

Draft Environmental Assessment

Chief Plenty Coups State Park Hay Lease



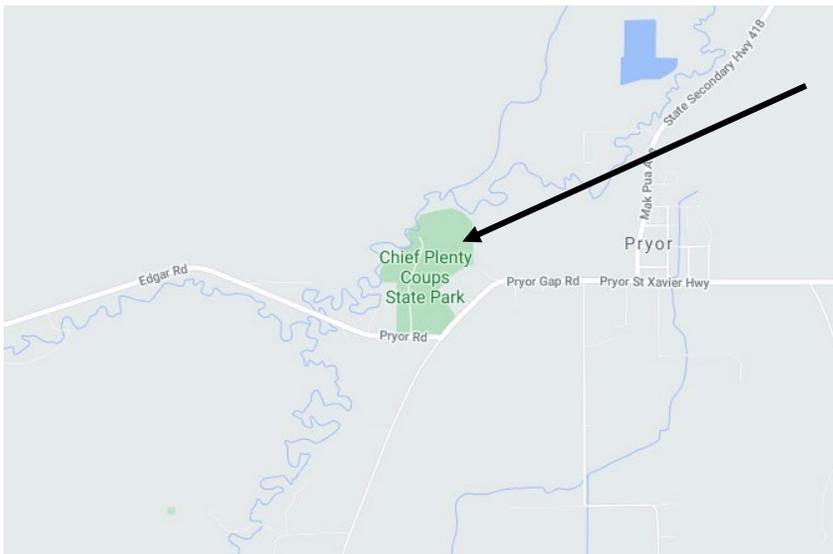
04/19/2021



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

PART I. PROPOSED ACTION DESCRIPTION

- 1. Type of proposed state action:** An agricultural (hay) lease on agricultural land in the boundaries of Chief Plenty Coups State Park for a 10-year period (2021 – 2031).
- 2. Agency authority for the proposed action:** FWP has the authority under Section 87-1-201 MCA to protect, enhance, and regulate the use of Montana’s fish and wildlife resources for public benefit now and in the future. In addition, in accordance with the Montana Environmental Policy Act, Montana Fish, Wildlife & Parks (MFWP) is required to assess the impacts that any proposal or project might have on the natural and human environments. Further, MFWP’s land lease-out policy, as it pertains to the disposition of interest in Department lands (89-1-209) requires, an Environmental Assessment (EA) to be written for all new agricultural leases, lease extensions, or lease renewals. The FWP Commission is the appropriate level of authority to provide approval for this renewal.
- 4. Anticipated Schedule:**
The proposed agricultural lease would commence Spring/Summer 2021 and would expire December 31, 2031 with the option to renew for another 10 years. Agricultural activities would take place between April 1 and September 30 of each year depending on onset of spring.
- 5. Location:**
Chief Plenty Coups State Park is in Bighorn County, Sec 5-6, T5S, R26E.



Area map showing location of Chief Plenty Coups State Park near Billings, MT

6. Project size -- estimate the number of acres that would be directly affected that are currently:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(Existing Maintenance area)		Irrigated cropland	<u>0</u>
(b) Open Space/ Woodlands/Recreation	<u>0</u>	Dry cropland	<u>100</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Forestry	<u>0</u>
		Rangeland	<u>0</u>
		Other	<u>0</u>

7. Permits, Funding & Overlapping Jurisdiction.

None. No permits required.

8. Narrative summary of the proposed action:

Situated within the Crow Indian Reservation in south-central Montana, 40 minutes south of Billings, this day-use park preserves the log home, sacred spring, and farmstead of Chief Plenty Coups. This state park is a National Historic Landmark.

Plenty Coups (Aleek-chea-ahoosh, meaning "many achievements") was a man of war - and then a man of peace - whose vision has helped bridge a gap between two cultures. Recognized for his bravery and leadership, he was made a chief of the Apsáalooke (Crow) tribe by age 28.

When Plenty Coups gave up his nomadic ways in 1884, he became one of the first Apsáalooke to own and settle on a farm, which was deeded to him through the federal Indian Allotment Act. On his 320-acre tract, located a half mile east of Pryor, he opened a general store, built a home, and tilled the earth until his death in 1932 at age 84. At that time, as requested by Plenty Coups and his wife, Strikes the Iron, 195 acres of his land was made into a public park. Upon his death, the Apsáalooke people voted to designate him as their last traditional tribal chief.

This proposed lease would continue a farm and hay lease at Chief Plenty Coups State Park. This lease authorizes the lessee to plant and farm crops (wheat, barley, oats, alfalfa or hay grasses) on approximately 60 acres and to cut hay on approximately 40 acres. This lease also authorizes grazing of the farmland, typically to remove stubble after harvesting crops. 50% of the proceeds are dedicated to weed control on the park. This activity is allowed under the current management plan to maintain the historic aesthetics of the park, provide an effective and economic method for vegetation management, and to reduce potential fire fuels. In Chief Plenty Coups trust deed, he directed that the "house, spring, grove and trees" and the "park and recreation grounds" be maintained "by allowing a reliable tenant the use of the remainder of this land".

This method of managing the non-cultural areas of the park has been utilized since the 1980's, furthermore agricultural use of the land has been present since the Chief's house began construction in 1884. These areas of the park are in good condition and this proposed lease will perpetuate this good condition.

9. Description and analysis of reasonable alternatives:

Alternative A: No Action: Agricultural lease will not be renewed, and agricultural lands will not be hayed.

- Grasses would continue to grow, however weeds would become more abundant.
- FWP would have to commit additional resources to weed management
- Risk of fire would increase.

Alternative B: Proposed Action: Agricultural lease will be renewed for the mutual benefit of lessee, MFWP, and wildlife.

- Continued positive relationship with local landowners in terms of providing means for cultivating hay.

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

PART II. ENVIRONMENTAL REVIEW CHECKLIST

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

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> 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 actions would result in no changes to soil conditions since there have been agricultural activities at this location since 1884.

2. <u>AIR</u> 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 regulations? (Also see 2a.)		X				

The proposed action would not change the ambient air quality at the Park. Any dust generated from crop management activities would be short in duration and limited to the agricultural land.

3. <u>WATER</u> 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				

Since the proposed lease is on dry cropland, it would not result in any changes to impacts on surface water, ground water, run-off or any water rights.

4. <u>VEGETATION</u> 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				
g. Other:		X				

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				

No impacts are anticipated to local wildlife since the project area has had agricultural activities since 1884.

B. HUMAN ENVIRONMENT

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

Haying equipment may temporarily increase noise levels for less than one week per year.

7. <u>LAND USE</u> 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				

8. RISK/HEALTH HAZARDS	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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 be used? (Also see 8a)		X				

9. COMMUNITY IMPACT	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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				

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> 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				

11. <u>AESTHETICS/RECREATION</u> 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				

Since the location of the proposed action has been used for agricultural use for many years, the continuation of the agricultural lease would not alter any new areas within the boundaries of the Park and not interfere with existing recreational activities.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> 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				

The proposed lease is not expected to impact any cultural or historical resources.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> 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				

PART III. NARRATIVE EVALUATION AND COMMENT

The action proposed by this environmental assessment is the renewal of a successful agricultural lease that covers approximately 100 acres of the 195-acre Chief Plenty Coups State Park. This lease, entered into between FWP and the neighboring landowner since 2001, has maintained the current condition of the property while providing resources for weed management. FWP has not determined any adverse impacts from the lease arrangement and proposes to continue it for another 10 years, ending on December 31, 2031, with the option to renew for another 10 years.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

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

- Two public notices in each of these papers: Billings Gazette and Helena Independent Record
- One statewide press release
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

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

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., May 19th, 2021 and can be mailed or emailed to the addresses below:

FWP Region 5 Office
Chief Plenty Coups EA
2300 Lake Elmo Drive,
Billings, MT 59105 or email: robert.seykora@mt.gov

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)? No, EA is the proper level of review.

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action. This project has very minimal impacts and is a continuation of the

Chief's wishes for farming practices to continue at the Park. The proposed lease will provide benefit to the park, lesser and its visitors.

2. Person(s) responsible for preparing the EA:

Aaron S. Kind
Chief Plenty Coups State Park Manager
1 Edgar Road
Pryor, MT 59066

3. List of agencies or offices consulted during preparation of the EA:

Montana Fish Wildlife and Parks Office Region 5
Montana State Parks Heritage Program

APPENDIX A
23-1-110 MCA
PROJECT QUALIFICATION CHECKLIST

Date: 04/19/21

Person Reviewing: Mike Ruggles

Project Location: Chief Plenty Coups State Park

Description of Proposed Work:

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

- [] A. New roadway or trail built over undisturbed land?
Comments:
- [] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments:
- [] C. Any excavation of 20 c.y. or greater?
Comments:
- [] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments:
- [] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?
Comments:
- [] F. Any new construction into lakes, reservoirs, or streams?
Comments:
- [] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments:

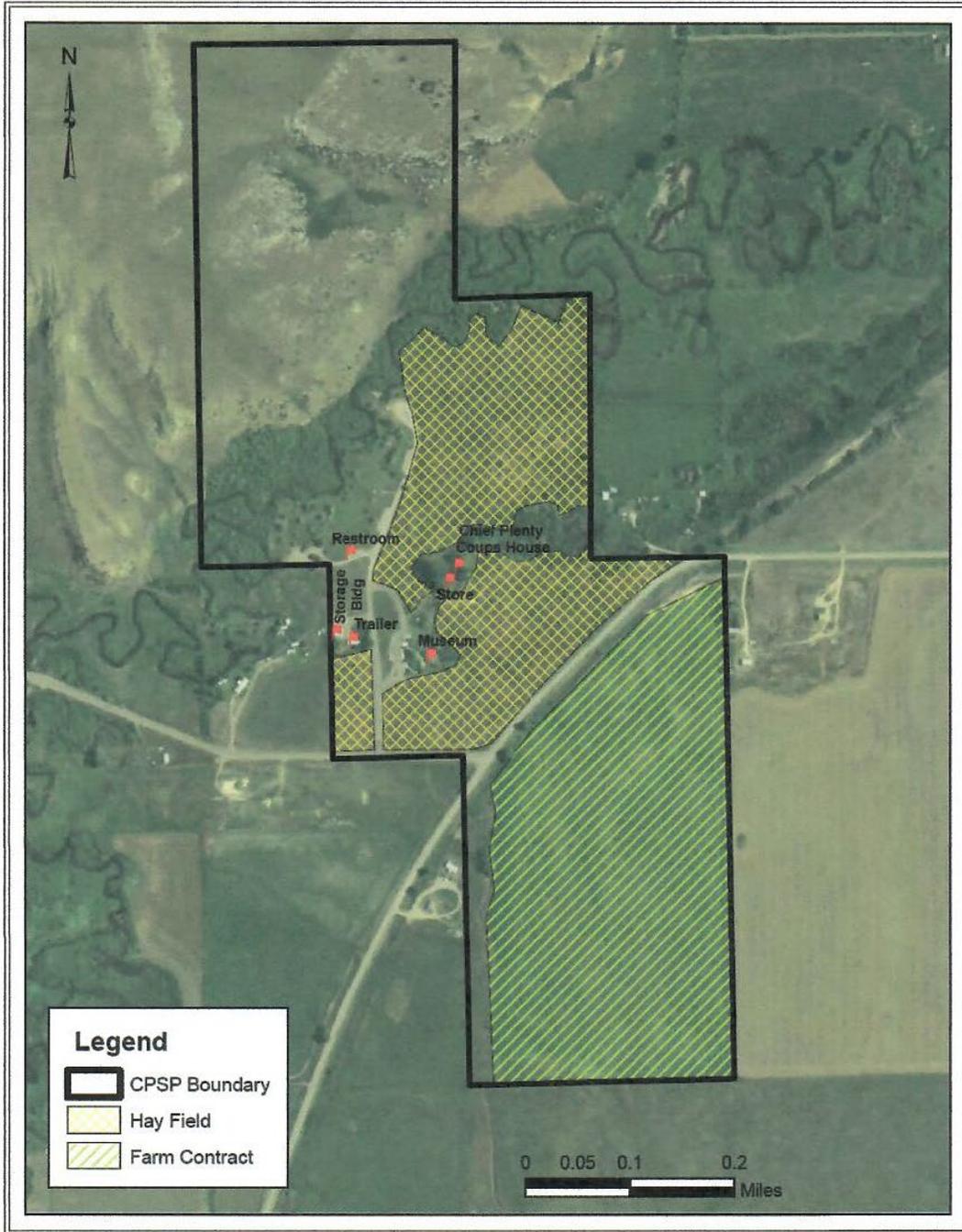
- H. Any new above ground utility lines?
Comments:

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

- J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?
Comments:

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

Appendix A- Site Map



Chief Plenty Coups State Park
Pryor, Montana