

# **DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST**



## **Beartooth WMA Gravel Pit**

**April 5, 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

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:** Beartooth WMA Gravel Pit

In some areas on the Beartooth Wildlife Management Area (BTWMA), road conditions have deteriorated to the point of being potentially hazardous for users. Use of the BTWMA property has become increasingly more limited by the condition of the roads. Hauling gravel to the property for necessary road maintenance is cost prohibitive due to the distance between the BTWMA and already established gravel pits. Therefore, FWP explored mining gravel on the BTWMA and found two viable source locations. The sites are relatively small at

1.8 and 2.3 acres in size. They are immediately adjacent to the road segments requiring maintenance and more importantly can be opened and reclaimed without significant detriment to other resources in the area. Overall, road improvements would allow greater seasonal use of the area including less hazardous access to nearby National Forest and Wilderness.

The proposed action also requires permitting by the Montana Department of Environmental Quality (DEQ). The required Dryland Opencut Mining Permit applications have been submitted to DEQ and are currently under review by the DEQ Opencut Mining Section. Mining would not occur until the permits are granted by DEQ and the proposed project is approved through this MEPA review process. Reclamation of the gravel pits will be required within 10 years of project initiation. The gravel pits may be closed/reclaimed early as assessments are made.

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

- Legal Description
  - Latitude/Longitude:
    - Willow Creek West (46.914007, -111.905969)
    - Willow Creek East (46.911549, -111.898879)
  - Section, Township, and Range: SECTION 06, TOWNSHIP 13 NORTH, RANGE 02 WEST
  - Town/City, County, Montana: WOLF CREEK, LEWIS AND CLARK COUNTY, MONTANA
- Location and Project Maps



Figure 1:

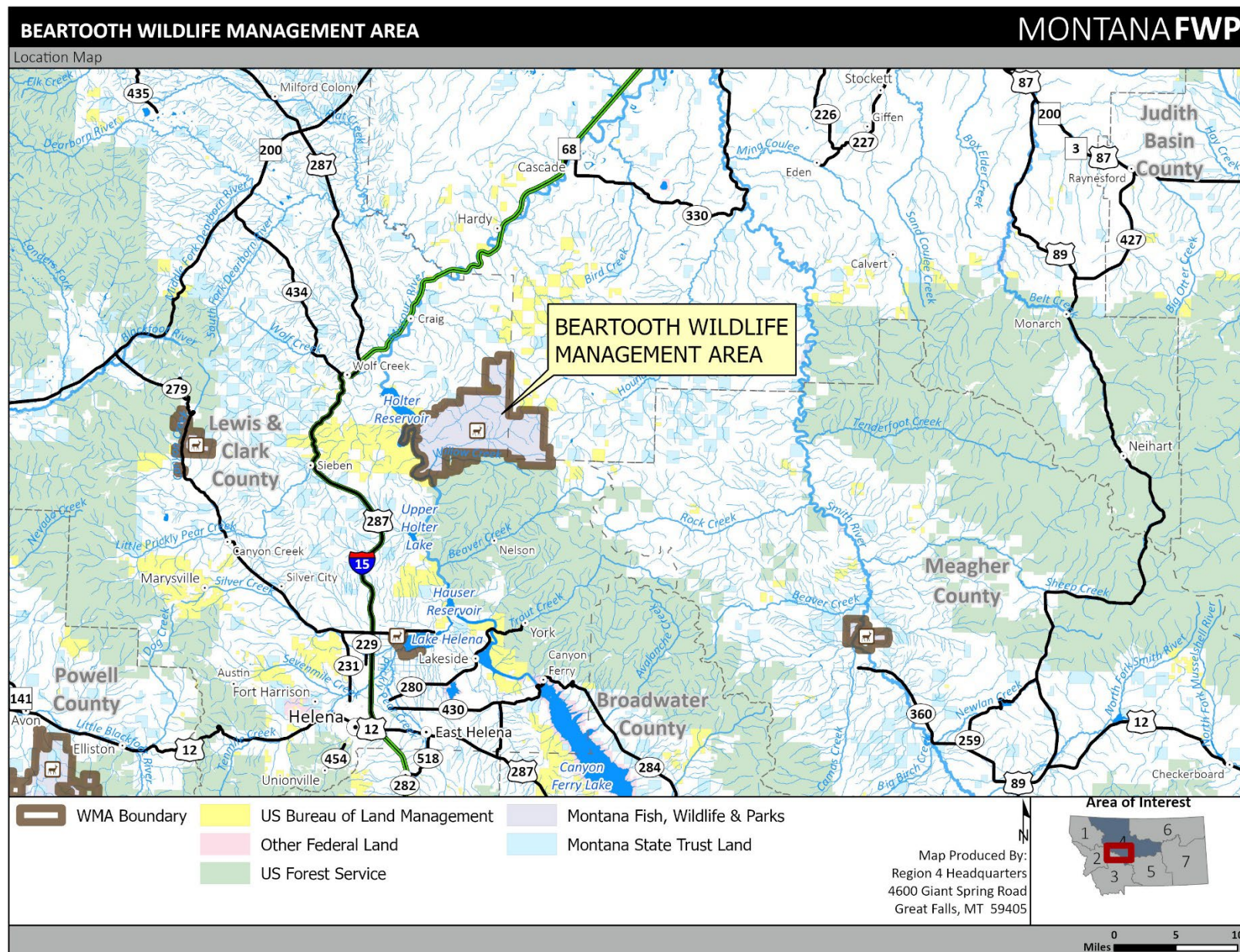
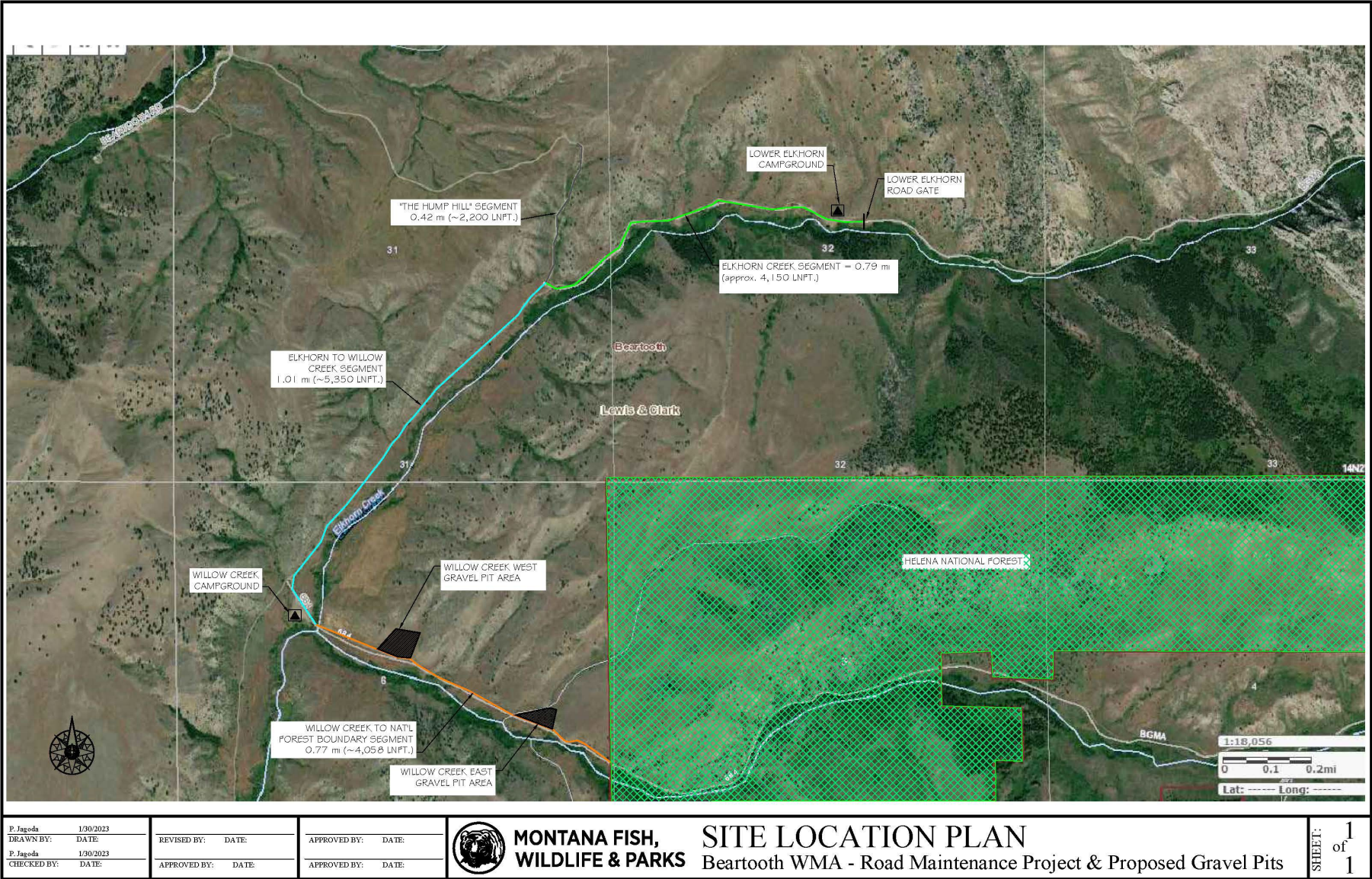




Figure 2:



### 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.

The proposed project would create two small gravel pits on the BTWMA. The proposed gravel pits would provide the following benefits:

- Needed gravel/hard-rock resources for localized road maintenance projects;
- Keep road maintenance costs down due to location of the proposed gravel pits; and
- Road improvements would allow greater seasonal use of the area including less hazardous access to nearby National Forest and Wilderness

The two adjacent gravel pits (1.8 and 2.3 acres in size) would be opened north of Willow Creek Road east of the Willow Creek Designated Camping Area and west of the Helena Lewis & Clark National Forest boundary (Fig. 2.) until local road maintenance needs are complete. There are approximately three miles of planned road maintenance.

The proposed action also requires permitting by DEQ. The required Dryland Opencut Mining Permit applications have been submitted to DEQ and are currently under review by the DEQ Opencut Mining Section. Mining would not occur until the permits are granted by DEQ and the proposed project is approved through this MEPA review process. Reclamation of the gravel pits will be required within 10 years of project initiation. The gravel pits may be closed/reclaimed early as assessments are made.

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
MT Department of Environmental Quality	Dryland Opencut Mining Permit	Allows the mining of road gravel from the two proposed gravel pits

## 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 type="checkbox"/>	No <input checked="" type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
Dryland Opencut Mining Permit	MT Department of Environmental Quality	Permit	Mining Duration and Extent	

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>

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

### Other Alternatives Not Carried Forward for Detailed Analysis

#### Alternative 3:

##### Purchase Gravel from Third Party Option

The option of purchasing gravel off-site from a third party has been used in the past for BTWMA road maintenance; however, this option is not cost-effective due to the remote location of the Beartooth WMA and the difficulty of reaching the access roads within the BTWMA. Additionally, there is only one gravel supplier in the nearby area. The combination of these two issues has proven to be cost-prohibitive for road maintenance projects in and around the BTWMA.

## 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"/>	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. Temporary wildlife displacement may occur due to frequent disturbance caused by active construction equipment and vehicles. However, work would be limited in duration (daily, weekly, and seasonally) because the planned maintenance work is finite in nature. Despite the low magnitude and short duration of the project and frequency of activities, impacts to fish and wildlife and their affected habitats would be expected, primarily as a result of ground disturbance and the use of loud and heavy equipment to accommodate the proposed project. Habitat loss due to gravel extraction would be mitigated by DEQ Dry Land Open Cut Permitting requirements. Required reclamation efforts would include planting of native grass and forb seeding and long-term weed control. The areas where gravel would be extracted are not regarded as crucial wildlife habitat. Any impacts would be short-term, mitigated by DEQ permit requirements, and minor.
Water quality, quantity, and distribution	<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 water quality, quantity and distribution would be expected because of the proposed project. No impacts to surface water would be expected. Gravel pit depth would not reach ground water (i.e., the water table) associated with nearby Willow Creek, as the distance from the proposed gravel pits to Willow Creek is sufficient to minimize sedimentary runoff. Further, off-site water would be used to limit fugitive dust emissions from the movement of heavy equipment and gravel materials, as required by DEQ. Any impacts would

									be short-term, mitigated by DEQ permit requirements, and negligible.
Geology	<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 geology would be expected because of the proposed project. No important or unique geologic features exist within the areas proposed for gravel pit development. Gravel extraction would occur where existing highly erodible soils exist and would be mitigated by DEQ. Any impacts would be short-term, mitigated by DEQ permit requirements, and negligible.
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 soils where the gravel would be extracted are not considered 'well-developed' soils. As required by DEQ, topsoil removed from the project area would be replaced as the gravel pits are reclaimed. Vegetation would be reestablished in disturbed areas to enhance soil stability, moisture and quality (see Vegetation cover, quantity, and quality). Any impacts would be short-term, mitigated by DEQ permit requirements, and negligible.
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"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. Vegetation cover would necessarily be removed, and quality may deteriorate when the project begins and topsoil is cleared from the project area. However, vegetation would be restored as part of the reclamation process. During reclamation, the project area would be seeded to native forbs and grass species representative of the surrounding plant communities to improve wildlife habitat, soil erosion, productivity, and aesthetic appeal. Any impacts would be short-term, mitigated by DEQ permit requirements, and minor.
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to aesthetics would be expected because of the proposed project. Some individuals may realize adverse aesthetic impacts during project implementation, as the movement of materials



									and presence of staff and equipment to conduct the work may result in unnatural and increased noise levels in the affected area. However, any adverse noise and activity impacts would be limited by the short timeline associated with the proposed project. The development of gravel pits is expected to impact the aesthetic appeal of those portions of the BTWMA immediately adjacent to Willow Creek Road. Aesthetic appeal may be lower or higher post reclamation, compared to pre-work conditions and subject to personal appeal. As part of the reclamation process, landscape engineers would reshape the topography of the reclaimed gravel pits in an effort to return the property's essence of a natural wildlife preserve. Differences in topography and ground cover between disturbed and undisturbed areas would be expected to fade through time. Any impacts would be short and long-term, limited by the short-term nature of the proposed project, mitigated by DEQ permit requirements, and minor.
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"/>	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). The proposed project constitutes the development and use of two new gravel pits subject to DEQ Dry land Open Cut Permit requirements and, when completed, would not result in additional new air quality disturbance in the affected area. 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). Fugitive dust and vehicle exhaust emissions resulting from the movement of heavy equipment and materials for the proposed project may

									adversely impact air quality. Any impacts would be short-term, mitigated by DEQ permit requirements, and minor.
Unique, endangered, fragile, or limited environmental resources	<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"/>	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; none were identified. Temporary wildlife and vegetation displacement may occur due to frequent disturbance caused by active construction equipment and vehicles. However, work would be limited in duration (daily, weekly, and seasonally) because the planned maintenance work is finite in nature. Despite the low magnitude and short duration of the project and frequency of activities, impacts to fish and wildlife and their affected habitats would be expected, primarily because of ground disturbance and the use of loud and heavy equipment to accommodate the proposed project. Habitat loss due to gravel extraction would be mitigated by DEQ Dry Land Open Cut Permitting requirements. When completed, no further impacts to wildlife habitat would be expected. Any impacts to unique, endangered, fragile, or limited environmental resources that may be located in or use the affected area would be short-term, mitigated by DEQ Permit requirements, and minor.
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"/>	No significant adverse impacts to any historical or archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (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. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. A Class III Cultural Resource Inventory was performed prior to submitting the Opencut Mining Permit

									Application. No cultural or paleontological resources were found near gravel exploration areas. The Inventory Report concluded the proposed gravel pits will not impact cultural resources in the area. A copy of the Inventory Report is available, by request. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation. Therefore, no impacts to historical or archaeological sites would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<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 demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. Secondary and cumulative impacts of the project include enhanced road conditions for the public and greater use of the BTWMA, respectively. Resource use may increase with greater use of the property. Greater use of the property may lead to greater use of the resources in the surrounding area. The BTWMA, through a deed of conservation easement, is designated a wildlife preserve and as such, limitations of use are already in place. Within the bounds of the easement, increased use of the property and subsequently resources, is thought to be desired. Greater use of the property may lead to greater support for resource preservation. Any impacts would be long-term, beneficial, and minor.

**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 significant impacts to social structures and mores in the affected area would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the



									existing BTWMA to accommodate local road maintenance project. The proposed project would not impact long-term land use or human activities in the affected area. 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 to cultural uniqueness and diversity in the affected area would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the existing BTWMA and it is not expected this action would result in any relocation of people into or out of the affected area. Therefore, no impacts to the existing 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 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 congressionally designated Wilderness areas currently exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. The project would improve access to the BTWMA and the Helena Lewis & Clark National Forest. Improved road conditions would reduce driving hazards and recreational use may increase. Project implementation could impact the quality of the recreational experience for some individuals. Once the proposed project is completed no additional impacts would occur. Therefore, any impact to access and the quality of recreational and wilderness activities in the affected area would be short- and long-term, and minor.
Local and state tax base and tax revenues	<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 the local and state tax base and tax revenue would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the existing BTWMA 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 sale of fuel, supplies and/or equipment to complete the project. Any impacts to the local and state tax base and tax revenue would be short -term and negligible, lasting only as long as the proposed project.
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"/>	No significant impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the existing BTWMA. Because the affected area is not currently used for agricultural and/or industrial production the proposed project would not impact such practices Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to human health and safety would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the existing BTWMA and, when completed, would not impact human health and safety. Affected government staff and/or contractors hired to conduct the project may realize increased risk to human health and safety; however, FWP would require affected staff and/or contractors to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. The project would improve access to the BTWMA and the Helena Lewis & Clark National Forest and improved road conditions would reduce driving hazards. Therefore, any potential impacts to human health and safety would be short and long-term and minor.
Quantity and distribution of employment	<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 the quantity and distribution of employment in the affected area would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the existing BTWMA and, when completed, would not impact the quantity and

									distribution of employment in the affected area. Short - term and minor impacts to the local quantity and distribution of employment may be realized because existing government staff or contracted services would be required to complete restoration activities. Any impacts the quantity and distribution of employment in the affected area would be short -term and negligible, lasting only as long as 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 the development and use of two new gravel pits within the existing BTWMA and would use existing government staff or contractors to accomplish the proposed project and would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing in the area affected by the proposed project would be expected because of the proposed project.
Demands for government services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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. Greater access to the BTWMA and Lewis & Clark National Forest may lead to greater use of the resources on those properties, which may require additional maintenance over the long term. Maintenance activities are typically indicative of beneficial use of the property. The proposed project would use existing government staff or hired contractors to complete the work. Any impacts would be short- and long-term and negligible.
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"/>	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project constitutes the development and use of two new gravel pits within the existing BTWMA. Development of the gravel pits and subsequent road maintenance activities would increase



									industrial activities in the affected area. However, once the project is completed no additional impacts to industrial activity would occur. The proposed project would facilitate safer and simpler access to the BTWMA for the purposes of forest management, should such a need be identified. No commercial activity currently exists in the affected area and the proposed project is not expected to result in such activities. The proposed project would not disturb or otherwise impact any other industrial, agricultural, or commercial properties or operations; therefore, no impacts to industrial, agricultural, or commercial activity would be expected because of the proposed project.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The proposed project would take place within and around an existing wildlife management area. The purpose and intent of a wildlife management area is to conserve and protect affected wildlife and associated habitats for the benefit of current and future generations. It is expected the proposed project would result in safer access to the BTWMA and thus potentially increase use of the BTWMA. However, the proposed project would not change the purpose and intent of the area. FWP is unaware of any other locally adopted environmental plans or goals that may be impacted by the proposed project. Any impacts would be long-term, beneficial, and negligible.
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 adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

**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.

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)**

	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"/>	
<b>PRIVATE PROPERTY ASSESMENT ACT (PPAA)</b>			
<b>Does the Proposed Action Have Takings Implications under the PPAA?</b>	<b>Question #</b>	<b>Yes</b>	<b>No</b>
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 on 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 checked="" type="checkbox"/>
Taking or damaging implications exist if <b>YES</b> is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if <b>NO</b> is checked in response to question 5a or 5b.			
If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
<b>Alternatives:</b> The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

## 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
Helena Independent Record	April 1, 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:** April 5, 2023  
**Public Comment Period Ends:** April 20, 2023

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

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

Name: DERRICK MILLER

Email: dermiller@mt.gov

Mailing Address:

4600 Giant Springs Road

Great Falls, MT 59405

## X. Recommendation for Further Environmental Analysis

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

## XI. EA Preparation and Review

	<b>Name</b>	<b>Title</b>
<b>EA prepared by:</b>	Derrick Miller	Regional Maintenance Manager
<b>EA reviewed by:</b>	Gary Bertellotti Eric Merchant	Regional Supervisor MEPA Coordinator