



Montana Fish, Wildlife & Parks

Region 2
3201 Spurgin Road
Missoula, MT 59804
January 11, 2016

Dear Interested Citizens:

Thank you for your thoughtful reviews and comments on a proposal by Montana Fish, Wildlife and Parks (FWP) to purchase approximately 760 acres of wildlife habitat from The Nature Conservancy, as an addition to the Nevada Creek Wildlife Management Area in Powell County.

Enclosed is a decision document in which FWP explains its rationale for recommending that the Fish & Wildlife Commission and the State Board of Land Commissioners approve this transaction as proposed. Upon completion of the public involvement process and by including this Decision Notice, FWP accepts the draft environmental assessment (EA) as final. The decision document also summarizes public comments on the proposed acquisition, and explains how FWP considered and incorporated these comments in formulating a recommendation.

FWP will request approval for the purchase of the subject lands at the monthly Fish & Wildlife Commission meeting scheduled for January 14, 2016, in Helena. FWP will also request approval from the State Board of Land Commissioners at its regularly scheduled meeting on January 19, 2016, also in Helena. These meetings are open to the public, as are other regularly scheduled Commission and Land Board meetings.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

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

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DECISION NOTICE
Proposed Clear Creek Addition
to the Nevada Lake Wildlife Management Area
January 11, 2016

Proposal

Montana Fish, Wildlife & Parks (FWP) proposes (the “Proposed Action” Alternative) to purchase in fee title, two parcels totaling 760 acres that are currently owned by The Nature Conservancy (TNC), as an addition to FWP’s adjacent 740-acre Nevada Lake Wildlife Management Area (WMA), located southeast of Helmville in Powell County. The proposed Clear Creek addition is comprised of 2 parcels, located north of Nevada Creek Reservoir and Montana Highway 141. One parcel is directly adjacent to the west, and the other is directly adjacent to the north, of the WMA, and the western parcel is bisected by Chicken Creek. This property would add to the elk and deer winter range of the existing WMA, increase access to adjacent Helena National Forest lands, and is a critical property for large-scale wildlife connectivity. Management of the Clear Creek property would be under the guidance of an interim Management Plan

Wildlife habitat and fisheries values are abundant on the properties, and the area experiences high use from hunters during the general deer and elk season. The Clear Creek addition would conserve and expand critical winter range for deer and elk adjacent to the Nevada Lake WMA. The proposed addition is situated within deer and elk Hunting District (HD) 293. Each year HD 293 experiences >20,000 elk hunter-days and >15,000 deer hunter-days. Grizzly bears frequent the area, and Chicken Creek has been identified as a very important tributary for native westslope cutthroat trout.

Under the “No Action” Alternative, FWP would not acquire the 760-acre property. TNC would continue to search for an alternate private or public buyer for the land.

Public Review Process

FWP 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; “Proposed Clear Creek Addition to the Nevada Creek [*sic*, Lake] Wildlife Management Area”) for public review of this proposal on November 12, 2015 and accepted public comment until December 11, 2015.

Legal notices of the proposed addition and its Draft EA availability were published in the following newspapers (dates): *Blackfoot Valley Dispatch* (Lincoln; November 12 & 19), *Independent Record* (Helena; November 10 & 17), *Missoulian* (November 10 & 17), *Seeley Swan Pathfinder* (November 12 & 19), and *Silver State Post* (Deer Lodge; November 11 & 18).

FWP mailed 23 copies of the EA, and emailed approximately 49 notifications of the EA’s availability, to adjacent landowners and interested individuals, groups and non-FWP agencies. The EA was available for public review and comment on FWP’s web site (<http://fwp.mt.gov/>, “Public Notices”) beginning November 12 through December 11, 2015.

¹ The EA (accessed 10 Jan 2016) is posted online on FWP’s website at http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn_0178.html

A public hearing to explain the project, answer questions and take public comment was held in Helmville on November 19 (6:30 p.m.) at the Helmville Community Center.

Public Comment

Public Comment (via email, mail or phone)

FWP received 18 emailed, mailed, or phoned comments (Appendix A): 15 comments were from individuals; and 3 comments were from organizations (Helena Hunters & Anglers, Hellgate Hunters & Anglers, and Montana Chapter of Backcountry Hunters & Anglers). Commenters (including the organizations) were from the following Montana towns and locations: 9 from Missoula; 2 from Helena; and one each from Anaconda, Emigrant, and Great Falls. One commenter was from Redmond, WA, and 3 did not indicate a location.

Of these 18 submitted comments, 17 supported the proposed acquisition. One individual's (from Anaconda) support was contingent on FWP changing an aspect of the elk hunting regulations for HD 293, since the currently private Clear Creek addition lands would become public lands upon FWP acquisition². (Also see the elk regulations discussion in the "Response to Public Comments" section of this Decision Notice.)

Public Hearing

Additionally, 3 individuals submitted public testimony at the public hearing (Appendix A, Commenters #18-20); 2 of these commenters were from Helmville and one from Ovando. Two of these 3 commenters supported the acquisition, and one did not support

The hearing provided a constructive forum for discussion during the question-and-answer (Q&A) portion of the meeting. (Attendees were reminded that comments they made during the Q&A portion were not counted in the official tally, and that there would be opportunity to make official comments during the public testimony portion of the hearing.)

Issues discussed during the Q&A included comments on FWP's ability to provide consistent enforcement of WMA rules as they apply to the Clear Creek Addition to the Nevada Lake WMA. Also discussed was the issue of currently held private land going to public land ownership and whether or not FWP can provide adequate stewardship on its lands.

Summary of All Public Comment

Of the 21 total comments received during the public comment period, including the public hearing:

- 19 supported the acquisition,
- 1 (individual from Helmville) opposed the acquisition, and
- 1 individual's (from Anaconda) support was contingent on FWP changing an aspect of the elk hunting regulations for HD 293.

² During the 2014 and 2015 hunting seasons for HD 293, antlerless elk could be taken by any hunter during the general archery season, and only by youths aged 12-15 years during the general rifle season. Also, there were 100 elk B licenses issued annually through the June-1 deadline drawing, which were valid for antlerless elk during the general rifle season, but only on private land in Powell County.

Response to Public Comment

Below is a summary of representative *public questions, comments, and suggestions* and FWP responses. For ease of response, similar comments from different individuals are grouped together if they expressed a similar view. (Numbers in parentheses below correspond to the numbering of the individual commenters in Appendix A.)

Comment A: *Concerns about the elk hunting season structure currently in place in HD 293 (Commenters #8, 10, 11).*

FWP Response: The decision to be made regarding this proposed acquisition is separate from any decisions to be made for HD 293 elk hunting regulations during FWP's 2016-2017 biennial hunting-season setting process, currently underway statewide. FWP encourages commenters to review the proposals (especially for elk in HD 293) and submit their hunting season comments to FWP, no later than January 22, 2016:

- at a public meeting, schedule available at <http://fwp.mt.gov/hunting/publicComments/2015/2016-17huntingSeasonChangesProposed.html> ;
- in writing to FWP, Attn: Wildlife Division, PO Box 200701, Helena, MT 59620-0701; or
- online at <http://fwp.mt.gov/hunting/publicComments/2015/2016-17huntingSeasonChangesProposed.html>

Comment B: *I also believe that no logging or other disturbances should occur on these lands unless it benefits elk, I say elk since they are the species that is causing the problem on these private lands. Keep elk on public lands and then I won't have to hear about another landowner complaining (Commenter #13).*

FWP Response: Thank you for your comment. FWP will have future forest management projects on the Nevada Lake WMA, primarily for the benefit of and based on the needs of big game and other wildlife. Forest management would focus on forest health and improving forage and habitat for big game. The "Forest Stewardship Plan for the Clear Creek Conservation Project" (Attachment 2 of the Draft EA) outlines opportunities and recommendations for timber and vegetation management on various stand types within the proposed acquisition. Prior to potential logging on the property, FWP would expect to release a draft EA for the proposed action, along with opportunity for public review and comment.

FWP Response:

Comment C: *The roads you're going to acquire from [The Nature Conservancy], please leave them alone. They're good travel corridors for people and animals. You could do some restoration for the stream crossings, but a full-scale road re-contour isn't really necessary and is not conducive to public and wildlife use, given the steepness of those slopes (Commenter #14)*

FWP Response: FWP has no plans to add or remove roads from the existing road system.

Comment D: *FWP is doing a very poor job of currently managing the [Nevada Lake] WMA. Need to address weeds, illegal ATV use, and extensive down & dead timber. In past 15 years, FWP hasn't done much for law enforcement or monitoring. Need to put a little effort into wildlife enhancement. FWP should definitely acquire the ground, but needs to put some effort into monitoring and for law*

enforcement and wildlife improvement (Commenter #14). Need more enforcement patrolling in the area; there are problems with blocked gates, hunters cutting fences [on nearby private land] (Commenter #19).

FWP Response: Thank you for your comments and observations based on your familiarity of this area. FWP will follow its current integrated weed management program to address weed infestations on the Nevada Lake WMA. Fences will be improved and measures will be taken to address the illegal ATV use. Forest management will occur on the Nevada Lake WMA within the first three years of ownership to address forest health and wildlife habitat enhancement. Enforcement will continue to be present on the Nevada Lake WMA with attention on blocked gates and illegal ATV use. FWP will keep your comments in mind as it goes forward with acquiring and managing this property for wildlife and recreational access.

Comment E: Would like to see the land stay in private ownership (Commenter #18).

FWP Response: FWP often prefers to see land remain in private ownership too, but proposals such as this one hope to make it easier for the neighbors to live with wildlife. With ownership of the Clear Creek Addition, FWP will secure 760 acres of elk winter range, and this will provide more non-private property for elk during winter where elk can remain without conflict. Additionally, FWP will continue to pay “to the county 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.”

Decision and Recommendation

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

This proposal for FWP to purchase the 760-acre TNC property and add it to the Nevada Lake WMA received overwhelming public support during the public review period. Supporters emphasized the benefits of: Protecting this important wildlife movement corridor from potential development or fragmentation, gaining more public land for big game winter range while decreasing wildlife damage to private ranch lands, and public hunting and recreational access that would accrue from the purchase.

In consideration of these facts and with the addition of this Decision Notice, I adopt the Draft EA as final. Therefore, I am pleased to recommend to the Fish & Wildlife Commission (at its regularly scheduled January 14, 2016 meeting in Helena) that it approve the proposed purchase of this 760-acre property and its addition to the Nevada Lake WMA.



Randy Arnold
Region 2 Supervisor
Montana Fish, Wildlife & Parks

1/11/2016

Date

APPENDIX A. Comments on the proposed Clear Creek addition to Nevada Lake WMA project and EA received by FWP during the comment period. Comments received via: E = email, M = mail, Ph = phone, PM = public hearing (meeting). (If someone submitted comments more than once, the ID# for this person's successive comments are numbered as #a, #b, etc.)

Com- men- ter #	Via	Para- graph	Comment	Name
1	E		Dear Fish Wildlife & Parks Commission: I support the purchase of the 760 acres on Clear Creek to add to the Nevada Lake WMA. I think the price is great, with the understanding the Nature Conservancy is donating the remaining amount. It looks like a great addition to the Nevada Lake WMA, that the public can enjoy. Thank you.	Bert Otis (Emigrant, MT)
2	E		I strongly and wholeheartedly support acquisition of this piece of property from The Nature Conservancy. This is a great area for wildlife and hunting.	Jack Reneau (Missoula, MT)
3	E		I support the addition of 760 acres to its Nevada Lake Wildlife Management Area that was purchased by The Nature Conservancy from Plum Creek. This is a wonderful bit of property for public use and adds more habitat for all sorts of wildlife, especially for deer and elk.	Susan Campbell Reneau (Missoula, MT)
4	Ph	1	My opinion regarding adding 760 acres to the Nevada Lake Wildlife Management Area is, let's do it!	Ron Sterling
		2	And any more we can add to any other wildlife management areas, would also be great as well.	(Missoula, MT)
		3	I would love to see as much acreage put into conservation as possible.	
		4	Good luck; hope we get 'er done!	
5	E		I personally support this acquisition for both the winter range values as well as public access to the adjacent national forest. If it is sold to private individuals who may subdivide both the public access and winter range values will be either diminished or lost	Greg Munther (Missoula, MT)
6	E		This would be a valuable addition to the adjacent public lands, and would serve Montana's interests as a destination for tourists and hunters, as well as ensure wildlife habitat.	Kimberly Ross (Redmond, WA)
7	E		This addition appears to be the right thing to do in regard to wildlife foremost as a priority, and secondly access that will enhance opportunity to experience an outstanding Montana landscape. We should be lucky to have the opportunity to adjoin these holdings!	anonymous 1 (unknown location)
8	E	1	This is positive...please make it happen. - Yes on this!	Ken Price
		2	But...the private property only Cow Elk B Tag is restrictive and District 293 should be able to harvest a cow elk on Public property...not just Private! I've hunted this area for over 15 years and this private only Cow Elk Tag in 293 is not effective and penalizes us Hunters who want to hunt public land and not have to knock on doors - only to be turned down. Yes I hunt the Block management property but as we all know the BM property is overcrowded and not prime habitat. And the damage hunts never materialize...been on the list for years - no opportunity to date including this year. Very disappointed in the Cow Elk B tag Powell County-only restricted - poor opportunity tag...Please fix this tag - go back to the 25 qty tags for all of 293 and if you feel there's so much wonderful opportunity on private then offer that as a separate tag...which I won't apply on private.	(Missoula, MT)
9	E	1	As a long time hunter of the Lincoln area, I am support of adding winter range for deer and especially elk. Any land securing more public access is also a plus.	George Golie
		2	There was a time when there were 400 cow permits for the hunting district, but now it is down to literally nothing. We need to do everything we can to increase the elk herd. The new winter range will help.	(unknown location)
		3	There isn't any cost to FWP for this addition. This is an opportunity we can't pass up.	
10	E		In principle, I am in favor of the FWP obtaining ownership of TNC ground. However, under the current season structure for district 293, antlerless harvest is only valid on private lands. If FWP obtains the land, the result would be a net loss to the public in antlerless harvest opportunity. If changes are made to the season structure, I fully support the acquisition.	Brian [no last name] (Anaconda, MT)

11	E		As always I support obtaining additional public land. With the diminishing access the private land this would be welcome. However if this does occur FWP has to consider changing the antlerless elk tags in HD 293. At present these tags are only available within Powell County on private land. Under this proposal the antlerless tags would not be available, thus reducing hunter opportunities. If the land is acquired then changes for HD 293 must be made. Thank You.	John Robbins (Great Falls, MT)
12	E		I support the acquisition of the property and the addition to the WMA. It is important to me to keep this land the way it is and not allow it to be sold or sub-divided. It provides good elk and wildlife winter range. This is important in a valley that the ranchers are not happy about wintering elk on ranches and allow little access or opportunity to hunt and decrease herd size. This property could continue to be a wintering area where elk and wildlife can go that is not in production. It is also important that all historic access to the property for recreation be kept in place.	Michael W Pecora (Missoula, MT)
13	E		Sirs, I believe we must acquire this land for WMA due to private land wanting limited elk on them. The only answer it to provide them with public lands that will provide this needed security. I believe we need more WMA areas throughout the state for these elk to survive on public lands. I also believe that no logging or other disturbances should occur on these lands unless it benefits elk, I say elk since they are the species that is causing the problem on these private lands. Keep elk on public lands and then I won't have to hear about another land owner complaining.	Dwayne C Garner (Missoula, MT)
14	Ph	1	FWP should purchase this property	John Peterson (unknown location)
		2	However, FWP is doing a very poor job of currently managing the [Nevada Lake] WMA that you do have.	
		3	Need to address weeds, illegal ATV use, and extensive down & dead timber	
		4	I've been up there for the past 15 years, and FWP hasn't done much for law enforcement or monitoring.	
		5	Need to put a little effort into wildlife enhancement.	
		6	And within the roads you're going to acquire from Plum Creek [The Nature Conservancy], please leave them alone. They're good travel corridors for people and animals. You could do some restoration for the stream crossings, but a full-scale road re-contour isn't really necessary and is not conducive to public and wildlife use, given the steepness of those slopes.	
		7	FWP should definitely acquire the ground, but needs to put some effort into monitoring and for law enforcement and wildlife improvement.	
15	M	1	This letter is to support the 760 acre proposed purchase and addition to the Nevada Lake WMA. This effort will be very positive for wildlife by keeping this 760 acres from being fragmented; keep the connection of wildlife movement from the Dalton Mtn area to the Hoodo area; provide public access; provide more public acres for winter range; reduce wildlife damage to private land; keep habitat for lynx; and reduce grizzly bear-human conflict. This is a strategically important winter range addition.	Roddy C Bullis (Helena, MT)
		2	This project is very cost effective by Forest Legacy money and TNC donations. Also it is an example of keeping the lands working to support the Blackfoot traditional way of life. The project was in planning before the 2015 Legislative cut off land purchases.	
		3	I hope this proposal is approved. It is a good buy for the future of Montana, especially the wildlife and people.	
16	E	1	Montana Backcountry Hunters and Anglers enthusiastically supports acquisition of this 740 acres currently owned by TNC. Our organization is comprised of over 400 Montana hunters and anglers, some of which hunt this area and appreciate the habitat this parcel offers.	Montana Chapter, Backcountry Hunters & Anglers (Greg Munther, Conservation Director; Missoula, MT)
		2	As far as its value as winter range goes, "they aint making any more of it" as many sportsmen understand. Once compromised by homes and associated roads, the values are gone. Likewise, mismanagement of grazing or timber can also impact values as would the spread of noxious weeds. Compromising these values only puts more pressure on adjacent ranch lands, and ultimately Montana sportsmen will see these herds managed at a lower level.	

		3	In addition, these two parcels provide key access to the Helena National Forest, and an exceptional walk in opportunity for Montana hunters. It is already being used by hunters under the TNC ownership and management.	
		4	As we understand current laws, MDFWP pays equivalent sum annually in lieu of property taxes if it were to be in private ownership, therefore the county will not lose revenue over this acquisition.	
		5	The ownership pattern of these acquisitions blocks up what would otherwise become a checkerboard of public and private ownership, which always adversely affects both public and private landowners, as well as wildlife and public hunting.	
		6	For the above reasons, Montana Backcountry Hunters and Anglers urges positive action to acquire these 740 acres.	
17	E	1	Hellgate Hunters and Anglers supports the Montana Department of Fish, Wildlife and Parks acquiring the 760-acre Clear Creek addition adjacent to the Nevada Lake Wildlife Management Area.	Hellgate Hunters & Anglers
		2	Our members include over 300 hunters and anglers who value public recreational access. We're thankful that hunters and anglers will continue to be able to access this property, which improves access to adjoining public lands. Our hope is FWP will add this acreage to the existing Nevada Lake WMA and manage it as a contiguous unit.	(Kit Fischer, President; Missoula, MT)
		3	We recognize the importance of:	
		4	• The Clear Creek addition to a variety of wildlife species including elk and deer.	
		5	• Restoring the riparian area after years of overgrazing.	
		6	• Increasing public lands available to hunters in the Blackfoot valley. Many of the elk congregate on croplands and transition between the public lands. This property will provide hunter opportunity and greater management of the areas elk population.	
		7	• Restricting livestock grazing on the uplands to provide necessary forage to wintering elk.	
		8	In summary, we strongly support the Montana Department of Fish, Wildlife and Parks' acquisition of the 760-acre Clear Creek property and for its management for fish and wildlife and for non-motorized public access after being added to the Nevada Lake Wildlife Management Area.	
18	PM		Does not support the purchase of the Clear Creek property. Would like to see the land stay in private ownership.	Rem Mannix (Helmville, MT)
19	PM		Supports FWP's purchase of the Clear Creek property. Would like to continue to see enforcement patrolling the area. Also has some concerns about blocked gates and hunters cutting fences.	Virginia Harrison (Helmville, MT)
20	PM		Supports the purchase of the Clear Creek property because it assures public access.	Steve Kloetzel (Ovando, MT)
21a	M	1	The Hellgate Hunters and Anglers Association (HHAA) is dedicated to protecting and restoring fish and wildlife to all suitable habitats, and to conserving all natural resources as a public trust, vital to our general welfare. HHAA promotes the highest standards of ethical conduct and sportsmanship, and promotes outdoor recreation opportunity for all citizens to share equally.	Helena Hunters & Anglers Association
		2	HHAA strongly supports the proposed addition of 760 acres to the Nevada Lake WMA. We believe these additional acres will make a significant contribution to conserving wildlife habitat in this area that serves as an important wildlife movement corridor. The additional acreage will also help maintain public hunting opportunity in the Nevada Lake area of hunting district 293.	(Stan Frasier, President; Helena, MT)
		3	Attached, as a symbol of our group's support for this project, is a sheet of people with signatures of HHAA members and other who support Montana FW&P's Clear Creek Addition proposal.	
21b	M	1	[Attachment] We the members and friends of Helena Hunters and Anglers SUPPORT the proposed Clear Creek Addition to the Nevada Creek Wildlife Management Area. [Followed by 16 signatures of individuals, including one person who had also submitted his own comments separately as #15 above.]	