

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Baker Lake Wild Fish Transfer Source

FWP-CEA-FSH-R7-26-011

9/21/2026



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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: Baker Lake Wild Fish Transfer Source

Baker Lake is a small reservoir located within the city of Baker, Montana. It is a popular fishing destination for residents of Baker as well as surrounding communities. A large-scale restoration was completed in 2018 and 2019 including debris removal and dredging, depth contouring, and wetland complex creation. Following renovation and reservoir filling, Baker Lake was stocked with Yellow Perch, Walleye, crappie, and Rainbow Trout. Yellow Perch have become overabundant resulting in an overall decrease in average size of this species. Additionally, there have been multiple strong year classes of crappie produced in Baker Lake. FWP is proposing to use Baker Lake as a wild fish transfer Yellow Perch and crappie source waterbody. Reducing the Yellow Perch population may lead to increases in growth and overall size of perch within Baker Lake. Additionally, an easily accessible source of both Yellow Perch and crappie will assist in stocking of other waterbodies across FWP Region 7.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 46.36293,-104.27092
 - Section, Township, and Range: 7N59E13
 - Town/City, County, Montana: Baker, Fallon County, Montana
- Location Map



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.

Easily accessible and AIS/pathogen tested source waterbodies for Yellow Perch and crappie wild fish transfers across Region 7 are limited. Adding Baker Lake as a source for these species will help to establish new and supplement existing populations in waterbodies across FWP Region 7.

Overabundance of Yellow Perch in Baker Lake has led to a less-than-desirable average size within the waterbody. Decreasing abundance may have positive effects on Yellow Perch growth.

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?	☐	☒

* 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

V. List of Mitigations, Stipulations

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

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

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

VI. Alternatives Considered

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

If the No Action alternative were selected, the Yellow Perch abundance is likely to remain high or increase, and the average size will remain small or decrease. Additionally, needs for Yellow Perch in other waterbodies across FWP Region 7 would rely on sources less accessible to fisheries crews.

	Yes*	No
Were any additional and reasonable alternatives considered?	☐	☒

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

In addition to the proposed project and the No Action alternative, FWP analyzed the following alternatives:

	Yes*	No
Were any additional alternatives considered and dismissed for cause?	☐	☒

* 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.

If the No Action alternative were selected, the Yellow Perch abundance is likely to remain high or increase, and the average size will remain small or even decrease. Additionally, needs for Yellow Perch in other waterbodies across FWP Region 7 would rely on sources less accessible to fisheries crews. Options for wild fish transfer of crappie into new waterbodies or to supplement existing populations of crappie will remain extremely limited.

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

See Cumulative Impacts Analysis: Bannack State Park Accessibility Improvements; Table 3, Impacts on Physical Environment; and Table 4, Impacts on Human Population, below.

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
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	☐	☒	☒	☐	☒	☐	☒	☐	The reproductive capacity of Yellow Perch in Baker Lake is high. Reducing perch numbers through wild fish transfer captures may lead to a short-term increased growth rate. However, the annual production from spawning perch and semi-annual production of crappie will likely make the number removed from wild fish transfers negligible. Establishing Yellow Perch and crappie into waterbodies where they do not currently exist could have long-term, moderate effects for anglers using those waterbodies.
Water quality, quantity, and distribution	☒	☐	☐	☒	☐	☐	☐	☐	
Geology	☒	☐	☐	☒	☐	☐	☐	☐	
Soil quality, stability, and moisture	☒	☐	☐	☒	☐	☐	☐	☐	
Vegetation cover, quantity, and quality	☒	☐	☐	☒	☐	☐	☐	☐	
Aesthetics	☒	☐	☐	☒	☐	☐	☐	☐	
Air quality	☒	☐	☐	☒	☐	☐	☐	☐	
Unique, endangered, fragile, or limited environmental resources	☒	☐	☐	☒	☐	☐	☐	☐	
Historical and archaeological sites	☒	☐	☐	☒	☐	☐	☐	☐	
Demands on environmental resources of land, water, air, and energy	☒	☐	☐	☒	☐	☐	☐	☐	

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	☒	☐	☐	☒	☐	☐	☐	☐	
Cultural uniqueness and diversity	☒	☐	☐	☒	☐	☐	☐	☐	
Access to and quality of recreational and wilderness activities	☐	☒	☒	☐	☐	☒	☒	☐	Reducing the population of Yellow Perch could lead to short-term increased growth rates. The reduction from wild fish transfers is likely to be masked by the annual production of spawning perch each spring. Establishing new or supplementing existing Yellow Perch and/or crappie populations could have long-term, moderate effects on those waterbodies.
Local and state tax base and tax revenues	☒	☐	☐	☒	☐	☐	☐	☐	
Agricultural or Industrial production	☒	☐	☐	☒	☐	☐	☐	☐	
Human health and safety	☒	☐	☐	☒	☐	☐	☐	☐	
Quantity and distribution of employment	☒	☐	☐	☒	☐	☐	☐	☐	
Distribution and density of population and housing	☒	☐	☐	☒	☐	☐	☐	☐	
Demands for government services	☒	☐	☐	☒	☐	☐	☐	☐	

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	
Industrial, agricultural, and commercial activity	☒	☐	☐	☒	☐	☐	☐	☐	
Locally adopted environmental plans and goals	☒	☐	☐	☒	☐	☐	☐	☐	
Other appropriate social and economic circumstances	☒	☐	☐	☒	☐	☐	☐	☐	

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

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431. According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.	
Criteria Used to Determine Significance	
1	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

IX. 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	☐	☒
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	☐	☒
Does the action deprive the owner of all economically viable uses of the property?	3	☐	☒
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	☐	☒
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	☐	☐
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	☐	☐
Does the action deny a fundamental attribute of ownership?	5	☐	☒
Does the action have a severe impact of the value of the property?	6	☐	☒
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	☐	☒
Is the impact of government action direct, peculiar, and significant?	7a	☐	☐
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	☐	☐
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	☐	☐
Does the proposed action result in taking or damaging implications?		☐	☒

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-notices>. 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: 9/21/2026

Public Comment Period Ends: 10/6/2026

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

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

Name: Mat Rugg

Email: mrugg@mt.gov

Mailing Address:

FWP

PO Box 1630

Miles City, MT 59301

Attn: Mat Rugg

XI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	☒
FWP must conduct EIS level review for the proposed action	☐

XII. EA Preparation and Review

	Name	Title
EA prepared by:	Mat Rugg	Fisheries Biologist
EA reviewed by:		