

# **DRAFT**

# **ENVIRONMENTAL ASSESSMENT**

# **CHECKLIST**

*FWP-CEA-WLD-R8-23-TBD*

## **Translocation of Marten to the Bridger, Snowy, and Crazy Mountains**

**September 29, 2023**





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## **I. Compliance with the Montana Environmental Policy Act**

Before a proposed *project* may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
  - (i) a project, program, or activity initiated and directly undertaken by a state agency;
  - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
  - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

## **II. Background and Description of Proposed Project**

**Name of Project: Translocation of Marten to the Bridger, Snowy, and Crazy Mountains**

Marten (also known as pine marten or American/Pacific marten) are a small (approximately 1 kg) member of weasel family. Marten were once common in central and southwestern island mountain ranges (Gibilisco 1994, Buskirk 2002). Specimen records from the Black Hills and Little Belt Mountains indicate martens persisted in those areas until they were significantly reduced or extirpated by 1930. Marten habitat models predict that there is extensive high-quality habitat in the Snowy, Crazy, and Bridger Mountains (MTNHP 2019). Marten are unable to disperse through open terrain between suitable habitat patches, therefore it is unlikely that the species will move from core occupied habitats to these island ranges naturally.

Montana Department of Fish, Wildlife, and Parks (FWP) proposes to re-establish or augment self-sustaining marten populations in portions of their historic range in central MT. This project's objective is to increase species diversity and facilitate marten range expansion back into the mountains of central Montana.

This project would be similar to recent marten reintroduction efforts in the Little Belt and Castle Mountains. In 2020, the MT Fish & Wildlife (F&W) Commission approved the reintroduction of marten into high-quality, but unoccupied habitats in the Little Belt and Castle mountains in central Montana. During the winters of 2020 – 2022, 105 marten were live trapped by volunteer fur trappers in southwest MT and released in the Little Belt and Castle Mountains (77 in the Little Belts, 28 in the Castles).

This proposed project would attempt to re-establish marten in the Bridger, Snowy, and Crazy mountains where marten were historically present, but currently either do not occur or, if marten remain, likely occur at low densities.

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

- Legal Description
  - Latitude/Longitude: Crazy Mountains, 46.1500 / -110.4000; Snowy Mountains, 46.8000 / -109.4000; Bridger Mountains, 45.8000 / -110.9000 (approximate centroid coordinates).
- Location Map; Figure 1.

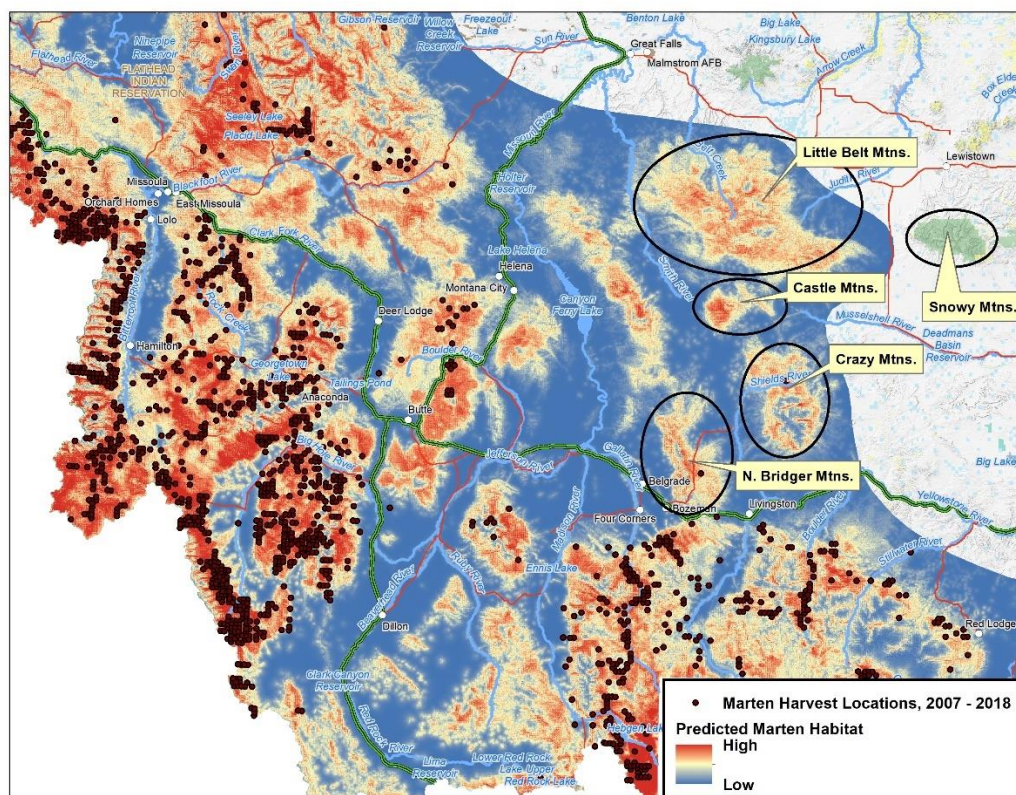


Figure 1. Predicted marten habitat map including the island mountain ranges of the proposed marten introductions.

### III. Purpose and Need

FWP policies and guidelines are directed by state laws (MCA 87-5-701 to -721) which provide for the importation, introduction, and transplantation of wildlife. Specifically, Montana Code Ann. § 87-5-711(2) provides that transplantation or introduction of any wildlife is prohibited unless the F&W Commission “determines, based upon scientific investigation and after a public hearing, that a species of wildlife poses no threat of harm to native wildlife and plants or to agricultural production and that the transplantation or introduction of a species has significant benefits”. Transplantation is defined as the “release of or attempt to release, intentional or otherwise, wildlife from one place within the state into another part of the state” (MCA 87-5-702(11)).

Marten are small boreal mustelids (weasel family) with historic and contemporary value as a furbearer species. Although marten were historically present throughout the island mountain ranges of central Montana they were extirpated from, or their abundance was significantly reduced within, these areas by the early-20th century. These reductions were likely due to unregulated harvest, habitat loss, and broadcast predator poisoning. Twentieth-century conservation measures allowed marten populations in western Montana to naturally recover there, but martens’ inability to disperse over open terrain has prevented them from moving from core occupied habitats to several geographically isolated mountain ranges of central Montana.

In 2014, the Montana F&W Commission directed FWP to develop a plan to restore marten to the Little Belt Mountains complex. The stated objective of this project was to “increase species diversity and facilitate marten range expansion back into the mountains of central Montana.” Reintroduction efforts began in 2020, and during the winters of 2020 – 2022, 105 marten were live-trapped in southwest MT and released in the Little Belt and Castle Mountains (on USFS-managed land). In total, 77 marten were released in the Little Belts and 28 were released into the Castle Mountains.

The results of recent genetic studies suggest that Montana is home to two North American marten species (Pacific marten, *Martes caurina*; and American marten, *Martes americana*), with *M. americana* occurring primarily in northwest Montana and *M. caurina* occurring primarily in the southwest and west-central part of the state. Pacific marten (*M. caurina*) likely occupied central MT island ranges historically. As part of FWP’s commitment to restoring native species within their historic ranges, FWP focused capture efforts in southwest MT where Pacific marten are more likely to be present.

**Goal:** This project’s objective is to increase species diversity and restore or augment marten in historically occupied habitats in the Crazy, Snowy, and Bridger mountains. Successfully re-establishing marten to these areas would contribute to ecosystem diversity, provide new wildlife viewing opportunities, and may eventually support regulated trapping harvest.

To accomplish this goal, FWP would work with volunteer trappers to live-trap, process, and release 20-40 female marten (and a similar number of males) into each of the subject mountain ranges during the next 10 years. A genetic sample would be collected from each captured marten prior to release to facilitate post-reintroduction population monitoring. FWP technicians and biologists will increase marten monitoring efforts in the subject mountain ranges, both prior to and following reintroductions. This monitoring program will help FWP assess the mid- and long-term success of the translocations, document population size and distribution, and help determine when regulated trapping harvest can be sustainable resumed.

During the winters of 2020 – 2022, FWP and private volunteer trappers developed effective methods to live capture, transport, process, and release marten.

Marten do not pose a significant risk to human health or safety, livestock, property, or MT Species of Concern.

The Fish & Wildlife Commission temporally closed the Little Belt Mountains area to recreational marten trapping following marten translocations to that range in 2020. In August 2023 the Fish & Wildlife Commission closed marten trapping in that portion of Montana north of Interstate 90 and east of Interstate 15.

**Methods:** Assessments of previous mustelid reintroduction projects suggest that the habitat suitability of the release area was one of the primary factors determining restoration efforts' success. In this case, FWP and the MT Natural Heritage Program (2019) developed a predictive marten habitat model (Figure 1) that indicated extensive high-quality marten habitat in several central MT island mountain ranges. In Figure 1, the orange/red gradient denotes high-quality habitat and dots mark recent marten harvest locations.

FWP would partner with volunteer recreational marten trappers in southwest MT to live capture marten using box traps and transport them to a FWP processing facility. Marten would then be sedated, sexed, and a droplet of blood would be collected for later genetic analysis. The sedative drugs would then be reversed, and the marten would be released into high quality habitat within the subject mountain ranges. These methods were very successful during previous marten translocations in the Little Belt and Castle mountains where approximately 97% of marten survived to release.

	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

Most suitable marten habitat in the Crazy, Snowy, and Bridger mountains occurs on lands managed by the US Forest Service (USFS).

Although the 2022 Custer Gallatin National Forest Land Management Plan does not provide specific guidance regarding marten or marten habitat management, one of its primary goals is to manage USFS lands such that:

*A complete suite of native species is present, with sufficient numbers and distribution to be adaptable to changing conditions for long-term persistence. Desired non-native species are present where biologically suitable and socially acceptable. Wildlife diversity contributes to ecological processes such as predator-prey relationships, nutrient cycling, hydrologic function, vegetation composition and structure.*

Similarly, the 2021 Helena-Lewis and Clark National Forest Land Management Plan directs the Forest Service to work with FWP to maintain and restore native species within suitable habitats on land they manage.

FWP would meet with and secure necessary permissions from USFS land managers prior to releasing marten into USFS lands.

**Table 2: Federal, State, and/or Local Regulatory Responsibilities**

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
US Forest Service	other	Permission to allow release of marten on USFS-managed lands

## V. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

**Table 3: Listing and Evaluation of Enforceable Mitigations Limiting Impacts**

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

## VI. Alternatives Considered

### No Action Alternative:

If the no action alternative is selected, no marten would be translocated into the Snowy, Crazy, or Bridger mountains. Marten are unlikely to move from other occupied habitats to these island ranges naturally.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

## VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

- **Direct impacts:** The proposed action is intended to restore or augment self-sustaining marten populations in the Snowy, Crazy, and Bridger Mountains. If successful, marten would resume their historic roles in the host ecosystems, provide additional wildlife viewing opportunities, and potentially provide additional recreational trapping opportunity.
- **Secondary impacts:** None anticipated.
- **Cumulative impacts:** None anticipated.

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:** Marten would be live trapped in southwest and west-central MT and moved to historically occupied habitats in central MT. Live trapped marten would likely otherwise be harvested by fur trappers. There is no regional marten harvest quota in southwest or west-central MT; therefore, no reduction of recreational trapping

opportunity would occur as a result marten being translocated as part of this project. No short-term impacts are anticipated within the release areas.

- **Long-Term:** If successful, the proposed project would provide new marten viewing opportunities and, eventually, may increase recreational trapping opportunity within the subject mountain ranges.

The severity of impacts from the proposed project are expected to be **Minor**, and primarily beneficial. The proposed project would restore or augment a native species within historically occupied habitats, increase wildlife viewing opportunities, and potentially increase recreational trapping opportunity. There are no foreseeable mitigation measures needed for the proposed project to proceed.

#### **Proposed Alternatives:**

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Marten are unlikely to naturally re-colonize historically occupied habitats in the Crazy, Snowy, or Bridger Mountains under this alternative. Marten would not resume their role in these ecosystems, the public would not enjoy additional wildlife viewing opportunities, and there would be no possibility of additional recreational marten trapping opportunity in the subject areas.

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

The Proposed Project would translocate marten, captured in southwest or west-central MT, to historically occupied habitats in the Snowy, Crazy, and Bridger Mountains. If successful, marten would resume their role in the subject ecosystems, the public's opportunity to view marten in these areas would increase, and additional recreational marten trapping opportunity may be provided.

**Table 4 - Potential Impacts of Alternative 2: Proposed Project on the Physical Environment**

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Marten would resume their role as a native meso-predator within the Snowy, Crazy, and Bridger mountains as new populations are established, or remnant existing populations are augmented. Although marten, as predators, would consume some number of small mammals, marten predation is not expected to have population level impacts on native small mammal populations.
Water quality, quantity, and distribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Neither marten nor their prey naturally manipulate or reduce water quality or quantity.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to geology would be expected as a result of the proposed project.
Soil quality, stability, and moisture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to soil quality, stability, and moisture would be expected as a result of the proposed project.
Vegetation cover, quantity, and quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Although marten may occasionally consume native fruits and insects, this consumption is not expected to affect vegetation cover, quantity, or quality.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Wildlife viewing opportunity would increase. Recreational trapping opportunities may increase.
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result 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. Marten would be transported from capture locations and to release areas using highway vehicles, ATVs, and snowmobiles which are currently in common use in these areas during winter. Motor vehicle use would not occur in areas or during times when that use is not already allowed and common.																						
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<div>No significant adverse impacts would be expected as a result of the proposed project. Mammal Species of Concern or Threatened or Endangered mammal species located within or using the affected area were assessed and include:<table><tr><td>Bison</td></tr><tr><td>Black-footed Ferret</td></tr><tr><td>Black-tailed Prairie Dog</td></tr><tr><td>Canada Lynx</td></tr><tr><td>Columbia Plateau Pocket Mouse</td></tr><tr><td>Dwarf Shrew</td></tr><tr><td>Eastern Red Bat</td></tr><tr><td>Fisher</td></tr><tr><td>Fringed Myotis</td></tr><tr><td>Grizzly Bear</td></tr><tr><td>Hoary Bat</td></tr><tr><td>Little Brown Myotis</td></tr><tr><td>Long-eared Myotis</td></tr><tr><td>Long-legged Myotis</td></tr><tr><td>Merriam's Shrew</td></tr><tr><td>Pallid Bat</td></tr><tr><td>Preble's Shrew</td></tr><tr><td>Pygmy Rabbit</td></tr><tr><td>Spotted Bat</td></tr><tr><td>Swift Fox</td></tr><tr><td>Townsend's Big-eared Bat</td></tr><tr><td>Western Pygmy Shrew</td></tr></table></div>	Bison	Black-footed Ferret	Black-tailed Prairie Dog	Canada Lynx	Columbia Plateau Pocket Mouse	Dwarf Shrew	Eastern Red Bat	Fisher	Fringed Myotis	Grizzly Bear	Hoary Bat	Little Brown Myotis	Long-eared Myotis	Long-legged Myotis	Merriam's Shrew	Pallid Bat	Preble's Shrew	Pygmy Rabbit	Spotted Bat	Swift Fox	Townsend's Big-eared Bat	Western Pygmy Shrew
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Long-legged Myotis																															
Merriam's Shrew																															
Pallid Bat																															
Preble's Shrew																															
Pygmy Rabbit																															
Spotted Bat																															
Swift Fox																															
Townsend's Big-eared Bat																															
Western Pygmy Shrew																															

									<div>White-tailed Prairie Dog</div> <div>Wolverine</div> <div>Yuma Myotis</div> <p>These species are either absent from or uncommon in marten habitat, or if present, are not expected to be adversely affected by the presence of marten, which are also native to these ecosystems. Wolverine at times utilize marten as prey which could benefit the species. Marten are not expected to affect the distribution or abundance of vegetation, insects, fungi, or other species of concern.</p>
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Marten do not significantly excavate or disturb soils or soil substrates. No significant adverse effects to historic and 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. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they will be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available.</p>
Demands on environmental resources of land, water, air, and energy	<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>No significant adverse impacts would be expected as a result of the proposed project. Fuel for highway vehicles, ATVs, and snow machines would be consumed during marten translocation. This use would be short term and minor. This project would be funded by private donations,</p>

									stand-alone federal grants, and existing state wildlife management funding. Completion of this project is not expected to reduce work on or investment in other existing or future vegetation or wildlife management activities.
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**Table 5 - Potential Impacts of Alternative 2: Proposed Project on the Human Population**

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Many Montanans value the opportunity to view, or otherwise enjoy, marten and other wildlife species in their native habitats. Marten are not known to cause property damage, predate livestock, or pose a risk to human health or safety.
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 impacts would be expected as a result of the proposed project. The presence of native species in native habitats holds value for many Montanans. This project would restore or maintain native species diversity within the subject mountain ranges.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. No impacts to Wilderness recreation activities would occur because of the proposed project. Wildlife viewing and recreational trapping opportunities may increase over the long term. No land-use restrictions are expected as a result of this project.
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project.

Agricultural or Industrial production	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Marten would be released on and likely inhabit primarily USFS lands. Marten are not a MT listed SOC nor federally listed as Threatened or Endangered.
Human health and safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected as a result of the proposed project. Marten do not pose a risk to human health or safety.
Quantity and distribution of employment	<input checked="" type="checkbox"/>	<input 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 would be expected as a result of the proposed project. Although marten may be harvested recreationally, at the numbers and distribution expected in areas subject to this proposal, that activity is not expected to generate significant economic revenue or employment over time.
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 would be expected as a result of the proposed project. Marten would be released on and likely inhabit primarily USFS lands where human habitation or housing development is uncommon.
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"/>	No significant adverse impacts would be expected as a result of the proposed project. FWP, and perhaps USFS, personnel and resources will be used to initially transport and release marten. FWP may also commit resources to monitor the distribution and abundance of marten within the release areas subject to this proposal.
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 would be expected as a result of the proposed project. Marten would be released on and likely inhabit primarily USFS lands. Marten are not a MT listed SOC nor federally listed as Threatened or Endangered, and so their presence is not expected to constrain recreational or commercial activities on USFS lands.
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 would be expected as a result of the proposed project. The USFS Forest Management Plans for the areas subject to this proposal encourage the restoration and maintenance of native

									species to native habitats. This project is consistent with that Plan guidance.
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 would be expected as a result of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project.

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

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.</p>	
Criteria Used to Determine Significance	
1	<p>The <b>severity, duration, geographic extent, and frequency</b> of the occurrence of the impact</p> <p><b>"Severity"</b> describes the density of the potential impact, while <b>"extent"</b> describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p><b>"Duration"</b> describes the time period during which an impact may occur, while <b>"frequency"</b> describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans



## VIII. Private Property Impact Analysis (Takings)

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

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

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

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

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
<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 **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

#### Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

## IX. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).
- Public notice will be served on the Montana Fish, Wildlife and Parks website at:  
<https://fwp.mt.gov/news/public-notices>
- Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.
- FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).
- FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.

Newspaper / Periodical	Date(s) Public Notice Issued
Need inputs here	

- 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:** 9/29/2023

**Public Comment Period Ends:** 10/14/2023

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

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

Name: Nathan Kluge— Furbearer Coordinator

Email: [nathan.kluge@mt.gov](mailto:nathan.kluge@mt.gov)

Mailing Address:

**X. 1420 East Sixth Avenue P.O. Box 200701. Helena, Mt 59620-0701 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>	Jay Kolbe	Wildlife Biologist, MTFWP
<b>EA reviewed by:</b>	Nathan Kluge	Furbearer Coordinator, MTFWP