

**DRAFT**

**ENVIRONMENTAL ASSESSMENT**

**CHECKLIST**

**South Fork Smith River Stream and Riparian  
Restoration**

**FWP-CEA-FSH-R4-25-014**

**March 27, 2025**



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# Checklist Environmental Assessment

The Montana Department of Fish, Wildlife and Parks (FWP) has prepared this Draft Environmental Assessment (EA) in accordance with the requirements of the Montana Environmental Policy Act (MEPA). The purpose of an EA is to identify, analyze, and disclose the impacts of a proposed state action. This document may disclose impacts that have no required mitigation measures, or over which FWP, more broadly, has no regulatory authority.

Local governments and other state agencies may have authority over different resources and activities under separate regulations. FWP actions will only be approved if the proposed action complies with all applicable regulations. FWP has a separate obligation to comply with any federal, state, or local laws and to obtain any other permits, licenses, or approvals required for any part of the proposed action.

## 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:** South Fork Smith River Stream and Riparian Restoration

The South Fork Smith River restoration project is located on the South Fork Smith River approximately 17 miles upstream of its confluence with the North Fork Smith River and the start of the mainstem Smith River. The South Fork has been degraded through livestock grazing, agricultural encroachment, irrigation withdrawals, and infrastructure development resulting in channel straightening and channel incision. The South Fork Smith River floodplain has been extensively converted and dewatered for agriculture yet still provides important recharge to the Smith River late in the summer. The South Fork has elevated levels of fine sediment caused by extensive channel incision and erosion. Elevated nutrients and *E. coli* have also been observed in the South Fork from livestock grazing and agriculture.

The South Fork Smith River restoration project is located on an approximately 5.5-mile reach of the South Fork on a private working ranch. Restoration work will occur at two locations in the reach. At the Upstream Reach, restoration actions include installing off-site livestock water to reduce livestock use of the stream, installation of riparian fencing to allow recovery of native woody riparian vegetation, and hardening two livestock access points. Downstream Reach restoration actions include reconnecting 2,000 feet of abandoned meander bends channelized by the now obsolete White Sulphur Springs and Yellowstone Park Railway built in 1910, removal of the historic railroad grade through the floodplain in meander bend reactivation areas, and construction of two hardened livestock access points. The South Fork Smith River will be routed into these historic meanders and flow through existing dense wetland vegetation to help filter sediment and nutrients in the river.

Treatments include:

**NEW STOCK WATER TANK:** A new stock water tank will be installed to reduce livestock use of the stream for watering. The tank will be a rubber tire tank with approximately 800-1,000 gallon capacity. The tank will be fed with a pipe from an existing developed spring that feeds three other stock water tanks and a private residence.

**HARDENED LIVESTOCK ACCESS POINTS:** Hardened access points to the stream will be constructed in four locations where livestock currently access the stream. Hardened access points will be constructed with geotextile fabric and 4" angular crushed rock to protect streambanks and the channel bed from erosion. Constructing and hardening easy access to water for livestock encourages concentrated use and reduces widespread streambank and channel bed impacts and reduces fine sediment inputs to the channel.

**RIPARIAN FENCE PANELS:** 12-foot, 6-rail metal fence panels will be installed across entry points to inside meander bends where existing woody riparian vegetation is being impacted by livestock. Fencing will allow willow species to regrow and provide overhanging cover to the river.

**RECONNECT ABANDONED OXBOWS TO THE RIVER:** Two oxbows cut-off by construction of the White Sulphur Springs and Yellowstone Park Railway in 1910 will be reactivated and become the main channel of the South Fork Smith River. This will increase channel length, reduce channel slope, and as a result, reduce erosion on the riverbed and banks. To activate the abandoned meanders, material will be excavated at the upstream and downstream end of each abandoned meander to match existing riverbed elevation and allow flow into the old meander bend. No channel will be constructed in the historic meander bends which currently support dense herbaceous wetland vegetation. Rather, flows will disperse through these meanders which will help filter out the excessive amount of fine sediment and nutrients in the stream. Wetted width within the reconnected oxbows will be up to 20 feet wide and approximately 0.5 feet deep at low flows; the current stream channel averages 12 feet wide and 1.5 feet deep. A more defined stream channel is expected to develop over time with a natural flow regime. Dense vegetation in the reactivated meanders will provide enhanced cover compared to the current stream channel in the project reach, which has little to no vegetative cover. To

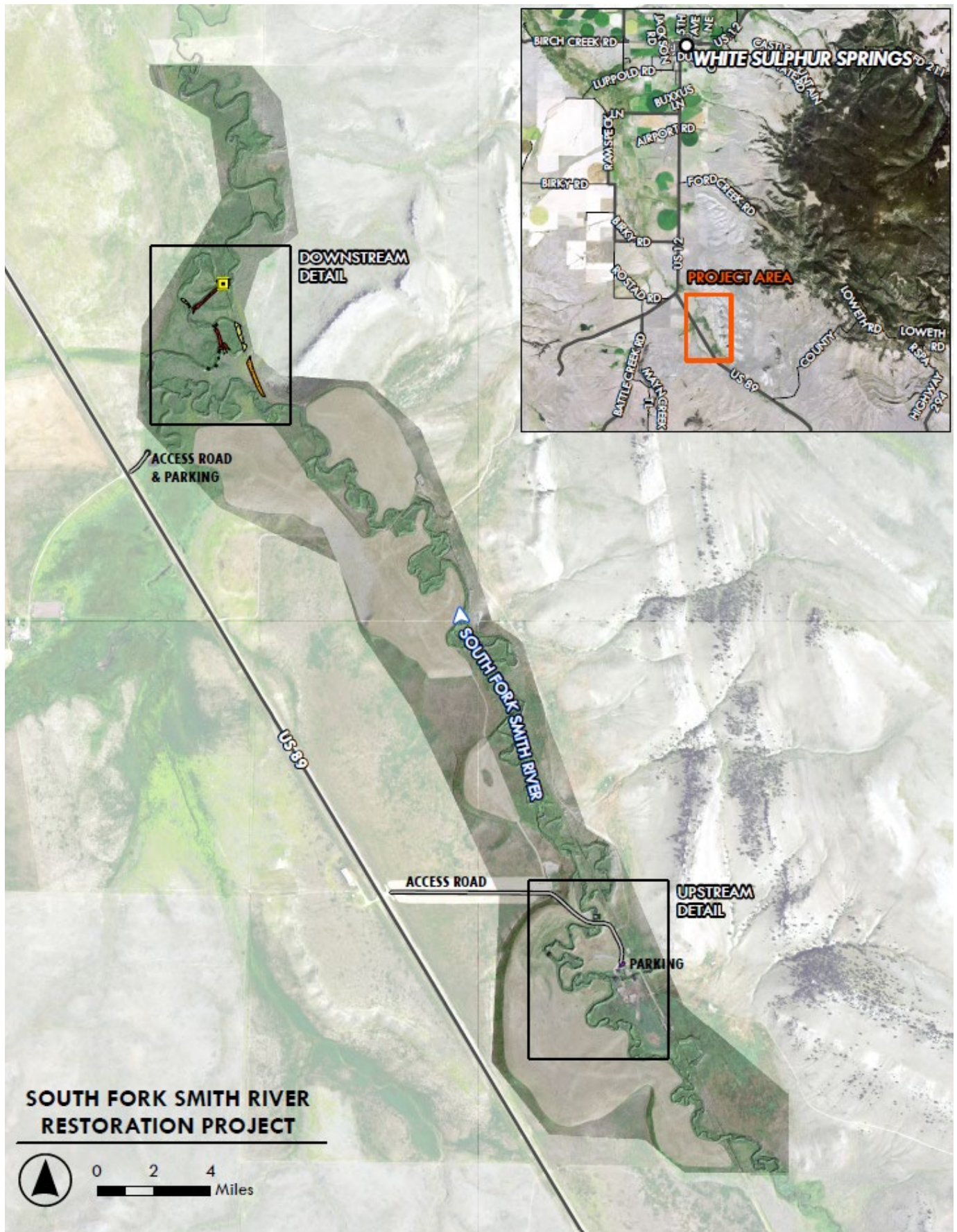
activate abandoned meanders, the channel bed elevation upstream of the entrance will need to be raised approximately 1 to 2 feet. This will be done by raising the bed at four locations using imported cobble.

Reconnecting meanders includes removing the old railroad grade that currently disconnects the historic floodplain. Material excavated from the old railroad grade will be used to fill the existing straightened sections of channel after each meander is reactivated. Fill will be placed in abandoned channel segments at an elevation high enough to prevent the channel from recapturing the abandoned channel but low enough to support development of riparian and wetland vegetation. Adjacent vertical cut banks along the abandoned channel segments will be sloped back to allow vegetation to establish and to generate additional fill as needed. All disturbed areas will be seeded.

The Smith River Corridor Enhancement Account fund, which is funded by floater fees, would be utilized to fund the project. A portion of the Smith River floater fees must be used as described in MCA 23-2-409 (2)(b)(i, ii, iii), which includes for restoration projects, such as this one to improve the health of the Smith River corridor. These funds also require obtaining legislative authority. The Missouri River Flyfishers and Pat Barnes chapters of Trout Unlimited have also pledged to provide some additional funding. Geum Environmental Consulting completed the design and FWP would contract with a qualified consultant to perform construction oversight. The project is expected to take place in 2025.

**Affected Area / Location of Proposed Project:**

- Legal Description
  - Latitude/Longitude: 46.39391, -110.87538
  - Section, Township, and Range: S5 T7N R7E
  - Town/City, County, Montana: White Sulphur Springs, Meagher County, Montana
  - Location maps:







#### RESTORATION TREATMENTS

- |                            |  |
|----------------------------|--|
| ● INSTALL STOCKWATER TANK  | — INSTALL FENCE PANELS                   |
| — INSTALL PIPE FROM SPRING | ⊗ CONSTRUCT HARDENED CHANNEL ACCESS (US) |
| — INSTALL OVERFLOW PIPE    |  |

#### RESTORATION GOALS

- INCREASE RIPARIAN WOODY VEGETATION COVER
- REDUCE FINE SEDIMENT INPUTS
- IMPROVE WATER QUALITY



DATUM: North American Datum 1983  
 PROJECTION: Montana State Plane  
 UNIT: INTL Foot  
 DATA SOURCES:  
 Imagery: USDA NADIP 2021  
 Meagher County Catalogue, 2022

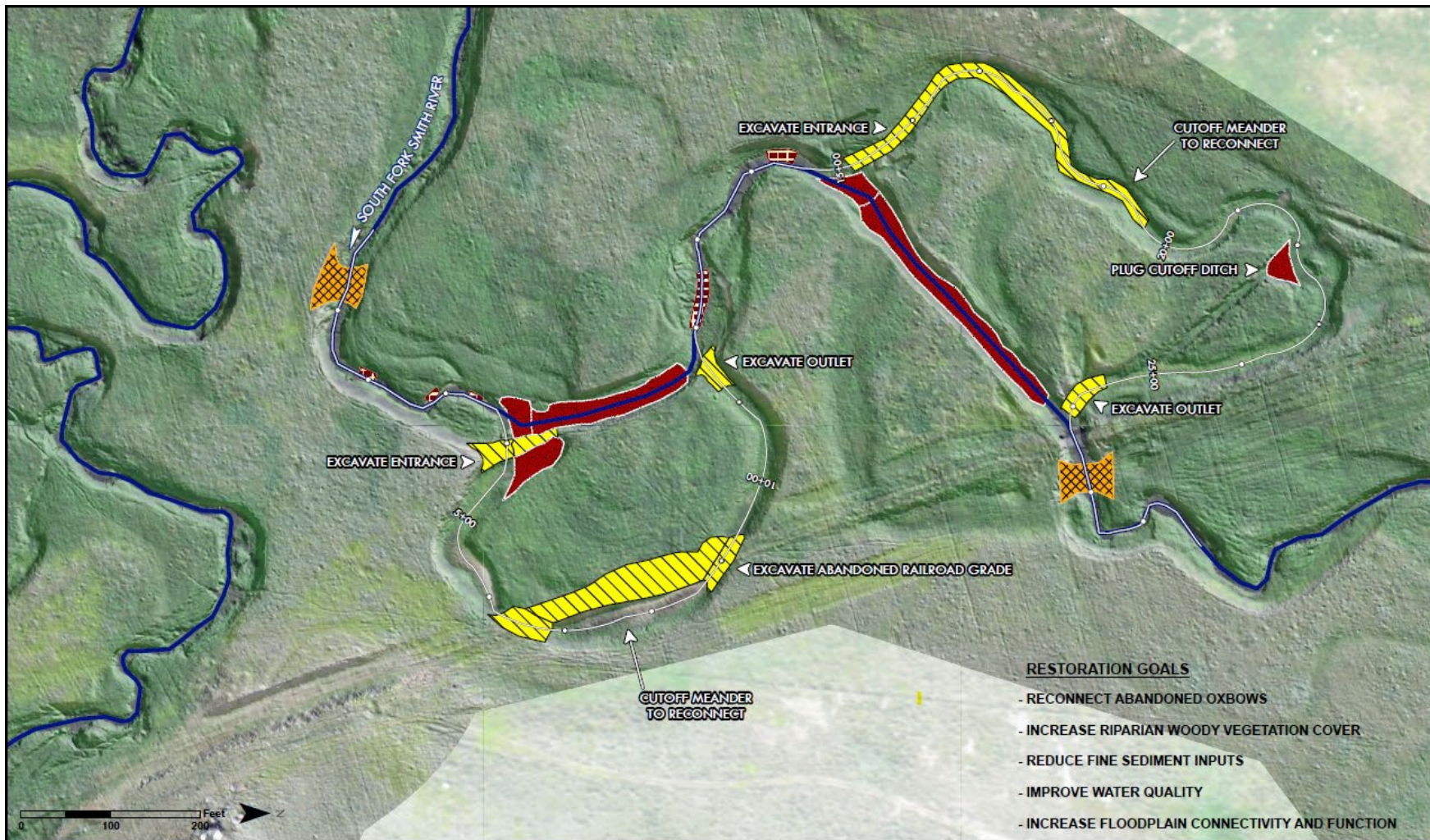
## UPSTREAM RESTORATION TREATMENT OVERVIEW

SOUTH FORK SMITH RIVER RESTORATION  
 WHITE SULPHUR SPRINGS, MONTANA

DRAWN BY: Geum  
 DESIGNED BY: Geum  
 DATE: March 2025

SHEET  
**US**





## DOWNSTREAM RESTORATION TREATMENT OVERVIEW

SOUTH FORK SMITH RIVER RESTORATION  
WHITE SULPHUR SPRINGS, MONTANA

DRAWN BY: Geum  
DESIGNED BY: Geum  
DATE: March 2025

SHEET  
**DS**



### 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.*

- The project addresses degradation to the South Fork Smith River and its floodplain. The South Fork Smith River has been degraded through livestock grazing, agricultural encroachment, irrigation withdrawals, and infrastructure development resulting in channel straightening and channel incision. The floodplain has been extensively dewatered, and excessive channel erosion and incision has resulted in elevated levels of fine sediment.
- The improvements are expected to benefit vegetative communities and aquatic species, including native and nonnative fish, and encourage natural stream processes and healthy ecosystems. The treatments are expected to result in improved water quality, quantity, and stream and riparian habitat as identified in the Smith River Basinwide Study and DEQ approved Watershed Restoration Plan. These outcomes are expected to benefit the resource through natural function, the public through water quality, water quantity, and improved aesthetics, and the department through achievement of fisheries priorities.

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

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

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

### IV. Other Agency Regulatory Responsibilities

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

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

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

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
Montana Department of Environmental Quality and FWP	318 Permit	Short term water quality standard for turbidity
Montana Department of Environmental Quality	Section 401 Permit	Gives states and authorized tribes the authority to grant, deny, or waive certification of proposed federal licenses or permits that may discharge into waters of the United States.

U.S. Army Corps of Engineers	Section 404 Permit	Establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands.
	Nationwide Permit 27	Aquatic Habitat Restoration in waters of the US
Montana Department of Natural Resources and Conservation	606-ST: Application to Change a Water Right – <u>Additional Stock Tanks</u>	Change existing stock water right Claim 41J 14298-00 to add a stock tank to an existing spring development.

## 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>			<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <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>			<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Enforceable Control</b>	<b>Responsible Agency</b>	<b>Authority (Rule, Permit, Stipulation, Other)</b>	<b>Effect of Enforceable Control on Proposed Project</b>	
Montana Stream Protection Act	Montana Fish, Wildlife & Parks	SPA 124 Permit	Provide best management practices in the form of enforceable controls to limit potential adverse impacts from the proposed project.	
Montana Antiquities Act	Montana Fish, Wildlife & Parks	MCA 22-3-421-442	Identify and develop methods and procedures to ensure that the identification and protection of heritage properties and paleontological remains on lands owned by the state are given appropriate consideration in state agency decision making.	

## 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 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.

	<b>Yes*</b>	<b>No</b>
Were any additional and reasonable alternatives considered?	<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:** 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.

The proposed action would not result in significant adverse direct, secondary, or cumulative climate change impacts. Any impacts of the proposed action would be consistent with current impacts (i.e., the no action alternative).

## **VIII. Cumulative Impacts Analysis**

For the purposes of MEPA, "cumulative impact" 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 such 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).

"Action" means a project, program or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan or other form of funding assistance from the agency, either singly or in combination with one or more other state agencies; or a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission to act by the agency, either singly or in combination with other state agencies. ARM 12.2.429(1).

Under the “No Action” alternative, the proposed project would not occur. Therefore, no cumulative impacts to the affected human environment would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project are measured. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s).

FWP is unaware of any future related actions that would cumulatively impact the affected human environment with consideration for the proposed project and/or any past and present actions. For the purposes of the proposed project, the cumulative impacts analysis applies to all resources analyzed under Alternative 2, Proposed Project. See Tables 3 and 4 of this Draft EA.

**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
Resource		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. This project would restore the area to a more natural stream channel function and revegetate the stream banks and riparian area, which is expected to provide additional shade and instream habitat, and minimize erosion. Creation of instream and riparian habitat, and reduction of livestock stream use is expected to result in long term improvements to fish habitats as well as terrestrial habitats. This project is intended to improve ecological health and function. Impacts would be long-term, moderate, and beneficial.
Water quality, quantity, and distribution		<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 water quality, quantity, and distribution would be expected because of the proposed project. Reconnection of abandoned oxbows will increase channel length, reduce channel slope, and as a result, reduce erosion on the riverbed and banks. Installing a new stock water tank, and constructing and hardening access to water for livestock is expected to reduce widespread streambank and channel impacts and reduce fine sediment input. During construction, work would be completed in the stream and along its banks, which may affect turbidity in the short-term. Operation of equipment in the stream channel will be minimized to the extent practicable. A 318 Authorization will be obtained to meet short-term water quality standards. Long-term, the project is expected to maintain minimal sediment inputs and improved water quality through improved riparian vegetation. Impacts would be mitigated by 318 Authorization and SPA 124 permit requirements.

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	
									Therefore, any impacts would be short-term, minor and adverse and long-term, moderate and beneficial. The project follows DNRC guidance for restoration practitioners and does not require a water right. The project consists of channel restoration that will restore a degraded, incised channel back to a stable/healthy condition that approximates historical natural conditions. The raising of the channel bed with cobble to reactivate the abandoned oxbows will pool or pond less than 0.1 acre-foot of water. The stockwater tank will utilize an existing groundwater right and stockwater use will not increase overall.
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 proposed project would not affect any geologic features in the project area; therefore, no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<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 soil quality, stability, and moisture would be expected because of the proposed project. This project is expected to result in a moderate improvement to soil stability and minimized erosion by restoring natural channel function and vegetating the streambanks and riparian area. The bank treatments and riparian plantings are intended to encourage root growth and hold soil together. As a result of this project, more soil would be contained within the streambanks and would not erode into the channel. Impacts 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. This project would have a moderate improvement on vegetation cover, quantity, and quality by revegetation of the stream banks and riparian area.



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	
									Vegetative communities will be actively created through native seeding, and the use of riparian fencing in select areas. Natural recruitment will be encouraged. Increased overhead and in-stream vegetative cover should provide additional habitat for aquatic species. This project will encourage a functional and diverse stream and riparian corridor. Impacts would be long-term, moderate, and beneficial.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the aesthetic nature of the affected area would be expected because of the proposed project. The stream channel will be restored to natural function, and more riparian vegetation will be available due to plantings and a riparian exclusion that will restrict livestock access to the stream; these improvements would be visually appealing. The property is private but may be observed from the road. Impacts would be minor, long-term, and beneficial.
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 in the affected area would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQs). Further, no significant point-sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). The contractors employed for the project would follow best management practices for working near streams, mitigating any potential impacts. Fugitive dust and vehicle exhaust emissions resulting from the movement of heavy equipment and

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	
									materials during construction of the proposed project may directly impact air quality in the area. Any impacts would be mitigated, short-term, and negligible.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant, adverse impacts are expected for any unique, endangered, fragile, or limited environmental resources in the affected area. The presence of any additional animal or plant Species of Concern and/or any species listed as Threatened or Endangered under the Endangered Species Act (ESA) that may be located within or use the affected area were assessed (Appendix A). This project would improve aquatic habitat for any potential species of concern and would improve riparian habitat for use by various bird and mammal species of concern identified in Appendix A. FWP is unaware of any other unique, endangered, fragile, or limited environmental resources in the affected area that would be impacted by the proposed project. Westslope cutthroat trout are present in Cottonwood Creek which is a tributary of the South Fork Smith River downstream of the project reach. It is possible that westslope cutthroat trout individuals could migrate to the project area from Cottonwood Creek but the number of individuals doing so is expected to be low under any scenario. Any impacts to unique, endangered, fragile or limited environmental resources would be considered minor and beneficial due to improved aquatic and riparian habitat.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant, adverse impacts are expected for any unique, endangered, fragile, or limited environmental resources in the affected area. Prior to implementation, FWP will perform a cultural resource inventory. If cultural resources warranted for protection are discovered, FWP would apply protections to avoid disturbing these sites. If cultural artifacts were to be discovered during

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	
									implementation of the project, FWP would cease activities. Therefore, no impacts to historical and archaeological sites would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant, adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. Beyond those impacts identified in the summary analysis for water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality, no other demands on the environmental resources of land, water, air would be expected because of the proposed project. Some demand for energy resources would be realized as fuel would be required to operate heavy machinery and vehicles used for the proposed project. Any impacts to demands on environmental resources of land, water, air, and energy in the affected area would be short-term and negligible.

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

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to social structures and mores in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities on private land. The proposed project would not impact current land use; therefore, the proposed project would not impact



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	
									any pre-project social structures, customs, values, or conventions in the affected area.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to cultural uniqueness and diversity in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities on private land, and it is not expected this action would result in any relocation of people into or out of the affected area. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to access or the quality of recreational and wilderness activities would be expected because of the proposed project. Angling is limited in this reach. Restoration activities could impact the quality of the recreational experience for some individuals, particularly anglers, during construction. However, once the construction phase of the proposed project is completed no additional impacts would occur. Long-term, quality of angling opportunities would be expected to improve thereby benefitting anglers. Because the proposed project is located on private land, angler access is primarily via the Montana Stream Access Law. Any impact to access and the quality of recreational activities in the affected area would be short-term adverse and negligible, and long-term beneficial and negligible.
Local and state tax base and tax revenues	<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 to the local and state tax base and tax revenue would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities on private property and, when completed, would not result in changes to local or state taxes. The proposed project would be expected to increase state and local tax

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	
										revenues from the sale of fuel, supplies and/or equipment to complete the project as well as the hiring of local contractors. Any impacts to the local and state tax base and tax revenue would be short-term and minor, lasting only as long as the proposed project.
Agricultural or Industrial production		<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 agricultural or industrial production in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration on private property, which is used for agricultural production. The proposed project includes installation of a new stock water tank and fencing panels to exclude livestock from some riparian areas to maintain livestock needs as well as a healthy riparian area. Therefore, there would be minor, long-term impacts to agricultural or industrial production but these impacts would be considered beneficial for both the landowner and the ecosystem as a result of the proposed project.
Human health and safety		<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 impacts to human health and safety would be expected because of the proposed project. This project takes place on private property and is not expected to affect human safety as there are no current safety or health concerns and the project will be addressing natural stream, riparian, and floodplain function. Affected government staff and/or contractors hired to conduct the project may realize increased risk to human health and safety; however, FWP would require affected staff and/or contractors to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. Therefore, any potential impacts to human health and safety would be short-term and negligible, lasting only as long as the proposed project.

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	
Quantity and distribution of employment	<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 to the quantity and distribution of employment in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities within an existing park and, when completed, would not impact the quantity and distribution of employment in the affected area. Short-term and minor impacts to the local quantity and distribution of employment may be realized because of the need for contracted services to complete restoration activities. Any impacts to the quantity and distribution of employment in the affected area would be short-term, minor, and beneficial.
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to the distribution and density of population or housing in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities within private property and would not impact the distribution and density of population or housing in the affected area.
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 to the demands for government services in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities within private property and would not impact demands for government services.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the demands for industrial, agricultural, or commercial activity in the affected area would be expected because of the proposed project. The proposed project constitutes stream and vegetation restoration activities on private property currently used for agricultural purposes. No industrial or commercial activities currently occur on the affected

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	
									private property; therefore, no impacts to industrial or commercial activity would be expected because of the proposed project. Because the post-project riparian environment would include fencing to discourage cattle from entering the stream, the proposed project would shift agricultural logistics for the operator. However, any impacts would be negligible and beneficial long-term to the agricultural operation and the project goals to improve stream and riparian function. Therefore, any impacts to industrial, agricultural, or commercial activity are expected to negligible, beneficial, and long-term because of the proposed project.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed project would result in beneficial, long-term, and minor impacts with progress toward Smith River watershed restoration goals outlined in the Smith River Basinwide Assessment and DEQ approved Watershed Restoration Plan.
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project; therefore, no impacts would be expected.

**Table 5: 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 <b>severity, duration, geographic extent, and frequency</b> of the occurrence of the impact</p> <p><b>“Severity”</b> describes the density of the potential impact, while <b>“extent”</b> 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><b>“Duration”</b> describes the time period during which an impact may occur, while <b>“frequency”</b> describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

## IX. Private Property Impact Analysis (Takings)

*The 54<sup>th</sup> 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 6: Private Property Assessment (Takings)**

<b>PRIVATE PROPERTY ASSESMENT ACT (PPAA)</b>			
<b>Does the Proposed Action Have Takings Implications under the PPAA?</b>	<b>Question #</b>	<b>Yes</b>	<b>No</b>
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"/>
<b>Does the proposed action result in taking or damaging implications?</b>		<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.

## X. 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>. Public notice will announce the availability of the Draft EA, summarize its content, and solicit public comment.*
  - *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 Draft EA to those persons for review and comment (ARM 12.2.433(3)).*
  - *FWP issues a biweekly press release containing all FWP public commenting opportunities.*
- ***Duration of Public Comment Period:*** *The public comment period begins on the date the Draft EA is published on FWP's website. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment period, as listed below:*

**Length of Public Comment Period:** 15 days

**Public Comment Period Begins:** March 27, 2025

**Public Comment Period Ends:** April 11, 2025

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

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

Name: ADAM GEIK

Email: [ageik@mt.gov](mailto:ageik@mt.gov)

Mailing Address:

4600 Giant Springs Road

Great Falls, Montana 590405

## XI. 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"/>

## XII. EA Preparation and Review

	Name	Title
EA prepared by:	Adam Geik	Fisheries Biologist
EA reviewed by:	Jason Mullen	Region 4 Fisheries Manager

### Appendix A. Sensitive Species of Occurrence list for project area

MT Status	Species Group	Documented	Common Name	Scientific Name	Habitat	Distribution
SOC	Birds	Occurrences	Greater Sage-Grouse	Centrocercus urophasianus	Sagebrush	Resident Year Round
SOC	Birds	Occurrences	Ferruginous Hawk	Buteo regalis	Sagebrush grassland	Migratory Summer Breeder
SOC	Birds	Occurrences	Brewer's Sparrow	Spizella breweri	Sagebrush	Migratory Summer Breeder
SOC	Birds	Occurrences	Long-billed Curlew	Numenius americanus	Grasslands	Migratory Summer Breeder
SSS	Birds	Occurrences	Bald Eagle	Haliaeetus leucocephalus	Riparian forest	Resident Year Round
SOC	Birds	Occurrences	Loggerhead Shrike	Lanius ludovicianus	Shrubland	Migratory Summer Breeder
IAH	Other	Occurrences	Bat Roost (Non-Cave)	Bat Roost (Non-Cave)		Species Group or Habitat