

DRAFT

SUPPLEMENTAL ENVIRONMENTAL

ASSESSMENT CHECKLIST

71 Ranch Prairie Dog Conservation Contract

May 1, 2024

FWP-SCEA-WLD-R7-24-007



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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)).*

Adoption or Tiering to Existing Environmental Assessment:

- FWP has prepared a Supplemental EA (SEA) related to the proposal to contract with a landowner to protect prairie dogs for a 10-year period. FWP is proposing to adjust the agreement type from a lease to a contract. This SEA tiers from the original EA and specifically considers a change in the agreement type that wasn’t part of the original analysis contained in the Draft Checklist EA. But, for those parts of the Prairie Dog Conservation agreement that remain unchanged, FWP considers the earlier analysis to be sufficient.
- On April 8, 2024, Montana Fish, Wildlife and Parks (FWP) issued a Draft Checklist EA (FWP-EA-WLD-R7-24-003) that analyzed a proposed Prairie Dog Conservation Lease in Garfield and Rosebud County, Montana. The public comment period will close May 7, 2024, but in preparing this Supplemental EA FWP will extend the comment period by 15-days following the posting date of the SEA. Public comment on the Supplemental EA will be accepted until May 16, 2024.
- The goal of the Prairie Dog Conservation agreement analyzed through the EA process is to conserve, protect, and enhance prairie dog colonies and habitat for 10 years. Prairie dogs create burrow systems and are the primary prey item for black-footed ferrets, therefore a critical step toward recovery of the

species is maintaining prairie dogs. The proposed agreement also provides an opportunity for future consideration of black-footed ferret reintroduction.

- According to the requirements of ARM 12.2.441(1), the agency shall adopt as part of a Draft EA all or any part of the information and conclusions contained in an existing EA that has been previously or is being concurrently prepared pursuant to MEPA or the National Environmental Policy Act or NEPA if the agency determines:
 - the existing EA covers an action paralleling or closely related to the action proposed by the agency or the applicant;
 - based on its own independent evaluation, the information contained in the existing EA has been accurately presented; and
 - the information contained in the existing EA is applicable to the action currently being considered.

FWP determined the proposed action meets all the criteria identified above for adopting or tiering to the existing Checklist EA; therefore, this Draft Supplemental EA adopts appropriate elements of the Checklist EA without further detailed environmental review. 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: 71 Ranch Prairie Dog Conservation Contract

Montana Fish, Wildlife and Parks (FWP) proposes to revise the proposed Prairie Dog Conservation Lease on the 71 Ranch. FWP is proposing an adjustment to the agreement type. The intent of the agreement has not changed – it is to incentivize landowners to protect prairie dog colonies, prairie grassland habitat and the associated wildlife benefits, including potential progress toward black-footed ferret reintroduction. After further review FWP has determined that this type of agreement is more appropriate as a contract with the landowner, rather than a habitat conservation lease that runs with the land. Maintaining (i.e. no lethal control) and enhancing prairie dog colonies through plague mitigation is a decision and commitment to be implemented by the current landowner. Further, the 10-year term, rather than a perpetual or 30 to 40-year term, is more appropriate as a contract with the landowner. All terms within the proposed agreement will apply to the contract, including:

- Conservation of approximately 2,975 acres of black-tailed prairie dog colonies and associated prairie habitat. The contract totals \$148,750.
- No lethal control (i.e., shooting or poisoning) of prairie dogs identified within the boundaries of the protected area.
- Protecting prairie dogs by maintaining the habitat where they occur. This would be done by not significantly altering the habitat by burning, plowing, chemically treating, building development, flooding, or other forms of habitat fragmentation or conversion.
- Allowing a certified pesticide control operator access to the area specified in the contract to conduct Sylvatic plague management by application of an insecticide (deltamethrin or fipronil-treated grain) within prairie dog towns for flea control.
- Monitoring the prairie dog colonies twice annually (by the landowner, existing staff, or contractors.)
- Limiting the amount and type of pesticides and agrichemicals to the minimum amount and frequency necessary to control noxious weeds and insects.

Under this Prairie Dog Conservation Contract, traditional agricultural practices (i.e., grazing) will continue. This contract also provides an opportunity for future consideration of black-footed ferret reintroduction should FWP

and the US Fish & Wildlife Service determine the prairie dog colony conditions are suitable for ferrets. If conditions are suitable, FWP would conduct a separate MEPA.

Montana Fish, Wildlife and Parks (FWP) proposes to implement a Prairie Dog Conservation Contract in Garfield and Rosebud County, Montana. The proposed contract is located 8 miles north of Ingomar. This contract will conserve, protect, and enhance approximately 2,975 acres of important black-tailed prairie dog (hereinafter prairie dog) colonies and habitat for 10 years, beginning in July 2024 and continuing through July 2034. The contract is a one-time payment of \$148,750. The project will be funded from a National Fish & Wildlife Foundation grant and state tax revenue from the Nongame Wildlife Account.

Affected Area / Location of Proposed Project:

There are no changes to the affected area or location of the proposed contract.

Legal Description

Parcel 1

- Latitude/Longitude: 46.91195, -107.40077
- Township, Range, and Section: T13N, R34E, portion of sections 2 and 3
- Town/City, County, Montana: Ingomar, Garfield County, Montana

Parcel 2

- Latitude/Longitude: 46.90373, -107.43033
- Township, Range, and Section: T13N, R34E, portion of sections 3, 4, 5, 8, 9, and 10
- Town/City, County, Montana: Ingomar, Garfield County, Montana

Parcel 3

- Latitude/Longitude: 46.89440, -107.43618
- Township, Range, and Section: T13N, R34E, portion of section 9
- Town/City, County, Montana: Ingomar, Garfield County, Montana

Parcel 4

- Latitude/Longitude: 46.88873, -107.42313
- Township, Range, and Section: T13N, R34E, portion of section 9
- Town/City, County, Montana: Ingomar, Garfield County, Montana

Parcel 5

- Latitude/Longitude: 46.86959, -107.42578
- Township, Range, and Section: T13N, R34E, portion of sections 15, 17, 18, 20, 21, and 22
- Town/City, County, Montana: Ingomar, Garfield County, Montana

Parcel 6

- Latitude/Longitude: 46.86010, -107.38597
- Township, Range, and Section: T13N, R34E, portion of sections 23 and 26
- Town/City, County, Montana: Ingomar, Garfield County & Rosebud County, Montana

Parcel 7

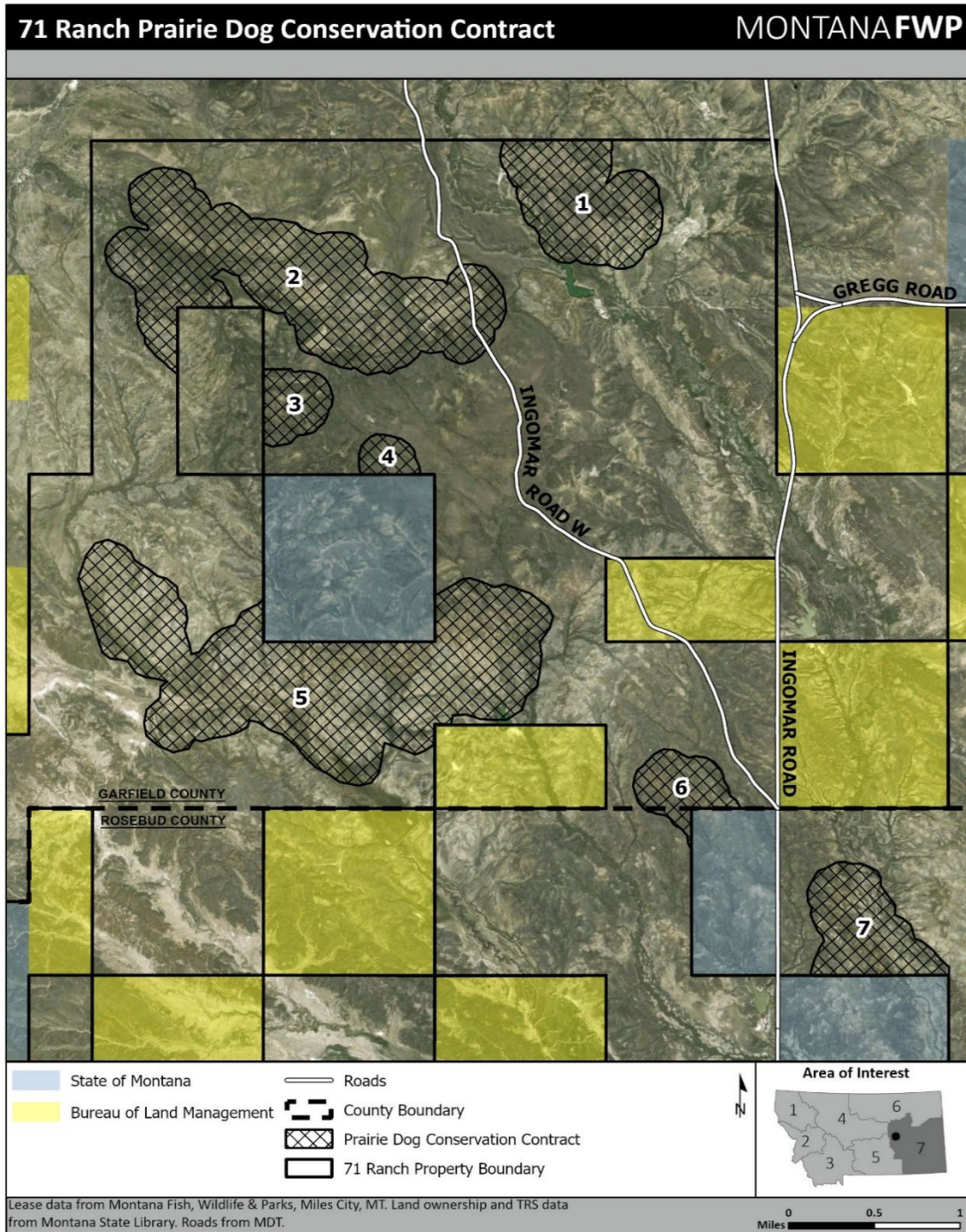
- Latitude/Longitude: 46.84670, -107.36246

- Township, Range, and Section: T13N, R34E, portion of section 25
- Town/City, County, Montana: Ingomar, Rosebud County, Montana

- Location Map

There is no change to the location map of the proposed contract.

- Prairie Dog Conservation Contract project area location is 8 miles north of Ingomar, MT.



III. Purpose and Need

The Supplemental 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 recognizes prairie dogs as a critical part of the ecosystem while also remaining aware of the challenges they present to landowners. The proposed action is intended to conserve prairie dogs, their habitat, and ecosystem benefits using a voluntary, incentive-based approach, as previously analyzed in the Draft Checklist EA, for a period of 10 years. The objective remains unchanged under the proposed action to use a landowner contract, rather than a lease, to achieve conservation benefits for prairie dogs.

Through this contract, the landowner commitments remain unchanged. The landowner agrees to protect and enhance prairie dog colonies on contracted acres and to allow the release of black-footed ferrets onto the contracted area in the future, if conditions are favorable, following a multi-step process to determine whether conditions are suitable and subject to approval by the Fish and Wildlife Commission. Briefly, those steps include (1) FWP and the USFWS determine the conditions of the prairie dog colony are suitable for reintroduction efforts, (2) FWP conducts a separate MEPA, (3) public process, and (4) approval by the Fish and Wildlife Commission. Should the circumstances of the prairie dog population make such a release impossible or impractical, FWP would not be obligated to release black-footed ferrets.

	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).

There are no changes to other agency regulator responsibilities as previously analyzed in the Draft Checklist EA.

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

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

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP Heritage Program; Montana State Historic Preservation Office (SHPO)	Cultural Assessment/Survey	Identification of historic and/or archaeological sites located within or near the proposed project area.
Department of Agriculture	Pesticide Application License	Treat prairie dog colonies with pesticides to mitigate impacts of plague

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	

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.

Under the "No Action" alternative, prairie dogs would not be protected under a Prairie Dog Conservation Contract. Prairie dogs could be lethally removed and the prairie habitat they depend on would remain at risk of fragmentation, conversion, and/or development. Additionally, ecosystem benefits that result from prairie dog activity would not be protected on contract lands and plague would not be managed, decreasing stability within the prairie dog population and posing a health hazard with plague.

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

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

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

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.

- **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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentivize landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to terrestrial, avian, and aquatic life and habitats would be expected.
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"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentivize landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to water quality, quantity, and distribution would be expected.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentivize landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to geology would be expected.

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	
Soil quality, stability, and moisture	<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 action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to soil quality, stability and would be expected.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to vegetation cover, quantity, and quality would be expected.
Aesthetics	<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 action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners s to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to aesthetics would be expected.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to air quality would be expected.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to unique, endangered, fragile, or limited environmental resources would be expected.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to historic and archaeological sites would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to historical and archaeological sites would be expected.

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	
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to the demands on environmental resources of land, water, air, and energy would be expected.

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
	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 adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to social structures or mores would be expected.
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 adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to existing cultural uniqueness and diversity of the affected area would be expected.
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 action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to existing access to and quality of recreational and wilderness activities in the affected areas would be expected.
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader

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	
Resource									wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional Impacts to local and state tax base and tax revenues would be expected.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to agricultural or industrial production would be expected.
Human health and safety	<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 action. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to human health and safety would be expected.
Quantity and distribution of employment	<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 project. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to quantity and distribution of employment would be expected.

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	
Distribution and density of population and housing	<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 project. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts to distribution and density of population would be expected.
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 project. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts on demands for government services would be expected.
Industrial, agricultural, and commercial activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to agricultural, commercial, or industrial activity would be expected as a result of the proposed project. Because the affected area is not currently used for any type of industrial or commercial activities, the proposed project would not impact such practices. The proposed project would benefit agricultural production by continuing current and historic agricultural practices on the affected areas. Therefore, no impacts on industrial, agricultural, and commercial activity would be expected because of the proposed project.

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	
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. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts would be expected to locally adopted environmental plans and goals 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 significant adverse impacts would be expected because of the proposed project. Impacts of the Prairie Dog Conservation Lease were analyzed in the initial Draft Checklist EA. The proposed action to adjust the agreement type to a landowner contract preserves the intent, which is to incentive landowners to protect prairie dogs and their habitat and achieve broader wildlife conservation benefits. Because the Prairie Dog Conservation Contract terms remain the same, no additional impacts would be expected to other appropriate social and economic circumstances

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

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP’s decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.

According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.

Criteria Used to Determine Significance

1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>“Severity” describes the density of the potential impact, while “extent” describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>“Duration” describes the time period during which an impact may occur, while “frequency” describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	<p>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</p>
3	<p>Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts</p>
4	<p>The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values</p>
5	<p>The importance to the state and to society of each environmental resource or value that would be affected</p>
6	<p>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</p>
7	<p>Potential conflict with local, state, or federal laws, requirements, or formal plans</p>

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.

There are no changes to private property assessment (takings) as previously analyzed in the Draft Checklist EA.

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 checked="" type="checkbox"/>	<input 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
Forsyth Independent Press	TBD

- *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:** May 1, 2024
 - Public Comment Period Ends:** May 16, 2024
 - **Where to Mail or Email Comments on the Draft Supplemental EA:**
 - Name: BRANDI SKONE
 - Email: bskone@mt.gov
 - Mailing Address:
FWP Region 7 – 71 Ranch Prairie Dog Lease
P.O. Box 1630, Miles City, MT 59301

X. Recommendation for Further Environmental Analysis

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

XI. EA Preparation and Review

	Name	Title
SEA prepared by:	Kristina Smucker	Nongame Wildlife Bureau Chief
EA reviewed by:	Ken McDonald	Wildlife Administrator