Environmental Assessment
Smith River - Deep Creek
Conservation Easement

Smith River State Park

August 27, 2007

Montana Fish, Wildlife & Parks

MEPA/NEPA/23-1-110 MCA CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action

Montana Fish, Wildlife & Parks proposes to accept the donation of a conservation easement on 240 acres of private property on the Deep Creek drainage within the Smith River corridor for inclusion in Smith River State Park.

2. Agency authority for the proposed action:

Montana Fish, Wildlife & Parks (Department) undertakes this action by authority of MCA 23-1-102, defining FWP powers and duties regarding the acquisition of lands by fee or donation as state historical sites and recreation areas. The department may cooperate with other federal, state or local agencies to acquire, plan, establish, and maintain parks as authorized by MCA 23-1-107.

Department is authorized by Section 87-1-209 to acquire lands by purchase, gift, or other agreement, or acquire easements upon lands or waters for certain purposes, including public fishing and outdoor recreation. The FWP Commission granted preliminary approval on the conceptual proposed project in 2006. The proposed project is contingent upon the final consent of the Commission and the approval of the Montana Board of Land Commissioners, since the acquisition involves more than $100,000 in value.

Section 23-1-110 MCA, or House Bill 495, and the guidelines established in 12.8.604 (ARM) (1) relate to changes in state park and fishing access site features or use patterns. The proposed acquisition will not change site features or historical use; therefore, Section 23-1-110 MCA is not initiated by the proposed State Park land acquisition. See Appendix A on page 32.

The Montana "Open-Space Land and Voluntary Conservation Easement Act," MCA 76-6-106, allows a means for the preservation or provision of significant open-space land.

3. Name of Project

Smith River - Deep Creek Conservation Easement

4. Name, Address and Phone Number of Project Sponsor (if other than the agency)

Montana Fish, Wildlife & Parks is the project sponsor**.**

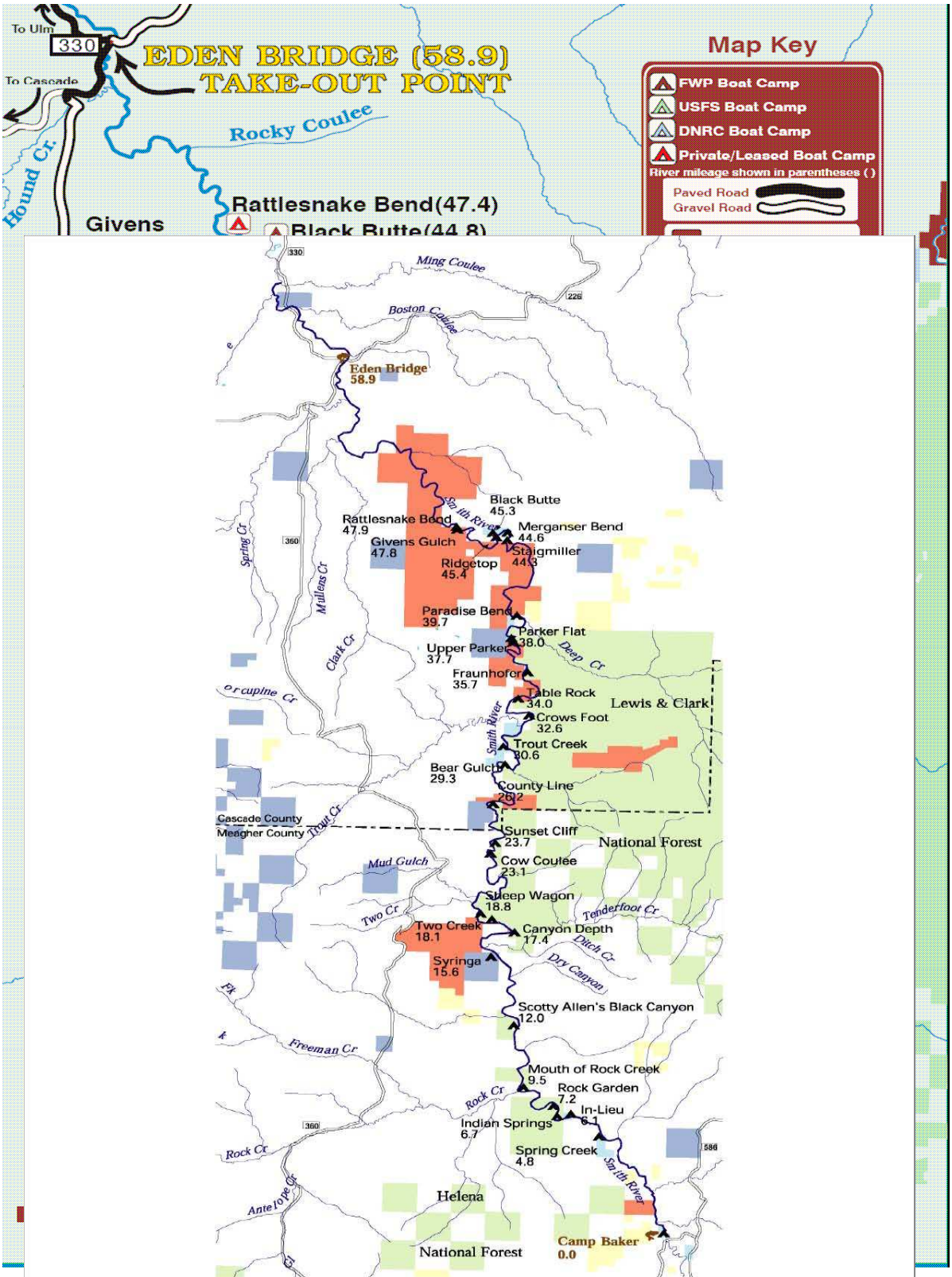
5. **If applicable:**
Estimated Construction/Commencement Date: not applicable
Estimated Completion Date: prior to **December 2007**
Current Status of Project Design (% complete): not applicable

6. **Location Affected by Proposed Action (county, range and township)**
Located in a portion of the S1/2 of Sections 30, and a portion of the N1/2NE1/4 of Section 31,Township 16 North, Range 4 East, M.P.M., Cascade County, Montana. Property includes Bonanza and Jumbo Placer Claims, Survey No. 9819, embracing a portion of Sections 30 and 31

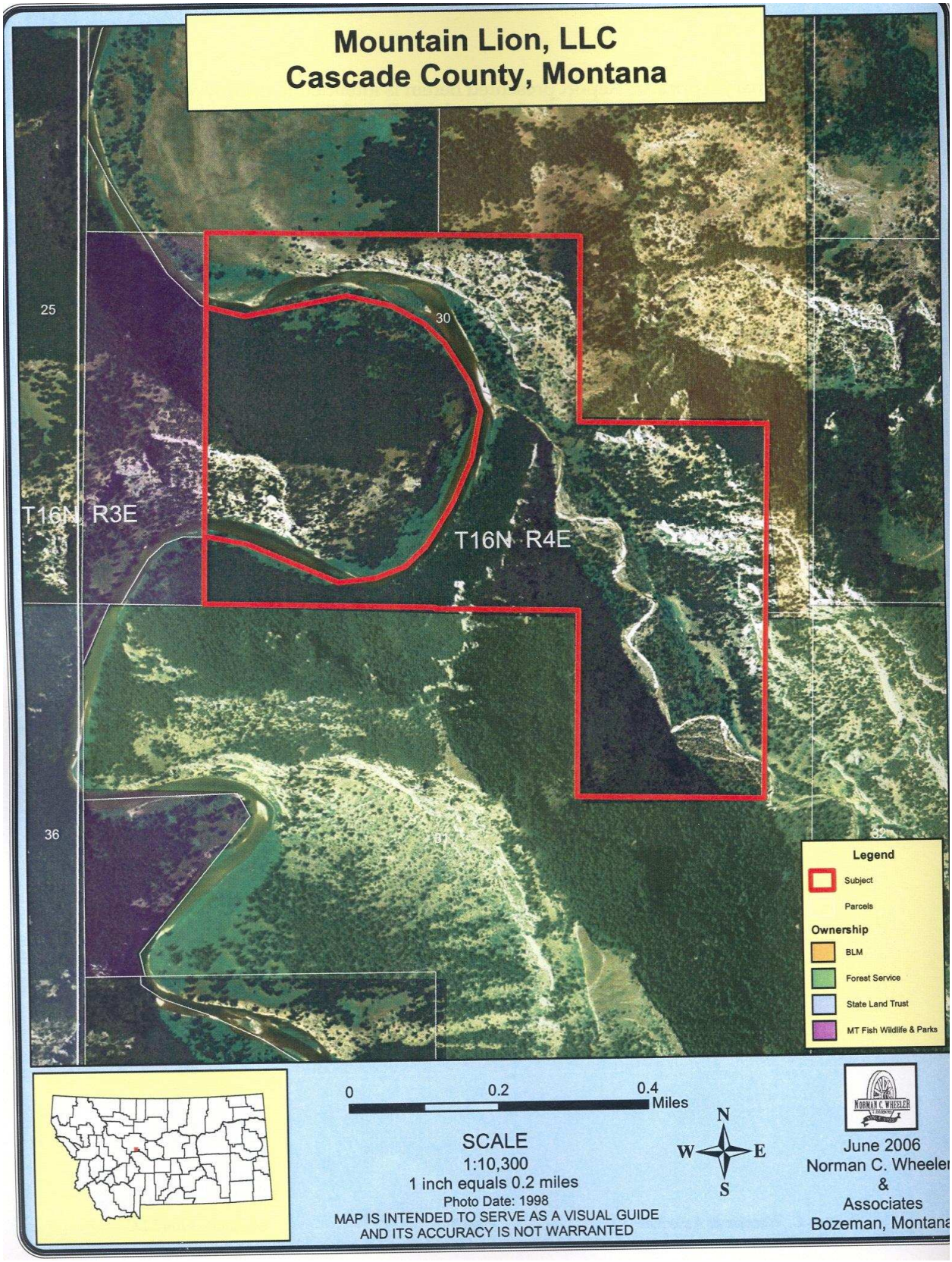
7. **Project Size: Estimate the number of acres that would be directly affected that are currently:**

Land Type	Acres	Land Type	Acres
a) Developed		d) Floodplain	0
• Residential	0	(e) Productive	
• Industrial	0	• Irrigated cropland	0
b) Open Space/Recreation	**240**	• Dry cropland	0
c) Wetlands/Riparian Areas	0	• Forestry	0
		• Rangeland	0
		• Other	0

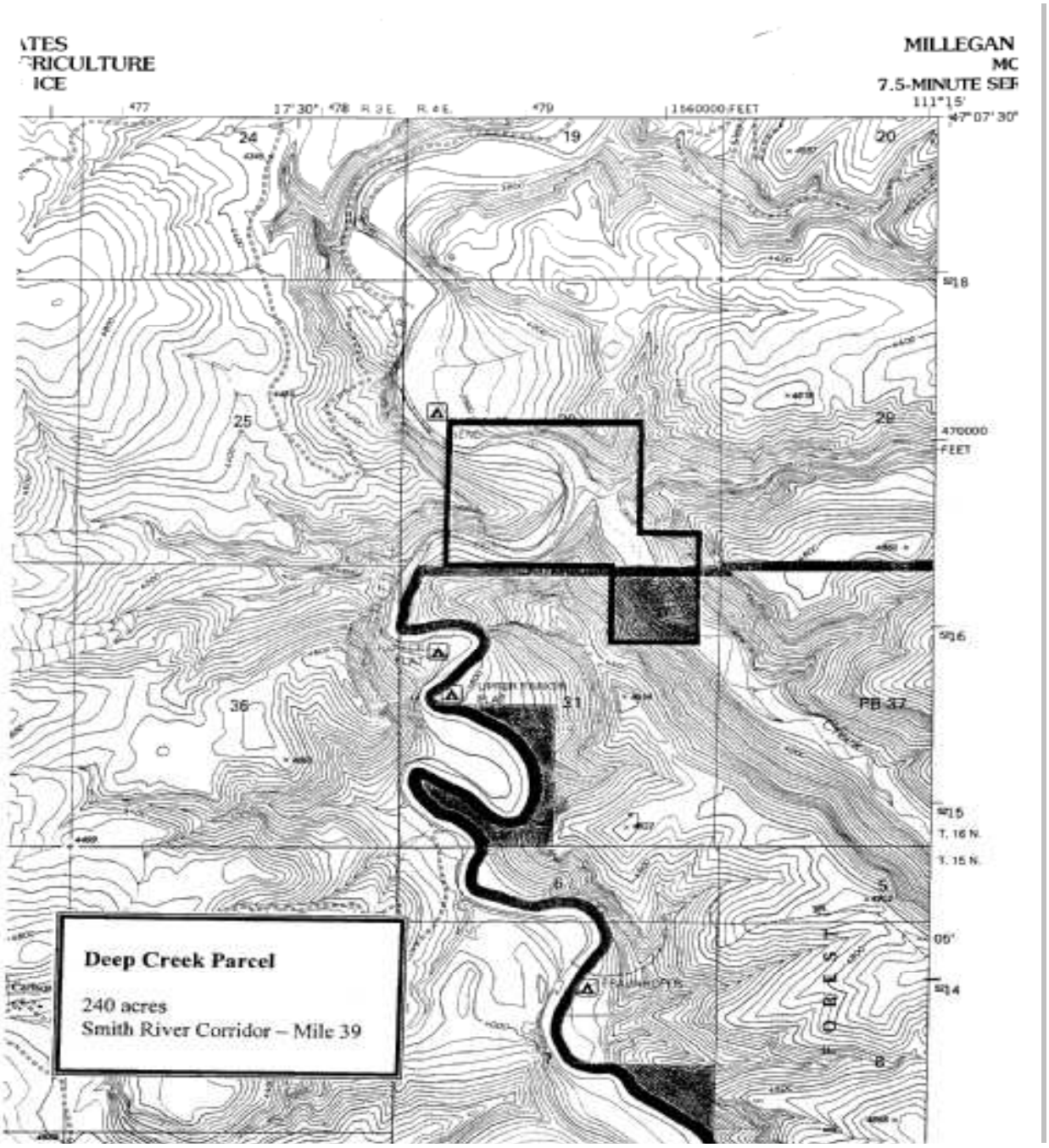
8. **Map of Smith River Corridor**


To Ulm
330
To Cascade
EDEN BRIDGE (58.9)
TAKE-OUT POINT
Rocky Coulee
Hound Cr.
Givens
Rattlesnake Bend(47.4)
Map Key
FWP Boat Camp
USFS Boat Camp
DNRC Boat Camp
Private/Leased Boat Camp
River mileage shown in parentheses ( )
Paved Road
Gravel Road
Ming Coulee
Boston Coulee
Eden Bridge
58.9
Black Butte
45.3
Rattlesnake Bend
47.9
Merganser Bend
44.6
Givens Gulch
47.8
Staigmiller
44.3
Ridgetop
45.4
Spring Cr
Mullens Cr
Paradise Bend
39.7
Parker Flat
38.0
Upper Parker
37.7
Deep Cr
Clark Cr
Fraunhofer
35.7
Porcupine Cr
Table Rock
34.0
Lewis & Clark
Crows Foot
32.6
Smith River
Trout Creek
30.6
Bear Gulch
29.3
County Line
26.2
Cascade County
Meagher County
Trout Cr
Sunset Cliff
23.7
National Forest
Mud Gulch
Cow Coulee
23.1
Sleep Wagon
18.8
Tenderfoot Cr
Two Cr
Two Creek
18.1
Canyon Depth
17.4
Ditch Cr
Dry Canyon
Syringa
15.6
Scotty Allen's Black Canyon
12.0
Freeman Cr
Mouth of Rock Creek
9.5
Rock Garden
7.2
Rock Cr
In-Lieu
6.1
Indian Springs
6.7
Spring Creek
4.8
Antelope Cr
Helena
National Forest
Camp Baker
0.0
Fishing Access Site
Boat Camp (with river mile from Camp Baker)
US Bureau of Land Management
US Forest Service
National Park Service
US Fish & Wildlife Service
US Bureau of Reclamation
Other Federal Agencies
Tribal or Indian Lands
Montana State Trust Lands
Montana Fish, Wildlife & Parks
Other State & Local Lands
Plum Creek Timber Company
Private Conservation Lands
Wilderness - Tribal
Wilderness - All Agencies
Water
Smith River
Float Section
0
5
Miles
Montana Fish, Wildlife & Parks

9. Aerial Photo of Project Area:



10. Topographic Map of Project Area



11. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits: Not Applicable

(b) Funding: Not applicable (donated easement)

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name Type of Responsibility
None

12. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

The Department proposes to accept a conservation easement, to be donated by Dennis Washington, doing business as Mountain Lion, LLC, and Phyllis Washington on a 240-acre parcel of private property in the Smith River corridor. The conservation easement would provide for land management consistent with the conservation and recreation goals of Smith River State Park. The possibility of providing public access to this private parcel has been a high priority for the Department for many years. The benefits of the conservation easement include the potential to provide new boat camp(s) on the Smith River corridor, allowing the public access to the scenic Deep Creek drainage immediately adjacent to the Smith River for hiking and outdoor recreation, and ensuring that this scenic and biologically diverse property is permanently protected from subdivision.

13. Property Description

The property is located in Cascade County at approximately mile 39 of the 60-mile Smith River float (from Camp Baker to Eden Bridge). The property includes lands on both sides of the Smith River, including the mouth of Deep Creek. Much of the parcel away from the river bench area is steep terrain, and there is no public road access to the property. The parcel is located between the Parker Flat and Paradise Bend Boat Camps, both located on Department owned parcels in the Smith River Corridor.

The property is mostly forested with a few open grassland meadows and provides travel corridors and habitat for elk, deer, black bear, mountain lion, bobcat, riparian furbearers, golden eagles, and other wildlife. Riparian habitat is present along both sides of the Smith River as well as Deep Creek. Elevations range from approximately 3,760 to 4,320 ft.

The property has not been formally surveyed for the presence of cultural resources although given the known presence of cultural resources within the Smith River corridor such resources is likely. Approximately ½ mile up from the mouth of Deep Creek are the remains of a small cabin. It is located along the north shoreline of the

creek and its dimensions are approximately 20 ft by 20 ft. There is no roof and the remaining walls are approximately 4 ft high.

14. Additional Property Considerations

Wheeler and Associates appraised property Value and Cost - The market value of the property was appraised at a value of $1,250,00 to $1,500,000, effective June 14, 2006. An appraisal of the value of the conservation easement has not been completed at this time. The landowner will donate the conservation easement, so the Department will not incur any capital cost to acquire the conservation easement.

Access - The subject property does not have any public road access and there are no designated trails accessing the property. The only feasible public access is via watercraft on the Smith River. Access into the interior of the property would be limited to foot travel. The department has no intentions of developing road or designated trail access into the property.

15. Conservation Easement

The proposed conservation easement would be a permanent deed restriction, recorded in the land records of Cascade County, MT. The Easement prescribes those land uses that are permitted and those that are prohibited on the property.

The terms of the Smith River – Deep Creek conservation easement will prohibit residential subdivision of the property. The landowner may develop one home site, which must not be visible from the Smith River. Timber harvest is prohibited, unless approved by the Department as a method to restore or enhance wildlife habitat. The easement prohibits hard rock mining, and allows the Department to protect its conservation interests in the event that any third-party exercises rights for oil and gas exploration or development. Farming and soil tillage is prohibited, while livestock grazing is allowed in a manner that is compatible with habitat conservation. The conservation easement prohibits damage to wetland and riparian areas. Noxious weeds (primarily Leafy Spurge) are common in the Smith River Corridor. The Landowner may control noxious weeds and other invasive nonnative plants, including control by physical, mechanical, biological and chemical methods. Chemical use must be in the amounts and frequency of application constituting the minimum necessary for weed control, and in a manner that will minimize damage to native plants. The use of fire, aerial chemical applications, biological controls, and livestock grazing for weed control must have prior approval by FWP.

The property will be open to public recreational use, including hiking and hunting. Public camping will be managed under the auspices of the Department's Smith River State Park Management Plan, which restricts camping to developed boat camps. The easement authorizes FWP to develop one or two boat camps on the property, subject to approval by the landowner. Typical boat camp developments include a signs, toilet, steel firegrate, boat tie-offs, and possibly foot trails. Commercial outfitting for hunting and charging fees for hunting or access would be prohibited by the conservation easement.

16. Management Plan

The Department is preparing a Conservation Easement Management Plan that sets forth how this Easement will be administered and monitored. The parties will meet annually to review the Management Plan, and the Department will monitor compliance with the terms of the conservation easement through annual site visits.

17. List of agencies consulted during preparation of the EA:

Montana Fish, Wildlife and Parks (Region 4 – Great Falls)
Colin Maas - Smith River State Park Manager
Roger Semler - Regional Parks Manager
Steve Leathe - Region 4 Fisheries Manager
Cory Loecker - Region 4 Wildlife Biologist

Montana Fish, Wildlife and Parks (FWP Headquarters - Helena)
Tom Reilly - Assistant Parks Administrator
Debbie Dils - Lands Section Supervisor (retired)
Hugh Zackheim - Lands Section Supervisor

USDA Forest Service
Tim Benedict - White Sulphur Springs District Ranger, Lewis & Clark National Forest
John Metrione – Belt Creek Ranger District, Lewis & Clark National Forest

PART II. ENVIRONMENTAL REVIEW

1. 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				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil that would reduce productivity or fertility?		X				
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				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1a. This proposed action does not include development of physical alteration of the property of any kind. Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA. FWP also has an active Leave No Trace educational program that actively promotes responsible outdoor recreation and stewardship of public lands.

2. AIR Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c))		X				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. Will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1a. This proposed action does not include development of physical alteration of the property of any kind. Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA.

3. WATER Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				3a.
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				
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. Will the project affect a designated floodplain? (Also see 3c)		X				

m. Will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		X				
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

3a. This proposed action does not include development of physical alteration of the property of any kind. Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA.

3i. There are no known water rights associated with this property.

4. VEGETATION Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
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				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X			4e.
f. Will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

4a. This proposed action does not include development of physical alteration of the property of any kind. Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA.

4e. Leafy spurge, a Category 1 Noxious Weed, is present at on the subject parcel. Increased recreational use may increase weeds. FWP will initiate weed control and monitoring in cooperation with the U.S. Forest Service and Cascade County Weed District, following acquisition of the land. Weed control would follow the Statewide Weed Control Plan and annual FWP Region 4 Weed Management Strategy, including chemical, mechanical, and biological control methods. Public use of the river corridor and surrounding lands on the Easement may produce minor impacts upon soil and vegetation from beaching boats and associated foot travel. FWP would monitor and address those impacts on an ongoing basis and implement appropriate restoration or rehabilitation actions as needed. FWP also has an active Leave No Trace Outdoor Ethics educational program that actively promotes responsible outdoor recreation and stewardship of pubic lands.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				5a.
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				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. 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				
i. Will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5a. FWP has an active Leave No Trace Outdoor Ethics educational program that actively promotes responsible outdoor recreation, minimizing of resource impacts, and respecting wildlife. The proposed action does not include development of physical alteration of the property of any kind.

Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA. The subject property is currently uninhabited and provides habitat for a variety of mammals, birds, and other non-game species. The mouth of Deep Creek is frequently dry and negative impacts to the fishery as a result of this acquisition are not expected.

B. HUMAN ENVIRONMENT

1. NOISE/ELECTRICAL EFFECTS **Will the proposed action result in:**	**IMPACT**				**Can Impact Be Mitigated**	**Comment Index**
	Unknown	**None**	**Minor**	**Potentially Significant**		
a. Increases in existing noise levels?		X				1a.
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				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1a. The proposed action does not include development of physical alteration of the property of any kind. Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA. Noise levels are not expected to increase as a result of this acquisition.

2. LAND USE Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict 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			2c.
d. Adverse effects on or relocation of residences?			X			2d.
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

2c. This proposed action does not include development of physical alteration of the property of any kind. Any future proposals to develop additional Boat Camps on the Smith River corridor will be considered in a separate EA. There is evidence of some cattle grazing in the area that could be affected by FWP ownership. However, FWP is willing to consider a grazing lease that would allow current agricultural uses on the land.

2d. The property is currently uninhabited, thus no relocation of residences will occur. The construction of more than one home by the landowner is prohibited. If a home is built on the land it would be constructed in a location that it is not visible to individuals floating the Smith River.

3. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
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				
b. Affect an existing emergency response or emergency evacuation plans or creates a need for a new plan?		X				3b.
c. Creation of any human health hazard or potential hazard?		X				
d. Will any chemical toxicants be used? (Also see 8a)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

3b. These lands will be subject to the existing Smith River State Park Emergency Operations Plan. The potential development of one or more boat camps on the property would take into consideration the potential for flash flood from Deep Creek. Floaters departing on the Smith River receive a detailed orientation and safety briefing at Camp Baker prior to launching.

4. COMMUNITY IMPACT Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				4a.
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				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

4a. FWP will 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, streambank erosion and loss of privacy.”

5. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
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				
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 used of any energy source?		X				
e. Define projected revenue sources		X				5e.
f. Define projected maintenance costs.		X				5f.
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5e. The only potential revenue sources for this property would come from floater fees associated with camping on the river corridor. Any proposed future development of a new boat camps on the river would require a separate EA.

5f. On-going operations and maintenance funding is provided FWP - Parks Division. There is currently a sufficient budget in the Smith River State Park budget to provide for these modest improvements. Primary needs would include noxious weed control, fire protection and potential construction and maintenance of one or more Boat Camp.

6. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		X	6a.
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		X	6c.
d. Will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

6a. Protecting these lands from future development, resource extraction, and subdivision will help preserve the scenic viewshed and primitive character and enhance the open space and conservation values of the river corridor.

6c. The quality and quantity of public recreation/tourism opportunities will be enhanced as a result of this conservation easement. Enhanced access to public lands and fishing areas will occur as a result of this action. A Tourism report is not needed on a Conservation Easement EA where we are not considering development, as per MCA 23-1-110. See Exemption Form in Appendix A on page 27.

7. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				7a.
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. Will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)		X				7d.
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7a. Future development on these lands, such as designation of boat camps, will be subject to consultation with Montana SHPO and a separate EA.

7d. A conservation easement is not a project or undertaking as defined by FWP cultural resource policy as enacted under the State Antiquities Act.

C. SIGNIFICANCE CRITERIA

1. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
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				1a.
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				
f. Is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		X				
g. List any federal or state permits required.		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

1a. The overall environmental and social impacts due to this project are of a positive nature. Any changes to the park will be beneficial to the long-term use and enjoyment of the public. Access to public recreational opportunities and overall conservation values in the Smith River corridor will be enhanced.

PART II. ENVIRONMENTAL REVIEW, CONTINUED

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

A. No Action Alternative:

The Department would not accept a donated conservation easement on the 240-acre, privately owned Deep Creek parcel at this time and the 240 acres would remain in private ownership. Public access to the land for recreational purposes would be subject to landowner approval. Acquisition of this conservation easement may represent a "one time" opportunity for the Department and failure to act may result in a lost opportunity to provide expanded public access to the property and protection of the Smith River corridor viewshed.

B. Project as Proposed:
The Department would accept the donation of a conservation easement on the 240-acre parcel from the private property owner. The acquired Easement would be managed as part of Smith River State Park and administered by the Department. Access to public lands on both sides of the Smith River as well as the mouth of Deep Creek would be increased, and overall public outdoor recreational benefits would be enhanced. Preservation of the primitive character, scenic viewshed, open space, and conservation values within the Smith River corridor would be enhanced.

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

Specific mitigation measures are outlined in the Environmental Review checklist (Part II).

PART III. NARRATIVE EVALUATION AND COMMENT

The acceptance of a donated conservation easement on the Smith River corridor will enhance the public access and outdoor recreation opportunities in Smith River State Park, while preserving the river's primitive character and scenic viewshed. The Conservation Easement will protect the river corridor from potential subdivision, logging, mining, or industrial activities that could degrade the pristine character of the Smith River corridor.

The actions associated with this proposal are consistent with the Smith River Management Act, Smith River Special Use Area Rule, and Smith River State Park Management Plan, and will leave a lasting legacy for future visitors to enjoy.

No significant adverse impacts are anticipated to native species, water resources, unique landforms, or scenic view shed. All of the minor impacts identified in the Environmental Review checklists (Part II) can be mitigated. Any future construction of boat camps or other recreational facilities would be addressed in a separate Environmental Assessment.

PART IV. EA CONCLUSION SECTION

1. Based on the significance criteria evaluated in this EA, is an EIS required (YES/*NO*)? If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

With no anticipated public opposition or significant impacts to the environment an EA is the appropriate level of analysis.

2. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

This project is consistent with the goals and objectives stated in the Smith River Management Act, Smith River Special Use Area Rule, and Smith River State Park Management Plan (1996). The management plan endorses the concept of maintaining the primitive character of the Smith River corridor.

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

- Two legal notices in each of these papers: ***Great Falls Tribune and Helena Independent Record***
- One statewide press release;
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.state.mt.us*.

Copies of this environmental assessment will be distributed to the neighboring landowners and other interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having very few minor impacts, all of which can be mitigated.

4. Duration of comment period.

This EA will have a 21-day comment period starting August 27, 2007. All comments must be postmarked or received before 5:00 pm on September 17, 2007.

Comments may be submitted by mail to:

Montana Department of Fish, Wildlife and Parks
Smith River - Deep Creek Conservation Easement EA
4600 Giant Springs Road
Great Falls MT 59405

Or comments may be submitted by E-mail to: gbertellotti@fwp.gov

4. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Roger Semler
Regional Parks Manager
Montana Fish, Wildlife and Parks
4600 Giant Springs Road
Great Falls MT 59405
(406) 454-5859

APPENDIX A
23-1-110 MCA EXEMPTION FORM
Proposed Deep Creek Parcel Acquisition

Use this form when a park improvement or development project meets the criteria identified in 12.8.602 (1) ARM, but determined to NOT significantly change park features or use patterns.

State Park Site Project Description
Accept a conservation easement on 240 acres of private land through donation by the Mountain Lion, LLC.

The project does not significantly change park or fishing access site features or use patterns.

Reason for exemption is provided across from the appropriate item below.

12.8.602 (ARM) (1)	**Reason for Exemption**
(a) Roads/trails	No new roads/trails
(b) Buildings	No new buildings
(c) Excavation	None
(d) Parking	No new parking
(e) Shoreline alterations	None
(f) Construction into water bodies	None
(g) Construction w/impacts on cultural artifacts	None
(h) Underground utilities	No new utilities
(i) Campground expansion	None-day use only

Some activities considered that do not significantly impact site features or use patterns include signing, fencing, litter collection, and noxious weed control.

Signature___(Roger Semler)__ _____Date___August 27, 2007