Montana Fish, Wildlife & Parks

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Sweeney Fur Farm License
Lolo, MT
Decision Notice

Proposed Action

Montana Fish, Wildlife and Parks (FWP) received an application dated April 26, 2010, from Lindsey Sweeney for a commercial Fur Farm License to raise and sell domestic Bobcats to the public. The proposed Fur Farm facility would be located at 10055 Valley Grove, Lolo, Missoula County, MT.

FWP proposes to issue a Fur Farm License to Ms. Sweeney whose address is 10055 Valley Grove, Lolo, MT. The license will allow the possession of captive-reared Bobcats, lawfully obtained from a licensed dealer, for propagation and for sale of their off-spring to the general public.

Prior to FWP issuing this license, Ms. Sweeney must be in compliance with all applicable FWP Fur Farm rules and regulations, as well as any applicable Missoula County regulations and must obtain a Missoula County Home Occupation License. It is Ms. Sweeney's responsibility to keep current with any changes in the laws or regulations.

Montana Environmental Policy Act

FWP assessed the impacts of this proposal to both the human and physical environments. These effects were disclosed in the Environmental Assessment (EA) to comply with the requirements of the Montana Environmental Policy Act.

The EA was available during a public comment period from May 24 through June 4, 2010. Public notification of the proposed action was facilitated with the publication of a legal notice in the *Missoulian* and *Ravalli Republic* newspapers, and the EA was available on the FWP website at http://fwp.mt.gov/ ("Recent Public Notices") during the comment period. Copies of the EA were hand delivered to the surrounding neighbors by FWP personnel, and copies of the EA (or email notification of its availability) were sent to interested groups and agencies.

Comments received on the Environmental Assessment

FWP received four comments from the public and one comment from the Missoula County Commissioners.

All four of the comments from the public were against issuance of a Fur Farm License. Three of those four comments centered on the raising of wild Bobcats in cages for pelting and subsequent sale of the pelts in the fur trade, or selling the offspring for pets.

The fourth public comment questioned Ms. Sweeney's ability to adequately control Bobcats in her possession and indicated that there are Restrictive Covenants in place that prohibit commercial operations in the residential subdivision (Valley Grove) where the Fur Farm is proposed.

The final (fifth) comment was from the Missoula County Commissioner's office and centered on the proposed zoning district that was being considered for an area of Missoula County that includes Ms. Sweeney's residence and proposed Fur Farm location. The Missoula County Attorney's office and the Missoula Office of Planning and Grants determined that a "fur farm" would fit into the "home occupation" category within the zoning district's regulations and could be allowed under certain restrictive conditions, as discussed below.

FWP response to public comments

Fur Farms, or any individuals for that matter, are prohibited from capturing free-ranging native Bobcats and keeping them in their possession. All breeding stock for Fur Farms must come from a currently licensed Fur Farm facility either in Montana or from a state that licenses such commercial endeavors. Ms. Sweeney's stated purpose for her Fur Farm is to raise Bobcats to propagate off-spring for eventual sale to the public as pets. She states that she does not intend to pelt Bobcats for the commercial fur industry. Fur Farms--whether for the purpose of pelting adult Bobcats or selling of live Bobcats--are allowed by Montana law (§ 87-4-1002, MCA) and are regulated by the laws under that section as well as by the Administrative Rules of Montana (ARM 12.6.1702).

FWP recognizes that there could be a potential civil issue relative to the Restrictive Covenants for Ms. Sweeney's subdivision, but we note that FWP does not have the legal authority to enforce or administer civil covenants. However, FWP would adhere to any judicial ruling with regards to the administration of the Covenants, should the issue be brought to the judicial system.

Missoula County determined that a "fur farm" license can be issued in compliance with local zoning if FWP were to permit/license Ms. Sweeney to only have four (4) or fewer adult Bobcats. Missoula County also commented that a Missoula County Home Occupation License (authorization) must also be completed and approved by the Missoula Office of Planning and Grants prior to the establishment of the farm.

Final Environmental Assessment for Fur Farm

Although minor impacts were identified, no potentially significant impacts to the human or physical environment were identified in the EA or through public comment. The EA and this decision notice with all applicable mitigation measures for licensing will serve as the final EA document.

Mitigation measures included for this Fur Farm License

1. FWP has the right and responsibility under § 87-4-806, MCA, to conduct periodic inspections of Fur Farms. Inspections by the USDA (with which Ms. Sweeney has a license) will assure the welfare of the animals housed on site.

2. Prior to the issuance of a Fur Farm License to Ms. Sweeney, she will provide proof to FWP that she has received a Home Occupation License or authorization from Missoula County (Office of Planning & Grants), as required by the Missoula County Zoning Regulations. FWP will keep this proof on file. If this Home Occupation License has to be renewed each year (or periodically), Ms. Sweeney will provide a current copy of her Home Occupation License prior to annual renewal of her Fur Farm License.

3. In accordance with the Missoula County Zoning requirements, Ms. Sweeney's Fur Farm will be licensed for no more than four (4) adult Bobcats. The off-spring will not be counted since they are to be sold to the general public.

4. Any increase in the number of adult Bobcats requested by Ms. Sweeney for her facility will have to be granted by Missoula County in accordance with its zoning requirements, prior to her requesting a change in the number (4) of Bobcats that will be allowed under her Fur Farm License.

Decision

Based on the information in the EA, it is my decision to proceed with the proposed action. The proposed action is to issue a Fur Farm License to Lindsey Sweeney for the location at 10055 Valley Grove, Lolo, MT. The issuance of the Fur Farm License is subject to FWP's final inspection upon completion of the facility and to Ms. Sweeney providing a copy of her Missoula County Home Occupation License or authorization to FWP.

Based on the analysis in the EA and applicable laws, regulations and policies, I have determined that this action will not have a significant effect on human or physical environment. Therefore, I conclude that the EA is the appropriate level of analysis, and an Environmental Impact Statement is not necessary. If you have questions regarding this decision notice, please contact me at the address on page 1.

Mack Long
Region 2 Supervisor

7/22/10
Date