

16 February 2010

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

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

Dear Lee:

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

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

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

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

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

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

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

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

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

The state park will conflict with fish and wildlife values. FWP biologists have identified most of the proposed state park area as winter range. Further, agency biologists have determined that important forest carnivores such as lynx have established movement patterns across the Clark Fork in and out of the northern part of the park, including in the vicinity of a proposed campground. FWP fisheries and wildlife staff have also identified the riparian communities in the park as being important for both fish and wildlife. It doesn't make sense to us to purchase the property for fish and wildlife conservation, then construct, as FWP is contemplating, two large campgrounds, equestrian trailhead facilities, motorized roads/trails, a hut-to-hut Yurt system and a lookout rental program. It makes less sense to do this if use of these facilities will require special regulations and closures to accommodate wildlife. We assume that the reason FWP's Wildlife and Fisheries Division had to negotiate a signed MOU with its colleagues in the Parks Division is because the potential for conflicts is both real and significant. This is the first time we have ever seen an MOU between two divisions in the same agency included in an Environmental Assessment. It is very unusual.

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

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

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

Sincerely,

Bruce Farling
Executive Director

cc.
FWP Commission