



# Montana Fish, Wildlife & Parks

Region 2 Headquarters  
3201 Spurgin Road  
Missoula, MT 59804  
Phone 406-542-5500

October 8, 2015

Dear Interested Citizen:

Enclosed you will find for your review the Draft Environmental Assessment (EA) for a Montana Fish, Wildlife & Parks (FWP) proposal to acquire fee title to 320 acres from Doug and Annette Rehbein, as an addition to FWP's adjacent 34,721-acre Fish Creek Wildlife Management Area, located south of Tarkio in Mineral County. This private property has unique ecological importance to the Fish Creek watershed as valuable habitat and as a corridor for wildlife movement and dispersal. The acquisition would include 1.3 miles of West Fork Fish Creek, also protecting associated riparian, wetland and floodplain areas that support many wildlife species as well as native fish.

FWP will hold a public hearing in Alberton on October 20<sup>th</sup> (Tuesday) at 6:30 p.m. at the Alberton Community Center (701 Railroad Ave) to discuss the proposed acquisition, answer questions, and take public comment.

The EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing [shrose@mt.gov](mailto:shrose@mt.gov); or by viewing FWP's Internet website <http://fwp.mt.gov> ("Public Notices," beginning October 8).

Comments may be made on FWP's website (webpage above) or may be directed to Sharon Rose at the mail, phone or email addresses above. Comments must be received by FWP no later than November 6, 2015.

As part of the decision making process under MEPA, I expect to issue the Decision Notice for this EA soon after the end of the comment period. The Montana Fish and Wildlife Commission has the final decision-making authority for FWP land acquisition proposals, and the Commission will be asked to render its decision on this proposal at its December 10<sup>th</sup> meeting in Helena. Approval will also be necessary from the Montana Board of Land Commissioners.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Arnold". The signature is fluid and cursive, with the first name "Randy" being more prominent than the last name "Arnold".

Randy Arnold  
Regional Supervisor

RA/sr

**Draft**  
**Environmental Assessment**  
**Rehbein Addition to**  
**Fish Creek Wildlife Management Area**



**October 2015**



***Montana Fish,  
Wildlife & Parks***

*Region 2 Office*

*3201 Spurgin Road, Missoula, MT 59804*

*Phone 406-542-5500*

## INTRODUCTION

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on this proposal to acquire a 320-acre addition to its Fish Creek Wildlife Management Area (FCWMA), through a purchase from Doug and Annette Rehbein. The proposed acquisition property (“subject property”) is a private inholding (2 parcels) within the 34,721-acre FCWMA, and it is also bordered by lands owned by the Montana Department of Natural Resources and Conservation (DNRC), United States Forest Service (USFS), and 2 small private parcels.

FWP’s purpose for purchasing the land is to manage important habitat for deer, elk and other wildlife, and prevent this habitat from potentially being subdivided for development. The primary benefits of acquiring this property would be to:

1. Protect an important forest and riparian corridor that provides vital habitat for wintering elk, mule deer, white-tailed deer, and moose;
2. protect a high-priority forest carnivore linkage zone;
3. protect some of the last and best remaining habitat for bull trout in the Clark Fork region by securing 1.3 miles of riparian corridor along the West Fork of Fish Creek; and
4. increase public access and recreational opportunities by managing the property as part of FCWMA.

### 1.0 PURPOSE OF AND NEED FOR PROPOSED ACTION

#### **Agency authority for the proposed action:**

FWP is authorized under state law (§ 87-1-201, Montana Code Annotated (MCA)) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1- 209, MCA). The Montana Fish and Wildlife Commission (the Commission) is the decision-making authority for matters of land acquisitions, conservation easements, or other interests in land proposed by FWP. Through its Habitat Montana Policy (ARM 12.9.508-.512), the Commission has directed FWP to deliver the following services and benefits with regards to interests in protecting wildlife habitat: (a) conserve and enhance land, water and wildlife; (b) contribute to hunting and fishing opportunities; (c) provide incentives for habitat conservation on private land; (d) contribute to non-hunting recreation; (e) protect open space and scenic areas; (f) promote habitat-friendly agriculture; and (g) maintain the local tax base. In addition to Commission approval of a proposed project, the Montana Board of Land Commissioners (the Land Board) must approve FWP land acquisitions, disposals or exchanges involving over 100 acres or \$100,000 in value.

#### **Project Need:**

This project represents an opportunity for FWP to conserve 320 acres of vital wildlife and fish habitat in the West Fork of Fish Creek to adjoin and augment the FCWMA. The Rehbein property has unique ecological importance to the Fish Creek watershed as valuable habitat and as a corridor to wildlife movement and dispersal. Wildlife move west and east along the West Fork of Fish Creek between higher elevation Forest Service land in the proposed Great Burn wilderness and lower elevation winter range. Three tributaries also join the West Fork within the property (Bear Creek, Trail Creek, and Winkler Gulch) allowing important movement and dispersal of wildlife north and south. The intact riparian habitat within the Rehbein property is critical to protecting a wide variety of wildlife species along the stream corridor and it allows bull trout to migrate to spawning habitat in the upper reaches of the

drainage. The Fish Creek drainage, and especially the West Fork of Fish Creek, is the last stronghold for bull trout in the middle Clark Fork region.

FWP’s acquisition of the Fish Creek WMA and State Park, winter road plowing on the nearby Fish Creek Road, and access to thousands of acres of adjacent public lands and the proposed Great Burn Wilderness make the subject property very desirable and marketable for potential development and/or subdivision. A nearby property with similar attributes sold in 2013, on which a residential home/cabin and other developments have already been constructed.

The potential replacement of native vegetation with houses, garages, barns, fences, driveways, and/or other construction would constitute a direct habitat loss for native wildlife populations on the subject property. Human activity associated with residential areas, including pets and vehicle traffic, would displace many species from otherwise suitable habitat within an expanded radius beyond the home and development footprint. Conversely, the potential introduction of garbage, bird feeders, fruit trees and other unnatural foods would be expected to attract deer, bears and mountain lions into nuisance situations that would not occur without rural residential development; these situations are difficult and expensive to mitigate or correct. Additionally, potential and unencumbered private sale and development of the subject property would likely decrease future hunting opportunities on those lands.

**Location affected by proposed action:**

Fish Creek Wildlife Management Area and the proposed addition are located in FWP Administrative Region 2 in Mineral County (Figure 1). The property is located approximately 10 miles south of the community of Tarkio, Montana.

Legal description:

T14N, R25W, Section 35, NW1/4, NE1/4

**Estimated project size:**

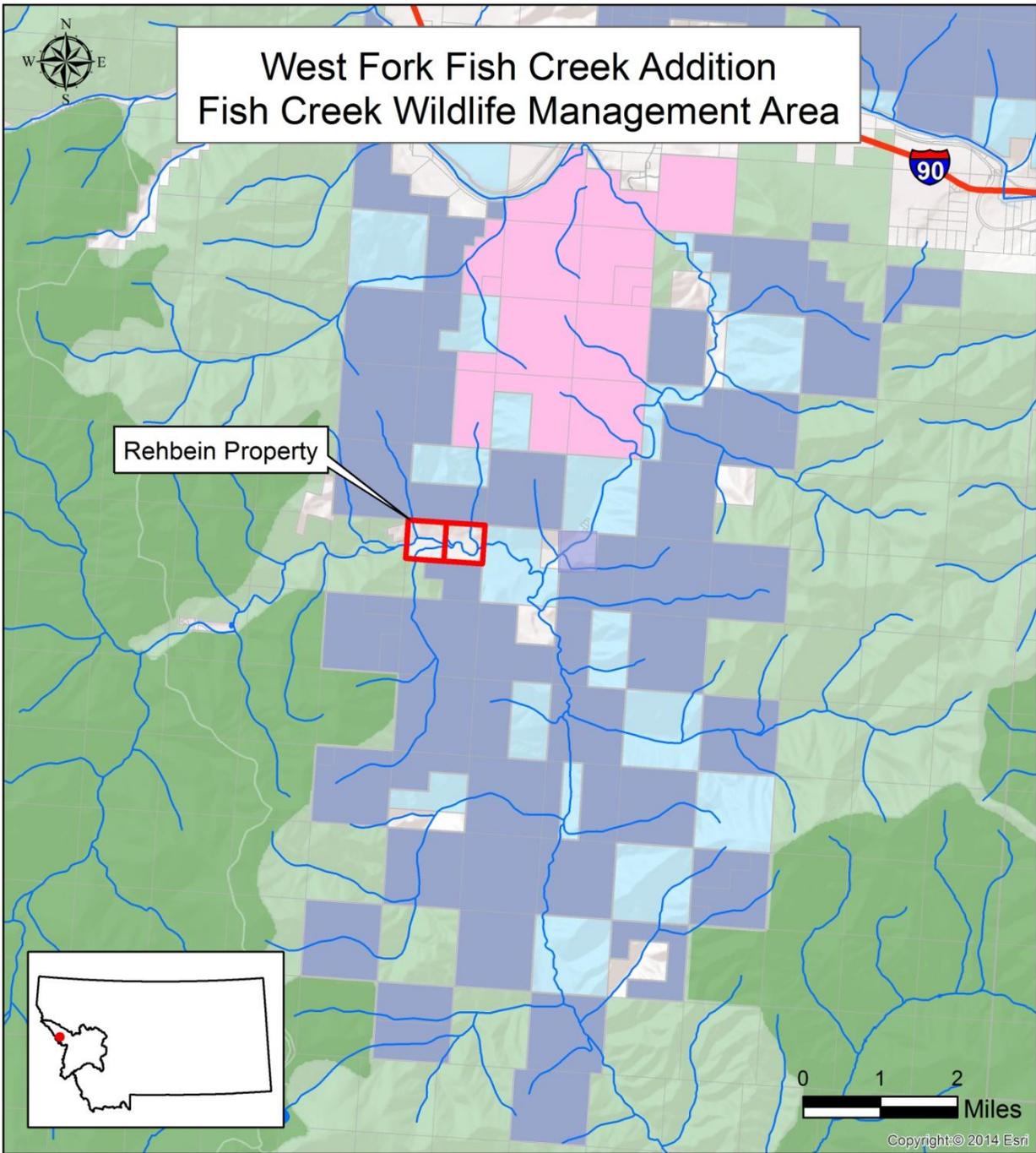
	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/	<u>248</u>	Irrigated cropland	<u>0</u>
Woodlands/Recreation		Dry cropland	<u>0</u>
(c) Wetlands/Riparian	<u>72</u>	Forestry	<u>0</u>
Areas		Rangeland	<u>0</u>
		Other	<u>0</u>

**Permits, Funding & Overlapping Jurisdiction:**

(a) **Permits: none required**

(b) **Funding (proposed):**

US Fish & Wildlife Service (Pittman-Robertson)	\$1,050,000
FWP (Habitat Montana)	<u>350,000</u>
Total	\$1,400,000



**Figure 1.** Location map of Fish Creek WMA and State Park and the proposed acquisition (Rehbein property).

(c) **Other Overlapping Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
Fish & Wildlife Commission	Acquisition approval
Montana State Land Board	Acquisition approval
State Historic Preservation Office	Cultural & historic resources
Mineral County Weed District	Weed inventory
US Fish & Wildlife Service	Threatened/endangered species

**Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

The conservation and protection of threatened and endangered species, such as the bull trout (listed Federally as Threatened) and grizzly bear (Threatened) are under the jurisdiction of the US Fish & Wildlife Service (USFWS) under the 1973 Endangered Species Act (ESA). The wolverine is a Montana SOC, but was recently classified as “no listing”<sup>1</sup> relative to the ESA.

**Anticipated Schedule:**

Public Comment Period: October 8 to November 6, 2015

Decision Notice Published: mid November

Reviewed by Fish and Wildlife Commission: December 10, 2015

Reviewed by Montana Board of Land Commissioners: December 2015

**Narrative summary of the proposed action:**

General Description of FCWMA

In 2010, FWP acquired 40,175 acres from The Nature Conservancy to form the Fish Creek WMA (34,573 acres) and Fish Creek State Park (5,602 acres)<sup>2</sup>. The Five Valleys Land Trust 148-acre addition to the WMA in early 2105 resulted in the WMA’s current 34,721 acres.

The Fish Creek drainage provides significant winter range and other seasonal habitats for elk, mule deer, white-tailed deer, and moose. It also supports diverse populations of predators, furbearers and upland game birds, including black bear, mountain lion, wolf, mountain grouse, and wild turkey. Grizzly bear use of the area was documented in 2014 and is expected to increase in the future as this species continues to expand into historically occupied areas. The intact, productive riparian corridors of Fish Creek and its tributaries have exceptional habitat for white-tailed deer and moose, while the drier upland slopes provide forage and browse for mule deer. White-tailed deer and mule deer are abundant throughout the year. Moose are also observed frequently on the subject property.

In addition, Fish Creek provides hunter opportunity, with 1,546 hunters harvesting 91 animals (white-tailed deer, mule deer, elk, moose, and wolf) passing through the Fish Creek check station on weekends in 2012. Hunters also harvested 18 ruffed grouse, 2 dusky grouse and 1 spruce grouse. FWP personnel

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<sup>1</sup> The USFWS proposed the wolverine to be listed as Threatened in May 2014; in August 2014 the Regional Director (Mountain-Prairie Region) ordered that the rule to list be reversed. Its current status is “not listed”; per <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A0FA> and Federal Register <http://www.gpo.gov/fdsys/pkg/FR-2014-08-13/pdf/2014-18743.pdf> Both accessed 29 September 2015.

<sup>2</sup> The Draft EA for The Fish Creek WMA and State Park acquisition may be viewed on FWP’s webpage at [http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn\\_0081.html](http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn_0081.html) The Decision Notice (DN) is at [http://fwp.mt.gov/news/publicNotices/decisionNotices/pn\\_0423.html](http://fwp.mt.gov/news/publicNotices/decisionNotices/pn_0423.html) and the revised DN is at [http://fwp.mt.gov/news/publicNotices/decisionNotices/pn\\_0427.html](http://fwp.mt.gov/news/publicNotices/decisionNotices/pn_0427.html) All accessed 29 September 2015.

estimate >3,000 hunter-days annually within the drainage. The subject property is located in deer/elk hunting district (HD) 202, lion management unit 202, bear management unit 200, and wolf management unit 200. The acquisition of the subject property would secure additional points of public access for hunters and anglers to FCWMA and DNRC lands.

The Fish Creek drainage is also a very high-priority forest carnivore linkage zone (e.g., Canada lynx, wolverine) between the Ninemile Divide and the Selway-Bitterroot Wilderness (Servheen et al. 2003, American Wildlands 2008). There are approximately 182 wildlife species (57 mammals, 115 birds, 5 amphibians, and 5 reptiles) that biologists have either verified in the FCWMA or are likely to be found within the area. The FCWMA provides access to adjacent public roadless areas, as well as the 270,000-acre Proposed Great Burn Wilderness, which straddles the Montana-Idaho border.

Fish Creek is the largest tributary watershed in the middle Clark Fork River region and is considered the most valuable stronghold for bull trout and other native fish. The upper drainage primarily is comprised of public lands, most of which are roadless and proposed wilderness areas managed by the USFS (Lolo National Forest). The lower elevation tributaries and mainstem tracts are owned by FWP and DNRC, with a limited number of small private inholdings (Figure 1). This stream system supports the largest fluvial bull trout population in the middle Clark Fork River drainage and typically contains more redds than the rest of the tributaries in this region combined.

An intact migratory corridor and rearing area on the West Fork is vital to this bull trout population. The proposed acquisition property contains approximately 1.3 miles of the West Fork of Fish Creek and the lower reaches of three other tributaries. The subject property is located about one mile upstream from where the West Fork Fish Creek enters Fish Creek (at an area known as “Forks,” after FWP’s Forks Fishing Access Site [FAS] located there). The subject property contains a significant portion of the migratory corridor that connects the mainstem of Fish Creek with primary bull trout and westslope cutthroat trout spawning areas within roadless USFS ownership.

Fish Creek also is a popular, high-quality trout fishery that supports more than 4,000 angler-days per year, with the majority of those angler days occurring on the mainstem Fish Creek and lower portions of the West Fork of Fish Creek. This fishery is unique in that it is predominantly supported by westslope cutthroat trout, a Montana Species of Concern<sup>3</sup> (SOC), and angler pressure is focused in a relatively small area of the mainstem from the Forks confluence downstream approximately 6 miles to the mouth of Fish Creek. Since acquisition of the Fish Creek WMA and State Park in 2010, angling pressure has more than doubled. Rapid increases in angler use and high conservation values prompted FWP to enact more restrictive fishing regulations (e.g., artificial-lures only, catch-and-release only for most trout) in recent years to help protect native trout populations and the quality of the fishery.

#### Description of the Property

The subject property was formerly owned by Plum Creek Timber Company (PCTC), and is one of several inholdings that had been sold to private buyers prior to The Nature Conservancy's acquisition of the PCTC lands in Fish Creek. The subject property includes approximately 1.3 miles of West Fork Fish Creek and its associated riparian corridor, as well as lower sections and confluence areas of Bear Creek (~0.6 mile), Trail Creek (~0.35 mile), and Winkler Gulch (~0.24 mile) (Figure 2). In total, the property contains 72 acres of stream corridor, riparian areas, and associated wetlands. There are also 148 acres of adjacent upland habitat, important for elk and other wildlife species.

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<sup>3</sup> A native animal breeding in Montana that is considered to be “at risk” due to declining population trends, threats to its habitats, and/or restricted distribution. The purpose of Montana's SOC listing is to highlight species in decline and encourage conservation efforts to reverse population declines and prevent the need for future listing as Threatened or Endangered Species under the Federal Endangered Species Act. More information may be found at <http://mtnhp.org/animal/> Accessed 7 October 2015.

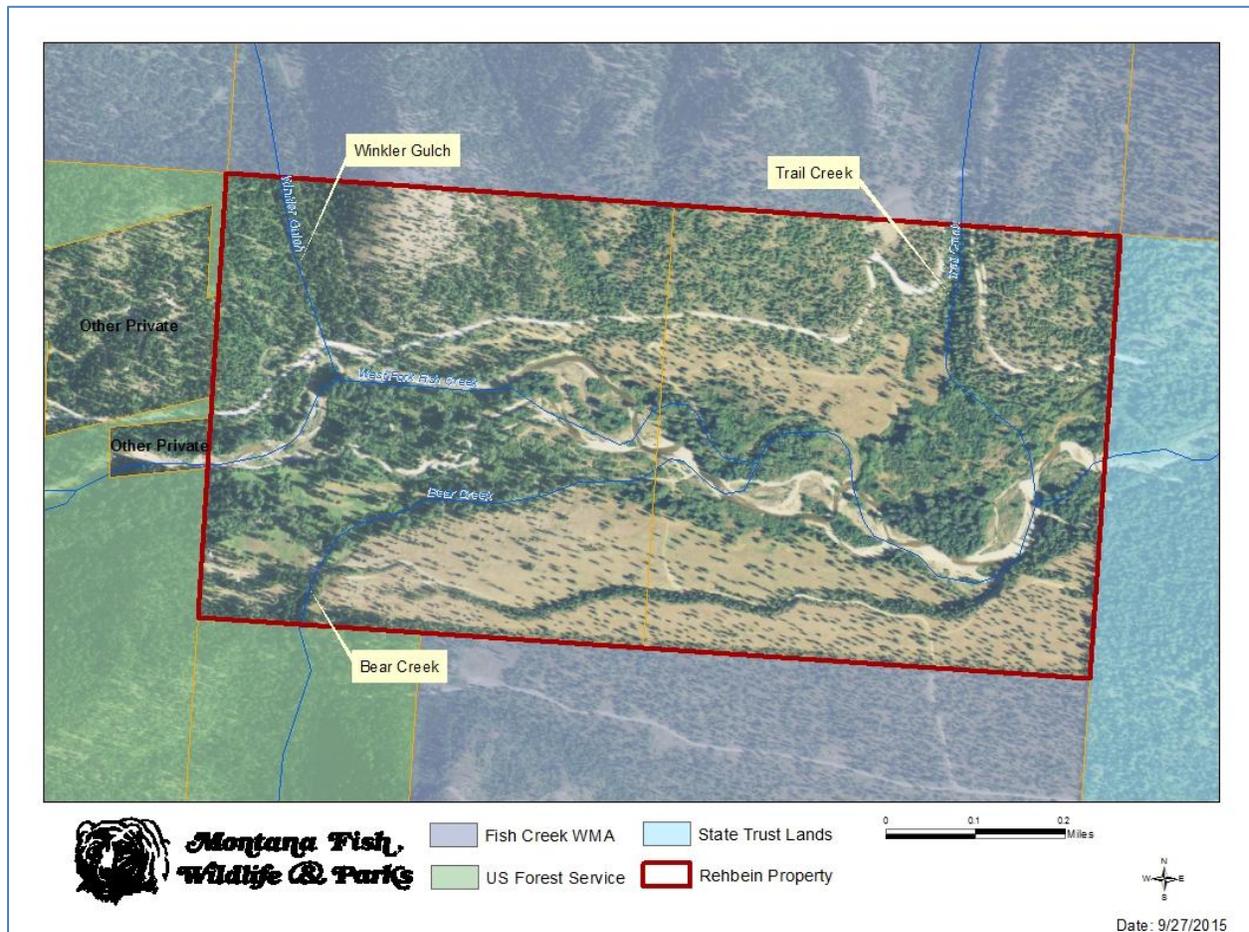


Figure 2. Aerial view of the proposed acquisition.

Under PCTC and current ownership, portions of the subject property have been logged and partially cleared. Interior fencing and access roads have also been constructed at several locations. The Fish Creek area (including portions of the WMA and SP) was impacted by forest fires in 2003, 2005, and 2015; however, the subject property was not affected by any of these fires. The habitat along the riparian areas of West Fork Fish Creek and tributaries is comprised of lower montane riparian woodland and shrubland habitat, with an extensive black cottonwood gallery. Other species include but are not limited to snowberry, prickly rose, willow, wild red raspberry, red osier dogwood, black hawthorn, quaking aspen, and Engelmann spruce. Lower montane and foothill forests comprise a portion of the subject property and are dominated by Douglas-fir, ponderosa pine, and western larch (MNHP 2009). Lower montane-foothill and valley grassland and foothill deciduous shrubland dominates southerly facing slopes of the subject property and includes bluebunch wheatgrass, ninebark, and snowberry (MNHP 2009). A portion of this property has limited infestations of spotted knapweed. Tree thinning, fence installation and construction of access roads have also occurred on some upland portions, but no structures or significant infrastructure have been built. Forest Service Road 7750, which is the only vehicular access route to facilities and properties in upper West Fork Fish Creek, runs east-west through the northern portion of the property.

The subject property includes riparian habitat and important montane forests that provide important seasonal ranges for elk, moose, mule deer and white-tailed deer. The property also supports diverse populations of a suite of other species, including black bear, mountain lion, wolf, and ruffed grouse.

Montana SOC and Potential SOC that would benefit from this acquisition include bull trout, westslope cutthroat trout, western toad, flammulated owl, western screech-owl, golden eagle, bald eagle, northern goshawk, peregrine falcon, veery, great blue heron, porcupine, northern alligator lizard, hoary bat, silver-haired bat, little brown bat, fringed myotis, Cassin's finch, pileated woodpecker, Clark's nutcracker, varied thrush, evening grosbeak, Pacific wren, and rufous hummingbird. Three stops along the Fish Creek Breeding Bird Survey route are located on the subject property, and a 4<sup>th</sup> stop is located just off the property to the west. Biologists have detected 77 species of birds along the route (Sauer et al. 2014).

The width and abundance of riparian habitats provide biologically rich and important feeding sites for bats, songbirds, and small carnivores, and potential breeding sites for amphibians. Since much of the Fish Creek drainage is dominated by narrow steep-sided valleys, the wider and flatter West Fork and Forks areas (as well as Fish Creek and South Fork Fish Creek) are especially valuable for wildlife in this landscape.

Currently, the property is not open to public access. Previously, when under PCTC ownership, it was open to hunting and other public recreation.

FWP very recently received the hazardous materials survey (inspection) report completed by Griffith Environmental Consulting, Inc.<sup>4</sup> for the subject property. There is a gravel pit (half on the subject property and half on existing FWP land), which apparently has been used historically as an informal shooting or target practice area, with the pit walls used as "backstops" for targets. This has resulted in an unknown amount of lead being embedded, particularly in the east wall. If gravel or rock material were to be removed from the gravel pit and used on roads, then the "lead fragments could become airborne from the grinding action of tires on the road" and "the lead becomes an airborne hazardous material." Therefore, FWP would deny all use of the gravel pit as a potential source of road material. (See Appendix B for excerpts from the report's cover letter relating to the gravel pit.)

## **2.0 ALTERNATIVES**

### **Alternative A: No Action**

Under the No Action Alternative, FWP would not purchase the property from Doug and Annette Rehbein. FWP's concern is that the property could be subdivided into numerous private parcels in the future, based on its location and natural resource values and the history of sales of other inholdings along Fish Creek and its main tributaries since 2012.

FWP's acquisition of the Fish Creek WMA and State Park, winter road plowing on the nearby Fish Creek Road, and access to thousands of acres of public lands and the proposed Great Burn Wilderness makes the property very marketable. A nearby property with similar attributes sold in 2013, on which a residential home/cabin and other developments have already been constructed.

Land management activities on similar inholdings within the WMA indicate that private ownership carries increased risk of further subdivision, riparian and channel encroachment, illegal water withdrawal, and general habitat degradation, as well as loss of public access. The subject property is in Mineral County and is not zoned.

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<sup>4</sup> Griffith Environmental Consulting, Inc., 5089 Hedges Dr, Helena, MT 59602; 406-458-5720

**Alternative B: Proposed Action. Acquisition by purchase and incorporation into the Fish Creek Wildlife Management Area.**

FWP proposes to purchase the 320-acre property (along the mainstem of West Fork Fish Creek) from Doug and Annette Rehbein as an addition to the FCWMA. Appraised value of the property is \$1,400,000.

Acquisition of this property would be consistent with the goals of the *Montana State Wildlife Action Plan* (MFWP 2015) to conserve two community types of greatest conservation need: riparian/wetlands (a terrestrial community type) and mountain streams (an aquatic community type). Riparian and wetland communities support the highest concentration of plants and animals in Montana, including the highest density and diversity of breeding birds relative to other habitats. The proposed acquisition has an abundance of these habitat types.

The property is an inholding within the 34,721-acre FCWMA. If approved, the property would be added to and managed in concert with the WMA for the protection of important habitat for sensitive species, such as bull trout, Canada lynx, and numerous game and nongame species. Additionally, the proposed acquisition would also protect additional wetland and riparian areas that supports important wildlife travel corridors.

**Management of the Addition under FWP Ownership**

Management of the property would be under the guidance of the Fish Creek WMA and Fish Creek State Park Interim Preliminary Management Plan (MFWP 2009). General rules governing the WMA are:

1. A portion of Fish Creek WMA has a seasonal closure from December 2--May 14 annually. The proposed acquisition is not within the seasonal closure area, and it would be open to the public year-long under the current interim management plan.
2. Public recreation opportunities include: fishing, hunting, hiking, horseback riding, and other non-motorized recreation. Camping opportunities are evaluated based on compatibility with natural resource values. This proposed acquisition will be closed to camping to protect streambanks and riparian vegetation, and to protect this area as a movement corridor for wildlife. Camping opportunities will remain available at nearby Forks FAS.
3. Motorized vehicles must stay on designated roads. West Fork Fish Creek (FS road 7750) will remain the only road open to motorized use on the property.
4. There are mandatory food-storage requirements because of the presence of bears.
5. Use of fireworks is prohibited.
6. Trapping is by FWP permission only.
7. Pack in/pack out all garbage.
8. No commercial hunting or angling outfitting is permitted on the WMA.

If acquired, FWP would work with Five Valleys Land Trust (FVLT), Trout Unlimited, and other partners on riparian habitat enhancement projects, similar to those completed in the past on Deer Creek and the South Fork of Fish Creek on the FCWMA.

### 3.0 AFFECTED ENVIRONMENT AND PREDICTED CONSEQUENCES

#### Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

##### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

The proposed FWP acquisition of the subject property would likely offer positive impacts to soil stability because FWP would protect the acreage from future development and in the future, may initiate riparian habitat enhancement projects which would further stabilize soils from potential erosion.

No changes are anticipated that would alter soil stability, unique geologic or physical features, or expose people or property to a variety of ground failures. Surface mining for removal of gravel or other minerals would not be permitted, which is consistent with the prohibition of such activities within the WMA. Mineral and oil & gas rights for the subject property are held by other private entities and are not included in this proposed acquisition.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

The ambient air quality of the subject property would not change if the proposed acquisition was approved, because motorized public access would remain limited to the existing road, most public recreation opportunities would be by foot within the subject property, and no development activities would be implemented within the subject property.

3. <b>WATER</b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?			X			3f
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				3i
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				3l
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

3f. FWP's acquisition would have no effect on existing quantity or flooding of natural surface waters or groundwater. The change in ownership may have a minor positive impact on water quality since FWP may implement riparian habitat enhancement projects with other partners on the property, similar to those that have been completed on Deer Creek and the South Fork of Fish Creek in FCWMA. Additionally, the transfer of ownership to FWP would ensure no residential development and associated water-related improvements (e.g., septic systems, wells) occurred on this subject property that could impact the water quality in the future.

3i. A search of the Montana DNRC water rights database did not reveal any water rights attached with the property.

3l. The proposed acquisition would likely not impact a designated floodplain since FWP does not plan to initiate any changes to the creek's channel or shoreline vegetation.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				4e
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?			X			4f

4a. The proposed action is expected to have a positive impact on existing native vegetation under FWP management because: noxious weed infestations would be addressed by mechanical and chemical methods to deter them from spreading, riparian habitat enhancement projects may be initiated, and upland clearing would cease.

4c. There are no reported observations of sensitive plant species (threatened, endangered, or state species of concern) within the subject property (Montana Natural Heritage Program database 18 August 2015).

4e. The proposed addition would be managed as part of the FCWMA and would be under the same weed control plan as the WMA. If the acquisition is approved, FWP would initiate FWP's Statewide Integrated Noxious Weed Management Plan using an integrated approach to control noxious weeds on the property by means of chemical, biological and mechanical methods. The implementation of these weed management methods was reviewed by the Mineral County Weed District when the WMA was originally established in 2010. Many of the old logging roads that are closed to the public, as well as roads open to the public are already infested by spotted knapweed.

4f. The proposed action is expected to have a positive impact on existing shrub and forested riparian and wetlands that are present within the property by protecting them from potential manmade disturbances in the future. Additionally once acquired, FWP would work with FVLT, Trout Unlimited, and other partners on riparian habitat enhancement projects, similar to those completed in the past on Deer Creek and the South Fork of Fish Creek on the FCWMA.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				5e
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		Y	5g
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5a. The proposed acquisition would expand the protection of important wildlife forest and riparian habitat and migration corridors within the Fish Creek drainage.

5e. The proposed acquisition would not create a barrier to the migration or movement of wildlife.

5f/h. The proposed acquisition may have a positive impact on threatened, endangered, and state species of concern wildlife through the protection of important forest and riparian habitat, as well as known migration corridor with the Fish Creek drainage. Other game and nongame species would also benefit by the protection of habitats for forage, nesting, and general habitat.

The management of grizzly bears throughout the WMA would continue to be guided by FWP's Grizzly Bear Management Plan (MFWP 2006) for Western Montana, which was developed in cooperation with the USFWS, USFS, National Parks Service, Bureau of Land Management, Blackfoot Tribe, and Confederated Salish and Kootenai Tribes.

5g. The target property would be managed under the guidance of the Fish Creek WMA and Fish Creek State Park Preliminary Management Plan (MFWP 2009) that balances the needs of wildlife with public access. Public recreational activities such as the hunting of game species would be permitted on the property as is within the entire WMA. The proposed acquisition may increase conditions that stress wildlife populations since only limited hunting was permitted under the current ownership, after the property was previously sold by PCTC. Additional permitted recreational activities on the property would be consistent within the management of the larger WMA.

## B. HUMAN ENVIRONMENT

<b>6. <u>NOISE/ELECTRICAL EFFECTS</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

The proposed acquisition would not increase noise above levels currently experienced in the area. Access to the property would continue to be via existing roads and public recreational activities would be walk-in only and would not be considered a severe noise level.

<b>7. <u>LAND USE</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

Currently, the property is not developed and not actively managed for a specific purpose (e.g., forestry). Management of the property would be absorbed into the existing FCWMA, thus no impacts would occur since the property would continue to be managed as open space for the benefit of fish and wildlife species while providing opportunities for public recreation.

<b>8. <u>RISK/HEALTH HAZARDS</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Y	8a
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Y	8c
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Y	8d

8a/d. If acquired, FWP would implement an integrated method of managing existing and new noxious weeds on the property, identical to the methods currently used on the WMA. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe application techniques. Weeds may also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

8c. The hazardous materials survey report was recently received from Griffith Environmental Consulting, Inc. of Helena. As discussed earlier in this EA (“Description of the Property”), lead has been deposited in a gravel pit (used informally as a target range) along the northern border of the subject property. To avoid the possibility of lead becoming airborne if gravel or rock material from the pit were to be used in road building or repair, FWP will not allow material to be extracted from the gravel pit. (See Appendix B for excerpts from the report’s cover letter, regarding the gravel pit.)

<b>9. <u>COMMUNITY IMPACT</u></b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
<b>Will the proposed action result in:</b>						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

The proposed addition to the FCWMA would have no effect on local communities, nor increase traffic hazards or alter the distribution of population in the area. The closest community is approximately 12 miles north (Tarkio) and nearby properties are single-family residences/cabins.

<b>10. PUBLIC SERVICES/TAXES/UTILITIES</b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, 18s/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				10c
d. Will the proposed action result in increased use of any energy source?		X				10d
e. Define projected revenue sources		X				
f. Define projected maintenance costs.						10f

10a/c/d. The proposed action would have no impact on public services or utilities. Minimal services would be needed beyond what FWP staff is currently providing at the WMA. FWP would be responsible for the following: site maintenance, weed control in cooperation with Mineral County Weed District, fish & wildlife law enforcement, and litter pick up on the subject property. FWP enforcement staff currently patrol the existing WMA and would also patrol the additional land and continue to cooperate with local law enforcement as necessary.

10b. FWP is required by state law (§ 87-1-603, MCA), to pay “a sum equal to the amount of taxes that would be payable on county assessment of the property if it was taxable to a private citizen.” Current taxes on the subject property are approximately \$600 per year based on the current assessment.

10f. Initial costs to maintain the property would be minimal and any ongoing costs would be covered by the WMA’s existing operating budget. In an effort to educate the public of acceptable and prohibited uses on the property, FWP would install boundary markers and signs as soon as possible once the acquisition is completed.

<b>11. <u>AESTHETICS/RECREATION</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				11c
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

11c. The property is currently posted “No Trespassing” and is not accessible to the general public. The proposed acquisition would expand the number of acres available to hunters and other visitors to the WMA for non-motorized recreation, which be a positive benefit for the area’s public recreational opportunities. The current natural aesthetic values of the riparian/wetlands and forested uplands would be maintained and protected from any man-made disturbances in the future.

Public recreational activities currently allowed on FCWMA, such as hunting, fishing, hiking, etc., would be permitted on the subject property if the acquisition is approved.

<b>12. <u>CULTURAL/HISTORICAL RESOURCES</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Destruction or alteration of any site, structure or object of prehistoric historic or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d

12d. A file search at the State Historic Preservation Office (SHPO) found no known recorded historic sites within subject property to be transferred to FWP, nor were there any recorded historic sites located within the subject property. SHPO believes there is a low likelihood cultural properties would be impacted by the proposed acquisition as long as there would be no new ground disturbance or alteration to structures over fifty-years old. Therefore, SHPO feels that a recommendation for a cultural resource inventory is unwarranted at this time. However, if cultural materials were to be discovered, SHPO requests to be contacted so that the site can be investigated. See Appendix A for the SHPO determination letter.

## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)			X			13f
g. For P-R/D-J, list any federal or state permits required.		X				

13a. The proposed acquisition is expected to have no significant negative cumulative effects on the physical and human environments. Rather, purchasing the property would be expected to have a significant positive contribution to the habitat conservation efforts within the Fish Creek drainage. The protection of these acres would expand riparian and forested habitats for numerous species for forage, shelter, nesting, and migration corridors.

13f. There may be some limited public controversy generated for the proposed addition to the Fish Creek WMA.

## 4.0 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

**Based on the significance criteria evaluated in this EA, is an Environmental Impact Statement (EIS) required?** No

**If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, no significant negative impacts from the proposed land acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

## 5.0 PUBLIC PARTICIPATION

### 1. Public involvement:

The public will be notified in the following manners about the opportunity to comment on this current EA, the proposed action and alternative:

- Legal notice will be published twice each in these newspapers: *Mineral Independent* (Plains), *Independent Record* (Helena), and *Missoulian*.
- Public notice will be posted on FWP's webpage: <http://fwp.mt.gov> ("Public Notices"); the Draft EA will also be available on this webpage, along with the opportunity to submit comments online.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues; this news release will also be posted on FWP's website <http://fwp.mt.gov> ("News," then "News Releases").
- Direct mailing or email notification to adjacent landowners and other interested parties (individuals, groups, agencies).
- A public hearing to explain the project, answer questions and take public comment will be held in Alberton on Tuesday October 20, 2015 at 6:30 pm at the Alberton Community Center (701 Railroad).

Copies of this draft EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing [shrose@mt.gov](mailto:shrose@mt.gov); or by viewing FWP's Internet website <http://fwp.mt.gov> ("Public Notices," beginning October 8, 2015).

This level of public notice and participation is appropriate for a project of this scope with no significant physical or human impacts and only minor impacts that can be mitigated.

## **2. Duration of comment period:**

The public comment period will extend for thirty (30) days. Comments must be received by FWP not later than November 6, 2015.

Comments may be made online on the EA's webpage, mailed to the FWP address below, or emailed to Sharon Rose at [shrose@mt.gov](mailto:shrose@mt.gov) :

MT FWP Region 2  
Attn: Fish Creek WMA Addition  
3201 Spurgin Road  
Missoula, MT 59804

For questions about the project, please contact Liz Bradley by email at [lbradley@mt.gov](mailto:lbradley@mt.gov) or by phone at 406-542-5515.

## **6.0 EA PREPARATION**

### **Persons responsible for preparing the EA:**

Liz Bradley, FWP Wildlife Biologist, Missoula, MT  
Mike Thompson, FWP Wildlife Manager, Missoula, MT  
Ladd Knotek, FWP Fisheries Biologist, Missoula, MT

### **List of agencies or offices consulted during preparation of the EA:**

Mineral County Environmental Health and Planning, Superior MT  
Montana Fish, Wildlife & Parks:  
    Fisheries, Missoula, MT  
    Lands, Helena, MT  
    Wildlife, Missoula, MT  
Montana Natural Heritage Program, Helena, MT  
Montana State Historic Preservation Office, Helena, MT

## 7.0 REFERENCES

- American Wildlands. 2008. Priority linkage assessment, the Cabinet-Purcell conservation area. <[http://www.montanans4wildlife.org/pdfs/Cabinet\\_Purcells\\_PLA\\_report\\_AWL.pdf](http://www.montanans4wildlife.org/pdfs/Cabinet_Purcells_PLA_report_AWL.pdf)> Accessed 29 September 2015
- Montana Fish, Wildlife and Parks (MFWP). 2015. Montana's State Wildlife Action Plan. Helena MT. <<http://fwp.mt.gov/fishAndWildlife/conservationInAction/>> Accessed 08 October 2015.
- Montana Fish, Wildlife and Parks (MFWP). 2006. Grizzly Bear Management Plan for Western Montana. Helena MT.
- Montana Fish, Wildlife and Parks (MFWP). 2009. Fish Creek State Park and Fish Creek Wildlife Management Area Preliminary Management Plan. Helena MT. <[http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn\\_0081.html](http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn_0081.html)> (Appendix B) Accessed 29 September 2015.
- Montana Natural Heritage Program (MNHP). 2009. Montana land cover/land use theme. Based on classifications originally developed by the University of Idaho, Sanborn and MNHP for the Pacific Northwest ReGAP project. Helena, Montana.
- Montana Natural Heritage Program (MNHP). 2014. Montana Animal Species of Concern, August 2014. <<http://mntnhp.org/SpeciesOfConcern/Default.aspx>> Accessed 29 September 2015.
- Sauer, J. R., J. E. Hines, J. E. Fallon, K. L. Pardieck, D. J. Ziolkowski, Jr., and W. A. Link. 2014. The North American Breeding Bird Survey, Results and Analysis 1966 - 2013. Version 01.30.2015 USGS Patuxent Wildlife Research Center, Laurel, MD. <<http://www.mbr-pwrc.usgs.gov/bbs/bbs.html>> Accessed 29 September 2015.
- Servheen, C. R., R. Shoemaker, and L. Lawrence. 2003. A sampling of wildlife use in relation to structure variables for bridges and culverts under I-90 between Alberton and St. Regis, Montana. Pp 331-341 *In Proceedings from the International Conference of Wildlife Ecology and Transportation, 2003.* <<http://www.icoet.net/downloads/03ICOETProceedings.pdf>> Accessed 29 September 2015.

## APPENDICES

- A. Cultural Resource File Search, State Historic Preservation Office (SHPO letter)
- B. Hazardous Material Inspection for the Subject Property

## APPENDIX A.



July 3, 2014

Rebecca Cooper  
FWP  
1420 E. 6<sup>th</sup> Ave  
Helena MT 59601

RE: FISH CREEK WMA ADDITIONS. SHPO Project #: 2014070304

Dear Rebecca:

I have conducted a cultural resource file search for the above-cited project located in Sections 31, 35, T14N R24W, and Sections 35, 36 T14N R25W. According to our records there have been no previously recorded sites within the designated search locales. However, there have been a few previously conducted cultural resource inventories done in the areas. I've attached a list of these reports. If you would like any further information regarding these reports you may contact me at the number listed below.

As long as there will be no new ground disturbance or alteration to structures over fifty years of age we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov). I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo  
Cultural Records Manager  
State Historic Preservation Office

File: FWP/WILDLIFE/2014

## **APPENDIX B.**

Excerpts regarding the gravel pit, from the cover letter (dated 1 Oct 2015) from Griffith Environmental Consulting, Inc., which accompanied the Hazardous Material Inspection report for the subject property.

### **Site Inspection**

. . . On the east end of the parcel, where the road swings north to get across an incised coulee, there is a gravel pit that appears to have been the primary source of aggregate for the USFS road when it was improved. This pit is easily seen on the Google photo just to the north of the small switchback at the northeast end of the parcel. It appears that the property line between the Rehbein property and the adjoining FWP property bisects the gravel pit. . . . The many pieces of OSB [oriented strand board, or particleboard], log sections, and other backstop materials indicate that this pit has been used for target practice for a long time. While it may seem odd that such an isolated location would become a place for target practice, there is no doubt that it is used fairly heavily. Recent evidence of shooting was very clear in the presence of shot shells and well over 50 cartridge casings from 45 ACP and 40 caliber S&W just east of the rocks placed to keep vehicles out. Most of the bullets are embedded in the east wall of the pit with all of the backstop material scattered about the base of the pit slope.

The amount of lead and copper jacketing material could easily be in the tens or even hundreds of pounds. For example, a 230 grain bullet from a 45 ACP cartridge is equivalent to nearly ½ oz. Thus, a box of 50 round nose, full metal jacket cartridges contains over 1.5 pounds of lead and copper. If the bullets remain embedded in the east side of the pit they do not pose a problem. However, if removal of material from the east side were to extract these bullets and place them on the road, the lead fragments could become airborne from the grinding action of tires on the road. At this point the lead becomes an airborne hazardous material. . . . However, since all of the target and backstop materials are on the east side of the pit with most of the expended lead there as well, simply staying away from this section of the pit for aggregate would be a reasonable administrative solution.

### **Conclusions**

. . . Where easy access was available, as with the gravel pit, there was clear evidence of human activity. Trash and litter were limited with most of the litter restricted to cartridge casings, shot shell casings, and the materials used as target backstops.

### **Recommendations**

Whereas the only part of the property that has been impacted to any extent is the gravel pit and there exists a potential human health hazard due to the lead bullets, I would advise the FWP to clearly identify the bullet impact area on site maps and in the property documents. While removal of the lead from the berm may seem an option, it would require considerable equipment and a source of water. Finally, it would likely be impossible to keep people out of the area so the best solution would be administrative; identify the area where the bullets accumulate and don't use material from that part of the pit for aggregate.