DECISION NOTICE:
Bearmouth Fishing Access Site Donation by Stimson Lumber Co.

Montana Fish, Wildlife and Parks
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

DESCRIPTION OF PROPOSED PROJECT
Montana Fish, Wildlife & Parks (MFWP) proposes accepting donation of approximately 9.5 acres of land in the Bearmouth Canyon between Drummond and Clinton for a permanent Fishing Access Site (FAS) on the Upper Clark Fork River. Although never formally developed, public use was previously allowed by the Montana Department of Transportation (MDT) on the old highway right-of way, but MDT discharged its easement in 1992, and the road has been closed to the public since then.

The acreage consists primarily of the old highway right-of way that is currently owned by Stimson Lumber Company, which wishes to donate it to MFWP. The parcel includes the old highway (which dead-ends at the interstate); a narrow strip of steep rocky cliffside along the road to the north; and a wide, flat area on the east end of the parcel that is currently being leased to MDT. MFWP would probably continue to lease that area to MDT if MFWP acquires the property.

Access to the proposed FAS is easy and convenient, as users would take the Bearmouth exit #138 off of Interstate Highway 90, turn north and then turn west onto the old highway. The old highway borders private land for about 300 yards on the south and then runs alongside the river for about one-half mile, providing places to park and fish from the bank. Trespassing onto the private land would be difficult because of the very steep bank, and would also be strongly discouraged by posted signs.

MFWP is interested in acquiring this land for inclusion in the statewide FAS system because there are very few designated public FASs on the Upper Clark Fork River and little opportunity for public access. There are no other MFWP FASs in the 28-mile section between Drummond (river mile 273) and Beavertail Hill State Park (river mile 245, east of Clinton). As efforts continue to clean up the Clark Fork and restore the fishery, angler days are steadily increasing on this stretch of the river. There were 23,666 angler days in the section of the Clark Fork River between the Bitterroot River and the Little Blackfoot River in 2003, making it the 6th most visited in the region and 28th in the state, up from 7th and 51st, respectively, in 1997. Park managers anticipate that this section will continue to gain in popularity as restoration efforts proceed and the fishery continues to improve.

Alternative A: No Action
If no action were taken, the parcel in question would remain under its present ownership. MFWP would lose a rare opportunity to establish an FAS in the area at very little cost, and public access to the Clark Fork River would continue to be very limited in the upper sections.

Preferred Alternative B: Proposed Action
In the preferred alternative, Stimson Lumber Company would donate approximately 9.49 acres to MFWP for an FAS on the Upper Clark Fork River. By accepting this land, MFWP would be able to increase public access on an increasingly popular stretch of river at little cost and do so utilizing an already semi-developed parcel of land.

PUBLIC PROCESS AND COMMENT

The EA was sent out and the public comment period began June 15, 2006, and ran through July 14, 2006. Legal notices were published in the *Missoulian*, the *Helena Independent Record* and the *Philipsburg Mail*. There were 17 full copies, 5 electronic versions, and 19 post cards about the EA were sent to interested parties consisting of neighbors, friends, conservation groups, Montana state legislators, county & state departments or agencies. The Bearmouth FAS Donation by Stimson Lumber EA was posted on the MFWP web site June 15, 2006. A statewide news release was also sent out.

Three comments were received. Two were phone calls from the Montana Department of Transportation (MDT) voicing their concerns that MDT needs to keep the existing maintenance site presently leased by Stimson to MDT. *MFWP Response: MFWP would probably continue to lease that area to MDT if MFWP acquires the property.* The third comment was a suggestion for MDT to consider moving their current Bearmouth Rest Area 5 miles to the west where the old Byrne's Hot Springs is located and provide fishing access at the same time. The person who currently owns that site has offered to give the ground to the state. *MFWP Response: This is outside the scope of the current proposal. MFWP suggests that the person making this comment should work directly with MDT since that agency would have to make the bigger decision to move the current rest area.*

DECISION

Based on the analysis in the Environmental Assessment (EA) and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared. It is my decision to implement Alternative B, the *Preferred Alternative* and proceed with the donation. This action also requires the approval of the MFWP Commission, scheduled in August. By notification of this Decision Notice, the draft EA is hereby made the final EA with the MFWP responses in this Decision Notice. The final EA with Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the above address. The EA is still available for review at http://fwp.mt.gov/publicnotices/archive_2006,4.aspx.

In accordance with MFWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620.

7/17/06

Mack Long
Regional Supervisor

Date