shall coordinate their management activities and plans with the County Commission to the maximum extent of the law.
2. Fergus County shall promote, monitor and pursue development of water uses for existing as well as future water rights for agriculture, municipal, industrial, and domestic purposes. In addition, Fergus County shall promote alternative uses of water, including but not limited to recreation and hydro-electric power.
3. Fergus County recognizes the historical use of water by humans, vegetation, livestock, and wildlife within Fergus County.
4. To the maximum extent allowed by law, the Fergus County government shall be notified of all state, interstate, and federal actions that have any impact on the water of Fergus County prior to such actions being initiated. In addition, such proposed actions, including federal and state proposed Wild and Scenic River designations, shall be coordinated with the Fergus County Commission prior to adoption and implementation. It is the intent of Fergus County to assist federal and state agencies in the planning and management of Fergus County's natural, cultural, and economic resources.
5. Fergus County shall protect water quality by requiring solid, toxic waste, or hazardous sites comply with county policy. No radioactive waste sites shall be allowed in Fergus County due to unknown danger to the county water resources.
6. Fergus County will support all applicable regulations pertaining to the monitoring of water resources.

Appendix A

FERGUS COUNTY HISTORY

The area now known as Fergus County has fallen under many jurisdictions in the past two centuries. Originally part of the Louisiana Territory when President Thomas Jefferson purchased it from France in 1803, it was later part of the Territories of Nebraska, Dakota, Idaho and finally Montana. When the Territory of Montana was formed in 1864, it was necessary to divide it into counties. The First Territorial Legislature established the original nine counties, and seven more were added before the territory became a state. After several years of appealing to Congress for statehood, Montana joined the Union as the forty-first state on November 8, 1889.

The Judith Basin was the summer encampment for the Crow, Blackfeet, Nez Perce, Flathead and various other Native American tribes for at least a century before the Lewis and Clark expedition in 1805. The present location of Lewistown was the center of Indian encampments and the gathering place of many Indian tribes, owing to its splendid access to wood, water, grass and abundant game.

With a treaty pending to locate the Crow Indians on a reservation in the Judith Basin, Nelson Story, Sr. and Charles W. Hoffman of Bozeman sent Peter Koch to the Judith Basin to build a trading post for the new Crow Agency. The site was on Trout creek, now Big Spring Creek, near the mouth of Little Casino Creek and was named Fort Sherman.

But, the treaty was not ratified, and Fort Sherman was sold to the Dawes brothers who then sold to Alonzo Reed and John Bowles. Reed and Bowles floated the dismantled Fort Sherman down Big Spring Creek and rebuilt on the site where the Carroll Trail crossed Big Spring Creek. They operated there under the name of Reed and Bowles from Nov. 1874 to 1880. In 1880 Reed and Bowles dissolved their partnership and in 1881 Reed returned to the Fort Sherman site and ran a trading post and post office there under the name of Reed's Fort.

The 7th United States Infantry came to the area in the summer of 1874 and established Camp Lewis (at 311 W Main in the present town of Lewistown). Camp Lewis was established to guard the Carroll Trail, which stretched from Carroll, Montana located on the Missouri River above the Musselshell to Reed and Bowles' Trading Post, through Judith Gap to Fort Logan and on to Helena. Camp Lewis was named in honor of Major William H. Lewis, but the major was never stationed in the camp. After 1881, the community on Big Spring Creek was commonly known as Lewistown.

“In 1879, some 25 Metis families, traveling in Red River carts, ended their circuitous journey from Canada to Big Spring Creek. These Metis, descendants of the French and Indian, arrived in Central Montana to establish their first permanent settlement before any appreciable white migration occurred. ‘Big Spring Creek’ had 150 Metis families. The present site of Lewistown was taken as homesteads by Francis A. Janeaux and Paul Morase...” (From Lewistown Historic Resource Survey by Ellen Cornwall and Kenneth R. Sievert)

In the spring of 1885, during the 14th Legislative Assembly, Montana Territory, a bill sponsored by the Honorable James Fergus, delegate from Meagher County was introduced and passed. This bill created Fergus County out of the northeastern part of Meagher County. The new county became operative on December 6, 1886 through the selection of officers on November 2, 1886. The following men were chosen to hold office:

Sheriff: John Beck	Clerk of District Court: Charles S. Fell
Clerk & Recorder: Wm. H. Kelly	Probate Judge: Daniel A. Meagher
County Attorney: Frank E. Smith	Assessor: Michael Gurnett
Surveyor: L.W. Eldridge	Coroner: A. W. Sifton
Superintendent of Schools: David Galbreath	
Public Administrator: S. W. Darling	

The new county covered an area approximately 130 miles from east to west and 90 miles from north to south at the longest points. It contained 209 townships, over 7,524 square miles and 4,814,000 acres. The original Fergus County was subsequently divided into what are now entirely or partly the counties of Musselshell, Petroleum, Judith Basin, Wheatland, Golden Valley and the present Fergus County. The size of Fergus County at its inception was greater than many of the New England states.

Lewistown, with a population of 125, was picked as the county seat in 1886. By 1888, the population had grown to almost four hundred people. Lewistown became an incorporated city in 1899 and at that time had a population of over nine hundred people.

Fort Maginnis was established in 1880 to provide military protection for the settlers in the Judith Basin. The fort site was located northeast of Gilt Edge. The soldiers were never very successful in controlling either the Indians or outlaws and was abandoned in 1889. At a later date everything at the fort, including buildings, were sold at auction.

Mining developed around Lewistown when gold was discovered in the Judith Mountains in the 1880's. Maiden became a bustling town of 1500 people. During this period Maiden was larger than Lewistown. Gold was discovered in Gilt Edge in 1893. The Gilt Edge Mill was the first mining site in Montana and

one of the first in the United States to use the newly developed cyanide process for low grade ore. Kendall, north of Lewistown, was also an active mining community. Mining continued there until World War II. Utica began operations in about 1879 near the world famous Yogo Sapphire Mines, which were later discovered in 1895. Here many millions of dollar's worth of blue sapphires were supplied to the world market.

Cottonwood was one of the first homestead communities, and was a thriving village until it was bypassed by the railroad in 1903. At one time it was in contention to be the county seat of Fergus County.

The "Jawbone" or Montana Central Railroad reached Lewistown in October, 1903. Arrival of the railroad transformed the livelihood of the entire county. Real estate values and population increased. As the number of homesteaders grew, from 1903 to 1919, Lewistown became more and more the merchandising and distributing center for Central Montana. In 1912, the Great Northern built its spur from Moccasin to Lewistown.

It was during this period that the Croatian stonemasons put their stamp on Lewistown and many of the county's small towns. Lewistown was actually dubbed "The Stone City" because of the major buildings constructed by these craftsmen from local sandstone.

Ethnic groups that came to Fergus County were many and varied and all made valuable contributions to its early success.

At one time Fergus County supported a huge variety of businesses. Some of those that are no longer in existence are: an Air Force Base, two gypsum mines, gold mines, small silver mines, lumber mills, a school of nursing, two railroads, grain elevators in almost every small town, as well as three in Lewistown, men's clothing stores, a flour mill, a bus station, many "corner" grocery stores, creameries and multiple meat processors.

At the beginning of the 21st century the Fergus County seat and surrounding area is in a transition phase. With the upgrades to the transportation system and reduced railroad service, commodities for the community are brought in via semi-trucks. Additionally, with better roads and vehicles, travel to the larger communities is not the hardship it once was. Updates in communications have allowed the rural population to request and provide goods and services via phone and internet. Increases in small, clean manufacturing businesses and other cottage industries are revitalizing the local economy.

Fergus County now covers approximately 4,253 square miles and 2,765,685 acres. It is 70 miles north to south at the longest distance and 90 miles across the longest east to west distance. Farming and ranching remains

Fergus County's primary industry and recreational activities like hunting and fishing are still an important part of our culture.

Montana in the Making, Newton Carl Abbott, Copyright 1959, 12th edition.
A Sketch of Lewistown, Montana History (Indian Days-1884), Anna Zellick and John R. Foster, Copyright, 1980.

Early History of Fergus County, Discovery and Settlement, Dave Hilger, 1923-1924.

Taxable Valuation Study, Sue Elings, 2001.

Montana History, Shirley Barrick, 1984

Lewistown Area Chamber of Commerce

Fergus County Historical Sites Inventory and Big Spring Creek Planning Area Historical Inventory, 1976.

A Short History of Lewistown, Robert L. Dissly, 1979.

Appendix B

-The Mining Law: Summary

The 1872 Mining Law (as amended) governs locatable minerals in the Fergus County Planning Area. The BLM must approve any Plan of Operations or Notice on all public land. Except for areas withdrawn or otherwise segregated from mineral location, all BLM-administered mineral estate remains open for prospecting and development of locatable minerals. Development is subject to the regulations contained in 43 CFR 3809.

History

The General Mining Law of 1872 (17 Stat. 91) is the authorizing act for mineral exploration and development in the planning area. The origin of the Mining Law can be traced to the 16th century and reflects close ties to English and Spanish traditions.

Early American colonial charters contained outright grants of mineral land to settlers; however, these grants were accompanied by certain permanent reservations of precious metals to the sovereign. This formed the basis for the early traditions and customs regarding mineral rights for the colonies in the eastern part of United States until early 1800's.

In 1849, there was no formal mining law in the United States. Congress passed several leasing or sales acts of limited duration for gold, silver, lead, and iron. These acts were administered by the War Department. In 1849, when the California gold rush began, miners were technically in mineral trespass when they located claims on the public domain. The gold rush brought into conflict the two mining traditions. In 1860, the silver strike in the Comstock Lode in Nevada started a second mining rush to the West, opening up further conflict between the two mining traditions. As eastern interests were financing the Comstock Lode as well as the California Mother Lode, the question of security of title and tenure became a major political issue in Congress.

From 1865 to 1885, congressional policy for the public lands focused on encouraging westward migration of people to settle and develop the West. In furthering this policy a series of statutes was passed including various homestead acts, agricultural entry laws, soldier compensation acts and several acts designed to emphasize mineral exploration and development.

On July 26, 1866, the first mining law was passed as the Lode of 1866 (14 Stat. 251). This act provided for the entry and location of lode claims, assessment work and patents for lode claims.

The Placer Act was passed on July 9, 1870. It provided for the entry and location of placer claims on non-agricultural land, for location by legal description, and patent.

These two acts were consolidated, with amendments, into the General Mining Law of May 10, 1872. This statute is the basis for appropriation of mineral resources from the public domain today.

Principles

The Mining Law consists of five basic elements: discovery of a valuable mineral, location of mining claims, recordation of claims, maintenance – performance of annual requirements on claims, and patenting of the mineral, and possibly surface estate to the claimant.

Discovery

There is no federal statutory definition of what constitutes a valuable mineral deposit, but several judicial and administrative rulings or declarations on the subject have been made. In 1894 in the case of *Castle v. Womble*, the Department of the Interior established the “prudent person rule.” This rule states:

“...where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine, the requirements of the statutes have been met.”

This definition was approved by the United States Supreme Court in 1905.

In 1968 in the case of *U.S. v. Coleman*, the Supreme Court approved the marketability test as a complement to the prudent person rule. This test requires a showing of marketability to confirm that a mineral could be mined, removed and marketed at a profit. In other words, the marketability test takes into account economics, requiring the claimant to show that there is a reasonable prospect of selling material from a claim or a group of claims. It is not necessary that the material has been sold or is selling at a profit, but that there is a reasonable likelihood that it could be sold at a profit. Demonstrating an established market is not difficult for precious metal commodities.

Some minerals, such as bentonite, can be classified as either locatable (uncommon variety) or salable (common variety), depending on the characteristics of the deposit. To classify a mineral as locatable, the 1968 ruling from *U.S. Minerals Development Corp.*, 75 ID 127 (1968) stated that the mineral must meet the following characteristics: In 1969, *McClarty v. Secretary of the Interior* (408 F.2d 907, 908) set the following standards to distinguish locatable

minerals from salable minerals (Maley 1990): “There must be a comparison of the mineral deposit in question with other deposits of such minerals generally.

1. The mineral deposit in question must have unique property;
2. The unique property must give the deposit a distinct and special value;
3. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
4. The distinct and special value must be reflected by the higher price which the material commands in the market place (or by reduced cost or overhead so that the profit to the claimant would be substantially more).”

Location

Mining claims may be located only by citizens of the United States, persons who have declared an intention to become citizens, and corporations organized under any State law. Mining claims may only be located on federal lands open to mineral entry under the mining laws, and only for mineral commodities considered to be locatable. A mineral is locatable if it is in the public domain, and is a metallic mineral, or of an uncommon variety valuable chiefly for chemical, rather than physical properties. Mining claims may be located before or after discovery of valuable mineral, on unappropriated public domain land. This claim grants the locator an exclusive possessory right to the mineral deposit. This possessory right allows the locator to continue to develop the claim as provided for by law. It is valid against the United States and other claimants only if a valuable mineral deposit has been discovered.

There are two main types of mining claims: lode and placer. Lode claims are located on indurated bedrock; while placer claims are usually located on loosely consolidated materials such as mineral bearing sands and gravels. Two additional types of mining claims may be located under the mining law: mill sites and tunnel sites. A mill site may be located on unappropriated public domain land that is non-mineral in character. It is used for the construction of a mill or reduction works, or for other uses reasonably incident to a mining operation. A tunnel site may be located on a plot of land where a tunnel is run to develop a vein or lode, or for the purpose of intersecting unknown veins or lodes. The actual location of a mining claim in Montana involves posting a notice of location at the discovery point and erecting corner posts, or monuments, on the ground to insure that the claim boundaries are readily identifiable.

Recordation

Prior to the Federal Land Policy and Management Act (FLPMA), claimants were required to file their location and assessment notices only in the office of the County Recorder, or County Clerk, in the county in which the claim was located.

Since enactment of FLPMA, notices of location and other notices must be filed with the BLM state office, as well as the appropriate county recorder. This requirement has allowed BLM to know the number, types, and their current status of claims located on public land. Failure to file these documents with the BLM is considered abandonment of a mining claim.

Maintenance

The General Mining Law of 1872 requires performance of an annual minimum of \$100 worth of labor or improvements to retain a possessory interest in the claim. An affidavit of assessment work must be filed with both the county recorder and with the BLM State Office. Owners of mill and tunnel sites are not required to file assessment work, but are required to file a notice of intent to hold the site.

Exploration and mining activities on BLM administered lands are subject to regulation under 43 CFR 3715, 43 CFR 3802, and 43 CFR 3809. These regulations require that an operator prevent unnecessary or undue degradation and perform reasonable reclamation.

Patents

It is not necessary to have a patent to mine to remove minerals from a mining claim. In fact, it is not even necessary to have a mining claim at all if the land is open to mineral entry. However, a patent gives the Owner exclusive title to the locatable minerals and, in most cases, to the surface estate. In order to obtain patent, the claimant must have performed at least \$500 worth of development work per claim; had a mineral survey and plat prepared at their expense; show they hold possessory rights by chain of title documents; publish a notice for potential adverse claimants to assert their claims; And demonstrate discovery of a valuable mineral deposit within the meaning of the Mining Law. Upon satisfactory completion of the above requirements, the claimant is given the opportunity to purchase the mining claim(s) at \$2.50 per acre for placer claims and \$5 per acre for lode claims.

Since October 1, 1994, Congress has imposed a budget moratorium on BLM acceptance of any new mineral patent applications. Until the moratorium is lifted, no new applications may be accepted by the BLM.

Appendix C

2016-12 - AN ORDINANCE FOR THE PROTECTION OF SOIL AND WATER FROM WILD, FREE ROAMING OR DOMESTIC BISON GRAZING IN FERGUS CONSERVATION DISTRICT Adopted October 1, 2016

Section 1. FINDING, POLICY AND INTENT.

- 1.) It is the finding of Fergus Conservation District that due to the migratory behavior of bison to search out desirable grazing forage, their social and other innate behaviors, bison grazing can create negative and lasting impacts on soil and water resources.
- 2.) Pursuant to MCA 76-15-102, it is the declared policy of this state to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.
- 3.) It is the policy of Fergus Conservation District to provide for the conservation of the soil and water resources of the district and the prevention of soil erosion, accelerated soil erosion and the prevention of sediment damage to the land, water and other resources within this conservation district.
- 4.) It is policy of Fergus Conservation District to stand with and endorse Montana Association of Conservation Districts' Resolution 13-03, dated December 20, 2013, that declares opposition to the establishment of wild, free roaming bison or buffalo in Montana.
- 5.) It is Fergus Conservation District's intent, in furtherance of the policy of the state of Montana and Fergus Conservation District, to protect the soil and water resources within the boundaries of the conservation district from unreasonable depletion and degradation of natural resources from grazing of wild, free roaming and domesticated bison.
- 6.) It is Fergus Conservation District's intent that all wild, free roaming and domesticated bison that are identified for transportation into the district be examined in advance of movement by a licensed veterinarian official to ensure animal health in accordance with the established disease testing protocols developed by Montana Department of Livestock and that each animal is certified to be disease free and brucellosis free.
- 7.) It is Fergus Conservation District's intent, in order to carry out the above policies and intents that this ordinance applies to existing as well as future grazing by all bison.

Section 2. PURPOSE It is the purpose of this ordinance to:

- 1.) Enact a soil conservation and erosion prevention program for the conservation and protection of land, water, and other resources of the Fergus Conservation District from the grazing of wild, free roaming and domesticated bison;
- 2.) Encourage the use of land in accordance with its capabilities and treat it according to its needs;
- 3.) Prevent the degradation of rangelands, cultivated lands, waterways, drainages, lakes, reservoirs, and riparian areas.
- 4.) Protect the tax base;
- 5.) Protect and promote the health, safety and general welfare of the people;
- 6.) Ensure that soil resources are preserved for the production of food and fiber for the present and future generations of this district.

Section 3. AUTHORITY.

- 1.) Pursuant to MCA 76-15-702, Fergus Conservation District has the authority to formulate regulations governing the use of lands within its boundaries in the interest of conserving soil and water resources and preventing and controlling erosion.
- 2.) In pertinent part, Fergus Conservation District is authorized to adopt regulations that include any means, measures, operations, programs as may assist conservation of soil and water resources and prevent or control erosion in the district.

Section 4. DEFINITIONS.

- 1.) "Bison" means bison or buffalo that are feral, wild, free roaming or domestic or classified as an indigenous species or species in need of special management or species in need of disease control.
- 2.) "Management" or "Conservation plan" means the plan developed by the landowner/land occupier and approved by the board of supervisors which describes the suitability of the land for its intended uses and the measures required to prevent the spread of disease and, to the extent possible, erosion from occurring on the land for which the plan is developed.
- 3.) "District" or "conservation district" means the Fergus Conservation District, a governmental subdivision of the state of Montana and a public body, corporate and politic, exercising public powers.
- 4.) "Erosion" means the process by which the surface layer of the land is worn away by the action of water, wind, gravity, or a combination thereof.
- 5.) "Land occupier" means any person, firm, corporation, non-profit organization, municipality, or other legal entity who holds title to, or is in possession of, any lands lying within the district, whether as owner, lessee, renter, tenant, or otherwise occupier of land. Where the term land occupier is used in this

ordinance, the term shall include both the owner and the occupier of the land when they are not the same person.

6.) "Person" means any natural person, individual, corporation, firm, partnership, association, municipality, non-governmental organization (NGO), governmental or non-governmental agency, political subdivision, or other legal entity.

7.) "Qualified elector" means an individual qualified to vote under state law residing within Fergus Conservation District.

8.) "Sediment" means the solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on the earth's surface.

9.) "Sediment damage" means the economic or physical damage caused to any person's property or natural resource resulting from erosion.

10.) "Sedimentation" means the process or action of depositing sediment into a waterway.

11.) "Supervisors" or "district supervisors" means the Fergus Conservation District board of supervisors.

12.) "Water" means any and all surface water and groundwater which are contained within, flow through, or border upon the Fergus Conservation District.

Section 5. APPLICABILITY. This ordinance applies only to bison grazing on land within the Fergus Conservation District. The provisions of this ordinance have the same force of law and effect of law over publically owned lands within the district and shall be in all respects observed by the agencies administering such lands. Unless otherwise provided, this ordinance applies retroactively to bison placed in the Fergus Conservation District regardless of the date of bison placement.

Section 6. COMPLIANCE WITH ORDINANCE.

1.) No land occupier or person may cause or conduct, contract for, or authorize any bison grazing activity without an approved management and conservation plan from the Fergus Conservation District.

2.) Bison grazing of all land within the district shall be carried out under a management and conservation plan developed under Section 7 and filed with the Fergus Conservation District.

3.) No lands may be grazed by bison if:

- a) the lands do not have sustainable or suitable habitat/forage for bison;
- b) the lands do not have an adequate and sustainable water supply, or an approved plan to provide an adequate and sustainable water supply for the maximum number of bison to be grazed on the land or;
- c) the animals are not disease and brucellosis free; or
- d) grazing will result in sediment damage to lands, drainages, waterways, reservoirs, riparian areas, and other storage facilities; or
- e) the land occupier does not have perimeter fencing to keep bison from leaving the land upon which they are placed.

Section 7. MANAGEMENT AND CONSERVATION PLANS.

1.) Prior to the placement of bison on lands within Fergus Conservation District:

a. A management and a conservation plan must be developed by the land occupier and submitted via the transmittal letter to the Fergus Conservation District supervisors for approval that;

i. includes site location information where the bison will be maintained, including a legal description of the location, number of acres to be grazed, carrying capacity (animal units), a description of wildlife habitats in the area and a statement of the bull/cow ratio to be maintained;

ii. includes a map showing the location of fences, watering facilities (dams, creeks, stock tanks, stock wells, etc.), soil types, and location of highly erodible lands;

iii. addresses bison population objectives and defines a means to control herd size and distribution, wildlife habitat management, type of fencing to be used, disease monitoring, and a bison escape and recovery plan;

iv. meets or exceeds the USDA Natural Resource and Conservation Service technical guides for Fergus County in existence at the time of placement of bison on land within Fergus Conservation district;

v. addresses wind erosion, water erosion, the protection of grass waterways. The proper grazing rates, and any other management practices which protect the land and water resources from degradation.

vi. includes the management, techniques, and methods for control of accelerated erosion and sediment damage resulting from the activities of grazing bison; and

vii. includes, if no applicable USDA technical guidelines are available, a management and conservation plan appropriate and consistent with the policy and purpose of this ordinance.

b. All bison must be tested and certified healthy by a licensed veterinarian and be disease and brucellosis free and be identified as such;

c. A description of the health and disease testing plan that will be implemented;

d. A perimeter fence must be built to keep bison from leaving the land on which they are placed;

e. Adequate water must be available to include a water management plan in case of drought; and

f. Bison must be branded, tattooed, tagged or otherwise identified to track its health status.

2.) The land occupier's management and conservation plan must uphold and be consistent with the provisions of Presidential Executive Order 7398, dated January 17, 2001, that created the Upper Missouri River Breaks National Monument and comply with the Bureau of Land Management's Resource

Management Plan that governs management and protection of monument land s and resources located in the Fergus Conservation District's area of jurisdiction.

3.) The current USDA Natural Resources Technical Guide shall be available for public use during normal office hours at the conservation district office located in Lewistown, Montana.

4.) The Fergus Conservation District will provide written notification to the land occupier of the Board of Supervisor's decision on the proposed management and conservation plan.

Section 8. COMPLAINTS.

1.) A complaint signed by a land occupier may be filed against any other land occupier or person alleging that bison are grazing on land within the district in violation of this ordinance.

2.) The complaint must:

a. include the name and address of the complainant;

b. be in writing, signed, and delivered to the district office by mail, email or in person;

c. include location of the alleged violation;

d. include the date of the alleged violation, if known;

e. describe the source, nature and extent of any erosion or sediment damage that is alleged to have occurred or that is occurring; and

f. describe whether degradation of the lands has occurred or is occurring.

g. describe, if applicable, the alleged violation(s) of the management and conservation plan in place, including violations of the bison health and disease testing plan and protocols and certification requirements.

3.) The complaint is a public record that is maintained in the district office.

Section 9. ACTION ON A COMPLAINT.

1.) Within 5 working days of the receipt of a correct and complete complaint, the supervisors shall notify the alleged violator of the complaint.

2.) The supervisors shall set a date to conduct an onsite inspection within 10 working days of receipt of the correct and complete complaint to determine if an actual violation exists. The alleged violator, or a designated representative, may participate in the onsite inspection.

3.) At the onsite inspection, the supervisors shall acquire and report on the following areas that are applicable to the alleged violation and/or include any other matters or issues deemed applicable to the investigation:

a. the location of and estimated amount of acreage involved in the alleged violation;

b. the description of the source, nature and extent of any type of erosion or sediment damage;

c. identification of the type of land involved, including, but not limited to, rangelands, croplands, water ways/drainages, riparian areas, reservoirs, creeks and dams;

d. the type of fencing, if any, being used to control the bison and keep them from leaving the land upon which they were placed.

e. whether a management and conservation plan has been developed, is in place and is being implemented in accordance with Section 7;

f. the number of animal units and bull/cow ratio grazing on the land;

g. whether adequate water supply is available;

h. whether a health and disease testing plan is in place and being implemented; and

i. whether bison are certified to be disease and brucellosis free and can be identified as such.

4.) Based upon subsection (3) and compliance with Section 7, the supervisors shall determine whether there is a violation of this ordinance. The alleged violator and the complainant must be notified of the supervisor's determination within 15 working days of their determination. If there is a violation, the violator must be given a violation notice by certified mail. The supervisors shall include with the violation notice the corrective actions necessary to resolve the violation.

a. If the supervisors determine that the degradation of the land or waters is occurring, the violation notice must include an order requiring the cessation of degradation of the land.

b. If degradation of the land continues after an order to cease has been issued, the supervisors may petition the District Court under MCA 76-15-709 for the enforcement of the ordinance and for such other temporary relief as may be necessary.

c. If the violator ceases the land degradation pursuant to the supervisor's order or if the violation pertains to matters other than the degradation of land, the supervisors, or their designated representative, shall meet with the violator within 15 working days of the notice of violation to:

i. discuss solutions to implement the corrective actions identified in the violation order; and

ii. specify a reasonable length of time to complete any corrective measures identified in the agreed to solution.

iii. a meeting under this subsection may be continued from time to time in order to reach an agreed to solution.

5.) If the violator and the supervisors do not agree to a solution, within 10 working days of the conclusion of the meeting, the supervisors shall notify the violator of the corrective actions necessary to resolve the violation. The violator is not entitled to any further meeting under Section 10.

6.) The supervisors may extend the time periods in this Section as they deem appropriate.

Section 10. REVIEW OF SUPERVISORS' DETERMINATION.

1.) A person determined to be in violation and who disagrees with the supervisor's determination and who is issued an order to cease under Section 9 (4) from further activity may request in writing a meeting with the supervisors.

The request must be made within 15 working days of receipt of the violation notice. The supervisors shall hold a meeting with the violator to review the information set forth in Section 9 (3).

2.) Within 15 working days of a meeting held under this Section, the supervisors shall notify the person determined to be in violation of the ordinance by certified mail of the result of the supervisor's review under subsection (1) or (2) and the remedy to be implemented by the violator.

3.) A person who does not comply with a remedy determined by the supervisors under Section 9 or this Section shall be subject to enforcement pursuant to Section 11.

4.) The supervisors may extend the time periods in the section as they deem necessary.

Section 11. ENFORCEMENT IN DISTRICT COURT.

1.) The supervisors may bring enforcement in district court as provided in MCA 76-15-709 against any person failing to comply with the ordinance and any corrective action or order issued by the supervisors.

2.) The supervisors may seek an enforcement order requiring the removal of bison against any person whose bison grazing practices are degrading lands which results in accelerated erosion, sediment damage, or damage to waterways, drainages, reservoirs or lakes, and riparian areas.

Section 12. BOARD OF ADJUSTMENT.

1.) A board of adjustment shall exist to hear and determine matters filed pursuant to MCA 76-15-723 through MCA 76-15-725.

2.) The board of adjustments shall be structured as set forth in MCA 76-15-721 through MCA 76-15-722.

3.) All meetings of the board of adjustment shall be open to the public and its records and proceedings shall be public.

Section 13. BOARD OF ADJUSTMENT – PETITION FOR VARIANCE.

1.) A petition may be filed for variance as provided in MCA 76-15-723, alleging that there are great practical difficulties or unnecessary hardships in complying with the land use regulations prescribed by the ordinance.

2.) Any qualified elector, person or land occupier against whom a complaint has been filed may petition the board of adjustment for a variance. The petition must be served upon the Fergus Conservation District and the Department of Natural Resources and Conservation. The Department of Natural Resources and Conservation will appoint a board of adjustment pursuant to MCA 76-15-721 to hear the variance.

3.) On the basis of findings and determination, the board of adjustment may order a variance from the terms of the land use regulations in their application to the lands of the petitioner that:

- a. will relieve the great practical difficulty or unnecessary hardship;
- b. will not be contrary to the public interest;
- c. will be such that the spirit of the land use regulations is observed, the public health, safety, and welfare is secured, and substantial justice is done.

4.) An order of the board of adjustment may be appealed to district court pursuant to MCA 76-15-726.

Section 14. COMPLIANCE WITH THE STATE CONSTITUTION AND OTHER LAWS.

1.) Nothing in the ordinance shall be construed as exempting a person from the requirements of other local, state or federal laws. To the extent that the requirements of the ordinance conflict with any applicable local, state or federal requirements; the local, state or federal requirements shall apply.

2.) This ordinance is intended to be supplemental to Title 81, chapter 4, part 2, MCA.

3.) This ordinance is enacted by the Fergus Conservation District, mindful of its constitutional obligations:

- a. under Article II, section 3 of the Montana constitution, specifically the inalienable right for all persons to acquire, possess, and protect property; and
- b. under Article IX, Section 1 of the Montana constitution, specifically as a remedy for the protection of the environmental life support system from degradation and to prevent unreasonable depletion of natural resources.

Section 15. LIABILITY.

1.) The Fergus Conservation District, conservation district supervisors, and conservation district employees are immune from suit for any liability that might otherwise be incurred or imposed for an action or omission committed while engaged in conservation district activities under the ordinance as more fully set forth in MCA 76-15-320.

2.) No person or land occupier acting in compliance with the ordinance is relieved of liability for damage to any person or property as the result of the person's or land occupier's negligent acts or omissions.

Section 16. ALTERATION OR REPEAL OF ORDINANCE.

The ordinance may only be amended, supplemented or repealed by the filing of a petition as provided in MCA 76-15-705. Referenda on the adoption, amendment, supplementation, or repeal of any part of the ordinance shall not be held more than once in six (6) months.

Section 17. SEVERABILITY CLAUSE.

If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Appendix D

RESOLUTION NO. 3-2016

(For signed copy see the Fergus County Website)

A Resolution Determining Buffalo/Bison Designation for Fergus County and Requiring County Commission Authorization for any translocation of, buffalo/bison – (not considered livestock) by any entity.

WHEREAS, the Fergus County Commissioners are responsible for the health, safety and well-being of our county residents, and;

WHEREAS, the County of Fergus's leading industry is Agriculture and Fergus County is dependent on a strong agriculture economy;

WHEREAS, wild buffalo/bison leaving Yellowstone Park have created numerous management problems for the State of Montana. Any future distribution of wild buffalo/bison will potentially increase the problems, and;

WHEREAS, the only protection from wild buffalo/bison to Fergus County citizens, wildlife, open space and the Montana livestock industry, will come from the Montana Department of Livestock;

NOW, THEREFORE BE IT RESOLVED, All buffalo/bison in Fergus County will be considered domestic livestock, regardless of origin. As domestic livestock they will be under the same rules and regulations the Montana Department of Livestock uses for all classes of livestock. Buffalo/bison will be subject to any state or local laws that regulate livestock;

NOW, THEREFORE BE IT FURTHER RESOLVED, that we require authorization by the Fergus County Commissioners before any buffalo/bison, not considered Livestock, can be translocated in Fergus County by any entity.

PASSED AND ADOPTED this 11th day of April, 2016

Board of County Commissioners
Fergus County, Montana



C

FERGUS COUNTY RESOLUTIONS - NO. 16-2021 AND NO. 13-2018



An Employee-Owned Company

RESOLUTION 13-2018

FRAMEWORK FOR COORDINATION AND COOPERATION

WHEREAS Fergus County, as a political subdivision of the State of Montana, desires to fully participate in the planning and regulatory process at the Federal and State level; and,

WHEREAS, the County desires to participate in a meaningful manner in the planning process of both State and Federal agencies; and,

WHEREAS, Federal law and regulation repeatedly discuss "Coordination with other Federal agencies, State and local governments and Indian Tribes", in NEPA and FLPMA.

WHEREAS, the County desires to implement a framework for participation in this process, to best facilitate "Coordination and Cooperation with other agencies" and,

WHEREAS, the County is impacted by State and Federal planning and regulatory effects, and the County recognizes that State and Federal Agencies are impacted by County planning and regulatory effects; and,

WHEREAS, the County has cooperating status;

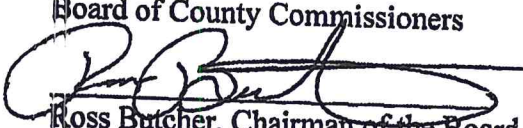
NOW THEREFORE, BE IT RESOLVED that Fergus County and it's designated agents desire to participate in the State and Federal planning process as follows:

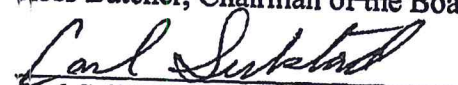
1) Meaningful public involvement requires more than timely exchange of information. It places responsibility on the Federal agencies to incorporate, where appropriate, the ideas and comments of State and local entities into Federal land use plans and decisions. When the comments of the State and local entities are not incorporated, the Federal agencies should explain as thoroughly and clearly as possible why.

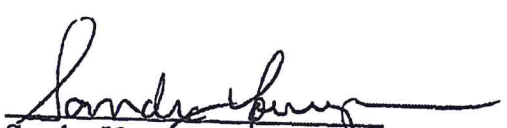
2) Fergus County recognizes that the process of coordination, cooperation and consideration of land and resource planning options place certain responsibilities upon Fergus County. To this end Fergus County commits itself to respond to agency's enquiries to participate in the process before, during and after public participation. Fergus County further understands it's obligation to share information and ideas with State and Federal agencies. Fergus County recognizes that these rights and obligations reciprocate amongst Local, State and Federal agencies.

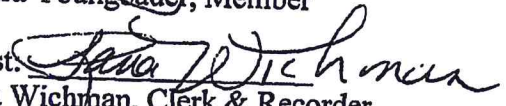
APPROVED and ADOPTED this 11 day of June, 20 18.

Fergus County
Board of County Commissioners


Ross Butcher, Chairman of the Board


Carl Seilstad, Member


Sandra Youngbauer, Member

Attest: 
Rana Wichman, Clerk & Recorder

RESOLUTION NO. 16 - 2021

RESOLUTION OPPOSING THE FEDERAL GOVERNMENT'S "30 X 30" LAND PRESERVATION GOAL

WHEREAS, Fergus County is a legal and political subdivision of the State of Montana for which the Board of County Commissioners ("Board") is authorized to act; and

WHEREAS, Fergus County contains about 2,715,000+ acres of land situated in Central Montana and

WHEREAS, the federal/state government owns approximately 25% of the land within the County, and the BLM, USFS, Corp of Engineering, USFWS, MT FWP and State are responsible for managing over 666,000 acres of these federal and state lands; and

WHEREAS, approximately 131,487 acres (nearly 7 percent) of privately owned land in Fergus County are also already protected with perpetual conservation easements;

WHEREAS, there are approximately 2,048,228 acres of private lands in Fergus County, of which approximately 781,236 acres are private in Sage Grouse habitat. Nearly 38% of private lands in some degree of protection; and

WHEREAS, Wilderness Study Areas, Upper Missouri River Breaks National Monument, Charles M Russel National Wildlife Refuge and Sage Grouse habitat areas are protected areas; and

WHEREAS, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environment; and

WHEREAS, because of the predominance of federal land in Fergus County, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend on the manner in which these lands and their resources are used and access to these lands; and

WHEREAS, many of Fergus County's businesses and its citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the forest products industry, livestock grazing, oil and gas exploration and production, mining and mineral development, recreational industries, hunting and other outdoor recreation; and

WHEREAS, these industries are important components of the Montana economy, and are major contributors to the economic and social wellbeing of Fergus County and its citizens; and

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Aboard (86 Fed. Reg. 7,619); and

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior

officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030, which is called the "30 x 30" program; and

WHEREAS, under the 30 x 30 program, some 680 million acres of our Nation's lands would be set aside and permanently preserved in its natural state, preventing the productive use of these lands and their resources; and

WHEREAS, there is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008; and

WHEREAS, the 30 x 30 program, if implemented, is likely to cause significant harm to the economy of Fergus County, and injure the County's businesses and its citizens by depriving them of access to public lands and national forest system lands and preventing the productive use of these lands resources; and

WHEREAS, the withdrawal of some 680 million acres of federal lands from multiple use and placement of such lands in permanent conservation status will cause dramatic and irreversible harm to the economies of many western states, including Montana, and in particular rural counties such as Fergus County whose citizens depend on access to federal lands for their livelihoods; and

WHEREAS, the 30 x 30 program, if implemented, will conflict with the plans, policies and programs of Fergus County as expressed in Fergus County Land Use Plan, adopted/revised June 10, 2021 which obligates the federal government to coordinate its policy development with Fergus as also required by the Federal Land Management and Policy Act (FLPMA) and the National Forest Management Act (NFMA); and

WHEREAS, Executive Order 14008 at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to "submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030."

WHEREAS, the Executive Order is silent about what "conservation" means.

WHEREAS, the Executive Order is silent about where the Administration plans to get the 30 percent of American land to lock up.

WHEREAS, the report submitted in obedience to the Executive Order does not answer either of those questions, and Administration officials now say it is too difficult to define "conservation,"⁹ but they plan to do it, whatever it is.

WHEREAS, the Administration has not answered questions for state, local, tribal, and territorial governments, farmers, ranchers, forest landowners, fisherman, and other stakeholders. For some examples,

- A. They have not provided a scientific basis for a claim that unless we permanently lock up 30 percent of American in 9 years, more than one million species will become extinct.
- B. They have not provided an explanation of why, if the land that would be lost to development by 2030 would be 11 million acres, we must dictate the permanent lockup of 681 million more acres beyond the 274 million acres already deemed permanently protected. The gap between the 11 million acre loss and the 681 million acre lockup is well beyond fuzzy math.
- C. They have not provided a scientific explanation of how locking up 30 percent of American's land in 9 years will cure the immediate climate crisis. In other words, they have not shown that locking up America will not all have been for nothing, environmentally speaking.
- D. They have not answered questions 15 Governors asked President Biden in their letter to him in April 2021. The letter noted that very little information is being shared with states.¹⁰
- E. In response to a letter dated March 16, 2021 from 62 members of the U. S. House and Senate requesting that the White House provide a briefing to Congress, the White House staff on April 14, 2021 provided a ten-minute presentation and a round of questions, during which they said that what the President means by "conservation" of land in his Executive Order is too difficult to define.

WHEREAS, the so-called "science" that has been offered to justify 30-percent lockup of America as an interim goal toward a 50-percent lockup is not standard science based on such procedures as hypotheses testing, empirical observation, and repeatable experimental results. It is "models" that foreordain the conclusion by presupposing the assumptions fed into them: garbage in, garbage out. Most of the citations to supposed "science" are to press releases and opinion papers by environmentalist groups. The few references to actual scientific papers do not prove the core claim of 30 x 30 that human use of land threatens millions of species of that locking up 30 percent of American in 9 years will cure the climate crisis.

WHEREAS, a groundswell of grassroots local opposition to 30 x 30 has arisen beginning in the center of the county and spreading outward.

WHEREAS, already as early as April 8, 2021, the Nebraska and Kansas State Attorneys General co-signed a letter to the Secretary of the Interior putting the Administration on notice that they are prepared to defend their states' and landowners' property rights against 30 x 30.

WHEREAS, already as early as April 21, 2021 15 Governors had signed a joint letter to the President that Section 216 of the Executive order “infringers on the sovereignty of states and rights of the citizens.”¹¹

WHEREAS, the letter was signed by our Montana Governor Greg Gianforte and by the Governor of our neighbors in North Dakota, Doug Burgum.

WHEREAS, our Montana Attorney General Austin Knudsen has said that he also will defend Montana and its citizens against 30 x 30.

WHEREAS, U. S. Senators from the following states have announced their opposition to 30 x 30: Montana, North Dakota, Wyoming, Nebraska, Tennessee, Georgia, Idaho, Utah, and Alaska.

WHEREAS, U. S. Representatives from the following states have announced their opposition to 30 x 30: Montana, Washington, Oregon, California, Idaho, Arizona, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Illinois, Indiana, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, Virginia, and Alaska.

WHEREAS, Montana U. S. Senator Steve Daines voted no on the confirmation of 30 x 30 proponent Debra Haaland as Secretary of the Interior.¹² In the online copy of his press statement concerning his no vote, Senator Daines includes a link to video of his examination of Haaland in her confirmation hearing. In that video, Senator Daines opposes 30 x 30 and challenges Haaland’s support of it and her having been the chief proponent of it in the House of Representatives.¹³

WHEREAS, Montana’s U. S. Representative Matt Rosendale has announced his opposition to 30 x 30. He co-signed a letter from Representative Bruce Westerman, Ranking Member of the Committee on Natural Resources, to Secretary Haaland dated April 14, 2021 opposing 30 x 30, asking questions, and raising issues about non-answers from the Administration.¹⁴ He is reported as saying 30 x 30 is an “arbitrary top-down government mandate. Locking up millions of acres of land with unclear goals in mind would result in countless negative impacts on both our economy and our environment.”¹⁵

WHEREAS, On February 16, 2021, the County Commissioners of Garfield County, Colorado passed a resolution opposing 30 x 30.

WHEREAS, since that first county resolution, more counties, soil conservation districts, water conservation districts, and regional governmental associations have adopted resolutions opposing 30 x 30. Forty-one such resolutions have been adopted and 10 more are in the resolution-making process.

WHEREAS, in Montana, the Valley¹⁶, Richland, and the Pondera County Commissioners¹⁷ adopted resolutions opposing 30 x 30, and the Missouri River Basin Cooperative State Grazing District¹⁸ has adopted a resolution opposing 30 x 30.

WHEREAS, in Fergus County, ranchers, stock growers, farmers, public figures, and other citizens have raised awareness about 30 x 30¹⁹ and opposition to it is growing as people learn about it.

WHEREAS, following the widespread and growing opposition to 30 x 30 across the country, the Administration has rebranded and begun re-marketing it as the “America the Beautiful Initiative.” This is an appeal for political support in urban areas from people who have no skin in the game. They own none of the land that the Presidential dictate would permanently lock up.

WHEREAS, in the rebranding, America the Beautiful falsely claims.

A. 30 x 30 is a local initiative.

B. Permanently locking up land or water is voluntary.

WHEREAS, 30 x 30 is not a local initiative. The current administration unilaterally repealed a former provision that local governments could veto major federal land acquisitions in their jurisdictions. This repeal removed local government control of permanently locking up land and water.²⁰

WHEREAS, viewing 30 x 30 in the full context of the Administration’s other policies, it becomes clear that just as the meaning of words like “conservation” is kept mushy, the meaning of “voluntary” when the Administration uses that word is not what the people of Fergus County mean by “voluntary.” For example, the Administration’s policy of eliminating stepped-up basis for tax purposes on the event of death would force farmers, ranchers, and others to sell part or all of their land to pay hugely increased taxes. Selling the farm to be permanently locked up because of a tax gun-to-the-head is not voluntary. That is a land grab.

WHEREAS, 30 x 30 is contrary to the rights, interest, history, heritage, way of life, children, and grandchildren of Fergus County’s citizens and to the interest of Fergus County as a local government.

WHEREAS, because the rebranding of 30 x 30 tries to sell it as local initiative, it is essential that Montana’s Governor, Senators, Representative, Attorney General, Legislators, and others know they have the local support of Fergus County as they defend us by their opposition to 30 x 30. This resolution can help them refute the false claim that 30 x 30 is a local initiative.

WHEREAS, regarding habitat and welfare of species. Montana’s private landowners have provided the best habitat while producing the necessary food, fiber, minerals, and energy to support life, liberty, and the pursuit of happiness.

WHEREAS, 30 x 30 is an accusation that the landowners of Fergus County are unable or unwilling to care properly for the land, which we find to be simply not true.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fergus County, MT, as follows:

1. The Board opposes the 30 x 30 program, every other similar program by any name, all separate parts or pieces of such programs, and Executive Order 14008.
2. The board supports passage of the “30 x 30 Termination Act” introduced in the United States Congress by Mrs. Representative Lauren Boebert. We urge Senator John Tester, Senator Steve Daines, and Representative Matt Rosendale to work for the passage of that act, to introduce additional measures heading in the same direction, and work for their passage.
3. The board supports continued private ownership of land in Fergus County and the private use of land in support of “life, liberty, and the pursuit of happiness” in accordance with the principles of the Declaration of Independence, the Constitution of the United States, the Enabling Act,²⁴ Montana’s Compact with the United States,²⁵ and the Constitution.
4. The Board further opposes the designation of public lands and national forests in Fergus County as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands.
5. The Board supports the continued management of the public lands and the national forests under principles of multiple use and sustained yield, recognizing the Nation’s need for domestic sources of minerals, energy, timber, food, and fiber, and in careful coordination with Fergus County to ensure consistency with County land use plans and land management policies, as required by law.
6. The Board supports maintaining and enhancing public access to public lands and national forests and opposes road closures, road decommissioning, moratoria on road construction, and other limitations on public access for the purpose of fulfilling the 30 x 30 program’s objectives.
7. The Board recognizes and supports the State of Montana’s water rights system, including the doctrine of prior appropriation and other state laws and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under Montana law.
8. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost-effective, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as an excuse to set aside large tracts of land as preserves or open space to fulfill the 30 x 30 program’s objectives.
9. The Board maintains that the designation of public lands and national forest lands as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land to fulfill the 30 x 30 program’s objectives may lawfully occur, if at all, only through the planning process mandated by the Federal Land Management and Policy Act (for public lands) or the National Forest Management Act (for national forest lands), including public notice and an opportunity to comment, analysis and disclosure of the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Fergus County, its businesses, and

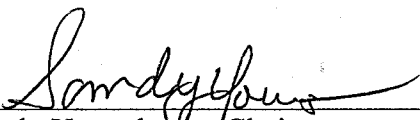
its citizens, and careful coordination with Fergus County to ensure consistency with County land use plans and land management policies.

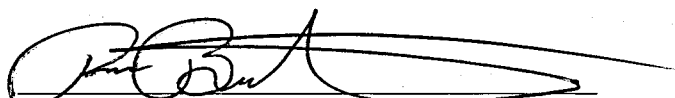
10. The Board also maintains that any non-federal lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Fergus County, its businesses, and its citizens.

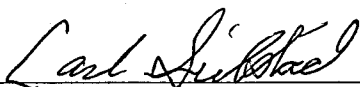
11. The Board shall send a copy of this Resolution to the Department of Interior, Department of Agriculture and all other relevant Federal and State agencies; and

DATED this 26th day of July, 2021.

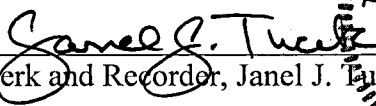
BOARD OF COUNTY COMMISSIONERS OF FERGUS COUNTY, STATE OF MONTANA

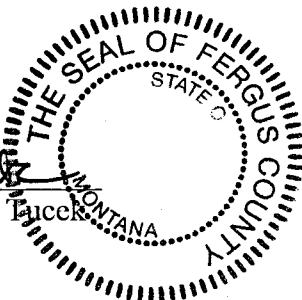

Sandy Youngbatter, Chairman


Commissioner Ross Butcher


Commissioner Carl Seilstad

ATTEST:


Clerk and Recorder, Janel J. Tuck



⁹ White House staff response to letter dated March 16, 2021 by 62 members of the U. S. House and Senate asking for a briefing.

¹⁰ “Fifteen State Governors Respond to President Biden's Aggressive 30 by 30 Plan,” Protect the Harvest, provides full text and a PDF file of the letter, <https://protecttheharvest.com/news/open-letter-to-president-biden-about-30-by-30/> (accessed June 3, 2021).

¹¹ “Fifteen State Governors Respond to President Biden's Aggressive 30 by 30 Plan,” Protect the Harvest, provides full text and a PDF file of the letter, <https://protecttheharvest.com/news/open-letter-to-president-biden-about-30-by-30/> (accessed June 3, 2021).

¹² “Daines Votes No on Haaland Confirmation,” Press Statement, March 15, 2021, <https://www.daines.senate.gov/news/press-releases/daines-votes-no-on-haaland-confirmation> (accessed June 3, 2021).

¹³ The Press Statement says, “To watch Round Three of the hearing exchange on Haaland’s 30 X 30 Initiative and balancing multiple-use, click HERE,” providing the link <https://www.dropbox.com/s/mh4zexmmtzngeyz/02.24.21%20Haaland%20Questions%20Whole%20.mp4?dl=0> (accessed June 3, 2021).

¹⁴ Letter from Representative Bruce Westerman to Secretary Haaland, April 14, 2021, https://republicans-naturalresources.house.gov/uploadedfiles/2021-04-14_westerman_et_al_to_haaland_doi_re_30_x_30_engagement_session.pdf. (accessed June 3, 2021).

¹⁵ “GQP Whines 30 X 30 Lands Plan Lacks Details; Provide Nothing In Their Turn But Same Cliches,” Democratic Underground.com, <https://www.democraticunderground.com/1127144853> (accessed June 3, 2021)

¹⁶ Resolution No. 12-2021, April 21, 2021.

¹⁷ Resolution #38 – 2020/21, May 19, 2021.

¹⁸ Resolution Opposing the Federal Government’s “30 x 30” Land Preservation, April 29, 2021.

¹⁹ “Meeting Set To Explain The Biden Administration's 30 X 30 Program, Sidney, June 2,” *The Roundup*, May 26, 2021, <https://www.roundupweb.com/story/2021/05/26/news/meeting-set-to-explain-the-biden-administrations-30-x-30-program-sidney-june-2/15469.html> (accessed June 3, 2021).

²⁰ Rescission of Department of Interior Secretarial Order 3388.

²⁴ The Enabling Act by which Congress enabled Montana to be a state in the Union requires that Montana's "constitution . . . not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence." Act of February 22, 1889, Ch. 180, 25 Statutes at Large 676, Section 4.

²⁵ Montana's Compact with the United States set forth in the Constitution of Montana provides that "All provisions of the enabling act of Congress . . . continue in full force and effect." Constitution of Montana (1972), Art. I.

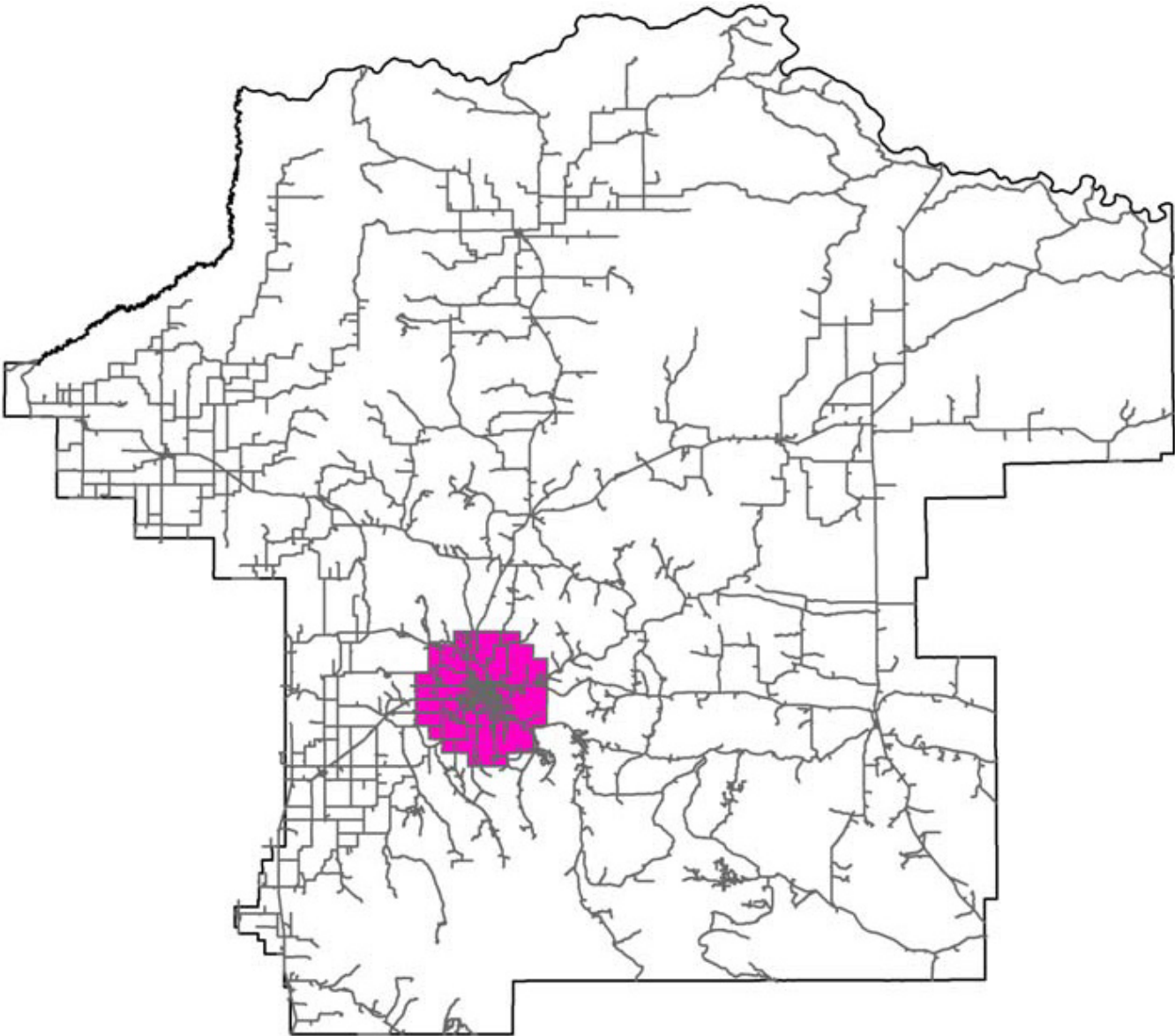


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FULL SIZE MAPS AS USED IN DOCUMENT

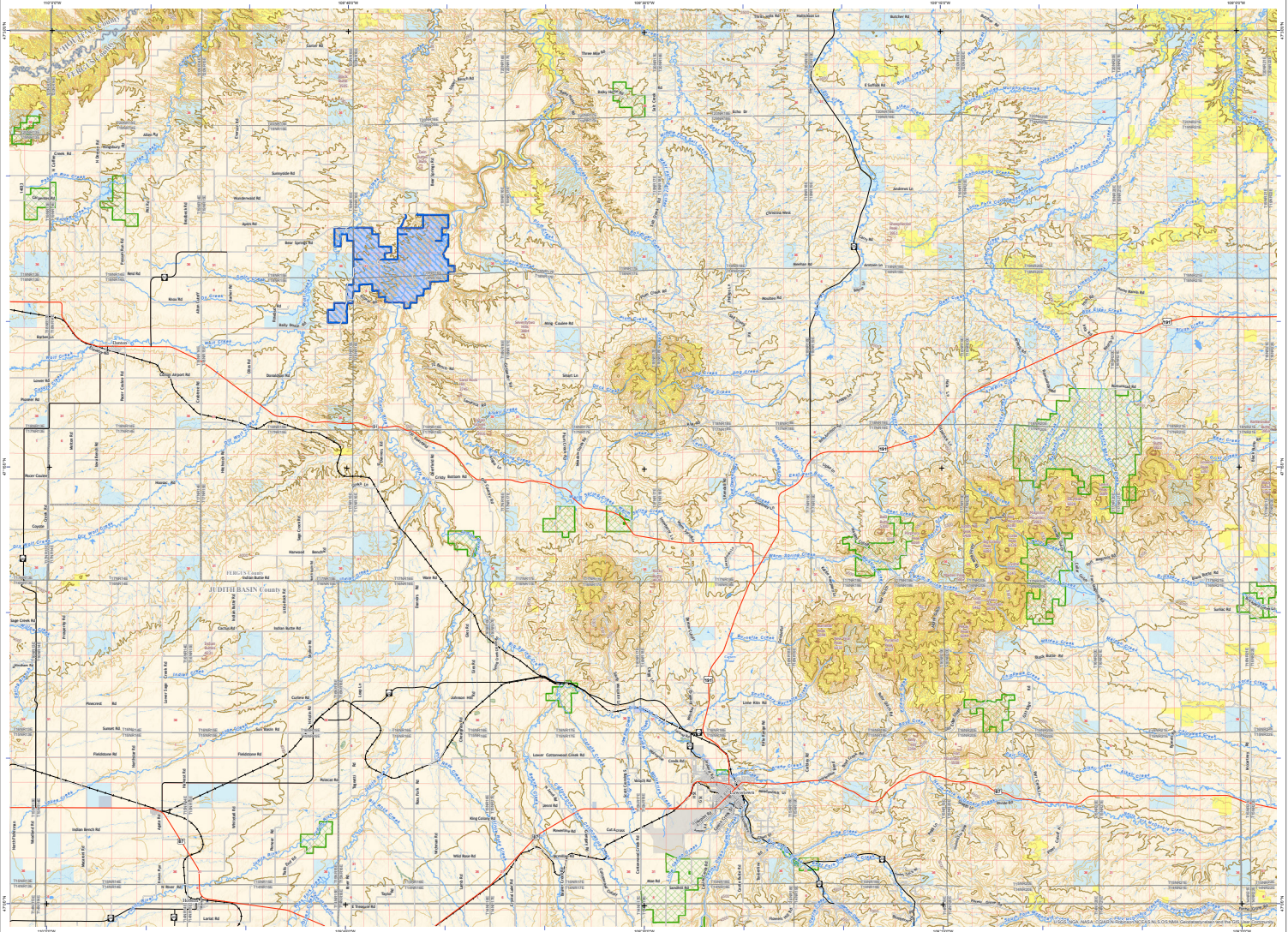


An Employee-Owned Company





Lewistown Quadrangle - 47109a
Montana Public Land & Management Map



Public Ownership on this Map

- | | | | |
|--|------------------------------|---|---------------------------|
|  | US Bureau of Land Management |  | MT Dept of Transportation |
|  | US Dept of Defense |  | Other State of Montana |
|  | MT Fish Wildlife & Parks |  | Local Government |
|  | MT State Trust Lands | | |

Management Areas on this Map

-  Conservation Easement
 Montana Fish Wildlife & Parks, Wildlife Management Area

Scale 1:100,000

1 inch equals 1.57 miles



Notice: This map is not intended as a legal depiction of public or private land boundaries.

Montana Public Ownership and Management Types, not necessarily present on this map

- | | | | |
|------------------------------|----------------------------|---|-----------------------------|
| US Bureau of Reclamation | MT Fish Wildlife & Parks | Conservation | BLM Wilderness |
| US Fish and Wildlife Service | MT Fish Wildlife & Parks | Montana Fish Wildlife & Parks | BLM Wilderness Study Area |
| US Forest Service | MT Dept. of Corrections | Montana Fish Wildlife & Parks, Wildlife | BLM Wilderness Study Area |
| US Dept. of Agriculture | MT Dept. of Transportation | Montana | National Forest |
| National Park Service | MT Dept. Natural Resources | US Fish & Wildlife Service, Center | USFS |
| US Army Corps of Engineers | Montana | National Fish Wildlife | USFS, Wild and Scenic River |
| US Dept. of the Interior | US Army State of Montana | Wildlife Management Area | USFS |
| US Dept. of Defense | Local Government | USFS WPA | Wilderness |

CAUTION:
Not all...

- Not all legends entries may appear on this map.
- Some Public Land data types were symbolized together by broad government categories for display on this map.
- Land management features shown on this map are not intended as a legal depiction of public or private surface and ownership boundaries and should not be used in place of a survey conducted by a licensed land surveyor.
- Public ownership of land does not imply public access. Not all public parcels or roads shown on this map are open to the public. Inquire locally to learn if you can enter certain land parcels or drive on certain road. **Ask first!**
- Map features shown, including conservation easements AND ROADS, do not imply public access to any lands.

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SOURCE INFORMATION
 Public Land Data: Montana State Library
 Land Management data: Montana State Library, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Montana Fish, Wildlife & Parks
 Base map data: Montana Spatial Data Infrastructure (MSDI), including Transportation, Elevation, Hydrography, Public Land Survey System, Administrative Boundaries, Geographic Names, and Cadastre datasets

Montana Public Land Map Series Index



Visit the Geographic Information Program web site at:
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Document Name: 100Kpub2016
Date: 8/26/2016
Author: Duane F Lund

 Montana Fish, Wildlife & Parks

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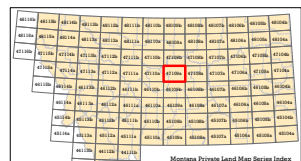
SOURCES / ACKNOWLEDGEMENTS

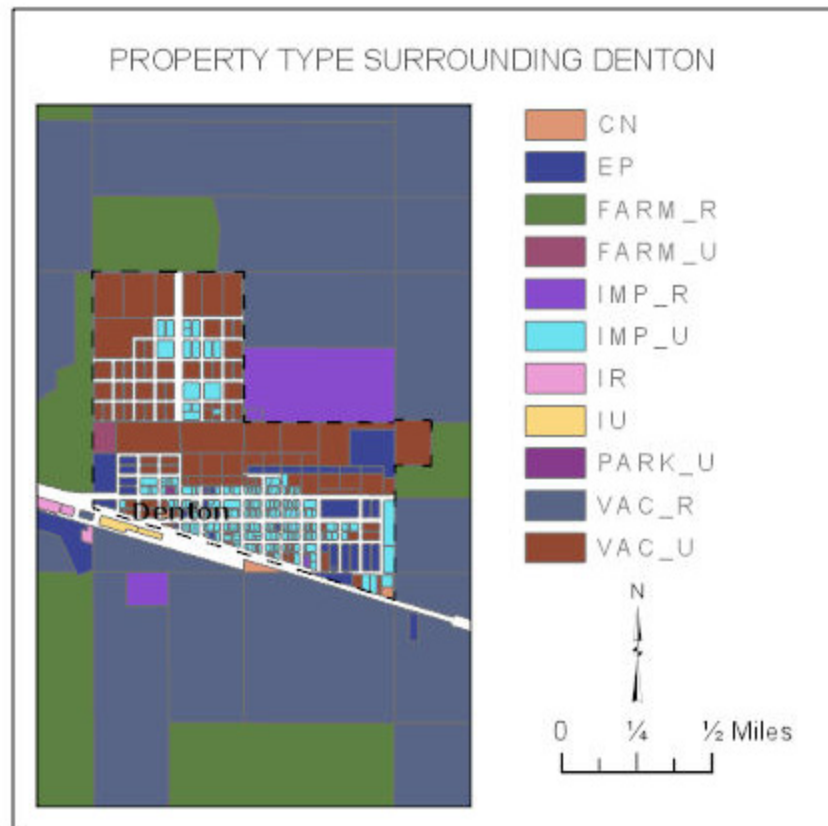
This map was produced as a joint effort between Montana Fish, Wildlife & Parks (FWP) and the Geographic Information Program (GeoInfo) of the Montana State Library (MSL), in response to Montana Code Annotated 87-3-308, which directs the FWP to:

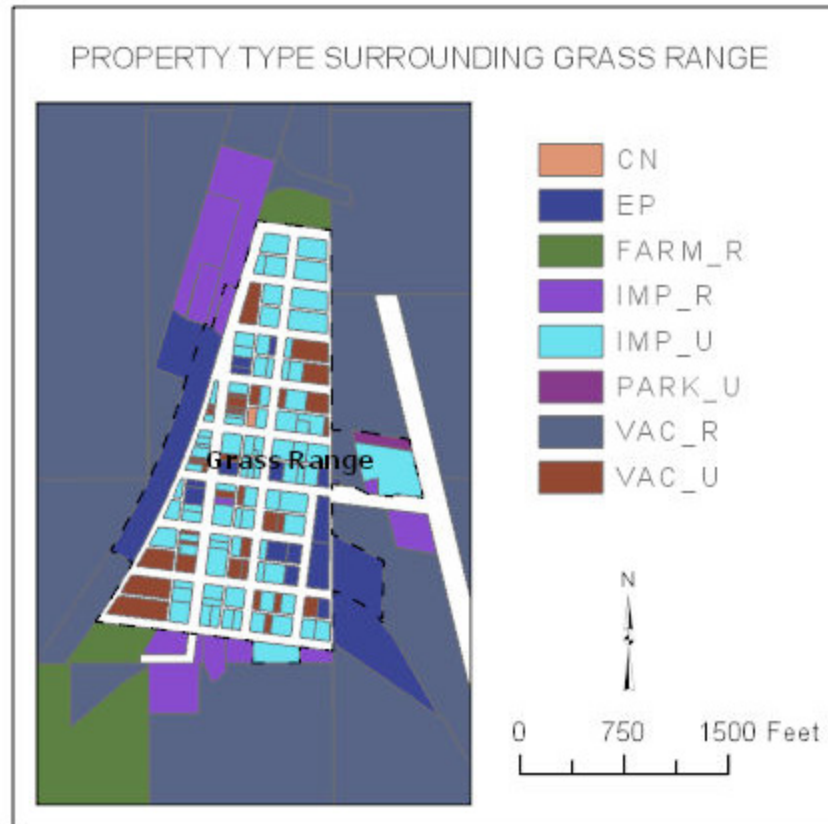
- ...work cooperatively with all state and federal land management agencies
- ...to develop accurate land ownership maps. ... in the State.

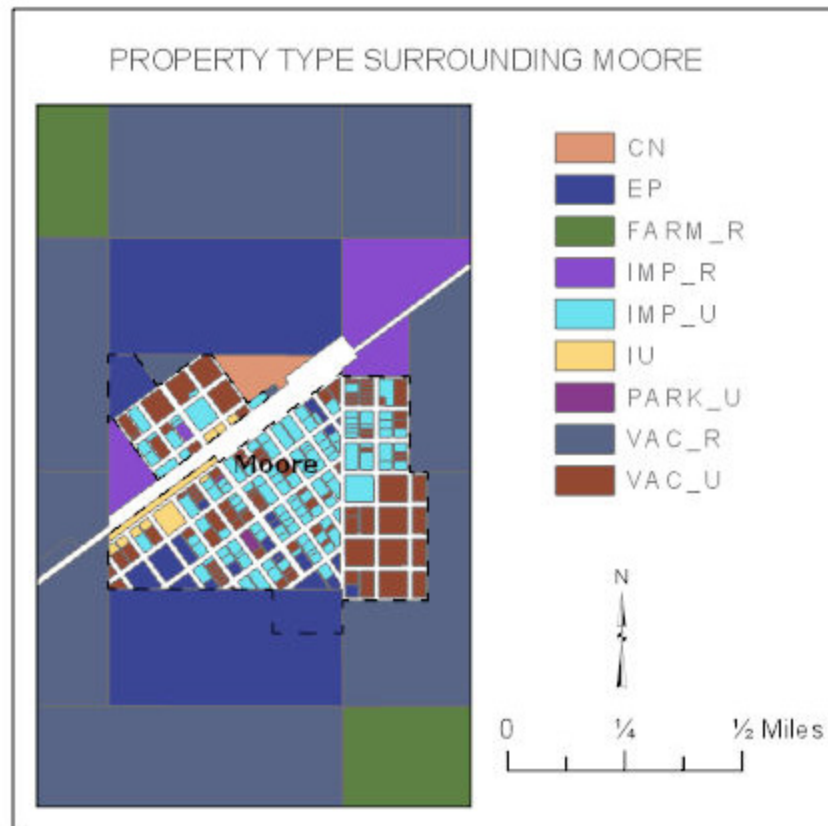
PLEASE READ - NOTES:
Parcel label numbers correspond to the Private Land List which may be downloaded from the Map Gallery Web site.
http://apps.mt.gov/Geographic_Information/Maps/Land_Ownership/Default.aspx
Not all legend items may appear on this map.
Features shown on this map do not imply public access to any lands.
The land status data displayed on this map may not be complete and may contain errors in boundary locations and/or codes.

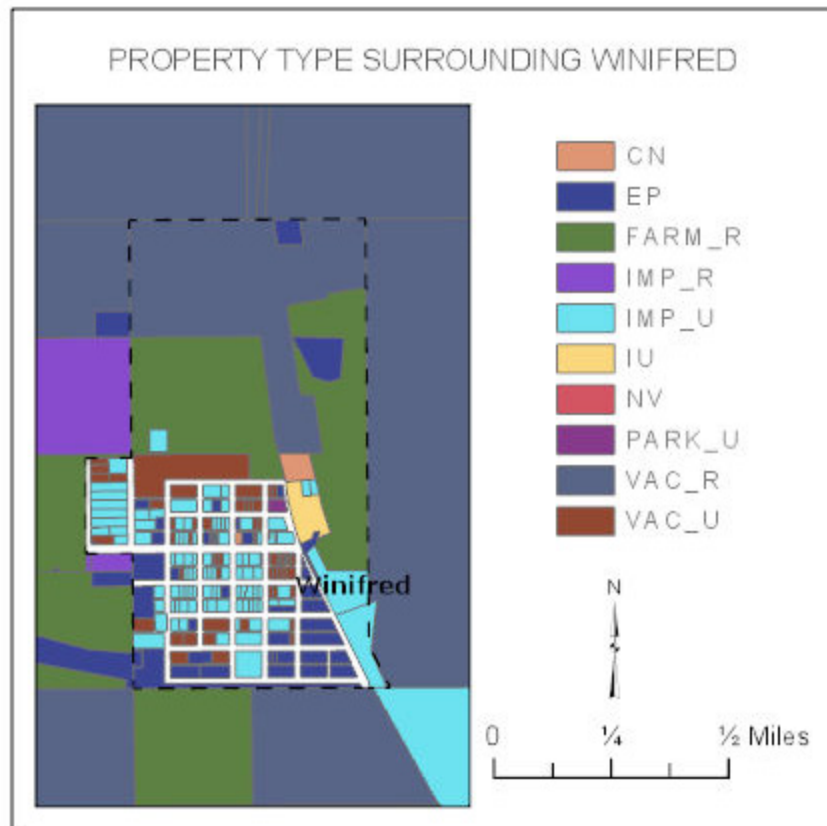
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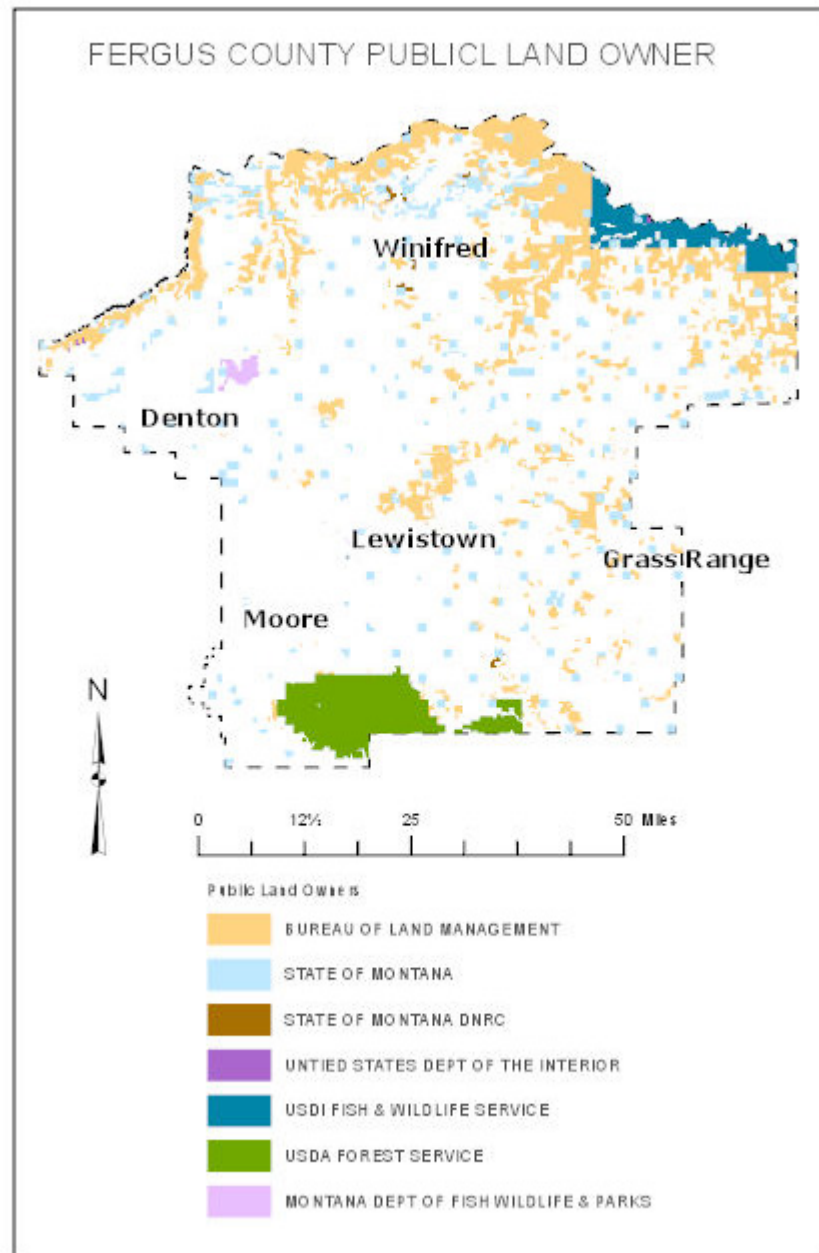
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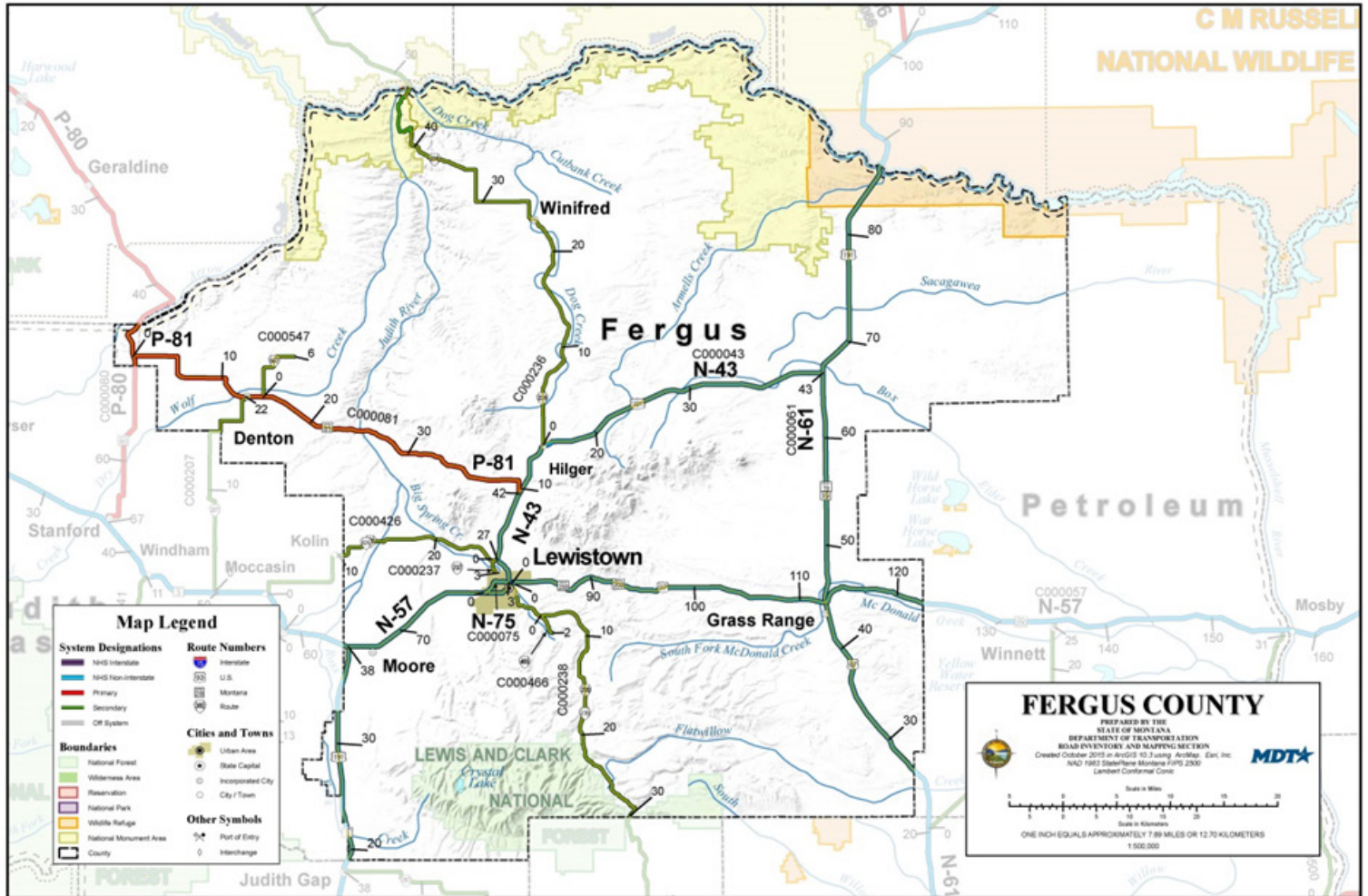


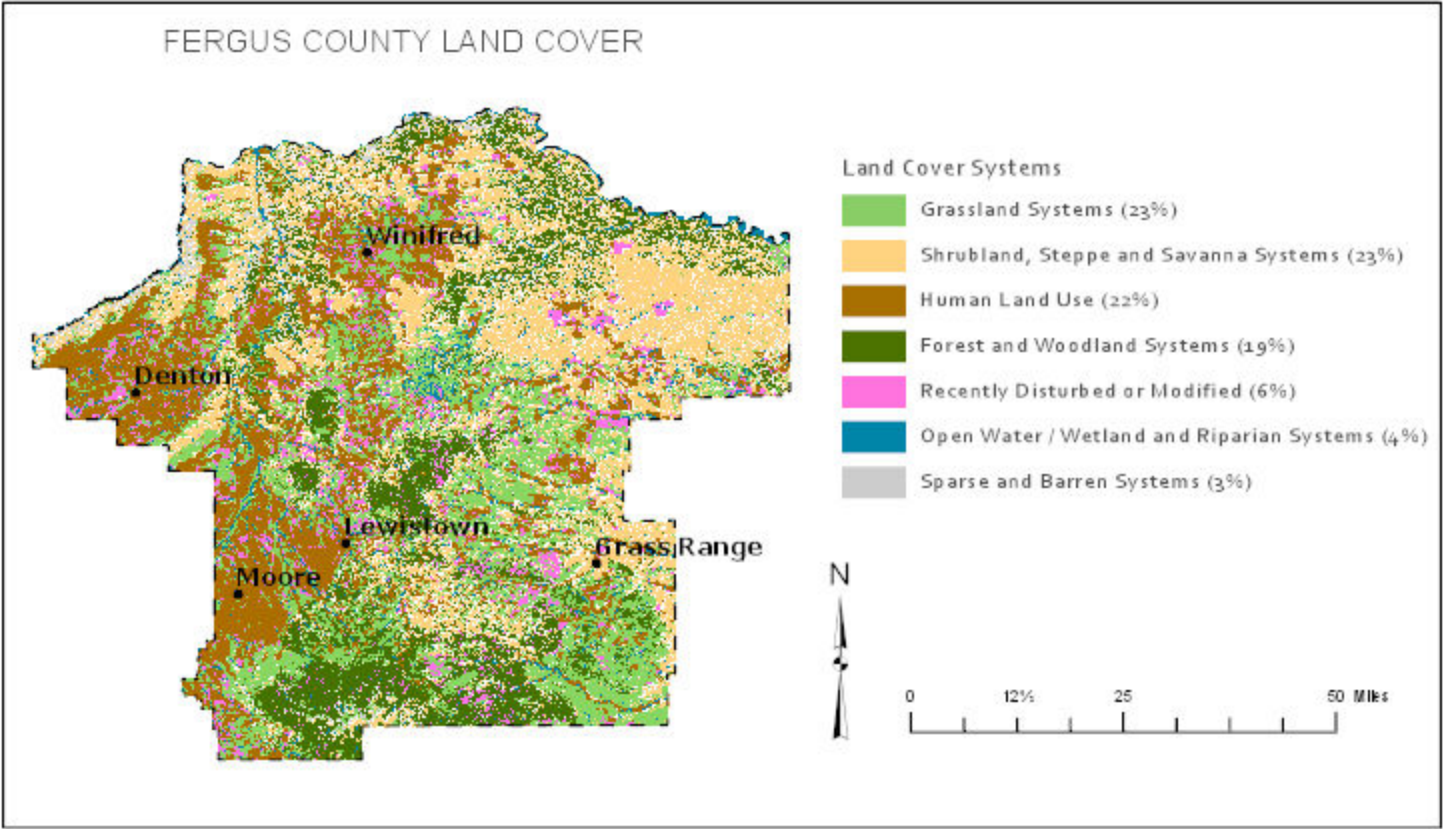












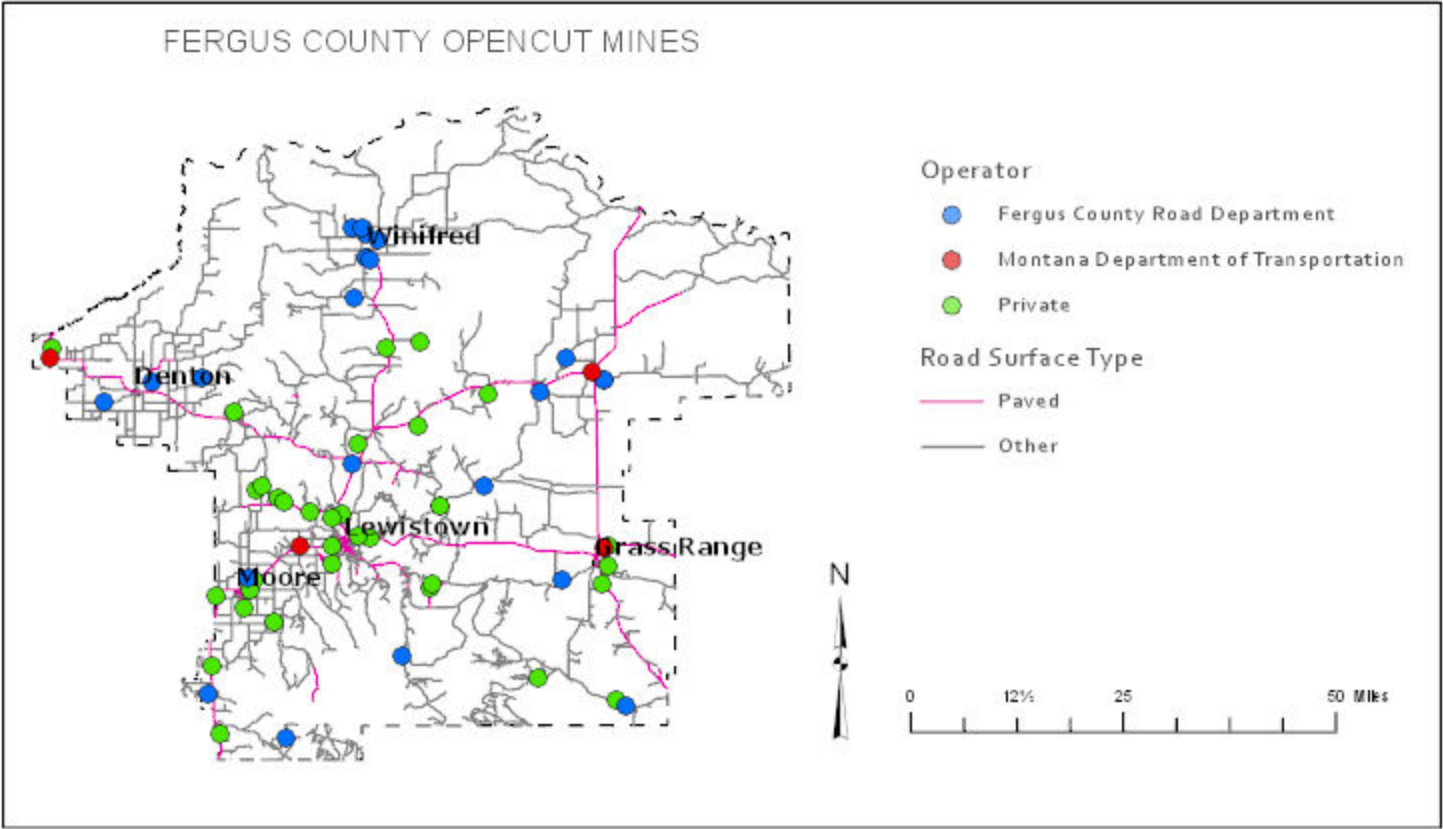
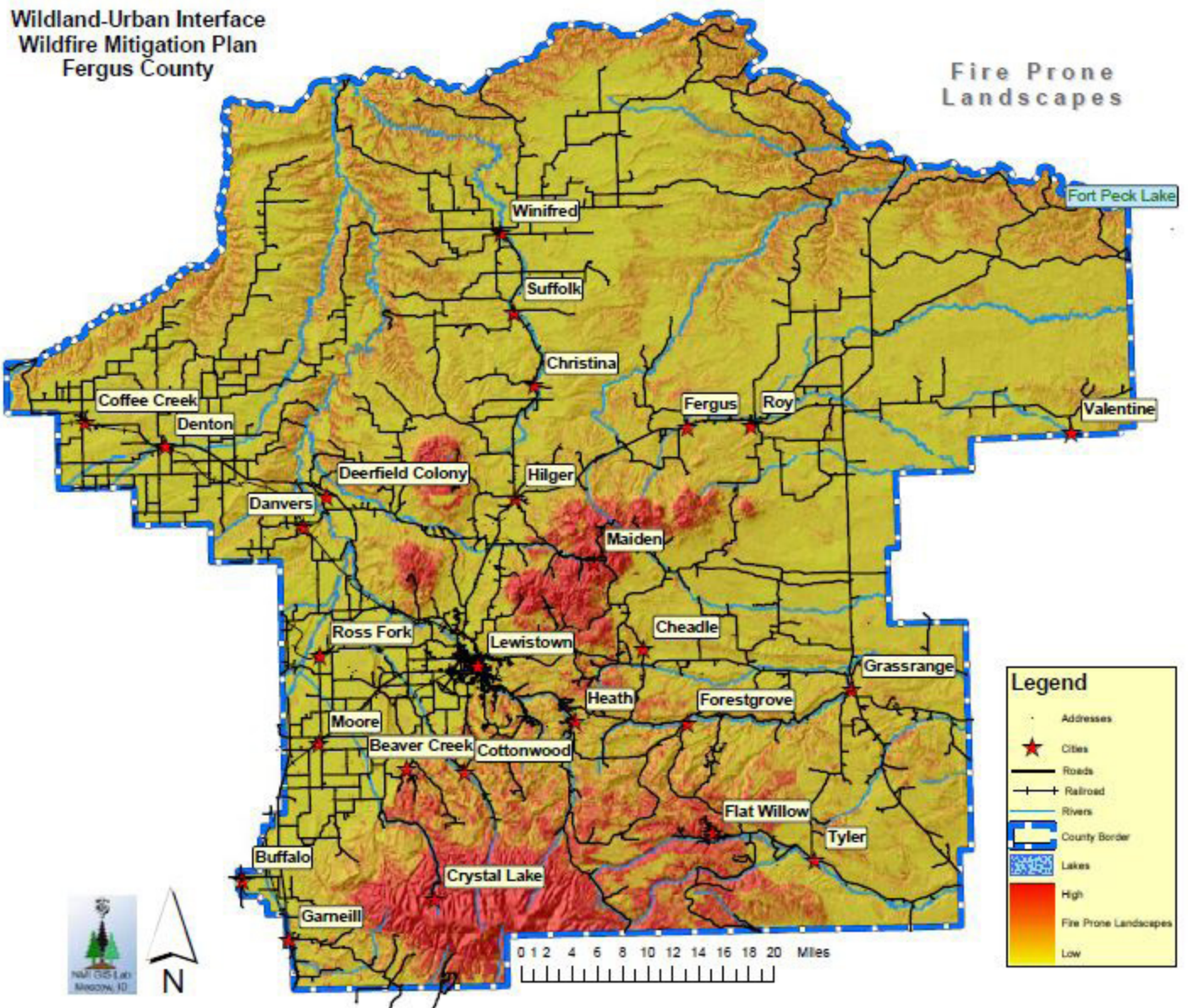
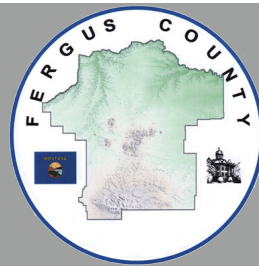


Figure 3.3. Fire Prone Landscapes in Fergus County, Montana.





FERGUS COUNTY
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MT 59457
(406) 535-5119



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3530 CENTENNIAL DRIVE
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