Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive
Billings, MT 59105

February 13, 2009

TO: Environmental Quality Council
Director's Office, Dept. of Environmental Quality
Montana Fish, Wildlife & Parks*
- Director's Office
- Parks Division
- Fisheries Division
- Wildlife Division
- Lands Section
- Design & Construction
- Legal Unit
- Regional Supervisors

Mike Volesky, Governor's Office *
Sarah Elliott, Press Agent, Governor's Office*
Maureen Theisen, Governor's Office*
Montana Historical Society, State Preservation Office
Janet Ellis, Montana Audubon Council
Montana Wildlife Federation
Montana State Library
George Ochenski
Montana Environmental Information Center
Wayne Hirst, Montana State Parks Foundation
FWP Commissioner Shane Colton*
Montana Parks Association/Our Montana (land acquisition projects)
David Moore, DNRC Area Manager, Southern Land Office
County Commissioners
Other Local Interested People or Groups
* (Sent electronically)

Ladies and Gentlemen:

The enclosed draft Environmental Assessment (EA) has been prepared for the acquisition of 172 acres along the Clark's Fork of the Yellowstone River south of Bridger, Montana for a new Fishing Access Site (FAS), and is submitted for your consideration. Development would be phased, beginning initially with a parking area and walk or float in access, with a secondary phase including an access road, boat launch, parking, and latrine. Questions and comments will be accepted until **March 16, 2009**. There will be a Public Meeting on February 25, 2009 at 7:00 pm at the Bridger Civic Center, 210 South Main, Bridger, MT.

If you have questions or need additional copies of the draft EA, please contact Montana Fish, Wildlife & Parks (FWP) at 247-2940. Please send any written comments by mail to: Doug Habermann at FWP, 2300 Lake Elmo Drive, Billings MT 59105; or by e-mail to dhabermann@fwp.mt.gov. The draft EA may be viewed on the FWP home page at fwp.mt.gov under recent public notices.

Thank you for your interest,

Gary Hammond
Regional Supervisor

Enclosure

Environmental Assessment

Clarks Fork Yellowstone River Property Acquisition

February 2009

Montana Fish, Wildlife & Parks

Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Proposed state action: Montana Fish, Wildlife, & Parks proposes to purchase fee title interest in approximately 172 acres of land along the Clarks Fork Yellowstone River, south of Bridger, Montana. The purpose of the acquisition is to provide for public access to the Clarks Fork River at a strategic location including parking, river access facilities, and other basic amenities.

2. Agency authority for the proposed action:
FWP has the authority to develop outdoor recreational resources in the state per 23-2-101 MCA. State statue 87-1-209, gives the Department the authority to acquire lands for the state parks and outdoor recreation. Furthermore, 23-1-101 provides the Department with the authority to conserve scenic, historic, archaeological, and recreational resources of the state.

3. Name of project: Clarks Fork Yellowstone River Property Acquisition/Fishing Access Site Development

4. Project sponsor:
Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive
Billings, MT 59105
406-247-2940

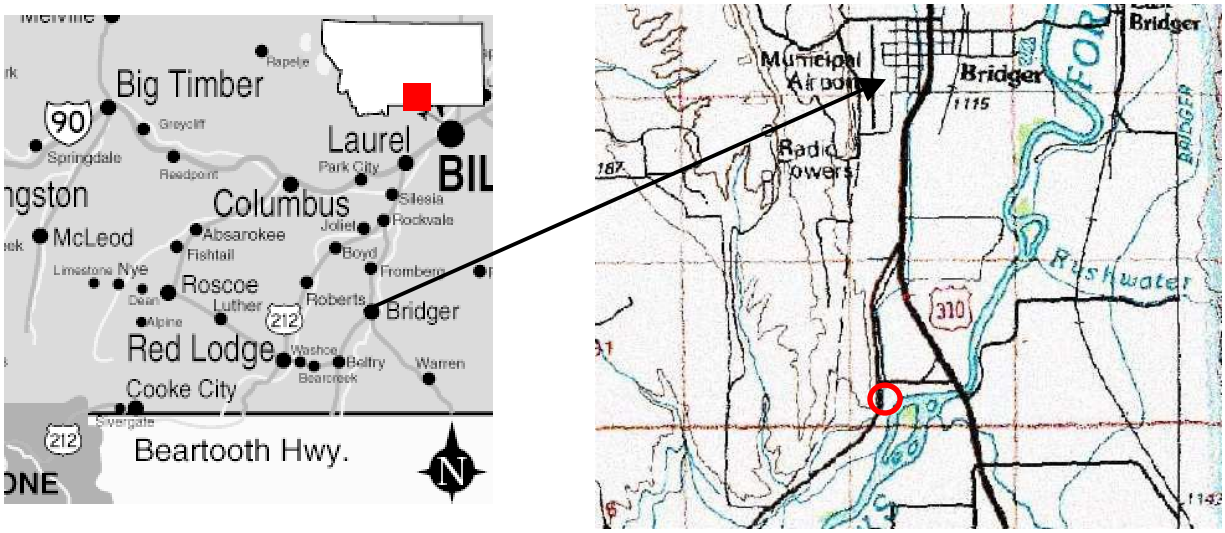
5. Estimated Schedule of Events:
Environmental Assessment:
Public Comment Period: February 2009
Decision Notice Published: March 2009

Acquisition:
FWP Commission Final Approval: May 2009
State Land Board Approval: June 2009

Development of a Fishing Access Site
Tentatively Summer of 2011 pending the availability of financial resources

6. Location:
Carbon County: NE1/4, Section 5, T07S, R23E; NW1/4, Section 4, T07S, R23E and SW1/4, Section 33, T06S, R23E.

See *Appendix A* for an aerial map of the property.



Location of property noted by red circle

7. Area Affected:

	Acres		Acres
(a) Developed:		(d) Floodplain/Riparian (100 yr)	20
Residential	0	(e) Productive:	
Industrial	0	Irrigated cropland	40
(b) Open Space/ Woodlands/Recreation	103	Dry cropland	0
(c) Wetlands Areas	9	Forestry	0
		Rangeland	0
		Other	0

8. Other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits: 310 permit if stream bank is impacted

(b) Funding:

Montana Fish, Wildlife & Parks –	
Anticipated Acquisition Cost – Access Montana	$ 516,000
Initial Site Development	$10,000
FAS Development	$80,000 - $125,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Montana State Historical Preservation Office	Cultural Resources

9. Summary of the Proposed Action:

Montana Fish, Wildlife, & Parks proposes to acquire approximately 172 acres, adjacent to the Clarks Fork Yellowstone River, approximately 2 miles south of Bridger, Montana. State Highway 72 intersects the

property, Ridgeway Road (a year round gravel county road) borders the property on the north, and the Sand Creek Canal weaves a path through the central portion of the property.

Approximately 30 acres of the property was being used for cultivation of sugar beets crops in 2008, with another 10 acres left uncultivated. Much of the property has been grazed at some time as well. The tilled fields are between the river and highway. The eastern edges of the fields are bordered by mature cottonwood trees, mature willows, Russian olive, and some woody debris from old cottonwoods through a portion of the river's floodplain. Also on the eastern side of the highway, the southern portion of the property encompasses a marsh-like area covered with cattails, grasses, and isolated islands of willows and wild rose.

The portion of the property west of the highway provides a much drier environment for vegetation. The Sand Creek Canal winds its way through the approximately 50 acres with willows, Russian olive, and cottonwoods along the canal. Sages and native grasses dominate areas away from the canal. A sandstone bluff that rises 300 feet from the valley floor breaks up the topography of this area. The southwestern portion of this area borders 40 acres of public land (Bureau of Land Management). An adjacent property owner enters their acreage and residence from the property's access road.

The property provides excellent habitat for white-tailed deer, upland game birds, waterfowl, and a variety of nongame species, as well as maintains the open viewshed of the river bottom.

There are two small buildings on the property, including an old homestead cabin and a barn. A small corral sits adjacent to the barn. Both buildings are located at the primary entrance to eastern portion of the property from Ridgeway Road, a county road.

Need and Benefits

The location of this property is just south of the junction of State Highways 72 and 310, south of Bridger. Highway 72 is the primary travel route between Billings, Montana and Cody, Wyoming. Highway 310 provides an additional route south from Montana to Powell, Wyoming. Montana Department of Transportation's 2007 Traffic by Sections Report noted the annual daily traffic along Highways 72 and 310 was 1,330 and 4,140 respectively. Because this site is on a busy travel corridor between south central Montanan and Wyoming, it is of particular interest to FWP.

This property is situated 50 miles south of Billings and 22 miles east of Red Lodge. The site is situated between Bridger Bend Fishing Access Site (16 miles upstream) and Bridger Fishing Access Site (4 miles downstream). Annual visitation statistics for those two sites average 500 to 1,000 annual visitors, respectively. Cooney State Park is 30 miles to the west.

Since the 1980s, Carbon County and the Town of Bridger have seen steady increases in the number of residents (U.S. Census Bureau, MT Dept. of Commerce). This increase has made public access to the Clarks Fork Yellowstone River more difficult. Historically, the current owner has allowed walk-in access to the river through his property, has allowed hunting opportunities for invited individuals on the eastern portion of the property and access through his land to the BLM acreage from the western portion of the property.

FWP's proposed acquisition of the property would provide public access to the river for bank fishing and floating, with the continuance of hunting opportunities that will consider neighbor's concerns for safety. The proposed acquisition would give the Department a property that is strategically located between two existing fishing access sites so that floaters and anglers would have another spot to put in or pull out.

Additionally, the proposed acquisition would support the implementation of FWP's Comprehensive Fish & Wildlife Management Strategy (CFWCS, FWP 2005), which identified riparian areas as a Community Type of Greatest Conservation Need. Riparian and wetland communities support the highest concentration of plans and animals in Montana. Protection and enhancement of riparian habitats is also the highest priority in FWP Region 5. This property contains approximately 1 mile of quality riparian habitat along the Clarks Fork of the Yellowstone River, in addition to numerous small waterways from the river through the wooded riparian area on the property.

Sub-division and home site development surrounds the site. Eighteen homes are within ¾ mile of the property. Although neighbors will be affected by whatever use is made of this property, to preserve a diverse natural area as a recreation area has been shown to both increase property values and to provide primarily local recreation opportunities.

Improvements, Maintenance and Public Use

These phases reflect a varying level of capital, operations and maintenance funding. Phases could be completed at once or over time as funding allows. Public use, protection of the natural resources, the enjoyment, health and safety of visitors and consideration of neighboring properties would be the goals and objectives during all phases of development and of FWP management of this property.. The property, if acquired, will be regulated under exisiting FWP public use regulations and other accepted FWP recreation area management policies including control of vehicles, firearms, and campfires.

Initial Phase

Initial use would include walk in or float in only, with no overnight camping. Property signs and necessary boundary or right-of-way fences would be built and maintained. FWP will maintain any existing and new fences and implement the FWP Statewide Noxious Weed Management Plan in conjunction with the Carbon County Weed District. Known weeds include spotted knapweed, spurge, and Russian thistle.

A small level, graveled parking lot would be constructed off of Highway 72 to provide walk-in use of the property. The lot would be located where sufficient level ground exists and to balance buffering adjoining residences with providing as much opportunity as possible. This development would create the largest space buffer between visitors and neighboring residences. There is excellent sight distance along Highway 72 in this location and we would work with Montana Department of Transportation to most safely locate the entrance. Administrative access would be allowed through this location as well as from the existing gate on Ridgeway Road.

Regular maintenance for this level of development and use would be accomplished with existing maintenance budgets. This site is intermediate to existing FWP sites and so additional costs would be minimized. Firearms use would be limited to hunting only and restrictions to that use would be considered for the protection of both recreationists and neighboring land use and to meet wildlife management goals for hunting district 510, wherein this site is located. No fires or overnight camping would be permitted in this initial phase. Wildlife enhancements, such as food plots, could be considered, depending on wildlife management goals and available funding.

Region Five has 12 game wardens, with the nearest warden stationed in Red Lodge, 25 miles from the site. The FWP enforcement division would have primary responsibility for enforcing state laws and regulations at the site, Along with the Carbon County Sheriff's office.

Secondary Phase

This phase would provide vehicle access to the Clarks Fork Yellowstone River from either/or Highway 72 or Ridgeway Road, develop a gravel parking lot and provide a boat ramp or launch area to allow for watercraft launching and taking out. This level of development is commonly associated with Fishing Access Site designation. Latrines to ensure adequate sanitation and internal fencing to prevent off-road use would be installed. Primitive camping would be allowed with fires allowed only in manufactured fire rings. One to three primitive campsites would be provided, including a parking slot, picnic table and steel fire ring at each site. Wildlife enhancements, such as food plots, could be considered, depending on wildlife management goals and available funding. The old buildings would be removed.

The Ridgeway Road location would require less road construction with resulting less cost, although there would be facilities and public use concentrated closer to several residences along Ridgeway Road. This location has thick cottonwoods and a natural flat area ideal for facility location. The anticipated cost for this development in this location is estimated at $80,000.

The Highway 72 option would cost more but retain a larger distance between developed facilities and neighboring properties. The cost associated with this type of development is estimated at $125,000.

10. Alternatives

Alternative A: No Action
If FWP were not to acquire the 172 acres from the current owner, the property would likely be sold to another party through a local real estate agent. The property has already been listed with a real estate agent once over the past year. Considering its' location on the river, proximity to Billings, size, the existing development around the property, and natural features, the property would most likely be developed as a residential subdivision.

Alternative B: The acquisition and described development of the Clark's Fork property
The acquisition of the acreage adjacent to the Clark's Fork of the Yellowstone River will provide the public with an additional recreational site under the management of FWP along this river. The site is strategically located between Bridger Bend Fishing Access Site (16 miles upstream) and Bridger Fishing Access Site (4 miles downstream). This site will provide anglers additional opportunity for bank fishing and an additional put-in or take-out area on the river. This preferred option would allow vehicle access development in two locations to optimize river access

Alternative C: Acquistion of the Clarks Fork property and development of only one river access in Phase Two
This alternative would develop only one of the two access points described for phase two. Development of the Ridgeway Road would be less expensive but locate facilities and recreationists closer to neighboring residences. The Highway 72 option would be significantly more expensive but also create a larger buffer between developed facilities and neighboring residences.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

The analysis of the physical and human environments discussed on the following pages does not include the No Action Alternative as the potential impacts of a No Action Alternative are difficult to define because of the unknown nature of the potential owner's plans for the property. The property could be kept for agriculture uses, used for raising cattle, or developed for residential occupation. Because of this uncertainty, analysis of a No Action Alternative could not be comprehensively determined.

3. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X – initial phase	X – 2nd phase		Yes	1b
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X	X – 2nd phase		Yes	1c
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

No geological changes are required for the proposed acquisition or for the initial development phase. No modifications to existing erosion patterns located near the existing barn or near interior roads is expected to occur since the property will only be accessible by foot until the second phase of the improvements are embarked upon.

1b/d. During the second phase, during which a formal fishing access site would be developed, some modifications to the existing soil features will be required for the installation of a small parking lot near the access point to the river, the construction of a boat launch, and placement of latrine. Disturbed areas not covered by parking or road would be reseeded or otherwise reclaimed to decrease the likelihood of new erosion patterns from becoming established. For areas associated with the boat launch, the prevention of erosion at the affected stream bank will be through proper location of the launch area or ramp (so as to not catch the stream current) and hardening (rip-rap or erosion resistant woody vegetation) of the river slope.

The proposed acquisition would include the majority of mineral rights associated with the property. The potential transfer of these rights to FWP would ensure no subterranean exploration within the property that could have negatively impacted the adjacent water resources, existing vegetation, and wildlife.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. **AIR** **Will the proposed action result in:**	**IMPACT ***					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				

2a Acquisition and development of the property will draw additional recreationists to the site, which could create an increased amount of dust production on the adjacent county road (Ridgeway Road). If increased recreational traffic causes a significant dust problem, FWP will explore working with the County to apply a dust-retardant to reduce the deleterious effects.

When the initiation of the second phase is begun, the use of construction equipment to establish an access road and small parking lot near the new boat launch, placement of the latrine, and construction of a boat launch will change the ambient air quality for a limited time until construction is completed. At that point the overall quality of the air is not expected to change from pre-existing conditions.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. **WATER** **Will the proposed action result in:**	**IMPACT ***					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		X	3h
i. Effects on any existing water right or reservation?			X			3i
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

There will be no impacts to the Clarks Fork Yellowstone River or the Sand Creek Canal if the acquisition of the property by FWP were approved.

3h. If the proposed action were completed, herbicides to manage the existing noxious weeds would be applied per the guidelines presented in the FWP's Statewide Integrated Noxious Weed Management Plan to prevent surface water (Sand Creek Canal or Clarks Fork Yellowstone River) from being negatively affected.

3i. The proposed acquisition would include the transfer of the water rights associated with the property. Those rights include irrigation via pump from unnamed tributary of the Clarks Fork Yellowstone River for 18 acres and irrigation from the Sand Creek Canal for 92 acres.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. VEGETATION Will the proposed action result in?	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		X	4e
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f

4a. The proposed action would not change the diversity of the existing native plant species on the property. However, if FWP should acquire the property, the currently tilled acreage would no longer be cultivated for sugar beets or other food crops. Those areas may be rehabilitated with native grasses, or some portion may be used as food plots for the benefit of upland game birds and other wildlife species.

4c. A search of the Montana Natural Heritage database on 10/15/08 revealed no occurrences designated species of concern, threatened or endangered species within the property.

4e. Currently, the property has a very limited infestation of spotted knapweed, leafy spurge, hounds tongue and Russian thistle. The proposed acquisition of Clarks Fork Yellowstone River property and its use by the public could lead to the additional spread of noxious weeds. If the acquisition were approved, FWP would initiate the Statewide Integrated Noxious Weed Management Plan to manage the existing infestations and any new noxious weeds. This treatment would be coordinated with the Carbon County Weed Supervisor.
The Region Five Maintenance Supervisor has met on site with Carbon County Weed Supervisor Brian Oswald. He estimated approximately $5-600 annually to mange the weeds effectively and saw no problems with FWP ownership regarding noxious weed control.

4f. There are no wetlands designated by Montana Department of Environmental Quality or the Riparian Wetland Research Program within the property (2/22/08,via Digital Atlas of Montana database http://maps2.nris.mt.gov/mapper/MapWindow.asp?Profile=3163763&Cmd=Build+Reports). However, there are approximately 7 acres of wetlands/marsh area in the southwestern portion of the property. This area is known by the current owner to be used by waterfowl.

There are no prime farmlands included within the property's boundaries, but 56% of property is considered Farmland of Local Importance (10/16/08, Natural Resources Conservation Soil Survey database).

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

The proposed acquisition of the 172 acres will not affect the abundance of game and nongame species that move through the property. Game species that are known to use the property are white-tailed deer, pheasants, various waterfowl, wild turkey, and the river bottom area provides habitat for numerous small mammals, amphibians (soft shell turtle, Plains spade foot toad) and a variety of bird species, including bald eagles. Bobcats have been known to use the area near the sandstone bluffs, and black bears infrequently use the area near the river. (Assessments by Shawn Stewart, FWP Wildlife Biologist, and Allison Puchniak, FWP Native Species Biologist)

A combination of harvest and displacement of game animals will likely occur with increased human activity. However, the use of the property by walk-in traffic following development of the property would not unduly increase the level of stress to resident or transient wildlife species, since the size of the property and a combination of habitat security, and contiguous escape routes provide avenues for escapement.

5f/h. A search of the Montana Natural Heritage database revealed one sensitive species known to be generally distributed on the targeted property. That species is the Common Short-tailed Lizard. Other species identified within a ¼ mile of the property but no recorded sightings on the property include the Common Sagebrush Lizard, Greater Sage Grouse, White-tailed Prairie Dog, Western Spotted Skunk, and Lark Bunting.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

There will be no significant change to the normal noise levels due to the proposed acquisition and the initial/secondary development phases. The limited number of visitors accessing the property on a walk-in or FAS level is not expected to negatively impact residences near the property. Impacts on adjoining properties will be considered in facility location and development. Property boundaries will be clearly marked.

7. LAND USE Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X			7a
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?	X					7d

7a. The proposed action will alter the historic use of a portion of the property from cultivated fields to a public recreation area. Some of those areas will be rehabilitated and reseeded with native grasses, while others will be improved to provide food plots for upland game birds and wildlife. Other portions of the property that are not in productive use will be left in their current natural state. Areas where noxious weeds are present will be managed per the FWP's Statewide Integrated Noxious Weed Management Plan.

Under FWP's management, it is expected the existing good health of the property will be maintained and likely enhanced using agricultural field prescriptions for the benefit of wildlife species and the public.

7d. There are eighteen private residences within close proximity of the targeted property. Three residences are located on Ridgeway Road, another is accessible only through the northwestern portion of the target property, and the rest are within ¼ mile of the property. See comments under 2a and 13e/f that identify potential affects to nearby residences.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		X	8a
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				8c
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		X	8d

8a/d. Chemical spraying is part of FWP's integrated weed management program to manage noxious weeds. Certified professionals would utilize permitted chemicals in accordance with product labels and as provided for under state law.

8c. The Sand Creek Canal is active between April 1st and October 15th to provide irrigation water to commercial agriculture producers along its 7.5 mile length.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			X			9a
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

9a. The proposed action has the potential for a limited effect on the community of Bridger, the level of use of the site will mean increased retail sales particularly for gas and food. The proposed acquisition will eliminate the potential for the residential development of the site. FWP anticipates a slight increase in the level of traffic using Ridgeway Road.

A new access road is proposed to provide a direct route between Hwy 78 and the boat launch area and parking lot under Alternative B/C. The placement of this graveled road will ensure safe line-of-sight distances to decrease the potential for traffic incidents from occurring to visitors to the park and motorist on the highway.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. PUBLIC SERVICES/TAXES/UTILITIES **Will the proposed action result in:**	**IMPACT ***					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X			10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources		X				
f. **Define projected maintenance costs.						10f

10b. The proposed acquisition will eliminate the potential for additional residential development at the site, which could have provided additional property taxes to the county. If the acquisition were approved, FWP would continue to pay the property's taxes.

10f. Expenditures associated with the maintenance of the site are anticipated to be $1,000 for the initial development and $2,500 annually for the FAS level of development. The site lies along an already existing maintenance route. This expense will be for noxious weed management, fencing, boundary and regulatory sign maintenance, and user fees associated with water usage from the Sand Creek Canal.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11c
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

11c. The public access to this stretch of the Clarks Fork Yellowstone River would be improved by creating intermediate access between Bridger Bend FAS (3 miles south of Belfry) and Bridger FAS, a river distance of 20 miles. As a result of the proposed action, it is likely that there would be an increase in opportunity for recreationists for fishing and floating activities in this section of the river. See *Appendix B* for Tourism Report.

FWP proposed acquisition of this site would preserve the aesthetic character and viewshed of the property.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)	X					

12d. The State Historic Preservation Office (SHPO) has determined that there are previously recorded surveys and sites within the area and that there is a low likelihood of cultural resource impacts. Because there are two existing structures on the property and one is likely older that 50 years (homesteader cabin), SHPO has requested that FWP consult with their office when the implementation of any ground or structure disturbing phases are embarked upon. See *Appendix C* for SHPO correspondence.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X		Possibly	13e

13e. In May 2008, FWP staff met with neighboring landowners to discuss their concerns on the possible sale and development of this property. Neighbors had concerns that development of the site into a formal state park with improvements that could include a campground and boat ramp could bring a large number of visitors to an area surrounded by private land and residences. Concerns with use of high-powered weapons were also voiced. With an increase in use of the areas, neighbors are fearful of vandalism to their property. Opposition was voiced to the possible acquisition and possible future development of the site at the meeting.

If the acquisition is approved, FWP would follow the guidelines of the good neighbor policy for public recreation lands (MCA 23-1-126.) to have "no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, stream bank erosion, and loss of privacy."

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

State pesticide use laws and regulations will be followed. Application records will be submitted to the Montana Department of Agriculture as required, and these records will be available upon request.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed acquisition and limited development of approximately 172 acres with river frontage along the Clark's Fork of the Yellowstone River will provide the public with access to a significant natural and recreational area along a travel route. Primarily local residents but also area visitors will have the opportunity to enjoy this property rather than it becoming developed for other purposes.

The acquisition will not have significant impacts on the physical environment (i.e. geological features, fish and wildlife, and water resources). The proposed project will affect the human environment (i.e. land use, recreation, and utilities) in a limited fashion. Most of these effects will be positive in quality, in that additional public access along the Clarks Fork of the Yellowstone River will become available for the enjoyment of the natural surroundings and water-based activities. The minor impacts to the current environment would be associated with providing public recreation in a safe manner while managing impacts on adjoining properties.

The acquisition will ensure the natural and aesthetic values of the property are maintained for the benefit of the public and wildlife.

PART IV. PUBLIC PARTICIPATION

1. Public Involvement:

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Two public notices in each of these papers: *Helena Independent Record*, *Billings Gazette*, and *Laurel Outlook*;
- One statewide press release;
- Direct mailing to adjacent landowners and interested parties;
- A public meeting in Bridger, Montana.
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov*.

Copies will be available for pubic review at FWP Region 5 Headquarters.

This level of public notice and participation is appropriate for a project of this scope having few limited physical and human impacts.

2. Duration of comment period.

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., March 16, 2009 and can be mailed to the address below:

Clarks Fork Yellowstone River Acquisition
Montana Fish, Wildlife & Parks
Region 5 Headquarters

2300 Lake Elmo Drive
Billings, MT 59105

Or email comments to: dhabermann@mt.gov

PART V. EA PREPARATION

1. Level of review

Based upon the above assessment, which has identified a very limited number of minor impacts from the proposed action, an EIS in not required and an environmental assessment is the appropriate level of review.

2. Persons responsible for preparing the EA:

Doug Habermann	Rebecca Cooper
Regional Parks Manager	MEPA Coordinator
Montana Fish, Wildlife & Parks	Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive	1420 E. 6th Ave.
Billings, MT 59105	Helena MT 59601
406-247-2954	406-444-4756

3. Agencies/organizations consulted during preparation of the EA:

Montana Fish, Wildlife & Parks
- Fisheries Division
- Lands Bureau
- Legal Bureau
- Parks Division
- Wildlife Division

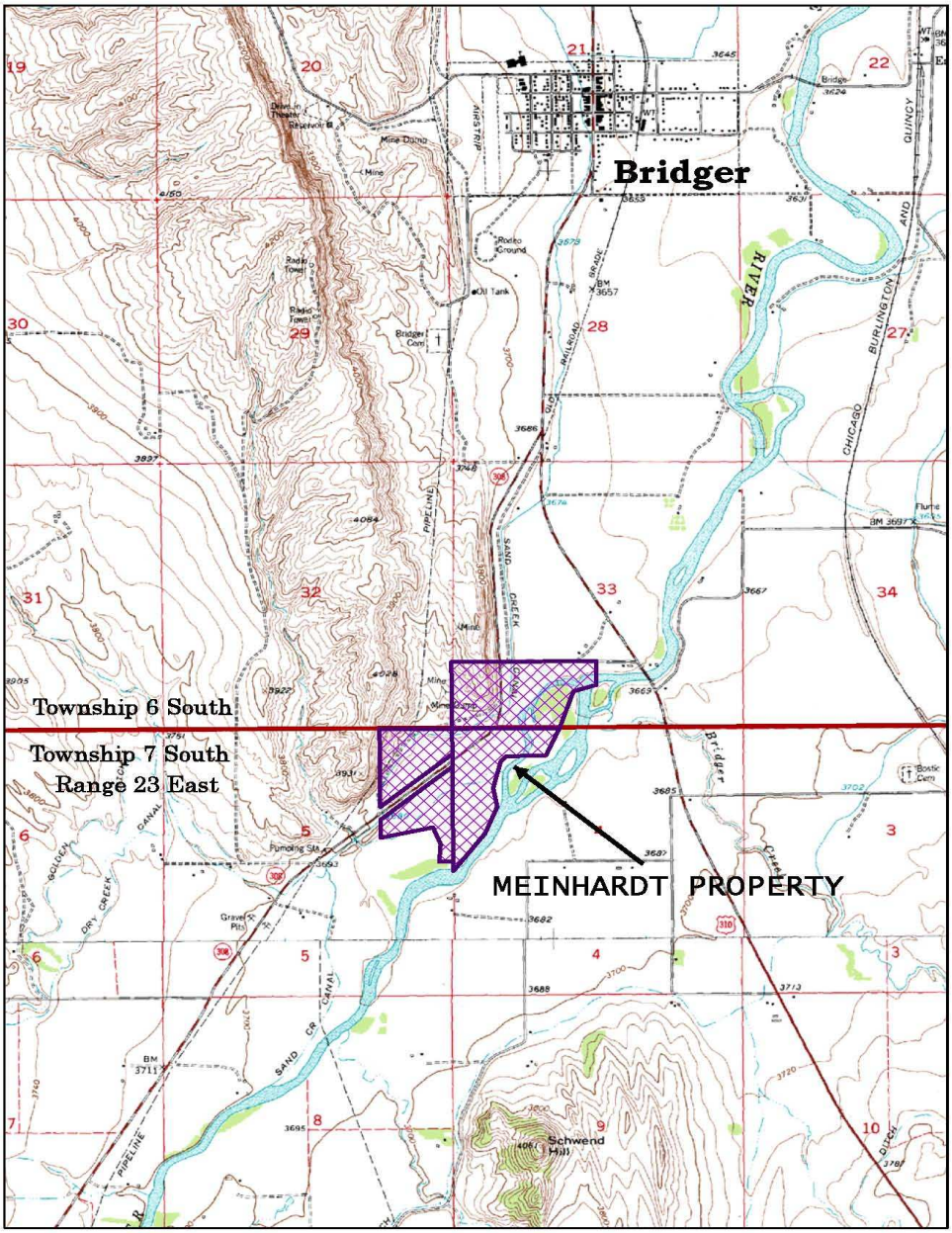
Montana Department of Commerce – Tourism
Montana Department of Natural Resources and Conservation – Water Resources Division
Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana State Historical Preservation Office
Montana Department of Transportation – Data & Statistics

APPENDICES

A. Aerial Map of Property
B. Tourism Report – Department of Commerce
C. SHPO Letter
D. HB 495 Checklist
E. Preliminary Fishing Access Site Plan

APPENDIX A

Map of Property



1 inch equals 0.5 miles

APPENDIX B

TOURISM REPORT
MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Clarks Fork Yellowstone River Property Acquisition

Project Description: Montana Fish, Wildlife, and Parks propose to purchase via fee title approximately 172 acres of land along the Clarks Fork Yellowstone River, south of Bridger, Montana. Potentially, this site would be established as a new state park within the next four-fives years, which could include improvements such as a campground, latrines, and boat ramp. The public access to this stretch of the Clarks Fork Yellowstone River would be newly opened since there are no fishing access sites (FAS) between Bridger FAS (4 miles downstream) and Bridger Bend FAS (12 miles upstream). Additionally, the target property would potentially provide hunting access to 40 acres of public land (Bureau of Land Management) that is currently inaccessible accept through private property.

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to improve the quality and quantity of tourism and recreational opportunities.

Signature Carol Crockett Date 10/14/08

2/93
7/98sed

APPENDIX C

October 14, 2008

Rebecca Cooper
FWP
1420 E. 6th Ave
Helena MT 59601

RE: MEINHARDT STATE PARK ACQUISITION. SHPO Project #: 2008101007

Dear Rebecca:

I have conducted a cultural resource file search for the above-cited project located in Section 5, T7S R23E, and Section 33, T6S R23E. According to our records there have been a few previously recorded sites within the designated search locales. In addition to the sites there have been a few previously conducted cultural resource inventories done in the areas. I've attached a list of the sites and reports. If you would like any further information regarding the sites or reports you may contact me at the number listed below.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old we would recommend that they be recorded and a determination of their eligibility be made.

We feel that there is a low likelihood cultural properties will be impacted as a result of this property acquisition. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, when the separate EA is completed for new any new plans we would ask that our office be contacted prior to any ground or structure disturbance.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov <mailto:dmurdo@mt.gov>. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager

File: FWP/PARKS/2008

APPENDIX D

23-1-110 MCA
PROJECT QUALIFICATION CHECKLIST

Date: January 8, 2009 **Person Reviewing:** Rebecca Cooper

Project Location: Carbon County: NE1/4, Section 5, T07S, R23E; NW1/4, Section 4, T07S, R23E and SW1/4, Section 33, T06S, R23E.

Description of Proposed Work: Acquisition and potential development of a fishing access site along the Clark Fork Yellowstone River.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under 23-1-110 rules. (Please check ✓ all that apply and comment as necessary.)

[x] A. New roadway or trail built over undisturbed land?
Comments*: Phase II of the development of the property anticipates the construction of a new access road from Hwy 78 and the location of the boat launch area. The new road will be graveled and is estimated to be ____ miles in length.*

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments*:*

[x] C. Any excavation of 20 c.y. or greater?
Comments*: Possibly, the construction of the new access road and small parking lot will require the disturbance of 20 c.y. of soil. However, until the implementation of Phase II, the actual amount of soil moved is unknown.*

[x] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments*: Phase II of the project calls for the installation of a small gravel parking area near the new boat launch area. The anticipated size of the parking area will be one that accommodates three parked vehicles and sufficient size for a turn around area for towing units.*

[ ] E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?
Comments*: The proposed boat launch sized is a single width ramp.*

[x] F. Any new construction into lakes, reservoirs, or streams?
Comments*: As part of the second phase of development at the property a new boat launch will be established to provide access to the Clark Fork*

Yellowstone River.

[ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments*:*

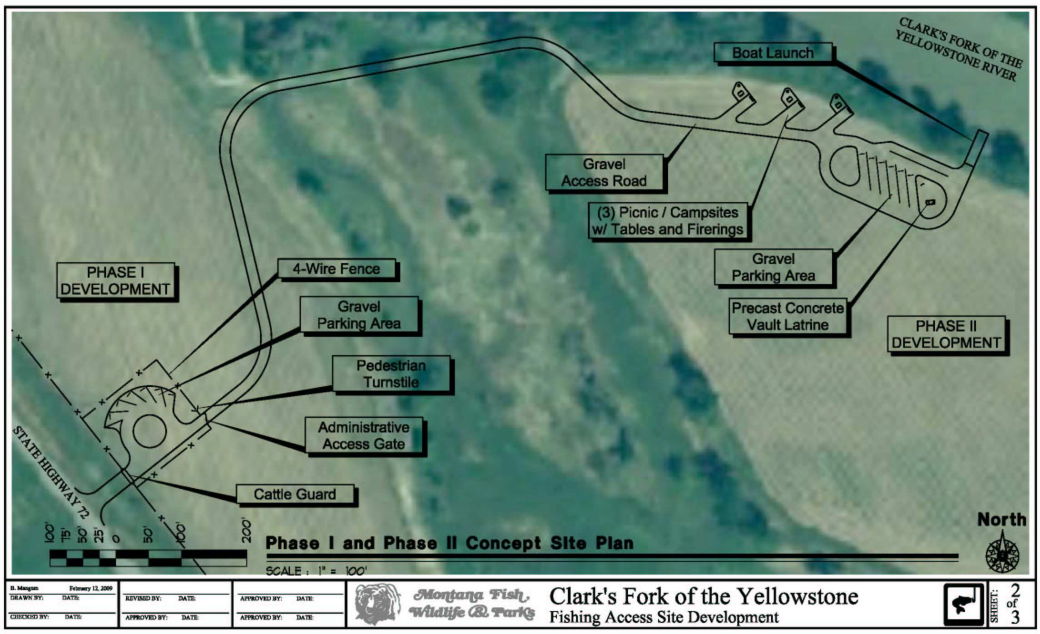
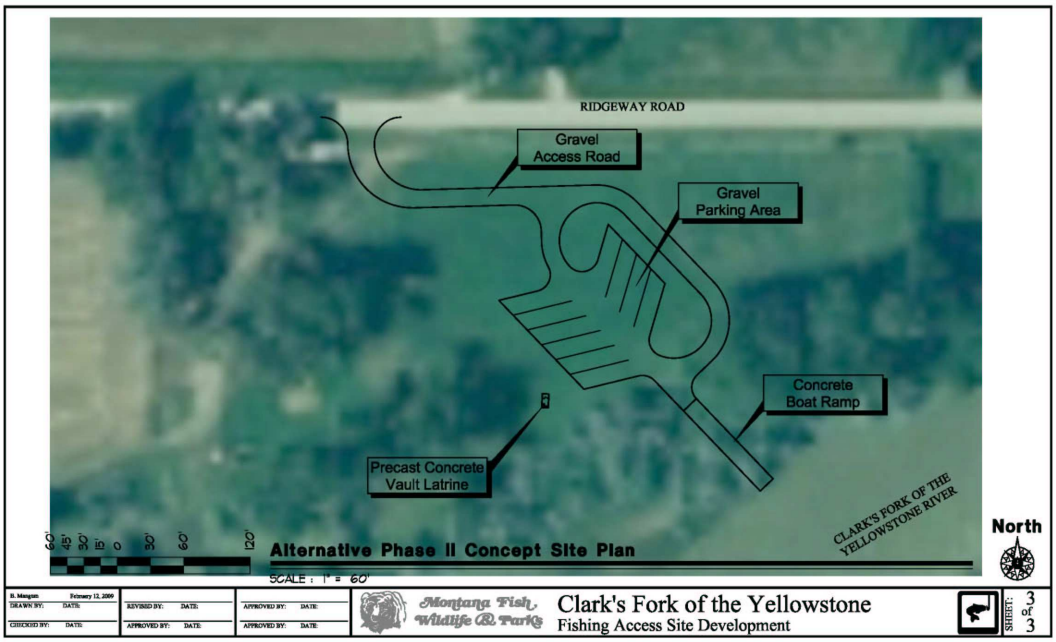
[ ] H. Any new above ground utility lines?
Comments*:*

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments*:*

[x] J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?
Comments*: The use patterns within the Meinhardt will not change during the initial development phase of the project since the property will be accessible by only foot traffic, no facility improvements are proposed, and motorized vehicles will be prohibited.*

The implementation of the second phase of improvements are expected to change the use patterns within the property because motorized traffic will be allowed via a new access road to the boat launch area. However, the bulk of the property will still be maintained as a walk-in area to preserve the natural environment of the property.

If any of the above are checked, 23-1-110 MCA rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX E

Preliminary Site Plans