DECISION NOTICE

For

Proposed Olson-Haymaker Road Easement Purchase
Region 5 Access Public Lands Project

Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive, Billings, MT 59105

August 30, 2011

BACKGROUND, DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Montana Fish, Wildlife & Parks proposes to purchase a public easement on ½ mile of the road that leads to the Haymaker Wildlife Management Area (HWMA) and associated United States Forest Service (USFS) lands. The HWMA is owned and managed by Montana Fish, Wildlife and Parks (MFWP) and is located in deer/elk Hunting District 540, Region 5, headquartered out of Billings, MT. The USFS lands are part of the Lewis and Clark National Forest. The proposed easement will provide legal public road access in perpetuity to the HWMA and adjacent USFS lands in the Little Belt Mountains of central Montana. The cost of the easement is approximately $50,000, funded by hunting license revenues through the Access Public Lands program administered by MFWP.

The purpose of the proposed easement purchase is to secure permanent public road access to the HWMA and the USFS lands adjacent to the WMA. The easement would allow for the current uses of the road to continue in perpetuity. In addition, several cattle guards will be installed along the road to minimize the number of gates that have to be opened and closed. This area provides access for hunting of elk, deer, antelope, and black bear, along with hiking, camping, and wildlife viewing in a beautiful mountain-foothill environment. Although it is difficult to determine exactly, it is estimated that this easement will provide recreational access in perpetuity to the 1,320-acre HWMA, and approximately 23,000 acres of USFS lands.

ALTERNATIVE A – PROPOSED ACTION:

MFWP will purchase a perpetual ½-mile long public road easement through the Olson property connecting to the county road and the existing public road easement that leads to Haymaker WMA.

ALTERNATIVE B – NO ACTION:

No Action – public road access to Haymaker WMA will remain as good-will by the Olson family.

PUBLIC COMMENT

In compliance with Montana Environmental Policy Act (MEPA), MFWP completed an Environmental Assessment and ensured that the public was informed of and engaged in the decision-making process. Public participation is not a plebiscite to measure those in favor of or opposed to a proposal, but is a mechanism for agencies to consider substantive comments.

The public comment period for this EA opened on August 12, 2011 and closed August 26, 2011, although one comment was accepted on August 29, 2011. Legal notices were published in the Billings Gazette, Helena Independent Record, The Times Clarion (Harlowton), and on the Montana Fish, Wildlife & Parks website (http://fwp.mt.gov). The draft EA was also distributed to adjacent landowners, USFS, Wheatland County, and other interested parties. One landowner was not reached as the land transferred ownership, and we were not notified of the new landowner until after the comment period was over.

Our responses to public inquiries or concerns are summarized following the DECISION. Comments in full are included in the attached Appendix.

DECISION

I accept the Proposed Action, Alternative A, identified in the draft Environmental Assessment, and FWP will proceed with purchasing the road easement from the Olson family, pending approval from the Montana Fish, Wildlife & Parks Commission.

The draft version of this EA and this Decision Notice together serve as the final document for this proposal.

8/30/2011

Gary Hammond
Regional Supervisor DATE
Billings, MT

RESPONSE TO PUBLIC COMMENTS

Public comments are summarized below by theme along with MFWP responses. Complete public comments can be found following the MFWP responses. Written comments (emails) were received from six individuals.

IN SUPPORT OF PROPOSED ALTERNATIVE

We are supportive of FWP following the Preferred Alternative to purchase the road easement, and that it is money well spent to maintain access to public lands.

FWP agrees that purchase of this road easement through private property to the Haymaker WMA and the USFS lands beyond is a wise use of hunting license revenues to provide access to public lands for the recreating public in perpetuity.

IN OPPOSITION TO PROPOSED ALTERNATIVE

There is already plenty of access in this area, and it is not necessary to provide additional public access.

The closest legal public accesses on the south side of the Little Belts are located 8 and 7 miles to the east and west, respectively of the proposed easement. The access to the east does allow for travel within the USFS boundary to the HWMA along very rough two-track roads. The access to the west of the proposed project does not allow for travel to the HWMA.

While it is unlikely that the Olson family would close access, future changes in their operation or sale of the property to another party could lead to a loss of this good-will access. It is vital to maintain this access in perpetuity for the recreating public and for administrative purposes for FWP management of HWMA.

Full public access will be detrimental to the resources in the area, and the "refuge" or "reserve" will be negatively impacted.

It is assumed that the "refuge" or "reserve" referenced is the HWMA. This road easement purchase is intended to maintain access for the existing uses. Management of the area will be unaffected. The Olson family already allows good-will access, and this project is simply intended to secure this access in perpetuity. It is possible that publicizing the purchase of this access may result in increased numbers of users, but the current good-will access is well known.

Elk numbers in this area (Hunting District 540) are well-above objective, and it is unlikely that this herd will be negatively impacted by this easement. The extensive USFS lands beyond the HWMA provide ample habitat security for elk. Habitat will be unaffected, as current management practices will continue. Historical use of the area will not change as a result of this easement.

The likelihood of increased housing developments in the area is unaffected, as the project only provides for an easement to public lands that are off-limits to development.

Any disturbances caused by road maintenance, cattle guard installation, or other impacts will be corrected by MFWP. Noxious weed management in the easement will be the responsibility of MFWP.

There is a better way to spend this money.

The public has made it very clear that access to public lands should be a high priority for MFWP. The funding for this project comes from hunting license revenues earmarked for the Access Public Lands program. This project is a wise use of these funds.

There are concerns with quality hunting and safety issues with increased access to the area:

It is unlikely that there will be an increase in use of the area substantial enough to result in unsafe conditions or a reduction in hunt quality. There is already good-will access through the Olson property to the HWMA and surrounding USFS lands, and current use levels are likely to be maintained. The purpose of this proposal is to ensure that the current uses are continued in perpetuity.

2300 Lake Elmo Drive
Billings MT 59105

August 12, 2011

TO: Environmental Quality Council
Director's Office, Dept. of Environmental Quality
Montana Fish, Wildlife & Parks*

Director's Office	Lands Section
Parks Division	Design & Construction
Fisheries Division	Legal Unit
Wildlife Division	Regional Supervisors

Mike Volesky, Governor's Office *
Sarah Elliott, Press Agent, Governor's Office*
Montana Historical Society, State Preservation Office
Janet Ellis, Montana Audubon Council
Montana Wildlife Federation
Montana State Library
George Ochenski
Montana Environmental Information Center
Wayne Hirst, Montana State Parks Foundation
FWP Commissioner Shane Colton*
Montana Parks Association/Our Montana (land acquisition projects)
Richard Moore, DNRC Area Manager, Southern Land Office
County Commissioners
Other Local Interested People or Groups
* (Sent electronically)

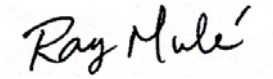
Ladies and Gentlemen:

The enclosed draft environmental assessment (EA) proposal has been prepared for your review. The purpose of this proposal is to purchase a public easement on ½ mile of the road that leads to the Haymaker Wildlife Management Area (HWMA) and associated United States Forest Service (USFS) lands. The HWMA is owned and managed by Montana Fish, Wildlife and Parks (MFWP) and is located in deer/elk Hunting District 540, Region 5, headquartered out of Billings, MT. The USFS lands are part of the Lewis and Clark National Forest. The proposed easement

will provide legal public road access in perpetuity to the HWMA and adjacent USFS lands in the Little Belt Mountains of central Montana. The cost of the easement is approximately $50,000, funded by hunting license revenues through the Access Public Lands program administered by MFWP. The public comment period will extend for (14) fourteen days. Written comments will be accepted until 5:00 PM, August 26, 2011, and can be mailed or emailed to the address below:

Ray Mulé
C/O Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive
Billings MT 59105 or
rmule'@mt.gov

Thank you for your interest,



Ray Mulé
Region 5 Wildlife Program Manager
Enclosure

Olson-Haymaker Road Easement EA PUBLIC COMMENT

As of August 30, 2011

Written Comments (email) received from:

Chris Colson (Ryegate)
Kurtis Bouley (Billings)
Leon Hammond (Harlowton)
George Ochenski (Helena)
Bert Otis (Emigrant)
Pat Whelan (Two Dot)

PUBLIC COMMENTS IN FULL

IN SUPPORT OF PREFERRED ALTERNATIVE

Four comments were in **SUPPORT** of Alternative A, the proposed alternative, which is to purchase the easement.

1) "I support "Alternative A" the purchase of the easement to Haymaker WMA. I believe the price is fair for all parties, and in this day in age it's best to have everything done in writing. A big "Thank You" to the Olson's for granting the public access in the past!!!!!"

2) "Just want to **support** the acquisition of this easement and say "thanks" to the Olsons for all their years of letting the public use it without compensation. I have hunted the Musselshell for more than a quarter century and it's truly a Montana treasure. This will help keep hunters happy and hold the deer population in a little more control. It's very fertile country for deer and it's understandable that ranchers would like to keep at least some of their hay for their own stock. Thanks for doing this. I'm sure generations of Montanans to come will be thankful as well."

3) "I am in favor of this action. Money well spent."

4) "Yes, please proceed with the easement. Us sportsman are tired of getting shut out. Even from state and USFS land. Thank you!"

IN OPPOSITION TO THE PREFERRED ALTERNATIVE

Two comments were in **OPPOSITION** to Alternative A, the proposed alternative, which is to purchase the easement.

1) "I am writing in opposition to purchasing the easement in question. In the interest of wildlife, quality hunting, and public safety on the WMA and the adjacent Forest Service

land, the last thing anyone needs is additional access to this area. The whole south face of the Little Belts is criss-crossed with roads and trails resulting in opening day of elk season resembling rush hour in Los Angeles. The sheer volume of rifle fire when an elk is spotted is something to behold. Please don't waste $50,000.00 procuring yet more access to an area that is already accessed to the hilt. Surely there is a better place to spend this money."

2) "As a Professional Environmental Engineer very familiar with the Haymaker Wildlife Management Area, I disagree with the conclusions of the Draft Environmental Assessment, Dated August 12, 2011 prepared by the MFWP and conclusion that a full EIS is not required. Full public access will be devastating to the historical environment, habitat, and founding criteria of establishing the existing wildlife reserve and should be denied. I base my conclusions on some 40 years experience as a professional mining and environmental engineer, many years as a Real Estate Broker, more than 50 years of observations of wildlife and development in the area, and family ties to the original homesteaders adjoining the refuge. The refuge was established to protect and increase elk populations in the area and has been very effective at meeting these goals. Increase public access of not only the refuge but the adjoining areas which have historically receive very little use will scatter the elk herds onto the surrounding private lands and highly increase the amount of human use and impact on the surrounding remote areas north of the refuge. Public access will also encourage housing development and subdivision of ranch lands around the refuge that will completely change the historical use of the area, add costs to maintain the area, increase fire and erosion danger, and adversely affect the wildlife habitat."

AFFIDAVIT OF PUBLICATION
THE BILLINGS GAZETTE

401 N 28th St
Billings, MT 59101
Phone: (406) 657-1212 Fax: (406) 657-1345

Ad Number: 20383625

LEGAL NOTICE

A draft Environmental Assessment (EA) has been prepared for a proposal to purchase a public easement that will provide legal public road access in perpetuity to the Haymaker Wildlife Management Area (HWMA) and adjacent US Forest Service lands in the Little Belt Mountains of central Montana. The HWMA is owned and managed by Montana Fish, Wildlife and Parks (MFWP) and is located in deer/elk Hunting District 540.

Questions and comments will be accepted through **August 26, 2011 at 5 p.m.** and may be addressed to Ray Mulé at Montana Fish, Wildlife & Parks (FWP), 2300 Lake Elmo Drive, Billings, Montana, 59105; or by e-mail to rmule'@mt.gov. Copies of the draft EA may be viewed on the FWP website at fwp.mt.gov under recent public notices or obtained from the FWP office at the above address or by calling 247-2940.

August 14, 21, 2011

Katie Lehman, being first duly sworn, deposes and says. That she is the principal clerk of The Billings Gazette, a newspaper of general circulation published daily in the City of Billings, in the County of Yellowstone, State of Montana, and has charge of the Advertisements thereof.

That the: 2 Folios legal regarding:
a true copy of which is hereto annexed, was published in said newspaper on the following dates: via:

8/14/11, 8/21/11

Making all 2 publication(s)

Mark below if certification for the State of Montana

X I hereby certify that I have read sec. 18-7-204 and 18-7-205, MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in the attached papers in the amount of $ 40 00 is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received

Katie Lehman

STATE OF MONTANA
County of Yellowstone

On this day of Aug. 22, 2011 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Katie Lehman known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHERFOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Teresa A Cox

NOTARY PUBLIC for the State of Montana
Residing at **Billings, MT**

My commission expires: 8/31/2013

TERESA A COX NOTARIAL SEAL STATE OF MONTANA

TERESA A COX
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
August 31, 2013

Page	:	1 of 1 08/18/2011 11:48:29	**Ad Number**	:	10457796
			Ad Key	:	
Order Number	:	20172203	**Salesperson**	:	IR19 - Inside Classified Sales
PO Number	:	Olson-Haymaker	**Publication**	:	Independent Record
Customer	:	60019408 Montana FWP Region 5	**Section**	:	Class Section
Contact	:	Doug Habermann	**Sub Section**	:	Legal
Address1	:	2300 Lake Elmo Drive	**Category**	:	9999 Legals
Address2	:		**Dates Run**	:	08/13/2011-08/20/2011
City St Zip	:	Billings MT 59105	**Days**	:	2
Phone	:	(406) 247-2943	**Size**	:	2 x 1.36, 14 lines
Fax	:		**Words**	:	144
	:		**Ad Rate**	:	Folio
Printed By	:	helsimkc	**Ad Price**	:	40.00
Entered By	:	Karen Rickman	**Amount Paid**	:	0.00
			Amount Due	:	40.00
Keywords	:	LEGAL NOTICE A draft Environmental Assessment (EA)			
Notes	:				
Zones	:				

LEGAL NOTICE

A draft Environmental Assessment (EA) has been prepared for a proposal to purchase a public easement that will provide legal public road access in perpetuity to the Haymaker Wildlife Management Area (HWMA) and adjacent US Forest Service lands in the Little Belt Mountains of central Montana. The HWMA is owned and managed by Montana Fish, Wildlife and Parks (MFWP) and is located in deer/elk Hunting District 540.

Questions and comments will be accepted through **August 26, 2011 at 5 p.m.** and may be addressed to Ray Mulé at Montana Fish, Wildlife & Parks (FWP), 2300 Lake Elmo Drive, Billings, Montana, 59105; or by e-mail to rmule'@mt.gov. Copies of the draft EA may be viewed on the FWP website at fwp.mt.gov under recent public notices or obtained from the FWP office at the above address or by calling 247-2940.

August 13, 20, 2011

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA,

County of Lewis & Clark

Karen Rickman

Being duly sworn, deposes and says;

That she is the principal clerk of the Independent Record, a newspaper of general circulation published daily in the City of Helena, in the County of Lewis & Clark, State of Montana, and has charge of the advertisement therof:

That the Legal Notice

Olson-Haymaker

a true copy of which is hearto annexed, was published in said newspaper on the following dates: viz.:

Auguts 13, 20, 2011

making in all 2 publication(s)

Karen Rickman

Subscribed and sworn to me this 22 day of August, 2011.

Colleen D. Simkins

Notary Public for the State of Montana

Printed Name: Colleen D. Simkins

Residing at Helena, Montana

My commission expires March 10, 2013

(Notary Seal)

COLLEEN D. SIMKINS NOTARIAL SEAL STATE OF MONTANA

COLLEEN D. SIMKINS
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
March 10, 2013

LEGAL NOTICE

A draft Environment Assessment (EA) has been prepared for a proposal to purchase a public easement that will provide legal public access in perpetuity to the Haymaker Wildlife Management Area (HWMA) and adjacent US Forest Service lands in the Little Belt Mountains of central Montana. The HWMA is owned and managed by Montana Fish, Wildlife and Parks (MFWP) and is located in deer/elk Hunting District 540.

Questions and comments will be accepted through **August 26, 2011 at 5 p.m.** and may be addressed to Ray Mule' at Montana Fish, Wildlife & Parks (FWP), 2300 Lake Elmo Drive, Billings, Montana 59105; or by email to mule'@mt.gov. Copies of the draft EA may be viewed on the FWP website at fwp.mt.gov under recent public notices or obtained from the FWP office at the above address or by calling 247-2940.

A18,25c

STATE OF MONTANA)
) AFFIDAVIT OF PUBLICATION
County of Wheatland)

I, Shirley Wegner, being duly sworn, depose and say that I am a Editor of **THE TIMES-CLARION**, a weekly newspaper published in Harlowton, Montana and being the official newspaper of Wheatland and Golden Valley counties; that the Notice as per clipping attached, was published in the entire edition of said newspaper, and not in any supplement thereof,

for two consecutive weeks beginning with the issue dated August 18 A.D., 2011

and ending with the issue dated

August 25 A.D., 2011.

The rate charged for the above legal printing does not exceed the minimum going rate charged to any other advertiser for the same publication, set in the same size type and published for the same number of insertions.

Shirley Wegner

Subscribed and sworn to before me this 25th day of August A.D., 2011

Machelle R. Randles

MACHELLE R. RANDLES NOTARIAL SEAL STATE OF MONTANA

Machelle R. Randles
Notary Public in and for the State of Montana
residing at Shawmut, Montana
My Commission Expires September 1, 2012

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
$56.00	$0.00	$0.00	$0.00	$0.00	$56.00