



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

**DESCRIPTION OF PROPOSED ACTION**

Seven Sisters 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 a sharecrop agreement on 323 acres of the WMA with a long-time, competent lessee. The lessee 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. The WMA annually winters an average of 250 white-tailed deer. 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 lessee since 2004. The lessee has shown initiative on the previously-leased WMA 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. The 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 323 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 323 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 (Seven Sisters

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 Seven Sisters 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 Seven Sisters WMA.**

The Final EA may be viewed on FWP's 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.

  
Brad R. Schmitz  
Regional Supervisor

February 25, 2022  
Date

## APPENDIX A: PUBLIC COMMENT

### COMMENT #1

#### **SUBJECT: [EXTERNAL] Public Comment Seven Sisters WMA 10 year lease**

I would like to comment on the above subject.

Appendix C: Cropped areas: 25% of total acreage of cropped areas will be left standing. I have hunted Seven Sisters 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. Now that I am retired, I will need to do more than a casual perceptible estimate of food plots left for winter food for wildlife. I look forward to hiking the Seven Sisters crop acreage (I now have a copy of the lease to refer to) and to monitor the standing food plots for the 25% criteria.

I will note that when there was the public hearing for the Seven Sisters additional acreage (Sorensen land), I remember Steve Pust specifically saying that he would be leaving crop residue on the new acreage every fall for winter feed. I have not seen any crop residue on the added acres, except for dense nesting cover residue on part of field M. The cropped land is black, prepped for the next season for planting/seeding. I understand farmers being efficient to maximize their time and profits. This land is primarily for wildlife management and secondarily for intensive cropping. I would recommend adding specific language to the lease for the lessee to leave crop residue on all fields.

Appendix C: Irrigated hay acreage: 35% of irrigated hay acreage left standing for pheasant brood-rearing habitat and whitetail forage.

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 leaving 35% of the last alfalfa cutting for over winter. Protecting the 1st and largest pheasant 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 (the 35% figure would be left standing from the first crop).

Appendix C: For fields G, H, & I the only food plots in the fall are on private ground adjacent to those fields. I have hunted pheasant every year in those fields and pheasant are consistently present on the edge of the Seven Sisters property. I believe the nesting cover in fields G, H, & I provides recruitment for dozens of birds. In the fall they move north after the first flush of the hunting season. I would recommend a food plot in the field G, H, & I complex.

Appendix C: Field J, whether or not it is east of the access road to fields G, H, & I is not listed in the EA.

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 ac 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 ac 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 sorghum plants to mature.

Comment #1 expressed concern about taking 100% of a first and/or second cutting of irrigated hay and leaving only the 3<sup>rd</sup> 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: MFWP 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.”

Both commenters noted that pheasants leave the WMAs when pressured. We do acknowledge that the WMAs 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 both commenters 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. This area 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 WMAs.

Comment #1 suggested dryland hay should be cut after July 15 to protect young broods. This has been the practice on the WMAs. The lease language will be modified to state: “Areas cut dry land hay: These fields were established as idle nesting/brood rearing habitat for upland birds. These areas are hayed

intermittently *after July 15* for the expressed management purpose of weed control and grass/legume stand rejuvenation.”

Comment #1 requested food plots near Seven Sisters Fields G, H, and I. The northern edge of Field H has been a consistent food plot location (both perennial and annual food plots). However, this area is not irrigated, the soil is sandy, we have experienced a number of dry springs in recent years, and therefore the success of this food plot has been variable. In the remainder of fields G, H, and I a significant effort and expense has been undertaken to transition monocultures of invasive smooth brome grass to dense nesting cover. Converting smooth brome to any other cover type is an expensive, time-consuming, and logistically challenging endeavor, with low odds of success given the ability of smooth brome to spread and outcompete young grass/cover stands. As such, we would be hesitant to convert this nest cover back to crops and risk providing opportunity for encroachment of smooth brome or weeds such as leafy spurge and Canada thistle. Field F is immediately south of fields G, H, and I, and is currently a smooth brome monoculture. This field is the next priority for conversion to dense nesting cover or a better cover type (when weather conditions, logistics, and funding allow), and part of this transition may include planting to crops that can be sprayed to facilitate smooth brome and weed control. However, developing and maintaining food plots in Fields F, G, H and I is more expensive and labor-intensive with lower likelihood of success compared to production farm fields elsewhere on the WMA, and may not be the best option to continue long-term. Food plots have consistently been planted within several hundred yards of this nest cover in an area with better soil/irrigation ability (fields D, E, and/or J). Identifying the best locations for food plots that are logistically feasible and accomplish management goals will continue to be a priority. The effectiveness of food plots adjacent to the G, H, and I fields will be examined on an annual basis with the lessee during planning.

Comment #1 noted that Field J was not listed in the draft lease attached to the EA, which was an oversight. Field J will be added to the lease.

Comment #2 stated “These deficiencies are most apparent in the more recent additions to both management areas. I refer to the property acquired from the Sorensens...” The Sorensen addition consisted of approximately 981 acres, of which approximately 164 acres are farmland and the remainder almost entirely idle cover. Public comment received prior to the purchase indicated that continued farming of existing fields was viewed favorably. After the purchase, over 10% of the farmed component was converted to nesting cover and a shelterbelt to break up fields into smaller units, and on average about 20% of these fields have been planted to food plots each year. The proposed lease does not preclude additional habitat planting. As such, no changes were made to lease terms.