Montana Fish, Wildlife & Parks

Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804-3101
November 13, 2008

*Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, MT 59620-0801
Environmental Quality Council, PO Box 201704, Helena, MT 59620-1704
*Dept. of Environmental Quality, PO Box 200901, Helena, MT 59620-0901
*Dept. of Natural Resources & Conservation, POB 201601, Helena, MT 59620-1601
*Montana Fish, Wildlife & Parks:
Website, Commission Secretary, Division Secretaries, Regional Office Managers, Region 2 Information Officer
**Region 2 Montana Fish, Wildlife & Parks Citizens Advisory Council
*State Historic Preservation Office, PO Box 201202, Helena, MT 59620-1202
*MT State Library, PO BOX 201800, Helena, MT 59620-1800
Montana Fish, Wildlife & Parks, Joe Maurier, Parks Administrator, PO Box 200701, Helena, MT 59620
Montana Rail Link, Steve Werner, PO Box 16390, Missoula, MT 59808
DNRC, Attn: Tony Liane, 1401 27th Ave., Missoula, MT 59804
MT Environmental Information Center, Attn: Jim Jensen, POB 1184, Helena, MT 59624-1184
MT Department of Transportation, Attn: Shane Mintz, 2701 Prospect Ave., Helena, MT 59620
Missoula County Commissioners, 200 W. Broadway, Missoula, MT 59802
**Missoula City-County Health Dept., Attn: Ben Schmidt, 301 W Alder, Missoula, MT 59802
**Missoula Co Floodplain Administrator, Attn: Todd Klietz, 435 Ryman, Missoula, MT 59802
Missoula County Parks, Attn: Lisa Moisey, 200 W Broadway, Missoula, MT 59802
**Montana Wildlife Federation, PO Box 1175, Helena, MT 59624
**National Wildlife Federation, 240 N Higgins, Missoula, MT 59802
**MT Audubon Council, Attn: Janet Ellis, PO Box 595, Helena, MT 59624
MT Parks Foundation, Attn: Wayne Hirst, PO Box 728 Libby, MT 59923
George Ochenski, POB 689, Helena, MT 59624-0689
Bob Rainey, 212 S. 6, Livingston, MT 59047
Montana Natural History Center, 120 Hickory St., Missoula, MT 59801
Westslope Chapter Trout Unlimited, Attn: Mike Willett, 108 N 2nd St., #2, Hamilton, MT 59840
*Trout Unlimited, Attn: Michael Gibson, PO Box 7186, Missoula, MT 59807
7 Adjacent Landowners
**Sen. Carol Williams, 3533 Lincoln Hills Point, Missoula, MT 59802
**Sen. Jim Shockley, PO Box 608, Victor, MT 59875
**Sen. David Wanzenried, 903 Sky Dr., Missoula, MT 59804
**Sen. Greg Lind, 7383 Highline Ct., Missoula, MT 59808
**Sen. Carolyn Squires, 2111 South 10th St W, Missoula, MT 59801
**Sen. Ron Erickson, 3250 Pattee Canyon Rd., Missoula, MT 59803
**Rep. Holly Raser, 4304 Spurgin Road, Missoula, MT 59804-4520
**Rep. Teresa Henry, 204 Chestnut St., Missoula, MT 59801-1809
**Rep. Tim Furey, PO Box 56, Milltown, MT 59851
**Rep. Dave McAlpin, 800 Woodworth Ave., Missoula, MT 59801-7046
**Rep. Robin Hamilton, 330 Daly Dr., Missoula, MT 59801-4338
**Rep. Gary MacLaren, 429 Curlew Orchard Rd., Victor, MT 59875
**Rep. Ray Hawk, 4878 Hoblitt Lane, Florence, MT 59833
**Rep. Diane Sands, 4487 Nicole Ct., Missoula, MT 59803
**Rep. Michele Reinhart, PO Box 5945, Missoula, MT 59806
**Rep. Betsy Hands, 1337 Sherwood, Missoula, MT 59802
**Rep. Bill Nooney, PO Box 4892, Missoula, MT 59806
Persons, groups and/or agencies that submitted comments on the EA
*Mailed electronically; **Postcard notification

Dear Interested Parties:

Montana Fish, Wildlife & Parks (FWP) has issued a Decision Notice (DN) to acquire 77.6 acres of land along the Bitterroot River three miles south of Missoula, Montana. FWP proposes to acquire the property in fee title. This action will require approval from the Montana Fish, Wildlife & Parks Commission. FWP will request approval at the monthly Commission meeting scheduled for December 11, 2008.

You may review this DN in Helena at the State Library, FWP Headquarters, or the Environmental Quality Council. Or, you may review the DN on FWP's Internet website at http://fwp.mt.gov ("Recent Public Notices"). To receive a printed copy of this DN, contact the Region 2 FWP office by phoning 406-542-5500; writing Region 2 FWP, 3201 Spurgin Rd., Missoula, MT 59804; or emailing shrose@mt.gov.

Sincerely,

Mack Long
Regional Supervisor

ML/rz

Enclosure: Decision Notice for David's Place Acquisition

DECISION NOTICE:
David's Place Acquisition
Montana Fish, Wildlife and Parks
Region 2 Office
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

DESCRIPTION OF PROPOSED PROJECT

Montana Fish, Wildlife & Parks (FWP) proposes to purchase approximately 77.6 acres of land along the Bitterroot River three miles south of Missoula, Montana in Missoula County. The acquisition would connect several existing FWP parcels, preserve open space along the Bitterroot River, and allow for fishing access to the river. If acquired, the public would have access to about 113 acres and 1.4 miles of river frontage, when including the existing FWP parcels adjoining the proposed acquisition. The property is currently owned by the Montana Natural History Center and would be purchased for $96,000 ($1,237 per acre). FWP proposes to acquire the property in fee title.

The current owner proposes the sale of this property to FWP to ensure the natural environment of the parcel is preserved and the public's access to the property and river is maintained.

The property consists of riparian floodplain and wetlands. The site contains several sloughs and side channels and is periodically inundated by floodwater. The landscape has both forested floodplain and riparian wetland vegetation and is dominated by mature cottonwoods and immature saplings, as well as several smaller stands of ponderosa pine.

Historically, the land has been used by the public to access the river for fishing, floating, hiking, wildlife viewing, trapping, waterfowl and deer archery hunting.

The property is accessed traveling northbound on US Highway 93 (about halfway between Lolo and Missoula) and parking in an abandoned Montana Department of Transportation weigh station parking area on the east side of Highway 93. When traveling southbound on Highway 93, visitors must pass the parking area as this section of Highway 93 has a double yellow line (no passing zone), as well as a no left-turn restriction. There are several roads past the property (such as Bird Lane and Valley Grove Drive) with good site distance for vehicles to get turned back northbound on Highway 93 to access the parking area. Once parked, visitors follow the gravel route that crosses a railroad track to get to the river. FWP is working with Montana Rail Link to obtain an easement / permitted crossing.

The closest fishing access site upstream to the property is the Chief Looking Glass FAS, a couple of miles north of Florence, Montana. Buckhouse Bridge (a state highway bridge, not a FWP site) is located on Highway 93 approximately 2 miles downstream of David's Place and is heavily used by river recreationists.

There are established areas of noxious weeds throughout the property. If acquired, FWP would begin weed management in adherence with the Statewide Integrated Noxious Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property.

Alternative A: No Action

If no action were taken, the property (David's Place) would likely be sold to another buyer and FWP would lose access to two existing FWP parcels known as the Bitterroot Parcels and would lose the opportunity to maintain open space. Currently, most of the Bitterroot Parcels are only accessible by river.

Alternative B: The acquisition of approximately 77.6 acres adjacent to the Bitterroot River

In the preferred alternative, FWP would purchase the 77.6 acre tract of land known as David's Place for a price of $96,000. The acquisition would connect and provide land access to three of the four existing FWP parcels known as the Bitterroot Parcels, resulting in a larger public access totaling 112.63 acres and 1.4 miles of river frontage.

PUBLIC PROCESS AND COMMENT

The EA was sent out and the public comment period began October 22, 2008, and ran through November 11, 2008. Legal notices were published twice each in the *Missoulian*, the *Ravalli Republic* and the *Helena Independent Record.* There were 20 full copies of the EA mailed out, and 7 emails and 39 postcards were sent announcing the availability of the EA, to interested parties consisting of neighbors, friends, conservation groups, Montana state legislators, county and state departments or agencies. The David's Place Acquisition EA was posted on the FWP web site October 22, 2008. A statewide news release was also sent out.

Sixteen comments were received, with 15 of 16 in favor of FWP acquiring the 77.6 acres of land. One response did not have any comments regarding the purchase of the property, but only requested that they be notified in the future if FWP would ever plan on improving access off of the highway. The following is a summary of comments/questions received:

- "I would like to urge the Montana Department of Fish, Wildlife & Parks to acquire this critical property of 77.6 acres. This will connect parcels of land FWP already owns in the area and ensures protection for the public of 2 miles of Bitterroot River frontage. This is an important acquisition and is in the public's benefit."
- "River property of any type is in short supply in the Missoula area and in particular property that the public is welcome on. I feel this is a great opportunity to add property and to connect the various parcels around this tract. Please move forward with this purchase for our children's future recreational needs."
- "We love the idea that the area will still be protected and a learning tool for children. Our concern is that we currently have people parking on our property (mostly after hours and weekends--even though we have it posted private property) to get over to hunt and fish--will this proposal increase this type of event or will it be advertised enough that people will know to park at the old weigh station? We have enough vandalism as is--we hope that it won't increase because of this proposal. I did not see anything in the environmental review that addressed this issue. Have you had other concerns?" *FWP Response: Presently, the current owner does allow the public to use the property and it is unknown how much use would increase if FWP purchases the parcel. If any future improvements would ever be considered, it is likely that FWP would place informational signing which should help reduce current conflicts on neighboring properties.*

- "We are very much in favor of FWP acquiring David's Place for the purpose of providing public access and public recreation."
- "I support the acquisition of this 77 acres. Tying in FWP existing property and at a cheap price--no brainer. I support this acquisition, and most all other citizens would also."
- "I strongly support the acquisition on the Bitterroot River named David's Place."
- "I am writing in support of FWP's purchase of David's Place as a public access site along the Bitterroot River just north of Lolo. Along with FWP's other holdings in that area, this acquisition certainly would create a nice, large corridor of public land along the river (more than 100 acres) and would provide a nice spot for canoers, wildlife viewers, and other recreationists or students. I am a natural history educator, focusing on life in ponds and streams. This is a great location for that activity and under FWP ownership that activity could continue."
- "I'm writing in support of your proposal to acquire the 77-acre parcel near Lolo known as David's Place. . . The proximity of this parcel to Missoula, as well as its proximity to other FWP properties, would seem to make this a high priority for acquisition."
- "Please purchase this important connecting property along the Bitterroot River. As a frequent visitor to your state the importance of this and future purchases that allow the public more access to your great rivers is irreplaceable."
- "This sounds like a great acquisition for FWP at a tremendous price, so please record this comment in full support of the project."
- "I strongly support the acquisition of David's Place. It would be good for tourism and recreation, and provides a place close to Missoula and Lolo where parents can easily access the river for their kids to enjoy."
- "The draft environmental assessment indicates no development is proposed--therefore no changes to the floodplain/floodflow. Without further analysis, this would likely not be the case if the site is developed into a fishing access site with parking, etc. As long as this isn't a bait and switch, I support the purchase and continued use of the parcel as open space." Further, the commenter stated that if FWP's "intent is to develop a fishing access site, then the EA should clearly state this and a certificate of no-rise prepared by a licensed professional engineer to develop a FAS within the floodway should be provided." *FWP Response: FWP is interested in acquiring the property as the purchase would connect several existing FWP parcels known as the Bitterroot Parcels, resulting in a larger public access totaling 113 acres. The acquisition would also allow FWP to maintain open space along the river. If improvements to the property would ever be considered, FWP would consult all applicable permitting agencies and draft another EA addressing all pertinent environmental issues.*
- "In summary, because the David's Place Acquisition would provide benefits to humans and provide protection for natural resources, we support the proposal."
- "We believe that this land acquisition will enhance the opportunity for fishing access, as well as, other uses in this area along the Bitterroot River."

DECISION

Based on the analysis in the Environmental Assessment (EA) and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared. It is my decision to implement Alternative B, and proceed with FWP acquiring the 77.6 acres of land. This action also

requires the approval of the Montana Fish, Wildlife and Parks Commission and is scheduled for its December 11th meeting. By notification of this Decision Notice, the draft EA is hereby made the final EA with the FWP responses in this Decision Notice. The final EA with Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the above address. The EA is still available for review at http://fwp.mt.gov/publicnotices/notice_1915.aspx.

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, P.O. Box 200701 Helena, MT 59620-0701.

11/13/08

Mack Long
Regional Supervisor

Date