

DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST



Diversified Lodging at Tongue River Reservoir State Park

12/14/2023

FWP-CEA-POR-R7-23-002



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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: Diversified Lodging at Tongue River Reservoir State Park

Montana Fish, Wildlife and Parks (FWP) proposes to increase lodging opportunities at Tongue River Reservoir State Park. FWP desires to offer more diversified lodging by adding up to five rental cabins. Cabins would be available for reservation with basic furnishings and electric heat. The project is proposed to also include a latrine, picnic shelter, access road and parking (see figure 1 through 3 for location).

Currently, the only opportunity for overnight recreation is by camping. The proposed project will add more accommodation options for park visitors. FWP's objective is to start the project in the spring of 2024 and have cabins available for rent in 2024 or 2025.

Tongue River State Park resides within a leased boundary on DNRC State Water Project Lands associated with Tongue River Reservoir, a component of the Tongue River Water Project. The State Park Lease Agreement with DNRC requires DNRC's approval prior to implementation of the proposed action.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 45.10197, -106.79292
 - Section, Township, and Range: S26 T8S R40E
 - Town/City, County, Montana: Decker, Big Horn County, Montana
- Location Map

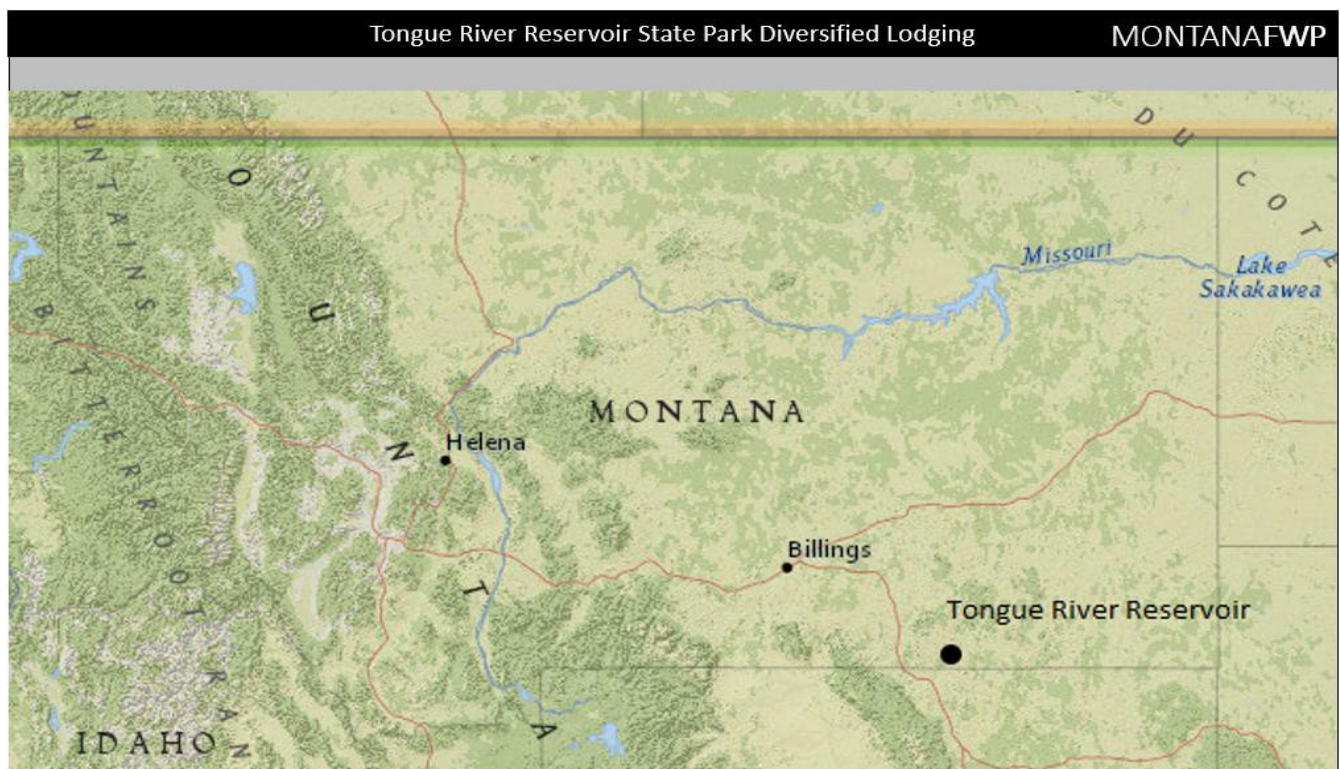


Figure 1. Statewide reference.

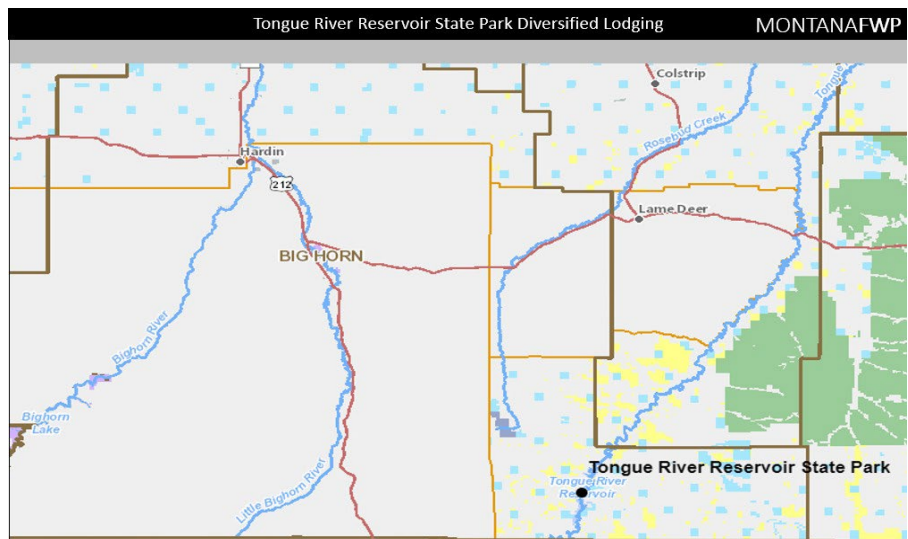


Figure 2. Big Horn County, Montana

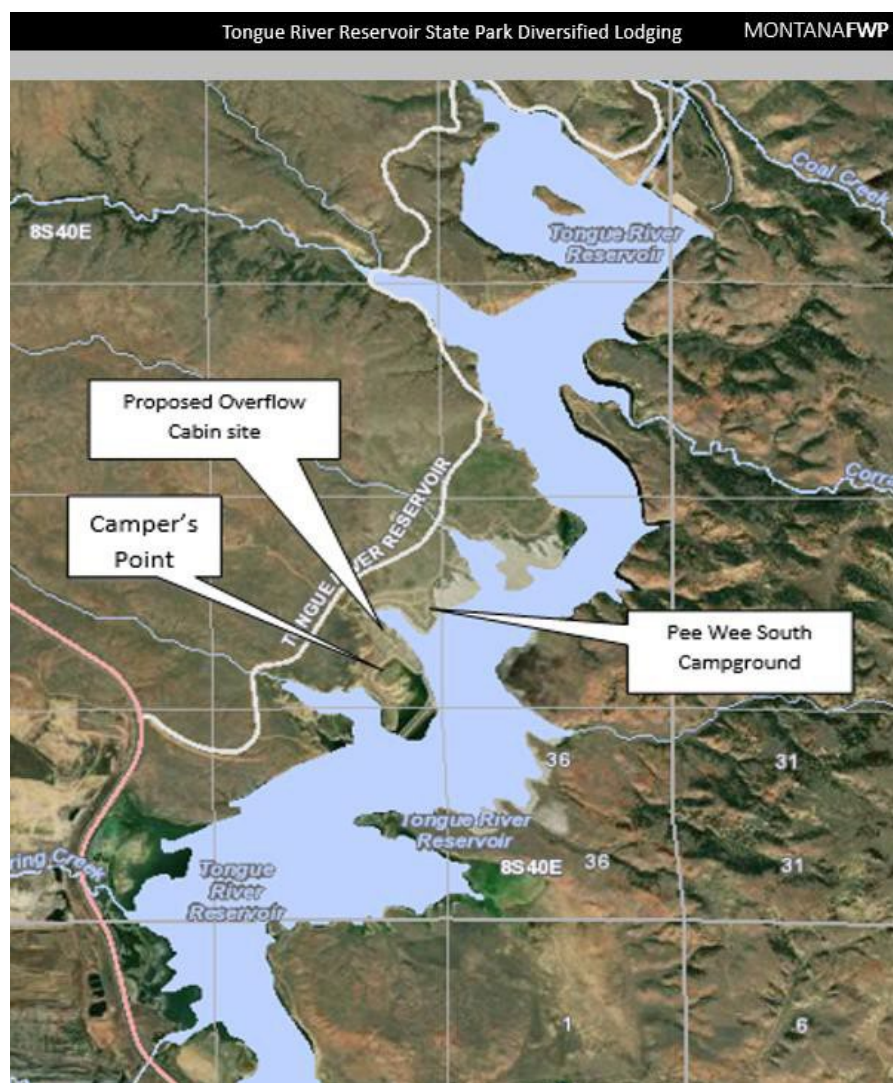


Figure 3. Proposed cabin locations at Camper's Point Overflow area.

III. Purpose and Need

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

FWP is proposing to increase lodging opportunities at Tongue River Reservoir State Park.

The proposed project would offer more diversified lodging for recreators by adding as many as five cabins rental cabins at Tongue River Reservoir State Park (figure 4 and photo 1). A group shelter in the proposed plans will be implemented when funds are available. The proposed facilities would address a known need for overnight lodging that is frequently requested by park visitors.

The long-term goal of the project is to offer overnight accommodations to allow individuals that do not have a camper or tent to spend the night at the park. These accommodations will broaden the user base and increase diversity in the park. The cabins will be reservable and provide the opportunity for group use as a retreat or for reunions. The cabins would generate income for FWP and provide a sustainable revenue model. The cabins would include universally accessible facilities and meet ADA requirements. These goals are in line with FWP’s efforts to provide diversified lodging in state parks, improve inclusivity and provide safe and accessible facilities.

FWP’s objective is to begin the Diversified Lodging project in the Spring of 2024 and complete the project in 2024 or 2025.

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

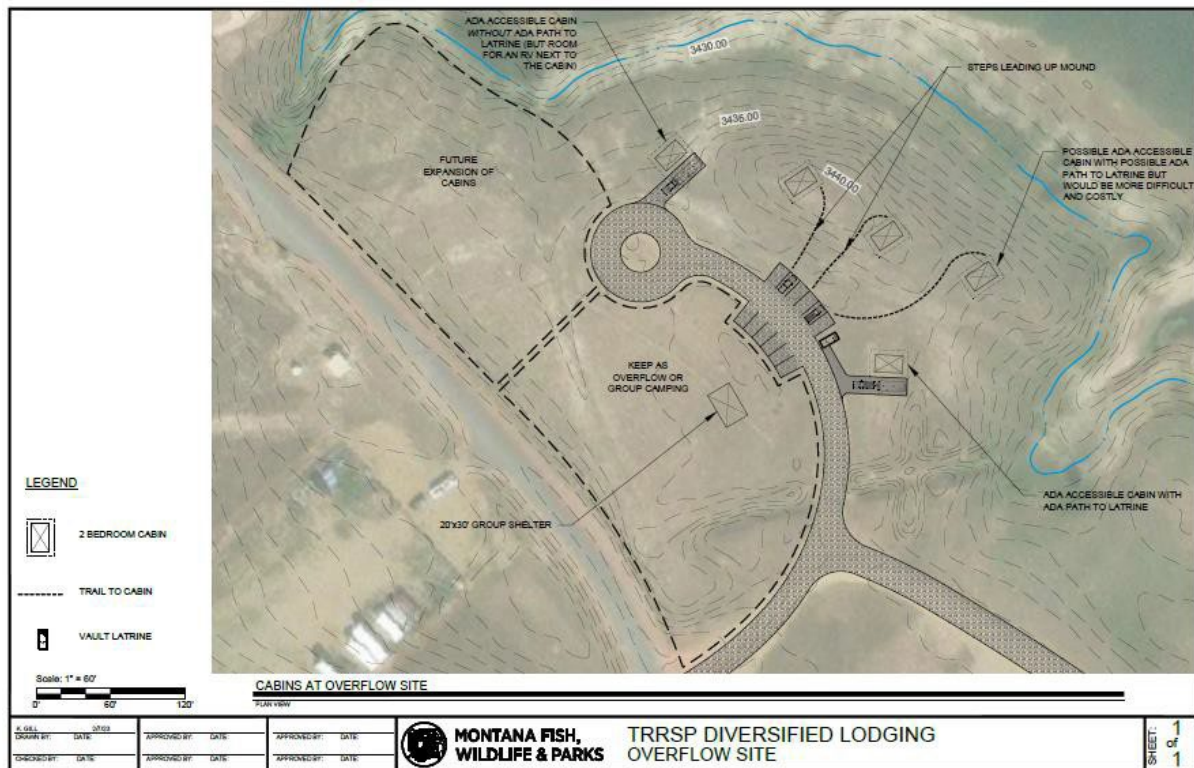


Figure 4. conceptual cabin site development and placement of up to five cabins and group shelter.



Photo 1. Tongue River Reservoir State Park current condition of TRRSP Diversified Lodging Overflow site.

IV. Other Agency Regulatory

Responsibilities

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

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

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

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP Heritage Program in consultation with the Montana State Historic Preservation Office	Cultural Assessment/Survey	Identification of historic and/or archaeological sites located within or near the proposed project area.
Montana Labor and Industry	Permits issued to Contractor for construction (Building Permit, Electrical Permit, Factory Built Building Permit)	To adhere to all applicable state building codes.
Big Horn County	Construction Permit	To adhere to all applicable local building codes
Dept of Natural Resources and Recreation (DNRC)	Landowner, project approval	As landowner DNRC is asked to review the EA and consider approval of this project. Please note: DNRC is not the applicant for the above listed construction permits and does not require them for the project. DNRC does need to sign them as landowner if / when issued.

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 checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>

Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project
Identification and Protection of Cultural Resources	FWP Heritage Program in consultation with State Historic Preservation Office	Montana Antiquities Act	Prior to implementation, the FWP Heritage Specialist would coordinate a cultural resource inventory of the project site. If cultural resources warranted for protection are discovered, FWP would protect these areas. If cultural artifacts were to be discovered during the implementation of this project, the FWP Heritage Specialist would cease activities and plan mitigation in consultation with the State Historic Preservation Office.
Noxious Weed Monitoring and Mitigation	FWP	Noxious Weed Management Plan	Limit the spread of noxious weeds on state lands.

VI. Alternatives Considered

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

Alternative 1: No Action.

No cabins would be added to the park and FWP would continue to provide only RV and tent camping to visitors with their own gear. Park users would have no opportunity to rent cabins on the reservoir.

Alternative 2: Proposed Project.

The proposed project will add cabins to Tongue River Reservoir State Park to add diversified lodging opportunities at the park. Reference Table 3 and Table 4 below for an analysis of impacts associated with the proposed project.

	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

Alternative 3: Diversified cabins at Neck Bay, Tongue River Reservoir State Park

Placement of up to five cabins on the northwest side of Tongue River Reservoir State Park was considered but not carried forward. After investigation, that site was removed from consideration due to a concern that cultural resources could be negatively impacted.

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.

The No Action Alternative would result in no cabins being added to the park and FWP would continue to provide only RV and tent camping to visitors with their own gear. Park users would have no opportunity to rent cabins on the reservoir.

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

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

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

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Construction is limited to the ‘Diversified Lodging Overflow Site’ which is open to the public and has existing infrastructure. Minimal habitat exists at the site. The construction project does not include disturbance of wetlands or shoreline. During construction activities, some species travel patterns may be altered to avoid the area but likely will return after the project is complete. The impact to terrestrial, avian, and aquatic life and habitats will be short-term and negligible.</p> <p>A search of the Montana Natural Heritage database revealed occurrences of species that are designated as species of concern (SOC), threatened, or endangered within the park. None of the listed SOC are anticipated to have negative impacts from the proposed actions. See Appendix A for a table of species and associated habitats.</p>
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 impacts to water quality, quantity, and distribution would be expected due to the proposed project. The project will not impact any wetlands, the reservoir shoreline or water quality, quantity, and distribution.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to geology would be expected due to the proposed project. No unique geologic formations are known to be located within the affected area and the project includes limited ground disturbance. Therefore, ground disturbance associated with the proposed project would not affect geology of the area.
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 are expected because of this project. All soil disturbance that will occur during construction will be reseeded with native vegetation. The project site is largely flat and stable therefore the project would have a short-

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									term and negligible effect on soil quality, stability, and moisture.
Vegetation cover, quantity, and 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 vegetation cover, quantity, and quality are expected because of this project. Vegetation cover is limited at this site and will largely be avoided during construction. Disturbed soil will be reseeded with native vegetation after construction. Therefore, this project will have a short-term and negligible impact to vegetation cover, quantity, and quality at the project location.
Aesthetics	<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 aesthetics would be expected due to the proposed project. The proposed project location is adjacent to high density camping, the marina, and park offices. Rental cabins in this high-use area would be an appropriate part of the landscape and would not negatively impact aesthetics. Therefore, the impact would be long term and negligible.
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 due to the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with attainment for the applicable health and welfare based national ambient air quality standards (NAAQS). Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads, vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). No significant point-sources of air pollution exist in the area affected by the proposed project. Fugitive dust emissions resulting from construction activities associated with the proposed project may adversely impact air quality. However, no air quality restrictions exist for the affected

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	
									area; the proposed project would not be expected to cause or contribute to a violation of the applicable NAAQS for particulate matter (fugitive dust). Therefore, any impacts would be short-term and negligible, consistent with existing impacts, and mitigated by best management practices
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected due to the proposed project. The proposed project would occur entirely within existing DNRC state land managed by FWP through a lease agreement. The proposed construction site is currently open to the public, including vehicular travel. A search of the Montana Natural Heritage database revealed occurrences of species that are designated as species of concern (SOC), threatened, or endangered within the park. None of the listed species are anticipated to have negative impacts from the proposed actions (see Appendix A for a table of species and associated habitats). Any use of the proposed construction site by species on that list is limited. Therefore, any adverse impacts to affected species would be short-term and negligible.
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 historical and/or archaeological sites would be expected due to the proposed project. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all projects on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment includes 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

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p>Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded and are eligible for the National Register of Historic Places, they will be protected from adverse impacts through adjustments to the project design or cancellation of the project if no design alternatives are available. Research and initial site visits reveal no cultural resources. If cultural resources are unexpectedly discovered during project implementation, FWP would cease implementation and would contact FWP's Heritage Program for further evaluation. Therefore, no impacts to any historical and archaeological sites would be expected because of the proposed project.</p>
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected due to the proposed project. Fuel will be required to operate equipment used for the construction phase of the proposed project and the final project will use electricity. Impacts from fuel consumption would be short-term and minor due to the short timeline and limited scope of construction of the proposed project. Electricity service to the cabins will require metered service from a transformer near the marina. Electrical use will be minimal and would be easily accommodated by the Tongue River Electric Cooperative. This project will not impact water and air. Therefore, impacts to environmental resources of land, water, air, and energy will be short-term, long-term and minor.</p>

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

HUMAN POPULATION	Duration of Impact			Severity of Impact					
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 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 social structures and mores would be expected due to the proposed project. The proposed project would provide camping opportunities to an expanded and more diverse customer base that may not have camping gear. As such, a new demographic of park user would have access to overnight use at the park. Therefore, this project would have long term and minor impacts to social structures and mores.
Cultural uniqueness and diversity	<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 cultural uniqueness and diversity would be expected due to the proposed project. As previously discussed, a new demographic of park visitor would have access to overnight use at park, possibly resulting in an increase in the cultural uniqueness and diversity of visitors. This action would not result in any relocation of people into or out of the affected area. Therefore, long-term minor impacts to 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 and quality of recreational and wilderness activities would be expected due to the proposed project. Access to recreational activities (i.e. camping in a rustic cabin at a state park) would see a minor increase. 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 is in a

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									moderate to heavily used developed recreation area and could increase the user base at the park. Therefore, any impacts would be long-term, beneficial, and minor. Impacts during construction would be and short-term and minor.
Local and state tax base and tax revenues	<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 local and state tax base and tax revenues are expected due to the proposed project however the project may result in a minor increase in tourism to the area. Minimal increased tourism will have a positive, long-term impact to the tax base, albeit minor. The cabins will not compete with motels as the primitive cabins are not comparable to a modern motel room and will attract a different user group. Visitors using the primitive cabins will utilize local gas stations, grocery stores and other amenities as any other visitor would. Revenue will be generated by the rental fees of the cabins for Tongue River Reservoir State Park in addition to the camping fees collected presently. It is projected the cabins could generate enough revenue to pay for their operation and maintenance. Therefore, the project would result in beneficial, long-term, and minor impacts to the local tax base.
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 adverse impacts to agricultural or industrial production would be expected due to the proposed project. The affected area is an existing state park and is not used for agricultural or industrial production. Therefore, the proposed project would not impact agricultural or industrial production.
Human health and safety	<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 human health and safety would be expected due to the proposed project. Affected government staff and/or contractors hired to complete the project may realize increased risk to human health and safety during construction activities; however, FWP

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p>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. Therefore, any potential adverse impacts to staff or contractors completing the work would be short-term and negligible.</p> <p>Human health and safety would likely improve for users of the state park as the project would increase access to recreation facilities and the opportunity for healthful outdoor activity. Therefore, any impacts would be long term, minor, and beneficial.</p>
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to quantity and distribution of employment would be expected due to the proposed project. Contractors would be hired to complete this project, however since it would be completed in under six months any impacts would be short-term and negligible. Over time the park may require an additional part-time employee to complete the added workload resulting in a long-term minor benefit to the local economy.</p>
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to distribution and density of population and housing would be expected due to the proposed project. The proposed project is not expected to result in the movement of existing or new populations into or out of the affected area. Therefore, no impacts would be expected because of the proposed project.</p>
Demands for government services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to demands for government services would be expected due to the proposed project. The proposed project would add cabins to an existing state park and would require regular maintenance. Actual maintenance needs would be based on the frequency of public use of the cabins and would require additional minor effort by existing staff or by new</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									staff. It is projected the cabins could generate enough revenue to cover the cost of operations. Therefore, any impacts would be long-term, and minor.
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 demands on industrial, agricultural, and commercial activity would be expected due to the proposed project. The proposed project would improve recreation facilities at a state park and would not disturb or otherwise impact any industrial, agricultural, or commercial properties or operations in the affected area. Therefore, no impacts would be expected because of the proposed project.
Locally adopted environmental plans and goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected due to the proposed project. No known environmental plans will be impacted by recreation facility upgrades at the park.
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 to other appropriate social and economic circumstances would be expected due to the proposed project. The proposed project would be expected to improve public access and recreational opportunities. The impact to the local economy due to the improved recreational access is expected to be positive and minimal. Therefore, any impacts from the proposed project to other appropriate social and economic circumstances would be long-term, minor, and beneficial.

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

VIII. Private Property Impact Analysis (Takings)

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

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

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

Table 7: Private Property Assessment (Takings)

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 checked="" type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input checked="" 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 checked="" 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/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)).*
- *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: 12/14/2023.

Public Comment Period Ends: 12/29/2023.

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

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

Name: BRIAN BURKY

Email: Brian.Burky@mt.gov

Mailing Address:

P.O. Box 1630

Miles City, MT 59301

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:	Raymond Schell	Recreation Manager
EA reviewed by:	Brian Burky	Regional Recreation Manager

APPENDIX A

Species of Concern determined to be associated with Tongue River Reservoir State Park through the Montana Natural Heritage Database for state parks.

Birds	<i>Coccyzus erythrophthalmus</i>	Black-billed Cuckoo	G5	S3B	
Birds	<i>Dolichonyx oryzivorus</i>	Bobolink	G5	S3B	
Birds	<i>Gymnorhinus cyanocephalus</i>	Pinyon Jay	G3	S3	Forest
Birds	<i>Haemorhous cassinii</i>	Cassin's Finch	G5	S3	Dry conifer forest
Birds	<i>Lanius ludovicianus</i>	Loggerhead Shrike	G4	S3B	Shrubland
Birds	<i>Melanerpes erythrocephalus</i>	Lewis's woodpecker	G4	S2B	
Birds	<i>Nucifraga columbiana</i>	Clark's Nutcracker	G5	S3	
Birds	<i>Numenius americanus</i>	Long-billed Curlew	G5	S3B	
Birds	<i>Oreoscoptes montanus</i>	Sage Thrasher	G4	S3B	Sagebrush
Birds	<i>Pipilo chlorurus</i>	Green-tailed Towhee	G5	S3B	
Birds	<i>Poliophtila caerulea</i>	Blue-gray Gnatcatcher	G5	S3B	
Birds	<i>Spizella breweri</i>	Brewer's Sparrow	G5	S3B	Sagebrush
Reptiles	<i>Apalone spinifera</i>	Spiny softshell Turtle	G5	S3	lakes
Reptiles	<i>Chelydra serpentina</i>	Snapping Turtle	G5	S3	Prairie river and streams
Reptiles	<i>Heterodon nasicus</i>	Plains Hog-nose Snake	G5	S2	
Reptiles	<i>Lampropeltis gentilis</i>	Western Milk snake	G5	S2	Rock outcrops
Reptiles	<i>Phrynosoma hernandesi</i>	Greater Short-horned Lizard	G5	S3	Sandy/gravelly soils
Amphibians	<i>Anaxyrus cognatus</i>	Great Plains Toad	G5	S2	Wetlands, floodplain pools
Fish	<i>Oncorhynchus clarkia bouvieri</i>	Yellowstone Cutthroat Trout	G5T4	S2	rivers
Fish	<i>Sander canadensis</i>	Sauger	G5	S2	Large prairie rivers
Butterflies	<i>Dana plexippus</i>	Monarch	G4	S2S3	
Invertebrates - Mollusks	<i>Oreohelix pygmaea</i>	Pygmy Mountainsnail	G2	S1	