DRAFT Environmental Assessment

Raundal Coulee
Conservation Easement

December 2013

Montana Fish, Wildlife & Parks

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1.0 Purpose of and Need for Action

1.1 Proposed Action

Montana Fish, Wildlife and Parks (FWP) proposes to purchase a Conservation Easement (CE) to protect wildlife habitat and ensure continuing public access on the Tom and Karen Browning Ranch (hereafter, "Ranch"). The CE would protect approximately 2,596 acres of riparian, plains forest, and sagebrush grasslands in southeast Petroleum County and the eastern boundary of Garfield County along the Musselshell River. The project is located approximately 15 miles north of Mosby, Montana; 30 miles northeast of Winnett and 30 miles northwest of Sand Springs, Montana.

The property consists of two parcels, approximately eight miles apart. The first parcel (hereafter, "Davis Unit") is 2,080 acres in size, encompassing approximately 1,752 acres of ponderosa pine-dominated plains forest and sagebrush grassland, and 328 acres dedicated to dryland crops (Figures 1 & 2).

Figure 1. Plains forest habitat on the Davis Unit, Raundal Coulee CE

Figure 2. Sagebrush grassland habitat on the Davis Unit, Raundal Coulee CE

The second parcel (hereafter, "River Unit") located along the Musselshell River contains 515 deeded acres, with approximately 3.5 miles of plains cottonwood-dominated Musselshell River frontage, a approximately 16 acre farmstead area, 207 acres of irrigated alfalfa fields, 22 acres of dryland crops, and 270 acres of riparian and native grassland (Figure 3).

Figure 3. Musselshell River frontage and riparian habitat on the River Unit of the Raundal Coulee CE

Figure 4. Irrigated fields within
the River Unit of the Raundal Coulee CE

1.2 Need for Action

First, the Ranch consists of three of the six statewide habitats in the following order of decreasing abundance: plains forest, shrub (sagebrush) grassland, and river riparian. Both sagebrush grassland and riparian are identified in Montana's Comprehensive Fish & Wildlife Strategy as Tier 1 Community Types in Greatest Need of Conservation (see section 1.5 for additional information about the Strategy). Additionally, all three habitats support numerous state Species of Concern. From both a statewide and an eco-region perspective, riparian and shrub grassland habitats are important habitats that are highly productive, in need of protection and conservation, and are threatened by subdivision or land-use conversions (e.g., conversion to cropland).

Second, future sale of the ranch to a single buyer or its subdivision for ranchettes, especially along the Musselshell River bottom, is a concern since a new owner or owners may change the current land uses, in turn influencing the existing wildlife habitat values, and/or change or eliminate public access on or through the property to adjacent public lands.

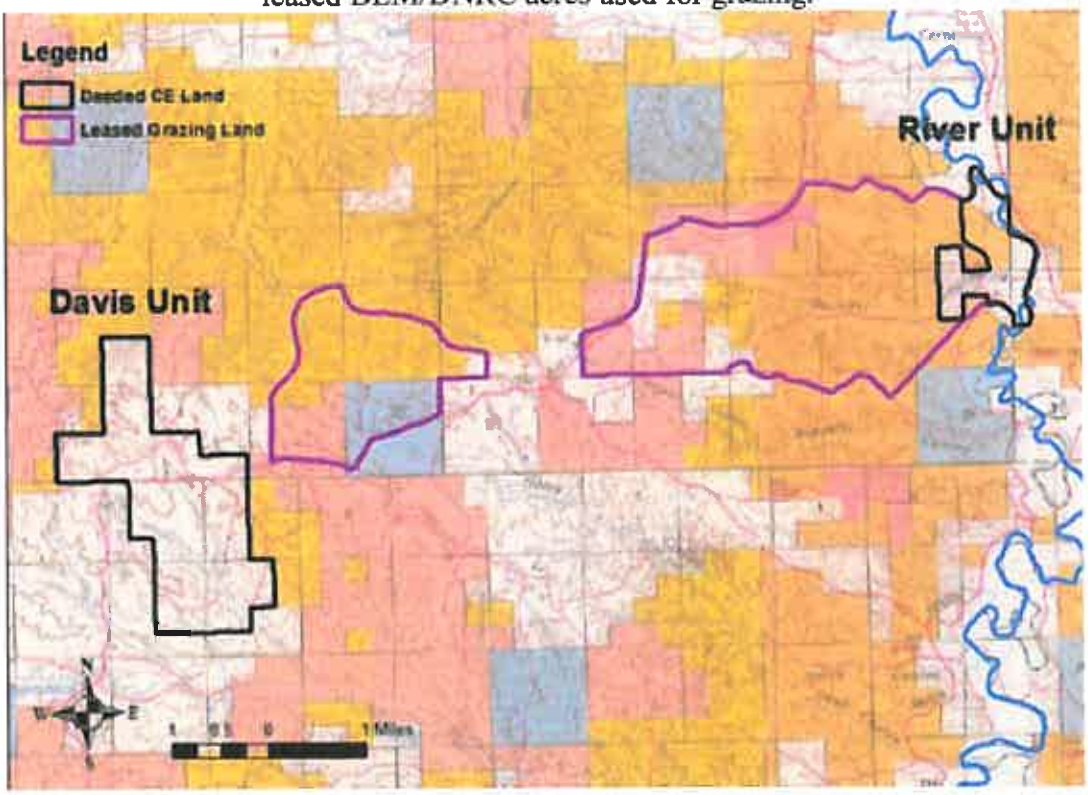
1.3 Location

The units are located approximately 15 miles north of Mosby, Montana; 30 miles northeast of Winnett and 30 miles northwest of Sand Springs, Montana in township and ranges T16N R28E, T17N R28E, T17N R29E, and T17N R30E. The parcels border numerous public lands managed by the U.S. Bureau of Land Management.

In addition to the deeded land, the ranch also leases public land for grazing (federal and state) located between the Davis and River Units. The Bureau of Land Management (BLM) allotment

provides 683 animal unit months (AUMs) on 5,158 acres, and the state Department of Natural Resources and Conservation (DNRC) lease providing 146 AUMs on 385 acres.

Figure 5. Deeded Tom and Karen Browning Ranch land and leased BLM/DNRC acres used for grazing.



1.4 Relevant Authorities

The following laws and rules are applicable to the proposed action:

- The Habitat Montana program authorized by Montana Code Annotated (MCA) § 87-1-241 (accompanying regulations found at Admin. R. Mont.12.9.509) seeks to conserve Montana's wildlife populations and natural ecological systems. Habitat Montana acquisition projects are also intended to: 1) conserve land, water, and wildlife; 2) contribute to hunting and fishing opportunities; 3) contribute to non-hunting recreation; 4) protect open space and scenic areas; 5) promote habitat-friendly agriculture; and 6) maintain the local tax base through continued payments of property taxes.

- FWP has the authority to acquire land or interests in land easements upon lands (§ 87-1-MCA 209) that are suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation.

- State statute § 76-6-201 through 204 authorizes the use of conservation easements, describes the duration, and permissible types of easements.

1.5 Relevant Plans

2005 FWP Comprehensive Fish & Wildlife Management Strategy: The Tom and Karen Browning Ranch property falls within a Tier One Focus Area (Montana Shale Plains), which is one of the state's geographic areas of "Greatest Conservation Need" according to Montana's 2005 Comprehensive Fish & Wildlife Conservation Strategy (CFWCS). This focus area is characterized by four Tier One community types: grassland complexes, mixed shrub/grass associations, sagebrush/salt flats, and riparian/wetland. As previously noted, the Ranch encompasses both riparian and sagebrush grasslands. In addition to the aforementioned priority community types, the Ranch also includes the prairie stream community type with the inclusion of portions of the Musselshell River, Raundal Coulee, the northern forks of Cottonwood Creek, and a tributary of Blood Creek. Tier One species associated with the focus area and may be found within the boundaries of the Ranch include the greater sage-grouse and burrowing owl.

1.6 Decision to be Made

The decision that must be made is ***whether FWP should move forward with the proposed purchase of the conservation easement on the 2,596-acre Tom and Karen Browning Ranch.*** Following completion of the draft EA and public comment period, the FWP Region Four supervisor will issue a Decision Notice that makes a recommendation to the Fish and Wildlife Commission on a course of action. This course of action could be either the Proposed Action or the No Action Alternative or an action that is within the scope of the analyzed alternatives.

As with other FWP conservation projects that involve land interests, the Fish and Wildlife Commission and the State Board of Land Commissioners would make the final decisions. This draft EA and the comments FWP receives are part of the decision-making process.

2.0 Alternatives

2.1 Alternative A: Proposed Action, Purchase of a Conservation Easement on the Tom Browning Ranch

FWP would purchase a CE on the approximate 2,596 acre ranch using Habitat Montana funds for the protection of fish and wildlife habitats. Anticipated cost of the conservation easement is $900,000. Anticipated monitoring costs of the CE by FWP staff is estimated to be $1,000 annually.

The following is a brief summary of the rights each party would retain or receive under the terms of the Deed of Conservation Easement. See Attachment A for a copy of the Draft CE.

The Tom and Karen Browning Ranch, and future Landowners (hereafter, "Landowner"), would retain the right to:

1. Raise, pasture, and graze livestock provided that livestock grazing maintains or enhances the Conservation Values protected by this Easement and incorporates the principles of a rest rotation grazing system as described in Attachment B, Appendix B;

2. Cultivate, seed, and reseed existing crop fields for the purposes of continued agricultural crop production and/or for the purpose of restoring native grassland and/or riparian habitats;
3. Develop and maintain water resources, including stock water ponds, water wells, spring developments, and pipeline systems, necessary for grazing, wildlife, domestic use, and all agricultural purposes that are allowed by this Easement; provided, however, any new water development or change in water use or distribution may not adversely impact the Conservation Values, including instream flow, perennial or ephemeral streams, wetlands, or riparian vegetation. Landowners reserve the right to plant native vegetation in the riparian areas on the Land to encourage creek bank stabilization and to restore and reclaim damaged or degraded riparian habitats;
4. Use agrichemicals for control of noxious weeds, rodents, and insects as defined by the State of Montana or other lawful authority with jurisdiction;
5. Construct, remove, maintain, renovate, repair or replace canals, irrigation structures, dams, and ditches necessary for generally accepted agricultural activities. However, barriers that inhibit the movement of fish or wildlife or any canal, irrigation structure, or ditch that would have significant impacts on fish or wildlife habitat or fish or wildlife migration on and through the Land is prohibited;
6. Construct, remove, maintain, renovate, repair, or replace with wildlife-friendly fences necessary for generally accepted agricultural activities. However, any fence that inhibits the movement of fish or wildlife, or that would have significant impacts on fish or wildlife habitat or fish and wildlife migration on and through the Land is prohibited;
7. Place or construct, alter, improve, remove, replace, and maintain one single-family residence, and associated non-residential improvements necessary for agricultural purposes on the River unit only;
8. Construct, remove, maintain, renovate, repair, or replace corrals, loafing sheds, machine sheds, and barns;
9. Remove, maintain, repair, or replace roads in their current location as identified in the baseline documentation, provided the roads do not significantly impact wildlife habitat or wildlife migration on and through the Land;
10. Maintain, renovate, repair, or replace utilities existing on the Land;
11. Use motor vehicles and farming equipment in the ordinary course of Landowners exercising the permitted uses on the Land, but only in a manner that does not significantly impact vegetation or the natural habitat of fish and wildlife species;
12. Place or construct, after prior approval from FWP, facilities for the development and utilization of renewable energy resources, including wind and solar for use principally on the Land by the Landowners;
13. Restore or improve fish and wildlife habitat through active manipulation of stream banks or through management of riparian, upland, cropland, or forest vegetation (including by fire);
14. Regulate public use at all times, subject to the public's recreational and hunting access described in the terms of the Easement;
15. Grant, sell, exchange, devise, gift, convey, transfer, or dispose of all of Landowners' right, title, estate, and interest in the Land in two separate parcels only; and

16. Conduct businesses within the Landowners' residence as long as any such business is not a sales or service business involving regular visits to the Land by the general public or delivery trucks, with the exception of those agricultural uses permitted by this Easement.

The proposed conservation easement would also prohibit the removal or destruction of riparian or native rangeland vegetation, manipulation of riparian and wetlands areas, transfer of existing water rights, renting or leasing of the parcels for commercial recreation (e.g., outfitting businesses), granting of utility easements that are inconsistent with the terms of the CE, establishment of commercial feedlot or alternative livestock businesses, and processing and disposal of hazardous materials. In addition, the Landowner would be prohibited from exploring for, developing, mining, producing, or otherwise extracting any minerals, oil, natural gas, coal-bed methane or other hydrocarbon resources that they own on or under the surface of the project parcels. Exploring for and/or extracting oil, gas and other hydrocarbons must be conducted in a manner that does not constitute surface mining and that is in accordance with the terms of the CE, subject however to all prior mineral and royalty conveyances and prior written approval by FWP. Any third party mineral right holder would need to work with the FWP and Landowner to minimize surface impacts to the Land.

FWP would acquire the right to:

1. To identify, preserve, protect, and enhance, in perpetuity, the Conservation Values of the Land;
2. Enter the parcels to monitor compliance of the CE terms and rights to observe, study, and make scientific observations of the Land's fish, wildlife, habitat, and ecosystems upon prior notice to the Landowner;
3. Establish and maintain vegetation monitoring transects and enclosures upon prior written notice to the Landowner;
4. Place and replace small markers to identify boundaries and other reference points on the parcels; and
5. On behalf of the general public, of access by non-motorized means from public roads and right-of-ways for the purpose of hunting, fishing, trapping, wildlife viewing, and other recreational activities in accordance with the terms of the CE.

As a component of the CE, a rest-rotation grazing system would be developed to encompass the Ranch's 2,596 deeded acres and 5,543 leased acres (385 acres of DNRC and 5,158 acres of BLM), divided into 12 pastures (see Attachment B, Appendix B, page B-18) for a map of the designated pastures). BLM and DNRC grazing lease lands are not encumbered by the CE, and are only included in the grazing system; the leases would continue to follow the respective agencies' stipulations/guidelines. Highlights of the system are as follows:

- The Davis Unit of the Ranch and BLM/DNRC leases provide *summer* grazing and include the three grazing treatment rest-rotation system comprised of eight individual sub-pastures.
- The River Unit of the Ranch would comprise the *winter* grazing system, made up of four individual pastures. Two pastures will be available for annual use, and two would be

used as during alternating years. Additionally, there are two animal husbandry areas on the River Unit available for year-round use as needed.

- For the *summer* grazing system each year, one pasture set would be available for grazing May 1 to August 15 (growing season), and one pasture set would be available to graze August 1 to November 30 (after seed-ripe). The remaining pasture set would be rested from livestock grazing that entire year. When livestock leave the summer grazing system, they would go to the River Unit and follow the winter grazing system.
- FWP would monitor grazing plan adherence to assess effectiveness, functionality, and Landowner compliance. Livestock use and distribution would also be assessed annually.

Farming activity would continue to be permitted on existing cultivated ground only. Due to natural Musselshell River migration through time, some existing hayfields may be overtaken by the River. FWP has identified approximately 135 acres of mature plains cottonwoods and floodplain riparian habitat on the River Unit. The Ranch, upon FWP's approval, reserves the right to plant new hay ground on the east side of the Musselshell River in the event of natural river migration. At least 135 acres of plains cottonwoods and floodplain riparian habitat must be maintained between both sides of the river. Where existing hayfields are flooded and replaced, new cottonwood and riparian habitat vegetation would be allowed to regenerate. Fence lines may be changed to accommodate river migration upon mutual agreement between the Landowner and FWP.

Timber harvest has historically taken place on the Davis Unit, where harvestable timber stands may occur in the future. Timber (only ponderosa pine) may be harvested on the Raundal Coulee CE lands under established Best Management Practices For Montana Forests, Montana State University Extension Services publication 2001 (Attachment B, Appendix F) and only upon mutual agreement of the Landowner and FWP. The Landowner may harvest firewood for normal ranching/residential purposes.

2.2 Alternative B: No Action and No Conservation Easement

The No Action alternative for this project is described as FWP not purchasing a Conservation Easement on the Tom and Karen Browning Ranch. The Landowner would likely continue to operate the Ranch with its current configuration. However, in the future the Landowner may sell some or all of the Ranch's property on the open market.

3.0 Affected Environment

3.1 Land Use

The Tom and Karen Browning Ranch is a working cattle ranch. Currently, the Ranch runs approximately 160-head cow-calf operation on the BLM and DNRC leased lands (683 AUMs and 164 AUMs respectively), in addition to the 2,596 deeded acres. There are black angus breed cattle, as well as a smaller number of registered red angus, on the Ranch.

A breakdown of the Ranch's acres is as follows: 16-acre farmstead on the River Unit, 4-acre shipping corrals/cow camp on the Davis Unit, 3-acre gravel pit on the River Unit, 4-acre dump site on the River Unit, 46 acres of calving/animal husbandry pasture on the River Unit, 207 acres

of irrigated cropland within the River Unit, 22 acres of dry cropland within the River Unit, 328 acres of dry cropland within the Davis Unit, and the remaining 1,966 acres is native vegetation.

3.2 Habitat

The Tom and Karen Browning Ranch provides important year-round habitat for elk, mule deer, white-tailed deer, wild turkey, and sharp-tailed grouse and a variety of small mammals and bird species. The Ranch also provides seasonal habitat for waterfowl, mourning doves, migratory raptors, and passerine birds.

The Davis Unit, in southeastern Petroleum County, encompasses approximately 1,715 acres of ponderosa pine-dominated plains forest and sagebrush grassland, with 328 acres dedicated to dryland crops, such as peas, wheat, and alfalfa/grass hay and a 4-acre shipping corrals/cow camp area.

This plains forest habitat consists of ponderosa pine and Rocky Mountain juniper groves interspersed with native grass parks. Skunkbush, sagebrush, and horizontal juniper are major understory components. Larger draws contain plains cottonwood and green ash stands in the bottoms.

Dominant shrubs in the sagebrush grasslands include big sagebrush in the uplands and silver sage in the creek/coulee bottoms. Skunkbush is also a common shrub component in sandier soils. Typical native grasses include: western wheat grass, little bluestem, needle and thread grass, and bluebunch wheat grass. Sagebrush grassland habitats on the property represent a westward extension of the same habitat located on adjacent federal, state, and private land.

The River Unit straddles the boundary between Petroleum and Garfield Counties, as well as the Musselshell River. This unit is 515 acres in size and has approximately 3.5 miles of cottonwood-dominated Musselshell River frontage, a 16 acre farmstead area, 207 acres of irrigated cropland, 22 acres of dry cropland, and 270 acres of riparian and native grassland.

The riparian habitat consists of plains cottonwood, green ash dominated overstory with a willow, silver sage, chokecherry and buffaloberry understory. Irrigated bottomland is primarily flood-irrigated alfalfa.

Both units, as well as the BLM/DNRC grazing allotments on nearby sections, are used as seasonal locations to graze the Ranch's cattle: the Davis Unit and the BLM/DNRC allotments during the summer and the River Unit in the winter.

Under the Ranch's current management system, the native range vegetation is considered in good condition. The condition of the vegetation on the leased acres is considered fair. One of the pastures designated in the grazing system that is owned by BLM will be a part of prescribed fire regime of other nearby BLM lands in 2015 and will reoccur on a cyclical basis. BLM's fire regime program seeks to improve wildlife forage and cover by decreasing the expansion ponderosa pine into the sagebrush grassland habitat.

3.3 Terrestrial Species

Primary game/furbearer species inhabiting the Tom and Karen Browning Ranch and adjoining public lands include elk, mule deer, white-tailed deer, antelope, mountain lion, bobcat, beaver, coyote, red fox, badger, raccoon, skunk, muskrat, mink, sharp-tailed grouse, Hungarian partridge, pheasant, wild turkey, mourning doves, and potentially greater sage-grouse.

Current ungulate population estimates range from 100-400 elk and 50-150 deer in the immediate area, depending on season and circumstance. Some antelope also use and migrate through the Ranch.

The Ranch and surrounding area also provides habitat or potential habitat for numerous Montana Species of Concern, such as black-tailed prairie dog, ferruginous hawk, golden eagle, bald eagle, burrowing owl, greater sage-grouse, pinyon jay, Brewer's sparrow, greater short-horned lizard, spiny softshell, snapping turtle, western hog-nosed snake, blue sucker, and sauger.

Additional species that are likely permanent or seasonal residents of the Ranch units are: red-tailed hawk, vesper sparrow, field sparrow, upland sandpiper, great blue heron, assorted waterfowl, warblers, and other passerines, prairie rattlesnake, painted and snapping turtles, and numerous small mammals.

Game damage, especially elk-related crop and stockyard damage, has been a chronic problem in this area where the bulk of the land is privately owned and agriculture is the predominant land use and elk numbers exceed objective levels.

3.4 Fisheries Species and Water Resources

Portions of the north forks of Cottonwood Creek and a tributary to Blood Creek are included within the boundaries of the Davis Unit. All three creeks are ephemeral and are not known to sustain fisheries.

The River Unit encompasses approximately 3.5 river miles of Musselshell River frontage, as well as a portion of Raundal Coulee. Raundal Coulee is an ephemeral creek and is not known to sustain an active fishery.

The Musselshell River is known to support 18 fish species as reported in a 2010 FWP Fisheries Report (Tews 2011). One of the survey locations detailed in the report was located at the Ted Browning Ranch (river mile 38), immediately south of the proposed CE. Game fish caught during the survey included: channel catfish, walleye, sauger, and smallmouth bass. Other species present were river carp sucker, shorthead redhorse, smallmouth buffalo, white sucker, carp, emerald shiner, fathead minnow, flathead chub, longnose dace, western silvery and plains minnow, sand shiner, goldeneye and stonecat. Spiny soft-shell turtles were also caught throughout this survey area.

3.5 Recreational Opportunities

The Ranch has allowed hunting since its initial purchase, and was among the first to enroll in the FWP Block Management Program when it was established in 1985. In addition to public access during the archery and general hunting seasons (ungulates, upland bird, and waterfowl), the Ranch has traditionally allowed year-round access for fishing, shed-antler hunting, turkey

hunting, and other recreational pursuits. All permitted activities are walk-in only and via designated public roads.

The Ranch's property is located primarily within FWP Deer/Elk Hunting Districts 410 and Antelope Hunting District 481. Land on the east side of the Musselshell River is in Deer/Elk and Antelope Hunting District 700.

Access for hunting on the Davis Unit currently does not require Landowner permission; however, access to the River Unit for hunting and fishing is by reservation only. With the purchase of this CE all hunting will be continue to be walk-in only and explicit per the terms of the CE. All permitted activities are walk-in only and visitors are expected to park along public/designated roads.

Current angler pressure in the portion of the Musselshell River adjacent to the Ranch is minimal due to the lack of public access points in the area and the majority of the river bottom being privately owned.

4.0 Predicted Environmental Consequences

4.1 Land Use

Proposed Action:
There would be no impact to the productivity or profitability of the Ranch if the proposed CE were approved. The traditional uses of the Land would be maintained under the terms of the proposed CE.

The terms of the CE do require some of the current land management practices to change, such as the implementation of a rest-rotation grazing system, and prohibit others, such as disturbances to riparian areas. To implement and accommodate the grazing plan, the landowner and FWP may develop a cost-share agreement for new fence construction and pasture system changes. Whenever possible, pasture improvements would be cost-shared between the Landowner and FWP.

The proposed CE would serve to maintain future management options for protecting, preserving and propagating wildlife by perpetually preserving the natural habitats, providing for the continuation of traditional ranching operations, and extension of current public recreation on private lands.

No Action:
The Ranch would continue under the current ownership and continue its cattle and agricultural operations. The public would continue to have access to the parcels for hunting, fishing, trapping and other permitted recreational activities.

However, Alternative B (No Action) would allow the possibility of future sale of the parcels and potentially, substantive changes in land use practices that may negatively impact wildlife habitat quality and public access for hunting, fishing, and other currently permitted recreation.

4.2 Vegetation

Proposed Action:

This action would result in a positive impact. The terms of the Easement protect the quantity, quality and character of the native plant communities found on the Ranch. Many shrub and tree species are important to wildlife for cover and forage values. The removal, control, or manipulation of shrub or tree species important to wildlife by any means would be prohibited within terms of the CE unless such activity is mutually agreed upon by the Landowner and FWP. These prohibitions do not apply to the routine clearing or control of brush in connection with the construction and maintenance of roads, fences, and ranch structures permitted under the CE.

The rest-rotation grazing system, as described in Appendix B of the Management Plan, would maintain and enhance the vigor and productivity of vegetation on the Ranch's parcels over time, as well as have a positive effect on the condition of the vegetation on the leased acres. The rest-rotation grazing system would encompass the ranch's 2,596 deeded acres and 5,543 leased acres (385-acres of DNRC and 5,158-acres of BLM), divided into 12 pastures (see Attachment B, Appendix B, page B-18 for a map of the designated pastures). The Davis Unit of the Ranch and BLM/DNRC leases would provide summer grazing through a three-grazing treatment rest-system comprised of eight individual sub-pastures. The River Unit of the ranch would comprise the winter grazing system, made up of four individual pastures. Two pastures would be available for annual use, and two would be used during alternating years. The eight-pasture summer system is designed to tailor both the Tom Browning Ranch needs to keep black angus separated from registered red angus cattle during the breeding season, and abide by FWP's Minimum Standards for Grazing (Attachment B, Appendix A).

FWP would monitor grazing plan adherence to assess effectiveness, functionality, and the Ranch's compliance. Livestock use and distribution would also be assessed annually.

The proposed action also ensures the Land's primary use in the future would be farming and livestock grazing, which depend on maintaining productive vegetation.

Under the proposed action, riparian habitat along the Musselshell River and other small creeks within the Ranch's boundaries would be expected to improve as well through implementation of the CE terms and the winter grazing system.

FWP would be responsible for establishing a Baseline Inventory Report that would document wildlife habitat, plant communities, roads, fences, buildings, and other infrastructure that will serve as a baseline for future monitoring. Additional vegetation photo points other monitoring plots will be established and maintained by FWP in appropriate areas to examine vegetation condition and long- and short-term changes as a measure of management effectiveness.

No Action:

Without protections of the quantity, quality, and character of the native plant communities found on the property, there would likely be no change in the short-term and if the property is maintained under current ownership. However, if the land was sold, there would be no conservation measures in place to maintain the productivity of the land, and subdivision and

residential development may occur. Future impacts to native vegetation and overall productivity of the land could be considerable and potentially detrimental to wildlife if any changes to land uses occurred.

4.3 Fish and Wildlife Resources

Proposed Action:

The proposed CE for the Tom and Karen Browning Ranch would benefit a variety of wildlife. The terms of the CE conserve and protect the land as agricultural and open space to provide year-round and seasonal habitat for many of Montana's native wildlife species. Conserving native plant communities is important for most of Montana's indigenous wildlife species. Protection from subdivision and conversion to tillage agriculture, and implementation of a rest-rotation grazing system would ensure adequate quantity and quality of forage and cover for a variety of wildlife species. No adverse effects are expected on the diversity or abundance of game species, non-game species or unique, rare, threatened, or endangered species.

Wild game populations fluctuate over time and may periodically exceed FWP management objectives, thus contributing to above-average wildlife use of Ranch property, resulting in game damage problems (e.g., crop and haystack damage). Such circumstances on the Tom and Karen Browning Ranch would be managed through public hunting during a general season framework. Game damage assistance and prescribed hunts would be provided on an "as needed" basis to the Ranch.

The proposed action would ensure fall public hunting access to the CE lands in perpetuity. Continuation of hunting on Ranch lands would not negatively impact the overall distribution and population of game species in the area. The seasonal take of game species would continue to be evaluated on an annual basis by FWP biologists, with recommendations being submitted to the Fish and Wildlife Commission for the annual hunting season setting process.

New fencing is required for implementing proposed rest-rotation grazing system. Any new fencing construction would follow the guidelines described in Attachment B, Appendix E (Landowner's Guide to Wildlife Friendly Fences) to ensure the fences do not impede wildlife movements within and through the designated pastures. Some pasture boundary fences already exist on the ranch and do not impede wildlife movements.

No Action:

Without terms to conserve the land as agricultural and open space to provide year-round habitat for many of Montana's native wildlife species, there would likely be no change in the short-term if the Ranch is kept under its current ownership. However, if there were a change in ownership, there would be no provisions preventing development for recreational purposes or changes in land use that could be detrimental to wildlife species in the future.

The selection of the No Action Alternative could allow a future landowner(s) to close the land to public hunting, which would result in a loss of valued access to remote natural habitat and access to adjoining federal and state lands. It might also lead to a reduced opportunity for effective elk management, which would exacerbate game damage problems on private lands in the area.

4.4 Water Resources

Proposed Action:

Current agricultural uses on the Ranch have proven to be compatible with maintenance of water quality. However, positive impacts should be realized in surface and ground water as a result of improvements in soil condition by implementing the rest-rotation grazing system and protection of riparian areas. Additional water improvements could be developed in order to improve livestock distribution, range conditions, and riparian vigor throughout the Ranch as long as the Conservation Values are not negatively impacted.

No Action:

There would likely be no impact in the short-term. However, if the land was developed or sold without CE protection, there would be no assurances that over time the use of the parcels would not affect water resources and their associated areas (e.g., riparian and wetland).

4.5 Aesthetics and Recreation

Proposed Action:

Implementing the Raundal Coulee CE would ensure the continuation of existing year-round public recreational opportunities (hunting, fishing, trapping, wildlife viewing, etc.) on the Ranch in perpetuity. All permitted activities would continue to be walk-in only and via public and designated roads. Additional kinds of public recreational activities (e.g., camping) may be permitted at the Landowner's discretion.

The level of public recreation on the Ranch may increase with the approval of the proposed CE and the public's awareness of the permitted uses on the CE acres. Furthermore, public recreation on adjacent federal and state lands may increase with designated public access routes to those lands through the Ranch.

Hunting would be allowed on the Raundal Coulee CE consistent with Fish and Wildlife Commission-established regulations and dates/seasons. Public hunting opportunities of elk may increase when game damage harvests are necessary to decrease impacts to agricultural areas on the Ranch and approved by FWP.

Trapping would also be permitted of furbearers, nongame wildlife and predators when those species are present and consistent with Fish and Wildlife Commission-established trapping seasons and state laws.

The terms of the CE would prohibit the operation of a commercial hunting or fishing business or charging fees (sometimes known as trespass fees) for hunting, fishing, or other recreational activities on the Ranch.

Owing to the proximity of fall gathering, winter feeding, and spring calving operations, the Landowner reserves the right to locate, sign, and regulate non-motorized public hunting and recreational access from a minimum of two parking areas adjacent to county or public roads on the River Unit. Additional motorized access (e.g., game retrieval, river boat launch) may be granted at the discretion and by permission of the Landowner.

The terms of the CE would protect open space and scenic values in perpetuity by protecting and improving the vigor of native vegetation of the uplands and river bottom by maintaining current land use and prohibiting residential development.

No Action:
In the short term and if the property remains under current ownership, the recreational opportunities would continue and the scenic values would remain unchanged.

However, if the CE was not approved and the ownership did change, hunting and public access on this Ranch could be restricted in the future, negatively affecting traditional recreational opportunities in the area. There would be no guarantee of continued public access to the Land or across the Land for recreational purposes. If rural subdivision and/or other developments occur it could change or reduce the existing scenic and recreational values of the area.

4.6 Public Services, Taxes, and Community

Proposed Action:
There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems or tax bases or revenues, nor increased uses of energy sources. As an agricultural property, the Land would continue to be taxed as it has before.

However, the terms of CE would restrict future residential and commercial developments on the Ranch's Lands.

No Action:
Identical to the implementation of the Proposed Action, the No Action alternative would not impacts local taxes and public services if the Land remained under current ownership and continued as a working ranch. However, if in the future the ownership changes, that could allow greater potential for changes in land use classification (e.g., agricultural to recreational) that could increase local property taxes for the county. Also, a change in ownership may lead to subdivision and/or additional residential development, which may be accompanied by higher demand for utilities, roads, and other services that would have to be partially or wholly provided by state and local governments.

4.7 Cumulative Effects

The approval of the Raundal Coulee Deed of Conservation Easement by FWP would contribute to the preservation of important riparian wildlife habitat along the Musselshell River and nearby native sagebrush grasslands and plains forest in the area for the benefit of numerous resident and transient wildlife species.

The implementation of a rest-rotation grazing system for the deeded and leased acres is expected to be of benefit to the native vegetation in restoring and maintaining range health. The grazing system is expected to be complimentary to the range health program that BLM uses on their lands. In addition to improving the vigor of native vegetation, over the long term the grazing program would improve the amount of forge and/or cover available to wildlife, thus potentially assisting in the improvement in their health as well.

5.0 Resources Considered but Eliminated from Detailed Analysis

The Montana Environmental Policy Act, MCA § 75-1-101 *et seq.* (MEPA), provides for the identification and elimination from detailed study of issues, which are not significant or which have been covered by a prior environmental review, narrowing the discussion of these issues to a brief presentation of why they would not have a significant effect on the physical or human environment or providing a reference to their coverage elsewhere (ARM 12.2.434(d)). While these resources are important, they were either unaffected or mildly affected by the proposed action and the effects could be adequately mitigated.

5.1 Land Resources

Proposed Action:

The proposed easement would ensure that the land resources are maintained. Some soil disturbing activities would occur under normal ranching operations and maintenance to existing ranch facilities. The terms of the proposed CE would prohibit large scale, adverse changes to the existing physical attributes of the ranch.

Considering information gathered from communication with the BLM Great Falls Oil and Gas Field Office's regarding the probability of minerals resources being located within the Ranch, the likelihood for subterranean resource development is low. Overall, FWP predicts the potential for long-term change to existing land resources is expected to be minimal.

No Action:

If the ranch remained under current ownership, impacts to lands resources are expected to be identical to those described for the Proposed Action. However, if the land were sold, disturbance of soils from more intensive agricultural practices, residential development, mineral, or other commercial uses may occur.

5.2 Air Quality

Proposed Action and No Action: FWP anticipated there would be not changes to the ambient air quality for either the Proposed or No Action Alternatives.

5.3 Noise and Utilities

Proposed Action and No Action: FWP anticipated there would be no changes to the current noise levels or utilities for either the Proposed or No Action Alternatives. Under the terms of the proposed CE the Ranch would retain the right to maintain, renovate, repair, or replace utilities existing on the property. Additionally, the proposed CE would allow for new utilities or utilities leases/right-of-ways as long as they are consistent with the terms of the CE.

5.4 Risk and Health Hazards

Proposed Action and No Action: FWP anticipated there would be not changes to risks and health hazards for either the Proposed or No Action Alternatives.

5.5 Cultural and Historic Resources

Proposed Action and No Action: The proposed action and No Action alternative under current ownership would not cause a change in land use, so FWP anticipates there would be no impacts to cultural sites. If the Ranch was sold, changes in land uses may increase impacts to cultural.

6.0 Need for an Environmental Impact Statement

Based on the significance criteria evaluated in this environmental assessment (EA), is an Environmental Impact Statement (EIS) required? No. The proposed CE would affect approximately 2,600 acres in that it would protect and conserve important wildlife habitat and ensure public access in perpetuity with minimal effects (positive or negative) to the current land uses (agriculture and livestock operations) and to the existing natural resources of the property.

This EA revealed no significant (negative or positive) impacts from the proposed action. The significance criteria described in ARM 12.2.431 were used in this determination. Based upon the above assessment, an EIS is not required and an EA is the appropriate level of review.

Some limited number of minor impacts from the proposed action was identified in this assessment, such as anticipated positive changes to vegetation as the proposed rest-rotation grazing system is implemented on the deeded and leased acres and possibly an increase in the number of people accessing the property for permitted recreational activities.

7.0 Public Participation

7.1 Public Involvement

Public notification of the EA release and opportunities to comment will be by:

- Two public notices in each of the local papers: *Billings Gazette* and *Lewistown News-Argus;*
- Direct mailing to adjacent landowners and interested parties;
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov* ;
- An email to elected officials, governmental agencies, and interested publics;
- And a public meeting will hosted at the Lewistown Area Resource Office (FWP office) in Lewistown on January 6th. Public announcements will be published in area newspapers identifying the time of the upcoming meeting.

Copies of this EA will be available for public review at FWP Region Four headquarters in Great Falls, the FWP Area Resource Office in Lewistown, and on the FWP web site (http://fwp.mt).

7.2 Comment Period

The public comment period will extend for (30) thirty days beginning December 13. Written comments will be accepted until 5:00 p.m., January 11, 2014 and can be mailed or emailed to the addresses below:

Raundal Coulee CE
Montana Fish, Wildlife & Parks
Lewistown Area Office
PO Box 938
Lewistown, MT 59457

or email comments to: sonjasmith@mt.gov

7.3 Approximate Timeline of Events

Public Comment Period	December 2013 – January 2014
Decision Notice Published	mid-January 2014
Project Submitted to Fish & Wildlife Commission	February 2014
Project Submitted to Montana Land Board	February 2014

7.4 Offices & Programs Contributing to the Document

Montana Fish, Wildlife & Parks
- Darlene Edge, Lands Agent, Helena MT
- Kelvin Johnson, Wildlife Biologist, Glasgow MT
- Graham Taylor, Region 4 Wildlife Manager, Great Falls MT
- Anne Tews, Fisheries Biologist, Lewistown MT
- Zach Zipfel, Legal Counsel, Helena MT

U.S. Bureau of Land Management
- Katie Decker, Lewistown MT

8.0 EA Preparers

Rebecca Cooper, FWP MEPA Coordinator, Helena MT
Sonja Smith, FWP Wildlife Biologist, Lewistown MT

References

Montana Department of Fish, Wildlife and Parks (FWP). 2005. Montana Comprehensive Fish & Wildlife Strategy. Retrieved from: http://fwp.mt.gov/fishAndWildlife/conservationInAction

Tews, Anne, Miller, D. 2010. FWP Lewistown Area Fisheries Management 2010 Annual Report. Great Falls MT. May 2011.

Attachments

A. Draft Raundal Coulee CE
B. Draft Raundal Coulee CE Management Plan
   - Appendices:
     - A. FWP Minimum Standards for Grazing Livestock
     - B. Grazing System
     - C. Hunting and Public Access Rules
     - D. Hunting and Public Access Map
     - E. Wildlife Friendly Fence Guidelines
     - F. Water Quality Best Management Practices for Montana's Forests