

DRAFT
ENVIRONMENTAL ASSESSMENT
CHECKLIST

**Aspen and Bitterbrush Enhancement
on Willow Creek Addition
to Mt. Haggin WMA
FWP-CEA-WL-R3-24-046**

18 July 2024



I. Background and Description of Proposed Project

Name of Project: Aspen and Bitterbrush Enhancement on Willow Creek Addition to Mt. Haggin WMA

MT Fish, Wildlife & Parks (FWP) purchased the 829-acre Willow Creek Addition to the Mt Haggin WMA in 2022. The property contains big game winter and transition range comprised of grasslands, bitterbrush-dominated shrublands, riparian and aspen stands. There are 27 acres of aspen stands, and 165 acres of bitterbrush stands on the parcel whose wildlife habitat value is currently being compromised by expanding Douglas-fir. FWP is proposing to hand-remove Douglas-fir from these aspen and bitterbrush stands to enhance their productivity for the benefit of elk, mule deer, white-tailed deer, moose, ruffed grouse, neotropical songbirds, and other small mammal species that rely on these cover types. Rocky Mountain Elk Foundation (RMEF) supported the Willow Creek Acquisition through a generous grant to cover costs of making improvements to habitat on the property. These funds will be used to pay for a portion of this project.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 46.0779 -112.90078
 - Section, Township, and Range: Sections 19 and 30, T4N, R10W and Sections 24 and 25, T4N, R11W
 - Town/City, County, Montana: Anaconda, Deerlodge County, MT

Figure 1. Location Map (Willow Creek Addition to Mt Haggin WMA - outlined in black)

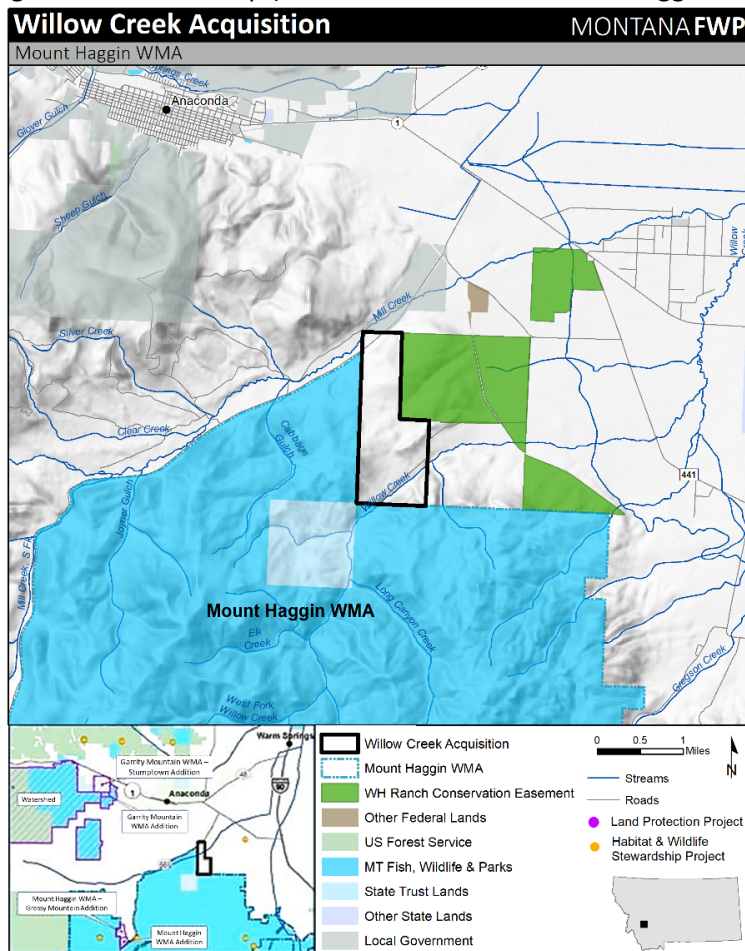


Figure 2. Location of aspen and bitterbrush units to be treated on Mt. Haggin WMA.



II. Purpose and Need

Aspen and bitterbrush are highly valuable resources for wildlife, providing food, cover, nesting and parturition areas, and security for a variety of species. Across the intermountain west, aspen and bitterbrush are being threatened by expansion of conifer into stands that leads to competition for nutrients, water, and sunlight, and

reduces stand vigor. This proposal aims to retain and enhance both the quality and quantity of two very important habitat types on big game winter and transition range on the Willow Creek Addition to Mt Haggin.

III. Other Agency Regulatory

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

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
NA		

IV. List of Mitigations, Stipulations

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input type="checkbox"/>	No <input 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	
Cultural Resource Protection	FWP, State Historic Preservation Office	Antiquities Law	Avoid actions that adversely affect heritage properties or paleontological remains on lands owned by the state.	
Noxious weed control	FWP, Deer Lodge County	Noxious Weed Law	Establishes noxious weed management agreements and programs.	
Smoke Management	DEQ, Montana/Idaho Airshed Management Group	Air Quality Law	Achieve and maintain levels of air quality that will protect human health and safety; prevent injury to plant and animal life and property; foster comfort and convenience of people; promote economic and social development; and facilitate the enjoyment of the natural attractions of the state.	
Forest Management Mandate	FWP	Forest Management Statutes – 87-1-201(9)(a)(iv), 87-1-621, & 87-1-622	Requires FWP to manage its forested lands for wildlife habitat enhancement, hazardous fuels reduction, and bark beetle infestation—based on a forest management plan and sustained yield—and to deposit any revenue generated from timber sales into the legislatively-created forest management account for use towards future forestry projects.	
Good Neighbor Policy	FWP	23-1-126, MCA	The good neighbor policy of public land use, as applied to public recreational lands, seeks a goal of no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy.	

V. Alternatives Considered

Proposed Action alternative: FWP and its contractors would remove Douglas-fir that has expanded into approximately 27 acres of aspen stands and 165 acres of bitterbrush stands on the Willow Creek Addition to Mt Haggin WMA. Trees would be removed using hand tools. Slash would be lopped and scattered in bitterbrush stands and piled around the perimeter of aspen stands to create a 3-5-year barrier that would allow saplings to grow unimpeded from browsing. Douglas fir up to 10-inch diameter at breast height (DBH) would be cut, and trees 10-18 inch DBH would be girdled and left standing. This proposed action would allow these aspen and bitterbrush stands to achieve more vigor and size, benefitting numerous species that depend on them for food, cover, nesting and parturition habitat, and security.

No Action alternative: aspen and bitterbrush stands on the Willow Creek Addition to Mt Haggin WMA will not be treated and conifer will continue to expand into these stands, eventually diminishing their vigor past the threshold to thrive and survive. Benefits to wildlife would be lost.

	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

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

If the No Action alternative is selected aspen stands on the Willow Creek Addition to Mt Haggin WMA will not be treated, and conifer will continue to expand into these stands, eventually diminishing their vigor past the threshold to thrive and survive. Benefits to wildlife would be lost.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work will be done after July 15 to avoid disturbance to nesting birds.
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"/>	Given the location of the treatment units, no impact to water quality, quantity, and distribution would be expected as a result of the proposed actions.
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"/>	The proposed action would not impact any significant geological formations in the affected area; therefore, no impact to geology would be expected as a result of the proposed action.
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"/>	Because tree removal would be done using hand tools and slash will be either piled or scattered instead of burned, no impact to soil quality, stability, and moisture would be expected as a result of the proposed actions.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Within treated stands of aspen and bitterbrush, most of the Douglas fir overstory would be removed. Overtime, these deciduous species are expected to expand both in extent and vigor. This would increase both the quantity and quality of cover type for wildlife. Noxious weed spread would be mitigated by reseeding any disturbed areas and treating new infestations with herbicide following treatment. Impacts to vegetation cover, quantity, and quality would be short and long-term, minor, intentional, and generally beneficial.
Aesthetics	<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"/>	Given the limited scale of the project, no impact to aesthetics would be expected as a result of the proposed actions.
Air quality	<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"/>	Slash and residual byproduct generated during the course of the proposed treatments would be either lopped and scattered or would be stacked around the perimeter of aspen stands to create a temporary (3-5 year) mechanical

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
									barrier to browsing that will allow saplings to grow through the browse zone.
Unique, endangered, fragile, or limited environmental resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Given the limited scale of the project and because slash will be either scatter or piled instead of burned, no impact to unique, endangered, fragile, or limited environmental resources would be expected as a result of the proposed actions.
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 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. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation.
Demands on environmental resources of land, water, air, and energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Given the limited scale of the project, no impact to demands on environmental resources of land, water, air, and energy would be expected as a result of the proposed actions.

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

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed project would not impact current land use; therefore, the proposed project would not impact any pre-project social structures, customs, values, and conventions.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recreation will be restricted from the immediate project area when contractors are working. This would be 1-3 days 2-3 times during the extent of the 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 impacts to the local and state tax base and tax revenues of the affected area would be expected because of the proposed project.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to agricultural or industrial production of the affected area would be expected because of the proposed project.
Human health and safety	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contractors would be subjected to injuries from working with tools and on uneven terrain. This will be mitigated by insuring they are knowledgeable in the use of equipment

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
									and have proper safety gear, footwear and adequately stocked first aid kit on site.
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project would provide employment to 3-10 contract workers for up to 9 days.
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 impacts to the distribution and density of population and housing of the affected area would be expected because of the proposed project.
Demands for government services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to demands for government services of the affected area would be expected because of the proposed project.
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 impacts to industrial, agricultural, and commercial activity of the affected area 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 impacts to locally adopted environmental plans and goals of the affected area would be expected because of the proposed project.
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 impacts to other appropriate social and economic circumstances and goals of the affected area would be expected because of the proposed project.

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

HUMAN 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
Severity, duration, geographic extent, and frequency of the occurrence of the	<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"/>	This project would take place within approximately 27 acres of aspen and 165 acres of bitterbrush and up to 9 days.

HUMAN 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
impact									
Probability that the impact will occur if the proposed project occurs	<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"/>	See comment above
Growth-inducing or growth-inhibiting aspects of the impact	<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"/>	Aspen stands and individual bitterbrush plants would likely increase in size once competing conifer are removed.
Quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values	<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 impacts of this proposed action are designed to be positive for aspen and bitterbrush stands and the wildlife that utilizes them. This includes but is not limited to: wintering moose, elk and mule deer; calving/fawning area for elk, mule deer and white-tailed deer; nesting habitat for neotropical songbirds; year-round habitat for ruffed grouse.
Importance to the state and to society of each environmental resource or value that would be affected	<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"/>	FWP manages wildlife management areas for the benefit of wildlife. This proposed action would improve habitat conditions on Mt Haggin WMA, which would contribute to increased and healthy populations of wildlife that that utilize these aspen and bitterbrush stands. Those members that value wildlife and its habitat would benefit from this proposed action.
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	<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"/>	The proposed project would not result in precedent setting due to the limited size, duration, and severity of impacts expected. Any negative impacts are expected to be short-term, and negligible or minor.

HUMAN 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
in principle about such future actions									
Potential conflict with local, state, or federal laws, requirements, or formal plans	<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 potential conflict is expected as a result of the proposed project.

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 checked="" type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input 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: 15 days

Public Comment Period Begins: July 19, 2024

Public Comment Period Ends: August 2, 2024

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

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

Name: VANNA BOCCADORI

Email: vboccadori@mt.gov

Mailing Address:

1820 Meadowlark Lane

Butte, MT 59701

IX. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action



FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>
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X. EA Preparation and Review

	Name	Title
EA prepared by:	Vanna Boccadori	FWP Butte Area Wildlife Biologist
EA reviewed by:	Jason Parke	FWP Forester
	Rachel Rekin	FWP Archaeologist