



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: April 1, 2021

Agenda Item: Cottonwood Island FAS (previously Yellowstone Islands FAS, R5)

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background: The department has an opportunity to acquire an island complex in the Yellowstone River downstream of Reed Point. The approximately forty-five-acre two island complex would be acquired with mitigation funds administered by the Department of Justice Natural Resource Damage Program (NRD) as settlement for the 2011 Silvertip Oil Spill. The islands are within a high priority reach of the Yellowstone River for additional public access. The NRD program has provisions to provide for unprotected cottonwood riparian areas to allow for natural function of river processes and recruitment of large woody debris (typically cottonwoods) to the river during floods. Montana Department of Transportation (MDT) purchased the land as a part of a bridge decommissioning project is working to dispose of the property. The islands would remain undeveloped providing fisheries and wildlife habitat and a primitive area for angling, hunting, and camping.

Public Involvement Process & Results: A draft environmental assessment titled, "Cottonwood Fishing Access Site Acquisition, Yellowstone River", was released for public comment on December 11 and closed January 13. Fifteen comments were received, with no issues raised requiring additional assessment. Twelve of the commenters provided direct support for the project. Of the three comments not providing direct support, one was neutral with questions about islands and public ownership. One commenter supported public land ownership but had concerns about FWP owning the property rather than Montana Department of Transportation. One commenter felt the islands should go to public auction with the funds supporting public agencies and provide relief to taxpayers. Comments in support included: islands already used by public, support additional public lands, habitat protection of riparian cottonwood forests, economic and human health value, opportunity for a multitude of outdoor activities with unique boat in only access. One supportive commenter raised concerns about proper disposal of human excrement and requested no camping. NRD held public meetings and completed a programmatic EA for this type of project with public support. Additional information on the NRD public process can be found here: <https://www.justice.gov/opa/pr/public-and-environment-benefit-proposed-12-million-settlement-exxonmobil-natural-resource>

Alternatives & Analysis:

No action: The commission could choose to not approve the department to acquire the property from MDT and develop as a primitive FAS. MDT would retain the property or identify another way to dispose of the property.
Preferred Action: The commission approves the proposed project and the property is acquired by FWP and developed as a primitive FAS.

Agency Recommendation & Rationale:

FWP recommends approval of the proposed FAS acquisition which protects habitat and adds access opportunity.

Proposed Motion:

I move the commission approve acquisition of Yellowstone River island complex from Montana Department of Transportation through the Natural Resource Damage Program.