

1400 South 19th Avenue
Bozeman, MT 59718

August 3, 2010

To: Governor's Office, Mike Volesky, 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
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
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

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

Jack Jones, 3014 Irene St., Butte, MT 59701

Todd Tash, 1532 Highway 278, Dillon, MT 59725

John Erb, 540 Skyline Drive, Dillon, MT 59725

Harris Wheat, P.O. Box 711, Dillon, MT 59725

Paul Godecke, 2312 MT Highway 91 South, Dillon, MT 59725

Roscoe Pilon, 1425 Carrigan Lane, Dillon, MT 59725

Tom & Becky Miller, 1250 Carrigan Lane, Dillon, MT 59725

Beaverhead County Commissioners, County Courthouse, 2 South Pacific St., Dillon, MT 59725

Beaverhead Outdoors Association, P.O. Box 1401, Dillon, MT 59725

Skyline Sportsmen Association, P.O. Box 173, Butte, MT 59701

Bert Otis, P.O. Box 60, Emigrant, MT 59727

Pheasants Forever, Beaverhead Chapter, Dillon, MT. Paul McGinnis

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for the Poindexter Slough Fishing Access Site Habitat Enhancement. The project proposes to address infrastructure by replacing a bridge and up to 0.8 miles of boundary fence plus create dense nesting cover, food plots and a shelterbelt for the benefit of upland birds and waterfowl. Seven public comments were received during a 30-day comment period ending July 28, 2010.

It is my decision to proceed with the proposed project, with no changes to the Draft EA. This decision is subject to appeal for 30 days from the date on this letter.

Questions regarding this Decision Notice should be mailed to:

Montana Fish, Wildlife & Parks
Poindexter Comments
730 North Montana St.

Dillon, MT 59725

Or e-mailed to: cfager@mt.gov

Sincerely,

A handwritten signature in blue ink that reads "Jerry Walker". The signature is written in a cursive style with a blue highlight effect.

Jerry Walker
Regional Parks Manager

Attachment

Poindexter Slough Fishing Access Site Habitat Enhancement

Environmental Assessment Decision Notice

Montana Fish, Wildlife & Parks

Region 3, Bozeman

August 3, 2010

Proposed Action

Montana Fish, Wildlife & Parks (FWP), in cooperation with the Beaverhead Chapter of Pheasants Forever, proposed to systematically modify upland habitat for the benefit of upland birds, waterfowl and other wildlife. Several specific projects were proposed within the 340 acre portion of Poindexter Slough Fishing Access Site (FAS) north and west of Interstate 15. Specific projects under the proposed action include:

1. The construction of up to 0.8 miles of boundary fence.
2. The replacement of a small bridge to a tributary of Poindexter Slough.
3. The conversion of approximately 150 acres of old hayfields to dense nesting cover.
4. The interspersing of food plots throughout the project.
5. The planting of a shelterbelt complex.
6. Restrictions on dogs off leash with the habitat enhancement project.

FWP proposed two alternatives to the proposed action:

Alternative A-No Action: FWP and Pheasants Forever would not undertake alteration of the habitat for the benefit of upland birds or other wildlife. The upland cover on Poindexter Slough FAS would remain nesting cover and food limited, and would not function as a significant production area for any of the species the proposed action would benefit. The fence and bridge project elements would become the sole responsibility of the Parks Division and the Fisheries Bureau.

Alternative B-Comprehensive Habitat Improvement: This alternative would apply habitat enhancements-nesting cover and food plots- to the entire 408 acres of Poindexter Slough FAS. The irrigation system and accompanying water rights would be fully utilized to enhance waterfowl production and maximize crop potential for the benefit of wildlife cover, food, and potential sharecropping. Several constraints to this alternative were noted in the EA, including the narrow FWP ownership patterns on the FAS on the east side of Interstate 15, manpower limitations, and the constant recreation in the vicinity of the FAS parking lots.

Montana Environmental Policy Act

FWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environments. In compliance with MEPA, and Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on June 28, 2010.

Public comments on the proposed action were taken for 30 days (through July 28, 2010). The EA was mailed to 24 individuals and groups, and legal notices were printed in the *Montana Standard* and the *Dillon Tribune*. The EA was also posted on the FWP webpage.

Summary of Public Comment

Six individuals or organizations provided seven comments during the 30-day review period.

Comment 1: The State Historic Preservation Office recommended a cultural resource inventory be conducted to determine whether or not cultural sites exist and if they will be impacted by the proposed action.

Response: A Class III cultural inventory will be completed prior to undertaking any ground disturbing activity. The estimated cost of the survey is \$4000-5000 and the survey will be completed in several phases to spread out the financial impacts to the upland game bird program, Pheasants Forever and other FWP divisions. Conducting the survey in several phases will also allow for more accurate mapping of habitat suitable for mechanical enhancement. Portions of Poindexter Slough FAS have an extremely high water table and not suitable for mechanical enhancement and would therefore not need to be inventoried for cultural resources.

Comment 2: The Beaverhead Chapter of Pheasants Forever stated their support for the project and the benefits it would have for all wildlife. They mentioned possibly working with Ducks Unlimited to enhance wetlands on the FAS for the benefit of waterfowl and upland birds.

Response: The comment in support of the project is noted. There is some potential to expand wetlands within the project area and FWP will investigate this potential in the coming months with Tom Hinz, Montana Wetlands Legacy Coordinator. Any additional wetland development on the FAS would have to be fully coordinated with Fisheries Bureau staff and balanced with the need to maintain flows in Poindexter Slough. Irrigation outside of the needs of the proposed shelterbelt were not fully analyzed in the EA beyond stating that manpower needs and the costs of maintaining the irrigation system are beyond the means of both FWP and Pheasants Forever. Additional wetland development on this project will require additional MEPA analysis and additional funding sources.

Comment 3: A citizen and two neighboring landowners commented in support of Alternative B. The citizen also indicated that the project is a great way to improve bird habitat on public land.

Response: Alternative B would apply habitat enhancement on the entire 408 acres of Poindexter Slough FAS. The irregular and narrow FWP ownership patterns on the east side of Interstate 15 would add less than 10 acres in 3 separate areas that could be mechanically manipulated for the benefit of upland birds. Cooperative agreements for habitat enhancement on adjacent private lands would be a prerequisite to working on the east side of the project. This alternative is also constrained by limited manpower and costs associated with irrigation, plus intense recreation on the east side of the project that would be difficult to manage during nesting season. Any additional wetland development would require further environmental review, funding, and careful consideration of impacts to the fisheries objectives for the site.

Comment 4: Two neighboring landowners provided four recommended modifications to Alternative B. The first recommends a more comprehensive weed control program in partnership with the Beaverhead

County Weed Control District. The comment further points out that the plots that are farmed over the anticipated 5-year implementation phase of the project will necessitate further weed control.

Response: FWP acknowledges that weeds are a significant management issue on Poindexter FAS. Weed management on the site is the responsibility of the Parks Division and they have established a partnership with Beaverhead County. This partnership includes \$5000 in payments for county weed control efforts at all fishing access sites and dedicated weed control funding of about \$1000-1500 on Poindexter FAS the last 2 years. The Wildlife Bureau, through the Upland Game Bird Habitat Enhancement Program, and Pheasants Forever have the financial resources to manage weeds in the acres that will be farmed for dense nesting cover, food plots and shelterbelts. We also recognize that weeds are a much larger issue across the entire FAS and are willing to help control weeds for the benefit of both habitat and for fostering good neighbor relationships.

Comment 5: The second recommended modification to Alternative B concerns boundary fences. The comment is that all boundary fences either need attention or need to be replaced.

Response: FWP acknowledges that boundary fences are in need of repair or replacement on the majority of the project. In May of 2010 FWP repaired significant stretches of fence along the Beaverhead River as part of a regional work day. Other portions of the river, up to 0.8 miles, will be fenced as part of the habitat enhancement project. The balance of the boundary fence will be repaired until it can be replaced. Large scale fence replacement requires capital allocations from the Montana Legislature and so that may be several years in the future, depending on other priorities and available funding.

Comment 6: The third recommended modification to Alternative B concerns internal fences. The comment is that all unused internal fences in disrepair should be removed in accordance with state law.

Response: FWP agrees that the internal fences on Poindexter FAS should be removed. Existing internal fences are primarily netwire and pose significant barriers to wildlife movement, unnecessary hazards to people and are an impediment to the planned habitat enhancements. To this end approximately ½ mile of fence was removed during the regional work day in May 2010. The Wildlife Bureau and Pheasants Forever are working with the Montana Youth Challenge Program on a workday to remove the balance of internal fences.

Comment 7: The fourth recommended modification to Alternative B concerns livestock grazing and share cropping. The comment is that these practices should be considered at some point in the future.

Response: Controlled livestock grazing and share cropping are outside of the scope of the EA for this project. Both activities would require further environmental review under FWP policy. A livestock grazing system on Poindexter FAS would require extensive fencing to protect riparian vegetation, water quality and upland habitat cover values that are proposed for enhancement. FWP does not have the resources to analyze or implement such a system at this time. Mowing or haying is a common practice used to restore vigor in upland conservation seedings. Sharecropping may become necessary to maintain or replace upland cover plantings as they mature, particularly if funds are not available for other, more intensive practices. FWP will continue to evaluate the need for share cropping and will implement any such program in an equitable manner, if it becomes necessary. FWP and Pheasants Forever will also seek local farmers to implement and maintain dense nesting cover, food plots and a shelter belt on a per acre fee schedule as the project is developed.

Final Environmental Assessment

Several public comments identified long-standing management issues related to weeds, fences and commercial activity (livestock grazing, share cropping) on Poindexter FAS. The infrastructure and habitat enhancements proposed by the Wildlife Bureau and Pheasants Forever would provide substantial assistance to the Parks Division in managing the site for the mutual benefit of fish, wildlife, and general recreation values, but cannot address all of the management issues on the site. Alternative B- Comprehensive Habitat Improvement-was supported by some comments as the preferred alternative. This alternative is currently constrained by manpower, available funding, and the narrow FWP ownership patterns on the west side of Interstate 15. FWP is willing to look at the whole site if additional funding is available, or if additional acreage adjacent to Poindexter becomes available for habitat improvement. There are no modifications necessary to the Draft Environmental Assessment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal. The project remains subject to a Class III cultural inventory.

Decision

Based on the Environmental Assessment, public comment, and the fish and wildlife management objectives for Poindexter FAS, it is my decision that the proposed habitat enhancements have no significant impacts on the physical and human environments. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

Appeal Process

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed plan, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620

This decision notice along with the original EA will be posted on the FWP website: www.fwp.mt.gov



August 3, 2010

Jerry Walker
Regional Parks Manager

Date