



**DECISION NOTICE for the Draft Environmental Assessment:  
Elk Island WMA Agricultural Lease  
Region 7 Headquarters  
PO Box 1630, Miles City, MT 59301  
(406) 234-0900**

**DESCRIPTION OF PROPOSED ACTION**

Elk Island Wildlife Management Area (WMA) was purchased by Montana Fish, Wildlife & Parks (FWP) to maintain a woodland/cropland complex to benefit a diversity of wildlife while maximizing hunting opportunities, primarily for white-tailed deer and pheasants. The proposed action is to continue share-crop agreements on 170 acres of the WMA with existing lessees. The lessees will cultivate and retain a portion of the hay/grain crop harvest, leaving the remaining crop standing for wildlife use during winter months.

The benefit and purpose of the lease is to provide winter habitat and forage, primarily for wintering pheasants, deer, and turkeys. Standing crops also benefit migrating waterfowl and a variety of other wildlife species. The area is open to public hunting during all Commission-approved seasons, and provides opportunity for deer, upland game bird, and waterfowl hunting.

The WMA has been under an agricultural lease with the same lessees since 2001 (140 ac) and 2014 (30 ac). Each lessee has shown initiative to utilize farming practices that increase the productivity of the land. These include conditioning the soil, treating noxious weeds, and maintaining fields in good condition. Each lessee has fulfilled all conditions of previous leases entered into with FWP.

**ALTERNATIVE TO PROPOSED ACTION**

Alternative A: No Action:

Agricultural lease will not be renewed and agricultural lands will not be cultivated. This alternative would require FWP to commit resources to manage weeds on the previously cultivated 170 acres of farm fields. Wildlife would be negatively impacted by lack of wintering habitat and food resources.

Alternative B: Proposed Action:

Agricultural lease will be renewed for 170 acres of cropland. Wildlife will benefit because high-quality wintering habitat and forage will be available. The lessee(s), FWP and sportsmen will mutually benefit through the sharecrop agreement.

**PUBLIC REVIEW PROCESS**

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. FWP released a draft Environmental Assessment (EA) for public review of this proposal (Elk Island Wildlife Management Area Agricultural Lease) on January 21, 2022 and accepted public comment until 5:00 p.m. on February 20, 2022.

Legal notice of the proposal and availability of the Draft EA was published in the *Glendive Ranger Review* and the *Sidney Herald*. An interested persons letter was distributed to neighboring landowners and interested individuals, groups, and agencies to ensure their knowledge of the proposed project. The EA was available for public review on FWP's web site (<http://fwp.mt.gov/>, "Public Notices").

### **SUMMARY OF PUBLIC COMMENT**

FWP received two comments regarding the lease, both contained suggested modifications to lease terms and are attached in their entirety as appendix A.

### **RESPONSE TO PUBLIC COMMENT**

Minor changes to lease terms will be made as a result of public comment and listed in Appendix B. Some suggestions were not incorporated with justifications in Appendix B.

### **DECISION NOTICE**

Utilizing the EA and public comment, a decision must be rendered by FWP which addresses the concerns and issues identified for this proposed action.

FWP's analysis supports the agricultural lease of Elk Island WMA as proposed. I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

**After review of this proposal, it is my decision to accept the draft EA as supplemented by this Decision Notice as final, and to recommend the continuation of the agricultural lease for Elk Island WMA.**

The Final EA may be viewed on FWP's Internet website: <http://www.fwp.mt.gov> or be obtained upon request from Montana Fish, Wildlife & Parks, Region 7 Headquarters, P.O. Box 1630, Miles City, MT 59301, (406) 234-0900.



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Brad R. Schmitt  
R7 Regional Supervisor

February 25, 2022

Date

## APPENDIX A: PUBLIC COMMENT

### COMMENT #1

**SUBJECT: [EXTERNAL] Public Comment Elk Island 170 acres 10 year lea**

I would like to comment on the above subject.

Appendix B: Cropped areas: 25% of total acreage of cropped areas will be left standing. I have hunted Elk Island for pheasant for many continuous years. I have not walked through many areas of standing crops. Given the language of Appendix B, I see that 25% of the total acreage must be left standing, not 25% of each crop field. I understand that it is more convenient for the lessee to leave one end of one field for winter feed. I also understand that river bottom deer herds can consume a food plot in a short amount of time (and they don't have text, email or Facebook). Now that I am retired, I will need to do more than a casual perceptive estimate of food plots left for winter food for wildlife. I look forward to hiking the 170 acres (I now have a copy of the lease to refer to) and to monitor the standing food plots for the 25% criteria.

Appendix B: Irrigated hay acreage: 35% of irrigated hay acreage left standing for pheasant brood-rearing habitat and whitetail forage. I appreciate this part of the lease because pheasant mortality is highest in June, when entire 1st broods can tip over because of cold and/or wet conditions, especially as far north as Richland County. Or, entire 1st broods can get chopped up when the crop is cut before July 15. Irrigated hay acreage means multiple hay crops to me. There is not specific language in this lease to delineate if the 35% figure goes back to not cutting the first crop versus 35% left standing assumes leaving the last alfalfa cutting for over winter. Protecting the 1st and largest brood from getting chewed up in a swather is the best alternative. I would recommend adding specific language so pheasant recruitment can be maximized on public ground.

Appendix B: Areas cut dry land hay: When these areas are hayed they should be date protected, like the July 15 restriction for using WMA's for dog training. I would recommend adding specific language so dry land hay cutting is restricted before July 15.

Thank you for all of your efforts!

Sincerely,  
George Biebl

## COMMENT #2

### SUBJECT: [EXTERNAL] Elk Island & 7 Sisters

In regard to the upcoming ten- year sharecropper contracts, please consider the following comments. It is my understanding that the above referenced contracts are to be issued with the enhancement of pheasant and deer habitat and or increased numbers of both species as the primary consideration. Specifically, I would like to address pheasant habitat. There are three key components necessary to provide ideal pheasant habitat. These are winter/escape cover, dense nesting cover and food plots. Both areas seem to have sufficient winter/escape cover. In my estimation, the remainder of both management areas should be composed of dense nesting cover interspersed with food plots such as corn or sorghum capable of withstanding winter snow. What we have is nesting cover and farm fields. The residue from the farm fields is plowed under after harvest which seriously degrades the value pheasants might receive from waste grain or whatever crop has been harvested. Ideally food plots should be established adjacent to winter /escape cover minimizing the impact of airborne predators. These deficiencies are most apparent in the more recent additions to both management areas. I refer to the property acquired from the Sorensons and attached to 7 Sisters as well as the Hurley property attached to Elk Island. In both instances, there are sizable fields that are simply farmed and left bare each fall. The only reason I can see for this practice is to attract a sharecropper allowing them to determine management of a state wildlife management area. On the west side of Elk Island there is I believe 66+ acres of nesting cover. However, there is not and has not been a food plot. Consequently, when pressured the birds simply fly west and north over the canal bank to private land where they can avail themselves of residual crop available before and after harvest. While we have discussed these practices with the department in the past; we never received a forthright answer as to why things are done the way they are. In fairness, I do believe things have improved since our initial discussions with Region 7 years ago. That said, I can't help but believe more of the farm fields could be put into nesting cover and food plots. The sharecropper could and should be required to leave the crop residue after harvest.

Thank you for the opportunity to comment,

Bill Nankivel  
Sidney, Montana

## APPENDIX B: FWP RESPONSE

Both commenters questioned the extent and spatial arrangement of food plots. Lessees are required to leave 25% of the total acreage planted to crops in food plots. The spatial arrangement of food plots is approved annually by the area wildlife biologist. In general, food plots are 10 acres or less in size, adjacent to cover, and spread out on the WMA. Some food plots are consistent among years while the locations of others vary among years. Occasionally, food plots of greater than 10 acres have been approved when leaving larger blocks is consistent with wildlife goals (e.g. for weed or smooth brome control, or fields that are being prepared for planting to dense nesting cover). Sorghum is not generally planted, as commenter #2 suggests, because the growing season in Montana is generally not long enough for plants to mature.

Comment #1 expressed concern about taking 100% of a first and/or second cutting of irrigated hay and leaving only the third cutting. However, it has historically been the practice on the WMAs to leave 35% of an irrigated hay crop, not taking any cuttings, and this is reflected in the lease language. The addition of “at any time” (italicized below) will be added to the lease language to clarify this intent: “Irrigated hay acreage: FWP retains 35% of irrigated hay acreage left standing for pheasant brood-rearing habitat and whitetail forage. For example, in a 100-acre alfalfa field, 35 acres would not be cut *at any time* in any given year. The location of the alfalfa left standing should vary among years and be determined by the area wildlife biologist.”

Comment #2 noted that pheasants leave the WMA's when pressured. We do acknowledge that the WMA's receive extensive hunting pressure, which has the capacity to affect pheasant distributions and behavior during the hunting season. This will happen whenever neighboring properties contain food and cover resources and experience less hunting pressure, and is beyond the scope of this EA.

In response to concerns from Comment #2 about fall-plowed fields, the following language will be added to the lease: “A minimum 75% of cropland acreage should be left un-tilled until the following spring prior to planting to provide maximum wildlife benefit of crop residues and waste grain. If necessary to accomplish a specific management or agricultural goal, the area wildlife biologist may approve more extensive fall tillage on a case-by-case basis.”

Comment #2 suggested that FWP should put 100% of the farm fields into dense nesting cover or food plots. However, this would be cost-prohibitive for the Department and impossible to accomplish with existing personnel and funding. While we agree that more cover and more food are generally beneficial to wildlife populations, the complete elimination of harvested fields would reduce the value of the WMA for many wildlife species (e.g., waterfowl) that prefer feeding in open harvested fields versus tall standing food plots. Planted grass stands require constant management to retain their productivity and vigor. River-bottom WMA habitat is prone to infestation of invasive/weed species. Left without management, smooth brome and weeds such as leafy spurge and Canada thistle have the capacity to overtake planted grass stands very quickly, reducing their value for pheasants. Harvested crop fields currently comprise a minor component of the WMA and conducting farming operations with qualified local lessees has proven to be an effective management solution for the department. These leases require almost no financial input from FWP for equipment, seed, fertilizer, herbicide, or personnel. Local farmers are experts in their field and provide a wealth of knowledge and ability to grow productive stands. Working with local farmers also fosters community involvement and investment in WMA's.

Comment #2 referenced deficiencies on the “Hurley Property”, however we do not know what that refers to, as the Department has not purchased any land by that name.

The nest cover that the comment #2 refers to on the west side of Elk Island is in an area that contains steep dikes and hasn't been farmed in several decades. The steep approaches and tight turns required make the area unreachable for most modern farming equipment. However, food plots are commonly planted immediately east of that nest cover and the railroad track in fields C, F, and G.