



## DECISION NOTICE

### Wildcat Wildlife Management Area Fee Title Acquisition

September 8, 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 the Proposed Action: to purchase the 328-acre property and establish the new Wildcat Wildlife Management Area (WMA).

#### **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 can 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 7, Parts 7 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 Checklist EA for public review and comment.

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 public comment received.

With consideration for all public comments received, FWP determined the level of environmental review provided by the Draft EA is adequate, without modification, and an EIS is not required.

## **PUBLIC PARTICIPATION PROCESS**

The Draft EA was made available for public review and comment beginning on August 1, 2023, through August 30, 2023. On August 1, 2023, 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 281 comments during the public comment period (see *Public Comment and FWP Response* below).

## **DESCRIPTION OF PROPOSED ACTION**

Montana Fish Wildlife & Parks (FWP) proposes the establishment of the Wildcat Wildlife Management Area (WMA) along the Lower Yellowstone River Corridor (LYR). Public access to lands along the LYR is currently limited and in areas where public access opportunities do exist, such resources are heavily utilized. Due to the abundance of recreational potential along the LYR, and the current lack of public access, recreational opportunities are cherished.

Toward that end, and building on a local initiative, a citizen-based Lower Yellowstone River Corridor Advisory Committee (advisory committee) was created during the summer of 2021 to help shape future opportunities for improved access, habitat conservation, and sustainable economic development along the LYR, including the area directly affected by the proposed project. Sponsored by Governor Greg Gianforte, and convened by FWP, the make-up of the 12-member advisory committee reflected the diversity of public interests within the LYR including agricultural, recreational, conservation, and the local economy, all values important to the region. In this context, FWP intends to partner with current property owners and non-governmental organizations (NGO) to purchase the 328-acre property and establish the Wildcat WMA.

The proposed Wildcat WMA is situated along the Yellowstone River and is located seven miles east of Forsyth, in Rosebud County. The property provides approximately 2.2 miles of riverfront and associated high quality riparian wildlife habitat with no existing farm or croplands. Most of the property hosts native vegetation consisting of two main habitat types, Great Plains Floodplain and Great Plains Mixed Grass Prairie (Table 1 and Figure 4). The riparian habitat is forested with an overstory consisting of Eastern cottonwood while the understory is dominated by willow species. Grasses that occur on the property are dominated by smooth brome and common forbs including wild licorice and tansy mustard. These characteristics make existing wildlife habitats found on the property beneficial to a large suite of game and non-game species, both migratory and resident.

The affected property is located in an area that FWP and the advisory committee have identified as high priority for habitat conservation and protection along the LYR. Further, the proposed property (river mile 226) would provide boat-in and walk-in access for anglers, floaters, hunters, hikers, and wildlife viewing opportunities. Existing infrastructure at the proposed site is limited to a primitive parking area to support public use. While no boat ramp exists at the proposed site, recreationists looking to access the property with watercraft would be able to utilize the Far West Fishing Access Site boat ramp that is located approximately 1.5 river miles to the east (Figure 1).

FWP's objective is to purchase the 328-acre property and establish the new WMA by the end of calendar year 2023.

### **PURPOSE AND NEED**

The proposed project represents a rare opportunity for FWP to acquire a property with high quality wildlife habitat and sought after recreational opportunity along the Yellowstone River. The proposed project would increase the conservation footprint of the affected area and provide new public access and recreational opportunities, thereby helping to fulfill priorities established by FWP and the advisory committee. If approved, the new WMA would be managed under and incorporated into FWP's Administrative Region 7 WMA Management Plan. As a WMA with a guiding management plan, the property would be managed to conserve and improve habitat conditions for all wildlife species present, such as mule and white-tailed deer, Merriam's turkey, ring-necked pheasant, migratory waterfowl, sharp-tailed grouse, and a suite of non-game species including several species of concern.

Wildcat WMA management practices would include the following:

- habitat improvement projects
- noxious weed control
- fence maintenance
- other improvement projects as they arise.

Further, management of the property as a WMA would allow the Yellowstone River to conduct its natural processes, such as flooding and cottonwood regeneration, thereby enhancing existing wildlife habitat. Additionally, the proposed acquisition of the affected property would provide boat-in and walk-in access for anglers, hunters, hikers, wildlife viewers, and the public at large.

### **ALTERNATIVES ANALYZED**

In addition to the proposed Project, and as required by MEPA, FWP analyzed the "No-Action" alternative. Under the "No Action" alternative, the proposed North Wildcat Coulee WMA property purchase would not occur and public access to the affected land and Yellowstone River shoreline would not be available. Further, the proposed project would not be incorporated into FWP and advisory committee objectives to conserve and provide public access to the LYR.

### **PUBLIC COMMENT AND FWP RESPONSE**

Most of the public comments received during the public comment period were supportive of the proposed action. Further, many of the supportive comments received used a form letter consistent with or mirroring those supportive comments included below, for reference. The following provides a representative sample of the public comments received and FWP's response(s).

#### **Public Comment:**



**BACKCOUNTRY  
HUNTERS & ANGLERS  
MONTANA**

August 18, 2023

Montana Fish, Wildlife & Parks

Attn: Brett Dorak

PO Box 1630

Miles City, MT 59301

Brett.Dorak@mt.gov

RE: Wildcat WMA Acquisition

Dear Mr. Dorak,

On behalf of the Montana Chapter of Backcountry Hunters & Anglers, a grassroots conservation organization with roughly 3,000 dues-paying members in the state, we submit these comments in full support of the proposed acquisition of 328 acres and the creation of the Wildcat Wildlife Management Area. We thank Montana FWP along with a handful of NGO partners for putting forward this collaboratively funded project proposal. Specifically, we'd like to extend a special note of gratitude to our friends at Pheasants Forever, Ducks Unlimited, MeatEater, National Wild Turkey Federation, and The Conservation Trust for their financial commitments to this project.

The Lower Yellowstone River is part of the longest free-flowing river in the lower 48 states, and although the upper reaches of the river enjoy many fishing access sites and publicly protected habitat for a variety of species, the lower river isn't as fortunate in terms of access and publicly protected habitat along its banks. This proposed WMA, which is comprised by mostly an island in the river with 2.2 miles of riverfront land, provides valuable habitat for many huntable critters our members take keen interest in, including mule deer and white-tailed deer,



[WWW.BACKCOUNTRYHUNTERS.ORG/MONTANA](http://WWW.BACKCOUNTRYHUNTERS.ORG/MONTANA)  
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Merriam's turkey, waterfowl, ring-necked pheasant, sharp-tailed grouse, and more. Further, the property hosts, or could host, several "species of concern" including great blue heron, black-tailed prairie dog, spiny softshell turtle, and little brown myotis.

We are happy to see that the proposed EA does not include much development of this property which would be to the detriment of the wildlife, but instead focuses on maintaining access to this wild island via an already existing boat ramp 1.5 miles to the east and only a primitive parking site for public access. Further development plans in the proposal seem largely dedicated to streambank mitigation, which also benefits wildlife. We appreciate the effort to strike a balance between public access, quiet recreation including hunting and fishing, and also the protection of the habitat for the species that call this property home.

Further, it is worth noting that the EA mentions public overuse of other publicly accessible sites because of scarcity of public lands and publicly accessible lands in the area. It is our hope that other state-owned sites would see more sustainable levels of recreational use as more public lands are added, to the benefit of both wildlife and public land owners alike.

Montana BHA strongly supports this proposal and applauds the effort by FWP and its NGO partners to create this WMA for the benefit of all.

Sincerely,

Jake Schwaller, Eastern Montana Conservation Leader (volunteer board member)  
Montana Chapter of Backcountry Hunters & Anglers



WWW.BACKCOUNTRYHUNTERS.ORG/MONTANA  
MONTANA@BACKCOUNTRYHUNTERS.ORG

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**FWP Response:** Thank you for your comment in support for the proposed project.



**Public Comment:**

JACOB M. DILLON  
2819 Daisy Lane  
Billings, Montana 59105

August 22, 2023

Montana Fish, Wildlife and Park, Wildcat WMA Acquisition  
P.O. Box 1630  
Miles City, Montana 59301

*Re: Approval of Wildcat WMA Acquisition*

To whom it may concern:

Please consider this letter my formal comment recommending approval of Montana Fish Wildlife and Parks' acquisition of the Wildcat WMA. This acquisition will: (1) ensure lasting habitat for diverse game species along the Yellowstone River and (2) provide critical recreational opportunities in an area which has relatively few when compared to the rest of the state.

Lands along the Yellowstone River, especially those bottom lands like the proposed Wildcat WMA, are host to a diverse array of species. I have personally hunted and fished in these areas and can attest to the abundance of elk, mule deer, white tail deer, pheasants, turkeys, and other game species found in these areas. Acquisition of the Wildcat WMA will provide critical and lasting habitat for these species.

The proposed Wildcat WMA will also provide additional recreational opportunities in a part of our state that has relatively few. River bottom along the Yellowstone River in Eastern Montana has recently become a prized commodity – due in large part to expanding Elk populations which often frequent isolated islands adjacent to farmland. The Wildcat WMA will ensure that locals and other Montana residents can continue to recreate along the Yellowstone River in the future.

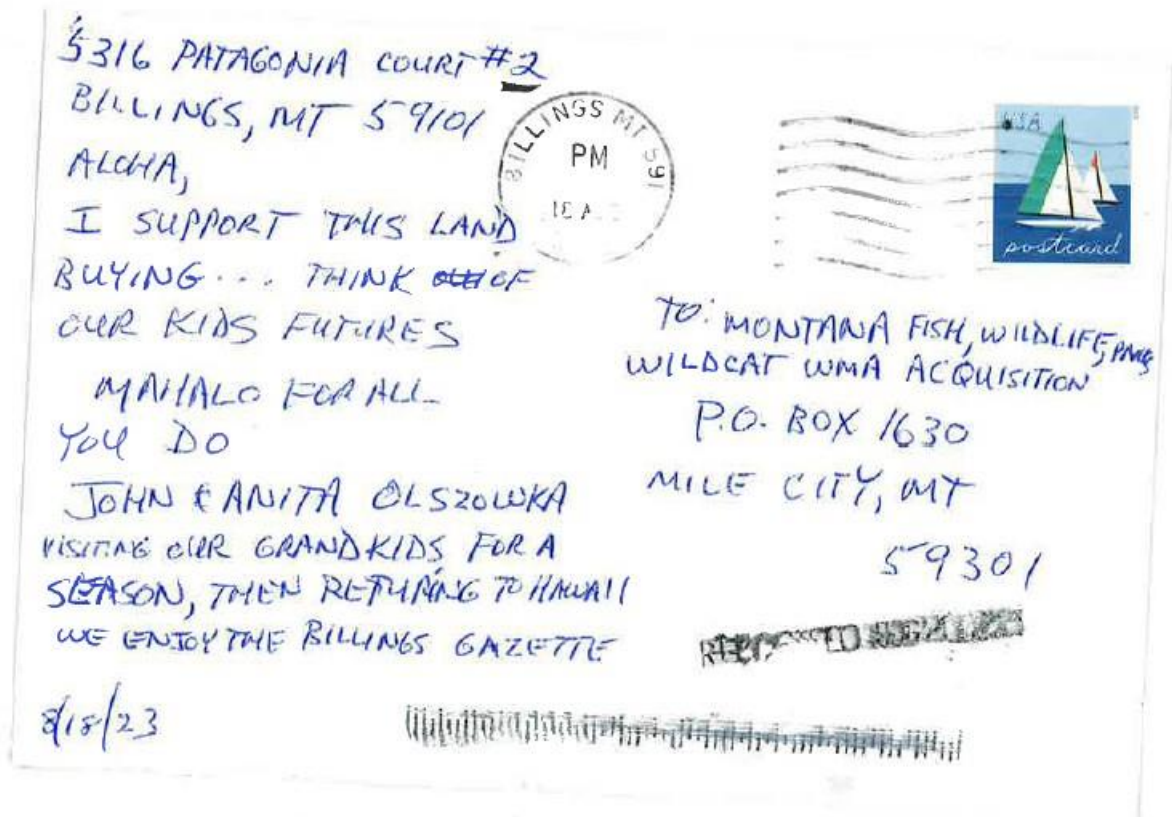
For these reasons, I strongly encourage FWP approve acquisition of the Wildcat WMA.

Sincerely,

JACOB M. DILLON

**FWP Response:** Thank you for your comment in support for the proposed project.

**Public Comment:**



**FWP response:** Thank you for your comment in support for the proposed project.

**Public Comment:**

August 24, 2023

Montana Fish, Wildlife & Parks,  
Wildcat WMA Acquisition,  
PO Box 1630,  
Miles City, MT 59301

Dear Sirs:

I was excited to hear about the proposed North Wildcat WMA. In the past I have hunted and fished in the lower Yellowstone River area and would like to do so again. This WMA would improve public access along the river in an area where access has been hard to find.

As Montana's parks and recreation areas become more and more crowded, this type Of public lands where lovers of "open country" can enjoy small tracts of wild bottomland would be very welcome.

I would strongly urge Montana Fish, Wildlife & Parks to acquire this property for future enjoyment by the public.

Thank you for the opportunity to make my opinion known to you.

Sincerely,

  
Les Carpenter

**FWP comment:** Thank you for your comment in support for the proposed project.



**Public Comment:**



16 August 2023

Brett Dorak, FWP Region 7 Wildlife Manager  
Montana Fish, Wildlife and Parks  
Wildcat WMA Acquisition  
P.O. Box 1630  
Miles City, MT 59301

Mr. Dorak,

Pheasants Forever, Inc. and Quail Forever is a 501(c)(3) charitable organization with a mission to conserve pheasants, quail, and other wildlife through habitat improvements, public access, education, and conservation advocacy.

We write to express our support for the Montana Fish, Wildlife and Parks' (FWP) fee-title acquisition of the 328-acre Wildcat Wildlife Management Area (WMA). Pheasants Forever, Inc. has partnered with FWP and has committed to raising funds to support this acquisition project. We have secured funding in support of the Wildcat WMA from many partners (e.g. MT Fish & Wildlife Conservation Trust, NWTF, DU and MeatEater). Funding has been initiated with partners and through our Build A Wildlife Area® program.

This project falls within one of Pheasants Forever's priority landscapes in Montana and protects key riparian habitat that supports a wide variety of game and non-game wildlife species, including ring-necked pheasants and sharp-tailed grouse. Protecting, restoring, and enhancing upland gamebird habitat is core to our organization's mission. Likewise, this project will both create and enhance public recreational opportunities along the Lower Yellowstone River, where public access is currently very limited. Wildcat WMA will offer both land-based and boat-in access; provide excellent hunting, angling and other outdoor recreational opportunities; and enhance connectivity among pre-existing public access sites along the river. Increasing public access to key upland gamebird habitat is a high priority for our organization and represents an important strategy in the recruitment, retention, and reactivation of sportsmen and women.

Acquiring the Wildcat WMA property provides a great opportunity for Montana FWP to achieve multiple objectives that directly align with those of our organization. We appreciate the opportunity to partner with Montana FWP on this strategic acquisition project that will permanently protect habitat and facilitate public access for future generations.

Sincerely,

A handwritten signature in black ink, reading "Marilyn Vetter". The signature is fluid and cursive, with the first name "Marilyn" being larger and more prominent than the last name "Vetter".

Marilyn Vetter, President & CEO  
Pheasants Forever, Inc. and Quail Forever

Cc: Hunter VanDonsel, MT State Coordinator, PF  
Chad Harvey, Regional Representative, PF  
John Laux, Permanent Habitat Protection Manager, PF

**FWP response:** Thank you for your comment in support for the proposed project.

**Public Comment:**



August 23, 2023

Brett Dorak  
[Brett.Dorak@mt.gov](mailto:Brett.Dorak@mt.gov)  
Montana Fish, Wildlife and Parks  
PO Box 1630  
Miles City, MT 59301

**RE: Wildcat WMA Acquisition**

Dear Brett Dorak,

The Trust for Public Land Northern Rockies office supports Montana Fish, Wildlife and Parks (FWP) purchasing 328 acres for the establishment of the Wildcat Wildlife Management Area. The Trust for Public Land (TPL) creates parks and protects land for people, ensuring healthy, livable communities for generations to come. To date the TPL Northern Rockies program has conserved nearly 900,000 acres of land and has completed numerous community park and trail projects in the region.

The proposed wildlife management area will protect approximately 2.2 miles of the Yellowstone River and make it publicly accessible. This project is a key step in conserving habitat and improving public access in the Lower Yellowstone River Corridor. The project will conserve important riparian habitat that is used by sharp-tailed grouse, pheasant, mule and white-tailed deer, waterfowl, and a variety of other wildlife. Several wildlife species of concern are found in the immediate area including great blue heron and black-tailed prairie dogs. The new Wildcat Wildlife Management Area will create boat-in and walk-in public access for hunting, fishing, hiking, wildlife viewing, or river floating in a section of river that has been identified by FWP and the Lower Yellowstone River Corridor Advisory committee as a high property.

For the many benefits shared above the Trust for Public Land Northern Rockies office supports FWP's acquisition of the Wildcat Wildlife Management Area.

Sincerely,

A handwritten signature in black ink that reads "Nick Clarke".

Nick Clarke  
Northern Rockies Project Manager  
Trust for Public Land

**FWP response:** Thank you for your comment in support for the proposed project.

**Public Comment:**



Brett Dorak  
Montana Fish, Wildlife & Parks  
Wildcat WMA Acquisition  
PO Box 1630  
Miles City, MT 59301

Re: North Wildcat Coulee Wildlife Management Area

August 30, 2023

Please accept these comments on behalf of Wild Montana (formerly Montana Wilderness Association) and our members in response to the public comment period for the North Wildcat Coulee Wildlife Management Area Draft Environmental Assessment.

Since 1958, Wild Montana has been uniting and mobilizing people across Montana, creating and growing a conservation movement around a shared love of wild public lands and waters. We work at the local level, building trust, fostering collaboration, and forging agreements for protecting the wild, enhancing public land access, and helping communities thrive. Wild Montana routinely engages in public land-use planning processes, as well as local projects such as habitat restoration and timber harvest proposals, recreational infrastructure planning, and land acquisitions. Wild Montana and our more than 3,500 members are invested in the ecological integrity, healthy communities, and quiet recreation opportunities on public lands across Montana.

Wild Montana is also a founding member of the Lower Yellowstone River Coalition and led the coalition's efforts to secure \$4 million for land acquisitions on the Lower Yellowstone in the 2021 legislative session. The Lower Yellowstone River Coalition is a coalition of community leaders, citizens, organizations, businesses, and recreation enthusiasts from eastern Montana working to improve the Lower Yellowstone River on behalf of our communities. We formed the Lower Yellowstone River Coalition to help expand sustainable outdoor recreation and public access opportunities along the Lower Yellowstone River, while protecting critical wildlife habitat, highlighting historic sites, and improving economic benefits and quality of life for communities in eastern Montana.

The Lower Yellowstone River Coalition envisions a future for eastern Montana where more families want to raise their children here, more small businesses want to set down roots here, and more visitors want to stay and explore. Currently, nearly 30 city councils, mayors, county





commissions, economic development organizations, tourism advocates and non-profit organizations have endorsed the Lower Yellowstone River Coalition.

Our staff were fortunate to serve on the Lower Yellowstone River Corridor Citizen's Advisory Committee and worked to develop the [set of recommendations](#) that committee submitted to the Montana Department of Fish, Wildlife and Parks.

The proposed North Wildcat Coulee Wildlife Management Area has the full support of our organization. This property is located in a high priority area for acquisition based on the advisory committee's recommendations and represents quality habitat conservation for a large variety of species. The 328 acre parcel, including 2.2 miles of river front, will create excellent boat-in and walk-in public access opportunities for the region.

Thank you for your consideration of our comments. Please do not hesitate to contact us if you have any questions.

Sincerely,

Noah Marion

State Policy Director  
[nmarion@wildmontana.org](mailto:nmarion@wildmontana.org)  
406-624-9622

**FWP response:** Thank you for your comment in support for the proposed project.

**FWP received numerous comments with supportive language that consisted of:**

"I'm writing to show my support for FWP's purchase of the Wildcat Wildlife Management Area.

As you know, public access to much of the Lower Yellowstone is severely limited and where access does

exist, resources are heavily utilized. Adding new access will improve recreational opportunities, making it easier for people to use the river and reducing overuse in places where access exists.

Additionally, the Wildcat WMA is important because it secures critical habitat for wildlife for both game and non-game species. As Montana faces increasing development, protecting important wildlife habitat becomes increasingly important, and the Wildcat WMA will be a great model for balancing access and conservation moving forward. That the purchase will use diverse funding and be a driver for increased community partnerships is an additional point in its favor.

Finally, the project is a great example of how the Department can work with local stakeholders to develop solutions that work for everybody. From day one, this project has been developed with significant community input and support, and it's great to see that it has support from agriculture, recreation, conservation, and business groups.

The Wildcat WMA purchase is a great example of a community supported project that benefits everyone, and I urge the Department to move it forward.”

**FWP Response:** Thank you for your comment in support for the proposed project.

**Public Comment:**

Dear Mr. Dorak:

I am strongly opposed to the government buying any more land, they have too much already, especially the feds. I would not be opposed to this wildlife management area providing you have strong support of the locals and it is financed by selling off some other state land.

Steve Hicks  
White Sulphur Springs. Montana

**FWP Response:** FWP’s objective is to conserve critical wildlife habitat and provide the public with access and recreational opportunities to achieve our mission to “Steward fish, wildlife, parks, and recreational resources for the public, now and into the future.”

**Public Comment:**

Will this parcel have a boat ramp ?

**FWP Response:** The proposed Wildcat WMA will not have a boat ramp; however, to accommodate those that wish to access this part of the Lyr via watercraft, a boat ramp exists approximately 1.5 river miles to the east at the Far West Fishing Access Site.



## **DECISION**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Schmitz", with a stylized flourish at the end.

Brad Schmitz  
Region 7 Regional Supervisor