



# **Montana Fish, Wildlife & Parks**

## **DECISION NOTICE**

### **Acquisition of North Lily Property**

Montana Fish, Wildlife and Parks  
Region 2  
3201 Spurgin Road  
Missoula, MT 59804  
(406) 542-5500  
**March 22, 2006**

### **Proposal**

Montana Fish, Wildlife and Parks (FWP) proposes to purchase fee title and accept management responsibilities for 59.23-acres composed of three mining claims (currently held by the Montana Chapter of the North America Foundation for Wild Sheep), six miles west of Anaconda in Deer Lodge County. The Railroad and Manilla placers totaling 40-acres are at the mouth of Blue-eyed Nellie Gulch (Township 5 N, Range 12 W, in the SW1/4 of Section 24), the Roosevelt placer (19.23-acres) is a quarter of a mile west (Township 5 N, Range 12, in the SE1/4 of Section 23).

These lands lie adjacent to the existing 6-acre Blue-eyed Nellie Wildlife Management Area (WMA) and a quarter mile to the west. This acquisition would be funded with \$25,000 from Bighorn Sheep License funds administered through the Habitat Montana program and \$5,000 from the Anaconda Sportsman's' Club. The Montana Chapter of Foundation for North American Wild Sheep (MFNAWS) purchased this property in January 2006 from the North Lily Mining Company for \$60,000 in order to prevent a private buyer from purchasing and potentially developing the area. The Foundation will make a significant donation of \$30,000 by selling the property to FWP for \$25,000.

The purpose of this proposal is to preserve critical habitat for the Lost Creek bighorn herd. Bighorn sheep use the parcels, composed of grassland, a gulch, and cliffs, year round-- lambing occurs in the cliffs, bighorn feed here in the winter, and bighorn traverse the properties throughout the year. Bighorn cross the property to access water at Warm Springs Creek and to move between extensive public lands in the Pintler and Flint Creek Ranges (FWPs' Garrity Mountain WMA and Forest Service lands along Stucky Ridge). Under this proposal Montana Fish, Wildlife and Parks would acquire an important access point to Forest Service lands on Stucky Ridge. The area receives a lot of wildlife viewing due to its proximity to Highway 1 and provides key access for deer, elk, and bighorn sheep hunters in the fall.

### **Montana Environmental Policy Act Process**

FWP prepared an Environmental Assessment pursuant to MEPA. FWP made this document available during a 30-day public comment period that began on February 16, 2006 and ended on

March 17, 2005. FWP advertised the public comment period on the proposed project by a legal notice entitled "Public Comment Sought" in the following newspapers: *the Independent Record Montana Standard*, *Anaconda Leader*, *Missoulian*, and the *Great Falls Tribune*. This document was available in its entirety on FWP's internet web site ([www.fwp.mt.gov](http://www.fwp.mt.gov)).

A public hearing regarding this acquisition was conducted by FWP in Anaconda on March 15, 2006 at 6:30 pm at the Washoe Trout Hatchery, and was attended by 17 citizens.

FWP distributed copies of the draft EA before the comment period began, at the public meeting in Anaconda, and responded to additional requests as they were received. A copy of the EA was sent to adjacent landowners, as well as the following persons or organizations for review:

Governor's Office, Attn: Mike Volesky, P. O. Box 200801, Helena, MT 59620-0801

Environmental Quality Council, P.O. Box 201704, Helena, MT 59620-1704

\*Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901

\*Department of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601

\*Montana Fish, Wildlife & Parks:

Website, Commission Secretary, Division Secretaries, Regional Office Managers, Region 2 Information Officer

\*State Historic Preservation Office, P. O. Box 201202, Helena, MT 59620-1202

\*Montana State Library, P.O. Box 201800, Helena, MT 59620-1800

Montana Environmental Information Center, Attn: Jim Jensen, P.O. Box 1184, Helena, MT 59624-1184

Deerlodge Ranger District, 1 Hollenbeck Rd., Deer Lodge, MT 59722

Skyline Sportsmen, P. O. Box 173, Butte, MT 59703

Anaconda Sportsmen, 2 Cherry St., Anaconda, MT 59711

Montana Natural Heritage Center, P.O. Box 201800, Helena, MT 59620-1800

Montana Audubon Society, P.O. Box 595, Helena 59624-0595

Montana Stock Growers, 420 North California, Helena, MT 59601

Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624-1175

Deer Lodge County Weed Supervisor, 800 South Main, Anaconda, MT 59711

Deer Lodge County Commissioners, 800 South Main, Anaconda, MT 59711

\*Mailed electronically

## **Summary of Public Comment**

Seventeen citizens and two FWP personnel attended the public hearing on March 15, 2006 in Anaconda. Twelve individuals testified at the hearing, including representatives from the Anaconda Sportsmen's Club, the Skyline Sportsmen's Club, Public Land Access Association, the Montana Chapter of the Foundation for North American for Wild Sheep (MFNAWS), the Montana Wildlife Federation, and an Anaconda-Deerlodge County Commissioner. All spoke in favor of the project. Jim Weatherly (vice-president of MFNAWS) read from a letter from MFNAWS that was strongly in favor of the purchase; all others in attendance also indicated that they were in favor of the project. A sampling of comments from the hearing follows:

- “I think the acquisition of this land would be a big plus for the sheep and for the community of Anaconda.”
- “Great project, just make it happen.”
- “I think this is a positive move for the public domain. It will enable more corridors for animal movement to both sides. Best part is it saves public ownership verses development.”
- “...this project... is important for the North American wild sheep here in Anaconda.... Our big horn sheep, like our elk, are very important to us in the state of Montana.”

Four people who submitted written comments during the comment period also voiced support.

- “I want to express my support for the purchase of the additional 60-acres located west of Anaconda... for the benefit of the sheep and deer herd in that area.... Purchase of the additional property... will provide wildlife with continued access to important early and late season feeding areas, block unnecessary use by vehicles, and begin management... of spotted knapweed.”
- "I support the land acquisition. We don't need any more land subdivided causing closure of prime wildlife habitat."

Individuals also considered securing public access up Blue-eyed Nellie Gulch to be an important benefit of this project.

No comments against the proposal were heard or received during the comment period.

In addition to the comments received during the MEPA process, Senate Bill 529 (2005 Montana Legislature) requires noxious weed inspections and weed management agreements for certain land transfers to non-federal public agencies. Sharon Rigby, Anaconda-Deer Lodge Weed Coordinator, inspected adjacent properties in July 2005 at the request of FWP. The results of her inspection were presented to the County Weed Board and a draft Noxious Weed Management Plan was prepared that is intended to eliminate noxious weeds on the property over the next five years. This plan will be finalized if the project acquisition proposal is approved and will become part of the Purchase Agreement between FWP and landowners as required by SB 529.

## **Decision**

Utilizing the Environmental Assessment and public comment, a decision must be rendered by FWP, which addresses the concerns and issues identified for the proposed project. In light of public comments and internal agency review, I accept the draft Environmental Assessment as final. The proposed acquisition received support from all 17 individuals in attendance at the public hearing in Anaconda as well as four people who wrote letters of support. No negative comments were received.

FWP recognizes the value of acquiring critical wildlife habitat when the opportunity arises. Approval of this acquisition will preserve and enhance the North Lily properties' value as wildlife habitat, nullify the threat of development, and expand the Blue-eyed Nellie Wildlife Management Area by almost 60-acres. No adverse effects are expected on the diversity or abundance of game species, non-game species or threatened and endangered species. Public access and recreational opportunities would be enhanced.

In consideration of these facts, I am pleased to recommend that the Montana Fish, Wildlife and Parks Commission approve the acquisition of the North Lily properties and their addition to the Blue-eyed Nellie Wildlife Management Area as proposed.

/s/ Mack Long

3-22-2006

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Mack Long  
Regional Supervisor  
Region 2 Montana Fish, Wildlife & Parks  
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Date