Montana Fish, Wildlife & Parks

DECISION NOTICE
Acquisition of Moore Property
Addition to Blue-eyed Nellie Wildlife Management Area

December 3, 2009

Proposal

Montana Fish, Wildlife and Parks (FWP) proposes to purchase fee title and accept management responsibilities for a 29.74-acre parcel (currently held by Five Valleys Land Trust), located 7 miles northwest of Anaconda in Deer Lodge County. The parcel is located in the N ½ of Section 26 and the NE ¼ of Section 27, Township 5 North, Range 12 West, Deer Lodge County, and is further identified as Tract B-1 of Certificate of Survey 333-A. The land, which will be managed as an addition to the Blue-eyed Nellie Wildlife Management Area (WMA), lies between the Blue-eyed Nellie and Garrity WMAs.

Five Valleys Land Trust (FVLT) has applied for a grant from the Natural Resource Damage Program (NRDP) for $142,500 to fund this purchase and start-up maintenance costs. The grant has received preliminary approval by the NRDP Advisory and Trustee's Councils. Following a public comment period, a final funding decision by the councils and the Governor is expected in December 2009. We expect that closing will occur in February 2010.

The purpose of this proposal is to secure a critical wildlife corridor for the Lost Creek bighorn herd. Vegetation onsite is a mix of native shrub grasslands and introduced grasses. Removal and reclamation of impaired soils on the parcel occurred in October 2009. Bighorn sheep use the property extensively to access water in Warm Springs Creek and to move between habitats on Stucky Ridge and Garrity WMA. Under this proposal FWP will acquire critical wildlife habitat of special importance for bighorn, and consolidate its holdings adjoining existing WMAs.

Montana Environmental Policy Act Process

FWP prepared a draft Environmental Assessment pursuant to MEPA, and a draft Management Plan and Socio-economic Assessment. FWP made these documents available during a 30-day public comment period that began on October 13, 2009 and ended on November 12, 2009. FWP advertised the public comment period on the proposed project by a legal notice entitled "Public Comment Sought" (Appendix A) in the following newspapers (publication date): The *Independent Record* (Helena, Oct 16), *Missoulian* (Oct 15), and *Anaconda Leader* (Oct 16). This document was available in its entirety on FWP's Internet web site (http://fwp.mt.gov, under "Recent Public Notices") beginning October 13, 2009.

A public hearing regarding this acquisition was conducted by FWP in Anaconda on October 27, 2009 at 7 p.m. at the Lee Metcalf Center and was attended by 7 people.

FWP distributed copies of the draft EA (or postcard notification of its availability) to 34 agencies, private organizations, and persons (including adjacent property owners), before the comment period began. Email notification of the EA's availability was sent to 32 people in 6 State of Montana agencies and offices. Copies of the EA were distributed at the public meeting in Anaconda and were available to others upon request.

Summary of Public Comment

Seven citizens and one FWP employee attended the public hearing on October 27, 2009 in Anaconda. All citizens present testified at the hearing, including the president and members of the Anaconda Sportsmen's Club, and all spoke in favor of the project.

Lorrie Thomas, president of the Anaconda Sportsmen's Club, noted that the project had been discussed at the Club's October meeting and all 32 members of the organization had voted in favor of the purchase. The Anaconda Sportsmen's Club has consistently supported the expansion of the Blue-eyed Nellie WMA and agrees that the Moore acquisition will complement prior additions to the complex, improve public access and bighorn viewing opportunities, and retain a wildlife corridor.

Bert Otis (Emigrant, MT) emailed comments during the comment period. He voiced support, stating, "I think the acquisition of this property is great. At approximately $4000.00 per acre it is a bargain as the appraisal proves. Please thank the Moore Family for honoring their commitment to sell this parcel to the public."

The Montana Wildlife Federation (MWF) provided a letter via email in favor of the project, "MWF agrees with the justification to complete this action: conservation of wildlife habitat, wildlife viewing opportunities, conflict avoidance between people and wildlife, and preservation/conservation of wildlife winter range.... MWF encourages you to select the Proposed Action Alternative."

One respondent voiced opposition to the project. John Grosful (Anaconda, MT) stated via telephone that he was strongly opposed to the purchase because he does not believe any more land should come into government ownership, the price is too high, and he is concerned about loss of access.

Outside of the EA process, the Natural Resource Damage Program received 9 letters of support for the Moore acquisition project. Letters of support were received by NRDP from the Wild Sheep Foundation, the Rocky Mountain Elk Foundation, the Clark Fork Coalition, the Beaverhead National Forest, MWF, the Public Lands/Water Access Association, Anaconda Sportsmen's Club, Anaconda-Deerlodge County, and an Anaconda-Deerlodge County Commissioner.

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. (A copy of the Draft EA had been mailed to the

Deer Lodge County Weed Supervisor.) The Anaconda-Deer Lodge Weed Coordinator will be contacted if the project acquisition proposal is approved, a weed management plan will be developed by FWP in concert with the county, and a weed compliance checklist will be completed. Senate Bill 164 (2009 Montana Legislature) requires that FWP set aside 20% of the purchase price of a property to manage it. If the grant from NRDP is approved, this mandate will be met by the allocation of $17,500.00 of Upper Clark Fork River Basin Restoration Funds for start-up costs, as well as $7,500.00 from FWP's Wildlife Program.

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, with this Decision Notice I accept the draft Environmental Assessment as final and select the proposed action. The proposed acquisition received support from all in attendance at the public hearing in Anaconda, as well as an individual and an organization who wrote emails of support. Only one respondent was opposed to the project.

The addition of the Moore property will secure a critical migration corridor for sheep using the Blue-Eyed Nellie WMA. With the approval of this acquisition, the property's value as wildlife habitat will be preserved and enhanced and the threat of development will be nullified. 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 will be enhanced.

In consideration of these facts, I am pleased to recommend that the Montana Fish, Wildlife & Parks Commission approve the acquisition of the 29.74-acre Moore property for addition to the Blue-Eyed Nellie Wildlife Management Area as proposed.

Mack Long
Region 2 Supervisor

12/3/09
Date

Appendix A. Legal Notice

PUBLIC COMMENT SOUGHT

Montana Fish, Wildlife & Parks (FWP) seeks public review of its proposal to acquire a 29.74-acre private parcel adjoining the Blue-eyed Nellie Wildlife Management Area (WMA), 7 miles west of Anaconda in Deer Lodge County. The purpose of this proposal is to secure a critical movement corridor for bighorn sheep. A draft environmental assessment (EA) has been prepared for this proposal. FWP will hold a public hearing in Anaconda on October 27 (Tuesday) at 7:00 p.m. at the Lee Metcalf Center (115 E Pennsylvania Ave). The EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing shrose@mt.gov; or by viewing FWP's Internet website http://fwp.mt.gov ("Recent Public Notices," beginning October 14). Comments should be directed to Ray Vinkey by mail at PO Box 1066, Philipsburg, MT 59858; by phoning 406-691-0130; or emailing rvinkey@mt.gov. Comments must be received by FWP no later than 5 p.m. on November 12, 2009.