



# Montana Fish, Wildlife & Parks

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LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

1400 South 19<sup>th</sup> Avenue  
Bozeman, MT 59718

To: Governor's Office, Todd O'Hair, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704  
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901  
Montana Fish, Wildlife & Parks:

Director's Office	Parks Division	Lands Section	FWP Commissioners
Fisheries Division	Legal Unit	Wildlife Division	Design & Construction

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202  
MT State Parks Association, P.O. Box 699, Billings, MT 59103  
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620  
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624  
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624  
Jennifer Towler, Sacajawea Audubon Society, P.O. Box 1711, Bozeman, MT 59771  
George Ochenski, P.O. Box 689, Helena, MT 59624  
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771  
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624  
Wayne Hurst, P.O. Box 728, Libby, MT 59923  
Bob Raney, 112 S. 6<sup>th</sup> St., Livingston, MT 59047

Ladies and Gentlemen:

The enclosed Environmental Assessment (EA) has been prepared for a proposed expansion of the Dillon – Twin Bridges Sandhill Crane hunting area. The expansion would include an area between Cardwell and Twin Bridges, Montana. Montana Fish, Wildlife & Parks invites you to comment on the attached proposal. The public comment period will run from Wednesday, March 15, 2004 to 5:00 p.m., Thursday, April 15, 2004. Comments should be sent to the following:

Montana Fish, Wildlife & Parks  
c/o Sandhill Crane Expansion  
1400 South 19<sup>th</sup> Avenue  
Bozeman, MT 59718

Or e-mailed to: [bbrannon@state.mt.us](mailto:bbrannon@state.mt.us)

Sincerely,

Patrick J. Flowers  
Region Three Supervisor

Attachment

**Montana Fish, Wildlife & Parks**  
1400 S 19th Ave, Bozeman, MT 59718-5496  
(406) 994-4042

**ENVIRONMENTAL ASSESSMENT CHECKLIST**

**PART 1. PROPOSED ACTION DESCRIPTION**

Project Title: Expansion of Dillon/Twin Bridges Sandhill Crane hunting area

Application Date: March 15, 2004

Project Location: Twin Bridges to Whitehall area

**Description of Project:** Expansion of the Dillon/Twin Bridges RMP (Rocky Mountain Population) Sandhill Crane hunting area is proposed to allow the harvest of cranes occupying the area between Cardwell and Twin Bridges along the Jefferson River during the premigration staging period in the fall. With this expansion, we are not suggesting any change in the number of permits offered. The area to be included is depicted in the attached map. The proposed description of the legal hunting area is described here with the proposed additions bolded and italicized.

Proposed RMP Crane Hunt Zone  
Beaverhead – Jefferson River Legal Description

That portion of Beaverhead and Madison counties lying within the following described boundaries:

Beginning at Dillon, thence northerly along US Hwy 91 to its intersection with the Big Hole River at Brown's Bridge north of Glen, thence southeasterly and northeasterly along the Big Hole River to High Road, thence east along High Road to State Highway 41, thence east along said highway to the Beaverhead River, ***thence north along said river to the Jefferson River and north along the Jefferson River to the Ironrod Bridge, thence northeasterly along State Highway 41 to the junction with State Highway 55, thence northeasterly along said highway to the junction with Interstate Highway 90 (I-90), thence east along I-90 to Cardwell and Route 359, thence south along Route 359 to the Point of Rocks Road, thence southwesterly along the Point of Rocks Road to Bayers Lane, thence southwesterly along Bayers Lane to State Highway 41, thence east along State Highway 41 to the Beaverhead River***, thence south along the Beaverhead River to the mouth of the Ruby River, thence southeasterly along the Ruby River to the East Bench Road, thence southwesterly along the East Bench Road to the East Bench Canal, thence southwesterly along said canal to the Sweetwater Road, thence west along Sweetwater Road to Dillon, the point of beginning.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

U.S. Fish and Wildlife Service  
Pacific Flyway Council

## **PART 2. ENVIRONMENTAL REVIEW**

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X			Limited harvest and redistribution of Sandhill Cranes
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity, and quality				X		
5. Water quality, quantity, and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy			X			Minor impacts from additional hunter use of lands may occur
11. Aesthetics			X			Hunting of cranes may be aesthetically unappealing to some people.

### **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat			X			Cranes may be less visible to the viewing public during those limited times when they are being hunted.
3. Local and state tax base and tax revenue				X		
4. Agricultural production			X			An increasing number of Sandhill Cranes cause some degree of depredation to private crops. This action could allow for a reduction in this damage because of the potential to disperse birds off these areas.
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities			X			Improved opportunity for hunting of cranes would be provided.
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services			X			Limited additional resources would be required to monitor harvest because the number of permits would remain the same but would be used over a wider area where there are more cranes.
11. Industrial and/or commercial activity				X		

**Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

**Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur?**

No

**Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?**

No

**Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:**

No Action Alternative: An increasing number (approximately 300, based on ground observations in fall 2003) of Sandhill Cranes are using the area from Cardwell to Twin Bridges for premigration staging. These birds cause some degree of depredation to private croplands in the area. Continuing to exclude this area from legal hunting of cranes would allow this damage, though limited to date, to continue. Excluding this area would also prevent the potential to reduce damage through hunting of these birds. Additional opportunity could not be provided to the limited number of hunters holding crane permits to hunt in a larger area with more birds. Hunters would continue to have to hunt in the smaller area with fewer birds.

**Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

A limited number of permits for hunting of sandhill cranes would be available through special drawing. Table 3 provides a summary of past years counts of Sandhill Cranes in the Dillon/Twin Bridges area. Also, note the number of birds counted in the Whitehall area. These represent those additional birds that would be available for hunter harvest if the proposed action were approved. Table 4 presents past license numbers and estimated harvest for the past ten years.

Table 3. Dillon/Twin Bridges Sandhill Crane Annual Aerial Survey Results

Year	Twin Bridges/Dillon	Whitehall	TOTAL
2003	1681	111	1792
2002	1350	169	1519
2001	1918	152	2070
2000	1058	149	1207
1999	1464	56	1520
1998	N/A	N/A	0
1997	1334	N/A	1334
1996	1916	N/A	1916
1995	971	N/A	971
1994	2291	70	2361
1993	1625	120	1745
1992	2568	142	2710
1991	2101	N/A	2101
1990	1892	N/A	1892

Table 4. Dillon/Twin Bridges Sandhill Crane Annual License Quota and Estimated Harvest

Year	# of Licenses	Estimated Harvest
2003	35	19
2002	50	18
2001	100	47
2000	100	N/A
1999	65	N/A
1998	65	N/A
1997	65	N/A
1996	65	39
1995	65	34
1994	65	36

N/A indicates data is unavailable

**Individuals or groups contributing to, or commenting on, this EA:**

**EA prepared by:** \_\_\_\_\_ Bob Brannon \_\_\_\_\_.

**Date Completed:** \_\_\_\_\_ March 15, 2004 \_\_\_\_\_.

**Email address for comments:** \_\_\_\_\_ bbrannon@state.mt.us \_\_\_\_\_.

**Mail comments to:** Montana Fish, Wildlife & Parks  
c/o Sandhill Crane Expansion  
1400 S. 19<sup>th</sup>  
Bozeman, MT 59718

**Comments due by:** \_\_\_\_\_ April 15, 2004 \_\_\_\_\_.

## APPENDIX A

### PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

***(LIST ANY MITIGATION OR STIPULATIONS REQUIRED, OR NOTE "NONE")***

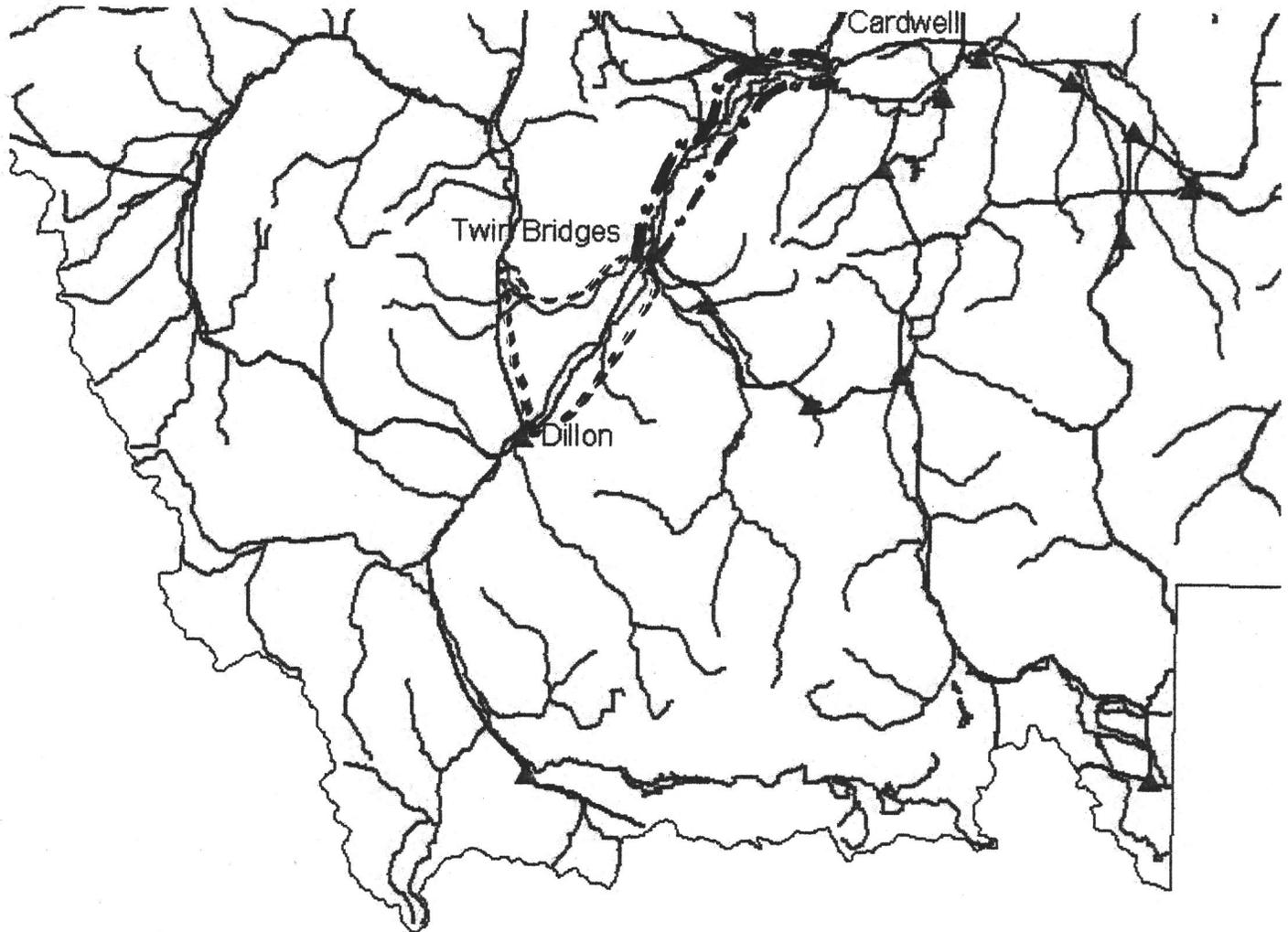
**DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS  
UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?**

YES	NO	
_____	<u>  X  </u>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
_____	<u>  X  </u>	2. Does the action result in either a permanent or indefinite physical occupation of private property?
_____	<u>  X  </u>	3. Does the action deprive the owner of all economically viable uses of the property?
_____	<u>  X  </u>	4. Does the action deny a fundamental attribute of ownership?
_____	<u>  X  </u>	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is <b>NO</b> , skip questions 5a and 5b and continue with question 6.]
_____	_____	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
_____	_____	5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
_____	<u>  X  </u>	6. Does the action have a severe impact on the value of the property?
_____	<u>  X  </u>	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is <b>NO</b> , do not answer questions 7a-7c.]
_____	_____	7a. Is the impact of government action direct, peculiar, and significant?
_____	_____	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
_____	_____	7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

# Sandhill Crane Hunting Area



Current Hunting Area    - - - -  
Proposed Hunting Area    — • —

