



DECISION NOTICE

Cree Crossing Habitat Improvement Projects

FWP-DN-WLD-R6-24-007

May 28, 2024

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, 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 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 1 May 2024 to 15 May 2024. 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 two comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

The proposed action entails four habitat improvement projects on Cree Crossing WMA including:

Nesting Cover Enhancement- This project is intended to enhance security cover for ground nesting birds, as well as experiment with different techniques of haying, seeding, and disking on previously farmed fields that were seeded to permanent cover when FWP purchased the property in 2009.

Grazing in exchange for services- This project proposes to move a fence on the northern boundary of Cree Crossing WMA that would allow livestock grazing on 60 acres of the WMA concurrent with the adjacent pasture on private land. In exchange for grazing, the landowner would agree to fence removal, construction and maintenance on the WMA as well as establish food plots on the property.

Cottonwood Recruitment Project- On the south side of Cree Crossing WMA there is a 5.5 acre stand of old crested wheatgrass that has been historically tilled and surrounded by mature and decadent cottonwoods. We intend to reestablish cottonwoods through a series of flooding and seeding treatments.

Farming Agreement- FWP seeks to establish a farming lease on 16 acres of farmland on the WMA in exchange for leaving a 30 ft x 170 ft strip of unharvested grain annually on the western border of the farmed area. This will leave valuable forage for upland birds during the winter months when food resources are limited.

PURPOSE AND NEED

We propose four separate habitat improvement projects on Cree Crossing WMA with the goal to improve habitat for both migratory and upland game birds by increasing nesting cover, structural complexity, plant diversity, and year-round forage for upland game birds and other wildlife species. Cree Crossing WMA currently provides lower quality nesting habitat for upland birds. Improving their habitat would allow more opportunity for hunters and wildlife viewers to recreate.

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 make the habitat improvements, this area would continue to provide lower quality habitat for upland and migratory birds and the status quo would be maintained.

Alternative 2: Proposed Action

Under the proposed action, FWP would engage in the four proposed habitat improvement projects, including enhancing previously seeded nesting cover, grazing livestock on a 60-acre portion of the WMA, establishing cottonwoods on previously tilled crested wheatgrass hay fields, and continue farming on a 16-acre portion of the WMA in exchange for leaving a standing food plot.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response.

Comment: I fully support the proposed habitat improvement projects at Cree Crossing. These projects will certainly benefit the wildlife habitat in that area. Great stuff!

FWP Response: FWP agrees. These projects aim to improve wildlife habitat in the area.

Comment: I have reviewed the draft EA for the Cree Crossing WMA projects. It looks like a worthwhile project to improve wildlife habitat,
Good luck with your endeavors.

FWP Response: FWP agrees. These projects aim to improve wildlife habitat in the area.

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 proposed action.

Sincerely,

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

Drew Henry
Region 6 Supervisor
Montana Fish, Wildlife & Parks