



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
November 21, 2006

Dear Interested Citizens:

Thank you for your thoughtful reviews and comments on a proposal by Montana Fish, Wildlife and Parks (FWP) to purchase 367.92 acres near Lyman Creek from the Rocky Mountain Elk Foundation, at a price of \$625,500. FWP would later exchange the property with DNRC for inholdings in the Calf Creek and Threemile Wildlife Management Areas. The Lyman Creek property is located about 6 miles northeast of Sula, within the Sula State Forest and the Bitterroot National Forest. DNRC properties within the Calf Creek WMA are located about 8 miles east of Hamilton and DNRC properties associated with the Threemile WMA are located about 9 miles northeast of Stevensville. All subject properties are in Ravalli County.

Enclosed is a decision document in which FWP explains its rationale for recommending that the Fish, Wildlife and Parks Commission and the State Board of Land Commissioners approve this transaction as proposed. With the additions in this decision notice of information provided in response to issues raised during the public involvement process, FWP accepts the draft environmental assessment, socio-economic assessment, and management plan as final.

The decision document also displays all public comments on the proposed purchase, and explains how FWP considered and incorporated these comments in formulating a recommendation.

FWP will request approval for the purchase of the subject lands at the monthly Fish, Wildlife & Parks Commission meeting scheduled for December 14, 2006, at FWP headquarters in Helena. FWP will request approval from the State Board of Land Commissioners at its regularly scheduled meeting on December 18, 2006, also in Helena. These meetings are open to the public, as are other regularly scheduled Commission and Land Board meetings.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

/s/ Mack Long

Mack Long
Region 2 Supervisor

DECISION NOTICE

Lyman Creek Project

November 21, 2006

Proposal

Montana Fish, Wildlife & Parks (FWP) proposed to purchase 367.92 acres for \$625,500.00 using Habitat Montana Funds and other financial assistance from the Rocky Mountain Elk Foundation (RMEF). FWP's intent in acquiring this property is to exchange it to DNRC for inholdings of equal value on the Calf Creek and Threemile Wildlife Management Areas (WMAs). RMEF acquired an option to purchase the Lyman Creek property when it came on the market and was able to move quickly to secure this important parcel of private land with the intention of transferring the property into public ownership. It is understood that RMEF is only holding the option for a short time until FWP can complete its public review and approval process.

If the DNRC-FWP exchange is approved and completed in 2007, DNRC would assume management for the Lyman Creek property and FWP would assume management of the former DNRC land in the Calf Creek and Threemile WMAs, including the long-term costs of land management as part of its continuing management program for these WMAs.

FWP's purpose for purchasing the Lyman Creek property is to protect important habitat for deer, elk and other wildlife by helping to put it into public ownership. This is a key property for wildlife and for public recreation because it is winter range surrounded by DNRC and Forest Service public land.

FWP would manage habitat on the Calf Creek and Threemile WMAs to enhance forest and grassland forage for elk and deer. FWP would manage public access and recreation in keeping with traditional FWP practices in Hunting Districts 204 and 261.

FWP makes annual payments to the counties in lieu of property taxes on lands in its ownership. These payments are equal to the annual property taxes assessed to privately owned property. Therefore, this proposal would not result in a loss of property tax revenue to Ravalli County.

Montana Environmental Policy Act (MEPA) Process

FWP prepared a draft environmental assessment pursuant to MEPA, and a management plan and socio-economic assessment pursuant to the 1987 act of the Montana legislature known as House Bill 526. FWP made these documents available during a 30-day public comment period that began on October 16 and ended on November 15, 2006. FWP advertised the public comment period and the availability of the proposal documentation by a legal notice entitled PUBLIC NOTICE and verification of publication has been received from the *Great Falls Tribune* (10-24-06); *Independent Record* (10-15-06, Helena); *Montana Standard* (10-22-06; Butte); *Missoulian*

(10-15-06, 10-22-06); and the *Ravalli Republic* (10-13-06, 10-25-06; Hamilton). FWP has not yet received verification of publication from the *Bitterroot Star* (Stevensville). The documentation (EA, etc.) was available in its entirety on FWP's Internet web site (www.fwp.mt.gov) under "Recent Public Notices" for the full duration of the public comment period, beginning the morning of October 16th. FWP distributed 19 hard copies of the documentation immediately before the public comment period began, and responded to all additional requests for copies as they were received, plus 16 postcards announcing the availability of the EA. Included in the initial mailing were all landowners with property adjacent to the proposed purchase, and the Ravalli County Commissioners and Planning Boards.

A public hearing was held on the evening of October 30, 2006, at the Daly-Leach Chapel at 1010 West Main in Hamilton. This hearing date was advertised in the proposal documentation, in the legal notices and newspaper article listed previously, and on FWP's Internet web site. The content of the legal notice is attached.

Summary of Public Comment

FWP received comment from 12 individuals or organizations on this proposal including 1 letter, 1 with comments written on a copy of the draft EA, 5 e-mails and 7 comments taken at meetings or in person. Six people attended the hearing, and 4 provided oral comments. One letter supporting the project was received after the closing of the public comment date.

Nine of the 12 persons and organizations commenting on the proposal were strongly in favor of it. Two individuals and the DNRC asked for some clarifications. There were no comments opposed to the project. A transcript of oral testimony and copies of all written comments are preserved as an appendix to this decision notice.

Corrections, Clarifications, and Updates to the Environmental Assessment

The following are issues or questions that came to light during the public involvement process, and information provided by FWP in response. This information should be considered to be part of the final environmental assessment.

Threatened and Endangered Species—FWP mistakenly wrote in the draft EA *The federally listed threatened gray wolf...* (page 7, paragraph 1), and *The gray wolf is listed as threatened in Montana...* (page 10, paragraph 5). The gray wolf is not listed as threatened, but rather as experimental, non-essential in the area of Montana addressed in this project. These two sentences are corrected as follows: *The federally listed experimental, non-essential gray wolf...* and *The gray wolf is listed as experimental, non-essential in Ravalli County, south of Highway 12....*

Habitat—FWP mistakenly wrote in the draft EA that on the Lyman Creek property *Habitat is mostly a lodgepole pine type...* (page 7, paragraph 1), and in the draft Socio-Economic Assessment that *This 368-acre parcel is mainly lodgepole pine type...* (Appendix B, page 2,

paragraph 4). According to Paul Moore of the DNRC this is actually a Douglas-fir type. These two sentences are corrected as follows: *Habitat is mostly a Douglas fir type...and This 368-acre parcel is mainly a Douglas-fir type....*

A comment received from William Pearson who lives adjacent to the 80-acre DNRC inholding on the Threemile WMA noted that the existing forest makeup on that 80 acres is 90 percent bull pine [ponderosa pine] instead of Douglas-fir as stated in the EA. *FWP response: The final EA will be corrected to read that the forest is "... mostly ponderosa pine and scattered second-growth Dougla-fir."*

Bighorn sheep – A comment from DNRC reviewers wondered if bighorn sheep use the Lyman Creek property. *FWP response: The Lyman Creek property is about 2 miles from the nearest occupied bighorn range, but may be visited by dispersing bighorn from time to time.*

Minerals – DNRC reviewers wondered about the status of the mineral estate. Would we exchange minerals? *FWP response: The mineral estate will transfer with the surface estate. There are no outstanding mineral reservations or leases on the Lyman Creek property. FWP will later exchange equal number of mineral acres with DNRC within the WMAs.*

Forest Management—Concern was raised as follows by DNRC reviewers about the reforestation needs on the Lyman Creek property. *FWP response: Reforestation needs on the Lyman Creek property would be assumed by DNRC upon completion of the land exchange with FWP.*

DNRC's Wheelbarrow Creek Project – The DNRC is currently involved in a stream restoration project on Wheelbarrow Creek in section 36 near the Threemile WMA. DNRC reviewers asked if the stream restoration project would affect the land exchange. *FWP response: Transferring ownership to FWP, if it occurs on that portion of section 36, will not affect any funding for or the progress of the stream restoration project on Wheelbarrow Creek.*

Future disposition of the Lyman Creek Property – Three comments suggested FWP somehow assure, by a conservation easement or otherwise, that the DNRC could not trade the Lyman Creek property to a private interest in the future. *FWP response: FWP will not put a conservation easement or other restrictions on the Lyman Creek property prior to trading it to the DNRC for three reasons. First, it would reduce the value of the property so that FWP would not gain as much in trade for DNRC lands in the Calf Creek and Threemile WMAs. Second, effectiveness of such a restriction at preventing DNRC from trading property in French Basin would be minimal because it would apply only to 367.92 acres within the nearly 12,000 acres of DNRC land in French Basin. Third, because the currently proposed trade would block up DNRC ownership of important wildlife habitat and recreational land in French Basin, FWP thinks there is adequate protection without such restrictions. If DNRC should ever propose a trade to a private interest in the future, the public would have the opportunity to review and comment on the proposal and influence the decision.*

Grazing – Two comments wondered if FWP would honor current grazing leases on DNRC land once it was traded to FWP. *FWP response: Yes, FWP will honor current grazing leases on DNRC land acquired in trade at the current rate.*

A DNRC reviewer wondered if FWP would retain a grazing license on the Lyman Creek property. *FWP response: No, FWP would not retain any grazing license or rights on the Lyman Creek property after it is traded to DNRC.*

Streamside Management Zone and development – A DNRC reviewer noted that the Streamside Management Zone law would not provide protection from development. *FWP response: This is true. Therefore, the relevant sentences in the Wetlands/Floodplain section under Environmental Effects of the Proposed Action and No Action in the final EA will read: “Because of streamside management zones described in Montana law, both the proposed action and no-action would have similar neutral effects on the immediate streamsid es within the subject lands with respect to commercial logging. However, in the event of no action, there is no protection guaranteed to streamsid es in the case of private development.”*

Regional supervisor’s recommendation on the Lyman Creek project

Public involvement specific to the draft EA, Management Plan, and Socio-Economic Assessment for FWP’s proposed purchase of the Lyman Creek property has reinforced our confidence that the proposed action is well conceived and supported. The proposal was widely advertised across Montana, and especially well known in the Bitterroot Valley. Individuals and organizations that are represented by public comment are from diverse backgrounds. Of particular note is a letter of support from the Ravalli County Fish & Wildlife Association, an active and longstanding citizens group very much involved with wildlife and habitat issues in the Bitterroot Valley. We gained even greater confidence in the basis for this proposal after developing the responses to their questions (see excerpted comments and responses in the previous section of this decision notice). For all of the public awareness and interest in this proposal, no comments were received in opposition.

The Lyman Creek project will benefit Montanans for many generations to come, and I proudly recommend that the Fish, Wildlife and Parks Commission and State Board of Land Commissioners complete the Lyman Creek Project as proposed.

/s/ Mack Long

Mack Long
Region 2 Supervisor
Montana Fish, Wildlife & Parks

11-22-06

Date

Appendix A

Public Comments on the Lyman Creek project

Comments received by E-mail

The proposed action in the EA for Lyman Creek should be approved. This piece of land is critical to the continued health of the area. If all goes as planned, the addition to DNRC lands would greatly benefit the management of all lands in the area. The addition to the game ranges in region 2 would also be of great benefit, this is truly a "win-win" proposal.

Ira T. Holt
548 Cielo Vista
Hamilton, MT 59840

I would like to comment in favor of the Lyman Creek land purchase and future swap with the State of Montana. I would also like assurances put into this land deal that would restrict the State from being able in the future to offer this land in a swap similar to the Shining Mountain Ranch/Blackfoot proposed swap. Thank you for working hard to put this great project together.
Paul Cockrell Hamilton, MT

Paul Cockrell [mailto:paul.cockrell@onewest.net]

Sharon, I would like to go on record as supporting the Lyman Creek Project. Thanks, Dave Majors

Dave Majors [mailto:cdmajors@cybernet1.com]

I would like to express my full support for the Lyman Creek Project and would like to see it proceed as proposed. This project will be a outstanding step towards the preservation of vital elk wintering ground as well as preserving future hunting opportunities for hunters and future generations of hunters.

David Harlacher [mailto:retired2mt@onlinemt.com]

November 15, 2006

John Vore
MT FWP
PO Box 1408
Hamilton, MT 59840

RE: Draft EA for the Lyman Creek Project

Dear John Vore:

On behalf of Montana Wildlife Federation, Montana's oldest and largest organization of hunters and anglers, we submit the following comments in support of purchasing the Lyman Creek property from the Rocky Mountain Elk Foundation using Habitat Montana funds.

MWF's 7000 members and 23 affiliated sportsmen's clubs were instrumental in the 2005 Legislature to renew the Habitat Montana program and make it permanent without a sunset date. This purchase fulfills the requirements for utilization of Habitat Montana monies and is far-reaching in its intentions to secure public access to public wildlife and public lands in the Bitterroot Valley. The Bitterroot has been attributed with having the highest growth in entire state in many recent years. It is critical that Montanans do all they can to preserve and protect landscapes when offered if our hunting and fishing heritage in this region is to be saved for the future.

MWF first became familiar with the Lyman Creek or Wetzsteon property during the contentious State Land Board deliberations on a state-land property exchange with the Miller Ranch in French Basin for property near Lincoln, MT in the Blackfoot drainage. Our affiliate club, Ravalli County Fish and Wildlife defended against losses of access to the acreage being purchased by Mr. Miller because that was public property with a history of public access by local sportsmen. MT FWP interjected into the discussion the possibility of the Lyman Creek property becoming public domain during that discussion.

That land exchange did not take place and MWF is pleased that the Lyman Creek purchase is close to fruition; it will complete the integrity of public lands in French Basin, and access to them, consolidate FWP WMAs in the Bitterroot Valley, and hopefully soften the rancor that had grown during the original Miller land exchange proposal.

MWF supports the plan to purchase the Lyman Creek property with Habitat Montana funds, then exchange that acreage for State Land inholdings within Calf-Creek and Three-Mile Wildlife Management Areas.

MT FWP, the Rocky Mountain Elk Foundation, and DNRC should be commended for working to preserve Montana's legacy of public lands and public access in Western Montana.

Thank You for allowing Montana's hunters and anglers to comment on this project.

Sincerely Yours,

Larry Copenhaver, Conservation Director for Local Issues

Larry Copenhaver
Conservation Director of Local Issues
Montana Wildlife Federation
406-458-0227
800-517-7256
Official Web-site: www.montanawildlife.com

This message brought to you by Montana's largest statewide wildlife organization of nearly 7,000 conservation minded hunters and anglers with a common mission 'To protect and enhance Montana's public wildlife, lands, waters and fair chase hunting and fishing heritage'.

Comments from Ravalli County Fish & Wildlife Association meeting, October 16, 2006

I am in favor of the project, but what kind of protection will there be on the Lyman Creek property so that the DNRC could not sell or trade it to a private individual in the future?

Tom Powers, Stevensville

Comments from the Public Meeting, October 30, 2006, Daly-Leach Chapel

I am here to testify for myself and I am definitely in favor of this proposed purchase and ultimate exchange.

Linda Habeck, Corvallis

I would like to tell of my support for this exchange. It is something that we have personally been involved in through the Ravalli County Fish and Wildlife Association. I would like to thank FWP and the Rocky Mountain Elk foundation for their work on this and certainly the Wetzsteon for their diligence and hanging in there through the trials and tribulation of this. But it is coming to (inaudible), and I am very pleased to see where it is going. Thank you.

Dave Majors: Stevensville

I am here on behalf of the Club [Ravalli County Fish & Wildlife Association] to say that we support this purchase and eventual exchange between FWP and the DNRC. We appreciate all the hard work of the Elk Foundation and FWP. Thank you.

Cheryl Dooley, President, Ravalli County Fish and Wildlife Association;

I am on staff at the Rocky Mountain Elk Foundation. Needless to say I support this project. I have had the pleasure to work with the Wetzsteon family and our partners with the FWP department. I just wanted to say a couple of things. I wanted to point out that not every day you get the pleasure to work with a family like the Wetzsteon. We read in the paper everyday about subdivision and family lands and traditional family ranches being sold off for subdivision and residential development and open space and wildlife habitat disappearing all the time. I would say the Wetzsteon family could have chose to do this also, but they have been very, very patient; they have been very willing landowners. I am sure they have given up dollars going this route and working with the Elk foundation and FWP. It probably goes without saying, but I will say it anyway, they are making possible a tremendous number of benefits by selling the Elk Foundation their family lands. Protecting wildlife habitat, allowing an increase in public access, protecting an important elk and wildlife migration corridor, will provide benefits that we can't even measure today that down the road folks will really appreciate, especially future generations. I just wanted to recognize the Wetzsteon family for their patience and their generosity and cooperation for making this happen. And also the Montana FWP for all their work helping on the other end, we look forward to completing this project. We have had the opportunity to talk to several sports groups and you have heard from some them today. It has been very pleasing to hear their support and feel their partnership and support of a project like this, and we are just excited to complete it and get her finished, and then possibly celebrate.

Mike Mueller, Senior Lands Program Manager, Rocky Mountain Elk Foundation

Comments received in personal meetings

Notes by Mike Thompson from conversation with William Pearson on October 24, 2006, at the Missoula Office of Montana Fish, Wildlife & Parks.

- William Pearson is the longtime lessee on DNRC Section 30 (80 acres) adjoining Threemile Wildlife Management Area.
- Mr. Pearson advised that the forest type on the 80 acres is 90 percent bull pine instead of Douglas fir as stated in the draft EA. He estimated that it is about 25 acres of "clear ground" or grassland.
- He inquired as to what would happen to his grazing lease under FWP ownership. Thompson, the Regional Wildlife Manager, replied that FWP would honor the current lease at the DNRC rate. Mr. Pearson asked for a written statement to that effect.
- Mr. Pearson said that existing fencing should be adjusted to reflect his property boundary. Thompson said FWP would look into that issue.

Notes by Mike Thompson from conversation with the manager of Wheelbarrow Creek Ranch at the Ranch on October 27, 2006. The Wheelbarrow Creek Ranch is the lessee on DNRC Section 39 adjacent to Threemile WMA.

- The ranch manager asked how FWP would treat his lease if FWP acquired Section 36 in the future. Thompson said FWP would honor the lease. FWP's tendency is to work cooperatively with ranchers to prescribe livestock grazing for the benefit of vegetation, wildlife, and livestock weight gains. FWP generally is not in the business of removing livestock from the land. Usually the private landowners' objectives and FWP objectives can be met with a mutually developed grazing plan.

Comments received by mail

DNRC Comments handwritten on a copy of the Draft EA

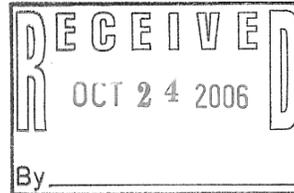
- Status of mineral estate, will we exchange minerals?
- Will commitments in DNRC Wheelbarrow Cr project affect exchange?
- Would FWP place a conservation easement on Lyman Cr. Property?
- Does FWP propose to retain a grazing license on Wetzsteon?
- Will FWP honor existing DNRC grazing licenses in subsequent exchange?
- Do bighorn sheep use the Lyman Creek property?
- Gray wolf listing should be "experimental"
- Gray wolf listing
- SMZ law would not provide protection from disturbance associated with development.
- Reforestation needs Lyman Cr?



Ravalli County Fish & Wildlife Association

P.O. BOX 238 • HAMILTON, MONTANA 59840-0238

October 18, 2006
Montana Fish, Wildlife & Parks
Attn: Sharon Rose
3201 Spurgin Road
Missoula, MT 59804-3101



Re: Lyman Creek

Dear Ms. Rose:

Our Club, the Ravalli County Fish & Wildlife Association, is a local grassroots organization of outdoor enthusiasts that has been in existence since the early 1900's. The mission of our Club is to maintain wildlife populations and protect their habitat for future generations. Additionally, we feel it is our charge to address any statewide issues dealing with public access to public resources, especially within Ravalli County. We work closely with Montana Fish Wildlife and Parks on issues related to fishing and hunting, in particular access and regulations.

We have received notice regarding the intent of FWP to purchase a 367.92 – acre tract of land in Ravalli County near Lyman Creek. Later, the property is to be exchanged with DNRC holdings in the Calf Creek and Threemile Wildlife Management areas.

Our Club feels that this purchase and future exchange between FWP and DNRC is in the best interest of the wildlife and citizens of Ravalli County. As such, we fully support this endeavor. We have also pledged \$5000.00 to become Rocky Mountain Elk Foundation Habitat Sponsors in order to assist financially with the purchase of this particular tract of land. We encourage FWP to take whatever measures are necessary to follow through on this project.

Thank you for the opportunity to comment on this issue.

Best Regards,

A handwritten signature in cursive script, appearing to read "Cheryl Dooley".

Ravalli County Fish & Wildlife Association Board of Directors
Cheryl Dooley, President