



# **Montana Fish, Wildlife & Parks**

## **DECISION NOTICE LEWIS PROPERTY ACQUISITION – SUN RIVER June 6, 2005**

### **Description of Proposed Action:**

The Department proposes to acquire approximately 134 acres from the Lewis Construction Company located along the Sun River in Cascade County between the towns of Vaughn and Sun River. The purpose of the acquisition is to create a new public Fishing Access Site.

### **Montana Environmental Policy Act Process:**

As per the Montana Environmental Policy Act, all state agencies are required to assess potential impacts of proposed projects on the human and physical environment. In accordance, FWP prepared a 48-page Environmental Assessment (EA) that described the project in detail and evaluated the possible impacts. Copies of the EA were sent to 28 different agencies, organizations, and individuals in late April. The EA was posted on the FWP website and a press release was sent to 48 newspapers, television and radio stations, organizations, and individuals, also in late April. Legal notices were published in the Helena Independent Record and the Great Falls Tribune. An article concerning the proposed acquisition appeared in the Tribune on 5 May and a television news segment aired on 19 May (ABC-5 in Great Falls). The deadline for public comments was May 30.

### **Summary of Public Comments:**

Letters supporting the project were received from the Sun River Watershed Group, Russell Country Sportsman's Association, Missouri River Flyfishers, and the Lencioni and VanTighem families. One prospective neighbor located on the Sun River an unknown distance downstream did not specifically oppose the project, but informed the Department that public access would not be allowed on their property. Another downstream property owner, who preferred to remain anonymous, called the FWP office in Great Falls to provide comments. This landowner was supportive of the proposed public access site, but would prefer that hunting not be allowed on the property due to potential safety concerns.

### **Response to Public Comments:**

Responses to the proposal and EA indicate the public generally supports this acquisition. There was some concern expressed by downstream landowners about the potential for trespassing on adjacent private lands. To minimize trespass problems, FWP will fence the

property and place signs to indicate the delineation of the property lines as soon as possible after acquisition. Hunting on Fishing Access Sites is generally permitted unless safety issues become significant. At present, there are no hunting or weapons restrictions along the Sun River in this area, though there are a number of dwellings scattered along the river corridor. The main hunting opportunities in the area are for upland birds and waterfowl. There will be good waterfowl hunting opportunities on the large pond across the river (south side of river) on this property. The pond is located more than ½ mile from the nearest dwelling and it is unlikely that waterfowl hunting with shotguns will pose a significant safety risk. However, hunting use will be monitored and if significant safety concerns arise, they can be resolved with weapons restrictions or closures.

**Decision:**

Based on the analysis in the Environmental Assessment and the public comments received, I recommend the Montana Fish, Wildlife and Parks Commission approve acquisition of the Lewis property as proposed. I have reviewed the EA and applicable laws, regulations and policies and have determined this action will not have a significant effect on the human or physical environment. Therefore, an environmental impact statement will not be prepared.

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