



**Montana Fish,
Wildlife & Parks**

Region One
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Ref:DV144-04
September 24, 2004

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SEP 28 2004

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Ladies and Gentlemen:

At the Fish, Wildlife & Parks (FWP) Commission meeting in Missoula on September 9, 2004, the Commission made a final decision to abandon all of the Lone Pine Game Preserve. The effective date for this change is **October 8, 2004**, the date the rule is expected to be published in the state's administrative rule notices.

There were no changes to the draft environmental assessment (EA); therefore, the draft becomes the final EA, together with an adoption notice, which includes a summary of public comments and the FWP responses to those comments. A copy of the decision document is enclosed. A copy of the adoption notice can be obtained by contacting Nancy Ivy, FWP, 406-751-4579 or via e-mail: nivy@state.mt.us.

Please direct any questions or comments to Gael Bissell, Habitat Conservation Biologist, Montana Fish, Wildlife & Parks, 490 N. Meridian Road, Kalispell, MT 59901, or e-mail to gbissell@state.mt.us.

Sincerely,

Daniel P. Vincent
Regional Supervisor

/ni

Enclosure

c: Governor's Office, Attn: Todd O'Hair, PO Box 200801, Helena, 59620-0801

Jim Watson & Carol Bibler, Spring Brook Ranch, Kalispell, 59901

Tom Esch, Attorney, PO Box 2943, Kalispell, 59903

Environmental Quality Council, PO Box 201704, Helena, 59620-1704

*Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620-0901

*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901

DNRC, PO Box 201601, Helena, 59620-1601; Kalispell: *Jon Dahlberg

Montana Fish, Wildlife & Parks - Director's Office: Reg Peterson, Wildlife: Don Childress, & Legal Unit:

Martha Williams, Becky Price

FWP Commissioner Mike Murphy, 2401 Recreation Road S, Wolf Creek, 59648

*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Building, Helena, 59620-1201

*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800

c: Jim Jensen, Montana Environmental Information Center, PO Box 1184, Helena, 59624
George Ochenski, PO Box 689, Helena, 59624
Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923
Montana State Parks Association, PO Box 699, Billings, 59103
Joe Gutkoski, President, Montana River Action Network, 304 N 18th Ave., Bozeman, 59715
Rep. Rod Bitney, PO Box 10501, Kalispell, 59904-0601
Rep. Bernie Olson, 161 Lakeside Blvd., Lakeside, 59922-9723
Rep. Tim Dowell, 46 West View Dr., Kalispell, 59901-3364
Sen. Bob Keenan, Box 697, Bigfork, 59911-0697
Sen Greg Barkus, PO Box 2647, Kalispell, 59903-2647
Flathead County Commissioners, 800 S Main Street, Kalispell, 59901
Forest Sanderson, Flathead County Planning Office, 1035 First Avenue W, Kalispell 59901
Flathead County Library, 247 First Avenue E, Kalispell, 59901
Warren Illi, 115 Dover Drive, Kalispell, 59901
Buzz Isfeld, 192 Sunburst Drive, Bigfork, 59911
Brent Mitchell, 960 Kienas Road, Kalispell, 59901
Bill Matthews, Flathead Wildlife Inc., PO Box 4, Kalispell, 59904

Interested Parties:

Jim Aker, Elaine Badley, *Robert & Rae Ball, *Terry Browning, John Bruns, Rae Chichy, *Kathi Costa, Gary Crowe, William Davis, Lois Drobish, Nol Drury, *Debra Engdahl, Teddy Gilbertson, *Greg Grace, John Heine, Margaret Henderson, *Gordon Herron, Dallas Herron, *Wilson Higgs, Dave Hobus, Mike & Jean Keith, Kim Kerney, Andy Kruse, *Stanley & Willa Langel, *David & Deanna Lauber, Elizabeth & Stan Makman, Sandra Marsall, *Jeff Marsall, Gerry & Martha Mason, Richard Jay McCadden, Rosemary McKinnon, Jeff Meller, Jim Mitchell, *Robin Morton, Bernie Olson, Kate Parkin, Jerry Simchuk, *Alan Quint, Yolande & Rich Reynolds, *Vincent Rieger, Julie Robinson, Dout & Denise Scarff, Tom Shaughnessy, *Dan & Kay Smith, Rory Stevens, John & Kathy Taylor, Orrin Webber, Richard Winters, Charles Wise, *Vicki Zabel, Robert Zuschin

DECISION NOTICE AND FINAL ENVIRONMENTAL ASSESSMENT

Abandonment of the Lone Pine Game Preserve Prepared by Montana Fish, Wildlife & Parks, Region One September 20, 2004

The Montana Fish, Wildlife & Parks (FWP) Commission has made a final decision to abandon the Lone Pine Game Preserve. Their decision was made at the FWP Commission meeting September 9, 2004, in Missoula. The effective date for this change is **October 8, 2004**, the date the rule is expected to be published in the state's administrative rule notices.

Background: At the March 2004 FWP Commission meeting, Jim Watson and Carol Bibler petitioned the Commission to abandon that portion of the Lone Pine Game Preserve, the area that encompasses the nearly 1,000-acre Spring Brook Ranch. In reviewing this request, the Commission recommended that FWP staff include at least two other alternatives for the public to review. One alternative would propose abandoning the entire preserve, and one alternative would allow the landowners of the Spring Brook Ranch to withdraw just their property from the preserve.

On May 6, 2004, the Commission and Department published public notice regarding the matter of the repeal or amendment of ARM 12.9.204 pertaining to Lone Pine Game Preserve. FWP issued the draft EA for this action and mailed it to 42 interested organizations, citizens, or agencies. The public hearing was held June 2, 2004, at Lone Pine State Park.

Public Review Process: The draft EA for the abandonment of the Lone Pine Game Preserve included three alternatives:

- Alternative A is the no-action alternative or status quo; leave the preserve as is.
- Alternative B proposes the Commission and Department abandon all of the preserve. This is the preferred alternative.
- Alternative C would remove the preserve from just the applicants' land, Spring Brook Ranch, about 1,000 acres.

At least 25 members of the public signed in at the public hearing at Lone Pine State Park on June 2, 2004, at 7:00 p.m. Of these, 13 testified in favor of the Commission and Department abandoning some or all of the Lone Pine Preserve, while 4 spoke in opposition of abandoning the preserve.

On June 9, 2004, a guest opinion by Jay McCadden opposing the abandonment of the Lone Pine Game Preserve was published in the editorial section of the Daily Inter Lake. A follow-up guest opinion by Jim Watson supporting the petition was published in the same newspaper on June 12, 2004.

On June 11, the Commission and Department received a request for a time extension for public comments due to the lateness of the Daily Inter Lake article with respect to the public hearing

and the end of the public comment period. Also, this individual felt the applicants had much more time preparing their case and getting people to the hearing than any opposition. In mid-July, the Commission and Department agreed to extend public comment until August 13, 2004.

On July 14, the Commission and Department also issued a press release to all news organizations in the region announcing the extension of the comment period for the Lone Pine Preserve abandonment until August 13, 2004. On July 15, 2004, the Commission and Department mailed postcards to members of the public that submitted comments through the mail (45 addresses) and e-mailed the same information to those that commented electronically (10 addresses). On July 16, the Commission and Department sent legal ads to the 2 daily newspapers in Flathead and Lake Counties notifying the public of the public comment extension; these legal ads were published on July 21 and July 22 respectively.

In all, the Department received a total of 54 comments from 45 parties (people or organizations) including 2 comments from the petitioners or their attorney on the proposed rule change. Of the 54 comments, 16 came from public testimony at the public hearing, 16 from letters, 12 by e-mail, 8 by phone or phone message, and 2 in person.

Nearly all the commenters were residents from the preserve. There were 17 parties (20 comments) in favor of Alternative A, or the no-action alternative. There were an equal number of parties (17 parties making 22 comments) supporting Alternative B, to abandon the entire Lone Pine Preserve. In addition, there were 7 parties supporting Alternative C only, remove the preserve status from just the Spring Brook Ranch, including 2 comments from petitioners or their attorney. Several individuals supported one or more alternatives: One supported A or B but not C; three supported A or C. Following the close of public comments, FWP staff completed an adoption notice, which includes a summary of public comments and responses to those comments. FWP also made a recommendation to the Commission to abandon of the entire preserve. There were no changes to the draft EA; therefore, the draft becomes the final EA. Copies of the adoption notice can be obtained by contacting Nancy Ivy, FWP, 406-751-4579 or via e-mail: nivy@state.mt.us.

Decision: The Commission voted unanimously on September 9, 2004, at their meeting in Missoula to abandon the entire preserve. The Commission's action will allow hunting and trapping to occur in this area using all legal firearms at the time the rule repeal notice is published. The publication of the rule repeal notice is expected to occur on October 7, with the repeal in effect October 8, 2004.



Daniel P. Vincent
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9/27/04

Date