



Montana Fish, Wildlife & Parks

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November 13, 2012

To:

Governor's Office, Sheena Wilson, PO Box 200802, Helena, MT 59620*
Environmental Quality Council, Capitol Bldg, Room 106, PO Box 201704, Helena, MT 59620 *
Montana Dept. of Environmental Quality, Bonnie Lovelace , PO Box 200901, Helena, MT 59620*
Montana Fish, Wildlife & Parks*:
-Director's Office (Coleen Furthmyre) -Wildlife Division (Laura Geary)
-Legal Unit (Jessica Snyder) -Design & Construction (Paul Valle)
-Lands Section (Heather Noel) -Regional Information Officer's/ Office Managers/Reg Supervisors
-Fisheries Division (Beth Giddings)
Shane Colton, MT FWP Commissioner, 335 Clark, Billings MT 59101*
MT Dept of Natural Resources & Conservation, Eastern Land Office, PO Box 1794, Miles City MT 59301*
Montana Historical Society, State Preservation Office, PO Box 201202, Helena, MT 59620-1202
Montana Environmental Information Center, PO Box 1184, Helena, MT 59624
Montana State Library, 1515 E. Sixth Ave, PO Box 201800, Helena, MT 59620
Janet Ellis, Montana Audubon Council, PO Box 595, Helena, MT 59624*
Montana Wildlife Federation, PO Box 1175, Helena, MT 59624*
Richland County Commissioners, 201 W. Main, Sidney, MT 59270*
Dave Harris, David Seitz*, Bill Harper, neighbors
Thomas Henderson, P.O. Box 62, Crane, MT 59217, neighbor
Ronald D. Linker, 5517 24th Ave S., Minneapolis, MN, 55417, neighbor
Richland Co. Pheasants Forever, George Biebl, 608 3rd St SE, Sidney, MT 59270
Dave Haverkamp, NRCS, 2745 W. Holly St, Sidney, MT 59270*
Sidney Area Chamber of Commerce & Agriculture, 909 S. Central Ave, Sidney, MT 59270*
Greg Mohr, Region 7 CAC member, 1809 14th St. SW, Sidney, MT 59270*
Lucy Sorenson, 119 W. Nicklaus Ave, Kalispell, MT 59901
David Sorenson, P.O. Box 151, Fort Peck, MT 59223
Todd Sorenson, P.O. Box 117, Crane, MT 59217
Peter Sorenson, 220 Izaak Walton Inn Rd., Essex, MT 59916
Matthew W. Knierim, Attorney at Law, P.O. Box 29, Glasgow, MT 59230
Emilie Boyles-Montana East Radio News*
(*sent electronically)

Ladies and Gentlemen:

A draft Environmental Assessment (EA) was recently prepared for a land acquisition project involving purchase of 981 acres of land adjacent to the Seven Sisters Wildlife Management Area (WMA) at \$1326 per acre for a total of \$1.3 million. This project proposed to acquire the land as an addition to the Seven Sisters WMA. The parcel is located near the town of Crane in Richland County, ten miles south of Sidney. The benefit and purpose of this land acquisition is to conserve riparian habitat along the lower Yellowstone River and provide new recreational and hunting opportunities on this parcel which has previously been in private ownership. The area will be open to public hunting during the archery and

general rifle seasons and provide high quality opportunity for deer, upland game birds and waterfowl. In addition it will provide ample opportunity for wildlife viewing and river access.

The draft EA was circulated for 21 days to interested agencies, groups and persons, and a news release was sent to local media outlets. The EA was also posted on Montana Fish, Wildlife and Parks' (FWP) website. Twelve people in addition to FWP staff attended a public meeting held at the ARS Office in Sidney on October 30, 2012.

It is my decision to proceed with the proposed project, with no changes to the Draft EA.

Questions regarding this Decision Notice should be mailed to:

Brad Schmitz
Regional Supervisor
352 I-94 Business Loop
Miles City, Mt. 59301
406-234-0900
brschmitz@mt.gov

Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Schmitz", with a stylized flourish at the end.

Brad R. Schmitz
Region Seven Supervisor

DECISION NOTICE

SEVEN SISTERS WILDLIFE MANAGEMENT AREA ADDITION

DESCRIPTION OF PROPOSED PROJECT

Montana Fish, Wildlife and Parks proposes to purchase by fee title approximately 981 acres of riparian habitat and associated crop land acreage along the Yellowstone River near Crane, Montana, for addition to the existing 560-acre Seven Sisters Wildlife Management Area (WMA) for the purchase price of \$1.3 million. The property to be acquired consists of an undeveloped 710-acre island parcel located on Seven Sisters Island and a 271-acre mainland parcel comprised of a mixture of riparian habitat and managed farm land.

MONTANA ENVIRONMENTAL POLICY ACT PUBLIC PROCESS AND COMMENT

FWP is required to assess impacts to the human and natural environment by the Montana Environmental Policy Act (MEPA). The Seven Sisters WMA addition and its impacts were documented by FWP in the EA to comply with MEPA.

Public comments were solicited for 21 days from October 17, 2012 through November 8, 2012. Legal notices regarding the proposed action were printed in the Miles City Star, Glendive Review, and Sidney Herald, posted on the FWP website and hand delivered or mailed to stakeholders.

A public hearing was held in Sidney on October 30. Thirteen members of the public were in attendance.

Concerns were identified in the following themes:

➤ **Safety and Weapon Restrictions**

Sixteen comments were made regarding safety issues due to houses and the town of Crane in close proximity to the property. All public representatives mentioned that they would like to see some sort of weapons restrictions on the main land portion of the acquisition.

Public safety on FWP managed properties is a high priority to the Department. The potential for personal injury is always associated with hunting due to the nature of the sport. Every effort is made to educate sportspersons in firearms safety. Sportspersons remain personally responsible for the use of any weapon they hunt with.

The original Seven Sisters WMA has existed with hunters shooting high powered rifles for over 50 years.

Continued use of center fired rifles for hunting will be allowed on the Seven Sisters WMA. FWP recognizes public safety concern expressed during this public comment period and options on how to manage these concerns will be evaluated during the management planning period should FWP acquire the proposed property.

Establishment of a safety zone in proximity to the Sorensen residence will need to be

evaluated during the management planning process. A request by the Tod Sorensen family to negotiate a purchase of acreage from the Department to provide additional safety area needs to remain an option to be evaluated during the management planning process.

➤ **Law Enforcement**

Eleven comments were made regarding law enforcement should FWP acquire the property; trespassing, off road travel, poaching, target shooting, camping stay limits were all raised as management concerns. An additional warden for the Sidney area was requested twice.

Concerns were voiced over the use of the WMA as a low-cost housing area by transient workers related to the oil boom occurring in eastern Montana. An increase in this type of camping usage has been observed as per the public comment.

Increased efforts to regulate and enforce camping day limits and 24-hour occupancy rules have been implemented during the past year. Continued efforts will need to occur to ensure that camping use on the WMA is in accordance with the intended use of the property.

Additional staffing is a separate agency resource allocation process. It is unlikely that additional Warden or Sheriff Deputy staff will be obtained within the scope of this EA process. It is possible through ongoing agency resource allocation processes to request and work towards increased staffing if the demands increase.

The District Warden position in the Sidney area was vacant during the majority of 2012. A recent hire has replaced this position and the District Warden is now living in Crane, MT located right beside the WMA. Although the District Warden's duties far exceed just patrolling the WMA in question, we feel that his presence and attention to this area will help curtail many of the issues that can occur.

This issue will need to be addressed further in the upcoming management plan revision. Potential solutions are to decrease the number of days allowed per camper, designate specific areas for camping, etc.

➤ **Legal Access/Ownership**

Four comments were made regarding legal access and ownership. Twice the question was asked if FWP had a current survey. They did not feel the map used in the environmental assessment was accurate, especially after the flooding of 2011. One gentleman stated that 14 acres identified on the main land tract belongs to him.

Based on further research after the public meeting, we are confident that FWP is interested in purchasing the lands that have been legally described and shown in the EA.

➤ **People Management/Public Access**

The booming energy development has created a shortage of housing, hunting and recreational space and it seems our WMA's and FAS are filling that void in eastern Montana. The group expressed numerous concerns about the need to manage or restrict off road travel, trespass, illegal activity, and camping stay limits, etc. The point was expressed that hunter dollars should not be used to purchase property that public

hunters could not use, but hunters would like to see FWP manage these circumstances appropriately in order to keep the hunting quality that currently exists. There is concern that this will be degraded if a significant portion of the WMA is not walk in only.

The draft EA and the existing WMA management plan both call for the request as listed above. Walk-in access from designated areas is the design of this WMA. Pioneered trails by vehicles and four-wheelers have occurred in the past resulting in increased fencing, signage, and enforcement efforts to minimize the creation of unauthorized roads and trails. Continued efforts and resources will need to be allocated to manage public access on the WMA. Additional parking areas or traffic management will be addressed during the management planning process.

➤ **Fire Protection**

The site is somewhat remote and the question of fire protection came up regarding possible hunter/camper caused fires.

Fire protection response is under the jurisdiction of Richland County Fire Department and DNRC assists the county in fire suppression efforts for other agencies.

➤ **Missing Information**

It was noted that Salt Cedar was not listed in the EA under the Weed Management heading. Salt Cedar is present along the Yellowstone River corridor above, below and within the confines of the Seven Sisters WMA. Management of this invasive weed will follow protocols as per the Statewide Integrated Weed Management Plan and though coordination with Richland County as is currently the practice with other species of weeds.

➤ **Property Value**

One comment was received with concern that the purchase by FWP will devalue the neighboring properties. It is unknown if this correlation will occur but recent sales of property for recreational interests suggests that having a large tract of public land neighboring the property increased the value and salability of the property.

SUMMARY OF PUBLIC COMMENT

During the public comment period 16 comments were received in support of the proposed project. Twelve comments were made at the public meeting, four were received by email. The overall response was that it was a good project, including a comment that the public needs every opportunity they can get because every year more land is closed to public hunting and recreating. Continued farming of the main land tract was seen as favorable. Richland County Pheasants Forever stated they were in support of the project and would be interested in partnering with FWP on habitat enhancement. However, there are some concerns identified in the themes listed previously. Additional suggestions were made that refer to management goals. These suggestions have been documented and will be revisited during the management planning process.

One comment opposing the proposed project was received at the public meeting. The individual expressed opinion that the money being spent on the proposed purchase could be used to better manage the property already in FWP ownership. The contention was that FWP does not manage the

existing property in an appropriate manner and therefore should not purchase additional lands. The individual making the comments did not elaborate on any specific issues of management. One comment was received questioning FWP Lands explanation and definition of Master title plat. Review and clarification is in process through Hugh Zackheim.

DECISION NOTICE

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

FWP's analysis supports acquiring the parcel for addition to the Seven Sisters WMA as proposed.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

After review of this proposal, it is my decision to accept the draft EA as supplemented by this Decision Notice as final, and to recommend the acquisition of the parcel for addition to the Seven Sisters WMA.

The Final EA may be viewed on FWP's Internet website: <http://www.fwp.mt.gov> or be obtained upon request from Montana Fish, Wildlife and Parks, Region 7 Headquarters, P.O. Box 1630, Miles City, Mt. 59301 (406) 234-0900.



Brad R. Schmitz
R7 Regional Supervisor

11/13/2012

Date: