Draft Environmental Assessment

McCarty Land Donation

August 2010

Montana Fish, Wildlife & Parks

MEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed Action: Land Acquisition

Fish, Wildlife and Parks proposes to acquire via fee title 160 acres (plus/minus) of land within Makoshika State Park.

2. Name of Project:

McCarty Proposed Land Acquisition/Donation

3. Name, Address and Phone Number of Project Sponsor

Montana Fish, Wildlife & Parks
PO Box 1630
352 I-94 Business Loop
Miles City, MT 59301
(406) 234-0900

4. Proposed Timeline:

Public Comment Period: August, 26 – September 24, 2010
Decision Notice: September 2010
FWP Commission: October 2010
State Land Board Approval: November 2010

5. Location Affected by Proposed Action (county, range and township)

Dawson County: Township 15 North, Range 56 East
*Section 18: NE ¼, containing 160 acres

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

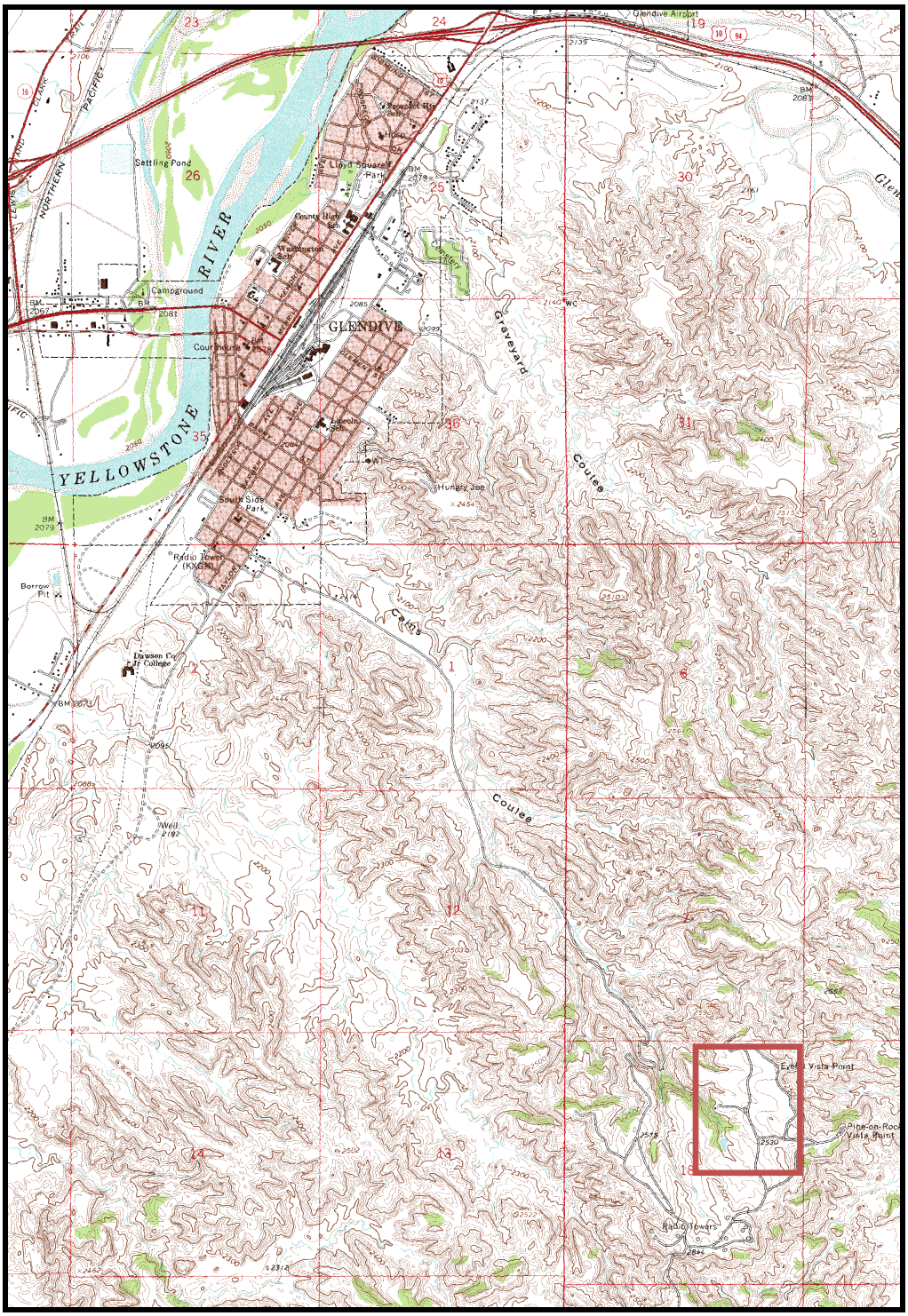
(a) Developed:
Residential ___ acres
Industrial ___ acres

(b) Open Space/Woodlands/
Recreation _155_ acres

(c) Wetlands/Riparian
Areas _5_ acres

(d)	Floodplain	___ acres	dry cropland	___ acres
			forestry	___ acres
(e)	Productive:		rangeland	___ acres
	irrigated cropland	___ acres	other	___ acres

7. Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.



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

Introduction and Proposed Action

Proposed state action: Montana Fish, Wildlife & Parks (FWP) proposes to accept through donation 160 acres of land, locally known as the McCarty property, from Jerree Scheitlin, heir

to the property and current owner. The property is centrally located within the current administrative boundaries of Makoshika State Park. Ms. Scheitlin wishes to donate fee title to this property to FWP to ensure the public's access to the property is maintained in perpetuity. The active management of this property will remain unchanged, as Makoshika State Park has continuously managed the property as a part of the park by way of a perpetual recreational easement, first with the McCartys and more recently with Ms. Scheitlin, the current property owner. The proposed acquisition would merely bring formal ownership of the property to the agency that has been managing it as such for over 50 years. This acquisition will ensure continued public access to this portion of the contiguous badlands administered by Montana Fish, Wildlife & Parks adjacent to the city of Glendive, Montana, and continue providing excellent recreational and interpretive opportunities to the visitors of Makoshika State Park. The acquisition of this property has been identified as a management goal within the Makoshika Management Plan for many years.

Improvements: There is one historic structure on the property, a small impoundment and no other developments to the surrounding acreage. The scope of this Environmental Assessment (EA) covers the acquisition of the property. The property is accessible by the existing road system within Makoshika State Park. Visitor compliance has been, and will continue to be, achieved through existing agency rules and regulations.

Agency authority for the proposed action: 23-1-101 of Montana Codes Annotated (MCA) provides authority for Montana Fish, Wildlife & Parks to acquire land "for the purpose of conserving the scenic, historic, archaeological, scientific, and recreational resources of the state and providing for their use and enjoyment", and 23-2-201 MCA provides authority for the development of acquired lands. 23-1-110 MCA and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for improvements at state parks and fishing access sites, which this document provides.

Funding: The acquisition of this property is as a gift to the people of Montana in the form of a donation. The associated negligible fees will be limited to appropriate legal fees for research and title reports. As such, no funding issues are anticipated.

Summary of Proposed Action: Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of 160 acres of privately owned land within Makoshika State Park, providing excellent recreational and interpretive opportunities. The property is centrally located within the current administrative boundaries of Makoshika State Park. The current owner wishes to donate this property to FWP to ensure the public's access to the property is maintained in perpetuity. Via a perpetual recreation easement with the owner, Makoshika State Park staff have managed the property as a part of the park. This active management of the property will remain unchanged should fee title to the property be accepted. The proposed acquisition would merely bring formal ownership of the property to the agency that has been managing it as such for over 50

years. Acceptance of this donation will ensure ongoing public access to the excellent recreational opportunities found within this portion of the contiguous badlands administered by Montana Fish, Wildlife & Parks as Makoshika State Park. The acquisition of this property has been identified as a management goal within the Makoshika Management Plan.

Affected Resources

Opportunities for Diverse Recreation

The property is located at the edge of a recreationally significant topographical bench within the park and provides expansive views of the lower topography of the park. A historic water impoundment on the parcel provides a habitat niche for wildlife found nowhere else within the park. This small oasis in turn provides unique wildlife viewing opportunities for various based wildlife species.

Resource Values

The property provides year round habitat for a variety of native species of neotropical migratory birds, endemic songbirds, a host of small mammals, and bats. American kestrels, northern harriers, red-tailed hawks, Swainson's hawks, mountain bluebirds, turkey vultures and common nighthawks are common. Further, the property provides habitat for deer, and wild turkeys. Riparian and wetland communities support the highest concentration of plants and animals in Montana. The wetlands associated with the historic impoundment on the parcel provide critical habitat within the park's arid badlands ecotype for a wide range of birds, amphibians and mammals.

9. 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 comparison of the alternatives with the proposed action/preferred alternative:

Alternative A: Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to acquire the 160 acres of land within the current administrative boundaries of Makoshika State Park from Jerree Scheitlin. Through the Proposed Action, FWP will secure fee title to the property and secure permanent public access to this land.

In proposing to acquire the McCarty property, FWP seeks to meet the following needs:

1. To accept formal legal ownership of this area within Makoshika State Park.

2. To protect, in perpetuity, the natural and historical resources associated with the property while providing public access to them.

Alternative B: No Action

Under the No Action Alternative, the property (McCarty) will remain under private ownership which in time could result in a loss of public access to 160 acres within the heart of the State Park. Therefore, this Alternative would not meet management objectives, as identified in the Makoshika Management Plan.

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

(a) Permits:

Agency Name	Permit	Date Filed/#
N/A		

(b) Funding:

Agency Name	Funding Amount
N/A	

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
State Historic Preservation Office	cultural resources

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

Biological Resources: This acquisition would conserve animal and plant species biodiversity and secure important wildlife habitat that exists on these lands.

Weed Management Plan: 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. Makoshika State Park has, and will continue, an active weed management program on the property. The FWP R-7 Integrated Noxious Weed Management Plan calls for an integrated method of managing weeds using mechanical, biological and chemical eradication procedures.

***12.* List of agencies consulted during preparation of this EA:**

- Montana Fish, Wildlife & Parks
  - *Lands Bureau*
  - *Legal Unit*
  - *Parks Division*

- Montana State Historical Preservation Office

13. Literature cited

Makoshika State Park Management Plan
Adopted: October 2005
Developed by: Makoshika Advisory Committee and Montana Fish, Wildlife & Parks

14. APPENDICES

A. SHPO Concurrence Letter

(The State Historic Preservation Office (SHPO) maintains documents and cultural resource surveys that identify all the State's known cultural and historic resources. SHPO also provides state agencies with guidance on how to preserve those resources in areas where groundbreaking activities occur.)

PART II. ENVIRONMENTAL REVIEW CHECKLIST

The analysis of the physical and human environments discussed on the following pages is limited to Alternative B. The reason for this is because the potential impacts of Alternative A are difficult to define since the final decision regarding the potential sale is left to the discretion of the current owners and to the next owner if it is sold to another party other than FWP.

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				
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				

The proposed acquisition will have no effect on land resources and existing soil patterns or structures.

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				
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				

The proposed acquisition will have no effect on existing air quality.

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				
i. Effects on any existing water right or reservation?		X				
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				

The proposed acquisition will have no effect on water quality.

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				
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				
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				

The proposed acquisition will have no effect on existing vegetation.

** 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				
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				
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 will have no effect on fish and wildlife populations or habitat.
No PR or DJ funding will be used in the acquisition of this property.

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 severe 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				

The proposed acquisition will not result in increased noise/electrical effects.

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				
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				

The proposed acquisition will not alter existing land usage of the property.

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				
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				
d. ***For P-R/D-J, will any chemical toxicants		X				

be used? (Also see 8a)						

The proposed acquisition poses no risks/health hazards.

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				
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				

The proposed acquisition will not contribute to increased community impact.

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				
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.		X				

The proposed acquisition will have no effect on public services/taxes/utilities.

** 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				
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				
e. Other:		X				

The proposed acquisition will not alter the aesthetics or recreational value 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				
e. Other:						

No groundbreaking activities that could disturb cultural resources are going to be initiated as part of the proposed acquisition. In addition, cultural resource inventories have been previously conducted in the area. The State Historic Preservation Office has been consulted, and provided a Letter of Concurrence – attached as Appendix A - that there is a low likelihood of impacts to cultural resources occurring.

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				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. ****For P-R/D-J, list any federal or state permits required.		X				

The proposed acquisition will have no significant impacts, potential risks or adverse effects. Further, no future impacts or conflicts resulting from the acquisition are expected. No P-R/D-J funds are used for this acquisition

PART III. NARRATIVE EVALUATION AND COMMENT

The intention of FWP to acquire 160 acres within the administrative boundaries of Makoshika State Park will provide complete legal ownership of the ¼ section in-holding.

The proposed action (acquisition) is expected to have no significant negative cumulative effects on the physical and human environments. This action poses significant positive effects for the public's continued access to this scenic area of Makoshika State Park.

PART IV. PUBLIC PARTICIPATION

1. **Public Involvement**:

The public will be notified in the following manner about the proposed action and alternatives and how to comment on this current EA:

- Two Public Notices in each of these papers: *Glendive Ranger Review, Billings Gazette,* and *Helena Independent Record*;
- One statewide press release;
- Public notice on the FWP web page: http://fwp.mt.gov.
- Copies will be available at Makoshika State Park and FWP Region 7 Headquarters in Miles City.

This level of public notice and participation is appropriate for a project of this scope due to Makoshika State Parks historic, long term, management of these grounds.

2. **Duration of comment period**

The public comment period will extend for (15) fifteen days following the publication of the second legal notice in area newspapers. Written comments will be accepted until 5:00 p.m., September 24 , 2010 and can be mailed to the address below:

McCarty Land Acquisition
Montana Fish, Wildlife & Parks
Attn: John Little, Park Manager
Region 7 Headquarters
PO Box 1630
Miles City, MT 59301
Or email comments to: jlittle@mt.gov

PART V. EA PREPARATION

Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?

No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts, this environmental review found no significant impacts from the proposed action. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of

the proposed action that would commit MFWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review.