



DECISION NOTICE

Wustner Bee Lease

6/22/2023

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, WITHOUT MODIFICATION, and approves Alternative 2.

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 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 May 20th until June 3rd of 2023. A legal Notice was published in Missoulian, Helena Independent Record, and Mineral County Independent

and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. 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 1 comment of no opposition during the public comment period.

DESCRIPTION OF PROPOSED ACTION



PURPOSE AND NEED

The EA must include a description of the benefits and purpose of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

FWP proposes to renew a beehive lease for approximately 40 hives on a 20 x 30-foot area within the Rehbein parcel and approximately 40 hives on a 20 x30-foot area adjacent to Thompson Creek Road in the FCWMA. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry and as such, can improve wildlife habitat by providing forage and cover for many species including deer, elk, and bears. The proposed project would facilitate ongoing benefits provided by locating bees within the affected area(s).

The following conditions of the lease would be applicable to both affected locations and apiaries:

- Lessee would be required to construct and maintain a multi-wire (4 wire or more) electric wire fence around the perimeter of the beehives at both locations;
- If the fence failed at either location and a bear(s) were to get into the beehives, the lessee would remove the beehives from the property immediately and FWP would reevaluate the terms of the lease.

- FWP would not lethally remove any bears for depredating the lessee's beehives on the FCWMA.
- FWP may terminate the lease at any time if any of the conditions above were not met.
- Lessee would be required to keep vehicles and equipment clean to prevent the spread of noxious weeds.

The following conditions of the lease would be applicable to the individual affected locations and apiaries, as noted:

- Rehbein parcel apiary. The lessee would be allowed to access the property through a locked gate administered by FWP. The lessee would only be allowed to drive on roads that lead directly to and from the beehives to the locked gate.
- Thompson Creek Road FCWMA apiary. No off-road vehicle use is allowed on the FCWMA; therefore, vehicle use would be prohibited when servicing the FCWMA apiary.

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, the existing lease would expire and neither affected apiary would be allowed on the affected properties. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry and as such, can improve wildlife habitat by providing forage and cover for many species including deer, elk, and bears. Under the No Action alternative, ongoing benefits provided by locating bees within the affected area(s) would not continue.

Alternative 2: Proposed Action

Under the Proposed Action, Montana Fish, Wildlife & Parks (FWP) proposes to renew a beehive lease for approximately 40 hives on a 20 x 30-foot area within the Rehbein parcel and approximately 40 hives on a 20 x 30-foot area adjacent to Thompson Creek Road in the Fish Creek Wildlife Management Area or FCWMA. The initial lease for both affected apiaries expired on October 1, 2022 and the proposed lease would extend from June 1, 2023 through October 1, 2033.

PUBLIC COMMENT AND FWP RESPONSE

From: Farmer, Sierra <sierrafarmer@mt.gov>

Sent: Monday, May 22, 2023 2:42 PM

To: Klimstra, Ryan <Ryan.Klimstra@mt.gov>

Cc: Crowser, Vivaca <Vcrowser@mt.gov>; Helena, Amy <AHelena@mt.gov>

Subject: RE: PUBLIC COMMENT SOUGHT –Wuster Bee Lease Renewal Checklist EA

Ryan,

DNRC does not have any comments or concerns issuing the Wuster Bee Lease Renewal.

If you have a scoping list specific to the Fish Creek area can you also add Amy Helena, cc'd above to your list for future scoping?

Thanks so much,

Sierra Farmer

Trust Lands Program Manager
Southwestern Land Office
MT Department of Natural Resources & Conservation
1401 27th Ave, Missoula, MT 59804
406-542-4264



From: Crowser, Vivaca <Vcrowser@mt.gov>

Sent: Friday, May 19, 2023 12:44 PM

Subject: PUBLIC COMMENT SOUGHT –Wuster Bee Lease Renewal Checklist EA

This EA is open for review and comment May 20-June 3, 2023. Please see more information below and online. Thanks!

PUBLIC COMMENT SOUGHT –Wuster Bee Lease Renewal Checklist EA

Montana Fish, Wildlife & Parks (FWP) invites public review of the Wustner Bee lease renewal on Fish Creek Wildlife Management Area (WMA). FWP is proposing to renew an existing lease for 10 years. The lease will allow the lessee to place two apiaries in specific locations on Fish Creek WMA no earlier than June 1st each year and the lessee will remove them no later than October 1 of each year. FWP does not expect any negative impacts from this ongoing project and recognizes the importance of pollinators on the landscape. A draft checklist environmental assessment (EA) has been prepared describing this lease renewal. The EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5500; by emailing ryan.klimstra@mt.gov or by viewing online: fwp.mt.gov/public-notice/news/2023/may/0519-fish-creek-wma-wustner-bee-lease-checklist-ea

Comments may be directed to Ryan Klimstra at the mail or email addresses above. Comments must be received by FWP no later than June 3rd, 2023, by 5 p.m.

Vivaca Crowser

Communication and Education Program Manager

Montana Fish, Wildlife & Parks; Region 2

3201 Spurgin Rd

Missoula, MT 59804

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DECISION

ADOPT DRAFT EA AS FINAL EA

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,

Randy Arnold
Region 2 Regional Supervisor
Montana Fish, Wildlife & Parks