

**Montana Department
of
Fish, Wildlife & Parks**



1400 So. 19th
Bozeman, MT 59715

June 10, 1996

TO: Governor's Office, Glenn Marx, Room 204, State Capitol, P.O. 200801, Helena, MT 59620-0801
Environmental Quality Council, Capitol Building, Room 106, P.O. Box 201704, Helena, MT 59620
Dept. Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Montana Fish, Wildlife & Parks

Director's Office
Parks Division
Fisheries Division
Wildlife Division
Enforcement Division
Lands Section
Design & Construction Bureau
Legal Unit
Dennis Flath
FWP Commissioners

MT Historical Society, State Historic Preservation Office, POB 201202 Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624
George Ochenski, POB 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Glen Hockett, 745 Doane Road, Bozeman, MT 59715
Gallatin County Commissioners, Gallatin County Courthouse, Bozeman, MT 59715

Ladies and Gentlemen:

The enclosed Environmental Assessment (EA) has been prepared for Rattler Jack's Snake exhibit located at 30 Madison Ave., West Yellowstone, MT. At issue is the granting of a roadside zoo and menagerie permit for this facility.

Comments will be accepted until 5:00 pm, June 21, 1996. If you have questions, feel free to contact me at 994-4042. All comments should be sent to: Montana Fish, Wildlife & Parks, 1400 So. 19th, Bozeman, MT 59715.

Thank you for your interest.

Sincerely,

Stephen L. Lewis

Stephen L. Lewis
Regional Supervisor

ENVIRONMENTAL ASSESSMENT CHECKLIST

PART I. ROADSIDE ZOO AND MENAGERIE PERMIT APPLICATION

The department's authority to regulate game farms is contained in sections 87-4-406 through 87-4-424, MCA and ARM 12.6.1501 through 12.6.1519.

1. Name of Project: Rattler Jacks

Application Date: 4/24/96

2. Name, Address and Phone Number of Applicant(s):

Howard McDonald, 30 Madison Avenue, West Yellowstone, MT 59758

3. If Applicable:

Estimated Construction/Commencement Date: N/A

Estimated Completion Date: N/A

Is this an application for expansion of existing facility or is a future expansion contemplated? No

4. Location Affected by Proposed Action (county, range and township):

30 Madison Avenue, West Yellowstone, MT

5. Project Size: Estimate the number of acres that would be directly affected that are currently:

(a) Developed:

residential..... acres

industrial..... acres

(b) Open Space/Woodlands/Areas.... acres

(c) Wetlands/Riparian Areas..... acres

(d) Floodplain... acres

(e) Productive:

irrigated cropland. acres

dry cropland..... acres

forestry..... acres

rangeland..... acres

other..... acres

N/A. This project will be housed in a previously existing commercial business building in the

city of West Yellowstone.

6. Map/site plan: attach a copy of the map submitted with the application (an 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map) showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See Attachment A

7. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action:

Mr. McDonald proposes to open a business where people will be able to view a variety of snakes. The snakes will be housed in transparent plastic cages and customers will pay an admission fee to view the snakes.

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction:

(a) Permits:

Agency Name Permit Date Filed/#

Town of W. Yellowstone - Conditional Use Permit Granted 5/22/96

(b) Funding:

Agency Name Funding Amount

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name Type of Responsibility

State Livestock Department - Issue import permits

9. List of Agencies Consulted During Preparation of the EA: None

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the Impacts of the Proposed Action Including Secondary and Cumulative Impacts on the Physical and Human Environment:

PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

2. AIR Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Emission of air pollutants or deterioration of ambient air quality?		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

3. WATER Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Violation of the Montana non-degradation statute?		X				
j. Effects on any existing water right or reservation?		X				
k. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
l. Effects on other water users as a result of any alteration in surface or groundwater quantity?		X				
m. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Changes in the diversity, productivity or abundance of plant species?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

5. FISH/WILDLIFE Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?				X	X	
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: Potentially significant impacts would not be mitigated.

ALTERNATIVE ACTION: Approve facility with stipulations identified below to mitigate impact.

NO ACTION: No impacts.

COMMENTS: There is a small potential for a snake to escape into the wild. To preclude this possibility the following conditions will apply.

1. All cages will have a minimum of 2 padlocked latches which shall remain locked during business hours.
2. All cages will be built and maintained in escape proof condition and are subject to Department inspection at any reasonable time.
3. All new cages will be of the same design as those inspected prior to the issuance of the permit. Cages of any other type will require department approval.
4. In the event that a snake escapes its cage, the facility shall be immediately closed to the public until such time as the snake is located and reconfined. In addition, if the snake can not be immediately recaptured. The following people shall be notified:
 1. West Yellowstone Police Department
 2. Local Fish & Game Warden
 3. Adjoining Businesses

5. Signs will be posted advising customers not to strike the glass (Lexan) cage fronts.
6. No snakes may be released to the wild.
7. The room housing the snakes will be sealed sufficiently to prevent any loose snakes from leaving the building or the room. This would include escapes behind walls or under floors, etc. All doors will remain shut at all times except to admit customers.
8. Prior to opening for business each day, a count will be made of all snakes to assure they are all in their cages.
9. Snakes will remain in their cages at all times during business hours.
10. All employees working at the facility shall be familiarized with:
 1. The conditions on this list.
 2. First aid procedures for snake bites.
 3. Safe handling techniques for venomous snakes
11. No species of snakes other than those listed on the application may be kept at the facility.

HUMAN ENVIRONMENT

6. <u>NOISE EFFECTS</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Increases in existing noise levels?		X				
b. Exposure of people to severe or nuisance noise levels?		X				
c. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects of Noise Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

7. <u>LAND USE</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Conflict with any existing land use that would be adversely affected by the proposed action?		X				
e. Adverse effects on or relocation of residences?		X				
f. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Risk of dispersal of hazardous substances (including, but not limited to chemicals, pathogens, or radiation) in the event of an accident or other forms of disruption?		X				
b. Creation of any hazard or potential hazard to domestic livestock?		X				
c. Creation of any hazard or potential hazard to human health?				X	X	
d. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: Potentially significant impacts would not be mitigated.

ALTERNATIVE ACTION: Approve the facility with stipulations listed below to mitigate impacts.

NO ACTION: No impacts

COMMENTS: There is an inherent risk anytime venomous snakes are kept in close proximity to people. This risk can be minimized to following reasonable safety procedures.

The following conditions will be attached to the permit.

1. All cages will have a minimum of 2 padlocked latches which shall remain locked during business hours.
2. All cages will be built and maintained in escape proof condition and are subject to Department inspection at any reasonable time.
3. All new cages will be of the same design as those inspected prior to the issuance of the permit. Cages of any other type will require department approval.
4. In the event that a snake escapes its cage, the facility shall be immediately closed to the public until such time as the snake is located and reconfined. In addition, if the snake can not be immediately recaptured. The following people shall be notified:
 1. West Yellowstone Police Department
 2. Local Fish & Game Warden
 3. Adjoining Businesses
5. Signs will be posted advising customers not to strike the glass (Lexan) cage fronts.

6. No snakes may be released to the wild.
7. The room housing the snakes will be sealed sufficiently to prevent any loose snakes from leaving the building or the room. This would include escapes behind walls or under floors, etc. All doors will remain shut at all times except to admit customers.
8. Prior to opening for business each day, a count will be made of all snakes to assure they are all in their cages.
9. Snakes will remain in their cages at all times during business hours.
10. All employees working at the facility shall be familiarized with:
 1. The conditions on this list.
 2. First aid procedures for snake bites.
 3. Safe handling techniques for venomous snakes
11. No species of snakes other than those listed on the application may be kept at the facility.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Changes in historic or traditional recreational use of an area?		X				
f. Changes in existing public benefits provided by affected wildlife populations and wildlife habitats (educational, cultural or historic)?		X				
g. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
h. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. A need for new or altered government services (specifically an increased regulatory role for FWP and Dept. of Livestock)?			X			
b. A change in the local or state tax base and revenues?		X				
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS: There will be a minor effort on the part of the FWP and the Department of Livestock to conduct periodic inspections or approve new snake.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				
d. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: None

NO ACTION: None

COMMENTS:

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?				X	X	
c. Potentially conflict with the substantive requirements or any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
e. Other: _____						

Narrative description of minor and potentially significant impacts must be provided.

PROPOSED ACTION: Potentially significant impacts would not be mitigated.

ALTERNATIVE ACTION: Approve the facility with stipulations listed below to mitigate impacts.

NO ACTION: No impacts

COMMENTS:

The following conditions will be attached to the permit.

1. All cages will have a minimum of 2 padlocked latches which shall remain locked during business hours.
2. All cages will be built and maintained in escape proof condition and are subject to Department inspection at any reasonable time.
3. All new cages will be of the same design as those inspected prior to the issuance of the permit. Cages of any other type will require department approval.
4. In the event that a snake escapes its cage, the facility shall be immediately closed to the public until such time as the snake is located and reconfined. In addition, if the snake can not be immediately recaptured. The following people shall be notified:

1. West Yellowstone Police Department

2. Local Fish & Game Warden
3. Adjoining Businesses

5. Signs will be posted advising customers not to strike the glass (Lexan) cage fronts.
6. No snakes may be released to the wild.
7. The room housing the snakes will be sealed sufficiently to prevent any loose snakes from leaving the building or the room. This would include escapes behind walls or under floors, etc. All doors will remain shut at all times except to admit customers.
8. Prior to opening for business each day, a count will be made of all snakes to assure they are all in their cages.
9. Snakes will remain in their cages at all times during business hours.
10. All employees working at the facility shall be familiarized with:
 1. The conditions on this list.
 2. First aid procedures for snake bites.
 3. Safe handling techniques for venomous snakes
11. No species of snakes other than those listed on the application may be kept at the facility.

Narrative Description and Evaluation of the Cumulative and Secondary Effects (Attach additional pages of narrative if needed):

PART II. ENVIRONMENTAL REVIEW (Continued)

2. SUMMARY EVALUATION OF SIGNIFICANCE CRITERIA

a. Does the proposed action have impacts that are individually minor, but cumulatively considerable? (A project may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)

No

b. Does the proposed action involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?

See part 2 number 8.

3. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

The no action alternative would consist of denying the permit. Under provisions of 87-4-803 the Department is expected to grant a permit to an applicant who meets the requirements of the permit.

4. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

CONDITIONS OF PERMIT

1. All cages will have a minimum of 2 padlocked latches which shall remain locked during business hours.
2. All cages will be built and maintained in escape proof condition and are subject to Department inspection at any reasonable time.
3. All new cages will be of the same design as those inspected prior to the issuance of the permit. Cages of any other type will require department approval.
4. In the event that a snake escapes its cage, the facility shall be immediately closed to the public until such time as the snake is located and reconfined. In addition, if the snake can not be immediately recaptured. The following people shall be notified:
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10. All employees working at the facility shall be familiarized with:
 1. The conditions on this list.
 2. First aid procedures for snake bites.
 3. Safe handling techniques for venomous snakes
11. No species of snakes other than those listed on the application may be kept at the facility.

PART III. NARRATIVE EVALUATION AND COMMENT

The major concern with this facility is the possibility that venomous snakes may escape and injure an employee of the facility or a customer. In order to minimize the chance of this occurring, we have attached eleven safety conditions to the permit.

PART IV. EA CONCLUSION

1. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

It has been determined that all potentially significant problems can be mitigated by incorporating a list of conditions to the permit.

2. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances? (At a minimum, all EAs must be MADE available to the public through the State Bulletin Board System.)

Copies of the EA will be sent to anyone who commented at the West Yellowstone City hearing. A legal notice requesting comment will be placed in the West Yellowstone News.

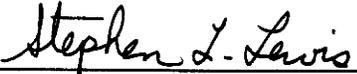
3. Duration of comment period if any:

Comments will be accepted through June 21, 1996.

4. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Jim Heck
Department of Fish, Wildlife & Parks
1400 So. 19th
Bozeman, MT 59715

5. It is our intention to issue the permit conditioned on compliance with the attached list of conditions and applicable state law.



Stephen L. Lewis

Attachment A



WEST YELLOWSTONE

N1/2 SEC 34 & SW1/4 SEC 27 T13S R5E, P. M. M.

GALLATIN COUNTY, MONTANA

SNAKE ZOO

WEST ENTRANCE

OBSIDIAN AVENUE



300

191

20

ORIGINAL PLAT

