

DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST

Lost River Wildlife Management Area Grazing Lease EA 2023-2030

12/23/22



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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. Description and Background of Proposed Project

This section includes a short description of the proposed project including the project sponsor/ applicant/ responsible party, the type of proposed action and the anticipated schedule of the proposed project.

Name of Project: Lost River Wildlife Management Area Grazing Lease 2023-2030

Description and Background of Proposed Project:

Montana Fish, Wildlife and Parks (FWP) proposes to initiate a grazing lease on the Lost River Wildlife Management Area (WMA) for 8 years starting in May 2023 and continuing until December 31, 2030. The Lost River WMA was initially acquired by FWP in 2012 with a 640-acre inholding added in 2017. There has not been a

grazing lease on the WMA since the property was acquired. However, due to the mixed ownership of pastures on the WMA, grazing has at times been allowed in exchange for resting of other DNRC and private lands.

The grazing system, as implemented, would include both FWP-owned property on the Lost River WMA and associated School Trust Land managed by the Department of Natural Resources. The grazing system would provide periods of deferment and rest to native pastures. Grazing on pastures composed primarily of FWP land would allow grazing between May 15th and October 15th. Grazing of native pastures would be managed through a rest-rotation grazing system. This entire grazing system would consist of approximately 2857 acres of FWP-owned property and 3571 acres of DNRC-owned property. The lessee would be permitted to graze 190-220 Animal Units annually.

Affected Area / Location of Proposed Project

- Legal Description

- Latitude/Longitude: 48.9934, -110.4486

- WMA Legal Description

Township 37 North, Range 9 East, P.M.M., Hill County, Montana.

All or parts of Sections 1, 2, and 3

Township 37 North, Range 10 East, P.M.M., Hill County, Montana

All or parts of Sections 4, 5, 6, 7, 8, 9, 10, 14, 15

The DNRC parcels that would be included in the proposed grazing system include parts of

Township 37 North, Range 10 E

All or parts of Sections 2,3,4,5,8,9,10,11,14,15,16,17.

- The Lost River WMA is located in northwestern Hill County. It is approximately 43 miles northwest of the city of Havre (Figure 1).

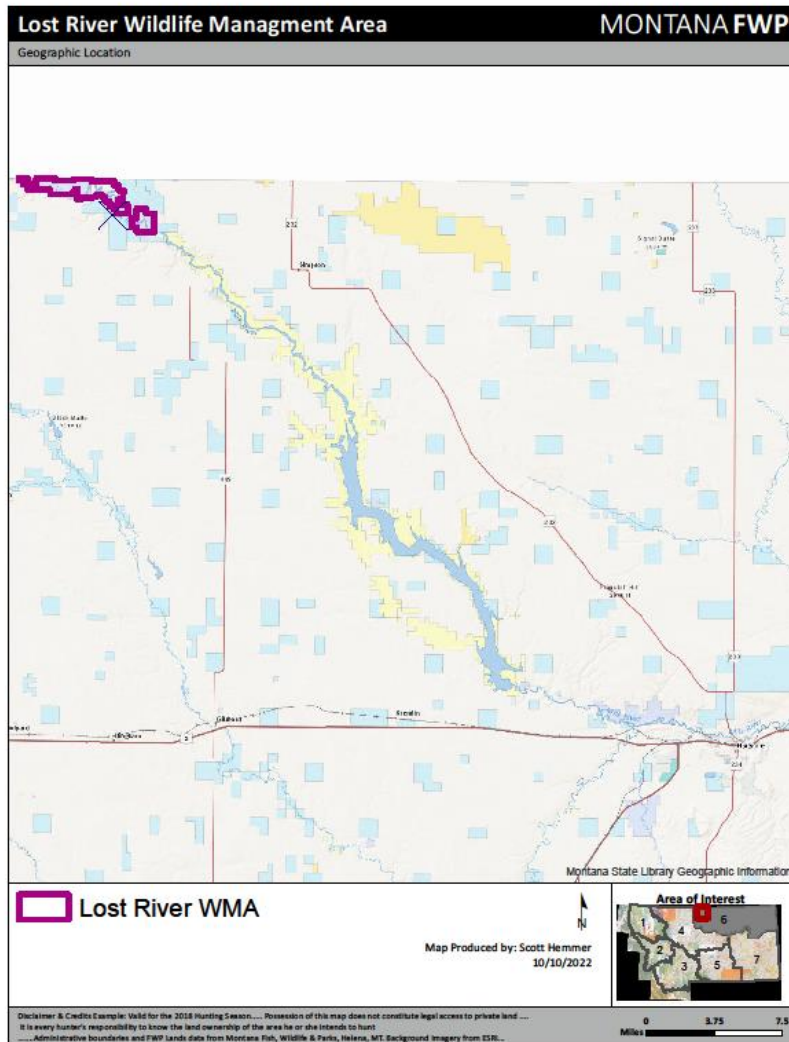


Figure 1. Lost River WMA location map

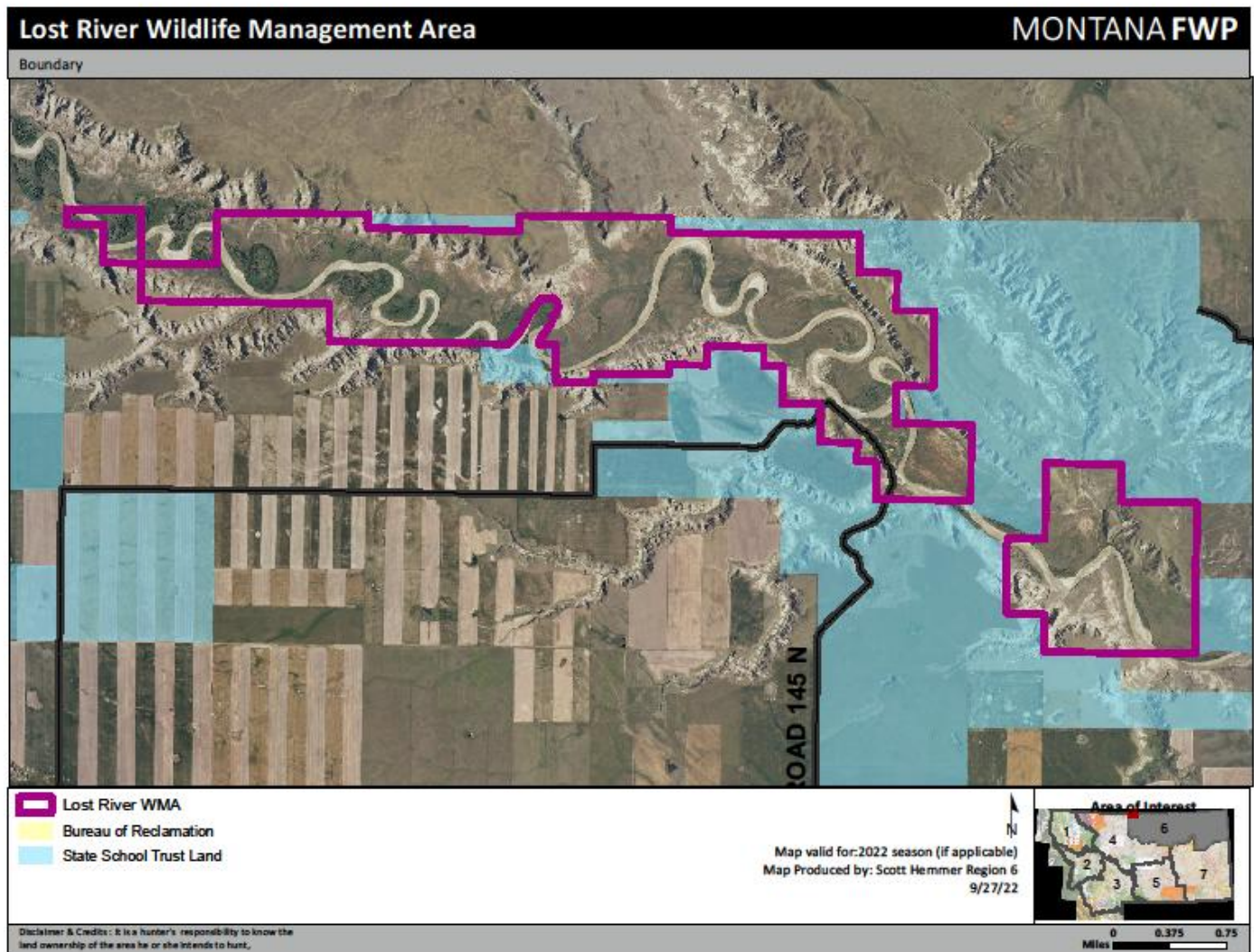


Figure 2. Lost River WMA Boundary

The grazing rotation on the WMA and DNRC property would follow the grazing plan in Table 2. The lessee would be allowed to bring 190-220 cow-calf pairs into the early pasture anytime between May 15th and July 15th. Livestock could then utilize the late pasture anytime between July 15th and October 15th when livestock would be moved off the WMA. There would be no late grazing in Pasture 1 (Fig. 3) due to the high use of this pasture by elk and hunters during the archery season and lack of fencing south of the river. There are three pastures (5, 6, and 7) which are mostly DNRC ownership. The pastures would each be rested for the entire grazing season once every four years. Pasture #4 is a non-native pasture that is dominated by crested wheatgrass. Therefore, this pasture would be grazed early and would also only be rested once every four years. Pasture #3 is fenced with adjacent private and Bureau of Reclamation leases. It would be the lessee's responsibility to acquire permission for grazing on these parcels or to install any needed fencing to prevent trespass of livestock onto these properties. The native pastures that consist mostly of FWP ownership would receive at least two years of consecutive year-long rest and at least three consecutive years of rest during the growing season.

Table 1. Lost River WMA pasture Animal Unit Month (AUM) calculations. Calculations based on range production in a normal year. <https://websoilsurvey.sc.egov.usda.gov/>. FWP AUMs are based on percentage of FWP ownership within each pasture.

	Pasture 1	Pasture 2	Pasture 3	Pasture 4	Pasture 5	Pasture 6	Pasture 7
Total AUMs	347	371	318	51	322	156	75
FWP AUMs	298	241	143	31	42	0	7

Table 2. Lost River WMA Proposed Grazing Schedule

	Pasture 1	Pasture 2	Pasture 3	Pasture 4	Pasture 5	Pasture 6	Pasture 7	Estimated FWP AUMS available
2023	A	B	C	A	C	D	D	577
2024	C	C	A	A	D	D	C	216
2025	C	C	B	A	D	C	D	223
2026	C	A	C	C	D	D	D	290
2027	A	B	C	A	C	D	D	577
2028	C	C	A	A	D	D	C	216
2029	C	C	B	A	D	C	D	223
2030	C	A	C	C	D	D	D	290

- A-- Available between May 15th-July 15th
- B-- Available between July 15th-October 15th. (Leaving date would be before Start of General Hunting Season)
- C-- Rest
- D-- Grazed According to DNRC Lease Terms (DNRC leases limit AUMs but do not restrict grazing dates. Lessee typically does not begin grazing until July in most years).

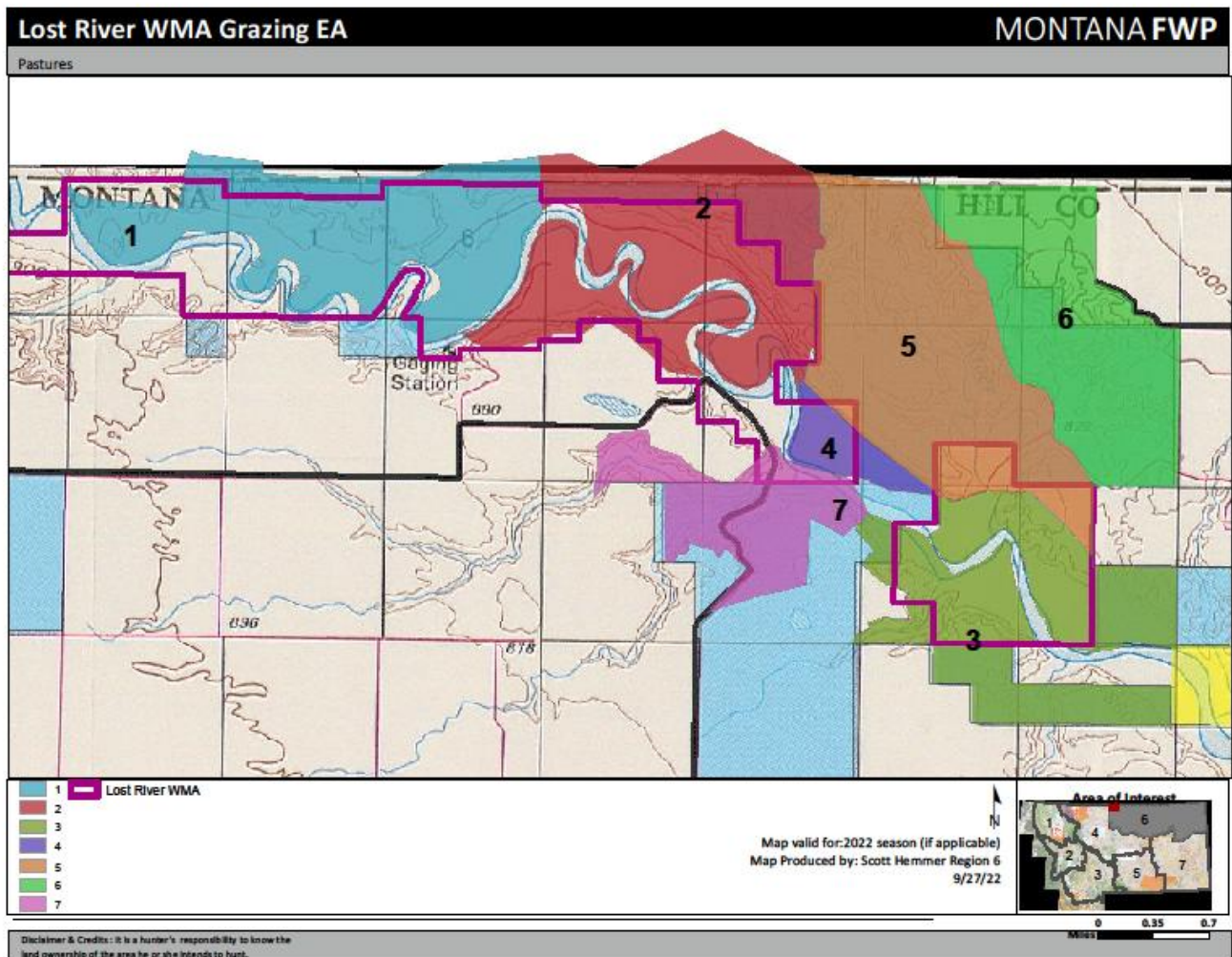


Figure 3. Lost River WMA Grazing System Pastures

III. Purpose and Need

The EA must include a description of the benefits and purpose 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.

Project Purpose and Benefits:

The proposed action is to establish a formal grazing system on the WMA. The grazing lease would run for 8 years from May 15th of 2023 through December 31st, 2030. The proposed grazing system would allow grazing on the Lost River WMA in a rest-rotation grazing schedule that would provide deferment and multiple seasons of growing season rest based on the rest-rotation grazing principles of Hormay (1970). In exchange for grazing allowed on portions of the Lost River Wildlife Management Area, adjacent DNRC pastures would be annually rested once every four years.

The anticipated benefits of the proposed grazing system on this WMA and adjacent leased lands would result primarily from the heterogeneity of grazing treatments and periods of rest provided by the rest-rotation grazing system and additional periods of yearlong rest on DNRC pastures.

- Rested pastures would provide areas with increased vegetation height and cover that would provide potential nesting, brood rearing, and security habitat for upland game birds, waterfowl, grassland songbirds, and other wildlife species that prefer habitats with taller, dense vegetation.
- The grazed areas would provide benefits of maintaining forage palatability, incorporation of organic matter and nutrients into the soil, and seed germination (McCarthy 2003). Grazed pastures also provide more open areas with shorter vegetation heights and less litter that are preferred habitats by many other species found on the WMA including chestnut collared longspurs, thick-billed longspur, long-billed curlew, horned larks, vesper sparrow, and western meadowlark (Salo et al 2004).
- Additional benefits of light-to-moderate livestock grazing include periodic removal of senescent residual grass, increased plant productivity, increased forage palatability (Phillips et al 1999) (Wilms et al 1979), increased seed germination, and incorporation of organic matter and nutrients into the soil.
- Livestock grazing can also help reduce fuel loads and decrease wildfire risk.
- The presence of a lessee on the property is a benefit through the maintenance of boundary fences associated with the grazing system and the identification and control of noxious weed infestations.

The proposed grazing system would have a positive impact on the larger landscape by providing year-long rest to adjacent parcels that consist primarily of DNRC ownership and deferment and rest to DNRC parcel located in pastures that are primarily FWP ownership. This entire grazing system would consist of 2857 acres of FWP owned property and 3571 acres of DNRC owned property.

This grazing lease would also provide economic benefits to the local community by helping maintain grazing opportunity for at least 190 cow-calf pairs. This grazing system would provide more stability to the DNRC grazing lessee and allow use of DNRC leases that lessee had previously been paying for but was unable to use due to the lack of fencing between these parcels and FWP, and the limited availability of water in some DNRC parcels.

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 2** below. **Table 2** provides a summary of state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. Rather, **Table 2** lists the primary state agencies with regulatory responsibilities, the applicable regulation(s) and the purpose of the regulation(s). 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 2: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
Montana Department of Natural Resources	Grazing Lease/Permitting	Regulation and management of grazing on School Trust Lands

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 3: 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 checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
Grazing Season Dates and Capacity	FWP	Lease Terms	Limit number of AUMs and Grazing Season Dates. Lack of compliance can result in termination of lease.	

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, FWP would not do the proposed project.

The "no-action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

	Yes*	No
Were any additional alternatives considered and dismissed?	<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

Other Alternatives Not Carried Forward for Detailed Analysis

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 Impact:** 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; and
- Alternative 2: Proposed Project

Table 4: Impacts to the Physical Environment – Alternative 2: Proposed Project

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Livestock grazing can have impacts on habitat productivity for both game and nongame fish and wildlife species. Light-to-moderate grazing pressure that is rotated seasonally will temporarily reduce upland nesting cover but may also keep perennial grasses and forbs in a more productive state through time. The effects of grazing will vary by wildlife species. Livestock use on the WMA may lead to disturbance and wildlife avoidance of pastures when cattle are present. Grazing on the WMA would be offset by rest on adjacent DNRC pastures. Species found on the WMA that have been shown to prefer areas that are grazed periodically include ungulates, Upland Sandpipers, Chestnut-collared Longspurs, Horned Larks, Killdeer, Western Meadowlarks, Common Nighthawks, Thick-billed Longspurs, and Canada Geese. Other species found on the WMA benefit from increased residual grass cover, such as Vesper Sparrow, Sprague's Pipit, Sharp-tailed Grouse, Ring-necked Pheasants, Grasshopper Sparrow, and several species of waterfowl and small mammals. These lists of species are not a complete list of wildlife species present on the WMA but represent the variety of species and their varying habitat preferences.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Livestock use could increase potential for increased water turbidity in the Milk River. Although grazing on FWP-owned properties will be offset by resting of DNRC-owned properties and not result in an increase in overall grazing pressure, the WMA is located closer to the river and would result in more grazing pressure adjacent to the Milk River. This could result in increased wading in streams, thus increasing turbidity while livestock are present. These impacts would be limited in both space and time and would not differ from existing use along the Milk River both upstream and downstream of the WMA.
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"/>	No impacts to geology are expected as the proposed grazing activities will not affect the geologic surface of the affected area. The affected area has historically been used for grazing; any impacts from the proposed project would be short-term, minor, and consistent with impacts from past practices.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hoof action from livestock grazing can have impacts on soil compaction and erosion under heavy grazing pressure. The proposed stocking rate on this WMA and the 3-4 years of growing season rest that native pastures would receive in the grazing rotation will minimize impacts to soil quality. Soil compaction could occur periodically in localized areas such as around water sources and mineral (salt) blocks.

Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grazing can impact the diversity, productivity, abundance, and standing cover of plant species. Livestock grazing can have both positive and negative impacts on vegetation productivity and diversity depending on how it is managed (e.g., timing, duration, and intensity of grazing). The proposed moderate stocking rate and the grazing rotation, which includes seasonal deferment and yearlong rest, should support productivity and overall health of native vegetation on the WMA. Livestock grazing does have the potential to increase the spread of seeds from noxious weeds. The Lost River WMA generally has had few noxious weed infestations. The most likely source for the spread or establishment of noxious weeds is from seed sources along the Milk River upstream of the WMA. Cattle grazed on this WMA are currently grazed on adjacent DNRC and private land leases and are unlikely to introduce new species of weeds that are not present in the larger area. Livestock may increase the spread of noxious weeds already present on the area (primarily thistle and knapweed) to other parts of the WMA or adjacent lands. Any potential establishment or spread of noxious weeds would be mitigated by annual weed monitoring by the lessee and FWP staff followed by chemical and/or biological treatment as part of ongoing weed management practices on Region 6 WMAs.
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The presence of livestock on the WMA may be viewed by some members of the public as offensive or impacting the recreational opportunities or scenic quality of the property. Livestock use would be completed prior to the general hunting season when historically the majority of public use on the WMA has occurred. Under the grazing plan, there would be pastures on both the WMA and DNRC land that would not have livestock present each year.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Odors produced by domestic livestock, while present on the WMA, may be objectionable to some members of the public. Increased odors for grazing on the WMA would be mitigated by a decrease in odors on rested DNRC pastures. Livestock would be removed from the WMA prior to the general hunting season when the majority of recreational use occurs.
Unique, endangered, fragile, or limited environmental resources	<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"/>	No significant impacts to unique, endangered, fragile, or limited environmental resources are expected due to the proposed project. There are no known endangered plant or animal species identified in the project area. There are also no known unique or limited environmental resources. The affected area has historically been used for grazing; therefore, any potential impacts will be short-term, negligible, and consistent with current impacts given the nature of the proposed action.
Historical and archaeological sites	<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"/>	No significant impacts to historical and archeological sites are expected because of the proposed project. FWP consulted with the Montana State Historic Preservation Office (SHPO) regarding historical and archeological sites when the property was purchased. The presence of

									a burial site and rock cairn were identified on the property. There were no historic buildings on the property. There may be other undocumented cultural resources in the area due to the past use of this area by Native American tribes. Grazing around these sites may result in impacts to these resources; however, because the proposed project area has historically been used to support grazing activities, any impacts to historical and archeological sites would be minor and consistent with past impacts.
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grazing can impact the diversity, productivity, abundance, and standing cover of plant species. Livestock grazing can have both positive and negative impacts on vegetation productivity and diversity depending on how it is managed (e.g., timing, duration, and intensity of grazing). Livestock on the WMA would utilize the Milk River as a primary water source in many of the pastures.

Table 5: Impacts to 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"/>	No impacts to social structures and mores in the affected area are expected as a result of the proposed project. The project is in a remote area and proposed grazing is consistent with historic practices in the area.
Cultural uniqueness and diversity	<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"/>	No impacts to cultural uniqueness and diversity in the affected area are expected as a result of the proposed project. The affected project area has historically been used for grazing and proposed action would not result in any additional impacts to cultural uniqueness and diversity.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The WMA would remain open to the public. The presence of livestock on the WMA may be viewed by some as decreasing the quality of recreational activities on the WMA. Livestock would be removed from the WMA prior to the general hunting season when most recreational activity occurs. The rest-rotation grazing system would ensure some pastures are free from livestock every year. The rest on associated DNRC lands may be viewed by some as increasing the recreational quality on these lands in years they are rested.
Local and state tax base and tax revenues	<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"/>	No impacts to the local and state tax base and tax revenue are expected as a result of the proposed action. The proposed action would maintain existing livestock numbers in the area and would not affect tax base or revenues.
Agricultural or Industrial production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grazing on the WMA would continue at a level consistent with past grazing practices, including the number of cows grazed. This lease

									would allow grazing for 8 years on the Lost River WMA. There would be 190-220 Animal Units allowed grazing on the WMA. Much of this grazing impact would be offset by rest on adjacent DNRC leases. Because the WMA is currently used for grazing the proposed project would not impact industrial production.
Human health and safety	<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"/>	No significant impacts to human health and safety in the affected area are expected as a result of the proposed project. The affected project area has historically been used for grazing; therefore, any potential impacts would be short-term, negligible, and consistent with current impacts given the nature of the proposed action.
Quantity and distribution of employment	<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"/>	No impacts to the quantity and distribution of employment in the affected area are expected as a result of the proposed project. The proposed action would maintain current number of animal units in the area and would not affect the quantity and distribution of employment.
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"/>	No impacts to distribution or density of population and housing in the affected area are expected as a result of the proposed project. The affected project area has historically been used for grazing and the proposed action would not create a need for additional housing or residents.
Demands for government services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There would be no significant impacts to the demands for government services expected as a result of this proposed project. There would be some initial costs to FWP to repair/replace some existing fencing. The lessee would be responsible for ongoing maintenance of these fences. There would be some additional costs to FWP during the term of the lease for monitoring and administration of the lease and for fencing supplies. There may be some additional traffic on county roads by the lessee related to livestock management activities. However, the affected project area and surrounding land has historically been used for grazing any potential impacts would be short-term , minor, and consistent with current impacts given the nature of the proposed action.</p> <p>There are approximately 1.5 miles of fencing that is currently in need of replacement and additional fencing may be identified for replacement in future years. Approximately 0.4 miles of fencing would likely need to be replaced in the next 6 years if a grazing lease is not approved.</p> <p>Additional Maintenance Costs expected if grazing lease is approved (approximate): Administrative costs related to monitoring of grazing system: \$400/year Fence Maintenance Supplies: \$1500 initial +\$400/year Fence Replacement: \$23,760</p>

									These additional costs would result in short-term and minor impacts to FWP.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This lease would allow grazing for 8 years on the Lost River WMA. There would be 190-220 Animal Units allowed grazing on the WMA. Much of this grazing would be offset by rest on adjacent DNRC leases. Any agricultural impacts would be minor and consistent with current impacts. Because the WMA has been historically used for grazing, no significant impacts to industrial or commercial activity are expected as a result of the proposed project.
Locally adopted environmental plans and goals	<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"/>	FWP is not aware of any locally adopted environmental plans or goals. thus no significant impacts to any locally adopted environmental plans or goals are expected as a result of the proposed project. The affected project area has historically been used for grazing; therefore, impacts would be consistent with current impacts given the nature of the proposed action.
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"/>	No significant impacts to other social and economic circumstances in the affected area are expected as a result of the proposed project. The affected project area has historically been used for grazing; therefore, any potential impacts would be consistent with current impacts given the nature of the proposed action.

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.</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>	
Criteria Used to Determine Significance	
1	The severity, duration, geographic extent, and frequency of the occurrence of the impact

	<p>“Severity” describes the density of the potential impact, while “extent” describes the area where the impact will likely occur, e.g., a project may 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>“Duration” describes the time period during which an impact may occur, while “frequency” 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

VIII. Private Property Impact Analysis (Takings)

The 54th 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)

	Yes	No	
<i>Is FWP regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Does FWP have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required</i>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>If so, FWP must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. Have alternatives been considered and/or analyzed? If so, describe below:</i>	<input type="checkbox"/>	<input type="checkbox"/>	
PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" 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 6.)	4	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" 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 checked="" 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"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Taking or damaging implications exist if YES 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 NO 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.			
Alternatives: 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.			

IX. 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/public-notices>
- 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 EA to those persons for review and comment (ARM 12.2.433(3)).
- FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.

Newspaper / Periodical	Date(s) Public Notice Issued
Havre Daily News	12/23/22
Great Falls Tribune	12/23/22

- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
 - **Duration of Public Comment Period:** The public comment period begins on the date of publication of legal notice in area newspapers (see above). Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment, as listed below:

Length of Public Comment Period: 15 days
Public Comment Period Begins: December 23rd, 2022
Public Comment Period Ends: January 6th, 2023

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

○ **Where to Mail or Email Comments on the Draft EA:**

Name: Scott Hemmer

Email: shemmer@mt.gov

Mailing Address:

2165 US Hwy 2 East

Havre, MT 59501

X. Recommendation for Further Environmental Analysis

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

XI. EA Preparation and Review

	Name	Title
EA prepared by:	Scott Hemmer	Havre Area Wildlife Biologist
EA reviewed by:	Eric Merchant	MEPA Specialist