

The property is proposed to be purchased through a combination of funding sources, including Access Montana (\$410,000) and the Montana Fish and Wildlife Conservation Trust (\$50,000).

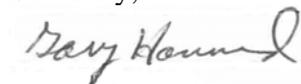
Purchase of the Riverside Inn property will preserve a traditional, but contentious, access location at the old county bridge directly adjacent to the property, while providing for and helping to spread out public use of the Stillwater River. Further, acquisition of the property will help mitigate a long-standing problem of parking along the North Stillwater Road by river recreationists, which has created problems for local agricultural interests and other residents. If this property is not purchased by FWP, it will be difficult to find a replacement location that provides access that is below the mouth of Rosebud Creek, which contributes to late summer flows, and that is ideally located relative to adjacent upstream and downstream Fishing Access Sites.

After review of the wide range of public comments this proposal has generated, and considering our resources and ability to address concerns raised by both landowners and recreationists, as well as considering the significant public and local government support for this project, it is my recommendation to accept Alternative 'B' the preferred alternative, which is to acquire the property known as the Riverside Inn property from the Thompson family subject to final approval by the FWP Commission and the Land Board. The acquisition of the acreage adjacent to the Stillwater River will provide the public with an additional recreational site under the management of FWP along this popular river. The site is strategically located below the mouth of Rosebud Creek and between the Absaroka FAS (2.4 miles upstream) and the Whitebird FAS (6.1 miles downstream). This site will provide anglers additional opportunity for bank fishing and an additional put-in or take-out area on the river. The development component of this project is subject to appeal, which must be submitted to the FWP Director in writing, and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department or participated in the decision-making process, and lay out how FWP might address the concerns in the appeal.

We will immediately demonstrate our commitment to provide for public use and consideration of local impacts through communication by: 1) meeting with neighbors to consider their concerns in finalizing our development plans; and 2) convene a working group of recreationists, landowners, commercial interests and other stakeholders to create a regular and open dialog about Stillwater River recreation issues.

If you have questions regarding this decision notice, please address them to me at ghammond@mt.gov or call me at 247-2951.

Sincerely,



Gary Hammond
Regional Supervisor

EA PUBLIC COMMENT SUMMARY

Public comment period: 4/30-5/30/2008

Public notices placed on state website, published in the Helena Independent Record (5/9/08) and the Billings Gazette (5/4/08, 5/11/08).

Article regarding proposal and meeting; Billings Gazette 5/13/08

Public meeting held; 5/12/08, Columbus, MT 7:00 – 9:00 pm

- 26 individuals signed in at the meeting
- 23 spoke including 5 identifying themselves as landowners, 3 outfitters/guides, 1 local businessperson, 6 groups, 2 public officials
- 14 spoke in favor, 6 of these were representing groups, 3 made suggestions
- 6 spoke in opposition, 3 made suggestions

Numerous telephone calls discussing proposal, primarily with neighbors and Roadhouse Ditch users.

Comments received in writing or via email included;

- 14 identified themselves as landowners including group of 6 Roadhouse ditch water users, 5 groups, 2 local businesspersons, 1 outfitter/guide, 2 public officials
- 15 wrote in support of the project
- 6 wrote in opposition (including ditch group)
- 1 was neutral to project but had suggestion for improving design

RESPONSE TO PUBLIC COMMENTS

IN SUPPORT OF PREFERRED ALTERNATIVE

Significant public comment on this proposal expressed support for FWP selecting the preferred alternative (Alternative 'B') because of:

- *the existing parking problems on the north Stillwater road;*
- *it's strategic location below the mouth of Rosebud Creek;*
- *it's contribution to the local economy of adjacent communities;*
- *it's ability to alleviate pressure on other FAS on the Stillwater River;*
- *the problems created for local ranchers and other local residents who use the road on a daily basis, and find parking along the county road to be obstructive at various times during the peak of the recreation season;*
- *Bathroom facilities provided at the site would help alleviate trespass issues and reduce "potty stops" in front of cabins and homes.*

FWP agrees that the Riverside Inn FAS would represent a significant net benefit for many of the above-cited reasons submitted by the public at the Columbus public meeting and through written comments.

FUTURE OF THE PROPERTY IF NO ACTION ALTERNATIVE IS CHOSEN

If the no action alternative is selected, the property will likely be sold to a private individual, with a low likelihood for the public to enjoy access to the river at this location. Stillwater County, FWP, local ranchers and other local residents will continue to struggle with parking issues along the nearby North Stillwater Road. The conflicts will continue which will have a negative effect on relationships between the aforementioned, and will continue to challenge existing FAS in the area. Additionally, the presence of a FAS at this location will concentrate

usage on a specific site that will receive regular maintenance as part of our existing region 5 FAS operation and maintenance responsibilities.

SITE MANAGEMENT

Public use will create litter, noise, and late night partying.

Our management goal will be a safe, clean site and to minimize impacts on neighbors. If issues arise or persist, we can use progressively more development or management to reach our goal. The site will be added to our regular maintenance schedule for the Stillwater that includes two visits per week during high use periods. The majority of FWP fishing access sites are managed on a pack it out/leave no trace approach without any garbage service provided. This places the responsibility on recreationists and prevents household garbage from being placed in garbage cans.

The site will be managed under the existing FWP public use regulations. Overnight camping will be prohibited. Vehicles will be restricted to developed roads and parking areas.

DEVELOPMENT SUGGESTIONS

There were a number of development suggestions made during the public comment period. We will go with a 24-foot road to meet county road standards wherever possible. Our intention is to retain as much of the existing vegetation to provide noise and dust control. We will consider either a paved surface or to utilize dust control on the roads and parking area. Dust control can be applied after construction as has been done on the North Stillwater Road. The suggestion of a berm planted with fir trees and location of the ramp will also be considered in the final design. FWP will consult with both neighbors and MDOT on a final design including access following reconstruction of Highway 87. We will request MDOT consider the level of public use at this site in their final design including a level paved pull off and a turning lane.

ENFORCEMENT ISSUES

How will FWP ensure that public and / or private properties are not subjected to crime and vandalism?

FWP wardens have law enforcement responsibilities on a broad landscape; however, FWP lands receive an increased department and law enforcement presence. The Region 5 Enforcement Division has 9 field wardens, 9 ex-officio wardens, two warden sergeants, and a warden captain that proactively patrol and are available for call-out. The law enforcement officers from the Region 5 Enforcement Division staff regularly communicate and work with the Stillwater County Sheriff's Office (SCSO). The SCSO has historically been responsive to Fish, Wildlife, and Parks enforcement concerns; both proactively and when immediate warden response is unavailable. FWP and SCSO have worked cooperatively on traffic and parking issues on the nearby north Stillwater Road. Damage to private or public property will be subject to penalties as per criminal statute MCA 45-6-101. Criminal mischief (1) A person commits the offense of criminal mischief if the person knowingly or purposely: (a) injures, damages, or destroys any property of another or public property without consent; or (b) without consent tampers with property of another or public property so as to endanger or interfere with persons or property or its use.

WEED MANAGEMENT

How does FWP plan to address management of weeds to ensure that weeds are not spread to neighboring properties?

Weeds will be managed under the auspices of the FWP Statewide Integrated Noxious Weed Management Plan. The plan guides the agency's annual \$600,000 noxious weed management program including \$34,168.64 in Region Five. FWP's noxious weed management efforts target exotic plant species capable of harming native plant communities and making land unfit for agriculture, forestry, livestock, wildlife, and other beneficial uses. We have a long successful partnership with Stillwater County in weed management on our sites utilizing a combination of contracted chemical spraying and in house resources for integrated weed management. We would continue that on this property.

Currently, the property has limited Canadian thistle distributed on portions of the property. If the Proposed Action is selected, and a successful sale completed, FWP would assess the property for weeds, and initiate an integrated weed management plan. Weed management will involve using techniques that will have minimal impacts to fish and wildlife habitat.

PROPERTY VALUE

The asking price for this property is exceedingly high, and is not a good investment for FWP. When FWP began to work on this acquisition in 2007, the property was listed for sale at a price of \$675,000. In the summer 2007, FWP hired The Appraisal Group of Billings to research and provide a compilation of recent riverfront sales in Stillwater County. The resulting report listed a number of sales of properties with similar characteristics to the Thompson property. Four properties in the size range of 1 to 5 acres on the Stillwater River sold for between \$177,500 (no house) and \$610,000 (high quality house/improvements). All of these sales occurred between August 2006 to June 2007.

FWP also confirmed a nearby sale on the Stillwater River a few miles north of the subject property where a one-acre riverfront property, including a house valued at about \$100,000, sold for \$385,000 in August 2007. This sale seemed to be the most comparable to the Thompson property, except for the additional acreage at the Thompson property (3.7 acres versus 1 acre). This property's list price was \$429,000.

Based on these sales, FWP negotiated a purchase agreement with the Thompson family to buy their land, excluding the house and a 1-acre lot, for the price of \$335,000. When the family subsequently decided not to keep the house, FWP determined that owning the entire property would have significant management benefits, as well as allowing future FWP administrative use of the house itself. As a result, FWP negotiated to purchase the entire property, including the house, for the amount of \$460,000. We believe this purchase price represents a fair market value for the Thompson property, and note that the sale price is 32% below the property's original listed price.

EASEMENT

The access road to the property is a county road. In addition, an exchange of right of way with the adjoining neighbor will remain attached to the property.

TAXES

FWP makes payment in lieu of taxes for Fishing Access Sites.

UNLIMITED PUBLIC USE

The Stillwater cannot handle the extra pressure this site would allow.

The addition of this FAS will initially result in a redistribution of existing usage that occurs on this portion of the Stillwater River. Public usage in the future will likely continue to increase regardless of this purchase and development. Recreational use of the Stillwater River will present challenges relative to crowding, resource damage, and a potential change in the quality of the experience on this river. There will be continuing discussions relative to user conflicts and resource issues, and a working group involving local residents, agriculturalists, recreational users, and state and local government will provide input into future management decisions on the river. Fish, Wildlife and Parks does have the authority to manage level of river use and the working group will consider this.

Additionally, overnight camping will not be allowed on the site, which should alleviate some pressure on the site. Additionally, there will be a limited number of parking sites that will be available at the site; thereby limiting some of the crowding that could otherwise occur.

THE ROADHOUSE DITCH IS A LIABILITY TO USERS AND ACQUISITION OF THE PROPERTY CREATES LIABILITY FOR THE DITCH OWNERS

There is always some potential risk associated with recreation near a watercourse. Appropriate signage will be placed to alert site users to some of the potential hazards that may be present at the site. Signage will be placed at designated intervals along the Roadhouse Ditch alerting users that the ditch is off-limits to public use. Additionally, FWP will work with a ditch representative to discuss methods to prevent trash and litter from leaving the site via the existing ditch.

FISHERIES

Recent estimates indicate that fish populations are improving in the Stillwater River near Absarokee. To quote from a recent report: "... the total trout population in the Absarokee Section increased from 2003 to 2005 (3371/mi to 4483/mi). Brown trout numbers remained relatively constant from 2003-2004, with slight shifts in the abundance of different age classes, while rainbows, particularly age-1 and age-2 fish, increased substantially. Total trout biomass for the site is the greatest it has been since sampling was initiated in 1992."

If continued monitoring indicates that fish populations are decreasing and that fishing pressure is responsible, we will recommend that regulations be made more restrictive. The current regulations are already restricted for trout, allowing only 2 fish, one over 13 inches, in the entire Stillwater River drainage.