

DRAFT
ENVIRONMENTAL ASSESSMENT
CHECKLIST

**Cree Crossing WMA Habitat Improvement
Projects**

FWP-CEA-WLD-R6-24-007

1 May 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

This document outlines 4 habitat projects proposed on Cree Crossing Wildlife Management Area (WMA).

Name of Project: Cree Crossing WMA Nesting Cover Enhancement Project

The aging grass stand covering much of the western half of Cree Crossing WMA (Figure 1) currently provides poor quality nesting habitat for ground nesting birds. The proposed project is designed to enhance an older, less productive grass stand for upland game bird and waterfowl nesting, while simultaneously testing multiple different techniques for grass stand improvement. These practices have been tested more rigorously in other states, but it is still unclear what the results may be in Montana. Having multiple tests in Region 6 is of particular interest due to the large amount of similar old grass stands on the landscape across the region. If a particular technique for grass stand improvement proves successful, there may be many opportunities to apply these techniques across the region.

The premise of the project area is to split the area into thirds (Figure 1). The first 1/3 of each site would be the control and remain untreated. The remaining 2/3 of each site would first be hayed in summer, after July 15th to avoid nesting season, to prepare treatment sites by removing standing grass and reducing litter. Following haying, these remaining parts of each site would be split into two treatment groups, one to be treated in fall and the second the following spring. For the 1/3 of each project site being treated the first fall, there would be 4 treatments: 1) lightly disking 3-4" deep only 2) lightly disking and interseeding 1-3 forb and legume species 3) lightly disking and interseeding 1 cool season grass and 1-3 forb and legumes 4) lightly disking and interseeding 1 native warm season grass and 1-3 forb and legume species. The 1/3 of each project site being treated the following spring would also receive the same 4 treatments with the same 3 seed mixes. The neighboring landowner, Stuart Robinson of Y3 Cattle Company, has agreed to conduct the haying and treatments in exchange for keeping the hay. FWP's Upland Game Bird Enhancement Program (UGBEP) would purchase the seed. We plan to conduct this project over 5 years, with treatments completed in year 1 followed by 3 years of monitoring, and the control area also being hayed and treated with the most successful method in year 5. We would enter an agricultural lease with Y3 Cattle Company for the duration of the project.

We will measure project success by 1) estimating canopy coverage & diversity of plant function groups using a Daubenmire or similar method at peak biomass, 2) estimate visual obstruction using a Robel pole or similar method, and 3) take photos once a month during the growing season to visually assess treatment success. Monitoring methods will begin 1-year post treatment and will continue until then end of the project (5 years after treatment).

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.5461, -107.52323
 - Section, Township, and Range: T32N R32E S11

- Town/City, County, Montana: Saco, Phillips County, Montana
- Location Map



Figure 1. Map of proposed project.

Name of Project: Cree Crossing WMA Exchange of Services for Grazing

Stuart Robinson of Y3 Cattle Company grazes cattle on the property immediately north and east of Cree Crossing WMA (Figure 2). The northern boundary fence of the WMA traverses through numerous gullies (Figure 3) where snow drifting damages the fence every winter. Mr. Robinson is a responsible neighbor and repairs the fence as often as possible; however, trespass cattle are a regular issue on the WMA. We propose to move the fence closer to Milk River Road and allow Mr. Robinson to graze 60 acres on the northern section of the WMA (Figure 2) for an initial lease of 5 years. Moving the fence would greatly reduce issues with trespass cattle on the rest of the property. Mr. Robinson has agreed to remove the 1.2 miles of old fence and build and maintain the 1.3 miles of new wildlife friendly fence. FWP would provide the materials.

In exchange for grazing 60 acres, Mr. Robinson has agreed to maintain the 4 miles of fence on the entire property. This service will allow FWP personnel to spend more time on other maintenance and habitat related issues and improvements. Additionally, Mr. Robinson would plant and maintain the food plots on the southern portion of the WMA (Figure 2) for the duration of the lease. FWP will provide the seed. Having quality food plots near the improved cover from the Nesting Cover Enhancement Project (described above) and the Cottonwood Recruitment Project (described below) should improve the habitat quality for upland birds and other species.

We will measure success by visually assessing the completion of seeding and maintenance of food plots, as well as ensuring necessary maintenance on fencing is completed.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.5461, -107.52323
 - Section, Township, and Range: T32N R32E S11
 - Town/City, County, Montana: Saco, Phillips County, Montana
- Location Maps

Cree Crossing WMA Proposed Grazing

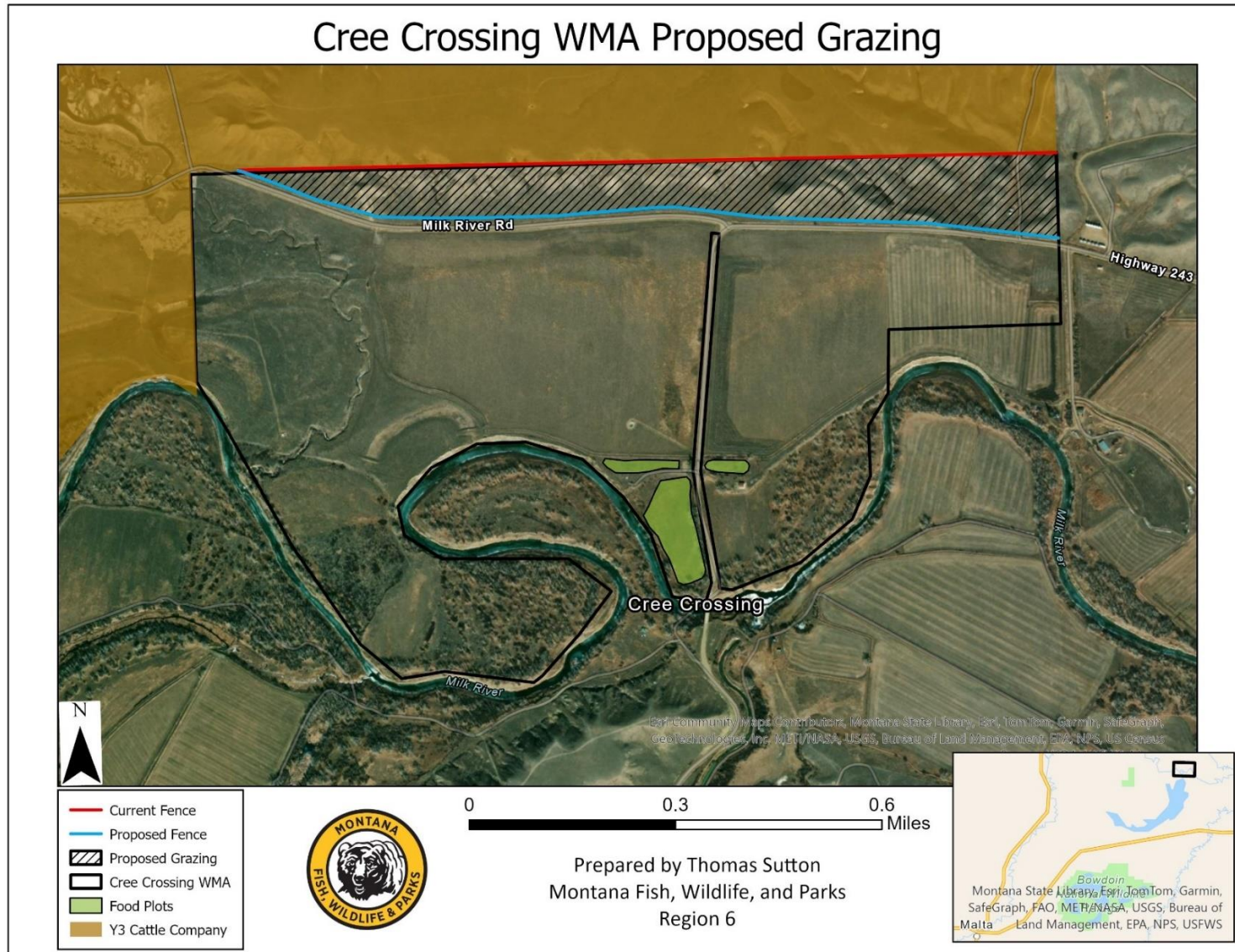


Figure 2. Map showing proposed grazing and food plots on Cree Crossing WMA.

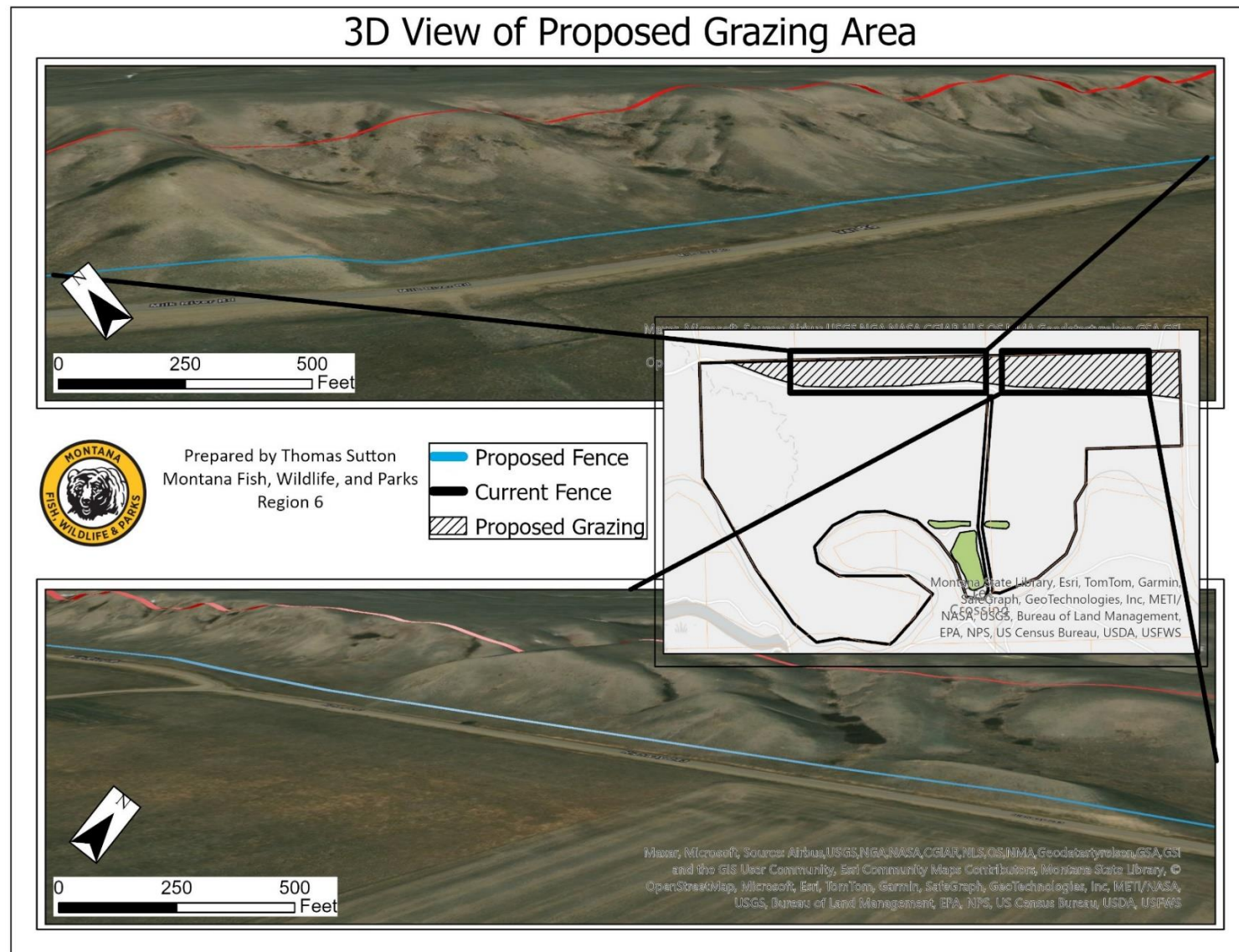


Figure 3. Map showing proposed grazing and food plots on Cree Crossing WMA.

Name of Project: Cree Crossing Cottonwood Recruitment Project

On the south side of Cree Crossing WMA there is a 5.5 acre stand of old crested wheatgrass that has been historically tilled and surrounded by mature and decadent cottonwoods (Figures 4 and 5). We intend to reestablish cottonwoods through series of flooding and seeding treatments. If successful, an early successional stage of cottonwoods would provide valuable cover and forage for upland birds, white-tailed deer, various passerines, and other species.

The 5.5 acre field is divided by berms into 4 separate fields (3 large and 1 small). In the spring of 2024, we plan to disc and irrigate the smaller field to mimic natural flooding, then use a seed sprayer to distribute cottonwood seeds collected from the Milk River. We intend to continue this process for the other fields in 2025, 2026, and 2027.

We will measure success by monitoring the success each year of cottonwood recruitment, both visually and through photos.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.54237, -107.51780
 - Section, Township, and Range: T32N R32E S12
 - Town/City, County, Montana: Saco, Phillips County, Montana
- Location Maps and Photos

Cree Crossing Cottonwood Reseeding



0 0.5 1 Miles

Prepared by Thomas Sutton
Montana Fish, Wildlife, and Parks
Region 6, Wildlife Division

Cree Crossing WMA
Cottonwood
Reseeding



Figure 4. Map showing the location for cottonwood reseeded at Cree Crossing WMA.



Figure 5. Proposed area for cottonwood reseedling.

Name of Project: Cree Crossing Farming Agreement

Prior to FWP's purchase of Cree Crossing WMA in 2009, most of the property had a history of farming. Farming continues on roughly 16 acres of the eastern portion of the property (Figure 6). David Siewing of Siewing Farms Inc. has had an informal agreement with FWP to farm the area since the property was purchased. This has been beneficial to the WMA by providing forage for pheasants and managing weeds. FWP seeks to make this a formal agreement with a farming lease. The lease would detail leaving a 30 ft x 170 ft strip of unharvested grain annually on the western border of the farmed area (Figure 6). This will leave valuable forage for upland birds during the winter months when food resources are limited.

In the Farming Agreement, we will measure success by ensuring the prescribed area of grain remains unharvested each year.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.54714, -107.51099
 - Section, Township, and Range: T32N R32E S12
 - Town/City, County, Montana: Saco, Phillips County, Montana
- Location Maps

Cree Crossing WMA Farming Agreement

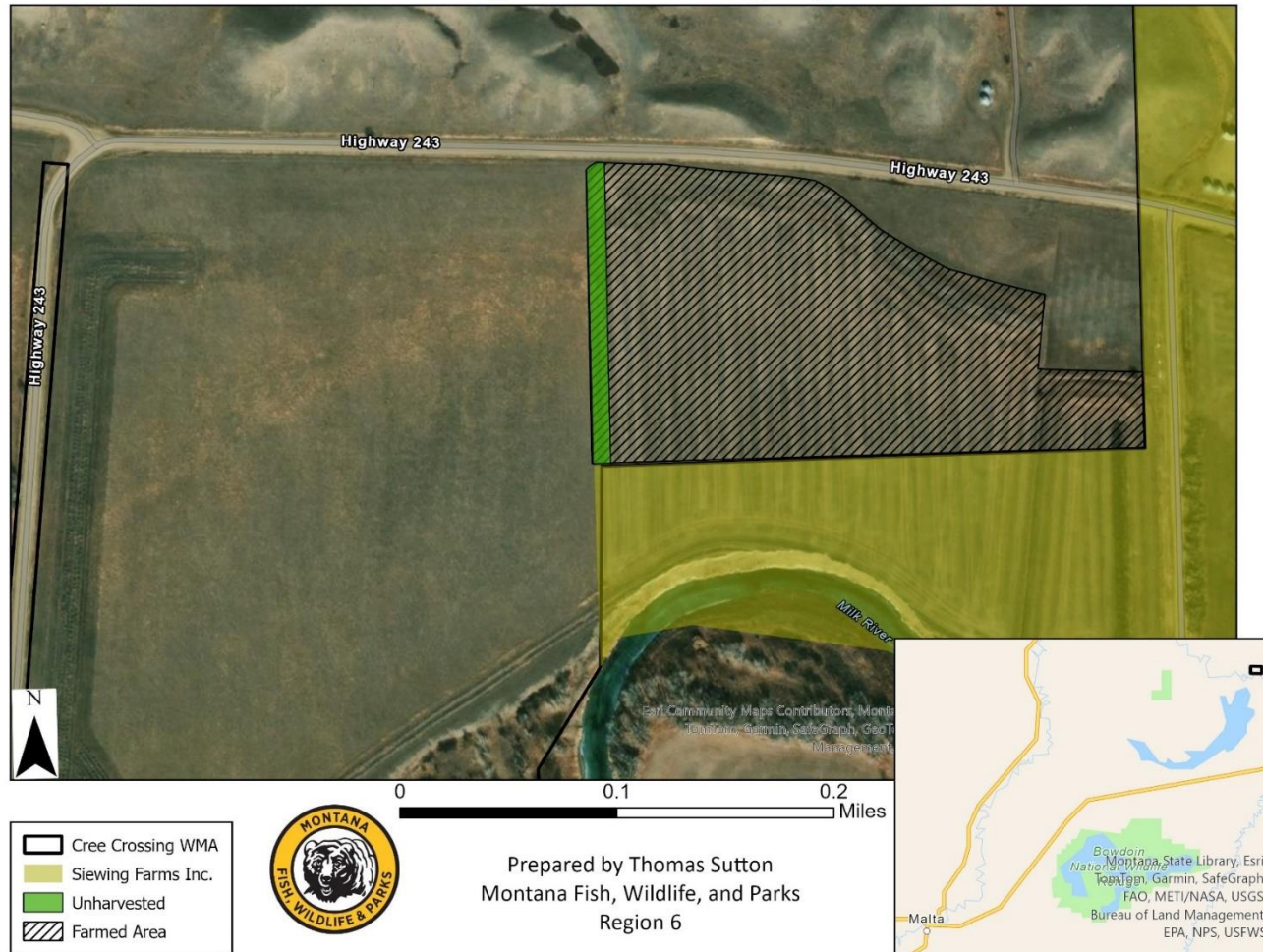


Figure 6. Map showing proposed farmed area on Cree Crossing WMA.

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.

We propose 4 separate habitat improvement projects on Cree Crossing WMA with the goal to improve habitat for both migratory and upland game birds by increasing nesting cover, structural complexity, plant diversity, and year-round forage for upland game birds and other wildlife species. Cree Crossing WMA currently provides lower quality nesting habitat for upland birds. Improving their habitat would allow more opportunity for hunters and wildlife viewers to recreate.

	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
Not Applicable		

V. List of Mitigations, Stipulations

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

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

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

Agriculture lease	FWP	Agriculture Lease	Provides detailed methods and timing of nesting cover treatments to minimize and avoid impacts to ground nesting birds
Grazing lease	FWP	Grazing Lease	Details grazing timing and duration to maintain and encourage native plant composition

VI. Alternatives Considered

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

Cree Crossing WMA Nesting Cover Enhancement Project:

Alternative 1: No action:

If no action were taken, this area would continue to provide poor quality habitat for upland and migratory birds. Currently this property does not provide great hunting opportunity to upland bird hunters due, in part, to these conditions.

Alternative 2: Haying the entire project area:

An alternative to this project could be to only hay the project area. Haying the entire project area would have less environmental impact as it would not require discing. This treatment has been periodically completed in the past (most recently in 2021) with little to no long-term benefits. This alternative was considered but dismissed due to minor long-term improvements to upland nesting cover.

Cree Crossing WMA Exchange of Services for Grazing:

Alternative 1: No action:

If no action were taken, the northern boundary fence would continue to be damaged every winter and trespass cattle will continue to be an issue on the property. The food plots would be planted by FWP personnel, which would take them away from conducting other habitat and maintenance tasks.

Cree Crossing Cottonwood Recruitment Project:

Alternative 1: No action:

If no action were taken, the area would remain in crested wheat with little to no value to wildlife. In the long-term, the area will convert to a grassland after the older cottonwoods die.

Cree Crossing Farming Agreement:

Alternative 1: No action:

If no action were taken, these practices would cease or continue informally with no formal lease.

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

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

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

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

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

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

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

The severity of an impact is measured using the following:

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

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

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

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

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

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

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

If no action were taken, this area would continue to be poor quality habitat for upland and migratory birds. Currently this property does not provide great hunting opportunity to upland bird hunters due, in part, to these conditions.

- **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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed projects.</p> <p>Nesting Cover Enhancement Project: Discing, seeding, and haying would remove herbaceous vegetation in the short-term and would be minor, however this project would improve habitat for terrestrial wildlife in the long-term.</p> <p>Exchange of Services for Grazing: Decadent residual vegetation would be removed by grazing and thereby alter habitats for some terrestrial species. Livestock grazing activities would reduce the amount of forage in the area to be grazed in the short-term. However, these impacts would be negligible due to the grazing occurring in such a small area. However, we expect positive long-term minor impacts to nesting cover across the WMA through more control of trespass livestock.</p> <p>Cottonwood Recruitment Project: Discing would remove herbaceous vegetation in the short-term, however cottonwood recruitment will improve habitat in the long-term.</p> <p>Farming Agreement: This project does not implement any change to the practices on the property, so no impacts are expected.</p>
Water quality, quantity, and distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to water are expected.</p> <p>Nesting Cover Enhancement Project: Discing and removing current vegetation could temporarily increase runoff into the Milk River. However, the combination of the size, slope, and duration will cause little to no impacts.</p> <p>Exchange of Services for Grazing: The food plots are located next to the Milk River. Discing and planting food</p>

PHYSICAL ENVIRONMENT	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	
									<p>plots could increase runoff. However, the size, slope, and duration will cause little to no impacts.</p> <p>Cottonwood Recruitment Project: Discing could temporarily increase runoff into the Milk River. This project will also require pumping water from the Milk River to irrigate. However, the small area and short duration of these practices would result in little to no adverse impacts.</p> <p>Farming Agreement: This project does not implement any change to the practices on the property. No impacts are expected.</p>
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"/>	<p>No significant adverse impacts would be expected because of the proposed projects. No important or unique geologic structures or formations are located within the WMA. Further, the affected area was historically farmed; therefore, any potential impacts to geology in the affected area would already have been realized. No additional impacts to geology would be expected because of the proposed projects.</p>
Soil quality, stability, and moisture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant impacts to soil are expected. Each project area is next to the Milk River. Discing and removing current vegetation could temporarily affect soil stability and moisture. However, the combination of the size, slope, and duration will cause little to no adverse impacts.</p>
Vegetation cover, quantity, and quality	<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"/>	<p>No significant adverse long-term impacts to vegetation cover, quantity, and quality.</p> <p>Nesting Cover Enhancement Project: Discing and haying would reduce vegetation in the short-term; however, the project goal is to increase vegetation cover for nesting habitat which is intended to have long-term moderate impacts to vegetative cover</p> <p>Exchange of Services for Grazing: The food plots are located next to the Milk River. Discing and planting food</p>

PHYSICAL ENVIRONMENT		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	
										<p>plots would temporarily reduce vegetation. The current vegetation primarily makes up weeds. Managed food plots would be an improvement. Vegetation would also be reduced in the area being grazed. However, the small size of the grazed area would result to negligible impacts.</p> <p>Cottonwood Recruitment Project: Discing and would reduce vegetation in the short-term; however, cottonwood recruitment would increase vegetation which is intended to have long-term moderate impacts to vegetative cover</p> <p>Farming Agreement: This project does not implement any change to the practices on the property. No impacts are expected.</p>
Aesthetics		<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"/>	<p>No significant adverse impacts would be expected because of the proposed projects.</p> <p>Nesting Cover Enhancement Project: Discing and Haying on Cree Crossing WMA may be objectionable to some segments of the public, particularly fishermen, hunters, and wildlife viewers. However, any adverse impacts would be short-term and long-term effects would improve the aesthetics of the WMA.</p> <p>Exchange of Services for Grazing: Grazing on the WMA may be objectional to some individuals. However, the grazed area is quite small, and grazing is congruent with land use in the surrounding area.</p> <p>Cottonwood Recruitment Project: Discing may be viewed as unsightly to some individuals. However, the long-term aesthetics would be improved moderately by having a cottonwood gallery made of a mosaic of age classes.</p> <p>Farming Agreement: This project does not implement any change to the practices on the property. No impacts are expected.</p>

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	
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 to air quality would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable national and Montana ambient air quality standards. (NAAQS/MAAQS). Further, no significant point -sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on 2 unpaved roads (fugitive dust), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust).
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"/>	No significant adverse impacts would be expected because of the proposed projects. The current state of each project area has minimal structural complexity and consist of only a few common herbaceous species. Each project would improve habitat of the entire WMA.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed projects. Each of the project areas have a history of being altered through soil discing and farming (prior to being purchased by FWP in 2009). The portion proposed to be grazed would not see any ground disturbance and therefore no impact to historical or archeological sites as the fence would be relocated to the area adjacent to the county road.
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"/>	No significant adverse impacts would be expected because of the proposed projects. Cree Crossing WMA has historically been used for farming. Some fuel would be required to disc, hay, seed, and irrigate, but these impacts would be negligible. As identified previously, potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture;

PHYSICAL ENVIRONMENT	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	
									vegetation cover, quantity, and quality; and air quality; some impacts to the environmental resources of land, water, and air may occur because of the proposed projects. However, any such impacts would be consistent with current and historic impacts. Additionally, any impacts would be short-term and the overall result of the project would be beneficial to environmental resources.

Table 4 - Potential Impacts of 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
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Significant impacts would be expected because of the projects. A primary goal of Cree Crossing WMA is to restore and manage upland habitats for the benefit of wildlife with upland game birds being the primary focus. Additionally, most public use of the WMA is for upland game bird hunting. The proposed projects would not change current land use or human activities in the affected area.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts would be expected because of the proposed projects. The proposed projects would not result in any new or changed employment opportunities. Therefore, the proposed projects are not expected to

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	
									result in any relocation of people in to or out of the affected area. No impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed projects.
Access to and quality of recreational and wilderness activities	<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 because of the proposed projects. Each project would not affect public access and should improve recreational opportunity of upland game bird hunters.
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 occur because of the proposed projects. The projects are in line with historical land use and would not change tax base or tax revenues.
Agricultural or Industrial production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impacts would be expected because of proposed projects. Each project is in line with land use practices in the surrounding area. Hay production and farming of 16 acres of the WMA would minorly increase agricultural production in the short-term.
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 adverse impacts to human health and safety are expected because of the proposed projects.
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"/>	No significant adverse impacts would be expected because of the proposed projects.
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 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 significant adverse impacts would be expected because of the proposed projects.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed projects. Hay production and farming of 16 acres of the WMA would minorly increase agricultural activity in the short-term.

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	
Locally adopted environmental plans and goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The affected property is currently, and would remain, a designated WMA. The projects are in line with the primary goal of the WMA to improve and maintain high quality upland bird habitat.
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 because of the proposed projects. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed projects. Therefore, no significant adverse impacts would be expected because of the proposed projects.

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. 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.</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 severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>“Severity” describes the density of the potential impact, while “extent” describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p>

	“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).
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

VIII. Private Property Impact Analysis (Takings)

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

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

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

Table 7: Private Property Assessment (Takings)

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

Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

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

Alternatives:

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

IX. Public Participation

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

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

Newspaper / Periodical	Date(s) Public Notice Issued

- *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: 1 May 2024

Public Comment Period Ends: 15 May 2024

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

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

Name: THOMAS SUTTON

Email: thomas.sutton@mt.gov

Mailing Address:

PO Box 645

Malta, MT 59538

X. Recommendation for Further Environmental Analysis

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

XI. EA Preparation and Review

	Name	Title
EA prepared by:	Thomas Sutton/Kenneth Plourde	Malta Area Wildlife Biologist/Region 6 Upland Game Bird Habitat Specialist
EA reviewed by:	Scott Thompson	Wildlife Manager