



Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive
Billings MT 59105

September 21, 2012

DECISION NOTICE

TO: Environmental Quality Council
Director's Office, Dept. of Environmental Quality
Montana Fish, Wildlife & Parks (FWP)*
 Director's Office
 Parks Division
 Fisheries Division
 Wildlife Division
 Lands Section
 Design & Construction
 Legal Unit
 Regional Supervisors
Sarah Elliott, Press Agent, Governor's Office*
Maureen Theisen, 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)
Matt Wolcott, DNRC Area Manager, Southern Land Office
Stillwater County Commissioners
Adjacent Landowners
Other Local Interested People or Groups
* (Sent electronically)

Big Lake WMA East Side Addition Land Acquisition Region 5 Migratory Bird Stamp Proposed Land Project

BACKGROUND, DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Montana Fish, Wildlife & Parks (FWP) proposes to acquire in fee title approximately 1,282 acres of land adjacent to the east boundary of Big Lake Wildlife Management Area (WMA), as seen in Figure 1. The draft EA proposed to acquire approximately 1,105 acres, but based on fence realignment and a recently completed land survey the actual acreage is nearer to 1,282 acres. Big Lake WMA consists of 2,060 acres located in Stillwater County approximately 23 miles northwest of Billings. The WMA is managed for waterfowl and upland game bird production. Recreational opportunities on Big Lake

WMA include hunting for upland birds, waterfowl in wet years, mule deer, antelope, as well as bird watching, wildlife viewing and photography. Most of the west shore of Big Lake is currently owned by FWP, while the east shore is mostly in private ownership. The legal boundary on the east runs through the lake bed making it unfeasible to fence neighboring cattle out of the WMA. Land management activities on the east shore may pose a threat to the habitat quality and recreational opportunities present on Big Lake WMA.

The purchase would provide public recreation opportunities and habitat benefits for these parcels, as well as significantly improve the overall habitat management effectiveness of Big Lake WMA. The property consists primarily of plains grassland habitat bordering the Big Lake Basin, as well as the lake basin itself. Grasses dominate upland habitats, while the lakebed is primarily alkaline flats during low water periods. Large expanses of greasewood are present along the shoreline.

The scope of this Environmental Assessment (EA) is the acquisition of the property. No facilities or site development are planned for the proposed parcels other than fence improvements and maintenance.

In proposing to acquire the two land parcels, FWP seeks to meet the following needs:

- To protect and enhance riparian and upland habitats.
- To improve habitat management effectiveness on Big Lake WMA through the ability to exclude trespass livestock from sensitive riparian habitats.
- To secure the future wildlife and recreation benefits of Big Lake WMA by ensuring no development occurs along the shoreline and habitat quality is improved.
- To provide public recreational access to over 3,300 acres of contiguous habitat in the expanded Big Lake WMA.

Alternative A – Proposed Action:

FWP will use State Migratory Bird Stamp Program funding to acquire the East Side Addition parcels of land adjacent to Big Lake WMA. This land will be incorporated into the existing WMA and managed under the current Big Lake WMA Management Plan. The EA originally proposed to acquire approximately 1,105 acres, but based on fence realignment and a recently completed land survey the actual acreage is nearer to 1,282 acres (Figure 1). Through the Proposed Action, FWP would enhance waterfowl and upland habitat on the acquired parcels. A second critically important benefit would be a resulting improvement in management effectiveness on the existing Big Lake WMA. This project would conserve animal and plant species biodiversity and important wildlife habitat that exists on these lands, including riparian, sagebrush-greasewood, and mixed shrub grasslands.

Alternative B – No Action:

Under the No Action alternative, FWP would forgo the opportunity to purchase the East Side Addition parcels. Waterfowl and upland bird nesting habitat would continue to be compromised on Big Lake WMA due to the inability to adequately manage trespass livestock on the WMA from adjacent private lands. It is possible that under the No Action alternative a portion of this property could be developed for rural home sites, with

significant adverse impacts to natural habitats and recreation opportunities on the adjacent Big Lake WMA.

PUBLIC COMMENT

In compliance with Montana Environmental Policy Act (MEPA), FWP completed an EA with a subsequent public involvement 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.

An EA was prepared and released on August 6, 2012, with the public comment period running through August 31, 2012. Two public notices were placed in each of the following newspapers, Billings Gazette and Helena Independent Record. A public meeting was held on August 16, 2012 at the Region 5 Headquarters in Billings to answer questions and collect oral and written comments. Hard copies of the EA were available to all who attended the meeting. The draft EA was available on the FWP website under Public Notices (www.fwp.mt.gov <<http://www.fwp.mt.gov>>), or by calling (406) 247-2940, and a hard copy of the EA was available at the Region 5 Headquarters (2300 Lake Elmo Drive, Billings, MT). The draft EA was mailed to the usual government agencies, non-government organizations, local legislators, county commissioners, and neighboring landowners.

Face-to-face discussions were held with two neighboring landowners. Written comments were received from three individuals or parties. Oral comments were recorded from four individuals at the public hearing. No comments were received via telephone calls. Of the seven formal comments received, five supported the acquisition, one reminded FWP to consider any cultural/historic features that may be on the property, and one requested information regarding the purchase price while supporting the acquisition. No comments were received in opposition to the proposed land acquisition.

This Decision Notice addresses concerns and issues raised during the public input process. It is important to note that this EA covers only the acquisition of the property and initial management actions. Any substantial changes in future management will be subject to additional environmental analysis and public comment.

FWP's responses to public inquiries or concerns are summarized below. All public comments in full can be found in the Appendix found on the FWP website (www.fwp.mt.gov) under public notices. The Appendix also includes a copy of news releases. The EA in its entirety can be found on the FWP website.

DECISION

The trend toward the sale of traditional ranching/farming to recreational buyers or interests focused on subdivision of key wildlife habitats has accelerated recently. Purchase of the Big Lake WMA East Side Addition will maintain this property in open space while providing for public enjoyment of this landscape. In addition, this acquisition will enhance the management effectiveness of Big Lake WMA overall. If this property is not purchased by FWP, it is possible that either subdivision or exclusive access interests could acquire the parcels, and opportunities for habitat protection and public enjoyment of this landscape could be lost.

After review of this proposal and considering the significant public support for this project, it is my recommendation to acquire the parcels known as the Big Lake WMA East Side Addition, subject to approval by the FWP Commission and the State Land Board. As such, I accept Alternative A - Proposed Action, as identified in the EA. Through the Proposed Action, FWP would acquire in fee title approximately 1,282 acres that would be added to the existing 2,060 acre Big Lake WMA. The acquisition will conserve animal and plant species biodiversity and important wildlife habitat that exists on these lands, including riparian, sagebrush grasslands and grease wood.

FWP and the owners of parcels 1a and 1b have entered into a Purchase Agreement on roughly 1,110 acres in the amount of approximately \$277,612. Funding will come from the Migratory Bird Stamp Program. FWP will continue to pursue the acquisition of approximately 172 acres in the remaining parcels.

The draft version of the EA, this Decision Notice, and the existing Big Lake WMA Management Plan serve as the final documents for this proposal.



September 21, 2012

Gary Hammond
Regional Supervisor
Billings, MT

DATE

RESPONSE TO PUBLIC COMMENTS

Public comments have been summarized into various issues that reflect the public comments received, and are presented along with FWP responses. All public comments in full can be found in the Appendix found on the FWP website (www.fwp.mt.gov) under public notices. The EA in its entirety can also be found on FWP's website.

Face-to-face discussions were held with two neighboring landowners. Written comments were received from three individuals or parties. Oral comments were recorded from four individuals at the public hearing. No comments were received via telephone calls.

IN SUPPORT OF PREFERRED ALTERNATIVE

We are supportive of FWP following the Preferred Alternative, and continuing negotiations to acquire the Big Lake WMA East Side Addition parcels.

FWP agrees that the Big Lake WMA East Side Addition, located 23 miles northwest of Billings adjacent to Big Lake WMA, represents a significant land acquisition opportunity for wildlife habitat and public recreation. The proposed purchase is intended to protect and enhance important wildlife habitat, and to enhance recreational opportunities.

PUBLIC ACCESS WITHIN THE WMA

Some parts of the existing WMA and the parcels proposed for acquisition require extensive hiking/wading to access. These areas are difficult for waterfowl hunters to access while carrying decoys and gear.

An administrative road access will be created for the East Side Addition parcels. FWP will actively pursue all available alternatives to establish a public access route to the East Side Addition parcels in the future. Within the existing WMA a new parking area farther to the south has been established to provide more reasonable hunter access to the southern portion of the WMA. FWP will also consider additional parking and a footbridge across the channel to facilitate access on the north side of the WMA.

CULTURAL AND HISTORIC RESOURCES

It is the State Historic Preservation Office's (SHPO) position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places.

No structures exist on the proposed parcels. No major ground disturbance or alteration is planned with the exception of fence construction and maintenance. Based on these points SHPO recommends that a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project SHPO will be contacted.

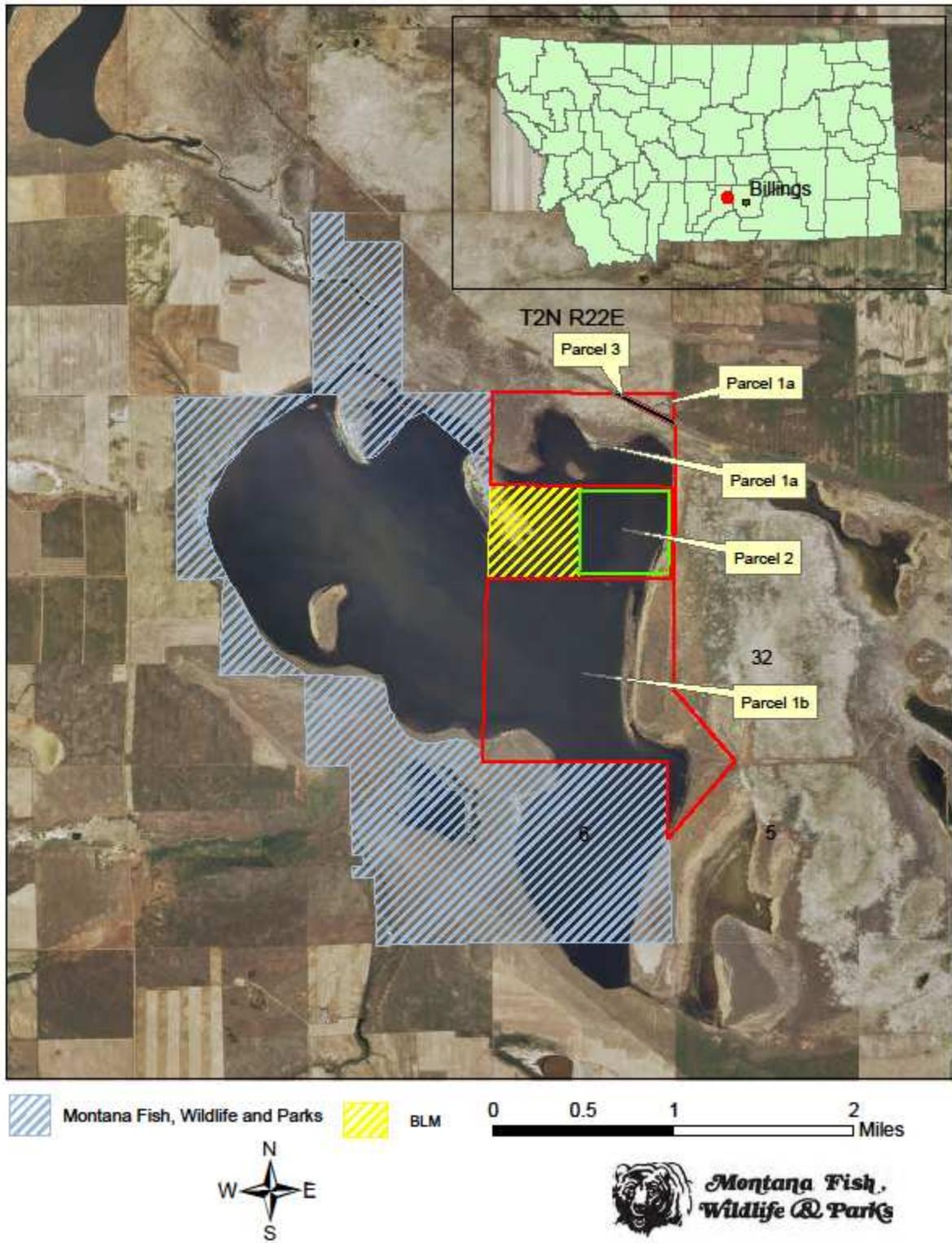


Figure 1. Aerial view of proposed acquisition (parcels 1a, 1b, 2, and 3) with adjusted boundary in relation to existing Big Lake WMA.