

**DRAFT**

**ENVIRONMENTAL ASSESSMENT**

**CHECKLIST**

**Clearwater Crossing FAS Site Improvements**

**09/19/2023**



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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:** Clearwater Crossing Fishing Access Site (FAS) Improvements

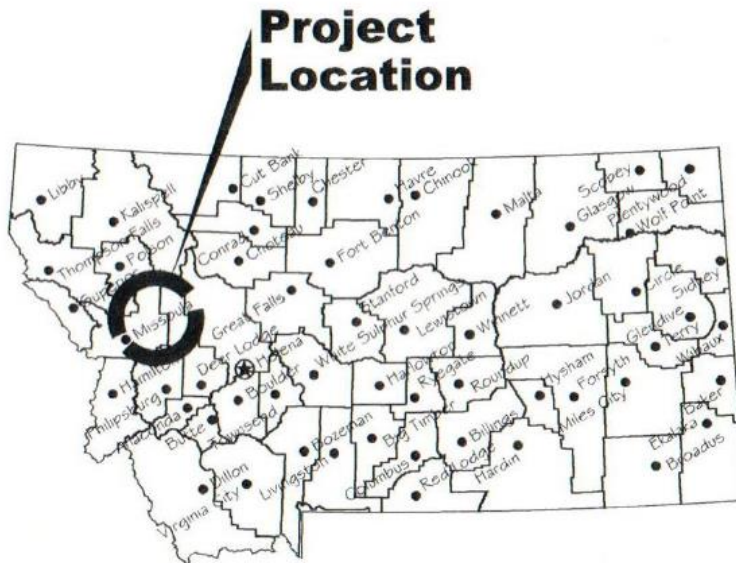
The Clearwater Crossing FAS is in the Blackfoot drainage along the Clearwater River, 30 miles east of Bonner on Highway 200. It is managed by Montana Fish, Wildlife, and Parks and is a highly popular site. Clearwater Crossing is used heavily by the public for river access and camping. The site is 16 acres in size and includes a day use area, one latrine, a pioneered hand launch, 6 campsites, and a gravel boat ramp with an undefined parking area.

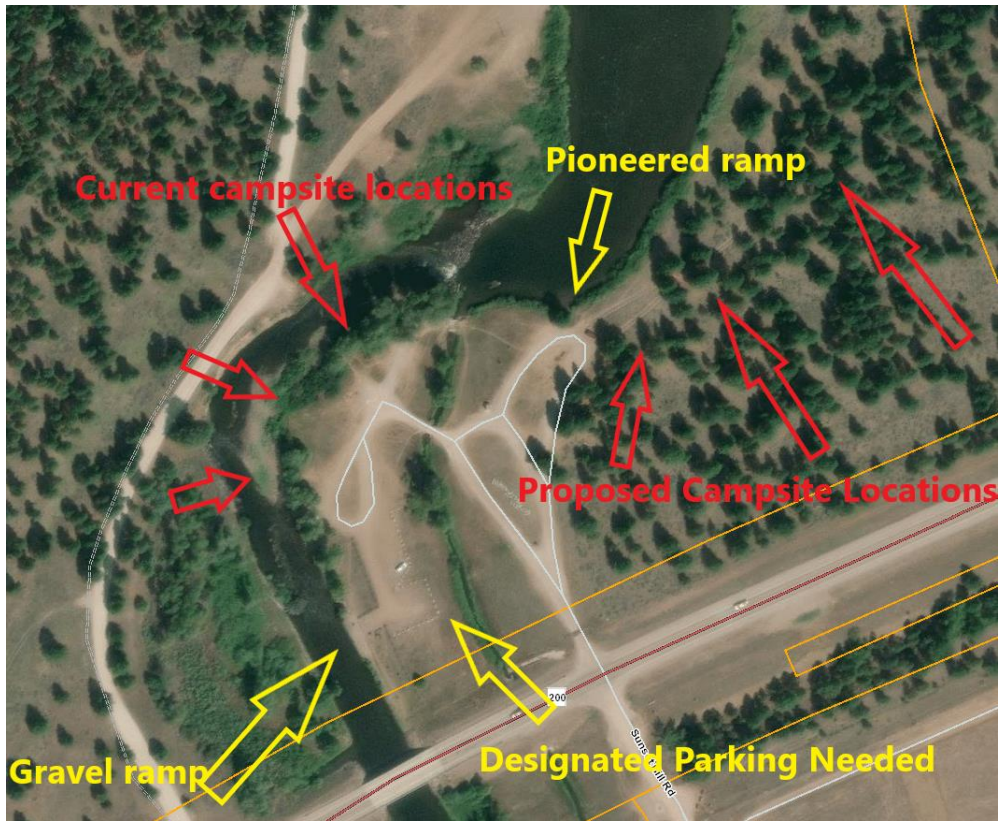
The original design of the site located the camps directly in the riparian area of the Clearwater River. This has caused erosion and a corresponding decrease in streamside vegetation. There is a more suitable location for

these campsites within the FAS boundaries. The project proposal would move the 6 campsites to the east into the treed area. The previous location of the campsites should be revegetated to improve aesthetics and stream health. A defined parking area for users of the boat ramp would also improve site vegetation and reduce erosion.

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

- Legal Description
  - Latitude/Longitude: 47.00106 -113.38001
  - Section, Township, and Range: Sec 4, T14N, R14W
  - Town/City, County, Montana: CLEARWATER CROSSING HWY 200, MISSOULA COUNTY, MONTANA





### III. Purpose and Need

The location of the current campsites in the riparian area is problematic. Human activity in the sites is eroding the banks and causing a loss of vegetation. The location of the campsites is also making it difficult to encourage vegetation growth.

The location of the campsites along the river also interferes with the boat ramp and parking area. This increases human conflict and leads to dissatisfaction of visitors. The undefined parking area near the boat ramp causes chaotic situations especially during peak use.

Moving the campsites to the east into a treed area with a sagebrush understory would solve many of the problems in the site and would increase satisfaction of the visitor. The new location is adjacent to the river but better suited to maintaining riverside vegetation. The previous campsites would be revegetated, improving river health by providing adequate shade. The new location would achieve FWP goals of separating day and overnight use. The new location would provide shade and would be away from the boat ramp and parking.

The parking area near the boat ramp also needs to be defined. Stalls need to be defined with lines and parking curbs. This would decrease resource issues from parking in the grass and increase site efficiency. An increase in visitor satisfaction is another benefit of a defined parking area.

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

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

| Agency | Type of Authorization (permit, license, stipulation, other) | Purpose |
|--------|---|---------|
| N/A    |   |         |
|        |   |         |
|        |   |         |

#### 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**

| <i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>                         |                    |  | Yes <input type="checkbox"/>                      | No <input type="checkbox"/> |
|---|--------------------|--|---|-----------------------------|
| <i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i> |                    |  | Yes <input type="checkbox"/>                      | No <input type="checkbox"/> |
| Enforceable Control   | Responsible Agency | Authority (Rule, Permit, Stipulation, Other) | Effect of Enforceable Control on Proposed Project |                             |
|   |                    |  |   |                             |
|   |                    |  |   |                             |
|   |                    |  |   |                             |
|   |                    |  |   |                             |
|   |                    |  |   |                             |
|   |                    |  |   |                             |
|   |                    |  |   |                             |

#### VI. Alternatives Considered

Alternative 1: Move the campsites to the proposed location and revegetate the current location. Define the parking area by putting in stalls and parking delineators.

Alternative 2: NO ACTION

If the No Action alternative is selected the current locations of the sites and the area around them will be vacant of vegetation soon. Also, campers and day users may continue to have conflicts.

|  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | 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.

If the No Action alternative is selected the current locations of the sites and the area around them will be vacant of vegetation soon. Also, campers and day users may continue to have conflicts.

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



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

| PHYSICAL ENVIRONMENT  | Duration of Impact                  |                                     |                                     | Severity of Impact                  |                          |                                     |                          |                                     | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures   |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
|   | None                                | Short-Term                          | Long-Term                           | None                                | Negligible               | Minor                               | Moderate                 | Major                               |  |
| Terrestrial, avian, and aquatic life and habitats               | <input 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"/>            |  |
| 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"/>            |  |
| 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"/>            |  |
| Soil quality, stability, and moisture                           | <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"/>            | Soil stability will be improved through the correction of problem areas associated with human activity along the river. The result will be overall improvement of those associated soil conditions and their corresponding vegetative cover. |
| Vegetation cover, quantity, and quality                         | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The riparian area where the campsites are currently located would be revegetated. The result will be enhanced vegetative quantity and quality.   |
| Aesthetics  | <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"/>            | The site will not look natural when the construction is happening but once complete the campsites will be aesthetically pleasing. The aesthetic for the camper will be changed but not degraded.   |
| Air quality   | <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"/>            | We usually note that air quality will be impacted in a small way during construction. In this case, we could also make the argument that long-term air quality would be improved by having more vegetation (and hence less dust).            |
| 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"/>            |  |
| Historical and archaeological sites                             | <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 recommendations from the State Historic Preservation Office during construction will be followed.  |

| <b>PHYSICAL ENVIRONMENT</b>  | <b>Duration of Impact</b>           |                          |                          | <b>Severity of Impact</b>           |                          |                          |                          |                          |  |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| Resource   | None                                | Short-Term               | Long-Term                | None                                | Negligible               | Minor                    | Moderate                 | Major                    | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures |
| 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"/> |  |

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

| <b>HUMAN POPULATION</b>   | <b>Duration of Impact</b>           |                                     |                          | <b>Severity of Impact</b>           |                                     |                                     |                          |                          |   |
|---|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|---|
| Resource  | None                                | Short-Term                          | Long-Term                | None                                | Negligible                          | Minor                               | Moderate                 | Major                    | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures  |
| Social structures and mores                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |   |
| 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"/> |   |
| 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"/> | During periods of construction, access may be limited for some users who prefer not to be present during construction times, this inconvenience will be temporary. Clearwater Crossing FAS will remain open to the public during construction. The long-term impact will enhance public access to the entire sites resources. |
| 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"/> |   |
| Agricultural or Industrial production                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |   |
| 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"/> |   |

| <b>HUMAN POPULATION</b>                             | <b>Duration of Impact</b>           |                          |                          | <b>Severity of Impact</b>           |                          |                          |                          |                          |   |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---|
| <b>Resource</b>                                     | <b>None</b>                         | <b>Short-Term</b>        | <b>Long-Term</b>         | <b>None</b>                         | <b>Negligible</b>        | <b>Minor</b>             | <b>Moderate</b>          | <b>Major</b>             | <b>Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures</b> |
| 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"/> |   |
| 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"/> |   |
| Demands for government services                     | <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"/> |   |
| Industrial, agricultural, and commercial activity   | <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"/> |   |
| 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"/> |   |
| 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"/> |   |

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

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.

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.

**Criteria Used to Determine Significance**

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

## VIII. Private Property Impact Analysis (Takings)

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

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

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

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

| PRIVATE PROPERTY ASSESMENT ACT (PPAA)   |            |                          |                                     |
|---|------------|--------------------------|-------------------------------------|
| Does the Proposed Action Have Takings Implications under the PPAA?  | Question # | Yes                      | No                                  |
| 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 checked="" type="checkbox"/> |
| Is the government requirement roughly proportional to the impact of the proposed use of the property?   | 4b         | <input type="checkbox"/> | <input checked="" 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"/>            |
| <b>Does the proposed action result in taking or damaging implications?</b>  |            | <input type="checkbox"/> | <input 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/news/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.*

| <b>Newspaper / Periodical</b>            | <b>Date(s) Public Notice Issued</b> |
|--|-------------------------------------|
| Pathfinder Newspaper, Seeley Lake MT.    | 1 <sup>st</sup> available issue     |
| Missoulian Newspaper, Missoula MT.       | 9/23/2023                           |
| Independent Record Newspaper, Helena MT. | 9/23/2023                           |
|  |                                     |

- *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:** 09/23/2023

**Public Comment Period Ends:** 10/02/2023

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

- ***Where to Mail or Email Comments on the Draft EA:***  
Name: CHRISTINE OSCHELL  
Email: COschell@mt.gov

Mailing Address:  
FWP Region 2  
Attn: Clearwater Crossing Site Improvements EA  
3201 Spurgin Road  
Missoula MT 59804

## X. Recommendation for Further Environmental Analysis

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

## XI. EA Preparation and Review

|                 | Name | Title |
|-----------------|------|-------|
| EA prepared by: |      |       |
| EA reviewed by: |      |       |