



DECISION NOTICE

Siskin Island FAS Acquisition Project FWP-CEA-POR-R3-26-004

April 24, 2026

ACTION

Decision Notice (DN). 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.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final and approves Alternative 2, the proposed action.

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act or 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)*.

Based on these factors, FWP determined a Checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from March 13 to March 28, 2026. The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. The Draft

EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received 25 comments during the public comment period.

FWP appreciates the time and thought that community members, neighboring landowners, and other interested parties devoted to this process. Many commenters expressed support for protecting the property from future development while also encouraging FWP to adopt careful site management measures to reduce potential impacts to neighboring properties, public safety, and habitat values. That input helped refine the final management approach approved in this decision.

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) propose to acquire an 82-acre island complex on the Upper Yellowstone River near the Pine Creek Fishing Access Site (FAS) for the establishment of a new FAS. The island is about 500 yards upstream from Pine Creek FAS, and two river miles downstream from Mallard's Rest FAS. The island features a rocky shoreline, mature cottonwood forests, willow thickets, marsh wetlands and open meadows that provide habitat for a variety of wildlife including waterfowl, songbirds, white-tailed deer, beaver, otters, and fish. Mule deer and elk occasionally pass through the property. The island complex and associated side channels within the Yellowstone River supports spawning and rearing habitat for trout in addition to a variety of game and non-game fish and wildlife species. The name of the proposed new FAS refers to Pine Siskin, a native finch that can be found in the Paradise Valley year-round. The name reflects the excellent bird and other wildlife habitat on the island and highlights the conservation values of the acquisition.

The island complex is subject to regulated floodway restrictions. Primary access is by floating along the Yellowstone River with walk-in access available from Pine Creek FAS during periods of low water. The property is currently held in fee title by the Trust for Public Land (TPL), and they would transfer ownership to FWP as a donated property. FWP would pay for the closing costs for the transaction, which are estimated to be around \$2,000. If approved, FWP would hold title and administer the property as an FAS.

PURPOSE AND NEED

The purpose of this project is to acquire an island complex on the Yellowstone River for recreational use, fluvial river function, and fish and wildlife habitat and values. FWP would accept title to the land from TPL and manage the site as a boat-in or wade-in only site. Day-use would be allowed throughout the site and camping permitted within designated camping sites. The site would be undeveloped aside from signage. FWP wardens and Parks and Outdoor Recreation staff will patrol the site regularly for rule compliance and site maintenance. As the public begins to establish regular usage patterns, FWP will adjust maintenance and patrol schedules as necessary to maintain the site and provide oversight. Staff will also periodically evaluate public use rules at the FAS to ensure public safety and long-term resource protection.

These actions directly support FWP's mission to preserve natural resources, sustain ecological integrity, and foster public enjoyment of Montana's landscapes. Managing the island complex for both conservation and recreation upholds FWP's vision of sustaining resilient ecosystems and connecting people with the state's natural heritage. By expanding public recreation and wildlife viewing opportunities, this project builds on Montana's tradition of connecting people to nature and furthering the legacy of the longest free flowing river in the continental US.

ALTERNATIVES ANALYZED

Alternative 1: No Action

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative, FWP would not accept a land donation from TPL to be managed under FWP's Administrative Region 3 FAS Management Plan. The proposed acquisition project would not proceed, and the benefits of the proposed action would not be realized. The proposed project site on the Upper Yellowstone River would not be managed by FWP, and therefore public access could be restricted and habitat restoration compromised due to potential development.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would accept the donation of 82 acres of land from TPL on the Yellowstone River and manage it as an FAS. This alternative provides public access and habitat protection benefits while allowing FWP to actively manage recreation-related issues such as camping, waste, fires, litter, and other user impacts. Potential impacts from the proposed project include litter and human waste from increased recreational use, along with minor disturbance of wildlife. Following public review, FWP refined several management measures to better protect neighboring landowners, visitors, and site resources.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive comments on the draft Environmental Assessment from supporters of the proposal, nearby landowners, and other interested parties. A substantive public comment is defined as the identification of a specific issue or impact. Many comments supported the acquisition as a way to protect habitat and expand public access, while others requested additional safeguards related to camping, fires, hunting, sanitation, enforcement, and neighboring private property. FWP carefully reviewed those comments and used them to refine the final management framework for the site.

Of the 25 comments received, 13 were fully in support of the project, 9 were supportive with concerns/suggestions, and 3 were against the proposed acquisition. FWP grouped similar comments for clarity. The responses below summarize the principal issues raised during public review and identify where public input resulted in modifications or clarifications to the final decision.

Summarized comments in full support

Several commenters supported the proposed acquisition because it would help keep the property undeveloped, conserve important river and riparian habitat, and provide public access on a heavily used portion of the Yellowstone River.

FWP Response: FWP appreciates this support and agrees that public ownership and active management of the property will better protect both habitat values and recreation opportunities over the long term.

Summarized comments with concerns/suggestions

Hunting: Some commenters expressed concern that allowing hunting could create safety risks for nearby residents, particularly on the east side of the island complex near neighboring homes and a subdivision common area. FWP took these concerns seriously and met with nearby residents to better understand site conditions and the areas of greatest concern.

FWP Response: FWP modified the proposed management approach so that hunting with weapons restrictions will be allowed only on portions of the site west of the main river channel. This change retains hunting opportunity on most of the property while providing additional separation from nearby residences and a subdivision common area. If river conditions or channel location change over time, FWP will reevaluate the hunting boundary and continue working with neighbors and other stakeholders as needed. FWP recognizes that commenters specifically raised concerns regarding shotgun slugs and projectile travel distance. The final hunting-area restriction is intended to address those safety concerns through location-based limits that better separate hunting activity from nearby homes and common areas. FWP will monitor hunting pressure, rule compliance, continued safety concerns, and other factors and re-evaluate as necessary.

Original Proposed Rule: Hunting with weapons restrictions allowed throughout the property.

Rule Adjustment: Hunting with weapons restrictions only allowed on areas west of the main river channel.

Camping: Many commenters supported public access to the island but expressed concern that the proposal for dispersed camping, stays of up to seven nights, and groups of up to 30 people could create unacceptable impacts to neighboring properties and the resource. Specific concerns included noise, crowding, litter, sanitation, and the difficulty of managing high-intensity overnight use on a relatively small island near private residences.

FWP Response: FWP agrees that a more structured camping approach is appropriate at this site. In response to public comment, FWP revised the proposal from dispersed camping to boat-in-only camping at designated campsites, reduced the maximum stay to one night within a 30-day period, reduced the group size threshold to 10 people without a special use permit, and will begin with one designated campsite before expanding to no more than three campsites if future conditions support that level of use. Camping will require reservations and applicable camping fees through FWP's reservation system or another supported vendor. Designated camp sites will not have any infrastructure aside from signage.

Currently the public can legally camp on the Siskin Island property below the normal high-water mark, and the resource and neighbors have been negatively impacted by some of those campers as mentioned above. FWP staff have limited ability to manage people legally camping below the high-water mark adjacent to private property, so if this site were to remain under private ownership these types of impacts could continue. However, if FWP acquires the property, FWP retains the authority to regulate camping "in the interest of public health, public safety, or the protection of public and private property" (MCA 23-2-302(5)) on our sites even below the normal high-water mark.

Original Proposed Rule: Boat-in dispersed camping allowed within 50 feet of normal high-water mark. Boat-in campsites shall be solely for the use of the individuals traveling by watercraft as their primary mode of transportation to the site. (ARM 12.12.107(5)). Stay limit of 7 nights within a 30-day period. Group size larger than 30 people prohibited without a special use permit. Camping fee not required.

Rule Adjustment: Only boat-in camping allowed at designated campsites. Boat-in campsites shall be solely for the use of individuals traveling by watercraft as their primary mode of transportation to the site (ARM 12.12.107(5)). People may not walk upstream or downstream and camp on the island. Stay limit of 1 night within a 30-day period. Group size larger than 10 people is prohibited without a special use permit. Camping fees required. Reservations would be made through ReserveAmerica or another FWP-supported vendor.

Sanitation: Several respondents had concerns about campers not following the proposed rules about managing human and pet waste, especially in conjunction with the potentially high numbers of people camping on the island.

FWP Response: FWP adjusted the rule language to require all overnight campers to pack out human waste using an FWP-approved portable toilet system (ARM 12.12.110(1)(f)) and pack out pet waste under (12.12.111(2)(d)). These requirements align with management approaches successfully used at other boat-in camping areas managed by FWP (e.g., the Smith River and Blackfoot River) and are intended to protect water quality, site conditions, and neighboring properties. More information on approved portable toilet systems is on the FWP website.

Original Proposed Rule: Human and pet waste must be packed out

Rule Adjustment: All campers are required to pack out their human waste using an FWP-approved portable toilet system. Pet waste must also be packed out.

Litter: Commenters raised concerns about litter and the likelihood that some visitors would leave trash behind on the island.

FWP Response: FWP recognizes that litter is both a resource issue and a quality-of-experience issue for neighboring landowners and other river users. FWP expects the revised camping system, including reservations and designated sites, to improve accountability and reduce misuse. In addition, FWP added a rule prohibiting glass on the site, and staff will regularly monitor the property, maintain campsites, and reinforce Leave No Trace expectations through signage, site communication, and field presence.

Rule adjustment: No glass allowed by day-use or overnight visitors.

Fires: Many commenters shared their concern about fires. Currently, most campers staying on the island have campfires, often very large ones. While the proposed rule in the EA was to prohibit all fires under FWP management, many commenters expressed concerns that campers would not follow this rule and unsafe fires would continue under FWP ownership. Commenters also expressed concern over the present use of fireworks by people camping on the island.

FWP Response: After considering these comments and discussing site conditions with nearby residents, FWP adjusted the proposed fire rule. Fires will be allowed on a trial basis only at designated campsites and only with the use of fire pans; ash must be packed out, and all county and FWP fire restrictions will apply. Fireworks remain prohibited, and that prohibition will be clearly communicated in signage and other site information. If compliance with the fire-pan requirement proves poor, FWP may prohibit fires entirely in the future.

Original Proposed Rule: Fires Prohibited

Rule Adjustment: Fires allowed only at designated campsites with fire pans required. Ash must be packed out. All users must follow county and FWP issued fire restrictions. No firewood cutting.

Trespass: Some commenters expressed concern about trespass issues that may result from or be exacerbated by the proposal.

FWP Response: FWP will coordinate with neighboring landowners to clearly identify property boundaries and address areas of concern. While boundary fencing may not be practical in this area, as noted by commenters, the use of detailed maps and clearly posted signage will help inform users and minimize the potential for trespass.

Summarized comments against the proposed acquisition

What is the need? In addition to concerns already mentioned above, one commenter questioned why the department was purchasing the island as legal access below the high-water mark already exists via the Stream Access Law.

FWP Response: FWP is not purchasing the property on the open market; the property would be donated through Trust for Public Land, with FWP's direct cost limited to estimated closing costs of about \$2,000. More importantly, most of the island lies above the ordinary high-water mark, meaning the public does not currently have legal access to much of the property. Acquisition will allow FWP to provide lawful public access to the site while also applying site-specific management tools that are not available under the status quo, including camping limits, sanitation requirements, fire rules, and active monitoring.

Summary of proposed rules for Siskin Island FAS

- Hunting with weapons restrictions only allowed on areas west of the main river channel. Discharge of weapons is allowed for hunting purposes only. Open during established hunting seasons. Rifles prohibited.
- Hunting blinds and stands must be removed daily.
- No walk-in big game hunting. As per the Stream Access Law, access to hunt big game is only via watercraft.
- Trapping prohibited.
- Boat-in camping allowed at designated campsites. Boat-in campsites shall be solely for the use of individuals traveling by watercraft as their primary mode of transportation to the site. Camping fees apply.
- All campers are required to pack out their human waste using an FWP-approved portable toilet system. Pet waste must also be packed out.
- Fires allowed only at designated campsites with fire pans required on a trial basis. Ash must be packed out. All users must follow county and FWP issued fire restrictions. No firewood cutting.
- No fireworks.
- No glass.
- Food storage rules apply. Food storage required--All food, trash, and scented items must be stored in IGCB-approved bear-resistant containers or hung properly when not in use
- A Montana Conservation License is required for the use of the site by all users.

DECISION

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

Sincerely,

A handwritten signature in black ink that reads "Kelly Proffitt". The signature is written in a cursive, flowing style.

Kelly Proffitt
Region 3 Supervisor
Montana Fish, Wildlife & Parks