



File Code: 6270-1-1
R1-RO-05-019
Date: March 17, 2005

Mr. Darrell Geist
P. O. Box 7941
Missoula, MT 59807

Dear Mr. Geist:

Your Freedom of Information Act (FOIA) request addressed to Mr. Ken Britton, the Gardiner District Ranger, has been forwarded to this office for review and response. You received records from the District and the Supervisor's Offices and were notified that additional records were being sent to the Regional Office for further review. We have completed our review and we are releasing ten pages in full, seven pages have been redacted pursuant to Exemption 6, and 22 pages are being withheld pursuant to Exemption 4 and 5 of the FOIA.

Exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) exempts from the mandatory disclosure requirement of the FOIA, "trade secrets and commercial or financial information obtained from a person which is privileged or confidential." This exemption covers two broad categories of records: (1) trade secrets; and (2) information which is (a) commercial or financial, (b) obtained from a person, and (c) privileged or confidential.

Following is the two-part test for determining whether information is "confidential" within the meaning of Exemption:

Commercial or financial matter is confidential for purposes of the exemption if disclosure of the information is likely to have either of the following effects: (1) to impair the Government's ability to obtain the necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information is obtained.

Because the information on the withheld documents is of the kind that such companies would not customarily make available to the public, such information must be withheld pursuant to Exemption 4. Additionally, release of this information is likely to impair the Government's ability to obtain this necessary information in the future. Persons are not likely to voluntarily provide such information without the assurance that it will be kept confidential.

We afforded the business submitter's of the information the opportunity to review the records and it was determined that the release of the records would compromise current negotiations.

Exemption 5 includes within its parameters the deliberative process privilege, the general purpose of which is to "prevent injury to the quality of agency decisions." This privilege protects the decision-making process of Government agencies, and protects 'advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated. Specifically, three policy purposes consistently have been held to constitute the basis for this privilege: (1) to encourage open, frank discussions on matter of policy between subordinates and supervisors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that



might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency decision. Therefore, the draft documents are being withheld.

Additionally, incorporated into Exemption 5 is the attorney-client privilege, which protects confidential communications between an attorney and client. The documents that contain communications between an attorney and their client are also being withheld.

Exemption 6 of the FOIA protects personal privacy interests. It permits the government to withhold all information about individuals in "personnel and medical files and similar files" where the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy.

We have enclosed six pages that have been redacted pursuant to Exemption 6. The letters have been included; however, the names of the individuals that wrote to the agency and the information contained in the letters that could identify the subject of the letters has been redacted.

You have the right to appeal this decision. Any appeal must be made in writing to the Chief, USDA Forest Service, Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC, 20250-1143 within 45 from the date of this letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

Sincerely,



ABIGAIL R. KIMBELL
Regional Forester

Church Universal and Triumphant®
BUSINESS OFFICE

June 7, 2004

Ken Britton, District Ranger
Pat Hoppe, Ranger, USFS
Gardiner District
Gardiner, MT 59030

Dear Ken and Pat:

Enclosed please find the Waiver of Term Grazing Permit #305. We understand that you have accepted our fencing plan which has been presented to you. We would appreciate acknowledgement of your acceptance of our fencing plan in a letter from you.

To recap the fencing plan consists of the following:

- Electrical wire fence between section 9 and section 16.
- Jack leg fence along the boundary of the conservation easement lands close to Aldridge Lake.
- Wire fence between the conservation easement lands and Beattie Gulch property.

Thank you Ken and Pat for your patience and assistance.

Sincerely,



Judith Filbert
Business Manager

WAIVER OF TERM GRAZING PERMIT
(Reference FSM 2230 and FSH 2209.13)

NOTE: The information requested on this form is voluntary; however, all the data requested is necessary if you wish to be considered as a qualified applicant for a grazing permit. The data is requested under authority of 5 USC 301, 36 CFR 222.3.

This MEMORANDUM witnesseth that:

WHEREAS, Royal Teton Ranch, of 775 Yellowstone Trail, Gardiner, Mt
hereinafter the seller, received Term Grazing Permit Number 305 from the U.S. Department of Agriculture, Forest

Service on July 6, 1993 authorizing the seller to graze 24 head of cattle and _____
head of _____ for the period of use from 06/30 to 11/05 on the

Park Allotment _____ ('X' appropriate box) National Forest National Grassland; and

WHEREAS, such term grazing permit includes a priority for renewal from one term period to the next provided that the permittee has fully complied with the terms and conditions of the expiring term grazing permit; and

WHEREAS, the seller may waive Term Grazing Permit Number 305 to the Forest Service in favor of a third party which has purchased the base property and/or permitted livestock of the seller; and

WHEREAS, the Forest Service will issue a new term grazing permit to the purchaser of the seller's base property and/or permitted livestock provided that the purchaser is eligible and qualified to hold a term grazing permit; and

WHEREAS, the seller has under date of N/A, 20NA sold to N/A
of N/A, hereinafter, the purchaser, _____ head of
N/A which are permitted livestock and/or the following base property more particularly described below:

NOW, THEREFORE, the seller here and now surrenders unto the United States all privileges heretofore allowed under Term Grazing Permit Number 305, or that portion of the permit consisting of 24 head of cattle and _____ head of _____, and further agrees not to apply at any future time for a renewal of the term grazing permit herein surrendered. The seller further agrees to relinquish unto the United States any and all interest in range improvements constructed or installed by the seller on the lands described in Part 1 of the surrendered term grazing permit or portion thereof or on any other allotment on which the seller may have grazed.

Executed at Gardiner, State of Montana this
5th day of May June, 2004. Subject to conditions and requirements printed on the back hereof.

Witness: Phyllis G. Blain _____
Judith F. [Signature]

Witness: _____

(I/We) have read and agree to the conditions and requirements printed on the back hereof.

Witness: _____ Purchaser

Witness: _____ Purchaser

Received and filed subject to the conditions and requirements printed on the back hereof, this
_____ day of _____, 20__.



"Judith Filbert"
<JFilbert@tsi.org>
05/07/2004 03:09 PM

To <kbritton@fs.fed.us>
cc
bcc
Subject Thank you

Ken:

Thank you for the photos of Aldridge "Improvements." After speaking with Marilyn, Becky, and Wade, we decided that we would put a wire fence in on the lower conservation easement boundary with USFS land at Beattie Gulch. That way, we can just drop the fence when the cattle are not in there. I tried to call Pat yesterday and today but we missed each other to communicate that. I'm not sure how that affects your fencing letter.

Judith

Church Universal and Triumphant

BUSINESS OFFICE

RECEIVED Gardiner Ranger District		
APR 08 REC'D		
Init/Action		
D.R.		
Res. Asst 1		
Res. Asst 2		
Planner		
S.S.S.		
Fish. Bio		
Rgs. Tech		
Wild. Bio		
BMC		
Res. Ck		
Other		
Other		

April 9, 2004

Mr. Ken Britton
District Ranger
Gardiner, MT 59030

Dear Ken:

This letter is to advise that the Royal Teton Ranch has studied the state of the conservation easement land and the effect of the drought conditions on the land and see a major impact. Some of it is turning to dirt without vegetation in the lower level part of the conservation easement.

In order to remedy the situation where it is the worst, we propose corrective measures consisting of returning to irrigation of the land and planting a crop consistent with the historic use of the land and the conservation easement. This will benefit the land and will provide high quality forage for several species of wildlife. The land considered for irrigation has been irrigated in the past by us and former owners, and is consistent with the conservation easement. See Section II.F and Section II.J of the conservation easement.

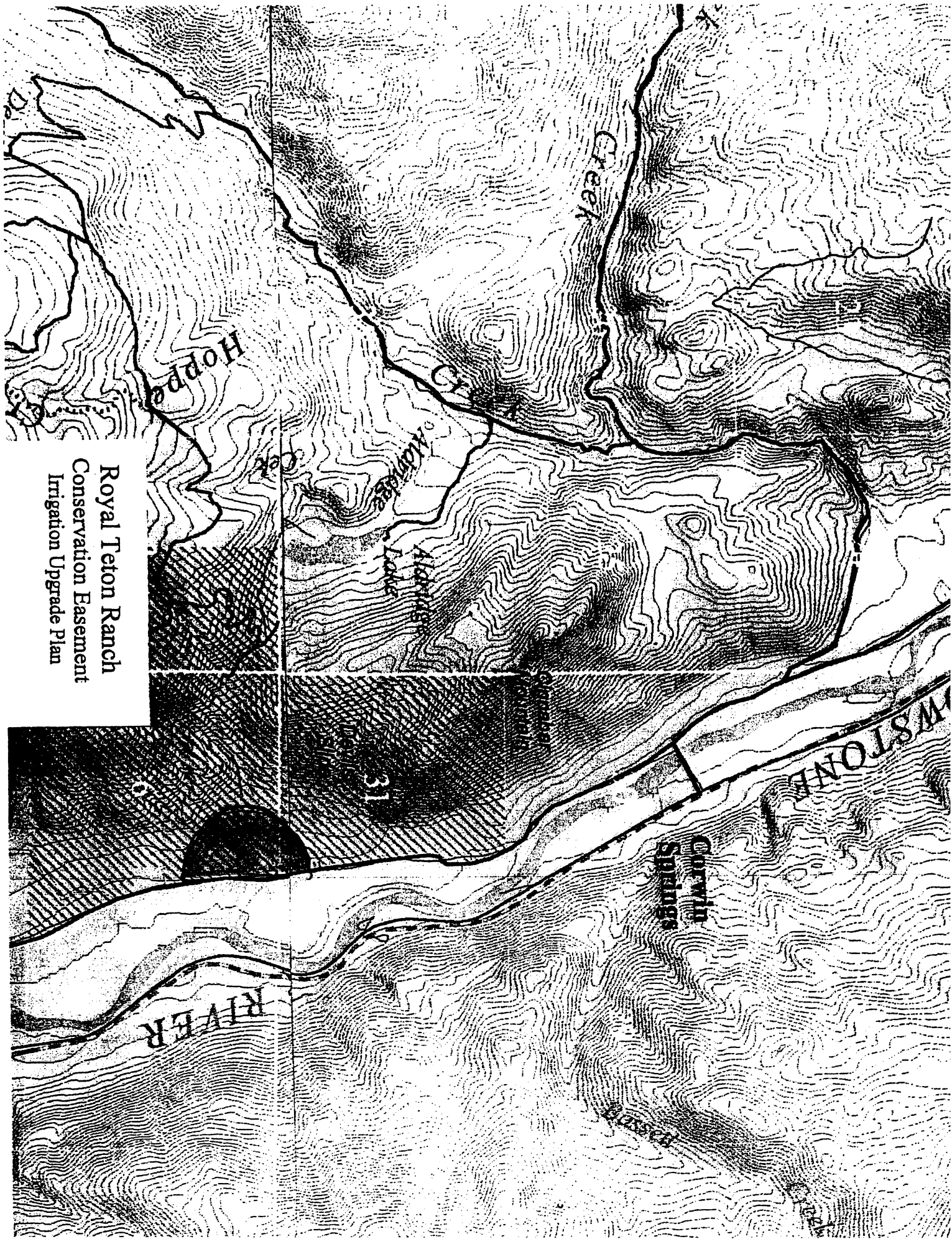
We propose placing a pivot system on the conservation easement, as long-term flood irrigation often has the effect of turning the land to unproductive salt flats. See attached map for location of the pivot.

Our understanding is that you will need to speak with the Rocky Mountain Elk Foundation on this matter. Our ranch manager tells us May 1st is the timeline for introducing this system in order to begin corrective measures this summer. We look forward to hearing from you.

Sincerely,



Judith Filbert



Royal Teton Ranch
Conservation Easement
Irrigation Upgrade Plan

Church Universal and Triumphant®

Office of Corporate Affairs

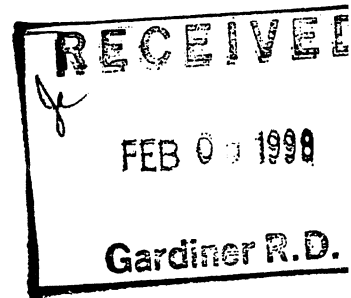
February 5, 1999

John R. Logan
District Ranger
P.O. Box 633
Gardiner, Montana 59030

Dear John:

Based on discussion held on Friday the 22 of January, I understand that the Royal Teton Ranch can make application for temporary use on the lands being convey to public ownership under phase I. In specific, I am referring to those land in Sections 10, 11, 15 and 23 of the Sentinel Butte Allotment and Sections 19, 24 and 25 of the Park Allotment. In addition I would make the same request for the land going into public ownership under phase 2, the capacity to be determined by the agency based on existing agreements and capacity determination.

Therefore, I would like to make this a formal request for temporary use on the newly acquired land. I would like this temporary status until the end of 2002 or until the implementation of a bison management plan which ever comes first, at which time I would want to be considered for a priority permit on said allotments, realizing that final use of the land will have to go through an analysis and determine most beneficial use of the lands.



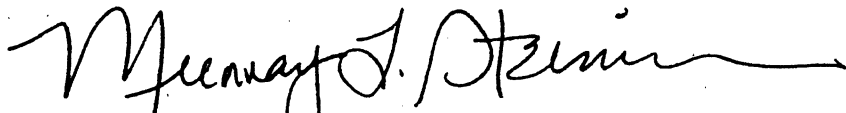
John R. Logan
February 5, 1999
Page 2

Upon the completion of the bison management plan or the end of the year 2002, which ever comes first, and the conversion of the permit to priority status I would consider taking non use for resources protection for the next five years. This would be done to help analysis for bison use as a free roaming ungulate on the Church and adjacent federal lands.

Please send me any forms that need to be handled to facilitate this application.

Sincerely,

CHURCH UNIVERSAL AND TRIUMPHANT, INC.



Murray L. Steinman
Vice President Corporate Affairs

MLS:mlk
Enclosure

Copies to : Joe Sabol, Esq.
Dave Garber, US Forest Service
Bob Dennee, US Forest Service

Comparable Sales - Time adjusted to 6/1/98

Sale #	Date	Buyer	Deeded Acres	Time Adjusted per acre sale value
2	10/1/97	Sold at auction four buyers	232.7	\$3,228
3	7/1/97	Freed	114.22	\$3,765
4	2/2/96	Deone Cox	260	\$3,632
10	4/1/95	LeClair, Ken	51.959	\$3,843
11	1/1/95	McGaha	110.28	\$5,386
14	10/7/93	Baird, Terry et. al.	159	\$3,540
			Average Deeded	154.69
			Weighted Average Value - per acre	\$3,752

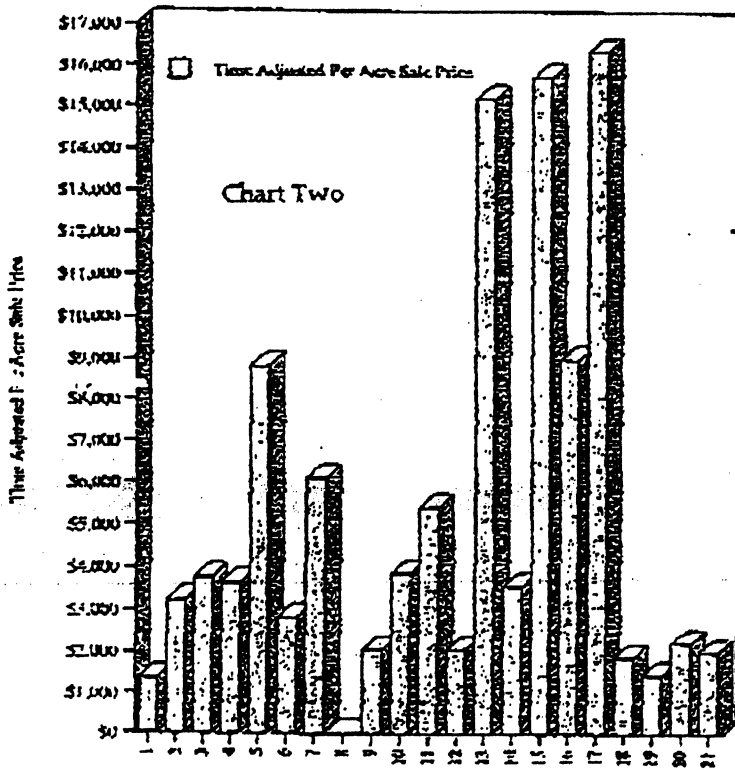
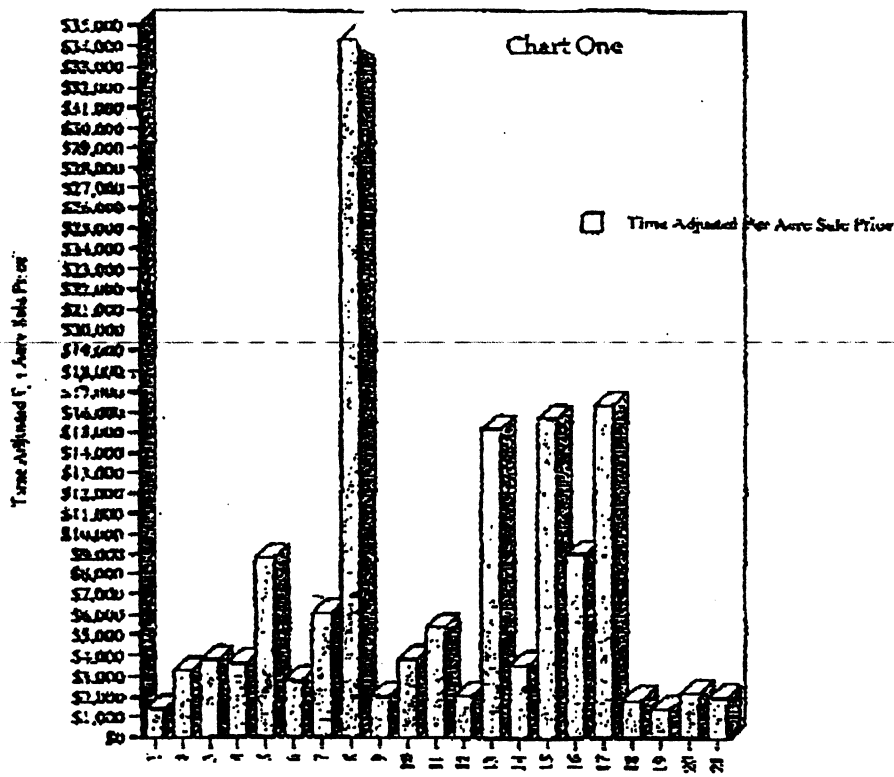
Facing Page 5

Comparable Sales - Time Adjusted to 6/1/98

Sale #	Date	Buyer	Deeded Acres	Time Adjusted per acre sale value
1	10/15/97	Kendrick R. Wilson	640	\$1,363
2	10/1/97	Sold at auction four buyers	232.7	\$3,228
3	7/1/97	Freed	114.22	\$3,765
4	2/2/96	Deone Cox	260	\$3,632
5	11/6/95	Flying J. Inc	199.08	\$8,820
6	10/11/95	Kendall Wyman Wilson	1,061	\$2,807
7	9/20/95	Francis L. McLain	359	\$6,087
8	9/6/95	Ed Bazinet	100	\$34,273
9	9/1/95	Edward Bazinet	409.48	\$2,029
10	4/1/95	LeClair, Ken	51.959	\$3,843
11	1/1/95	McGaha	110.28	\$5,386
12	9/30/94	Linsan, Inc.	404	\$2,036
13	8/1/94	Bray, Donald and Sheena	81	\$15,187
14	10/7/93	Baird, Terry et. al.	159	\$3,540
15	9/15/93	Edward R. Bazinet	296.809	\$15,731
16	12/18/92	Bill Levine	200	\$8,960
17	9/1/92	Strasburg, Katherine	320	\$16,367
18	9/1/97	Frank Abbot	801.39	\$1,850
19	5/23/96	Redman, Robert J. and Cynthia	1,255.75	\$1,436
20	10/15/95	Beartooth Properties	1,237.16	\$2,210
21	4/28/95	Robert and Cynthia Redman	525	\$1,993

Facing Page 3

Average Deeded 419.90
 Weighted Average Value - per acre \$4,122



Facing Page 4

[REDACTED]

[REDACTED]

RECEIVED
JUN 30 1995
Handwritten notes: "Laney 255" and a signature.

June 30, 1995

John R. Logan
District Ranger
Gardiner Ranger District
P.O. Box 5
Gardiner, Montana 59030

Dear Mr. Logan,

We have attempted to understand the issues and the position of our neighbors. [REDACTED]
[REDACTED] We sincerely desire to be good neighbors and to cooperate on issues of common concern.

My [REDACTED] and I have discussed and carefully considered our position as it relates to the [REDACTED] cattle grazing allotment. As co-owners of the northeast corner of [REDACTED] we do not want cattle on our land.

We recognize that the law says landowners must fence out cattle. We cannot and will not do that for a number of reasons. Someone's cattle has damaged our property and we want that damage to stop.

In addition, our appreciation of the Forest Service land surrounding us centers on wildlife and the supporting habitat for that wildlife. Consequently, any removal of grasses and forbs by cattle is not desired. There is probably some negative cattle impact on aspen as well. The scenic and habitat contributions that aspen trees add to forest land is immense!

We ask that you remove the cattle from U.S. Forest Service land adjoining our land.

Sincerely,

[REDACTED]

[REDACTED]

April 27, 1945

John:

Thank you for the opportunity to comment.

I strongly recommend no grazing permits for the Canyon allotment in the Pinar Basin.

If a ten-year permit is issued, many 20-acre pieces of property will be fenced to keep the livestock out more fences, mean more hazards for the wildlife. The only reason I fenced my property was to keep the cattle out.

Even though there are many 20-acre parcels, few have yet to be fenced. If property owners know they have at least 10 more years to put up with the cattle, they will build fences to keep them out. Now is the time to let them know that there will be no permits and few if any, will build fences. Otherwise, once the fence is up it will probably stay.

Your confrontations over grazing permits in the past will become much more numerous. The troubles will far out weigh the benefits for all concerned.

You are the people who will have to administer the problem and as you well know it grows a little each year.

Save the grass for the wildlife and save yourself a problem that will only get worse!

Sincerely yours,
[Redacted Signature]

May 11, 1995

REC
Bardner

DEAR MR Logan, Hoppe & Sears

I want to thank you all very much for giving us this opportunity to express our opinion on grazing on the Canyon Allotment in Tom Nixon Basin.

I've owned my property above [redacted]

[redacted] and have been plagued with the encroachment of domestic [redacted] every since. My self and virtually all of my neighbors have tried with out success to drive the cattle to authorized grazing section but its a losing battle.

The main topic of discussion at each Home owners meeting is the cattle over grazing our land. were not sure who own the cattle (we heard its [redacted]), but, I have never seen anyone even attempt to keep the cattle on the grazing areas assigned to them.

I would prefer that the Canyon Allotment not be given sold grazing rights to anyone. I, and all of my neighbors, have discussed this problem with repeatedly. Would love to see this area used only for wild life on our land [redacted] parcel

specifically for Elk, by the Elk foundation. This area combined with our privately owned [redacted] and the Canyon Allotment would provide an ideal area for Elk habitat = deer.

To [redacted] disease cattle grazing

I would like to mention, that I'm not sure how many of the property owners were notified, but I'm sure virtually all of them would respond with the same feelings I have on this subject

Thanks again for the opportunity to allow us to express our ~~our~~ strong opposition to domestic quarrying on Charges Attached!!

Please lets save this one AREA for the wild life!

Sincerely

[Redacted signature]

Please note my new address & phone no.

[Redacted address]

[Redacted phone number]

MESSAGE DISPLAY FOR PATRICK W. HOPPE

Pat

From: JOHN
Postmark: May 25,95 9:31 AM Delivered: May 25,95 9:31 AM
Status: Previously read
Subject: Canyon Allotment

Message:

[REDACTED] call to let us know they the association had some concerns about the livestock on the Allotment or rather off the allotment as they impact the adjacent landowners. He mentioned that they, but couldn't speak for all the association did not want the cattle on the allotment. Told him that he did not have to send a letter that this would do and we would certainly let him respond to the EA went it hits the street. J.

-----X-----



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Supervisor's Office
10 East Babcock
P.O. Box 130
Bozeman, MT 59771

File Code: 5400/6270-1

Date: February 28, 2005

Darrell Geist
PO Box 7941
Missoula, MT 59807

Dear Mr. Geist:

On February 22, 2005, you came into our office, and indicated to Bob Dennee, Lands staff, that you were "...here to inspect" the files for the Royal Teton Ranch (RTR) land conservation project. Bob responded that he was in meetings and not available to assist you that day. You then left our office. That same day, you made a similar request to Ken Britton, Gardiner District Ranger, to inspect the RTR files at that office. For the record, you provided no advance notice to the Supervisor's office, and you made no arrangements to meet at a mutually agreeable time and location. You then wrote an e-mail memo to Bob Dennee, and requested to inspect the RTR files on February 23, 2005. You cited regulations at 7 CFR 2.28(b)(7)(viii) as the basis for your request.

As Bob Dennee and Steve Christiansen discussed with you today, we believe it is not appropriate for you to come into the office, with little or no advance notice, and expect to review voluminous project files. After consulting with staff in our Region and Washington offices, we advised you that the proper procedure is for you to submit a FOIA request in writing for copies of specific information. If you seek to review project files in person, then you would need to make arrangements with us, well in advance, to do so at a mutually agreeable time and location.

You then asked the Forest Service to provide a response to you in writing. To confirm what our staff told you today, we are offering two choices regarding your latest request. You can either submit a FOIA request for copies of specific information. Or, if you seek to review project files in person, you will need to make proper arrangements to do so at a mutually agreeable time and location. We suggest that mid-March would be a suitable time. This response applies to the requests you made to this office and to the requests you made to the Gardiner District.

Sincerely,

REBECCA HEATH
Forest Supervisor

cc: Ken Britton, Steve Christiansen, Regional Forester, Attn: FOIA Coordinator

