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GREAT BURN
STUDY GROUP
SINCE 1971

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

February 4, 2010

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

Dear Mack:

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

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

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

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

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

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

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

Sincerely,

Dale

Dale Harris
Executive Director

Beverly

Beverly Dupree
Policy and Field Studies Director

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

ATTN: Fish Creek EA

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

Additional written comments following my verbal comments:

Suggested comments for the OHV routes in Fish Creek:

1. The OHV routes should be closed from Oct 15 to May 15 for hunting season, reduce soil erosion and wildlife disturbance. A route could be left open for handicap riders especially for war veterans.

2. On roads closed to full size vehicles the existing gates could be altered to accommodate OHV 50 inches and less. Drive a rounds are a way of providing access for OHVs. WMTRA doesn't propose to close any open roads.

3. WMTRA is not opposed to the WMA but is concerned about restrictions of motorized use in the WMA

4. The following roads are gated and closed year around : Beaver Slough ,Wall Canyon, Winkler, White Horse, Bear Cr, Deer Creek, Lion Cr, Feather Gulch, Wig Cr. Some of these roads would be ideal for OHV routes and should be loops when possible.

5. The only open roads off the main Fish Cr roads are Surveyors Cr, Thompson Cr, and Bear Cr Loop in the WMA. Williams Pass and Hay Cr in the recreation area.

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

Thank you for attention in these comments.

Robert Lamley

BOD WMTRA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

BRIAN SCHWEITZER, GOVERNOR

STATE OF MONTANA

Telephone: (406) 542-4200
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SOUTHWESTERN LAND OFFICE
1401 27th Avenue
Missoula, Montana 59804-3199

February 16, 2010

Rec'd 2-18-10 by mail

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

To Whom It May Concern;

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

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

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

"AN EQUAL OPPORTUNITY EMPLOYER"

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

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

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

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

Our specific comments or questions regarding the draft EA are:

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

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

3. Page 12, paragraph 2 under 3.1 Land Use-second sentence-"The vast majority of roads are abandoned logging roads with approximately 115 miles (22%) open to the motoring public. The DNRC requests that the DFWP explain the criteria used to determine what constituted an "abandoned" logging road. It is typical that following timber harvest, roads accessing sale areas may not be used, or are used sporadically, for many years until the area is re-entered for another harvest etc. The DNRC is concerned that roads which are merely not being used at the current time may have been misclassified as "abandoned".

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

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

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

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

6. Page 21-paragraph 7-last sentence-"Commercial fishing and hunting outfitting would not be permitted on any portions of the wildlife management area'. While we currently do not have any licensed outfitting occurring on our lands within the project area, nor have we had any requests in the recent past, should such a request be made, the DNRC would certainly consider approving it. If this were to occur, particularly on lands within the WMA boundary, the DNRC is concerned that conflicts may occur between the agencies. In order to meet our fiduciary responsibility to our trust beneficiaries, the DNRC would be reluctant to forego an opportunity to generate revenue from the licensing of a responsible outfitter within this area. Therefore, we request that the DFWP address any concerns and possible solutions they might have, should this situation occur, in the Final EA.

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

Our comments specific to the DRAFT Preliminary Management Plan are:

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

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

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

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

4. In the Draft Preliminary Management Plan, there is discussion with respect to the impacts of recreation on wildlife (Sections 5.2 and 7.1). The document states that "Providing intact, high quality, secure winter range is important for wintering elk and deer" (Section 5.2 page B-9). However, the only portion of the lands subject to closure occurs in the southeast portion of Fish Creek, south of Deer Creek, on the WMA. There should be justification in the Final EA detailing why the same protections would not be afforded to "critical" elk winter range contained within the Park's proposed boundaries. FWP may want to consider extending such closures to equestrian use as well. Naylor et al. (2009:334) hypothesized that reduction in elk travel during horseback riding could indicate either a habituation to horseback riding or elk could be avoiding areas near horseback routes. In the case of habituation, Thompson and Henderson (1998) reported an increasing occurrence of elk not responding to predictable and harmless human activities on

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

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

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

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

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

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

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

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

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

Sincerely;

Anthony L. Liane
Area Manager
Southwestern Land Office
Montana DNRC

CLARK FORK COALITION

February 16, 2010

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

RE: Fish Creek EA

Dear Mr. Long,

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

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

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

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

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

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

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

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

Sincerely,

Brianna Randall
Water Policy Director

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

February 17, 2010

Attn: Fish Creek Environmental Assessment

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

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

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

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

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

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

Wildlands CPR revives and protects wild places by promoting watershed restoration through road removal, preventing new wildland road construction and stopping off-road vehicle abuse.
P.O. Box 7516 • Missoula, Montana 59807 • 406.543.9551 • www.wildlandscpr.org

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

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

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

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

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

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

Sent via email and US Postal Service

February 17, 2010

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

Hellgate
HUNTERS & ANGLERS

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

I. Introduction

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

II. Support for Acquisition

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

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

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

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

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

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

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

This drainage, including the area included in the proposed acquisition, has been providing sportsmen with high quality outdoor experiences for generation, yet the purpose and management direction for state parks would likely provide threats to those sought after experiences with increased levels and types of human and pet activity. A state park will mean increased pressure from multiple activities such as off road vehicle (ORV) recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival[1]. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state.

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

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

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

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

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

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

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

III. Specific Comments

1. The Fish Creek EA inappropriately pre-decides future decision making:
The Draft Management Plan states the following:

> Management Strategies: Begin developing (with public involvement) a final management plan, which would provide for the following:
> a) An appropriate number and distribution of front-country and backcountry campsites and/or areas.
> b) A vehicle accessible front-country fee campground in the northern portion of the Fish Creek drainage.

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

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

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

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

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

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

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

4. Recreation and wildlife conflicts:
The Draft Preliminary Management Plan states that "Overlapping land acquisition priorities occur in the northern portion of the Fish Creek drainage and are focused primarily on

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

5. Motorized use:

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

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

5. Additional State Park Lands

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

6. State Park Facilities

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

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

IV. Conclusion

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

Sincerely,

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

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

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16 February 2010

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

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

Dear Lee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Bruce Farling
Executive Director

cc.
FWP Commission

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Montana Chapter

The Adventure Begins Where the Roads End

Sent via email

February 19, 2010

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

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

Dear Sir or Madam,

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

Support for entire Fish Creek acquisition

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

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

Changes recommended for WMA and state park acreages.

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

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

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

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

This drainage has been providing sportsmen with high quality outdoor experiences for generations, yet the purpose and direction for state parks would only increase the threats to this prized area. A state park will mean increased pressure from multiple activities such as ORV recreation and developed facilities, which have been shown to cause significant impacts to deer and elk behavior, reproduction, and survival[1]. Such impacts often result in less hunter opportunity and a lower quality experience. A state park will also likely be focused on recruiting nonresident visitors at the expense of local citizens who would prefer to use the area in its undeveloped state.

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

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

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

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

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

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

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

Motorized use

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

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

A larger WMA would benefit bighorn sheep restoration potential

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

The Fish Creek EA inappropriately pre-decides future decision making

The Draft Management Plan states the following:

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

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

Hunting Access Concerns

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

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

Commercial Outfitting

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

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

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

Recreation and wildlife conflicts:

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

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

Additional State Park lands

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

State Park facilities

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

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

Conclusion

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

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

Sincerely,

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

CC:
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