



DECISION NOTICE

Prescribed Fire for Range Management at Rosebud Battlefield State Park

04/29/2024

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 (Draft 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 3/28/24 to 4/13/24. A legal Notice was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. The Draft EA was also made available for public review by individual request and through notice to identified interested parties. Social media posts were created with links to FWP's Public Notice webpage. FWP received nine (9) comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP), in conjunction with the Montana Department of Natural Resources and Conservation (DNRC), is proposing a controlled burn at Rosebud Battlefield State Park (RBSP) as a

vegetation management strategy to reduce fuel levels and promote the health of the park's ecosystem. Heavy fuel loads increase the risk for high temperature, uncontrolled wildfires which endanger contributing features to the National Historic Landmark (NHL), important archaeological sites, park infrastructure, as well as neighboring properties. Prescribed burning is a management tool where carefully managed burns are used to reduce fuel levels and improve the overall health of the prairie. Burning up to 500 acres on the north half of the park could result in a reduction of vegetation litter, improved health of the landscape, wildlife enhancement, and protection of historical artifacts.

PURPOSE AND NEED

In 2013 and again 2016, wildfires burned several hundred acres within RBSP. Due to the heavy fuel load of dense vegetation, the fires burned intensely and may have destroyed several precontact archaeological sites that had never been fully recorded or evaluated for the NRHP. Due to the large number of sensitive archeological resources across the property and decreasing health of the prairie, Montana State University's (MSU) range management program was invited to do an ecological inventory of the park, with oversight of an archaeologist, to evaluate the environment and recommend best practices for vegetative management. A study of the northern half of the park was completed in 2019 and a second study of the southern half was completed in early 2024. Recommendations from the study included "naturalized management through prescribed fires." Instituting a regime of regular controlled burning is therefore being considered as an appropriate way to reduce wildfire risk, protect cultural resources, and enhance overall range health. An initial burn of approximately 500 acres is being considered to measure the impact on the landscape, wildlife habitat, and historical resources.

This will be a joint project with the Montana Department of Natural Resources and Conservation (DNRC), who can prepare the burn plan and oversee the burn. Prior to implementation, the burn plan will be reviewed by FWP's heritage program and submitted to the Montana State Historic Preservation Office (SHPO) for consultation, in keeping with the FWP's obligations under the Montana Antiquities Act. The burn plan will also be submitted to the Tribal Historic Preservation Offices (THPO) of all tribes with interest in the area for their review, in keeping with FWP's tribal consultation guidelines.

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.

FWP would not pursue conducting a prescribed fire at RBSP. The current maintenance of the park would be continued by staff. Decadent residual vegetation would remain, increasing the fire load and the potential of wildfires over time which could increase the need for firefighting techniques as were used in 2013 and 2016, which may have damaged several precontact archaeological sites. No action would result in the continued decline in vegetation quality and increase in fuel load. The threat of uncontrolled wildfire and potential damage to the park's cultural resources and other natural resources would remain.

Alternative 2: Proposed Action

Under the Proposed Action, Montana Fish, Wildlife and Parks (FWP), in conjunction with the Montana Department of Natural Resources and Conservation (DNRC), propose a controlled burn at Rosebud

Battlefield State Park (RBSP) as a vegetation management strategy to reduce fuel levels and promote the health of the park's ecosystem.

Alternative 3: Cattle Grazing by Lease Agreement (this alternative was considered and dismissed).

Cattle grazing by lease agreement was considered in 2017. An environmental assessment was completed at that time, and public comments requested. Many public comments were received both for and against grazing as a vegetation management tool. After analysis of the comments FWP put grazing on hold in the park due to concerns of potential damage to the historic resources. Limited grazing may be considered in the future after additional research has been conducted.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the Draft EA. A substantive public comment is defined as the identification of a specific issue or impact. The following provides a synopsis of the public comments received with some comments being paraphrased, and FWP responses.

Comment #1: I believe the concerns for the protection and mitigation of the potential fire effects are well addressed and the plans for inventory before, during and after the prescribed burn are more than adequate to address and mitigate any potential adverse effects to the archaeological resources.

FWP Response: Thank you for commenting on our project. This EA was reviewed by the Heritage Manager.

Comment #2: I have no problem with you burning on the park.

Comment #3: The EA checklist for the proposed prescribed burn looks rather thorough. Good luck keeping the vegetation at a 'normal' condition.

Comment #4: I am writing to express support for the Draft EA and plan to conduct prescribed burning at Rosebud Battlefield State Park. The improved health of native plant species will be beneficial to wildlife.

FWP Response: Thank you for your comments.

Comment #5: What are the impacts of the proposed prescribed fire on the DNRC State Trust Land adjacent to Rosebud Battlefield State Park on the southeast boundary.

FWP Response: Thank you for commenting. There should be no impact to DNRC State Trust Land in that area as it is 1.8 miles from the controlled burn and on the opposite side (south side) of Rosebud Battlefield Road and Rosebud Creek.

Comment #6: Could you let the neighbors graze the land instead of burning? Wildfires can be devastating.

Comment #7: Grazing would be safer, have less pollution and could generate income for the park.

Comment #8: Ponderosa Pine sapling growth will be stimulated by fire. A hot fire will kill the older trees, but saplings will increase. Fire will create open ground that would be suitable for weeds to germinate with the nitrogen from burning. The park should control weeds with herbicides. Grazing is the least invasive and safest for the neighbors. Historically the park was a ranch, and the historical landmarks remain the same after years of cattle grazing, farming, and haying.

Comment #9: The EA does not address that this is breeding / nesting habitat for Sharp-tail grouse and Ringtail pheasants. The EA does not address other wildlife that could be displaced or killed by this burn. As a neighbor to this property, we do not feel protected and believe our livelihoods are jeopardized.

FWP Response: Thank you for the comments. There are six (6) concerns mentioned, each addressed below:

1. Grazing would be a better alternative and should be considered.

2. A controlled burn is a safety concern and a potential threat to nearby ranches and livelihoods.
3. A controlled burn will cause smoke pollution.
4. Fire will increase Ponderosa Pine tree sapling numbers (articles about Ponderosa pine and controlled burning were included with the comment).
5. The park should control weeds with herbicides. Fire may increase weeds on the park property.
6. A controlled burn will negatively impact Sharp-tailed grouse, and Ring-necked pheasant and other wildlife.

1. Grazing would be a better alternative and should be considered.

As expressed in Section VI, Alternative 3, "Cattle grazing by lease agreement was considered in 2017. An environmental assessment was completed. Many public comments were received both for and against grazing. FWP decided to put grazing on hold in the park due to concerns of potential damage to historic resources. Limited grazing may be considered in the future after additional research has been conducted."

The park does not currently have the capacity to allow for grazing. The presence of cattle, fencing, and other grazing infrastructure is not in keeping with FWP's heritage management goals, as such action would negatively impact the battlefield's integrity of setting and detract from the visitor's experience. Instituting a regime of regular controlled burning is therefore being considered as a better way to reduce wildfire risk, protect cultural resources, and retain the qualities that make RBSP special.

We do not know what heritage loss has taken place over the centuries due to natural processes, past landowner practices, scavenging, and previous high-intensity fires.

2. A controlled burn is a safety concern and a potential threat to nearby ranches and livelihoods.

In Section VII, Table 5 of the EA, under "Human health and safety," safety concerns were reviewed, and the impacts are expected to be short term and minor. It states, "No significant impacts to human health and safety would be expected due to this project. Prescribed fire activities are inherently dangerous. All agency personnel conducting the prescribed burn would be qualified through their agency and conduct the activities in accordance with a prescribed fire plan. All appropriate personal safety equipment would be used. Any impacts to human health and safety would be short term and minor."

FWP is required by law to follow the good neighbor policy of public land use, "as applied to public recreational lands, seeks a goal of no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy." (See Section V, Table 3 of the EA).

The Department of Natural Resources and Conservation (DNRC) will be conducting the burn based on a preapproved Fire Plan in accordance with regulations. As part of that burn plan, a fire break surrounds the planned burn area. Professional DNRC staff with safety equipment will be on hand during the fire. Specific conditions must be assessed and approved before ignition takes place. If the ideal conditions cannot be met in the spring of 2024, the burn will be postponed until another suitable date.

The proposed controlled burn would take place during suitable conditions when it can more easily controlled. This is expected to result in a cooler burn despite some areas with heavy fuels loads. A properly executed controlled burn would result in a healthy stand of native vegetation, that would benefit the park, park visitors, heritage protection, wildlife, and the surrounding landowners.

State law requires that we adhere to all air quality laws, heritage laws, noxious weed laws and forest

management statutes as mentioned in the EA under Section V, Table 3.

It is the view of FWP that a prescribed burn will improve the overall health of the range within the park and reduce wildfire danger to the park and neighboring properties as stated in the EA Section II, Description of the project: "Heavy fuel loads increase the risk for high temperature, uncontrolled wildfires which endanger contributing features to the National Historic Landmark (NHL), important archaeological sites, park infrastructure, and neighboring properties. Prescribed burning is a management tool where carefully managed burns are used to reduce fuel levels and improve the overall health of the prairie."

3. A controlled burn will cause smoke pollution.

In Section VII, Table 4 of the EA, under "Air Quality," air pollution is addressed: "No significant impacts to air quality would be expected due to this project. During the proposed controlled burn, some smoke would result, but if done properly and in favorable conditions, the smoke should be minor. FWP-DNRC would comply with Airshed 10 smoke management restrictions. Any impacts to air quality in the area would be short-term, limited by applicable regulations, and minor." State law requires that we adhere to air quality laws, heritage Laws, noxious weed laws, forest management statutes, and the good neighbor policies as mentioned in the EA under Section V, Table 3.

4. Fire will increase Ponderosa Pine tree sapling numbers.

This EA was reviewed by the FWP Forester before being opened to public comment. In response to specific concerns raised regarding the Ponderosa pine trees the Forester commented: "Increased Ponderosa pine regeneration could be expected following the burn, but the mechanism would be more likely from the preparation of a favorable seed bed. Ponderosa pine seeds require mineral soil to germinate. The area is mostly grassland and if any Ponderosa pine seeds do get established, all or most will die from drought and insolation. It takes cool, moist conditions over successive years for conifer seedlings to establish in that type of environment. Those conditions were somewhat common due to Pacific Decadal Oscillation, which created a cooler and wetter period from 1940-1980 hence we see much of the conifer expansion during that period. We have experienced many record heat and drought years, those are forecasted to persist, so that will make for inhospitable conditions for increased Ponderosa pine regeneration following the burn." The prep work for the prescribed fire is not expected to expose the mineral soil. Currently, there are a low number of ponderosa pines in the proposed burn area, with expected impact to the existing Ponderosa pine across the battlefield to be limited for this burn. All the articles included with the public comment support the historic and beneficial uses of prescribed fire for management of ponderosa pine.

5. The park should control weeds with herbicides. Fire may increase weeds on the park property.

FWP uses staff and a contractor to control noxious weeds with herbicide and physical removal at Rosebud Battlefield State Park.

In Section VII, Table 4 of the EA, under "Vegetation cover quantity and quality," we address weeds and impact of fire with the following summary: "Beneficial short-term and long-term impacts on the vegetation cover, quantity, and quality are expected from this project. The project intent is to reduce the susceptibility of the subject property and adjacent lands to high-severity wildfire. The proposed action would reduce fuel loading for several years following treatment. Noxious weed spread would be mitigated by requiring equipment to be washed before entering the park, minimizing ground disturbance, immediately reseeding disturbed areas, and treating affected areas with herbicide as needed. Any impacts to vegetation cover, quantity, and quality would be short and long-term, minor, intentional, and generally beneficial.

State law requires that we adhere to air quality laws, heritage laws, noxious weed laws, forest management statutes, and the good neighbor policies as mentioned in the EA under Section V, Table 3. The proposed

controlled burn would take place during suitable conditions when it can be more easily controlled. This is expected to result in a cooler burn despite some areas with heavy fuels loads. A properly executed controlled burn would result in a healthy stand of native vegetation, with the expected benefit to the park, park visitors, heritage protection, wildlife, and neighbors.

6. A controlled burn will negatively impact wildlife, specifically Sharp-tailed grouse, and ring-necked pheasant.

In Section VII, Table 4 of the EA, under "Terrestrial, avian, and aquatic life and habitats," wildlife concerns were reviewed, and the impacts are expected to be short-term and minor, with the following summary: "No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of this project. The proposed controlled burn would take place in the spring when it can be more easily controlled because of increased humidity levels and higher soil and vegetation moisture. This will keep the fire from burning too hot despite the heavy fuel load in some areas. This controlled burn will support improved terrestrial habitats. Any impacts should be short-term, minor and beneficial."

This EA was reviewed by a FWP Wildlife Biologists and responds to concerns about Sharp-tailed grouse, Ring-necked pheasants, and other wildlife: "Fire can displace animals and potentially disrupt certain aspects of their seasonal activities such as nesting, particularly in the short-term (a few months to a few years). More mobile animals, such as adult ungulates, canids, and birds for example are typically able to escape direct mortality from the fire. Young animals and nests may experience direct mortality, but the planned timing of this prescribed fire will be prior to the young of some species in the area being born."

"While there may be some negative direct and indirect impacts to wildlife in the area as a result of fire, most of the effects are expected to be short term. The long-term benefits are expected to be significant, and typically far outweigh the short-term impacts. The planned burn is for 500 acres, which is only about 1/6 of the park. Additionally, wildlife has plenty of available habitat in the surrounding landscape. Therefore, they should be able to survive until the burned area recovers. Wildfire is a natural part of this landscape, and the ecosystem is adapted to and thrives under a healthy fire regime. This prescribed fire will help accomplish a relatively safe fire component for the benefit of rangeland health and wildlife habitat. When little disturbance from fire and grazing occurs, rangelands can often become stagnant and less productive, and an unhealthy fuel load may build up. Fire helps release nutrients and make them available to re-growing plants, causing a strong pulse in plant productivity and nutrient quality for at least 1 - 5 years (or more) post-fire. In fact, elk, deer, and pronghorn often seek out recent burns due to the high nutritional plane of the plants. Additionally, the increased rangeland productivity often results in more suitable habitat for ground-dwelling birds in the form of more robust hiding and nesting cover, as well as increased forb production. Finally, the reduction in fuel load will decrease the chance of catastrophic wildfire and minimize the likelihood of unnaturally hot wildfires that can burn hot enough to sterilize the seed banks in the soil causing a longer recovery time."

"While there may be some negative impacts to sharp-tailed grouse and pheasants in the localized area for 1-3 years, the long-term outcomes are expected to result in improved habitat quality for several years to come. Being earlier in the year if there happens to be some nest initiation that has already occurred that is impacted at this scale there is still ample time and energetic availability for another nest attempt to occur from avian species."

The proposed controlled burn would take place during suitable conditions when it can more easily controlled. This is expected to result in a cooler burn despite some areas with heavy fuels loads. A properly executed controlled burn would result in a healthy stand of native vegetation that would benefit wildlife.

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 Alternative 2, 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 Supervisor
Montana Fish, Wildlife & Parks