

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Fish Creek WMA-Wustner Bee Lease

May 20, 2023



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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. Background and Description of Proposed Project

Name of Project: Fish Creek WMA-Wustner Bee Lease

Proposed Duration of Lease: June 2023 until October 2033; beehives may be placed in 2 locations starting June 15 and must be removed by October 1 of each year

Cost for Lessee: \$175/per year

Montana Fish, Wildlife & Parks (FWP) proposes to renew a beehive lease for approximately 40 hives on a 20 x 30-foot area within the Rehbein parcel and approximately 40 hives on a 20 x 30-foot area adjacent to Thompson Creek Road in

the Fish Creek Wildlife Management Area or FCWMA. The initial lease for both affected apiaries expired on October 1, 2022 and the proposed lease would extend from June 1, 2023 through October 1, 2033.

The apiary at the Rehbein location pre-dates FWP's purchase of the parcel in 2016 and has been active since that time. The apiary at the other location within the FCWMA has been operational since 2018. FWP has not experienced any negative issues associated with either location covered by the lease. The following conditions of the lease would be applicable to both apiaries:

- Lessee would be required to construct and maintain a multi-wire (4 wire or more) electric wire fence around the perimeter of the beehives at both locations; and
- If the fence failed at either location and a bear(s) were to get into the beehives, then the lessee would remove the beehives from the property immediately and FWP would reevaluate the terms of the lease. FWP would not lethally remove any bears for depredating the lessee's beehives on the FCWMA.

FWP may terminate the lease at any time if any of the conditions above were not met. In the Rehbein parcel the lessee would be allowed to access the property through a locked gate administered by FWP. The lessee would only be allowed to drive on roads that lead directly to and from the beehives to the locked gate. No off-road vehicle use is allowed on the FCWMA. The lessee would also be required to keep vehicles and equipment clean to prevent the spread of noxious weeds.

Affected Area / Location of Proposed Project:

- Legal Description
 - Location 1:**
 - Latitude/Longitude: 46.92867, -114.71535
 - Section, Township, and Range: T14N, R25W, portion of Sections 35
 - Town/City, County, Montana: FWP-owned lands located in Mineral County
 - Location 2:**
 - Latitude/Longitude: 46.887, -114.69
 - Section, Township, and Range: T13N, R24W, portion of Section 18
 - Town/City, County, Montana: FWP-owned lands located in Mineral County
- Location Map
 - Location 1:**

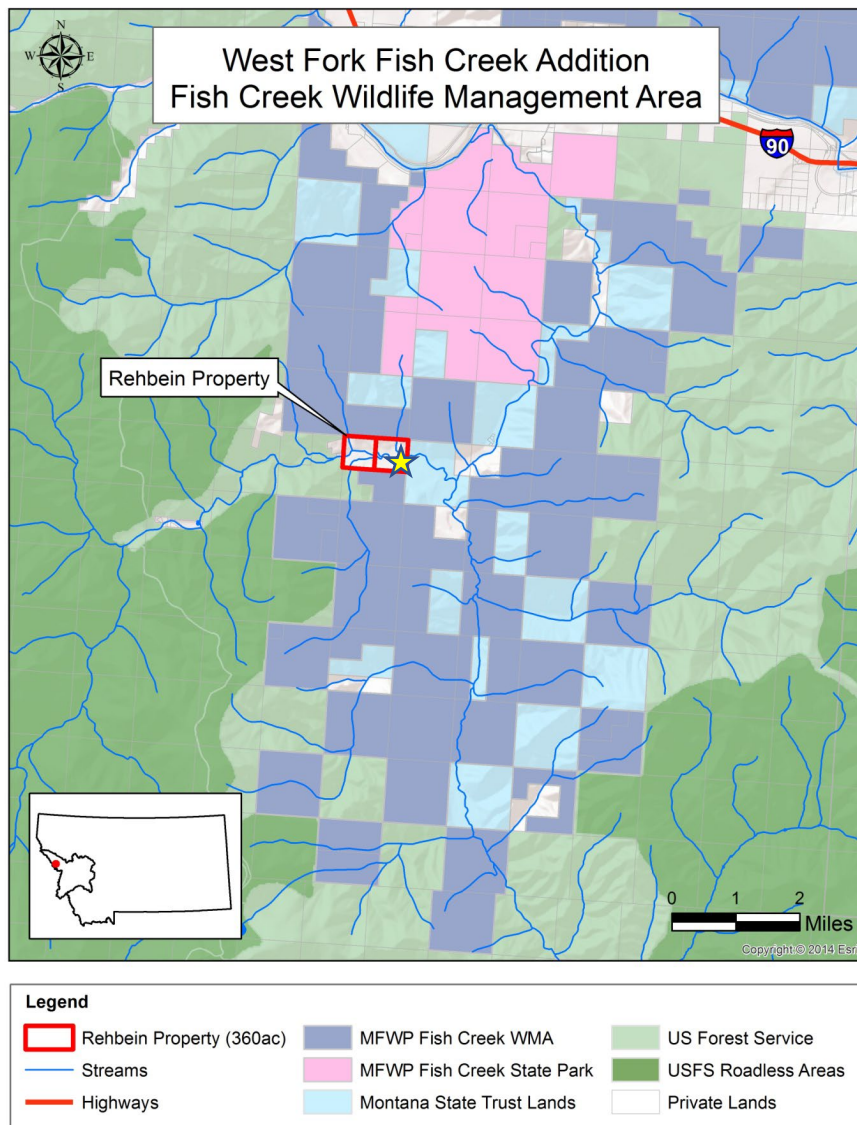


Figure 1. Location of recently acquired Rehbein parcel and location within the parcel for beehives in the Fish Creek WMA.

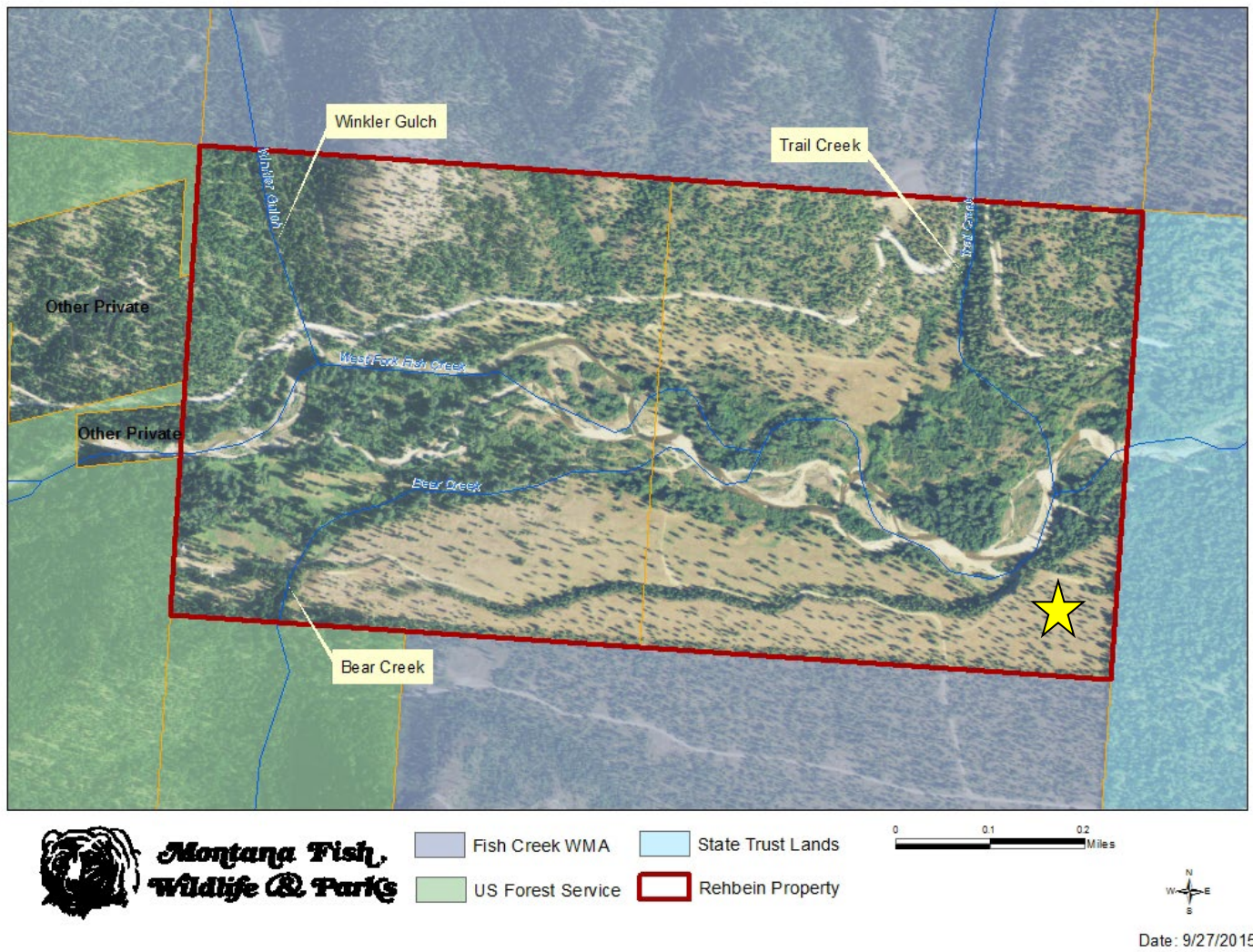


Figure 2. Location of recently acquired FWP-owned property in the West Fork of Fish Creek, Mineral County (T14N, R25W, S35) and proposed site of beehives.

Location 2:

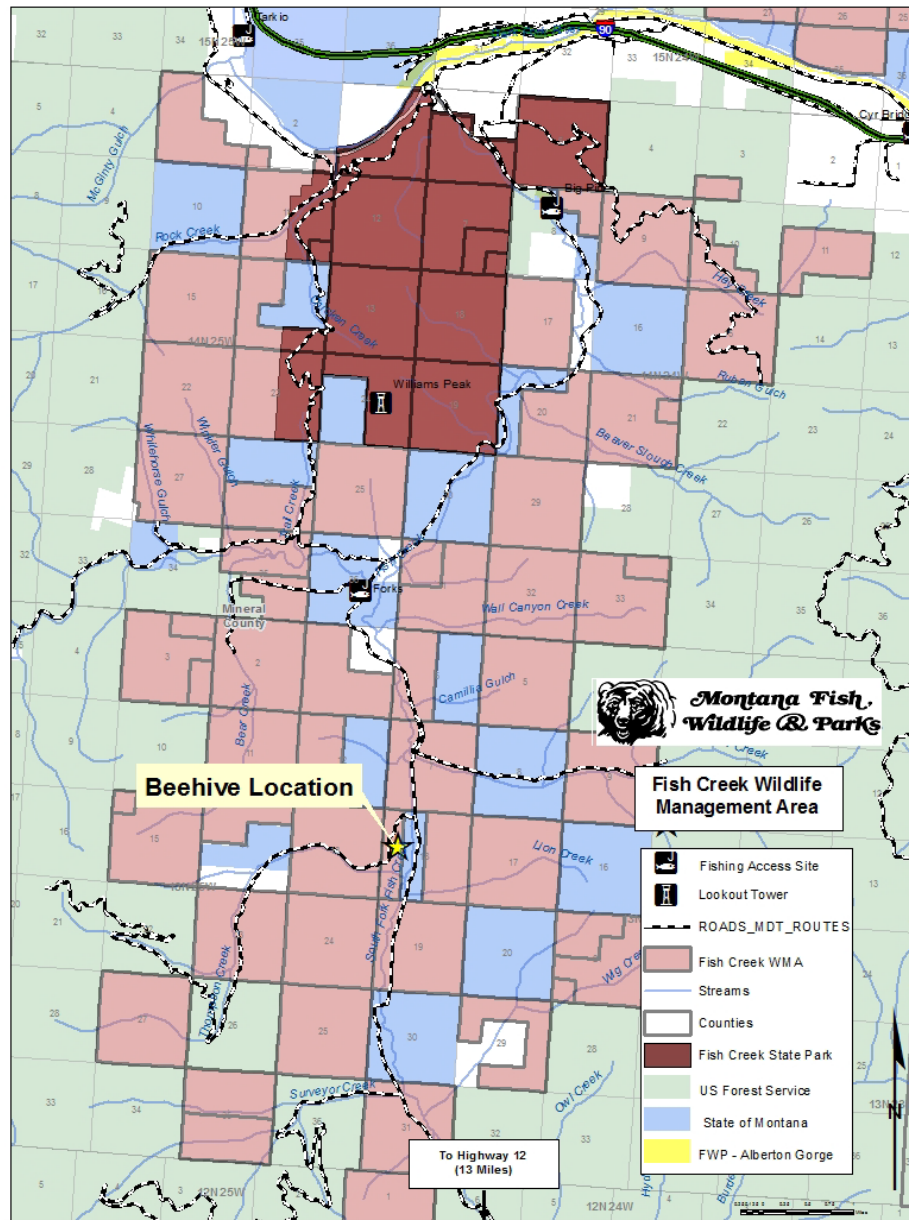


Figure 3. Proposed location for lessee's beehives on the Fish Creek WMA



Figure 4. Proposed location (aerial) for lessee's beehives on the Fish Creek WMA

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.

FWP proposes to renew a beehive lease for approximately 40 hives on a 20 x 30-foot area within the Rehbein parcel and approximately 40 hives on a 20 x 30-foot area adjacent to Thompson Creek Road in the FCWMA. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry and as such, can improve wildlife habitat by providing forage and cover for many species including deer, elk, and bears. The proposed project would facilitate ongoing benefits provided by locating bees within the affected area(s).

The following conditions of the lease would be applicable to both affected locations and apiaries:

- Lessee would be required to construct and maintain a multi-wire (4 wire or more) electric wire fence around the perimeter of the beehives at both locations;
- If the fence failed at either location and a bear(s) were to get into the beehives, the lessee would remove the beehives from the property immediately and FWP would reevaluate the terms of the lease.
- FWP would not lethally remove any bears for depredating the lessee's beehives on the FCWMA.
- FWP may terminate the lease at any time if any of the conditions above were not met.
- Lessee would be required to keep vehicles and equipment clean to prevent the spread of noxious weeds.

The following conditions of the lease would be applicable to the individual affected locations and apiaries, as noted:

- Rehbein parcel apiary. The lessee would be allowed to access the property through a locked gate administered by FWP. The lessee would only be allowed to drive on roads that lead directly to and from the beehives to the locked gate.
- Thompson Creek Road FCWMA apiary. No off-road vehicle use is allowed on the FCWMA; therefore, vehicle use would be prohibited when servicing the FCWMA apiary.

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 state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. Rather, **Table 1** 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 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
Montana State Historic Preservation Office (SHPO)	Cultural Assessment and/or Inventory	Identification and protection of historic and archaeological sites located within or near the proposed project area

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 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	
Noxious Weed Monitoring and Mitigation	FWP	Lease, FWP Noxious Weed Guidelines	Limit the spread of noxious weeds	
No Off-Road Vehicle Use on WMA	FWP	Lease, FWP Noxious Weed Guidelines Standard rules applicable to WMAs	Limit the spread of noxious weeds and protect the nature and purpose of the FCWMA	
Remove beehives immediately following a bear incident	FWP	Lease	limit the potential for human habituation of bears inhabiting the affected area	
Lease termination	FWP	Lease	Remove apiaries from Rehbein parcel and FCWMA	
Cultural Resource Protection	Montana State Historic Preservation Office/FWP Heritage Program	Cultural Assessment and Inventory	A cultural resource inventory will be completed prior to implementation 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, FWP would not do the proposed project.

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.

Under the No Action alternative, the existing lease would expire and neither affected apiary would be allowed on the affected properties. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry and as such, can improve wildlife habitat by providing forage and cover for many species including deer, elk, and bears. Under the No Action alternative, ongoing benefits provided by locating bees within the affected area(s) would not continue.

	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

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. 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.

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

See **Table 4** (Impacts on Physical Environment) and **Table 5** (Impacts on Human Population) below.

Table 4 - Potential Impacts of Alternative 2: 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry and as such, can improve wildlife habitat by providing forage and cover for many species including deer, elk, and bears. This list is representative but does not constitute a complete list of wildlife species present on the WMA. A primary objective of the WMA designation is to emphasize the occurrence of highly productive, diverse plant communities that provide high quality forage and cover for native wildlife species. Therefore, the proposed project would further the intent of the WMA designation. Therefore, any anticipated impacts would be long-term, beneficial, consistent with current and historical impacts, and moderate.
Water quality, quantity, and distribution	<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 adverse impacts would be expected because of the proposed project. Bees, and all other animals, need water to sustain life. Bees would use existing surface water resources located on and near the WMA and no new water resources would be needed for such purposes; therefore, no impacts to water quantity and distribution would be expected because of the proposed project. When present, livestock may congregate near existing water sources causing increased turbidity and deposition of wastes thereby impacting water quality in the affected area. Because the proposed action would continue historic grazing activities on the WMA any impacts to water quality would be minor and consistent with impacts realized by historic practices. Further, any adverse impacts to water resources located

									on the WMA would be mitigated by grazing rest and rotation strategies. Overall, any impacts would be short-term, adverse, minor, and mitigated by grazing rest and rotation strategies.
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 significant adverse impacts to geology would be expected because of the proposed project. No unique geologic formations are located within the WMA. Further, the proposed action would not result in any ground disturbance in the affected area. Therefore, no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<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 adverse impacts to soil quality, stability, and moisture would be expected because of the proposed project. The lessee would only be allowed to drive on roads that lead directly to and from the beehives to the locked gate. No off-road vehicle use is allowed on the FCWMA. No new roads or other ground disturbing activities or soil compaction would occur under the proposed action. Therefore, any impacts would be short-term, negligible, and consistent with past and existing impacts.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry and as such, can improve wildlife habitat by providing forage and cover for many species. The lessee would clear some vegetation in a 20 x 30-foot plot area to accommodate placement of the beehives and construction of the electric fence in both apiary locations. Therefore, a minor amount of impact to existing vegetation would be realized. Vehicular access would be limited to an existing WMA road leading to where the beehives would be placed; therefore, no new roads and associated disturbance to vegetation would occur. Use of the existing road would increase the potential for spread

									of noxious weeds along the road. According to FWP's Noxious Weed Management Plan, the lessee would be required to keep vehicles and equipment clean to prevent the spread of noxious weeds. FWP maintenance staff would monitor the area and implement noxious weed mitigation strategies including spraying to control any weed infestations, as necessary. Any impact to vegetation cover, quantity, and quality would be long-term, moderate, and beneficial and long-term, minor and adverse.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the aesthetic nature of the affected area would be expected because of the proposed project. Some individuals may realize long-term and minor adverse aesthetic impacts associated with seeing beehives in an otherwise natural setting. Beehives are generally located in agricultural and/or natural settings such as WMAs. Therefore, any viewshed impacts associated with the beehives would be long-term, consistent with impacts in WMAs, and negligible. Further, bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry. A primary objective of the WMA designation is to emphasize the occurrence of highly productive, diverse plant communities that provide high quality forage and cover for native wildlife species. Therefore, it is expected the proposed project would improve the aesthetic nature of the WMA by encouraging establishment of native plant and wildlife species on the affected landscape. Beneficial impacts to the aesthetic nature of the affected area are expected to be long-term and moderate.
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"/>	No significant adverse impacts to air quality would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQS). Further, no significant point-sources of

									air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). The proposed project constitutes ongoing operation of two apiaries on the WMA and, when completed, would not result in additional new air quality disturbance in the affected area. Fugitive dust and vehicle exhaust emissions resulting from the movement of heavy equipment and materials for the proposed project may adversely impact air quality. However, any impacts to air quality would be short-term, consistent with existing impacts, and negligible.
Unique, endangered, fragile, or limited environmental resources	<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 adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The presence of any animal and/or plant Species of Concern and any Threatened or Endangered species located within or using the affected area were assessed and include the following: Westslope Cutthroat Trout (<i>Oncorhynchus clarkia leisi</i>), Bull Trout (<i>Salvelinus confluentus</i>), Delicate Spikerush (<i>Eleocharis bella</i>), Lewis's Woodpecker (<i>Melanerpes lewis</i>), Black-backed Woodpecker (<i>Picoides arcticus</i>), Bald Eagle (<i>Haliaeetus leucocephalus</i>), Flammulated Owl (<i>Psiloscops flammeolus</i>), Yuma Myotis (<i>Myotis yumanensis</i>), Cassin's Finch (<i>Haemorhous cassinii</i>), Pileated Woodpecker (<i>Dryocopus pileatus</i>), Evening Grosbeak (<i>Coccothraustes vespertinus</i>), Pacific Wren (<i>Troglodytes pacificus</i>), Varied Thrush (<i>Ixoreus naevius</i>), Brown Creeper (<i>Certhia americana</i>), Northern Alligator Lizard (<i>Elgaria coerulea</i>), Western Skink (<i>Plestiodon skiltonianus</i>), Clark's Nutcracker (<i>Nucifraga columbiana</i>), Northern Rocky Mountains Refugium Stonefly (<i>Soyedina potteri</i>), Western Joepy-weed (<i>Ageratina occidentalis</i>), Northern Goshawk (<i>Accipiter gentilis</i>), Fringed Myotis (<i>Myotis thysanodes</i>), A Caddisfly (<i>Rhyacophila betteni</i>),

									<p>Veery (<i>Catharus fuscescens</i>), Long-eared Myotis (<i>Myotis evotis</i>), Fisher (<i>Pekania pennanti</i>), Grizzly Bear (<i>Ursus arctos</i>), Wolverine (<i>Gulo gulo</i>), Hoary Bat (<i>Lasiurus cinereus</i>), Little Brown Myotis (<i>Myotis lucifugus</i>), Small-flowered Pennycress (<i>Noccaea parviflora</i>), and Rocky Mountain Dusksnail (<i>Colligyrus greggi</i>). When completed, the proposed project is expected to increase wildlife habitat diversity and quality for many game and nongame species and plant life. Therefore, any impacts to unique, endangered, fragile, or limited environmental resources that may be located in the affected area would be long-term, beneficial, and minor.</p>
Historical and archaeological sites	<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>No significant adverse impacts to historic and archaeological sites would be expected because of the proposed 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 effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation and contact FWP's Heritage Program for further evaluation. Further, the WMA has historically been used for apiary operations. Therefore, no impacts to historical and archaeological sites would be expected because of the proposed project.</p>

Demands on environmental resources of land, water, air, and energy	<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 adverse impacts would be expected because of the proposed project. The WMA has historically been used for apiary operations. No increased use of fuel would be required for the proposed project; therefore, no impacts to the environmental resource of energy would be expected because of the proposed project. As identified previously through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some impacts to the environmental resources of land and air may occur because of the proposed project. However, any such impacts would be consistent with current and historic impacts. Therefore, any impacts would be short-term and negligible (see cited impacts analyses above). No other impacts to the demands on environmental resources of land, water, air, and energy would be expected because of the proposed project
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Table 5 - Potential Impacts of Alternative 2: 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"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would continue historic apiary operations on the WMA. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry. A primary objective of the WMA designation is to emphasize the occurrence of highly productive, diverse plant communities that would provide high quality forage and cover for native wildlife species. Many Montanans and those visiting the state for outdoor recreational purposes hold high regard for conservation of public lands, such as

									WMAs. Pollination of native plant species would further promote this objective of the WMA. The proposed project would not change current land use or human activities in the affected area. Further, honey produced by bees through the pollination process represents an important food source for Montanans' and people living across the United States. Locating the aviaries on the WMA would further this objective. Therefore, the proposed project would not impact any pre-project social structures, customs, values, and conventions in the affected 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 significant impacts would be expected because of the proposed project. The proposed project would continue historic apiary operations on the WMA and would not result in any new or changed employment opportunities. Therefore, the proposed project is not expected to result in any relocation of people in to or out of the affected area. No impacts to the existing human cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<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"/>	No significant adverse impacts to access or the quality of recreational and wilderness activities would be expected because of the proposed project. No Wilderness areas currently exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. The proposed project constitutes a new lease allowing aviary operations to continue on the WMA. No closures of public lands would occur because of the proposed project. Project implementation activities (installing the beehives) could impact the quality of the recreational experience for some individuals. Once the proposed project is completed no additional impacts would occur. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry. A primary objective of the WMA designation and experience is to emphasize the occurrence of highly productive, diverse plant communities that would provide high quality forage

									and cover for native wildlife species. Therefore, any impact to access and the quality of recreational and wilderness activities in the affected area would be short - term, adverse, and negligible and long-term, beneficial, and minor.
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"/>	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 a new lease allowing aviary operations to continue on the WMA and, when completed, would not result in changes to local or state taxes. The proposed project would be expected to increase state and local tax revenues from the production and sale of honey. Further, fuel, supplies and/or equipment would likely be purchased locally to complete construction of the project. Any impacts to the local and state tax base and tax revenue would be short -term and negligible.
Agricultural or Industrial production	<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"/>	No significant adverse impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. The proposed project constitutes a new lease allowing aviary operations to continue on the WMA. Locating the apiaries on the WMA would facilitate the production of honey as a by-product of pollination, which would beneficially impact local agricultural production. Any impacts to agricultural production would be long-term, beneficial, and minor. Because the affected area is not currently used for industrial production the proposed project would not impact such practices. Therefore, no impacts to industrial production would be expected because of the proposed project.
Human health and safety	<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 adverse impacts to human health and safety would be expected because of the proposed project. The proposed project constitutes a new lease allowing apiary operations to continue on the WMA. All operations would be managed by the lessee and the lessee is familiar with apiary operation and any associated human health and

									safety precautions necessary to prevent adverse impacts from such activities. Therefore, no impacts would be expected because of the proposed project.
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 significant adverse impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed project. The proposed project constitutes a new lease allowing apiary operations to continue on the WMA. All operations would be managed by the lessee and no new employment would be required for the proposed project. Therefore, no impacts would be expected because of the proposed project.
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 significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The proposed project constitutes a new lease allowing apiary operations to continue on the WMA. All operations would be managed by the lessee and no new employment would be required for the proposed project. Therefore, the proposed project would not result in the migration or emigration of people into or out of the affected area and no impacts would be expected because of the proposed project.
Demands for government services	<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"/>	No significant adverse impacts to the demands for government services in the affected area would be expected because of the proposed project. The proposed project constitutes a new lease allowing apiary operations to continue on the WMA. The proposed project would be managed by the lessee and no government staff would be needed for operational support. There may be a slight increase in government costs and time associated with increased, but consistent, noxious weed management strategies. Overall, any increase in noxious weed prevention would be negligible and consistent with past and existing practices. No additional demands for government services would be expected because of the proposed project. Any impacts would be long-term and negligible.

Industrial, agricultural, and commercial activity	<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"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project constitutes a new lease allowing apiary operations to continue on the WMA. All apiary operations would continue to be managed by the lessee. There may be a slight increase in government costs associated with increased, but consistent, noxious weed management strategies. Overall, any increase in noxious weed prevention would be negligible and consistent with past and existing practices. No additional demands for government services would be required for project implementation. Therefore, any impacts would be long-term, negligible, and consistent with existing and historic impacts.
Locally adopted environmental plans and goals	<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"/>	No significant adverse impacts would be expected because of the proposed project. The affected property is currently, and would remain, a designated WMA. Bees serve an important ecological role by pollinating native forbs and shrubs such as Serviceberry, Chokecherry, Snowberry, and Huckleberry. A primary goal of WMAs is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species. The proposed project would further such goals on the WMA. FWP strives to keep public lands free from noxious weed infestations. There may be a slight increase in government costs and time associated with increased, but consistent, noxious weed management strategies. Overall, any increase in noxious weed prevention would be negligible and consistent with past and existing practices. FWP is unaware of any other locally adopted environmental plans or goals that may be impacted by the proposed project. Therefore, any impacts would be long-term, beneficial, and consistent with historic impacts and minor.
Other appropriate social and economic circumstances	<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"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would not change current land use or human activities in

									the affected area. A primary goal of WMAs is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species as well as providing an appealing aesthetic value to the affected property by promoting native plant species in a natural environment. The proposed project would further such goals on the WMA. Further, honey produced by bees through the pollination process represents an important food source for Montanans' and people living across the United States. Locating the apiaries on the WMA would further this objective and continue to provide revenue for the affected lessee. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, any impacts would be long-term, beneficial, and minor.
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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	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <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>

	“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).
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 5)	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/aboutfwp/public-comment-opportunities>
- 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
Missoulian	May 20, 2023
Helena Independent Record	May 20, 2023
Mineral County Independent	May 24 th , 2023

- 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: May 20, 2023
Public Comment Period Ends: June 3, 2023

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

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

Name: RYAN KLIMSTRA

Email: ryan.klimstra@mt.gov

Mailing Address:

3201 Spurgin Road

Missoula, MT 59804

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:	Ryan Klimstra	Missoula Area Wildlife Biologist
EA reviewed by:	Eric Merchant	MEPA Coordinator