Montana Fish, Wildlife & Parks

Witt Roadside Menagerie Permit
Darby, Montana
Decision Notice

Proposed Action

Montana Fish, Wildlife and Parks (FWP) received an application on January 12, 2012, from Salima Witt for a Roadside Menagerie Permit, to keep 3 non-human primates[1] at 613 Lake Como Road, Darby, MT. If granted, the Permit would be valid through December 31, 2012, and it would require yearly renewal prior to December 31 of each coming year.

FWP proposes to issue a roadside menagerie permit to Salima Witt (Permittee), allowing her to possess the 3 exotic animals at 613 Lake Como Road, Darby, MT. The permit will be issued following inspection and approval of all cages associated (constructed) with the facility.

The Permittee must be in compliance with all applicable FWP zoo/menagerie standards and regulations. It is the Permittee's responsibility to keep up with any changes in the laws or regulations.

Montana Environmental Policy Act (MEPA)

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

The public comment period was open from April 20 through May 4, 2012. Public notification of the proposed action was facilitated with the publication of one legal notice each in the *Missoulian* (April 20) and *Ravalli Republic* (Hamilton, April 20) newspapers. The EA was posted on the FWP website (under Public Notices) during the same time period. Additionally, copies of the EA or email notification of its availability were distributed to various agencies, interested groups/citizens, and adjacent landowners.

Comments Received on the Draft EA

FWP received no comments during the public comment period.

Final Environmental Assessment for Roadside Menagerie

Although minor impacts were identified, no potentially significant impacts to the human or physical environment were identified in the Draft EA or through public comment. Alternative 3, as described in the Draft EA was selected as the preferred alternative. That preferred alternative includes suggested conditions to be attached to the permit, to help ensure that no impacts are derived from the issuance of

---

[1] One Common Squirrel Monkey (*Saimiri sciureus*), one Black-Handed Spider Monkey (*Ateles geoffroyi*), and one Celebes Crested Macaque (*Macaca nigra*).

this permit. Therefore, the Draft EA, Alternative 3, and this Decision Notice will serve as the final document.

Suggested Conditions to Be Attached to this Permit

1. If the applicant adds animals of the same species to the menagerie, FWP would require confirmation that new animals were of the same sex as those of the same species already in the menagerie. *(Addition of animals of the same species for breeding purposes would require a supplemental evaluation.)*

2. FWP has the right and responsibility under § 87-4-806, MCA to conduct periodic inspections of roadside menageries. Other state and local ordinances regarding animal welfare may also apply.

3. If the animals are to be exhibited off-site, FWP must ensure that the animals are transported to and from the exhibition locations in a suitable cage. Exhibition off-site would require authorization from FWP, and the applicant would be required to sign an indemnity agreement that indemnifies FWP should any property damage or personal injury take place. *(This is consistent with the FWP policy regarding off-site exhibition of roadside menagerie animals.)*

4. No public contact would be allowed with the animals covered under the menagerie permit unless authorization is provided on a per species basis by FWP with accompanying mitigation measures. *(This is consistent with the FWP policy regarding exhibition of roadside menagerie animals.)*

5. Because of the potential that the animals could have a diagnostic or medical need, which would require transport off-site, the applicant must provide a detailed veterinary plan, including the name and permit number of the veterinarian which shall be used, the location of the veterinarian, and a detailed plan on how the affected animal would be transported to said location.

Decision

Based on the information in the Draft EA, it is my decision to proceed with the proposed action. The proposed action is to issue a roadside menagerie permit to Salima Witt for the location at 613 Lake Como Road in Darby, MT. The issuance of this permit is subject to final inspection upon completion of construction of the project (menagerie building).

Based on the analysis in the EA and applicable laws, regulations and policies, I have determined that this action will not have significant effects on the human or physical environment. Therefore, an Environmental Impact Statement will not be prepared. If you have questions regarding this decision notice, please contact me at 3201 Spurgin Road, Missoula, MT, 59804 or phone 406-542-5500.

Mack Long
Region 2 Supervisor

5/18/12
Date