



Montana Fish, Wildlife & Parks

Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
February 26, 2010

Dear Interested Citizen:

Enclosed you will find the Decision Notice (DN) for a Montana Fish, Wildlife & Parks (FWP) Draft Environmental Assessment (EA) concerning its proposal to purchase via fee title a 33,295-acre Wildlife Management Area, and a 7,650-acre State Park from The Nature Conservancy (TNC) in the Bitterroot Mountains south of Tarkio, Montana, within the Middle Clark Fork River watershed. The project area is centered in the Fish Creek watershed in Mineral County, within FWP administrative Region Two. Funding would come from the state Habitat Montana and Access Montana Programs, and the federal Pittman-Robertson Program, in the amount of approximately \$14,350,000.

This DN is available for review in Helena at FWP's Headquarters, the State Library and the Environmental Quality Council. It also may be obtained from the Region 2 FWP Headquarters or viewed on FWP's Internet website at <http://fwp.mt.gov> ("Recent Public Notices").

In consideration of the Draft EA and the DN, we will recommend that the Fish, Wildlife & Parks Commission approve the proposed purchase of the Fish Creek property at its March 10th meeting in Helena. Approval will also be necessary from the Montana Board of Land Commissioners. Both the Commission and Land Board meetings are open to the public.

Sincerely,

Lee Bastian
Regional Parks Manager

Mack Long
Regional Supervisor

ML/sr



Montana Fish, Wildlife & Parks

DECISION NOTICE For the Proposed Land Acquisition: Fish Creek Wildlife Management Area and Fish Creek State Park

Montana Fish, Wildlife & Parks
Region 2
3201 Spurgin Road, Missoula MT 59804
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DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) proposed to purchase via fee title a 33,295-acre Wildlife Management Area, and a 7,650-acre State Park from The Nature Conservancy (TNC) in the Bitterroot Mountains south of Tarkio, Montana, within the Middle Clark Fork River watershed. The project area is located in Mineral County, within FWP administrative Region Two. Funding would come from the state Habitat Montana and Access Montana Programs, and the federal Pittman-Robertson Program, in the amount of approximately \$14,350,000.

The Fish Creek Project includes important upland and riparian habitats that FWP and the public have long recognized as having exceptional wildlife, fish, and recreation values. The following are highlights of the resource values FWP wants to protect:

- The proposed project would protect critical winter range for ungulates, as well as a crucial linkage zone for forest carnivores (i.e. Canada lynx, grizzly bear, wolverine) between the Ninemile Divide and Selway-Bitterroot Wilderness (American Wildlands, 2008; Servheen et.al., 2003). The drainage also supports diverse populations of predators, furbearers, and upland game birds, as well as 31 terrestrial vertebrate species of concern that have been verified or are potentially found within the Fish Creek Project area (Montana Natural Heritage Program, 2009).
- The proposed acquisition of these acres would ensure the protection of Fish Creek and its tributaries, which support important native fish populations, key trout spawning and rearing habitat, and an outstanding fishery. Additionally, the Fish Creek drainage is an ongoing FWP aquatic restoration priority.

- The proposed project would provide public ownership of an area that is already heavily used for recreation activities such as hunting, hiking, angling, sightseeing, motorized use, wildlife viewing, and camping. Portions of the property are adjacent to the Alberton Gorge, an FWP owned and managed section of the Clark Fork River that is popular for whitewater boating. Acquisition of some of these properties was prioritized in the 2007 Alberton Gorge Conceptual Plan (FWP, 2007) and would enhance the resource values and recreation experience of the Alberton Gorge. Acquisition of the property would also have potential for expanding recreation opportunities in the area and could include a developed campground, trail system(s), a fire lookout rental, and an equestrian campground.

ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION

No Action: FWP would not purchase the Fish Creek Project Property

Under the No Action Alternative, FWP would not purchase the Fish Creek lands from TNC. TNC would likely research other selling options that may jeopardize their ability to protect the entire habitat community as one unit. The possibility would exist that some parcels would be subdivided and developed, and continued public recreational access would be jeopardized.

Alternatives Considered but Eliminated from Further Consideration

FWP Purchase a Conservation Easement for Property

This alternative was briefly discussed but eliminated from consideration because TNC is only interested in selling the property at this time.

FWP Purchase a Portion of the Property

FWP considered whether to purchase only the lands most suitable to be managed as a Wildlife Management Area (WMA), using only the limited funding sources dedicated for that purpose. Similarly, FWP considered whether to purchase only the lands most suitable to be managed as a State Park, using only limited funding sources dedicated for that purpose. FWP also briefly considered other configurations of prospective WMA and Park lands that would leave some of the subject parcels in TNC ownership. This alternative was eliminated from further consideration in developing this proposal because the acreage in its entirety uniquely matches FWP program objectives, and potential future fragmentation of any parcels excluded from this proposal would compromise the benefits of the project.

PUBLIC REVIEW PROCESS

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information.

FWP released a draft environmental assessment (EA), including a draft preliminary management plan and socio-economic assessment, for public review on January 21, 2010 and accepted public

comment until 5:00 P. M. February 19, 2010. The EA was posted on the FWP website on January 20 and remained available through the comment period. A legal notice advertising availability of the EA and the public hearing date was published twice each in the *Great Falls Tribune* (Jan 21 & 28), *Independent Record* (Helena, Jan 21 & 28), *Mineral Independent* (Plains, Jan 20 & 26), *Missoulian* (Jan 21 & 28), and the *Montana Standard* (Butte, Jan 21 & 28) newspapers. A statewide news release was distributed January 21, and the proposal attracted feature news coverage in two editions of the *Missoulian* during the comment period.

Copies of the EA were mailed to 55 adjacent landowners and to 27 interested parties (individuals, groups, and government agencies); postcard notification of the EA's availability was mailed to 54 interested parties; and email notification of the EA's availability was emailed to 82 interested parties.

Additionally, a public hearing was hosted by FWP at the Superior High School on February 2, 2010. The meeting provided an opportunity for FWP to address questions about the proposed project and its alternatives and to receive public comments.

FWP revised the boundaries of the proposed State Park and proposed Wildlife Management Area (WMA) from those originally depicted in Appendix A of the Draft Preliminary Management Plan. This revision increased the State Park by approximately 750 acres (11%) and decreased the WMA by the same acreage (2%) from the original disclosure; the final proposal is a State Park of approximately 7,650 acres and a WMA of approximately 33,295 acres. Copies of the revised map were handed out to all who attended the public hearing in Superior on February 2nd, and highlighted in FWP's PowerPoint presentation at that hearing. The revised map also was posted on FWP's website on February 5th, alongside the Draft EA, for public comment.

SUMMARY OF PUBLIC HEARING COMMENTS

Seventy-one (71) people signed in at the public hearing in Superior. Eleven (11) people testified; five (5) in support, five (5) with specific suggestions for FWP future management and process, and one (1) listed specific issues as an adjacent landowner. FWP made a digital recording of the hearing, and took the following written notes at the hearing:

- Bob Lamley – former Champion employee
 - Trail Riders Association is interested in establishing OHV routes in this area and would be riding when the elk have left for the summer. The EA makes very little reference to ATV riders.
 - Suggest Hay Creek to Beaver Slough as an ATV route.
 - Williams Pass Rd to Whitehorse and Winkler would be another route not near riparian areas.

- Larry Jacobs – owned land in the area since 1971
 - Lots of details need to be worked out, but on the whole I'm 100% for the proposal.
 - I commend Mack (FWP) and the Mineral County Commissioners.

- It will be an economic benefit to the county.
 - It takes care of future generations.
 - I urge the Commission and the Land Board to approve.
- Ollie St. Clair – adjoining landowner
- I trust FWP most among government agencies.
 - History teaches that roads don't get maintained.
 - Garbage is a concern.
 - Good idea for FWP to purchase this but the whole area should be a WMA, not a park.
 - I have a company that builds parks and it takes a lot of money to do so.
 - Is the \$300,000 (for maintenance) a one-time fund?
 - What are the priorities?
 - Would require road maintenance, signs, and garbage collection.
 - Our wildlife counts are down and now we're going to attract more people, which does not help wildlife.
 - With no more staff, we have only one game warden and he can't keep up.
 - There's a better place for this park.
 - Build the park out on the freeway where there's better control and it would be less expensive to maintain.
 - Users want restrooms, pads; things like that cost money.
 - I'm in favor of FWP and we have 36 months to make a good plan. Need to look at the return on the investment for this park. Mineral County cannot afford its share.
 - I do support the purchase.
- Roger Fulberg – Western Montana Trailriders
- Safety is a concern for people who ride OHVs here.
 - Designated OHV trails provide safety for kids and families riding. It's dangerous to share the roads with full size vehicles.
 - Need loop routes.
 - There are a lot of ATV riders and they're growing in number.
- Alvin Meeks – been going up Fish Creek since 1963
- I think the best thing ever for Fish Creek is for FWP to buy that ground.
 - I think these guys (FWP) are doing excellent with trying to appease everyone, but first we have to purchase the land.
- Pamela Reed
- Appreciate FWP
 - What better landlord than wildlife stewards?
 - Appreciate agency willing to work with us.
- Judy Stang
- We hope you'll have all your public hearings in Mineral County.

- Kate Thompson
 - I love you guys taking this ownership if fish and wildlife is our primary purpose.
 - Keep it preserved because there are more people than room for wildlife.
 - Really limit the things that have an impact (referring to ATVs).
 - I really appreciate that this might be a business opportunity.

- Tim Reed – Mineral County planner
 - A potential campground would seem appurtenant to county subdivision rules and also Mineral County road ownership. (Mr. Reed provided clarification afterward that a campground development would not trigger subdivision review.)

- Jeff Cyr
 - EA is vague about neighboring landowners.
 - My family has water rights on springs in the proposed park location; worry about my right to maintain this.
 - I have a cabin now right next to the proposed park, so some concerns.

- Gordon Hendrick
 - Concerned as a resident of Mineral County.
 - Concerned about complaints of dust abatement and citizen concerns.
 - FWP needs to work one-on-one with citizens.
 - Need more clarification on who is responsible for which road section.

SUMMARY OF ALL PUBLIC COMMENTS

FWP obtained public comment at the public hearing, by phone, by email, and in letters from January 21 until 5:00 P. M. on February 19th. Comments received afterward are not summarized herein nor considered in this decision, but as always are welcomed and will be considered in future management.

A total of 97 individuals or organizations provided comments for the record. Commenters were distributed geographically as follows: Missoula (31), Alberton – Cyr (14), Unknown (13), Public Hearing (11), St. Regis (4), Superior (3), Fish Creek (2), Hamilton (2), Helena (2), Huson (2), Nemote (2), Clinton (1), Darby (1), Emigrant (1), Florence (1), Harrison (1), Ovando (1), Polson (1), Tarkio (1), Thompson Falls (1), Victor (1), and Whitehall (1).

In a few cases, FWP received more than one set of comments from a single person. For example, one person may have testified at the public hearing, and then submitted a letter or email later in the process. For the purposes of categorizing and summarizing comments, we counted two or more comments from the same individual as a single comment in cases where the same opinion was registered more than once. However, if a second email or letter from one individual added new information, we collected and counted the new information offered by that individual. This was our attempt to hear and consider every single comment from every single individual or organization, but to avoid allowing any one entity's support or opposition to be tallied multiple times.

Also, FWP occasionally received a letter or email signed by more than one person. These instances were few and involved no more than seven signatures on any single email or letter (9 emails or letters and 24 signatures). Therefore, we chose to consider these comments as one for each signatory when tallying support or opposition. This process choice did not tip the outcome in any particular direction, and we preferred to err on the side of hearing and counting everyone's voice. We also considered that FWP did not provide any instruction in advance that would diminish or disqualify anyone's opinion if given in this manner. We received no petitions or form letters that might have forced us to take a different tack when evaluating multiple signatures. A letter, email, or testimony from an organized group was counted as one set of comments in our tallies, though our further consideration of comments and content was mindful that these represented a larger membership or body.

Seven non-governmental organizations submitted comments as did two public agencies and one business. Photocopies of the letters from these entities are appended in full to this decision notice. All comments from all individuals are also listed at the end of this notice.

A total of 77 individuals and organizations (79% of all who commented) indicated support for FWP to purchase the Fish Creek property. No one registered opposition to FWP acquiring the property, and 20 (21%) commented without giving a clear opinion for or against the property coming to FWP.

The following is a summarization of comments given in support of FWP acquiring the Fish Creek property. The numbers in parentheses indicate the number of times a comment was given. In many cases, a single individual or organization may have provided comments that fit in multiple categories. Therefore, the total number of comments for all summarized categories is larger than the number of commentators listed above.

1. Protect fish and wildlife values (50 individuals or organizations)
2. Keep the property in public ownership (23)
3. Scenic and natural beauty (16)
4. General public access (15)
5. Economic benefits (14)
6. Provide general outdoor recreation (14)
7. Pass it on to future generations (13)
8. Provide hunting and angling access (13)
9. Hiking (6)
10. Camping (4)
11. River recreation (4)
12. Compliments Alberton Gorge (3)
13. Quality of life (3)
14. Opportunities for future forest management (2)
15. Reasonable price of acquisition (2)
16. Water quality (2)
17. FWP pays taxes (1)
18. Potential for horseback riding (1)
19. Potential for Off-Highway-Vehicle (OHV) use (1)

The following is a summarization of additional comments given for FWP to consider when deciding whether to acquire the Fish Creek property. The numbers in parentheses indicate the number of times a comment was given. In many cases, a single individual or organization may have provided comments that fit in multiple categories. Therefore, the total number of comments for all summarized categories is larger than the number of commentors listed above.

1. Concerns about the State Park (114)
2. Concerns about road maintenance, traffic, safety (43)
3. Concerns about impacts of increased public use on fish and wildlife (30)
4. Financial impacts to Mineral County (lack of enough law enforcement, etc) (28)
5. Concerns about increased or broadened OHV use (22)
6. Adjacent landowners: communication, litter, vandalism, trespass, fire (13)
7. Mineral rights (3)
8. Interest in more OHV opportunities, increased safety for OHV riders (2)
9. Communication between FWP Parks Division and Fish & Wildlife Division (1)

A total of 25 individuals and organizations (26% of all who commented) indicated support for FWP to manage a portion of the Fish Creek property as a State Park. A total of 29 (30%) individuals and organizations registered opposition to FWP establishing a State Park on the property. Another 9 (9%) commented that the Park should be smaller than proposed, and 1 (2%) was “on the fence” with regard to the Park. The remaining 32 individuals or organizations (33%) did not offer a clear opinion for or against the Park.

A total of 32 individuals and organizations (33% of all who commented) indicated support for FWP to manage all or a portion of the Fish Creek property as a Wildlife Management Area (WMA). No one registered opposition to FWP establishing a WMA on the property, and 65 (67%) commented without giving a clear opinion for or against the WMA.

Comments given in support of FWP managing a portion of the Fish Creek property as a State Park were summarized above as support for the overall acquisition. Concerns expressed about FWP establishing a State Park are categorized below. The numbers in parentheses indicate the number of times a comment was given. In many cases, a single individual or organization may have provided comments that fit in multiple categories. Therefore, the total number of comments for all summarized categories is larger than the number of commentors listed above.

1. Park would negatively affect fish and wildlife protection (29)
2. Park would attract too many people (21)
3. Concerns about too much development in the Park (17)
4. Inadequate funding for maintenance (12)
5. High costs of construction and maintenance (10)
6. Will increase use of FAS at Cyr (bridge and roads will need repair) (8)
7. Conflicts in future direction with nature and traditional recreation patterns (7)
8. Impacts of Park development on hunting and fishing recreation (7)
9. Would increase out of state visitors at the expense of local people (7)
10. Spillover of recreation from Park to WMA and Wilderness (5)
11. Concern that Access Montana funds being used to create user conflicts (4)

12. Concern for protecting private water rights (3)
13. Does not agree with Parks management direction ARM 12.8.102 (3)

The Preliminary Management Plan disclosed FWP's proposed management direction for the first three years following acquisition of the Fish Creek property. Comments on the Preliminary Management Plan are categorized below. The numbers in parentheses indicate the number of times a comment was given. In many cases, a single individual or organization may have provided comments that fit in multiple categories. Therefore, the total number of comments for all summarized categories is larger than the number of commentors listed above.

1. Support existing OHV use on roads built for motorized travel (18)
2. Allow commercial outfitting in the Park (11)
3. Favor opportunities for firewood cutting (11)
4. Oppose the proposed winter closure in the area between Deer Creek and Wig Creek (11)
5. Allow commercial outfitting (10)
6. Oppose OHV use (8)
7. Allow more access for hunters with disabilities (8)
8. Retain an open hunting access policy (7)
9. Support habitat restoration work (7)
10. Manage for a primitive recreation experience (5)
11. Language in the Preliminary Management Plan is pre-decisional toward future management (4)
12. Maintain status quo (4)
13. Do not allow commercial angling outfitting in the Park (3)
14. Make weed control a priority (3)
15. Close and revegetate roads (2)
16. Continue primitive camping along Fish Creek (2)
17. Generally support OHV use (2)
18. Support or expand the winter closure (2)
19. Amend the MOU (Appendix B, Preliminary Management Plan) to reflect revised Park boundary (1)
20. Manage as wilderness (1)
21. Use BMPs from Wildlands CPR (1)

Comments from organized groups, agencies and business may be summarized as follows:
(Again, photocopies of the letters from these entities are appended in full to this decision notice.)

U. S. Fish and Wildlife Service supports the overall acquisition, supports the WMA, questions the compatibility of the Park with wildlife linkage areas.

Montana Department of Natural Resources and Conservation supports the overall acquisition.

World Class Kayak Academy supports acquiring the State Park.

Great Burn Study Group supports the overall acquisition, supports the WMA, supports the State Park.

Montana Trout Unlimited supports the overall acquisition, supports the WMA and recommends that it be larger, does not support the State Park.

Western Montana Trail Riders Association did not indicate an opinion on the acquisition. Clark Fork Coalition supports the overall acquisition, supports the WMA, does not support the State Park.

Wildlands CPR supports the overall acquisition, supports the WMA. Hellgate Hunters & Anglers supports the overall acquisition, supports the WMA, recommends a smaller State Park.

Montana Backcountry Hunters & Anglers supports the overall acquisition, supports the WMA and recommends that it be larger, recommends a smaller State Park.

Comment: U. S. Fish and Wildlife Service

... The reason for the Fish and Wildlife Service commenting on this acquisition is that portions of this area are within identified linkage areas across the I-90 corridor. We went through several processes to identify linkage areas between Ninemile and Lookout Pass along I-90. One of these processes involved scoring the habitat in terms of levels of development, road density and the contiguous nature of state and federal lands. Using this process, the lands on the northwestern edge of the Fish Creek area, including parts of the Fish Creek Acquisition area, were identified as linkage areas for wildlife. The other process we used was to go to local residents and ask them where they see wildlife crossing the I-90 corridor and where they see seasonal concentrations of wildlife. Using this process the northeastern edge of the Fish Creek area, including parts of the Fish Creek acquisition area, was identified by community members as a wildlife linkage area.

The management of linkage areas requires several considerations if these lands are to remain effective movement areas for wildlife including: 1) no additional site developments such as campgrounds, boat ramps or trailheads where human activity and human-related attractants like garbage and foods are concentrated; 2) no increase in motorized access routes or motorized use areas; and 3) maintenance or enhancement of visual cover in these areas so as to make wildlife more secure when they move through such areas.

Looking at the management approaches outlined in your management plan document, it appears that management of these areas as wildlife management areas rather than state parks would be most appropriate for maintaining these areas as effective wildlife movement and linkage areas.

The wildlife linkage areas mapped by the Service and included with its letter intersect T14N, R25W, Sections 1, 2, 3, 11, 14, 15, 22, 23, 27 (generally within the WMA); T14N, R24W, Sections 3, 9, 10, 11, 15, 21 (including Park and WMA); as well as sections north of I-90 (WMA).

FWP Response: As disclosed in the draft EA, FWP is aware of these wildlife linkage areas and values their existence and continued function as a primary purpose for acquiring the Fish

Creek property. The boundary between the WMA and the State Park was specifically crafted to include virtually the entirety of the northwest linkage area within the WMA. Much of the northeast linkage area is outside the State Park boundary. A concept plan for proposed park facilities will be developed through a long-term management planning process that will consider the wildlife values and include public involvement. We appreciate the guidance offered by the Service regarding management stipulations to protect and preserve these linkages, whether occurring in the WMA or the Park.

Comment: MT Department of Natural Resources and Conservation (DNRC)

The DNRC supports DFWP's acquisition of these lands and believes that should the Action Alternative be selected, that this will provide a significant opportunity for us to work with a sister state agency. In addition, we feel that having one large landowner rather than several smaller ones to interact with in Fish Creek will simplify the management of our parcels within the watershed.

Our most pressing concern with the project as a whole is in regards to the level of interaction that DFWP plans on having with the DNRC during the remainder of the development phase of this project and, if the Action Alternative is selected, upon DFWP's acquisition of ownership of the land. At the present time, DNRC owns 6524 acres (4% of the total) within the Fish Creek watershed, making us a major landowner in Fish Creek. In addition, the DNRC owns another 2281 acres within or adjacent to other lands included in this proposal. Within our holdings, the DNRC currently manages 7 cabin sites, have sold easements to both the Big Pine and Forks sites to DFWP and has plans to conduct timber management activities within the next ten years. As such, we believe that it is critical that the DFWP works closely with us during both the development of this project and, if the Action Alternative is selected, future management of the Fish Creek area in order to ensure that both agencies are able to conduct the full range of proposed and potential management activities in the most conflict free manner possible.

We are also concerned that DFWP plans any of their potential activities within the Fish Creek area in such a manner as to minimize conflicts between uses on DFWP ownership and our Recreational Use Rules when recreationists cross over onto School Trust lands or vice versa. We would like to see a discussion in the Final EA which discloses how the DFWP is going to work with all of the neighboring landowners in Fish Creek in order to ensure that any potential conflicts between each others rules and/or policies would be minimized.

FWP Response: FWP is committed to working closely with adjacent landowners in addressing current management issues and developing a long-term management plan.

Comment: MT Department of Natural Resources and Conservation (DNRC)

The location of the proposed Park seems contradictory to the carnivore linkage zone and winter range objectives. Even with proposed mitigations indicated in the Interim Management Plan (Appendix B), an area with concentrated recreational use (equestrian, angling, camping, OHV, mountain bike, etc.), such as the Park, may impact use of that corridor by carnivores.

FWP Response: As disclosed in the draft EA, FWP is aware of these wildlife linkage areas and values their existence and continued function as a primary purpose for acquiring the Fish Creek property. The boundary between the WMA and the Park was specifically crafted to include virtually the entirety of the northwest linkage area within the WMA. Much of the northeast linkage area is outside the State Park boundary. A concept plan for proposed park facilities will be developed through a long-term management planning process that will consider the wildlife values and include public involvement.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Second, portions of the park occupy elk winter range, including areas designated as “critical” elk winter range (elk99 GIS layer obtained from MT FWP website). To bring the proposal more in line with (1) the proposed action’s objectives, (2) objectives of the Pittman-Robertson Program, and (3) objectives of the Habitat Montana program, it would seem that a potential location for the Park with the least potential for conflict with the aforementioned action objectives would be on lands proposed for acquisition in T13N R25W, as there is less elk winter range, and no “critical” elk winter range habitat (elk99 GIS layer).

FWP Response: Our data demonstrates that elk winter range values increase generally as one moves south through the Fish Creek property. The Park location, as proposed, includes large blocks of north-facing aspects and has the advantage of being in near proximity to I-90, which minimizes vehicular traffic within the watershed to access the Park. Overlap between the Park and elk/deer winter range is virtually unavoidable within the project area, and the proposed Park location was chosen to minimize the potential conflict arising from this overlap. The mitigations disclosed in Appendix B of the Preliminary Management Plan are designed to further address this.

Comment: MT Department of Natural Resources and Conservation (DNRC)

The DNRC also believes that the Final EA needs to contain a discussion concerning the relationship of this property acquisition to other projects that DFWP may be undertaking within the area adjacent to Fish Creek. For example, the “Rails to Trails” project, if completed would pass through several parcels of DNRC land and may link the Fish Creek property up to other areas. Please disclose any interactions projects like this or others may have upon the proposed DFWP acquisition of the Fish Creek property.

FWP Response: These scenarios will be taken into consideration during the long-term management planning process that will take place following acquisition.

Comment: MT Department of Natural Resources and Conservation (DNRC)

The Draft EA is silent with regards to trapping. With an objective of preserving an important forest carnivore linkage zone, the final EA and/or Decision Notice should address the relevance of trapping to the proposed action’s objectives, as well as to wolverine, a species of concern, and the Canada Lynx, a federally Threatened species. While there is no trapping season for Lynx in Montana, they are occasionally caught as non-target species in bobcat snares.

FWP Response: Trapping may be allowed with written permission on FWP lands. The provision for requiring written permission allows FWP to control the geographic distribution of trapping on the property, seasons, methods, and require any other stipulations as may be needed to minimize potential conflicts with other resources. We appreciate this comment and may consider limiting the type of trapping that occurs within the linkage areas.

Comment: MT Department of Natural Resources and Conservation (DNRC)

On page 9, the last bullet regarding the Habitat Montana funding-item “c) the implementation of habitat management systems that are compatible with and minimize conflicts between wildlife values and traditional agricultural, economic, and cultural values.” The DNRC would like the Final EA to contain a more definitive description of what DFWP believes the traditional agricultural, economic and cultural values within the Fish Creek area to be and a more specific description of how DFWP would conduct their proposed management activities in order to minimize conflicts with these values.

FWP Response: As also stated on page 9, FWP will address this in the first 36 months after acquisition.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page 11, paragraph 5 the final sentence- “For the immediate future, no new FWP staff are planned to be hired to manage the property”. The DNRC believes that the Final EA should contain a detailed description of how the DFWP intends to deal with the management and enforcement issues that are certain to arise with the expanded use of the Fish Creek area that is likely to result following the establishment of the proposed state park, increased trail systems etc. with their current staff. As DFWP wardens serve as the enforcement agents for the DNRC’s Recreational Use Rules, we are concerned that any increase in activity on DFWP ownership, should the Action Alternative be selected, may reduce the ability of the current warden staff to meet our needs. In addition, as the two existing public campsites (Big Pine and Forks) are on our ownership, we are concerned that if DFWP expands the number of sites within the Fish Creek area the current maintenance staff may become overwhelmed and the care of our lands may be reduced.

FWP Response: The Preliminary Management Plan does not allow for significant development beyond the general existing infrastructure within the first 36 months of FWP ownership, with the exception of any needed improvements to allow overnight use by the public of Williams Peak lookout. Therefore, the first 36 months following acquisition will be a period within which FWP will assimilate the duties in Fish Creek within the work plans of existing staff and budgets. Assessment will be made over time as to the need for additional staff and funding, and no new developments on the land will be undertaken without provision made in advance for maintenance.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page 12, paragraph 2 under 3.1 Land Use-second sentence-“The vast majority of roads are abandoned logging roads with approximately 115 miles (22%) open to the motoring public. The DNRC requests that the DFWP explain the criteria used to determine what constituted an “abandoned” logging road. It is typical that following timber harvest, roads accessing

sale areas may not be used, or are used sporadically, for many years until the area is re-entered for another harvest etc. The DNRC is concerned that roads which are merely not being used at the current time may have been misclassified as “abandoned”

FWP Response: Thank you for your comment.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page 13- first paragraph, last sentence- “A complete inventory of road ownership will be completed by FWP to ensure roads are maintained by the appropriate party to ensure public safety and signed accordingly to direct public access.” The DNRC requests that a proposed timeline for the completion of this inventory be included in the Final EA. In addition, the DNRC would like to see an assurance, from DFWP that the process of creating the road inventory would involve including all of the landowners within the project area. We believe that failing to do so might result in errors within the inventory that might preclude or otherwise make it more difficult for other landowners to conduct current and future management activities within the Fish Creek area.

FWP Response: Thank you for your offer of assistance with the road inventory.

Comment: MT Department of Natural Resources and Conservation (DNRC)

On page 13 of the Draft EA, there is discussion regarding timber management under the proposed action. Specifically, management effects on woody forage for big game. It is our understanding that Wildlife Management Areas are to be managed for all wildlife. As many of the lands proposed for acquisition do not have an immediate need for timber harvesting due to past harvest or fire, DNRC would recommend development of a long term timber management plan for the affected lands that is in accordance with the two wildlife objectives of this proposed action: a. Protect and enhance critical winter range and other seasonal habitats for a diversity of wildlife; and b. To preserve an important forest carnivore linkage zone between the Ninemile Divide and Selway-Bitterroot Wilderness.

FWP Response: Thank you for your comment. Inventory preparatory to development of a forest management plan will begin with FWP’s acquisition of the property.

Comment: MT Department of Natural Resources and Conservation (DNRC)

In addition, the DNRC would like to see the Final EA contain a discussion of the Fiber Supply Agreement between Plum Creek and The Nature Conservancy and any affect that the agreement may have on these lands if DFWP does acquire them.

FWP Response: The fiber supply agreement between The Nature Conservancy and Plum Creek will not pertain to the Fish Creek property.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page 21-paragraph 7-last sentence- “Commercial fishing and hunting outfitting would not be permitted on any portions of the wildlife management area’. While we currently do not have any licensed outfitting occurring on our lands within the project area, nor have we had any requests in the recent past, should such a request be made, the DNRC would certainly

consider approving it. If this were to occur, particularly on lands within the WMA boundary, the DNRC is concerned that conflicts may occur between the agencies. In order to meet our fiduciary responsibility to our trust beneficiaries, the DNRC would be reluctant to forego an opportunity to generate revenue from the licensing of a responsible outfitter within this area. Therefore, we request that the DFWP address any concerns and possible solutions they might have, should this situation occur, in the Final EA.

FWP Response: Thank you for making this concern known. FWP is willing to work with DNRC on these and other issues if and as they arise.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page 23-paragraph 6-“In conjunction with any acquisition, except that portion of acquisitions made with funds provided under 87-1-242(1), FWP is required to include 20% of the amount of purchase price or \$300,000 whichever is less, to be used for maintenance of the property, consistent with the good neighbor policy (87-1-209 MCA).” The DNRC requests that the Final EA contain a much more detailed description of the type of account this money would be held in, what types of “maintenance of the property” activities would be authorized expenditures of these funds, how long would this account last and how would these funds be replenished as or when they are exhausted? In addition, we would like the Final EA to include an expanded explanation of DFWP’s “good neighbor policy” and how this would be implemented in DFWP’s management of the area and interaction with other landowners in Fish Creek.

FWP Response: FWP is also required to establish a maintenance account to be used for weed maintenance, fence installation or repair of existing fences, garbage removal, implementation of safety and health measures required by law to protect public, erosion control, streambank stabilization, erection of barriers to preserve riparian vegetation and habitat, and planting of native trees, grasses, and shrubs for habitat stabilization. Such maintenance activities would be consistent with the good neighbor policy.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Our comments specific to the DRAFT Preliminary Management Plan are: Page B-4-paragraph 2-last sentence-“Potential future opportunities would attract new users/user groups providing potential economic benefit to Mineral County and could include trail systems, hut-to-hut hiking, biking and cross-country skiing, a fire lookout rental, equestrian campground, and expanded camping opportunities to meet increasing demand in the Alberton Gorge and Fish Creek areas.” The DNRC is concerned that given this increase in activity in the Fish Creek area, and that DFWP has no plans to increase their staff- that conflicts between recreationists and our activities are, unfortunately, quite likely to occur. We are concerned that in order to ensure that recreationists are aware of the need to possess Recreation Access Permits on trust lands for activities other than hunting and fishing that we may be required to purchase, install and maintain signage on the boundaries of our lands. Should the number of non-hunting and fishing recreationists within the area increase, it is most likely that it would require a greater enforcement of the Recreational Use Rules on our ownership for what is likely to be an already over-extended DFWP enforcement staff. DNRC also has a concern that many of these proposed activities might require easements, permits

or licenses on or across trust lands and would like to see an analysis of the potential number of these that we may be required to process discussed in the Final EA. Timber management remains one of the primary revenue generating activities that DNRC will continue to conduct in the Fish Creek drainage and we would like to see an analysis of the potential for and solutions to any conflicts between increased numbers of recreationists and logging activities including truck traffic on the Fish Creek Road contained in the Final EA.

FWP Response: Thank you for your comments. FWP will begin the process of developing a long-term management plan for the Fish Creek property in the 36-month period following acquisition. We invite DNRC to participate in this long-term planning process, at which time we will consider and fully evaluate future management options.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page B-9-paragraph 3-second sentence-“For the first 3-years, MFWP would close the area delineated in Appendix F from December 1st through May 14th to all public access to provide security for wintering wildlife. (the boundary is contingent on a cooperative agreement with DNRC.)” The DNRC was not aware of this plan until we reviewed the Draft EA and have several concerns regarding this closure. We believe that this would again create an increased demand on DFWP’s enforcement staff and would like to see a discussion of DFWP’s plans for administering this closure included in the Final EA. In addition, we have a concern that we may not be able to complete the process required to enact this closure by December 1, 2010. This would also place an additional workload on DNRC staff that we may not be able to support.

FWP Response: Mack Long, Lee Bastian and Mike Thompson (FWP) met with Tony Liane (DNRC) at FWP’s Region 2 headquarters on January 19, 2010, prior to the release of the EA. At that time, FWP informed DNRC of the proposed closure and obtained verbal concurrence from DNRC. If issues have arisen since that meeting, we would be happy to discuss them.

Comment: MT Department of Natural Resources and Conservation (DNRC)

Page B-13-7.4 Camping-Management Strategies-Item c)- A vehicle accessible front-country equestrian campground near the confluence area of the South and West Forks of Fish Creek.” It would appear that DFWP may be suggesting an expansion of the Forks FAS which is on DNRC ownership. In addition, DNRC has an existing Cabinsite located in the immediate vicinity of the Forks FAS. DNRC would like to see a more in-depth discussion for the location, size and design of any campground planned in this area contained in the Final EA.

FWP Response: A concept plan for proposed park facilities will be developed through a long-term management planning process. That will take place following acquisition and will include public involvement. Any proposal that would include DNRC parcels would have to include discussions & agreement with DNRC. Any park facility development would require an independent MEPA analysis.

Comment: MT Department of Natural Resources and Conservation (DNRC)

In the Draft Preliminary Management Plan, there is discussion with respect to the impacts of recreation on wildlife (Sections 5.2 and 7.1). The document states that “Providing intact, high quality, secure winter range is important for wintering elk and deer” (Section 5.2 page B-9). However, the only portion of the lands subject to closure occurs in the southeast portion of Fish Creek, south of Deer Creek, on the WMA. There should be justification in the Final EA detailing why the same protections would not be afforded to “critical” elk winter range contained within the Park’s proposed boundaries. FWP may want to consider extending such closures to equestrian use as well. Naylor et al. (2009:334) hypothesized that reduction in elk travel during horseback riding could indicate either a habituation to horseback riding or elk could be avoiding areas near horseback routes. In the case of habituation, Thompson and Henderson (1998) reported an increasing occurrence of elk not responding to predictable and harmless human activities on winter ranges in the urban fringe. They noted that the habituation response was an adaptive behavioral strategy promoted by the need to conserve energy and find unutilized resources. Tolerance, or habituation, may be misleading as MacArthur et al. (1982 in Canfield et al. 1999) and Stemp (1983 in Canfield et al. 1999) reported increased heart rates of bighorn sheep at the appearance of human intruders in their habitat. In the case of the latter hypothesis (avoidance), this could result in a loss of habitat. Naylor et al. (2009:334) also noted that, in the case of the latter hypothesis, such response by elk was noted to ATV treatments over time by Preisler et al. (2006).

FWP Response: As also disclosed in the Preliminary Management Plan, FWP will consider whether and where to add winter closures for the greatest benefit of wildlife during the 36 months budgeted for development of a long-term management plan.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

The Fish Creek EA inappropriately pre-decides future decision making. The Draft Management Plan states the following: Management Strategies: Begin developing (with public involvement) a final management plan, which would provide for the following: a) An appropriate number and distribution of front-country and backcountry campsites and/or areas. b) A vehicle accessible front-country fee campground in the northern portion of the Fish Creek drainage. c) A vehicle accessible front-country fee equestrian campground near the confluence area of the South and West Forks of Fish Creek. (Draft Preliminary Management Plan, B-13)

This statement is inappropriately pre-deciding the future development of the management plan by stating that the final management plan “would” include a fee equestrian campground, fee campground, and front and backcountry campsites. Based on public comments, budgetary constraints, fish and wildlife habitat requirements, etc...FWP may find that these facilities are not practical, prudent and/or wanted. For this reason, the draft management plan should state that the final management plan “may” provide for these facilities.

FWP Response: We agree that the preliminary management plan should be corrected to state that it *may* provide for the facilities listed above. FWP’s intent in sharing possibilities

such as a fee equestrian campground and other potential future developments was to reveal some early ideas of FWP staff. However, the preliminary management plan does not provide for any such developments during the three-year interim period before a long-term management plan may be developed and proposed, with public participation. You are correct in stating that FWP must be willing to consider the preliminary management plan to be a viable long-range alternative as well (i.e., a viable future no-action alternative) if this proposed acquisition action is to be separate under MEPA from any future proposal to develop beyond plans disclosed in the preliminary management plan.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

The EA states that “Within the State Park, implement a hunting access system that allows FWP to monitor and regulate hunting activity and establish conditions that allow hunters and non-hunters to safely share recreational resources.” (Draft Management Plan, B-14) What kind of “hunting access system” is FWP contemplating for the State Park? MT BHA can understand the need for reasonable safety buffers around a campground, but how does FWP intend to “monitor and regulate” hunting activity? Will there be a lottery system for access, a sign in box, or some other system? MT BHA strongly encourages MFWP to retain an open hunting access policy for the lands and not restrict walk-in access in anyway, with the exception of a reasonable safety buffer for front-country facilities.

FWP Response: During the 36-month life of the Preliminary Management Plan, no development is planned in the State Park that would preclude open and traditional hunting access, with the possible exception of the immediate area of the Williams Peak Lookout. FWP is committed to maintaining hunting opportunities reasonably similar to those presently allowed within the area of the State Park, and only meant to suggest in the EA that safety zones or other similar safeguards may need to be employed around any campground that may be developed under the auspices of a future management plan.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

The EA is explicit in several places that outfitted hunting and fishing would not be allowed on the WMA, however, the EA seems to mistakenly state that hunting outfitting would be allowed on the state park. The EA states: “Commercial uses such as hunting and fishing, mountain bike concession or other public private partnerships could be permitted on the state park component in accordance with FWP commercial use rules.” (EA, page 21) However, FWP’s Commercial Use Rules are explicit that all commercial hunting outfitting is prohibited on all department lands, not just WMA’s. The Commercial Use Rules, ARM 12.14.115, state that: “Commercial hunting outfitting is prohibited on all department land and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas.” Given FWP’s Commercial Use rules, the EA should explicitly state that no commercial outfitting would be allowed on either the WMA or state park. While commercial fishing outfitting could be allowed on the state park, the sensitivity of native bull trout and westslope cutthroat trout in Fish Creek should make the department exclude commercial angling outfitting in the state park in addition to the WMA.

FWP Response: Thank you for providing this correction and clarification regarding the FWP commercial use rules as they pertain to outfitting on WMAs and State Parks.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

The Draft Preliminary Management Plan states that “Overlapping land acquisition priorities occur in the northern portion of the Fish Creek drainage and are focused primarily on conflicting wildlife and recreation resource values.” (Draft Preliminary Management Plan, B-20) Specifically, what are the wildlife values and recreation values that are in conflict and why are fish and wildlife being subjected to a large state park in the Fish Creek Drainage that will certainly result in increased wildlife conflict?

FWP Response: Please continue reading in Appendix B, where we attempted to answer the question, “what are the wildlife values and recreation values that are in conflict..?”. The management stipulations in Appendix B are designed to prevent conflicts in areas where conflicts are anticipated.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

One Feb 1, FWP published a revised Appendix A, which adds about 800 acres to the proposed area including a park. Why was this revision included 11 days after the release of the draft EA without any explanation? Also, why are the additional lands included in the proposed State Park area instead of the WMA? What additional funds were provided that could be allocated for additional acres in the State Park?

FWP Response: In the days following the release of the draft EA to the public, the FWP Parks Division identified additional Access Montana funding that could be applied to the Fish Creek property acquisition. The FWP Fish and Wildlife Division considered the opportunity and trade-offs of adding more acres to the State Park. FWP considered and dismissed alternative parcels for inclusion in the State Park before arriving at the addition in the northeast portion of the Fish Creek property. Reasons for dismissing alternative parcels were difficulties in avoiding or mitigating potential negative impacts on wildlife resources. The parcels chosen for addition to the State Park are within the northeast wildlife linkage zone, as identified by the U. S. Fish and Wildlife Service. However, much of the northeast linkage area is outside the State Park boundary. A concept plan for proposed park facilities will be developed through a long-term management planning process that will consider the wildlife values and include public involvement. The parcels added to the proposal in early February are contained within T14N, R24W, Section 3 (S1/2SW), and Section 9 (All), and the revised map of the Park boundary is attached.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

“According to the MFWP website, “Access Montana was created to improve access to state and federal lands and to help reduce the conflicts that arise when sportsmen utilize public lands.” With the exception of a campground at the north end of the acquisition, it seems strange that use of Access Montana funds is being proposed for a state park, when in fact a state park would likely increase the conflicts that arise when recreationists use public lands through the development activities stated above. A WMA, on the other hand, would decrease conflicts for sportsmen and would be a better use of the Access Montana program funds.

FWP Response: The Access Montana Program information provided on the FWP Web site (<http://fwp.mt.gov/hunting/hunterAccess/public.html#montana>) does pertain to improving access to state and federal lands and to helping reduce the conflicts that arise when sportsmen utilize public lands. Coincidentally, the Access Montana Program listed on the FWP Web site is different than the Access Montana Program identified in the Draft EA for use in funding the State Park portion of the Fish Creek Acquisition. This funding source matches FWP's purpose and direction and is appropriate in proposing to purchase the Fish Creek property.

Comment: Hellgate Hunters & Anglers and Montana Backcountry Hunters & Anglers

MT BHA recognizes that certain developed recreation facilities such as campgrounds – if sited properly – could mitigate the impacts of dispersed recreation and provide important camping opportunities – and we support a campground and significantly smaller state park in the northern boundary of the acquisition south of Interstate 80. However, MT BHA encourages FWP to limit the facilities to the following: 1.) places to pitch a tent or park a camper, 2.) vault toilet, 3.) fire rings, and 4.) a bear-proof dumpster. The following is a non-comprehensive list of facilities and amenities provided at other state parks in Montana that are not appropriate or needed in the Fish Creek drainage if a state park is established: electrical hookups, RV dump stations, showers, flush toilets, pavilions, horseshoe pits, Frisbee golf courses, playgrounds, firewood vendors, visitor center, food concession, boardwalks, yurts, cabins, huts, and comfort stations.

FWP Response: Thank you for your comment. We will consider these and many other inputs from the public during the process of developing a long-term management plan for the Fish Creek property, if purchased.

Comment: Pam Reed

Will weed abatement improve from past ten years?

FWP Response: FWP is required to establish a maintenance account to be used for weed maintenance, fence installation or repair of existing fences, garbage removal, implementation of safety and health measures required by law to protect the public, erosion control, streambank stabilization, erection of barriers to preserve riparian vegetation and habitat, and planting of native trees, grasses, and shrubs for habitat stabilization. FWP's desired condition is to keep noxious weeds contained and controlled to prevent loss of native species and subsequent declines in plant community productivity. FWP would immediately implement chemical, biological and mechanical control measures in keeping with the MFWP Statewide Weed Management Plan. In calendar year 2010, FWP would budget \$50,000 for the direct control of noxious weeds on the WMA, focusing first on chemical control along roadsides and other primary travel corridors. A containment strategy for weed occurrences in the uplands would be further ground-truthed and implementation begun, also in 2010.

Comment: Pam Reed

Will pine beetle infestation improve from past ten years?

FWP Response: FWP will begin a forest inventory upon acquisition of the Fish Creek property and consider needs and options for containing beetle infestations.

Comment: Pam Reed

Report states \$300,000 will go into a maintenance account. What maintenance requirements are these funds expected to cover. Is this an annual budget amount or one-time funding? What funds will be available for future maintenance needs?

FWP Response: The 2009 Legislature passed SB164 (Good Neighbor), which amended 87-1-209 MCA and established the funds in 87-1-230 MCA. The intent was to provide statutory appropriations for the maintenance costs of FWP lands and water and to provide a revenue stream for the fund. Priority expenditures are for weed control and fence maintenance, and also to address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife management area under the department's jurisdiction. FWP's \$300,000 deposit into this account, which would be triggered by the proposed acquisition of the Fish Creek property, would be a one-time payment, but would augment other deposits from other FWP projects across the state. Therefore, as long as the account is managed to maintain a balance, the Fish Creek property would be eligible along with other FWP properties to receive funds for the sort of expenditures mentioned above. In addition, FWP allocates annual maintenance budgets using revenues generated from the sale of Montana hunting licenses, and WMAs benefit from an account earmarked by the legislature for property maintenance and habitat improvement.

Comment: Pam Reed

When will park be developed? How will development be determined? Can any of the park fees be used to support local services (park ranger, fire protection, law enforcement). Note: Would like to see: a campground respectful of wildlife – bear proof containers/lockers for food storage and garbage cans throughout park; campground with camp hosts to enforce rules; camp sites with electrical and septic hook-ups for RV campers; well maintained restrooms; input from the community on campground development as noted in EA.

FWP Response: FWP will identify and inventory recreation opportunities. That process will take place following acquisition as time and funding allow, and will include public involvement. FWP will first concentrate on inventory and fundamental maintenance tasks. As issues and concerns related to basic maintenance are addressed and assimilated into routine FWP operations, we expect to turn our attention toward visualizing the long-term potential of the property, and we expect to involve the public as we go. Thank you for sharing your ideas.

Comment: Pam Reed

Are their plans for ATV or snowmobiling trails in either the park or WMA? If so, input from community should be considered as well as impact to wildlife. Not saying it shouldn't be allowed – just needs to be well thought out.

FWP Response: In the first 36 months, FWP would restrict snowmobiles and other motorized travel to open routes as depicted in Appendix E of the Draft Preliminary Management Plan, and to parking areas and developed recreation sites. FWP would provide secure areas for wildlife with no human disturbance on the Wildlife Management Area from

December 1st through May 14th annually (See Appendix F of the Draft Preliminary Management Plan). In the long run, FWP expects to enter into a process (with public involvement) of designing a public access plan that supports an array of recreational opportunities consistent with fish, wildlife and recreation management objectives. We agree that this has to be well thought out.

Comment: Pam Reed

Will any of the currently closed roads be opened for access?

FWP Response: No, certainly not in the first 36 months, and not in advance of the process (with public involvement) of designing a public access plan for the long run.

Comment: Pam Reed

Challenges noted on page 21. What planning will take place to address these issues?

FWP Response: From page 21 of the EA, “With the large size of this property and limited resources, there will likely be challenges associated with managing recreation on the property. These challenges could be related to: resource inventory, enforcement coverage, vandalism, maintenance, visitor service, facility development, etc. For the immediate future, existing FWP staff will have to manage the property.” The planning process to address these issues in the long term will begin as time and funding allow over the coming 36 months.

Comment: Pam Reed

Are there still plans for an additional on/off ramp between the existing ones at Fish Creek and Tarkio?

FWP Response: It is FWP’s understanding that there are no immediate plans. We suggest contacting the Montana Department of Transportation.

Comment: Pam Reed

Have there been discussions about the increase in traffic on Old Hwy 10 between the exit at Cyr and Fish Creek and the impact this will have on a roadway already in need of repair and to the Cyr Bridge?

FWP Response: Currently, Old Hwy 10 is used regularly by recreationists who access the Alberton Gorge between the Cyr and Fish Creek exits on I-90. This use is expected to continue. The proposed acquisition of properties in the Fish Creek project area alone is not expected to lead to an increase in traffic volumes. However, depending on future development within the project area and the popularity of those developments with additional recreationists, traffic levels may increase. FWP will consider potential impacts in future development proposals and explore opportunities to address road repair and maintenance with all parties involved. As an aside, FWP supported Mineral County’s proposed 2009 Cyr Bridge and Old Highway 10 Resurface Project and submitted a letter of full support to US Representative Denny Rehberg’s office in a County-led effort to secure funding.

Comment: Pam Reed

Commissioners support acquisition which should indicate there is no negative impact to the county. Does this mean they are not concerned with funding any services (law enforcement or fire protection) this acquisition may create?

FWP Response: FWP law enforcement does rely heavily on its relationship with Mineral County already, but the Fish Creek purchase would not add significantly to the county enforcement burden as the project is currently proposed. Wildland fire protection is under agreement with the Forest Service and Department of Natural Resources and Conservation. FWP will pay taxes to the county and Mineral county will decide how those dollars will be used.

Comment: Pam Reed

Tax revenues to county will not change. FWP will pay \$50,000 per year based on current assessment. What assurances will there be for these funds to be used to support the increased need for law enforcement and fire protection in the area surrounding the park/WMA?

FWP Response: FWP does not anticipate significant increases in demand for county services as a result of this purchase. The matter of how the taxes paid by FWP will be used by Mineral County is not within our purview.

Comment: Pam Reed

How will fire protection in the area be handled? There are concerns that bringing more folks into the area during fire season may create a higher fire danger requiring an increase in services resulting in higher property taxes.

FWP Response: Wildland fire protection is under agreement with the Forest Service and Department of Natural Resources and Conservation, and would not affect the level of services required from Mineral County.

Comment: Pam Reed

Besides restricting commercial hunting and fishing, what change in access will impact Joe Public? Will access improve?

FWP Response: In the interim 36 months, motorized access will look very similar to the current situation, except that the elk winter range between Deer Creek and Wig Creek would be closed to all public entry from December 1 to May 15.

Comment: Cyr Family

Members of the Cyr family own property next to some of this land, and we have water rights on two springs on this land. We would like to have in writing that before this purchase by the state that we will still have the same water rights. One spring has supplied water to our properties and has been in our families use for over 100 years.

FWP Response: FWP ownership will not impact your water rights or access to them.

Comment: William Thomas

What is the history of mineral extraction? What is the general location of commercially valuable minerals? Who owns the mineral rights? What commercially valuable minerals exist? What is the likelihood of mineral extraction in the future?

FWP Response: There has been mineral extraction in the area historically, but not in any quantity for many years, to the best of our knowledge. Mineral ownership is approximately as follows: Canyon Resources owns the hard rock minerals under approximately 31,890 acres. The United States reserved minerals on approximately 3,417 acres. The Nature Conservancy (TNC) owns minerals under approximately 5,500 acres which will transfer to FWP at closing. BP Arco owns the oil and gas rights under most of the property. TNC had a minerals remoteness test completed and FWP had the Bureau of Mines and Geology research this area. Both concluded that the potential for economic mineral development was negligible.

Comment: Valerie Bayer

Is the only way FWP can purchase the land is to have a state park and campground?

FWP Response: There is no other practical alternative. Purchasing the WMA without also conserving the Park acreage would leave deer and elk winter range, an important wildlife linkage area, and important fish habitat unprotected in the “middle” of the WMA. This would compromise the investment made to purchase the WMA itself. Likewise, if more Habitat Montana and Pittman-Robertson funding were used to expand the WMA, those funds would be depleted at the expense of other habitat protection projects across Montana. Access Montana funding is appropriate to complete the project as proposed.

Comment: Valerie Bayer

If most of the visitors to the state park and campground are those folks visiting the area of the Aliberto Gorge, why wouldn't we want the state park to be placed in the area on the North side of I-90, in an effort to reduce traffic and impact of those visitors on Fish Creek. Why put the state park in such a sensitive area--right where the trout will be migrating to/from the Clark Fork to Fish Creek?

FWP Response: The mouth of Fish Creek is already heavily used by the public. FWP ownership would allow FWP to better regulate and control recreational use in this area and on this site to protect the fishery resource in the future.

Comment: Valerie Bayer

If there must be a campground, does it have to be so large? I would request it be as small as possible to lessen the impact on the environment. Also, I would request it be a primitive campground like the others in the area. That might make things a bit better for the wildlife. Once a campground is improved with electricity and water hook-ups, the traffic and use will be so much greater and the magic of Fish Creek will be lost.

FWP Response: Thank you for your comment. FWP will identify and inventory recreation opportunities. That process will take place following acquisition as time and funding allow, and will include public involvement.

Comment: Katie Thompson

In considering more of the impacts on the general area that the proposed park might have west of Alberton, I would ask FWP to clarify for Mineral County citizens, who has ownership of the Cyr Bridge? While this does not reside in the zone specified in the EA, it could easily be determined that this bridge, as well as highway 10 would experience increased use. Citizens in this area have tried to obtain information on who has ownership of the Cyr bridge with no success. It is my hope that this can be clarified for the public before further use might be incurred.

FWP Response: This is beyond the scope of this proposed action, however, as mentioned above, the proposed acquisition of properties in the Fish Creek project area alone is not expected to lead to an increase in traffic volumes. Depending on future development within the project area and the popularity of those developments with additional recreationists, traffic levels may increase. FWP will consider potential impacts in future development proposals and explore opportunities to address road repair and maintenance with all parties involved. As an aside, FWP supported Mineral County's proposed 2009 Cyr Bridge and Old Highway 10 Resurface Project and submitted a letter of full support to US Representative Denny Rehberg's office in a County-led effort to secure funding.

CORRECTIONS AND ADDITIONS TO THE DRAFT EA

As noted earlier in this Decision Notice, FWP revised the boundaries of the proposed State Park and proposed Wildlife Management Area (WMA) from those originally depicted in Appendix A of the Draft Preliminary Management Plan. This revision increased the State Park by approximately 750 acres (11%) and decreased the WMA by the same acreage (2%) from the original disclosure; the final proposal is a State Park of approximately 7,650 acres and a WMA of approximately 33,295 acres. A copy of the revised map is attached herein.

In response to public comment, FWP intends to clarify here that trapping may be allowed with written permission on FWP lands. The provision for requiring written permission allows FWP to control the geographic distribution of trapping on the property, seasons, methods, and require any other stipulations as may be needed to minimize potential conflicts with other resources. FWP may consider limiting the type of trapping that occurs within the wildlife linkage areas in the northwest and northeast portions of the property.

In response to public comment, FWP intends to clarify here that no development is planned in the State Park that would preclude open and traditional hunting access, with the possible exception of the immediate area of the Williams Peak Lookout.

In response to public comment, FWP corrects its statements regarding commercial outfitting on FWP lands to read, "Commercial hunting outfitting is prohibited on all department land (WMA

and State Park) and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas.”

In response to public comment, FWP intends to clarify here that a decision herein to acquire the proposed Fish Creek Wildlife Management Area and Fish Creek State Park in no way obligates FWP or predisposes the public to any particular management action beyond those specified for the first 36 months of ownership within the Preliminary Management Plan. FWP also wishes to clarify that consideration of developments such as a new developed campground, an equestrian campground, a yurt system, or any similar possibilities for the future may or may not occur, depending on public involvement, an assessment by FWP of staff and funding, and many other inputs into a long-term management planning process.

Some comments received suggested that the Preliminary Management Plan was unclear in differentiating management actions suggested for interim implementation from those that were intended to illustrate potential and future management actions. These are the points in the Preliminary Management Plan that are being decided herein:

- Continue monitoring fish relative abundance, genetic composition, and aquatic species distribution in the main stem and tributaries.
- Identify and evaluate opportunities to stabilize and revegetate closed roads.
- Evaluate effectiveness of fishing regulations in protecting native trout.
- Identify and evaluate opportunities for instream habitat enhancement.
- Ensure connectivity among aquatic populations
- Evaluate impacts and management options for nonnative fish.
- Protect and restore riparian corridors
- Correct unnatural impediments to fish movement.
- Remove or repair sub-standard stream crossings.
- Protect instream flows.
- Identify and evaluate opportunities for instream habitat enhancement.
- Monitor whirling disease as necessary.
- Enhance westslope cutthroat trout contribution to fishery.
- MFWP would conduct a Wildlife Assessment.
- Continue current trend surveys, including aerial surveys for elk and ground surveys for deer.
- Establish and conduct additional surveys for big game, furbearers, upland game birds, and non-game species.
- MFWP would close the area delineated in Appendix F from December 1st through May 14th to all public access to provide security for wintering wildlife. (The boundary is contingent on a cooperative agreement with DNRC.)
- Maintain and enhance open grasslands and shrubfields.
- Allow mountain lion hunting in winter, except within the closed area delineated in Appendix F.
- Recommend hunting season regulations that balance predator and prey relationships.
- Begin working on a vegetation management plan that would entail surveying and mapping habitat types on the subject property.

- Forest management during the interim 3-year period would not include timber harvesting.
- Consider enhancing riparian areas by revegetating with native trees and shrubs, and reseeded with native grasses and forbs.
- Implement chemical, biological and mechanical control measures in keeping with the MFWP Statewide Weed Management Plan. In calendar year 2010, FWP would budget \$50,000 for the direct control of noxious weeds on the WMA, focusing first on chemical control along roadsides and other primary travel corridors. A containment strategy for weed occurrences in the uplands would be further ground-truthed and implementation begun, also in 2010.
- Identify and map all noxious weeds on the subject lands in MFWP's first 36 months of ownership.
- Coordinate with the Mineral County weed district.
- Work with neighboring landowners on control efforts across property boundaries.
- Conduct a compliance level inventory of heritage resources located on the property.
- Consult with the State Historic Preservation office for all undertakings with potential to disturb heritage resources.
- Educate the public about the importance of leaving heritage resources for future generations.
- Interpret cultural resources through sensitive and appropriate displays, programs and information.
- Conduct an inventory and assessment of existing roads.
- Begin the process (with public involvement) of designing a public access plan that supports an array of recreational opportunities consistent with fish, wildlife and recreation management objectives.
- In the interim 36 months, restrict motorized travel to open routes as depicted in Appendix E, and to parking areas and developed recreation sites.
- Delineate property boundaries as necessary and as funds become available.
- Public use regulations (listed under Part 7.2) would be established, posted and enforced in a manner that protects public safety and prevents damage or degradation to natural, cultural or recreational resources.
- FWP would post site information on existing FWP websites and update brochures.
- Assess the structural stability of the tower and cab (Williams Peak Lookout), as well as the feasibility of addressing any potential structural shortcomings.
- Complete any required maintenance of the tower and cab (Williams Peak Lookout) to ensure public safety and a high quality recreation experience, dependent upon available funding.
- Develop and implement a program to provide the lookout as an overnight rental opportunity, dependent upon available resources.
- In the interim 36 months, camping would continue to be provided at Forks and Big Pine fishing access sites.
- Additional camping opportunities would be evaluated based upon compatibility with natural resource values.
- Pioneered sites that are incompatible with natural resource values (such as, but not limited to, stream banks and riparian vegetation) could be closed to camping to avoid further damage

- Continue the existing Alberton Gorge river recreation management program.
- In the interim 36 months of this Preliminary Management Plan, allow yearlong non-motorized access on existing open roads, closed roads, and trails with the exception of the winter closure on the WMA (See Appendix F).
- Manage hunting in accordance with current districts and regulations.
- Within the State Park, continue allowing public hunting, and implement a hunting access system that provides reasonable safety for users of the Williams Peak Lookout.
- Manage fishing in accordance with current creel limits and fishing regulations.
- Within the State Park, implement a hunting access system that allows MFWP to monitor and regulate hunting activity and establish conditions that allow hunters and non-hunters to safely share recreational resources.
- Promote appropriate fishing etiquette and catch and release techniques.
- Facilitate access to fishing waters where appropriate.
- Install a standard State Park informational kiosk at primary entrances to the site.
- Develop appropriate educational and interpretive themes consistent with the areas values and resources.
- Develop a commercial use plan with criteria for evaluating commercial use requests.
- Permit approved commercial use requests in accordance with the FWP Commercial Use Rule and Commercial Use Fee Rule (ARM 12.14.101-170).
- No commercial hunting or angling outfitting is permitted on the WMA, nor commercial hunting outfitting on the State Park
- Develop a strategy to provide an interim site presence capable of providing basic site stewardship while funding and FTE to administer the site are being pursued.
- Pursue long-term operations funding and FTE for a Park site manager and park ranger to provide adequate site stewardship, administration and visitor use management.
- Identify and inventory recreation opportunities.
- FWP would implement a Montana Environmental Policy Act (MEPA) compliance process for all major actions including ground disturbing construction or capital improvement projects.

DECISION

With the corrections and clarifications preserved as noted above in this Decision Notice, and with the addition of the amended map depicting the revised WMA and Park boundaries (also as noted above), we adopt the Draft EA, Draft Preliminary Management Plan, and Draft Socio-Economic Assessment as final. All of these documents will be posted on FWP's website.

Based upon the Environmental Assessment (EA) and the applicable laws, regulations, and policies, we have determined that the proposed action will not have measureable effects on the human and physical environments associated with this project. Therefore, we conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is unnecessary.

This decision has benefited from extensive public review of the proposal and thoughtful, informed comment. We have heard from the Mineral County Commissioners, adjacent private

landowners, adjoining public-land management agencies, the U. S. Fish & Wildlife Service, non-profit conservation groups, a large number of the local citizenry, and interested parties from across western Montana.

The common thread connecting this large body of public comment is that Montana Fish, Wildlife & Parks (FWP) should own and conserve the proposed project area along Fish Creek. By way of their comments, the public has overwhelmingly reaffirmed its interest in conserving the fish, wildlife and recreation resources of this area for present and future generations. More specifically, they value Fish Creek and its fishery, the wildlife resources and public hunting, and the existing array and general level of recreation uses. The public has concurred that FWP is the agency to conserve and perpetuate these natural and recreation resources in the public interest.

This body of comment further demonstrates the public's broad consent and support for the proposed Wildlife Management Area (WMA). We gather from this that the public's values and vision for present and future management of the Fish Creek property are closely aligned with the objectives of the proposed WMA. In this, we find a strong commitment to fish and wildlife conservation as a priority, with recreation managed in keeping with levels that the resource can continue to support. In this vein, we note concern expressed by some that recreation use is growing at present, and already in need of further management to protect fish and wildlife. We view the placement of a State Park in its proposed location as a strategy for managing and redirecting current and growing recreational use in a manner that will allow management of the fish and wildlife resources across the Park and the WMA overall.

The concept of a Fish Creek State Park attracted divided public comment. People supporting the State Park expressed an interest in camping, and cited the potential economic benefits. Given the strong affiliation with resource conservation in the overall body of comment, we view comments in support of the State Park as affirmation of trust that management by FWP will put the resource first—a value shared equally by the FWP Parks Division and the FWP Fish and Wildlife Division. The working model for cooperation between the State Park and the WMA, as disclosed in Appendix B of the Draft Preliminary Management Plan, would seem satisfactory in the eyes of those who supported the State Park or did not raise the State Park as an issue. People opposing the State Park raised concerns about potential future developments within the State Park, which could attract greater and expanded recreation traffic to Fish Creek. Concerns associated with increased recreation traffic included road maintenance, fishing pressure, conflicts with public hunting, and enforcement. It is our interpretation that most of the concerns expressed by people who commented in opposition to the State Park could be addressed if the State Park were managed in a way to minimize the potential impacts of attracting more people to Fish Creek.

Few comments took issue with proposed management direction for the first three years of FWP ownership—whether in the WMA or the State Park—as disclosed in the Draft Preliminary Management Plan. Comment was received questioning the proposed winter closure of lands lying between Deer Creek and Wig Creek. Interest was noted in continued firewood gathering on the subject lands, and in allowing continued commercial outfitting. It is noteworthy that the State Park designation offers a possible opportunity for future firewood gathering that the WMA designation does not; therefore, we see opportunity for the State Park to complement the WMA

in terms of addressing a broader spectrum of impacts to existing uses. Generally, however, the Draft Preliminary Management Plan proposes status quo for the coming three years, and did not attract numerous comments.

The decision to be made, and for which effects were disclosed and analyzed under MEPA, is whether FWP should acquire the Fish Creek property, and whether FWP should manage this property in the manner described in the Draft Preliminary Management Plan. The preponderance of public comment is supportive or appears to consent to these aspects of the proposed action.

Management beyond the first three years of FWP ownership, particularly as pertaining to State Park management, is beyond the scope of this current analysis or decision. Clearly, public comment indicates that future management is of great interest—and in many cases, concern—to a broad segment of the public. FWP stated in the Draft EA that development of a long-term management plan would occur with public involvement and that any such plan would be proposed and analyzed under a MEPA process separate from this one.

Public comment raised the concern that a decision to acquire the Park is, in effect, a decision to develop it. However, FWP did not fully disclose nor analyze the potential effects of any future developments beyond the management strategies that were itemized for the next 36 months in the Draft Preliminary Management Plan. Therefore, the decision at hand is restricted only to the proposed purchase of a Fish Creek WMA, a Fish Creek State Park, and adoption of a Preliminary Management Plan to guide FWP's coordinated management of the properties for at least the first 36 months. Any future developments, significant adjustments in travel management, or other actions potentially affecting the human and physical environment would be proposed with public involvement and analyzed under MEPA. To be clear, actions that would be subject to future public review under MEPA, and for which a No-Action alternative would be viable, include but are not limited to any developed campground, ATV trails, additional winter closures for wildlife, equestrian campground, significant adjustments to the preliminary motorized travel plan, development of a trail system with yurts, or other similar activities mentioned (or not) as future possibilities in the Draft EA or Preliminary Management Plan. Conversely, implementation of an overnight rental opportunity for the Williams Peak Lookout was proposed for the coming three-year period within the Preliminary Management Plan and would be enabled with the decision to acquire Fish Creek State Park.

FWP and the public have long valued the Fish Creek watershed for its fish, wildlife, and opportunities for public recreation. Although Montanans have used Fish Creek as their own, we have always been the guests of consenting private timber companies, and have always been at risk of eventually losing fish and wildlife habitat and public access had the lands been sold for subdivision and development. Recent acquisition by The Nature Conservancy (TNC) of these and other Plum Creek lands in western Montana provided the once-in-a-lifetime chance for the Fish Creek watershed to come into public ownership. Montanans will forever be indebted to TNC—and to Plum Creek, the willing seller—for this opportunity to pass-on an intact and publicly accessible Fish Creek to future generations.

Fish Creek offers a unique opportunity to combine multiple funding sources and marry multiple objectives to conserve a watershed. Information and concerns brought forward by the U. S. Fish and Wildlife Service, Hellgate Hunters & Anglers, Montana Trout Unlimited, Montana

Department of Natural Resources and Conservation, Great Burn Study Group and others point clearly and accurately to the need for fish and wildlife conservation to be effectively incorporated into the design and management of the Park for this project to achieve its potential benefit and avoid unintended negative consequences. This information will help us in further refining and implementing guidance disclosed in Appendix B of the Preliminary Management Plan, which spells out recreation issues and stipulations within the WMA boundary, and fish and wildlife issues and stipulations within the Park boundary. And, with this decision to move forward with both a WMA and a Park in this ecological setting, we challenge ourselves to model a long-term management approach that separates people from sensitive resources in time and space, and preserves large expanses of open and generally undisturbed space and habitat, even as recreation occurs across those landscapes. We welcome this opportunity to develop and pioneer new concepts in fish, wildlife and recreation management, which we will need to apply in partnerships with other public and private entities in the future if we hope to continue conserving large landscapes elsewhere with limited funds, and if the public interest is so served.

Management of a 41,000-acre landscape will challenge FWP. We are committed to working with our neighbors to address the specific issues they have raised as near or adjoining landowners. And, the issues and opportunities raised by others give us an excellent head start toward envisioning long-term management and a sound public involvement process for brainstorming and fine-tuning future proposals. Through this acquisition process we have made the acquaintance of interested and knowledgeable people who are willing to help us succeed. As noted in the EA, FWP will pay property taxes as would any private landowner in Mineral County, and has identified dedicated funding sources and grant opportunities for noxious weed control, resource restoration and property maintenance. In short, FWP comes to Fish Creek as a major landowner with a readiness and a responsibility to engage in the community for the long haul.

In consideration of these facts, we recommend to the Fish, Wildlife and Parks Commission that it approve the proposed Fish Creek Project acquisition.



Lee Bastian, Regional Parks Manager
Montana Fish, Wildlife & Parks

Date 2/26/2010

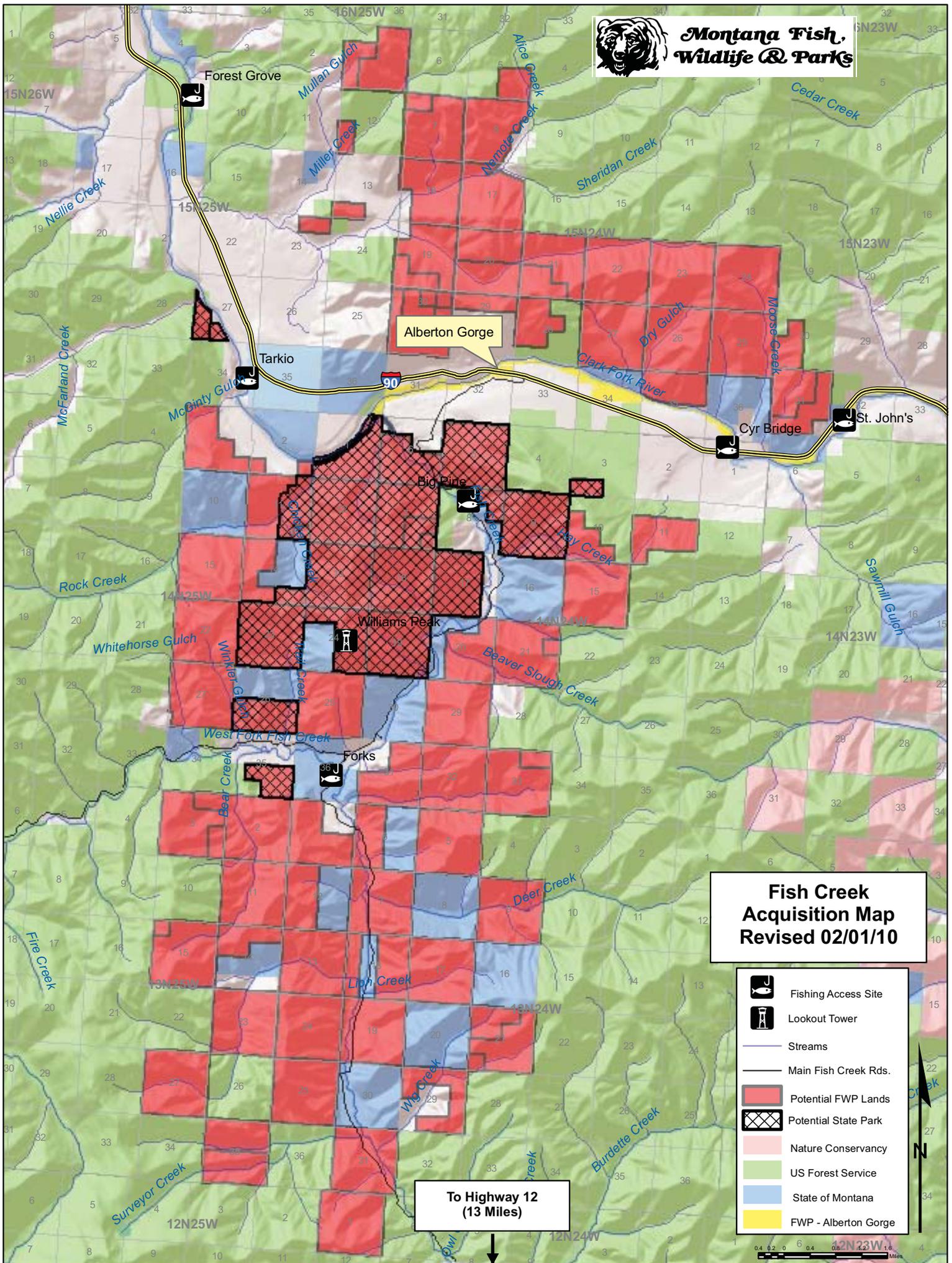


Mack Long, Regional Supervisor
Montana Fish, Wildlife & Parks

Date 2/26/2010



**Montana Fish,
Wildlife & Parks**

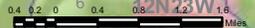


Alberton Gorge

**Fish Creek
Acquisition Map
Revised 02/01/10**

-  Fishing Access Site
-  Lookout Tower
-  Streams
-  Main Fish Creek Rds.
-  Potential FWP Lands
-  Potential State Park
-  Nature Conservancy
-  US Forest Service
-  State of Montana
-  FWP - Alberton Gorge

To Highway 12
(13 Miles)



Appendix A. Comments on Fish Creek Acquisition EA received by the deadline.

Com-ment #	Para-graph	Comment
1		I support Alternative A - the purchase of 40,945 acres from the Nature Conservancy. This looks like the best way to protect these resource values for future generations. As we all know, once prime wildlife habitat gets developed into subdivisions it is lost forever. Good job!!!!
2		I fully support FWP's acquisition of this key property west of Missoula. I look forward to exploring the area on foot and with a fly rod. Thanks for getting this into public ownership.
3	1	I have a long time acquaintance with the Fish Creek area, as both a wildlife biologist and outdoor recreationist. Therefore, I reviewed the Fish Creek EA with great care and interest. The following are my comments, which support the Montana Fish, Wildlife and Parks (FWP) acquisition of approximately 41,000 acres from The Nature Conservancy (TNC).
3	2	Montana sportsmen will benefit from this proposed action. This is a large drainage with very good big game and game fish populations. This area has provided Montanans high quality hunting and fishing opportunities for many years. Those opportunities are for both the sportsman that prefers being close to open roads and the hunter/fisherman that likes a backcountry/near wilderness experience. As described in the EA, large numbers of elk, mule deer, white-tailed deer, moose, black bear, mountain lion, mountain grouse, wild turkey, cutthroat trout, and rainbow trout occupy the drainage and give sportsmen some remarkable opportunities. Much of the higher elevation habitats are publicly owned and managed by the Lolo National Forest. TNC recognized these benefits to sportsmen. It also recognized that Plum Creek Timber (PTC) was reducing sportsmen opportunities, during the past 10 years, by selling its key holdings in the drainage. The very real danger of continued disposal of these lands and loss of public access and use will persist, until FWP acquires and manages these properties to benefit sportsmen, wildlife and fish.
3	3	Game populations will benefit from this proposed action, further enhancing sportsmen's opportunities. The history of management of FWP-owned lands documents the agency's ability and success in improving wildlife and fish habitat. This is a long-term process, and not an easy one. It requires knowledge, determination, cooperation and funding. Most importantly, it is driven by the mission of FWP, which is unlike that of any other land manager in Montana. No other potential owner can come close to FWP in its desire and ability to improve wildlife habitat in Montana for Montanans. Human population growth and development of "wild" lands has been rapid and pervasive, during the past 20 years. The pressures to market and develop these lands will continue to increase. The proposed action will benefit Montana sportsmen in more ways than we can imagine for more than a hundred years.
3	4	While preserving and enhancing game and fish and providing sportsmen with recreational opportunities are very important to Montanans, the State of Montana is also obligated to preserve other non-consumable wild species. Our American history demonstrates the wisdom of protecting the needs of species, before they become threatened and endangered. Once critical habitats and populations reach the danger zone, the costs of protection rise exponentially. The EA correctly identifies linkage as a benefit for a variety of wild species, primarily forest carnivores and bull trout. These are not popular species, and sometimes ridiculed, but they are important to our forest ecosystems. Many species that naturally occur in low densities and require very large blocks of habitat to successfully reproduce and survive, occupy Fish Creek and the neighboring landscapes. Without being able to move between habitats to the north and south, these populations risk possible extinction. During the past 30 years, the Clark Fork River valley between Missoula and St Regis has been subdivided, developed and populated by Montanans. Some of these forest carnivores are at risk because they are seen as a threat to humans and their properties. Others intentionally avoid human activities. One of the least developed portions of the Clark Fork River valley lies between Cyr and Tarkio. Wolves and grizzly bears are known to have used this area crossing the valley from north to south and vice versa. Other species, notably lynx and wolverine, probably do also. FWP already owns and manages some of this land. The proposed acquisition of lands on both sides of the Clark Fork by FWP builds on its current ownership. This will help ensure that linkage is provided for those wild species that are highly dependent on very large blocks of wild habitats, where the current risk of aggravating human inhabitants is low.
3	5	This is a good time to invest in the future. The cost per acre for this purchase is so good that it should not be refused. Most such land acquisitions in western Montana typically cost 10 times the approximately \$350 per acre for Fish Creek. In part, the price is so low because PCT harvested virtually all merchantable trees in the past 15 years and, in part, because of the wildfires earlier in this decade. Nevertheless, this land will never be so cheap again, and the trees will ultimately re-establish themselves. I can envision a time when FWP allows timber harvests to improve wildlife and fisheries habitat, thereby creating jobs and providing much needed funds for the public coffers.
3	6	This is a great opportunity for FWP to protect and enhance wildlife habitat, protect future hunting and fishing opportunities, reduce risks for endangered species and do so with a relatively low initial investment of \$14 million.
4	1	I will be at the meeting tonight in Superior and have made some notes. I have reviewed the information provided by Sharon which answered some of my concerns. I have noted some things below which you may be covering tonight. Hopefully you will receive in time to consider.

Com-ment #	Para-graph	Comment
4	2	1) Commissioners support acquisition which should indicate there is no negative impact to the county. Does this mean they are not concerned with funding any services (law enforcement or fire protection) this acquisition may create?
4	3	2) Tax revenues to county will not change. FWP will pay \$50,000 per year based on current assessment. What assurances will there be for these funds to be used to support the increased need for law enforcement and fire protection in the area surrounding the park/WMA?
4	4	3) How will fire protection in the area be handled? There are concerns that bringing more folks into the area during fire season may create a higher fire danger requiring an increase in services resulting in higher property taxes.
4	5	4) Besides restricting commercial hunting and fishing, what change in access will impact Joe Public? Will access improve?
4	6	5) Will weed abatement improve from past ten years?
4	7	6) Will pine beetle infestation improve from past ten years?
4	8	7) Report states \$300,000 will go into a maintenance account. What maintenance requirements are these funds expected to cover. Is this an annual budget amount or one-time funding? What funds will be available for future maintenance needs?
4	9	8) When will park be developed? How will development be determined? Can any of the park fees be used to support local services (park ranger, fire protection, law enforcement). Note: Would like to see: a campground respectful of wildlife – bear proof containers/lockers for food storage and garbage cans throughout park; campground with camp hosts to enforce rules; camp sites with electrical and septic hook-ups for RV campers; well maintained restrooms; input from the community on campground development as noted in EA.
4	10	9) Are their plans for ATV or snow mobiling trails in either the park or WMA? If so, input from community should be considered as well as impact to wildlife. Not saying it shouldn't be allowed – just needs to be well thought out.
4	11	10) Will any of the currently closed roads be opened for access?
4	12	11) Challenges noted on page 21. What planning will take place to address these issues?
4	13	12) Are there still plans for an additional on/off ramp between the existing ones at Fish Creek and Tarkio?
4	14	13) Have there been discussions about the increase in traffic on Old Hwy 10 between the exit at Cyr and Fish Creek and the impact this will have on a roadway already in need of repair and to the Cyr Bridge?
5	1	I am writing in opposition to the proposed establishment of a 6,000+ acre state park in the Fish Creek drainage. I believe this proposal is analogous to putting a toxic waste dump next to a pre-school. Fish Creek is a rare treasure in that it is one of the few remaining <i>uncrowded</i> fisheries where even an average angler can routinely catch 20" trout on a dry fly. I am afraid this proposal will result in Fish Creek being loved to death.
5	2	I have lived in Montana and fished all of the famous trout streams here for 18 years. Fish Creek is my favorite stream of all of them. It has beautiful scenery and huge trout. Every single year I marvel at the fact that it still hasn't been "discovered." However, it is also a tiny, delicate stream with relatively few fish per mile. It will never stand up the added angling pressure that will come with a huge state park.
5	3	I would also worry about the road. As is, the road is narrow and treacherous and it runs right along the stream in places. It is not suitable for RV's or trailers and is one lane in places. If left alone, I don't think it would handle the extra traffic. If enlarged...well, then it becomes like every other fishing road in Montana (i.e. lower Rock Creek Road)—loved to death.
5	4	The tragic irony of Fish Creek to me is that a private lumber company, the purported enemy of trout everywhere, was a decent steward of this land; and now the government—rightful protector of fish and wildlife—wants to take over and most likely ruin one of the greatest trout streams I have ever known.
5	5	Please don't do it. People can go to a KOA and catch fish from a pond. Or put a state park one on the upper Clark Fork, or the Blackfoot, just please not on Fish Creek.
6		I am writing to notify you that I support the proposal to build a park at Fish Creek. I grew up in Montana when most of it was accessible for recreation, now it is not. I want my children and their children to have places for camping, hiking and fishing. I think this is a great idea. I hope motorcycle use is limited as noisy machines aren't great companions for camping and star gazing. Thank you.
7		I am in favor of the state ownership of the Fish Creek lands and the proposal for a state park. Development of the state park would be good however, I would like to see such improvements as campgrounds, etc only in areas close to the Interstate or well-used roads. This would maintain protection for wildlife, water quality, and general habitat.
8	1	I fully support the effort of MT Fish, Wildlife and Parks to purchase lands in Fish Creek now held by The Nature Conservancy.
8	2	But I am "on the fence" about creating a Park on those same lands. I'd like to know more details, especially the extent of development which I feel should be minimal.
8	3	I have not been in that area for several years and do not know current access policies. I am not in support of increasing ORV use, but would rather see more "foot use", ie, trails maintained for hiking and horses/mules/packstrings.

Com-ment #	Para-graph	Comment
8	4	From the mid 70's to mid 80's, Fish Creek was one of my primary patrol areas when I was with the US Forest Service, especially during hunting seasons for road closure enforcement. While I did not actually live there I was still in the "neighborhood" as a many year resident of the Nine Mile area.
8	5	During those patrols over the years I remember seeing Bulltrout, watching moose and being particularly excited observing cow moose with calves, monitoring recently re-introduced beaver which had been previously trapped out of the entire drainage (as an undergrad wildlife bio project), and hearing of the occasional sighting of grizzly and wolf sign in the Great Burn area. To me, Fish Creek is a very special place and I can't think of a better entity to oversee its management than FWP.
9		I agree wholeheartedly with the purchase of the "plum creek lands" in the Fish Creek drainage, but I disagree with the plan for a 7650 acre park. I don't like the idea of spending money on the construction and maintenance of the proposed park. Camping and recreating in Montana's outdoors doesn't always mean taking your 30' camper to a campground "in the woods" or riding your horse or backpacking into wilderness. I think the best use of these "new" lands would be similar to the recent past, hunting, fishing, trail riding, snowmobiling, wood gathering etc. Thank you for listening.
10		Sharon, I am not sure who was the hearings officer at last night meeting but if you would pass this on I would appreciate the effort. I questioned if the proposed campground is subject to subdivision review. According to MCA 76-3-205... state owned parcels that don't create a parcel will not be subject to review. So my question was answered and does not need to be addressed. Thanks
11	1	First off, outstanding presentation by your group in the Superior meeting on the 2nd.
11	2	After getting home and reading the proposal we do have a couple more comments.
11	3	In 7.6 you point out the opportunities for floating the Gorge by "Joe Public"etc.. 3 points on this:
11	4	1. The Gorge is a destination, by that I mean, right now the gorge is heavily used by people that have a knowledge and respect of the power of this river. That is why they come. A guy driving a RV from Florida, camped in the campground with a Port-a-Boat attached to the side of it has no business on this river. Yes there are those who have the knowledge of a river that are campers, however they aren't going to be the ones up there in the campground, they will be down here at the river camped in a "closed to camping area". FWP as well as other law enforcement personnel are short handed and can't reasonably be out here all the time to police the area.
11	5	2. The Mineral County Search and Rescue is not prepared, trained or even familiar with the area to respond to more incidents on this river or this area, with the exception of Mike and his MT river guides. In fact we have even had Forest Service Fire personnel, while parked on I-90, state they didn't know how to get in here and that was right after the big fire. The Police, MHP, Frenchtown ambulance race up and down our roads looking for the incident area or access areas where someone is in trouble or dead. SAD! They need to know this area before anything that draws more people here is put in.
11	6	3. If the public use of the river increases the "river recreation carrying capacity" will the permits to outfitters be decreased? FWP is making money off the outfitters while Kayakers, private boaters pay nothing to use the river. And those are the ones who ignore the speed limits, encroach on private property, ignore closed area signs, no campfire signs, and leave all kinds of litter.
11	7	Next comment: It is very well and good that you have the visions of off road vehicles, horses, cycling, hiking, fishing etc having their space because everyone wants a piece of the pie. However if you look at this realistically you know that all their paths will cross. Eventually the horse users and hunters will complain about the ATV users and the cycling, hiking and fishing users will complain about the horse users and the ATV users. And then the environmentalists will put their two cents in and the area will be closed. Right now isn't the area is being used by all parties anyways? Yes they'd like more but with that your going to have more to deal with and the way the Government is going with less monies=less employees.
11	8	Last Comment: Even though we are land owners on the North side of this proposed park we will still feel the impact of more visitors to the area. Since we have been here we have voiced our concerns, as I did at the meeting, on the excessive use of the roads, fire danger and lack of law enforcement in the area. To this date nothing has changed or been addressed.
11	9	At the meeting, I believe it was Mack who acknowledged the Fish Creek Working Group for the job they did which I'm assuming was to get comments etc. This puzzle me, as well as other people who reside out here, as to who these people are and why we were not contacted by them especially since we are the ones who this will impact the most.
11	10	Once again its the ideas and comments of people that won't have to deal with the problems that will be generated by this park.
11	11	I also was told that this is also being looked at as economic plus for Mineral Co. Reality is the revenue from the campground will not stay here entirely. It will be added to the pot as does the revenue that is generated off of the gorge and dispersed around the state. That just isn't right.
11	12	In conclusion:

Com-ment #	Para-graph	Comment
11	13	In favor of the land purchase for Wildlife and Fisheries.....keep it as it is now....you can camp ,fish, hunt, there is some ATV riding and riding horses. Everything your proposing is already here.....
11	14	Put the park somewhere else...
12		Hello... Well let's try this again. Accidentally pressed the send key before I was done composing. I fully support the purchase of the Fish Creek area. I fully support development of a State Park. I would like to see many,many,many miles of roads in this area closed and re-vegetated. Some roads should be converted to hiking and horseback trails. Please do not develop any motorized "trails" . Folks that want to drive motor vehicles can use the nearby Interstate highway. Please do not allow bicycles on the trails. Make them for relaxed walking and horse use. Folks in Missoula can ride their bicycles to work or school rather than drag them to a new State Park. Try to put trailheads right at the campground so that folks can start walking right from their camp. This works great at L/C Caverns State Park. Please as with all State Parks ask people to keep their dogs on a leash. How about no dogs on trails also. I would like that.
13		I have always enjoyed the Fish Creek drainage but find camping iffy at best. Do proceed to build a campground in your plans for the new park. -Native Missoulian
14	1	I attended the meeting in Superior last night and have read the EA and have these questions, concerns & comments.
14	2	In general, I prefer to see the property in government rather than private lands. However, despite the comment in the EA (pg. 22) that "local lifestyles . . . would be maintained and likely enhanced", that almost certainly will not be the case for those of us living in the vicinity of the proposed purchase and especially of the proposed park and campground. I suspect that if the FWP personnel at the meeting and involved in this project lived as I do at the Rivulet at the mouth of McGinty Gulch, you'd feel the same way.
14	3	1. Assuming that state park funds are needed to complete the purchase, then my preference would be that the park not include a campground (but perhaps the "park" concept, by definition, includes "campground").
14	4	2. The acreage between Rivulet and the mouth of Quartz Creek should be excluded as part of a park. Perhaps that parcel could be exchanged for DNRC or USFS land or be designated as part of the WMA. If it's retained as a state park, then traffic should be discouraged between there and the rest of the park, perhaps by not providing directional signage, in order to minimize road use (& therefore maintenance), noise, dust pollution, etc. I'd be very interested in knowing the rationale for including that parcel as "park"; there's virtually no place to park, the road between Rivulet & Quartz Creek is not suitable for trailer traffic (there's a USFS sign to that effect), it's narrow & frequently becomes virtually impossible due to spring mud & summer dust (dry clay). A couple of years back a vehicle actually bogged down & got stuck in the dust on the stretch.
14	5	3. There should be no designated trails for use by off-road vehicles (OHV's). I would prefer that OHV's be completely banned from use in the proposed purchase area or, failing that, that they not be encouraged & that their use be absolutely minimal.
14	6	4. Consideration and provision must be made for those of us with water rights in the area. For example, several of us living at Rivulet have water rights in McGinty Gulch, a portion of the lower part of which passes through the proposed WMA. The locked gate providing access for water system (pipe) maintenance up McGinty Gulch should remain in place. Chemical weed control should be kept away from the system which includes a small concrete reservoir on the bench above Rivulet.
14	7	5. Please be sure to discuss additional required road maintenance with Mineral County. Even with normal traffic, the road becomes very washboardy soon after grading, especially on the sharp, steep bends between the Fish Creek bridge and the proposed campground area, but in other sections of the road also. The county road crew does an excellent job but their resources (people, budget) are limited.
14	8	6. Please consider "safety zone" signs around Rivulet, especially during hunting season. If you feel they will be needed around the proposed cabin rental on Williams Peak, they will certainly be needed at Rivulet given the anticipated increase in hunting pressure which will likely accompany advertisement of a new state park.
14	9	In summary, as a general observation, FWP plans for substantial additional human activity in the area seem inconsistent with the stated priority of the plan to protect and provide for wildlife.
14	10	When you or your staff are in the area, please stop by. I'll put the coffee pot on and we can talk about these and a few other matters.
15		I would like to add my wife and I as supporting the State Park in the Fish Creek area. I think it would a convenient location for out of state visitors, and would help the economy of Mineral County. Respectfully;
16		I am a land owner of 12 years at Tarkio with approx 3500' of river frontage. I would like to voice my support for the project,especially the State Park. I think the long term vision is the park would be a tremendous asset for the area and Mineral County.
17	1	I strongly approve of FWP acquiring the Fish Creek lands.
17	2	The land should be managed as wilderness. All motorized vehicles should be prohibited beyond Fish Creek and West Fork roads. I approve of obliterating old logging roads or converting them to trails for <i>nonmotorized</i> use. I strongly approve of habitat restoration efforts.

Com-ment #	Para-graph	Comment
17	3	I strongly disapprove of any new campgrounds. The campgrounds at Big Pine and Forks are OK as is. I see no need for State Park status. The whole thing should be a Wildlife Management area with minimal development.
18		See pages A-25 to A-27
19	1	I have lived and worked in the community of Alberton, Montana for approximately 40 years. During this tenure, I worked 35 seasons with the U.S. Forest Service at the Ninemile Ranger District. I am very familiar with the Fish Creek Drainage and all of its natural beauty.
19	2	I am in favor of the proposed land Acquisition of the Fish Creek EA by the FWP. I am confident that FWP will continue to make conscientious decisions for the enhancement of this area.
20	1	I would like to voice my support for the proposed State Park near Fish Creek west of Alberton, MT.
20	2	I am a native of the Missoula area who runs a river based business out of a property owned just west of the Fish Creek exit off of I-90. After having grown up in Missoula and having run my business, World Class Kayak Academy for the past eight years out of Mineral County I feel I have a basis of judgement in saying a state park in the area would benefit both the natural and human resources the area has to offer. The beauty of the land and the recreational opportunity of the river support a healthy tourism industry, which brings much needed sustainable revenue to the area without any negative impact on the environment. Furthermore, with increased opportunity for open space the value of the available land for development would improve for the future, in what is currently a stagnant market. With both of the advantages mentioned, the economic and aesthetic opportunity for current and future residents of the area would see long term positive effects.
21		See pages A-28 to A-29
22	1	We all reside in the Cyr area on acreage that is bordered or surrounded by Forest Service land. We live in the area because of the beauty and openness of the landscape, the abundant wildlife, and the relaxed rural lifestyle.
22	2	The circumstances under which we are asked to take a position on the above proposal aren't ideal. There are a number of critical issues pending that raise concerns. However, we understand the need for Montana Fish, Wildlife and Parks (FWP) to commit to the purchase of the land without answers and solutions to all questions and concerns so the purchase can proceed and timelines can be met. With this in mind, the primary question for us to answer is: who do we believe would be the best stewards of the land? We asked ourselves who would manage the land in a way to keep the best interest of wildlife and public access in mind. We also considered past experience with various government entities to measure the trust and confidence level of those involved. We concluded that it would be in the best interests of the State of Montana and the community for FWP to own the land and as a result support the proposal for FWP to purchase the 40,945 acres described in the above proposal. We agree that this land acquisition will provide FWP with the opportunity to protect the watershed, maintain critical habitat for bull trout and Westslope cutthroat trout, protect and enhance critical winter range and other seasonal habitats for a diversity of wildlife, and preserve an important forest carnivore linkage zone between the Ninemile Divide and Selway-Bitterroot Wilderness. FWP is in the business of managing wildlife areas and has staff with the knowledge, skills, and abilities to perform these vital functions effectively.
22	3	We are concerned, however, that bringing more people into this particular area by establishing a State park with the existing infrastructure may be counterproductive to the protection efforts mentioned above. The existing roads into and within this area are narrow, winding and unpaved. The primary road in the area is also next to Fish Creek itself. Existing traffic on these roads during the peak use period creates extensive dust that ends up in the creek and foliage along the creek. At times of heavy rain and/or snow melt, parts of the road have actually fallen into the creek. Increasing traffic will obviously exacerbate both problems.
22	4	The thought that the traffic could increase to the level currently experienced by the area around Rock Creek in Missoula County comes to mind. Traveling down the narrow roads in that area is a white knuckle experience, having to drive around the numerous vehicles parked off to the side of the road, nearly missing speeding vehicles coming towards us on our side of the road, avoiding pedestrians crossing the road near blind corners, and trying not to bounce off the road into the creek because of the poor road conditions. Inviting more folks into the Fish Creek area by developing a park could create an environment similar to Rock Creek.
22	5	We agree that an equestrian campground is needed. We are not sure the proposed location is conducive to the protection efforts. These campers will use the existing roads pulling large horse/camp trailers to access the proposed sites. The current location requires the users to drive through the entire park and into the wildlife management area (WMA). Locating the equestrian campground closer to the highway with trails into the WMA might be a better choice.

Com-ment #	Para-graph	Comment
22	6	Regarding the suggestion that trails be established for off-road vehicles and ATVs seems extremely counterproductive to wildlife conservation no matter what the time of year or area within the WMA. Noise alone will disrupt the wildlife not to mention the affects of dust, potential litter, and the destruction caused by those who simply refuse to stay on the designated trails. We are ATV owners and enjoy riding up to the Hole-in-the-Wall Lodge and traveling the existing open roads and believe no additional public ATV access is needed. However, consideration should be given during the planning process to access for persons with disabilities so that they too may access passable roadways to enjoy the public land. This does not mean that we support opening new roadways or trails for an and all ATVs and the two should not be confused. For example, during hunting season(s), access to gated roads should be expanded to those hunters with legitimate disabilities. People registered with the State of Montana who possess a disability sticker should be allowed access to the same areas others can access by foot or by horse. In order to do this, FWP should consider some sort of registration process where individuals certified as disabled can register for a key to the locked gate so that they may be able to access the property in an off-road vehicle. Obviously, consideration will need to be given as a whether or not the road can be traveled safely in this fashion and perhaps a waiver form signed when the key is issued. A number of roads that have been maintained for vehicle use prior to closure could be considered for this type of access.
22	7	In addition to the concerns an increase in users will have on wildlife and the protection effort, we are concerned about the potential fiscal impact to an already financially challenged county. More people visiting means more: traffic and potholes; litter; squabbles for the Sheriff; lost hikers and capsized rafts for the County Search and Rescue; vandalism and car break-ins at loat launch sites and fishing accesses requiring law enforcement investigative hours; forest fires from camp fires, unauthorized off-road vehicles, and careless smokers. Without a detailed fiscal analysis illustrating otherwise, we are convinced that \$50,000 in property tax revenue will not pay for the increased services the park will require (even if it was all allocated for that purpose). Approximately 64% (\$32,000) of the \$50,000 paid will go to fund schools and only 6.90% (\$3,450.00) for public safety. Without a plan in place to specifically allocate the \$300,000 set aside for "maintenance", it is unknown where those dollars will be used and how long the funds will last.
22	8	Development of a State park of this size will be expensive. We are not aware of any design or construction funds allocated for this purpose. Our expectations of what a park in this area would be like are high. We would expect a well designed and equipped park with electricity, septic hookups, space for camp hosts, a secured entrance for check in by a caretaker or ranger, bear proof garbage containers and food lockers, restrooms, designated campfire areas, water, etc. We would expect leash laws and other restrictions (curfews and noise levels) to be enforced by staff on the premises. Since there are no plans to hire additional FWP staff for this project and no funds allocated for maintenance, we have concerns about how the park will be maintained and managed.
22	9	We understand that the parks budget within FWP may be necessary to fully fund this acquisition. We are concerned that this fiscal restriction could jeopardize the transaction. It is our hope that careful consideration can be given to the importance of the protection objectives of this proposal. Satisfactory public access with continue with the proposed WMA without the park feature.
22	10	It is our understanding that with a park, an access fee will be charged for use of the park and campground. Should it be determined that a park is a good fit for the area, we believe a portion of that fee should go to Mineral County to pay for garbage collection and weed control of the areas around county owned roads into the park area.
22	11	Clearly, a culture has developed over the years by the access and use afforded by previous land owners. This culture includes commercial hunting and fishing and firewood gathering. We are concerned about the proposed elimination of these important cultural attributes. Restricting commercial outfitting will limit access to those persons who do not possess the ability to enjoy the outdoors with a guide. This industry and others in the county rely on out-of-state hunters and tourists for income. Locals in the community have come to rely on the firewood provided by the land, some of which have wood as an only heat source. Keeping supervised wood gathering period a couple of months out of the year should be considered.
22	12	We have observed a decrease in the number of visiting elk and deer and have had more predators (bear and mountain lion) come into our populated areas. This activity has not been prevalent in the previous 15+ years we have owned this land. We believe this is due to other predatory factors in the high elevations (wolves) reducing the herd population and forcing predators to look in the more populated areas for food. Also, while hunting in the area the past two season, we have found a number of wolf tracks and have seen wolves tracking the same elk we were after. We have also personally observed a number (dozens) of carcass/bone piles in the area near Williams Peak Lookout when visiting that area. We believe the elk herd at risk is being harmed by predators (lions and wolves) and not humans and are concerned that closing this winter range area will simply give these predators a free meal ticket and the heard will be further depleted. We believe this area needs to remain open to hunters during bear, wolf and lion seasons to harvest these predators and to maintain a healthy balance.

Com-ment #	Para-graph	Comment
22	13	We believe if additional campgrounds are established, there will be an increase in visitors to the fishing access at Cry and an increase in the number of kayakers and rafters. These visitors will use the Cry Bridge and Old Highway 10 between Cyr and Fish Creek for access. At the present time, Old Highway 10 has more potholes than not and the bridge driving base and railing is in need of renovation. Photos of the Cry Bridge can be seen by going to www.cyrbridge.blogspot.com . There are currently no funds allocated by the State or the County to renovate either the road or the bridge.
22	14	Finally, as we alluded to earlier, supporting this land acquisition requires us to blindly trust FWP and its staff without plans and funding for crucial pieces in place. We expect FWP to carefully listen to the concerns of the property owners in the area and to not provide "lip service" to any of them. Their concerns are legitimate and should be carefully considered. When work groups are established, we expect the recommendations implemented from these work groups to be conducive to the protection efforts of the WMA. If FWP says they are going to do something, do it. If an idea or recommendation from a work group is not in line with the protection efforts, own up to that, stay on track, and insist that the work group maintain the appropriate focus.
22	15	We appreciate the opportunity to comment on this proposal. We also want to comment FWP management and staff for their efforts these past 12 years to get the point of purchasing this land and protecting its valuable assets.
23	1	I and other members of my family own property next to some of this land, and we have water rights on two springs on this land. We would like to have in writing that before this purchase by the state that we will still have the same water rights. One spring has supplied water to our properties and has been in our families use for over 100 years.
23	2	We would also like some assurance that after a couple years the state will not stop paying taxes on this property. Mineral County is not a rich county and to remove some of their tax base would be hard on the county.
23	3	Looking forward to hearing from you on this.
24		I support the FWP plan to aquire land in Fish Creek from the Nature Conservancy and to create a state park there. Additionally, I strongly support a complete ban of all motorized recreation, including ATVs, snowmobiles and motorboats, within any new State Park at Fish Creek, .
25	1	The plan should include a somewhat detailed discussion of the mineral rights, answering such questions as:
25	2	• Who owns the mineral rights?
25	3	• What commercially valuable minerals exist?
25	4	• What is the history of mineral extraction?
25	5	• What is the likelihood of mineral extraction in the future?
25	6	• What is the general location(s) of commercially valuable minerals? Etc.
26	1	--I am wholeheartedly in favor of the land acquisition in the Fish Creek drainage. The purchase of this vital habitat and recreation resource will protect and preserve the area for generations to enjoy.
26	2	--I am opposed to development of this area as a state park. I prefer the primitive nature of the area for game security and protection of the watershed. Increased development like RV campgrounds would increase motorized use, displace game, and diminish the value of hunting and fishing recreation recreation in the area.
26	3	Thank you for your consideration. Feel free to contact me if you have any questions regarding these comments.
27	1	I do not want my federal tax dollars to be used to create an expensive state park on Fish Creek. I would much prefer that this land be made into a wildlife management area instead. The impact of a multi-use park would severely impact the fragile habitat needed for fish and wildlife preservation. There are numerous opportunities for public access to public land and a diminishing amount available for wildlife conservation.
27	2	I applaud your efforts in purchasing the land for future generations. I would prefer that this land be used to maintain the rich ecosystem present in Montana today and not to cater to the instant gratification of those looking for weekend entertainment. Please maintain a wildlife area instead.
28		Please purchase the 41,000 acres from the Nature Conservancy to protect and propagate Bull trout up by Superior. This sounds like a good use of habitat.
29	1	Regarding 41,000 of important habitat in the Fish Creek drainage.
29	2	There is a demonstrated need to purchase the lands for fish and wildlife habitat, public access, and public recreation, but there is no demonstrated need to create a new, expensive state park.
29	3	Purchase the land and make it all a state wildlife management area.
29	4	h Wildlife and fish values of the area will be undermined by the contemplated park development. It is unnecessary to develop campgrounds in the Fish Creek drainage, and that there are alternative sites available for purchase and campground development near the Interstate at Cyr.
29	5	FWP deserves credit for deciding to use our hunting and angling dollars to purchase the lands for a wildlife management area. Thank You!
30		We would love to see the proposed park at Fish Creek. Absolutely!
31		See page A-30
32		I write to support this acquisition. It is an important tributary because of habitat for T&E species and for water quality. Please keep it primitive. No non-primitive campgrounds please

Com-ment #	Para-graph	Comment
33		Definitely a good thing to have bought the land along fish creek from TNC. Well done. Hopefully there will not be a state park there. The land is too much in use by precious wildlife, not to mention scenic, to be marred in such a manner. People floating the Gorge can use potentially expanded facilities at Cyr which is already developed and handy.
34	1	We heartily applaud the acquisition of the Nature Conservancy (formerly Plum Creek) land in the Fish Creek drainage. This is a very important purchase and FWP should be commended for the effort.
34	2	We want to urge you to purchase the land and make it a state wildlife management area where fish and wildlife and conservation friendly recreation take precedence.
34	3	A state park in Fish Creek is a bad idea. There is no need to create a new, expensive state park. It is unnecessary to develop campgrounds in the Fish Creek drainage. The existing campgrounds bring in too many people on holiday weekends as it is. The area will be undermined by the contemplated park development and will undermine the fish and wildlife conservation efforts.
35	1	Your Fish Creek drainage land purchase from TNC is well done. Congratulations! However, your proposal to create a state park on more than 7,000 acres of the area, including in the middle of critical winter range and encompassing important riparian areas needed for fish conservation is a bad idea . Please seek out expert wilderness and wildlife growth and preservation information before making your final decision. Also, please seek out public views of this matter in an open and transparent way.
35	2	While there is a demonstrated need to purchase the lands for fish and wildlife habitat, public access, and public recreation, there is no demonstrated need to create a new, expensive state park. Many realize that land purchase can easily become state wildlife management area, where fish and wildlife -- as well as fishing, hunting and other forms of recreation consistent with conservation take precedence. Surely the people of Montana would appreciate this very thoughtful and long-term management approach to the well-being of such a precious area. wildlife and fish values of the area will be undermined by park development, which FWP indicates could include two large multi-unit campgrounds (including in winter range and in a wildlife corridor) that would accommodate RVs, one on the north and one on the south at the Fish Creek forks; a developed "equestrian" trailhead complex; developed roads and trails to accommodate some ATV use; and commercial ventures like a hut-to-hut system of yurts and a rental lookout.
35	3	· It is unnecessary to develop campgrounds in the Fish Creek drainage, and that there are alternative sites available for purchase and campground development near the Interstate at Cyr.
35	4	Again, please take these matters and their alternatives into serious consideration in an open and transparent manner. Include expert and public views and we are all likely to be best satisfied by the final outcome of your fine actions to date.
36		Mack , you and your crew did a great job in superior thanks so much,as a long time user of Fish crk,30+ yr i must say your plan at this point looks flawless .the park is a great idea and i wouldnt let one loud mouth newcomer change your mind, it might be different if he wasnt trying to sell you his own land. once again isay stick to your plan it is a great one. thank you
37		I am against any development to the recently purchased fish creek area. There is no need for campgrounds, equeasrian trails, etc. Keeping the land pristene will do more for fishing than inviting development. There are other options for campgrounds and the like in the local area. Thank-you.
38	1	Thank you for the opportunity to comment. My wife and I are generally in favor of the FWP purchase of Nature Conservancy lands in Mineral County.
38	2	I would like to offer the following comments:
38	3	1) Regarding firewood cutting: Even though this normally has not been allowed in other WMAs and state parks, I suggest that these former Plum Creek lands are different. Because of extensive logging and fires, regeneration is creating single age stands. For example there are large 30 year old clearcuts in Sections 17 and 18, T. 15 N, R 24 W(in Nemote Creek drainage), which need thinning. Proper management can create multi-age stands which would enhance wildlife habitat. Why not allow firewood cutters to assist with that thinning? Or pole cutters? Also, in this same area recent logging activity has left pulled over trees from line machines, which is an unnatural occurance. And burned trees no doubt will be falling over roads. These are just a few examples where firewood cutting can aid in returning the forest to a more natural condition. The EA too quickly dismisses the potential benefits of firewood cutting for wildlife habitat. There is a long tradition of firewood cutting by locals, who are experienced and willing to assume any risk.
38	4	2) Regarding roads, most of them are already gated or blocked. Please consider keeping remaining roads open for multiple use, or gated during part of the year. I was surprised that Plum Creek recently blocked the lower road traversing the clearcut in Section 18 referred to above. If it were gated instead, you could better manage thinning of the regeneration, weed spraying of the road, and it would provide access for fire fighting in close proximity to the Fold of the Messiah community.
38	5	3) Regarding weeds, particularly knapweed, they are pervasive on the roads and creeping into logged areas off the roads. We encourage both biological and chemical control. If weeds are controlled, wildlife will benefit from native grasses and forbes, and recreation will be enhanced.

Com-ment #	Para-graph	Comment
38	6	4) Regarding camping along Fish Creek: In addition to the two proposed developed campgrounds, consider allowing continued dispersed camping along the creek, with signs or barriers to protect areas close to the creek.
39	1	I whole-heartedly support MT FWP moving forward on the Fish Creek Project and purchasing the 41,000 acres of available land from The Nature Conservancy. I think this is a great opportunity to protect vital fish and wildlife habitat. I applaud the agency for pursuing, and The Nature Conservancy for presenting, this opportunity.
39	2	However, I oppose the option of designating part of the land for a State Park and building a developed camping site there. The construction of a developed camping facility will diminish the wildlife and fish habitat benefit. There are other, less intrusive options available for easing the pressure on the Alberton Gorge. I prefer that FWP take this opportunity to protect the Fish Creek Project land for the benefit of the fish and wildlife and explore other options to accommodate campers and floaters.
40	1	I have fished and hunted in the Fish Creek drainage for over 20 years. Since the first time I drove up Fish Creek road in the early 1990s, I have been struck by this watershed's ability to maintain two key attributes, despite having sustained heavy logging in the past: (1) the existence of wild, native, and sensitive species such as cutthroat and bull trout, and now gray wolves; and (2) its relatively undeveloped character, despite proximity to the population center of Missoula. Over the past two decades I have spent countless hours wandering various parts of the Fish Creek drainage, and have many fond memories of doing so. I intend to create more.
40	2	I have two main comments regarding the current proposal. First, my congratulations to the Department for arranging the purchase of the Plum Creek lands in the drainage. Public ownership is the best way to provide for the long-term restoration and health of these lands – many of which have suffered much abuse in the past – and to ensure they remain accessible to the public. I urge the Department to complete this purchase.
40	3	Second, I strongly urge the Department NOT to create a new state park on the purchased lands. Formal park status would impose unnecessary and burdensome new costs on the already-strapped state parks budget. Moreover, the development of park infrastructure such as developed campgrounds will destroy the current undeveloped character of the drainage, which is one of the primary things that draws so many of us to the Fish Creek area. It will be far preferable from a fiscal, recreational, and conservation standpoint to manage the area for dispersed recreation, as it currently is. This could be accomplished by creating a wildlife management area.
41		See pages A-31 to A-36
42		I would like to applaud you for considering the purchase of 41,000 acre's of land up fish Creek. However, fish creek popularity has increased significantly in the past several years. This is evident in decrease of wildlife and the number of permits for deer and elk that are issued in that area. From personal experience I can say the number of fish I regularly catch has decreased along with the quality of fish that I catch, this is very noticeable from even 5 years ago. There are already plenty of quality camp sites along fish creek. More access will only lead to more vandalism and more pollution to the creek along with more litter in the area. Please purchase the land but please do not turn it into a State Park that only benefits a few, yet jeopardizes the wildlife and the quality of the environment for all of us.
43		See pages A-37 to A-38
44	1	I am writing this letter to express support for the planned action for Montana Fish, Wildlife and Parks (FWP) through funds available from the Access Montana Program, the Habitat Montana Program and the U.S. Fish and Wildlife Services Pittman-Robertson Wildlife Restoration Program to purchase lands currently owned by The Nature Conservancy with the intent of creating a wildlife management area (WMA), as well as a State Park on lands known as 'Fish Creek'. I express this support with some degree of reluctance, but I am convince, based on discussion at a meeting I attended in Superior, Montana on February 2, 2010, and on the materials distributed at that meeting, which I have reviewed thoroughly, that change for this area is inevitable. Though I believe purchase of this land by FWP and partners will accelerate that change, I hope the changes will progress in a positive direction.
44	2	My reluctance is based on the sensitive nature of the environment of Fish Creek. I am aware that this area is a primary habitat for bull trout and cutthroat trout, and believe that preservation of this habitat should be a primary objective. There are similar issues for the elk herds that inhabit this area, for at least part of the year.
44	3	The primary concerns I have fall into 4 broad categories;
44	4	1. The influx of people expected, based on creation of a WMA and State Park, should not adversely affect habitat for any of the animals currently inhabiting Fish Creek.
44	5	2. If the major draw for visitors to the area is Alberton Gorge, I believe the State Park should be placed in the area on the North side of I-90, in an effort to reduce traffic and impact of those visitors on Fish Creek proper.

Com-ment #	Para-graph	Comment
44	6	3. The road through Fish Creek is not in a condition sufficient to support additional traffic that might come from creation of a State Park and WMA. In addition, I do understand that purchase of this area by FWP and partners will not reduce taxes paid to Mineral County (approximately \$50,000 annually), but I believe the real tax issue is that Mineral County residents should not be expected to shoulder a greater tax burden for maintenance of roads throughout the Fish Creek area than they have shouldered prior to creation of the WMA and State Park. The tax year 2009 should be used as a basis for taxes earmarked for upkeep of this area. Additional funds for maintenance of this area, if outside the State Park and WMA, should be sought from other sources, as necessary. According to the environmental assessment provided at the Superior meeting, Mineral County can expect little positive financial impact from creation of the State Park and WMA, but that creation should not result in a greater financial burden for Mineral County residents.
44	7	4. While there was some talk of establishing more trails designated for OHVs in the Fish Creek area, my research would indicate that there are sufficient OHV trails in areas near, but not in Fish Creek to support this activity. I am very much against designating such trails in Fish Creek. Again, this is a sensitive area from an environmental perspective, and potentially adverse influences, as I think OHV trails would be, should be eliminated, as much as possible.
45		I have looked over the EA for the proposed Fish Creek land exchange, and I support the proposed alternative of going through with the land exchange as a long-term public benefit.
46	1	I attended the meeting in Superior on 2/2/10 and I am thrilled that you are wanting to purchase the land around Fish Creek for the purposes of a Wildlife Management Area. Fish Creek is a very special place in Montana and should be protected as much as possible.
46	2	As happy as I am about your interest in the area, I also have some concerns.
46	3	Fish Creek is a sensitive area. The area has a "minimum of 182 wildlife species" including being the primary habitat for bull trout and cutthroat trout. Anything that is done must keep the wildlife's needs as a primary concern!
46	4	My concerns are.....
46	5	1. The increased number of people expected to visit and use the area must not adversely affect habitat for any of the animals currently inhabiting Fish Creek. My first choice a WMA with no state park and no campground. Is the <u>only</u> way FWP can purchase the land is to have a state park and campground?
46	6	2. If most of the visitors to the state park and campground are those folks visiting the area of the Alberton Gorge, why wouldn't we want the state park to be placed in the area on the North side of I-90, in an effort to reduce traffic and impact of those visitors on Fish Creek. Why put the state park in such a sensitive area--right where the trout will be migrating to/from the Clark Fork to Fish Creek?
46	7	If there <u>must</u> be a campground, does it have to be so large? I would request it be as small as possible to lessen the impact on the environment. Also, I would request it be a primitive campground like the others in the area. That <i>might</i> makes things a bit better for the wildlife. Once a campground is improved with electricity and water hook-ups, the traffic and use will be so much greater and the magic of Fish Creek will be lost.
46	8	3. The road through Fish Creek is not in any condition to handle additional traffic. It's currently impacting the stream and the effects will multiplied many times over with additional traffic caused by the installation of a state park and campground.
46	9	4. I am very concerned about the trash and refuse left by the potential increased number of visitors. And I am even more concerned about the increased need for law enforcement that will not be met.
46	10	5. I am <u>adamantly</u> opposed to the creation of trails designated for OHVs in the Fish Creek area as discussed at the 2/2/10 meeting. I understand why ATV riders would like to have trails created so they don't have to share roads with dirt bikes, cars and trucks. But what about the riders of dirt bikes and motorcycles? Wouldn't everyone like to have their own road or trail created just for them? Fact is, there are already miles and miles of road for these vehicles to travel in the National Forest. And while some folks might respect the special trails and use them properly, there are many that won't. Then we would have OHV's in critical places that will harm wildlife and facilitate soil erosion. Not to mention the noise and air pollution. Would the OHV trails be for the greater good? It would not. All motorized vehicles must share the currently established roads.
47		Thank you for the opportunity to comment on the purposed purchase of 41 thousand acres of TNC land in the fish creek area as a long time user of fish creek I feel very confident that you and your crew at FWP will manage this land to its greatest ability. I especial like the idea of a large public use park, fish creek sure needs more camping available.
48	1	I am a fisheries consultant in W. Montana and an avid outdoorsman. I love all things recreation in the state of Montana and have spent all my 32 years here enjoying it. I am writing this in regard to the proposed land acquisition in the Fish Creek drainage.. I believe this is a great concept to help insure that Montana's public can continue to enjoy all the Fish Creek drainage in its splendor. However, I believe the concept of the 7000 acre state park is the wrong idea for the area. I think the creation of something like this would be a determent to the surrounding area and the public that enjoys it. It would also be a determent to the wildlife, both terrestrial and aquatic, that call that drainage home.

Com-ment #	Para-graph	Comment
48	2	I believe a 7000 acre park would encourage much more traffic in the area subsequently disrupting wildlife patterns of use and migration. It would also lend itself to increased fishing pressure in an area that is considered a stronghold for native fish, both Westslope Cutthroat and Bull Trout. By-catch in these areas may increase markedly as a result. I also believe that it would also increase traffic from ORV users. This would also disrupt wildlife use in these areas and subsequently affect hunting use by the public of the area. I believe hunting use in this drainage would decrease as many folks currently use the excuse of hunting to go spend some quality time in the outdoors either with close friends or family and purposefully go to undeveloped areas like Fish Creek to get away from other human influences. I would ask that public hunting prerogative be maintained in its current state of freedom and that restrictions not be imposed to regulate it further, perhaps with the exception of a buffer area that would protect any developed areas. These are some of the concerns I have for the future management of the Fish Creek drainage. I do believe as a whole this would be a good project and potentially greatly benefit both state resources and the public that enjoys to recreate in these areas.
49	1	I am very pleased that the state has purchased Plum Creek Timber Co lands in the Fish Creek Drainage. I have watched the water quality and wildlife habitat decline in the last 25 years that I have fished and hiked in the area. I remember fishing during spring runoff in the 1980's and it was one of a few streams in the area that ran clear. Today that is no longer the case.
49	2	It is very forward thinking for the state to acquire these lands as we see PCTC selling off their property for dispersed home site developments. As such, it seems contrary to then go ahead and develop large recreational developments (campgrounds, etc). If there is increased usage of rafting in the Alberton Gorge area, then develop recreational sites along that corridor and leave the Fish Creek area for low intensity use, i.e. hiking, hunting and fishing, and preserve the wildlife and fish habitat.
49	3	Thanks for the opportunity to comment on this proposal, and again, thanks for purchasing these properties.
50		See pages A-39 to A-40
51	1	The purpose of this email is to respond the request for comments regarding the Fish Creek EA. I am very much in favor of the proposal as presented the February 2nd meeting in Superior. I feel the state park is a critical element in the proposal and will provide maximum beneficial opportunity to the public and local economy. I feel the location of the campground on the Rivulet bench west of Fish Creek will mitigate the concerns currently expressed. I feel the acquisition of this property by the state is the first and major concern. Also, the projected 3 year planning period to finalize the management plan will provide ample opportunity to mitigate concerns regarding the various proposed management scenarios. I also feel that this is the time to build a campground. The economy is such that jobs are needed and many materials are at a low point in reference to cost. There is also ample opportunity for alternative funding given the stimulus attitude at the federal levels.
51	2	I appreciate the innovative future based "thinking" of Montana Fish, Wildlife and Parks. This is a bold move that is only feasible because of the cooperative approach between FWP and Parks you have chosen. While Mineral County is already heavily encumbered with public land, you provide the opportunity to return this abundance of public land from a liability to the status of an asset. The fact that you will pay taxes on this ownership mitigates a potentially harmful situation for the beleaguered tax base of our county. Also in your EA you state that you will take care of law enforcement and SAR tasks.
51	3	I would appreciate your consideration of the following proposal in your future dealings regarding the issue of land consolidations between managing state entities, namely the DNRC. If any land is to be swapped between FWP and DNRC, would you please present the idea of trading a portion of the Fish Creek Acquisition for the DNRC parcel of approx 160 acres in N 1/2 of the west 1/2 of Section 02 T16N R26W (GeoCode 5425240220101000), formerly known as the "Sportsman's Club". The purpose of this would be to develop a Multi-faceted Shooting Sports and Recreation Facility for Mineral County and Regional residents. The group that is forming would then apply for grant funds to lease or purchase these lands from FWP. This would ensure the longevity of his volunteer effort and would provide a strong foundation for the presence of a full service facility for the purpose of hosting safety education and recreational opportunity to the public. At present there is no facility of this nature within the county. The hindrance has been the difficulty of finding a place where this kind of facility could be constructed. There have been many swaps between the variety of public land management entities, yet there has been little if any direct benefit to the residents of Mineral County. Even this current effort will be of more benefit to the greater public than to the residents of Mineral County.

Com-ment #	Para-graph	Comment
51	4	During the wildlife portion of the presentation there was mentioned an area closure for the sake of providing security for a beleaguered elk herd. There was no mention of the exponential increase in the WOLF population that has decimated the elk and deer populations of the county. It is time that this predator population be recognized for what it is and that it be dealt with accordingly. Stop blaming the human population that hunts, for the grave errors of the human population that introduced the foreign wolves. There were wolves here before the introduction and there was balance, they fit, it worked. Now the introduced wolves are not exhibiting normal pack behavior and it is out of hand. So now we have no more cow tags, of any significant number, or any deer B tags and it is certainly not because of the high hunter harvest rates. There are hundreds of gates and hundreds of miles of wilderness, inventoried roadless areas, and other such closures all in the name of wildlife security on the 82% of the county that is federal. The locals refer to the federal land as the King's Land and when the notion of public is mentioned the response is "which public". I really hate to see the state fall into the same attitude, we don't need more restrictions and the denial of access to more lands. Mineral County is already an amenity for the few, given the federal management methodology and philosophy. The State of Montana should be a model for the Forest Service to follow rather than falling in line behind them. This is the main reason the residents of the county were and are so adamant about No More Federal Land in Mineral County and why the state was the preferred entity to acquire this land. Please don't turn this state acquisition into exclusionary land grab that only furthers the national park attitude of US Forest Service.
51	5	Please consider this input as full endorsement of the EA as presented, with due consideration to the previous paragraph. A summary of my input is as follows:
51	6	<ul style="list-style-type: none"> • I strongly support the Montana Fish Wildlife and Park's acquisition of the TNC Fish Creek Property.
51	7	<ul style="list-style-type: none"> • I strongly support the 7,000+ acre State Park near the mouth of Fish Creek. This includes campgrounds, OHV area, Equestrian amenities, and fishing access.
51	8	<ul style="list-style-type: none"> • I am opposed to denying people access for the sake of wildlife security without addressing the genuine cause for the decline of the ungulate population, the wolf.
51	9	<ul style="list-style-type: none"> • I am opposed to the denying of access and closing off more land given the thousands of acres in the county that are already locked up under federal ownership.
52	1	The notion of securing much of Fish Creek as public property is a good one, and I can foresee a time when the area will become even more important as a dispersed recreation and wildlife area to the Missoula community than it already is.
52	2	I'm not so sure a State Park there would be high on my list of places to spend much money, but I think that if it is at least part of the public domain, future generations could assess that plan. Thanks for listening,
53	1	As a nearby residents, my Wife and I fish Fish Creek and it tributaries and hike throughout the Fish Creek drainage. We are both amazed and thankful that we have this beautiful and unique area a few miles from our home.
53	2	We strongly support the purchase of the Nature Conservancy lands by Montana Fish, Wildlife and Parks and the creation of a State Park and Wildlife Management Area. We believe that this purchase will not only protect and preserve this special part of Montana, but will provide the opportunity to improve the fishery and wildlife in Fish Creek and throughout the Fish Creek drainage. This improvement will enhance outdoor opportunities and attract Montana and out of State visitors who will bring much needed dollars into the local economy.
53	3	We both were fearful just a few years ago that the Plum Creek Timber Company would market and sell the valuable Fish Creek frontage for residential use, destroying public access and the priceless fish and wildlife habitat. Our thanks both to The Nature Conservancy for purchasing this land from Plum Creek and to Montana Fish, Wildlife and Parks for the forward thinking proposal of a State Park and Wildlife Management area. Present and future Montanans will forever be thankful for your foresight and efforts.
54		Hi, I support the FishCree drainage though not the big state park. Drawing so much concentrated (or in any otherkind) recreation to this region would not only affect the park but all the surrounding area. I think it should be all or nothing, not both; and clearly, all-state-park escapes our budget abilities. Thank you.
55		I fully support this purchase.
56	1	I strongly support the FWP public acquisition of 41,000 acres in the Fish Creek drainage. However, the proposed 7,000 acre state park is excessively large and should be significantly reduced in acreage while the Wildlife Management Area should be increased in acreage.
56	2	A large state park will mean increased pressure from multiple activities such as off road vehicle (ORV) recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state.
56	3	A larger Wildlife Management Area is a better solution because it would focus on maintaining and restoring Fish Creek's fish and wildlife values for the benefit of the public regardless of most external pressures. This can clearly be seen in the primary goal of Montana's WMAs, which is to "maintain vital wildlife habitat for the protection of species and the enjoyment of the public."
56	4	The state park should be just large enough to facilitate a campground in the northernmost portion of the proposed purchase area south of Interstate 80

Com-ment #	Para-graph	Comment
56	5	FWP should only allow Off Road Vehicle (ORV) use on open road systems for both the state park and the WMA. An ORV trail network would negatively impact fish and wildlife habitat and hunting and fishing.
56	6	I encourage FWP to retain an open public hunting policy for the lands identified for the purchase and to not restrict public hunting in the purchase area, with the exception of a reasonable safety buffer for front-country facilities.
56	7	Thanks you for considering these comments:
57	1	Thank you for the opportunity to comment on the Fish Creek Environmental Assessment. The authors of the Fish Creek EA did an excellent job identifying the need and objectives for the purchase of nearly 41,000 acres in the Fish Creek drainage. The cataloging of vegetation, wildlife and fisheries species is thorough and compelling. The potential for recreation opportunities are abundant under proposed state ownership and management of the former Plum Creek lands.
57	2	As citizens who live approximately 20 miles east of Fish Cree, our primary interest include:
57	3	1) Increased public protection of lands adjacent and connected to the Alberton Gorge.
57	4	2) Wildlife corridor connectivity with our Nine Mile Valley.
57	5	3) Sustained management of forested lands.
57	6	We occasionally enjoy white water rafting down the Alberton Gorge. Our last trip was guided by a young woman who works summers for the family-owned business in Superior. Included in our raft were a son, daughter-in-law and two grandsons who currently live in Phoenix. The day was spectacular, with our knowledgeable guide providing interesting natural history lessons along the way. A nice long pause at Fish Creek was particularly enjoyable; what a beautiful location where the creek enters the Clark Fork River.
57	7	Establishing an approximately 6,900 acre state park as part of the FWP management of the former Plum Creek lands would improve and increase recreational opportunities south of the Clark Fork River. Development and maintenance of camp grounds, hiking and equestrian trails, and fishing access sites promise improved and quiet (non-motorized) access to Fish Creek's natural recreational resources.
57	8	As longtime residents of the Nine Mile Valley, we especially appreciate the opportunity of living alongside numerous species of wildlife, including deer, wolves, mountain lions, moose, elk, coyotes, turkey and grouse. Ensuring forest carnivore linkage zones between our Nine Mile Divide and the Selway-Bitterroot Wilderness is of great importance. Maintenance of critical bull trout and Westslope cutthroat trout habitat and protection on winter range used by multiple species are also high importance to our household.
57	9	Finally, Plum Creek unfortunately pursued short-term corporate goals in terms of managing their Montana timber properties. Clear-cut than sell should be the corporate motto. Under state management, adjacent communities reliant on a timber-based economy can expect long-term, sustainable timer supplies form these acres.
58		See pages A-41 to A-46
59	1	When I moved to Missoula in 1970 I had the good fortune to become acquainted with the Fish Creek drainage and surrounding areas. From that time until the present I've enjoyed the opportunity to fish the creeks and high mountain lakes, to day-hike and backpack the rugged backcountry, to pack in on livestock, to hunt big game, trap furbearers, cut firewood, kayak and raft the Clark Fork River Gorge. During these years I also led high school aged students on educational summer backpack trips along the Idaho-Montana divide and assisted with a masters degree mountain lion study. Each year, however, I noted the change to the resource as roads were built and timber was harvested. I had mixed feelings about this place I had enjoyed so much and invested so much time in.
59	2	Now, however, a special opportunity has arrived for the people of Montana to acquire much of this resource to be held and managed for future generations. This land will come back when managed by FWP, something which will not happen if it is sold to the private sector. Therefore, Mack, I am excited about and earnestly support the acquisition of these lands and hopefully look forward with others to utilizing this beautiful country for many years into the future.
60	1	I strongly support the FWP public acquisition of 41,000 acres in the Fish Creek drainage.
60	2	However, the proposed 7,000 acre state park is excessively large and should be significantly reduced in acreage while the Wildlife Management Area should be increased in acreage.
60	3	A large state park will mean increased pressure from multiple activities such as off road vehicle (ORV) recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state.
60	4	A larger Wildlife Management Area is a better solution because it would focus on maintaining and restoring Fish Creek's fish and wildlife values for the benefit of the public regardless of most external pressures. This can clearly be seen in the primary goal of Montana's WMAs, which is to "maintain vital wildlife habitat for the protection of species and the enjoyment of the public."
60	5	The state park should be just large enough to facilitate a campground in the northernmost portion of the proposed purchase area south of Interstate 80
60	6	I encourage FWP to only allow Off Road Vehicle (ORV) use on open road systems for both the state park and the WMA. An ORV trail network would negatively impact fish and wildlife habitat and hunting and fishing.

Com-ment #	Para-graph	Comment
60	7	I also encourage FWP to retain an open public hunting policy for the lands identified for the purchase and to not restrict public hunting in the purchase area, with the exception of a reasonable safety buffer for front-country facilities.
61		i strongly support the fish creek purchase, but with a reduced state park. a larger wma is a better solution for hunters and hikers, and wildlife itself. i encourage fwp's to allow orv's to the existing open road system only. i believe that to large of a state park with uncontrolled orv use would have negative impact on wildlife and habitat. i would also encourage fwp to allow public hunting in the wma.
62		As a hunter and angler who has spent significant time in the entire Fish Creek Drainage, I strongly support the FWP public acquisition of 41,000 acres in the Fish Creek. However, I do think the proposed 7,000 acre state park is excessively large and should be significantly reduced in acreage while the Wildlife Management Area should be increased in acreage. A large state park will mean increased pressure from multiple activities such as off road vehicle (ORV) recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state. A larger Wildlife Management Area is a better solution because it would focus on maintaining and restoring Fish Creek's fish and wildlife values for the benefit of the public regardless of most external pressures. This can clearly be seen in the primary goal of Montana's WMAs, which is to "maintain vital wildlife habitat for the protection of species and the enjoyment of the public." The state park should be just large enough to facilitate a campground in the northernmost portion of the proposed purchase area south of Interstate 90. I encourage FWP to only allow Off Road Vehicle (ORV) use on open road systems for both the state park and the WMA. An ORV trail network would negatively impact fish and wildlife habitat and hunting and fishing. I encourage FWP to retain an open public hunting policy for the lands identified for the purchase and to not restrict public hunting in the purchase area, with the exception of a reasonable safety buffer for front-country facilities.
63	1	I am commenting on the FWP proposal of the State Park and WMA in the Fish creek drainage. First off I would like to thank FWP personal that have been working on this project. Also like to thank Vicki Edwards, Lee Bastian, Mike Thompson and Mack Long for returning my calls and answering my questions the best they could through this process. I have been living in Fish Creek and have worked in Fish Creek for a number of years outfitting, guiding and managing Hole in the Wall Lodge, my wife also lives and works in the Fish Creek drainage. We love this area and county and enjoy all it has to offer. When Plum Creek Timber Company sold the land to TNC we wondered who would be the best steward of the land and protect all its history and culture? As I write this comment I am still not sure to be quite honest. After many sleepless nights I realize there probably is no perfect land steward. I will also admit until this process started I have not had much experience with FWP lands. When you live in such a great place there is not much need to. Some of the things I have learned and are concerned with would be the following.
63	2	When you start up a business and go to a financial institution to get the finances the investors usually want to see a business plan, know your goals and how you will pay for it. In this case the public would be your investors since this is being funded with public dollars. I have attended the meetings and read the documents and have not seen a breakdown on this and it worries me. There are roads that are in poor shape, a county that emergency services are stressed, and as a Fish Creek resident I don't want the troubles of a poorly managed State Park or WMA. Yes you will be required to pay taxes but again it is public money that you will use to pay them with. From my understanding the majority of the tax money will go to the Alberton school district. Our emergency services including our game warden do an excellent job but they are stretched thin as it is. I think there should be an access fee that would go to the county from these Fish Creek lands. I do not think having a State Park and WMA is going to be a big economic driver for our county. We try to do the majority of our business locally. I see a lot of people who come to Fish Creek whether it is fishing, hunting, hiking, or rafting. They come from either Missoula or Spokane and stop for recreation but have purchased all there necessities before they have come here which is understandable, Superior and Alberton can not offer what the big towns have and are not close to Fish Creek. I feel like a lot of the citizens questions have not been answered. I would like to see that you have a solid plan in place before I could feel comfortable fully supporting this.
63	3	I am against the closure of appendix F. First off I cannot see using public funds to tell the (non motorized) public they cannot go into the area. I have not spent much time in the Burdette winter range but from the traffic I see on the road I don't believe there should be a lot of pressure in that area that time of year Dec1-May14th. I would assume after you have owned the land and had a concern that the wildlife was stressed because of the public then you might tell the public your concerns and see if there is a solution, instead you are starting with closures right off the bat. In a winter range I would think the predators stress the wildlife ten time more as someone hiking, hunting or trapping the predators, I also believe that this drainage has to many lions, bears and wolves and until there is some predators harvested there may not be many animals that make it to that range. Predator stress is 24/7 unlike human caused stress.

Com-ment #	Para-graph	Comment
63	4	Also, I don't agree with your commercial use rules. Commercial use has had a history on this landscape and is part of Mineral Counties cultural values. I believe TNC bought this land to protect and preserve the cultural values, public access and manage the land for timber harvest. We are permitted on TNC lands that FWP intends to purchase and under your rules may not be able to continue to use. I ask you to manage your lands case by case. I don't believe you can manage Mount Jumbo WMA that is 120 acres under the same rules, as you would manage Fish Creek WMA and State Park, which is over 40,000 acres. I would believe you would use the right management tools for the right lands and that maybe you should look to see if you have the right tools to manage this land before you enter into a purchase agreement. This is a great concern to me, if there is a need for a "guided public" service now and you turn this land into a State Park and WMA there will be an even a greater need. There are a lot of people who will come into this area and not have the means, knowledge or capabilities to enjoy it and that is what we offer. I ask you to find a balance on this landscape for this. Gordon Hendrick Montana House District 14 Representative has told me that he also supports continued commercial use on this landscape. This landscape also has a tradition of firewood gathering and this should also continue, firewood gathering could be a great land management tool for you on 40,000 acres!
63	5	As far as the extensive road system goes I would also not like to see the road system decommissioned. I am fine with gated roads or seasonal closures on some roads the way it is right now. It does not make sense to me to decommission or rip roads. This is a tool on this landscape for you to manage fire suppression and possible make trail systems and loops like what has been talked about in your State Park and WMA. The damage of the roads being built is evident it will not be in its natural state ever again. I am not a big supporter of ATVs. Unfortunately it is the one rider out of one hundred that give them a bad name. On the other hand they are a user group in this drainage. We have seen a lot more ATVs in the past 5-10 yrs in this county. Even though I am not for ATVs I do believe there can be a place for them. On that note probably a place for all user groups.
63	6	I would also like for the Fish Creek working group to continue and help guide the stewards of this land.
63	7	I do believe there is a great need for the campgrounds and think if they are properly managed would be a great asset and would help you fund this project. Although I am not sure Whitetail Flats would be a great spot for this. If this is going to cater to the whitewater traffic of the Alberton Gorge I would like to see it located in a better spot, the road after the bridge is narrow and steep and will cause problems. Also it is to far from the Gorge. The equestrian camp looks like a good location just would wonder where the water for horses would come from?
63	8	I remember the first meeting I attended in Alberton, when it was first unveiled that FWP may buy the land, the FWP personal had very big, proud smiles on there faces I could tell they were excited. Looking back on that meeting now I know what I looked like when I first came to Fish Creek. I am not sure what will happen in the months and years to come I can tell that whom ever does purchase the lands in Fish Creek I will try to do my best to work hand in hand with them.
63	9	Again I would like to Thank FWP personal that has worked on this Fish Creek Proposal.
64	1	Brief synopsis and opinion(s)
64	2	After review and study of your EA documents as presented by the FWP of Region 2 headquarters of Missoula, Montana and dated January 20 th , 2010 for the sole purpose and the intent for the purchase of the 41,000 acres from the Nature Conservancy, it is my opinion that the purchase of the entire said property should be purchased for an area of WMA, but not utilized for a seven thousand acre plus Park.
64	3	Some of your information as presented is bias and certainly shows complete incompetence when trying to sell the public on an idea without substantial back-up to prove the cause worthy and without complete facts of which to substantiate a park with-in the pristine area of the 41,000 acre area.
64	4	To convince this County and the tax payers that it is in the best interest to allow for the entire purchase based on the facts that you have three independent funding sources to make the purchase is one thing, but to sell the idea that the Park is an "Economic Driver", this is not in the best interest of the Mineral County tax payer or the State tax payer, period!
64	5	Let's recapture the just of this EA and please note:
64	6	In a summary letter sent to the Region 2 supervisor Mack Long by our dubious county commissioners thanking the FW&P for meeting with the commissioners and some concerned public tax payers on 12 / 23 / 09, it was duly stated and noted that it was <i>the county's conclusion and was unanimously in favor of this proposal for FW&P taking ownership of the Fish Creek property rather than federal control or the possibility of the TNC selling to private individuals</i> .-quote . It also stated- <i>we wanted to be assured of promoting fish and wildlfe habitat as well as sustained tax base revenue</i> .-quote.
64	7	As a concerned citiizen and tax payer to this country, county and community I really need to point out some concerns, bias in the report and some misleading information that requires additional <u>transparency</u> by the FW&P:
64	8	(The magic word now days-transparency!)
64	9	● It has been pointed out numerous times in the EA that if the purchase by the FW&P of the said 41,000 acre parcel from the Nature Conservancy is not forthcoming, then the public faces the possibility of the Conservancy selling its property to "private concerns" for development and possibily prohibiting the use of this land?

Com-ment #	Para-graph	Comment
64	10	Let me first comment and interject and describe the intent and scope that the TNC of who they are and their supposed objective-
64	11	"The TNC is a charitable environmental organization working to preserve the plants & animals and the natural communities that represent the diversity of life and earth by protecting the very lands & waters that are needed to survive."-quote
64	12	The TNC has been operating under this surname since 1950 and is the third largest non-profit by assets and America's largest environmental non-profit by assets and revenue. The Nature Conservancy is headed by Mark Tercek former managing director of "Goldman Sachs"! (scary! Yes, the Goldman-Sachs another saved entity by the American tax payer)
64	13	Opinion to fact- remember that the original 320,000 acres of which this 41,000 acre is in part of from the sale of Plum Creek property to TNC @ \$1,593.00 per acre / \$510 million and now being offered / sold to the FWP @ \$342.00 per acre again all @ the tax payers expense. We already own the property.
64	14	Question: <i>If the TNC should sell to the private party does all of the sale money go back to the paying public now that the TNC is not living up to the original purchase agreement?</i>
64	15	<i>After all, "the purchase was made to ensure that the idea was to keep a productive forest, clean water, abundant fish & wildlife, while promoting continued access for hiking, hunting, fishing and other recreational opportunities."-quote</i>
64	16	<ul style="list-style-type: none"> Continuing on regarding TNC sales- yes, the possibility of property for sale to private is very much a realism, but if the due diligences had been performed to a level of understanding in regards by the FW&P's to the geographics, demographics and our new planning ordinances studied and with the helpful input of our planner Mr. Tim Read it is very much for certain this will not be bought for subdivision property based on cost criteria to include paving standards, general construction costs, power, wetland issues and the winter ingress/egress. Just to name a few.
64	17	<ul style="list-style-type: none"> If the existing private property owners of the Fish Creek valley were or had been interviewed properly and individually or collectively, the FW&P would find out that those of us who agree or disagree with the purchase are hunters, fisherman and respect this land, wildlife to such a degree we all go out of our way to enhance the wildlife and give added mitigation opportunities for the wildlife when ever possible.
64	18	<ul style="list-style-type: none"> Another issue has reared an ugly head in regards to the area of concern and not just the Park area in it's self. This is the rights of former and future landowners for deeded mineral rights of which both the TNC and FW&P's has acknowledged, but really has not mitigated to a level of confidence that this particular area will not be utilized in the future lawfully for many different reasons. You cannot mitigate a problem by looking the other way and deciding or declaring that there are no valuable minerals, because this right includes aggregate resources. This concern needs further study and satisfaction to the fullest before we take on this burden as the state FW&P's or Mineral County.
64	19	<ul style="list-style-type: none"> Secondly, if the Conservancy were to sell small or large portions of the 41,000 acres the County could and would reap more tax base funding based on land owner improvements rather than the typical agriculture/forest tax base revenue as predicated by the 50k per year received now. So what I am saying that this is just a few reason(s) not to allow anyone of us to be convinced by a scare tactic that this purchase should happen. Your tax dollars already paid for this land once and now again? Let's think about that carrot that does not need to be dangled by the FW&P's!
64	20	<ul style="list-style-type: none"> Also remember the original 20 people in the consortium that was chosen to represent the Fish Creek area with the Conservancy only (2) or 10% were actually Fish Creek property owners.
64	21	I also want to point out to the public that the FWP has the authority to purchase land by the Montana Statute 87-1-209. Which means - <i>to purchase suitable lands for birds, game, and fish or fur bearing, animal restoration, propagation (i.e.- reproduction) or protection, for hunting, fishing or trapping.</i>
64	22	<i>Essentially the same valuable rhetoric as noted and stated by TNC.</i>
64	23	We as Montanans understand and typically support our FW&P's and Montana law and how it is written, but in this particular case why would we think about putting a 7,400 acre or 18.05% of a land purchase into a State Park in an area that is woefully in need of years of woodland restoration caused from fire, wildlife enhancement & other unmitigated concerns caused from the over exposure of wolf habitat that we cannot yet seem to manage?
64	24	The FW&P's has 2.5 pages of birds, animals listed as (SOC) <i>Species of Concern</i> or (PSOC) <i>Possible Species of Concern</i> and now we are thinking about more vehicular traffic, human intervention, noise pollution, garbage in the immediate areas of concern that will cause unjust concerns / issue to the wildlife and property?
64	25	Some facts that surround the circumstances to this proposed Park area by purchase of the 41k acres.
64	26	<ul style="list-style-type: none"> 3.5 miles of the existng roadway from 1-90 needs improved to handle such traffic, nic law enforcement, signage and guardrail to meet MDOT specification and standard public safety requirements.
64	27	<ul style="list-style-type: none"> The roadway from the Rivulet Bridge to the top of the hill approx. ½ mile
64	28	Plus @ 11.0% grade and 1.5 lanes with no guard rail. w/ .5:1:00 slopes transversing 50-150 ft. Vertically.
64	29	<ul style="list-style-type: none"> Some of the County roadway property on the Rivulet Road has already slid into Fish Creek in the past and the St.Clair ranch graciously allowed land to be used by the County to save Mineral County costs of constructing new roadway around the slide area. This is not likely to happen for roadway widening in the future to meet these new standards.

Com-ment #	Para-graph	Comment
64	30	● Mineral County cannot afford sheriff patrol
64	31	● Mineral County cannot afford garbage patrol
64	32	● Mineral County cannot afford roadway maintenance or wintertime needs.
64	33	● This area of this magnitude will only serve as a breeding ground for unsolicited partying without control for our youth and out of staters that choose to violate the law. We already have far too much of this uncontrolled disturbance in this area too include all of Fish Creek.
64	34	● The existing private land owners are already interrupted by the out of area people to help fix tires, out of gas, drunks and wrecks nic all of the garbage that our frontage road and entrance roads @ the state highway has incurred by truckers and these individuals that lack respect for the land or themselves.
64	35	● Now, by your own admittance to understand you have no idea of future costs, stating that it will not be manned by your group, but yet you know there is no plan for any of the above mentioned issues to be mitigated to a full respectful understanding to make sure Mineral County and the adjacent landowners are completely satisfied is absurd.
64	36	I know full well and I understand that the FW&P has a rebuttal to include an obligation by the Montana law 87-1-201 MCA- which requires the FW&P's to contribute to a special revenue account called the "forest management account".
64	37	(this amount is designated @ \$300K, but as duly noted it is to be used for: <i>fire mitigation, beetle infestation, wildlife enhancement, weed control, fencing, garbage, public health & safety. Riparian repair etc.</i>)
64	38	What this law does not state in this report is how much of the 300K will, when, how much and how often these funds are to be distributed for use in the Fish Creek area. Most importantly who sets these priorities and who sets these above mentioned management goals or gets to set those goals or disagree with the priority and distribution of funds?
64	39	Is the 300K a one time investment from the State Parks for years of supposed shared burden? We know the answer is yes, but 300K is a drop in the bucket for a proposed park of this size to be maintained and managed no matter the location, but this money is to be utilized for all of the 41k acres so it will go quickly.
64	40	I believe we already know that Mineral County and especially those living with-in the area will not have a vote on distribution or priority.
64	41	<i>(This is actually 2% contrubution based on these numbers for the 14.5 million purchase for years to come? It is not enough to meet all of the requirements that Mineral County will need to host this Park area or continued management of the entire purchase)</i>
64	42	Please understand that I believe that the overall purchase of Fish Creek should be in the State hands and our FW&P's, but first the FW& P's needs to consider investing the tax payer money or any funding into just a WMA as described. If this means changing some historical practices for the good of the area, then make the changes.
64	43	The FW&P's or any government entity should never consider development in an area of such devastation and allow public free reign with-out proper management or design that would not take into account all the proper attributes concerning public safety and health for years to come.
64	44	Above all else in todays economic world the tax payers and specifically the Mineral County tax payers should never be burden with such an idea that this proposed park could and would not create a few long term jobs and could not pay for it self by allowing for day or weekly charges to the people that utilize this facility or Fish Creek proper.
64	45	You have stated that all collected funds will go to the State coffers and be re-allocated which means Mineral County again will be under funded for such a project.
64	46	Please remember that our Montana people will not be paying any or very little of a fee(s) based on dollars collected by your Parks Division when we pay for our Montana vehicle license. This means that the percentage of earned revenue has gone down considerably and your supposed Economic Driver for the area is not only gone, but the survival of the Park based on your Economic Driver funding will most likely be a failure.
64	47	A facility of this magnitude and the needs required by the people that would want to utilize the area the most, as stated in the report is the Alberton gorge adventurers. The requirements would be toilets, fire rings, hydrants, sewer disposal, gabage outlets, easy ingress/ egress parking for large motor homes/trailers etc., all necessary to bring the people to the area that want to come back, yet leave it in the condition it was found!- reputable people!
64	48	I know as a general contractor / construction manager who has built State and County Parks in the great state of Washington that were worth millions of dollars and now my company is contracted with the Federal government to build a park in Ennis, Montana, I fully understand all of the required amenties and understand the needs for day use charges. I positively for a fact know what a Park like this would cost to the tee and the management costs as well. This proposed park area if designed and built correctly to the value that would be suitable for Mineral County, it would be very costly for all of the improvement in this particular area. This is not to mention again the aforementioned unstability for the proposed betterment of the wildlife?

Com-ment #	Para-graph	Comment
64	49	This Park and area would be better suited and built if it were next to I-90, off of the Fish Creek exit to the north where it would best be seen, easily marketed by state signage and utilized for and by the majority of the users of Fish Creek/Alberton gorge. This would also give a better opportunity for the tax payers investment to be paid for and certainly closer for the sheriff or state patrol to monitor, less cost for infrastructure, and most importantly less wildlife intervention and certainly less fire issues all resulting in an ROI (return on investment) which would allow for the survival of the Park , better situation for the Fish Creek area as a whole, but most importantly no future tax program to fund the Park. To keep Fish Creek and the entire area the way we see it today would only allow for the FW&P's to show case their talent and knowledge bringing even a greater respect among the locals. Do not make the mistakes like the previous owners and pretend to be good stewards of the land.
64	50	Now, just looking at all of the known factors that I personally know to be needed to this degree, assuming all factors are taken into accordance based on the Montana law and standards mentioned above, I believe this Park area would be far cheaper to build then the area in Fish Creek.
64	51	I had recently spoke with my clients about the 63 acres plus and the add'l 11 acres located on the Alberton gorge on the north side of the Fish Creek entrance. They conveyed that they made an offer considerably less to the FW&P's, but when I had mentioned this to Mr. Bastian the Parks manager, he said the same offer was made as previously. That is not a fact, but only another opportunity to placate some of the public into thinking once again he may have done his job? I know different and factually this did not happen. He did in fact tell my wife and I that if the public did not want the Park where he wants its, then he can take the money and spend it on the East side! I say spend it on the East side if you think that you can tell the public in an open forum that we will all be involved and work together, but individually tell us that if he does not get his way then he won't play!!
64	52	Fact: The FW&P's was offered on January 18 th , 2010 almost two weeks prior to the Superior meeting on February 2 nd , 2010 a property deal for the 63 acres and the 11 acre Trestle Creek property located directly on the Alberton gorge. This property was now offered for 50 percent less than a year ago.
64	53	<i>This is why this property makes sense to build the Park in this area based on costs to include purchase, development and most important an ROI. All for the reasons previously mentioned. It will be much cheaper than the required improvements to the proposed 7,400 acre Park with-in the 41K acre piece.</i>
64	54	<i>The rough roadway improvements have been made, 120 GPM well drilled. You could easily build 100 sites for campers, trailers. Motor coaches, trails to the Gorge and a equestrian area for horses to relax. Also oneway in and out with a an approved emergency exit. Much easier to supervise and manage.</i>
64	55	If the FW&P wants our valley, then allow Fish Creek to be this pristine valley that the report talks about, do not placate us here in Mineral County into believing that a Park is a good thing or that the remained ownership by TNC is a bad thing. Allow yourselves as the FW&P's to serve and perform to the highest degree that makes you the respectable people that I and most of the public believe that you are, manage this forest, wildlife and fisheries with more enforcement, better game management, work more with the private land owners to enhance wildlife and fisheries and be more visability to the local area. This means that you give the Fish Creek area and Mineral County additional enforcement that can help with the one officer that we already respect and admire in Mr. Micheal Faggely. These are the real essentials!
64	56	This EA also talks about the energy and economic value it would bring to the area? Not so, it will cost more for local law enforcement and our court system. We receive no revenue or very little from the Alberton Gorge venturers because all of the local businesses are really not associated or linked into the specific area of purchase nor will they be.
64	57	To state: "that you might go into town every other day and have a beer and burger?" Be glad you are not a business owner and rely on these people to support your business.
64	58	I would strongly urge also that the existing businesses now operating in the Fish Creek area for hunting and fishing continue to be allowed to perform business as usual without any changes for these are the real economic stabilizers in the area and now pay a large tax to the Mineral County system, not day float trips, fisherman or campers.
64	59	Our guides are essential, the real promoters and protectors of our wildlife and fisheries. Their continued conservation efforts thru study and knowledge of the species thus allows for the mentoring of the hunters or fisherman and with these addititive measures gives them the best opportunities for <u>all</u> the right reasons to enjoy the great outdoors.
64	60	Although the St.Clair ranch is a big supporter of your Dept.(s), I would strongly suggest that the FW&P's take into account and heed to this advice and suggestions and if so, then my opinion would be to please purchase, but if the government beuracrats do not want to listen or include our ideas as a majority vote for our vested interest and your idea is to inundate Mineral County or the private residences with more problems then what we already have been burdened, please save your money and invest else where!
64	61	The EA in many ways contradict what the real purpose of Fish Creek is being bought for and saved. Please remind yourselves of the motto's by your own creed and the TNC.
64	62	Before I finish, everyone needs to understand and please remember that the Nature Conservancy still has a goal: "to protect the resource value of the land while improving the habitat, while allowing access for hunting and fishing"-quote

Com-ment #	Para-graph	Comment
64	63	<i>The TNC and Trout Unlimited have made limited improvements collectively in 2009 and Mineral County still receives approx. 50K per year.</i>
64	64	These opinions and suggestions are the consensus of all of the people that reside @ the St.Clair ranch and many that live in and around the Fish Creek valley. Please contact me with your comments and concerns so we can be assured that we are counted and heard. 406-722-3207.
64	65	<i>Note to other Fish Creek parties:</i>
64	66	<i>"Please do not forget that these people work for us, are to represent us as a majority and are to be accountable. Most important we all must realize that most of these people have never owned a business or had to be responsible to make money work properly or be responsible to the public for their errors, but it is time that they spend the tax payers dollars wisely, not because it is just there in a pot to spend!!"</i>
64	67	<i>It appears that the TNC has given the FW&P's a deadline to purchase, but no one is standing in line to purchase this property and we are being lead to believe that we need to hurry to purchase and this does not make sense.</i>
64	68	<i>It has come to my attention by a good source that once again the arrogance of our governor has once again appeared! It was understood for him to say in reference to the Ppark and purchase that this was already a "done deal".</i>
64	69	<i>Conclusion: I suspect that this is a formality in making all parties at the government level feel like they have done their job and our comments and / or suggestions from Mineral County and land owners will most likely be discounted or misplaced.</i>
64	70	Contact Mack Long so he can make a conscience decision on how our tax dollars are to be spent fiducially and accounted.
64	71	The St.Clair ranch will continue our stewardship at the ranch for wildlife, forest land and the "historical preservation of the Andrew Garcia legacy" .
65	1	I strongly support the FWP public acquisition of 41,000 acres in the Fish Creek drainage.
65	2	However, the proposed 7,000 acre state park is excessively large and should be significantly reduced in acreage while the Wildlife Management Area should be increased in acreage.
65	3	A larger state park will have significant impacts to deer and elk behavior, reproduction, and survival. I prefer the area be left in it's undeveloped state. The more facilities the more people the more pressure to wildlife. The state should consider the wildlife first and foremost.
65	4	The state park should be just large enough to facilitate a campground in the northernmost portion of the proposed purchase area south of Interstate 80
65	5	Please keep the ORV on established roads only for the protection of wildlife.
65	6	Hunting and fishing should be allowed with only a safety buffer around campgrounds.
66	1	As a hunter, fisherman and biologist I strongly support the 41,000 acre FWP acquisition in the Fish Creek Drainage. I do not support the excessively large proposal for the 7000 acre State Park. I request that the State Park be reduced to a campground and associated facilities in the lower portion of the drainage, and the WMA be enlarged accordingly.
66	2	I was District Ranger on the Ninemile Ranger District for 10 years, which has primary responsibility for managing National Forest lands in the Fish Creek drainage. In addition I was fish biologist and biological resource planner on the the Lolo for an additional 12 years. The proximity of a large State Park to the proposed Great Burn Wilderness invites user conflicts. This is especially true with the stated opportunity to create ORV trails and accomodate increases in such use. As travel plan leader in 1986, we on the Lolo worked hard to eliminate existing motorcycle use in the Great Burn area and reduce the motorized use in the Fish Creek drainage. These measures were done to preserve non-motorized recreation opportunities as well as reduce impacts to watersheds and wildlife and fish habitat, including bull trout. Later the Lolo closed the Great Burn proposed wilderness to snowmobile use. Mountain goat habitat is still adversely impacted by illegal motorized use. Trying to control illegal use would be more difficult as motorized use is encouraged by creation of facilities in an adjacent State Park.
66	3	Fish Creek is not only a essential spawning and rearing habitat for bull trout, but is also one of the few large spawning tributaries for trout in the lower Clark Fork.
66	4	Please move ahead, but move ahead wisely!
67	1	I would like to see the FWP purchase the Nature Conservancy lands in Fish Creek, Alberton Gorge and Nemote Ck as proposed.
67	2	I question the need for the Williams Peak Area proposal as a State Park. You can already use the area for hiking, riding (horses), skiing, fishing, hunting etc. without it being a state park. If some of the funding has to come from the park monies concentrate along the Gorge section as that is where the impact is greatest. Some funding could be used for purchase, lease, easements of property along the Gorge.

Com-ment #	Para-graph	Comment
67	3	With the concern about the large carnivore numbers and wanting them reduced, I don't see the sense in the proposed seasonal closure from Deer Ck. to Wig Ck. In all the years of following hounds I've noticed deer and elk just moving out of the way. Even while horn hunting these animals just move away. They don't seem to go running out of the country, especially once general hunting season is over. This proposal would also create a sanctuary for the large predators. These predators are being targeted already through longer seasons, more permits for reduction in numbers so why give them some more room to get away?
67	4	In reference to the above predatory reduction leave the roads up the main drainages open for travel. This is especially needed on the East side of Fish Ck.
67	5	The North boundary on the proposed seasonal closure area should be moved to the main ridge between Deer Ck and Wig Ck. to make it easier for lion hunters.
67	6	With Fish Ck being such a big drainage I don't think a seasonal closure area is needed with the burned areas recovering as they are.
68		I'm in full support of the Fish Creek property you are proposing to purchase, but I believe the primary emphasis on the ground should be wildlife and fisheries habitat and hunting and fishing. The state park size is too large and should be just big enough to accomodate a small campground on the northern portion. I also would encourage you to allow OHV use only on the existing road system. Please do not build new trails in this area.
69		See pages A-47 to A-49
70	1	I am in support of this acquisition. I feel you Objectives were right on track. I think you actually minimized the negative economic impacts land development in this area could have had on the residents of Mineral County.
70	2	I do feel you need to look at the animal security issues and keep roads closed as needed for this reason, especially in certain seasons, however allow for access on foot to all the areas and access by motorized with monitoring so as to not allow the rip and tear mentality but yet allow the family motorized outing. Wintertime snowmobile use should especially be allowed in most areas since this can be done without soil and water deterioration. I would like to see, I believe it may be one or two?, existing hunting guides business be able to operate in this area, park or no park. I would also like to see the option for livestock grazing be left open in case the request may come in future years. There are areas of this land deal that I feel FWP may want to trade out of in future years with either the USFS and DNRC to block lands up better for all parties concerned. Timber management is also an important issue to be considered for the future. At present, much restoration and weed control must be done, but in future years, as timber grows back, fwp needs to become a responsible timber manager as well as wildlife manager. Timber harvest must be left as an option for when the time is right. Long range vision. I also feel this area needs to be included in any wolf management and hunting area and not used as any sanctuary for them.
70	3	The main road is a very important area in need of work for water quality protection. This and weed control must be top priorities.
70	4	Overall, I am glad to see Alternative A so this parcel can be preserved for future generations to recreate in and maintain the protection of animal movement corridors.
71		I commend FWP for the planned purchase of land in the Fish Creek drainage. However, I am not in favor of creating a new state park in this area. While there is a need to purchase lands for fish and wildlife habitat, public access, and public recreation, I believe the construction of new state park is an extraneous expense (especially given the current economic climate), and will undermine the wild, undeveloped nature of this land parcel.
72	1	Is in favor of the Fish Creek acquisition.
72	2	"It is so selfish for us not to have this beautiful area."
72	3	It would be a boom for the Superior area.
72	4	It would increase [local?] property values.
72	5	Is for the State Park.
72	6	Wished it to be known that these comments are also to be attributed to the other members of his family (and he listed the 4 names of the others).
73		See pages A-50 to A-55
74	1	I.) INTRODUCTION. Thank you for the opportunity to comment on the proposed land acquisition in the Fish Creek area and proposed management strategies. As a hunter and angler, the Fish Creek Drainage is an important area to me. I have fished for trout and hunted deer and elk in the proposed acquisition area and I know first-hand how valuable these lands are for fish and wildlife, as well as outdoor recreation.
74	2	II.) GENERAL COMMENTS. I fully support Montana FWP acquiring these lands, however I am concerned about the size and scope of the proposed state park. I would prefer that all 40,945 acres were managed as a Wildlife Management Area (WMA) because I believe that the fish and wildlife values on these lands will be better managed and preserved as a WMA. This conclusion is drawn from the different – and potentially conflicting – purposes of State Parks and WMAs.

Com-ment #	Para-graph	Comment
74	3	According to Administrative Rules of Montana (ARM) 12.8.102, the sole purpose of a state park is: "To provide high-quality recreation experience distinctive and notable enough to attract people on a state, regional, or national basis." This purpose of a state park (recreation) can be in conflict with the stated goal of WMA's which is "to maintain vital wildlife habitat for the protection of species and the enjoyment of the public." (http://fwp.mt.gov/habitat/wma.html)
74	4	Clearly, the purpose of a State Park is primarily recreational while the purpose of a WMA is for wildlife. Given the immense fish and wildlife values present in the Fish Creek drainage, the potential for deleterious recreational impacts are far greater if managed as a state park. For this reason, I believe that the proposed acquisition would be better managed as a WMA.
74	5	However, if there is a demonstrated need for the potential front country recreation facilities that the EA identifies, such as an equestrian trailhead or developed campground, the acreage of the state park should reflect the minimal amount of acres required for these facilities while leaving the backcountry to be managed as a WMA.
74	6	In short, a state park of approximately 7,000 acres is excessive to meet any demonstrated recreational needs in the Fish Creek drainage, while the wildlife values present necessitates that as much of the acquisition as possible be managed as a WMA.
74	7	III.) SPECIFIC COMMENTS. The following are specific issues that the EA incorrectly addresses, fails to address, or are additional comments that I have.
74	8	1.) EA inappropriately pre-decides future decision making:
74	9	The Draft Management Plan states the following:
74	10	Management Strategies: Begin developing (with public involvement) a final management plan, which would provide for the following:
74	11	a) An appropriate number and distribution of front-country and backcountry campsites and/or areas.
74	12	b) A vehicle accessible front-country fee campground in the northern portion of the Fish Creek drainage.
74	13	c) A vehicle accessible front-country fee equestrian campground near the confluence area of the South and West Forks of Fish Creek. (Draft Preliminary Management Plan, B-13)
74	14	This statement is inappropriately pre-deciding the future development of the management plan by stating that the final management plan " would " include a fee equestrian campground, fee campground, and front and backcountry campsites. Based on public comments, budgetary constraints, fish and wildlife habitat requirements, etc...FWP may find that these facilities are not practical, prudent and/or wanted. For this reason, the draft management plan should state that the final management plan " may " provide for these facilities.
74	15	2.) Hunting Access. The EA states that "Within the State Park, implement a hunting access system that allows MFWP to monitor and regulate hunting activity and establish conditions that allow hunters and non-hunters to safely share recreational resources." (Draft Management Plan, B-14)
74	16	What kind of "hunting access system" is FWP contemplating for the State Park? I can understand the need for reasonable safety buffers around a campground, but how does FWP intend to "monitor and regulate" hunting activity. Will there be a lottery system for access, a sign in box, or some other system? I strongly encourage FWP to retain an open hunting access policy for the lands and not restrict access in anyway, with the exception of a reasonable safety buffer for front-country facilities.
74	17	3.) Commercial Outfitting. The EA is explicit in several places that outfitted hunting and fishing would not be allowed on the WMA, however, the EA seems to mistakenly state that hunting outfitting would be allowed on the state park. The EA states: "Commercial uses such as hunting and fishing, mountain bike concession or other public private partnerships could be permitted on the state park component in accordance with FWP commercial use rules." (EA, page 21)
74	18	However, FWP's Commercial Use Rules are explicit that all commercial hunting outfitting is prohibited on <u>all department lands</u> , not just WMA's. The Commercial Use Rules, ARM 12.14.115, state that: "Commercial hunting outfitting is prohibited on all department land and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas." Given FWP's Commercial Use rules, the EA should explicitly state that no commercial outfitting would be allowed on either the WMA or state park.
74	19	While commercial fishing outfitting could be allowed on the state park, the sensitivity of native bull trout and Westslope cutthroat trout in Fish Creek should make the department exclude commercial angling outfitting in the state park in addition to the WMA.
74	20	4.) Recreation and wildlife conflicts. The Draft Preliminary Management Plan states that "Overlapping land acquisition priorities occur in the northern portion of the Fish Creek drainage and are focused primarily on conflicting wildlife and recreation resource values." (Draft Preliminary Management Plan, B-20) Specifically, what are the wildlife values and recreation values that are in conflict and why are wildlife getting the short end of the stick with the entire northern portion of the Fish Creek Drainage proposed as part of the state park?

Com-ment #	Para-graph	Comment
74	21	5.) Motorized use. According to the Draft Preliminary Management Plan, motorized vehicle use would not be allowed on trails, stating that “On WMA properties, trail systems, as opposed to open road systems, will be limited to non-motorized travel” (Draft Preliminary Management Plan, B-22.) Meanwhile, it appears that OHV trail use could be allowed on the state park, with the Draft Preliminary Management Plan stating on B-22 that “OHV trail use occurring on the State Park unit could tie into open-roads on the WMA.”
74	22	I strongly encourage FWP to only allow OHV use on open road systems for both the state park and the WMA. All lands in the proposed acquisition are important to, and used by a variety of, wildlife. The deleterious impacts of OHV use on wildlife are well-documented and it doesn't matter to an elk or grizzly bear if they are disturbed by an OHV while on a State Park or a WMA – the impact is the same. This issue highlights the management differences between a state park and a WMA, and why I would prefer that the lands in the proposed acquisition be managed as a WMA. Recreational activities such OHV use on trails is clearly on the table as an acceptable activity for the state park, while the WMA will not consider these kinds of activities because WMA's are managed for wildlife first, not recreation. As I have stated earlier, the lands in the proposed acquisition are of paramount importance for fish and wildlife and they should be managed first and foremost for fish and wildlife habitat, not recreation.
74	23	5.) Additional State Park Lands. One Feb 1, FWP published a revised Appendix A, which adds about 800 acres to the proposed park. Why was this revision included 11 days after the release of the draft EA without any explanation?
74	24	6.) State Park Facilities. While I would prefer that the entire 40,945 acre acquisition be managed as a WMA, I recognize that certain developed recreation facilities such as campgrounds – if sited properly – could mitigate the impacts of dispersed recreation due to focusing impacts in a hardened area. However, I strongly encourage FWP to limit the facilities to the following: 1.) places to pitch a tent or park a pop-up camper, 2.) vault toilet, 3.) fire rings, and 4.) a bear-proof dumpster.
74	25	The following list is not intended to be comprehensive, but it is a list of facilities and amenities provided at other state parks in Montana that are not appropriate or needed in the Fish Creek drainage if a state park is established: electrical hookups, RV dump stations, showers, flush toilets, group sites, pavilions, horseshoe pits, golf courses, playgrounds, firewood vendors, visitor center, food concession, boardwalks, yurts, cabins, huts, and comfort stations.
74	26	7.) Funding. The EA indicates that Access Montana has to be used for state parks of fishing access sites, stating that the purpose of Access Montana “is for the land acquisitions, land leasing, easement purchase, or development agreement for state parks and fishing access sites.” (EA, page 9) However, I have not been able to find any reference in FWP's Administrative Rules or Access Montana's enabling legislation, HB 5 from the 2007 legislature, which indicates that Access Montana money can only be used for state parks or fishing access sites. If Access Montana is not specifically designated for state parks or fishing access site acquisitions, then I encourage FWP to maintain Access Montana funding for this project and to eliminate the proposed state park or to greatly reduce the size of the proposed state park in order to accommodate limited development of a primitive campground and/or equestrian trailhead.
74	27	IV.) CONCLUSION. Thank you for the opportunity to comments on this proposed acquisition. The importance of these lands for fish, wildlife and hunting and angling cannot be overstated. I fully support FWP acquiring these lands and I hope that they will be managed in a way that puts fish and wildlife – not recreation – first. If there must be a state parks component in order to aquire these lands, the size of the state parks should be reduced, the facilities/amenities offered should be minimized, and all recreation opportunities should be non-motorized.
75	1	I do not support the creation of a State Park on acquired lands by your Agency. I recognize this as an important purchase. By your own words in your EA, this is a pristine stream and spawning grounds, statistics to back that up, and the most important on the lower Clark Fork.
75	2	Why screw it up with a State Park? It would be ironic that during the stewardship of Plum Creek, the Creek has flourished the way it has. I firmly believe a State Park would be extremely detrimental to the Creek and the fishery. It is <u>A BAD IDEA.</u>
75	3	You have demonstrated that there is a need for lands to be held for fish and wildlife habitat, there is a need for public access (although regarding the river itself, there is more than adequate public access even if this went back to private ownership; but, I recognize we have the non river issues here also), and this leads to public recreation obviously.
75	4	I do not see where there is a demonstrated need to build a State Park, and expensive thing to manage, and an obvious detriment and contrary to fish and wildlife habitat needs.
75	5	I would support and be thankful for this purchase to occur strictly for management as a state wildlife management area. This would allow fish and wildlife, and cold water bull trout habitat, with their natural recreational results, be consistent with the conservation efforts we strive for.
75	6	We all know a park will undermine the fish and wildlife values of this jewel of a river. Come on, two campgrounds as you have expressed, improved? With the tag along items bring commercialism into it. You have got to be kidding that this is good for Fish Creek.
75	7	If you need a Park for Alberton Gorge, go buy land near Cyr, I know its available. It is unnecessary to develop campsites for Fish Creek drainage.

Com-ment #	Para-graph	Comment
75	8	I do applaud you for using our hunting and angling dollars for purchasing wildlife management areas. I'm glad TNC attempted to step in and bridge the gap for the state to get involved with a purchase for a WMA. But, development of a park is contrary to this goal, and is not necessary.
75	9	ACCESS Montana money is not pegged to developing a State Park as I see it. It appears that it is supposed be for purchasing land to protect access. I do not see a correlation between that and developing a State Park.
76	1	In considering more of the impacts on the general area that the proposed park might have west of Alberton, I would ask FWP to clarify for Mineral County citizens, who has ownership of the Cyr Bridge? While this does not reside in the zone specified in the EA, it could easily be determined that this bridge, as well as highway 10 would experience increased use. Citizens in this area have tried to obtain information on who has ownership of the Cyr bridge with no success. It is my hope that this can be clarified for the public before further use might be incurred.
76	2	As a side note, it would be nice if light pollution would be addressed, since we live in a pristine area where we enjoy the night sky without excessive light.
76	3	Thank you & I appreciate all that you do in your work,
77	1	I have been hunting in the Fish Creek drainage west of Missoula for several years. I've harvested several white tailed deer, including a couple nice bucks, and a quality 6 point bull elk in the southwestern portion of the proposed state park. While I fully support FWP's proposal to acquire nearly 41,000 acres in the Fish Creek drainage, I do not understand the logic of a 7,000 acre state park. I am especially bothered by the southern and western boundaries of the proposed state park – it is excessively large and could impact some extremely good hunting areas.
77	2	The Fish Creek area is incredibly important for fish, wildlife, hunting and fishing. Please modify the proposal to decrease the acreage of the state park and increase the acreage of the Wildlife Management Area (WMA) accordingly. A significantly smaller state park at the northern end of the acquisition will be a better fit for the historic and current uses of Fish Creek. A larger WMA will ensure that the Fish Creek area provides quality hunting and fishing for generations to come.
77	3	Please move forward with the acquisition, but please consider my proposed modifications.

Com- ment #	Para- graph	Comment
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United States Department of the Interior

FISH AND WILDLIFE SERVICE



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GRIZZLY BEAR RECOVERY COORDINATOR
UNIVERSITY OF MONTANA
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MISSOULA, MT 59812
PHONE (406) 243-4903, FAX (406) 329-3212

February 2, 2010

Fish Creek Project
Montana Fish, Wildlife and Parks
Region 2 Headquarters
3201 Spurgin Rd.
Missoula MT 59804

Dear FWP,

Thank you for the opportunity to comment on the proposal to acquire lands in the Fish Creek drainage for wildlife management and for state parks lands. The reason for the Fish and Wildlife Service commenting on this acquisition is that portions of this area are within identified linkage areas across the I-90 corridor. We went through several processes to identify linkage areas between Ninemile and Lookout Pass along I-90. One of these processes involved scoring the habitat in terms of levels of development, road density and the contiguous nature of state and federal lands. Using this process, the lands on the northwestern edge of the Fish Creek area, including parts of the Fish Creek acquisition area, were identified as linkage areas for wildlife. The other process we used was to go to local residents and ask them where they see wildlife crossing the I-90 corridor and where they see seasonal concentrations of wildlife. Using this process the northeastern edge of the Fish Creek area, including parts of the Fish Creek acquisition area, was identified by community members as a wildlife linkage area. I have identified these two areas on the attached map.

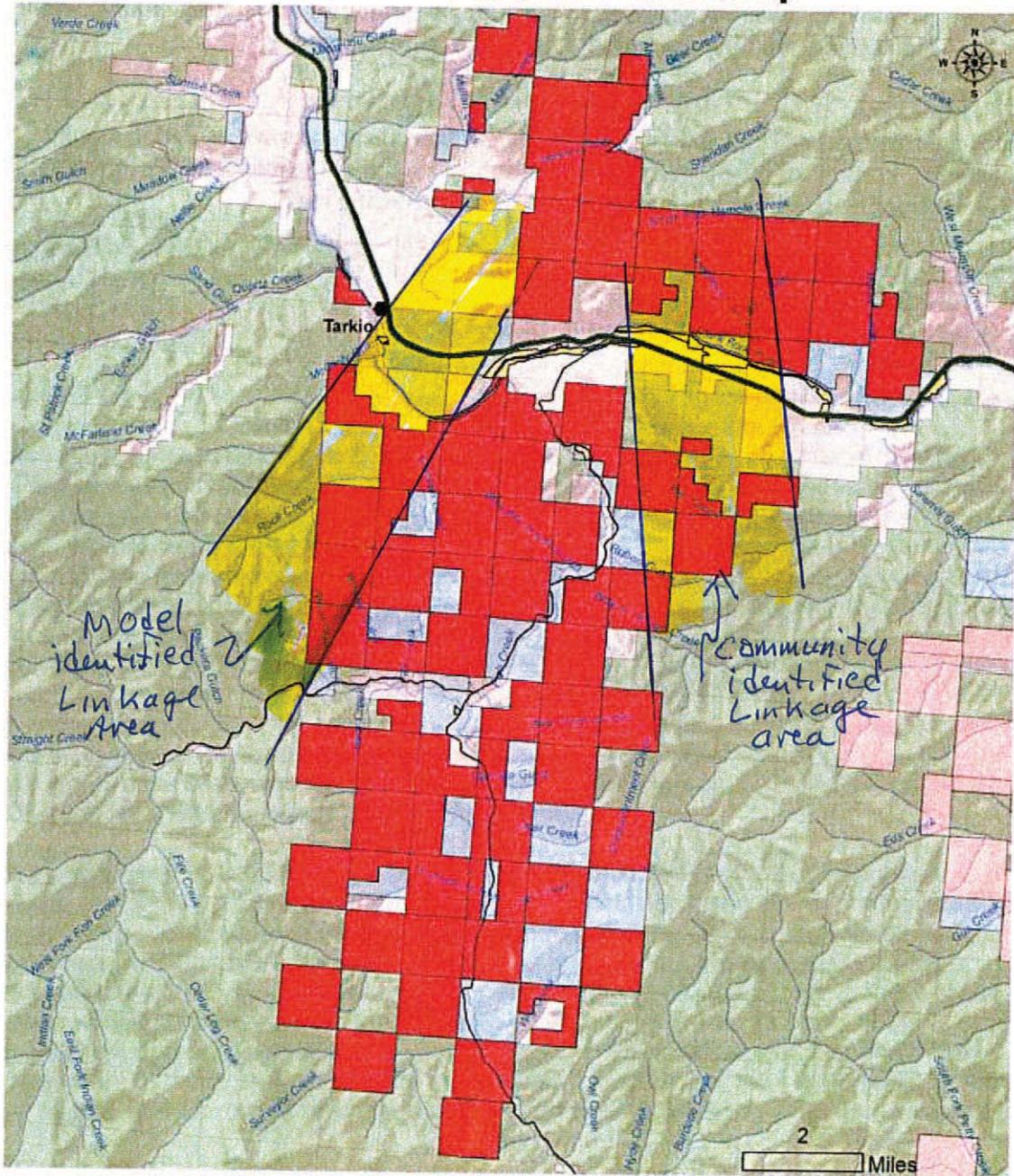
The management of linkage areas requires several considerations if these lands are to remain effective movement areas for wildlife including: 1) no additional site developments such as campgrounds, boat ramps or trailheads where human activity and human-related attractants like garbage and foods are concentrated; 2) no increase in motorized access routes or motorized use areas; and 3) maintenance or enhancement of visual cover in these areas so as to make wildlife more secure when they move through such areas. Looking at the management approaches outlined in your management plan document, it appears that management of these areas as wildlife management areas rather than state parks would be most appropriate for maintaining these areas as effective wildlife movement and linkage areas.

Thank you for the opportunity to comment on this most important issue.

Sincerely,

Christopher Servheen
Grizzly Bear Recovery Coordinator

Fish Creek Land Ownership



**Montana Fish,
Wildlife & Parks**

December 23, 2009
Data from: MFWP, TNC

Legend

- Main Fish Creek Roads
- The Nature Conservancy - Fish Creek
- The Nature Conservancy
- Montana Fish, Wildlife, and Parks
- Montana State Trust Lands
- US Forest Service
- Other Private

- To designate a large acreage state park in western Montana. State Park.
- Creates a natural recreation linkage with the Alberton Gorge.
- To provide enhanced access and recreation opportunities for hunting, hiking, angling, sightseeing, wildlife viewing, floating, trail use, and camping

1.3. Location

Located approximately 41 miles west of Missoula, Montana near the town of Tarkio along Interstate 90. Portions of the property lay both north and south of the interstate. The property FWP is considering purchasing is marked in red on the following map.

Township & Range of the Property in general terms:

12N, 25W:	All of Section 1.
13N, 24W:	Portions of Sections 6, 18, and 29. All of Sections 5, 7, 9, 17, 19, 21, and 31.
13N, 25W:	Portions of 1, 12 and 14. All of Sections 2, 3, 11, 13, 15, 23, 24, 25, 27, and 35
14N, 24W:	Portions of Section 3, 6, 8, 10, 11, 17, 20, and 31. All of Sections 5, 7, 9, 15, 18, 19, 21, 29, 32, and 33.
14N, 25W:	Portions of Sections 1, 2, 3, 14, 24, 26, and 35. All of Sections 11, 12, 13, 15, 22, 23, 25, and 27.
15N, 23W:	Portions of Sections 30 and 31.
15N, 24W:	Portions of 5, 8, 17, 18, 19, 28, 29, and 35. All of Sections 7, 20, 21, 22, 23, 24, 25, 26, 27, and 30.
15N, 25W:	Portions of Sections 1, 12, 13, 23, and 27.



1434 Jackson Street
Missoula, Montana 59802
PHONE 406 240-9901
FAX 406 829-1501

February 4, 2010

Mack Long, Regional Supervisor
FWP Region 2
3201 Spurgin Road
Missoula, MT 59804

Dear Mack:

Please accept the following comments on behalf of the Great Burn Study Group (GBSG). We appreciate the opportunity to comment on the Draft Environmental Assessment for a Montana FWP proposal to acquire a 34,000 acre Wildlife Management Area (WMA) and a 6,900 acre State Park in the Fish Creek drainage. GBSG is a local conservation organization based in Missoula. Our mission is to conserve the wild and remote character of the northern Bitterroot Mountains along the Montana/Idaho stateline. Fish Creek is of great importance to GBSG, not only because of its proximity to the proposed Great Burn Wilderness, but also because of the drainage's local and regional significance for wildlife and native fisheries.

As you know, national, regional and state government wildlife agencies and other organizations have identified the Fish Creek area as a high quality wildlife corridor and part of a regional wildlife movement zone linking the Selway-Bitterroot to the Northern Continental Divide and Selkirk-Cabinet-Yaak Ecosystems. Locally, Fish Creek is part of a wildlife linkage zone between the Ninemile Valley and the Fish Creek/Petty Creek area. In addition, a well-known wildlife movement area exists between Burdette Creek and the proposed Great Burn Wilderness which provides passage for elk moving to winter range. Also, the Fish Creek drainage is a stronghold for genetically pure westslope cutthroat trout and one of the few breeding areas for migratory bull trout.

GBSG supports FWP's proposal to acquire the acreage for the Wildlife Management Area and the State Park. We have some comments and concerns that are outlined below.

Our most pressing concern is about protecting wildlife and wilderness values for Fish Creek and for the proposed Great Burn Wilderness respectively. We are concerned

with enforcement in the WMA and the State Park, especially given that no additional staff will be hired. Fish Creek is adjacent to the proposed Great Burn Wilderness, which is identified in the Lolo National Forest Management Plan and Lolo National Forest Travel Plan as being closed to motorized use. We are concerned that, without enforcement, there may be illegal motorized incursions into the proposed Wilderness.

- We urge FWP to place priority on wildlife management for Fish Creek. We support the State Park acquisition but we question the level of development of the park and the potential recreational use, especially in riparian areas. Our concern is that recreation will encroach into the WMA, and as stated above, into the proposed Great Burn Wilderness.
- We fully support the WMA Seasonal Closure (12/1 -4/14) south of Deer Creek to provide secure habitat for wintering wildlife. We would like to see this area expanded to include the WMA's important forest carnivore habitat in the Surveyor Creek drainage.
- If the above isn't possible, please consider consolidating ownership with the USFS on the most south-westerly WMA parcels (six sections) in the Surveyor Creek drainage adjacent to the proposed Great Burn Wilderness. We suggest this would ease overall management of these parcels.
- We suggest that the MOU be amended to include the additional State Park parcels that are shown on the new map.

Thank you for the opportunity to comment. This potential acquisition represents a once-in-a-lifetime opportunity to protect the quality of life in western Montana and to maintain the core values that make western Montana such a special place. And for that we thank you for providing such outstanding leadership.

Sincerely,



Dale Harris
Executive Director



Beverly Dupree
Policy and Field Studies Director

cc: Debbie Austin, Lolo National Forest Supervisor, USFS
Sharon Sweeney, Ranger, Superior Ranger District, USFS
Chad Benson, Ranger, Ninemile Ranger District, USFS
Chris Ryan, Wilderness Specialist, Region One, USFS
Vickie Edwards, Wildlife Biologist, MTFWP

A-29



SINCE 1971

GREAT BURN STUDY GROUP

ATTN: Fish Creek EA

First I would like to thank the FWP for presenting their draft plan for the Fish Creek State Park and WMA on Feb 2nd at Superior High School. It answered a lot of questions.

Additional written comments following my verbal comments:

Suggested comments for the OHV routes in Fish Creek:

- 1. The OHV routes should be closed from Oct 15 to May 15 for hunting season, reduce soil erosion and wildlife disturbance. A route could be left open for handicap riders especially for war veterans.**
- 2. On roads closed to full size vehicles the existing gates could be altered to accommodate OHV 50 inches and less. Drive a rounds are a way of providing access for OHVs. WMTRA doesn't propose to close any open roads.**
- 3. WMTRA is not opposed to the WMA but is concerned about restrictions of motorized use in the WMA**
- 4. The following roads are gated and closed year around : Beaver Slough ,Wall Canyon, Winkler, White Horse, Bear Cr, Deer Creek, Lion Cr, Feather Gulch, Wig Cr. Some of these roads would be ideal for OHV routes and should be loops when possible.**
- 5. The only open roads off the main Fish Cr roads are Surveyors Cr, Thompson Cr, and Bear Cr Loop in the WMA. Williams Pass and Hay Cr in the recreation area.**

I cannot walk very far because of bad knees, so riding my ATV allows me to see lots of forested areas. That is why I would like to see some designated OHV routes in the Fish Creek Area.

Thank you for attention in these comments.

Robert Lamley

BOD WMTRA

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

41



BRIAN SCHWEITZER, GOVERNOR

STATE OF MONTANA

Telephone: (406) 542-4200
FAX: (406) 542-4285

SOUTHWESTERN LAND OFFICE
1401 27th Avenue
Missoula, Montana 59804-3199

February 16, 2010

*Rec'd 2-18-10
by mail*

Montana Dept. of Fish, Wildlife & Parks
Attn: Fish Creek EA
3201 Spurgin Rd.
Missoula, MT 59804

To Whom It May Concern;

The DNRC has completed its review of the Draft Environmental Assessment prepared for the DFWP's proposed acquisition of approximately 40,945 acres in the Fish Creek area for a State Park and Wildlife Management Area. The DNRC supports DFWP's acquisition of these lands and believes that should the Action Alternative be selected, that this will provide a significant opportunity for us to work with a sister state agency. In addition, we feel that having one large landowner rather than several smaller ones to interact with in Fish Creek will simplify the management of our parcels within the watershed.

Our concerns/comments regarding this proposal fall into two categories-those regarding the project as a whole, and specific comments regarding the draft EA.

Our most pressing concern with the project as a whole is in regards to the level of interaction that DFWP plans on having with the DNRC during the remainder of the development phase of this project and, if the Action Alternative is selected, upon DFWP's acquisition of ownership of the land. At the present time, DNRC owns 6524 acres (4% of the total) within the Fish Creek watershed, making us a major landowner in Fish Creek. In addition, the DNRC owns another 2281 acres within or adjacent to other lands included in this proposal. Within our holdings, the DNRC currently manages 7 cabinsites, have sold easements to both the Big Pine and Forks sites to DFWP and has plans to conduct timber management activities within the next ten years. As such, we believe that it is critical that the DFWP works closely with us during both the development of this project and, if the Action Alternative is selected, future management of the Fish Creek area in order to ensure that both agencies are able to conduct the full range of proposed and potential management activities in the most conflict free manner possible.

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The location of the proposed Park seems contradictory to the carnivore linkage zone and winter range objectives. Even with proposed mitigations indicated in the Interim Management Plan (Appendix B), an area with concentrated recreational use (equestrian, angling, camping, OHV, mountain bike, etc.), such as the Park, may impact use of that corridor by carnivores. Second, portions of the park occupy elk winter range, including areas designated as "critical" elk winter range (elk99 GIS layer obtained from MT FWP website). To bring the proposal more in line with (1) the proposed action's objectives, (2) objectives of the Pittman-Robertson Program, and (3) objectives of the Habitat Montana program, it would seem that a potential location for the Park with the least potential for conflict with the aforementioned action objectives would be on lands proposed for acquisition in T13N R25W, as there is less elk winter range, and no "critical" elk winter range habitat (elk99 GIS layer).

We are also concerned that DFWP plans any of their potential activities within the Fish Creek area in such a manner as to minimize conflicts between uses on DFWP ownership and our Recreational Use Rules when recreationists cross over onto School Trust lands or vice versa. We would like to see a discussion in the Final EA which discloses how the DFWP is going to work with all of the neighboring landowners in Fish Creek in order to ensure that any potential conflicts between each others rules and/or policies would be minimized.

The DNRC also believes that the Final EA needs to contain a discussion concerning the relationship of this property acquisition to other projects that DFWP may be undertaking within the area adjacent to Fish Creek. For example, the "Rails to Trails" project, if completed would pass through several parcels of DNRC land and may link the Fish Creek property up to other areas. Please disclose any interactions projects like this or others may have upon the proposed DFWP acquisition of the Fish Creek property.

The Draft EA is silent with regards to trapping. With an objective of preserving an important forest carnivore linkage zone, the final EA and/or Decision Notice should address the relevance of trapping to the proposed action's objectives, as well as to wolverine, a species of concern, and the Canada Lynx, a federally Threatened species. While there is no trapping season for Lynx in Montana, they are occasionally caught as non-target species in bobcat snares.

Our specific comments or questions regarding the draft EA are:

1. On page 9, the last bullet regarding the Habitat Montana funding-item "c) the implementation of habitat management systems that are compatible with and minimize conflicts between wildlife values and traditional agricultural, economic, and cultural values." The DNRC would like the Final EA to contain a more definitive description of what DFWP believes the traditional agricultural, economic and cultural values within the Fish Creek area to be and a more specific description of how DFWP would conduct their proposed management activities in order to minimize conflicts with these values.

2. Page 11, paragraph 5 the final sentence- "For the immediate future, no new FWP staff are planned to be hired to manage the property". The DNRC believes that the Final EA should contain a detailed description of how the DFWP intends to deal with the management and enforcement issues that are certain to arise with the expanded use of the Fish Creek area that is likely to result following the establishment of the proposed state park, increased trail systems etc. with their current staff. As DFWP wardens serve as the enforcement agents for the DNRC's Recreational Use Rules, we are concerned that any increase in activity on DFWP ownership, should the Action Alternative be selected, may reduce the ability of the current warden staff to meet our needs. In addition, as the two existing public campsites (Big Pine and Forks) are on our ownership, we are concerned that if DFWP expands the number of sites within the Fish Creek area the current maintenance staff may become overwhelmed and the care of our lands may be reduced.
3. Page 12, paragraph 2 under 3.1 Land Use-second sentence-"The vast majority of roads are abandoned logging roads with approximately 115 miles (22%) open to the motoring public. The DNRC requests that the DFWP explain the criteria used to determine what constituted an "abandoned" logging road. It is typical that following timber harvest, roads accessing sale areas may not be used, or are used sporadically, for many years until the area is re-entered for another harvest etc. The DNRC is concerned that roads which are merely not being used at the current time may have been misclassified as "abandoned".
4. Page 13- first paragraph, last sentence-"A complete inventory of road ownership will be completed by FWP to ensure roads are maintained by the appropriate party to ensure public safety and signed accordingly to direct public access." The DNRC requests that a proposed timeline for the completion of this inventory be included in the Final EA. In addition, the DNRC would like to see an assurance, from DFWP that the process of creating the road inventory would involve including all of the landowners within the project area. We believe that failing to do so might result in errors within the inventory that might preclude or otherwise make it more difficult for other landowners to conduct current and future management activities within the Fish Creek area.
5. On page 13 of the Draft EA, there is discussion regarding timber management under the proposed action. Specifically, management effects on woody forage for big game. It is our understanding that Wildlife Management Areas are to be managed for all wildlife. As many of the lands proposed for acquisition do not have an immediate need for timber harvesting due to past harvest or fire, DNRC would recommend development of a long term timber management plan for the affected lands that is in accordance with the two wildlife objectives of this proposed action:
 - a. Protect and enhance critical winter range and other seasonal habitats for a diversity of wildlife; and

- b. To preserve an important forest carnivore linkage zone between the Ninemile Divide and Selway-Bitterroot Wilderness.

In addition, the DNRC would like to see the Final EA contain a discussion of the Fiber Supply Agreement between Plum Creek and The Nature Conservancy and any affect that the agreement may have on these lands if DFWP does acquire them.

6. Page 21-paragraph 7-last sentence-"Commercial fishing and hunting outfitting would not be permitted on any portions of the wildlife management area'. While we currently do not have any licensed outfitting occurring on our lands within the project area, nor have we had any requests in the recent past, should such a request be made, the DNRC would certainly consider approving it. If this were to occur, particularly on lands within the WMA boundary, the DNRC is concerned that conflicts may occur between the agencies. In order to meet our fiduciary responsibility to our trust beneficiaries, the DNRC would be reluctant to forego an opportunity to generate revenue from the licensing of a responsible outfitter within this area. Therefore, we request that the DFWP address any concerns and possible solutions they might have, should this situation occur, in the Final EA.
7. Page 23-paragraph 6-"In conjunction with any acquisition, except that portion of acquisitions made with funds provided under 87-1-242(1), FWP is required to include 20% of the amount of purchase price or \$300,000 whichever is less, to be used for maintenance of the property, consistent with the good neighbor policy (87-1-209 MCA)." The DNRC requests that the Final EA contain a much more detailed description of the type of account this money would be held in, what types of "maintenance of the property" activities would be authorized expenditures of these funds, how long would this account last and how would these funds be replenished as or when they are exhausted? In addition, we would like the Final EA to include an expanded explanation of DFWP's "good neighbor policy" and how this would be implemented in DFWP's management of the area and interaction with other landowners in Fish Creek.

Our comments specific to the DRAFT Preliminary Management Plan are:

1. Page B-4-paragraph 2-last sentence-"Potential future opportunities would attract new users/user groups providing potential economic benefit to Mineral County and could include trail systems, hut-to-hut hiking, biking and cross-country skiing, a fire lookout rental, equestrian campground, and expanded camping opportunities to meet increasing demand in the Alberton Gorge and Fish Creek areas." The DNRC is concerned that given this increase in activity in the Fish Creek area, and that DFWP has no plans to increase their staff- that conflicts between recreationists and our activities are, unfortunately, quite likely to occur. We are concerned that in order to ensure that recreationists are aware of the need to posses Recreation Access Permits on trust lands for activities other than hunting and fishing that we may be required to purchase, install and maintain

signage on the boundaries of our lands. Should the number of non-hunting and fishing recreationists within the area increase, it is most likely that it would require a greater enforcement of the Recreational Use Rules on our ownership for what is likely to be an already over-extended DFWP enforcement staff. DNRC also has a concern that many of these proposed activities might require easements, permits or licenses on or across trust lands and would like to see an analysis of the potential number of these that we may be required to process discussed in the Final EA. Timber management remains one of the primary revenue generating activities that DNRC will continue to conduct in the Fish Creek drainage and we would like to see an analysis of the potential for and solutions to any conflicts between increased numbers of recreationists and logging activities including truck traffic on the Fish Creek Road contained in the Final EA.

2. Page B-9-paragraph 3-second sentence-“For the first 3-years, MFWP would close the area delineated in Appendix F from December 1st through May 14th to all public access to provide security for wintering wildlife. (the boundary is contingent on a cooperative agreement with DNRC.)” The DNRC was not aware of this plan until we reviewed the Draft EA and have several concerns regarding this closure. We believe that this would again create an increased demand on DFWP’s enforcement staff and would like to see a discussion of DFWP’s plans for administering this closure included in the Final EA. In addition, we have a concern that we may not be able to complete the process required to enact this closure by December 1, 2010. This would also place an additional workload on DNRC staff that we may not be able to support.
3. Page B-13-7.4 **Camping-Management Strategies**-Item c)- A vehicle accessible front-country equestrian campground near the confluence area of the South and West Forks of Fish Creek.” It would appear that DFWP may be suggesting an expansion of the Forks FAS which is on DNRC ownership. In addition, DNRC has an existing Cabinsite located in the immediate vicinity of the Forks FAS. DNRC would like to see a more in-depth discussion for the location, size and design of any campground planned in this area contained in the Final EA.
4. In the Draft Preliminary Management Plan, there is discussion with respect to the impacts of recreation on wildlife (Sections 5.2 and 7.1). The document states that “Providing intact, high quality, secure winter range is important for wintering elk and deer” (Section 5.2 page B-9). However, the only portion of the lands subject to closure occurs in the southeast portion of Fish Creek, south of Deer Creek, on the WMA. There should be justification in the Final EA detailing why the same protections would not be afforded to “critical” elk winter range contained within the Park’s proposed boundaries. FWP may want to consider extending such closures to equestrian use as well. Naylor et al. (2009:334) hypothesized that reduction in elk travel during horseback riding could indicate either a habituation to horseback riding or elk could be avoiding areas near horseback routes. In the case of habituation, Thompson and Henderson (1998) reported an increasing occurrence of elk not responding to predictable and harmless human activities on

winter ranges in the urban fringe. They noted that the habituation response was an adaptive behavioral strategy promoted by the need to conserve energy and find unutilized resources. Tolerance, or habituation, may be misleading as MacArthur et al. (1982 *in* Canfield et al. 1999) and Stemp (1983 *in* Canfield et al. 1999) reported increased heart rates of bighorn sheep at the appearance of human intruders in their habitat. In the case of the latter hypothesis (avoidance), this could result in a loss of habitat. Naylor et al. (2009:334) also noted that, in the case of the latter hypothesis, such response by elk was noted to ATV treatments over time by Preisler et al. (2006).

Canfield, J. E., L. J. Lyon, J. M. Hillis, and M. J. Thompson. 1999. Ungulates. Pages 6.1-6.25 *in* G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Committee on Effects of Recreation on Wildlife, Montana Chapter of The Wildlife Society

Naylor, L. M., M. J. Wisdom, and R. G. Anthony. 2009. Behavioral responses of North American elk to recreational activity. *Journal of Wildlife Management* 73:328-338.

Preisler, H. K., A. A. Ager, and M. J. Wisdom. 2006. Statistical methods for analyzing responses of wildlife to human disturbance. *Journal of Applied Ecology* 43:164-172.

Thompson, M. J. and R. E. Henderson. 1998. Elk habituation as a credibility challenge for wildlife professionals. *Wildlife Society Bulletin* 26:477-483.

We would like to thank you for allowing us to provide our comments on this proposed land acquisition. Should the Action Alternative be selected, DNRC looks forward to working with you in addressing the issues we have brought to your attention in our comments.

Should you need any further information regarding DNRC's comments please contact:

Jonathan Hansen, Missoula Unit Manager-542-4309 jehansen@mt.gov

In addition, please consider Mr. Hansen to be the DNRC's principal point of contact for you as you continue working on this project.

Sincerely;



Anthony L. Liane

Area Manager

Southwestern Land Office

Montana DNRC



February 16, 2010

Mack Long, Region 2 Supervisor
 Montana Fish Wildlife and Parks
 3201 Spurgin Road
 Missoula, Montana 59804

RE: Fish Creek EA

Dear Mr. Long,

The Clark Fork Coalition appreciates the opportunity to write in support of Montana Fish Wildlife and Parks' (FWP) proposed Fish Creek Project in the middle Clark Fork watershed. The Proposed Action to purchase 40,945 acres from The Nature Conservancy offers immense opportunities for creating healthy waters, providing critical fish and wildlife habitat, and allowing Montanans to enjoy and access this key reach of the middle Clark Fork watershed. However, the Coalition strongly encourages close collaboration between the Parks division and the Fish and Wildlife division within the Department to ensure the Fish Creek Project carefully balances habitat preservation values with recreational values on this important landscape.

The Clark Fork Coalition is an organization supported by 1,500 members dedicated to protecting and restoring the 22,000 square-mile Clark Fork River watershed. The sections proposed for purchase in the Environmental Assessment include lands that border vital portions of Fish Creek, the largest tributary to the middle Clark Fork River and one of the best native trout strongholds in the entire basin. This drainage is important habitat for the threatened bull trout as well as the myriad fish and wildlife that need clean waters and intact lands to survive and thrive. **We support the Fish Creek Project because it will maintain clean, connected waters and preserve a large unfragmented landscape**, which will augment habitat restoration and recovery efforts underway from the Clark Fork River's headwaters near Butte to its mouth at Lake Pend Oreille.

The Clark Fork watershed's communities and economies depend upon clean water, and treasure the way of life that comes with keeping Montana's open lands "open." Many of the Coalition's members enjoy the recreational opportunities associated with the lands proposed for purchase by FWP. By acquiring this large chunk of previously owned Plum Creek lands, **the State of Montana will enhance public access to natural resources for recreation opportunities such as fishing, hunting, and boating.**

The Coalition is also excited about the possibilities for protecting and restoring the habitat in the Fish Creek drainage. We hope the proposed project will encourage current restoration efforts underway, and provide more opportunities to restore heavily logged areas, improve fish passage, and enhance water quality and habitat through road removal and riparian restoration projects. Plus, it protects sensitive streamside lands from the threat of private development by transferring the lands to state ownership.

PO Box 7593
 Missoula, MT 59807
 406/542-0539 Phone
 406/542-5632 Fax

However, we don't believe that the proposal to create a state park on more than 7,000 acres of the Fish Creek Project area is consistent with the following stated objectives of the Proposed Action: maintaining critical bull trout and westslope cutthroat trout habitat; protecting and enhancing habitat for a diversity of wildlife; and preserving an important linkage zone for carnivores. The proposed park includes extensive infrastructure development, including roads, different types of motorized and non-motorized trails, campground facilities, lookouts, and components for commercial ventures. This type of park development is incompatible with the conservation objectives. It's also unnecessary, as it conflicts with many of the existing non-developed recreational values our members wish to preserve and maintain in the Fish Creek drainage.

The Coalition strongly urges the Department to re-evaluate the need for creating such an expensive and extensive state park in the proposed project area. We believe the Fish Creek land, once purchased from The Nature Conservancy, would better balance the public's recreation needs and fulfill potential for fish and wildlife habitat as a state Wildlife Management Area that supports recreational activities more consistent with the conservation goals for this property. While we recognize that heavy public use near the Fish Creek/Clark Fork confluence along the Alberton Gorge may require FWP to develop additional park and campground facilities in the future, the Coalition hopes that FWP will look at alternative sites for this park development, such as land along Interstate 90 at Cyr.

Overall, we are in full support of FWP purchasing the Fish Creek Project lands. The proposed acquisition would protect our native trout, create efficient management models by consolidating public land ownership, and maintain important recreation opportunities for our watershed's residents. Plus, the funds to purchase this land will be leveraged several-fold through the Montana Legacy Project as part of a diverse array of investments from public and private monies, which shows a strong community commitment to protecting western Montana's vital landscapes.

The Coalition applauds the efforts of FWP, and commends the Department's efforts to maintain working landscapes that protect our watershed's celebrated rivers and streams, as well as the fish, wildlife, and communities they support. Thank you for your time, and please feel free to call me with any questions on these comments.

Sincerely,

Brianna Randall
Water Policy Director

Mack Long
Regional Supervisor
FWP Region 2,
3201 Spurgin Road,
Missoula 59804

February 17, 2010

Attn: Fish Creek Environmental Assessment

Please accept these comments on behalf of Wildlands CPR regarding Montana Fish, Wildlife & Parks' Environmental Assessment (EA) analyzing the proposal to acquire a 34,000-acre Wildlife Management Area and a 6,900-acre State Park in the Fish Creek drainage west of Alberton, in Mineral County.

Wildlands CPR works to revive and protect wild places by promoting watershed restoration through road removal, preventing new road construction, and stopping off-road vehicle abuse. We work cooperatively with diverse communities to protect and restore our remaining wild places while fostering a growing citizenry that supports our goals.

We fully support the proposal to purchase via fee title 40,945 acres from The Nature Conservancy (TNC), and especially the creation of a Wildlife Management Area. However, we are concerned about specific management direction within these lands if they are indeed purchased by the state of Montana. Specifically, the EA explains, “[a]cquisition of the property would also have potential for expanding recreation opportunities in the area...,” (p. 4). We are concerned about this potential expansion as it relates to motorized vehicle recreation.

Our organization works closely with federal land managers within the Forest Service to help properly manage off-road vehicle use and feel that many of our positions and resources apply to state lands as well. Wildlands CPR promotes ecologically sound and fiscally responsible policies in order to properly manage impacts from motorized recreation. Towards this end we created a set of guidelines for federal land managers to use in designating roads, trails and areas for off-road vehicle use titled, “Best Management Practices for Off-Road Vehicle Use on Forestlands: A Guide for Designating and Managing Off-Road Vehicle Routes.” While these were written with federal policies in mind, many of these BMPs are applicable to state lands. These represent a comprehensive approach to manage motorized recreation and could help Montana FWP identify and develop an ecologically sustainable management plan for motorized recreation. We would be happy to assist in adapting and applying these BMPs on state lands.

While the scope of this EA does not address specific management activities in the event that the acquisition is approved, it did provide an Interim Management Plan (IMP). However, there appears to be some contradictions within the management plan and also in comparison to the EA. For example:

- In terms of recreation the EA explains that the proposed action for the 41,000 acres, “...will preserve opportunities for recreational activities at the property such as: hunting, hiking, angling, motorized use on open routes...,” (emphasis added, p.21).

- The IMP states that, “Motorized travel would be restricted to the open-road system (Appendix E) to limit human disturbance,” (p. B-9). This statement appears in the wildlife management section under a paragraph explaining direction for the WMA (Wildlife Management Area). However, it is unclear if this direction is exclusive to the WMA.
- In section 7.1 on public access the IMP states, “In the interim 36 months, restrict motorized travel to open routes as depicted in Appendix E...,” (p. B-12). Appendix E is the socio-economic assessment and there was no depiction of open routes.
- In section 7.2 on public use regulations the IMP states, “Restrict motorized travel to open roads (Appendix E)...,” (p. B-12).
- In section 7.7 on trails the IMP states, “In the interim 36 months, restrict motorized travel to open routes as depicted in Appendix E...,” (B-14).
- In regards to the section titled *Strategies to Address Concerns of Overlapping Wildlife, Fisheries & Recreation Resource Values* the IMP states, “OHV trail use occurring on the State Park unit could tie into open-roads on the WMA,” (B-22).

In reading these statements, it appears the intent is to allow motorized use only on roads in the WMA, but this is not clear and should be explicitly stated given the language in the proposed action. Additionally, it appears that the intent is to continue motorized use on routes though there is no definition for a route provided in the EA; this is problematic especially given the that Appendix E did not illustrate where these routes occur.

The IMP should only allow motorized travel on roads, and trails that were specifically designed and built for motorized recreation; it should prohibit travel on any user-created routes as well as cross-country motorized use. In the event that FWP wishes to connect “OHV” trails to open roads in the WMA, we urge that agency officials apply our BMPs before approving such action to ensure motorized use does not negatively impact water quality or aquatic and wildlife resources.

Finally, we urge that FWP officials to use our BMPs in developing a final management plan for any newly acquired land authorized through this analysis.

Sincerely,
 /s/Adam Rissien
 Montana ORV Coordinator
 Wildlands CPR

Enclosed:
 Best Management Practices for Off-Road Vehicle Use on Forestlands: A Guide for Designating and Managing Off-Road Vehicle Routes

Sent via email and US Postal Service

February 17, 2010

Montana Fish Wildlife & Parks Region 2
 Attn: Fish Creek EA
 3201 Spurgin Road
 Missoula 59804



Re: Comments on proposed land acquisition for the Fish Creek WMA and Fish Creek SP

I. Introduction

Hellgate Hunters and Anglers (HHA), a western Montana hunting and fishing organization, appreciates this opportunity to comment on the proposed land acquisition in the Fish Creek area within Mineral County, Montana. With more than 250 members working to conserve Montana's hunting and fishing heritage and living near the proposed Fish Creek acquisition, HHA welcomes this opportunity to offer our comments and suggestions. HHA's leadership and members know firsthand that few if any places are more important to Missoula area sportsmen than the greater Fish Creek area.

II. Support for Acquisition

HHA strongly supports the acquisition of 40,945 acres in the Fish Creek area by Montana Fish Wildlife and Parks (MWFP). When Plum Creek Timber Company became an REIT and openly began marketing lands that for years were seen and used as de facto public lands, sportsmen and sportswomen were naturally concerned about the future of Fish Creek's fish and wildlife resources and the hunter and angler opportunities associated with them. We believed then as we do now that public ownership by MFWP will be the best use of this land to ensure long term public access and continued high quality fish and wildlife habitat.

However, HHA believes the proposed acreage for the state park is excessive and we urge MWFP to modify the preferred alternative by significantly reducing the acreage of the proposed Fish Creek State Park. We believe a much smaller state park and a larger wildlife management area (WMA) will better serve the local communities and western Montana public than the acreages currently proposed in the EA.

III. WMA Acreage should be expanded. State Park acreage significantly reduced.

First, we support establishing a significantly smaller state park that is large enough to house a campground. The size and location of that campground should appropriately consider and address the importance of the area as linkage for wildlife movements between the Northern Continental Divide System and the Selway-Bitterroot System. Likewise, the size, design and

location of any developed sites must fully consider the importance of Fish Creek and its tributaries for bull trout and westslope cutthroat trout. For logistical reasons it would appear wise to have the campground in the northernmost portion of the proposed purchase area south of and close to Interstate 80. HHA believes that by designating a large state park in the Fish Creek drainage, MFWP would not be managing for restoration and enhancement of this extremely important and valuable fish and wildlife habitat and public recreation area. The purposes of a large state park conflict with the historical and current public uses of Fish Creek, the wishes of many local residents and western Montana sportsmen. A significantly smaller and wisely located state park combined with a larger WMA would be a better fit for the public uses and fish and wildlife values of the Fish Creek area.

According to Administrative Rules of Montana (ARM) 12.8.102, the sole purpose of a state park is: "To provide high-quality recreation experience distinctive and notable enough to attract people on a state, regional, or national basis." This is not a desired management direction for over 7,000 acres of land in the lower Fish Creek drainage.

According to the EA, the Fish Creek area provided nearly 70,000 deer and elk hunter days to sportsmen in 2008. The Fish Creek drainage is also known by anglers throughout Western Montana for being a high quality fishery that provides outstanding angling opportunities for native Westslope cutthroat trout.

This drainage, including the area included in the proposed acquisition, has been providing sportsmen with high quality outdoor experiences for generation, yet the purpose and management direction for state parks would likely provide threats to those sought after experiences with increased levels and types of human and pet activity. A state park will mean increased pressure from multiple activities such as off road vehicle (ORV) recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival¹. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state.

Even if a management plan were developed for the proposed Fish Creek state park that sought to maintain high quality fish and wildlife habitat and public hunting and fishing as the primary objectives, the purpose and direction of the Montana state park system would ensure that

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Naylor, Leslie M., Wisdom, Michael J., and Anthony, Robert G. 2009. Behavioral Responses of North American Elk to Recreational Activity. *Journal of Wildlife Management* 73(3):328-338, 2009.

Cole, E. K., M. D. Pope, and R. G. Anthony. 1997. Effects of road management on movement and survival of Roosevelt elk. *Journal of Wildlife Management* 61:1115-1126.

Kirk J. Shively, A. William Alldredge, Gregory E. Phillips, McCorquodale. Elk Reproductive Response to Removal of Calving Season Disturbance by Humans. *Journal of Wildlife Management* Jul 2005 : Vol. 69, Issue 3, pg(s) 1073-1080.

development threats would always pressure the state park in ways that were bad for sportsmen, fish and wildlife. The fact that residential and recreation lots are currently being sold near the Fish Creek Exit strongly suggests that a growing Mineral County population will mean increased demands for ORV trails and other forms of recreation. Those pressures would threaten the continuity and effectiveness of fish and wildlife habitat and diminish qualities of the landscape that have contributed for decades to the enjoyment of our outdoor traditions in Montana. Fortunately, we have an opportunity to safeguard the long-term future of the Fish Creek area through a larger WMA designation and a greatly reduced footprint and management emphasis for more and different types of uses.

It should also be noted that the deer and elk herds in Fish Creek are in need of restoration. While Fish Creek still provides quality hunting and fishing opportunities, overly harsh land management practices of the past have negatively impacted the habitat values of the drainage. These fish and wildlife values can be restored and enhanced through the proper holistic management of the Fish Creek drainage, but HHA does not believe that a state park sets a positive course for fish and wildlife restoration, but instead would focus on activities that would have negative impacts on fish and wildlife. While a state park is superior to private ownership and development, a WMA is a better solution because it would focus on maintaining and restoring Fish Creek's fish and wildlife values for the benefit of the public regardless of most external pressures. This can clearly be seen in the primary goal of Montana's WMAs, which is to "maintain vital wildlife habitat for the protection of species and the enjoyment of the public."

Further, of the funds being used to purchase the property, Habitat Montana and Pittman-Robertson dollars can only be used for the WMA. The Access Montana money can be used for either a WMA or a state park. According to the MFWP website, "Access Montana was created to improve access to state and federal lands and to help reduce the conflicts that arise when sportsmen utilize public lands." With the exception of a campground at the north end of the acquisition, it seems strange that use of Access Montana funds is being proposed for a state park, when in fact a state park would likely increase the conflicts that arise when recreationists use public lands through the development activities stated above. A WMA, on the other hand, would decrease conflicts for sportsmen and would be a better use of the Access Montana program funds.

III. Specific Comments

1. The Fish Creek EA inappropriately pre-decides future decision making:

The Draft Management Plan states the following:

Management Strategies: Begin developing (with public involvement) a final management plan, which would provide for the following:

- a) An appropriate number and distribution of front-country and backcountry campsites and/or areas.
- b) A vehicle accessible front-country fee campground in the northern portion of the Fish Creek drainage.

c) A vehicle accessible front-country fee equestrian campground near the confluence area of the South and West Forks of Fish Creek. (Draft Preliminary Management Plan, B-13)

This statement is inappropriately pre-deciding the future development of the management plan by stating that the final management plan “**would**” include a fee equestrian campground, fee campground, and front and backcountry campsites. Based on public comments, budgetary constraints, fish and wildlife habitat requirements, etc...MFWP may find that these facilities are not practical, prudent and/or wanted. For this reason, the draft management plan should state that the final management plan “**may**” provide for these facilities.

2. Hunting Access Concerns:

The EA states that “Within the State Park, implement a hunting access system that allows MFWP to monitor and regulate hunting activity and establish conditions that allow hunters and non-hunters to safely share recreational resources.” (Draft Management Plan, B-14)

What kind of “hunting access system” is MFWP contemplating for the proposed 7000+ acre State Park? HHA can understand the need for reasonable safety buffers around a campground, but how does MFWP intend to “monitor and regulate” hunting activity. Will there be a lottery system for access, a sign in box, or some other system such as what we currently have in the Rattlesnake drainage north of Missoula? HHA strongly encourages MFWP to retain an open hunting access policy for the lands and not restrict access in anyway, with the exception of a reasonable safety buffer for front-country facilities.

3. Commercial Outfitting

The EA is explicit in several places that outfitted hunting and fishing would not be allowed on the WMA, however, the EA seems to mistakenly state that hunting outfitting would be allowed on the state park. The EA states: “Commercial uses such as hunting and fishing, mountain bike concession or other public private partnerships could be permitted on the state park component in accordance with MFWP commercial use rules.” (EA, page 21)

However, MFWP’s Commercial Use Rules are explicit that all commercial hunting outfitting is prohibited on all department lands, not just WMA’s. The Commercial Use Rules, ARM 12.14.115, state that: “Commercial hunting outfitting is prohibited on all department land and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas.” Given FWP’s Commercial Use rules, the EA should explicitly state that no commercial outfitting would be allowed on either the WMA or state park.

While commercial fishing outfitting could be allowed on the state park, the sensitivity of native bull trout and Westslope cutthroat trout in Fish Creek should make the department exclude commercial angling outfitting in the state park in addition to the WMA.

4. Recreation and wildlife conflicts:

The Draft Preliminary Management Plan states that “Overlapping land acquisition priorities occur in the northern portion of the Fish Creek drainage and are focused primarily on

conflicting wildlife and recreation resource values.” (Draft Preliminary Management Plan, B-20) Specifically, what are the wildlife values and recreation values that are in conflict and why are fish and wildlife being subordinated to the values of a large state park in the northern portion of the Fish Creek Drainage. The effectiveness of management in the WMA is in some large part tied to maintaining continuity of the habitat and managing human uses to retain its effectiveness in providing the various attributes needed by wildlife. The size and shape of the park portion and the miles of common border with the WMA portion will degrade the effectiveness of the WMA.

5. Motorized use:

According to the Draft Preliminary Management Plan, motorized vehicle use would not be allowed on trails, stating that “On WMA properties, trail systems, as opposed to open road systems, will be limited to non-motorized travel” (Draft preliminary Management Plan, B-22). Meanwhile, it appears that trails for ORV use could not only be allowed on the state park, but would be planned for the state park as indicated in the Draft Preliminary Management Plan on page B-22, “ORV trail use occurring on the State Park unit could tie into open-roads on the WMA.”

HHA strongly encourages MFWP to only allow ORV use on open road systems for both the state park and the WMA. All lands in the proposed acquisition are important to and used by a variety of wildlife, and ORV trails in the proposed Fish Creek acquisition area would have a significant impact on effectiveness of wildlife and the quality of hunting experiences. ORV management indications laid out in the Draft Preliminary Management Plan represent a core issue, highlighting the fundamental management differences between state parks and WMAs and the conflicts likely to be created. Recreational activities such OHV use on trails are clearly being offered as an acceptable activity for the state park, while the WMA will not consider these kinds of activities because WMA’s are managed for wildlife first, not recreation. As we have stated previously in these comments, the lands in the proposed acquisition are of paramount importance for fish, wildlife, and sportsmen, and the management objective for the Fish Creek area should be to “maintain vital wildlife habitat for the protection of species and the enjoyment of the public.”

5. Additional State Park Lands

One Feb 1, MFWP published a revised Appendix A, which adds about 800 acres to the proposed park. Why was this revision included 11 days after the release of the draft EA without any explanation? Also, why are the additional lands included in the proposed State Park area?

6. State Park Facilities

HHA recognizes that certain developed recreation facilities such as campgrounds, can be located, designed and managed to mitigate adverse impacts on dispersed recreation and also provide important camping opportunities. With this in mind, HHA encourages MFWP to limit the facilities to the following: 1.) places to pitch a tent or park a camper, 2.) vault toilet, 3.) fire rings, and 4.) a bear-proof dumpster.

The following is a non-comprehensive list of facilities and amenities, often provided at other state parks in Montana, that we don't consider appropriate or needed in the Fish Creek drainage if a state park is established: electrical hookups, RV dump stations, showers, flush toilets, pavilions, horseshoe pits, Frisbee golf courses, playgrounds, firewood vendors, visitor center, food concession, boardwalks, yurts, cabins, huts, and comfort stations.

IV. Conclusion

Thanks you for the opportunity to comment on the proposed 40,945 acre Fish Creek acquisition. HHA's membership realizes and values the importance of the Fish Creek area for fish, wildlife and hunting and angling opportunities. While HHA strongly supports the MFWP Fish Creek acquisition, we believe the acreage of the state park should reflect the minimal amount of acres required for campground facilities while leaving the remaining acreage to be managed as a WMA. A state park of more than 7,000 acres is excessive compared to any demonstrated or predicted recreational needs in the Fish Creek drainage. On the other hand, a WMA, significantly larger than what is proposed, would greatly enhance the scale and effectiveness of available wildlife habitat and would provide continuing and likely enhanced recreational opportunities for those seeking what the Fish Creek drainage has historically provided so well. HHA looks forward to working with you on this important acquisition.

Sincerely,



Tim Aldrich
President - Hellgate Hunters & Anglers
PO Box 7792
Missoula, MT 59807
Hellgatewildlife@yahoo.com

CC:
MFWP Director Joe Maurier
MT Governor Brian Schweitzer
MFWP Commission
Mack Long
Mike Volesky



Main Office

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(406) 543-0054

16 February 2010

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Lee Bastian
Parks Division
Montana FWP
3201 Spurgin Road
Missoula, MT 59804

Re: EA for acquisition of TNC lands for Fish Creek WMA and State Park

Dear Lee:

Thanks for the opportunity to comment on the EA for the proposed FWP acquisition of 40,945 acres in the Fish Creek drainage from The Nature Conservancy. And thanks for taking the time last week to meet with me and other local sportsmen. The Fish Creek drainage has been used extensively for years by TU members for fishing, hunting, hiking and camping. Because of the high-quality angling opportunities available in the watershed, as well as its importance to native bull trout and cutthroat trout, securing as much of the Fish Creek drainage for conservation purposes and promoting habitat restoration within the watershed are priorities of our organization. As you know, TU staff have been working with FWP on watershed restoration activities in the drainage, including decommissioning old roads and eliminating fish passage barriers at road crossings. We believe that restoration of damaged watershed function when coupled with the existing high-quality headwater streams in the drainage, such as Cache Creek, and the North and West Forks, will contribute to a much brighter future for dwindling native trout in the middle Clark Fork region.

We strongly support FWP acquiring the nearly 41,000 acres from TNC. Securing these tracts for fish and wildlife conservation, as well as for fishing, hunting and other recreation makes eminent sense, and it appears to have much popular support.

We do not, however, support the proposal to make more than 7,000 acres of the watershed a state park. We believe the acquired acres should be managed as a wildlife management area, with potential development limited to only the minimum necessary for parking or trail or road improvement. That would be more consistent with the public's expectation for the area. Basically, FWP should manage the area for the status quo, while enhancing its fish and wildlife habitat through active restoration and providing for only necessary trailhead or trail development. This would help secure and improve the existing hunting and angling opportunities in the area.

The idea of a state park on the acquired tracts does not make sense for a number of reasons:

There is no demonstrated public need for a state park in Fish Creek. Though the need to secure fish and wildlife habitat is indisputable, FWP has not provided a demonstration of a need for a state park. The two reasons FWP staff have given us for the park are: 1.) the agency director wants a park there; and, 2). FWP needs to establish a campground in the area to accommodate recreational use in Alberton Gorge. Neither reason is compelling enough to necessitate a new park. Though we won't dispute FWP's

contention that a campground might be needed in the area, it doesn't have to be within the boundaries of the TNC tracts. According to both FWP staff and local land trusts, alternative sites exist for purchase closer to the Interstate near Cyr. These sites, unlike those FWP is contemplating on the northern end of the Fish Creek TNC tracts, are not within critical winter range, nor are they in the vicinity of an identified movement corridor for forest carnivores. It seems counter-intuitive for an agency that works with private landowners and developers state-wide to reduce the effects of development on wildlife habitat to in turn purchase critical habitat and then create its own conflicts with development.

Purchase of this property should not hinge on creating a park just because Access Montana money is being proposed for the funding mix. We have been told that because Access Montana money – which, at last report, would account for about 16 percent of the purchase price – is part of the acquisition funding, that the deal must include a park. However, Access Montana money is not limited to purchasing lands for new parks. In fact, the fund, which Montana TU lobbied for at the 2007 Legislative session, was to be used primarily for purchases that enhance access for hunting and angling. FWP'S website says this about the purpose of Access Montana money:

Access Montana was created to improve access to state and federal lands and to help reduce the conflicts that arise when sportsmen utilize public lands. Program funding is used for agreements that provide access corridors to public lands, landowner incentives like fencing, cattle guards, and water crossings on access routes, signing to indicate public/private land boundaries, and increased patrolling where appropriate. FWP relies on a cooperative approach that considers the needs of landowners, sportsmen, and land managers to resolve conflicts over access to state and federal lands.

This description is exactly how we remember FWP sold the program to legislators in 2007. Nothing in this description says that Access Montana money is to be used for creation of new parks. However, we recognize and respect that the governor has discretion to use the money for park acquisitions, and we believe that this can be appropriate. Still, it's indisputable that using Access Montana money for purchasing land for a WMA in Fish Creek markedly improves access to public and state lands for fishing and hunting. Because Pittman-Robertson and Habitat Montana money are funding the lion's share of this acquisition, it is reasonable to expect FWP will ensure that it won't degrade the wildlife and fishery habitat values that these funding sources are securing. It is possible the idea of the park, at least as proposed, could conflict with the purposes of Pittman-Robertson purchases.

The state park will conflict with fish and wildlife values. FWP biologists have identified most of the proposed state park area as winter range. Further, agency biologists have determined that important forest carnivores such as lynx have established movement patterns across the Clark Fork in and out of the northern part of the park, including in the vicinity of the proposed campground. FWP fisheries and wildlife staff have also identified the riparian communities in the park as being important for both fish and wildlife. It doesn't make sense to us to purchase the property for fish and wildlife conservation, then construct, as FWP is contemplating, two large campgrounds, equestrian trailhead facilities, motorized roads/trails, a hut-to-hut Yurt system and a lookout rental program. It makes less sense to do this if use of these facilities will require special regulations and closures to accommodate wildlife. We understand that a final park plan has not been developed, and that the public will have an opportunity to weigh in on that later. However, we also believe the temporary plan as described in the EA could very well prejudice the final plan, thereby ensuring nonconforming development occurs. We conclude the department is already assuming there will ultimately be significant build-out for the park and that the potential for conflicts is significant and real, and that this is why FWP's Wildlife and Fisheries Division

had to negotiate a signed MOU with its colleagues in the Parks Division. This is the first time we have ever seen an MOU between two divisions in the same agency included in an Environmental Assessment. It is very unusual.

The timing for the State of Montana to create a new, large state park is not very good. Because the State of Montana's budget is in flux, and the state could be facing a deficit for the next fiscal year, it doesn't seem to be the right time to create new parks that will require large annual expenditures for operations and maintenance. Nor, does it seem prudent at this time that the state should be creating a new park, promoting it, then creating demand for services from local government (county road maintenance, law enforcement, emergency services, etc.). Certainly the State of Montana has dedicated funding for habitat purchases and, to a lesser extent, parks, and it should pursue those that are critical if they have low long-term O and M costs. However, the States Park Division, according to the Legislative Fiscal Division, is not doing well financially. In its November 11, 2009, report to the Legislative Finance Committee, the office of the Legislature's budget analyst concluded that the State's Park Division has a funding imbalance, and that, "the fiscal health of the four major funds (those that fund the division's programs) indicates that the program is in a precarious position to continue operations at a consistent level based on flat revenues." In reference to the possibility of a new Fish Creek State Park, the report concludes it "will not have a significant source of maintenance funds."

Given this fiscal uncertainty, the wisest course for FWP is to purchase the tracts in Fish Creek for a Wildlife Management Area, thereby reaping the primary benefits of the acquisition without taking on complicated fiscal and long-term management obligations (running a park while attempting to also offset impacts to wildlife).

We commend FWP for pursuing this purchase. Notwithstanding our opposition to the proposal for a state park, it should be a priority purchase because of the benefits it provides for fish, wildlife, hunting, fishing and other recreation. We strongly support the proposal to buy the land for a new Wildlife Management Area, but remain unconvinced about the wisdom of creating a new state park in the Fish Creek drainage.

Sincerely,



Bruce Farling
Executive Director

cc.
FWP Commission



Montana Chapter

The Adventure Begins Where the Roads End

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Sent via email

February 19, 2010

Montana Fish Wildlife & Parks Region 2
Fish Creek EA
3201 Spurgin Road
Missoula, MT 59804

Re: Comments on proposed land acquisition for the Fish Creek WMA and Fish Creek SP

Dear Sir or Madam,

The Montana Chapter of Backcountry Hunters and Anglers (MT BHA) is a state chapter of a national non-profit sportsmen conservation organization that is dedicated to conserving America's backcountry hunting and fishing traditions. MT BHA is strongly committed to maintaining high quality hunting and fishing in the Fish Creek drainage because of the opportunities it provides to our members year after year. We appreciate this opportunity to comment on the Fish Creek acquisition proposal and ask that you seriously consider our suggestions.

Support for entire Fish Creek acquisition

First and foremost, MT BHA strongly supports and applauds the acquisition of 40,945 acres in the Fish Creek area by Montana Fish Wildlife and Parks (FWP). We believe public ownership by FWP to be the best use of this land to ensure long term public access and continued high quality fish and wildlife habitat.

However, MT BHA believes the proposed acreage for the state park is excessive and we urge FWP to modify the preferred alternative by significantly reducing the acreage of the proposed Fish Creek State Park while increasing the acreage of the Wildlife Management Area accordingly. We believe a much smaller state park and a larger WMA will better serve the local communities and western Montana public than the acreages currently proposed in the EA.

Changes recommended for WMA and state park acreages.

While MT BHA supports the 40,945 acre FWP fish creek acquisition, we believe that designating a large state park in the Fish Creek drainage is not the best use of this valuable fish and wildlife habitat and public recreation area. MT BHA is seriously concerned about increased off-road vehicle use (ORV) as well as the recent phenomenon of long-term squatting resulting from a state park and believes that the purpose of a large state parks conflicts with the historical and current public uses of Fish Creek, the wishes of many local residents, and Montana sportsmen. A significantly smaller state

park that is large enough to house a campground in the northernmost portion of the proposed purchase area combined with a larger WMA, still totaling 40,945 acres in all, would be a better fit for the public uses and fish and wildlife values of the Fish Creek area.

According to Administrative Rules of Montana (ARM) 12.8.102, the sole purpose of a state park is: "To provide high-quality recreation experience distinctive and notable enough to attract people on a state, regional, or national basis." Given the historic and present uses of Fish Creek, this is not a desired management direction for over 7,000 acres of land in the lower Fish Creek drainage.

According to the EA, the Fish Creek area provided nearly 70,000 deer and elk hunter days to sportsmen in 2008. The Fish Creek drainage is also known by anglers throughout Western Montana for being a high quality fishery that provides outstanding angling opportunities for native westslope cutthroat trout. Furthermore, we note Fish Creek's regional significance as fluvial bull trout habitat.

This drainage has been providing sportsmen with high quality outdoor experiences for generations, yet the purpose and direction for state parks would only increase the threats to this prized area. A state park will mean increased pressure from multiple activities such as ORV recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival¹. Such impacts often result in less hunter opportunity and a lower quality experience. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state.

Even if a management plan was developed for the proposed Fish Creek state park that sought to maintain high quality fish and wildlife habitat and public hunting and fishing as the primary objectives, the purpose and direction of the Montana state park system would ensure that development threats would always pressure the state park in ways that are bad for sportsmen, fish and wildlife, many of which are irreversible or, at best, expensive and difficult to restore. The fact that residential and recreation lots are currently being sold at the Fish Creek Exit is testament to the fact that a growing Mineral County population will mean increased demands for ORV trails and other forms of recreation. Those pressures threaten the future of fish and wildlife habitat and our outdoor traditions in Montana. Fortunately, we have an opportunity to safeguard the long-term future of the Fish Creek area through a large WMA designation.

It should also be noted that the deer and elk herds in Fish Creek are in need of restoration. While Fish Creek still provides quality hunting and fishing opportunities, poor land management practices of the past have negatively impacted the habitat values of the drainage. These fish and wildlife values can be restored and enhanced through proper management of the Fish Creek drainage, but MT BHA does not

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Naylor, Leslie M., Wisdom, Michael J., and Anthony, Robert G. 2009. Behavioral responses of North American elk to recreational activity. *Journal of Wildlife Management* 73(3):328-338.

Cole, E. K., M. D. Pope, and R. G. Anthony. 1997. Effects of road management on movement and survival of Roosevelt elk. *Journal of Wildlife Management* 61:1115-1126.

Kirk J. Shively, A. William Alldredge, Gregory E. Phillips, McCorquodale. 2005. Elk reproductive response to removal of calving season disturbance by humans. *Journal of Wildlife Management* 69 (3):1073-1080.

believe that a state park sets the best course for fish and wildlife restoration. A WMA is a better solution because it focuses on maintaining and restoring Fish Creek's fish and wildlife values for the benefit of the public regardless of most external pressures. This can clearly be seen in the primary goal of Montana's WMAs, which is to "maintain vital wildlife habitat for the protection of species and the enjoyment of the public."

Further, of the funds being used to purchase the property, Habitat Montana and Pittman-Robertson dollars can only be used for the WMA. From our understanding, the Access Montana money secured through a 2007 budget bill in the state legislature can be used for either a WMA or a state park. We believe a larger WMA would decrease conflicts for sportsmen and would be a better use of the Access Montana program funds. Again, while we believe FWP ownership of 40,945 acres in the Fish Creek drainage is the top priority, we strongly encourage FWP to decrease the acreage of the state park while increasing the acreage of the WMA accordingly.

Motorized use

According to the Draft Preliminary Management Plan, motorized vehicle use would not be allowed on trails, stating that "On WMA properties, trail systems, as opposed to open road systems, will be limited to non-motorized travel" (Draft preliminary Management Plan, B-22). Meanwhile, it appears that a network of ORV trail use could not only be allowed on the state park, but is being planned for the state park as indicated in the Draft Preliminary Management Plan on page B-22, "ORV trail use occurring on the State Park unit could tie into open-roads on the WMA."

MTBHA strongly encourages MFWP to only allow ORV use on open road systems for both the state park and the WMA. All lands in the proposed acquisition are important to and used by a variety of wildlife; ORV trails in the proposed Fish Creek acquisition area will have a significant impact on wildlife and the quality of hunting, fishing, and other outdoor experiences. ORV management indications laid out in the Draft Preliminary Management Plan represent a core issue, highlighting the fundamental management differences between state parks and WMAs. Recreational activities such as ORV use on trails is clearly being offered as an acceptable activity for the state park, while the WMA will not consider these kinds of activities because WMAs are managed for wildlife first, not recreation. As we have stated previously in these comments, the lands in the proposed acquisition are of paramount importance for fish, wildlife, and sportsmen and the objective for the management of the Fish Creek area should be "maintain vital wildlife habitat for the protection of species and the enjoyment of the public." The predictable effects of ORV use and abuse and consequent high sediment yield on what FWP's Environmental Assessment (EA) terms "a stronghold for [native salmonids] in western Montana" (FWP, 2010, p. 19) alone argue strongly against management that tacitly permits and encourages extensive increased ORV use in this basin.

A larger WMA would benefit bighorn sheep restoration potential

As stated on page B-19 of the draft preliminary management plan, "Additional wildlife enhancement opportunities include translocating bighorn sheep to the drainage." Much of the suitable bighorn sheep habitat exists in north end of the Fish Creek river corridor. The goals and purpose of WMAs would provide a higher potential for bighorn restoration in the Fish Creek area than a state park. Those sheep will also likely utilize the Alberton Gorge area and it is important that that migration corridor remain open for bighorn movement between the two areas.

The Fish Creek EA inappropriately pre-decides future decision making

The Draft Management Plan states the following:

Management Strategies: Begin developing (with public involvement) a final management plan, which would provide for the following:

- a) An appropriate number and distribution of front-country and backcountry campsites and/or areas.
- b) A vehicle accessible front-country fee campground in the northern portion of the Fish Creek drainage.
- c) A vehicle accessible front-country fee equestrian campground near the confluence area of the South and West Forks of Fish Creek. (Draft Preliminary Management Plan, B-13)

This statement is inappropriately pre-deciding the future development of the management plan by stating that the final management plan “**would**” include a fee equestrian campground, fee campground, and front and backcountry campsites. Based on public comments, budgetary constraints, fish and wildlife habitat requirements, etc...FWP may find that these facilities are not practical, prudent and/or wanted. For this reason, the draft management plan should state that the final management plan “**may**” provide for these facilities.

Hunting Access Concerns

The EA states that “Within the State Park, implement a hunting access system that allows FWP to monitor and regulate hunting activity and establish conditions that allow hunters and non-hunters to safely share recreational resources.” (Draft Management Plan, B-14)

What kind of “hunting access system” is FWP contemplating for the State Park? MT BHA can understand the need for reasonable safety buffers around a campground, but how does FWP intend to “monitor and regulate” hunting activity? Will there be a lottery system for access, a sign in box, or some other system? MT BHA strongly encourages MFWP to retain an open hunting access policy for the lands and not restrict walk-in access in anyway, with the exception of a reasonable safety buffer for front-country facilities.

Commercial Outfitting

The EA is explicit in several places that outfitted hunting and fishing would not be allowed on the WMA, however, the EA seems to mistakenly state that hunting outfitting would be allowed on the state park. The EA states: “Commercial uses such as hunting and fishing, mountain bike concession or other public private partnerships could be permitted on the state park component in accordance with FWP commercial use rules.” (EA, page 21)

However, FWP’s Commercial Use Rules are explicit that all commercial hunting outfitting is prohibited on all department lands, not just WMA’s. The Commercial Use Rules, ARM 12.14.115, state that: “Commercial hunting outfitting is prohibited on all department land and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas.” Given FWP’s Commercial Use rules, the EA should explicitly state that no commercial outfitting would be allowed on either the WMA or state park.

While commercial fishing outfitting could be allowed on the state park, the sensitivity of native bull trout and westslope cutthroat trout in Fish Creek should make the department exclude commercial angling outfitting in the state park in addition to the WMA.

Recreation and wildlife conflicts:

The Draft Preliminary Management Plan states that "Overlapping land acquisition priorities occur in the northern portion of the Fish Creek drainage and are focused primarily on conflicting wildlife and recreation resource values." (Draft Preliminary Management Plan, B-20) Specifically, what are the wildlife values and recreation values that are in conflict and why are fish and wildlife being subjected to a large state park in the Fish Creek Drainage that will certainly result in increased wildlife conflict?

Further, we believe the jagged nature of the state park boundary will increase impacts of the state park onto wildlife using the surrounding WMA lands, especially in the southwestern area of the proposed state park. A smaller state park at the northern end of the acquisition with a consistent boundary will likely reduce conflicts with wildlife.

Additional State Park lands

One Feb 1, FWP published a revised Appendix A, which adds about 800 acres to the proposed area including a park. Why was this revision included 11 days after the release of the draft EA without any explanation? Also, why are the additional lands included in the proposed State Park area instead of the WMA? What additional funds were provided that could be allocated for additional acres in the State Park?

State Park facilities

MT BHA recognizes that certain developed recreation facilities such as campgrounds – if sited properly – could mitigate the impacts of dispersed recreation and provide important camping opportunities – and we support a campground and significantly smaller state park in the northern boundary of the acquisition south of Interstate 80. However, MT BHA encourages FWP to limit the facilities to the following: 1.) places to pitch a tent or park a camper, 2.) vault toilet, 3.) fire rings, and 4.) a bear-proof dumpster.

The following is a non-comprehensive list of facilities and amenities provided at other state parks in Montana that are not appropriate or needed in the Fish Creek drainage if a state park is established: electrical hookups, RV dump stations, showers, flush toilets, pavilions, horseshoe pits, Frisbee golf courses, playgrounds, firewood vendors, visitor center, food concession, boardwalks, yurts, cabins, huts, and comfort stations.

Conclusion

Thank you for the opportunity to comment on the proposed 40,945 acre Fish Creek acquisition. MTBHA's membership highly values the importance of the Fish Creek area for fish, wildlife and hunting and angling opportunities, and we are encouraged by FWP's proposal to acquire the property. While MT BHA strongly supports the entire 40,945 acre MFWP Fish Creek acquisition, we believe the acreage of the state park should be significantly smaller than proposed and be located at the northern end of the acquisition just south of interstate 80. The campground facilities should also be located within that smaller state park at the north end of the acquisition, while leaving the remaining acreage to

be managed as a WMA. A state park of more than 7,000 acres dramatically exceeds any demonstrated recreational needs in the Fish Creek drainage and poses a probable and unacceptable risks of degrading the extraordinary fish and wildlife values documented in FWP's Environmental Assessment. Please let us know how we can be of service as this acquisition and its subsequent management plan development process moves forward.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Webster".

Joel Webster
Montana Backcountry Hunters & Anglers
2321 Gerald Ave.
Missoula, MT 59801

CC:
MFWP Director Joe Maurier
MT Governor Brian Schweitzer
MFWP Commission
Mike Volesky