

# **Final Environmental Assessment**

## **Emergency Grazing and Haying Leases on Select FWP Wildlife Management Areas**



**August 23, 2021**



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*Please note changes between the Draft and Final Environmental Assessment are gray highlighted. These include changes to the Proposed Action and re-numbering pages.*

## **PART I. PROPOSED ACTION DESCRIPTION**

### **1. Type of proposed state action:**

Montana Department of Fish, Wildlife and Parks (FWP) is proposing to establish haying and grazing leases on selected Wildlife Management Areas for harvesting forage during late summer and fall of 2021 to help “mitigate the impacts of this drought and protect Montanans” in response to Governor Greg Gianforte’s statewide [drought emergency declaration](#). Locations for these lease treatments have been identified based on the likelihood that grazing and/or haying would provide wildlife habitat benefits in subsequent years.

### **2. Agency authority for the proposed action:**

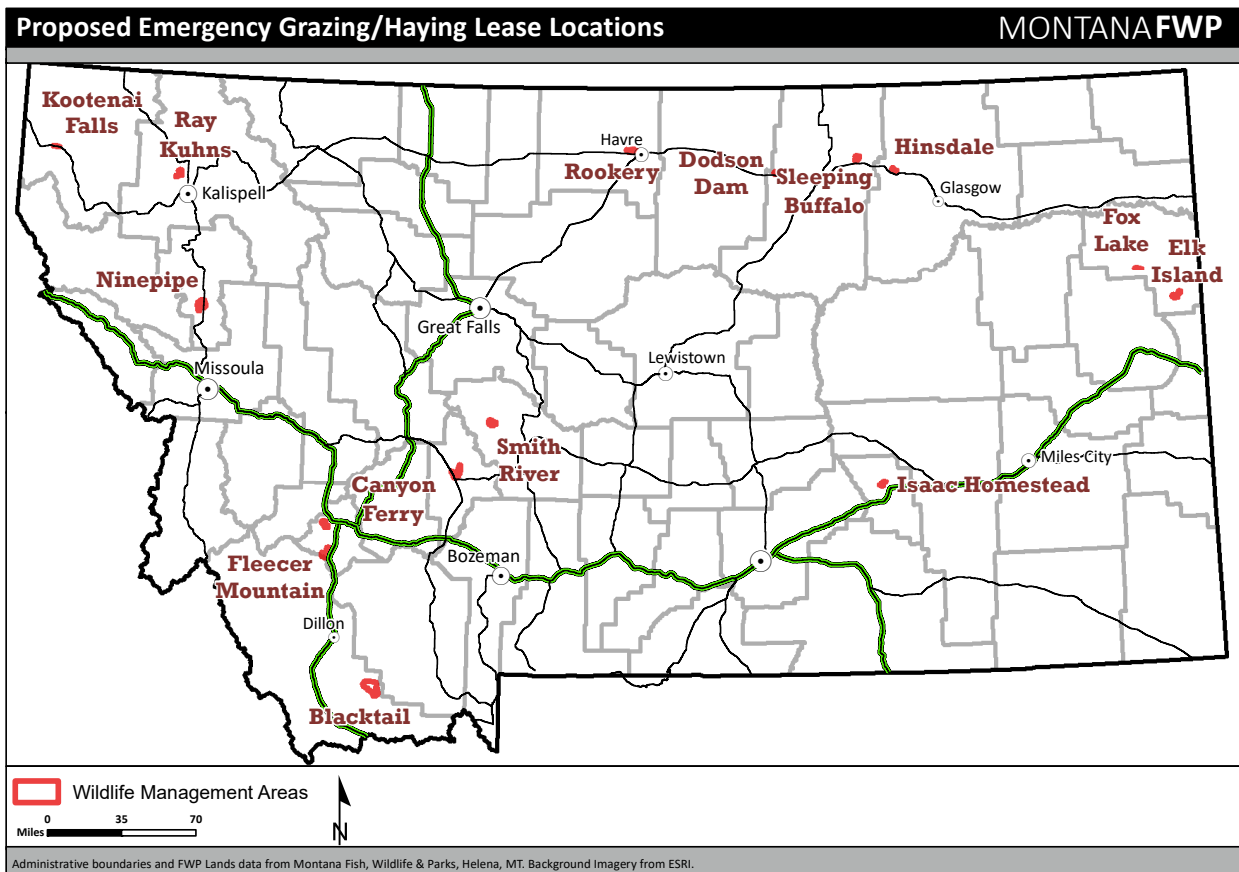
FWP has the authority under Section 87-1-201 MCA to protect, enhance, and regulate the use of Montana’s fish and wildlife resources for public benefit now and in the future. FWP’s land lease-out policy, as it pertains to the disposition of interest in Department lands (87-1-209), requires an Environmental Assessment (EA) to be written for all new agricultural leases, lease extensions, or lease renewals. MCA 87-1-209(7) further authorizes the Department to enter into leases of land under its control in exchange for services to be provided by the lessee on the leased land.

### **4. Anticipated Schedule (Tentative Dates):**

Complete the Environmental Assessment (EA) process by August 20, 2022. The following is contingent on the outcome of the EA process:

- Announce Lease Availability and Application Process: August 24, 2021
- Award Leases: September 2, 2021
- Consummate Leases as soon as the agreements are signed by both parties.
- Complete Grazing/Haying Treatments to conclude by October 31, 2021

### **5. Location affected by Proposed Action:**



**Figure 1.** Wildlife Management Areas involved in the Proposed Action. Each of these properties are proposed for one or more emergency haying or grazing leases.

**6. Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0</u>
(b) Open Space/ Woodlands/Recreation	<u>7,048</u>	Dry cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>330</u>	Forestry	<u>0</u>
		Rangeland	<u>0</u>
		Other	<u>0</u>

**7. Permits, Funding & Overlapping Jurisdiction.**

**(a) Permits:** permits will be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Dept. of Natural Resources and Conservation	Any leases that occur on DNRC lands leased by FWP would require a sublease or pasturing agreement.

**(b) Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
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**(c) Other Overlapping or Additional Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
State and Federal Land Management Agencies	Moving livestock or equipment across state or federal lands may require coordination by the lessee with the affected agency.

**7. Narrative summary of the proposed action:**

The goals of the Proposed Action are twofold:

1. Allow haying or grazing in areas where these treatments would generally benefit wildlife habitat and
2. support local ranching operations that are experiencing the substantial effects of drought.

Montana's Wildlife Management Areas (WMAs) provide a system of lands managed by FWP for the primary purpose of providing effective wildlife habitat and secondarily supporting recreation opportunities that are compatible with wildlife. These lands are managed under the Habitat Montana policies ([ARM 12.9.508-512](#)), which includes the following intended benefits (ARM 12.9.510):

- (a) conserve and enhance land, water and wildlife;
- (b) contribute to hunting and fishing opportunities;
- (c) provide incentives for habitat conservation on private land;
- (d) contribute to non-hunting recreation;
- (e) protect open space and scenic areas;
- (f) promote habitat-friendly agriculture; and
- (g) maintain the local tax base, through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.

The goals of the Proposed Action fit within the purposes and intended benefits of these properties.

Table 1 lists affected WMAs and proposed treatment details through individual lease arrangements with agricultural producers. Opening the opportunity for establishing these one-time leases and subsequent lease implementation, as described in Table 1, comprises the Proposed Action. Figures 2-15 detail approximate locations of each proposed lease arrangement.

Both human pursuits and wildlife reproduction, recruitment, and survival are directly impacted by drought. The details of this proposal were established through a series of evaluation steps to identify grazing or haying opportunities that fit with the (earlier mentioned) twofold goals of the Proposed Action. Most WMAs or parts of WMAs were excluded from further consideration because these proposed treatments didn't fit with the management objectives of the areas and would likely have resulted in conflicts. Some properties were also excluded from further consideration because forage availability is so minimal as to be of little benefit to domestic livestock. Examples where emergency haying/grazing were deemed incompatible included land making up existing haying and grazing leases (FWP supports 40 farming, haying, and grazing leases on 24 WMAs), areas providing critical forage necessary to support wintering deer and elk on big game winter ranges, habitat restoration projects that are underway, and areas left idle adjacent to proposed leases for maintaining a balance of habitat and lease benefits. That is, for areas receiving proposed treatments, as a general rule there are considerable areas that wouldn't receive any treatment to retain effective wildlife habitats, consistent with the purposes of these properties.

Contingent on the outcome of this EA process, these proposed lease opportunities would take place as soon as possible, during late summer and fall of 2021. Given drought conditions and time of season, FWP recognizes the forage value of these lease areas is likely to be relatively low. Many of these sites would also require considerable inputs by the lessees, including establishing and maintaining temporary electric fencing and other barrier improvements, setting water tanks and hauling water, identifying mowing equipment hazards, and the like. With the intent of implementing these leases for effecting wildlife habitat improvements, their relatively low forage value, and the considerable inputs required of lessees, FWP proposes these leases be offered on a no-cash basis. Lessee inputs supplying livestock, equipment, and labor would serve as payment for these habitat treatments. To reduce the potential for importing noxious weeds that could be new to the area and to assure this proposal would benefit local producers, only producers operating in the county where a lease is available would be eligible for participation in the respective lease. For lease areas that occur within 5 miles of an adjacent county, both counties would be eligible (Table 1). Lessees would be selected using a random drawing system.

## 9. Description and analysis of reasonable alternatives:

**Alternative A: No Action.** Under this alternative, FWP would not make portions of selected WMAs available for emergency haying and grazing. The intended benefits to the WMAs and agricultural producers would not occur, nor would the potential impacts associated with haying and livestock grazing.

**Alternative B: Proposed Action.** This alternative would result in proceeding with offering emergency haying and/or grazing leases on portions of selected WMAs.

**Table 1.** Details associated with each of the proposed emergency haying and grazing treatments on selected wildlife management areas. See Figures 2-15 for corresponding maps. County eligibility refers to the county a producer must have their operation in to qualify for the lease opportunity (see the Proposed Action for more details).

Wildlife Management Area (County eligibility)	Proposed Treatment	Approx. Acres	Treatment Information
Kootenai Falls (Fig. 2) (Lincoln County)	Haying	8	Former hay lands have been mowed in the past. Benefits from periodic haying to improve forage and cover value.
Ray Kuhn (Fig. 3) (Flathead County)	Grazing	480	Lease would involve former fields and open timber. Livestock grazing would cycle built up plant material and enhance herbaceous plant productivity.
Ninepipe (Fig. 4) (Lake County)	Haying	23, 37, and 47 acres	Decadent former croplands that would benefit from haying, improve brood habitat for pheasants.
Ninepipe (Fig. 4) (Lake County)	Grazing	80	Site has been idled for many years. Grazing would help invigorate vegetation, improve cover.
Canyon Ferry (Fig. 5) (Broadwater County)	Grazing	48	Proposed lease involves two of four seeded grasslands that would benefit from hoof action to improve forb abundance and fill in open spaces with seed trample, primarily intended to improve cover and plant composition for nesting and brood rearing pheasants. Remaining plots would remain available for wildlife and game bird hunting cover.
Fleecer (Fig. 6) (Silver Bow County, Deer Lodge County)	Grazing	1,080 and 790	This site has been idled for a number of years but would benefit from a grazing treatment to improve forage production and invigorate forbs, benefiting deer, elk, and forest grouse.
Blacktail (Fig. 7) (Beaverhead County, Madison County)	Grazing	4,100	Area has been idled, encompasses former hay fields and native range. One-time treatment would rejuvenate cover, mostly on elk spring transition habitat. Riparian habitats would

<b>Wildlife Management Area (County eligibility)</b>	<b>Proposed Treatment</b>	<b>Approx. Acres</b>	<b>Treatment Information</b>
			receive one-time grazing impacts. A portion of this lease could overlap with DNRC-administered lands leased by FWP.
Smith River (Fig. 8) (Meagher County)	Grazing	1,000	This area has been idled but does receive some use by wintering elk. A grazing treatment would reduce built up senescent vegetation and invigorate growth, enhancing elk forage. Accessing this area for a grazing lease would require crossing DNRC lands adjacent to the WMA.
Dodson Dam (Fig. 9) (Phillips and Blaine Counties)	Grazing	160	This area has been rested and would benefit from a grazing treatment. This is a productive area for a variety grassland nesting birds, pronghorn, and sharp-tailed grouse. Improved forb abundance and grass production would benefit all of these species.
Fox Lake (Fig. 10) (Richland County, Dawson County)	Grazing	340	Seeded cover has been idled for a number of years. Grazing treatment would help invigorate new growth and improve cover, primarily for nesting ducks and pheasants.
Hinsdale (Fig. 11) (Valley County)	Haying	18	The proposed treatment would involve haying one of three seeded nesting cover plots to reduce old vegetation and invigorate forbs for improved brood and nesting habitat, primarily for pheasants and white-tailed deer. Remaining habitats would be retained as cover and hunting recreation.
Rookery (Fig. 12) (Hill County)	Haying or Grazing	60	The proposed treatment focuses on seeded cover that was former cropland with the intent of enhancing cover and forage productivity for game birds and white-tailed deer.
Sleeping Buffalo - Area 7 (Fig. 13) (Phillips County)	Grazing	65	This area has been idled and would benefit from a grazing treatment to invigorate grasses and forbs, primarily benefiting pheasants. Remaining habitats would be retained for wildlife cover and bird hunting opportunity.
Elk Island (Fig. 14) (Richland County)	Grazing	89	This area was grazed about 7 years ago and would benefit from another grazing treatment. Treatment is intended to enhance brood habitat for future years. Surrounding areas will remain intact for hiding/hunting cover.
Isaac Homestead (Fig. 15) (Treasure County)	Haying	30	Seeded grass stands would benefit from a one-time haying treatment, primarily benefiting pheasants, turkeys, and white-tailed deer.



Wildlife Management Area (County eligibility)	Proposed Treatment	Approx. Acres	Treatment Information
			Surrounding areas will remain intact for hiding/hunting cover.

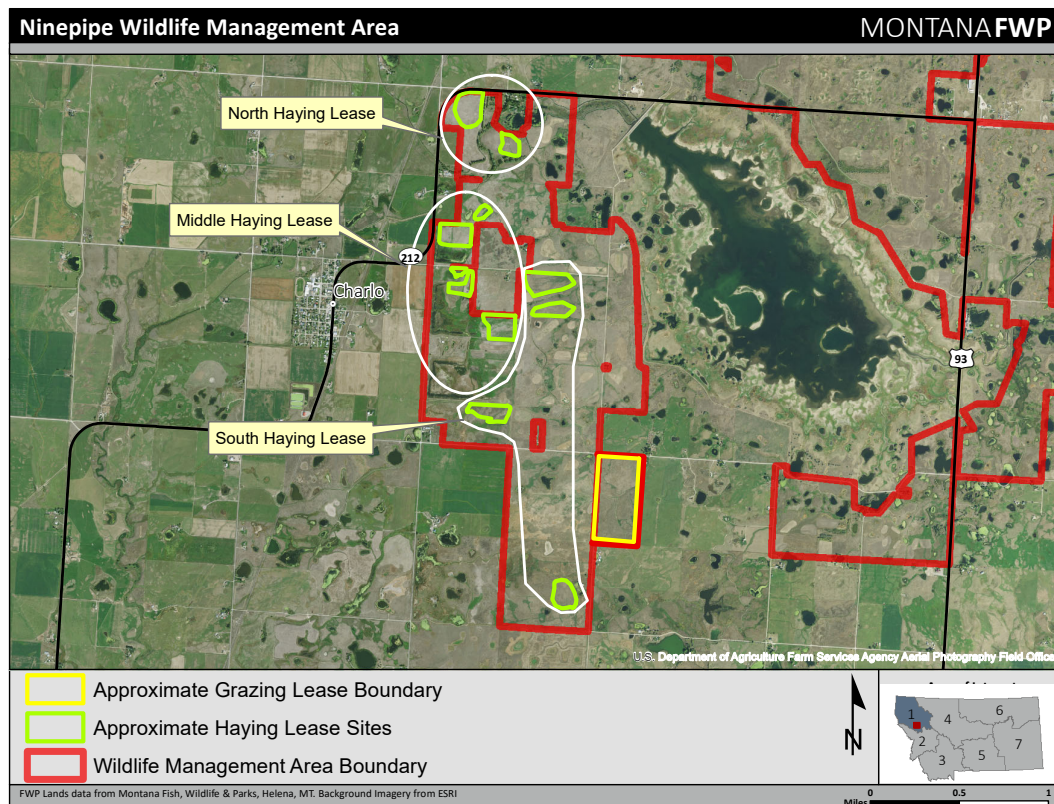


**Figure 2.** Proposed haying lease area on Kootenai Falls WMA, totaling ~ 8 acres.





**Figure 3.** Proposed grazing lease on Ray Kuhn WMA, totaling ~480 acres.

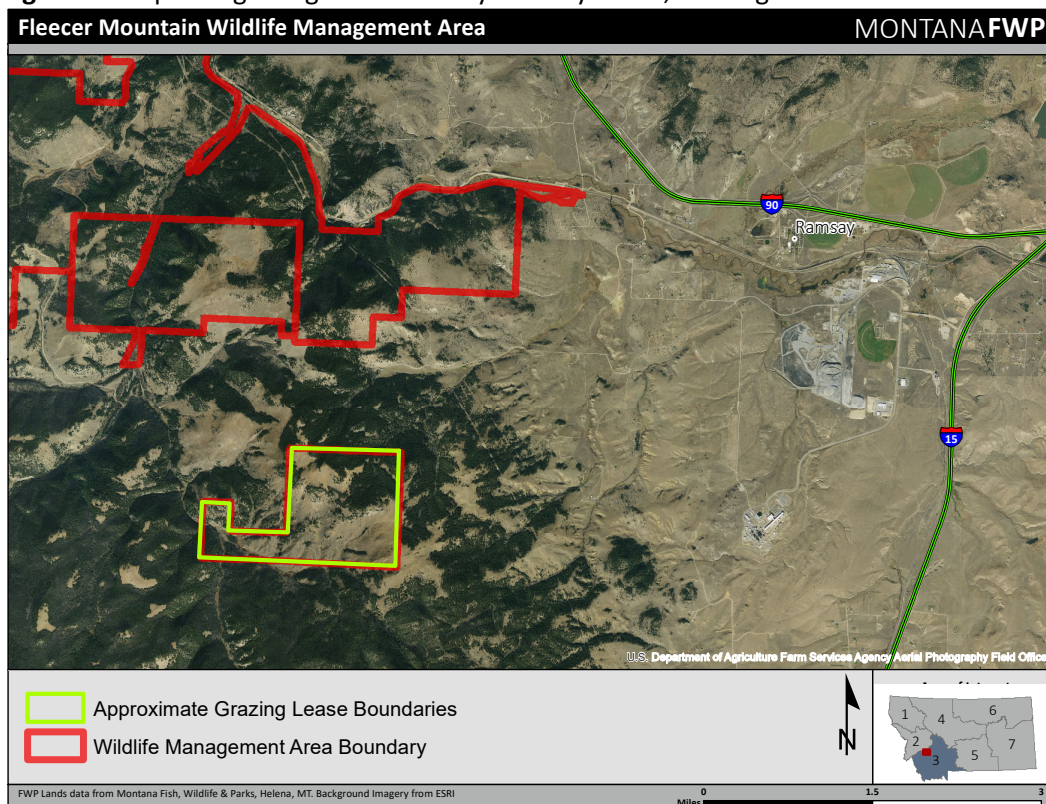


**Figure 4.** Proposed haying and grazing leases on Ninepipe WMA, totaling ~ 23, 37, and 47 acres of haying leases from north to south, respectively and 80 acres of grazing.



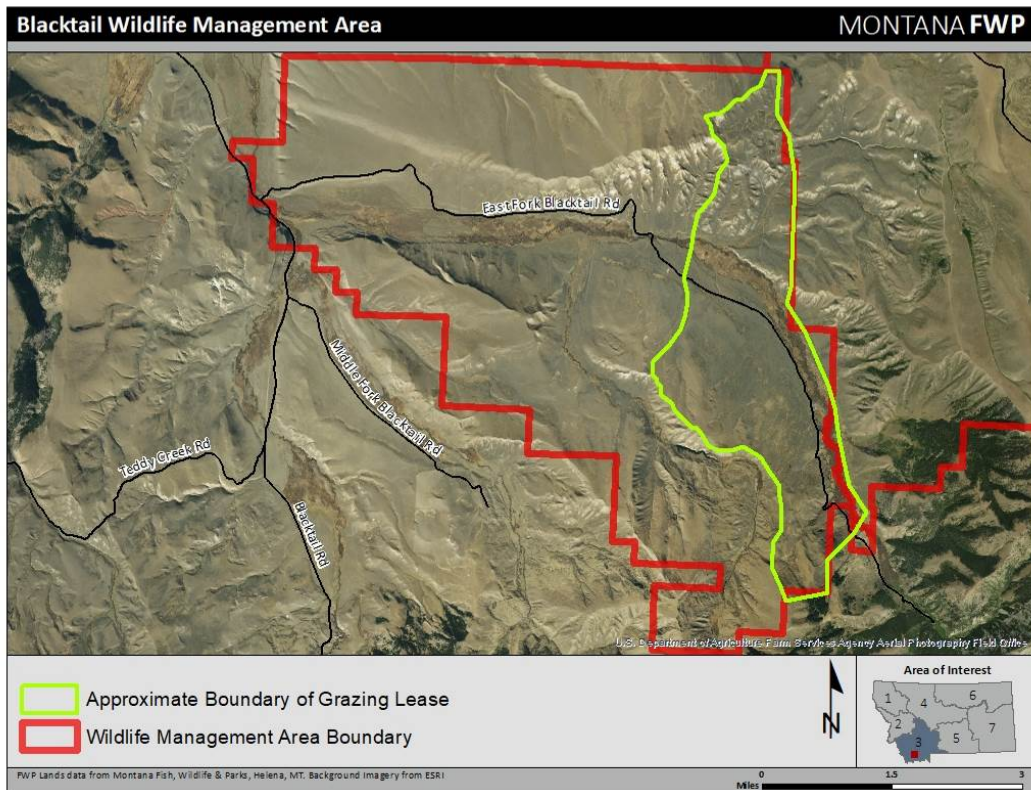


**Figure 5.** Proposed grazing lease on Canyon Ferry WMA, totaling ~48 acres.

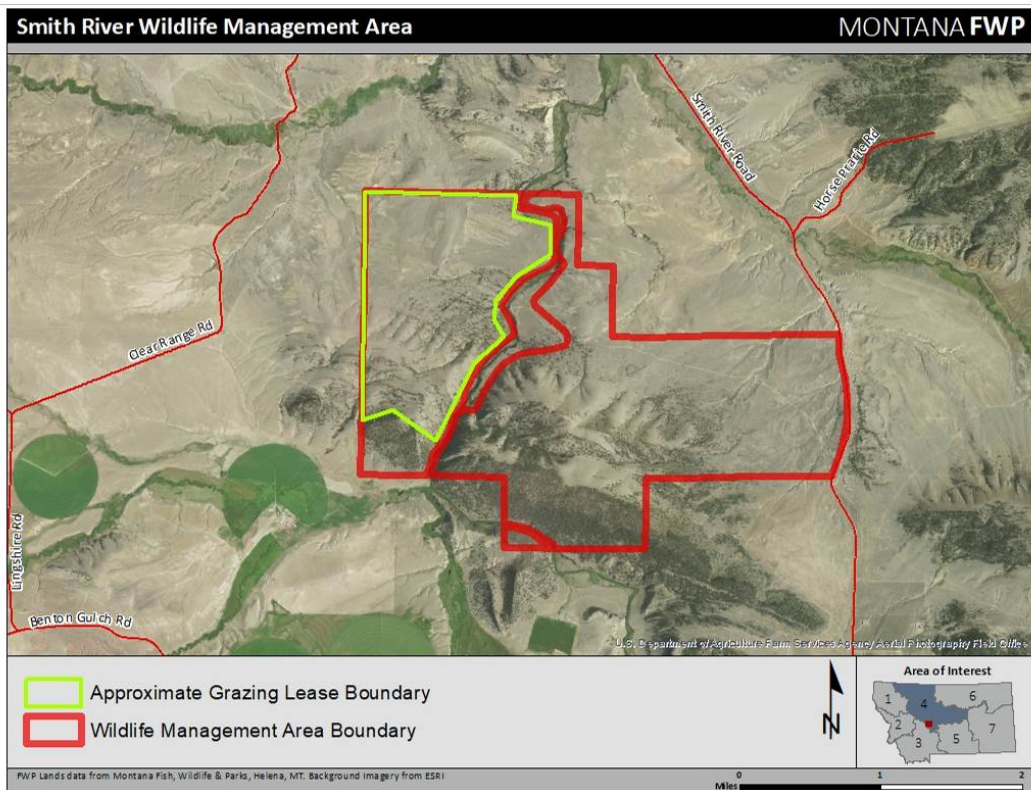


**Figure 6.** Proposed grazing leases on Fleecer Mountain WMA, totaling ~790 acres.



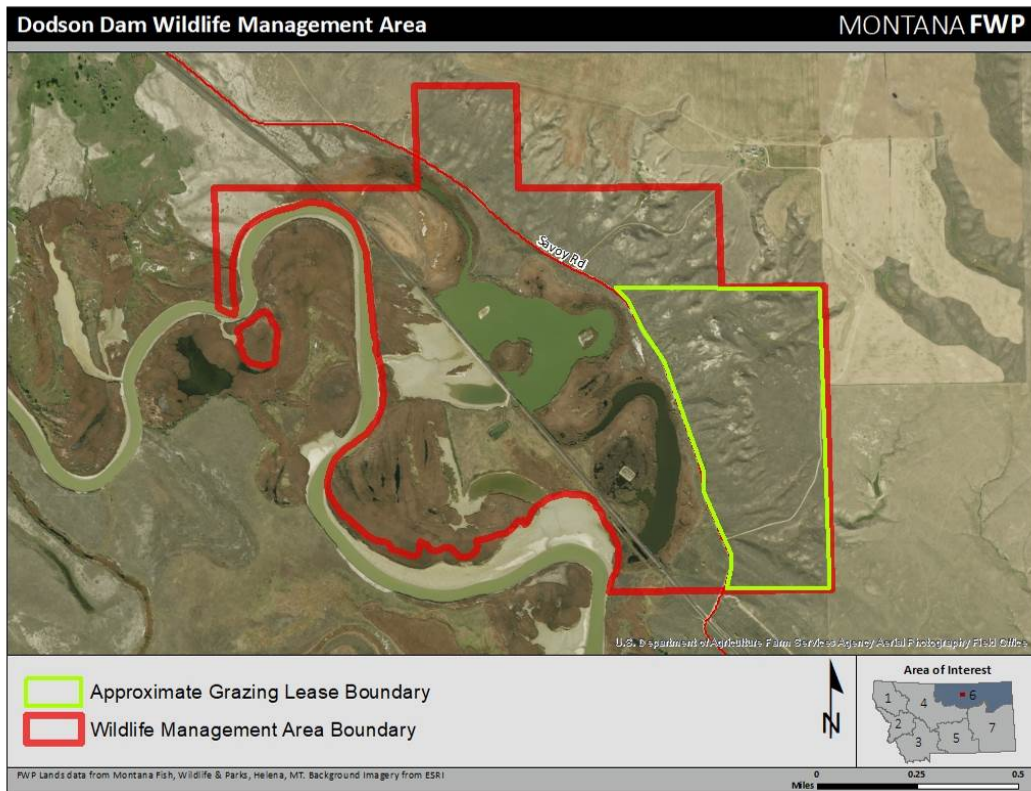


**Figure 7.** Proposed grazing lease on Blacktail WMA, totaling ~4,100 acres.

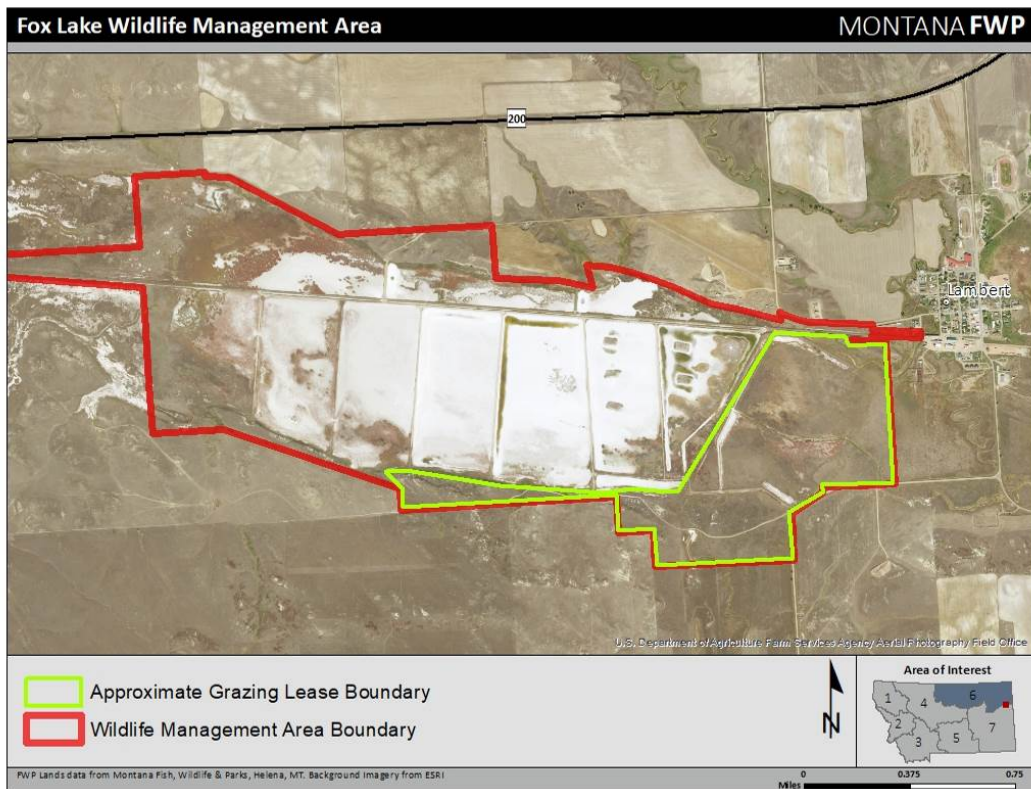


**Figure 8.** Proposed grazing lease on Smith River WMA, totaling ~1,000 acres.





**Figure 9.** Proposed grazing lease on Dodson Dam WMA, totaling ~160 acres.



**Figure 10.** Proposed grazing lease on Fox Lake WMA, totaling ~340 acres.



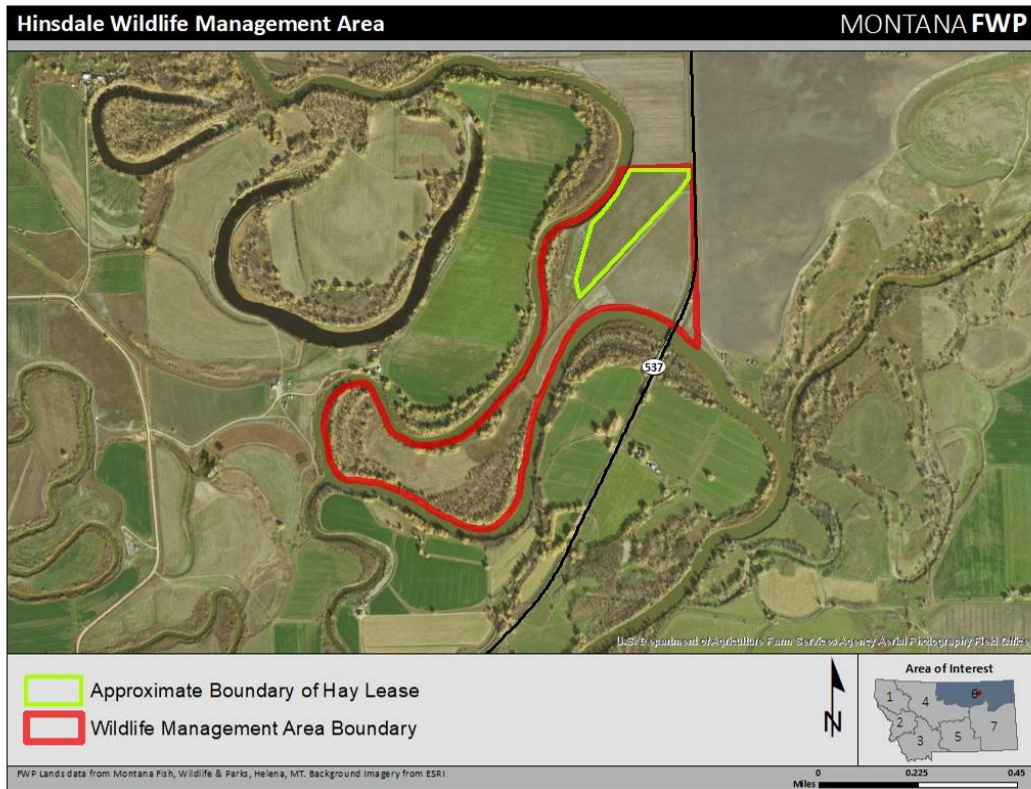


Figure 11. Proposed haying lease on Hinsdale WMA, totaling ~18 acres.

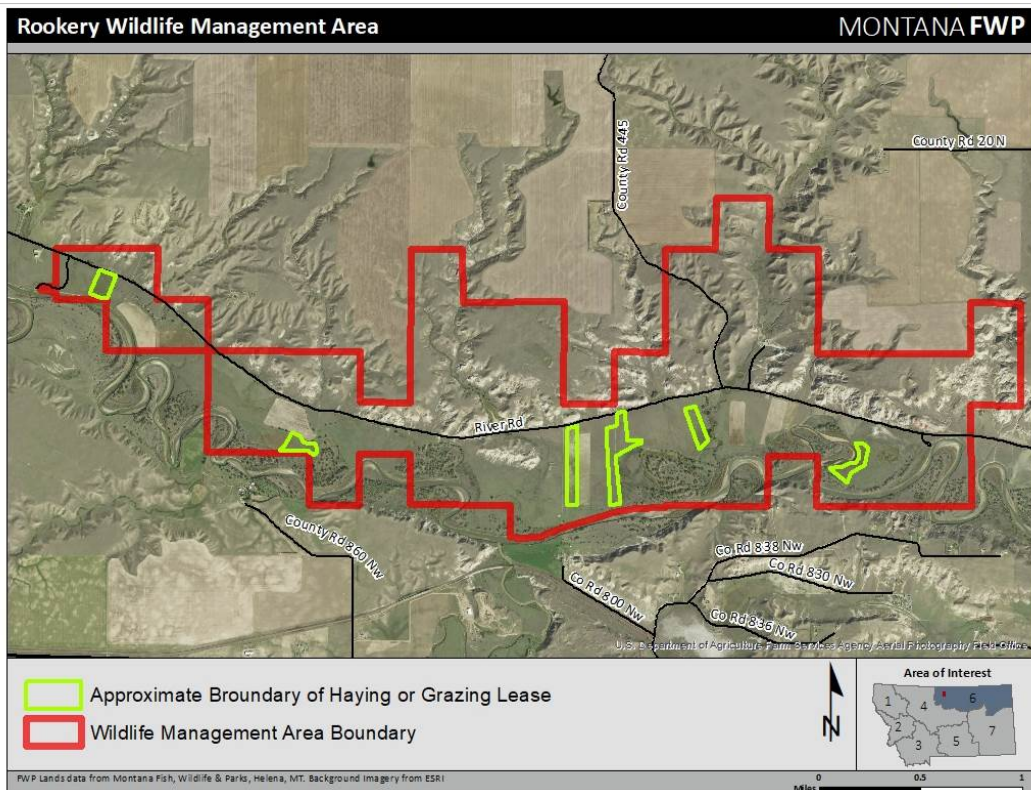
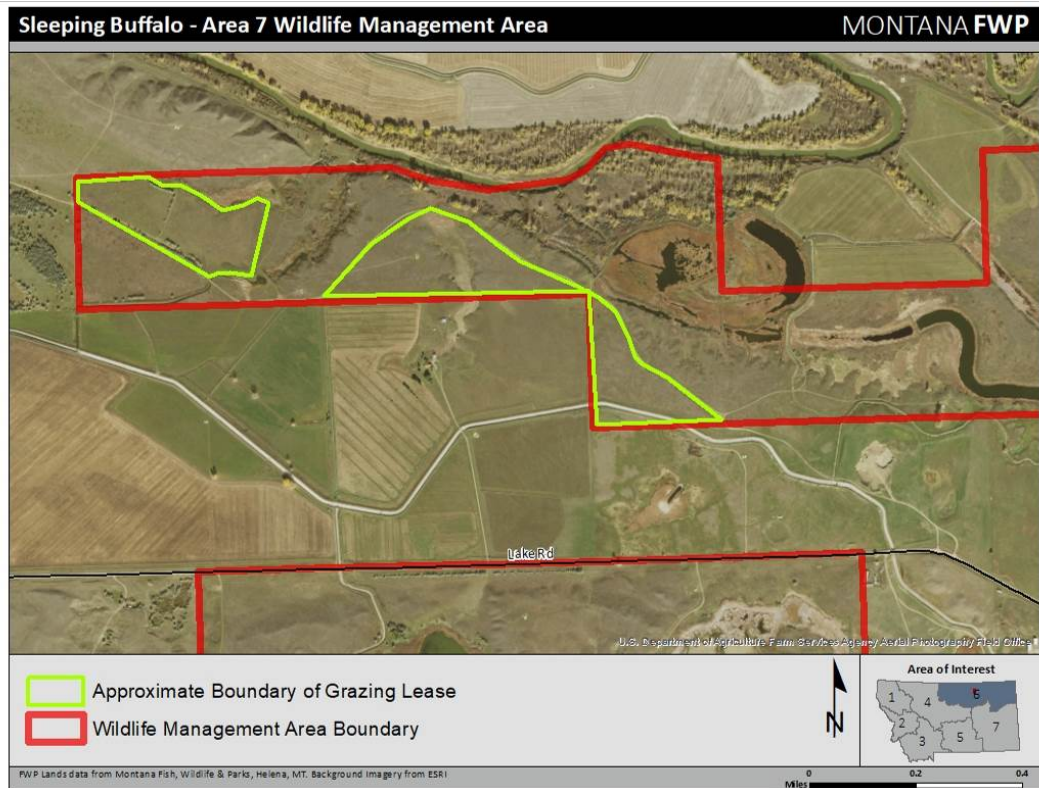
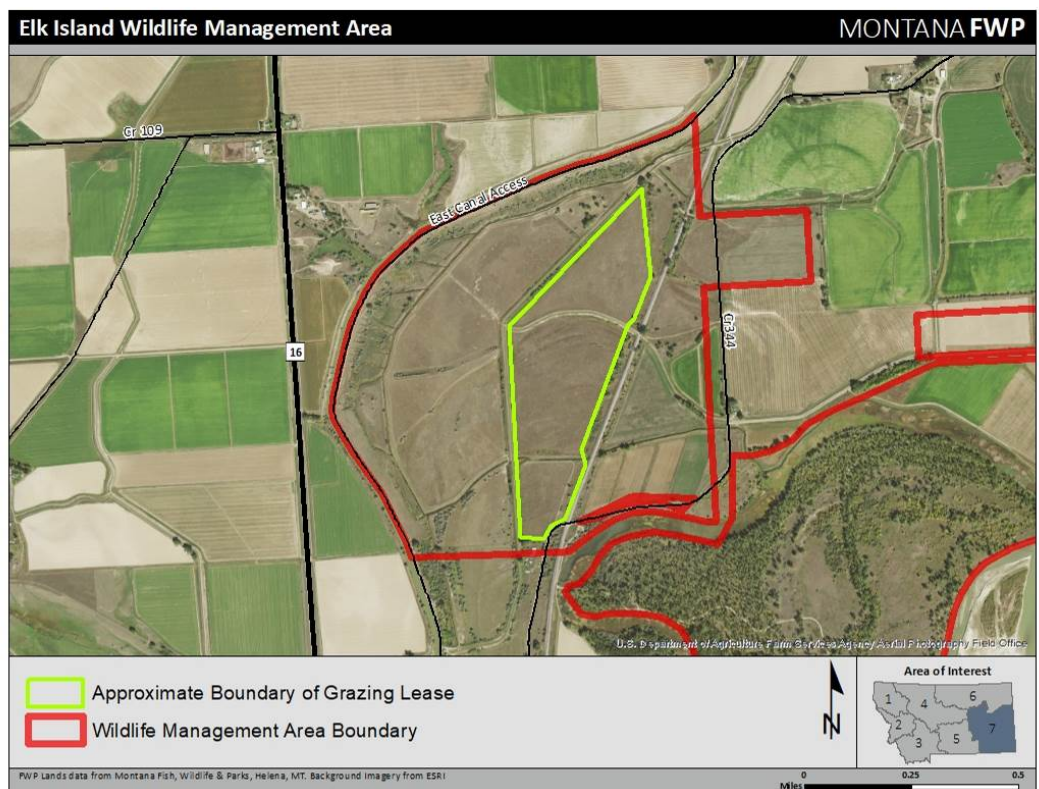


Figure 12. Proposed haying or grazing lease on Rookery WMA, totaling ~60 acres.

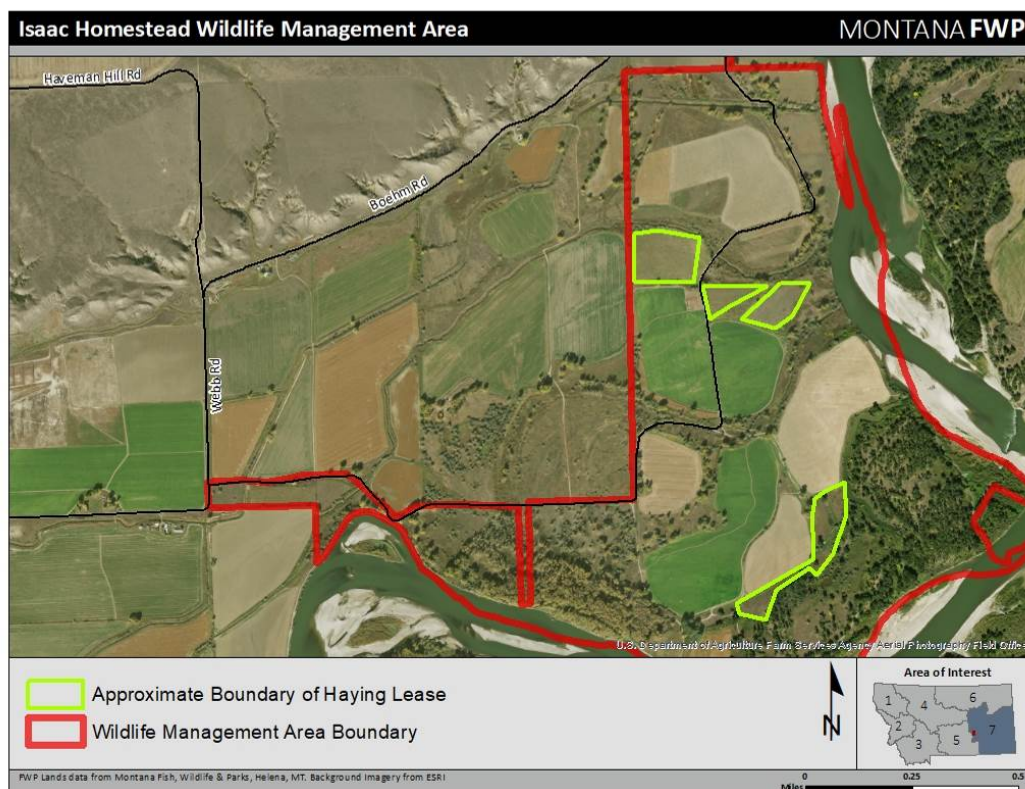




**Figure 13.** Proposed grazing lease on Sleeping Buffalo – Area 7, totaling ~65 acres.



**Figure 14.** Proposed grazing lease on Elk Island WMA, totaling ~89 acres.



**Figure 15.** Proposed haying lease on Isaac Homestead WMA, totaling ~30 acres.

**10. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

FWP conducted an evaluation of all prospective sites where emergency haying or grazing might occur. The list of possibilities was reduced to those areas where habitat benefits were likely, treatment timing fit with vegetation condition, and where conflicts with wildlife, neighbors, or recreationists were less likely. Proposed lease areas were intended to provide reasonable treatment sizes while balancing with wildlife habitat needs (e.g., cover, forage). Further, mitigation measures, as described in Table 2 would be employed and where appropriate, mitigation requirements would be included as part of haying and grazing lease agreements. If substantial conflicts emerge that cannot be effectively mitigated, FWP retains the authority to no proceed with a lease arrangement.



## PART II. ENVIRONMENTAL REVIEW CHECKLIST

**Table 2.** The following is a summary of possible impacts associated with the Proposed Action on the Physical and Human Environments and corresponding mitigation measures. These impacts may be pertinent across all of the proposed leases (Table 1) along with corresponding mitigation measures.

Possible Impacts	Impact Explanation and Mitigation Measures
<b>Physical Environment</b>	
<b>Land resources - soil compaction and erosion</b>	<b>Grazing</b> - hoof action can disturb and compact soils, especially near watering and mineral locations. Proposed grazing durations would be temporary and compaction is expected to be minimal. This impact is considered minor. Hoof action does have the benefit of cycling organic materials with soil and supporting seedling production.
	<b>Haying</b> - harvest equipment, such as tractors and swathers, can compact soils. Agricultural activities will be limited to when the ground is dry enough to avoid compaction issues. This restriction would be included in all hay lease agreements. With this mitigation measure in place, this impact is considered minor.
<b>Air - noise</b>	<b>Grazing</b> - Sounds from livestock herds will occur while present. Proposed grazing would not result a long-term change in noise levels. This impact is slight and does not receive further consideration in this EA.
	<b>Haying</b> - Sounds from agriculture vehicles will occur while haying and baling occurs. Proposed haying operations would not result in a long term change in noise levels. Haying operations would occur briefly and conclude during the lease period (ending October 31). This impact is considered minor.
<b>Air - smell</b>	<b>Grazing</b> - Animal smells would occur while livestock are present, and smells from fecal matter would remain temporarily after livestock leave. This is a temporary and inconsequential impact.
	<b>Haying</b> - Exhaust odors will be present, but only during haying operations. This is a temporary and inconsequential impact.
<b>Water - turbidity</b>	<b>Grazing</b> - When livestock access water resources, water turbidity can increase at the site. Grazing lease details would be customized to take into consideration potential impacts to stream courses, wetlands, or other open water areas to minimize this impact. This one-time grazing opportunity is expected to result in only short-term water turbidity impacts.
	<b>Haying</b> - No haying activities would occur near open water sources.
<b>Water - run-off</b>	<b>Grazing and Haying</b> - removal of vegetation cover can increase water run-off. Each proposed grazing lease opportunity would have a maximum grazing capacity to ensure residual cover for holding soils and capturing surface water. The purpose of both types of leases is to improve plant community composition and productivity which is expected to further reduce water run-off. As proposed, this impact is considered minor.

Possible Impacts	Impact Explanation and Mitigation Measures
<b>Vegetation - diversity, productivity, abundance of plant species</b>	<b>Grazing</b> – Proposed grazing is expected to promote establishment of new, young plants, and increase productivity of herbaceous vegetation. Grazing herbaceous plants after the growing season in general has little impact on plant health. Fall grazing can impact woody (browse) species. This one-time treatment will allow for recovery during the subsequent growing season. As proposed, this impact is considered minor.
	<b>Haying</b> - Proposed haying is expected to promote productivity of existing vegetation and possibly support a more diverse plant composition.
<b>Vegetation - weeds</b>	<b>Grazing</b> - Livestock can carry weed seeds from other grazing lands, as well as spread seeds within grazing paddocks. As a general rule, FWP selected sites to propose for grazing where noxious weeds are not a dominant species. Department staff would monitor grazed sites in subsequent years, in accordance with the WMA weed management program, to combat potential weed establishment or expansion. With these mitigation measures in place, this impact is considered minor.
	<b>Haying</b> - Harvest equipment can spread weeds. Lessees would be required as a term in the lease to clean and inspect equipment prior to conducting hay operations. FWP would monitor sites in accordance with the WMA weed program to combat potential weed establishment. With these mitigation measures in place, this impact is considered minor.
<b>Fish/Wildlife - habitat impacts and wildlife abundance/diversity</b>	<b>Grazing and Haying</b> - Wildlife cover and winter forage would be reduced in areas leased in the fall for haying and grazing. FWP selected proposed lease areas in balance with idle habitats to ensure impacts to wildlife would be limited. Prescriptive fall grazing is expected to result in some areas being more attractive to wildlife during spring green up, particularly for ungulates. Providing structural diversity using grazing or haying can also make habitats attractive to a broader diversity of wildlife species. As designed, impacts to wildlife related to loss of forage or cover is expected to be minor.
<b>Fish/Wildlife - direct impacts of lease operations</b>	<b>Grazing</b> - Any grazing lease contemplated through the Proposed Action must be consistent with wildlife values of the WMA, including federally listed species. If mitigation measures are unavailable for circumstances that could result in wildlife conflict, FWP would retain flexibility to forgo establishment of such a lease arrangement. During the proposed lease period, it is likely that some wildlife species would avoid the presence of livestock and increased human activity. This would result in temporary displacement from a localized area. Where used, temporary electric fences could also affect wildlife movements. These impacts would be temporary and the intended benefits to habitat are expected to outweigh anticipated impacts during the proposed lease period.
	<b>Haying</b> - Harvesting hay is well known for its potential impacts to nesting birds, broods, and other young animals during the summer. The Proposed Action would occur well after the nesting and brood period. However there may still be young game birds (particularly pheasants) that could be vulnerable to haying operations. Under each proposed lease, FWP staff would direct how haying operations would be conducted to minimize the risk to birds and other wildlife using these sites. For example, conducting mowing from the center of a cover plot outward allows animals to disperse. With haying during the fall, customized to further reduce direct wildlife impacts, this impact is considered minor.

Possible Impacts	Impact Explanation and Mitigation Measures
<b>Human Environment</b>	
<b>Noise levels</b>	<b>Grazing</b> - Sounds from livestock herds will occur while present. Proposed grazing leases would not result in a long-term increase in noise levels. This is considered a minor impact.
	<b>Haying</b> - Sounds from harvest equipment and vehicles occur while haying and baling takes place. Proposed haying leases would not result in any long-term noise impact. This is considered a minor impact.
<b>Fire danger</b>	<b>Grazing</b> - Lessees would be required to follow fire precautions consistent with county requirements. Temporary electric fences would likely be used in the absence of other barriers for containing livestock. There is a very remote possibility of fire caused by malfunctioning electric fences. Lessees would be required to monitor and maintain boundary fencing as part of the lease terms. Fire danger is a concern, but the potential for problems would be low as long as lessees follow fire precautions.
	<b>Haying</b> - Operating agriculture equipment, such as mowers, can cause fires. Lessees would be required to ensure their haying equipment is in proper functioning condition, and would follow county fire restrictions, including the possibility of haying only during low fire risk times (e.g., early morning). Fire danger is a concern, but the potential for problems would be low as long as lessees follow fire precautions.
<b>Alteration of quality or quantity of recreation</b>	<b>Grazing and Haying</b> – The presence of livestock or haying operations, as well as the reduction of forage and cover would be noticeable by people that recreate in the leased areas. Depending on the nature of their recreation, leased sites could reduce the quality or quantity of their recreation opportunity during the fall of 2021. Leases would not be allowed beyond October 31, 2021. This impact would be very localized. FWP selected proposed lease sites in balance with habitats that would remain idle, to retain wildlife habitat and hunting opportunities. As designed, this impact on recreationists would be relatively minor.
<b>Cultural and Historic Resources</b>	<b>Grazing</b> – all of the proposed grazing leases have a history of domestic livestock grazing. No soil disturbing activities would be conducted as a result of grazing leases and there would be no cultural or historic resource impacts.
	<b>Haying</b> – harvesting hay would not disturb the ground surface and would have no impact on cultural or historic resources.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

The Proposed Action comprises a one-time treatment event, involving haying or grazing during a time of the year when plants are generally dormant and unaffected by harvest. The impacts identified in this Environmental Assessment are temporary and localized. There is no cumulative aspect of the impacts either on the WMAs or in combination with other adjacent areas that would have substantial or long-lasting impacts to the physical or human environment. There are no conflicts with local, state, or federal laws or regulations. The anticipated benefits are enhancement of wildlife habitats while allowing harvest of forage by local agricultural producers affected by extreme drought. There may be debate by

some as to the nature of the impacts of the Proposed Action, as there are varying perspectives as to the effectiveness of workings lands approaches to habitat improvement and conservation.

#### **PART IV. PUBLIC PARTICIPATION**

##### **1. Public involvement:**

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- One statewide press release;
- Email press release to statewide distribution list
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>

This level of public notice and participation is appropriate for a project of this scope having limited impacts, most of which can be mitigated.

##### **2. Duration of comment period:**

The public comment period will extend for (14) fourteen days. Written comments will be accepted until 5:00 p.m., August 13, 2021 and can be submitted via the electronic and physical addresses below:

<https://fwp.mt.gov/public-notices/news/2021/jul/0730-emergency-grazing-and-haying-leases-on-select-fwp-wildlife-management-areas-draft-environmental-assessment>

Montana Fish, Wildlife and Parks  
c/o Rick Northrup  
P.O. Box 200701  
Helena, MT 59620

#### **PART V. EA PREPARATION**

##### **1. Based on the significance criteria evaluated in this EA, is an EIS required? NO**

**If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

Based on the significance criteria evaluated in this EA, no EIS is required. Although the Proposed Action would affect up to approximately 8,500 acres of habitats, the impacts are temporary and generally beneficial, fitting with the purposes of Montana's Wildlife Management Areas, while demonstrating compatibility of agriculture and wildlife. An environmental assessment is the appropriate level of review for this proposed action.

**2. Person(s) responsible for preparing the EA:**

Rick Northrup, FWP Wildlife Habitat Bureau Chief, Helena, MT  
Kelvin Johnson, FWP Habitat Management Biologist, Glasgow, MT

**3. List of agencies or offices consulted during preparation of the EA:**

FWP Wildlife Biologists and Regional Wildlife Managers across the state  
Dept. of Natural Resources and Conservation