



# Montana Fish, Wildlife & Parks

Region 2 Headquarters  
3201 Spurgin Road  
Missoula, MT 59804  
Phone 406-542-5500

April 11, 2013

Dear Interested Citizen:

Enclosed you will find for your review the Draft Environmental Assessment (EA) for a Montana Fish, Wildlife & Parks (FWP) proposal to enter into a lease of pasture on its Blackfoot-Clearwater Wildlife Management Area (BCWMA). The proposed lease between FWP and Two Creek Ranch would generally exchange grazing or hay on 1,050 acres of primarily non-native pasture on the BCWMA, in exchange for implementation of a rest-rotation grazing system on 1,000 acres of privately managed native grasslands that provide important elk winter forage. Public hunting access would be allowed on the private land involved in the proposed lease. The lease would be effective from May 15, 2013 to August 31, 2018.

The EA may also be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing [shrose@mt.gov](mailto:shrose@mt.gov); or by viewing FWP's Internet website <http://fwp.mt.gov> ("News," then "Public Notices," beginning April 10). Comments may be made online on the EA webpage or may be directed by mail or email to the addresses above. Comments must be received by FWP no later than 5:00 p.m. on May 3, 2013.

As part of the decision making process under the Montana Environmental Policy Act (MEPA), I expect to issue the Decision Notice for this EA very soon after the end of the comment period. The Montana Fish, Wildlife & Parks Commission has the final decision-making authority for FWP land leases, and the Commission will be asked to render its decision on this proposal at its May 9<sup>th</sup> meeting in Helena.

Sincerely,

A handwritten signature in black ink that reads "Vivaca Crowser". The signature is written in a cursive style with a large "V" and "C".

Vivaca Crowser  
Acting Regional Supervisor

ML/sr

## MEPA/HB495 CHECKLIST:

### Blackfoot Clearwater WMA and Two Creek Ranch Cooperative Habitat Management Agreement

#### PART I. PROPOSED ACTION DESCRIPTION

##### 1. Type of Proposed State Action

Region 2 of Montana Fish, Wildlife & Parks (FWP) proposes to enter into a 6-year Cooperative Habitat Management Agreement (hereafter, Management Agreement or Lease), involving 1,050 acres of FWP land, with the Two Creek Ranch (TCR, Lessee) in Powell County (Figure 1). This lease agreement would continue a long history of using cattle grazing as a habitat management tool on the Blackfoot Clearwater Wildlife Management Area (BCWMA) while positively influencing privately managed wildlife habitat.

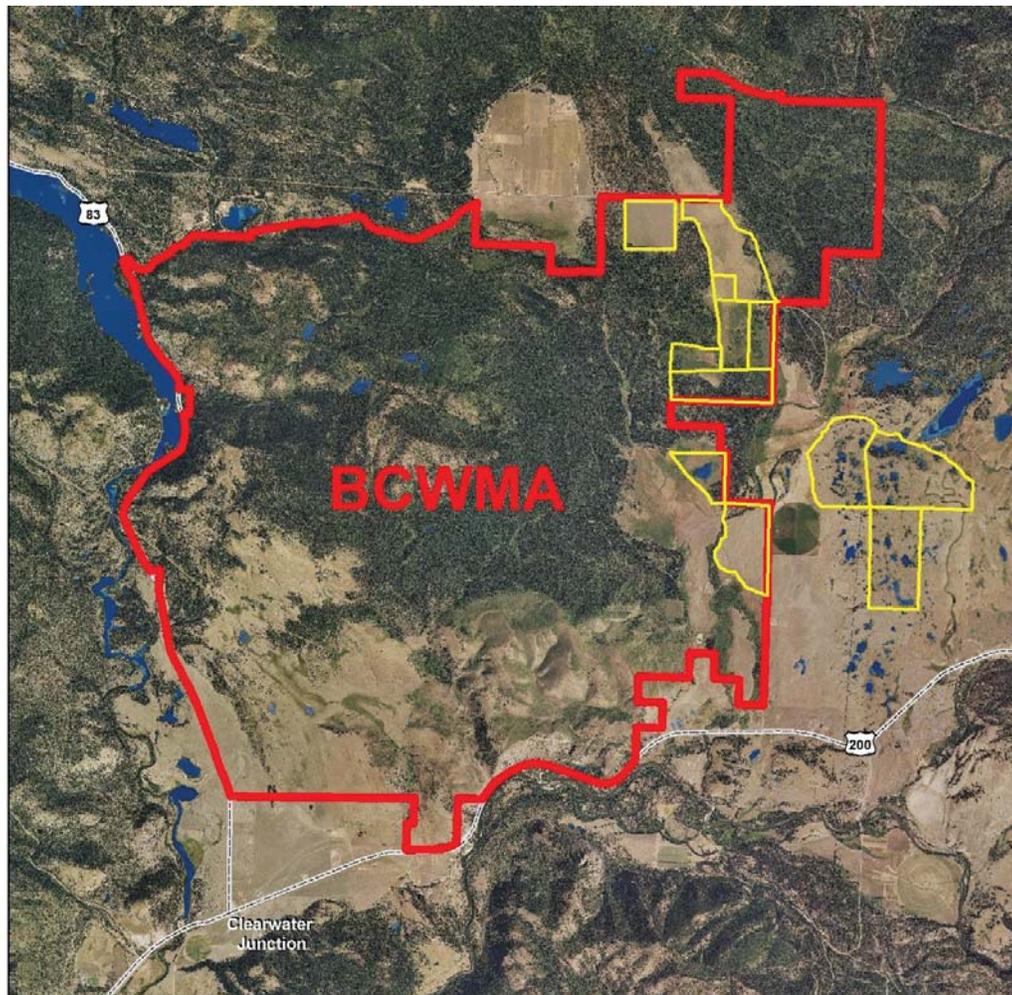


Figure 1. Location of FWP-owned and privately-managed pastures subject to the proposed BCWMA-Two Creek Ranch Cooperative Habitat Management Agreement. (Yellow-outlined pastures within the red boundary are owned and managed by FWP; those outside the red boundary are privately managed by Two Creek Ranch.)

**2. Agency Authority for the Proposed Action**

FWP purchased lands managed as the BCWMA in a series of transactions between 1948 and 2010. The Montana Code Annotated (MCA) authorizes FWP to acquire and operate land and to enter into leases: *The department may develop, operate, and maintain acquired lands or waters: . . . (b) as land or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection (§ 87-1-209(2), MCA). The department is authorized to enter into leases of land under its control in exchange for services to be provided by the lessee on the leased land (§ 87-1-209(7), MCA).*

**3. Name of Project**

Blackfoot Clearwater WMA-Two Creek Ranch Cooperative Habitat Management Agreement

**4. Name, Address and Phone Number of Project Sponsor (if other than the agency)**

Montana Fish, Wildlife, & Parks, Region 2, PO Box 1288, Seeley Lake, MT 59868 (406-210-9830), Attn: Jay Kolbe

**5. If Applicable:**

Estimated Construction/Commencement Date 6/1/2013

Estimated Completion Date 10/15/2018

Current Status of Project Design (100% complete)

**6. Location Affected by Proposed Action (county, township, range and section)**

FWP-owned lands located in Powell County (Figure 2):

T16N, R13W, portions of Sections 31, 32

T15N, R13W, portions of Sections 5, 8, 17

Lease lands encompass approximately 1,050 acres in total.

**7. Project Size: Estimate the number of acres that would be directly affected:**

Approximately 1,050 acres of FWP-owned land within the BC WMA.

Approximately 1,000 acres of privately managed ranchland adjacent to the BCWMA.

**8. Map/site plan: attach an original 8 " 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 Figure 3.

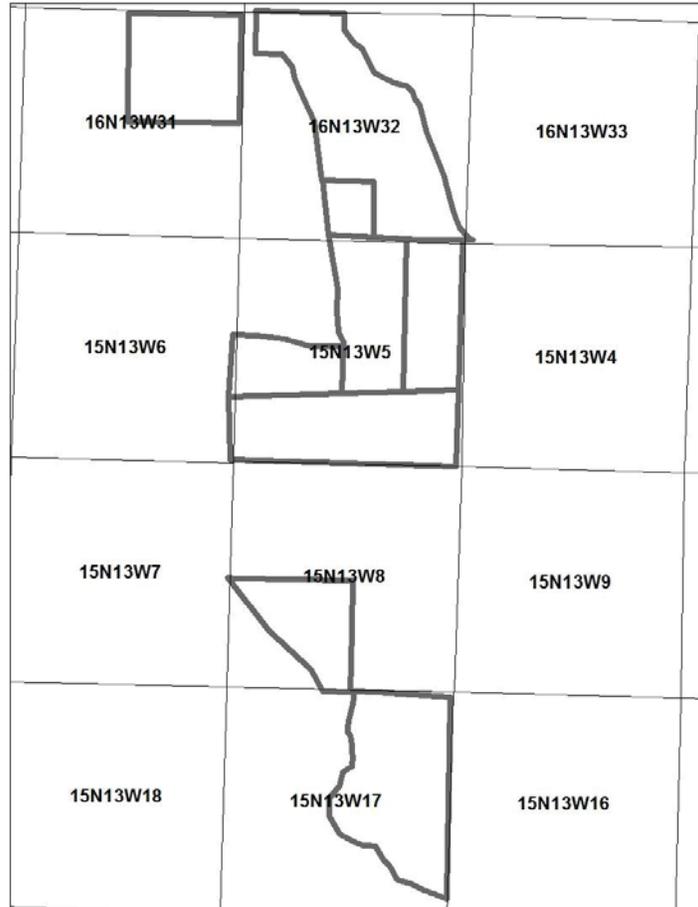


Figure 2. Location of FWP-owned pastures in the BCWMA subject to the proposed BCWMA-Two Creek Ranch Cooperative Habitat Management Agreement, by township (15N and 16N), range (13W) and section in Powell County.

**9. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.**

From 1991-2004, FWP maintained Cooperative Management Agreements and Grazing Plans with the Montana Forest and Conservation Experiment Station (MFCES, grazing lease #2063.7(b)06) and with the Warren Creek Ranch (grazing lease #2063.7(b)04) that included portions of the BCWMA and adjacent private ranch lands. In 2004, the Two Creek Ranch acquired grazing rights on the MFCES property and purchased fee-title to the FWP-leased portion of the Warren Creek Ranch. A lease for 2005 incorporated the two historic Cooperative Management Agreements and Grazing Plans into one, with one cattle operation (TCR) managed across the three cooperating ownerships (Two Creek, MFCES, and FWP). The 2006-2012 lease (grazing lease #2063.7 (6) 06) was very similar to the 2005 lease agreement.

This proposed 2013-2018 Management Agreement involves only a portion of the BCWMA and it represents a reduction in the area of FWP-owned land (now only approximately 1,050 acres) that would be subject to a Cooperative Habitat Management Agreement and associated Grazing Plan (Figure 3). The FWP lands included in this current proposal are largely agricultural fields and hay meadows (the Dryer Meadows) historically planted to (non-native) tame grasses. Those FWP-owned native-range pastures subject to the Management Agreement would be grazed prescriptively and infrequently.

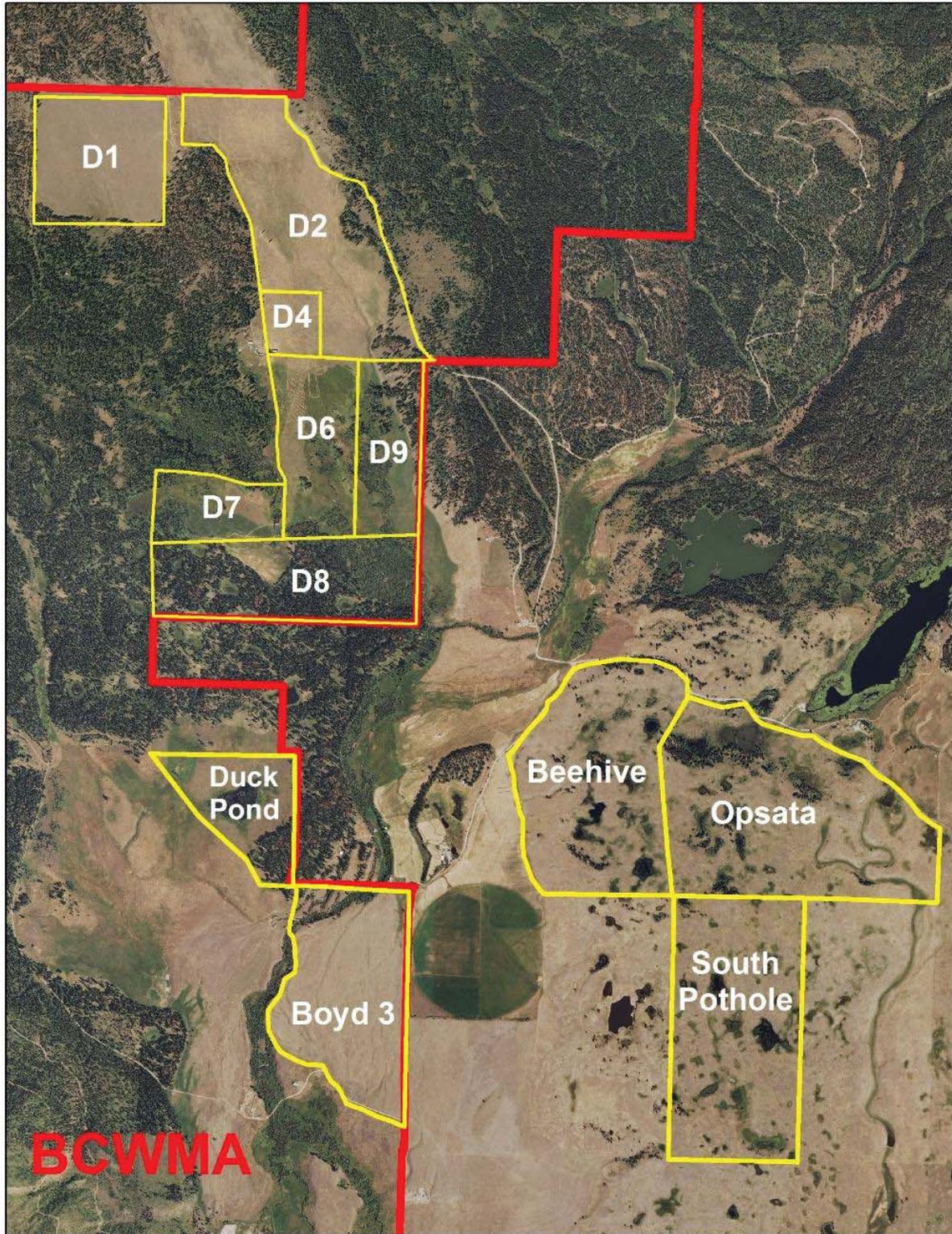


Figure 3. Pastures subject to the proposed BCWMA-Two Creek Ranch Cooperative Habitat Management Agreement. (Pastures outlined in yellow: Beehive, Opsata and South Pothole are privately managed by Two Creek Ranch; all others are owned/managed by FWP as part of the BCWMA, with D = “Dreyer Meadows.”)

For this proposed Management Agreement, FWP's BCWMA pastures are grouped into 2 units: The North Unit includes all the Dreyer Meadow pastures (Figure 3, "D#"), and the South Unit includes the Boyd 3 and Duck Pond pastures. The privately-managed pastures (Beehive, Opsata, and South Pothole) are called the Bandy Ranch Unit.

The Dryer Meadows are part of the 1989 Dryer Ranch addition to the BCWMA. Unlike most of the remainder of the WMA, the Dryer Meadows were tilled and planted as tame non-native hay meadows and small grains decades ago. Although these meadows are productive during summer, they do not provide high quality deer and elk winter forage. Periodic grazing of these non-native grasses removes decadent material and encourages spring/fall re-growth used by deer and elk during those seasons. Prescribing regular growing-season rest to these pastures also improves grass vigor and allows rested pastures to provide spring elk and deer forage as well as habitat for ground-nesting birds. Under the proposed Grazing Plan these pastures would receive growing-season rest either every year or every-other year for the duration of the Agreement.

The Duck Pond pasture in the South Unit is a mix of native and tame grasses, while the Boyd 3 pasture is native grassland (Figure 3). These two pastures would only be grazed for one season every-third year.

The privately-managed Bandy Ranch Unit pastures consist of high-quality native grasslands important to wintering elk and deer. These pastures would be managed under a three-pasture rest-rotation grazing system under this Agreement and associated Grazing Plan (Figure 3). These rough fescue-dominated grassland pastures support hundreds of elk, mule deer, and white-tailed deer each winter as well as a myriad of bird, small mammal, and other species throughout the year. Implementation of a three-pasture rest-rotation grazing system ensures that these native pastures receive growing-season rest two years out of three and that vigorous ungrazed grasses are left available for ungulate use each season. This grazing system has been used to manage these pastures for nearly 10 years; native range condition there is excellent and improving. These privately managed pastures are open to public hunting access each fall season.

For specific descriptions of the Management Agreement (lease) grazing prescriptions by pasture for the term of the project proposal (Grazing Treatments), as well as enumeration of additional services (Terms of Payment and Services Provided) TCR has agreed to provide, see Table 1 and Appendix A. Briefly, the Management Agreement includes:

- Compliance with an FWP-prescribed rest-rotation grazing system on the BCWMA and privately managed lands.
- Construction of riparian exclusion fencing to prevent livestock from entering the Cottonwood Creek corridor.
- Development of off-site watering facilities that would better distribute livestock and remove the need for cattle to enter riparian areas.
- Conversion of most fencing necessary to implement the Grazing Plan, from traditional barbed wire to temporary electric fence that would be removed when cattle are not using a pasture.
- Removal of unnecessary and hazardous barbed wire fencing on the WMA.
- Treatment of noxious weeds on the WMA.

Table 1. Livestock grazing schedule for the Blackfoot Clearwater WMA with the Bandy Ranch/Two Creek Ranch grazing lease.

Livestock Grazing Schedule for Blackfoot Clearwater WMA with Bandy Ranch/Two Creek Ranch Grazing Lease									
Year	WMA North (Dreyer Meadows)				WMA South		Bandy Ranch		
	D1	D2	D8	D9-Portman	Boyd 3	Duck Pond	South Pothole	Beehive	Opsata
2013	A	B	A	B	C	C	B*	C	A
2014	B	A	B	A	A	C	C	A	B*
2015	A	B	A	B	C	B	A	B*	C
2016	B	A	B	A	C	C	B*	C	A
2017	A	B	A	B	A	C	C	A	B*
2018	B	A	B	A	C	B	A	B*	C

A = Livestock grazing from early-May to early-August (rapid growth)

B = Livestock grazing from early-August to end of September (post seed-ripe)

B\* = Livestock grazing from early-August to end of September and then from May 1 to May 10 the following spring and before rapid growth begins.

C = Yearlong rest from livestock grazing

\*Note: When a pasture receives the “B,” or the post seed ripe late-season grazing treatment, the livestock would leave the pasture at the end of September. However, livestock would be allowed to briefly use the same pasture the next spring, from May 1-May 10, or before the rapid-growth period begins, *whichever comes first*. The beginning of the rapid-growth period marks the beginning of the “C,” or year-long rest treatment, and livestock would be required to be out of this pasture before this period begins.

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

**(a) Permits:**

Agency Name                      Permit                      Date Filed/#  
N/A

**(b) Funding:**

Agency Name                      Funding Amount  
N/A

**(c) Other Overlapping or Additional Jurisdictional Responsibilities:**

Agency Name                      Type of Responsibility  
*U. S. Fish and Wildlife Service--FWP is accountable to the Service to ensure that management practices on properties acquired with Federal Aid (Such as the BCWMA) are compatible with the purpose for the acquisition; i.e., to provide big game habitat.*

**11. List of Agencies Consulted During Preparation of the EA:**

Not applicable

PART II. ENVIRONMENTAL REVIEW

**1. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.**

**A. PHYSICAL ENVIRONMENT**

1. <u>LAND RESOURCES</u>  Would the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially 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			1.b
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			1.d
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		x				
f. Other (list)		x				

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

1.b, Livestock grazing may cause soil disturbances in localized areas such as near salt blocks, watering sites, or loafing areas. More broadly, however, FWP expects that implementation of this Agreement would improve soil condition and reduce erosion on both Dept. privately managed lands subject to this proposal. Grazing on the WMA would be directed toward previously disturbed (farmed) pastures and largely precluded from more erosive undisturbed native grasslands. The provision growing season rest on privately managed native pastures through implementation of a rest-rotation grazing system would improve native grass root stock, total vegetative cover, and resilience thus further minimizing long term plant community and soil disturbance under periodic grazing. Planned water developments would better distribute cattle and reduce local impacts of hoof action at watering sites.

1.d. Livestock would be completely excluded from Cottonwood Creek in 2013 if the Proposed Action is implemented. This would reduce siltation and bank erosion along the reach of Cottonwood Creek within Boyd 3.

2. <u>AIR</u>  Would the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		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. For P-R/D-J projects, would the project result in any discharge which would conflict with federal or state air quality regs? (Also see 2a)		x				
f. Other		x				

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

<b>3. WATER</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Would the proposed action result in:</b>	<b>Unknown</b>	<b>None</b>	<b>Minor</b>		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			x			3.a
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. Effects on any existing water right or reservation?		x				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		x				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		x				
l. For P-R/D-J, would the project affect a designated floodplain? (Also see 3c)		x				
m. For P-R/D-J, would the project result in any discharge that would affect federal or state water quality regulations? (Also see 3a)		x				
n. Other:						

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

3.a A stipulation of this proposal is that the lessee is required to construct fencing adequate to completely exclude cattle from the the Cottonwood Creek riparian corridor within the Boyd 3 pasture. Previously, cattle watered from and loitered in the creek and riparian vegetation. Excluding cattle from this area is expected to improve streambank conformation, increase riparian vegetation, and reduce sediment delivery to Cottonwood Creek Under this proposal, cattle would not have access to Cottonwood Creek anywhere on the BCWMA.

<b>4. VEGETATION</b>  <b>Would the proposed action result in:</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			x			4.a
b. Alteration of a plant community?						4.b
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. For P-R/D-J, would the project affect wetlands, or prime and unique farmland?		x				
g. Other:		x				

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

4.a, 4.b. The introduction of cattle to pastures on Blackfoot Clearwater WMA would increase spring/fall re-growth of tame grass hay meadows and former agricultural fields. Late season haying (after seed ripe) in lieu of grazing of pastures D6 and D7 would virtually eliminate compaction and other mechanical damage these sub-irrigated fields. The grazing frequency and intensity of native grasslands within Boyd 3 would be greatly reduced from current condition under this proposal; overall grass vigor is expected to improve in this pasture during the term of the proposed Agreement. Maintenance of periodic rest from grazing on the privately managed pastures subject to this proposal would increase the abundance and productivity of native grasses and forbs. Lessee would treat and reduce noxious weed infestations on Dept. property.

<b>5. FISH/WILDLIFE</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Would the proposed action result in:</b>	<b>Unknown</b>	<b>None</b>	<b>Minor</b>		
a. Deterioration of critical fish or wildlife habitat?		x				
b. Changes in the diversity or abundance of game animals or bird species?			x			5.b
c. Changes in the diversity or abundance of nongame species?			x			5.c
d. Introduction of new species into an area?		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. <u>For P-R/D-J</u> , would the project be performed in any area in which T&E species are present, and would the project affect any T&E species or their habitat? (Also see 5f)			x			5.h
I. <input type="checkbox"/> <u>For P-R/D-J</u> , would the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		x				
j. Other:		x				

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

5.b. Conversion of much of the fencing required to implement the grazing system to either temporary electric or “let-down” fence would effectively eliminate these fences as hazards to wildlife (especially deer and elk) or wildlife movement barriers. The project is expected to improve spring/fall re-growth on Dept. lands and improve native rangeland condition on adjacent private lands which would increase wild ungulate carrying capacity.

5.c. Grasses would be allowed to structurally mature each year on pastures D6, D7, and Duck Pond; every other year on pastures D1,2 8, and 9; and 2 years out of 3 on Boyd 3 and the Bandy Ranch Unit—thus, the vast majority of subject pastures would continue to provide undisturbed spring/summer habitat for ground-nesting birds, small mammals, and other wildlife.

5.h. Grizzly bears are commonly observed on and adjacent to pastures subject to this proposal. There have been no documented conflicts between cattle and grizzlies on the BCWMA. Bears would benefit from the increased availability of succulent grasses and forbs bears use as forage during spring and early summer.

**B. HUMAN ENVIRONMENT**

<b>6. <u>NOISE/ELECTRICAL EFFECTS</u></b>  <b>Would the proposed action result in:</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>		
a. Increases in existing noise levels?		x				
b. Exposure of people to serve or nuisance noise levels?		x				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		x				
d. Interference with radio or television reception and operation?		x				
e. Other:						

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

<b>7. LAND USE</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>		
<b>Would the proposed action result in:</b>						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			x			7.a
b. Conflicted 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. Adverse effects on or relocation of residences?		x				
e. Other: _____						

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

7.a Implementation of the Proposed Action would increase the number of cattle the lessee can raise and sell, thus increasing the profitability of his overall ranching operation..

<b>8. RISK/HEALTH HAZARDS</b>  <b>Would the proposed action result in:</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, would any chemical toxicants be used? (Also see 8a)		X				
e. Other:		X				

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

<b>9. COMMUNITY IMPACT</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>		
<b>Would the proposed action result in:</b>						
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			9.c
d. Changes in industrial or commercial activity?		x				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		x				
f. Other:						

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

9.c. The action would provide the Two Creek Ranch additional pasture on FWP lands and improved range condition on Ranch lands resulting in an economic/commercial benefit to the lessees and their employees. Hunting of deer and elk that winter on the BCWMA and privately managed grasslands subject to this proposal economically benefits local businesses and communities.

<b>10. PUBLIC SERVICES/TAXES/UTILITIES</b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>		
<b>Would the proposed action result in:</b>						
a. Would the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		x				
b. Would the proposed action have an effect upon the local or state tax base and revenues?		x				
c. Would the proposed action result in 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. Would the proposed action result in increased used of any energy source?		x				
e. Define projected revenue sources		x				
f. Define projected maintenance costs.			x			10.f
g. Other:		x				

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

10.f. Grazing fees are to be exchanged for services in-kind; no State funds would be generated. FWP would cost-share noxious weed herbicide, fencing, and materials necessary to develop a watering source on the Dryer Unit. Fence construction and removal, maintenance of all grazing system infrastructure, and treatment of leafy spurge on the BCWMA pastures would be the lessees responsibility.

<b>11. <u>AESTHETICS/RECREATION</u></b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Would the proposed action result in:</b>	<b>Unknown</b>	<b>None</b>	<b>Minor</b>		
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? (Attach Tourism Report)			X			11.c
d. For P-R/D-J, would any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other:						

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

11.c. Cattle would be seasonally present on the Blackfoot Clearwater WMA but would be removed prior to fall hunting season when recreational-use is highest. No conflicts between grazing/haying activities and the recreating public were reported during the previous 6-year Agreement period.

<b>12. <u>CULTURAL/HISTORICAL RESOURCES</u></b>	<b>IMPACT</b>				<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
	<b>Would the proposed action result in:</b>	<b>Unknown</b>	<b>None</b>	<b>Minor</b>		
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. For P-R/D-J, would the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		X				
e. Other:						

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

**SIGNIFICANCE CRITERIA**

13. SUMMARY EVALUATION OF SIGNIFICANCE  Would the proposed action, considered as a whole:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially 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			13.a
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		x				
c. Potentially conflict with the substantive requirements of 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 would be proposed?		x				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		x				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		x				
g. For P-R/D-J, list any federal or state permits required.		x				

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

13.a The proposed action would improve water quality, reduce barriers to wildlife movement, increase game and non-game habitat quality and quantity, benefit local economies, and increase public recreational opportunities. The No Action alternative would not similarly provide these benefits.

## **PART II. ENVIRONMENTAL REVIEW (continued)**

**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 proposed stocking levels and grazing system were prepared and approved by FWP range management specialists. The only reasonable alternative would be “No action.” If the no action alternative were to be selected, the grazing lease with TCR would not be renewed, and FWP would not obtain benefits such as improved fall re-growth and winter forage quality for elk and deer on the WMA as well as improved range condition on private pastures that provide important native elk and deer winter range.

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

The Management Agreement would be monitored by FWP wildlife biologists and potentially terminated if its terms were to be violated per the explicit terms of the FWP-approved lease.

## **PART III. NARRATIVE EVALUATION AND COMMENT**

FWP analysis of this proposal benefits from nearly 25-years experience managing livestock grazing as a tool to improve range productivity and leverage improved management of private wildlife habitat. This proposal would maximize spring-fall productivity and wildlife benefit of FWP-owned agricultural lands (that have limited value to wintering elk and deer) while ensuring adjacent, privately managed, native grasslands are maintained to benefit wintering big game.

This proposal would improve infrastructure, remove hazardous fencing, and treat noxious weeds on the BCWMA--at no direct cost to the FWP. Native fisheries would benefit from the improved management of Cottonwood Creek, the retention of undisturbed grass during the growing season would benefit a host of non-game species, and the removal of permanent barbed-wire fencing would improve wildlife passage and safety.

FWP believes that renewing this modified Agreement (compared to the previous lease), as proposed, would further improve wildlife habitat quality and quantity on both public and private lands, maintain important public-private habitat management partnerships, and help preserve important public hunting access to important private lands.

## **PART IV. NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)**

**Based on the significance criteria evaluated in this EA, is an EIS required? Yes or No?  
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:**

No. Based upon the checklist EA, which has identified a limited number of minor impacts from the proposed action and no significant negative impacts, an EIS is not required and an environmental assessment is the appropriate level of review.

## **PART V. PUBLIC PARTICIPATION**

**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?**

**Duration of comment period if any:**

The Blackfoot-Clearwater Citizen Advisory Council was active in the development of earlier Cooperative Habitat Management Agreements. This and past Agreements received significant support from the local community. FWP is currently seeking public comment on this proposal. Comments may be submitted in writing or electronically beginning April 10, 2013. Comments may be made online on the EA's webpage or may be directed by mail to Region 2 FWP, 3201 Spurgin Rd., Missoula 59804 or email to [shrose@mt.gov](mailto:shrose@mt.gov). Comments must be received by FWP no later than 5:00 p.m. on May 3, 2013.

The public will be notified in the following manners to comment on this current EA, the proposed action and alternative:

- One statewide press release, which also will be posted on FWP's website <http://fwp.mt.gov> ("News," then "News Releases");
- One legal notice in each of these newspapers: *Blackfoot Valley Dispatch* (Lincoln), *Independent Record* (Helena), *Missoulian*, *Seeley Swan Pathfinder*, and *Silver State Post* (Deer Lodge);
- Direct mailing or email notification to landowners and interested parties (individuals, groups, agencies);
- Public notice on the FWP web page: <http://fwp.mt.gov> ("Submit Public Comments," then "FWP Lands," then "Acquisitions, Trades & Leases") where comments may be submitted.

Copies of this draft environmental assessment may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing [fwprg22@mt.gov](mailto:fwprg22@mt.gov); or by viewing FWP's Internet website <http://fwp.mt.gov> ("Recent Public Notices," beginning April 10).

Comments may be made online on the EA's webpage or may be directed by mail to the FWP address above or by email to [shrose@mt.gov](mailto:shrose@mt.gov). Comments must be received by FWP no later than 5:00 p.m. on May 3, 2013.

Given the local focus and relative simplicity of this proposed action, a minimum 21-day public comment period and subsequent Commission action are appropriate.

## **PART VI. EA PREPARATION**

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

Jay Kolbe  
PO Box 1288  
Seeley Lake, MT 59868  
406-210-9830

## APPENDIX A.

### Detailed Description of Proposed Grazing Treatments, and Terms of Payment and Services Provided

#### GRAZING TREATMENTS

##### 1. BCWMA North Unit - Dreyer Meadows

Generally, grazing in these pastures would alternate between the early and late season each year. Individual grazing schedules are staggered so that a similar number of AUMs are available each year and season. Two pastures would receive a late season haying treatment in lieu of grazing (D6 and D7). Table 1 summarizes the grazing schedule for each year of the lease.

Those pastures within the North Unit/Dreyer Meadows subject to grazing treatments should sustainably provide up to 315 AUMs, annually.

##### Dreyer 1 (Pasture D1)

The D1 pasture was tilled, irrigated, and used for small grain production before FWP acquired the property. The field had since become heavily infested with noxious weeds; FWP farmed and replanted D1 with tame grasses in 2007 as part of an integrated weed management strategy. The field is now ready to receive prescriptive grazing. The D1 pasture is scheduled to receive an early grazing treatment in 2013, where livestock grazing would be permitted into the pasture from early May (the beginning of the rapid growth period) until early August (seed ripe). It is then scheduled to receive late grazing treatment in 2014, when livestock grazing would be permitted from early August (post seed ripe,) until the end of September (end of grazing season). This schedule would repeat in 2015 (Table 1).

Stock water is available from an active irrigation ditch during the early grazing period. However, water development would be required to allow grazing during the late period when the ditch is dry. FWP would install a water ram to collect water from Cottonwood Creek and pipe it down the dry ditch to tanks in the eastern portion of D1 as well as the western portion of D2. The early treatment in 2013 would allow time for the water development to be constructed before the late grazing season in 2014. FWP would also work with DNRC to potentially develop a water gap on the southern boundary of D1.

##### Dreyer 2 (Pasture D2)

The D2 pasture is scheduled to receive late grazing treatment in 2013, when livestock grazing would be permitted from early August (post seed ripe) until the end of September (end of grazing season). The pasture would then receive an early grazing treatment in 2014, where livestock grazing would be permitted from early May (the beginning of the rapid growth period) until early August (seed ripe). This schedule would repeat in 2015.

The D4 pasture, which is not a part of the grazing system, is used to pasture up to four FWP-owned horses used by the local game warden. Fencing around this pasture is currently in very poor condition; FWP and the Lessee intend to re-fence this pasture during the summer of 2013.

Several of the internal fences separating the Dreyer Meadows pastures are in poor condition, and the external boundary "let-down" fence along Woodworth Road has proven incapable of reliably containing cattle. During 2013, FWP and the Lessee would remove most internal fences, and

replacing those necessary to implement the grazing system with temporary electric fences that would be removed when cattle are not in the pastures. The boundary fences would be supplemented with 3 strand electric fencing in the fall of 2013. All necessary fences should be constructed by the fall of 2014.

#### **Dreyer 6, 7 (Pastures D6, D7)**

The D6 and D7 pastures would not be grazed by livestock at any time during the course of the grazing lease. Instead, these pastures would may be hayed once a year during the last half of August after seeds have ripened and most seed heads have shattered.

These meadows have typically been hayed during the end of August and sometimes as late as early September. Haying these meadows would not be required, but would be an option that can be exercised by the Lessee. Lessee would annually record the volume of hay harvested from each pasture.

#### **Dreyer 8, 9 (Pastures D8, D9)**

The Lessee also leases private rangeland directly adjacent to Pastures D8 and D9. Under previous leases, the D8 and D9 pastures have been grazed in conjunction with these other private pastures. There is currently no functional fence on the eastern boundary of D9. Although these neighboring private pastures would likely be grazed in conjunction with D8 and D9, only the pastures either owned by FWP or specifically identified in this Grazing Plan would be subject to the terms of this lease.

The D8 pasture would receive early grazing treatment in 2013 between early May (the beginning of the rapid growth period) and early August (seed ripe). Livestock is scheduled to graze D9 from early August (post seed ripe) until the end of September (end of grazing season). The following year, the D9 pasture would receive early grazing treatment from early May (the beginning of the rapid growth period,) until early August (seed ripe). Livestock is then scheduled to graze D8 from early August (post seed ripe) until the end of September (end of grazing season). This schedule would repeat in 2015 (Table 1).

## **2. BCWMA South Unit – Boyd 3 and Duck Pond**

Livestock grazing would be allowed in the Boyd 3 and Duck Pond pastures on a limited, prescriptive basis. Grazing would be permitted on the Boyd 3 pasture during the early grazing season once every three years, and grazing would be permitted on the Duck Pond pasture during the late grazing season once every three years (Table 1).

Previously, the stocking rate for the Boyd 3 pasture was based on ability of the Lessee to comply with the grazing system and annually supported up to 100 AUMs. The grazing plan would continue to be based on ability of the Lessee to comply with the grazing system, and should support up to 100 AUMs during the years these pastures are prescriptively scheduled to receive a grazing treatment.

#### **Boyd 3 Pasture**

During the summer of 2013, both FWP and the Lessee would work to maintain and improve this pasture. FWP would spray this pasture for spotted knapweed during either the spring or fall herbicide treatment window. Previously, cattle using Boyd 3 watered directly in Cottonwood Creek and damaged both the streambank and riparian vegetation. The Lessee would exclude cattle from creek bottom by building a fence along the bench immediately southeast of the riparian zone. The Lessee would provide a new water source by tapping into the excess water from the artesian well located northeast of the pasture. This water would be directed to the

northern and eastern boundaries of the pasture via trenched pipe that would terminate at watering tanks. This project would help disperse grazing pressure throughout more of the pasture. The Boyd 3 pasture would be rested from all livestock grazing in 2013. It would then receive an early grazing treatment in 2014 when livestock grazing would be permitted from early May (the beginning of the rapid growth period), until early August (seed ripe). It would be rested from all grazing in 2015 and 2016. This pasture would only be grazed once every three years.

### **Duck Pond Pasture**

The Duck Pond pasture has only been grazed intermittently and by prescription in recent years. FWP has managed this pasture to maintain the integrity of the waterfowl nesting and associated wetland vegetation in order to improve brood success. Therefore, livestock grazing has only been allowed occasionally and always during the late grazing season.

The Duck Pond Pasture would be completely rested in 2013 and 2014. It would then be scheduled to receive late grazing treatment in 2015, when livestock grazing would be permitted from early August (post seed ripe) until the end of September (end of grazing season). It would be rested from all grazing in 2016 and 2017 before receiving a late treatment in 2018. This pasture would only be grazed once every three years.

### **3. Bandy Ranch Unit – South Pothole, Beehive, Opsata**

The Bandy Ranch Unit consists of three pastures leased and managed by the Two Creek Ranch (the Lessee). These pastures consist of native grasses (predominantly rough fescue, Idaho fescue, and bluebunch wheat grass) which provide important winter forage for elk and deer. In partial exchange for use of primarily non-native grass on the WMA, the Two Creek Ranch agrees to graze these native pastures using a rest-rotation grazing system that meets the current FWP Grazing Standards. See Table 1 for the grazing schedule schematic. Compliance with this grazing system ensures plant vigor would be improved and significant overwinter standing grass would be available for elk and deer use.

Previously, the stocking rate for the Bandy Ranch pastures were based on ability of the landowner to comply with the grazing system. This grazing plan would continue to be based on ability of the landowner to comply with the grazing system.

#### **South Pothole, Beehive, Opsata Pastures**

For the 2013 grazing season, the Opsata Pasture would receive early grazing treatment, when livestock grazing would be permitted from early May (the beginning of the rapid growth period) until early August (seed ripe). Livestock would then move into the South Pothole Pasture in early August (post seed ripe) and be allowed to graze until the end of September\* (end of grazing season). The Beehive Pasture would be rested from all livestock grazing during 2013.

For the 2014 grazing season, the Beehive Pasture would receive early grazing treatment, when livestock grazing would be permitted from early May (the beginning of the rapid growth period) until early August (seed ripe). Livestock would then move into the Opsata Pasture in early August (post seed ripe) and be allowed to graze until the end of September\* (end of grazing season). The South Pothole Pasture would be rested from all livestock grazing during 2014.

For the 2015 grazing season, the South Pothole Pasture would receive early grazing treatment, when livestock grazing would be permitted from early May (the beginning of the rapid growth period) until early August (seed ripe). Livestock would then move into the Beehive Pasture in early August (post seed ripe) and be allowed to graze until the end of September\* (end of grazing season.) The Opsata Pasture would be rested from all livestock grazing during 2015. The grazing schedule would repeat starting in 2016.

## TERMS OF PAYMENT AND SERVICES PROVIDED

1. A maximum of 415 AUMs would be provided under the terms of this grazing lease, annually. Up to 315 AUMs would be provided on the North Unit (Dreyer) pastures and up to 100 AUMs would be provided on the South Unit (Boyd 3 and Duck Pond) pastures.
2. Value of this grazing lease would be determined annually based on the DNRC standard rate for that year. The 2013 rate is \$20.40 per AUM for a total value of \$8,466.
3. Payment for this grazing lease shall be considered from exchange of use of land and additional services provided by the Lessee. Specific services and payments in addition to exchange of use would be negotiated annually between the FWP and the Lessee, and are generally outlined below:
  - a. Exchange of Use
    - i. Approximately 1,003 acres controlled by the Lessee shall be managed to increase elk habitat quality and promote elk use during winter.
    - ii. The Lessee shall adhere to the grazing formula (specifically, the enumerated grazing seasons and provision of periodic rest) on the Lessee's native range pastures (Opsata, South Pothole, and Beehive) for the term of this lease.
  - b. Services Provided
    - i. South Unit – Boyd 3 and Duck Pond Pastures. Lessee shall:
      1. prevent cattle from entering the riparian corridor within the Boyd 3 pasture by constructing 3 strand barbed wire fence with a bottom wire a minimum of 16 inches and the top wire no more than 42 inches above the ground.
      2. develop and improve off-stream watering sources in the northern and eastern portions of the Boyd 3 pasture. Specifically, pipe water from the artesian well located northeast of the pasture to tanks on the northern and eastern boundaries of Boyd 3.
      3. annually maintain and repair all necessary pasture fences. This may include repair of traditional 3-wire fence, erection and lowering of existing lay-down fence, placement and removal of temporary electric fence, and maintenance of gates.
      4. treat any leafy spurge infestations within pastures involved in the grazing system each June.
    - ii. North Unit – Dreyer Meadows. Lessee shall:
      1. construct temporary internal electric fences and remove them upon the completion of annual grazing cycles to accommodate fall and winter wildlife passage.
      2. construct and/or improve fence along Woodworth Road using FWP-supplied materials (Fall 2013)
      3. Remove and reconstruct fence around D4 pasture using FWP-supplied materials (Spring 2013).
      4. maintain and repair all other fences necessary to the grazing system each year.
      5. treat leafy spurge infestations on pastures involved in the grazing system each June.

6. maintain records hay tonnage harvested from D6 and D7 each year.
4. FWP would provide certain supplies and materials to the Lessee so that services can be reasonably completed. FWP would also provide certain direction and technical assistance, complete certain work, and install improvements necessary to ensure the grazing system operates smoothly. Specifically, FWP would:
    - a. South Unit – Boyd 3 and Duck Pond Pastures
      - i. provide herbicide for leafy spurge treatment.
      - ii. spray Boyd 3 for spotted knapweed and other noxious weeds.
    - b. North Unit – Dreyer Meadows
      - i. purchase new electric fencing materials to augment boundary fencing along Woodworth Road.
      - ii. design and help construct a new fence around the D4 pasture.
      - iii. purchase and install a water development for D1 and D2.
      - iv. help negotiate an agreement with DNRC to access a water gap on the southern boundary of D1.
      - v. provide herbicide for leafy spurge treatment.
      - vi. spot spray pastures for houndstoungue and other noxious weeds, as necessary