

DRAFT

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action Issuance of Wild Animal Menagerie Permit
2. Agency Authority for the Proposed Action 87-4-803 M.C.A
3. Name of Project Morgan Wild Animal Menagerie
4. Name, Address and Phone Number of Project Sponsor (if other than the agency)
 Nicole Morgan (406) 388-0008
 1515 Royal Road
 Belgrade, MT 59714
5. If Applicable:
 Estimated Construction/Commencement Date January 2000
 Estimated Completion Date February 2000
 Current Status of Project Design (% complete) Unknown
6. Location Affected by Proposed Action (county, range and township)
 Gallatin County, R4E, T1S, Section 4
7. Project Size: Estimate the number of acres that would be directly affected that are currently:

Acres	Acres
(a) Developed:	(d) Floodplain.....
Residential <u>1/40</u>
Industrial _____	(e) Productive:
(b) Open Space/Woodlands/Recreation _____	irrigated cropland _____
(c) Wetlands/Riparian Areas _____	dry cropland _____
	Forestry _____
	Rangeland _____
	Other..... _____

8. Map/site plan: attach an original 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 Attached Maps

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

(a) Permits:

Agency Name Permit Date Filed/#

(b) Funding:

Agency Name Funding Amount

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

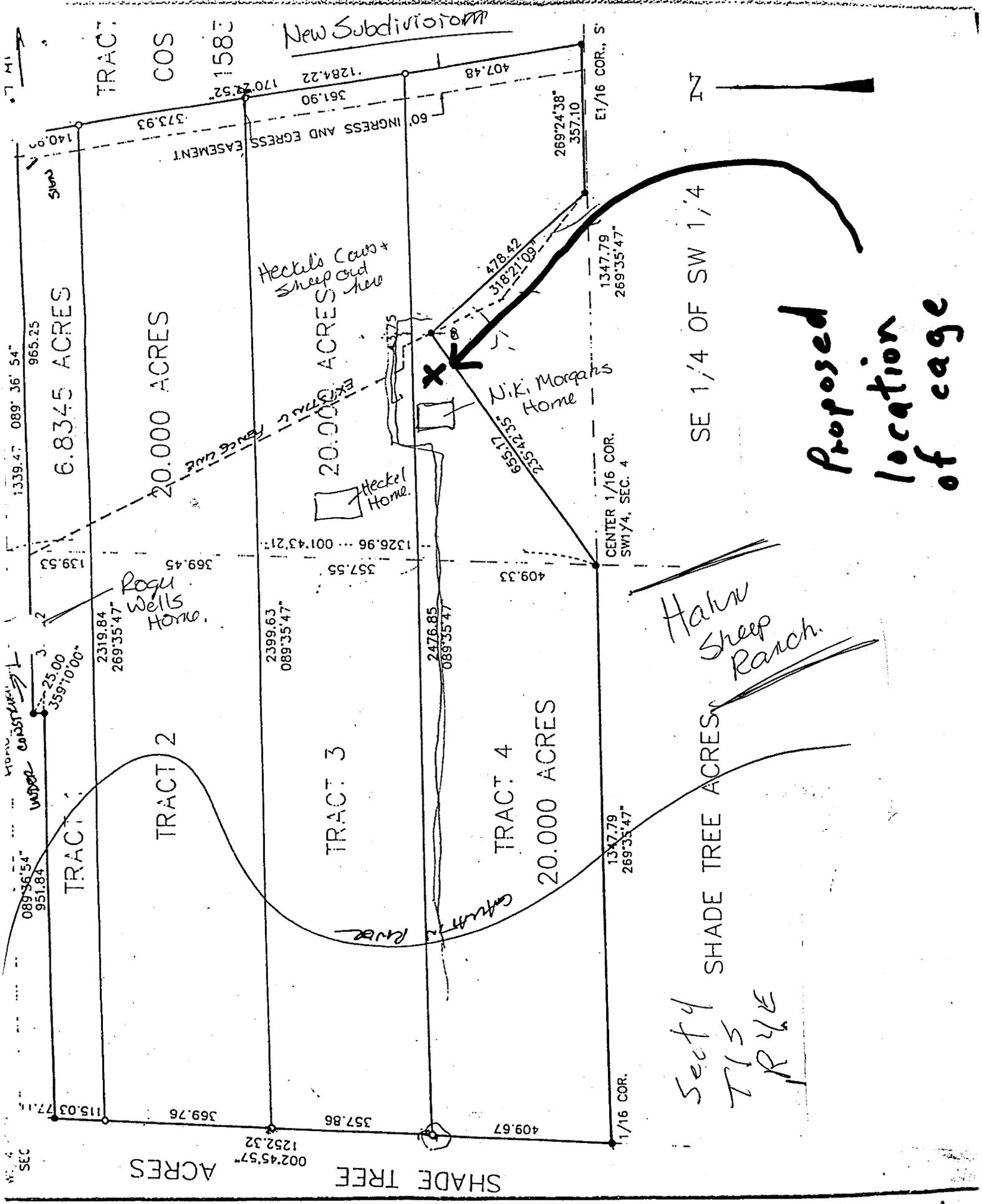
Agency Name Type of Responsibility

10. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

The applicant is proposing to construct a cage at her residence (1515 Royal Road, Belgrade, MT 59714). She plans to house one black bear in the cage. The bear would be held as a pet and would not be displayed to the public on or off of the premises.

11. List of agencies consulted during preparation of the EA:

Belgrade Planning Department
Gallatin County Commissioners
Montana Historical Society, State Historic Preservation Office
Wildlife Federation



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. LAND RESOURCES Will 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			See 1b. Below
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. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:						

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

- 1b. Soil immediately under concrete cage pad would be compacted.

2. AIR Will 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			See 2b. Below
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, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other:						

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

- 2b. Some odor would result from bear scat. This can be mitigated by requiring that cages be kept clean.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. WATER Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially 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 floodwater 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, will the project affect a designated floodplain? (Also see 3c)		N/A				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		N/A				
n. Other:						

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

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. <u>VEGETATION</u>	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?			X			See 4b. Below
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, will the project affect wetlands, or prime and unique farmland?		N/A				
g. Other:						

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

4b. Area immediately under cage will be devoid of vegetation.

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

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

5d. This proposal would introduce one black bear into an area where black bears are occasionally sighted, but are not common.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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):

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
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:		X				

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

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
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	Yes	See 8c. Below
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		N/A				
e. Other:						

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

8c. Any time a large carnivore is to be housed in a populated area, there is some concern for the safety of the handlers and the general public. The Montana Legislature has authorized the establishment of wild animal menageries. We must presume they did so in full awareness that certain risks are inherent with the keeping of such animals.

With that in mind, it is our intention to impose such restrictions as are necessary to provide the maximum possible safety for handlers and the public. For specifics see Part II #3.

9. COMMUNITY IMPACT	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
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. 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):

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Will 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. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will 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. Will the proposed action result in increased used of any energy source?		X				
e. **Define projected revenue sources		N/A				
f. **Define projected maintenance costs.		N/A				
g. Other:						

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

** 11. AESTHETICS/RECREATION	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
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				
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		N/A				
e. Other:						

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

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u>	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
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, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		N/A				
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. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action, considered as a whole:	Unknown *	None	Minor *		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that 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			See 8c.
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 will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X			See 13c. Below
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)			N/A			
g. ****For P-R/D-J, list any federal or state permits required.			N/A			

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

13e. There will probably be some local opposition to the housing of a bear in this area.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART II. ENVIRONMENTAL REVIEW, CONTINUED

- 2. 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 be to deny the application for the permit. This can only be done if it can be shown that the project is not in compliance with existing laws and standards.

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

In order to assure the health and well being of the bear the following rules shall apply.

- 1.) The applicant shall adhere to the conditions of A.R.M. 12.6.1302 – 12.6.1304 (to include any future amendments or additions) regarding the caging and care of the bear.
- 2.) The applicant shall not have more than one bear.
- 3.) A den box shall be provided.
- 4.) The cage shall be at least 14'x14'x6' in size.

As there are nearby neighbors, children and dogs in the area, the following rules shall apply in the interest of public safety.

- 5.) The cage shall be made of chainlink or heavier material. It shall be supported by steel pipe attached securely to or imbedded in a concrete floor.
- 6.) The door shall have sturdy latches at each of the free-swinging corners and be secured with a padlock. The padlock shall remain locked at all times when the bear is unattended.
- 7.) There is concern that the visible presence of the bear may entice children or dogs onto the property when the applicant is not home. In order to alleviate this concern, the following rule shall apply: A vertical, opaque fence shall surround the cage at least eight foot in height, made of wood or a similar material. The fence shall have a door or gate made of a similar material, which shall be padlocked at all times when the bear is unattended. If the applicant situates the cage near her house or other structure so as to block

the view to one side of the cage, the wall on that side may be made of see-through mesh wire subject to approval. The fence shall be erected a minimum of three feet from the cage in all directions.)

The following additional rules shall apply.

- 8.) No commercial or public viewing of the bear is permitted.
- 9.) The bear is to remain in its cage at all times. If the applicant would like to submit to the department a plan for an enclosed exercise area, it will be considered.
- 10.) At no time will the bear be removed from the property except for required veterinary care.
- 11.) Any escape or act of aggression on the part of the bear shall be reported to the department immediately.

PART III. NARRATIVE EVALUATION AND COMMENT

There are few environmental or social consequences involved in this proposal. The one major concern is public safety. In order to alleviate this concern we have established several mitigative restrictions as enumerated in Part II's.

PART IV. EA CONCLUSION SECTION

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.**

An EIS is not required because no unmitigated potentially significant problems were demonstrated.

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?**

Public involvement will consist of placing a legal notice in the legal section of the Bozeman Daily Chronicle. Copies of the EA will be hand delivered to residents surrounding the proposed site. Copies of the EA will be mailed to persons and groups who have expressed an interest in this project or projects of this nature.

Comments will be taken from the public. The EA will be available at the Bozeman office and copies will be sent to anyone requesting one. If there appears to be sufficient concern, a public hearing will be scheduled.

3. Duration of comment period, if any.

Comments will be accepted for (15) days following the publication of the legal notice. Written comments will be accepted until 5:00 p.m., January 27, 2000 and can be mailed to the address below:

Montana Fish, Wildlife & Parks
Morgan Wild Animal Menagerie
1400 So. 19th
Bozeman, MT 59718

4. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Jim Heck – Game Warden
Mike Ross – Wildlife Technician
Montana Fish, Wildlife & Parks
1400 So. 19th
Bozeman, MT 59718