



Region 2
3201 Spurgin Road
Missoula, MT 59804

April 21, 2020

Dear Interested Citizen:

Thank you for your thoughtful reviews and comments on a proposal by Montana Fish, Wildlife and Parks (FWP) to acquire fee title to an approximately 600-acre land parcel, known as the Stumptown addition, to add to FWP's adjoining 9,907-acre Garrity Mountain Wildlife Management Area (GMWMA). The addition is currently privately owned and is located 1.5 miles west of Anaconda in Deer Lodge County. The parcel is in an area identified in the Natural Resource Damage Program's (NRDP) 2019 Restoration Plans as a priority landscape for conservation actions. The Stumptown addition would protect critical elk winter range as well as exceptional stream and riparian habitat along Warm Springs Creek. The property would be managed for fish and wildlife habitat and to improve compatible public outdoor recreational opportunities on the GMWMA. Funding for this project would come from the NRDP, the Montana Fish and Wildlife Conservation Trust, FWP's Habitat Montana Fund, and the Rocky Mountain Elk Foundation.

Enclosed is a decision notice in which FWP reviews public comments and explains its rationale for recommending that the Fish & Wildlife Commission (Commission) approve the Stumptown acquisition and addition to GMWMA as proposed. Upon completion of the public involvement process, FWP accepts the draft environmental assessment (EA) as final. The decision document includes all comments received on the proposed acquisition during the public comment period.

FWP will request approval for this proposal from the Commission, which has approval authority for FWP land acquisitions. At this time the Commission meeting for review of the Stumptown addition proposal has not been set; please see our website <http://fwp.mt.gov/default.html> ("Commission") for information on upcoming Commission meetings and agendas. Commission meetings are open to the public, but due to the ongoing Covid-19 pandemic, meetings might be conducted via video and/or phone conferencing; again, please check FWP's Commission webpage for details and further updates. Approval would also be required from the Montana Board of Land Commissioners.

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

Sincerely,

Randy Arnold
Regional Supervisor

RA:sr

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DECISION NOTICE for the DRAFT ENVIRONMENTAL ASSESSEMENT:

Proposed Stumptown Addition to Garry Mountain Wildlife Management Area

Montana Fish, Wildlife & Parks; Region 2
3201 Spurgin Road, Missoula MT 59804
Phone 406-542-5500
April 21, 2020

DESCRIPTION OF PROPOSED ACTION

This decision notice follows an environmental assessment (EA) that evaluates Montana Fish, Wildlife & Parks' (FWP) proposal to acquire fee title to approximately 600 acres of private land as an addition to FWP's adjoining 9,907-acre Garry Mountain Wildlife Management Area (GMWMA). The EA also fulfills the public comment requirements of a major funding partner, the Natural Resource Damage Program (NRDP). The parcel, known as the Stumptown addition, is currently privately owned and is located 1.5 miles west of Anaconda in Deer Lodge County. The acquisition and subsequent inclusion of this property into the GMWMA would protect a diversity of habitats for game and nongame species including elk winter range, aspen stands, and a wide swath of healthy productive riparian habitat along Warm Springs Creek. Acquisition of this property would preclude potential subdivision or development of the parcel and the negative impacts to fish and wildlife that could result. The Stumptown addition is in an area identified in the *Montana State Wildlife Action Plan*¹ and in the Natural Resource Damage Program's (NRDP) Restoration Plans² as a priority landscape for conservation actions.

All acreage acquired by FWP under this proposal would become part of the larger GMWMA and would be managed for fish and wildlife habitat as well as compatible public recreational access and opportunities. GMWMA is comprised of two separate units, currently totaling 9,907 acres. The Garry Mountain (northern) unit totals approximately 7,524 acres and would increase to approximately 8,124 acres after the proposed addition. The Clear Creek (southern) unit would remain unchanged at approximately 2,265 acres. Both GMWMA units provide critical winter range for elk, and deer, an important spring-calving area for elk, and summer range for bighorn sheep as well as access for hunting, hiking, and wildlife-watching. Warm Springs Creek runs through the proposed addition and provides habitat for bull trout and westslope cutthroat trout (both Montana Species of Concern) as well as plentiful fishing opportunities. GMWMA offers opportunities for diverse outdoor recreation such as hunting, fishing, hiking, horseback-riding, and wildlife-watching. The WMA is within 30 minutes (or less) of Anaconda, Deer Lodge, and Butte and within 1½ hours of Missoula and Helena.

OBJECTIVES OF THE PROPOSED ACTION

- Protect and enhance important elk calving grounds and winter range.
- Protect critical fish and wildlife habitat for both game and nongame species.

¹ FWP 2015; available at < <http://fwp.mt.gov/fishAndWildlife/conservationInAction/actionPlan.html> >. Accessed 16 April 2020.

² NRDP 2019, Upper Clark Fork River Basin Aquatic & Terrestrial Resource Restoration Plans; available at < <https://dojmt.gov/lands/upper-clark-fork-river-basin/> >. Accessed 16 April 2020.

- Enhance outdoor recreation opportunities in Anaconda and surrounding communities (when such enhancements are compatible with fish and wildlife habitat management).
- Add significantly to a landscape-scale block of conservation lands with great public access.
- Facilitate and complement management of the existing GMWMA.
- Partially meet the goals of the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans³.

PROPOSED ACTION AND ALTERNATIVES

Alternative A--Proposed Action: FWP would purchase 600 acres from a private landowner as an addition to the Garry Mountain WMA

FWP proposes fee-title acquisition of approximately 600 acres of privately owned land and the addition of this land to the existing GMWMA. This “Stumptown addition” would provide winter range and calving habitat for elk in the eastern portion of deer-elk Hunting District (HD) 214 (Mill Creek-Georgetown Lake)⁴. Aspen stands, grassland meadows, mixed-conifer forests, and a diverse and robust riparian area along Warm Springs Creek all provide additional important habitats for game species as well as a variety of nongame species including many Montana Species of Concern.

Partial funding for the purchase of the Stumptown addition has been secured with a commitment of \$100,000 from the FWP Habitat Montana fund, \$75,000 from the Montana Fish & Wildlife Conservation Trust, and \$100,000 from the Rocky Mountain Elk Foundation (RMEF). FWP and RMEF are working with the NRDP to secure an additional approximately \$1.5 million to complete the purchase. The NRDP funding would be contingent on consideration from the Upper Clark Fork River Basin (UCFRB) Citizen’s Advisory Council and Trustee’s Restoration Council and approval by the Governor. The draft EA (published in November 2019) provided opportunity for public comment to fulfill both the FWP Fish and Wildlife Commission and the UCFRB Terrestrial and Aquatic Restoration Plans’ public comment requirements. Project costs for a Hazardous Materials Search, water rights research, geological remoteness determination, land appraisal, and other necessary due-diligence and administration activities have been supplied by FWP and the RMEF.

FWP would act as a good neighbor to adjoining landowners by controlling weeds, maintaining fencing, and providing reciprocal management access. FWP is required by law to “pay a sum equal to the amount of taxes that would be payable on the county assessment of the property if it was taxable to a private citizen” (87-1-218(3)(c), Montana Code Annotated); taxes on the proposed addition are anticipated to be approximately \$616 in 2020.

Alternative B--No Action: FWP would not purchase 600 acres from a private landowner as an addition to the Garry Mountain WMA

Under the No-Action Alternative, FWP would not purchase the approximately 600 acres proposed as an addition to the GMWMA, and the property would remain under private ownership. The current owner had already begun subdividing the property prior to FWP’s interest in this purchase, and it is expected that if the property is not purchased by FWP much of the land would be subdivided and developed as home sites. This outcome would be expected to diminish fish and wildlife habitat values and likely result in little or no public access for outdoor recreation. Depending on the values and management approach of possible subsequent owners, the land could be managed in a manner that would complicate or conflict with FWP’s objectives for the addition and the adjoining GMWMA.

³ Ibid.

⁴ Due to February-2020 changes to some HDs in Montana, the Stumptown addition is now located in the central portion of HD 214 (which is now called Mill Creek-Storm Lake).

Alternatives Considered but eliminated from further analysis: Conservation Easement

This option is not viable because the landowner is not interested in donation or sale of a conservation easement.

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. This Decision Notice is in response to public input received regarding the EA.

FWP released a cover letter (summarizing project details such as public meeting date and comment deadline) and a draft environmental assessment (EA; "Stumptown addition to Garrity Mountain Wildlife Management Area") for public review of this proposal on November 8, 2019 and accepted public comment for 34 days through December 11, 2019. The EA was posted on FWP's web site (<http://fwp.mt.gov>, under "Recent Public Notices") and was available those same dates for public comment, including opportunity to submit comments directly from the EA's webpage.

Legal notices of the proposed addition and its Draft EA availability were published in the following newspapers (dates): *Anaconda Leader* (November 8, 15), *Independent Record* (Helena; November 8, 15), *Missoulian* (November 8, 15), *Montana Standard* (Butte; November 8, 15), and *Silver State Post* (Deer Lodge; November 13, 20).

FWP mailed 41 copies of the cover letter and draft EA, and emailed approximately 60 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>, "News," then "Recent Public Notices") from November 8, 2019 through December 11, 2019, along with opportunity to comment online.

A public hearing to discuss the proposal, answer questions and take public comment was held in Anaconda on November 19, 2019 (Tuesday) at 6:00 p.m. at the AOH Hall (106 Cherry Street).

PUBLIC COMMENT

Summary of Public Comment

Emailed Comments: FWP received emailed comments from 14 commenters (Appendix A; comments via E), representing:

- 11 people (8 from Anaconda [including 1 adjacent landowner], and 1 each from Emigrant, Hamilton, and Townsend, Montana); and
- 3 sportspersons groups (Anaconda Sportsman's Club [ASC]; George Grant Chapter of Trout Unlimited [GGCTU], Butte; and Montana Wildlife Federation [MWF], Helena).

Twelve commenters (including the 3 groups) supported the acquisition, and 2 commenters (including 1 adjacent landowner and 1 from Townsend) were in opposition.

Public Hearing: FWP received testimony from 9 members of the public at the public hearing (Appendix B; also see Appendix A, comments via PM), representing: 7 people (6 from Anaconda and 1 from Townsend), and 2 sportspersons groups (ASC and GGCTU).

Five speakers (including one person representing ASC) supported the acquisition, 3 speakers (including 1 person representing GGCTU) did not indicate specific support or opposition, and 1 speaker (from Townsend) opposed the acquisition.

Summary: Combining and summarizing⁵, FWP received input from 18 commenters (Appendix A, comments via E and PM):

- 14 (including the 3 sportspersons groups) support the proposed Stumptown acquisition,
- 3 (including 1 adjacent landowner) oppose the acquisition, and
- 1 did not clearly state support or opposition.

Comments in Support of the Proposed Acquisition Included:

Thanks, Collaboration

- As a member of the public, I thank you all for setting this up. It was very informative, and I appreciate it.

Wildlife & Fisheries; Corridor, Connectivity, Habitat

- I have seen over 200 elk use the [FWP] previously purchased property and know they, deer, and moose use the Stumptown property. In addition to the wildlife use, I have driven by the portion adjacent to Hwy 1 for 30+ years and know that the wetland to the south is very important to the area's moose population.
- Acquiring this parcel would secure a calving ground, winter grazing, and an important nursery area for the elk. Numerous whitetail deer use this area also.
- Beautiful piece of ground. Lots of game use the thick aspen stands.
- This location is an important spring calving area for elk in addition to being critical winter range for elk and mule deer and summer range for bighorn sheep.
- The south side is added elk winter range, and this will eliminate any kind of subdivision and that's a big thing. On the north side of the [Stumptown] road along the creek is the fishing and riparian part of it and that's very important.
- I like this proposal I think it is a good idea for promotion of wildlife habitat particularly wintering elk habitat and public access.

Recreation

- It looks like a great piece of property to add to the existing WMA. It not only will add to the hunting opportunities in the area but has some fishing too. Looks like a win/win in all areas for the public to enjoy.
- Acquiring this parcel would open up fishing access to Warm Springs Creek which has been closed [in this area] for years.
- My wife and my 2 daughters, and many friends, would like to see this area stay intact. Being so close to home makes this a win for all Anaconda residents.

⁵ There was duplication because some commenters both emailed comments and spoke at the public hearing, and some people and one group did not specifically indicate support or opposition during the public hearing but may have later stated a position in emailed comments.

- This property also has many recreational opportunities ranging from hunting and fishing to mountain biking and wildlife viewing.

Funding

- MWF [Montana Wildlife Federation] considers this an excellent use of Habitat Montana funds and commends the Department of Fish, Wildlife & Parks for preserving this land as a part of our Montana Outdoor Heritage.

Future

- I always worry about any of that foothill property south of Hwy 1 being developed for homes, with the problems caused by development - loss of habitat, dog disruption problems, and road problems dealing with access and potential poaching.
- It's a chunk in the middle of the WMA and it's like a bite out of it right now and it needs to be filled in. We don't want development on that and it's coming really fast in our future.
- Development of this area would impact the WMA immensely.
- I think it would be real sweet to have a nice little area with some access to the creek where the grandkids can go fishing and all that stuff real close to town. And maybe we could see an elk. I don't hunt them anymore, but I love seeing them come down and the deer are always there, and I would rather see that than a cluster of trophy houses. I say if we get a chance then let's do it, because we may never get the chance again.

Comments in Opposition of the Proposed Acquisition Included:

Public Land Ownership

- If this is public land and access is guaranteed to the public for access and enjoyment, this expansion and management program is not in the best interest of those needing and are entitled to beneficial use of these lands.
- I want you and your team to know that the continued acquisition of land by government agencies funded by environmentalism is not conducive to our customs and heritage here in Montana.

Access

- To make this WMA useable by the public, I don't want to see us buy a bunch more land where the access by the public is down on the Stumptown Road. We deserve to get off the Stumptown Road. There are private landowners that live behind the public land and we need have as good of access as they do.
- My observations of what has changed in the past since the Garrity WMA was acquired in 2001 is that things have been neglected in most all of the areas of management. I see this procurement as more of the same and more control of land that we as citizens get locked out of.
- I support the land being accessible for use by the public but if you are just buying another piece of land to put a lock on the gate I will not support that.

Large Predators; WMA Access Dates

- We are losing a lot of opportunity to maintain a balance between habitat and prey base because of things like this that happen where we are losing access more and more every day. You make a de facto wilderness where it is only foot or horseback and in this case a WMA that is closed down from December 1st to May 15th. Guess when mountain lion season opens up?

- Whether it be U.S.D.A. Forest Service, B.L.M., or state government such as D.N.R.C.; M.F.W.P., etc., ... gates are locked (throughout the West) to vehicles and even foot travel is restricted or prohibited. In the case of WMA's in most locale's it ends up being nearly 1/2 the calendar year. These predators with voracious appetites are free from trapping and hunting that could potentially keep them in check.
- I don't believe that protecting the animals that are putting real pressure on the ones you are claiming to be helping is going to solve any of the problems with winter grounds and calving season. I refuse to believe that the few people that would be traveling through the area would be worse for the elk and other prey animals than an unchecked predator population.

Resources, Management

- If you go up behind Garrity right now and you look at the regen coming in, you got another harvest of timber. But with it locked up in perpetuity as a WMA for wildlife management, you're losing that resource.
- What the hell is the damage that Atlantic-Richfield has done to what you're talking about right here? There isn't any. Everything mother nature has cured and fixed in so many ways. If you could show me anything on that land I've walked around on for the last 40-50 years that's damaged by the smelter I'd have to say, "OK, I am wrong." But you're talking about land that has been healed since environmentalism closed the smelter, and we have lost recreation because we have lost access to the land now.
- When I hear and sometimes see the efforts that are put forth toward the management of noxious weeds I believe what I'm seeing is some good hearted folks who truly are trying but that it's only a drop in the bucket to the vast big picture. I also wonder if their efforts via their supervisors are just for show.

Response to Public Comment

Below is a summary of *public comments, questions and suggestions*, along with FWP responses. (Numbers in [brackets] below correspond to the numbering of the individual commenters and paragraphs in Appendix A.)

Weapons use

Comment: I urge you to please consider the safety aspects along Warm Springs Creek bottom and only allow archery equipment north of the Stumptown road. Rifle hunting in that area could be potentially dangerous. [#2]

Response: FWP will designate the area of the proposed addition that lies north of Stumptown Road as an archery-only hunting area. This would allow hunters to use archery equipment to hunt game in that portion of the WMA during regular, FWP Commission-approved hunting seasons. Rifle hunting would only be permitted on the portions of the addition and GMWMA south of the Stumptown Road. (Please see **Changes to the Draft EA** section, below, for clarification to the draft EA of this hunting issue.)

Fencing

Comment: My one concern as I read through the EA are the wire fences. A number of years ago a calf moose was entangled in one of those fences and I am sure other wildlife have been affected by them. I would like to see as much of them removed. [#3.6]

I would like to see all the wire removed off the fencing on the north side and just put up a rail to keep ATVs out. Then kids and wildlife can cross it with no danger. [#5c.2]

The current fencing runs along the alley behind my house and it has been electrified in the past and I see wildlife caught up in it quite often. So that fence would be made more wildlife friendly? Right now, it is sheep fence along that northern boundary. [#10.1]

Response: FWP intends to remove as much unneeded (or non-essential for wildlife or fisheries management) fencing from the property as possible given time and budget constraints. For areas where fences are needed or must be maintained (e.g., along the Stumptown Road), FWP will use start-up funds for this project to replace any existing electric, barbed-wire, and sheep (woven-wire) fence with fencing that meets FWP's wildlife-friendly fencing standards. FWP has no plans to use electrified fence, and woven-wire fence is particularly harmful for wildlife movement and entanglement; any such fence sections will be a high priority for removal or replacement.

In the past, FWP has worked with volunteers from local groups such as the Anaconda Sportsman's Club (ASC) to remove old fencing and other waste from GMWMA and other nearby WMAs. The ASC has already offered to help remove fencing on the proposed addition, and FWP looks forward to working with them.

Roads, Access

Comment: On the west end of it there used to be a road across the creek that came out on Stumptown Road and I wouldn't want to see that started again. Lock it up and put some rocks in the way because I could see that happening with the ATVs that are out there these days. [#5c.3]

Response: Motorized use on the WMA will be restricted to the Stumptown Road and designated parking areas. FWP will use fencing, boulders, gates, and other obstructions to curb any illegal off-road motorized use. Motorized vehicles would not be allowed to cross Warm Springs Creek anywhere on FWP land.

Comment: To make this WMA useable by the public, I don't want to see us buy a bunch more land where the access by the public is down on the Stumptown Road. We deserve to get off the Stumptown Road. There are private landowners that live behind the public land and we need have as good of access as they do. We need to get at least to the mountain. I would like to see one of those old roads used to get us an access site 1/4 or 1/2 mile back and off the Stumptown Road, so we don't have to park on the road. [#9.5]

We would like to see a little better access than we have but that is down the road. Historically, the public had better motorized access through this property than what you are proposing. [#9.9]

Response: As stated in the response in the Fishing Access Site (FAS), Campground comments (next section), WMA management is focused on fish and wildlife habitat first, and public recreation is provided to the greatest extent possible when it does not interfere with habitat management goals. One of the important habitat features of the proposed acquisition is the open grassland meadows located in the middle part of the property south of Stumptown Road. These meadows are surrounded by dense conifer forests and aspen stands and are known to be frequently used by foraging ungulates and as calving areas for elk. Fortunately, geologic features of the landscape create a situation where these broad meadows are shielded from visibility and human disturbance along Stumptown and Ravndal roads. This relative isolation increases the wildlife values of these meadows significantly and expands the area of the WMA where game animals have security.

The only access road that would be maintainable enough to fulfill the commenter's suggestion would allow motorized users to pass well within view of these meadows, potentially causing decreased use of the meadows by game animals. Until the level of use of the proposed addition by the public can be adequately assessed, FWP must maintain management directives that put habitat first. At this time, we must therefore assume that motorized access into the proposed addition beyond the Stumptown Road would not align with WMA management priorities because recreational values would be expected to cause an unnecessary negative impact to wildlife use of habitats on the WMA. FWP

would provide a parking area, located along the Stumptown Road, where users could park their vehicles and enter the WMA on foot or horseback.

Comment: When YT Timber owned it, kids could go in there and play and make forts and go fish and that kind of stuff. So, would there be access from that side [the north side of the property] as well? [#10.2]

Response: Based on research by FWP's lands specialist (Martin Balukas), there is no legal public access off Montana Highway 1 to the GMWMA. However, landowners with property immediately adjacent to the WMA (e.g., several residential lots along Mountain View Drive) are free to access or provide access (nonmotorized only) to the WMA via their properties at any time when the WMA is open.

Comment: Another factor that was not addressed at the hearing is ADA. If this is public land and access is guaranteed to the public for access and enjoyment, this expansion and management program is not in the best interest of those needing and are entitled to beneficial use of these lands. I could go on, but I believe that your proposal is not in the best interests of the people. [#11b.10]

Response: The commenter has not made clear what "ADA" is referring to in this comment, but we believe they are referring to the Americans with Disabilities Act. Statewide, WMAs are managed with a primary goal of protecting and enhancing habitat to maintain robust and resilient populations of fish and wildlife species. As such, other management directions on WMAs concerning access, development, and tangential uses must be assessed within the context of impacts to fish and wildlife habitat, with the protection and enhancement of those habitats as the top priority. Official, ADA-approved accessible trails for those citizens with physical disabilities is generally not provided on WMAs in Montana, not because those citizens do not deserve access to public lands, but because the necessary infrastructure often conflicts with habitat management goals. Fortunately, purchasing 600 acres that is bisected by a well-maintained county road would provide users with disabilities the opportunity to safely pull off the Stumptown Road and be surrounded by healthy, protected wildlife habitat. Many of the public comments allude to an ability to see wildlife from the road in and around the proposed addition, so this acquisition represents an opportunity for wildlife viewing in this area for those with physical disabilities. Furthermore, the portion of the WMA north of Stumptown Road features flat grassland meadows that lead to Warm Springs Creek, and the property has many undeveloped walking trails that lead throughout the floodplain forest. Though these trails would not be maintained by FWP staff and likely would not meet ADA standards, they do represent a relatively easy walk to and around Warm Springs Creek for some people with limited mobility.

Comment: The current GMWMA management program denies the people access to these lands. Change the management of the area to be more public friendly I could consider offering support. Knowing that the standard response to this is for me to give you management suggestions for your consideration. Having led Montana Multiple Use Association for many years, look at FWP records and they are all there. [#11b.11]

Response: We are unsure if the commenter is addressing the current WMA's management or the currently proposed management for the Stumptown addition to the WMA. Prior to FWP's ownership of and establishment of the GMWMA in 2001, the general public had no access to the land because it was privately owned. Regarding the Stumptown addition, the general public has had no access in the past unless access could be secured through the private landowner. Therefore, initial acquisition of the GMWMA, and adding the Stumptown parcel if approved, expands public access significantly. Specific to the proposed acquisition of the Stumptown addition, access would be enhanced by allowing year-round public access to the portion of the property north of Stumptown Road, and annual access from May 15 through December 1 to the area south of Stumptown Road.

Comment: There is presently an access somewhat there in the gulch. We are going to go back to 2001 and how all this started. If I go over to Barker Creek and I come up on the back side, the gates there have a sign on them that say no motorized vehicles. But in the gulch where I live there is no such sign. There are old signs from 2018 that talk about Elk B tags not being valid. Those did not go up again this

year, so it is just kind of a neglected area. When I went back up there this afternoon, I took photos and there weren't any vehicles there, but it was just like a big mud hole. [#14a.1]

My point is this whole plan kind of went by the wayside with this whole WMA, and so I am a little gun-shy about what is going to happen with some of these promises in the sky that you guys are making are going to actually go through. I took some photos of the signs Ray [current Stumptown parcel owner] put up there at this access point. It is a problem for the hunters that come in there with horse trailers. They jam them in there. Just a few days ago I saw a horse trailer coming down in the morning. When I went to town, I saw he was going down the road and there was no room for him to park. I just want to point out that particular trail, the people from DNRC can access through there and go up and thin some of the clear-cuts. But that trail is kind of the access to go up behind Garrity on that side of town. [#14a.2]

Response: The access being referred to is a Montana Department of Natural Resources and Conservation (DNRC) easement across the current property owner's land to access the DNRC property adjacent to the proposed acquisition. Therefore, to this date FWP has no role or responsibility to manage access in that area. If the proposed acquisition is completed, FWP would hold the DNRC access easement, and FWP will therefore have a stake in management of that access site. FWP will engage with this commenter and the DNRC if this purchase is completed to help alleviate trespass and resource damage issues at this location.

Parking

Comment: This might be applicable (in the hearing discussion) to have at a parking area for those with horse trailers. My comment on this is a red flag of abuse to these kinds of public areas. Currently we have a problem in the Stumptown area of people (kids?) throwing garbage out of their vehicles along this Stumptown Rd. and even to the point of some (adults?) dumping garbage and animal carcasses in various places along the road. Our Anaconda-Deer Lodge Co. have placed 'No Dumping' signs with posted penalty consequences, most often times to no avail. Our police patrol out this way along this road but I've not heard nor read of anyone getting pinched for this violation. I bring this up because it used to be a terrible problem in the past, prior to the fences which are currently along the road. People would be drinking and partying in the wee hours of the night wherever they could get away from the main traveled road. This is a concern that deserves consideration! [#14b.5]

Response: Thank you for raising this issue, and it is definitely a concern we will keep in mind as we proceed. We intend to design parking in ways that would accommodate expected vehicles (including horse trailers) as well as minimize the opportunity for vandalism or unauthorized use. One way is to keep the parking area close to the public Stumptown Road, where users would be visible and opportunities for large gatherings and/or campfires would therefor be limited.

Comment: Finding a balance there is an important part for providing fishing access on the north side of the road and for those that would like to access the south side it would be extremely beneficial in terms of how we do it. I think it would be prudent upon this stage of the game to set aside at least a commentary where we say "you know what, if we are going to do this then we will put in place a plan to develop parking for horses where the corrals are." [#15.2]

Response: This EA concerns FWP purchasing the property, with some plans for minor improvements to provide parking and access along the Stumptown Road. We acknowledge that the presence of wooden corrals on the property makes those locations attractive for parking of horse trailers. At this time FWP does not plan to develop additional horse trailer parking, but this is not precluded in the future if the need and compatibility with wildlife objectives become clear.

Fishing Access Site (FAS), Campground, Archery Range

Comment: We would be interested in looking at that [area north of Stumptown Road] as a FAS with a road and outhouse and parking spaces. We should have as an opening that some day we may want to put a campground in there. We are not proposing that now, but don't want to buy this property and then 10 years from now want a campground and somehow be restricted because FWP says "well you can't

because it's a WMA." We are buying it with NRDP money, which ASC had a major hand in getting along with MWF and others. So, a potential FAS down there needs to be on the agenda. [#9.4]

On the north side of the [Stumptown] road there should be potential for a campground just to have it in the language document. Because otherwise...I don't know maybe I'm just mistrusting of government... but the thought is that I want to know that the possibility is out there that if we decide 10, 15, 20 years from now that if a campground is a prudent idea we can go ahead and do that on the north side of the road. [#15.3]

I just don't want it to be like "OK, we talked about this but it's not really well documented." Then, 10-20 years from now we haven't done anything because we didn't say it up-front. So, I want to put it on the record that we are talking about those community values. [#15.4]

Response: The Stumptown addition is being purchased as an addition to the GMWMA and will therefore be encumbered by statewide direction for WMA management, as well as the GMWMA-specific management plan (Appendix B of the EA). Statewide, WMAs are managed with a primary goal of protecting and enhancing habitat to maintain robust and resilient populations of fish and wildlife species. That management directive not only provides productive habitat on the WMAs themselves, but that benefit also perpetuates to the surrounding landscape. As such, other management directions on WMAs concerning access, development, and tangential uses, must be assessed within the context of impacts to fish and wildlife habitat, with the protection and enhancement of those habitats being top priority.

The portion of the GMWMA north of Stumptown Road has some of the most diverse and healthy stream and riparian habitat anywhere along Warm Springs Creek. These habitat types support the greatest abundance and diversity of wildlife species in Montana. Riparian habitats are particularly important breeding areas for songbirds, amphibians, small mammals, fish, woodpeckers, owls, and many other species, as well as important areas of cover for big game animals. Riparian areas are also well-recognized as critical movement corridors for many species as they navigate an increasingly humanized world. Therefore, the potential impacts of development and increased recreational use in riparian areas is amplified in comparison to other habitat types. All the benefits to wildlife attributed to streams and riparian areas (e.g., breeding, cover, travel) are benefits that could be significantly diminished by human disturbance, so we must be careful about how we manage human activities in these areas. Given the current and projected future needs of fish and wildlife species specific to habitats within the Warm Springs Creek drainage, it is unlikely a campground or Fishing Access Site on this property would be a viable option now or in the future. However, the draft EA for the proposed acquisition, and this Decision Notice, do not preclude such actions indefinitely.

An FAS and/or campground on the Stumptown Addition were not mentioned or reviewed in the draft EA; therefore, the concept of a campground in the Warm Springs Creek bottom has not been assessed for environmental impacts, nor has it been assessed through a public comment process. Thus, for the purposes of informing the public within the scope of the proposed action, as it now stands before decision-makers, this is a proposal to acquire the Stumptown property as a Wildlife Management Area in its entirety, and there is no provision made herein to develop an FAS and/or campground.

Comment: There is an archery club in Anaconda that would like to put together a silhouette range and they would like something close to town and accessible. This fits their bill. [#9.6]

Response: As per the previous comments, further development of the WMA must align with protections for fish and wildlife habitat. An archery range would invite increased public visitation outside of standard WMA uses such as fishing, hunting, hiking, and wildlife-viewing. An archery range would also involve significant safety and public trust issues; as such a range would likely need to be free and open to all members of the public. The FWP acquisition proposal put before the public in the draft EA was to acquire the property as a part of the GMWMA in its entirety, and therefore there is no provision made herein to develop any type of archery range.

Meeting Notification, EA Distribution

Comment: As of yesterday, Ray had no idea this public hearing was going on. He was not notified, he was not contacted, he didn't know. Now, if he had contacted RMEF or ASC or some group that's one thing. But to have a state agency promoting a hearing and not having that information out is a problem with transparency again. [#11a.3]

Response: Ray Dvorak is the current private owner of the Stumptown addition property who originally approached RMEF and FWP about an option for the public to purchase the property. FWP has strived to maintain contact with the landowner throughout the process to purchase this property. However, the landowner lives out-of-state and there have been some communication issues, including his not knowing about the public hearing. As standard practice, FWP mails a cover letter and copy of the draft EA to the current landowner--at the address listed for their property tax notifications--of any property FWP seeks to purchase, as well as all adjacent landowners. The public meeting is also announced on FWP's website and in local newspapers (for this project, papers in Anaconda, Helena, Butte, and Deer Lodge; see Section 6.1 of the EA). The current landowner did not receive his copy of the EA until after the public meeting due to a misunderstanding of his current address (his property tax address was not up to date). FWP acknowledges that we should have done more to make sure he was aware of the meeting, but there was no deliberate attempt by FWP to be subversive or non-transparent concerning this public process. FWP strives to make all interested parties aware of these projects and provides ample opportunity for public input:

See "Public Review Process" section (above) for details concerning public notification about this proposal.

Comment: Without any local government officials at the meeting it is difficult to confirm they are positively engaged in this process. [#11b.4]

Response: On September 24, 2019, FWP staff and representatives from RMEF, NRDP, and ASC presented this project at a regularly scheduled meeting of the Anaconda-Deer Lodge County (ADLC) Commission. At this meeting, representatives from each group informed the Commission and those present at the meeting of the proposed project, and it was received favorably by members of the public and the Commission. The agenda for that meeting, and the associated meeting notes transcribing the involvement of all relevant parties, are readily available on the ADLC County website:

- Agenda: <https://www.adlc.us/AgendaCenter/ViewFile/Agenda/09242019-707>
- Meeting notes: <https://www.adlc.us/AgendaCenter/ViewFile/Minutes/09242019-707>

The ADLC County Commission submitted a letter (dated October 1, 2019) to FWP supporting the Stumptown addition (Appendix C).

Additionally, printed copies of the EA and its cover letter (stating the public comment period and the public hearing) for the Stumptown addition, were mailed to the ACDL Commissioners, Planning Board, Planning Department, and Weed Supervisor in November 2019.

Predators

Comment: We are losing a lot of opportunity to maintain a balance between habitat and prey base because of things like this that happen where we are losing access more and more every day. You make a de facto wilderness where it is only foot or horseback and in this case a WMA that is closed down from December 1st to May 15th. Guess when mountain lion season opens up? [#11a.4]

We got wolves in here now. It's a problem. Guess when the season opens to harvest wolves? When this is closed. We need to get in there and access to harvest wolves to protect the wildlife you're trying to

save. The whole area is closed Dec 1st to May 15th. That is when trapping becomes productive, and it's wolf control. We don't have any. [#11a.8]

In my travels to the back country and specifically Garrity Mtn., my back yard, the mule deer are absent. I believe this to be a M.F.W.P. management problem in that there is insufficient predator control. Wolves are increasing in numbers here in recent years and their main source of food are elk and sometimes moose. Last winter [of 2018-2019] was unusually severe here in February and wildlife carried the burden of the strain of the elements in addition to the stress from predators. Whether it be U.S.D.A. Forest Service, B.L.M., or state government such as D.N.R.C.; M.F.W.P., etc., ... gates are locked (throughout the West) to vehicles and even foot travel is restricted or prohibited. In the case of WMA's in most locale's it ends up being nearly 1/2 the calendar year. These predators with voracious appetites are free from trapping and hunting that could potentially keep them in check. [#14b.4]

I support lands being turned over to public but this is not what i see going on in this area. The land is locked up to any kind of predator control or access for half of the year. I support the land being accessible for use by the public but if you are just buying another piece of land to put a lock on the gate i will not support that. If there is no chance for predator hunters to manage the numbers they will continue to grow. i have had lion tracks right next to my house and if i wanted to find someone with a license and the means to go after it in order to keep it at an arms length from my house i cant do that because the cat would most likely end up on the WMA and it would be illegal to pursue the cat or the dogs. i would also like to say there are most definitely wolves in the area, and they are not managed in any way. the only way to access them is during rifle hunting season when for the most part the people that would want to help manage predator numbers are trying to fill their freezer. I don't believe that protecting the animals that are putting real pressure on the ones you are claiming to be helping is going to solve any of the problems with winter grounds and calving season. I refuse to believe that the few people that would be traveling through the area would be worse for the elk and other prey animals than an unchecked predator population. the way this WMA is going i believe is the wrong direction. To sum up what im saying i do not support the government buying land to lock the public out. [#18]

Response: The availability and security of big game winter range is an equally if not more important limiting factor for big game abundance and health in this area than is predator density. Addressing the issue of limited winter range for deer and elk is the primary reason why most WMAs in western Montana are closed between the end of the general (rifle) hunting season and mid-May. Currently, this property is privately owned, providing limited access for members of the public. Purchasing this property as part of GMWMA would therefore significantly increase public access opportunities on this property and adjacent FWP and DNRC properties.

There is currently a harvest quota for HD 214 for hunting mountain lions. Under current mountain lion regulations, mountain lions may be hunted with archery-only equipment but without dogs during the annual 6-week deer-elk archery-only hunting season, and with rifle but without dogs during the 5-week general (rifle) deer-elk season (which ends yearly on the Sunday after Thanksgiving). However, not much mountain lion harvest occurs during those two seasons. Most lion harvest occurs while hunting lions with dogs by special-permit only (Dec 1-Jan 31), and by general license (Feb 1-April 14) if the quota is unfilled by January 31. Current wolf regulations allow wolves to be taken with archery-only equipment from the start of the deer-elk archery-only season through September 14, though little wolf harvest occurs during this time. Current regulations allow wolves to be taken with a rifle September 15 through March 15, and wolves can be trapped December 15 through the end of February. The commenters are correct, that the WMA is closed during the portions of the mountain lion season when most harvest occurs. But wolves can be legally hunted on the WMA from September 15 until the WMA closes on December 1 (77 days).

Special regulations are in place on many WMAs that allow for permitted trappers to enter closed areas to trap wolves in the winter, including on the nearby Mount Haggin and Spotted Dog WMAs. If a need for increased wolf harvest is identified on the GMWMA, FWP could propose allowing wolf trapping in the WMA during the closed season. Permit-based trapping would be addressed and implemented through the wolf season-setting and harvest regulation process. Likewise, if a need for

increased lion harvest were identified, that could be addressed during the lion season-setting process.

FWP acknowledges that the GMWMA closure dates do limit the opportunity for lion harvest on the WMA, but we do not have substantial evidence that predator numbers in the area exceed what would be expected for the available habitat and prey base in the area. While we acknowledge that predator management can be a complex issue, WMAs are maintained to provide habitat and security for the entire range of wildlife species that make up a healthy ecosystem, including predators. Therefore, we would need clear evidence of a problem before implementing management actions that are meant as a solution.

Management of Resources, Forest, Weeds

Comment: Your plan doesn't talk about future management other than wildlife. If you look at the Elkhorn Wildlife Management Unit outside of Helena. Wow. You talk about a de facto wilderness and all the resources are going to waste. If you go up behind Garrity right now and you look at the regen coming in, you got another harvest of timber. But with it locked up in perpetuity as a WMA for wildlife management, you're losing that resource. [#11a.5]

There is a sincere need to keep in mind the potential for future timber management but under this scenario it will continue to be prohibited. Closing the area to multiple use is not in the best interest of the community or the citizens of Montana. [#11b.5]

Response: The proposed addition would be added to a WMA, with the top management priority being the protection and enhancement of fish and wildlife habitat. Therefore, the EA is necessarily wildlife centric. Several portions of the EA, as well as both the Stumptown-specific and overall GMWMA management plans, outline FWP's plans for weed, water, and timber management on the property (Sections 3.2 and 3.4 of the EA, Section 2B of Appendix A, and Appendix B). FWP employs a full-time forester and the department has a proven track record of commercial and non-commercial timber harvests on WMAs throughout the state. The timber resources on the proposed addition may be harvested in the future if it aligns with habitat management goals, and the EA only states that, "FWP does not anticipate commercial timber harvest in the next decade" (Appendix A, Sec II.B.1). The EA goes on to state,

Conifers that are crowding out aspen stands or are encroaching on grasslands may be thinned, as has been successfully done on the nearby Mt. Haggin WMA in recent years. Aspen clones regenerate with the application of fire, disturbance of soil, and/or removal of competing conifers and where aspen stands are in decline these treatments may be used to revitalize them. Junipers may be removed from the riparian areas and aspen stands where appropriate to enhance wildlife habitat and water resources (Section 3.2, paragraph 8).

Comment: I foresee wildfires as a pending problem in the area we are focusing on because of the beetle kill in recent years to pine trees. These woods around here ~meaning from 1 mile west of Anaconda on the East, to Barker Cr. (and beyond) on the West~ = GMWMA. This is presently a tinder box just waiting for the spark or lightning bolt to cause major catastrophe. Again I blame it on government management that looks the other way when people (the public) could be removing much of the hazard with harvest firewood if they were allowed vehicle access to do so. [#14b.6]

Response: FWP employs a full-time forester and conducts forest management actions (including logging) on many WMAs throughout the state. If a significant forest management need (e.g., wildfire risk, conifer encroachment, etc.) is identified on the proposed Stumptown addition, FWP biologists would work with the FWP forester to address that issue.

Comment: This latest proposal by FWP's and other entities is an apex of more sudden changes that are coming down the pipeline. I am against this change. My observations of what has changed in the past since the Garrity WMA was acquired in 2001 is that things have been neglected in most all of the areas of

management. I see this procurement as more of the same and more control of land that we as citizens get locked out of. As a matter of fact I'm locked out of my own back yard right now. [#14b.2]

Response: Thank you for your comment. FWP strives to manage the GMWMA, and all WMAs throughout the state, to the benefit of fish and wildlife resources as best as staff time and resources allow. Most lands in Montana have management issues, and we would like to engage further with the commenter to address specific issues they have experienced regarding this property.

Currently, citizens of Montana do not have access to the proposed acquisition because it is under private ownership, unless they are able to gain access directly from the landowner. Acquisition of this property and inclusion in the GMWMA would expand access for the general public to this land.

Comment: The location of the proposed Stumptown Addition is an island of refuge and shelter under the existing private ownership that allows them [the elk] to recoup from winter and their calves (young) can gain and grow in strength prior to the upcoming hunting season. (The hunting season is too long in duration and has been been for many years causing undue and unreasonable duress on the animals). Ray Dvorak, the owner, has video cameras in various locations on his property that which capture evidence of a host of different animals including deer, elk, moose, bear, lion, coyote, etc. Because his property is posted ~ 'No Trespassing' it allows wildlife to remain unmolested from law abiding citizens. [#14b.3]

Response: Protection of wildlife during critical times of the year is the primary purpose of acquiring WMAs in Montana and is the primary purpose of closing this WMA (south of Stumptown Road) annually from December 1 to May 15. These closure dates correspond to much of the time periods the commenter is concerned will impact wildlife species. The closure provides security and shelter from molestation by humans for elk and deer when they are stressed during winter and protects critical winter range that allows them to forage when access to feed is scarce.

Comment: Weeds are a problem that seems to have raised its ugly head since GMWMA was acquired in 2001. I realize it has become a daunting challenge, now that it has gotten way out of hand. When I hear and sometimes see the efforts that are put forth toward the management of noxious weeds I believe what I'm seeing is some good hearted folks who truly are trying but that its only a drop in the bucket to the vast big picture. I also wonder if their efforts via their supervisors are just for show. [#14b.7]

Response: FWP conducts annual weed control operations as part of regular WMA maintenance. Plans for addressing weeds are outlined in Section 3.2 of the EA and in Section 2B of Appendix A. While it is not possible to completely eliminate weeds from large portions of the landscape, FWP has experienced staff that target important areas of weed infestations to keep weed species from degrading wildlife habitat and to keep the WMA from being a major source of weeds spreading to adjacent lands.

Natural Resource Damage

Comment: What the hell is the damage that Atlantic-Richfield has done to what you're talking about right here? There isn't any. Everything mother nature has cured and fixed in so many ways. If you could show me anything on that land I've walked around on for the last 40-50 years that's damaged by the smelter I'd have to say, "OK, I am wrong." But you're talking about land that has been healed since environmentalism closed the smelter, and we have lost recreation because we have lost access to the land now. And it's getting worse. [#11a.6]

Response: The environmental injury from a century of mining and mineral processing in the Anaconda area is well-documented by many state and federal agencies, scientific researchers, and land and water managers. Such natural resource injury is not always apparent on-the-ground and is most often associated with heavy metals that contaminate water and soil. The plant communities and growth forms in the area are a testament to the contamination, as are the massive clean-up efforts in the area over the past 50 years.

As explained in the Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans, 2019 (Restoration Plans), Section 2.2, restoration of terrestrial resources and services to baseline condition is not possible in the UCFRB due the widespread injury to natural resources associated with the release of hazardous substances from the mining and mineral processing activities in the Basin. However, the State's previous restoration planning efforts make it clear that significant progress can be accomplished with restoration efforts. The Restoration Plans focus on the areas and types of projects most likely to derive the greatest terrestrial benefits for the UCFRB, and in so doing, restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources of the UCFRB. The areas and types of projects are based not solely on hazardous substances but are also based on the predicted effectiveness of wildlife habitat protection and enhancement activities to benefit terrestrial resources in the UCFRB. The Restoration Plans identified priority areas for wildlife habitat protection and enhancement activities based on the following terrestrial wildlife restoration or replacement goals:

- Restore the injured terrestrial resources and associated ecological and recreational services (lost hunting, wildlife viewing, bird watching, and other wildlife-related outdoor recreation) covered under the State's natural resource damage lawsuit (Montana v. ARCO).
- Replace injured terrestrial wildlife resources by protecting and enhancing grassland, shrub-steppe, riparian, wetland, and conifer forest habitats in the UCFRB that are similar to those injured. This involves maintaining or improving wildlife species diversity, natural ecological functions, and habitat connectivity in grassland, forest, and riparian ecological systems.
- Replace lost hunting, wildlife viewing, bird watching, and other wildlife-related outdoor recreational opportunities by enhancing wildlife habitat, and consequently, wildlife populations, and ensuring public access to these wildlife resources.

These goals are all considered to be of substantially equal importance, recognizing that both restoration and replacement are appropriate strategies for increasing wildlife populations and recreational opportunities to compensate for what was lost.

Taxes, Funding

Comment: What in the hell is going on with Anaconda-Deer Lodge County losing all the tax base by turning this over to a state agency that does not pay taxes on this land? [#11a.7]

MFWP representative at the hearing objected to my claim that the removal of private property tax base is detrimental. Citing statutory control over spending of "Montana Taxpayer" funding is not generated revenue. The dependence upon funding from the Federal Government is tax dollars period. Depending on funding from license sales by FWP is in such high demand, proper management of this area is only going to be added to the list. [#11b.8]

Response: FWP is purchasing this property from a willing private landowner, and no Montana property- or income-tax dollars are proposed for the purchase or maintenance of the property. Also, per Section 3.6 of the EA:

No change in the tax base would result if the property were conveyed to FWP. Under 87-1-218(3)(c), MCA, FWP shall pay "to the county in 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." Taxes on the proposed addition are anticipated to be approximately \$616 in 2020. FWP purchase of the Stumptown addition would, however, preclude future development and/or subdivision of the property and the potential increased revenues to the county that might result.

Comment: If we are going to give deference to MFWP spending, why were no figures offered at the hearing, nor advertised. Is this another purchase by non profit organizations at a reduced rate and then sold back to the people for full market value? This practice is well documented and is not sustainable

with revenue sources expected to carry the load. Omission of all the facts at the hearing and public notices is not transparency nor shows any accountability to the people of Montana. [#11b.9]

Response: Funding sources for this project are outlined in the EA (Section 1.1, Table 1). Adequate time was taken at the public meeting to outline funding sources, though FWP acknowledges that exact dollar amounts were not presented at that meeting. To date, only one nonprofit organization (Rocky Mountain Elk Foundation) is providing funding for this acquisition. FWP and the NRDP are paying a sum agreed to by the private landowner based on an official appraisal conducted by a qualified appraiser adhering to the *Uniform Appraisal Standards for Federal Land Acquisitions*⁶. A federal-level appraisal was used early in the process because it was unclear at the time what potential funding sources would be used, and FWP wanted to plan for contingencies as we moved forward with fund-raising for this project.

Public (Government) Land Ownership

Comment: I raised a concern about the removal of private property known as "IN-HOLDINGS" Expansion of the "Pintler Wilderness Area by the State of Montana is not in the best interest of the future beneficial use of our resources. Locking them up is not beneficial to the people of this country. Expansion of wildlife corridors sounds good, but in reality, removes several factors in wildlife management including but not limited to predator control as stated above. Keep in mind that it is statistically documented that only .02% of the American public utilize wilderness areas. The expansion of any WMA is not economically sound or socially justified here in Montana. In case your team is not familiar, please visit many historic documents regarding use and management of designated wilderness areas. Here in Montana the debate continues over "Proposed Wilderness" and management of those areas already designated as "Roadless Areas" qualifying as wilderness is false. Please do not claim that I am falling on a separate issue here that is under the jurisdiction of the federal government. Local government and Montana elected officials have a seat at the table and it is their duty to the people to be engaged. [#11b.6]

Response: Thank you for your comment. The proposed action involves approximately 600 acres next to Stumptown Road, to which the public will have access southward from a parking area along the road from May 15 through December 1 every year, and access to the portion north of the road year-round. The Garrity Mountain WMA has no relation to "wilderness areas" that are designated and managed by the federal government.

Comment: I know my comment here is very negative. I want you and your team to know that the continued acquisition of land by government agencies funded by environmentalism is not conducive to our customs and heritage here in Montana. [#11b.12]

Response: Thank you for sharing your views. Montana statutes and Administrative Rules of Montana define, direct, and limit the authorities of FWP to acquire an interest in wildlife habitat in consideration of views such as yours and those held by other Montanans. Funding sources for this project were listed in the EA (Section 1.1, Table 1).

Private Property/Public Wildlife

Comment: It was stated that one of the purposes of expanding this area is to help keep wildlife from expanding into the city of Anaconda. Pardon my expression, but are you kidding? Look at the continued escalation of private property/public wildlife management problems. Leaving parts of this puzzle off the table we see a guided mission that is contrary to the foundation of our Montana Constitution. [#11b.7]

Response: FWP did not state or imply that "the purposes of expanding this area is to help keep wildlife from expanding into the city of Anaconda." We believe the commenter may be referring to a

⁶ Available at https://www.appraisalfoundation.org/imis/TAF/Standards/Appraisal_Standards/Uniform_Appraisal_Standards_for_Federal_Land_Acquisitions/TAF/Yellow_Book.aspx?hkey=77e5c6a0-ff07-4aa0-be1b-b7e0f0fa0360 Accessed 18 April 2020

comment made by another member of the public at the public meeting for this proposal (November 19 in Anaconda.) Without further context, it is unclear what is meant by the last sentence in this comment, and we are therefore unable to respond.

CHANGE TO THE DRAFT EA

Based on updated information since the Draft EA was published and responses to comments above, the following is a change or clarification FWP hereby makes to the Draft EA, which are incorporating into the Final EA as part of this Decision Notice. Underlined is new wording; ~~cross-out~~ portions are deletions.

Appendix B. Draft Management Plan, Proposed Stumptown addition to Garrity Mountain Wildlife Management Area; Section II. Management Overview, Public Access. The 4th bullet is hereby changed to state:

- ✓ Hunting would be allowed as per statewide regulations and regulations for Deer/Elk Hunting District 214, Moose Hunting District 214, and Black Bear Management Unit 216 (fall season and spring season May 15 through June 15). Exception: those portions of the WMA that are north of Stumptown Road are open to archery hunting only.

DECISION

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 decision benefited from public review of the proposal and informed comment. Most of the comments received were in support of FWP acquisition of the Stumptown property and its management as part of the Garrity Mountain WMA. Regarding some of the comments in opposition, FWP will work to address those issues that can be mitigated through management actions. Despite the varied comments we received and addressed, no concerns were raised that would bring the environmental analysis into question, and in consideration of these facts and with inclusion of this Decision Notice (and any clarifications, corrections and/or information noted therein), I adopt the Draft EA as final.

The habitats provided within the proposed addition, while critically important for fish and wildlife now, will only increase in value for those species in the future. Over time this habitat, located close to town and easily accessible, will become an increasingly treasured amenity for the local community. Combined with the larger Garrity Mountain WMA, Mount Haggin WMA, Blue-Eyed Nellie WMA, National Forest, and NRDP projects along and beyond Warm Springs Creek, the proposed addition will contribute to abundant wildlife and an associated human lifestyle and economy that offers options for Anaconda's future and that of other communities in the Upper Clark Fork River Basin. Our sincere thanks go out to Mr. Ray Dvorak for his interest and patience in offering a conservation outcome for his property and for making this contribution to Montana's outdoor heritage and lifestyle possible.

I recommend to the Fish and Wildlife Commission that it approve the proposed purchase of this 600-acre Stumptown parcel and its addition to the Garrity Mountain WMA.



Randy Arnold
Region 2 Supervisor
Montana Fish, Wildlife & Parks

4-21-2020
Date

APPENDIX A

All comments on the proposed Stumptown addition to Garrity Mountain WMA and Draft EA, received by FWP during the comment period (November 8 through December 11, 2019). Comments received via E = email, PM = public meeting/hearing. (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
1	E		Sounds great do it
2	E		I fully support the acquisition adding this land to the Garrity Mountain WMA. It is incredibly fortunate for FWP to have the opportunity to purchase this. I urge you to please consider the safety aspects along Warm Springs Creek bottom and only allow archery equipment north of the Stumptown road. Rifle hunting in that area could be potentially dangerous. Great work FWP!
3	E	1	I have been a resident of Anaconda for over 35 years and have an excellent view of this property from my home north of the property in English Gulch. I strongly supported the earlier purchase of property the FW&P purchased to the west a couple of years ago and I whole-heartedly support the passage of this Stumptown addition.
		2	I have seen over 200 elk use the previously purchased property and know they, deer, and moose use the Stumptown property. In addition to the wildlife use, I have driven by the portion adjacent to Hwy 1 for 30+ years and know that that wetland to the south is very important to the areas moose population.
		3	I always worry about any of that foothill property south of Hwy 1 being developed for homes, with the problems caused by development - loss of habitat, dog disruption problems, and road problems dealing with access and potential poaching.
		4	As a retired Forester with the MT DNRC and as a Consultant, I did the timber inventory for the acquisition of the German Gulch property a number of years ago. It was one of my proudest works as a Consultant and was such a valuable addition to the wildlife management area.
		5	This current acquisition fits in well with the adjoining State Lands partial section as well as the current Garrity portions and provides such valuable wildlife protection of natural systems. I strongly support this acquisition.
		6	My one concern as I read through the EA are the wire fences. A number of years ago a calf moose was entangled in one of those fences and I am sure other wildlife have been affected by them I would like to see as much of them removed. Any left should be "wildlife friendly" as described in the EA.
4	E	1	Dear Fish Wildlife & Parks Commission,
		2	I support the Stumptown Addition to the Garrity Mtn WMA. It looks like a great piece of property to add to the existing WMA. It not only will adds to the hunting opportunities in the area, but has some fishing too. Looks like a win/win in all areas for the public to enjoy.
5a	E		Looks good to me. Will be at meeting.
5b	PM	1	<i>[From APPENDIX B, public hearing commenter #6]</i> I've lived here my whole life and I've had a chance to observe this property and the WMA as a whole. I am fortunate enough to have it right out my window. I can't see where we are going to lose at all by gaining this property. It's a chunk in the middle of the WMA and it's like a bite out of it right now and it needs to be filled in. We don't want development on that and it's coming really fast in our future. That seems to be the thing now, people come in with a lot of money and they buy everything up and start subdividing. Soon you have houses where you had elk.
		2	I want to say something on the fencing. The Anaconda Sportsman's Club has always been donating our time to help take out fencing and we just finished up some on the WMA this summer and we would be available to take care of that fencing too and work on it with volunteers and Julie knows that. I would like to see all the wire removed off the fencing on the north side and just put up a rail to keep ATVs out. Then kids and wildlife can cross it with no danger.
		3	On the west end of it there used to be a road across the creek that came out on Stumptown Road and I wouldn't want to see that started again. Lock it up and put some rocks in the way because I could see that happening with the ATVs that are out there these days.
		4	We need to have that in public ownership.

6	E		Beautiful piece of ground. Lots of game use the thick aspen stands. My wife and my 2 daughters, and many friends would like to see this area stay intact. Being so close to home makes this a win for all anaconda residents. thank you.
7	E	1	The Montana Wildlife Federation (MWF) is our state's oldest and largest state-based wildlife conservation organization. We were formed in 1936 when hunters joined landowners to restore depleted wildlife in Montana, and for 83 years we have worked on key issues affecting wildlife, habitat and access.
		2	MWF is strongly supportive of the proposed purchase of approximately 600 acres of private land adjacent to the Garrity Mountain Wildlife Management Area (WMA) in Deer Lodge County by the Rocky Mountain Elk Foundation, Department of Fish, Wildlife & Parks, Natural Resource Damage Program, and the Montana Fish and Wildlife Conservation Fund. This location is an important spring calving area for elk in addition to being critical winter range for elk and mule deer and summer range for bighorn sheep. This property also has many recreational opportunities ranging from hunting and fishing to mountain biking and wildlife viewing.
		3	This addition also adds fisheries values to the Garrity Mountain WMA through protection of 0.7 miles of Warm Springs Creek. This creek, and it's associated riparian zone, supports critical habitat for federally threatened bull trout as well as many state species of concern, including westslope cutthroat trout. This area is considered some of the most biologically diverse and directly threatened habitats in Montana.
		4	Our affiliate, the Anaconda Sportsmen's Club, is also strongly supportive of this project. MWF considers this an excellent use of Habitat Montana funds and commends the Department of Fish, Wildlife & Parks for preserving this land as a part of our Montana Outdoor Heritage. Thank you for the opportunity to comment.
8	E		I just wanted to comment on Stumptown Addition South West of Anaconda. I think that this is a great idea[.] I remember as a kid we used to go up on Jeep Hill and at one time we built a cabin up there. And as I got older I used to hunt it all the time also it is a great place[.] I live out in the West Valley and I look at Mount Haggin and all of the Stumptown area and the wild life. And I used to fish and explore what we called the back trails where Warm Springs Creek is[.] that was an awesome area too[.] it will [be] great to finally have all of that back into public hands so generations can enjoy it also. Thank you.
9	PM	1	<i>[From APPENDIX B, public hearing commenter #1]</i> Supportive of the proposal.
		2	Landowner [Dvorak] used to work for RMEF and has a conservation ethic.
		3	Obviously, the public has great interest in this property. It has great wildlife values especially south of the road. But the area north of the road is a good fishery, and we are very interested in opening that up to the public.
		4	We would be interested in looking at that [the area north of Stumptown Road] as a FAS with a road and outhouse and parking spaces. We should have as an opening that some day we may want to put a campground in there. We are not proposing that now, but don't want to buy this property and then 10 years from now want a campground and somehow be restricted because FWP says "well you can't because it's a WMA." We are buying it with NRDP money, which ASC had a major hand in getting along with MWF [Montana Wildlife Federation] and others. To do that, we had to document resources lost from mining activities and the idea was to replace those lost values. So, a potential FAS down there [the area north of Stumptown Road] needs to be on the agenda.
		5	To make this WMA useable by the public, I don't want to see us buy a bunch more land where the access by the public is down on the Stumptown Road. We deserve to get off the Stumptown Road. There are private landowners that live behind the public land and we need have as good of access as they do. We need to get at least to the mountain. I would like to see one of those old roads used to get us an access site 1/4 or 1/2 mile back and off the Stumptown Road so we don't have to park on the road.
		6	There is an archery club in Anaconda that would like to put together a silhouette range and they would like something close to town and accessible. This fits their bill. I don't know if north or south side of road would be the appropriate place and I don't know if they would need access outside the normal WMA dates.
		7	So, there are other uses for this property that fit with what the NRDP money is for and can make it more useable and are not antagonistic to the values of fisheries and wildlife.
		8	We need to have more serious discussion moving forward. We should have someone here from fisheries when the biologist gets on board.

		9	We would like to see a little better access than we have but that is down the road. Historically, the public had better motorized access through this property than what you are proposing. Maybe seasonal access but just get people closer to other parts of the property.
10	PM	1	<i>[From APPENDIX B, public hearing commenter #2]</i> The current fencing runs along alley behind my house and it has been electrified in the past and I see wildlife caught up in it quite often. So that fence would be made more wildlife friendly? Right now, it is sheep fence along that northern boundary.
		2	When YT Timber owned it, kids could go in there and play and make forts and go fish and that kind of stuff. So, would there be access from that side as well?
11a	PM	1	<i>[From APPENDIX B, public hearing commenter #3]</i> I wear a couple hats tonight (private citizen and representing Redoubt News). I am primarily involved with Redoubt News because of issues with public transparency with things like this that involve a lot of money from taxpayers. The public needs to know where it's at, what's going on, the timeframe, and how they can be involved.
		2	Now I am going to change hats. My name is Tim Ravndal and you're talking about my backyard growing up. I am going on record right now adamantly opposing what you are doing.
		3	Our family had contact with Ray Dvorak who owns the property you are trying to purchase. As of yesterday, Ray had no idea this public hearing was going on. He was not notified, he was not contacted, he didn't know. Now, if he had contacted RMEF or ASC or some group that's one thing. But to have a state agency promoting a hearing and not having that information out is a problem with transparency again.
		4	I am a houndsman and a lion hunter and I have hunted this area since 1972 when Ray took me on my first lion hunt. We went a long way in managing mountain lion management and I personally was involved in the 1990s when we developed the mountain lion EIS to manage biologically rather than socially. We are losing a lot of opportunity to maintain a balance between habitat and prey base because of things like this that happen where we are losing access more and more every day. You make a de facto wilderness where it is only foot or horseback and in this case a WMA that is closed down from December 1st to May 15th. Guess when mountain lion season opens up? I once told the FWP commission that "if you think I'm causing stress running into an area to hunt mountain lions, how much stress on that elk do you think is being caused by that mountain lion that's eating every other one that he gets to?" It's very factual. It's habitat vs. prey and we have a lot of habitat that has been locked out.
		5	I ran my logging business for several years making money off of this. Your plan doesn't talk about future management other than wildlife. If you look at the Elkhorn Wildlife Management Unit outside of Helena. Wow. You talk about a de facto wilderness and all the resources are going to waste. If you go up behind Garrity right now and you look at the regen coming in, you got another harvest of timber. But with it locked up in perpetuity as a WMA for wildlife management, you're losing that resource.
		6	I have to go back to what you were saying about resource damage. What the hell is the damage that Atlantic-Richfield has done to what you're talking about right here? There isn't any. Everything mother nature has cured and fixed in so many ways. If you could show me anything on that land I've walked around on for the last 40-50 years that's damaged by the smelter I'd have to say, "OK, I am wrong." But you're talking about land that has been healed since environmentalism closed the smelter, and we have lost recreation because we have lost access to the land now. And it's getting worse.
		7	Finally, what in the hell is going on with Anaconda-Deer Lodge County losing all the tax base by turning this over to a state agency that does not pay taxes on this land? Where is the benefit going to come from in that?
		8	One quick follow-up on my comment about predation. Wolves have been introduced in Montana. We got wolves in here now. It's a problem. Guess when the season opens to harvest wolves? When this is closed. We need to get in there and access to harvest wolves to protect the wildlife you're trying to save. The whole area is closed Dec 1st to May 15th. That is when trapping becomes productive, and it's wolf control. We don't have any.
11b	E	1	For the record, I am adamantly opposed to the proposed addition to the Garrity Mountain WMA.
		2	I attended the hearing in Anaconda and heard your presentation and comments by the members of the Anaconda Sportsman club.
		3	At that hearing I raised the concern on the way the current management area is being currently closed to "ALL" access from the 1st of December to May. There is recorded sighting of wolves in the area. I personally know there are currently 2 wolves that encompass this area as their territory. I also want to let you know that I have recorded 3 resident female lions in the area. Having permission on the private property in question for predator control I have met the challenge of your closed access and total closure of the area. I have visited with the local game warden on this and he understand the problem of predator control.

		4	Having read the article in the local Anaconda paper I saw and disagree with distortion of the facts. Including discussion about your proposed expansion on the Big Hole Side of the management area is just wrong. There is a growing concern regarding the duty of the department to maintain the public trust. Ignoring that Constitutional duty is capricious at the minimum. Without any local government officials at the meeting it is difficult to confirm they are positively engaged in this process.
		5	Historically the chain of Mountain lakes has provided recreational opportunities for the citizens of the area. As I stated at the hearing, this entire area was my back yard growing up. I also want to remind you that I am part of the logging and mining industries. I hauled logs out of the area before all resource management excluding wildlife was shut down. There is a sincere need to keep in mind the potential for future timber management but under this scenario it will continue to be prohibited. Closing the area to multiple use is not in the best interest of the community or the citizens of Montana.
		6	I raised a concern about the removal of private property known as "IN-HOLDINGS" Expansion of the "Pintler Wilderness Area by the State of Montana is not in the best interest of the future beneficial use of our resources. Locking them up is not beneficial to the people of this country. Expansion of wildlife corridors sounds good, but in reality, removes several factors in wildlife management including but not limited to predator control as stated above. Keep in mind that it is statistically documented that only .02% of the American public utilize wilderness areas. The expansion of any WMA is not economically sound or socially justified here in Montana. In case your team is not familiar, please visit many historic documents regarding use and management of designated wilderness areas. Here in Montana the debate continues over "Proposed Wilderness" and management of those areas already designated as "Roadless Areas" qualifying as wilderness is false. Please do not claim that I am falling on a separate issue here that is under the jurisdiction of the federal government. Local government and Montana elected officials have a seat at the table and it is their duty to the people to be engaged.
		7	It was stated that one of the purposes of expanding this area is to help keep wildlife from expanding into the city of Anaconda. Pardon my expression, but are you kidding? Look at the continued escalation of private property/public wildlife management problems. Leaving parts of this puzzle off the table we see a guided mission that is contrary to the foundation of our Montana Constitution.
		8	MFWP representative at the hearing objected to my claim that the removal of private property tax base is detrimental. Citing statutory control over spending of "Montana Taxpayer" funding is not generated revenue. The dependence upon funding from the Federal Government is tax dollars period. Depending on funding from license sales by FWP is in such high demand, proper management of this area is only going to be added to the list. As a business owner I am fully aware of running out of money, and yes. . . I got the memo that the federal government is broke.
		9	If we are going to give deference to MFWP spending, why were no figures offered at the hearing, nor advertised. Is this another purchase by non profit organizations at a reduced rate and then sold back to the people for full market value? This practice is well documented and is not sustainable with revenue sources expected to carry the load. Omission of all the facts at the hearing and public notices is not transparency nor shows any accountability to the people of Montana.
		10	Another factor that was not addressed at the hearing is ADA. If this is public land and access is guaranteed to the public for access and enjoyment, this expansion and management program is not in the best interest of those needing and are entitled to beneficial use of these lands. I could go on, but I believe that your proposal is not in the best interests of the people.
		11	The current GMWMA management program denies the people access to these lands. Change the management of the area to be more public friendly I could consider offering support. Knowing that the standard response to this is for me to give you management suggestions for your consideration. Having led Montana Multiple Use Association for many years, look at FWP records and they are all there.
		12	I know my comment here is very negative. I want you and your team to know that the continued acquisition of land by government agencies funded by environmentalism is not conducive to our customs and heritage here in Montana.
12a	PM	1	<i>[From APPENDIX B, public hearing commenter #4]</i> We [George Grant Chapter of Trout Unlimited] were involved on the last Garrity addition primarily because of the fisheries and better access to one of the better streams for fishing. Those are the two things that drive us.
		2	We haven't taken a position on this and we haven't really reviewed this yet, but I'll bring it to the board, and I think you'll see some positive comments coming in on this from our board.

12b	E	1	The George Grant Chapter of Trout Unlimited (GGTU) is a leading conservation group in southwestern Montana, representing over 400 anglers in the Butte region. GGTU has been intimately involved in habitat and fisheries issues in the upper Clark Fork watershed for decades. GGTU is well aware of the importance of Warm Springs Creek to the mainstem of the Clark Fork River and enthusiastically supports the proposed 600-acre addition to the Garry Mountain Wildlife Management Area.
		2	The proposed acquisition and addition to the Garry Mountain EMA is an enormous win for conservation. It is not only remarkable, but encouraging in these fractured times, to see numerous partner groups and agencies come together to develop this proposal and present it to the public for comment. The fishery in the Upper Clark Fork River is stressed and projects such as these that protect and promote the River's tributaries are essential to sustaining and recovering trout populations. Roughly 0.7 miles of Warm Springs Creek, and its natural riparian corridor, will be preserved and protected by the Stumptown addition. This proposal will also increase and protect access to public lands. There has been an incredible amount of acreage protected in public hands in the Anaconda area over the past two decades and this project adds to that impressive portfolio. Anaconda now has close to 100,000 acres of public lands within 15 miles of the city limits. GGTU hopes that the FWP and its partners will continue to proactively fund projects like this in the future.
		3	Thank you for the opportunity to comment on the funding proposal. Please contact me, GGTU president, if you have any questions or concerns regarding our comments.
13a	PM		The Anaconda Sportsman's Club [ASC] stands in support of this project. We think it's a win-win when you look at both sides of the road. South side is added elk winter range, and this will eliminate any kind of subdivision and that's a big thing. On the north side of the road along the creek is the fishing and riparian part of it and that's very important. Just like this lady was referring to regarding the kids being able to play in there, and they can't do that when it was locked up. Thanks. [President]
13b	E		This acquisition would be potentially the last parcel to add to the wma. Acquiring this parcel would secure a calving ground, winter grazing and an important nursery area for the Elk. Numerous whitetail deer use this area also. Development of this area would impact the wma immensely. Also acquiring this parcel would open up fishing access to warm springs creek which has been closed for years. This piece of property sitting in the middle of the northern boundary of GWMA is very important to it. Therefore, as vice president of the Anaconda Sportsmen Club, I'm and our club is in support of this acquisition.
14a	PM	1	<i>[From APPENDIX B, public hearing commenter #7]</i> There is presently an access somewhat there in the gulch. We are going to go back to 2001 and how all this started. If I go over to Barker Creek and I come up on the back side, the gates there have a sign on them that say no motorized vehicles. But in the gulch where I live there is no such sign. There are old signs from 2018 that talk about Elk B tags not being valid. Those did not go up again this year, so it is just kind of a neglected area. When I went back up there this afternoon, I took photos and there weren't any vehicles there, but it was just like a big mud hole. I took photos of the actual gate that has a lock on it.
		2	My point is this whole plan kind of went by the wayside with this whole WMA, and so I am a little gun-shy about what is going to happen with some of these promises in the sky that you guys are making are going to actually go through. I took some photos of the signs Ray [current Stumptown parcel owner] put up there at this access point. It is a problem for the hunters that come in there with horse trailers. They jam them in there. Just a few days ago I saw a horse trailer coming down in the morning. When I went to town, I saw he was going down the road and there was no room for him to park. I just want to point out that particular trail, the people from DNRC can access through there and go up and thin some of the clear-cuts. But that trail is kind of the access to go up behind Garry on that side of town.
14b	E	1	Here are some of my thoughts and comments about the public hearing in Anaconda on 19 Nov. 2019.
		2	Since I grew up here in Stumptown from birth and down through the years I've seen changes to the area that were sometimes swift and sudden but most of the time gradual. This latest proposal by FWP's and other entities is an apex of more sudden changes that are coming down the pipeline. <u>I am against this change.</u> My observations of what has changed in the past since the Garry WMA was acquired in 2001 is that things have been neglected in most all of the areas of management. I see this procurement as more of the same and more control of land that we as citizens get locked out of. As a matter of fact I'm locked out of my own back yard right now.

		3	In the hearing Chris Marchion with Anaconda Sportsman's Club presented a goal to get the wild game...ie. deer, elk, etc. further away from Anaconda and... the farther away from town the better. He states that the elk during the seasons of summer and fall need to be pushed further up in elevation into their natural habitat. Those lower elevations of water, aspen groves and other deciduous trees plus grasses and greeneries IS their natural realm at that particular time of the year and it sustains them. The location of the proposed Stumptown Addition is an island of refuge and shelter under the existing private ownership that allows them to recoup from winter and their calves (young) can gain and grow in strength prior to the upcoming hunting season. (The hunting season is too long in duration and has been for many years causing undue and unreasonable duress on the animals). Ray Dvorak, the owner, has video cameras in various locations on his property that which capture evidence of a host of different animals including deer, elk, moose, bear, lion, coyote, etc. Because his property is posted ~ `No Trespassing' it allows wildlife to remain unmolested from law abiding citizens.
		4	Current problems exist in Anaconda with mule deer within the city limits not just during the harsh winter months but year round. Deer are a major staple in the diet of mountain lions. Because deer adapt well to humans they seek safety in the midst of civilization. This problem is true across our state of Montana in other cities and towns such as Glendive, Helena, etc. and not just Anaconda but my point is: that we don't find mule deer in the higher elevations much anymore. They all seem to be in town! In my travels to the back country and specifically Garrity Mtn., my back yard, the mule deer are absent. I believe this to be a M.F.W.P. management problem in that there is insufficient predator control. Wolves are increasing in numbers here in recent years and their main source of food are elk and sometimes moose. Last winter was unusually severe here in February and wildlife carried the burden of the strain of the elements in addition to the stress from predators. Whether it be U.S.D.A. Forest Service, B.L.M., or state government such as D.N.R.C.; M.F.W.P., etc., ... gates are locked (throughout the West) to vehicles and even foot travel is restricted or prohibited. In the case of WMA's in most locale's it ends up being nearly 1/2 the calendar year. These predators with voracious appetites are free from trapping and hunting that could potentially keep them in check.
		5	In the meeting, Chris Marchion made a suggestion, only a suggestion...that a campground or out-house could possibly be utilized in the bottom land parking areas such as where access would be provided for people to fish and recreate along Warm Sprgs. Creek. This might be applicable (in the hearing discussion) to have at a parking area for those with horse trailers. My comment on this is a red flag of abuse to these kinds of public areas. Currently we have a problem in the Stumptown area of people (kids?) throwing garbage out of their vehicles along this Stumptown Rd. and even to the point of some (adults?) dumping garbage and animal carcasses in various places along the road. Our Anaconda-Deer Lodge Co. have placed `No Dumping' signs with posted penalty consequences, most often times to no avail. Our police patrol out this way along this road but I've not heard nor read of anyone getting pinched for this violation. I bring this up because it used to be a terrible problem in the past, prior to the fences which are currently along the road. People would be drinking and partying in the wee hours of the night wherever they could get away from the main traveled road. This is a concern that deserves consideration!
		6	I foresee wildfires as a pending problem in the area we are focusing on because of the beetle kill in recent years to pine trees. These woods around here ~meaning from 1 mile west of Anaconda on the East, to Barker Cr. (and beyond) on the West~ = GMWMA . This is presently a tinder box just waiting for the spark or lightning bolt to cause major catastrophe. Again I blame it on government management that looks the other way when people (the public) could be removing much of the hazard with harvest firewood if they were allowed vehicle access to do so.
		7	Weeds are a problem that seems to have raised its ugly head since GMWMA was acquired in 2001. I realize it has become a daunting challenge, now that it has gotten way out of hand. When I hear and sometimes see the efforts that are put forth toward the management of noxious weeds I believe what I'm seeing is some good hearted folks who truly are trying but that its only a drop in the bucket to the vast big picture. I also wonder if their efforts via their supervisors are just for show.
		8	There are other concerns I have that I'll not mention at this time that equate to my misgivings about government control over our society. Thanks to whoever takes the time to read my concerns.
15	PM	1	<i>[From APPENDIX B, public hearing commenter #8]</i> I like this proposal I think it is a good idea for promotion of wildlife habitat particularly wintering elk habitat and public access.
		2	Finding a balance there is an important part for providing fishing access on the north side of the road and for those that would like to access the south side it would be extremely beneficial in terms of how we do it. I think it would be prudent upon this stage of the game to set aside at least a commentary where we say "you know what, if we are going to do this then we will put in place a plan to develop parking for horses where the corrals are." Which makes sense to me since we are not going to take down the corrals as part of this plan.

3	On the north side of the road there should be potential for a campground just to have it in the language document. Because otherwise...I don't know maybe I'm just mistrusting of government...but the thought is that I want to know that the possibility is out there that if we decide 10, 15, 20 years from now that if a campground is a prudent idea we can go ahead and do that on the north side of the road.	
4	Or whatever it is, whatever is in the public interest is whatever is best for the habitat or whatever is best for the overall picture. I just don't want it to be like "OK, we talked about this but it's not really well documented." Then, 10-20 years from now we haven't done anything because we didn't say it up-front. So, I want to put it on the record that we are talking about those community values.	
5	As a member of the public, I thank you all for setting this up. It was very informative and I appreciate it.	
16	PM	<i>[From APPENDIX B, public hearing commenter #9]</i> One simple little comment just as an ordinary citizen and that's all I claim to be. I think it would be real sweet to have a nice little area with some access to the creek where the grandkids can go fishing and all that stuff real close to town. And maybe we could see an elk. I don't hunt them anymore, but I love seeing them come down and the deer are always there, and I would rather see that than a cluster of trophy houses, and I say if we get a chance then let's do it. Because we may never get the chance again.
17	E	I think this would be a great addition to the existing properties surrounding this 600 acres and we will once again have access to fish and hunt this property that has been closed off the last 20 years or so.
18	E	Hello i am sending this message in regards to the stump town addition to the Garrity WMA. I support lands being tuned over to public but this is not what i see going on in this area. The land is locked up to any kind of predator control or access for half of the year. I support the land being accessible for use by the public but if you are just buying another piece of land to put a lock on the gate i will not support that. If there is no chance for predator hunters to manage the numbers they will continue to grow. i have had lion tracks right next to my house and if i wanted to find someone with a license and the means to go after it in order to keep it at an arms length from my house i cant do that because the cat would most likely end up on the WMA and it would be illegal to pursue the cat or the dogs. i would also like to say there are most definitely wolves in the area, and they are not managed in any way. the only way to access them is during rifle hunting season when for the most part the people that would want to help manage predator numbers are trying to fill their freezer. I don't believe that protecting the animals that are putting real pressure on the ones you are claiming to be helping is going to solve any of the problems with winter grounds and calving season. I refuse to believe that the few people that would be traveling through the area would be worse for the elk and other prey animals than an unchecked predator population. the way this WMA is going i believe is the wrong direction. To sum up what im saying i do not support the government buying land to lock the public out.

APPENDIX B

Public Hearing for

Proposed Stumptown Addition to Garrity Mountain WMA

November 19, 2019 at 6:00 pm; AOH Hall (106 Cherry Street), Anaconda, MT

Agency Attendees:

1. Torrey Ritter--Nongame Wildlife Biologist and Lands Specialist; Montana Fish, Wildlife & Parks (FWP) Region 2 (R2)
2. Julie Golla--Area Wildlife Biologist, FWP R2
3. Martin Balukas--Lands Agent, FWP
4. Greg Mullen--Environmental Science Specialist, Natural Resource Damage Program (NRDP)

Project Introduction by Agency Personnel, and Questions and Answers:

- Torrey Ritter gave a PowerPoint presentation introducing and describing the proposed 600-acre Stumptown addition to FWP's Garrity Mountain Wildlife Management Area (WMA).
- Martin Balukas and Greg Mullen explained the source of NRDP funding, the process by which that funding is allocated and distributed, and the public process FWP and NRDP are going through to provide funding for the Stumptown addition.
- One attendee asked about fencing around the property in terms of impacts to wildlife and how we expect to deal with it.
- One attendee asked about the horse corrals and potential access to those corrals for horseback riders and how the public can remain involved towards pushing for that kind of access in the future.
 - Torrey: This EA is just for purchasing the property and some basic improvements for parking. We could visit other development ideas later with another EA. This does not preclude all of these other ideas from being considered in the future.
- One attendee liked the idea of an archery range on the property and was wondering what the process was for bringing up an idea like that in the future.
 - Julie: We talked with that group and we brainstormed some potential hurdles, the big one being restricted access to only when the WMA is open. Once we get the property that's when we can talk with Brady Shortman (WMA Maintenance Supervisor) and amongst ourselves about potential improvements, what to do with buildings, or development down the road. We will leave room in our wording and goals for camping or parking or an archery range, but all those conversations can happen further down the road.
 - Martin: The short answer is someone would come to Julie with a proposal and she can be the filter to pass through those ideas. Then, we figure out the legal and management hurdles. Then, there would be a formalized EA and public process under MEPA.
 - Torrey: There is a management plan for this addition as an appendix in this EA. Torrey provided an example of acquisition and development for an FAS project in R2 and contrasted with this EA which is pretty much strictly for acquisition. As for the fencing issue, fences will be repaired to wildlife-friendly standards where they are still needed or otherwise will be removed as time and resources allow.
- One attendee pointed out that our description of the existing fencing in the EA was incorrect, and that there is 5-strand electric fence along the road, not a high-tensile fence as described in EA.
- One attendee asked several questions about access points and parking areas, especially for those with large horse trailers. Torrey, Martin, and Julie expressed that we will be putting in initial parking areas along Stumptown Road, but additional parking and access would be developed once we get a sense of the levels and types of use in the area. Certainly, we will need to address the accessibility for large horse trailers in the future and will seek public input on that. The main thing right now is to purchase the property. There is value in purchasing the property, evaluating the public use, and then responding accordingly rather than trying to predict the use ahead of time.

- An attendee asked about the process for development and other uses (implying campground, FAS, etc.) on the WMA in the future, such as changing the actual management plan to accommodate those types of changes.
 - Julie and Torrey explained the process of coming up with a proposal, talking to Julie about it, and going through a different EA and commission process for those changes.
- One attendee asked about the EA process and how expensive and cumbersome it is and who funds it. His concern being FWP getting roadblocked later because we don't have the time or resources to revisit these development ideas.
 - Julie and Torrey responded by outlining the resources necessary to do the EA process and some things that can slow it down. Julie related to other processes on other WMAs.
 - Martin expressed that an EA is a process we go through all the time and that he has never heard of the cost of just the EA process being a barrier. What I would take away from this tonight is that there is interest from the public in how their access is used and managed, and that I would recommend the department wait until we get our feet under us with this new property and then engage in a robust process for addressing these concerns. Julie agreed.
- Some discussion was had around the Miller Lake project and overall government land purchases in the area.

Public Hearing Comments (in the order of appearance):

1. **Chris Marchion, Anaconda.** *[These comments also appear as #9 in Appendix A]*
 - Member of Anaconda Sportsman's Club (ASC); I'm supportive of the proposal.
 - Landowner (of the Stumptown property) used to work for RMEF (Rocky Mountain Elk Foundation) and has a conservation ethic.
 - Obviously, the public has great interest in this property. It has great wildlife values especially south of the road. But the area north of the road is a good fishery, and we are very interested in opening that up to the public.
 - We would be interested in looking at that [the area north of Stumptown Road] as a FAS with a road and outhouse and parking spaces. We should have as an opening that some day we may want to put a campground in there. We are not proposing that now, but don't want to buy this property and then 10 years from now want a campground and somehow be restricted because FWP says "well you can't because it's a WMA."
 - We are buying it with NRDP money, which ASC had a major hand in getting along with MWF [Montana Wildlife Federation] and others. To do that, we had to document resources lost from mining activities and the idea was to replace those lost values. So, a potential FAS down there [the area north of Stumptown Road] needs to be on the agenda.
 - To make this WMA useable by the public, I don't want to see us buy a bunch more land where the access by the public is down on the Stumptown Road. We deserve to get off the Stumptown Road. There are private landowners that live behind the public land and we need to have as good of access as they do. We need to get at least to the mountain. I would like to see one of those old roads used to get us an access site 1/4 or 1/2 mile back and off the Stumptown Road, so we don't have to park on the road.
 - There is an archery club in Anaconda that would like to put together a silhouette range and they would like something close to town and accessible. This fits their bill. I don't know if north or south side of road would be the appropriate place and I don't know if they would need access outside the normal WMA dates.
 - So, there are other uses for this property that fit with what the NRDP money is for and can make it more useable and are not antagonistic to the values of fisheries and wildlife.
 - We need to have more serious discussion moving forward. We should have someone here from fisheries when the biologist gets on board.
 - We would like to see a little better access than we have but that is down the road. Historically, the public had better motorized access through this property than what you are proposing. Maybe seasonal access but just get people closer to other parts of the property.

- *Further into the meeting, Chris talked about initial criticism of Habitat Montana and people's concerns that FWP wouldn't be able to take care of their properties. Chris expressed that it is also incumbent upon the public to ask the legislature to provide additional resources for taking care of these properties. ASC would support spending license dollars on maintenance of WMAs. Gave an outline of the WHIP [Wildlife Habitat Improvement Program] program and potential for additional funding for WMA maintenance regarding weeds. Highlighted success of restoring vegetation on Blue-eyed Nellie WMA.*
2. **Debbie Jurcich**, landowner along the NW boundary of the proposed Stumptown addition parcel. *[These comments also appear as #10 in Appendix A]*
- The current fencing runs along an alley behind my house, and it has been electrified in the past and I see wildlife caught up in it quite often. So that fence would be made more wildlife friendly? Right now, it is sheep fence along that northern boundary.
 - Torrey: We want to maintain fences in areas where it prevents trespass or off-road travel. We don't necessarily want fences in areas where they would cause issues for wildlife passage. I think it is safe to say that unless we are fencing out cattle or people, we don't want fences anywhere.
 - Martin: There is no contemplation of ever electrifying any of it.
 - Julie: We have put wildlife-friendly fencing in on Spotted Dog WMA. (Julie then described wildlife-friendly fencing.) We will likely do those kinds of improvements as time and money allow.
 - When YT Timber owned it, kids could go in there and play and make forts and go fish and that kind of stuff. So, would there be access from that side as well?
 - Martin: When the WMA is open you can access it from anywhere. I don't think from my research that there is legal public access on the north boundary of the WMA. But for [immediately adjacent] residents, you can go in there anytime [the WMA is open to access], especially since that northern portion [north of Stumptown Road] will likely remain open year-round. Do you see moose back there ever?
 - Debbie: Oh yes, lots of moose as well as elk, deer, bears, and mountain lions.
3. **Tim Ravndal**, citizen and representing Redoubt News. *[These comments also appear as #11a in Appendix A]*
- I wear a couple hats tonight (private citizen and representing Redoubt News). I am primarily involved with Redoubt News because of issues with public transparency with things like this that involve a lot of money from taxpayers. The public needs to know where it's at, what's going on, the timeframe, and how they can be involved.
 - Now I am going to change hats. My name is Tim Ravndal and you're talking about my backyard growing up. I am going on record right now adamantly opposing what you are doing.
 - Our family had contact with Ray Dvorak who owns the property you are trying to purchase. As of yesterday, Ray had no idea this public hearing was going on. He was not notified, he was not contacted, he didn't know. Now, if he had contacted RMEF or ASC or some group that's one thing. But to have a state agency promoting a hearing and not having that information out is a problem with transparency again.
 - I am a houndsman and a lion hunter and I have hunted this area since 1972 when Ray took me on my first lion hunt. We went a long way in managing mountain lion management and I personally was involved in the 1990s when we developed the mountain lion EIS to manage biologically rather than socially. We are losing a lot of opportunity to maintain a balance between habitat and prey base because of things like this that happen where we are losing access more and more every day. You make a de facto wilderness where it is only foot or horseback and in this case a WMA that is closed down from December 1st to May 15th. Guess when mountain lion season opens up? I once told the FWP commission that "if you think I'm causing stress running into an area to hunt mountain lions, how much stress on that elk do you think is being caused by that mountain lion that's eating every other one that he gets to?" It's very factual. It's habitat vs. prey, and we have a lot of habitat that has been locked out.
 - I ran my logging business for several years making money off of this. Your plan doesn't talk about future management other than wildlife. If you look at the Elkhorn Wildlife Management Unit [Elkhorn WMA] outside of Helena. Wow. You talk about a de facto wilderness and all the resources are going to waste. If you go up behind Garrity right now and you look at the regen coming in, you got another harvest of timber. But with it locked up in perpetuity as a WMA for wildlife management, you're losing that resource.

- I have to go back to what you were saying about resource damage. What the hell is the damage that Atlantic-Richfield has done to what you're talking about right here? There isn't any. Everything mother nature has cured and fixed in so many ways. If you could show me anything on that land I've walked around on for the last 40-50 years that's damaged by the smelter I'd have to say, "OK, I am wrong." But you're talking about land that has been healed since environmentalism closed the smelter, and we have lost recreation because we have lost access to the land now. And it's getting worse.
- Finally, what in the hell is going on with Anaconda-Deer Lodge County losing all the tax base by turning this over to a state agency that does not pay taxes on this land? Where is the benefit going to come from in that?
 - Martin: I can answer that. You're incorrect. FWP does pay taxes. What you are talking about is State Trust land which is land that is held in trust to benefit public schools and higher education. FWP does pay taxes on land and we will pay the same taxes Ray pays there now. In fact, his buildings will likely cause us to pay more because right now the buildings are not on the tax rolls.
 - Tim Ravndal: You're confusing real property with private property as far as real estate. The buildings are not what I am talking about. Since YT owned that ground the tax base to ADLC is gone. And now you're adding another 560 acres?
 - Martin: FWP does pay taxes on their land, and we will pay taxes on this land.
 - Tim Ravndal: I'd like to see the figures on that because I don't think I've ever seen where FWP does that. FWP is out of control on funding anyway. There, we don't get along on that either.
 - Chris Marchion: Go up to the courthouse, look at what FWP owns in this county, and look at the taxes that we pay. Our sportsman's dollars pay those taxes. They pay taxes on it every year.
 - Martin: That is MCA, [Montana Code Annotated, section] 87-1-603. Right now, the taxes on that parcel are \$616 per year.
 - Tim Ravndal: I stand corrected if that's the case, but I've seen too much of land being locked up out of private where taxes are paid, and government does not pay taxes. Show me a county that pays taxes on anything. They don't even pay taxes on fuel. That's the reality that we live in. But I am on record going against this.
- One quick follow-up on my comment about predation. Wolves have been introduced in Montana. We got wolves in here now. It's a problem. Guess when the season opens to harvest wolves? When this is closed. We need to get in there and access to harvest wolves to protect the wildlife you're trying to save. The whole area is closed Dec 1st to May 15th. That is when trapping becomes productive, and it's wolf control. We don't have any.
 - Martin: Just to speak to something you said earlier in regard to Ray. Just for everyone here, Ray Dvorak is the private landowner and if he was unaware of this meeting that is incumbent upon me. I have been emailing him with updates and I let him know of the commission meeting and all that stuff.
 - Greg Mullen: But you explained to him the process, so he knew this was coming he may just not have known the exact date.
 - Martin: Yes, exactly. It was in the paper though.

4. **Rich Day**, Board member of George Grant Chapter of Trout Unlimited. *[These comments also appear as #12a in Appendix A]*

- We were involved on the last Garrity addition [property purchased by FWP from YT Timber in May 2019] primarily because of the fisheries and better access to one of the better streams for fishing. Those are the two things that drive us.
- We haven't taken a position on this and we haven't really reviewed this yet, but I'll bring it to the board, and I think you'll see some positive comments coming in on this from our board.

5. **Gary Ouldhouse**, President of **ASC**. *[These comments also appear as #13a in Appendix A]*

- The club [Anaconda Sportsman's Club] stands in support of this project. We think it's a win-win when you look at both sides of the road. South side is added elk winter range, and this will eliminate any kind of subdivision and that's a big thing. On the north side of the road along the creek is the fishing and riparian

part of it and that's very important. Just like this lady was referring to regarding the kids being able to play in there, and they can't do that when it was locked up. Thanks.

6. **Dave Stone**, Anaconda. *[These comments also appear as #5b in Appendix A]*

- Vice President of ASC
- I've lived here my whole life and I've had a chance to observe this property and the WMA as a whole. I am fortunate enough to have it right out my window. I can't see where we are going to lose at all by gaining this property. It's a chunk in the middle of the WMA, and it's like a bite out of it right now and it needs to be filled in. We don't want development on that and it's coming really fast in our future. That seems to be the thing now, people come in with a lot of money and they buy everything up and start subdividing. Soon you have houses where you had elk.
- I want to say something on the fencing. The Anaconda Sportsman's Club has always been donating our time to help take out fencing and we just finished up some on the WMA this summer, and we would be available to take care of that fencing too and work on it with volunteers and Julie knows that. I would like to see all the wire removed off the fencing on the north side and just put up a rail to keep ATVs out. Then kids and wildlife can cross it with no danger.
- On the west end of it there used to be a road across the creek that came out on Stumptown Road and I wouldn't want to see that started again. Lock it up and put some rocks in the way because I could see that happening with the ATVs that are out there these days.
- We need to have that in public ownership.

7. **Aaron Ravndal**, landowner along the W boundary of the proposed Stumptown addition parcel. *[These comments also appear as #14a in Appendix A]*

- There is presently an access somewhat there in the gulch. We are going to go back to 2001 and how all this started. If I go over to Barker Creek and I come up on the back side, the gates there have a sign on them that say no motorized vehicles. But in the gulch where I live there is no such sign. There are old signs from 2018 that talk about Elk B tags not being valid. Those did not go up again this year, so it is just kind of a neglected area. When I went back up there this afternoon, I took photos, and there weren't any vehicles there, but it was just like a big mud hole. I took photos of the actual gate that has a lock on it.
- My point is this whole plan kind of went by the wayside with this whole WMA, and so I am a little gun-shy about what is going to happen with some of these promises in the sky that you guys are making are going to actually go through. I took some photos of the signs Ray [current Stumptown parcel owner] put up there at this access point. It is a problem for the hunters that come in there with horse trailers. They jam them in there. Just a few days ago I saw a horse trailer coming down in the morning. When I went to town, I saw he was going down the road and there was no room for him to park. I just want to point out that particular trail, the people from DNRC can access through there and go up and thin some of the clear-cuts. But that trail is kind of the access to go up behind Garrity on that side of town.
 - Martin: Just to clarify, you're talking about Ravndal Road where you turn left and that's all private and then it's DNRC, correct? There's no FWP-owned land there now, right? That is public access, DNRC purchased an easement to that green gate across Ray's property.
 - Aaron Ravndal: People that go back there are not going to see a sign that says "no motor vehicles." I don't believe there is any authorization for the horse traffic to be there.
 - Martin: That's a DNRC easement. But it will become a DNRC easement across FWP property if this purchase occurs. I guess that is something we will certainly have to deal with. Ravndal Road is a county road is that correct?
 - Aaron Ravndal: If you say so.

8. **Joe Romero**. *[These comments also appear as #15 in Appendix A]*

- I like this proposal. I think it is a good idea for promotion of wildlife habitat, particularly wintering elk habitat and public access.
- Finding a balance there is an important part for providing fishing access on the north side of the road, and for those that would like to access the south side it would be extremely beneficial in terms of how we do it. I think it would be prudent upon this stage of the game to set aside at least a commentary where we say "you know what, if we are going to do this then we will put in place a plan to develop parking for horses

where the corrals are.” Which makes sense to me since we are not going to take down the corrals as part of this plan.

- On the north side of the road there should be potential for a campground, just to have it in the language document. Because otherwise...I don't know, maybe I'm just mistrusting of government...but the thought is that I want to know that the possibility is out there that if we decide 10, 15, 20 years from now that if a campground is a prudent idea, we can go ahead and do that on the north side of the road.
- Or whatever it is, whatever is in the public interest is whatever is best for the habitat or whatever is best for the overall picture. I just don't want it to be like “OK, we talked about this but it's not really well documented.” Then, 10-20 years from now we haven't done anything because we didn't say it up-front. So, I want to put it on the record that we are talking about those community values.
- As a member of the public, I thank you all for setting this up. It was very informative and I appreciate it.

9. **Richard Clark**, citizen. *[These comments also appear as #16 in Appendix A]*

- One simple little comment just as an ordinary citizen and that's all I claim to be. I think it would be real sweet to have a nice little area with some access to the creek where the grandkids can go fishing and all that stuff real close to town. And maybe we could see an elk. I don't hunt them anymore, but I love seeing them come down and the deer are always there, and I would rather see that than a cluster of trophy houses, and I say if we get a chance then let's do it. Because we may never get the chance again.

APPENDIX C

Letter of support for the proposed Stumptown addition received from the County Commissioners of Anaconda-Deer Lodge County.

