

**FINAL  
ENVIRONMENTAL ASSESSMENT  
CHECKLIST**

**Hilleman FAS  
Easement Acquisition & Development  
Miles City, Montana**

**FWP-CEA-POR-R7-25-006**

**October 23, 2025**



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# Checklist Environmental Assessment

The Montana Department of Fish, Wildlife and Parks (FWP) has prepared this Draft Environmental Assessment (EA) in accordance with the requirements of the Montana Environmental Policy Act (MEPA). The purpose of an EA is to identify, analyze, and disclose the impacts of a proposed state action. This document may disclose impacts that have no required mitigation measures, or over which FWP, more broadly, has no regulatory authority.

Local governments and other state agencies may have authority over different resources and activities under separate regulations. FWP actions will only be approved if the proposed action complies with all applicable regulations. FWP has a separate obligation to comply with any federal, state, or local laws and to obtain any other permits, licenses, or approvals required for any part of the proposed action.

## I. Compliance with the Montana Environmental Policy Act

*Before a proposed project may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.*

*FWP must prepare an EA when:*

- *It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
  - (i) a project, program, or activity initiated and directly undertaken by a state agency;
  - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
  - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.*
- *It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));*
- *FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));*
- *Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));*
- *The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or*
- *As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).*

*MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.*

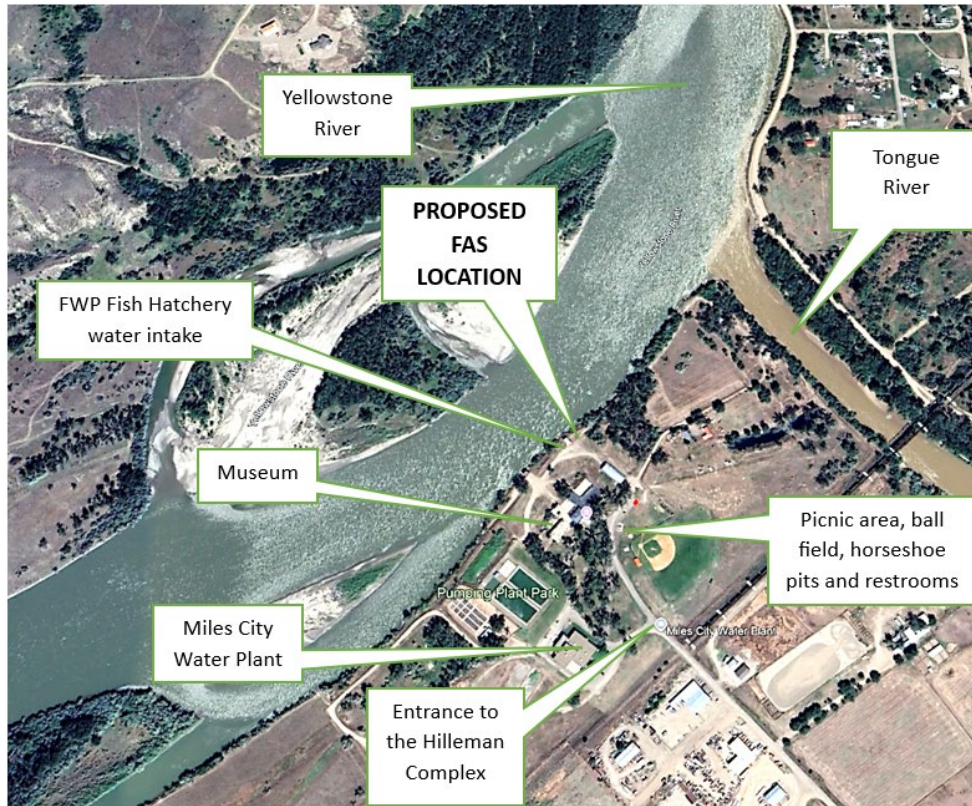
## II. Background and Description of Proposed Project

### **Name of Project:** Hilleman FAS

Montana Fish, Wildlife and Parks (FWP) proposes to acquire an easement on waterfront property and design, construct and manage a Fishing Access Site (FAS) along the Lower Yellowstone River (LYR) immediately upriver of Miles City (Figure 1 & 7). The proposed project site is on undeveloped public property owned by Miles City. No private property is included in any part of the proposed project. The project is proposed as a partnership effort between Walleyes Unlimited, Miles City and FWP. Public access to developed recreation areas along the LYR is currently limited and in areas where public access opportunities do exist, the resources are heavily utilized, and recreational opportunities are cherished. Toward that end, and building on a local initiative, a citizen-based Lower Yellowstone River Corridor Advisory Committee (advisory committee) was created in 2021 to help shape future opportunities for improved access along the LYR. Sponsored by the Governor and convened by FWP, the make-up of the 12-member advisory committee reflected the diversity of the area with members representing agriculture, recreation, conservation, and the local economy. Strong local support for the Hilleman FAS project has been demonstrated at three Walleyes Unlimited fund raisers with over \$150,000 raised specifically for the project. The Miles City Mayor and City Council unanimously supported donation of an easement on the river front property to FWP for use as a FAS.

The proposed Hilleman FAS is situated along the Yellowstone River in Custer County, less than a ½ mile upriver from the western edge of Miles City (Figure 1 & 7). The project would include a parking area, boat ramp and appropriate signage (Figure 4 & 5). The project would also include perimeter fencing and an extension of the existing riverbank armoring. Visitors to the FAS could utilize amenities at the adjacent Hilliman Complex, including restrooms, a picnic area, horseshoe pits, athletic fields, trails and shoreline fishing (Figure 1).

The proposed project represents a rare opportunity for FWP to acquire interest in a property in a good location for a high-quality boat ramp and sought after recreational opportunities along the LYR. The proposed project would provide new public access and recreational opportunities, thereby helping to fulfill priorities established by FWP and the advisory committee. If approved, the new FAS would be managed under and incorporated into FWP's Administrative Region 7 FAS Management Plan.



**Figure 1:** Existing conditions at the Hilleman Complex with facilities identified.



**Figure 2:** Proposed Hilleman FAS site, looking north. The Quonset on the left is storage for the Miles City Water Department and the white building in the distance houses the water intake for the FWP Fish Hatchery.



**Figure 3:** Picture taken from the FWP Fish Hatchery water intake building looking downriver (northeast) at the proposed boat ramp location.



**Figure 4:** Concept plan for the Hilleman FAS, aerial view.



Figure 5: Concept plan for the Hilleman FAS, looking south.

**Affected Area / Location of Proposed Project:**

- Legal Description
  - Latitude/Longitude: 46.40675, -105.86926
  - Section, Township, and Range: S31 T8N R47E
  - Town/City, County, Montana: Miles City, Custer County, Montana
- Location Map

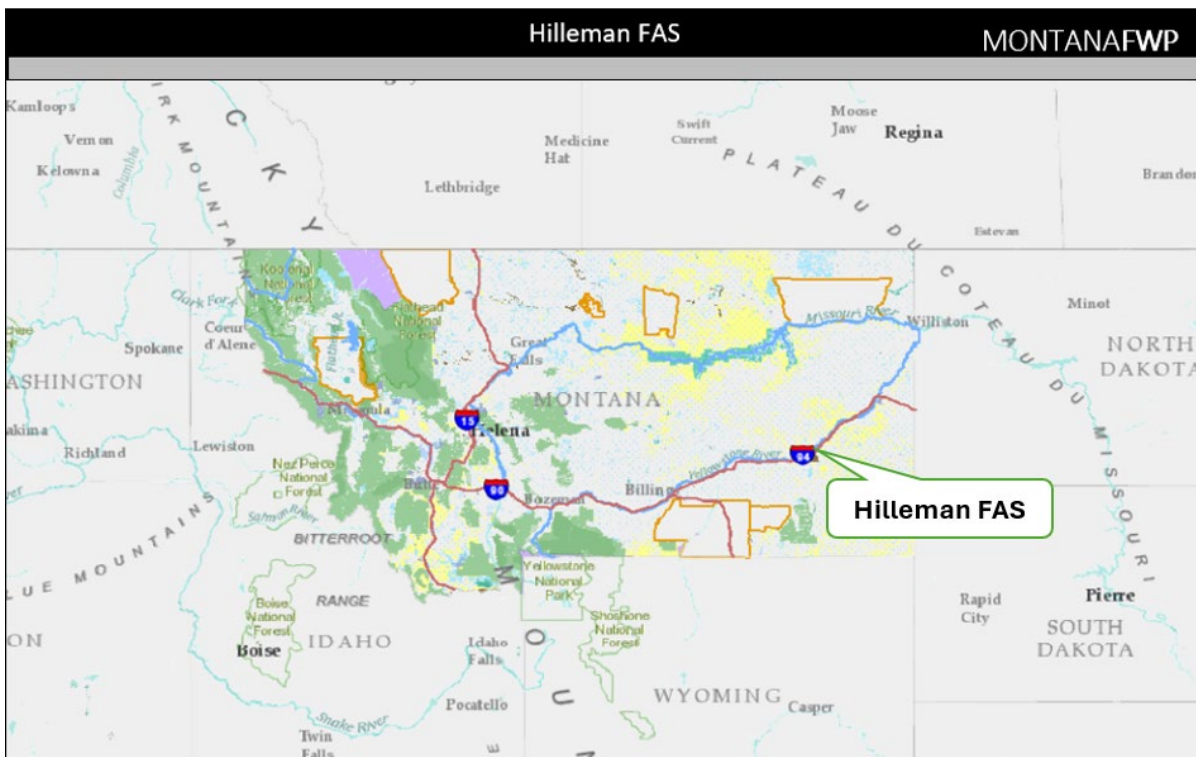
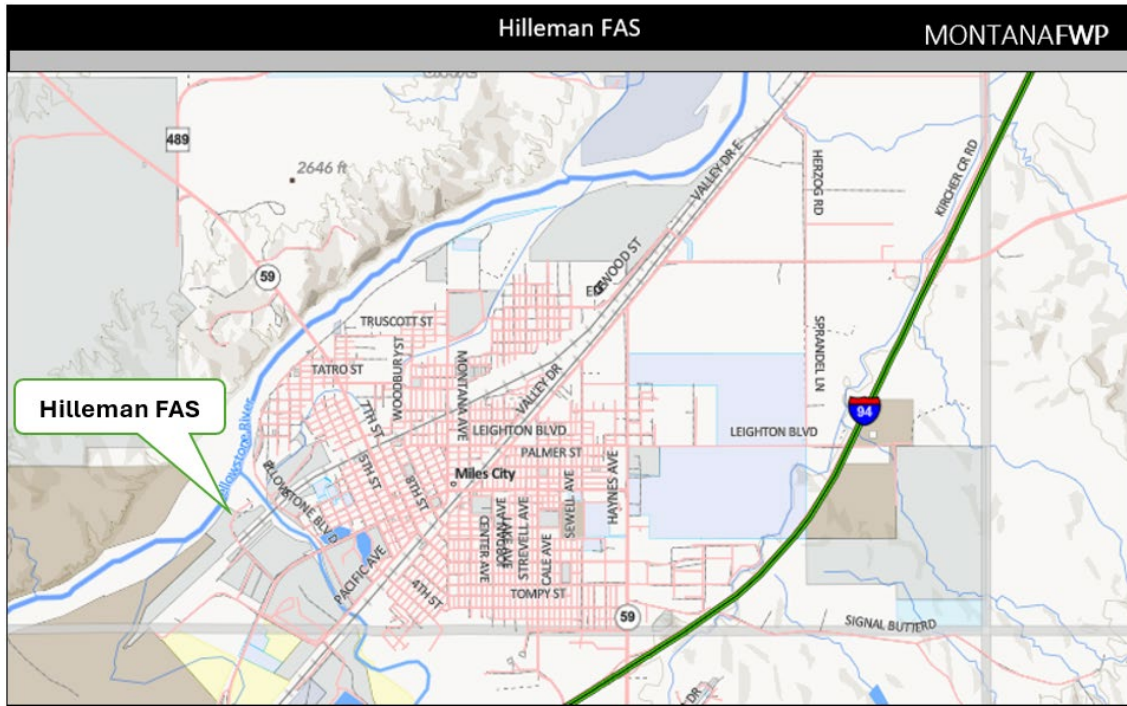


Figure 6: State of Montana map showing the proposed Hilleman FAS location.



**Figure 7:** Miles City area map showing the proposed Hilleman FAS location.

### III. Purpose and Need

*The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.*

The purpose of the proposed easement acquisition and the improvement project would be to manage the property as a public FAS with a boat ramp. The proposed project site is public property owned by Miles City and public access across the undeveloped property is permitted, however no recreational amenities exist. The project is proposed as a partnership effort between Walleyes Unlimited, Miles City and FWP. The FAS would provide a needed motorboat launch on the LZR in an area where formal access is limited. Upstream motorboat launch access is over 40 river miles away and the closest downstream boat launch from the proposed project is 11 miles. There is a FAS that provides a canoe and kayak launch nearby (Roche Jaune FAS, Figure 8 & 9), however motorized boats can utilize that site only during spring runoff when the water is deeper (about 4 weeks each year).

The needs that will be met by the proposed easement acquisition and the improvement project include:

- Provide public access to the LZR for motorized and nonmotorized boats in an area lacking reliable developed access. The proposed project is also near a population center (Miles City, Figure 7).
- Efficient use of limited acquisition and development funding by engaging active project partners (WU, Miles City). In addition, the proposed location is adjacent to an existing recreation area with infrastructure in place, including an access road, restrooms, picnic area, and trails (Figure 1).
- The proposed location is considered a long-term solution for motorized boat access within the Miles City reach of the LZR. The proposed project area is immediately downstream of the water intake structures for both Miles City and the FWP Fish Hatchery. The bank is stable, and river depth is adequate for a boat ramp that will function well at most river flows.
- The project will help alleviate congestion at upstream and downstream boat ramps while providing safe access to the LZR.



**Figure 8:** Roche Jaune FAS, Miles City (09/2025). Arrow indicates the location adequate water depth is present (>2') to float a boat off a trailer, 400 feet from the end of the boat ramp.



**Figure 9:** Roche Jaune FAS, Miles City (09/2025). The arrow locates an individual standing in 2' of water 400' from the end of the boat ramp.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

#### IV. Other Agency Regulatory Responsibilities

*FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).*

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.*

**Table 1: Federal, State, and/or Local Regulatory Responsibilities**

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP Heritage Program; Montana State Historic Preservation Office (SHPO)	Cultural Assessment/Survey	By Montana law (22-3-433 MCA), all state agencies are required to consult with the State Historic Preservation Office to identify heritage properties on land owned by the state that may be adversely impacted by a proposed action or development project.
Custer County	Floodplain Permit	A floodplain permit is required for projects within the floodplain. Portions of the development associated with the proposed FAS are in the floodplain.
US Army Corps of Engineers	Section 404 Clean Water Act	Regulate the discharge of dredge or fill material into navigable waters of the United States.
Montana Fish Wildlife and Parks	SPA 124 Permit	Protect and preserve fish and wildlife resources by regulating any government-led project that may impact a stream.
Environmental Quality (DEQ)	318 Authorization, Short-Term Water Quality Permit	Regulate water quality standards for total suspended sediment and turbidity resulting from stream related construction activities.
Montana Fish and Wildlife Commission	Easement Approval	The Montana Fish and Wildlife Commission sets policies and provides direction for the acquisition and management of Fishing Access Sites.

## V. List of Mitigations, Stipulations

*Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).*

**Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts**

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project
Noxious Weed Management Plan	Montana FWP, Custer County	Montana FWP Statewide Integrated Weed Management Plan.	Requires FWP to monitor and control the spread of noxious weeds at the site.
Cultural Resource Protection	Montana State Historic Preservation Office/FWP Heritage Program	Cultural Assessment and Inventory	A cultural resource inventory will be completed prior to any construction of the project. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation

## VI. Alternatives Considered

*In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.*

If the No Action Alternative is selected, FWP would not accept a no cost perpetual easement from Miles City for the construction and management of Hilleman FAS. The proposed improvement project would not proceed, and the benefits of the proposed action would not be realized. The proposed project site on the east side of the Hilleman Complex would remain undeveloped, and the property would not offer a public boat ramp to accommodate motorboats. The property would continue to be used for supply storage and equipment parking by the Miles City Water Department.

	Yes*	No
Were any additional and reasonable alternatives considered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

In addition to the proposed project and the No Action alternative, FWP analyzed the following alternative:

Alternative 3: Remove gravel that blocks use of the existing boat launch at Roche Jaune FAS in Miles City.

### DESCRIPTION OF REASONABLE ALTERNATIVE HERE

In addition to the proposed project and the No Action alternative, FWP analyzed the following alternative:

Clear all accumulated gravel and sediment from the Rouche Jaune FAS boat ramp and maintain a clear path to adequate water depth that will allow a motorboat to launch.

Maintaining clean, usable boat ramps on the free-flowing and unregulated LZR often requires annual removal of sand, silt and gravel that accumulate during high water. Clearing a boat ramp of accumulated material and properly disposing of it outside of the floodplain typically requires up to 8 hours of work at each LZR boat ramp using a small loader and a dump trailer. This average time to complete annual boat ramp maintenance is influenced by factors such as boat ramp design, river gradient, morphology, flow and volume. Launching a boat prior to this annual maintenance can be challenging but is typically possible as the quantity of material on the ramp is usually not significant enough to fully block the ramp or reduce water depth to the point a motorboat will not float off a trailer. Annual maintenance that provides a clear path to adequate water depth at Rouche Jaune FAS is not possible because the river channel shifted to the north, away from the boat ramp and a massive gravel bed was deposited at the base of the boat ramp (Figure 8 & 9) during a high-water event in 2011.

With the main channel moving to the north at Rouche Jaune FAS, the boat ramp now functions only during high flow / deep water in the spring. During the remainder of the year the boat ramp can be 400' or more from the water depth needed to launch a motorboat. Clearing a path through 400'+ of gravel and sediment could yield an estimated 9,000 cubic yards of material of material. Such a project would face significant permitting challenges and would be cost prohibitive to complete due to the needed labor and equipment. And with the high level of suspended sediment and bedload transport that occurs in the free-flowing LZR, any path cleared from the boat ramp to the river channel would be filled in during spring run-off the following year, creating the need for the work to be completed annually. These results have been seen in practice multiple times, albeit on a smaller scale, with annual gravel removal projects designed to maintain adequate water depth for agricultural irrigation systems to function properly on the LZR. Please reference the following information for discussion on sediment load levels and transport within the LZR:

1. Klimetz, L., A. Simon, and J. Schwartz. 2009. *Characterization of Suspended Sediment Transport Conditions for Stable, "Reference" Streams in Selected Ecoregions of EPA Region 8*. U.S. Department of Agriculture, Agriculture Research Service. National Sedimentation Laboratory Technical Report 61, Watershed Physical Processes Research Unit, Oxford, MS; and Zelt, R.B., G.K. Boughton, K.A. Miller, J.P. Mason, and L.M. Gianakos. 1999.
2. *Environmental Setting of the Yellowstone River Basin, Montana, North Dakota, and Wyoming*. Water-Resources Investigations Report 98-4269. USDI, United States Geological Survey, Cheyenne, Wyoming).

Rouche Jaune FAS remains a popular site to launch motorboats for a few weeks in the spring, launch canoes and kayaks throughout the recreation season and for picnicking and agate hunting. However, the site will only reliably function as a motorboat launch during the extended recreation season if the main channel of the LYR migrates to the south and is once again close to the boat ramp.

	Yes*	No
Were any additional alternatives considered and dismissed for cause?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review, is included below

## VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct, secondary, and cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** “are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 12.2.429(18).
- **Cumulative impacts** “means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.” ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency, and severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.

- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

If the No Action Alternative is selected, FWP would not accept a no cost perpetual easement from Miles City for the construction and management of Hilleman FAS. The proposed improvement project would not proceed, and the benefits of the proposed action would not be realized. The proposed project site on the east side of the Hilleman Complex would remain undeveloped, and the property would not offer a needed public boat ramp to accommodate motorboats. The property would continue to be used for supply storage and equipment parking by the Miles City Water Department.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See *Cumulative Impacts Analysis: Bannack State Park Accessibility Improvements; Table 3, Impacts on Physical Environment; and Table 4, Impacts on Human Population*, below.

## VIII. Cumulative Impacts Analysis

For the purposes of MEPA, "cumulative impact" means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when such actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures. ARM 12.2.429(7).

"Action" means a project, program or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan or other form of funding assistance from the agency, either singly or in combination with one or more other state agencies; or a project or activity involving the issuance of a lease, permit, license, certificate, or

other entitlement for use or permission to act by the agency, either singly or in combination with other state agencies. ARM 12.2.429(1).

Under the “No Action” alternative, the proposed project would not occur. Therefore, no cumulative impacts to the affected human environment would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project are measured. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s).

FWP is unaware of any future related actions that would cumulatively impact the affected human environment with consideration for the proposed project and/or any past and present actions. For the purposes of the proposed project, the cumulative impacts analysis applies to all resources analyzed under Alternative 2, Proposed Project. See Tables 3 and 4 of this Draft EA.

Table 3 - Potential Impacts of Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected from the proposed project. The proposed easement is permanent. The property is approximately 1.2 acres in size and is currently used for equipment and supply storage. The public has regular access to the property. Limited habitat exists at the proposed project site. Longterm, negligible, and adverse impacts to the abundance and movement of terrestrial and avian species would be expected during hours when FAS-users are actively engaged at the site. Human-wildlife conflicts are currently very low at the site and no charges are expected. Therefore, any impacts to terrestrial, avian, and aquatic life and habitats would be long-term, negligible, adverse, and consistent with current impacts at the existing property without the easement.</p> <p><b>Development:</b> No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected from the proposed project. The proposed project constitutes improvements to an area with existing public access with the goal of adding recreational amenities to improve the user-experience and improve safety and accessibility. Short-term, negligible adverse impacts to the abundance and movement of terrestrial and avian species would be expected during the construction phase of the proposed project. Following construction, long-term, negligible, and adverse impacts to the abundance and movement of terrestrial and avian species would be expected during</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									hours when FAS-users are actively engaged at the site. Therefore, any impacts to terrestrial, avian, and aquatic life and habitats would be short-term, long-term, negligible, adverse, and consistent with current impacts at the existing site.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to water quality, quantity and distribution would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to water quality, quantity and distribution would be expected because of the proposed project. The proposed project constitutes improvements to an area with existing public access with the goal of adding recreational amenities to improve the user-experience and improve safety and accessibility. The proposed project would not require the use of new water resources, nor would it significantly affect the distribution or quality of any existing water resources in the affected area. The addition of the crushed gravel for an improved access road and parking may cause minor changes to drainage; however, these developments would eliminate the potential for pioneered roads through the site, which could lead to erosion. Therefore, any impacts from the proposed project to water quality, quantity, and distribution would be long-term, negligible, adverse, and beneficial.</p>
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to geology would be expected because of the proposed easement. No unique geologic formations are located within the proposed FAS; therefore, no impacts to geology would be expected</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p>because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to geology would be expected because of the proposed project. No unique geologic formations are located within the proposed FAS; therefore, no impacts to geology would be expected because of the proposed project.</p>
Soil quality, stability, and moisture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts would be expected to soil quality, stability and moisture would be expected from the proposed project. The proposed project constitutes improvements to an area with existing public access with the goal of adding recreational amenities to improve the user-experience and improve safety and accessibility. New construction for the fishing access site would include a parking lot, signage, and boat ramp. Construction of the proposed project would result in impacts to soil compaction where the boat ramp would be developed. The proposed parking lot location currently serves as a parking lot and has already been compacted. Therefore, impacts would be long term and minor because of the proposed project.</p>
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed easement.</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p><b>Development:</b> No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The proposed project is to construct a boat ramp and parking lot in an area with limited vegetation that offers no quality wildlife cover. The City currently uses the area for storage and equipment parking and the majority of the site is gravel with volunteer grasses. The proposed boat ramp would impact various grasses and shrubs, but not species of special concern and no threatened and endangered species are observed at the site. Adjacent to the proposed project is a highly developed recreation area that includes athletic fields, trails, parking areas, picnic facilities, a museum, and other attractions. The entire recreation complex currently includes limited vegetation cover other than mowed lawn grass. Therefore, long term and negligible impacts would be expected because of the proposed project.</p>
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to aesthetics would be expected because of the proposed easement. The property is currently managed by the City and is used to store supplies and equipment. Public access is permitted and light use by people accessing the river from a nearby parking lot has been observed. An easement to FWP for the purpose of public recreation would include a requirement for regular maintenance such as mowing, noxious weed control and litter removal. These activities would improve aesthetics.</p> <p><b>Development:</b> No significant adverse impacts to aesthetics would be expected because of the proposed project. The proposed</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
										<p>project constitutes improvements to an area adjacent to the LYR and an existing recreation area with the goal of providing needed formal access to the river. There would be short-term, minor, and adverse impacts to site aesthetics during the construction phase due to the presence of equipment, construction materials and workers. Installation of designated parking, a boat ramp, perimeter fencing, signage and ongoing maintenance activities such as vegetation management and litter removal would provide long-term, minor, and beneficial impacts to aesthetics.</p>
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to air quality would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to air quality would be expected because of the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with/attainment for the applicable National Ambient Air Quality Standards (NAAQS). Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads, vehicle exhaust emissions, and various agricultural practices. No significant point-sources of air pollution exist in the area affected by the proposed project. Fugitive dust emissions resulting from construction of a gravel parking lot and a concrete boat ramp may adversely impact air quality. However, no air quality restrictions exist for the affected area and the</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
										proposed project would not be expected to cause or contribute to a violation of the applicable NAAQS for particulate matter. FWP anticipates that the use of the area would increase as a result of the improvement project however the project site footprint is small at one-acre and the access road is paved, reducing the opportunity for fugitive dust and other impacts to air quality. Therefore, any impacts from the proposed project to air quality would be short-term, negligible, and adverse.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. No species of concern and Threatened or Endangered (T&amp;E) species are observed at the project site however some species can be found in the affected area. T&amp;E species in the affected area include:  <b>Interior least tern</b> (<i>Sternula antillarum</i>)  <b>Northern long-eared bat</b> (<i>Myotis septentrionalis</i>)  <b>Pallid sturgeon</b> (<i>Scaphirhynchus albus</i>)  <b>Piping plover</b> (<i>Charadrius melodus</i>):</p> <p>This is not a complete list of T&amp;E species in the affected area. The construction of a gravel parking lot and concrete boat ramp should not displace any T&amp;E species as the areas where these improvements would be located do not</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									have the needed habitat and have traditionally been utilized by City employees and members of the public. The proposed FAS is not expected to produce new public use of the LYR that will impact T&E species. Therefore, any impacts from the proposed project to unique, endangered, fragile, or limited environmental resources would be long-term, negligible, adverse, and consistent with current impacts at the proposed project site.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to historic and archaeological sites would be expected because of the proposed easement or project. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded and are eligible for the National Register of Historic Places, they will be protected from adverse impacts through adjustments to the project design or cancellation of the project if no design alternatives are available.</p> <p>Previously identified historical sites near the project area include the Lewis and Clark Historic Trail (24CR1264), the Yellowstone River Bridge (24CR0680), the Fort Keogh historic district (24CR0462), the Tongue River Cantonment</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	
									<p>(24CR0665), and the Miles City Water Works Museum National Historic Property (24CR0463).</p> <p>If cultural resources are unexpectedly discovered during project implementation, FWP would cease implementation and contact FWP's Heritage Program for further evaluation. This FAS, proposed easement, and proposed project is on City land and would be managed by FWP under a proposed perpetual easement. Therefore, no or negligible impacts to historical and archeological sites from the proposed project would occur and the outcome would be consistent with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510).</p>
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. The affected land would be developed as an FAS and would not place additional demands on the environmental resources of land, water, and air. Fuel would be required to operate equipment and vehicles used to develop and maintain the proposed project. The proposed project would be designed to be low maintenance. Therefore, any impacts from the proposed project to demands on environmental resources of land,</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									water, air, and energy resources would be short-term, long-term, negligible, and adverse.

Table 4 - Potential Impacts of Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to social structures and mores would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to social structures and mores would be expected because of the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. Therefore, no adverse impacts to existing social structures and mores in the affected area would be expected because of the proposed project.</p>
Cultural uniqueness and diversity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to cultural uniqueness and diversity would be expected because of the proposed easement. Accepting a perpetual easement to manage the property as a FAS, would bring people to the river for outdoor recreation opportunities. Therefore, any direct impacts from the easement at the property on cultural uniqueness and diversity would be long-term, negligible to moderate, and beneficial.</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p><b>Development:</b> No significant adverse impacts to cultural uniqueness and diversity would be expected because of the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. The proposed project would not be expected to result in any relocation of people into or out of the affected area. Therefore, no impacts to existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.</p>
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> There would be no significant adverse impacts to the access to and quality of recreational and wilderness activities from the proposed easement. The subject site is not located in or adjacent to a wilderness area. Accepting an easement to manage the property as a FAS would increase recreation opportunities for the public.</p> <p><b>Development:</b> There would be no significant adverse impacts to the access to and quality of recreational and wilderness activities from the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. No wilderness areas exist within the proposed project area; therefore, no impacts to access to and quality of wilderness activities would occur. Noise, odors, and fugitive dust resulting from construction activities could adversely impact the quality of the recreational experience for some users of the adjacent recreation area, however, any adverse impacts would be short-term and</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									minor, and once the construction phase is completed, no additional adverse impacts would be expected. As part of the proposed project, a boat ramp and parking area would be constructed. The proposed project would enhance the quality of recreation in the area. Therefore, any impacts from the proposed project to the access to and quality of recreational and wilderness activities would be short-term, long-term, minor, adverse, and beneficial.
Local and state tax base and tax revenues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to the local and state tax base and tax revenue would be expected because of the proposed easement. The lease agreement would provide recreational opportunity for the public which is expected to increase state and local tax revenues from the sale of fuel, supplies and/or outdoor recreation equipment from visitors to the area. Therefore, any impacts from the proposed lease agreement to local and state tax base and tax revenues would be long-term, negligible, and beneficial.</p> <p><b>Development:</b> No significant adverse impacts to the local and state tax base and tax revenue would be expected because of the proposed project. The proposed project constitutes improvements to recreation facilities with the goal of providing needed formal river access. The proposed project would be expected to increase state and local tax revenues from the sale of fuel, supplies and/or equipment needed to complete the project. The completed facility would attract local and regional use for the life of the facilities. Therefore, any impacts from the proposed project to local and state tax base and tax revenues would be short-term, long-term, negligible, and beneficial.</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to agricultural or industrial production would be expected because of the proposed Easement. The easement is for existing City land and is not related to agricultural use or industrial production in any way. Therefore, the acquisition and development of the property as a FAS would have no impact on agricultural or industrial production.</p> <p><b>Development:</b> No significant adverse impacts to agricultural or industrial production would be expected because of the proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. No agricultural or industrial production currently occurs at this location. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.</p>
Human health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to human health and safety would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to human health and safety would be expected because of the proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. Formal access including a boat ramp and parking would reduce safety concerns and conflicts with high use at other LYR boat ramps. Therefore, any impacts from the proposed project on human health and safety would be long-term, minor, and beneficial.</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to the quantity and distribution of employment would be expected because of the proposed lease agreement.</p> <p><b>Development:</b> No significant adverse impacts to the quantity and distribution of employment would be expected because of the proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. Some impacts to the local quantity and distribution of employment may be realized because contracted services would be used to develop the proposed project. Improved recreational opportunities may result in higher use and an associated increase in demands for local services. Increased demands for services could result in increased need for seasonal or long-term local employment. Because the proposed project area is already experiencing a high level of use, any increase in employment necessary to accommodate additional use would likely be limited. Therefore, any impacts from the proposed project to the quantity and distribution of employment would be short-term, long-term and negligible to minor.</p>
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The property is currently owned by the City and a new easement for recreation access would create no changes or impacts to the distribution and density of population and housing.</p> <p><b>Development:</b></p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
										No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. The proposed project would not be expected to result in the movement of existing or new populations into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing needs would be expected because of the proposed project.
Demands for government services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b>  Minor impacts on the demands for government services would be expected because of the proposed easement. Under city ownership, the site was managed as a storage area for the City Water Department and public access across the property to the river was permitted. The easement would allow for formal public recreation at the site which would create additional needs for law enforcement, maintenance, and other FWP staff, as well as periodic local agency presence. FWP staff have devoted time to the potential easement of the property and have participated in meetings regarding the development and management of the site. This effort has resulted in concept plans, and estimates associated with the site development proposal as well as this environmental assessment. Therefore, any direct impacts on the demands for government services associated with an easement for this property would be short-term, long-term, minor, and adverse.</p> <p><b>Development:</b>  No significant adverse impacts on the demands for government services would be expected because of the</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. The proposed improvements may place additional demands on FWP staff for upkeep of the improved facilities and added services associated with improvements to the existing FAS. Therefore, any impacts from the proposed project on demands for government services would be long-term, minor, and adverse.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b><u>Easement:</u></b> No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed easement. The site is approximately 1 acre and is currently used periodically by the City Water Department for industrial purposes. That use would be displaced to other nearby available City land and would not create a hardship. No other industrial, agricultural, and/or commercial activity occur at the site. Therefore, impacts to industrial, agricultural, and commercial activity would be long-term, minor and adverse because of the proposed easement.</p> <p><b><u>Development:</u></b> No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. The proposed project area is currently used periodically by the City Water Department for industrial purposes. That use would be displaced to other nearby available City property. No other impacts to any Industrial, agricultural, and/or commercial activity would occur because of the project.</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures	
	Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate		Major
										Therefore, long-term, minor and adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts to locally adopted environmental plans or goals would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts to locally adopted environmental plans or goals would be expected because of the proposed project. The proposed project constitutes improvements to City land with the goal of adding recreation facilities and formal river access. The affected property is currently used by the City Water Department and allows public access to the river. This project would encourage increased public access, in line with FWP and LYR Advisory Committee’s objectives for the affected area. Effectively, the proposed project would satisfy the local goal to improve public access to the LYR as described in the Recommendations for Improving Public Access, Habitat Conservation, and Management of the Lower Yellowstone River Corridor (2021). FWP is unaware of any other locally adopted environmental plans or goals that might be impacted by the proposed project. Therefore, any impacts from the proposed project on locally adopted environmental plans and goals would be long-term, major, and beneficial.</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Easement:</b> No significant adverse impacts would be expected because of the proposed easement. FWP is unaware of any other appropriate social and economic circumstances that might be impacted by the proposed project. Therefore, no impacts would be expected because of the proposed easement.</p> <p><b>Development:</b> No significant adverse impacts would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that might be impacted by the proposed project. Therefore, no impacts would be expected because of the proposed project.</p>

**Table 6: Determining the Significance of Impacts on the Quality of the Human Environment**

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP’s decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.</p>	
<b>Criteria Used to Determine Significance</b>	
1	<p>The <b>severity, duration, geographic extent, and frequency</b> of the occurrence of the impact</p> <p><b>“Severity”</b> describes the density of the potential impact, while <b>“extent”</b> describes the area where the impact will likely occur, e.g., a project may</p>

	<p>propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p><b>“Duration”</b> describes the time period during which an impact may occur, while <b>“frequency”</b> describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

## IX. Private Property Impact Analysis (Takings)

The 54<sup>th</sup> Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

**Table 7: Private Property Assessment (Takings)**

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No X
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>

<b>Does the proposed action result in taking or damaging implications?</b>	<input type="checkbox"/>	<input type="checkbox"/>
Taking or damaging implications exist if <b>YES</b> is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if <b>NO</b> is checked in response to question 4a or 4b.		
If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.		
<b>Alternatives:</b> The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person’s use of private property to constitute a taking.		

## X. Public Participation

*The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:*

- *An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).*
- *Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/news/public-notice>. Public notice will announce the availability of the Draft EA, summarize its content, and solicit public comment.*
- *Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.*
- *FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the Draft EA to those persons for review and comment (ARM 12.2.433(3)).*
- *FWP issues a biweekly press release containing all FWP public commenting opportunities.*
  - ***Duration of Public Comment Period:*** *The public comment period begins on the date the Draft EA is published on FWP’s website. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment period, as listed below:*

**Length of Public Comment Period:** 15 days

**Public Comment Period Begins:** October 23, 2025

**Public Comment Period Ends:** November 7, 2025

Comments must be addressed to the FWP contact, as listed below.

- ***Where to Mail or Email Comments on the Draft EA:***  
Name: Brian Burky, Region 7 POR Manager  
Email: [brian.burky@mt.gov](mailto:brian.burky@mt.gov)  
Mailing Address:  
MFWP Region 7  
PO Box 1630  
Miles City, MT 59301

## XI. Recommendation for Further Environmental Analysis

<b>NO</b> further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct <b>EIS</b> level review for the proposed action	<input type="checkbox"/>

## XII. EA Preparation and Review

	<b>Name</b>	<b>Title</b>
<b>EA prepared by:</b>	Brian Burky	R7 POR Regional Manager
<b>EA reviewed by:</b>	Garrett Jericoff	R7 POR Manager