

**DRAFT State of Montana's Response to Public Comments
on the**

May 2018 NRDP Funding Recommendation for Purchase of the
Buxbaum-Boulder Creek Conservation Easement

Prepared by the Montana Natural Resource Damage Program

August 2018

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Introduction

As part of the implementation of the *Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans* (Restoration Plans), on May 2, 2018, the Natural Resource Damage Program (NRDP) released the *NRDP Funding Recommendation for the Purchase of the Buxbaum-Boulder Creek Conservation Easement* document for public comment through June 4, 2018. The project is for the acquisition of a conservation easement on a ranch near Maxville. The easement would protect 1,192 acres of grassland, wetlands, and forest habitat. The majority of the funds for the conservation easement are provided by the USDA Natural Resource Conservation Service Agricultural Land Easement Program. The requested contribution from NRDP is approximately 28% of the conservation easement value, not to exceed \$200,000. Funding of this easement acquisition would be from the UCFRB Restoration Funds.

For outreach on this public comment period; the NRDP posted the public comment announcement on the NRDP web-page, sent hard copy notices of this opportunity for public comment to approximately 394 individual entities on our mailing list, 89 notices were sent to individuals via email, and placed a set of ads in three basin-area newspapers. Also, the NRDP summarized the project at the May 23, 2018, meeting of the UCFRB Remediation and Restoration Advisory Council (Advisory Council) and at the June 21st Trustee Restoration Council (TRC).

The NRDP received a total of eight comment letters during the public comment period. All comment letters indicated general support of the project and the NRDP's funding recommendation. See Appendix A for a list of commenters, and copies of the eight comment letters. The NRDP does not propose any changes to the funding recommendation based on the responses to comments.

This draft response to comments document summarizes the public comments received and provides NRDP's draft responses to these comments. These draft responses will be considered at the September 19, 2018, meeting of the Advisory Council and the September 27, 2018, meeting of the TRC. More information about the time/location of these meetings can be found at <https://doj.mt.gov/lands/advisory-councils/>. These draft responses may be revised based on input from the TRC and final decision by the Governor.

Comment Summary and Response

1) Comments in support of the project and funding with NRD funds – 8 letters

Comments: Eight comment letters, all from entities, indicated general support for the project. The major reasons for this support include that the project will achieve the following benefits and attributes:

- The property offers excellent hunting opportunity for elk, mule deer, white-tailed deer, moose, upland birds and other species. It is also in an area that is seeing increased

subdivision and development and is worthy of protection through an easement that will protect it in perpetuity.

- Montana Wildlife Federation is thankful to have strong conservation partners like the Five Valleys Land Trust to build on our conservation efforts. The partnership of having the trust hold the easement, while letting FWP manage the public hunting access, is a model that should be used on other projects.
- In addition to the benefits for the Clark Fork fishery and wildlife by protecting this riparian habitat, the project will also protect the rural character of the Flint Creek Valley, continue to support local agriculture, protect wildlife habitat and offer public hunting opportunity on over 1,000 acres of high quality wildlife habitat.
- The varied habitats including grasslands, conifer forest, aspen groves and wetlands makes this property particularly suitable for supporting a diversity of birds and other wildlife.
- This property, which provides a connecting habitat link between the Flint Creek Valley and higher elevation conifer forest, has significant wildlife values and certainly merits protection.
- This project would secure significant permanent public hunting access on and through the property in a popular hunting district where game damage problems have become a significant issue on private lands.
- The access to nearby USFS lands that would be gained by this project is an exceptional aspect for the public.

Response: The NRDP appreciates this acknowledgment of support from the public. In its funding recommendation document, the NRDP discusses many of the same reasons that conclude a favorable cost: benefit relationship. After consideration of public comment the NRDP recommends approval for the project subject to the two funding conditions specified in the funding recommendation document.

Appendix A
List of Comments

No.	Individual/Association	City/Area
1	Montana Wildlife Federation – William Greer	Helena, MT
2	Montana Fish Wildlife & Parks – Randy Arnold	Missoula, MT
3	Montana Trout Unlimited – David Brooks	Missoula, MT
4	Backcountry Hunters & Anglers – Hannah Nikonow	Missoula, MT
5	Peterson Angus Ranch – Sue & Randy Peterson	Drummond, MT
6	Five Valleys Audubon Society – Rosemary H. Leach	Missoula, MT
7	Hellgate Hunters & Anglers – Kit Fischer	Missoula, MT
8	Clark Fork Kootenai River Basins Council Executive Committee – David Shively	Missoula, MT

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May 8, 2018
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May 7, 2018

Dan Vermillion, Chairman
Montana Fish and Wildlife Commission
1420 E. Sixth Ave.
Helena, MT 59601

RE: Boulder Creek Ranch Access Project

Dear Chairman Vermillion and Commissioners,

The Montana Wildlife Federation was formed in 1936 when landowners and hunters banded together to restore depleted wildlife in our great state. For 82 years we have worked as strong partners with the agricultural community to support and protect the private habitat that supports our abundant big game herds. We value this working relationship because it benefits everyone – as well as native wildlife species. Landowners need hunters to help manage wildlife on their land, and hunters need landowners for the habitat they provide.

That long history of cooperation continues today with projects like the Boulder Creek Ranch Access proposal. This conservation easement and access agreement on 1,193 acres in the Flint Range near Maxville. The Buxbaum family has worked with the Five Valleys Land Trust to develop and fund this project, and MWF and all hunters in our state are thankful to have partners who come to the table to work out agreements that protect key wildlife habitat as well as a working ranch.

The property offers excellent hunting opportunity for elk, mule deer, white-tailed deer, moose, upland birds and other species. It is also in an area that is seeing increased subdivision and development, and is worthy of protection through an easement that will protect it in perpetuity.

MWF is also thankful to have strong conservation partners like the Five Valleys Land Trust to build on our conservation efforts. The partnership of having the trust hold the easement, while letting FWP manage the public hunting access, is a model that should be used on other projects.

Please support this solid project and build on the decades-old relationship between Montana's hunters and landowners.

Sincerely,

A handwritten signature in black ink, appearing to read "William Geer". The signature is fluid and cursive, with the first name "William" being more legible than the last name "Geer".

William Geer

President



Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
May 16, 2018

Advisory Council Members
Upper Clark Fork River Basin
Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425

Subject: Natural Resource Damage Program: FVLT proposal for the Buxbaum-Boulder Creek Conservation Easement (Maxville area, Granite County; portions of Sections 3 & 4 T8N R13W and of Section 34 T9N R13W)

Dear Advisory Council Members:

Montana Fish, Wildlife and Parks (FWP) supports the Five Valleys Land Trust's (FVLT) proposed 1,193-acre conservation easement project with the Buxbaum family. The Buxbaum property in Granite County hosts a mix of aspen, conifers, grassland, and wetlands along pond edges, which provides habitat for a variety of wildlife species including deer, elk, grouse, waterfowl, and migratory birds.

Providing permanent public hunting access is also a key goal of this proposed conservation easement. The property borders National Forest Service lands and could provide new access points to public land from state Highway 1, as well as provide habitat that would hold game species during hunting seasons, providing additional hunting opportunity. FWP has worked with the landowner to develop a hunter access plan that would suit the property, provide improved wildlife management opportunity, and provide quality hunter opportunity. Based on these considerations, the proposed conservation easement would secure at least fifty (50) hunter-days per season of public hunting access via multiple access points to the property. FWP is considering accepting the management of this access, pending FWP's public review process and Fish and Wildlife Commission approval.

FWP is grateful for the collaborative work being done by the Buxbaums and FVLT towards conserving habitat and public access in the upper Clark Fork region of Montana, and we recommend this project be supported by the Natural Resource Damage Program.

Please feel free to contact me or our regional wildlife manager Mike Thompson (phone 406-542-5516, mthompson@mt.gov), if you have any questions. And thank you for the opportunity for FWP to comment on this proposed conservation easement.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Arnold". The signature is fluid and cursive, written over a white background.

Randy Arnold
Regional Supervisor

RA/sr



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May 25, 2018
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P.O. Box 7186 Missoula, MT 59807 (406) 543-0054

24 May 2018

Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425

RE: Buxbaum-Boulder Creek Conservation Easement, Public Comment

Dear NRDP

Please accept this letter as public comment by Montana Trout Unlimited (MTU) in favor of the Buxbaum-Boulder Creek Conservation Easement. MTU represents more than 4,200 members statewide in our mission to conserve, protect, and restore Montana's coldwater fisheries and their watersheds. Establishing a conservation easement on the property detailed in this project fits squarely within our mission and has our organization's full support.

In addition to fitting our general mission, MTU, along with our WestSlope chapter in Missoula and our national Trout Unlimited partners working in the Clark Fork watershed, has recently invested in a new staff project manager to focus on protecting and improving the Rock Creek and Flint Creek tributaries to the middle Clark Fork. As a secondary tributary to Flint Creek, Boulder Creek is in the purview of our new project manager and her associated goals. Therefore, the Buxbaum-Boulder easement is directly tied to maintaining and improving wetland, riparian, and fishery health in an area we have prioritized with recent investment.

The property targeted for this conservation easement includes nearly 6 acres of wetlands and riparian areas. These areas are critical for natural water storage that helps maintain healthy base flows because of their likely groundwater connections to Boulder Creek. More than anything, trout spawning and tributary health depend on base-flows. Boulder Creek is recognized by Montana Fish, Wildlife, and Parks as habitat for our native westslope cutthroat trout and bull trout, both of which the state has designated as species of concern. Our work in the Flint Creek and Rock Creek tributaries is specifically aimed at helping these two species of native trout. Boulder Creek is also home to native mountain whitefish and sculpins, as well as game fish such as brook trout and brown trout. Again, providing a conservation easement to protect critical wetlands, ponds, and

riparian areas such as those in this property benefits all of these fish species and, hence, benefits our mission.

Thank you for the opportunity to provide comment on this important project. Please let me know if you have questions about MTU's work, mission, or support of this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Brooks", written in a cursive style.

David Brooks
Executive Director
Montana Trout Unlimited



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May 29, 2018
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THE SPORTSMEN'S VOICE FOR OUR WILD PUBLIC LANDS, WATERS AND WILDLIFE.

May 25, 2018

Greg Mullen
Natural Resource Damage Program
NRDP@mt.gov
(406) 444-0205

Re: NRDP Funding Recommendation For the Purchase of the Buxbaum-Boulder Creek Conservation Easement

To Greg Mullen and other relevant parties,

The Montana Chapter of Backcountry Hunters and Anglers is highly supportive of the efforts to protect 1,193 acres of grassland, wetlands, and forest habitat near Maxville, Montana with a permanent conservation easement. The Purchase of the Buxbaum-Boulder Creek Conservation Easement aligns with our members values as sportsmen and sportswomen who advocate for healthy, connected habitat for wildlife, open spaces, and the continuity of Montana's heritage of working lands. We support funding for this project from the Montana Natural Resource Damage Program and other available sources.

Our members include 2,000 Montana hunters, anglers and others who adamantly champion North America's outdoor heritage of hunting and fishing in a natural setting, through education and work on behalf of wild public lands and waters. We are especially thrilled that this project would secure significant permanent public hunting access on and through the property in a popular hunting district where game damage problems have become a significant issue on private lands. The access to nearby USFS lands that would be gained by this project is an exceptional aspect for our members.

We applaud Five Valleys Land Trust, the landowner, the NRCS Agricultural Land Easement Program, Montana Fish, Wildlife and Parks, as well as other parties for their dedication and support to this land's conservation. Please inform us of any additional activity on this proposed project and how we might continue to support this and other such efforts.

Sincerely,

Hannah J. Nikonow, Region 2 Board Member
Montana Chapter of Backcountry Hunters and Anglers
12 Orchard Court
Missoula, Montana 59803
h.nikonow@gmail.com

To: Natural Resource Damage Program
PO Box 201425
Helena, MT 59620-1425

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May 29, 2018
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Re: Buxbaum Conservation Easement Project

May 25, 2018

To the Natural Resource Damage Program:

This letter is to express our support of the Buxbaum Conservation Easement Project in Granite County, Montana. We think this project has significant conservation merit and is a worthy expenditure of Natural Resource Damage Program funds.

The project will permanently protect nearly 1200 acres of native grasslands, wetlands, and forestland. This is significant in an area that is important for wildlife and that is vulnerable to development pressure. We know from personal experience that it is no small thing for private landowners to commit their property to conservation in perpetuity. We are always grateful to see this visionary action, especially on this property—with such diverse natural resource values in the heart of the Flint Creek Valley.

We thank the Natural Resource Damage Program for their continued efforts to protect and restore natural resources throughout the Upper Clark Fork Basin.

Sincerely,
Sue and Randy Peterson
Peterson Angus Ranch
Drummond, Montana

FIVE VALLEYS AUDUBON SOCIETY
P.O. BOX 8425
MISSOULA, MT 59807



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JUN 01 2018

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Natural Resource Damage Program Advisory Council
PO Box 201425
Helena, MT 59620-1425
RE: Buxbaum Conservation Easement Project
May 30, 2018

Dear Advisory Council Members,

We are writing to support the acquisition of funding for a conservation easement on the Buxbaum Boulder Creek property. On June 20, 2017 our Audubon Chapter conducted a bird survey on the property, and observed an impressive diversity of species. The varied habitats including grasslands, conifer forest, aspen groves and wetlands makes this property particularly suitable for supporting a diversity of birds and other wildlife.

We recorded several species of raptors, waterfowl and songbirds including warblers, vireos and wrens. It is noteworthy that we observed Northern Goshawk, Williamson's Sapsucker, Red-naped Sapsucker, Pileated Woodpecker and Cassin's Finch—all considered to be species of conservation concern at the State or National level. In addition, we observed a large number of Vesper Sparrows and Western Meadowlarks, which indicates that the area is a well-managed grassland that supports ranching activities as well as wildlife values.

We believe that this property, which provides a connecting habitat link between the Flint Creek Valley and higher elevation conifer forest, has significant wildlife values and certainly merits protection.

We hope that you will consider these values when you evaluate funding for conservation properties. Feel free to contact us if you need any further information.

Thanks very much for your time.
Sincerely,

Rosemary H. Leach
Five Valleys Audubon Chapter President

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June 01, 2018
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P.O. BOX 7792 MISSOULA, MT 59807 (406) 241-3121
www.hellgatehuntersandanglers.org

June 1, 2018

Montana Natural Resource Damage Program
ATTN: Greg Mullan
P.O. Box 201425
Helena, MT 59620-1425

RE: HHA Support for Conservation Easement on the Buxbaum Property

Dear Greg,

Hellgate Hunters and Anglers would like to express our support for the NRDP funding recommendation to purchase a conservation easement on the Buxbaum Property. This project represents a unique opportunity to permanently protect forest, wetland and grassland habitats. In addition, we're pleased a public access/ hunting component is central to this proposal – as many of HHA's members hunt in this area.

In addition to the benefits for the Clark Fork fishery and wildlife by protecting this riparian habitat, the project will also protect the rural character of the Flint Creek Valley, continue to support local agriculture, protect wildlife habitat and offer public hunting opportunity on over 1,000 acres of high quality wildlife habitat.

With the recent and ongoing remediation and restoration of these properties, the improved fish and wildlife habitat should continue to attract even more visitors in the future. This project will safeguard public access to these properties for generations come.

Thank you for the opportunity to comment and for your on-going efforts to protect and restore valuable fish and wildlife habitat in the Upper Clark Fork. We look forward to seeing this project implemented and enjoyed for years to come.

Sincerely,



Kit Fischer, President Hellgate Hunters and Anglers

Flugge, Meranda

From: David Shively <theshive@gmail.com>
Sent: Monday, June 4, 2018 2:52 PM
To: Natural Resource Damage Program
Subject: Buxbaum

To: Montana Natural Resource Damage Program

From: Clark Fork Kootenai River Basins Council Executive Committee

RE: Comments on NRDP's funding recommendations for the Purchase of the Buxbaum Boulder Creek Conservation Easement

The CFKRBC Executive Committee has reviewed the NRDP's recommendation to protect 1,193 acres of grassland, wetlands, and forest habitat near Maxville, Montana with a permanent conservation easement, and we're writing in support of this.

It appears that in addition to contributing to the implementation of the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan, this project will protect water resource availability and quality in perpetuity (natural systems health and water availability). These benefits aid in the implementation of the Clark Fork and Kootenai River Basins Water Management Plan, the State of Montana's Water Plan, and the state's water quality improvement goals, all of which are key goals of the CFKRBC. This appears to be a good project.

On behalf of the Clark Fork & Kootenai River Basins Council Executive Committee, thank you for the opportunity to comment.

Dave Shively