Montana Fish, Wildlife & Parks

DECISION NOTICE
For the Proposed Land Acquisition: Marshall Creek Wildlife Management Area

Montana Fish, Wildlife & Parks
Region 2
3201 Spurgin Road, Missoula MT 59804
406-542-5500
August 2010

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife & Parks (FWP) proposes to purchase 24,170 acres of critical fisheries and wildlife habitat in the upper Clearwater River drainage, northwest of the community of Seeley Lake, and manage it as the Marshall Creek Wildlife Management Area (WMA). The property includes most of the West Fork Clearwater River, Marshall Creek, Deer Creek, and North Fork of Placid Creek drainages, as well as Lake Marshall and a small portion of Uhler Creek.

The land is currently owned by Plum Creek Timber Company (PCTC) but is under contract to be sold to The Nature Conservancy (TNC) and The Trust for Public Land (TPL) as part of the Montana Legacy Project. This Project will ultimately convey 310,000 acres of corporate timberland to conservation buyers, primarily State and federal agencies. FWP identified the property as one of its highest statewide native fisheries and wildlife conservation priorities in the 2005 Montana Comprehensive Fish and Wildlife Conservation Strategy and began applying for federal grants to aid in its purchase in 2008. FWP has since been granted the majority of the funds necessary to purchase the property from the U.S. Fish and Wildlife Service and U.S. Department of Agriculture. These funds, when matched with FWP Habitat Montana Program, FWP Hunting Access Enhancement Funds, and private fundraising, would allow FWP to purchase the property from TNC/TPL for approximately $18.4 million, after they purchase the property from PCTC in fall of 2010.

The proposed Marshall Creek WMA includes approximately 25 miles of native fish-bearing perennial streams in four major tributary drainages (West Fork Clearwater River, Marshall Creek, Deer Creek, and the North Fork of Placid Creek) within the upper Clearwater lakes and river system. The system lies within the 2,290-square-mile Blackfoot Watershed in western Montana, located at the southern terminus of the Northern Continental Divide Ecosystem. The West Fork Clearwater River and Marshall Creek provide key adfluvial bull trout spawning and rearing habitat that is the primary source of bull trout and westslope cutthroat trout recruitment for the upper half of the Clearwater River system. The West Fork is one of the most important

adfluvial bull trout spawning streams in FWP's Region 2. Deer Creek contains a smaller, but important resident and spawning bull trout population. This population contributes to genetic diversity as well as geographic distribution, attributes that are important to persistence and recovery of bull trout. These streams also support numerous stream-resident and migratory westslope cutthroat trout populations with high genetic integrity. Mountain whitefish and many other native fish species occur in lower portions of these tributaries and in the main stem Clearwater River and lake system.

The Marshall Creek WMA property provides habitat for over 160 native species including over 37 identified Montana Species of Concern and is critical habitat for three federally listed Threatened species (bull trout, Canada lynx, and grizzly bear). Additionally, the property includes the most important unprotected Canada lynx habitat in the western U.S. The lands provide high quality habitat for game species including elk, mule deer, white-tailed deer, moose, black bear, mountain lion, mountain grouse, and wolves. The property has been identified as a high priority linkage corridor between the Mission Mountains and Bob Marshall/Scapegoat wildland complexes.

The property also provides thousands of hunter-days annually. The proposed WMA is a key component of one of the most heavily used snowmobile trail systems in the country and is used throughout the year for hiking, camping, horseback riding, and other outdoor public recreation.

The objectives of the Proposed Action were:

- To protect and enhance cold, clean, complex, and connected native salmonid habitat critical to bull trout, westslope cutthroat trout, mountain whitefish, and other aquatic species in the Clearwater River system and greater Blackfoot Watershed;
- To protect and enhance critical habitat for sensitive wildlife species;
- To protect and enhance habitat for a wide variety of game species;
- To preserve terrestrial wildlife habitat and movement corridors between the Mission Mountains and Bob Marshall/Scapegoat wildland complexes for the benefit of game and nongame species;
- To provide managed public access to the property and adjacent State and federal lands for hunting, angling, hiking, camping, snowmobiling and other recreational activities;
- To protect important forest areas that are threatened by conversion to non-forest uses and therefore also protect scenic, cultural, fish, wildlife, area recreation resources and riparian areas.

ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION

No Action: FWP would not purchase the Marshall Creek Project Property
Under the No Action Alternative, FWP would not acquire the 24,170-acre property from TNC/TPL. TNC/TPL would then pursue other sale options, likely to a private entity.

FWP purchase of a Conservation Easement

This alternative was originally considered a viable option when FWP submitted applications to the U.S. Fish and Wildlife Service for Native Fish Habitat Conservation Plan and State Wildlife Grant funding. Since then, appraised property values have declined in Montana and other potential purchasers of underlying fee title have withdrawn interest. Because awarded federal grant funds are now sufficient to allow FWP to purchase fee-title to the property, potential purchasers of the underlying fee title have not been identified. FWP fee-ownership of the property would best protect its conservation values, and FWP no longer considers a conservation easement purchase over the property a reasonable option.

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; "Draft Environmental Assessment: Marshall Creek Wildlife Management Area Acquisition") for public review of this proposal on July 30, 2010 and accepted public comment until 5:00 P. M. on August 31, 2010.

Legal notice of the release of the Marshall Creek WMA EA was published in the following newspapers: *Blackfoot Valley Dispatch* (July 29, August 5), *Great Falls Tribune* (July 30, August 8), *Independent Record* (Helena; July 30, August 8), *Missoulian* (July 30, August 8), and *Seeley Swan Pathfinder* (July 29, August 5). FWP issued a state-wide news release regarding this proposal on August 2.

FWP mailed approximately 44 copies of the EA (and approximately 25 email notifications of the EA's availability) to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review on FWP's web site (http://fwp.mt.gov/, "Recent Public Notices") from July 29 through August 31, 2010.

A public hearing to explain the project, answer questions and take public comment was held on August 12 (7:00 p.m. in Seeley Lake at the Seeley Lake Community Center).

SUMMARY OF PUBLIC COMMENTS

Approximately 27 members of the public attended the Seeley Lake public hearing, of which 7 people offered public testimony regarding the project.

FWP received a total of 32 written comments on the Proposal during the comment period. Twenty six of the written comments were from private parties (representing 31 individuals), 6 were from formal interest groups or organizations. Public comment is presented in its entirety in Appendices A and B.

All but one of those who submitted formal comment supported FWP's fee title acquisition of the 24,170-acre Marshall Creek property and its future management as a WMA. One commenter instead supported FWP acquiring a conservation easement on the property, an alternative considered but eliminated from further analysis in the draft EA. Commenters agreed with FWP that the acquisition would protect critical fish and wildlife habitat, ensure important connectivity between other protected lands, and would provide a range of highly valued public recreational opportunity.

Most of the substantive comments on the proposal focused on the future recreation and habitat management of the property. Commenters identified several specific issues of concern that are discussed, below.

Road management and OHV use
The Seeley-Swan ATV Club and its members carefully reviewed the proposal, attended the public hearing, and submitted comment both individually and on behalf of the Club. FWP sincerely appreciates members' review, support, and specific suggestions; we welcome their continued involvement in ongoing planning efforts. The Club and its members asked FWP to consider additional ATV routes and access on the property. Other commenters urged FWP to maintain wheeled motorized use at current levels.

As outlined in the Draft Management Plan (Appendix A of the Draft EA), FWP is committed to maintaining and enhancing a wide range of recreational opportunities on the property (including snowmobile and wheeled OHV use). In the near term, the nearly 40 miles of roads currently open to wheeled motorized travel will remain open and managed as they are now. Any additions to the open-road system (including dedicated ATV trails) would need to be compatible with fish, wildlife, and other recreation values. Although specific decisions about management of wheeled motorized use of the property are beyond the scope of this EA, FWP welcomes suggestions for and discussions of future travel management in the coming months and years.

Operations and maintenance funding
Both the Missoula Board of County Commissioners and several individual commenters asked whether FWP had adequate and perpetual funding to maintain the proposed WMA.

The Habitat Montana statute provides an earmarked, ongoing revenue source for operations and maintenance on FWP lands. Under § 87-1-242, MCA, 20% of FWP's annual Habitat Montana appropriation is earmarked for development and maintenance of wildlife management areas. Each year, half of that amount goes onto the ground and the other half goes into a trust fund account. Interest earnings from the trust account are then spent on operations and maintenance. As of June 30, 2010, the balance in the trust account was approximately $8.4 million dollars. The combined funding available (Trust fund earnings plus money available to spend each year) for operations and maintenance on FWP lands statewide in fiscal year 2010 is approximately $1.4 million.

FWP is also required to establish a maintenance account for property acquisitions (§§ 87-1-209 and 23-1-127 (2), MCA). Funds in this account are used for weed maintenance, fence installation or repair of existing fences, garbage removal, the 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. FWP funds will be deposited into this account upon acquisition of the Marshall Creek WMA property.

Finally, per state law § 87-1-201(9), MCA, FWP is required to implement programs that 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. This statute created a Forest Management Account to fund forest management activities on FWP-owned lands. Revenues from forest management activities would be deposited in this account and would be available for ongoing management activities.

Compliance with Missoula County resolutions and documents
The Missoula Board of County Commissioners requested that FWP agree to comply with County resolutions that apply to the subject lands. FWP will comply with all County planning and implementation resolutions and documents on the Marshall Creek WMA, if acquired, including zoning and subdivision regulations. This comports with FWP's normal practice, and as a partner in the County and community planning process in the Clearwater Watershed we welcome this responsibility.

Continued active forest management
Several commenters encouraged FWP to continue to actively manage and improve forested habitat on the proposed WMA. FWP has both the statutory means and obligation to do so. As FWP outlined in the draft Management Plan, we intend to actively maintain and restore forested upland and riparian habitats should we acquire the property. New authorities (§§ 87-1-209 and 23-1-127 (2), MCA) now allow receipts from forest management activities in excess of costs to be deposited into a Forest Management Account which can then be used to fund other forest management activities on FWP's forested lands.

DECISION

Based upon the Draft Environmental Assessment and the applicable laws, regulations, and policies, we have determined that the proposed action will not have negative 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 informed comment. We have heard from the Missoula Board of County Commissioners, local and regional citizens, nonprofit user and conservation groups, and other interested parties.

Commenters nearly unanimously support FWP acquisition of the subject property and its management as the Marshall Creek WMA, as proposed. They reaffirmed their interest in conserving the critical fish, wildlife, and recreational resources of this area for present and future

generations. The public has concurred that FWP is the agency to conserve and perpetuate these natural and recreation resources in the public interest.

In consideration of these facts and with this Decision Notice, we adopt the Draft EA as final. We recommend to the Fish, Wildlife and Parks Commission that it approve the proposed Marshall Creek WMA acquisition.

Mack Long
Region 2 Supervisor
Montana Fish, Wildlife & Parks

9/10/10
Date

APPENDIX A. Public Hearing

Marshall Creek WMA Acquisition Proposal--Public Hearing held at Seeley Lake Community Center; August 12, 2010 at 7 p.m.
27 persons in attendance

Question//Answer Period

- Interest in ATV system
- Interest in forest management
- Interest in maintaining snowmobiling
- What about the Conservation Easement alternative?
- Open more roads to see the property
- Does forest road income go back to the management?
- Can you manage the land to pay for itself?
- How do you pay for maintenance?
- Is the State Land Recreational Use Permit/License required?
- Want to be able to walk roads--not so much obliteration.
- Roads make a fire line, too.
- What about trail grant program? Would like to ride ATVs on a trail system rather than just roads.

Marshall Creek Hearing Testimony

- **Ken Kronsperger.** Absolute certainty to purchase--without it Seeley would not exist in the winter--premier snowmobiling.
  - Need to be able to get people to see the property so they can appreciate it.
  - Don't close roads just to close them.
  - I'm 70 and can't walk it anymore.
  - Should be for everyone.
- **Diane Braach**. Second it.
- **Carol Morvilius**. Second it.
- **Linda Heyden**. I agree with all; I'm glad; keep the roads open--good for game.
- **Chris Koppenhaver**. Managing for public access should be equal to wildlife.
  - More in favor of Alternative C , and work with DNRC to own it--It would give you what at lower cost.

- **Mel Powers.** I agree with Ken. I hear that 37 miles will be open to ATVs and 200 will be closed. I'm in my 70s, too. My interest is in recreation.
  - A large number of the audience was ATV numbers.
  - Will we close access to fishing? No.
  - My main interest is open access to this beautiful area.
- **Dave Sharbono** (Seeley –Swan ATV group). There are studies being done in this area and we want to be informed quarterly, and we want to rebut them. Sometimes there are wrong studies, and we need to be informed and need a comment period before any studies.
  - Support the purchase wholeheartedly.
  - ATV users were not mentioned as a user in the EA (certain page), and we want to be recognized.
  - This is getting to be known as a great area for dirt riding and will be good for the economy.
  - We have a lot of weed work to do, and ATV groups would be willing to help.

Appendix B. Comments on Marshall Creek WMA Acquisition EA received by FWP by the comment deadline.

Commenter #	Paragraph #	Comment
1		I strongly support Montana Fish, Wildlife & Parks (FWP) proposal to acquire a 24,170-acre Wildlife Management Area called the Marshall Creek Wildlife Management area, northwest of Seeley Lake, in Missoula County.
2		We strongly support the acquisition of this important real estate as a WMA.
3	1	I am strongly in favor of the acquisition of this Plum property by FWP.
	2	This is the kind of planning for the future of our local environment that will improve the quality of life not only for wildlife but for citizens.
4		We wholeheartedly support the acquisition of the Marshall Creek area as a Wildlife Management Area.
5		I strongly support the acquisition of the Marshall Creek Wildlife Management Area.
6		I strongly support the acquisition of 24,000 acres of habitat for the purpose of creating the Marshall WMA. Montana's hunting opportunities are shrinking and this would help reverse that trend.
7	1	I support the purchase of critical fish and wildlife habitat for Wildlife Management Area northwest of Seeley Lake that totals 24,170 acres. I assume the purchase would be made through hunting and fishing license fees and other permits sold by FWP.
	2	Thank you for the opportunity to vote for the Marshall Creek WMA.
8		**See page B-5**
9	1	I support FWP in their efforts to acquire the "Marshall Block" of Plum Creek Timberlands northeast of Seeley Lake and offer these comments.
	2	My main concern is that FWP managers allow people to share the habitat with the other wild critters. The presence of people can help keep animals such as grizzly "wild" and fearful of humans.
	3	Land Use. Timber management can be compatible and advantageous to wildlife management. Allow wood fiber to continue to be used. Why doesn't FWP assume the lease for the microwave tower and gain revenue for future use of this land?
	4	Chain of Ownership. This land has long been a subject related to environmental issues. The area was once checkerboard ownership with National Forest lands since acquired by Northern Pacific Railroad with the land grant. A land exchange with the Forest Service traded lands withing the present day Bob Marshall Wilderness enabled ownership of these lands to blocked up. It's a bit ironic that the area will come full circle back to having public management as the predominant activity.
	5	Landform and Drainage. Its interesting how some of the streams appear, disappear, and reappear. When Bud Moore was cruising timber for the land exchange he marveled how a stream would be running water when he crossed it and the same stream be dry when he returned on the next transect.
	6	Public Access and Use. Please keep the existing road access for the public.
	7	Please consider additional recreation opportunities for the area: e.g.,
	8	Hiking:
	9	• Re-establish and maintain the old trail connecting Marshall Lake and Lake Dinah.
	10	• Maintain some of the logging roads north of Marshall Lake as a hiking loop. See attached map for one suggestion.
	11	• Maintain the Mt. Henry Trail.
	12	ATV Use: Consider making a few of the old roads available as trail loops for ATVS. Loop routes have been shown to reduce environmental effects created when ATVs run into dead-end situations. ATV's seldom will leave the trail on a loop with decent distance to it. Any added ATV opportunities off the existing open roads should be limited to those less than 50 inches wide use during mid-summer season. Two suggested ATV opportunities are:
	13	• Marshall Lake to Mt. Henry Road. This route is now a designated snowmobile route.
	14	• From Rd 9973 in Sec 26 toward West Fork and back down in the vicinity of Marshall Lake.
	15	MARSHALL LAKE. Formalize a restriction on the type of use on Marshall Lake to prevent use of jet ski, high powered motorboats, etc. Electric or trolling motors should be the maximum allowed. Perhaps a non-wake restriction would work. I've used canoes and rowboats on the lake for years. Consideration could be given to reopening access to the western end where the old BN summer home lease used to be. Do not publicize the lake; keep it as a self discovery opportunity; e.g., no signs on Hiway 83, campground emblems on maps, etc.
	16	WEST FORK CLEARWATER. Retain this portion of the area in a near-natural condition, similar to the adjacent National Forest lands.

Commenter #	Paragraph #	Comment
	17	GROUP USE. The proposal is to require permits for groups larger than 15. Other than snowmobiling, it's hard to imagine how groups larger than 15 would be compatible without causing adverse effects. ATVs and other wheeled vehicle would create too much of a disturbance if allowed at any single event. Small groups of ATV's can pass by with little effect. Snowmobile groups larger than 15 have occurred regularly for many years. Imposing a permit seems to be an unnecessary burden on both parties.
	18	Thank you for the opportunity to comment on management of this important community resource
		See page B-7 for accompanying map
10		I would like to voice my support in the acquistion of the Marshall Creek area for FWP as long as current activity (recreation) access levels are maintained as they are now.
11	1	This requests the approval of the Montana Fish, Wildlife & Parks (FWP) public purchase of 24,170 acres of important fish and wildlife habitat in the Marshall Creek drainage, near Seeley Lake.
	2	As a 5 year resident of Seeley Lake and a supporter of the states carefully planned environmental and conservation efforts , I highly recommend the purchase of this land for recreational use with careful overview of the habitat.
	3	The local support of this project and the dedication of the current and future generations of Seeley Lake area residents will ensure the quality of life for this environment and the careful stewardship of the land and lifestyle we all have dedicated ourselves to maintain.
	4	The economic impact to the state and the area through increased tourism opportunity can only be positive.
12	1	I will start by saying I think it is or will be a good purchase by the FWP. My concerns are that the public access will be threatened. Once the land becomes a government entity and with all the endangered and threatened animals and habitat in the area, one may expect "groups" to bring lawsuits to shut out driving traffic, snowmobiles, and ATVs, and with a certain judge in Missoula can often change quickly.
	2	I would like the final Draft to ensure permanent public access for driving at least the existing open roads at present and permanent snowmobile use as it is presently. In addition, ensuring hunting and fishing in the area not be changed beyond normal regs; in other words, leave it as part of District 285 and not a special area.
13	1	I am writing this letter in support of the Marshall Creek Wildlife Management Area Acquisition as presented at the Seeley Lake Community Hall on Aug. 12, 2010.
	2	I am in favor of the proposal in hopes of maintaining and improving this important area resource for wildlife habitat, aquatic and recreational uses.
14		I am in support of the proposal presented at Seeley Lake Community Hall on Aug. 12, 2010. This a wonderful area for all uses in all seasons and will be great for the Seeley Lake community.
15	1	I strongly support the purchase of the Marshall Creek Wildlife Management Area by the FWP.
	2	I support your plan for management.
16		**See page B-8**
17	1	We are responding with our opinions and concerns about the acquisition of the Marshall Creek area by the Fish, Wildlife & Parks. We strongly support this purchase. It is important that this land remain accessible to the public for recreational purposes.
	2	We have some concerns, however. Nowhere in the proposal is there any mention of access to the area ATVs. This is a perfect area for ATV use. We would like to see ATV use equal to what is now available to snowmobiles. For example, trails 10,18, 43, and 19 open to provide a loop around Marshall Lake, and on to other areas.
	3	There seems to be a negative attitude toward motorized use in forested areas everywhere. There is no real foundation for those attitudes. In fact, snowmobilers and ATV riders are good stewards of the land. As is any sport there are a few rogues who exhibit poor behavior, but let us not condemn everyone for the actions of a very few.
	4	Please keep the public informed as to the progress of this acquisition.
18		We support the Marshall Crk Wildlife area acquistion and we support this purchase in order to maintain and expand the recreational uses of the area including access by ATV and Ohv riders.
19		**See page B-9**
20	1	I support and encourage the purchase of the proposed MCWMA, as long as future land use is consistent with current usage.
	2	Year round public use is important especially for snowmobiling, with more limitations occurring up and down the Seeley-Swan valley. The area typically receives adequate snow for a long riding season. I would not support further restrictions limiting the length of time open to snowmobiling.
	3	I do not support any increased access by ATVs. Currently there is a large amount of "around the gate" usage.
	4	I also support the enforcement of the 14-day camping limit. (Last winter 2009/2010, a tent was put up and left up and used frequently for a least two months.)

Com-menter #	Para-graph #	Comment
	5	I would hope that weed management would be a priority. It certainly was not with Plum Creek. The Blackfoot-Clearwater WMA is not a very good example for FWP's weed management strategy.
	6	I am concerned with the funds coming from so many different sources. What happens if a funding source decides they would prefer the management go in a different direction? Regarding snowmobiling for example.
	7	I also support not allowing commercial outfitting.
	8	I believe this land acquisition--MCWMA--will be good for the valley and the greater area.
21	1	I support the pruchase as long as the hunting and snowmobiling continure as they are.
	2	No change for snowmobiling ever in writing.
22		**See page B-11**
23		I heartily endorse the Marshall Creek WMA land acquisition. I also agree with the basic philosophy of managing the property about how it is currently, with hunting, timber harvest, etc. allowed. My family has hunted and hiked in this area for 3 or 4 generations. I always thought it was public land, actually until a couple of years ago. I would hate to see it developed and locked up.
24		After reading the draft Environmental Assessment for the Marshall Creek Wildlife Management Area acquisition, I give my endorsement. The proposed wildlife management area would decrease erosion, protect critical wildlife habitat, manage area resources, and keep public access for hunting, fishing and motorized vehicles. The area has a history of timber harvest and I would like to see the area managed for local jobs, while preserving the character of the land. The migration corridors preserved would allow genetic flow between the Bob Marshall and Mission wildernesses. The proposed Marshall Creek Wildlife Management Area would preserve fisheries, wildlife habitat and critical immigration corridors and will keep the area open to Montana recreators indefinitely. The proposal is a great opportunity for Montanans and people who visit our state.
25		I think that FWP should buy the land. Because then it will be open to public so we can fish, hike, hunt and camp. Also Marshall Creek region will be food for the public.
26		I feel that: acquiring this land and keeping it available for public use will help protect Montana's traditions and past-times. Montanans have a long running tradition of fishing, hunting, camping, and camping. With fewer and fewer places to do this, I think any opportunity to expand public land should be taken advantage of.
27		This will be a great asset to the wild things and public alike. I support this action.
28	1	As a full-year member of the Seeley community, I would support the purchase of the Marshall Creek Wildlife area acquisition.
	2	As a Board member of the Seeley Driftriders, I appreciate that access would remain the same.
	3	As a member of the Seeley Swan ATV club, I would like to see some wording regarding keeping and maintaining the recreational uses in the area including ATV during summer months also, as mentioned at the August 12 meeting.
	4	I appreciate the opportunity to comment and look forward to further communication.
29		**See page B-12**
30		We are in favor of the proposed acquisition of the 24,170 acre wildlife management area northwest of Seeley Lake in Missoula County. My wife and I attended the FWP public hearing in Seeley Lake on Aug. 12, 2010 at the Seeley Lake Community Center where we learned more about this area that we are familiar with. I was able to express my concern regarding access to streams and lakes. I am a senior in my early seventies, my wife is a senior in her sixties. We are active members of the Seeley Swan ATV Club in Seeley Lake and rely on our ATVs to access the lakes and streams in the Clearwater Drainage. I would really like to see more roads opened and more fish in the streams and lakes so that more interested citizens can enjoy and utilize all that this 24,170 acres wildlife area has to offer.
31		**See page B-13**
32	1	EA, Section 1.2 (5th bullet) Objectives of Proposed Action (pg 4): There is no mention of ATV or OHV (hereafter, ATV) use in the recreational activities for which "managed public access to the property" would be provided.
	2	EA, Section 3.1 (3rd para) Land Use (pg 11): No mention of ATV use in the "predominant recreational activities." ATV use is currently occurring in the area (at least on open roads). Although this section refers to what PCTC has allowed in the past, he notes that ATV use on all roads was allowed by the previous owner, Champion International.
	3	EA, Section 3.1 (3rd para) Land Use (pg 11): He notes that the reference to "section 3.6 for additional information . . ." should probably reference section *3.5*.

Commenter #	Paragraph #	Comment
	4	EA, Figure 2 (pg 12) Map of existing roads. He notes there are miles of roads shown on the map that won't be open to motorized use. FWP needs to designate at least some side-roads as open only to ATV use (and motorcycle use; i.e., not open to standard-sized motor vehicles); but instead there are miles of roads proposed to be decommissioned. Instead of being decommissioned, some roads could be left open for ATV use by installing a 50-52 inch barrier (that would keep out vehicles that are larger than ATVs). He believes ATV use of at least some of those roads wouldn't be harmful to flora and fauna.
	5	EA, Section 3.5 Aesthetics and Recreational Opportunities (pg 24): Again, this section mentions everything but ATV use. Again, former owner Champion used to allow enlarged use; he came to the Seeley Lake area in 1984, and at that time people could drive ATVs (or any motorized vehicle) anywhere on Champion's road system.
	6	Attachment A, WMA Draft Management Plan, Introduction (pg A-1), Goals: The 2nd goal would "Provide perpetual access to lands with high and diverse public recreation values." But in the Land Use subsection in the Vegetation section (V; pg A-3), ATV use is not amongst the recreational uses mentioned. He's concerned that ATV use is not being recognized as a recreational use of the WMA.
	7	Overall Comments
	8	1. He does wholeheartedly support the project.
	9	2. There are no designated ATV trails in the Seeley Lake area or vicinity (or in the Swan); you have to travel ~50 miles distant to reach an ATV trail area (Missoula, Plains, etc.). There are open roads in the Seeley area, but they have to share them with full-sized vehicles.
	10	3. He's a member of the local Seeley Swan ATV Club (was on the original bylaw committee, and he is the upcoming membership chairman). The group has been working cooperatively [didn't get the agency name] on an ATV area project near Beaver Lake. Another possibility on some DNRC land [didn't get the location].
	11	4. ATV Club members spend money on permits/registration for their ATVS, and they would like to see some of that permit money [through FWP's OHV Grant Program?] used on developing ATV trails closer to the Seeley Lake area.
	12	5. In return for more ATV use opportunity--and to help defray the costs, concerns, etc. of providing such access--the ATV Club would be happy to partner with FWP by helping (providing work parties, labor) with such development/ maintenance activities as trail maintenance to FWP specs, erecting barriers, posting signage, weed control, etc.
	13	6. He believes that horses do more or as much damage on trails as do ATVs. Therefore, ATV use could be allowed anywhere--or at least some of the places--that horse use is allowed, from a resource damage perspective. ATVs could be used without any real impact to environment.
	14	7. Snowmobile use would be allowed anywhere [on the WMA] with no restrictions to specific trails or areas. This is not fair, in that it is opposite the opportunity that would be open to ATVS--in that, apparently no roads would be open only to ATV users.

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS
200 W BROADWAY ST
MISSOULA MT 59802-4292

PHONE: (406) 258-4877
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BCC 2010-194
August 31, 2010

8

Mr. Mack Long
Supervisor, Region Two
Montana Fish, Wildlife and Parks
3201 Spurgin Road
Missoula, Montana 59804

Dear Mack:

The Missoula County Board of Commissioners supports the acquisition of former Plum Creek Timber land in the Clearwater River drainage by Montana Fish Wildlife & Parks (FWP) as part of the Montana Legacy Project. We believe the Legacy Project, an ambitious forest conservation effort by The Nature Conservancy (TNC) and The Trust for Public Land (TPL), represents a benefit to Missoula County residents.

As Plum Creek Timber Company continues its move toward divestment of portions of its land base in the region, the Missoula Board of County Commissioners grows increasingly concerned about the impact of ownership fragmentation on County services, rural communities and conservation of natural resources in the County. Missoula County has closely monitored the Legacy Project since its announcement in June of 2008.

Our support of this acquisition is accompanied by two concerns:

1. Missoula County recognizes that land management at this scale is new to FWP Region Two. We are concerned that additional and perpetual funding will be required to manage this and other acquisitions by FWP. It would be extremely helpful if a source of funding was identified prior to purchase, to help ensure the long-term health of the timber, water and wildlife resources in the Marshall Block.

2. As we requested in our earlier comments about this acquisition, we believe it is important that FWP follow the model of the Montana Department of Natural Resources and Conservation. They adopted policies that follow all County planning and implementation resolutions and documents on ~~FWP~~ DNRC owned land, including zoning and subdivision regulations. These are the same regulations that DNRC and Plum Creek would follow if they were to have retained or acquired the Marshall Block.

We strongly support FWP's proposed management plan for this area and appreciate that the proposal emphasizes the conservation of critical wildlife and fisheries habitat, as well as continued recreational public use and timber management. The land within this proposed Wildlife Management Area has been identified as one of the highest statewide native fisheries and wildlife conservation priorities in the Montana Comprehensive Fish and Wildlife Conservation Strategy in 2005. The draft Seeley Lake Land Use Plan also recognizes this area, among others, as highest priority for conservation.

The Marshall Block is also highly valued as recreational hunting, fishing and hiking land by Montanans and visitors from other states. During winter, it is one of the most important snowmobiling destinations in the country, supporting more than 1,000 snowmobile user-days per week during peak times. Additionally, the existing high quality forest management infrastructure, and the property's proximity to Pyramid Mountain Lumber in Seeley Lake, will allow FWP to actively manage forested habitats to maintain and improve wildlife and fish habitat and long-term forest health. Keeping this land open for continued public enjoyment, and as timber management through Fish, Wildlife and Parks ownership, is another benefit to Missoula County's quality of life and economic health.

The short-term financial implications for Missoula County of this proposed acquisition are negligible. FWP is required by Montana Statute (87-1-603, MCA) to pay property taxes on its acquisitions; for this land an amount of approximately $18,720. In the longer-term, residential development of remote backcountry land like the Marshall Creek area would cost the County taxpayers far more than the revenue generated by additional property taxes. Such development generally results in increasing County costs for services such as emergency protection, fire protection and road upgrades for remote homeowners.

Thank you for your efforts to work with Missoula County on good management of our area's resources. We support this acquisition and will be grateful for the benefits to Missoula County's residents, visitors, and economic well-being, as well as to the area's wildlife and abundant natural resources.

Sincerely,
BOARD OF COUNTY COMMISSIONERS

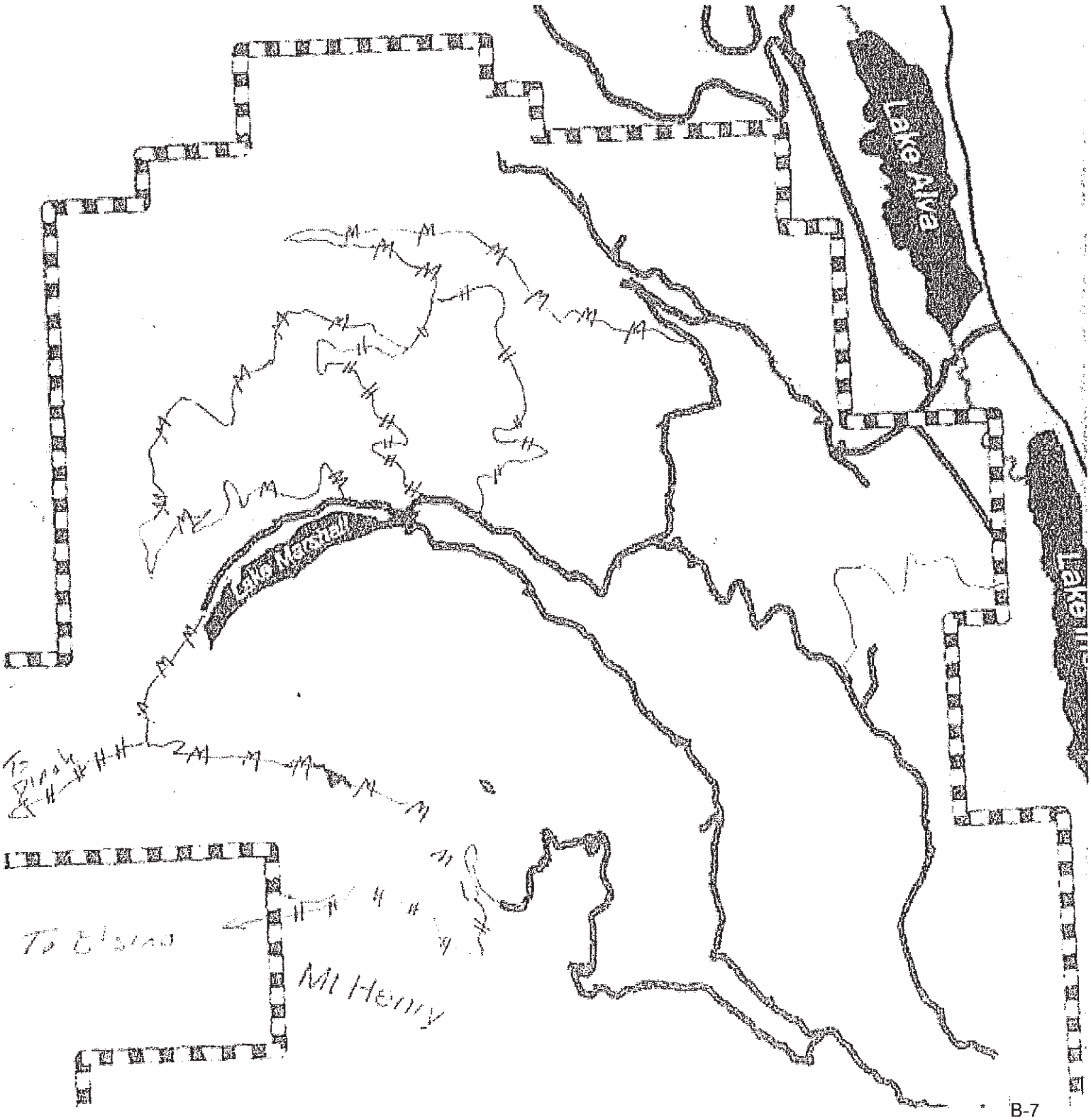
Michele Landquist, Chair

NOT AVAILABLE FOR SIGNATURE
Bill Carey, Commissioner

Jean Curtiss, Commissioner

BCC/ppr
cc: Pat O'Herren, Rural Initiatives
Sarah Richey, Rural Initiatives
The Nature Conservancy
The Trust for Public Land

Additional Trail Opportunities
H - Nonmotorized
M - ATV (less than 50")



Wildlife Management Area Land Acquisition--Marshall Creek WMA EA

PUBLIC COMMENT

COMMENT FORM *

Name SEELEY-SWAN ATV CLUB

Address (Street/ P.O. Box) PO BOX 955

Town, State ZIP SEELEY LAKE, MT 59868

Phone PRES. 531-2182 V PRES. 677-6900 SEC. 677-6748 Email address raelene@blackfoot.net KKROWSKI@YAHOO.COM nrclimbnt@gmail.com

Affiliation

Please submit you comments, arguments, and/or endorsements in the following space. Attach additional information to this form if you wish. Thank you for your interest in this project.

WE THE MEMBERS OF THE SEELEY-SWAN ATV CLUB STRONGLY SUPPORT THE ACQUISITION OF THE MARSHALL CREEK WILDLIFE AREA BY FWP. WE UNDERSTAND THE EXISTING TRAILS THAT ARE CURRENTLY OPEN WILL NOT BE CLOSED. HOWEVER, WE WOULD LIKE TO SEE ALL TRAILS CURRENTLY OPENED TO SNOWMOBILES OPENED TO ATV'S. THESE TRAILS BEING, AS PER EXISTING SNOWMOBILE MAP, TRAILS # 10, #19, #43, #18. WE RECOMEND A COMMUNITY INFORMATION COMMITTEE TO RECEIVE AND GIVE INFORMATION. THANK YOU FOR YOUR INTEREST IN OUR COMMENTS.

FWP must receive comments no later than 5 p.m. on August 31, 2010

August 30, 2010

MT FWP Region 2
Attn: Marshall Crk.WMA EA
3201 Spurgin Rd.
Missoula, MT 59804

To whom it may concern:

Please accept the following comment on behalf of the 23 affiliated Rod and Gun Clubs and over 7,500 members of the Montana Wildlife Federation (MWF) regarding the Marshall Creek WMA Acquisition. MWF has long supported both the judicious acquisition of critical habitats and migration corridors to ensure future viability of all species of wildlife as well as preserving the opportunity to access these important areas during biologically appropriate times. Overall, MWF firmly believes that the Montana Legacy Project helps maintain both biodiversity and public access to lands that would otherwise be lost. The Legacy Project helps ensure that Montana conserves critical habitats and ensures our wildlife and wildland heritage continues in to this new century.

The Montana Wildlife Federation wishes to go on record as fully supporting the proposed alternative A, the purchase of the 24,000 acre Plum Creek Timber Company property in the upper Clearwater drainage northwest of Seeley Lake, Montana. This property is currently highly valuable fish and wildlife habitat as identified in Montana Fish Wildlife and Park's (FWP) Comprehensive Fish & Wildlife Conservation Strategy. However, because of its proximity to Seeley Lake, there is a high likelihood that the important wildlife values of this area could be diminished significantly. As noted in the EA, this land could become subdivided for development as Plum Creek liquidates some of its major landholdings in western Montana. By having FWP acquire this property and managing it as a Wildlife Management Area, FWP will help ensure that this area will remain productive wildlife habitat and provide continued fishing and hunting opportunities for the general public.

There are several important reasons why this specific area should be acquired by FWP. Not only does it provide valuable hunting and fishing recreation, but it is also very important habitat for Threatened, Endangered and Sensitive species. It provides an important linkage area for wildlife between the Mission Mountains Wilderness and the Bob Marshall Complex such as lynx, wolves, grizzly bears, deer, elk and other species. With over 25 miles of spawning tributaries, this acquisition is also critically important habitat for bull trout, westslope cutthroat trout. Maintaining these streams is critical for conservation efforts already underway.

In addition to providing important habitat, this project would help further ongoing conservation efforts in the upper Blackfoot Valley. It continues to demonstrate the importance of diverse groups working together to provide ecologically functioning landscapes and add significantly to the conservation partnership that has been operating in the Blackfoot watershed for years. This model of cooperative conservation continues to show remarkable success in the face of growing

political polarization and partisan animosity and helps serve as a method to develop community tolerance towards not only wildlife, but the people who live, work and play in these landscapes.

We thank you for the opportunity to comment on your proposal and look forward to the potential establishment of the Marshall Creek WMA.

Sincerely,

Skip Kowalski
Chair
Wildlife and Wildlife Habitat Committee
skipnmar@bitterroot.com
(406) 458-0227

August 12, 2010

Montana Fish Wildlife and Parks
Region 2 – Missoula
3201 Spurgin Rd
Missoula, MT 59804

To Whom it Concerns:

The Seeley Lake Community Council would like to add our support for the acquisition of the proposed Marshall Creek WMA. We also applaud the effort that went into the environmental assessment.

The residents and visitors in the community of Seeley Lake have used the area extensively and are certainly appreciative of the effort to maintain public access for recreational purposes. We understand that tax revenue will not change and that recreational activities such as fishing, hunting, snowmobiling, hiking, etc. are supported by the acquisition by Montana FWP. We also understand the importance of the area for wildlife/fisheries habitat as well as the maintenance of clean air and water and for the maintenance of the unique character of the ecosystem.

Thank you for pursuing the acquisition for the state and public.

Seeley Lake Community Council

Submitted by Carol Evans, Secretary

Rose, Sharon

29

From: Rose, Sharon
Sent: Tuesday, August 31, 2010 11:11 AM
To: WMA, Marshall
Subject: FW: comment on Marshall Block

From: Long, Mack
Sent: Tuesday, August 31, 2010 8:48 AM
To: Rose, Sharon
Cc: Thompson, Mike; Kolbe, Jay
Subject: comment on Marshall Block

Sharon,
Gordy Sanders just called me and said he tried 2 times to submit comments online and he kept getting an error message. So he called to say that he and Pyramid Lumber strongly support FWP acquiring the lands. He said FWP has been a good neighbor and supporter of the Seeley community. Pyramid has a history of supporting stewardship projects and this project fits well with those objectives. Gordy's phone number is 677-2201 x27 and he called today, August 31, 2010.

Mack Long
Regional Supervisor
MT Fish, Wildlife & Parks Region 2
3201 Spurgin Road
Missoula, MT 59804
mklong@mt.gov
PH: (406) 542-5500
FAX: (406) 542-5529

MONTANA TROUT UNLIMITED

Main Office

P.O Box 7186 Missoula, MT 59807 (406) 543-0054

30 August 2010

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

Re: Marshall Creek WMA

Dear Mack:

Montana Trout Unlimited enthusiastically supports FWP's proposal to purchase more than 24,000 acres of private land in the West Fork Clear River drainage from the Nature Conservancy for use as a state wildlife management area. Montana TU represents 3,400 conservation-minded anglers, including hundreds, if not thousands, who use the Clearwater-Blackfoot watershed annually.

The proposed acquisition, also referred to as the "Marshall Block," is an extraordinarily valuable piece of fish and wildlife habitat. It includes 25-miles of critical native fish bearing streams, as well nearly 20 miles of important riparian corridor. The value of the property for conservation of native bull trout and cutthroat trout, especially migratory forms, cannot be understated. Adfluvial forms of both fish are becoming increasingly rare across their historical ranges. This purchase represents a rare and incalculably important opportunity to conserve this resource. We also are enthused by this proposal because of its value to some 37 species identified by the State as Species of Special Concern, including the increasingly more uncommon western pearlshell mussel, and dwindling amphibians such as northern leopard frogs and western toads.

The value this tract holds for important terrestrial species, including grizzly bears, Canada lynx, fisher, wolverines, as well as a healthy herd of elk and mule and white-tail deer, only amplifies what a great opportunity this purchase is for the state. It's location between the Mission and Swan Ranges also exemplifies its value as secure corridor habitat. Finally, the variety of recreational opportunities available there can now be secured in perpetuity, a situation that might not occur should the land be conveyed to a private interest.

We endorse FWP's interim proposal for management of the property, and urge FWP, should it secure the tract, to evaluate closely the impacts of the road system on watershed

function, water quality and fish movement. The existing 290-mile road system is fairly extensive, and FWP should take the opportunity to decommission roads to increase wildlife security and watershed values.

We greatly appreciate the opportunity to comment on this superb acquisition opportunity, and look forward to it becoming part of Montana's system of wildlife management areas.

Sincerely,

Bruce Farling
Executive Director

cc. Big Blackfoot Chapter TU
West Slope Chapter TU
FWP commission
FWP director's office