



DECISION NOTICE

Mark James French Habitat Conservation Lease

May 15, 2024

ACTION

Decision Notice (DN). Pursuant to the Montana Environmental Policy Act or MEPA, Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

BACKGROUND AND AUTHORITY

According to the applicable requirements of MEPA, and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

On August 12, 2022, following MEPA's required public participation process, FWP published their decision to approve a *Programmatic Environmental Assessment or Programmatic EA* prepared and publicly processed to identify, consider, and disclose any potential impacts of FWP's *Habitat Conservation Lease Program or HCLP* on the affected human environment. A copy of the subject *Programmatic EA* and associated *DN* are available for review at <https://fwp.mt.gov/conservation/habitat/habitat-conservation/lease-program>. The approved *Programmatic EA* and § 87-1-241, *MCA*, require FWP serve public notice for each specific *HCLP* project covered under the scope of the approved *Programmatic EA* each time a specific *HCLP* project is proposed and recommended for approval. A copy of the required public notice for Mark James French Habitat Conservation Lease is available for review at <https://fwp.mt.gov/news/public-notices>.

Further, pursuant to *ARM 12.2.440(1)(a)*, on May 12, 2023, following MEPA's required public participation process, FWP approved a *Supplemental Programmatic EA* proposing various changes to the *HCLP*, as initially detailed and approved by the *Programmatic EA*. More specifically, the *Supplemental Programmatic EA* proposed changes to the payment level for participation in the *HCLP* and added a penalty-free *HCLP* buy out provision. A copy of the *Supplemental Programmatic EA* and associated *DN* are available for review at <https://fwp.mt.gov/conservation/habitat/habitat-conservation/lease-program>.

FWP determined the proposed Mark James French Habitat Conservation Lease falls within the scope of the approved *Programmatic EA*, as modified by the *Supplemental Programmatic EA*. Therefore, with consideration for the above-cited, prior programmatic review of the *HCLP*, and pursuant to *ARM 12.2.430*,

General Requirements of the Environmental Review Process, the Mark James French Habitat Conservation Lease has met all obligations for approval pursuant to MEPA and § 87-1-241, MCA.

DESCRIPTION OF PROPOSED ACTION

Detailed information concerning the Mark James French Habitat Conservation Lease, including the public notice and map materials, is available for review at <https://fwp.mt.gov/public-notice/news/2024/mar/0325-notice-of-mark-james-french-habitat-conservation-lease> .

PUBLIC INVOLVEMENT

The public process for the *Programmatic EA*, *Supplemental Programmatic EA*, and their respective *DN*s is detailed within those respective process documents, see links above. Also, specific to the proposed action, and pursuant to § 87-1-241, MCA, a 30-day public comment period was announced on March 25, 2024, and a public meeting was held at the Ranchers Stewardship Alliance office in Malta on April 18, 2024. Public notice was sent through FWP's regional distribution lists as well as to owners of neighboring properties.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the proposed action. A substantive public comment was defined as the identification of the proposed action, or elements of the proposed action, as being outside the scope of the *Programmatic EA* and/or *Supplemental Programmatic EA* previously prepared and publicly processed for approval of the *HCLP* program. The following provides the public comment received and FWP response:

Comment: I support MT FWP purchasing a Habitat Conservation Lease on the 308 acres owned by Mr. French. Hopefully, this property will provide hunting and other outdoor opportunities for Montana citizens and others for the next 40 years.
Thank you for listening, Best Regards.

FWP Response: FWP agrees that Habitat Conservation Leases help conserve priority wildlife habitats on private lands while also supporting working agricultural lands, as well as public access for hunting and other recreational opportunities.

DECISION

FWP reviewed the proposed action and all public comments received in response to the proposed action. Based on this review, and pursuant to the applicable requirements of MEPA and § 87-1-241, MCA, FWP hereby recommends approval of the proposed Mark James French. Pursuant to § 87-1-209, MCA, approval of the proposed action is a function of the Montana Fish & Wildlife Commission.

Sincerely,



Drew Henry
Region 6
Montana Fish, Wildlife & Parks