DRAFT ENVIRONMENTAL ASSESSMENT
(January 11, 2016)

NAVRATIL
CHANNEL MIGRATION EASEMENT
(RICHLAND COUNTY)

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TABLE OF CONTENTS

TITLE PAGE 1
TABLE OF CONTENTS 2
DRAFT ENVIRONMENTAL ASSESSMENT 3
I. INTRODUCTION 3
II. AUTHORITIES AND DIRECTION 5
III. PROJECT LOCATION 5
IV. PURPOSE AND NEED FOR THE PROPOSED ACTION 6
V. DESCRIPTION OF THE PROPOSED ACTION 8
VI. DESCRIPTION OF ALTERNATIVES TO THE PROPOSED ACTION 10
Alternative A - No Action 10
Alternatives Considered but Dropped from Further Consideration 10
VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT 10
Land Resources 11
Air Resources 11
Water Resources 11
Vegetation Resources 11
Fish and Wildlife Resources 11
Adjacent Land 12
VIII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT 13
Noise/Electrical Effects 13
Land Use 13
Risk/Health Hazards 13
Neighboring Landowners and Community 13
Public Services/Taxes/Utilities 14
Economies 14
Aesthetics/Recreation 14
Cultural/Historical 14
Cumulative Impacts 15
Socio-Economic Assessment 15
IX. SUMMARY EVALUATION OF SIGNIFICANCE 16
X. EVALUATION AND NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT 16
XI. PUBLIC INVOLVEMENT 16
XII. NAME OF PERSON RESPONSIBLE FOR PREPARING EA 16
REFERENCES 17

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

I. INTRODUCTION

Montana Fish, Wildlife & Parks (MDFWP) invites the public to comment on a proposal to fund the purchase of a perpetual channel migration easement on 89.5 acres in Richland County along the Yellowstone River near Sidney, MT (referred hereinto as Land). A channel migration easement (CME) is a conservation easement that includes land bordering a stream or river where the Landowner agrees not to riprap or otherwise stabilize the river bank, thereby allowing the river's natural erosive processes to continue. The purpose of the Navratil CME is to preserve and protect the conservation and agricultural values of the Land, particularly the habitats provided for fish and wildlife species, and to prevent armoring of the river bank within the easement area, in perpetuity. The project area is located about 4 miles south of Sidney, MT, along approximately 3,500 feet of the west bank of the Yellowstone River (Figures 1 and 2).

In collaboration with the Western Area Power Administration (WAPA) and the Upper Basin Pallid Sturgeon Governing Board and Working Group, MDFWP developed a pilot Channel Migration Easement Program to protect naturally functioning floodplains along the Yellowstone River, which sustain pallid sturgeon and other aquatic and terrestrial wildlife. WAPA provided funds for MDFWP to develop and implement the program for the Yellowstone and Missouri rivers.

Montana Aquatic Resources Services (MARS), after entering into an agreement with MDFWP, located willing landowners, Gerald and Maryellen Navratil (hereinafter collectively referred to as "Landowner"). The Landowner owns approximately 230 acres on the Lower Yellowstone River, 89.5 acres of which are in the channel migration zone (http://yellowstonerivercouncil.org/maps.php) and adjacent erosion hazard area. MARS sought a third party to hold the easement; Montana Land Reliance (MLR) agreed to hold the channel migration easement. Because the WAPA funds are considered federal funds, pursuant to internal policy, MDFWP must retain a third-party right of enforcement for the easement.

The Land proposed for the CME possesses emergent wetlands, as well as shrub and native riparian communities important to many game and nongame wildlife species. Approximately 13 acres (14.8%) are native riparian habitat, including mature cottonwood stands with an understory that includes green ash, chokecherry, red osier dogwood, and willow species. About 1.5 acres (2%) are classified as seasonal, freshwater, emergent wetlands found along the river bank. In addition, the project area includes about 800 feet of the active channel of Fox Creek (Figure 2).

Fish species, including pallid sturgeon, paddlefish, sauger, and 29 nongame native fishes, inhabit the Yellowstone River along Navratils' land. Seven species of special concern (pallid sturgeon, paddlefish, sauger, blue sucker, sicklefin chub, sturgeon chub, and shortnose gar) are identified in Montana's Comprehensive Fish & Wildlife Conservation Strategy as species in greatest need of conservation (MDFWP 2015). White-tailed deer, ring-necked pheasant, Hungarian partridge, sharp-tailed grouse, Merriam's turkeys, along with numerous waterfowl, furbearers, and nongame wildlife species inhabit the Land. The Navratils currently manage the Land as a working farm mostly for hay and grain production, while maintaining and/or enhancing wildlife habitats throughout.

The CME would protect the natural erosive processes of the river, thereby helping create critical habitat conditions necessary for pallid sturgeon and other native species. Pallid sturgeon preferred

habitat is the bottom of large, turbid, relatively warm, free-flowing rivers. Man's alteration of large river systems is believed to be the primary cause of the pallid sturgeon's decline. Damming, channelizing, streambank armoring, construction of dikes, water withdrawals and other physical alterations have destroyed much of the natural stream function of the Upper Missouri River basin and tributaries like the Yellowstone River. These alterations have isolated, destroyed or inundated spawning and rearing habitats, reduced woody debris and organic material and inorganic sediments, disrupted natural flow and temperature regimes, and reduced the water turbidity preferred by pallid sturgeon and other native fish species. As a result, overall habitat diversity, productivity and availability have been severely impaired. Since 1997, artificial propagation has been used to maintain pallid sturgeon populations in Montana and North Dakota to prevent local extinction in the near future. Recovery of the endangered pallid sturgeon as a self-sustaining population requires restoration of river flows, temperatures and turbidity, and access to upstream habitats. Water use, allocation and adjudication for future water needs will also challenge water supplies for existing water uses and sustainability of fish populations (Miller et al. 2008).

While the original Navratil parcels totaled over 300 acres, erosion by the Yellowstone has reduced their ownership to about 230 acres. This erosion, which is expected to continue to some degree, will benefit pallid sturgeon and other fish species. The Navratils will receive an easement payment for 89.5 acres that represents the Channel Migration Easement area (Figure 2). The easement will be monitored as part of MLR's annual stewardship responsibility and subsequent reporting to the State of Montana. MDFWP will retain a third-party right of enforcement for the easement.

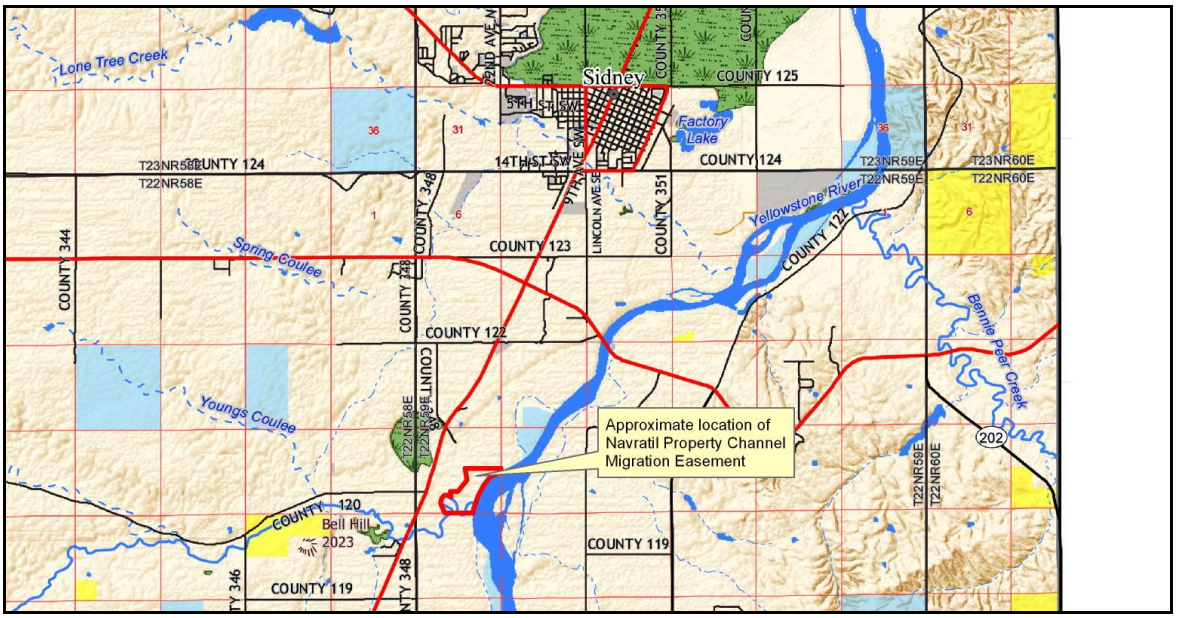

Figure 1. Location of Navratil channel migration easement project area near Sidney, Montana.

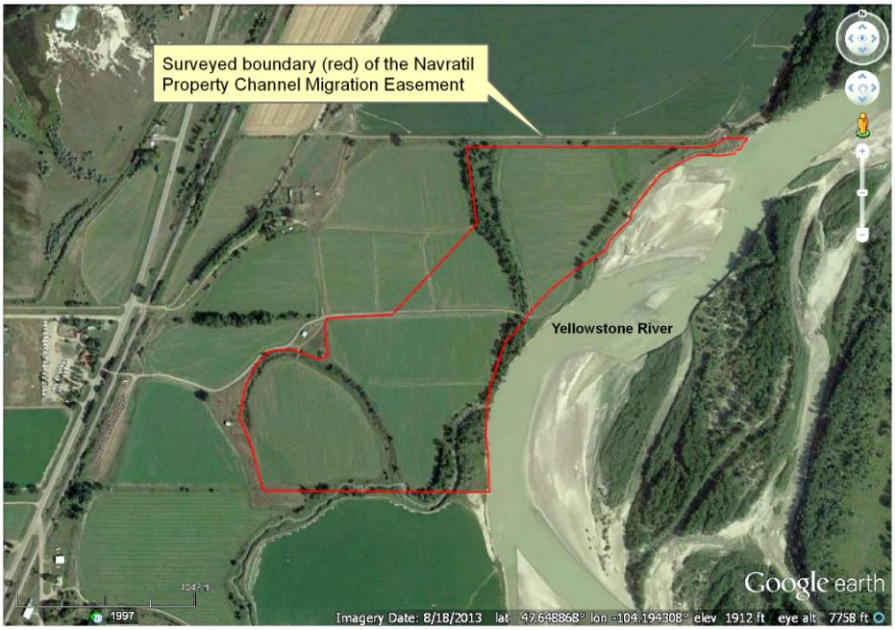

Figure 2. Navratil channel migration easement project area (August 2013 aerial photograph).

II. AUTHORITIES AND DIRECTION

MDFWP has the authority by statute (MCA 87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In collaboration with WAPA and the Upper Basin Pallid Sturgeon Governing Board and Working Group (http://www.palidsturgeon.org/recovery/upper-basin), MDFWP developed a pilot CME Program to protect naturally functioning floodplains along the Yellowstone River, which sustain pallid sturgeon and other aquatic and terrestrial wildlife. Another significant benefit of the CME Program is providing landowners another alternative or tool when dealing with stream bank erosion. In 2009 and 2010, WAPA provided MDFWP funds to develop and implement the program for the Yellowstone and Missouri rivers. MDFWP also recognizes that certain native plant communities (intermountain grasslands, sagebrush grasslands and riparian corridors) constituting wildlife habitat are also worthy of perpetual conservation. The Navratil property includes these native habitats and warrants conservation consideration. This easement would ensure the Land remains in private ownership and operation, while preserving important agricultural lands, wildlife habitats and open space. This EA and CME reflects the Landowners' desire to perpetually maintain and protect the family's farming and ranching lifestyle, while maintaining and/or enhancing fish and wildlife habitats. As with other MDFWP proposals, the Montana Fish and Wildlife Commission must approve any easements proposed by MDFWP. This EA is part of that decision-making process.

III. PROJECT LOCATION

The proposed Navratil CME lies at the mouth of Fox Creek in Richland County, Montana, about four miles southwest of the city of Sidney in Section 19, T22N, R59E (Figure 1), which is 33 river miles upstream from the Yellowstone - Missouri River confluence. The Land comprises 89.5 acres, consisting of about 14.5 acres of riparian and wetland habitats along and near the Yellowstone River and about 75.5 acres of irrigated cropland and other upland habitats.

IV. PURPOSE AND NEED FOR THE PROPOSED ACTION

The primary purpose of this proposed action is to preserve the integrity of the Yellowstone River, its floodplain, and the physical processes associated with natural river bank erosion, which create fish habitat, while maintaining agricultural land uses and private ownership. The main goal of protecting the river's natural processes along the shoreline of the Navratil property centers on species such as pallid sturgeon, and other native fish species in the Yellowstone River, as well as native birds and mammals using the Land. Sediment recruitment, transport, and deposition resulting from channel migration and erosion is the primary mechanism of aquatic and terrestrial habitat formation along Montana's large prairie rivers. Retention of natural, unrestricted channel migration will allow continued formation of important habitats on these rivers.

This easement is intended to preserve aquatic and terrestrial habitats, maintain natural processes of the Yellowstone River that generate new habitats, and provide Landowners another alternative to expensive stream bank armoring. Decreases over time in these natural river processes have resulted from some property owners armoring or otherwise hardening the Yellowstone River's banks. This threat is evident throughout the Yellowstone River valley, as documented by the Yellowstone River Conservation District Council and Yellowstone River Technical Advisory Committee through its decade-long Cumulative Effects Study (YRCDC 2015). Results of a multi-year analysis of changes in the river show that more than 226 miles of the Yellowstone have been hardened or armored to date. Much of the riparian habitats along the lower Yellowstone River have been converted to grain and/or domestic hay production, along with ever-increasing housing development. Residential, commercial and/or recreational development could result in direct replacement of native habitats, prime soils and wetlands.

The Navratil property includes about 3,500 feet of river shoreline and is located in an area of the Yellowstone River with existing public lands (Figure 3). For example, MDFWP owns and manages Elk Island and Seven Sisters Wildlife Management Areas, both in Richland County near the towns of Savage and Crane, respectively. Figure 4 shows the extent of the Navratil property by three distinct areas that constitute the overall ownership. The red line represents the approximate current ownership. The area within the yellow line has been eroded by the Yellowstone River and, while part of the original surveyed parcels, is not included in the easement. The blue line denotes the approximate CME area (see Figure 2 for surveyed location of the line) for which the Landowner will be compensated.

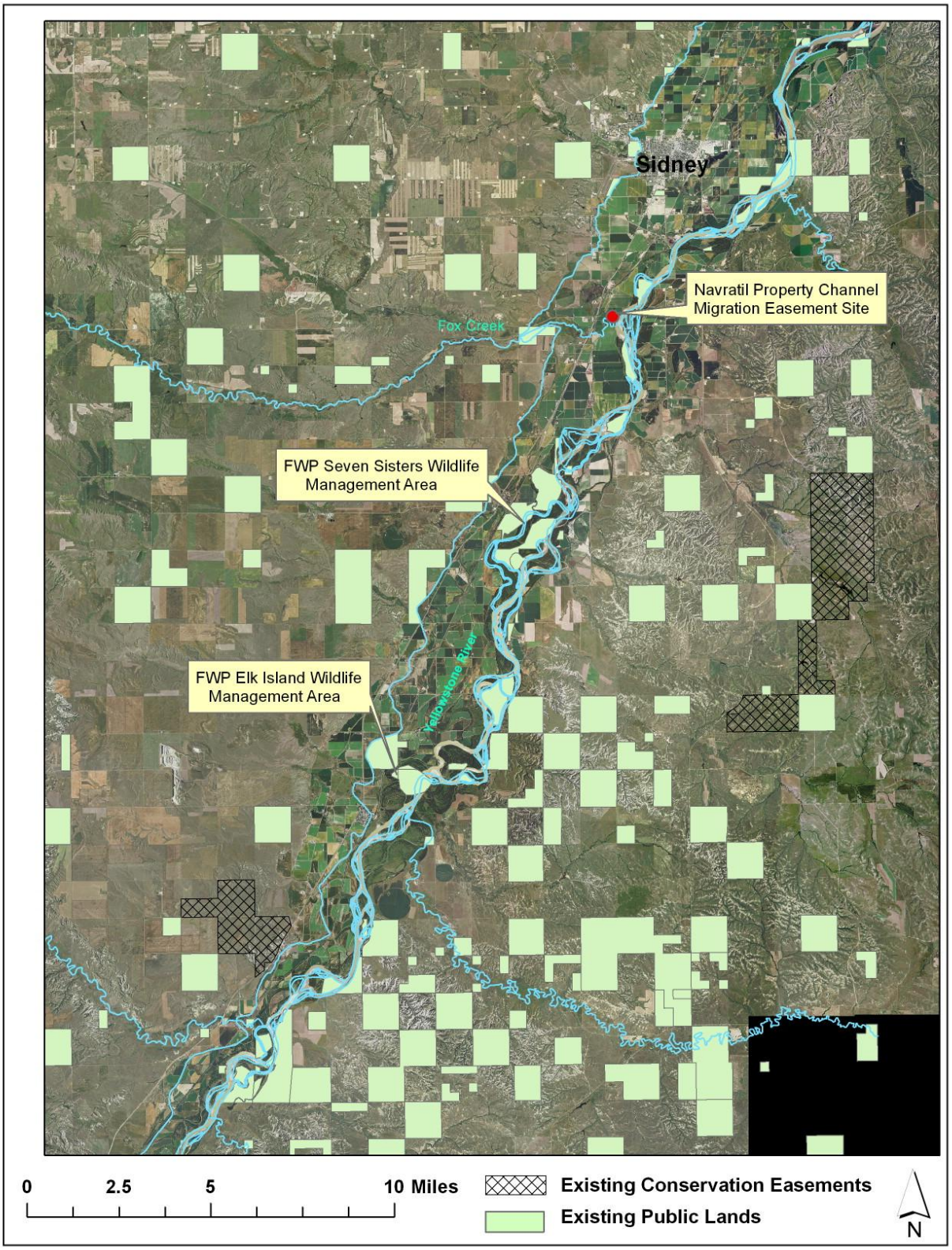

Figure 3. Conservation easements and public lands along the Yellowstone River near Sidney and the Navratil property.

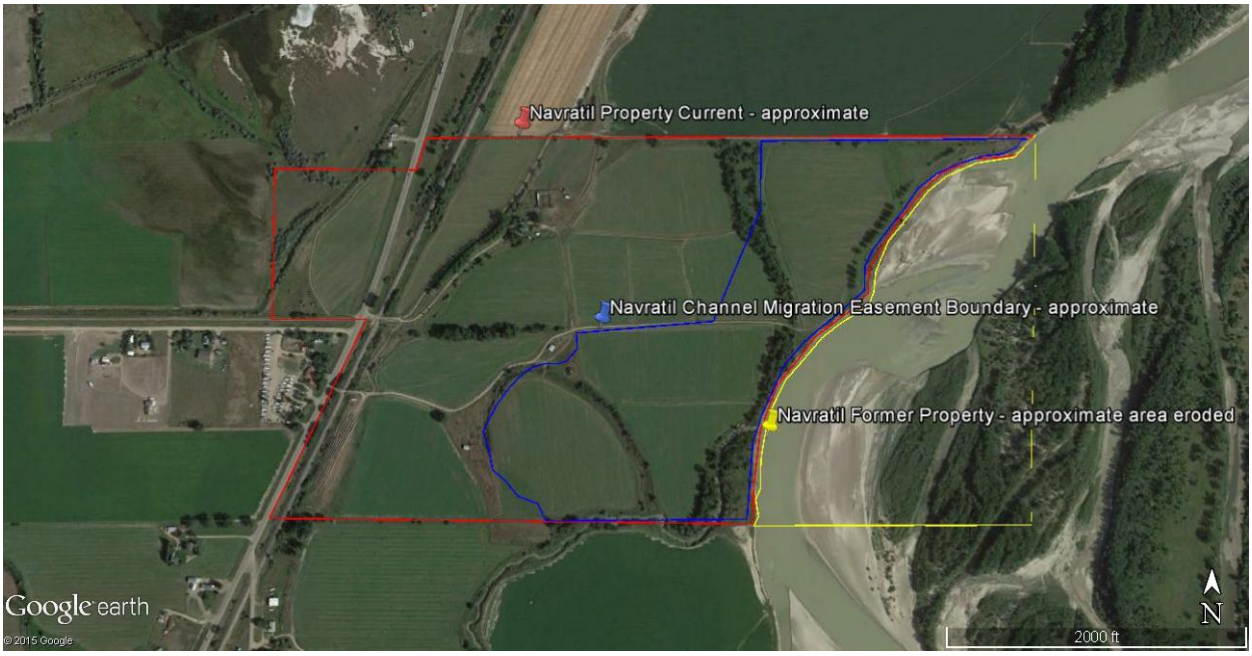

Figure 4. Overview of the Navratil property showing three areas that, combined, represent the approximate extent of the original ownership.

V. DESCRIPTION OF PROPOSED ACTION

MDFWP proposes to release WAPA funds to pay for a CME from the Navratils for no greater than the appraised value of the easement area. MARS has discussed an easement purchase price of $69,000 on the 89.5 acre CME. This value is estimated to be between 25 and 30% of Fair Market Value of the Land within the CME area. The Land has been appraised by Rahn Land, Inc., an independent, certified, land-appraisal firm in Bozeman.

MLR's stewardship staff would monitor the CME, as well as provide the required reporting to the State of Montana. MDFWP will retain a third-party right of enforcement for the CME.

This draft EA explains how MDFWP's proposed involvement of MLR's acquisition (using WAPA funds held by MDFWP that will be deposited into escrow with a closing agent for the purchase price as defined in the Purchase and Sale Agreement between MLR and Landowner) of this conservation easement would help facilitate protection of the Land's fish, wildlife and agricultural values and maintain the river's natural form and function.

Specific terms of the easement are contained in a separate document entitled "Deed of Conservation Easement". This document lists MLR, MDFWP and Landowner rights under the terms of the easement, as well as restrictions on Landowner activities. The rights of both parties and restrictions on Landowner activities were negotiated with and agreed upon by MLR, MDFWP and the Landowner. To summarize terms of this easement, MLR's rights include the right to: (1) identify, preserve and enhance specific habitats and conservation values of the Land; (2) upon prior notice to the Landowner, enter upon and inspect the Land; and, (3) monitor, enforce and prevent activities

inconsistent with the purpose of the easement. MDFWP possesses the right to enforce the terms of the easement if MLR fails to do so.

The Landowner's retained rights within the CME include the right to: (1) raise livestock, cultivate and harvest agricultural crops; (2) regulate access including non-commercial and undeveloped commercial recreational use of the Land; (3) mineral extraction of sand and gravel for non-commercial purposes used solely on the Land and subsurface mineral exploration or extraction only if surface occupancy does not occur; (4) grant, sell, exchange devise, gift, convey, transfer or dispose of all of the Landowner's right, title, estate, and interest in the Land; (5) non-commercial removal or cutting of trees; (6) construct, remove, repair and/or replace fences; (7) repair, renovate or improve existing roads on land, including creation of new two-track roads for agricultural purposes; and, (8) develop and maintain water resources on the Land necessary for agricultural purposes that are specifically allowed by the easement.

The following uses and practices are inconsistent with the purposes of the easement and are prohibited:

1. Bank Stabilization: The construction, installation, or placement of any material, structure, pond or reservoir, including the placement of rock or any concrete (riprap) on the bank of the Yellowstone River or at any other location within the Channel Migration Area that would restrict or prevent the river from eroding or cutting through the bank or upland areas. This includes prohibition of placing materials above ground, underground, in the river, along the river bank, inland or on accreted land that are used to prevent erosion (riprap, dikes or levies) or direct river flow (barbs, vanes, jetties or weirs).
2. Subdivision: Except as provided in Exhibit B, paragraph 4 of Easement, the division, subdivision, or de facto subdivision of the Land.
3. Mineral extraction: Subject to existing rights, exploration for, or the removal or extraction of any mineral or non-mineral substance, including, but not limited to oil, gas, hydrocarbons, sand, and gravel, by any surface or subsurface mining or extraction method. Sand and gravel may be extracted for non-commercial use by the Landowner provided activities have temporary and localized impacts.
4. Commercial facilities: The establishment of any commercial or industrial facilities (other than those necessary in the operation or uses of the Land expressly permitted by the easement) including, but not limited to, guest ranching, outfitting, commercial feed lot, retail sales businesses, service businesses, restaurants, night clubs, campgrounds, trailer parks, motels, hotels, commercial recreation facilities, gas stations, retail outlets, or facilities for the manufacture or distribution of any product other than products to be grown or produced on the Land.
5. Dumping: The dumping or other disposal of non-compostable refuse on the Land, except nonhazardous wastes generated by activities permitted in the easement, and provided such dumping does not harm the conservation values.
6. Construction: The construction or placement of any buildings or other structures, except for those specifically permitted in the easement.
7. Campers: The placing or use of campers, trailers, and recreational vehicles is prohibited. Further, no overnight sleeping cabins, bunkhouses, or man-camps are permitted on the CME.
8. Billboards: The construction, maintenance, or erection of any billboards. Roadside signs are permitted only for the purposes of posting the name of the Landowner, advertising any business permitted on the Land, controlling public access, providing public notification of this Easement, or advertising the Land for sale.

9. Roads: The construction of roads except as permitted in the easement and granting of road right-of-way across or upon the Land.
10. Utilities: The granting of utility transmission lines and utility transmission corridor right-of-way easements, or the expansion of existing utility transmission lines and utility transmission corridor right-of-way easements.
11. Game, fur or fish farm: The raising or confinement for commercial purposes of (i) "alternative livestock" and "game animals" as defined in MCA Section 87-4-406 or its successor statute, (ii) native or exotic fish, (iii) furbearers, including mink and fox, or (iv) other "wild animals" as defined in MCA Section 87-4-801, or its successor statute, and "non-game wildlife" as defined in MCA Section 87-5-102(6), or its successor statute.

VI. DESCRIPTION OF ALTERNATIVES TO THE PROPOSED ACTION

No Action Alternative

MDFWP considered the alternative of taking no action. Under the "No Action Alternative" the Navratil property would continue to be managed in its current state. The WAPA funds would continue to go unspent. Should the property be sold, there would be no guarantee of the preservation of agricultural values, fish and wildlife habitat, open space, historic values, recreational values and other resources as they are found on the property. Specifically, without the proposed easement, these resources could be vulnerable to shoreline armoring and hardening, future residential subdivision, commercial feedlots and surface mining. These activities would likely result in decreased habitat quantity, quality, and fish and wildlife use and dramatically impact natural river processes. The magnitude of these and other potential impacts to this and adjacent physical and human environments are difficult to measure due to the uncertainty of future events. Without MDFWP's involvement, it is highly unlikely that a conservation easement would be purchased or placed on the Land.

Alternatives Considered but Dropped from Further Consideration

MARS initiated the channel migration easement process with the Navratils who expressed no interest in fee-title sale or a long-term lease, therefore the alternative of purchasing the Land in fee title or having a long-term lease is not an option. Because conservation easements are also MDFWP's preferred option to maintain the Land in private ownership, the only other reasonable alternative considered in this EA is the "No Action Alternative" as described above.

VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT

Through prevention of certain identified activities, this channel migration easement will legally maintain or improve existing habitats into perpetuity. Impacts associated with this proposed action shall be determined only as they apply to current resource ownership, uses and conditions. Under the No Action Alternative, future resource ownership, uses and conditions may or may not change. Consequently, impacts associated with the No Action Alternative are unknown.

1. Land Resources

Impact of Proposed Action: No negative impact would occur as a result of this proposal. The terms of the proposed easement are structured to prevent adverse impacts to soils and vegetation and to allow the positive impacts of natural erosion, such as fish habitat generation, increased water turbidity, and hydraulic energy dissipation. Subdivision and development of the Land is restricted under easement terms. The proposed easement will ensure that land resources are maintained and/or enhanced in perpetuity.

No Action Alternative: There would likely be no changes to the existing land resources if there is no change in ownership. However, this alternative would allow for potential disturbance of soils and vegetation from intense agricultural and/or grazing practices and possible residential development, if the Landowner sells the property in the future.

2. Air Resources

Impact of Proposed Action: The proposed action would likely result in a net reduction in potential future risks to air quality on the subject Land because of easement restrictions for the following activities: shoreline armoring or hardening as well as residential, commercial, and industrial developments.

No Action Alternative: There would be no immediate impact. However, if the shoreline were armored and the Land were subdivided, increased human activity could potentially degrade the current air quality.

3. Water Resources

Impact of Proposed Action: There would be no future impact over what is currently associated with natural river processes of erosion and accretion and a working farming operation. Current agricultural practices on the property have proven to be generally compatible with maintenance of water quality.

No Action Alternative: There would be no immediate impact. However, there would be no assurances that over time that the shoreline wouldn't be armored or hardened in an attempt to stop ongoing erosion, or that the property wouldn't change from primarily an agricultural operation to another use, with no conservation protection of water resources.

4. Vegetation Resources

Impact of 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 Land. Prohibitions on river shoreline armoring or hardening would allow for natural river processes, including those associated with native plant communities.

No Action Alternative: There would be no immediate impact but if, as a result of future shoreline hardening, the Land's primary use were to change from agriculture to some other use (such as subdivision), there would be no conservation measures in place to maintain productivity of the Land. In addition, there would be no long-term protection of existing native plant communities. Livestock grazing and potential subdivision would be unrestricted under this alternative.

5. Fish/Wildlife Resources

<u>Threatened and Endangered Species; Species of Concern; Communities of Greatest Conservation Need</u>

Impact of Proposed Action: Federally-listed threatened and endangered species exist on or adjacent to the Land, including pallid sturgeon, least tern, whooping crane, and piping plover (Jaeger et al. 2005). There are other species that are currently under consideration for listing or that have been petitioned for listing in the past. The following species are listed as Species of Concern (SOC) by the

Montana Natural Heritage Program and have been targeted for conservation and special management: pallid sturgeon, paddlefish, sauger, blue sucker, sturgeon chub, sicklefin chub, and shortnose gar (MNHP and MDFWP 2006).

The undammed Yellowstone River is arguably one of the most important fish and wildlife habitats in Montana. Riparian and wetland communities in general support the highest concentration of plants and animals in Montana, including approximately 1/3 of Montana's wildlife (Ellis 2008, Jaeger et al. 2005). Many of these species are identified in Montana's Comprehensive Fish & Wildlife Conservation Strategy (MDFWP 2015) as species in greatest need of conservation.

The protection and restoration of riparian complexes in the project area will directly correspond to the recommended actions of the *North American Landbird Conservation Plan* to "protect high quality riparian habitat, manage and restore degraded stretches, and restore natural flows and flooding regimes" (Partners in Flight 2004).

This project targets several Tier I species in Montana's Comprehensive Fish and Wildlife Conservation Strategy, and falls within the Montana Sediment Plains Focus Area and the Lower Yellowstone Aquatic Focus Area (MDFWP 2015). Similarly, the habitats found within the project area are also identified as Communities of Greatest Conservation Need: riparian and wetland, grassland, and mixed broadleaf forests. Species such as pallid sturgeon, paddlefish, sauger, sturgeon chub, blue sucker, shortnose gar, sicklefin chub and other native prairie fishes will directly benefit from the perpetual channel migration easement. Montana's Comprehensive Strategy lists conversion of grasslands to agriculture, loss of natural wetlands, and degraded riparian vegetation as primary concerns, and encourages habitat restoration and protection, including conservation easements, while sustaining farm and ranch profitability as key tools to address these concerns (MDFWP 2015). As such, this Land fits perfectly with the priorities and recommendations of the Strategy.

No Action Alternative: This alternative would allow for potential disturbance of soils and vegetation from intense agricultural and/or grazing practices and possible residential development by the current or subsequent owners.

<u>Wildlife (General)</u>

Impact of Proposed Action: The proposed action would protect into perpetuity an important and strategically located native riparian and wetland habitat complex for game and non-game species alike. The property provides year-round habitat not only for game species, but also for a variety of non-game bird and small mammal species.

No Action Alternative: There would be no immediate impact. However, this alternative would preserve the possibility of future habitat loss and the adverse impacts to wildlife populations described in the Purpose and Project Need section of this EA.

6. Adjacent Land

Impact of Proposed Action: No negative impact is expected. The Land will be maintained as it has been historically. Because the shorelines of the easement area will continue to be subject to the erosive forces of the Yellowstone River and Fox Creek, impacts to adjacent properties upstream and downstream are expected to be unchanged or improved from the current situation. Allowing

shoreline erosion from lateral river migration dissipates hydraulic energy both upstream and downstream of the site.

No Action Alternative: There would be no immediate impact. However, this alternative would preserve the possibility of future shoreline armoring or hardening, as well as subdivision and habitat loss potentially causing impacts to neighboring lands as wildlife populations are displaced. Shoreline armoring increases hydraulic energy, which causes additional shoreline erosion upstream and downstream of the protected shoreline.

VIII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT

Through prevention of certain identified activities, this channel migration easement would legally maintain and/or improve existing habitats in perpetuity. Impacts associated with this proposed action shall be determined only as they apply to current resource ownership, uses and conditions. Under the No Action Alternative, resource ownership, uses and conditions may or may not change. Consequently, impacts associated with the No Action Alternative are unknown.

1. Noise/Electrical Effects

Impact of Proposed Action: No impact would occur over existing conditions. Preservation of open space in perpetuity will ensure noise and electrical effects remain unchanged.

No Action Alternative: Noise and electrical effects could negatively impact the area through potential future housing and road developments. Utilities would be required in developing the area, negatively impacting the project area and neighboring lands more than the Proposed Action Alternative.

2. Land Use

Impact of Proposed Action: The Land would continue to operate as a working farm. There would be no impact on the productivity or profitability of the farm, nor conflicts with existing land uses in the area. Some Land will likely be lost to natural erosion.

No Action Alternative: No immediate impact would occur. However, with potential future changes in land ownership and land use, habitat quality, wildlife use and recreational opportunities could be diminished.

3. Risk/Health Hazards

Impact of Proposed Action: Some minimal risk for foot traffic or vehicle use near actively sloughing and unstable bank. This risk will be short in duration and seasonal, occurring only during high river flow periods (May-July) when the potential for bank sloughing is highest.

No Action Alternative: No impact would occur.

4. Neighboring Landowners and Local Community Impacts

Impact of the Proposed Action: The proposed action would generally maintain existing conditions in the local community. There would be no anticipated negative impacts to the community. The scenic values and open character of this Land would be maintained and enjoyed by the community in perpetuity. Refer to the Socio-Economic Assessment section for additional analysis of impacts on the human environment.

No Action Alternative: Future residential development, if unchecked, would change the nature of the existing community to a varying degree, and future armoring or hardening of the shoreline could affect downstream shorelines and landowners. The No Action Alternative would allow the possibility for substantial changes in future land uses of the Navratil Land, which may affect neighboring property values. Neighboring landowners might be concerned about a change in ownership and possible changes in Land use under the No Action Alternative, as these could affect the amount of effort and expense a rancher/farmer must devote to maintaining fences and protecting his or her adjacent property.

5. Public Services/Taxes/Utilities
Impact of Proposed Action: There would be no effect on local or state tax bases or revenues, existing utility systems, or uses of energy sources. As agricultural property in private ownership, the Land would continue to be taxed as it has been. Refer to the Socio-Economic Assessment section for additional analysis of impacts on the human environment.

No Action Alternative: With possible residential subdivision development, increased police and fire protection, road improvements, and utilities and services would be demanded at a potential cost to the local community.

6. Economies
Impact of the Proposed Action: The proposed action would restrict future residential and commercial developments on the CME, which would allow for natural river processes with no additional impacts to fish and wildlife resources. The scenic view-shed would be preserved by the proposed action, which may translate into a minor, long-term economic benefit to land values of surrounding properties. Refer to the Socio Economic Assessment section for additional analysis on potential impacts to the local economy.

No Action Alternative: Over the long run, the No Action Alternative could increase residential and commercial growth in the local community. Future development on the Land, and possibly neighboring lands, would be accompanied by costs for roads, utilities and other services. If land use changed from agriculture to residential, there could be increased property tax revenue generated for the county.

7. Aesthetics/Recreation
Impact of Proposed Action: There would be a positive impact. This easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas, and would not affect the character of the neighborhood. The Proposed Action would allow continued public access similar to what current landowners have allowed in the past for fishing, hunting and wildlife viewing on the property.

No Action Alternative: Eventual subdivision or other development would reduce the aesthetic and recreational opportunities on the project area including hunting and wildlife viewing opportunities.

8. Cultural/Historic Resources
Impact of Proposed Action: The existing historical values on the farm would be conserved through terms of the conservation easement.

No Action Alternative: Residential subdivision or other development in the future would leave

cultural and historical resources at risk.

9. Cumulative Impacts

Impact of the Proposed Action: The Proposed Action would not be expected to contribute to a cumulative impact to the existing natural resources of the Land. However, the protection of an additional 89.5 acres along the Yellowstone River would have a positive cumulative impact to the number of acres of fish and wildlife habitat protected by public ownership or other easements within a 10-mile reach of the Yellowstone River.

No Action Alternative: The No Action Alternative could ultimately contribute to the cumulative regional and local losses of fish and wildlife habitat, natural river processes in general, and natural wetland and riparian complexes in particular, if the Land is managed in a manner incompatible with fish and wildlife requirements. No action could ultimately contribute slightly to the cumulative regional and local loss of grazing and farmland for the agricultural industry.

10. Socio-Economic Assessment

The following financial impacts address the cost of the CME to MDFWP and explain the impacts on tax revenues to local government agencies, including school districts. Expenditure data associated with the use of the Land provide information for analyzing the impacts these expenditures may have on local businesses, i.e., income and employment.

A. Financial Impacts - The proposed conservation easement would be funded by MDFWP's Pallid Sturgeon/WAPA account. Total cost of the easement is estimated as $113,810, the largest portion of which is the expected $69,000 payment to the Landowner. The remaining costs will defray a portion of MLR's and MARS's costs for property appraisal, resource documentation report, title commitment, mineral remoteness test, land survey, closing and recording costs, and the stewardship endowment to MLR to defray a portion of the long-term maintenance/management costs resulting from monitoring the Land to ensure the easement terms are being followed.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the CME. The easement, considered separately, will not change the type or level of use on the Land. Therefore, the purchase of a CME will have no impact on the current level of taxes paid to Richland County.

B. Economic Impacts - The purchase of a CME will not directly affect the agricultural activities on the Land.

C. Findings and Conclusions - The CME will provide long-term protection for natural river processes and fish and wildlife habitat, as well as maintain the agricultural integrity of the Land. The purchase of a CME by MDFWP will not cause a reduction in tax revenues to Richland County.

The agricultural/ranching operations will continue at their current levels. The financial impacts of the easement on local businesses will be neutral to slightly positive in both the near and long term.

MDFWP will release dedicated WAPA funds toward the purchase (by MLR) of a CME of 89.5 acres along the Yellowstone River, which are a portion of the lands owned by Gerald and Maryellen Navratil. The CME would protect the natural erosive processes of the Yellowstone River, thereby helping create habitat conditions necessary for the survival of pallid sturgeon and other native

species. MLR would hold and monitor the easement. MDFWP would hold a third-party right of enforcement of the conservation easement.

IX. SUMMARY EVALUATION OF SIGNIFICANCE

The proposed action has no significant effects on current conditions. It cannot be definitively determined what, if any, effects may result from the No Action Alternative.

X. EVALUATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the above assessment, an Environmental Impact Statement is not required and an Environmental Assessment is the appropriate level of review.

XI. PUBLIC INVOLVEMENT

Formal public participation specific to MDFWP's proposed payment for this channel migration easement will begin with the availability of this Draft Environmental Assessment for public review for a 30 day comment period. The availability of this EA for public review will be advertised in the Glendive and Sidney areas, and through statewide media via MDFWP's website at www.fwp.mt.gov – public notices. A copy of this Draft EA will be mailed to all parties who indicate an interest in this proposal. The public review and comment period will be January11- 29, 2016. A public hearing will be held at the Richland County Ag Extension Building in Sidney, MT on January 27 at 7:00 P.M. After reviewing public input received on or before January 29, 2016 MDFWP's Region 7 Supervisor will decide upon a preferred alternative and a recommendation will then be provided to the Fish and Wildlife Commission. Execution of this EA and easement are contingent upon approval by the Fish and Wildlife Commission.

Comments should be addressed to:
Montana Fish, Wildlife & Parks
PO Box 1630, Miles City, MT 59301
Attn: Navratil Channel Migration Easement Proposal

Or

mibackes@mt.gov
Attn: Navratil Channel Migration Easement Proposal

Comments must be postmarked no later than January 29, 2016 to ensure consideration in the decision-making process.

XII. NAME OF PERSON RESPONSIBLE FOR PREPARING EA

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