

Duck Creek Wetlands Purchase Implementation Review
August 7, 2006
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On July 25, 2006 an Implementation Monitoring Review was held for the Duck Creek Wetlands purchase. Review team members include Bob Dennee, Bill Queen, Clint Sestrich, Susan Lamont, Scott Barndt, Mark Story, and Dave Callery.

The Forest Service worked in partnership with the Trust for Public Lands (TPL) to complete the purchase of the 413-acre Duck Creek wetlands property and add this valuable land to the Gallatin National Forest. TPL first purchased the property from Duck Creek Partners, LLC, and then re-conveyed it to the Forest Service in two phases, in 11/04 and in 9/05, as federal LWCF funding became available.

The Duck Creek wetlands provide valuable grizzly bear habitat, crucial wildlife migration paths, and key habitat for a wide variety of waterfowl and trout species. The wetlands also provide important scenic values and recreation opportunities. Subdivision and development were planned for the Duck Creek land prior to its purchase by the TPL.

EXPLANATORY NOTE (NEPA): In making a land purchase or land donation, the Forest Service typically does not complete NEPA analysis and documentation, since there are no effects on federal lands or resources. In a land exchange, where federal lands and resources will be affected, the Forest Service completes NEPA procedures.

Actions Prior to Purchase: The landowners, TPL and Forest Service completed four key actions to remove conflicting developments and encumbrances from the property, and to enable the Forest Service to take clean title and manage it as NFS land.

1. Terminate the lease held by Bozeman Sand and Gravel for the Duck Creek gravel pit and close, rehabilitate and restore that gravel pit site.
2. Remove the residence and other improvements (under lease to Mike Bryars) from the purchase property and restore that site.
3. Exclude the site of the Log Home business (under lease to Blair Anderson) from the purchase land, so this small business can remain in operation, and secure a “right of first offer” from Anderson to TPL to purchase in future.
4. Arrange for Gallatin nty to abandon rights it evidently held to the east-west portion of the old County road that traversed the property, so that the Forest Service can better manage the land for wildlife objectives.

The review will consist of assessing the accomplishment of the objectives of the Duck Creek Wetlands purchase process with specific examination of five key areas.

Objective or mitigation measure and effectiveness definitions include:

Application

- 5- operation exceeds requirements of objective or measure
- 4- operation meets requirements of objective or measure
- 3- minor departure from measure, objective marginally met
- 2- major departure from measure, objective sporadically met
- 1- gross neglect of measure, objective not met

Effectiveness

- 5- improved conditions over pre-project condition
- 4- adequate protection of resources, effective
- 3- minor and temporary impacts on resources, moderately effective
- 2- major and temporary or minor and prolonged impacts on resources or only slightly effective
- 1- major and prolonged impacts on resources or not effective

Evaluation Items - BMP's	source	Applic	Effect	Comments
Duck Creek Wetland Purchase Objectives				
1. Acquire 413 acres of private land (Duck Creek Wetlands) to protect habitat and wetland values, through TPL to the GNF.	Purchase Option and Contract (TPL and FS) 8/2003	4	4	purchase objectives completed
2. Terminate lease for Duck Creek Gravel Pit, Leaseholder rehab site under State bond and direction. FS not operate as a commercial gravel pit.	1st Amendment to Option, 7/2004	4	4	lease termination and rehabilitation objectives met.
3. Gallatin County abandon its rights to E-W County Road across property.	1st Amendment to Option, 7/2004	4	4	completed
4. Remove Bryars residence from the property.	1 st Amendment to Option 7/2004	4	4	completed with thorough rehabilitation
5. Exclude Log Home site from Purchase property. Secure Right 1 st Offer. Survey, fence, sign boundary	1 st Amendment to Option 7/2004	4	4	fencing removed by Sierra Club volunteers
Duck Creek Wetlands Treatment Objective Accomplishment				
1. From Bryers property remove leased house, cabin, and all associated improvements. Driveway must be ripped and seeded. (3/18/04 memo allows leaving house foundation,	Memo to TPL 3/18/2004	5	4	exceeded requirements of the objective since the foundation was rehabilitated.



well, septic system, buried utility lines but all concrete must be buried 2 feet.).				
2. Gravel Pit area remove wire, culvert pieces, cable, metal scraps, scale, scale shack, fence, waste asphalt, containers. Harrow soil to uncover other debris.	Memo to TPL 5/13/2004	4	4	-TPL negotiated removal with landowners who met the removal requirements -HAZMAT/ asphalt removed -completed with State bond and directions
3. Residential Subdivision-road easement held by A&B Partners for E-W Road. Request A&B to terminate and accept a replacement Easement from FS. Parties agreed that any other vehicle use of the E-W road across NFS lands, beyond the end of existing county road, requires authorization from FS.	1 st Amendment to Option, 7/2004.	4	3	E-W road east of the abandoned and rehabilitated -use of the remaining E-W road and the “old reservoir” road which runs N-S is higher than planned, primarily from subdivision use



The Hilgard Log Home business was excluded from the purchase so this small business can remain in operation. A “right of first offer” from Blair Anderson to TPL for purchase in the future.



Bryers property on 7/25/06. The leased house, cabin, and all associated improvements were removed, driveway ripped and seeded and well and septic system decommissioned. The (3/18/04) memo to TPL for the GNF FS allows leaving house foundation which was removed thereby exceeding the disposition requirements



Bob Dennee at the Duck Creek wetlands gravel pit area site on 7/25/06. The gravel pit required considerable reclamation including removing wire, culvert pieces, cable, metal scraps, scale, scale shack, fence, waste asphalt, and containers. The pit was shaped, then harrowed and reseeded. The high water table in the pit has formed a pond with potential for tree/shrub planting, fish introduction, and recreation facilities.

Conclusions

1. Overall, the Duck Creek wetland purchase has been a very successful effort.
2. The partnerships with TPL, Gallatin County Commissioners, and the Duck Creek Partners LLC, have been essential to the completion of the purchase.
3. No additional work is needed on the east part of the E-W road.
4. Weed densities over much of the Duck Creek purchase are substantial.

Recommendations

1. For that segment of road extending east from the end of the County Road to a residential area, continue to pursue the grant of a FLPMA Road easement to A&B Trust, to replace the existing road easement previously granted by Duck Creek Partners, LLC.
2. The gravel pit should not be re-opened for gravel extraction purposes. The Hegben District staff does not recommend managing the gravel pit area as an emphasized recreation area such as for duck hunting, swimming, or fishing. The gravel pit may provide amphibian habitat and pending surveys may warrant some shoreline re-vegetation. The gravel pit may provide utility for a temporary brood pond for westslope cutthroat (pending survey/evaluation) but not open to public fishing.
3. Several fences need to be removed or replaced with “wildlife friendly” (non-barb wire) construction.
4. Continue to pursue sources of additional funding (such as the 1% fund) to the GNF weeds program to treat weeds in the Duck Creek purchase.
5. Continue to work with volunteer groups for additional reclamation, fence removal, weed treatments, and in development of a gravel pit/pond management plan.
6. Old access points to parts of the Duck Creek Purchase should be closed to be consistent with the non-motorized management of much of the purchase.
7. The trailhead needs to be improved along with information/travel management signs at the end of the motorized access point near the bluff on the north side of Duck Creek.