Montana Fish, Wildlife & Parks

May 4, 2010

4600 Giant Springs Road
Great Falls MT 59405
(406)454-5840

Dear Interested Citizen:

Attached to this letter you will find the Decision Notice for a Montana Fish, Wildlife & Parks (FWP) Draft Environmental Assessment (EA) addressing a proposal to exchange 120 acres of the Marias River State Park and Wildlife Management Area (SPWMA) to the Clark brothers for a permanent access easement and public hunting access rights on their private ground. The full title of that EA is "Marias River State Park/Wildlife Management Area: Access Agreement and Land Transfer". This exchange will facilitate public access and FWP administrative use on the SPWMA and provide public hunting access to the Clark property.

This Decision Notice is available for review in Helena at FWP's Headquarters, the State Library and the Environmental Quality Council. It also may be obtained from the Region 4 FWP Headquarters or viewed on FWP's Internet website at http://fwp.mt.gov ("Recent Public Notices").

In consideration of the Draft EA and the Decision Notice, I am pleased to recommend that the Fish, Wildlife and Parks Commission approve the proposed exchange of lands between FWP and the Clark brothers at its May 13th meeting in Helena. Approval will also be necessary from the Montana Board of Land Commissioners.

Sincerely,

Gary Bertellotti
Regional Supervisor

/pf
Enclosure

Montana Fish, Wildlife & Parks

DECISION NOTICE
for Marias River State Park/Wildlife Management Area: Access Agreement and Land Transfer

Montana Fish, Wildlife & Parks
Region 4
4600 Giant Springs Road
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DESCRIPTION OF PROPOSED PROJECT

The Proposed Action consists would trade 120 acres of FWP property on the Marias River State Park & Wildlife Management Area (SPWMA) for a public access easement in perpetuity through the immediately adjacent Clark property plus obtain public hunting opportunity on approximately 1,800 acres currently owned by the Clarks. Both parties desire to improve and manage public access through their respective properties and to obtain permanent access to the SPWMA.

ALTERNATIVES TO THE PROPOSED PROJECT

1. PROPOSED ACTION

The Proposed Action is to trade 120 acres of FWP property for a public access easement through the Clark property plus obtain public hunting opportunity in perpetuity on approximately 1,800 acres currently owned by the Clarks. The access route is approximately 3.8 miles in length. The purpose of the proposed action is to improve public and FWP administrative access to the Marias River SP/WMA.

2. NO ACTION

FWP would construct a fence around the current boundary of the 120-acre parcel, which would create a hardship for the Clarks when they need to maintain fence, move cattle, or inspect their property. The public and FWP would not have additional access to the SP/WMA, as well as public access opportunities on Clarks entire 1,800 acre parcel.

PUBLIC PROCESS AND COMMENTS

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, a Draft Environmental Assessment (EA) was completed for the proposed project by FWP and released

for public comment on March 30, 2010.

Public comments on the proposed action were taken for 30 days (through 5 p.m. on April 29, 2010). Legal notices were printed twice each in the Great Falls Tribune, Conrad Independent Observer, Shelby Promoter, Cut Bank Pioneer Press and the Valerian newspapers. The EA was also posted on the FWP webpage http://fwp.mt.gov//publicnotices/ beginning March 30. A public meeting was held on April 19, 2010 in Shelby at the Marias River Electric Cooperative as an opportunity for interested parties to learn and ask about the project and to provide public comment. Copies of the EA or electronic notification of its availability were mailed to interested parties and adjacent landowners.

Following is a summary of the comments and questions received orally at the Shelby meeting and in writing and then FWP responses to that feedback:
Five people attended the Shelby public meeting. Each of the five offered their support for the Project following a Q & A session which addressed issues and management approach to the broader topics of the SP/WMA management. No 'for the record' comments or suggestions for change were tendered specific to the draft EA.
FWP also received five letters of written comment. All were received electronically. Each offered its support for the Access Agreement and Land Transfer. Comment focused on controlling unauthorized vehicle use both on the Clark property and the SPWMA. Respondents also voiced their interest in the agreements being made in perpetuity – they will be. Actual road and access management planning will begin upon completion of the trade and transfer, to include the Bureau of Land Management. And by agreement, FWP will assume road management responsibility. These road and access facets will be further addressed as the preliminary Management Plan for the SPWMA is refined.

DECISION
Based on the Environmental Assessment (EA) and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect 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. By this Decision Notice, the unaltered Draft EA is hereby made the Final EA.

In consideration of these facts, I am pleased to recommend that the Fish, Wildlife and Parks Commission approve the proposed exchange of lands between FWP and the Clark brothers. Subsequent approval will also be necessary from the Montana Board of Land Commissioners.

May 4, 2010

Gary Bertellotti
Region 4 Supervisor
Montana Fish, Wildlife & Parks