DECISION NOTICE
HIRSCHY RANCH EASEMENT ACQUISITION
Prepared by Region 3, Montana Fish, Wildlife & Parks
December 1, 1997

PROPOSAL

The proposed action is for Montana Fish, Wildlife & Parks (FWP) to purchase and monitor a conservation easement on a portion of the Hirschy Ranch. The proposal includes purchase of an easement on 9468.75 acres from Jack Hirschy Livestock, Inc., and acceptance of the donation of an easement on 1360 acres owned by Fred & Lynn Hirschy. The easement would include all of the habitat types on the ranch deemed important for protection. FWP would purchase the conservation easement for $1,400,000 with funds from the Habitat Montana Program, which are derived primarily from non resident hunting license fees.

The specific terms of the easement in their entirety are contained in a separate legal document which is the "Deed of Conservation Easement". This document lists FWP's and the landowner's rights under the terms of the easement as well as restrictions on landowner's activities. The rights of both parties and restrictions on some landowner activities were negotiated with and agreed to by the landowner. The intent of these rights and restrictions are to preserve important wildlife habitats in perpetuity while maintaining current and historic agricultural uses of this property.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

FWP is required to assess impacts to the human and physical environment. The Hirschy Easement proposal and its effects were documented by FWP in an Environmental Assessment to satisfy the Montana Environmental Policy Act (MEPA).

A 27 day public comment period ran from October 31, 1997 through November 26, 1997. Public notices of the proposed action were run in area newspapers and a public hearing was held at the Forest Service Conference Room in Dillon on November 12, 1997. Approximately 64 copies of the Environmental Assessment were mailed out to adjacent landowners, sportsman groups,government agencies and other interested parties.

No new significant issues were generated during the public comment period and several minor revisions were made to the Draft EA. The Draft EA and this Decision Notice will serve as the final document.

ISSUES RAISED IN THE ENVIRONMENTAL ASSESSMENT (EA)

The EA lists the issues in detail. These include effects of the proposed conservation easement and potential consequences if an easement is not established on the Hirschy Property. Land immediately south of the Hirschy Ranch is being subdivided. Subdivision and/or a change in the historic

Beaver head

agricultural use of the land which included public recreation are the greatest threats to the traditional use of this land.

Values on the Hirschy Ranch which would be protected in perpetuity by the conservation easement but might otherwise be threatened include: valuable wildlife and habitat resources; public hunting access on the Hirschy Ranch and adjacent public lands; aesthetic values; and traditional use of the land as a productive family-owned ranch. An easement would require additional monitoring by FWP including periodic inspections and meetings with the landowner but would have no impact on local tax revenues.

SUMMARY OF PUBLIC COMMENTS

We received a total of 18 comments including 7 written and 11 verbal during the public hearing. A summary of the comments follows.

Written Comments

All of the verbal comments recorded at the public hearing were very supportive of the Hirschy easement. Written comments from the public were also overwhelming in favor of the proposal. A number of written comments emphasized the importance of maintaining wildlife habitat values and public access on the Hirschy Ranch. A number of comments stressed the importance of maintaining the existing land use (as opposed to residential development) and preserving a family ranch operation for future generations. Additional comments reported how the Hirschy Ranch has historically allowed access to sportsmen, provided habitat for wildlife, and maintained a strong conservation mindedness. One comment stated, "This is an excellent example of sportsman's dollars being used to protect wildlife habitat while preserving the ranching and agricultural landscape at the same time."

Another written comment stated that "We should do more acquisition (easements) even if we have to raise license fees. Its a great way to protect our future resources."

Still another written comment recorded "I would gladly pay more money for a license that increased funding for the easement program".

1. Comment: A written response from DNCR identified several mistakes in the EA, which depicted DNRC land as Hirschy deeded land.

FWP Response: DNRC was correct in both cases, and those corrections have been made.

2. Comment: DNRC stated that public use of the road located at T4S R15W Sec. 14 and 15 was not authorized.

FWP Response: Public access through T4S R15W Sec. 15 was authorized by DNRC in 1996 (October 18, 1996 memo). However, that open designation failed to be placed on the updated Interagency Travel Plan map, thus creating the confusion. The road location in Section 14 borders Hirschy and DNRC property. However, access across DNRC land is not a part of the easement. If vehicle access

in the future is not allowed across DNRC land, the alternative parking area is accessible across Hirschy property.

3. Comment: DNRC contends that FWP failed to note that access through DNRC lands in T4S R16W Sec. 23 (SW¼) is closed to public access.

FWP Response: As noted on page 5 in the Management Plan, "all public access to the Big Hole parcel is from the Foothills Road," which is administered by the Forest Service and Bureau of Land Management. Access to the Big Hole parcel across school trust lands is not being considered as part of this easement.

4. Comment: DNRC questioned whether a gravel pit was to be allowed in the easement.

FWP Response: Hirschy's and subsequent landowners would be allowed to utilize an existing small gravel pit for use on their private land.

5. Comment: DNRC noted a discrepancy in the location of the alternate parking area on the east side parcels.

FWP Response: The correct location of the alternate parking area is in Sec. 23 as noted in Figure 3. The identification of the alternate parking area is Sect. 22 on page 14 of the EA was incorrect.

6. Comment: DNRC questioned whether conservation easements could have some influence on the future management use and development of the surface of adjoining state trust lands and thereby have on uncompensated effect on the value of the state school asset.

FWP Response: The proposed action restricts the real property interests owned by Jack Hirschy Livestock, Inc. and Fred and Lynn Hirschy. The rights of neighboring landowners are not restricted. The management use and development of adjoining state trust lands is not restricted in the easement. The proposed action may not have measurable effects upon the value of adjoining state trust, or the proposed action may enhance the value of the adjoining school trust lands. It is also possible that these impacts, if any, will change over time.

Public Hearing

A public hearing was held at the Forest Service Conference in Dillon on November 12, 1997. A total of 14 people attended of which 8 provided formal testimony. All of the testimonies supported the easement proposal. Major points made during the testimonies were discussed earlier in this Decision Notice.

DECISION

Utilizing the EA and public comment, a decision must be rendered by FWP which addresses the concerns and issues identified for this proposed easement.

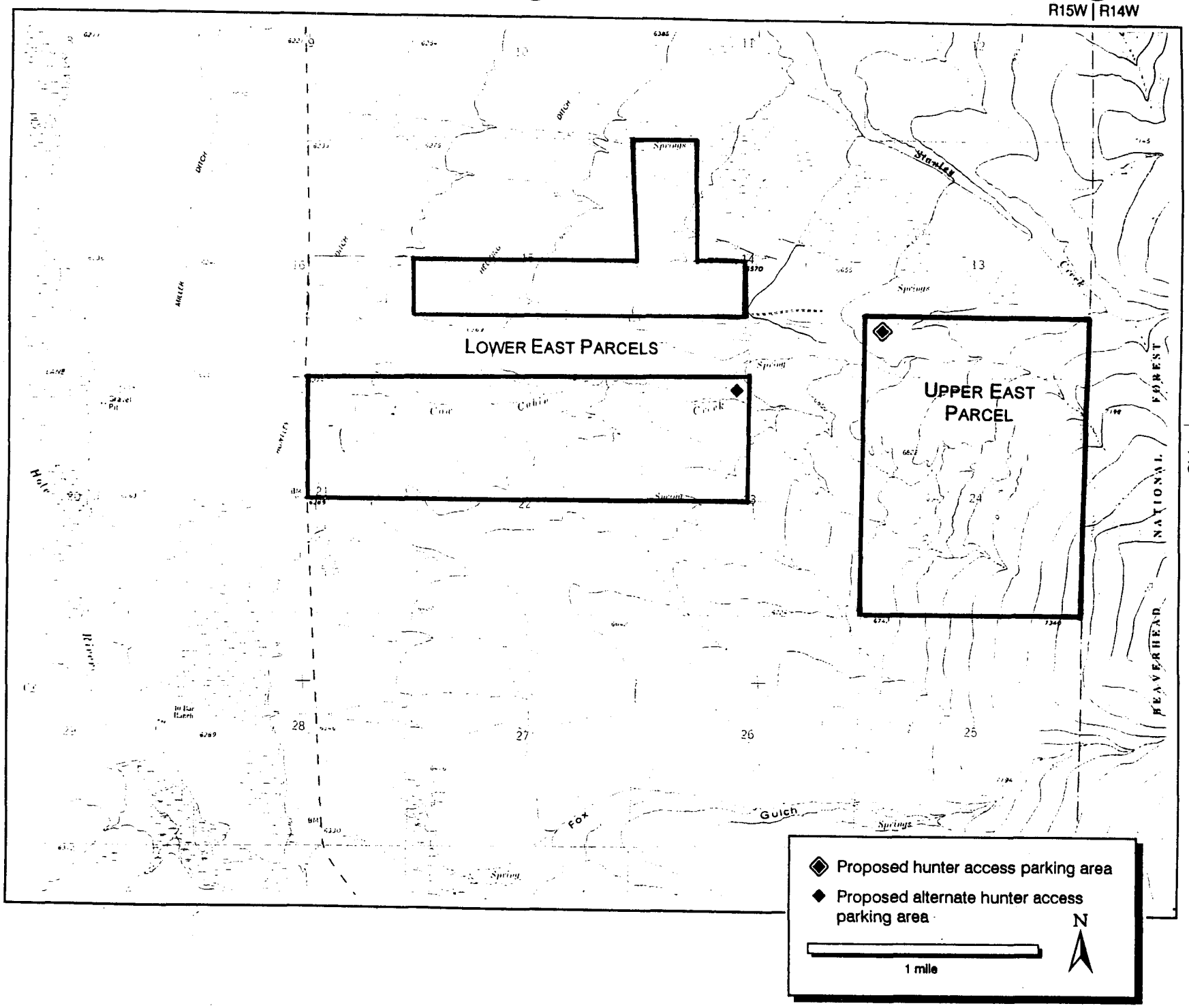
Given the choice, both FWP's analysis and public input strongly support preserving existing land use on the Hirschy Ranch over risking possible land use changes. The Hirschy Ranch contains a diversity of habitats and supports a unique mix of game and non-game wildlife species. A tradition of public hunting has developed on the Hirschy Ranch over many years. All of these valuable resources may be threatened by land use changes which are presently occurring throughout Montana. A conservation easement would guarantee historical uses of the Hirschy Ranch by wildlife, ranchers, and the public would be maintained in perpetuity.

After review of this proposal and the corresponding public support, it is my recommendation to purchase a conservation easement on the Hirschy Ranch subject to approval by the FWP Commission.

Stephen L. Lewis by JSP

Stephen L. Lewis
Regional Supervisor
Bozeman, MT
December 1, 1997

Figure 2. East Side Parcels



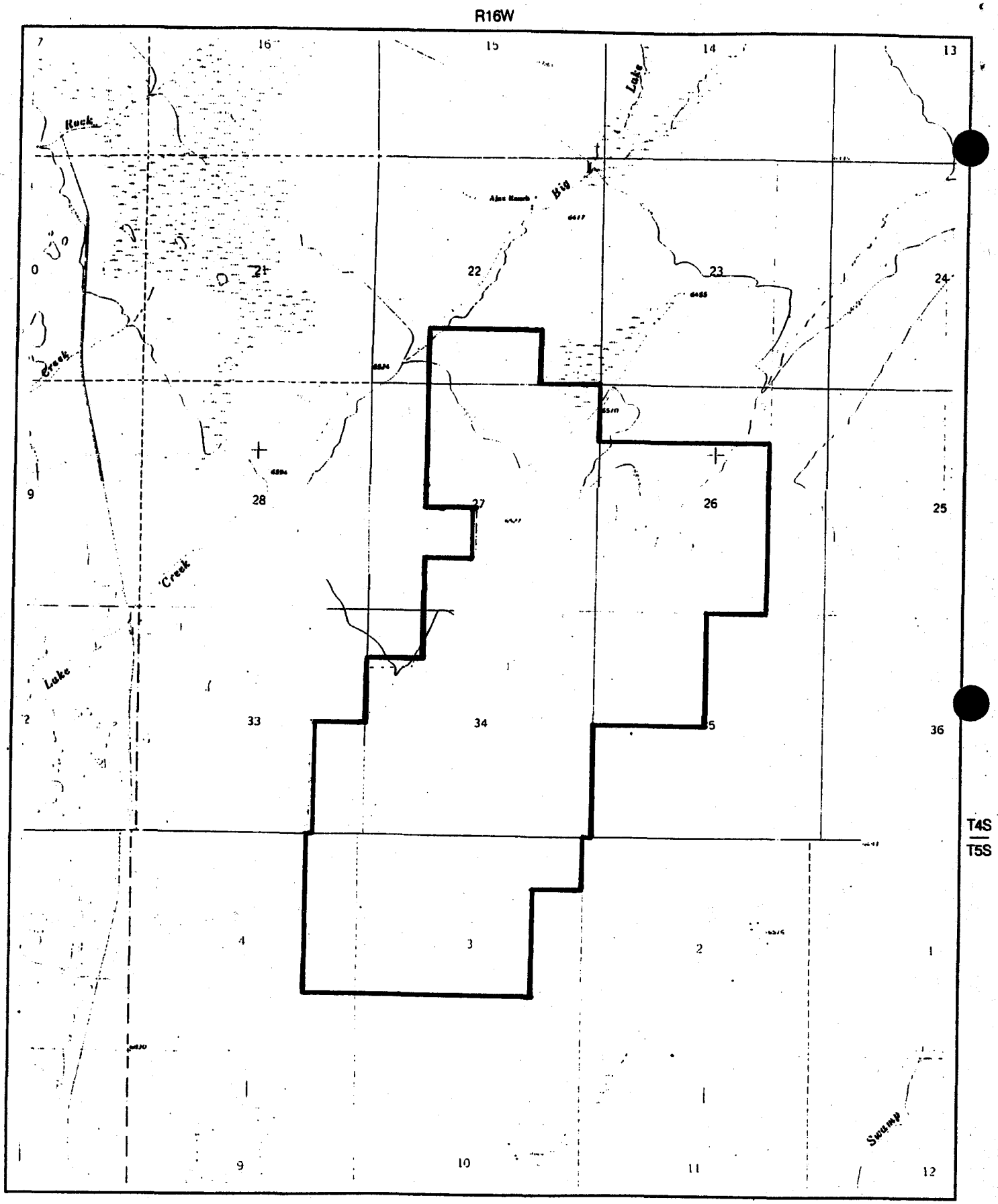


Figure 3. Big Hole Parcel

1 mile

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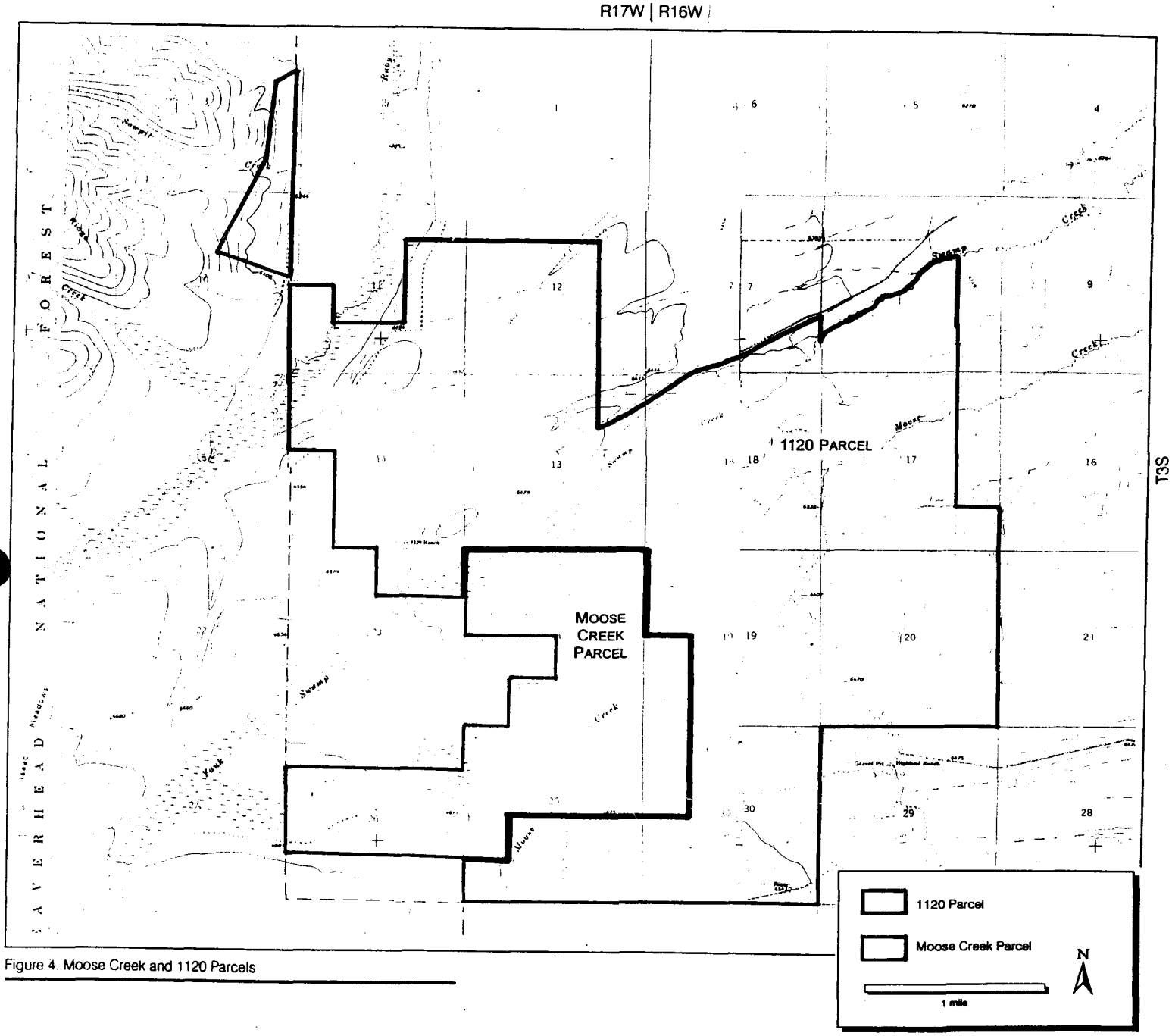

Figure 4. Moose Creek and 1120 Parcels