



**Decision Notice for  
Blackfoot-Clearwater Wildlife Management Area (BCWMA) and  
O. W. Potter Jr. Exemption Trust (PET)  
Cooperative Habitat Management Lease Agreement**

Prepared by  
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3201 Spurgin Road, Missoula, MT 59804  
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**DESCRIPTION OF PROPOSED ACTION**

Montana Fish, Wildlife and Parks (FWP) proposes to enter into a 7-year Cooperative Habitat Management Lease Agreement with the O. W. Potter Jr. Exemption Trust (PET; Lessee). Under this arrangement, approximately 37.4 acres of FWP's Blackfoot-Clearwater Wildlife Management Area (BCWMA) would be available for livestock grazing in exchange for resting approximately 313 acres of elk winter range on the PET property. The BCWMA and PET properties proposed for the agreement are in Missoula County, south of Clearwater Junction.

The proposed action would assure continued maintenance of the FWP lease land and provide significant wildlife habitat benefits for elk, deer, and ground-nesting bird species on 313 acres of private native-sagebrush grassland. The proximity of the 313-acre native range adds value to the BCWMA, providing important winter range and calving grounds for a herd of approximately 150 elk. Furthermore, care and maintenance and late-season grazing by the PET on the original 17.4-acre FWP tame-grass pasture and the proposed additional 20-acre native pasture (total 37.4 acres), would enhance early-season forage green-up for elk and deer. FWP believes that renewing this Cooperative Habitat Management Lease Agreement, as newly proposed, would maintain wildlife habitat in this area, continue important public-private habitat management partnerships, and help preserve public hunting access to highly valued private lands.

**ALTERNATIVES CONSIDERED**

**Alternative A: No Action**

Under the no-action alternative, the grazing lease on the 17.4 acres (under the previous agreement) of FWP-owned land would not be renewed, and livestock grazing would be excluded from this tame grass pasture. The result of no-action would require the PET to alter their current grazing management plans accordingly. In addition, the 152 acres (under the previous agreement) of native pasture on the PET lands would no longer be rested from livestock grazing.

Under the proposed action and previous agreement, maintenance of the FWP-owned pasture was the responsibility of the PET. Maintenance duties included weed treatment and fence care between FWP and PET properties. These maintenance duties would become the responsibility FWP under the no-action alternative, and the boundary fence between the properties would need to be replaced.

Wildlife habitat benefits would potentially be compromised on the private 152-acre native range under the no-action alternative. If livestock grazing returned to the 152-acre parcel, forage that has been available to wintering elk under the previous cooperative agreement would likely instead be consumed by livestock, and the presence of livestock may also displace elk calving in the area.

### **Alternative B: Proposed Action**

Under the proposed action alternative, FWP would renew a cooperative habitat grazing lease for 7 years with the O.W. Potter Jr. Exemption Trust---a long-time cooperator with FWP. The grazing prescription calls for 10 AUMs of grazing (horses) during late fall on a 17.4-acre FWP pasture, and 10 AUMS of high-intensity, short-duration grazing during the summer on the additional 20-acre FWP pasture in exchange for year-long deferment of livestock grazing of a private 313-acre native range pasture with high value as wildlife habitat. In this proposed action, the Lessee would increase its deferred pasture size from 152 acres (previous agreement) to 313 acres (current proposal). The Lessee would be responsible for continuing fence maintenance and weed treatment of FWP lease land.

## **MONTANA ENVIRONMENTAL POLICY ACT**

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. The Blackfoot Clearwater WMA and PET Cooperative Habitat Management Agreement proposal and its effects were documented by FWP in a Draft Environmental Assessment (EA).

## **PUBLIC REVIEW**

### **Process**

FWP released a draft environmental assessment (EA) for public review of the "Blackfoot-Clearwater Wildlife Management Area (BCWMA) and O. W. Potter Jr. Exemption Trust (PET) Cooperative Habitat Management Lease Agreement" proposal on December 23, 2020 and accepted public comment for 30 days through January 21, 2021.

Legal notice of the proposal and availability of the Draft EA was published once each in the *Independent Record* (Helena, Dec 2), *Missoulian* (Dec 2), and *Seeley Swan Pathfinder* (Dec 3) newspapers. FWP mailed 6 copies of the EA to adjacent landowners, interested individuals, groups and agencies. The EA was available for public review and comment on FWP's web site (<http://fwp.mt.gov/>, "Recent Public Notices") from March 27 through April 28, 2015.

## Summary of Public Comment

FWP received no comments during the public review and comment period for this proposal.

## FINDING OF NO SIGNIFICANT IMPACT

FWP has reviewed the EA and applicable laws, regulations, and policies and has determined that this action will not have significant effect on the human environment. Therefore, I conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is not necessary.

## DECISION

Based on the analysis in the Draft EA and lack of public comment opposing or suggesting changes to the Proposed Action, I have selected the Proposed Action (Alternative B). FWP will enter in a 7-year Cooperative Habitat Management Agreement (involving 37.4 acres of FWP land) with the O. W. Potter, Jr., Exemption Trust (involving 151.6 acres of private land). FWP will allow grazing on its land in exchange for year-long deferment of livestock grazing on the private land.

By notification of this Decision Notice, the draft EA is hereby made the final EA. The finding of selection for the Proposed Action (Alternative B) is the product of this Decision Notice.



Randy Arnold  
Regional Supervisor

6/7/2021

Date