

FINAL ENVIRONMENTAL ASSESSMENT CHECKLIST



Isaac Homestead Wildlife Management Area Addition

(FWP-CEA-WLD-R7-24-005)

April 5, 2024



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I. Compliance with the Montana Environmental Policy Act

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

FWP must prepare an EA when:

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

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

II. Background and Description of Proposed Project

Name of Project: Isaac Homestead Wildlife Management Area Addition

This EA was released for public comment on February 21, 2024. On February 27th, the EA was removed from the FWP website to allow for the completion of a certified land survey. Based upon the survey, the acreage has been adjusted from 412 to 413.929.

Montana Fish Wildlife & Parks (FWP) proposes to purchase approximately 413.9 acres of land (“the Property”) that currently fits between east and west parcels of the Isaac Homestead Wildlife Management Area (WMA). The Isaac Homestead WMA, first established in 1969, is situated along the Yellowstone River, 4 miles west of Hysham, in Treasure County (Figures 1 and 2), and is divided into two, mutually inaccessible parcels. As currently situated, the west unit is larger and is accessible via county roads. The east unit historically was accessible via an access road which ran along the bank of the Yellowstone River. However, the river channel migrated north into a steep embankment, completely washing away that route (Figure 3). Currently, the public is only able to access the east parcel of the Isaac Homestead WMA via the Yellowstone River, utilizing FWP fishing access sites (FASs) located upstream or downstream of the WMA. Accessing from the upstream FAS is challenging as there is a diversion dam that limits passage by watercraft. This proposed acquisition would make the WMA into one publicly accessible unit.

In addition to establishing one contiguous WMA, this proposal would: 1) conserve and enhance Yellowstone River riparian, wetland, and sagebrush-steppe habitats, 2) expand public recreational opportunities along the Lower Yellowstone River, and 3) expand opportunity for a cooperative farming lease in partnership with a local agricultural producer. The Montana Outdoor Legacy Foundation purchased this parcel through the Montana Fish and Wildlife Conservation Trust to help bridge the acquisition for FWP. If approved, FWP would purchase the parcel at the appraised value of \$900,000.00. Funding for the acquisition would be derived from a combination of Habitat Montana and Migratory Bird Wetland Program funds.

The Property’s upper bench comprises Great Plains mixed grass prairie and sagebrush steppe dominated by Wyoming big sagebrush and western wheatgrass (Table 1 and Figure 4). The bench also includes about 37 acres of seasonally inundated depressional wetlands. The south side of the bench breaks off into woody draws containing Rocky Mountain juniper, snowberry, skunkbush sumac, and chokecherry. The river bottom habitat includes approximately 1 mile of riverfront and associated riparian with an overstory of plains cottonwood and an understory of sandbar willow, Woods’ rose, western wheatgrass, and smooth brome. In addition to native habitats, the Property includes about 46 acres of irrigated cropland.

The mosaic of upland, wetland, cropland, and riparian habitats provides for a diverse assemblage of notable wildlife species including mule deer, white-tailed deer, pronghorn, Merriam’s turkey, many waterfowl species, ring-necked pheasant, sharp-tailed grouse, and others. In addition, the Property hosts, or has the potential to host, several “species of concern” including greater sage-grouse, great blue heron, black-tailed prairie dog, spiny softshell turtle, little brown myotis, and many other species (Appendix A) . The Property is within a sage-grouse core area.

Public access to lands along the Lower Yellowstone River is currently limited. In areas where public access opportunities do exist, such resources are heavily utilized. Due to the abundance of recreational potential, and the current lack of public access, recreational opportunities in this area are highly valued. Toward that end, and building on a local initiative, a citizen-based Lower Yellowstone River Corridor Advisory Committee (“LYR Advisory Committee”) was established during the summer of 2021. The LYR Advisory Committee represents a diversity of public interests within the Lower Yellowstone River including agriculture, recreation, conservation, and local economic values. In part, the LYR Advisory Committee’s purpose was to identify future opportunities for improved access, habitat conservation, and sustainable economic development along the Lower Yellowstone River, including the area of this proposed project. Although not directly identified by the LYR Advisory

Committee; this proposed project is in line with FWP and LYR Advisory Committee objectives. Furthermore, the Property is in an area that FWP and the LYR Advisory Committee identified as a high priority for habitat conservation.

This proposed acquisition (including an FAS at river mile 276) would provide access for multiple recreational users including but not limited to: anglers, floaters, hunters, hikers, and wildlife viewers. If approved, FWP's Region 7 wildlife staff would manage the Property consistent with the existing WMA and other WMAs along the Yellowstone River (Appendix C) and consistent with FWP's Recreational Land Use Rules ([ARM 12.12.101-140](#)). This would include the protection and enhancement of existing habitats within the Property and implementation of noxious weed prevention and control strategies as laid out in [FWP's Weed Management Plan](#).

FWP has completed its standard land acquisition due diligence on this Property. A certified land survey has been completed that list the acreage to be 413.929 (Appendix B). Furthermore, FWP staff has analyzed public records and found there to be legal public access to the Property via the existing county roads (Figure 2 and Figure 3). In addition, the Treasure County commissioners have confirmed that the roads leading to the Property are county roads (Appendix D). If the Property were added to the existing WMA, it is anticipated that motor vehicle use would be consistent with current use. The public would continue to use motor vehicles to access and travel through the Property. FWP does not anticipate repairing or rerouting the access road to the east unit of the WMA (Figure 3). Motor vehicle use off the county road would be infrequent and limited to administrative purposes only.

Table 1: The percent of the project area by landcover type based upon the 2016 Montana Landcover Type 2 layer produced by the Montana Natural Heritage Program.

| Land Cover Type | % of Area |
|--|-----------|
| Great Plains Shrubland | 0.1 |
| Pasture/Hay | 0.3 |
| Great Plains Ponderosa Pine Woodland and Savanna | 0.5 |
| Developed - Low and Medium Intensity | 0.7 |
| Open Water | 0.8 |
| Great Plains Floodplain | 0.8 |
| Greasewood Flat | 1.0 |
| Great Plains Riparian | 1.3 |
| Other Road | 1.4 |
| Cultivated Crops | 9.0 |
| Big Sagebrush Steppe | 40.6 |
| Great Plains Mixed grass Prairie | 43.7 |

Affected Area / Location of Proposed Project:

- Legal Description of the Property
 - Appendix B – Land Survey
 - Latitude/Longitude: 46.30095, -107.30972
 - Township, Range and Section: S02, T06 N, R35 E, W2, W2NE, LTS 5 & 6
 - Town/City, County, Montana: West of Hysham, Treasure, Montana
- Location Maps

Figure 1: General location of the project area.

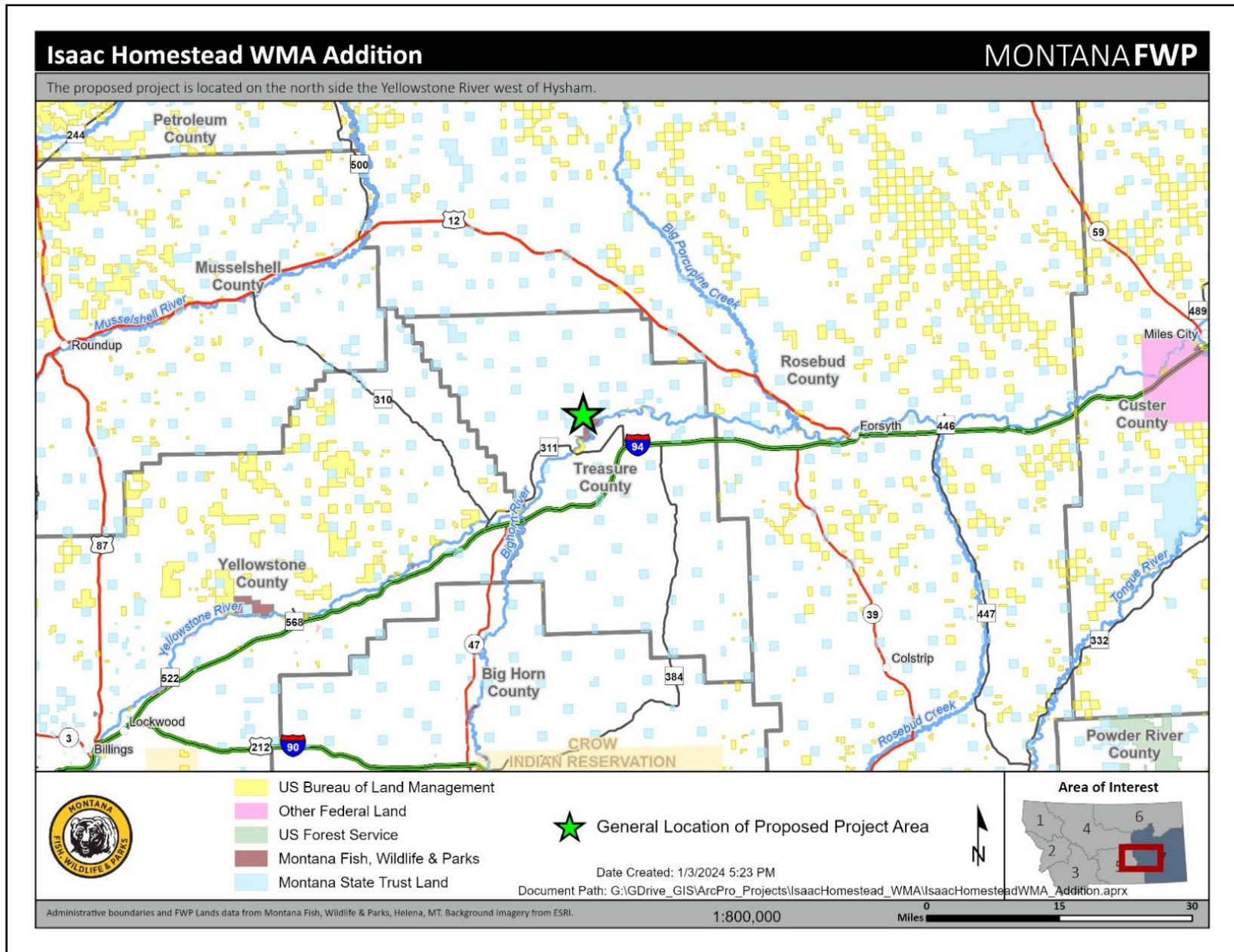


Figure 2: The proposed acquisition Property boundary and surrounding affected lands.

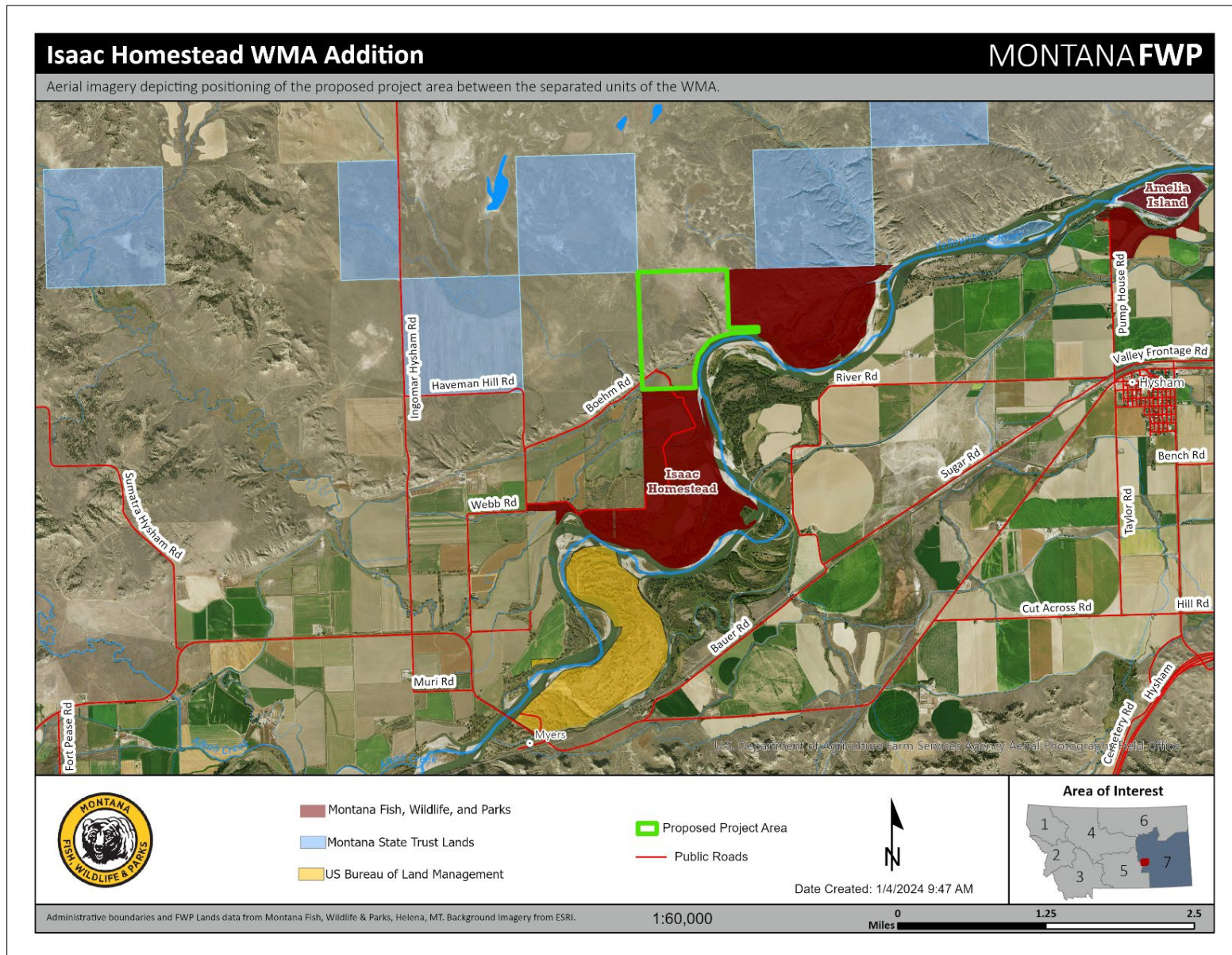
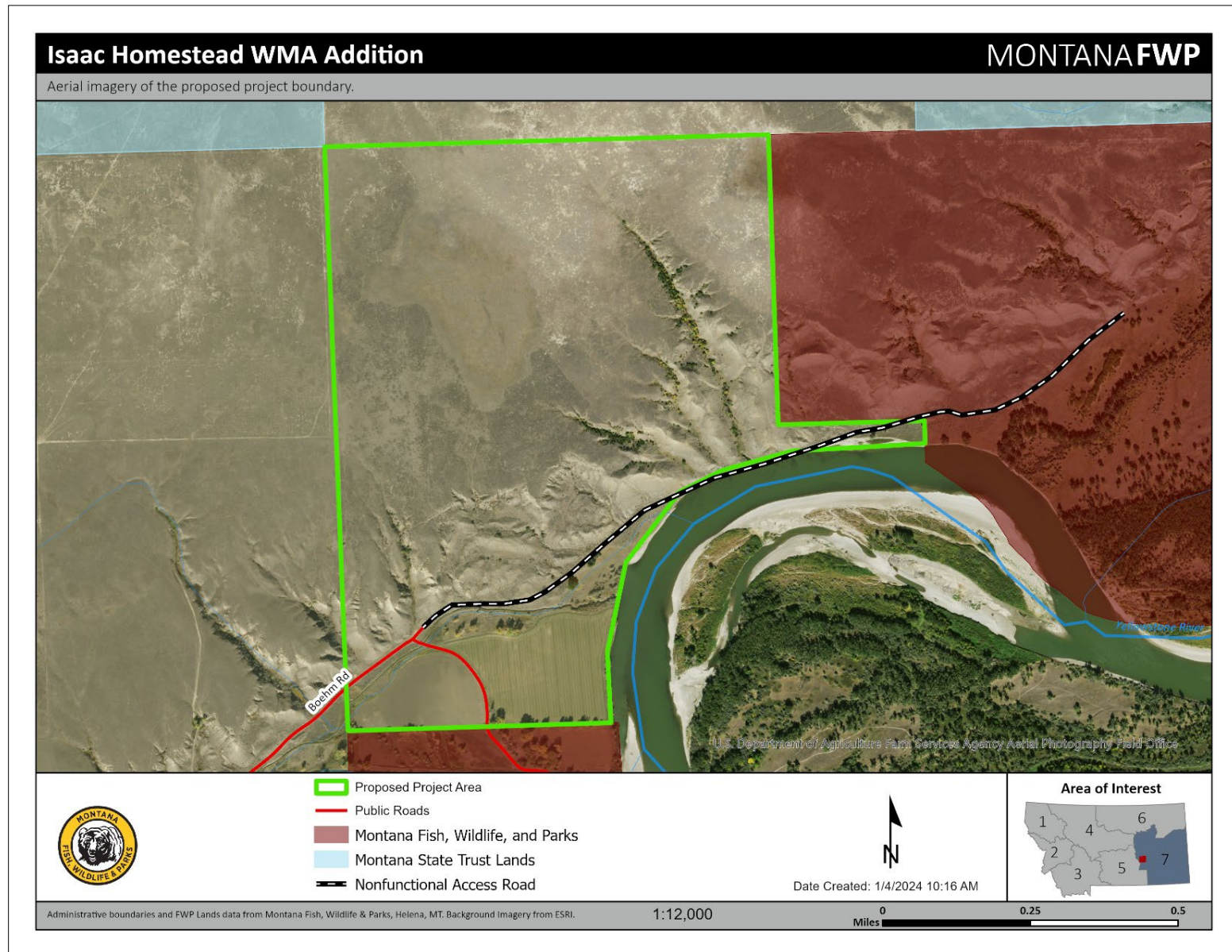


Figure 3: Aerial image of the proposed Property acquisition. The Property would connect the east and west units of Isaac Homestead WMA.



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.

This project would: 1) establish a contiguous ownership of WMA lands, making all parts of Isaac Homestead WMA accessible by land and river, both to the public and to FWP; and 2) conserve and enhance Yellowstone River riparian, sagebrush-steppe, depressional wetland, and cropland habitats while providing a small, irrigated farming opportunity for a local producer.

The proposed project represents a rare opportunity for FWP to connect separate parcels of a WMA into a cohesive unit through the acquisition of high-quality wildlife habitat. The proposed project would make for a contiguous conservation footprint and increase public access and recreational opportunities, thereby helping fulfill priorities established by FWP and the Lower Yellowstone River advisory committee. If approved, the Property would be integrated into the existing Isaac Homestead WMA and thereby incorporated into FWP’s Administrative Region 7 WMA Management Plan. As a WMA with a guiding management plan, the Property would be managed to conserve and improve habitat conditions for all wildlife species present, including mule and white-tailed deer, Merriam’s turkey, ring-necked pheasant, migratory waterfowl, sharp-tailed grouse, and a suite of non-game species including several species of concern.

Isaac Homestead WMA management practices would include the following:

- wildlife habitat improvement projects (some of which may require separate MEPA analyses)
- noxious weed control
- fence maintenance
- boundary signing
- other improvement projects as they arise
- vegetation monitoring

The proposed acquisition would allow the Yellowstone River to conduct its natural processes, including flooding and cottonwood regeneration, thereby supporting existing wildlife habitat functions. Additionally, the proposed acquisition would provide year-round access for anglers, hunters, hikers, wildlife viewers, and the public at large. FWP acknowledges that trespassing onto adjacent private land is a concern. If the proposed action were to proceed, FWP would be committed to mitigating potential trespass issues that may result from the expanded public recreational access. FWP staff would sign the Property boundaries and provide information of the WMA boundary change to the public through FWP Hunt Planner and other recreation access information outlets.

Finally, the acquisition would protect existing FWP land interests by avoiding potential developments that could affect both the east and west units of Isaac Homestead WMA (Figure 2 and Figure 3).

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

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

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 |
|--|---|---|
| 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 |
| FWP | Noxious Weed Management Plan | Limit the spread of noxious weeds on state-owned lands |

V. List of Mitigations, Stipulations

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

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

| <i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i> | | | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|---|---|--|--|---|
| <i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i> | | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Enforceable Control | Responsible Agency | Authority (Rule, Permit, Stipulation, Other) | Effect of Enforceable Control on Proposed Project | |
| FWP Public Use Regulations | Montana FWP | Fish and Wildlife Commission Rules for Public Use of Montana's Wildlife Management Areas | Allows FWP to manage public use of WMAs, including prohibitions on overnight camping, fires, and disorderly conduct. | |
| Noxious Weed Management Plan | Montana FWP, Treasure County | Montana FWP Statewide Integrated Weed Management Plan | Requires FWP to monitor and control the spread of noxious weeds at the site. | |
| Cultural Resource Protection | Montana State Historic Preservation Office (SHPO), Tribal Historic Preservation | Cultural Assessment and Inventory; Tribal Consultation Guidelines | In keeping with the Montana Antiquities Act and related regulations, all undertakings on state lands are assessed for their potential to affect cultural | |

| | | | |
|----------------|--------------------------------------|------------------------------|---|
| | Offices (THPO), FWP Heritage Program | | resources. The proposed project has been evaluated according to the process for a cultural resource inventory, as outlined in the Administrative Rules of Montana (ARM) 12.8.501-12.8.510, and in consultation with the State Historic Preservation Office (SHPO). Prior to conducting any ground disturbing activities at the affected site, FWP will also consult with all Tribal Historic Preservation Offices (THPO) affiliated with the affected property in accordance with FWP's Tribal Consultation Guidelines. According to the Montana Cultural Resource Database, the Lewis and Clark Historic Trail, which may be eligible for the National Register of Historic Places, overlaps the Property proposed for the WMA addition. Therefore, action may be necessary to mitigate any potential project impacts to the affected cultural resource. For additional information, reference Section VII: Summary of Potential Impacts of Proposed Project on the Physical Environment and Human Population, Table 3 - Potential Impacts of Proposed Project on the Physical Environment, Historical and Archaeological Sites. |
| WMA Management | Montana FWP | Region 7 WMA Management Plan | Provides management objectives and management practices for Region 7 WMAs along the Lower Yellowstone River. Provides monitor and evaluated management success. |

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, the proposed Isaac Homestead WMA addition would not occur and public access to the affected land and Yellowstone River shoreline would not be available. Further, the proposed project area would not be incorporated into the WMA objectives to conserve and enhance Yellowstone River riparian habitat and sagebrush-steppe ecosystem and public access to the east unit of the WMA would remain tenuous.

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

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.

Under the “No Action” alternative, the proposed Isaac Homestead WMA addition would not occur and public access to the affected land and Yellowstone River shoreline would not be available. Further, the proposed project area would not be incorporated into the WMA objectives to conserve and enhance Yellowstone River riparian habitat and sagebrush-steppe ecosystem and public access to the east unit of the WMA would remain tenuous.

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

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

Table 3 - Potential Impacts of Proposed Project on the Physical Environment

| PHYSICAL ENVIRONMENT | Duration of Impact | | | Severity of Impact | | | | | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures |
|---|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|---|
| | None | Short-Term | Long-Term | None | Negligible | Minor | Moderate | Major | |
| Terrestrial, avian, and aquatic life and habitats | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The project is expected to increase wildlife habitat diversity and quality for many game and nongame species. Therefore, any impacts from the proposed project to terrestrial, avian, and aquatic life and habitats in the affected area would be long-term, moderate, and beneficial. |
| Water quality, quantity, and distribution | <input type="checkbox"/> | <input 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 to water quality, quantity, and distribution would be expected because of the proposed project. The goal of the project is to protect and enhance existing wildlife habitat and increase public access opportunity along the Lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. Management of the Property as a WMA would allow the Yellowstone River to conduct its natural processes, such as flooding and cottonwood regeneration, thereby enhancing existing wildlife habitat in the affected area, including existing water resources. Any impacts would be long-term, minor to moderate, and beneficial. |
| Geology | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to geology would be expected because of the proposed project. The goal of the project is to protect and enhance existing wildlife habitat and increase public access opportunity along the Lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. Further, no unique or special geologic formations exist in the affected area and no additional ground disturbing activities would be proposed. Therefore, no impacts would be expected because of the proposed project |

| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to soil quantity, stability and moisture would be expected because of the proposed project. The project would be expected to increase vegetation diversity and quality through the implementation of noxious weed control practices and habitat improvement projects consistent with management of WMAs, as outlined in the Region 7 WMA Management Plan. Therefore, any impacts from the proposed project to vegetation cover, quantity, and quality in the affected area would be long-term, minor, and beneficial. |
| Vegetation cover, quantity, and quality | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The project would be expected to increase vegetation diversity and quality through the implementation of noxious weed control practices and habitat improvement projects consistent with management of WMAs, as outlined in the Region 7 WMA Management Plan. Therefore, any impacts from the proposed project to vegetation cover, quantity, and quality in the affected area would be long-term, minor, and beneficial. |
| 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"/> | No significant adverse impacts to aesthetics would be expected because of the proposed project. The goal of the project is to protect and enhance existing wildlife habitat and increase public access opportunity along the Lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. WMA management practices intended to improve wildlife habitat and recreational opportunities in the affected area would be expected to improve the aesthetic nature of the affected area. Therefore, any impacts from the proposed project to aesthetics in the |

| 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 | |
| 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 project. Air quality in the affected area is currently unclassifiable or in compliance with applicable national ambient air quality standards (NAAQS). The Colstrip coal-fired power plant is located approximately 45 miles southeast from the affected area. No other significant point-sources of air pollution exist in the affected area. Existing sources of air pollution are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust and fugitive dust emissions). Increased vehicle traffic on existing roadways within the affected Property is expected to be negligible because of the preexisting public access. Fugitive dust and vehicle exhaust resulting from increased vehicle use of local and Property roadways may directly impact air quality in the affected area. Any expected impacts would be short- and long-term, mitigated by local dust control practices, as applicable, consistent with existing impacts in the affected area, and negligible to minor depending on the level of increased traffic. |
| 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 project. The presence of any animal and/or plant Species of Concern or any Threatened or Endangered species located within or with the potential to use the affected area were assessed and include bald eagle, greater sage grouse, little brown myotis, spiny softshell turtle, black-tailed prairie dog, great blue heron and other species of concern are known to use the Property see Appendix A. The goal of the proposed project is to protect and enhance existing wildlife habitat and increase public access opportunity along the Lower |

| 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 | |
| | | | | | | | | | | Yellowstone River, in line with FWP and advisory committee objectives for the affected area. Therefore, any expected impacts would be short- and long-term, minor, and beneficial. If future developments take place on the WMA, additional environmental review would be prepared to identify and disclose any potential adverse impacts to unique, endangered, fragile, or limited environmental resources that may inhabit or use the affected area. |
| 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 effects to historic and archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they will be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation. No new ground disturbing activities or changes to structures |

| 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 | |
| | | | | | | | | | | older than 50 years of age are proposed. If these types of activities become necessary FWP will comply with state and federal heritage laws. |
| Demands on environmental resources of land, water, air, and energy | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. No increased use of fuel would be required for the proposed project; therefore, no impacts to the environmental resource of energy would be expected because of the project. As identified through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality, some impacts to the environmental resources of land, water, and air may occur because of the project. However, any such impacts would be consistent with current and historic impacts in the affected area, short and long-term, beneficial, adverse, and negligible to moderate. Reference affected impacts analyses above. No other impacts to the demands on environmental resources of land, water, air, and energy would be expected because of the project. |

Table 4 - Potential Impacts of Proposed Project on the Human Population

| HUMAN POPULATION | Duration of Impact | | | Severity of Impact | | | | | |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--|
| Resource | None | Short-Term | Long-Term | None | Negligible | Minor | Moderate | Major | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures |
| Social structures and mores | <input 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 project. The goal of the proposed project is to protect and enhance existing wildlife habitat and increase public access opportunity in the Lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. As recognized by the advisory committee, many Montanans, and those visiting the state for outdoor recreational purposes hold high regard for the conservation of public lands, such as WMAs. The proposed project would change current private land uses to support public recreation and wildlife habitat improvements. Therefore, the proposed project would be expected to benefit pre-project social structures, customs, values, and conventions in the affected area. Any impacts would be short and long-term, minor to moderate, and beneficial. |
| 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 to existing cultural uniqueness and diversity in the affected area would be expected because of the proposed project. The goal of the project is to protect and enhance existing wildlife habitat and increase public access opportunity along the Lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. It is not expected this action would result in any relocation of people into or out of the affected area. Therefore, no impacts to pre-project cultural uniqueness and diversity of the affected area would be expected because of the project. |
| Access to and quality of recreational and wilderness activities | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | No significant adverse impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed project. No Wilderness areas currently exist in the affected area; therefore, no impacts |

| 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 | |
| | | | | | | | | | to Wilderness recreation activities would occur because of the project. The project would increase opportunities for public access to state-owned lands and enhance the quality of recreational activities in the affected area. FWP expects that neighboring properties would not be directly impacted. Increased public recreational access could lead to more frequent trespass issues with neighboring properties. If this proposal were to proceed, FWP would sign the property boundary and improve mapping information to minimize trespass issues that may result from recreational activities. Any impacts from the project would be long-term, major, and beneficial. |
| Local and state tax base and tax revenues | <input type="checkbox"/> | <input 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 to local and state tax base and tax revenues would be expected because of the proposed project. The proposed project constitutes the purchase of 413.9 acres currently held by private entities and subject to state and local property taxes. Upon acquisition of the Property, FWP would assume responsibility for all applicable local and state property taxes. Therefore, no impacts to the local and state property tax base and tax revenue would be expected. Additionally, the proposed project would be expected to boost the local economy, including local tax revenues, due to the expected increase of visitors using the affected area for recreational purposes and associated local purchasing of goods and services. Any impacts would be long-term and negligible to minor. |
| Agricultural or Industrial production | <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 impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. No industrial operations currently exist within the affected area, therefore, no impacts to such resources would be expected. The affected area surrounding the proposed project is |

| 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 | |
| | | | | | | | | | currently used for cattle grazing and other agricultural purposes or has the potential to be used for such purposes. As such, agricultural production in the affected area would continue in a manner and at a level consistent with existing land practices. Therefore, it would be expected that any impacts to existing agricultural production would be short- and long-term, consistent with existing impacts, and negligible to minor. |
| Human health and safety | <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 to human health and safety would be expected because of the proposed project. The project would be expected to increase public access opportunity, as well as the quality and safety of recreational activities. Additionally, there will be FWP staff, including local game wardens who will patrol the area to ensure that all Property rules and regulations are followed. Therefore, any impacts from the proposed project to human health and safety would be long-term, moderate, and beneficial. |
| 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 impacts to quantity and distribution of employment would be expected because of the proposed project. The goal of the proposed project is to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and LYR Advisory Committee objectives for the affected area. While the proposed project would be expected to increase public use of the affected area, it would not be expected to create additional, long-term new employment opportunities in the affected area. Therefore, no impacts would be expected because of the proposed project. |
| Distribution and density of | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts would be expected because of the proposed project. The goal of the proposed project is to protect and enhance existing |

| HUMAN POPULATION | | Duration of Impact | | | Severity of Impact | | | | | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures |
|---|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|---|
| Resource | | None | Short-Term | Long-Term | None | Negligible | Minor | Moderate | Major | |
| population and housing | | | | | | | | | | wildlife habitat and create a new public access opportunity in the LYR, in line with FWP and LYR Advisory Committee objectives for the affected area. Therefore, the movement of existing or new population in to or out of the affected area would not be expected. It is possible that the inclusion of the property into the WMA would limit development of future housing. Therefore, no impacts to the distribution and density of population and housing needs would be expected because of the proposed project. |
| Demands for government services | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to existing demands for government services in the affected area would be expected because of the proposed project. The goal of the proposed project is to protect and enhance existing wildlife habitat and increase public access opportunity along the Lower Yellowstone River, in line with FWP and LYR Advisory Committee objectives for the affected area. The proposed addition to the existing WMA would require FWP personnel to manage the affected Property according to the Region 7 WMA Management Plan. However, existing FWP personnel would take on management responsibilities for the new WMA as part of their typical day-to-day operations. Therefore, any impacts to existing demands for government services would be long-term and negligible to minor. |
| Industrial, agricultural, and commercial activity | | <input type="checkbox"/> | <input 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 to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project does not currently accommodate industrial or commercial activity. Also, the affected area surrounding the proposed project is currently used for cattle grazing and other agricultural purposes or has the potential to be used for cattle grazing and other commercial, agricultural purposes. As such, |

| 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 | |
| | | | | | | | | | commercial agricultural activity in the affected area would continue in a manner and at a level consistent with existing land practices. Therefore, any impacts would be consistent with existing impacts, long-term, and negligible to minor. |
| Locally adopted environmental plans and goals | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The goal of the project, and a primary goal of all WMAs, is to protect and enhance existing wildlife habitat and create public access opportunities, in this case in line with FWP and LYR Advisory Committee objectives for the affected area. Effectively, the proposed project would satisfy the local goal to improve public access, habitat conservation, and management within the Lower Yellowstone River, as set forth by the LYR Advisory Committee. FWP is unaware of any other locally adopted environmental plans or goals that may be impacted by the proposed project. Therefore, any impacts from the proposed project to locally adopted environmental plans and goals would be long-term, major, and beneficial. |
| Other appropriate social and economic circumstances | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project. The project would be expected to increase public recreational opportunities, as well as the quality of recreational activities. Additionally, the proposed project would be expected to boost the local economy due to the increase of visitors using the affected area for recreational purposes. No impacts are expected to local schools. Therefore, any impacts from the proposed project to other appropriate social and economic circumstances would be long-term, minor, and beneficial. |

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

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

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

Criteria Used to Determine Significance

| | |
|---|--|
| 1 | The severity, duration, geographic extent, and frequency of the occurrence of the impact " Severity " describes the density of the potential impact, while " extent " describes the area where the impact will likely occur, e.g., a project may 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. " 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-notice>*
- *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 | Week April 8 th |
| Billings Gazette | Week April 8 th |

- *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:*

This EA was released for public comment on February 21, 2024. On February 27th, the EA was removed from the FWP website to allow for the completion of a certified land survey. Based upon the survey, the acreage has been adjusted from 412 to 413.929.

Length of Public Comment Period: 30 days

Public Comment Period Begins: April 5th, 2024.

Public Comment Period Ends: May 5th, 2024.

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

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

Name: STEVE ATWOOD

Email: satwood@mt.gov

Subject: Isaac Homestead WMA Addition EA Comments

Mailing Address:

Montana Fish, Wildlife & Parks

Attn: Steve Atwood

PO 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 |
|------------------------|--|---|
| EA prepared by: | Steve Atwood | FWP Area Wildlife Biologist |
| EA reviewed by: | Brett Dorak Rick Northrup Kent Peterson Alan Zackheim | FWP Wildlife Program Manager FWP Wildlife Habitat Bureau Chief FWP Land Agent FWP Lands Attorney |

Appendix A – Wildlife Species of Concern Possible in Affected Area

| Species Group | Species Common Name | MT Status | FWP SWAP |
|---------------|-----------------------------|-----------|-------------|
| Mammals | Black-tailed prairie dog | SOC | SGCN3 |
| Mammals | Fringed Myotis | SOC | SGCN3 |
| Mammals | Hoary Bat | SOC | SGCN3 |
| Mammals | Little Brown Myotis | SOC | SGCN3 |
| Mammals | Long-eared Myotis | SOC | SGCN3 |
| Mammals | Spotted Bat | SOC | SGCN3, SGIN |
| Mammals | Swift Fox | SOC | SGCN3 |
| Mammals | Townsend's Big-eared Bat | SOC | SGCN3 |
| Birds | American White Pelican | SOC | SGCN3 |
| Birds | Bald Eagle | SSS | SGCN4 |
| Birds | Baird's Sparrow | SOC | SGCN3 |
| Birds | Black-billed Cuckoo | SOC | SGCN3, SGIN |
| Birds | Bobolink | SOC | SGCN3 |
| Birds | Brewer's Sparrow | SOC | SGCN3 |
| Birds | Cassin's Finch | SOC | SGCN3 |
| Birds | Chimney Swift | PSOC | SGIN |
| Birds | Golden Eagle | SOC | SGCN3 |
| Birds | Great Blue Heron | SOC | SGCN3 |
| Birds | Greater Sage-Grouse | SOC | SGCN2 |
| Birds | Loggerhead Shrike | SOC | SGCN3 |
| Birds | Long-billed Curlew | SOC | SGCN3 |
| Birds | Pinyon Jay | SOC | SGCN3 |
| Birds | Sage Thrasher | SOC | SGCN3 |
| Birds | Sharp-tailed Grouse | SOC | SGCN1 |
| Birds | Sprague's Pipit | SOC | SGCN3 |
| Birds | Thick-billed Longspur | SOC | SGCN3 |
| Reptiles | Greater Short-horned Lizard | SOC | SGCN3, SGIN |
| Reptiles | Plains Hog-nosed Snake | SOC | SGCN2, SGIN |
| Reptiles | Snapping Turtle | SOC | SGCN3, SGIN |
| Reptiles | Spiny Softshell Turtle | SOC | SGCN3 |
| Reptiles | Western Milksnake | SOC | SGCN2 |
| Amphibians | Great Plains Toad | SOC | SGCN2 |
| Amphibians | Northern Leopard Frog | SOC | SGCN1 |
| Fish | Blue Sucker | SOC | SGCN2-3 |
| Fish | Paddlefish | SOC | SGCN2 |
| Fish | Sauger | SOC | SGCN2 |
| Fish | Sturgeon Chub | SOC | SGCN2-3 |

[illegible]

Appendix C – Wildlife Management Area Public Use Rules

FISH AND WILDLIFE COMMISSION RULES FOR PUBLIC USE OF MONTANA'S WILDLIFE MANAGEMENT AREAS, WILDLIFE HABITAT PROTECTION AREAS, AND FISHERIES CONSERVATION AREAS

The following regulations shall govern the use of all lands and waters under the control, administration and jurisdiction of the Montana Department of Fish, Wildlife and Parks known as Wildlife Management Areas (WMAs), Wildlife Habitat Protection Areas (WHPAs), and Fisheries Conservation Areas (FCAs). For the purpose of these rules, the three property types are hereinafter referred to as wildlife management areas or WMAs, unless more specifically identified.

The Purpose of these rules is to protect fish and wildlife habitat; wildlife presence on WMAs and public use of the WMAs; including but not limited to fishing, trapping and hunting opportunities. All other uses are secondary and must be in accord with the primary goals and objectives of the wildlife management areas.

RULE 1. WINTER CLOSURES

1. WMAs, or portions of, which are specifically managed as big game winter range are closed to all public entry from DECEMBER 1 AT 11:59PM UNTIL MAY 15 AT NOON each year. Open dates may change from time to time due to weather or other unforeseen events.

EXCEPTIONS to Rule 1. Sec.1

- A. Mt. Jumbo WMA opens May 1 at NOON.
 - B. Blackfoot-Clearwater WMA closes at 11:59 pm on the day after the end of the general rifle hunting season in deer/elk hunting district 282.
 - C. Calf Creek WMA opens April 15 at NOON.
 - D. Mt. Silcox WMA opens April 1 at NOON.
 - E. Roundhorn WMA opens May 1 at NOON.
 - F. Beckman WMA opens April 1 at NOON and closes January 1 at 11:59pm.
 - G. Marias River WMA opens April 1 at NOON and closes January 14 at 11:59pm.
 - H. Mt. Haggin WMA: A portion of Mt. Haggin is open to cross-country snowmobile use from December 2 to May 15. See Beaverhead-Deer Lodge National Forest travel map for details.
 - I. Swan Valley WMA: Open to public use year-round.
2. WMAs not managed specifically for big game winter range (such as waterfowl, fisheries, and wetlands) are open for public entry year-round unless subject to site restrictions which are posted on site.

EXCEPTIONS to Rule 1. Sec.2.

- A. North Shore WMA: Closed to all public use from the last day in February at 11:59 pm to July 15th at NOON to protect habitat for waterfowl migration and nesting.
- B. Zelezny Access to Flathead Lake WHPAs: Day use only. Closed at 9:00 PM. No overnight parking.
- C. Foy's Bend FCA: Closed to all public use from the end of waterfowl hunting season to start of spring turkey season.

RULE 2. HUNTING & TRAPPING SEASONS

1. WMAs are open to all Commission established hunting seasons unless closed under Rule 1 or specifically closed or restricted as noted in Hunting Regulations. Closure or restriction notices shall be posted at entrance points and parking areas.
2. WMAs are open to trapping unless closed under Rule 1 or specifically allowed, closed, or restricted as noted in trapping regulations. Trapping on WMAs will be allowed by written permission only. Permission to trap on WMAs may require special restrictions or regulations in addition to what is written in the SPECIAL REGULATIONS. Contact the area biologist, WMA manager or appropriate regional office.
3. Commission authorizes the Department to issue WMA specific restrictions.

EXCEPTION to Rule 2.

- A. Otter Island FCA: Trapping is limited to water sets only during the legal trapping season.
- B. Foy's Bend FCA: Special hunting restrictions posted on site.

RULE 3. GROUP USE

1. Groups of 10 or more persons are required to obtain a Group Use Permit from the WMA manager or regional office responsible for the WMA to be used; must follow group use instructions; shall be assessed user fees and shall be required to surrender a deposit to defray costs caused by their use of the WMA.
2. A group of 10 or more persons may be allowed to use a WMA if group activities and purpose do not conflict with objectives and management purposes of the WMA.
3. If group use is part of or for a commercial use, a commercial use permit must be obtained. See Rule 10.

RULE 4. VEHICLE USE

1. Properly licensed vehicles are allowed only on designated open roads. Snowmobiles are allowed on groomed trails.

EXCEPTIONS to Rule 4. Sec. 1.

- A. Yellowstone WMA: Vehicles, bicycles, snowmobiles, horses and pack animals are only allowed on roads designated as "open".
 - B. Marshall Creek WMA: Snowmobiling will be allowed throughout the WMA, but is restricted to designated open roads April 1 – November 30.
 - C. Fish Creek WMA: Snowmobiling is not allowed within the winter closure area during the closed period. Snowmobiling is allowed throughout the remainder of the WMA, but is restricted to designated open roads April 1-November 30.
 - D. Zelezny Access to Flathead Lake WHPAs: Parking limited to three vehicles in designated parking spaces as posted. No boat trailer parking.
2. Off road travel with any motor/engine powered wheeled vehicle is prohibited
 3. If an entire WMA is closed to vehicle use, this rule shall be posted on a sign at all access points to the WMA.

RULE 5. CAMPING

1. Dispersed camping is allowed unless posted otherwise. Vehicles shall be no more than 50 yards from an open road.
2. Camping is limited to 16 days in any 30-day period.

EXCEPTIONS to Rule 5. Sec. 2.

- A. Region 1: No camping or overnight stays except as follows: Camping or overnight stay is allowed on North Swan Valley WMA/FCA, Ninepipe WMA during hunting season, and Cedar Island, Bird Island, and Goose Island WHPAs on Flathead Lake. Human waste must be packed off of the Flathead Lake Island WHPAs.
- B. Region 3: No camping or overnight stays on Lake Helena WMA and Canyon Creek WMAs.
- C. Region 4: Beartooth WMA: Camping allowed only in designated camping areas. No overnight camping in the Whitetail Prairie addition. Campers must register at check station site. Camps may not be left unattended for more than 48 hours.
- D. Region 5: No camping or overnight stays on Yellowstone WMA.
- E. Region 6: No camping or overnight stays except as follows: Camping limited to 7 days within a 30-day period on Fresno, Lost River, and Fox Lake WMAs. Daily occupancy is required.
- F. Region 7: Camping limited to 7 days within a 30-day period. Daily occupancy is required.

RULE 6. WATERCRAFT

1. All wildlife management area waters are open to watercraft unless an exception is posted to close the area or restrict the size of watercraft, horsepower of engine or season of use. Closure or restriction notice shall be posted at entrance points and parking areas.

RULE 7. WEED FREE FEED

1. Only pelletized feed or certified weed seed free hay, straw or whole grains and cube products are authorized for use on wildlife management areas. Each bale or container of forage shall have attached a tag or label or be marked with authorized colored twine referencing the written certification.

RULE 8. ANIMAL CONTROL

1. Persons in possession of pets and domestic animals shall restrain them and keep them under control in a manner that does not cause or permit a nuisance or danger to persons, property or wildlife. This shall not preclude using dogs for hunting during legally open hunting seasons.

EXCEPTIONS to Rule 8. Sec. 1.

- A. On the Kootenai Falls WMA all dogs must be physically restrained at all times by a leash held by the person responsible for the animal. This is necessary due to the presence of bighorn sheep.
- B. North Shore WMA, Otter Island FCA, Osprey View FCA, and Foys Bend FCA: Pets must remain on leash at all times except during upland and migratory bird hunting seasons.
- C. Otter Island FCA and Foys Bend FCA: Closed to domestic pack or riding stock.
- D. Canyon Ferry WMA: Pets must remain on leash March 1 to June 30.

E. Lake Helena, Ninepipe and Pablo WMAs: Pets must remain on leash April 1 to August 31.

2. All domesticated pack or riding stock, not in use, must be tethered or corralled.
3. Animal owners shall be aware that activities such as trapping, hunting and fishing are occurring on WMAs during legally authorized seasons and shall be responsible for taking precautions.

RULE 9. DOG TRAINING

1. Organized dog training, field trials and hunt tests are prohibited on all wildlife management areas except as authorized by regional wildlife manager or by the regional fisheries manager for FCAs.

RULE 10. COMMERCIAL USE

1. Commercial use is regulated by the FWP COMMERCIAL USE POLICY.

RULE 11. FIREWOOD

1. Cutting standing trees and shrubs is prohibited, unless specifically authorized by FWP advertisement, sign posting or permits.
2. Downed wood for onsite use as firewood is permitted where fires are allowed.
3. Gathering firewood for offsite use is prohibited, unless specifically authorized by FWP advertisement, sign posting or permits.

EXCEPTIONS to Rule 11, Sec. 3.

- A. Marshall Creek WMA: Personal use firewood collection permits may be obtained by contacting R2 (Missoula) office.

RULE 12. FIRES

1. Fires are allowed in portable camp stoves, fireplaces and self-made fire rings, unless otherwise prohibited by emergency fire restrictions or by sign posting.
2. Open fires must be attended at all times. Fires must be completely extinguished prior to leaving a site.

EXCEPTIONS to Rule 12.

- A. Kootenai Falls WMA: No open fires above high water mark.
- B. Ninepipe, Pablo, and North Shore WMAs: No open fire allowed.
- C. All FCAs: No open fire allowed.
- D. Lake Helena: No open fire allowed.
- E. Yellowstone WMA: No open fire allowed.
- F. Bird Island, Cedar Island, Goose Island, Zelezny, Douglas Island and Flathead River WHPAs: No open fire allowed.

RULE 13. WEAPONS

1. Weapons discharge only allowed for lawful hunting purposes or target shooting at shooting ranges authorized by FWP. For the purposes of these rules, weapons are defined as instruments that discharge a high velocity projectile, used for hunting, self-protection, and recreation, including but not limited to firearms and bow and arrow.

2. Discharge of paint ball guns is prohibited.

EXCEPTION to Rule 13.

- A. Mount Jumbo WMA is restricted to archery-only hunting.

RULE 14. FIREWORKS AND EXPLODING TARGETS

1. Discharge of fireworks and the use of exploding targets is prohibited.

RULE 15. SIGNS

1. Unauthorized signs are prohibited. (MCA 45-6-101(5) and MCA 87-1-102(2) (e)).

RULE 16. FOOD STORAGE

1. Bear resistant food storage required on following WMAs per Food Storage Order (attached)

Region 1: All WMAs

Region 2: All WMAs

Region 3: Mt. Haggin
Bear Creek
Canyon Creek
Wall Creek
Blacktail
Robb/Ledford
Gallatin
Fleecer Mountain
Dome Mountain

Region 4: Blackleaf
Ear Mountain
Marias River
Sun River

Region 5: Silver Run
Haymaker

RULE 17. SAFETY ZONES

1. Safety Zones (no shooting zones) designated for the protection of people and property are in force as posted.

RULE 18. ANIMAL CARCASSES

1. Dumping of animal carcasses is prohibited. This does not include boned-out BIG game animal remains legally taken on site.

EXCEPTION to Rule 18.

- A. For FWP bear management purposes, carcasses may be placed on WMAs by authorized FWP personnel and the area will be signed that animal carcasses are present.

RULE 19. HUNTING BLINDS, TREE STANDS, GOOSE PITS

1. Hunting blinds, tree stands and goose pits left overnight does not guarantee exclusive use.
2. Hunting blinds, tree stands and goose pits must be removed at season closure.
3. Permanent blinds, tree stands and goose pits are prohibited.

EXCEPTION to Rule 19.

- A. Otter Island, Foy's Bend, and Osprey View FCAs: Hunting blinds and tree stands must be removed daily.

RULE 20. REMOVAL OF NATURAL RESOURCES

1. Removal of topsoil, gravel, minerals, cultural or archeological artifacts, and fossils is prohibited.

RULE 21. SPECIES TRANSLOCATION

1. Introduction of any plants or animals is prohibited unless authorized by FWP.

RULE 22. LITTERING

1. Littering is prohibited. This includes the dumping of sewage wastes from trailers, campers, or portable toilets.

RULE 23. ANTLER COLLECTING

1. Antler collecting is prohibited on all wildlife management areas when these areas are closed to public use. (MCA 87-1-102(2)(f)).

RULE 24. SECONDARY RECREATIONAL ACTIVITIES

1. Secondary recreational uses of wildlife management areas may be allowed by Regional Wildlife Manager if such use does not conflict with the primary purpose of the WMA.

RULE 25. USE OF DRONES OR OTHER REMOTELY CONTROLLED VEHICLES

1. The use of aerial, terrestrial, or aquatic remotely controlled vehicles is prohibited on all wildlife management areas unless for educational or other public benefit. Such exceptions require authorization by the Regional Wildlife Manager (WMA) or Fisheries Manager (FCA).

FOOD STORAGE ORDER

IT IS REQUIRED THAT IN DESIGNATED FWP WILDLIFE MANAGEMENT AREAS:

1. **Human, pet and livestock food (except baled or cubed hay without additives), garbage, and all other attractants shall be stored in an approved bear resistant manner or container when camp is unattended. (see definition of attended below) or during nighttime hours.**
2. **Wildlife carcasses, birds, fish or other animal parts that are within ¼ mile of any camp or sleeping area shall be stored in an approved bear-resistant manner or container when unattended.**

If a wildlife carcass is within an attended camp during daytime hours it may be on the ground.

3. **Attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.**
 - A. Leftover food or food waste products may be placed in an appropriate, sealed container and packed out with garbage.
 - B. Leftover food or other attractants may be burned in a contained stove fire.
 - C. Attractants may be placed into a suitable container (i.e. tin can) to prevent leaching into the ground and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage and packed out.
4. **The responsible party for any dead pack animal or livestock shall report the death and location of any livestock to a FWP employee within 24 hours of discovery. The responsible party will be required to dispose of the carcass as directed by the regional wildlife manager.**

In some very remote areas, it may not be possible to meet the 24-hour requirement. In these special cases, the responsible party shall report to a FWP employee the discovery of any dead livestock within 48 hours.

5. **Bear-resistant containers must meet the following criteria: a securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 1/4 inch, that would allow a bear to gain entry by biting or pulling with its claws.**

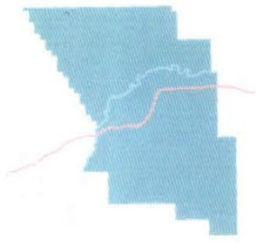
Testing and approval programs are available through the US Forest Service. Other bear-resistant containers developed for personal use may be inspected for approval by the local FWP game warden or WMA Area Manager or their designated representative(s).

DEFINITIONS

1. **Attended:** At least one adult person (attendee) is physically present within 100 feet of, and can visually observe attractants at all times. Attended camp policy does not apply when campers are asleep or do not have visual contact with and physical control of the attractants. During nighttime hours, control is defined by having the attractant within arm's reach or secured in an agency approved container or manner.
2. **Attractant:** Any item potentially attracting and/or rewarding a bear. This shall include:
 - A. food as defined below
 - B. food leftovers (bones, scraps, grease)
 - C. garbage from humans
 - D. livestock foods (except baled or cubed hay without additives)
 - E. pet foods
 - F. wildlife carcasses
 - G. livestock carcasses
3. **Food:** Any nourishing substance, which includes human food or drink (canned, solid or liquid), livestock feed (except baled or cubed hay without additives), pet food, toothpaste, soap, birdseed, and hummingbird food.
4. **Attendee:** An adult (14 years of age or older) in control of attractants.
5. **Bear-resistant container:** A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than one-quarter (1/4) inch, that would allow a bear to gain entry by biting or pulling with its claws.
6. **Bear-resistant manner:** The storage of any attractant or foods in one of the following ways:
 - A. Secured in a hard-sided camper, vehicle trunk, cab or trailer cab;
 - B. Secured in a hard-sided dwelling or storage building;
 - C. Suspended at least 10 feet up (from the bottom of the suspended item) and 4 feet out from any upright support, i.e. tree, pole;
 - D. Stored in an agency approved bear-resistant container;
 - E. Stored within an approved and operating electric fence. (see Definition #12 for details);
 - F. Stored in any combination of these methods; or
 - G. Stored by methods other than those described in Section #6, a-f, that shall be approved in writing by the FWP Regional Supervisor.
7. **Contained fire stove:** a metal stove that completely encloses the fire.

8. **Daytime:** 1/2-hour before sunrise until 1/2-hour after sunset.
9. **Nighttime:** 1/2-hour after sunset until 1/2-hour before sunrise.
10. **Livestock:** Cattle, sheep or a domesticated pack or riding animal, such as mule, horse, llama, or goat.
11. **Wildlife carcass:** The body, or any parts thereof, of any deceased wild animal, bird, or fish.
12. **Approved electric fence will meet, as a minimum:**
 - A. The fence will be set up as a "tight wire" fence. The wire will be tight and under tension, not loose or sagging and posts will be firmly installed.
 - B. Minimum fence height: 40 inches to top wire
 - C. Maximum spacing between posts: 8 feet.
 - D. Wire conductors: Minimum of 4 hot wires, evenly spaced with no more than a 10 inch spacing between wires. Bottom hot wire must be within 10 inches of the ground. Top hot wire must be within 1 inch of the top of each post or attached to the highest connector on fabricated posts. All wire must be smooth metal fence wire of at least 16-gauge or poly wire of 9 or more steel strands. The minimum length ground rod is 2 feet, of which a minimum of 23" is driven into the ground.
 - E. Fence charger (minimum): (1) stored energy of 0.7 joules; (2) tested peak output of 5000 volts; (3) 40 shocks per minute. User must be able to test electrical output in the field.
 - F. The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground.
 - G. Minimum distance between fence and items enclosed by electric fence: 3 feet.

Appendix D – Treasure County Commissioner Letter



TREASURE COUNTY
Board of
Commissioners

Marlo Moehr, Chairman

Ruth Baue, Vice Chairman

Ruth Baker, Member

307 Rapelje Ave

PO Box 392

Hysham, MT 59038

406.342.5547

Secretary: Marlee Sears

msears@treasurecountymt.com

February 2nd, 2024

Subject: Letter of Support for the purchase of 417 acres to increase the Isaac Homestead Wildlife Management Area

To whom it may concern.

Treasure County is in support of the Montana Fish, Wildlife and Parks proposal of the purchase of 417 acres to add to the Isaac Homestead Wildlife Management Area. This parcel is located west of Hysham and contains two separate units. There is access to this parcel by the way of county roads. This would eliminate crossing private property to access the WMA. This would allow a more proficient means of access of the Isaac Homestead for hunting, fishing and other outdoor activities.

The Treasure County Commissioners believe that this would greatly benefit our community by promoting local businesses, family activity and outdoor recreational opportunities in the Eastern Montana Area.

Sincerely,

The Board of Treasure County Commissioners

Asent

Marlo Moehr, Chairman

Ruth Baue

Ruth Baue, Vice Chairman

Ruth L Baker

Ruth L Baker, Member



ATTEST:

Marlee Sears

Marlee Sears

Clerk & Recorder