

**ALBERTON GORGE
RIVER CORRIDOR
TRACT A**

ALBERTON GORGE RIVER CORRIDOR - TRACT A

Introduction

The Alberton Gorge River Corridor has been of interest to out of state power companies and private landowners as a hydroelectric dam site since the early 1900's. NorthWestern Energy (formerly MPC), a publicly owned utility company, currently owns fee land and flooding rights along approximately seven miles of the Clark Fork River about thirty miles west of Missoula. The power company marked the Alberton Gorge as a disposal tract several years ago, with the goal of fair compensation to protect stockholders, yet with a genuine interest to convey the property into public ownership.

NorthWestern Energy ownership extends along portions of both sides of the Gorge, which is deeply incised below the valley floor. The Gorge walls are steeply sloped, revealing ancient bedrock and forested slopes best viewed from the river's perspective. NorthWestern Energy property is generally within the borders created by the river's edge and adjacent state and county roads immediately accessible from Interstate 90, and/or the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad (Old Milwaukee RR). The property consists of 22 separate legal tracts, about half of which have access suitable for providing private residential development.

Western Montana's population is rapidly increasing, particularly within commuting distance from Missoula. The area proposed for exchange is within that commuting range, and would offer sites for home development. NorthWestern Energy's ownership has conserved Alberton Gorge and future ownership by a public entity can perpetuate this corridor with its natural characteristics.

It is proposed that River Network purchase the Alberton Gorge River Corridor from NorthWestern Energy using funds generated from the sale of the Lower Tarkio and Tarkio Section 35 tracts and the FWP Region 5 Old Headquarters. These properties have been identified for disposal by the respective agencies. The sale of Tarkio Section 35, or other similar properties in Mineral County (please refer to the Tarkio Section 35 section for details regarding DNRC properties) will limit the impacts of lost tax base in Mineral County. In addition, the FS would transfer the Hebgen Cabin tract to River Network, and subsequently to NorthWestern Energy for partial payment for the Alberton Gorge River Corridor.

River Network would then transfer title of the Alberton Gorge to FWP as the public managing agency. Increased bank angler access will be provided to the Clark Fork River, and the corridor can be conserved for future recreational use. If the property comes into public ownership through the Alberton Gorge Land Exchange, private residences, commercial, or industrial development will not occur along the corridor.

River Network also proposes to retain two parcels within the Gorge to use in a future exchange with DNRC. Please refer to *Map 2: Alberton Gorge River Corridor* for the

location of these narrow strips of steep land (yellow) on the north side of the river which adjoin existing large DNRC tracts (blue). As referenced in this document and the 1998 appraisal, Parcel 2A is just downstream of the existing Cyr Bridge FAS; Parcel 11A is north of the proposed Middle Osprey FAS.

FWP does intend to greatly improve bank angling opportunities in the Gorge, by providing off road parking at three primitive fishing access sites within the Corridor.

Historically, private landowners allowed anglers and general recreationists to access the Clark Fork River. According to anecdotal information from longtime users and outfitters, bank anglers have always had a presence in the Alberton Gorge, especially downstream from Cyr Bridge on the south side of the river, the Triple Bridges area, and near the mouth of Fish Creek. (Please refer to the *Map 2* and *Map 3* below, which show these locations and others referred to in this document.) Trespass on private property was not a big issue, years ago and local anglers knew where to access the Gorge shorelines. Little commercial whitewater or fishing use occurred in the Gorge before 1990.

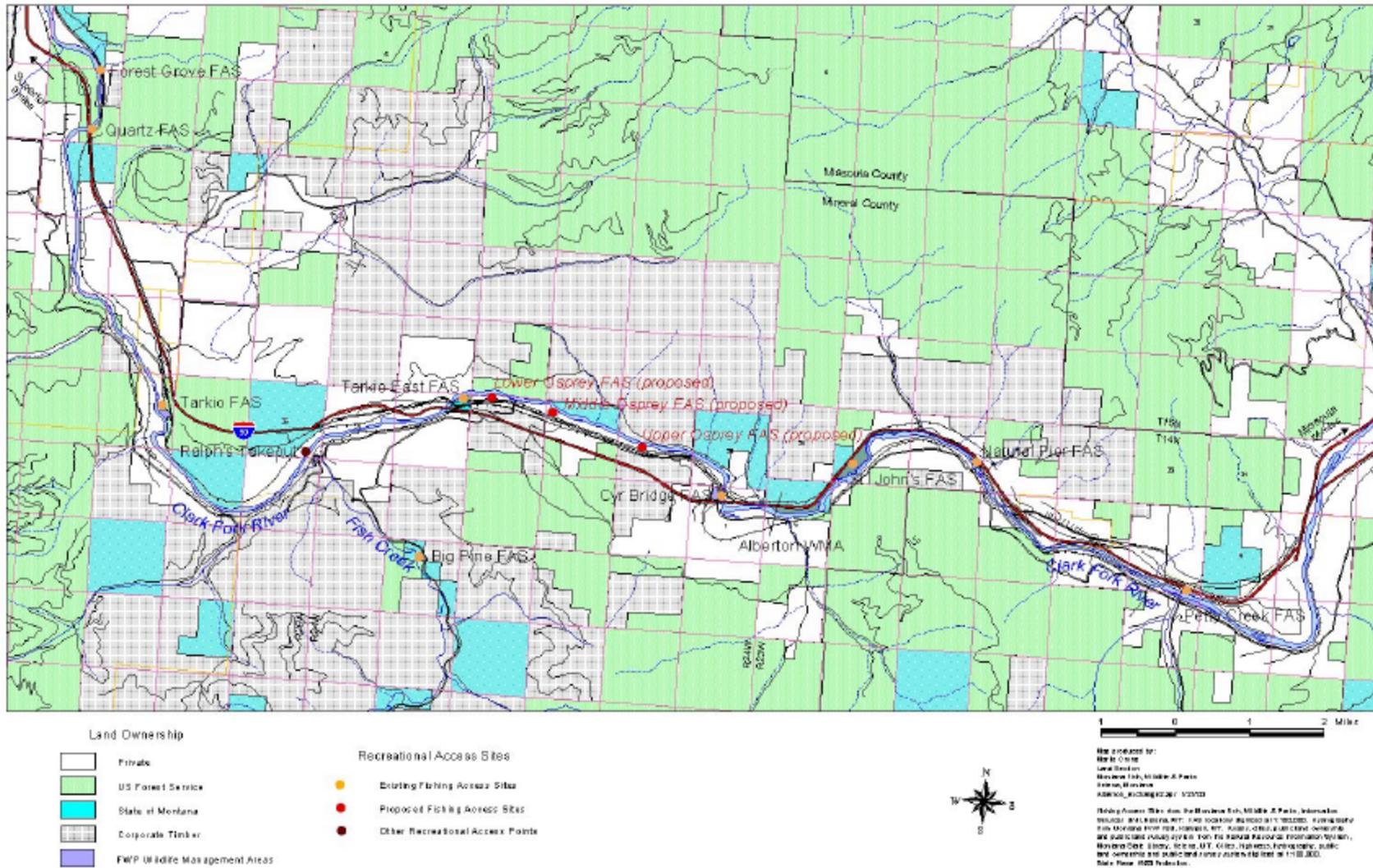
When popular, privately owned access sites became too small or closed to public use, FWP took a more active role in acquiring and developing the Cyr and Tarkio Fishing Access Sites (FASs) in the late 1980's and early 1990's. When these new sites became available to the public, long-time river users saw an increase in the number of bank anglers. No hard use data is available before 1995, when the first Creel Survey was done by Missoula FWP, and Parks Division FAS use surveys followed in 1996, 1998 and 1999. Subsequent to the development at these sites, use proportions have changed. Commercial and private whitewater rafting use has increased significantly and disproportionately to the increase in anglers over the last 8-10 years.

FWP makes payments in lieu of taxes to counties in which they own property such as fishing access sites. Portions of the Alberton Gorge River Corridor proposed as fishing access sites total nearly 57 acres. Estimated payments in lieu of taxes to Mineral County for these new FAS will roughly equal \$6,578 (urban tract assessment). The remainder of the Alberton Gorge River Corridor will be considered state park recreation lands, which are exempt from PILT.

Montana state codes prevent payment of taxes in counties in which FWP owns less than 100 acres. The acquisition of the Gorge (about 305) by FWP, however, will allow Mineral County the ability to charge taxes on the remaining qualifying fishing access sites in Mineral County, which are now exempt because total FWP ownership is less than 100 acres. The combined estimated taxes of Cyr, Tarkio, Forest Grove and Big Eddy Fishing Access Sites will provide an additional \$5,296 in PILT revenue to Mineral County annually. Other fishing access sites managed by FWP in Mineral County are leased from other agencies, which are responsible for making tax payments. Please refer to the discussion under *Tax Revenue Evaluation in Mineral County* section and *Table 3*, below, for more details.

MAP 3. Lower Clark Fork River Access Sites (Alberton Gorge Area)

LOWER CLARK FORK RIVER ACCESS SITES (Alberton Gorge Area)



Wallop-Breaux Funds

FWP is transferring two tracts (Park and Tizer Lakes) to the U.S. which are encumbered with Federal Aid in Sport Fish Restoration (Wallop-Breaux) funds; thus, equal fair market and sport fish angling access must be exchanged. Portions of the south bank of the Alberton Gorge River Corridor, between Cyr Bridge and Triple Bridges, will be developed into three primitive fishing access sites and encumbered with Wallop-Breaux funds.

The Gorge contains prime fish habitat and angler opportunities. A FWP 1995 creel census of the Clark Fork River between Rock Creek and the Flathead River gives a good picture of the angler's experience in the Gorge. Catch rates for the Gorge area (including Cyr FAS to the Triple Bridges) were 0.86 fish per hour. Catch rates were not significantly different between floating and walking anglers. This is primarily a rainbow trout fishery (51%), with mountain whitefish (29%) and westslope cutthroat trout (18%) readily available, as well. A few brown trout and bull trout are present, but no bull trout were reported in the 1995 creel survey. The Clark Fork River section downstream of Missoula to the Flathead River junction was the number one used section in FWP Region 2 based on the 1993 Statewide Angling Pressure Estimates and second in use according to the 1997 Estimates. Overcrowding, however, was not considered a problem in the 1995 creel survey. Montana residents accounted for 60% of the anglers surveyed. *Both walking and floating anglers (16%) expressed a need for more access sites.*

These three proposed fishing access sites target prime fish habitat in areas of low gradient, deep water, and complex structure. These sites will remain primitive with only gravel parking and vault toilets provided. Existing overgrown trails to the river illustrate pre-existing use and will be slightly improved to allow foot traffic. Anglers will hike approximately 500 feet to the river's edge; thus it is anticipated that boaters will not frequently launch at these areas due to the steep terrain and distance to the water. The intent of the three proposed sites is to provide public river access for bank anglers and supply off-highway parking for them. Anglers are able to walk the banks for hundreds of yards up or down stream, without running into insurmountable cliffs, even in variable water conditions.

The three proposed fishing access sites (Upper, Middle, and Lower Osprey Fishing Access Sites) are identified on *Map 2: Alberton Gorge River Corridor*. Estimated market value of Park and Tizer are very close to the estimated values of the new access sites. These three parcels total approximately 57 acres. It is estimated that these new sites will receive approximately 600 more angling days than do Park and Tizer (238 acres total), although the acreage of the new sites is much smaller. Tizer Lake is inaccessible to many people due to a six-mile long, extremely rough road leading to the site. Access to the new sites along the Gorge is easy via old Highway 10 and their proximity to Superior, Alberton, St. Regis, Missoula and surrounding communities.

Upper, Middle and Lower Osprey Fishing Access Sites are proposed as primitive in nature, with minimal development completed in the next five years to deter environmental degradation by indiscriminate use. These sites will allow day use only. Future development is proposed to include:

- slight improvements to the trails leading to the river (approximately 500 feet from the parking area to the shoreline at each site),
- one latrine per site,
- signs to identify the sites and regulate use,
- gravel entry roads (approximately 150 feet long by 20 wide at each site), and
- gravel parking areas to accommodate approximately six, thirteen, and eight vehicles respectively at the Upper, Middle, and Lower fishing access sites.

A FWP caretaker would clean and maintain the sites on a regular basis, probably twice or more a week, more often if needed.

Operations and maintenance of the existing sites within the Gorge area (St. Johns to Forest Grove) and the three new fishing access sites is expected to come from a new project account comprised of commercial use fees, parks funds and fishing access site license dollars. It is the intent of FWP to blend funding in proportion to the types of uses that are occurring at the specific sites. For example, Cyr and Tarkio receive a high proportion of recreational use, compared to the three new fishing access sites, which are expected to receive about 90% angling use.

Land and Water Conservation Fund

Frank Lake FAS (90.40 acres) was purchased in 1980 using Land and Water Conservation Funds (LWCF), and FWP has identified it as a disposal property. It is necessary to find replacement property with equal fair market value as established by a State-approved appraisal (prepared in accordance with uniform Federal appraisal standards) and equal recreational usefulness.

In 2000, FWP conducted a user survey in which it was estimated that 30,000 people used the Alberton Gorge for various types of recreation. FWP has assumed primary recreation management responsibilities for the river corridor and has full management responsibility at the primary put-in and take-out points for the Gorge. In addition, FWP is willing to take on the additional management of the entire corridor as proposed by this land exchange. Recreational use is expected to increase in the future, not necessarily because the corridor will be under public ownership, but because:

- a) the Western States are gaining popularity in the nation for vacations and high quality living areas;
- b) Montana is promoting itself more and more in the tourism industry;
- c) outdoor recreation in general, and specifically white-water rafting is becoming more popular;
- d) people are spreading the word about the Gorge's recreational opportunities.

Approximately 49 acres, around Ralph's Takeout, has been identified within the Gorge to be encumbered with LWCF funds and to ensure future recreational opportunities in this reach of the Gorge. Ralph's Takeout area is heavily used by recreationists accessing the river, especially to kayak. The Missoula Whitewater Association currently manages the site for NorthWestern Energy. Upon acquisition, FWP would assume management and maintenance responsibilities, which could include a new latrine, trail maintenance, and possibly some road improvements.

Property Description

River Network proposes to purchase the Alberton Gorge tract as described below from NorthWestern Energy and subsequently deed all or part of the tract to FWP, includes 22 tracts of land along the Clark Fork River between the towns of Alberton and Tarkio. (Legal description below from the appraisal *Alberton Gorge for River Network*, by Aune Renaud-Wilkinson, July 10, 1998.)

Township 15 North, Ranges 25 West, Principal Meridian, Montana

Section 36: A portion of Lot 3

Township 15 North, Ranges 24 West, Principal Meridian, Montana

**Section 31: Portions of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 SE¹/₄NW¹/₄,
N¹/₂NE¹/₄, E¹/₂NW¹/₄**

Section 32: Portions of Lots 1, 5, 6 and 7

Section 33: Portions of Lots 1, 2, 3, and 4

Section 34: Portions of Lots 1, 2, 3, 4, 5, 6, 7, and 8

Section 35: Portions of Lots 2, 3, 4 and 5

Section 36: Portions of Lots 1, 2, 3, 4 and 5

Mineral County, Montana

Total acreage = approximately 320 acres

Please refer to the *Map 2: Alberton Gorge River Corridor*, above.

Many of the parcels are defined by the river and/or the Milwaukee Railroad line; therefore, many of the current parcels are irregular in shape and have no legal access. Primary access to the individual parcels are questionable; however, secondary access to the entire corridor is excellent due to Interstate 90 and State Highway 10 that runs parallel to the river.

Approximately one third of the land owned by NorthWestern Energy is steep riverbanks 100-300 feet above the river. The remaining two-thirds of the exchange property is gently sloping, timbered valley terrace above the river, with some rangeland available. The deeply incised gorge is defined by rocky banks or forested banks with few riparian or wetland zones. No improvements have been made to the Alberton tract other than some boundary fencing which is unreliable.

The property can be described as five distinct categories of property, with each representing assemblages of existing legal parcels.

The central tract consists of 10 parcels totaling about 150 acres. This tract is a four-mile-long strip of land located along the south shore of the Clark Fork River in the central part of Alberton Gorge. The tract varies in width from about 50 to 250 yards, as it extends south from the river bank, up the forested canyon walls and across the upland meadows to reach the paved frontage road that forms its southern border. Overall, this tract has good access from the frontage road, high amenity values including river views and about 115 acres of upland meadows and forest with level topography.

The northwestern tract consists of four legal parcels, totaling about 61 acres north of the river at the west end of Alberton Gorge. This tract, characterized by relatively open timber cover, is about half level ground and half slopes that descend moderately to steeply to the river.

The southwestern tract consists of four legal parcels, totaling about 56 acres. This tract borders the south shore of the Clark Fork for about two miles, but is separated from the frontage road in this area by the active railroad line (Montana Rail Link) and has no legal access for development purposes.

Two adjacent timbered parcels, totaling about 42 acres, lie south of the frontage road in the central portion of the Alberton Gorge property. These parcels have no river frontage, and are several hundred yards south of the Clark Fork.

Two parcels, totaling about 19 acres north of the Clark Fork, are long, narrow and generally rocky shoreline parcels, without legal road access or development potential. These parcels border land owned by the Montana Department of Natural Resources and Conservation (DNRC); River Network proposes to retain these two parcels for a future exchange with this agency.

Description of parcels River Network would retain (19.45 acres)

River Network would reserve the right to retain two parcels within the Alberton Gorge to allow a future riverfront property exchange with DNRC. The parcels proposed for River Network to retain are narrow strips between the Clark Fork River and existing DNRC tracts. The parcels are identified in yellow on the preceding *Map 2. Alberton Gorge Proposed Land Exchange* and on page 22 of the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Parcel 2a

This parcel is on the north side of the Clark Fork River about ½ mile downstream from Cyr Bridge FAS. It has no legal access and is very steep.

Township 15 North, Range 24 West;

Section 36: Government Lots 1 and 2.

Total Acreage = 8.43 acres

Parcel 11a

This parcel is also on the north side of the river, but is about one and a half miles downstream from Cyr Bridge FAS. This parcel is extremely steep and cliff-like on the western half and appears to have no legal access.

Township 15 North, Range 24 West;

Section 34: Government Lots 1, 2, 3, and 4.

Total Acreage = 11.02 acres

Description of land proposed to be encumbered by LWCF (49 acres)

Ralph's Takeout

This recreation site is on the north west side of the Clark Fork River about ¼ mile upstream of the mouth of Fish Creek. Access is from old Highway 10 about 3 miles west of existing Tarkio East FAS. The parcels to be encumbered are identified as 17a, 18a, and 19a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 25 West;

Section 31: Government Lots 5 and 6 and the old railroad right-of-way;

Section 36: Government Lots 1 and 2 and the old railroad right-of-way.

Total Acreage = 49 acres

Description of the proposed fishing access sites (56.69 acres total)

Upper Osprey FAS

The first proposed new site is approximately one mile downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 3a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;

Section 35: Portion of Government Lots 3, 4, 5.

Total Acreage = 17.29 acres

Middle Osprey FAS

The second proposed new site is approximately three miles downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 10a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson. This parcel is proposed to be transferred from River Network to the FS to hold until Park Lake dam improvements are completed, at which time Middle Osprey FAS would transfer to FWP, Park Lake would transfer to the FS.

Township 15 North, Range 24 West;

Section 34: Government Lot 4 and old railroad right-of-way.

Total Acreage = 15.39 acres

Lower Osprey FAS

The third proposed new site is approximately 4 miles downstream from Cyr Bridge FAS, northwest along Highway 10. This parcel is identified as 13a on page 22 in the 1998 Alberton Gorge appraisal by Anne Renaud-Wilkinson.

Township 15 North, Range 24 West;

Section 33: Government Lots 3, 4 and old railroad right-of-way.

Total Acreage = 24 acres

Please refer to the following pages for site plan sketches of the proposed fishing access sites

FIGURE 2. Upper Osprey Site Plan Sketch

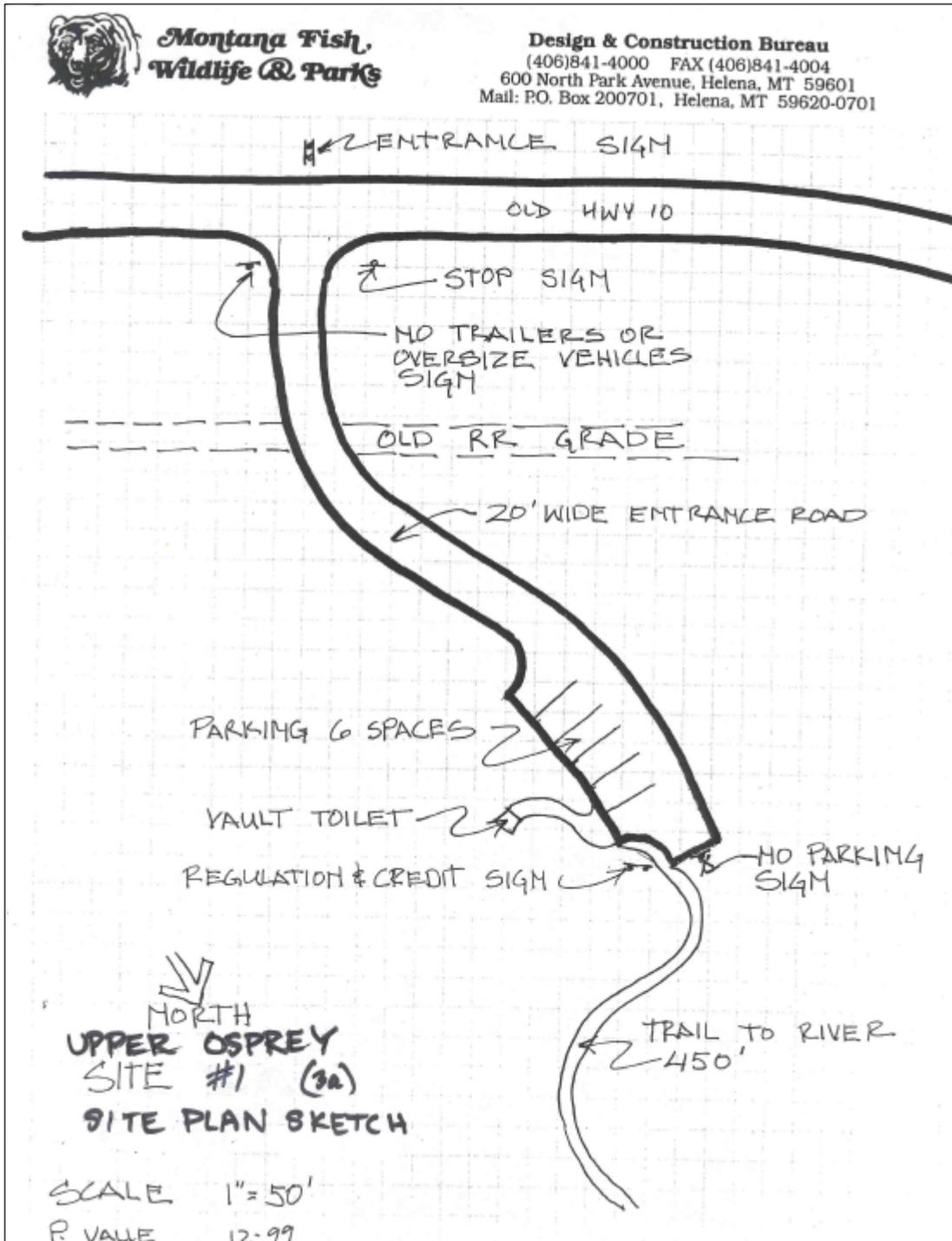


FIGURE 3: Middle Osprey Site Plan Sketch

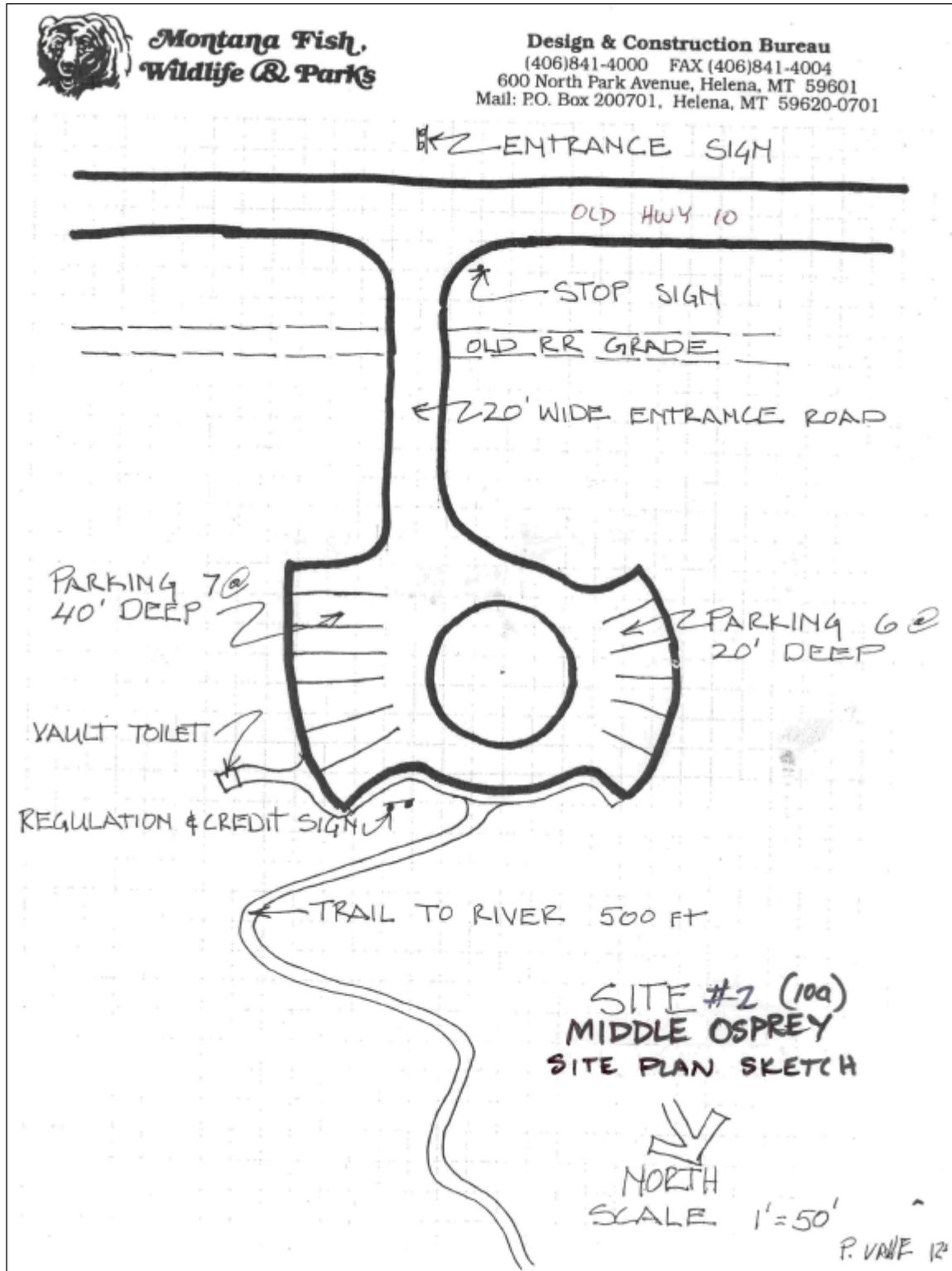
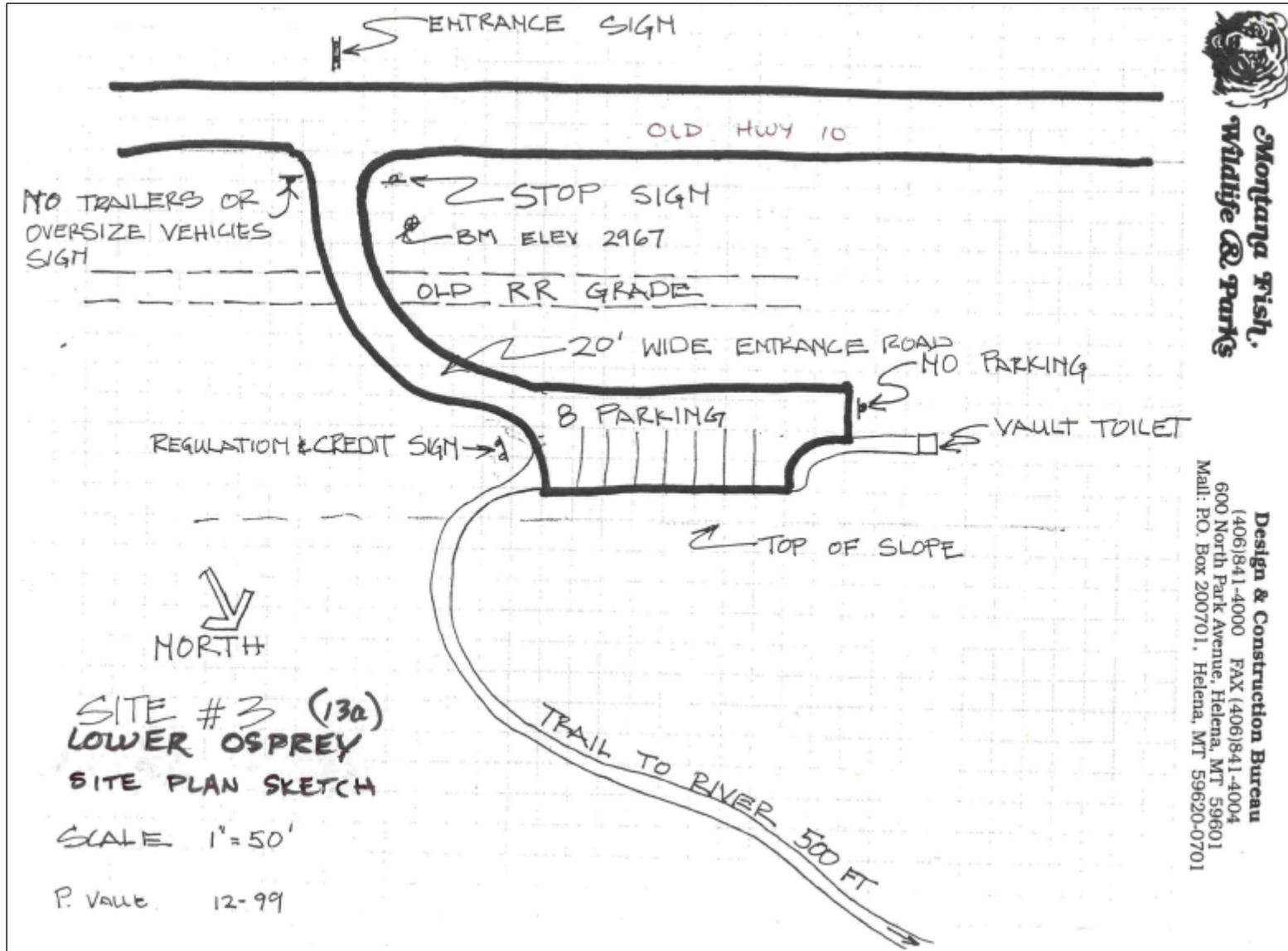


FIGURE 4. Lower Osprey Site Plan Sketch



ENVIRONMENTAL REVIEW

Physical Environment

Land Resources

FWP acquisition of the Alberton Gorge tract will result in three minor capital improvements to the property at this time. River put-in and take-out areas at Cyr Bridge and Tarkio FASs are already established and seem to adequately accommodate current recreational use. Angler access, however, is less than adequate, as indicated by the FWP 1995 Creel Survey, in which participants commented about wanting more river access. Gravel entry roads and small gravel parking areas, improvements to existing foot trails leading to the river's edge, and a latrine at each site will provide access for bank anglers at Upper Osprey, Middle Osprey and Lower Osprey Fishing Access Sites.

In addition, FWP proposes to manage the Ralph Yule Takeout site, which is currently managed by the Missoula Whitewater Association under agreement with NorthWestern Energy. This site is a popular walk-in raft and kayak-launching site with primitive camping and picnicking also available. This location is one of few on the north side of the river. FWP is not currently proposing to upgrade this site, other than making trail improvements to the river for public safety, signing and some property boundary delineations using fencing or signs.

This construction for primitive access will cause minor disruption, displacement, compaction and over-covering of soil, which will reduce productivity on less than half an acre at each site. No changes to the soil stability are anticipated. The entry roads will need to cross over the old Milwaukee RR right-of-way; however, the entry road will be at the same level or fill added to preserve the physical features of the RR bed. Siltation, deposition, or erosion patterns will not be significantly altered. Roads and parking areas are on nearly level bench lands about 500 feet above the Clark Fork River. FWP has developed and is the mentor agency on Best Management Practices (State Joint Resolution #3) and road construction and grading procedures will be designed to reduce/eliminate, non-point source pollution (personal communication with Ken Phillips, FWP Construction Section Supervisor by Sue Dalbey, February 12, 2001). These specific engineering details will be included in the construction contract for the proposed fishing access sites. Native grass seed will be planted in disturbed areas to reduce potential erosion caused by removing vegetation during construction. Best Management Practices adopted by FWP include adequate site control to limit vehicles to areas that will not impact the area. These material sources and details will also be included prior to construction. No actions are envisioned which would expose people to ground failures such as landslides or other natural hazards.

Air

The minor capital projects planned will slightly and temporarily alter ambient air quality due to dust created by construction. Localized odors may be produced in the vault latrines, however, proper venting and regular cleaning by the area FWP caretaker will reduce these effects. Area climate will not be altered, nor will there be adverse effects on

vegetation due this temporary increase in dust. State or federal air quality regulations will not be violated because of the proposed land exchange and proposed FAS development.

Water and Flood Plains

The Clark Fork River is the Alberton Gorge's principal interest for all recreational users whether they are watching wildlife, angling, or rafting. FWP is responsible for the fisheries, and therefore, water quality is of primary concern. Much of the recreational use here is by commercial floaters who have little impact on the water quality and help patrol themselves to maintain the highest environmental quality and also sustain their business interests.

Surface water quality and quantities will not be altered from temperature changes, dissolved oxygen or turbidity due to the proposed action. In addition, water rights/uses will remain similar to their present use; therefore, other water users should not be affected by the change in property ownership. Changes in drainage patterns, water discharges, and flood water courses will not occur. Risks of contamination of surface water and risks to people or property due to water related hazards will not increase. Construction proposed at the FASs is about 400 feet from the shoreline. FWP standards require silt fences during construction to limit potential of silt from entering the river.

Though the entire narrow corridor immediately adjacent to the river is within the 100-year **flood plain** (approximately 160 acres), no capital projects are anticipated which would change the flood plain levels or alter flows. The trails leading to/from the new fishing access site parking areas to the river will be minimally improved and will not significantly impact the flood plain or passage of high water events. Water bars or similar strategies will be installed if necessary to reduce drainage down the trail path. Flood plains were estimated from the U.S. Department of Housing and Urban Development, Federal Insurance Administration; Flood Hazard Boundary Map: Mineral County, MT, Unincorporated Area Page 13 and 14 of 19; Community-Panel No. 300159 0013A and -14A, effective date February 14, 1978, provided by Karl Christians, DNRC, Flood Plain Management Section Supervisor.

Vegetation, Wetlands, Prime & Unique Farmlands

Vegetative abundance will be slightly reduced when the fishing access site entry roads and parking areas are installed. Overall, the three fishing access sites total approximately 57 acres; construction to provide off-highway parking and access to the river will impact approximately a total of 1½ acres of vegetation according to initial plans by FWP landscape architect, Paul Valle (December 1999). Few, if any, trees will be removed to complete the proposed construction.

The federally listed (threatened) plants and their critical habitat will not be affected by this project. Water Howellia (*Howellia aquatilis*) is found west of the Continental Divide, though a search by the Montana Natural Heritage Program did not reveal these species near the Gorge tract. No cases of this species have been found in the Lolo National Forest, but would most likely be found in the Seeley Ranger District in vernal ponds (Darlene Lavelle, Lolo NF Botanist, TES Plant Biological Evaluation for the Alberton

Gorge Land Exchange June 30, 1999). Ute Ladies'-tresses (*Spiranthes diluvialis*) is in river meander wetlands primarily found in Jefferson County. Spalding's Catchfly (*Silene spaldingii*) is under the threatened status, however, this species is found in the Tobacco Valley and the Upper Flathead River drainage (U.S. Fish & Wildlife Service Threatened and Endangered Species – Montana, web site; www.r6.fws.gov/mt4.html; May 23, 2000). This species has not been recorded in the Alberton Gorge area and will not be impacted by the proposed exchange based on the habitat necessary, and which the Gorge is lacking.

The US Fish and Wildlife Service has also identified the slender moonwort (*Bortrychium lineare*) as a Candidate species, however, it has not been found in Gallatin County. It is found in meadows in conifer forests within Glacier and Lake Counties, far northeast of the Hebgen Cabin tract (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.).

Noxious weeds are an increasing problem on public lands. FWP currently combats weeds using the Regional Weed Management Plan, which takes an integrated approach (mechanical, biological and chemical) to control noxious weeds on FWP property. The Gorge properties will be incorporated into the plan. Following the plan revisions, the Gorge would be broken into different management zones and would utilize the three methods of combating weeds. FWP ownership of this corridor may slow the progression of weeds, since it will be actively treated under the Regional Weed Management Plan. It is not known if NorthWestern Energy actively fought weeds on this dormant property. Weed control measures will be performed by a contracted private professional company or FWP trained employees.

Areas disturbed during the construction of the proposed FAS facilities will be prone to the establishment of noxious weeds. Grass seed will be planted at the conclusion of the project to re-vegetate the site and to impede the growth of noxious weed species. Weed control efforts will target these areas until adequate ground cover has returned, then monitored on a regular basis.

Sue Dalbey, consultant, described the proposed land acquisition locations over the telephone (October 12, 1999) to Dave Brink, Administrator for the Mineral County Conservation District, who stated that there are **no prime or unique farmlands** that will be affected by this land transfer. Brink stated that most of the prime agricultural land is outside of the Alberton Gorge Corridor. About half an acre of potential (non-prime) agricultural land will be used to provide an entry road and parking area at the Middle Osprey Fishing Access site. This area has not been farmed in many years, and is infested with knapweed.

Any **wetlands** occurring on the property will come under state protection and compliance with state laws, affording more protection than under current or future potential private ownership. Small wetlands may occur near the river, but only three specific areas were evaluated. The proposed new fishing access sites were viewed by FWP Wildlife Biologist Bob Henderson who found no jurisdictional wetlands in these areas. Entry

roads, parking areas and latrines proposed at the new fishing access sites would be approximately 400 feet above and beyond the flood plain. Much of the property is steeply sloped and rocky. Public ownership of the Gorge will ensure preservation of these areas.

Fish & Wildlife

This stretch of the Clark Fork River sustains a large fishery of rainbow trout (51%), mountain whitefish (29%) and westslope cutthroats (18%). Few brown trout and an occasional bull trout are found by anglers. Catch rates for this section of the Clark Fork were 0.84 fish/hour, according to the 1995 creel survey. This 11-mile reach of the river has the lowest angler pressure in the 137-mile river miles surveyed by FWP in 1995. The Gorge is difficult for fisheries biologists to survey due to its depth and water velocities; therefore, no data is available for this specific reach. Populations are estimated based on information known above and below the Gorge.

Angler opportunities will increase with the proposal of FWP acquiring the Gorge and improving bank angler's access to the river. The three sites proposed to be developed on an ecosystem approach will provide off-highway parking, improve existing foot paths to the river, and latrines. The fish habitat in the identified areas is very good, providing large boulder-banks, eddies, and deep pools for hundreds of yards up and downstream of the existing rough trails. Sixteen percent of the anglers surveyed in 1995 indicated that they wanted more river access.

Ladd Knotek, area FWP fisheries biologist, expressed that the acquisition of the Gorge will have a positive impact on angler access to the Clark Fork River. He indicated that there will be no significant impacts to the river fish populations, and no fish species of special concern, threatened or endangered species will be negatively impacted in this section of the river. Bull trout, a federally threatened species, are present in this reach at very low densities. Though the number of anglers is expected to increase, angling impacts to the fish population are considered negligible. Bull trout are rarely caught and current regulations require the release of bull trout.

Knotek consulted with Kate Walker, Wildlife Biologist for the U.S. Fish and Wildlife Service (December, 1999) to confirm future procedures and compliance regarding the acquisition of the Gorge and the Endangered Species Act. FWP has a Section 9 permit, which covers incidental take associated with fishing and fishing regulations, as well as a Section 6 permit, which covers other activities such as sampling and restoration projects. If future development at the new fishing access sites were to impact the bull trout in any way, these conditions would be included as part of FWP's Section 6 list submitted annually.

The FWP Commission adopted regulations that require the release of Westslope cutthroat trout. If cutthroat are listed under the Endangered Species Act in the future, Sections 9 and 6, above, would apply to this species, as well.

White sturgeon and pallid sturgeon do not inhabit the Clark Fork River. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the Yellowstone River farther east in Montana. The arctic grayling is not found in this area.

FWP is required by law to maintain productive fisheries and has qualified biologists to carry out this mission. River use is expected to increase, but few impacts are expected to the water quality or fish and wildlife habitat. Deterioration of critical fish and wildlife habitat is more likely if the proposed corridor is sold to private landowners interested in developing home sites or commercial sites. FWP does not foresee any development along the corridor, which may temporarily or permanently impact fisheries habitat. The areas proposed for construction are about 400 feet above the river on nearly level bench land; therefore, water quality impacts are not likely from such things as erosion at the new FAS construction sites.

Knotek stressed to Sue Dalbey (written communication, June 16, 2000), that if development were to occur at the mouth of Fish Creek area, it would potentially have impacts on bull trout and other fluvial fishes. This area is used for bull trout spawning and is a popular stop for river rafters. The proposed exchange does not include the acquisition of property immediately adjacent to the creek mouth, nor development of a FAS near the creek.

Increased recreational use may slightly impact the abundance of game animals, bird species and nongame species. Animal movements and migrations should not be impacted negatively. FWP acquisition of this Gorge corridor will link other large public blocks of DNRC and corporate lands for possible use by wide-ranging species (linkage zones). The majority of rafting activity is limited to the river except during lunch breaks when visitors reach shore and disperse. Most float trips are day trips, allowing for few impediments to the river at night when many animals are most active. Overnight camping is legal below high water lines; however, practical sites are limited due to the steep terrain on each side of the Gorge.

The tract is used to a small degree by summer black bears and as winter range by white-tailed deer, and elk. Occasionally, a moose may use the area. Ospreys are seasonally common, river otters can be seen, and a bald eagle nest has been sighted upstream from Cyr Bridge. Gray wolves have been recorded crossing Interstate 90 in this area. Conversation with Biologist Bob Henderson to Sue Dalbey (August 9, 1999) revealed that the Gorge tract does not provide a very high food value for any particular species, and this land exchange is not expected to have a large impact on big game animals since overall use of the Gorge will remain similar. Most of the river traffic is in the day-use in the Spring and Summer; therefore, the human population does not significantly interfere with animals using the area for winter range. Acquisition of the Alberton Gorge will also allow the connection of several public land parcels north and south of the river. This increases ability of animals using these corridors for north-south migration between the Ninemile and Bitterroot Divides.

The following animals are federally listed under the Endangered Species Act (US Department of the Interior, Fish and Wildlife Service, Threatened, Endangered and Candidate Species in Montana, Endangered Species Act. December 2002.) and were considered in this environmental assessment. The tract may not hold habitat for some species, and therefore will not be specifically discussed.

- Endangered - black-footed ferret, gray wolf, whooping crane, least tern, pallid sturgeon, white sturgeon (Kootenai River population);
- Threatened - grizzly bear, bald eagle, piping plover, bull trout (Columbia River basin and St. Mary-Belly River populations), Canada lynx (contiguous U.S. population);
- Proposed Threatened - mountain plover;
- Candidates for listing as threatened or endangered - Arctic grayling (fluvial population), warm spring zaitzevian riffle beetle, black-tailed prairie dog, yellow-billed cuckoo (western population);
- Proposed Critical Habitat – bull trout (Columbia River basin and St. Mary-Belly River populations: streams, lakes and reservoirs in the Clark Fork, Flathead and Kootenai river basins).

The Endangered Species Coordinator for FWP, Arnold Dood, also reviewed the properties involved and found the following species use the areas involved in the Alberton Gorge Land Exchange: peregrine falcon, bald eagle, gray wolf and bull trout.

The U.S. Fish and Wildlife Service states in their March 2000 list of Montana Threatened and Endangered Species (www.r6.fws.gov/mt4.html) that “the American peregrine falcon has recovered following restrictions on organochlorine pesticides and successful management activities; therefore, it was removed from the Federal List of Endangered and Threatened Wildlife on August 25, 1999.” In addition, Sue Dalbey consulted with Dennis Flath, FWP Nongame Wildlife Coordinator, on May 15, 2000, who indicated that peregrines are most impacted when development occurs above them on cliff edges. The proposed FAS developments are in forested areas away from the edges of the river banks or any cliffs, therefore, peregrine falcons that may inhabit the area are not expected to be impacted by the exchange.

No new species introductions are planned by FWP. Less than 10 years ago, a bighorn sheep introduction was proposed for the area, but denied due to land owner objections.

A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed that none of the above threatened or endangered animals, or candidates for listing, are found in the Alberton Gorge tract. As noted above, however, Wildlife Biologist Bob Henderson recognizes the use of the area by gray wolves and bald eagles. Henderson does not foresee significant negative impacts to this species due to the proposed land exchange.

Human Environment

Noise & Electrical Effects

The use of heavy equipment for construction of the proposed fishing access site improvements is unavoidable, and will result in some localized, temporary and minor increases in noise. FWP is exploring options to limit the number of people floating the Gorge, which would lessen the impacts of noise from other floaters. Electrostatic or electromagnetic changes will not occur and no interference with radio or television reception should occur from the proposed action.

Land Use

If NorthWestern Energy was to sell the Alberton Gorge River Corridor to private parties for residential development, it is possible that commercial rafters may see a decline in clients, due to the loss of aesthetic uniqueness and sense of wilderness when floating on the river. It is unknown what property values and tax revenues may contribute to Mineral County if this was developed into residential tracts.

FWP ownership of the Alberton Gorge tract coincides with the present use of this area as a natural area having unusual scientific and educational importance. The ancient bedrock and steeply forested canyon walls offer students of geology and natural beauty, first-hand study.

If FWP acquires the Gorge as proposed, the agency will pay approximately \$11,874 in payments in lieu of taxes to Mineral County (1999 figures). Residences currently near the Gorge area may see an increase in property values with the proposed protection of the corridor and availability of open space, protected wildlife habitat, and recreation opportunities.

FWP is monitoring use in the Gorge and may have to consider use limitations in the future to protect the environment and the aesthetics of the trip, and reduce conflicts between users. Details of how and what these limits may be would be discussed by managers, commercial outfitters, guides, recreation clubs, and the public. These measures may be necessary whether or not FWP acquires the land within the Gorge Corridor.

Risk & Health Hazards

The proposed action presents no increased risk of explosions or release of hazardous substances other than specific use of chemicals when implementing portions of the FWP Regional Weed Management Plan. When herbicides are used in the control of noxious weeds, signing will be posted at these areas. Human use of the corridor is usually localized at boat put-in and take-out areas.

FWP may need to develop a new emergency response plan or evacuation plan, and work with the local Search & Rescue and Mineral County to combine efforts with plans the agencies already have in effect.

No new human health hazards will be created. FWP will be in the position to reduce potential health hazards by having management responsibility for the entire Gorge corridor. If high visitation causes human waste to become a health problem or water quality issue, for example, a latrine may be installed at a heavily used site after the proper MEPA review process.

Community Impact

The human population using the Alberton Gorge is expected to increase simply because of the popularity of the area and growing awareness of improved angling success and white-water excitement. This growth is inevitable, regardless of who owns the corridor. However, permanent growth in the venues of home sites and industrial growth along the visible Gorge river front, can be avoided through the proposed land exchange.

The social structures of neighboring communities will not significantly change if FWP acquires the Alberton Gorge River Corridor. If the corridor were to be purchased by private entities that developed out-of-character residential tracts, the social structure of the area would change. According to County Planner, Wayne Marchwick, often private buyers of these types of tracts are from outside Mineral County and have different cultural, economic and social values (personal communication with Sue Dalbey, June 23, 2000).

The employment opportunities may expand slightly in the direction of tourism and related services. Some of this will be influenced by public ownership of the corridor; some will be stimulated simply by regional trends. The number of commercial companies providing rafting trips cannot increase due to a FWP Commission rule, which limits the number of outfitters to those who showed they historically used the Gorge before January 1, 1998. Currently, the total number of people served by these companies is not limited. Some type of restrictions limiting the total number of floaters per day may be implemented in the future. Private individuals wishing to traverse the Alberton Gorge are not limited, although large groups or organizations must register and obtain a Special Use Permit from FWP.

Neighboring communities may experience increased commercial activity since tourism and recreational opportunities in the Gorge corridor will be emphasized more by state travel agencies. Sales and services needs will likely increase if Gorge use increases, causing more job opportunities and profit in the local area. Some creative entrepreneur(s) may capitalize on opportunities afforded by this becoming a public corridor.

Traffic hazards and effects on existing transportation facilities could improve from dispersing use along the Gorge and the additional signing. Future capital projects initiated by FWP will improve gravel roads, parking areas, and latrines on acquired properties. The proposed new access site(s) are adjacent to the old highway on straight, highly visible sections; therefore, traffic flows and access to the sites should be adequate. Designated off-highway parking areas and identifying trails will provide safer river access for anglers. Movement patterns of people and goods seem adequate with current

visitation and seasonal FWP presence helps traffic flows at the take-out and put-in sites already administered by this agency.

Tax Revenue Estimates in Mineral County

Taxes – Alternative A: No Action

Title commitments for the Alberton Gorge properties indicate that NorthWestern Energy paid roughly \$700 in 1998 taxes on the approximately 320 acres in the Alberton Gorge River Corridor proposed for exchange.

If the exchange is not completed, it is likely that the Alberton Gorge River Corridor will be purchased by multiple private parties and developed into residential tracts. County taxes would be assessed on these properties, however it is difficult to accurately estimate these costs until development plans are known. Taxes on the property alone would likely be similar to that charged FWP in *Table 3* below. Improvements to the property would increase the taxes due. In addition, more acres would be taxed under private ownership than in FWP ownership, due to exemption of certain lands used for recreation.

FWP makes no payments in lieu of property taxes (PILT) in Mineral County, due to MCA 87-01-603, which states that [tax] “payment may not be made to a county in which the department owns less than 100 acres...or [paid on] lands acquired and managed for the purposes of Title 23, chapter 1 [state parks].” Currently, FWP owns only 44.35 acres (Cyr, Tarkio, Forest Grove and Big Eddy Fishing Access Sites) in Mineral County. FWP paid fees of \$5.98 in 1998 for fire protection at Tarkio FAS, and \$10.98 in 1999 for fire protection and the public safety fund at the Tarkio FAS and Big Eddy FAS. Other properties in the county, such as fishing access sites, are managed by FWP, but are leased from other agencies; therefore, FWP does not pay taxes on those properties.

If the Alberton Gorge Land Exchange is not implemented, FWP would pay a minimum in special fees to Mineral Count, but no payments in lieu of taxes would be made.

In addition, Tarkio Section 35 would continue under FS management, which suggests commercial thinning and under-burning, therefore this property will not greatly increase county revenue from FS Payments in Lieu of Taxes (PILT) or the 25% Fund.

Taxes – Alternative B: Proposed Exchange

If the land exchange is implemented, approximately 305 would be acquired by FWP from the Alberton Gorge River Corridor; thus, FWP would no longer be exempt from PILT in Mineral County under MCA 87-01-603. This would enable Mineral County to collect taxes on 44.35 acres of existing properties in the county, plus an additional 56.68 acres within the Alberton Gorge River Corridor on which county taxes can be assessed, totaling 101 acres. This acreage is comprised of the three new proposed fishing access sites within the Gorge. Please see the *Table 3*, below.

The remaining acreage in the Gorge will be acquired and managed for the purposes of Title 23, chapter 1, and considered recreational state park lands; consequently, it is exempt from PILT. The basis for this land use category on the remainder of the River

Corridor is because use on these parcels is primarily related to general recreation, rather than fishing or hunting.

It is estimated that new PILT revenue from FWP alone would result in roughly \$11,874 paid to Mineral County. Approximately \$6,578 in payments would be made on the properties involved in the Gorge exchange, and an additional \$5,296 in new funds generated from existing fishing access sites, requiring payments in lieu of taxes under MCA 87-01-603 after the completed exchange.

TABLE 3. Estimated payments in lieu of taxes FWP would pay to Mineral County (1999 figures).

<i>Tract/parcel</i>	<i>Acres</i>	<i>assessment category</i>	<i>estimated market value</i>	<i>estimated tax payment</i>
<i>Cyr FAS</i>	9.89	urban	\$80,000	\$1,137
<i>Upper Osprey FAS*</i> <i>(proposed)</i>	17.29	urban	\$138,000	\$1,876
<i>Middle Osprey FAS*</i> <i>(proposed)</i>	15.39	urban	\$153,900	\$2,092
<i>Lower Osprey FAS*</i> <i>(proposed)</i>	24	urban	\$192,000	\$2,610
<i>Tarkio FAS</i>	8.88	urban	\$71,000	\$1,078
<i>Forest Grove FAS</i>	5.67	urban	\$45,000	\$701
<i>Big Eddy FAS</i>	19.91	urban	\$175,000	\$2,380
TOTALS	101.03		\$854,900	\$11,874

*Tracts in the Alberton Gorge Land Exchange; other tracts listed are existing FWP fishing access sites in Mineral County.

Mineral County could also expect tax revenue from private development of the Tarkio Section 35 if the exchange is completed. If the Tarkio Section 35 tract is developed with homesites, this could be an additional increase in tax base for the county. The calculation of private property taxes is dependent upon many variables; therefore, it is difficult to estimate the potential income that may be generated from this type of private development.

Public Services, Utilities

FWP will gain more responsibilities pertaining to law enforcement, road and recreational facilities maintenance, weed control, and solid waste disposal. These responsibilities parallel other FAS sites and management activities in Region 2 and across the state.

The Alberton Gorge tract contains only one semi-formal **road**, which is used to access Ralph's Takeout. This is a single width, primitive road that ends at a small picnic site above the Clark Fork River. The development of three new fishing access sites will include new 20 foot wide gravel entrance roads measuring approximately 130 feet, 140 feet, and 300 feet long from Highway 10 to the parking areas.

The creel survey conducted by FWP in 1995 indicates that the length of stay in the Clark Fork River corridor is related to the angler's residence. The lower river sections saw double the amount of use from non-residents than that from Montana residents and their average length of stay was longer than in other reaches of the river. River access in the Alberton Gorge section is limited due to private property ownership and the steep gorge terrain. Fishing access opportunities will be increased and improved within the Gorge, if the proposed exchange is implemented and fishing access sites are developed along the south banks. Thus, Mineral County may see some increase in length of stay from both resident and non-resident anglers.

Most of the recreational use occurring in the Alberton Gorge River Corridor does not require large energy sources supplied by industry. New facilities at the proposed fishing access sites will be primitive, requiring no utilities to maintain or operate them (sealed vault latrine, gravel road and parking areas). Latrines will be pumped by a private contractor twice or more each year, to maintain a healthy environment and safe facilities.

Projected Revenue

FWP currently collects three percent of all registered commercial outfitters' unadjusted gross income for the use of the Cyr and Tarkio fishing access sites within the Alberton Gorge. These sites are currently managed by FWP and currently there are about 29 outfitters registered. The number of outfitters cannot increase based on the *Alberton Gorge Commercial Use Rules* written under the umbrella of ARM Rule 12.8.211 (1) and (3). This commercial revenue to FWP was approximately \$9,000 in 1998 and will be collected regardless of acquisition of the Gorge.

Large groups or organizations utilizing FWP sites within the Alberton Gorge are also required to register and obtain a Special Use Permit from FWP with fees based on the number of people in the group and number of days use.

Maintenance costs incurred by FWP will increase with the acquisition of more recreational land and development of three fishing access sites. FWP estimates that it will take about \$30,000 to improve each of the new fishing access sites, including: grade and gravel small parking areas, install latrines, clear the existing foot trails to the river, and sign these new access sites. Annual maintenance of these sites will likely cost an additional \$1,000 to cover transportation costs of the caretaker, labor, supplies, and materials. Existing noxious weeds in these areas will require extensive measures to contain and could necessitate several thousand dollars every 2-3 years to combat the weeds effectively. This would be a contracted effort that is guided by the FWP Region 2 Weed Management Plan.

Aesthetics & Recreation

The quality and quantity of recreational and tourism opportunities/settings will likely increase. Though the Clark Fork is not designated as a wild or scenic river, it does feel like one when floating down the impressive canyon and forced to run the narrow river rapids. These characteristics, combined with the easy accessibility by Interstate 90 or

State Highway 10, which run parallel to the river, but are unseen from within the Gorge, are part of the inescapable lure.

Angling opportunities are apparent from the 1995 Creel Survey conducted by FWP. The Gorge provides catch rates of 0.84 fish per hour. Private ownership of property along the river has greatly limited angler access to the river. State Highway 10 provides easy vehicular access to lands adjacent to the river and after one or two fishing access sites with parking are improved, it is anticipated that angling use will increase. Informal trails already exist across the private land, but the general public is not aware of it, nor encouraged to cross the NorthWestern Energy property due to fences at many places.

The abandoned railroad, which parallels the Gorge and some of the properties, may provide a multi-use trail between access points in the future.

Aesthetics is another of the primary reasons behind this land trade. If the properties along the Alberton Gorge are sold to private individuals, it is anticipated that the estimated 30,000 people that use the Gorge each summer (FWP Recreational Use of the Alberton Gorge survey, 2000) will lose the primitive “wilderness” viewshed and experience encountered when floating this section of the Clark Fork River.

FWP ownership of this corridor can preserve the scenic vistas and aesthetically fascinating sights along the river. The aesthetic character of this colonnade will continue as it has for thousands of years.

Victor Bjornberg of Travel Montana foresees the proposed land exchange as a positive and beneficial impact on Western Montana’s tourism economy. The public ownership of the Gorge will provide long-term benefits for Montanans and non-residents. Please refer to his Tourism Report in **Appendix 2**.

Cultural & Historical Resources

If the Alberton Gorge River Corridor is sold to private developers, it is likely that potential cultural and historic sites will not be recorded or preserved.

If FWP acquires the Alberton Gorge River Corridor, potentially historical sites will be afforded greater cultural consideration under the state ownership through the Montana State Antiquities Act than its current or future potential private ownership.

Paul Valle, FWP Cultural Compliance Coordinator, confirmed that the acquisition of the Alberton Gorge by FWP from a private party is an undertaking under Section 106 of the National Historic Preservation Act. As FWP is proposing minor improvements (parking areas, signs, latrines, trail improvements) on the designated fishing access sites in the future, the undertaking must take into account the effects of any improvements to sites eligible or potentially eligible for listing on the National Register of Historic Places.

The three proposed fishing access sites were surveyed for cultural sites in Fall 2000 and a report was completed February 9, 2001 by a private contractor. FWP submitted this

report to the Montana State Historic Preservation Office (SHPO) February 12, 2001. The SHPO reviewed the report and concurred with FWP that no historic properties will be affected by this proposed land exchange and development of the three proposed fishing access sites. Please reference the SHPO concurrence in **Appendix 3**. FWP may identify the eligible Historic Railroad (24MF164) roadbed segments on the three FAS parcels with interpretive panels and development will fill over the Railroad roadbed whenever feasible to avoid direct effects to the roadbed.

The historic Mullan Road, built between 1858 and 1861 as the first wagon route through the northern Rocky Mountains, does run adjacent to portions of the Gorge tract that FWP would acquire. This section of the road is known as the Big Side Cut. According to the appraisal reports, a road provides the boundary edge on the north and most easterly parcel where the road comes close to the river. State Historical Preservation Office (SHPO) records indicate that this is part of the Mullan Road. River Network proposes to retain this narrow strip of land near Cyr Bridge for use in a future exchange with DNRC who owns adjacent lands to the north. Ultimate ownership by either state agency would provide cultural protection under the Montana State Antiquities Act.

Review of the SHPO files by Sue Dalbey in August, 1999, did not reveal any other portions of the Mullan Road that would be included in the proposed land trade. FWP has no intentions of influencing or impacting this historic landmark. The road is considered eligible for listing on the National Register of Historic Landmarks.

No physical changes are anticipated at this time that would affect unique cultural values or alter existing religious or sacred uses of a site.

The Confederated Salish and Kootenai Tribes, Tribal Historic Preservation Office, were notified of this exchange in November 1999, and no objections were received.

Evaluation of Mitigation or other Control Measures

The primary control measures that FWP anticipates in this land exchange are:

- the opportunity to provide more river access sites, particularly for bank anglers;
- the ability to provide access to the river in manners that protect the resources;
- noxious weed management;
- conservation of fish and wildlife habitat;
- conservation of a valuable recreational asset with high aesthetic worth.