



Decision Notice

For the Draft Environmental Assessment Bear Creek Angus Conservation Easement Restatement

Prepared by Region 3, Montana Fish, Wildlife and Parks

December 6, 2022

Proposal

Montana Fish, Wildlife and Parks (FWP) proposes to restate the existing Bear Creek Angus Conservation Easement in the Madison Valley to reduce by one developed acre the Conservation Easement (CE) footprint in exchange for the following net benefits:

- a) Reduce acreage of current building envelopes from 40 acres to 16.5 acres providing protections to 23.5 acres of wildlife habitat. This includes reducing the footprint of three existing build sites and removing one building envelope completely.
- b) Removing agricultural subdivision language from the CE, which would require the CE to be sold as one full property into the future.
- c) Updating CE legal language including updated exhibits related to cultivation and native vegetation to meet current FWP standards.

Montana Environmental Policy Act (MEPA) Process

The proposal was outlined by FWP in an Environmental Assessment (EA). The purpose of the EA is to satisfy the letter and intent of the Montana Environmental Policy Act (MEPA). FWP is required through the MEPA process to assess the potential impacts of this project on the human and natural environment. The EA was distributed to interested parties, published in two local newspapers, was posted on the FWP website, and was available upon request. A 21-day public comment period on the proposal was held from October 17, 2022 to November 7, 2022.

The EA provides the FWP Decision Maker (FWP Region 3 Supervisor) with the best available information to assist in evaluating the project and deciding whether to approve, not approve, or modify the proposed action in a Decision Notice.

Issues Raised in the Environmental Assessment

The EA describes management issues and alternatives in detail, including expected effects on the physical and human environment. The proposed restatement would result in no physical change to the environment but would provide additional protections to wildlife habitat in the form of eliminating or reducing currently unused building envelopes and eliminating potential subdivision. The restatement would also provide for updated exhibits related to cultivation and native vegetation, key components to protect native grasslands.

Summary of Public Comments

Only one party submitted written comments. The Madison County Planning Department submitted by email they had no comments or concerns.

Questions and Clarifications Derived During the Public Comment Period

No questions or clarifications were asked for or discussed during the public comment period.

Final Environmental Assessment

Based on public comment, there are no necessary modifications to the draft EA. That draft EA, along with the clarifications and considerations in this Decision Notice, will serve as the final Environmental Assessment for this proposal.

Decision

Based on the Environmental Assessment and public comment, I choose Alternative B, to restate the CE to allow the landowner to sell the one-acre homesite out of the CE in exchange for additional protections on 23.5 acres of wildlife habitat and to remove the agricultural subdivision clause from the CE thereby ensuring the property would remain intact as one unit, no longer subject to splitting into smaller parcels.

I find there are no new or significant negative impacts on the physical and human environment associated with the selected Alternative B. Therefore, I conclude that the environmental assessment is the appropriate level of analysis and that an Environmental Impact Statement (EIS) is not required.



Marina Yoshioka
FWP Region 3 Supervisor
Bozeman, MT
December 6, 2022