

**DECISION NOTICE**  
**CANYON CREEK WILDLIFE MANAGEMENT AREA**  
**- PALMQUIST ADDITION -**  
**ENVIRONMENTAL ASSESSMENT**  
**Montana Fish, Wildlife & Parks**  
**Region Three, Bozeman**  
**September 2018**

**Proposed Action**

Montana Fish, Wildlife and Parks (FWP) proposes to acquire approximately 6 acres in fee located in the Robert E. Lee Mountain Range both east of Hwy 279 northwest of Canyon Creek, Montana. The property would be an addition to the existing ~3090-acre Canyon Creek Wildlife Management Area (WMA) northwest of Helena.

FWP is concurrently proposing to acquire approximately 237 acres from the Cartan Family in the same area. The Cartan Family property would also be an addition to the Canyon Creek WMA. This proposed addition was evaluated in a separate EA with a separate Decision Notice.

The Canyon Creek WMA provides yearlong habitat for elk, upland game birds, small mammals, and birds and seasonal habitat for deer, moose, bear, forest carnivores, raptors, and endemic and neo-tropical migrant birds. Little Mill Creek, Big Mill Creek, and Sawmill Gulch flow through the eastern portion of the WMA and contain brook trout. These streams have been considered for westslope cutthroat trout restoration, and the fish species composition is likely similar to tributaries on the western portion of the WMA. Canyon Creek, Weino, Specimen, and Tar Head Creeks flow through the western portion of the WMA and contain mottled sculpin and rainbow, brown, brook, and native westslope cutthroat trout. Public recreation opportunities include hunting, fishing, wildlife viewing, hiking, horseback riding, and picnicking. Public access to adjacent public land (United States Forest Service, United States Bureau of Land Management, and Department of Natural Resources and Conservation) is also provided with this WMA.

The benefits of acquiring the additional property include increasing the amount of existing, contiguous protected wildlife habitat. The following are details of the resource values FWP intends to conserve:

- Acquisition of this property would secure additional habitat for wildlife. Species of Concern (SOC) verified to occur in this vicinity include wolverine (*Gulo gulo*), Canada lynx (*Lynx Canadensis*), grizzly bear (*Ursus arctos*), pileated woodpecker (*Dryocopus pileatus*), golden eagle (*Aquila chrysaetos*), and westslope cutthroat trout (*Oncorhynchus clarki lewisi*). Unverified SOC for this area includes fisher (*Martes pennant*). No plant SOC were listed in the Natural Heritage Program database for this vicinity. A complete list of those species that are predicted to be present in the vicinity is included in Appendix A. This property is within an identified high-priority wildlife linkage area along the Continental Divide. In that scope, this property is part of a larger landscape effort.

- Acquisition of this property would avoid potential development that could otherwise directly impact the WMA's habitat and recreation values<sup>1</sup>. Hunter use of the WMA is expected to exceed 500 hunter days annually. This property would also allow hiking and wildlife viewing.

If the acquisition is completed, the additional ~6 acres of the Canyon Creek WMA would be managed under the guidance of the 2002 *Canyon Creek Wildlife Management Area Management Plan*.

### **Alternative Considered to the Proposed Action**

#### **No Action: FWP would not acquire the addition to Canyon Creek WMA**

Under the No Action Alternative, FWP would not acquire the property from the Palmquist Family. Eventually, the property would likely be sold and developed, leaving open the potential for possible conflicts on adjacent WMA lands.

### **Montana Environmental Policy Act**

Montana Fish, Wildlife & Parks 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 whether or not to proceed with the project.

In compliance with MEPA, a draft Environmental Assessment (EA) was completed on the proposed action by FWP and released for public comment in August 2018. The public comment period was for 30 days with a deadline of 5:00 pm September 25, 2018.

Additionally, a public hearing was hosted by FWP at the FWP Headquarters building in Helena on the evening of September 20. The meeting provided an opportunity for FWP to address questions about the proposed project and its alternative and to receive public comments. Legal notices announcing the availability of the EA were published in the *Bozeman Chronicle* and *Helena Independent Record*. In addition to the announcement, the EA was posted on FWP's webpage: <http://fwp.mt.gov> under *Public Notices*. The EA was mailed or emailed to over 30 interested groups and individuals and adjacent landowners, in addition to internal FWP distribution. Additional opportunity for public participation was possible this past spring (2018), when the Montana Fish and Wildlife Conservation Trust issued a request for public comment.

### **Summary of Public Comments**

A public hearing was held for this proposal and the Cartan proposal. Eight people signed in at the public hearing in Helena. Seven individuals testified and offered comment: six individuals were in support of one or both proposals (4 both, 1 Cartan, 1 Palmquist) and offered specific suggestions for FWP to consider. One individual who commented on both proposals at the

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<sup>1</sup> The property is bound on three sides by the WMA and would establish a new WMA boundary along Hwy 279.

hearing also provided written comment. Four comment letters were received from individuals or organizations via email and regular mail during the comment period on the proposed action.

A total of eight individuals and organizations indicated support for FWP to acquire the Palmquist property for addition to the Canyon Creek WMA. No opposition was expressed for this acquisition.

Public participation is a mechanism for agencies to consider substantive comments on a proposal. The following is a synopsis of the feedback received, and FWP's response to those comments and questions.

1. Comments supportive of the project

- a. Though a small piece of property, it has the potential to create conflicts with the public and this purchase would solve that problem
- b. Support for easily identifiable boundary, such as a road
- c. These additions make sense from both wildlife habitat and public access perspectives
- d. The Canyon Creek WMA represents high quality big game habitat
- e. These additions will add important habitat
- f. These additions will improve public access to the WMA; many of our BHA Helena-area members hunt this area

*FWP Response: Under FWP ownership, minimal development of public facilities such as a parking area is planned in order to maintain the undeveloped, primitive nature of the area. The overall objectives for this project include maintaining or improving the wildlife and fisheries values of the property as well as providing recreational opportunity on the property.*

2. Comments related to weeds on the property

*FWP Response: FWP would document compliance with 7-22-2154, MCA, on weed inspections for land acquisitions. FWP would implement noxious weed management with guidance from the FWP Statewide Integrated Noxious Weed Management Plan (June 2008) and would utilize properly prescribed chemicals on a prioritized basis. Biological agents, mowing, pulling, and/or other methods would be researched and utilized where chemical control is inappropriate. Limitations on motorized use of the property would be implemented to minimize the introduction and spread of noxious weeds. Weed-seed free feeds for pack animals would be required.*

3. Don't put a parking area on this property

*FWP Response: FWP would not plan to put a parking area on this property. Parking is already available on the other units of the WMA, including the Mill Creek unit, which this parcel is surrounded by. Additional parking is planned for access to the Specimen Creek unit on the west side of Hwy 279 immediately north of this property.*

4. Given recent and future discussions and legal opinions about approval of land acquisitions and easements, this project should be supported and approved by the Fish and Wildlife Commission and the Land Board

*FWP Response: The project will be reviewed by the Fish and Wildlife Commission but review by the Board of Land Commissioners is not required.*

5. Comment related to management plans
  - a. Short and long-term management of the project properties and existing WMA needs to follow the statement in the draft EA: “Per state law, 87-1-201(9) MCA, FWP is required to implement programs that address fire mitigation, pine beetle infestation, and wildlife habitat enhancement...”; short and long-term management plans for the entire WMA should address fire mitigation, noxious weed concerns, hunter education regarding no target shooting, trespass, law enforcement issues (drug activity, etc), long term effects of mountain pine beetle and spruce bud worm infestations, drought, insects, and disease
  - b. FWP staff should have a clear understanding of existing dead to live forested timber stands within the proposed acreage and long-term fire mitigation of managing and identifying the existing trails and road systems that can be maintained for emergency response vehicles for wild land fire prevention, mitigation, and fire suppression

*FWP Response: The overall objectives for this project include maintaining or improving the wildlife and fisheries values of the property. Current and future revisions of the Canyon Creek WMA Management Plan would address some of these issues: wildfire control, noxious weed management, public unfamiliarity with regulations, and boundaries. Laws and other FWP management plans would also apply to management of this property.*

*FWP would develop and implement forest management plans for this property to comply with this statute, 87-1-201(9) MCA, and FWP would implement noxious weed management with guidance from the FWP Statewide Integrated Noxious Weed Management Plan (June 2008).*

*Weapons discharge would only be allowed for lawful hunting purposes. Target practice and clay bird shooting would be prohibited. Additional laws would apply and may be found on FWP’s website, [www.fwp.mt.gov](http://www.fwp.mt.gov) (by authority of MCA codes: 87-1-303, 87-6-201, and 87-5-402).*

*If FWP acquires the property, to minimize the possibility of trespass to neighboring private property, which with respect to this property would be across the highway, we would plan to update signs depicting the WMA boundary and surrounding private property and public property.*

*FWP area game wardens would plan to respond to unlawful activities and would plan to patrol this area, as allowable with other regional responsibilities. They would also work with other law enforcement agencies as necessary.*

*No public motorized access would be allowed on this property. There would be minimal administrative motorized access, to treat weeds for example. FWP does not plan to maintain any routes on this property, and to date no routes have been located on this property.*

*Management of the existing WMA is beyond the scope of this project; however, the existing road prism on Specimen Creek, Tar Head Creek, and the Mill Creek units would provide a ready means for emergency access should the need arise to respond to fire. After completion of the acquisition, FWP intends to review the property with the Department's forester and develop a forest plan, which would include further description of roads, forest habitat objectives, and fire concerns.*

### **Final Environmental Assessment for the Canyon Creek Wildlife Management Area Addition**

FWP concludes that the impacts associated with the proposed alternatives would not have a significant impact on the physical environment or human population in the area. In determining the significance of each impact, the criteria defined in the State of Montana's Administrative Rule 21.2.431 was used.

This environmental assessment is therefore the appropriate level of analysis for the proposed action and an environmental impact statement is not required.

Based on the comments received and consideration of their value to improve and clarify the assessment for this project, FWP has made some modifications to the Draft Environmental Assessment narrative as presented in this Decision Notice. This Decision Notice and attached draft Canyon Creek Wildlife Management Area Addition Environmental Assessment will be considered the Final EA. Both will be posted on FWP's website.

### **Decision**

Based upon the Environmental Assessment and public comment, it is my decision to approve the acquisition of the Canyon Creek Wildlife Management Area Addition pending review by the Fish and Wildlife Commission and the Board of State Land Commissioners.



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Mark Deleray, Region 3 Supervisor  
Montana Fish, Wildlife & Parks

September 28, 2018