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ENVIRONMENTAL ASSESSMENT

CHECKLIST

**Robb-Ledford Wildlife Management Area Motorized
Travel Management Revision**

FWP-CEA-WL-R3-24-064

August 21, 2024



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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: Robb-Ledford Wildlife Management Area Motorized Travel Management Revision

Project Description

Montana Fish, Wildlife & Parks (FWP) proposes to revise the routes open to motorized travel within the Robb-Ledford Wildlife Management Area (WMA) (Figure 1) to: 1) increase elk security and retention during the general rifle hunting season; 2) improve non-motorized hunting opportunity within the WMA; and 3) reduce soil erosion and noxious weed establishment. Specific objectives include:

- A. Reduce the density of routes open to motorized travel during the general rifle season to less than 1.0 miles-per-square-mile as recommended by Lyon (1979) to minimize displacement of elk.
- B. Manage for $\geq 30\%$ of the WMA to meet elk security criteria during the general rifle season as recommended by Hills et al. (1991). Elk security areas would be areas of high elk forage quality that are $\geq 1,535$ m (0.95 mi) from the nearest route open to motorized vehicles as recommended by Ranglack et al. (2017). Proposed non-motorized areas would be aligned with portions of the WMA where undisturbed wintering elk are most frequently observed during population surveys.
- C. Manage at least one contiguous area within the WMA during the general rifle season, that when combined with adjoining public lands, is $\geq 1,535$ m (0.95 mi) from the nearest route open to motorized travel and ≥ 20.2 km² (5,000 acres) as recommended by Ranglack et al. (2017).
- D. Manage for at least one watershed within the WMA as a non-motorized-only hunting opportunity during the general rifle season.
- E. Reduce vegetation loss and soil erosion, resulting from motorized travel, by reducing the number of motorized routes that ascend steep aspects.
- F. Reduce user confusion regarding where motor vehicle use is and is not authorized by simplifying the network of motorized routes, installing motorized use informational kiosks at WMA entrances, and maintaining motorized-use signs on all routes.

As in the past, motorized use would be restricted to authorized routes only. No off-route motorized travel would be authorized. This would include instances where snowdrifts physically prevent motorized vehicle passage. If adopted, implementation would begin with public notification during Fall 2024. Motorized route signage installation would occur during spring 2025 prior to the WMA opening for recreational use.

Project Background

In 1987, the Rocky Mountain Elk Foundation (RMEF) completed its first habitat acquisition by purchasing 17,291 acres of deeded private land and 10,818 areas of associated Montana Department of Natural Resources and Conservation land grazing leases along the western slope of the Snowcrest Mountains in southwest Montana. FWP subsequently purchased the property and leases from the RMEF in 1988 using funds from the Habitat Montana Program which was established by the 1987 Montana State Legislature through House Bill 526. The property was named the Robb-Ledford Wildlife Management Area. The primary objectives of the acquisition were to conserve critical elk winter range, provide habitat for the diversity of fish and wildlife present, manage public access to provide a diversity of fish and wildlife related recreational opportunities, and work with local ranching interests to explore coordinated grazing management practices that were implemented across landownership boundaries and balanced the needs of livestock production and wildlife habitat. Those remain the primary management objectives.

The Robb-Ledford WMA provides year-round habitat for elk (*Cervus canadensis*), mule deer (*Odocoileus hemionus*), moose (*Alces alces*), pronghorn (*Antilocapra Americana*), greater sage-grouse (*Centrocercus urophasianus*), dusky grouse (*Dendragapus obscurus*), ruffed grouse (*Bonasa umbellus*), black bear (*Ursus americanus*), grizzly bear (*Ursus arctos ssp.*), mountain lion (*Puma concolor*), grey wolf (*Canis lupus*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), beaver (*Castor canadensis*), and dozens of species of small mammals, birds, reptiles, and amphibians. White-tailed deer (*Odocoileus virginianus*), mountain goat (*Oreamnos americanus*), and bighorn sheep (*Ovis canadensis*) occupy portions of the WMA seasonally. Long-billed curlew (*Numenius americanus*) nesting occurs within the WMA.

The most notable wildlife use of the WMA is winter use by elk. As many as 3,000 migratory elk (Figure 2) annually utilize the WMA and surrounding lands during winter (Figure 3). Annual arrival of migratory elk aligns with snow accumulation and varies from late October through early January. The WMA is closed to public recreational use from December 2 through May 15 which creates a high-security environment for wintering elk. While open to recreational use, the non-forested habitats and density of routes open to motorized use create a low-security environment for elk (Figure 4). When early snow accumulation facilitates elk migration to winter range during November hunting seasons, the existing low-security environment within the Robb-Ledford WMA results in motorized pursuit of elk and rapid displacement of elk to neighboring private lands. This results in hunter frustration due to minimal elk on public lands and landowner frustration with elk concentration on private lands. Hunter frustration with unauthorized motorized travel (Figure 5), motorized pursuit of elk, and a lack of non-motorized-only hunting options within the WMA have escalated over the past decade.

Displacement of elk from public land and preferred habitats by motorized vehicle use is well document within scientific literature. Lyon (1979) determined that elk use in western Montana was consistently lower near open roads than in similar habitats further from open roads, especially among non-forested habitats. Lyon (1979) found that elk use declined by about 50% at road densities above one mile of road per square mile area if tree canopy cover was less than 25%. Lyon (1983) determined that habitat use by elk declined by as much as 80% in areas where the road density increased above two miles of road per-square-mile.

Rost and Bailey (1979) determined that elk and mule deer demonstrated strong open road avoidance during winter. Witmer and DeCalesta (1985) found that radio-collared elk used habitats within 500 m (0.3 mi) of open roads, about 50% less than their availability. Additional studies reported by McCorquodale (2013) that demonstrated elk avoidance of open motorized roads included Morgantini and Hudson (1979), Czech (1991), Burcham et al. (1998), Lyon (1998), Rowland et al. (2000), Johnson et al. (2000), Jones and Hudson (2002), Anderson et al. (2005), Sawyer and Nelson (2005), Stubblefield et al. (2006), Sawyer et al. (2007), and Montgomery et al. (2013).

Millspaugh et al. (2000) found that the probability of hunters and elk sharing space was negatively correlated with road density and motorized traffic, and that elk are displaced by motorized traffic to areas of lower road density. Following their studies of fall hunting season elk distribution in southwest Montana, Proffitt et al. (2013) reported that, "female elk selection for areas restricting public hunting access was stronger than selection for security habitat, and that the density of roads open to motorized use was the strongest predictor of elk distribution."

Hillis et al. (1991) identified elk functional security areas as contiguous forested blocks of land that were a minimum of 250 acres and at least 0.5 miles from a motorized route. Perry and Overly (1977) also found that elk use of forested habitats was reduced within 0.5 miles of motorized routes and in some cases by up to 95%. Hillis et al. (1991) cautioned that these minimums may prove too conservative in non-forested habitats. i.e. minimums of 500-acre blocks that are ≥ 1.0 mile from the nearest motorized route may be warranted. Hills et al. (1991) further recommended that 30% of an analysis area should meet functional security standards. Preisler et al. (2006) demonstrated that elk responded negatively to all-terrain vehicle traffic at distances up to 1,000 m (0.6 mi). Sawyer and Nielson (2005) studied elk distribution relative to motorized roads in relatively open habitats in Wyoming. They found that, during peak road use, areas predicted to have the greatest elk use were at least 2.8 km (1.7 mi) from roads. Based on research completed across open habitats in southwest Montana which included elk that winter along the west Snowcrest Mountains, Ranglack et al. 2017 recommended maintaining areas $\geq 1,535$ m (0.95 mi) from an open route that were ≥ 20.2 km² (5,000 acres) to maintain elk on

publicly-accessible lands during rifle hunting seasons. Ranglack et al. 2017 further suggested overlapping non-motorized areas with habitats of high nutritional value to elk.

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How the Proposed Action Would Meet Project Objectives

Currently, four areas totaling 8.5% of the Robb-Ledford WMA are $\geq 1,535$ m from a motorized route and none are ≥ 20.2 km² (Figure 6). Implementation of the proposed motorized route plan (Figure 7) would add an expected elk security area to the northwest portion of the WMA and increase the proportion of the WMA that meets the distance-from-road recommendation from Ranglank et al. to 26.4% (Figure 8). Considering roadless public lands that adjoin elk security areas within the WMA, >30% of the WMA and adjoining public lands elk winter range would meet functional security standards as recommended by Hills et. al (1991). Elk security areas would align with those portions of the WMA where elk groups are most frequently observed during winter population surveys (Figure 9). None of the proposed elk security areas within the WMA would be ≥ 20.2 km² as recommended by Ranglank et al. (2017). The largest would be 16.9 km². However, when combined with adjoining public lands, two of the proposed security areas would be ≥ 20.2 km².

There are currently 1.3 miles of routes open to motorized travel per-square-mile across the Robb-Ledford WMA. Within the Dry Hollow Watershed in the northwestern portion of the WMA where the most frequent winter use by relatively large elk groups occurs (Figure 3), there are 2.4 miles of motorized routes per-square-mile, exceeding the densities Lyon (1979) and Lion (1983) found reduced elk use by 50% and 80%, respectively. The proposed motorized route plan would reduce the motorized route density during the general rifle season to 0.5 miles per-square-mile across the WMA and 0.2 miles per-square-mile across the Dry Hollow Watershed.

The proposed motorized route plan would make two (Dry Hollow Creek and Rock Creek) of the five watersheds within the WMA non-motorized-only hunting opportunities during the general rifle season. The proposed motorized route plan would reduce vegetation loss, soil erosion, and noxious weed establishment by removing several motorized routes that ascend steep slopes. Such routes are difficult and cost-prohibitive to maintain. Thus, soil erosion occurs and subsequent route expansion damages vegetation (Figure 10).

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: N 44.94480, W -112.16075
 - Section, Township, and Range: T 10S, R 5W
 - Town/City, County, Montana: Alder, Madison County
- Location Map
 - See Figure 1

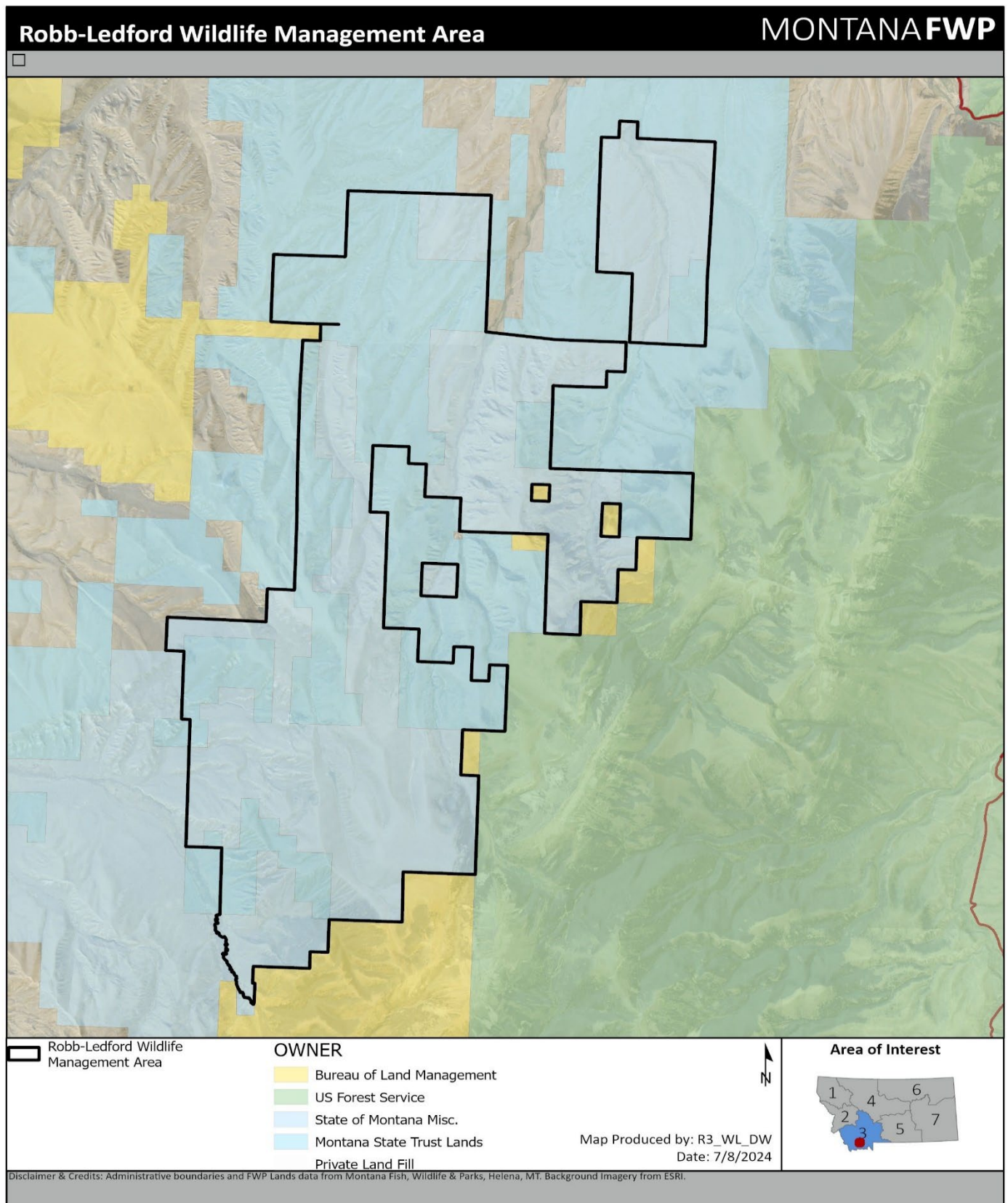


Figure 1. Robb-Ledford Wildlife Management Area.

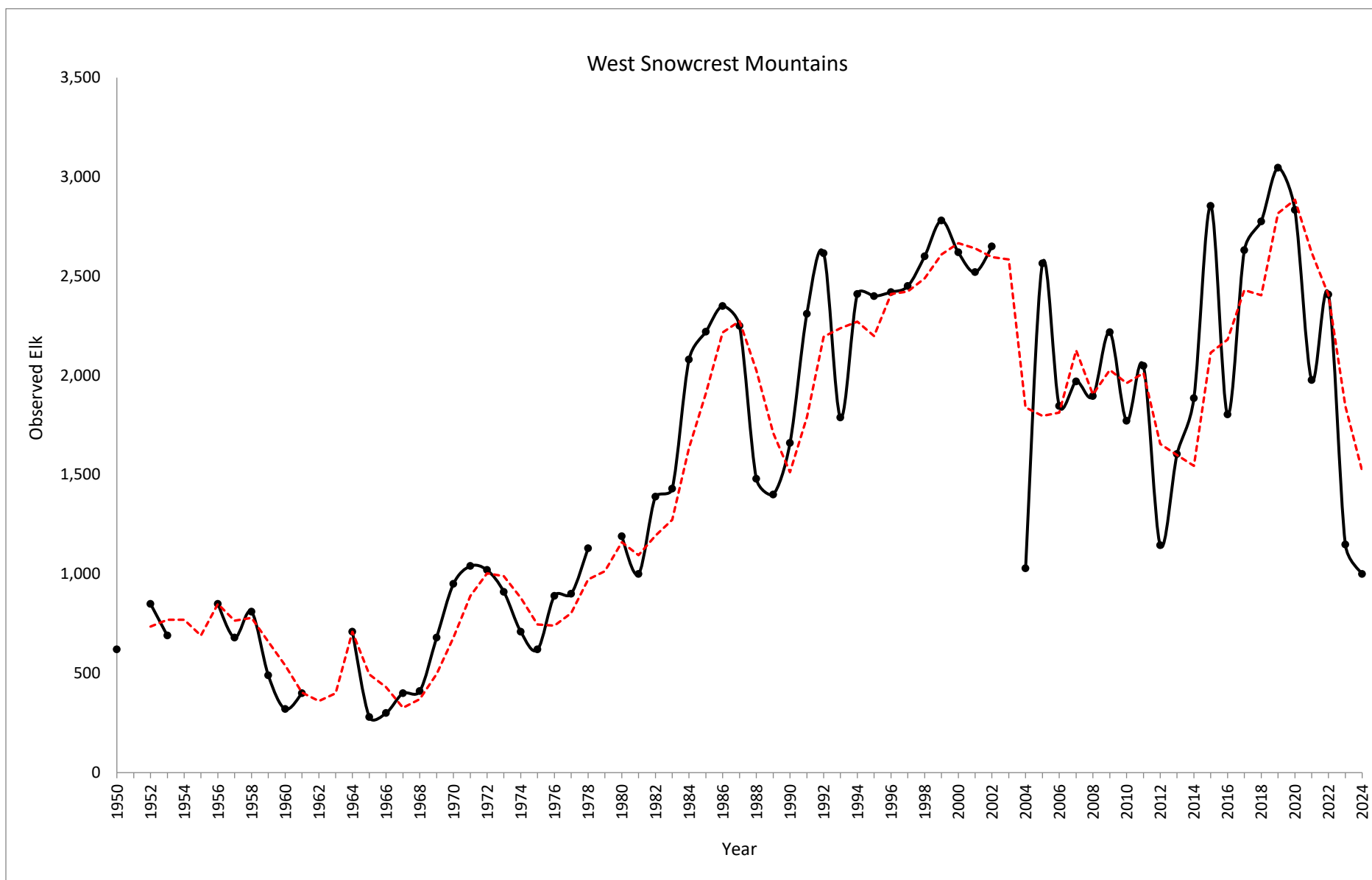


Figure 2. Winter elk population trend along the west Snowcrest Mountains, 1950–2024. Note: The dashed line represents the 3-year running average.

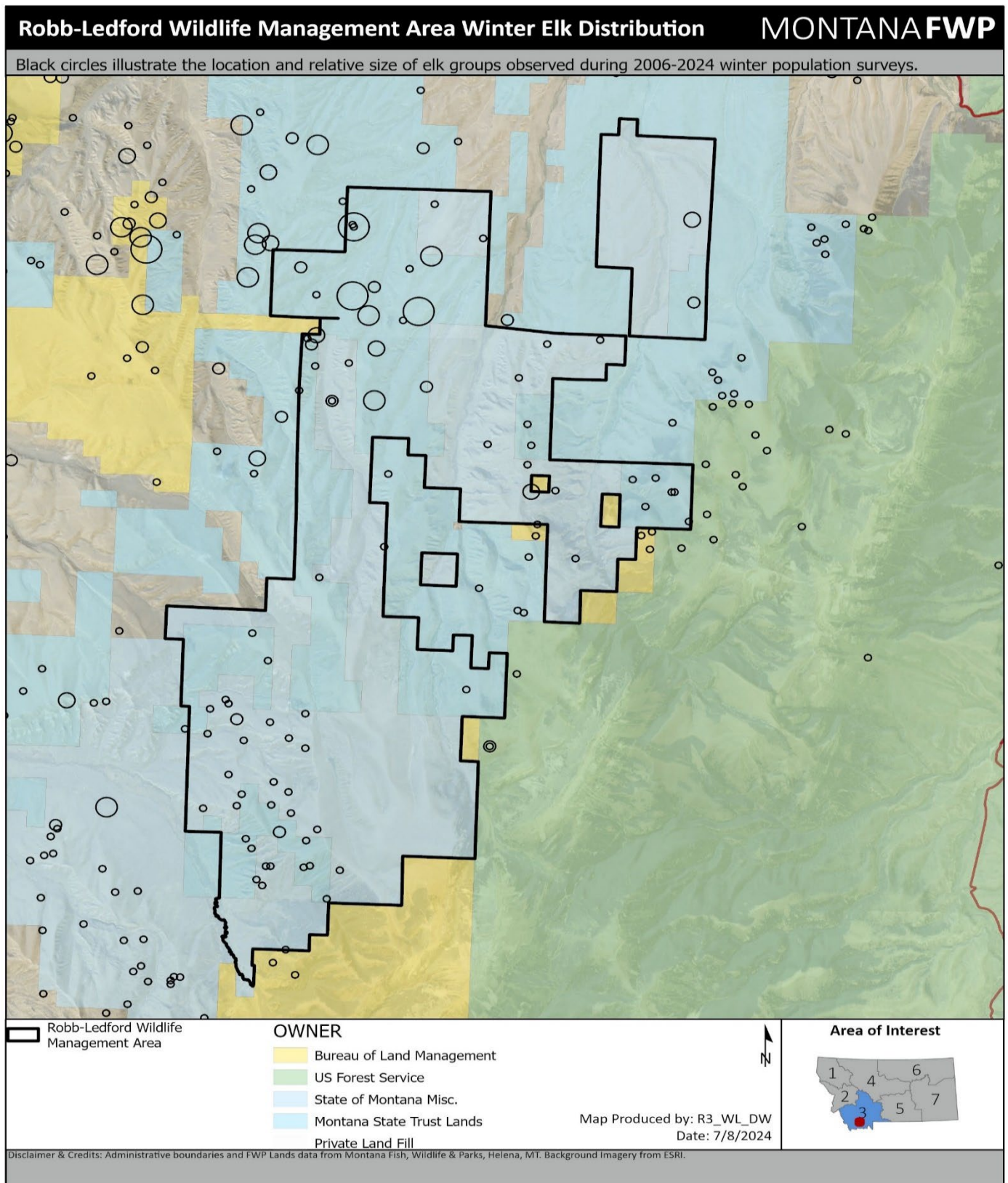
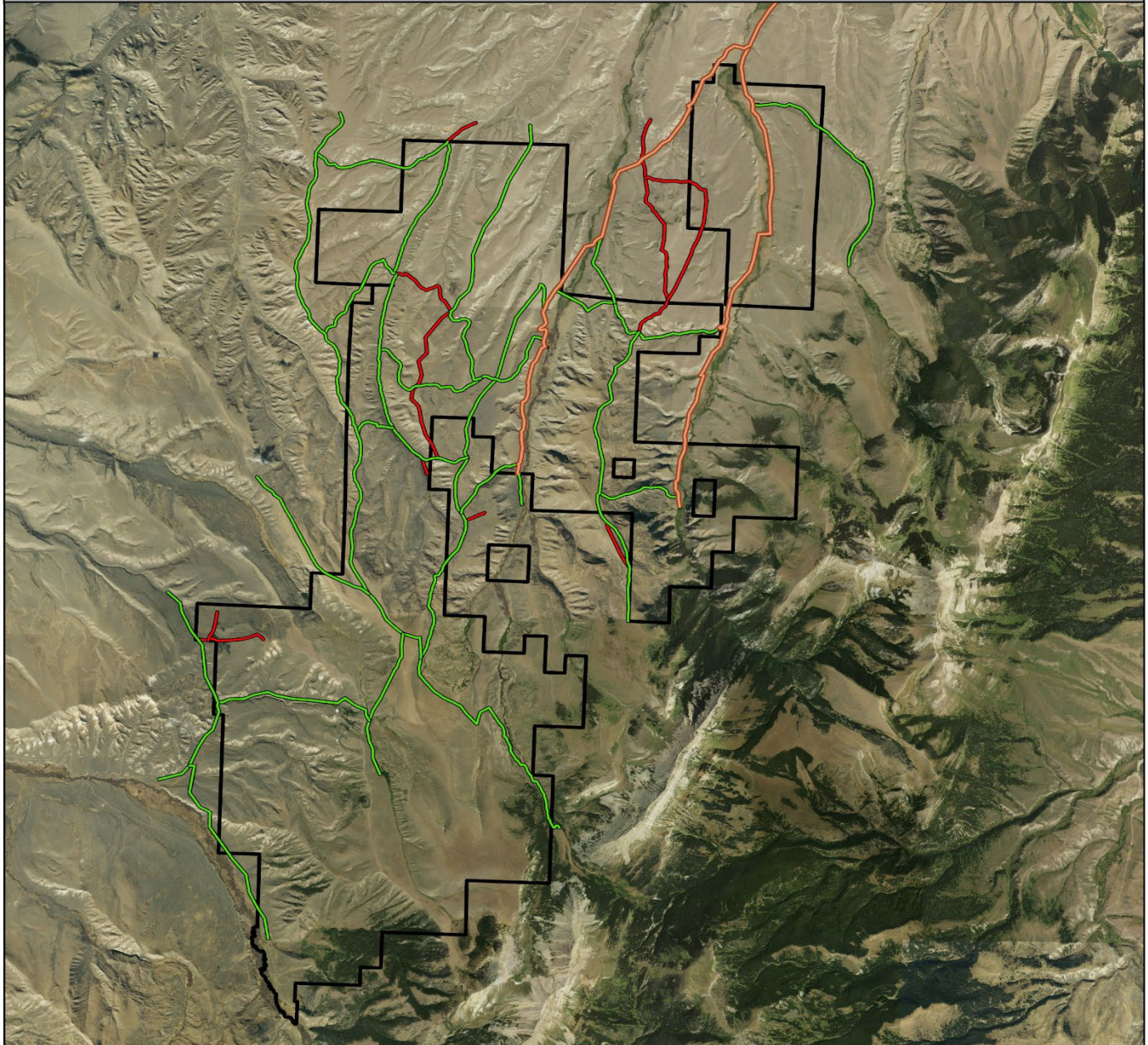


Figure 3. Distribution of wintering elk groups observed during annual population surveys relative to the Robb-Ledford Wildlife Management Area boundaries, 2006–2024.

Robb-Ledford Wildlife Management Area Existing Motorized Routes

MONTANA FWP

Routes that receive motor vehicle use during the general rifle season and the minimal forest cover across the WMA.



- County Right of Ways
- Authorized Motorized Routes
- Unauthorized Motorized Routes
- Robb-Ledford Wildlife Management Area



Area of Interest



Map Produced by: R3, WL, DW
Date: 7/28/2024

Disclaimer & Credits: Administrative boundaries and FWP Lands data from Montana Fish, Wildlife & Parks, Helena, MT. Background Imagery from ESRI.

Figure 4. Motorized routes within and in proximity to the Robb-Ledford Wildlife Management Area.

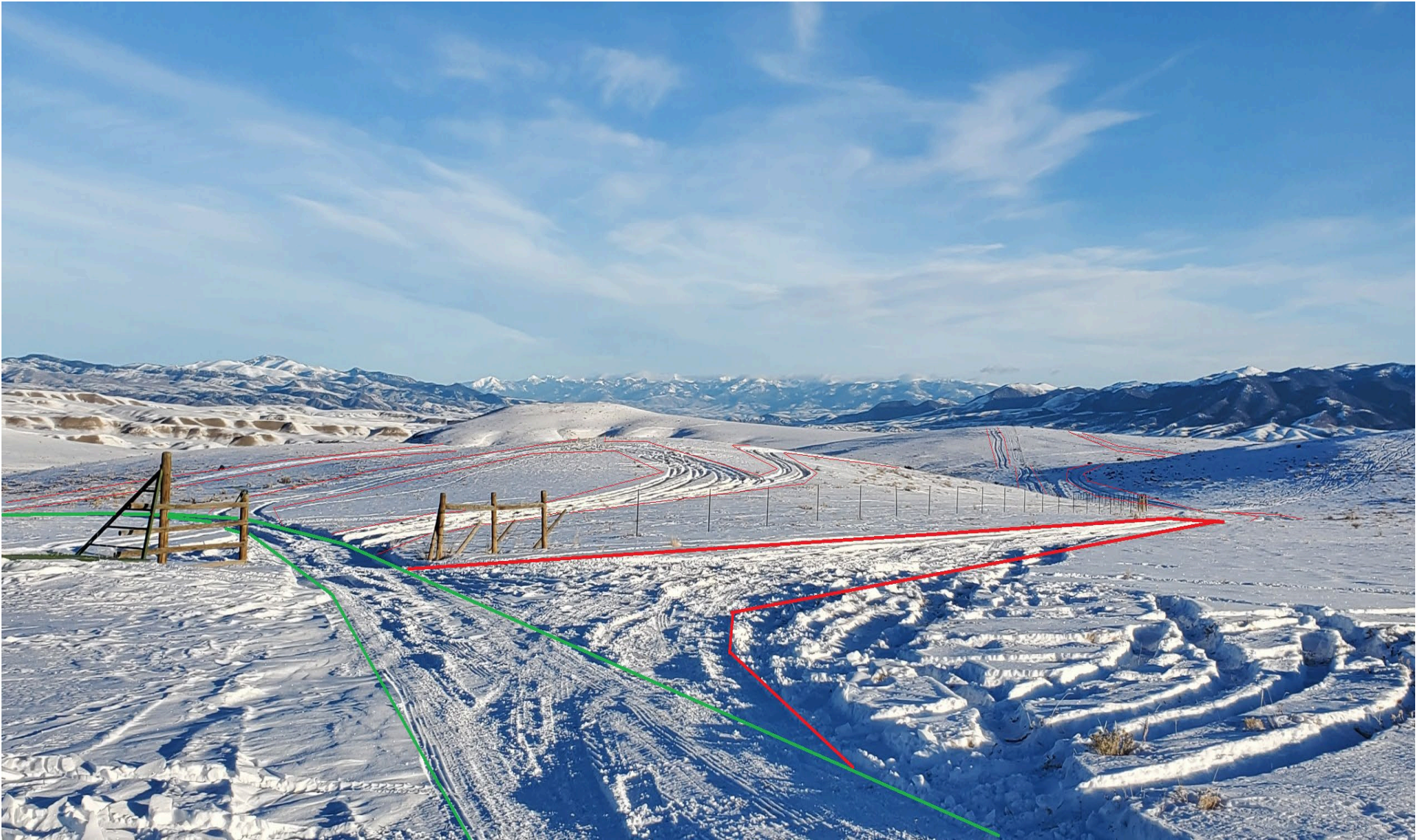


Figure 5. Illustration of unauthorized motorized travel on the Robb-Ledford Wildlife Management Area during rifle hunting seasons when elk are concentrated on winter range. Note: The route outlined in green was authorized for motorized travel. The routes outlined in red were unauthorized routes created by hunters pursuing elk.

Robb-Ledford Wildlife Management Area Current Elk Security Areas MONTANA FWP

Pink polygons represent expected rifle season elk security areas given current motorized routes.

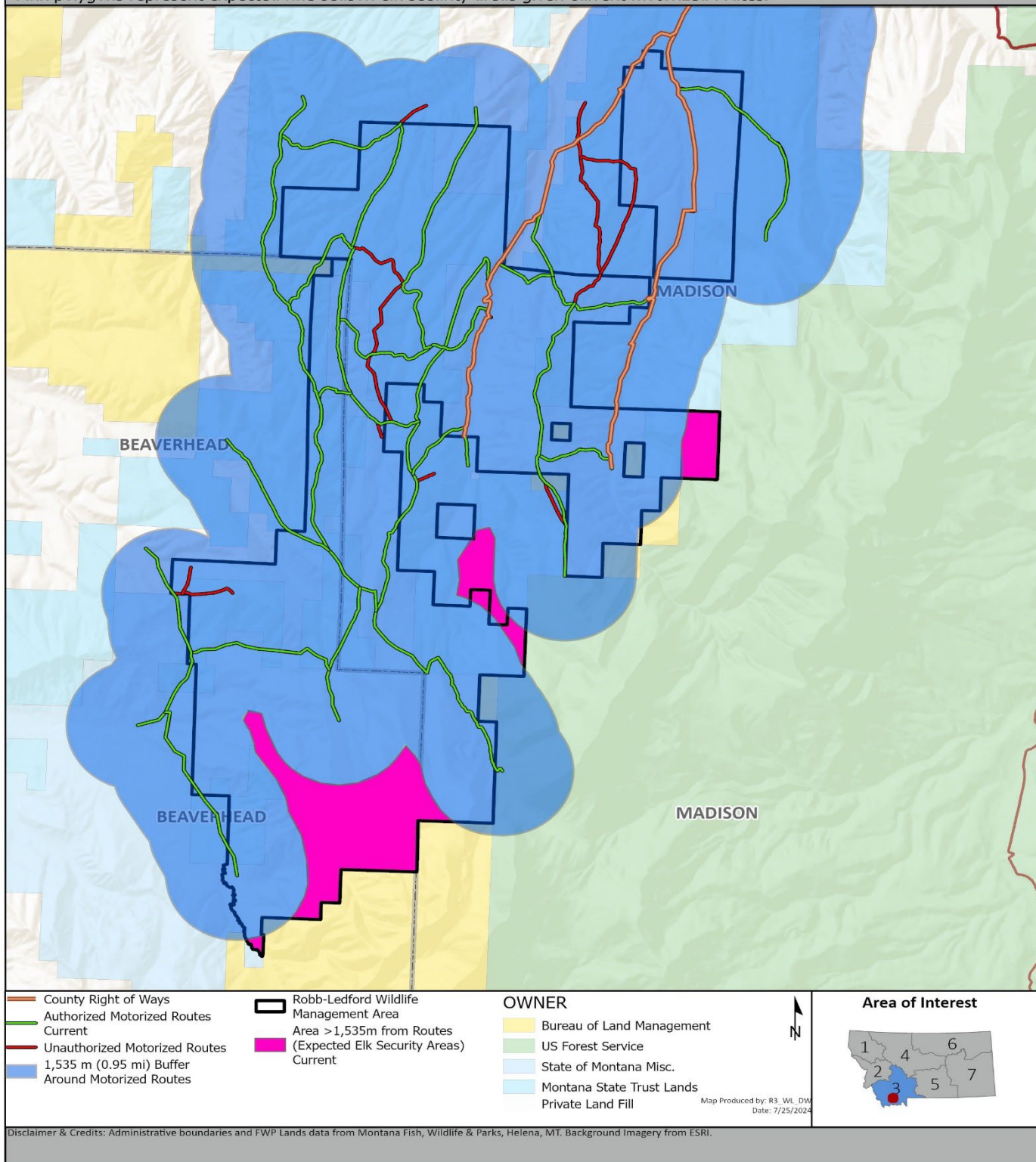


Figure 6. Areas within the Robb-Ledford Wildlife Management Area that are $\geq 1,535$ meters (0.95 miles) from a route being used by motorized vehicles.

Robb-Ledford Wildlife Management Area Proposed Motorized Routes MONTANA FWP

Motorized route proposals only pertain to within the boundaries of the wildlife management area.

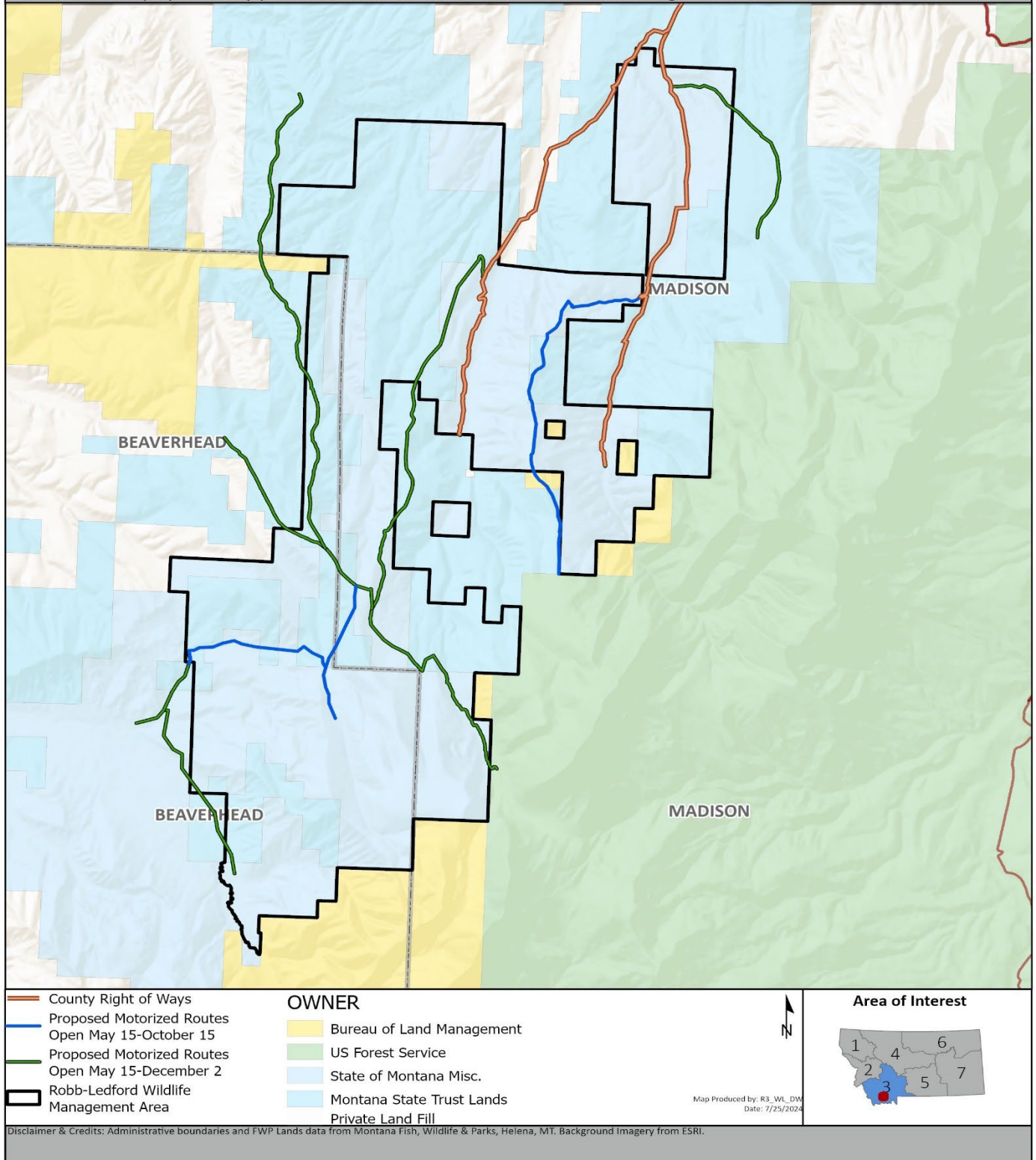


Figure 7. Proposed motorized routes within the Robb-Ledford Wildlife Management Area.

Robb-Ledford Wildlife Management Area Proposed Elk Security Areas MONTANA FWP

Pink polygons represent expected rifle season elk security areas if proposed motorized travel plan is implemented.

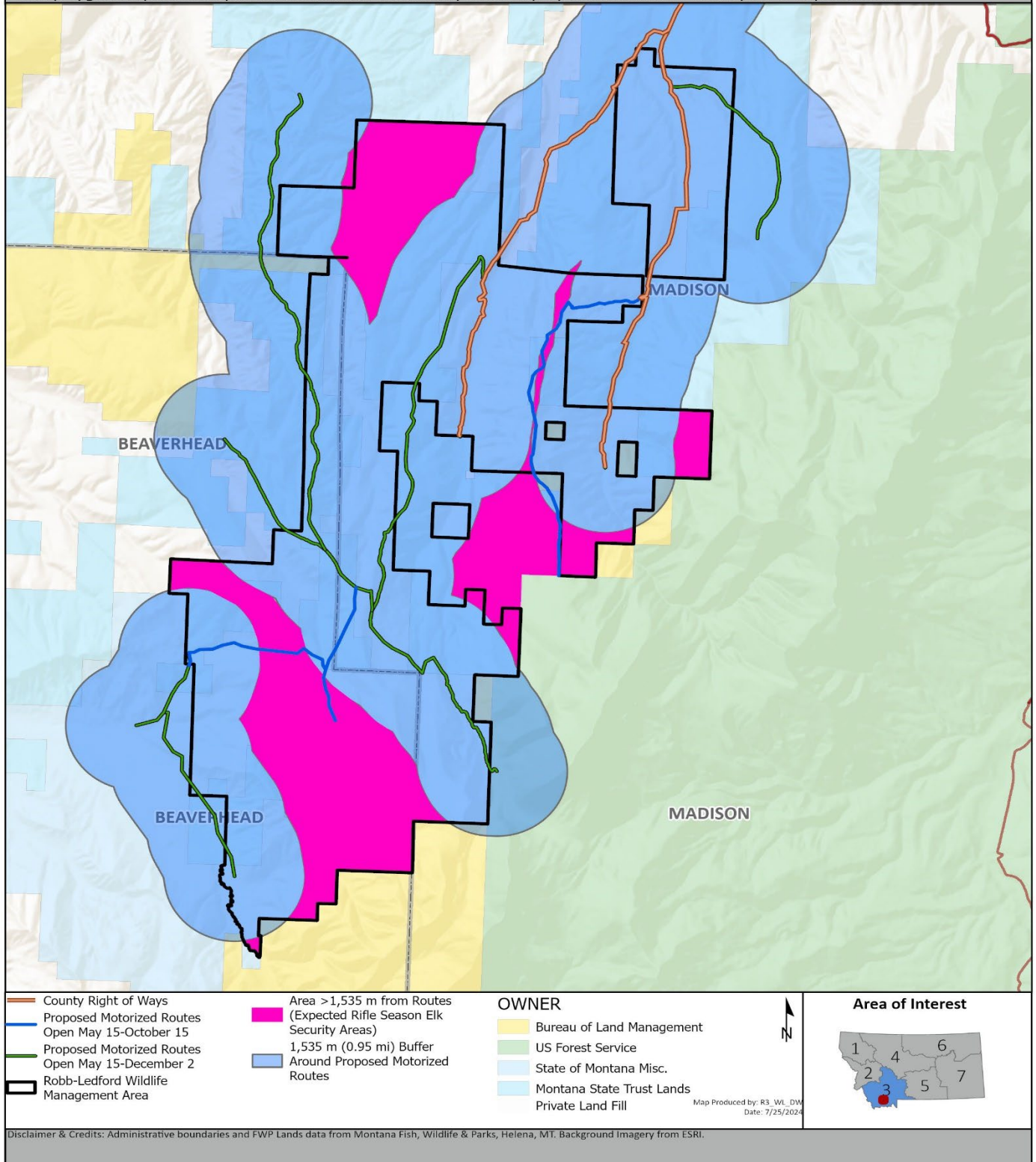


Figure 8. Proposed rifle season elk security areas within the Robb-Ledford Wildlife Management Area.

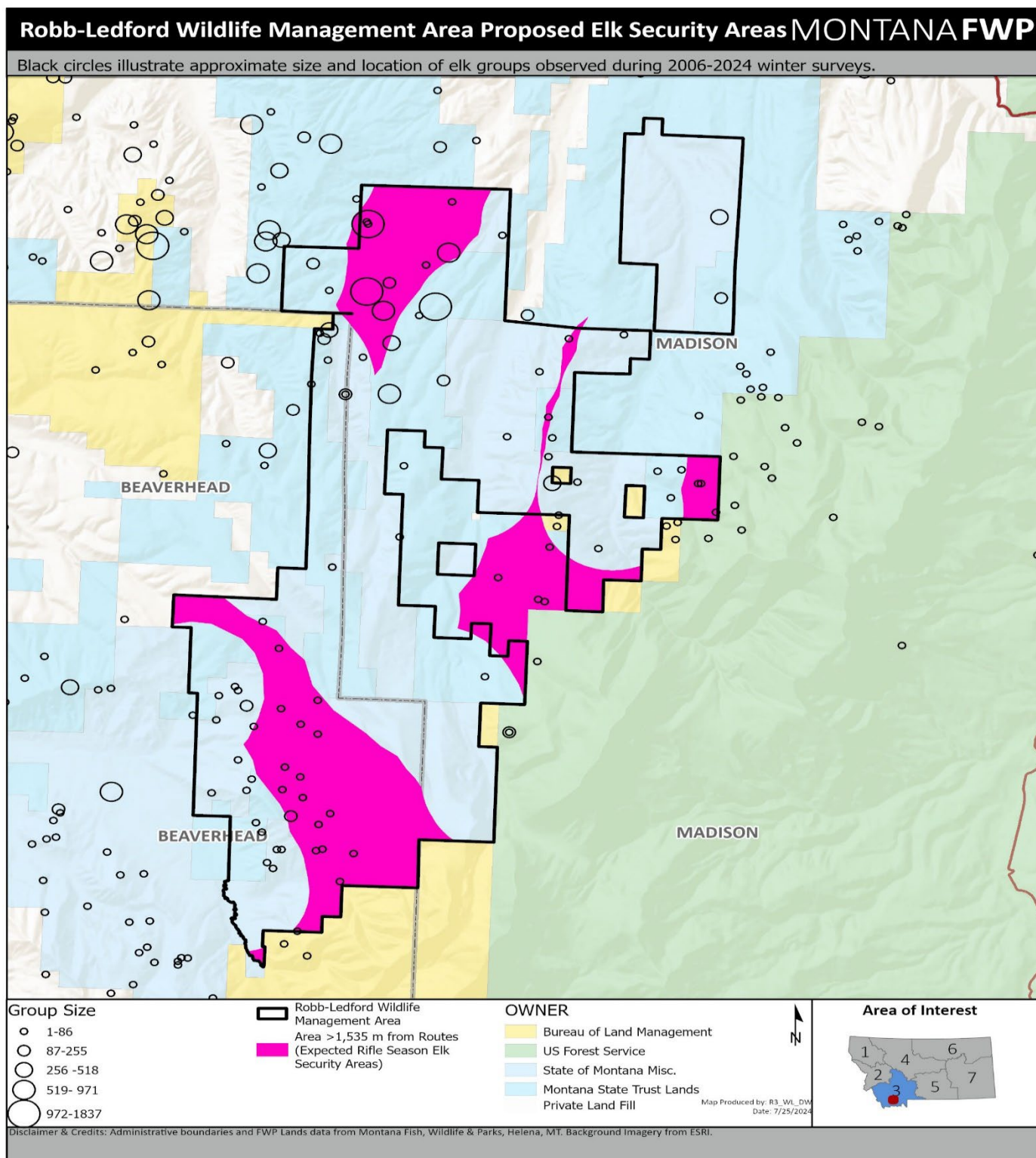


Figure 9. Proposed rifle season elk security areas within the Robb-Ledford Wildlife Management Area relative to the locations of elk groups observed during 2006–2024 winter surveys.



Figure 10. Motorized route ascending a steep slope on the Robb-Ledford Wildlife Management Area where vegetation loss and soil erosion are occurring.

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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 proposes to increase elk security during the rifle hunting season following research recommendations, improve non-motorized hunting opportunity, and reduce soil erosion and noxious weed establishment within the Robb-Ledford WMA by reducing the density of routes open to motorized vehicles. Best available science indicates that retaining elk within the boundaries of the WMA should not be expected while the WMA is open to public use given the density of motorized routes.

The Robb-Ledford WMA is within Deer/Elk Hunting District 322. A management objective for that hunting district, outlined within the *Montana Statewide Elk Management Plan* is to “maintain an acceptable elk distribution.” Goals identified to meet that objective include:

- Maximize elk use of public land;
- Maximize tolerance for elk on private ag lands in proximity to WMAs; and
- Maximize elk use of the Robb-Ledford, Blacktail, and Wall Creek WMAs during fall and winter.

Identified strategies to achieve those goals include:

- Promote recreational use plans that minimize elk displacement from public lands;
- Update recreational travel plans to minimize elk displacement from WMAs by motorized and non-motorized travel; and
- Use WMA-specific hunting regulations that allow for harvest but minimize displacement of elk from WMAs during the general hunting season.

The proposed motorized travel changes within the Robb-Ledford WMA align the strategies and goals, outlined within the *Montana Statewide Elk Management Plan* for meeting one of the primary management objectives for the hunting district.

Project scoping has occurring through FWP staff contacts with public users of the WMA, neighboring landowners, and Montana Department of Natural Resources and Conservation (DNRC) staff over the past several years. Most public users have either requested or expressed support for reducing the road density across the Robb-Ledford WMA to reduce elk harassment by motor vehicles, increase elk use of the WMA during fall hunting seasons, and improve hunt experience. Some public users have expressed anger over motor vehicle practices occurring on the WMA including elk being chased. Some have also expressed frustration with FWP for not addressing the situation. FWP efforts to sign non-authorized routes as closed prior to the 2023 hunting seasons were well received by most hunters that provided feedback. Some public user opposition to reducing motorized routes is expected. Neighboring private landowners expressed support for reducing motorized use within the WMA in the hope that it may reduce elk concentration on their agricultural lands. DNRC staff expressed support for the proposed action on lands they administer within the administrative boundaries of the WMA.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory Responsibilities

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

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of 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
Montana Department of Natural Resources and Conservation	None. DNRC staff reported that no roads on DNRC lands within the WMA boundaries are open to recreational motorized use and that DNRC would defer to the lessee's (FWP's) travel plan. Thus, no administrative actions would be required by DNRC for the proposed changes to take effect.	The agency administers lands within the project area.

List of Mitigations, Stipulations

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

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			Yes <input type="checkbox"/>	No <input checked="" 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 type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	

V. 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.

If a No Action alternative were adopted, rifle season elk security area would not increase across the WMA and rapid hunting season displacement of elk to neighboring private lands would not be expected to change. Ongoing vegetation loss and soil erosion resulting from motorized routes would continue to expand. The WMA would maintain no watersheds that offer non-motorized hunting opportunity desired by many hunters. Noxious weed establishment resulting from motorized routes would not be reduced.

	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

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

The impacts analysis identifies and evaluates **direct, secondary, and cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** “are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 12.2.429(18).
- **Cumulative impacts** “means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.” ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency, and severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

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

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

If a No Action alternative were adopted, rifle season elk security area would not increase across the WMA and rapid hunting season displacement of elk to neighboring private lands would continue. The WMA would maintain no watersheds that offer non-motorized-only hunting opportunity desired by many hunters. Noxious weed establishment, vegetation loss, and soil erosion resulting from motorized routes would not be reduced. Public-user frustration regarding motorized harassment of elk, minimal non-motorized-only hunting opportunity, and FWP not following best available science regarding travel management within elk habitat would continue.

- **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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action would result in a direct beneficial impact to terrestrial wildlife and their habitat. The most prominent impact would be reduced disturbance to and displacement of elk from the WMA during fall hunting seasons. This is desired by most public users and neighboring landowners.
Water quality, quantity, and distribution	<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"/>	The proposed action would reduce water turbidity by reducing the frequency of motor vehicles crossing streams.
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"/>	None.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action would result in a direct beneficial impact to soil by reducing elimination of vegetative cover and erosion resulting from motor vehicle use.
Vegetation cover, quantity, and quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed action would result in reduced vegetation loss resulting from motor vehicle travel.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed action would result in a direct beneficial impact to aesthetics of the WMA by allow miles of motorized routes to re-vegetate, removing aesthetic fragmentation to rangelands.
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"/>	None.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed action would result in a direct beneficial impact to grizzly bears by reducing motorized disturbance with occupied habitat.
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"/>	None.
Demands on environmental resources of land,	<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"/>	None.

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
water, air, and energy									

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 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"/>	None.
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"/>	None.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed action would result in a direct beneficial impact to wilderness activities by increasing area available to non-motorized-only recreation.
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"/>	None.
Agricultural or Industrial production	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action is expected to reduce elk use of private agricultural lands where they consume agricultural products.
Human health and safety	<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"/>	The proposed action would increase public user safety by removing several motorized routes that ascend steep slopes.
Quantity and distribution of employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	None.
Distribution and density of	<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"/>	None.

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
population and housing									
Demands for government services	<input checked="" 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"/>	Initial implementation of the proposed action would require FWP staff time to install signs and communicate changes to the public.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action is expected to decrease elk use of private agricultural lands, which would be a direct benefit to agricultural operations.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed action would align with WMA management goals identified within the Montana Statewide Elk Management Plan.
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"/>	None.

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	The severity , duration , geographic extent , and frequency of the occurrence of the impact
	"Severity" describes the density of the potential impact, while "extent" describes the area where the impact will likely occur, e.g., a project may

	<p>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

VII. 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.

VIII. 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: 30 days

Public Comment Period Begins: August 21, 2024

Public Comment Period Ends: September 20, 2024

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

- ***Where to Mail or Email Comments on the Draft EA:***
Name: DEAN WALTEE
Email: dwaltee@mt.gov
Mailing Address: Montana FWP
1400 South 19th Avenue, Bozeman, Montana 59718

IX. 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"/>

X. EA Preparation and Review

	Name	Title
EA prepared by:	Dean Waltee	Wildlife Biologist
EA reviewed by:		

DRAFT