

# **FINAL ENVIRONMENTAL ASSESSMENT CHECKLIST**

## **Missouri Headwaters State Park Proposed Land Acquisition**

**January 23, 2023**



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## II. Compliance with the Montana Environmental Policy Act

Before a proposed project may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
  - (i) a project, program, or activity initiated and directly undertaken by a state agency;
  - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
  - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

### III. Background and Description of Proposed Project

**Name of Project:** Missouri Headwaters State Park Proposed Land Acquisition

This Final EA has been prepared to document substantive changes to the project identified during the public comment period for the Draft EA (see *Public Participation* and *Final EA: Modifications Made to the Draft EA*, below). As described below, changes from the Draft EA to Final EA do not impact FWP's reasoning or justification for the decision and do not significantly change the public's opportunity to understand and substantively comment on the proposed project. Therefore, FWP determined the Draft EA, as modified here by the Final EA, adequately addresses all issues raised by the proposed action.

The purpose of this project is to facilitate acquisition of a privately held 26.36-acre property (property) in fee title by Montana Fish, Wildlife & Parks (FWP) for permanent inclusion into Missouri Headwaters State Park (MHSP), near Three Forks. The Montana State Parks Foundation (Foundation) would purchase the property using funds provided by a grant from the Montana Fish and Wildlife Conservation Trust (MFWCT) and facilitated by Montana's Outdoor Legacy Foundation (MOLF) and then donate the property to FWP. The proposed action would permanently secure and protect important habitat and cultural resources on the property and protect MHSP by securing this important inholding and preventing other types of development on the property that could adversely impact MHSP.

The subject property is adjacent to and partially bisects MHSP (see Figure 2). The property consists of a residential home and several outbuildings on a footprint of about 4 acres and about 22 acres of mixed wetland and riparian areas, grasses, shrubs, and some timber. The property includes a historic barn from the era of Gallatin City II, which was established in the 1860s and was one of Gallatin Valley's earliest settlements. The property also contains two other historic outbuildings, one built in about 1930 and the other in about 1950. The property very likely contains archaeological evidence of precontact occupations as well. MHSP and the property contain nationally significant cultural resources associated with their location at the headwaters of the Missouri River - one of North America's great rivers.

The property owners and FWP have been speaking for several years about their mutual desire for FWP to purchase the property to safeguard the habitat, riparian, cultural, and recreational values of the property and MHSP. The award of a grant from the Montana Fish and Wildlife Conservation Trust has made the proposed acquisition possible.

#### **Project Objectives:**

##### **a) The proposed project would protect the heart of Missouri Headwaters State Park**

The subject property is a critical inholding within MHSP. As Figure 2 illustrates, the property partially bisects MHSP on its eastern side along Trident Road directly across from the MHSP's campground, park office, and maintenance yard, and is adjacent to the Gallatin Hotel, a historic structure from Gallatin City II that is the oldest standing structure in Gallatin County and serves as one of the park's main interpretive areas (see figures 4 and 5). The current landowners have been wonderful neighbors, their agricultural property fits in with the general aesthetic of the park, and activities on their small ranch do not adversely impact MHSP. Ownership by some other private landowner or a public land management agency could drastically alter the look and use of the property, which could result in significant adverse impacts on the habitat, riparian, recreational, and cultural resources of the adjacent MHSP depending on the venture.

**b) The proposed project would protect the cultural resources and enhance interpretive opportunities of the area.**

The land encompassing MHSP has been an important site for Indigenous peoples for thousands of years and a vital crossroads for non-Indigenous traders and settlers since Lewis and Clark first passed through in 1805. Its history includes ancient Indigenous campsites, passage of the Corps of Discovery and fur traders, Indigenous bison hunting and trade, prospecting, treaty-making, Jesuit missionary activity, and agricultural settlement. MHSP maintains importance in the lives of Indigenous and non-Indigenous peoples today. More than 78,000 visitors came to MHSP in 2022, a more than 30% increase over visitation in 2019.

MHSP was designated a National Historic Landmark in 1966 and designated Montana's Bicentennial site for the National Bicentennial in 1976. MHSP was listed as a National Historic Landmark largely for its association with Lewis and Clark, though we know the park was one of North America's great crossroads during both pre- and post-contact times. In total, 16 tribes, whose governments are now located in six modern states, have expressed aboriginal association with the park, offering some sense of its regional importance to Indigenous peoples. These peoples hunted, fished, gathered, and passed through the Headwaters vicinity for thousands of years, as evidenced by a series of pictographs within the park and archaeological evidence of precontact campsites. The area was known to be rich in beaver, and as a result the Headwaters area was home to extensive fur trade activity and numerous conflicts between American and British fur traders. The park is also home to the remains of Gallatin City II, built in the 1860's. Preservation and interpretation of this history is a fundamental purpose for MHSP.

As mentioned above, the property sits adjacent to the Gallatin Hotel and Gallatin City II and includes a historic barn from the era of Gallatin City II and two other historic outbuildings. The property very likely contains archeological evidence of precontact occupations as well. Owners other than a public land management agency could demolish these historic buildings and further develop the property in such a way that other cultural resources would be destroyed or lost. In addition, the interpretive experience of MHSP visitors could be diminished.

National Historic Landmark designations rely on the integrity of characteristics like setting, feeling and association as well as the physical remains of human activity. In the case of MHSP, the integrity of the park's viewshed, its setting, its landscape and the association between different archaeological sites and landscape features within the park could be substantially damaged by changes to the property. Right now, the viewshed from the southern portion of the park, and especially the Gallatin City interpretive area, allows the visitor to easily imagine how the area looked in precontact days, during Lewis and Clark's visit, and during early settlement. Should the property be sold and significantly altered, the change to that viewshed would be a significant adverse impact.

**c) The proposed project would protect and restore riparian and upland habitat.**

The confluence of the Gallatin, Madison, and Jefferson Rivers at MHSP results in a rich diversity of wildlife as riparian areas meet sagebrush grasslands. The area is especially rich with bird life and is designated as an Important Birding Area (IBA) by the National Audubon Society. Numerous species of migratory waterfowl and shorebirds use the rivers, while migratory birds, pheasants, and turkeys spread throughout the riparian corridors. Many species of raptors hunt and nest in the area, including bald and golden eagles. Big game such as white-tailed deer and mule deer are common sights, and elk, moose, and black bears also frequent the area. Other wildlife within the park include otter, beaver,

muskrat, mink, coyote, weasel, bobcat, yellow-bellied marmot, Richardson's ground squirrel, and several species of bats. Altogether, the Montana Natural Heritage Program has identified 21 different animal Species of Concern (SOC), of which 16 are birds, and four plant SOC as occurring on or within one mile of the property. A complete list of all SOC and any Threatened or Endangered species that have been observed in the affected area is included in Appendix A.

The acquisition of the property would help preserve habitat for these species and others in perpetuity and provide wildlife-based recreation for the public to enjoy, including hunting, fishing, wildlife viewing, and photography. In addition, the eastern edge of the property is in the Gallatin River corridor and contains some accumulated old farm equipment and materials. If FWP acquires the property, the agency would remove this debris and old fences to enhance habitat and help restore open space connectivity.


**d) The proposed project would protect and improve recreational opportunities.**

- i. Public Access. The inclusion of the property into MHSP would provide public access to approximately 26 additional acres (assuming 4 acres would be closed for administrative purposes). As the population of the Gallatin Valley grows and the park gains in popularity, parts of the park become quite crowded during peak season. Some park usage could be spread out within the new acreage, enhancing recreational experiences for all visitors. Increasing public access aligns with many goals identified within the Statewide Comprehensive Outdoor Recreation Plan.
- ii. Trails. According to a 2019 survey conducted by the National Recreation and Park Association, walking or hiking along a trail is the most popular outdoor recreation activity in the United States, and public scoping processes for the MHSP Master Plan echo that. Respondents identified trail expansion as one of their top wishes for future improvements to the park. The proposed project would provide opportunities for extending the park's trail system from north of the property across it and to the south where there are no currently established trails.
- iii. Hunting. The addition of the property to MHSP would provide additional opportunities for hunting at MHSP and protect habitat for game animals hunted elsewhere on the property and in the region. The property falls within Hunting District (HD) 312. As the map of HD 312 illustrates in Figure 3, most of the public land and hunting opportunities in the district are in the eastern portion, with relatively little opportunity in the rest of the district. There is only one Block Management Area providing public hunting access within HD 312. It has also seen a more than 30% increase in use since 2019. While ~26 acres of additional property open to hunting may seem small, every little bit helps in an area with so little opportunity. Also, another purchaser might not want people hunting on park property adjacent to their land, creating conflict that could impact existing opportunities in the park.

The Missouri River Headwaters Gun Dog Club has worked with MHSP for several years to allow field training of dogs in the southeastern part of the park, and in return its members have volunteered time and materials to help with maintenance of the park. The area the club uses for practice is adjacent to the property on the south side; this activity could cause conflict with a new private property owner.

- iv. Fishing. Fishing is another popular activity at MHSP, and the addition of the property would provide additional access, opportunity, and habitat protection for fisheries resources.

Currently, the main channel of the Gallatin has swung outside of the subject property boundaries, leaving a side channel in its place. As the river moves back and forth across its floodplain, it is likely that the main channel will once again border the property, providing excellent river frontage and fishing opportunity.

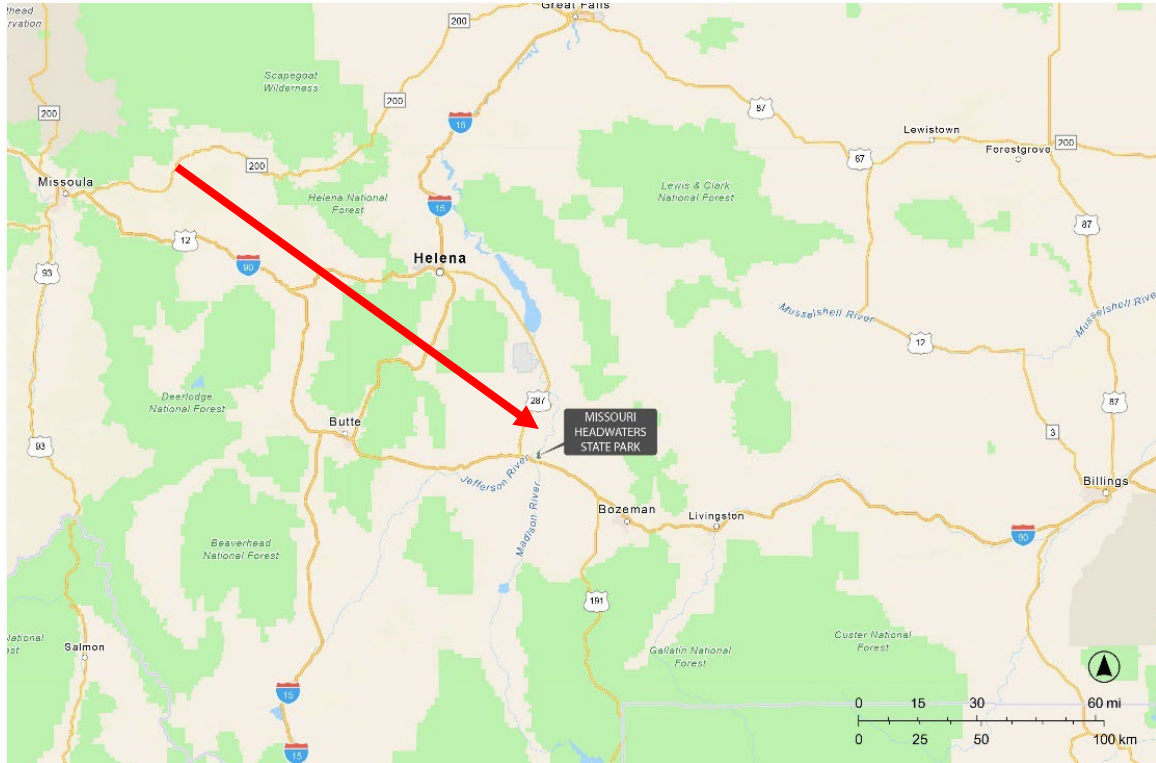
Rae Creek (also known as Rey or Ray Creek) runs through the property and is another important fishery resource in the area that has been impacted by upstream agricultural practices. Despite degraded instream and riparian habitats, Rae Creek provides important spawning and rearing habitats for rainbow and brown trout that spend much of their lives in the surrounding mainstem rivers. The property is positioned near the confluence with the Gallatin River, so migrating fish much pass through the property to access upstream spawning habitats in Rae Creek. Although not a barrier to fish movements, FWP could easily address an undersized and improperly installed culvert on the property that has scoured the streambed and exacerbated streambank erosion immediately downstream of the crossing while making fish passage more challenging than necessary. Acquisition of the property would also facilitate riparian restoration by improving willow and cottonwood recruitment and survival, which would reduce streambank erosion and improve wildlife habitat on the property. Addressing those habitat issues would also improve the resident trout populations in Rae Creek and provide additional angling opportunity in the Gallatin Valley. FWP is working with the Department of Natural Resources and Conservation (DNRC), local conservation groups, and landowners along Rae Creek to identify issues and implement restoration methodologies. Public ownership of the property would help facilitate future restoration activities on the nearly 2,000-foot portion of Rae Creek and avoid potential future impairment to the creek from a different owner. 

**Timeline:** The subject property was first appraised in for \$930,000. The Parks Foundation secured funding for the full purchase price through the MFWCT and administered by MOLF. The Foundation and the property owners entered into a Buy/Sell agreement for purchase of the property at the appraised price in November 2023. During preliminary title work pursuant to the sale, it was discovered that an incorrect legal description and corresponding acreage for one of the parcels was used in the appraisal, and the total acreage of the property was 26.36 acres rather than 30 acres. Because of this error, the Foundation ordered a new appraisal in December 2023, and that appraisal was completed on January 4, 2024. The new appraisal came in at \$1,050,000 due to the rise in property values in Gallatin County during the time between the two appraisals, even though the total acreage was 3.64 acres less than what was used in the original appraisal. The property owners chose to still sell at the original purchase price of \$930,000 and plan to use the difference in value as a charitable donation to the Foundation.

This project will come before the Montana State Parks Board on February 5, 2024, and additional public comment on the Board's decision can be made through their website [ABOUT FWP :: Parks And Recreation Board | Montana FWP \(mt.gov\)](#) in advance of the meeting. As the new appraisal values the property at over \$1,000,000, the proposed acquisition must also be approved by the Land Board. The next meeting of that body is February 20, 2024. If the project is approved by both those entities, the Foundation will move forward with donating the property in fee title to FWP for permanent inclusion in MHSP.

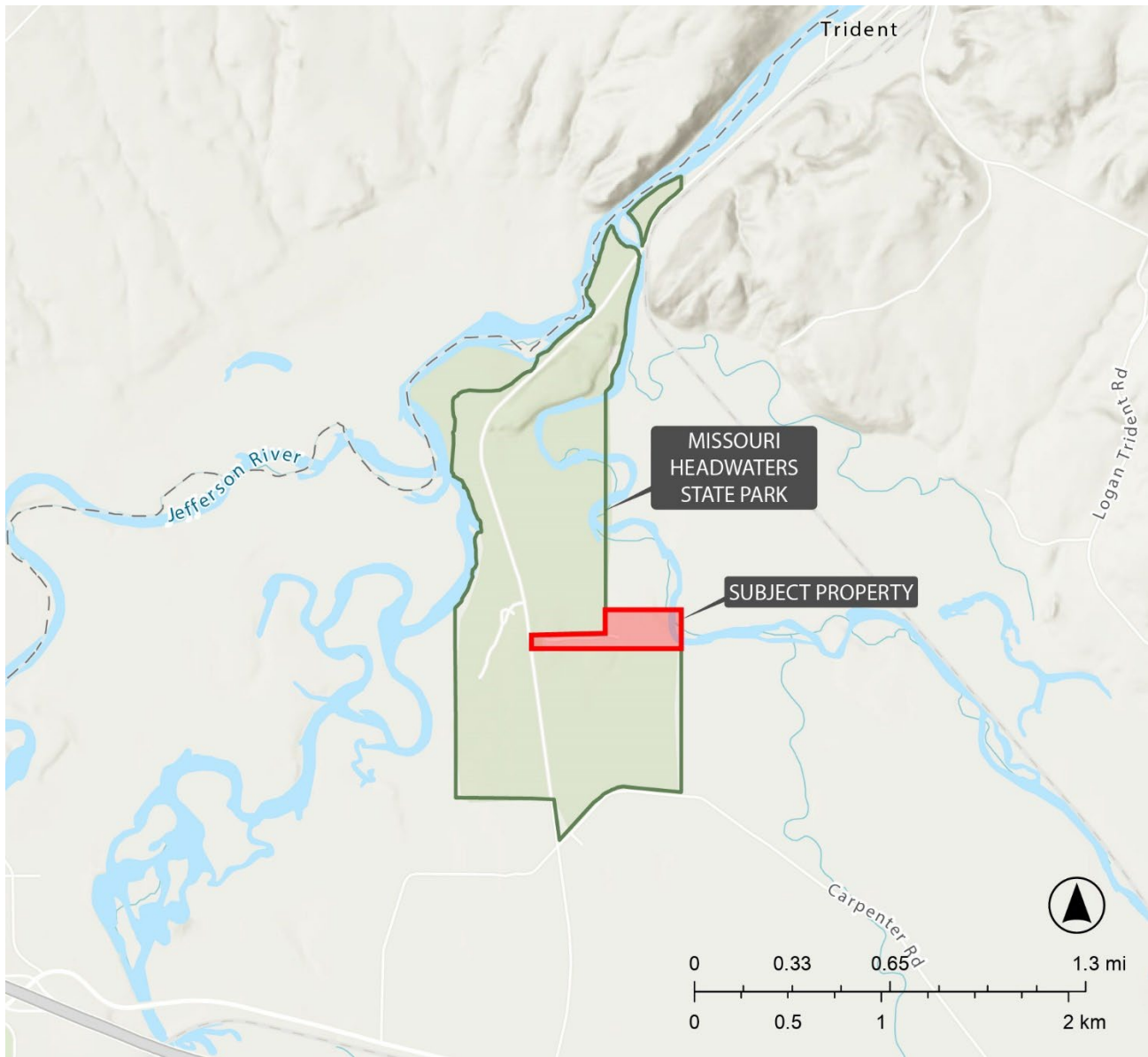
**Affected Area / Location of Proposed Project:**

- The subject property is in the greater Gallatin Valley northeast of the town of Three Forks and adjacent to MHSP. Legal description is:
  - Latitude/Longitude: 45.91842167357231, -111.49821893000158
  - Section, Township, and Range: S16, T02 N, R02 E, Acres 26.36 [the South 210 ft. of the SE1/4, SE1/4. Sec 17 (6.36 acres) & S2SW4SW4 Sec 16 (20 acres)].
  - 1470 Trident Road, Three Forks, MT, 59752 in Gallatin County



**Figure 1.** General location map





**Figure 2.** Project location map

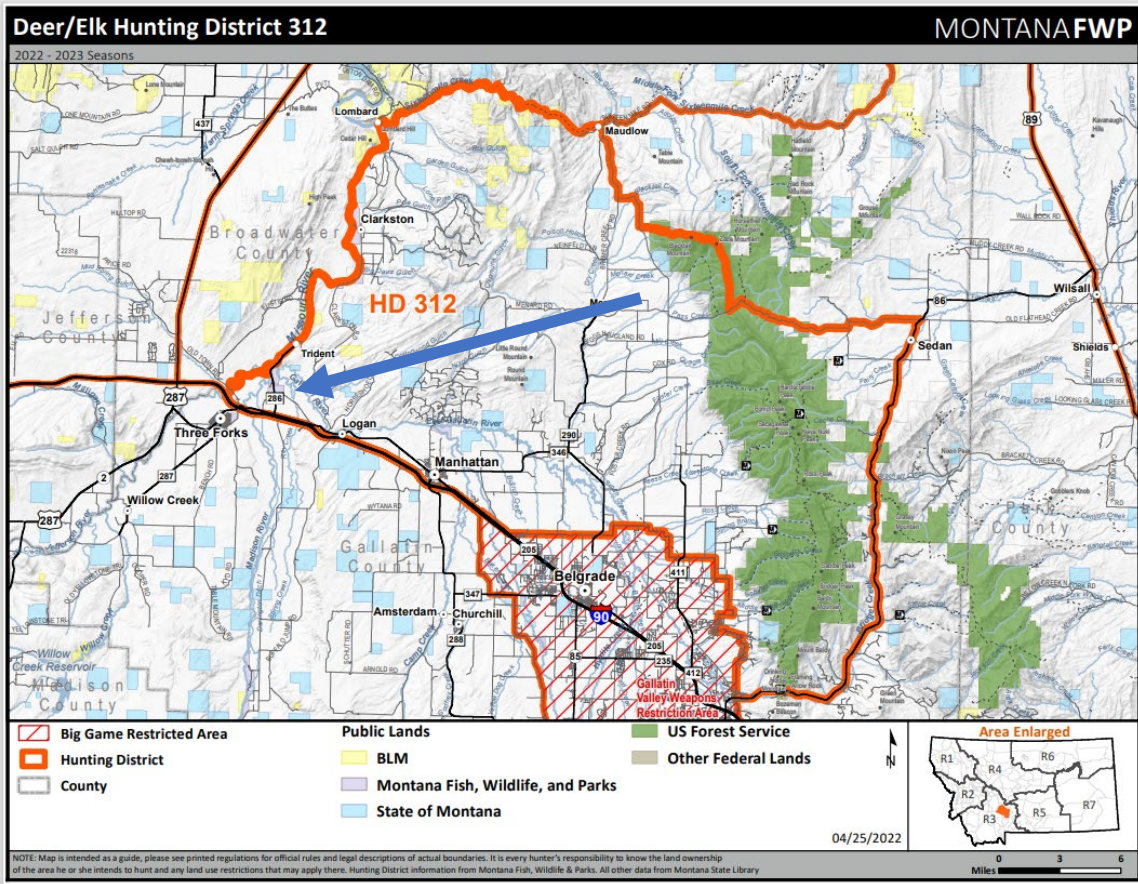


Figure 3. Map showing location of subject property within Deer/Elk Hunting District (HD) 312



**Figure 4.** Photo taken from MHSP offices and campground showing proximity of the subject property across Trident Road.



**Figure 5.** Subject property in the background as seen from the adjacent Gallatin Hotel interpretive area in the foreground.



**Figure 6.** Rae Creek on MHSP as it flows north toward the subject property.

#### IV. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

The purpose of the proposed project would be to facilitate FWP acquisition of the 26.36-acre property in fee title for permanent inclusion into MHSP. Benefits of the proposed project would include the following:

- Permanent protection of a core piece of the Missouri Headwaters area and a partial inholding within the park.
- Permanent protection of the cultural resources and interpretive opportunities of the property. The integrity of the National Historic Landmark could be adversely affected by ownership other than a public land management agency.
- Protection and additions to recreational opportunities at MHSP.
- Permanent protection and facilitated restoration of aquatic, riparian, and upland habitat, and associated wildlife species.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

#### V. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.

**Table 1: Federal, State, and/or Local Regulatory Responsibilities**

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP	Noxious Weed Management Plan	Limit the spread of noxious weeds on state-owned lands
FWP Heritage Program; Montana State Historic Preservation Office	Cultural Assessment/Survey	Identification of historic and/or archaeological sites located within or near the proposed project area
State Parks and Recreation Board	Acquisition Approval	The Montana State Parks Board sets policies and provides direction for the management,

		protection, conservation, and preservation of Montana's parks and recreational resources.
Montana Land Board	Acquisition Approval	Acquisition of lands valued at or over \$1,000,000 must be approved by the Land Board

## VI. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

**Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts**

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Enforceable Control</b>	<b>Responsible Agency</b>	<b>Authority (Rule, Permit, Stipulation, Other)</b>	<b>Effect of Enforceable Control on Proposed Project</b>
Noxious Weed Monitoring and Mitigation	FWP	Noxious Weed Management Plan	Limit the spread of noxious weeds on state lands
Identification and protection of cultural resources	State Historic Preservation Office (SHPO)	Cultural assessment inventory	In keeping with the Montana Antiquities Act and related regulations, all undertakings on state lands are assessed for their potential to affect cultural resources. This project would be evaluated according to the process for cultural resource inventory outlined in Administrative Rules 12.8.501-12.8.510, and in consultation with the State Historic Preservation Office. FWP also consults with all tribal historic preservation offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines.

## VII. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

**Alternative A: No Action**

Under the No Action Alternative, FWP would not acquire the subject property for inclusion into MHSP. The property may be sold to other interests that could result in significant adverse impacts to MHSP, its National Historic Landmark designation, visitor experience, and habitat, riparian, cultural, and recreational resources as well as result in potential conflict between park users and the new owners. For example, the current landowners have been very tolerant of park visitors accidentally (or intentionally) trespassing on their property, which has happened frequently because of the property bisecting the eastern portion of the park. New owners may not take the same view, which could cause conflict. The sale to new private owners could result in the loss of important habitat, riparian, and cultural resources depending on future use of the property.

In addition to the potential negative impacts under the No Action alternative, the many benefits of the proposed action would not be realized. Please see the Purpose and Need section (pages 6-9) and Alternative B for a summary of those benefits.

**Alternative B, Proposed Action: Acquire the subject property for inclusion into MHSP.**

Under Alternative B, FWP would acquire the 26.36-acre property for inclusion into MHSP.

The proposed action would permanently secure and protect important wildlife habitat and connectivity and riparian and cultural resources and provide additional recreational and interpretive opportunities for visitors. For more detailed information regarding Alternative B, the proposed action, reference Section III, Background and Description of the Proposed Action and Section IV, Purpose and Need.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

**VIII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population**

The impacts analysis identifies and evaluates **direct, secondary, and cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** “are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 12.2.429(18).
- **Cumulative impacts** “means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.” ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency, and severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.

- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project can be measured.

If the No Action alternative is selected, the property may be sold to a different buyer who is not a public land management agency and the resulting land uses or development could result in minor to major and significant adverse impacts of long-term duration to terrestrial, avian, and aquatic wildlife habitat, vegetative cover, quantity and quality, aesthetics, pre- and post-contact archaeological sites, and access to and quality of recreational activities. Major incursions in the viewshed, noise pollution, or other modern construction could jeopardize the park’s National Historic Landmark listing. The many benefits of the proposed action, which are outlined in more detail below and detailed in Section III, Background and Description of Proposed Action and Section IV, Purpose and Need, would not be realized.



- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below. <sup>9</sup>

**Table 3 - Potential Impacts of Proposed Project on the Physical Environment**

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. There would be some initial disturbance of terrestrial and avian life and habitats on the property under FWP ownership as staff remove interior fencing and old farm equipment, but those impacts would be short-term and negligible. The proposed project would provide long-term, major, beneficial impacts by protecting and offering FWP the opportunity to restore terrestrial, avian, and aquatic life and habitats within the property boundaries. Further, the proposed project would establish important wildlife connectivity protected from future human developments. The Montana Natural Heritage Program has identified 21 different animal Species of Concern (SOC) as occurring on or within one mile of the property. Therefore, the proposed project would facilitate protection of habitats critical for the protection and re-establishment of the identified SOC.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The project would provide long-term, moderate beneficial impacts by protecting the sections of Rae Creek within the property boundaries and offering FWP the opportunity to further facilitate restoration efforts of Rae Creek. No other impacts would be expected because of the proposed project.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. No ground disturbing activities would occur; therefore, no impacts to geology would be expected because of the proposed project.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Soil quality, stability, and moisture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would protect the property from future intensive development and offer FWP the opportunity to restore natural vegetation within the property boundaries, thereby protecting soil quality, stability, and moisture. Any impacts would be long-term, moderate, and beneficial.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The property is mainly comprised of Rocky Mountain Lower Montane Foothill and Valley Grassland and Alpine-Montana Wet Meadow land cover types, and likely contains four plant Species of Concern (SOC). The proposed project would provide long-term, major beneficial impacts by permanently protecting the property and offering FWP the opportunity to restore vegetation cover, quantity, and quality within the property boundaries. Any impacts would be long-term, major, and beneficial.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The viewshed and aesthetics of the center of MHSP (where the property is located) would be permanently protected by the proposed project. The existing viewshed from the southern portion of the park, and especially the Gallatin City interpretive area, allows visitors to easily imagine how the area looked both in precontact days and during early settlement thereby beneficially impacting the viewshed associated with the National Historic Landmark and protecting the park's designation as such. Any impacts would be long-term, major, and beneficial.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable national ambient air quality standards (NAAQS). Aside from the removal of some deteriorated fencing and old farm equipment, the proposed project would not result in any ground disturbance or involve any construction activities requiring the use of heavy equipment and the associated combustion of fossil fuels. The GCC Trident cement plant is a major source of air pollution located directly north of and adjacent to the existing MHSP footprint. No other significant point-sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust and fugitive dust emissions). Therefore, the proposed project would not be expected to cause or contribute to a NAAQS violation.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The Montana Natural Heritage Program has identified 25 different plant and animal Species of Concern (SOC) as occurring on or within one mile of the subject property. The proposed project would facilitate protection of wildlife habitats critical for the protection and re-establishment of the identified SOC. Any impacts would be long-term, major, and beneficial.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Historical and archaeological sites	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would protect some historical buildings of moderate interest from being potentially demolished by a new owner. Other archeological resources likely exist on the property and would also be permanently protected. The characteristics of the broader MHSP landscape, which are integral to its National Historic Landmark designation (its viewshed, landscape features, soundscape, etc.) would be protected. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded and are eligible for the National Register of Historic Places, they will be protected from adverse impacts. Any impacts from the proposed project to any historical and archaeological sites are expected to be long-term, moderate, and beneficial.
Demands on environmental resources of land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. As identified previously through the analyses of potential impacts to water quality, quantity, and distribution; soil quality,

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									
water, air, and energy									stability, and moisture; vegetation cover, quantity, and quality; and air quality; no adverse impacts to the environmental resources of land, water, and air would be expected to occur because of the proposed project. Further, very limited fuel use would be required for the proposed project and FWP is unaware of any energy reserves associated with the property that may be impacted by the proposed project. Therefore, no impacts to energy would be expected because of the proposed project.

**Table 4 - Potential Impacts of Proposed Project on the Human Population**

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. A primary objective of state parks is to facilitate public recreation in a natural setting and, in this case, emphasize the occurrence of natural and diverse plant communities thereby enhancing the aesthetic nature of the area. Many Montanans and those visiting the state for outdoor recreational purposes hold high regard for the establishment and conservation of public lands, such as state parks. The proposed project would support and beneficially contribute to the existing social structure, customs, values, and conventions of the affected area by preserving and adding to the visitor experience at

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
										MHSP through protected viewsheds at this National Historic Landmark. Future use of the property that is compatible with recreation already occurring on surrounding park lands would support and enhance existing social structures and mores. Any impacts would be long-term, major, and beneficial.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would not be expected to result in any relocation of people into or out of the affected area or otherwise alter the existing human population in the affected area. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would provide public access to approximately 26 additional acres (assuming 4 acres would be closed for administrative purposes) and increased opportunity for hunting, fishing, bird watching, and hiking since the proposed project would allow an extension of MHSP's trail system across the subject property where there are currently no established trails. As the population of the Gallatin Valley grows and the park gains in popularity, parts of the park can become quite crowded during peak season. Some park usage could be spread out within the new acreage, enhancing recreational experiences for all visitors. Increasing public access aligns with many goals identified within the Statewide Comprehensive Outdoor Recreation Plan. Any impacts would be long-term, moderate to major, and beneficial.

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. FWP pays property taxes at the same rate as private citizens (MCA-87-1-603) so there would be no change to tax revenues from the proposed project.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The property is not currently used for agricultural or industrial purposes; therefore, the proposed project would not convert or displace any existing agricultural or industrial production. Because the affected area is not currently used for agricultural and/or industrial production the proposed project would not impact such practices.
Human health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would prevent the potential for conflict between a new private buyer and recreationists, including, but not limited to, hunters and anglers on neighboring MHSP lands. No other impacts would be expected because of the proposed project. Therefore, any impacts would be long-term, minor, and beneficial.
Quantity and distribution of employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project constitutes a 30-acre addition to the existing MHSP and would not be expected to increase or reduce employment or employment opportunities in the affected area. Therefore, no impacts would be expected because of the proposed project.
Distribution and density of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project constitutes a 30-acre addition to the existing MHSP and



HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
population and housing										would not be expected to result in the movement of existing or new population in to or out of the affected area. However, because the affected area is currently experiencing steady population growth, the project could impact population density and housing in the greater Three Forks area because it would prevent a private entity purchasing the property to develop housing units on the property. Considering the small size of the affected property (30 acres), any adverse or beneficial impacts to distribution and density of population and housing because of the proposed project would be long-term and negligible.
Demands for government services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project constitutes a 30-acre addition to the existing MHSP; therefore, much of the infrastructure, equipment, and staffing needed to manage MHSP is already in place. However, the proposed project would require permanent management of the subject property by FWP staff, which may extend existing staff resources. Overall, FWP expects the long-term management of the park would likely be made easier without private property partially bisecting the park. Normal and routine MHSP maintenance costs, including monitoring and control of noxious weeds, would continue because of the proposed project. No additional demands for government services would be expected for project implementation. Any adverse impacts would be long-term and negligible.
Industrial, agricultural, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project constitutes a 30-acre addition of land to the existing

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
commercial activity										MHSP that is not currently used for industrial, agricultural, or commercial purposes. Therefore, the proposed project would not disturb or otherwise impact any industrial, agricultural, or commercial operations or activities in the affected area.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		No significant adverse impacts would be expected because of the proposed project. The affected property is currently privately owned. Under the proposed action, the subject property would be converted to public ownership, increasing the existing MHSP footprint. Increasing public access and providing additional recreational opportunities aligns with goals identified within the Statewide Comprehensive Outdoor Recreation Plan. The proposed project also aligns with many of the goals outlined in the 2022 Missouri Headwaters Master Plan, including, but not limited to: protection and management of important natural, cultural, and scenic resources; providing visitors with a wide range of experiences; broadening visitors' knowledge and appreciation of the area; and accommodating ever-increasing crowds at state parks, including MHSP, while still allowing for areas of solitude. FWP is unaware of any other locally adopted environmental plans or goals that may be impacted by the proposed project. Any impacts would be long-term, moderate, and beneficial.
Other appropriate social and economic circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Visitation and tourism are major drivers for Montana's economy. Visitation at MHSP exceeded 78,000 visitors in 2022, an increase of more than 30% over 2019 visitation. After completion of the MHSP Master Plan in 2022, FWP is currently considering concepts for enhancing visitor amenities and infrastructure at the

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
										park as well as enhanced preservation of cultural and historic resources. The proposed project would help preserve and enhance visitor experience by protecting the primitive viewshed, habitat and riparian areas, and additional cultural resources, and offering improved opportunity for activities including trail use, hunting, fishing, and interpretive experience.

**Table 6: Determining the Significance of Impacts on the Quality of the Human Environment**

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP’s decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.</p>	
Criteria Used to Determine Significance	
1	<p>The <b>severity, duration, geographic extent, and frequency</b> of the occurrence of the impact</p> <p>“<b>Severity</b>” describes the density of the potential impact, while “<b>extent</b>” describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>“<b>Duration</b>” describes the time period during which an impact may occur, while “<b>frequency</b>” describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>

2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

## IX. Private Property Impact Analysis (Takings)

The 54<sup>th</sup> Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

**Table 7: Private Property Assessment (Takings)**

<b>PRIVATE PROPERTY ASSESMENT ACT (PPAA)</b>			
<b>Does the Proposed Action Have Takings Implications under the PPAA?</b>	<b>Question #</b>	<b>Yes</b>	<b>No</b>
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the proposed action result in taking or damaging implications?</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

**Alternatives:**

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

## X. Public Participation

The Draft EA was made available for public review and comment on November 17, 2023, through November 30, 2023. The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>, was 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 and neighboring landowners. FWP received 75 comments during the public comment period.

Commenters noting opposition to the proposed action were limited and did not provide a specific reason(s) for their opposition. Those who commented in favor of the proposed action gave varied reasons, as summarized by the associated Decision Notice or DN for the proposed project.

The following comments and new information learned during the public comment period for the Draft EA resulted in the following changes from the Draft EA to this Final EA:

### **Final EA: Modifications Made to the Draft EA**

- By request, the name of the affected landowner has been removed from the Final EA and replaced with "landowner."
- A comment provided by MOLF clarified the funding process to be used for the proposed action. More specifically, the funding process described in the Draft EA stated, "The Montana State Parks Foundation (Foundation) would purchase the property using funds provided by a grant from Montana's Outdoor Legacy Foundation (MOLF) and the Fish and Wildlife Conservation Trust (MFWCT) and then donate the property to FWP." MOLF clarified the actual process and the Draft EA has been updated to state, "The Montana State Parks Foundation (Foundation) would purchase the property using funds provided by a grant from the Montana Fish and Wildlife Conservation Trust (MFWCT) and facilitated by Montana's Outdoor Legacy Foundation (MOLF) and then donate the property to FWP."
- During preliminary title work for the Foundation's purchase of the property, it was discovered that the acreage figures used in the appraisal were incorrect, and the property consisted of 26.36 acres rather than 30 acres, as reported in the Draft EA. A new appraisal was ordered in December 2023, and a valuation of \$1,050,000 was given. The sellers opted to move ahead with the sale of the property for the original appraisal price of \$930,000 and donate the \$120,000 difference to the Foundation. As the value of the property is now over \$1,000,000, this acquisition must go before the Land Board for approval. These changes to the Draft EA do not impact FWP's decision, or any conclusions or reasoning for the decision. Approval by the State Parks and Recreation Board and Montana Land Board have been added to Table 1: Federal, State, and/or Local Regulatory Responsibilities.

Changes from the Draft EA to Final EA, as discussed above, do not impact FWP's reasoning or justification for the decision and do not significantly change the public's opportunity to understand and comment on the proposed project. Therefore, FWP determined the Draft EA, as modified here by the Final EA, adequately addresses all issues raised by the proposed action.

## XI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

## XII. EA Preparation and Review

	Name	Title
EA prepared by:	Linnaea Schroeer	FWP Reg 3 Recreation Manager
EA reviewed by:	Eric Merchant Hope Stockwell	FWP MEPA Coordinator FWP Parks and Outdoor Recreation Division Administrator

**Appendix A. Sensitive Species of Occurrence (SOC) list for subject property.**

MT Status	Species Group	Sort Order	Documented	Common Name	Scientific Name	Habitat	Distribution
SOC	Vascular Plants	7	Occurrences	Alkali-marsh Ragwort	Senecio hydrophilus		Present
SOC	Vascular Plants	7	Occurrences	Annual Indian Paintbrush	Castilleja exilis	Wetland/Riparian	Present
SOC	Birds	2	Occurrences	Great Blue Heron	Ardea herodias	Riparian forest	Resident Year Round
SSS	Birds	2	Occurrences	Bald Eagle	Haliaeetus leucocephalus	Riparian forest	Resident Year Round
SOC	Birds	2	Occurrences	Veery	Catharus fuscescens	Riparian forest	Migratory Summer Breeder
SOC	Vascular Plants	7	Occurrences	Mealy Primrose	Primula incana	Wetland/Riparian	Present
SOC	Vascular Plants	7	Occurrences	Ute Ladies'-tresses	Spiranthes diluvialis	Wetland/Riparian	Present
SOC	Birds	2	Occurrences	Golden Eagle	Aquila chrysaetos	Grasslands	Resident Year Round
SOC	Mammals	1	Occurrences	Little Brown Myotis	Myotis lucifugus	Generalist	Resident Year Round
SOC	Mammals	1	Occurrences	Long-eared Myotis	Myotis evotis	Forest	Resident Year Round
SOC	Mammals	1	Occurrences	Hoary Bat	Lasiurus cinereus	Riparian and forest	Migratory Summer Breeder
SOC	Birds	2	Occurrences	Black-billed Cuckoo	Coccyzus erythrophthalmus	Riparian forest	Migratory Summer Breeder
SOC	Birds	2	Occurrences	Lewis's Woodpecker	Melanerpes lewis	Riparian forest	Migratory Summer Breeder
SOC	Birds	2	Occurrences	Sage Thrasher	Oreoscoptes montanus	Sagebrush	Migratory Summer Breeder
SOC	Reptiles	3	Occurrences	Greater Short-horned Lizard	Phrynosoma hernandesi	Sandy / gravelly soils	Resident Year Round
SOC	Birds	2	Occurrences	Brewer's Sparrow	Spizella breweri	Sagebrush	Migratory Summer Breeder
SOC	Birds	2	Occurrences	Long-billed Curlew	Numenius americanus	Grasslands	Migratory Summer Breeder