

**BRUCE & KAREN BARTA ALTERNATIVE LIVESTOCK OPERATION
DECISION DOCUMENT**

September 7, 2000

Application Background and Summary

The Department received the revised application for the proposed alternative livestock operation on May 9, 2000, and accepted the application as completed on May 11, 2000. The application was prepared by the owners of the property Bruce and Karen Barta.

The applicants propose to build an alternative livestock facility 4 miles north of Fort Shaw, and 30 miles west of Great Falls, Montana in **Cascade County**. Their primary purpose for their business is to raise elk for the commercial value of the elk antlers, meat products, and breeding stock. Commercial shooting of alternative livestock would not occur.

The facility would consist of a fenced enclosure of 35 acres that would contain a maximum of 60 alternative livestock, including 50 elk (5 bulls, 20 cows, and 25 calves), 5 mountain sheep and 5 mountain goats indigenous to the state of Montana. Initially only elk would be on the facility.

Montana Fish, Wildlife and Parks (FWP) under 87-4-408, MCA has primary jurisdiction over the licensing of alternative livestock operations. Section 87-4-409 (3) specifies that FWP has 120 days to complete an environmental assessment and notify the applicant of its decision to approve or deny the application. The EA is conducted pursuant to the Montana Environmental Policy Act and is intended to identify any potential impacts on the human environment to assist the agency in its decision-making. In this instance the Supplemental Draft EA and the final EA comprise the final EA.

The Draft EA was released for public review and comment July 31, 2000. Public comments were accepted through August 21, 2000.

FWP received only one comment specific to the Barta proposal and EA. It was from the Montana Wildlife Federation and was faxed August 18, 2000. The comment opposes Alternative Livestock Operations in general. Most of the specific remarks in the comment are addressed in the final EA.

The application process includes an EA prepared by FWP to satisfy the Montana Environmental Policy Act (MEPA). The agency issuing the license is required to assess the impacts to the human environment which includes all factors that interrelate to from the human environment.

The Decision Process

Based on the EA and public comment, a decision must be rendered by the FWP that addresses environmental concerns and follows the applicable laws and regulations pertaining to such licenses. Current Alternative Livestock Operation (ALO) laws require a decision within 120 days following receipt of a completed application.

The FWP understands the potential problems and ramifications that can occur as a result of a faulty ALO operated in an area used extensively by wildlife. As such, we appreciate and share other concerns as listed by the people who chose to respond to the EA. However there are guidelines and rules by which ALOs must operate, and under which the Department must consider applications. The Barta's are obligated to adhere to those rules.

The Barta's plan on purchasing the elk for this facility from licensed, disease free alternative livestock operations. The Department of Livestock considers the risk of disease transmission from such sources to be very small if properly testing requirements are implemented. ALOs are required to comply with disease testing requirements that are designed to minimize the risk to area livestock and wildlife. Failure to comply with these requirements is grounds for license revocation. Because the property is in an area with little wildlife use the risk of contact with wildlife is expected to be minimal and the risk of potentially adverse disease effects is considered to be minor.

Potential for escape of elk housed in the operation and ingress of wildlife into the area is considered to be minor. Whitetail deer and Mule deer seem to present the biggest problem for ingress if they were to be attracted to the facility. Notification of any ingress will help FWP assess the adequacy of fencing requirements for this location. This should help to address problems early and may result in modifications to fence design. ALOs that experience escape are required to notify FWP and to get the animals back inside the fence within a reasonable time. Most escaped animals are recovered within a short time though there have been instances where they have not been recaptured.

Decision

FWP has determined that a license to operate the alternative livestock operation in question will be issued. The issuing of this license is contingent upon approval of fence construction, Department of Livestock approval of quarantine and handling facilities. The Barta's will have three years from the date of this approval to complete fence construction as submitted in their application. Changes from the application must be approved by FWP.

Licensee must be in compliance with all game farm statutes, rules and regulations of Montana Fish, Wildlife and Parks and Department of Livestock. Current regulations are attached for the applicant's information, but it is the licensee's responsibility to keep up with any changes in the laws or regulations.

Required Stipulations

The following stipulation is imposed by FWP for the Barta Alternative Livestock Operation and is designed to ensure that the fence enclosure is maintained in game-proof condition:

- 1) Licensee shall inspect the perimeter fence on a regular basis to insure fence integrity with respect to ditch crossings, burrowing animals, predators, and other game animals. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if the measures discussed above do not adequately prevent ingress or egress. The licensee shall submit a written fence monitoring plan to FWP for approval prior to issuance of the license, including how the fence would be maintained in a game proof condition at ditch crossing sites.

Recommended Mitigated Measures

The following recommended mitigation measures address impacts identified in the 1996 EA and this supplemental EA for resources that have the potential to be affected by the Proposed Action:

- Maintain a reasonable stocking rate within the enclosure to minimize changes in soil structure and potential increases in compaction and subsequent erosion from disturbed ground.
- Employ the following Best Management Practices (BMPs) to reduce odor problems if they occur: (1) incorporate waste into soil quickly by plowing or disking; (2) spread waste during cool weather or in the morning during warm, dry weather; and (3) properly dispose of animal carcasses.
- Maintain a reasonable stocking rate in the area to mitigate potential impacts from runoff and fecal matter. Potential water quality impacts also could be minimized by disposing of dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste if applicable).
- For any areas that may have erosion and sedimentation problems, use BMPs where surface water could enter the irrigation canal or drainage ditches. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences to be used on a seasonal basis.
- Monitor enclosure area for invasion of noxious weeds and treat affected areas in a timely manner. Should noxious weeds continue to be detected, a weed control program should be implemented, if not already in place, to control weeds.
- Provide supplemental feed and minerals to the alternative livestock on a seasonal basis to reduce excessive grazing on preferred pasture plants.
- Utilize interior pastures such that rotational grazing strategies can be implemented to reduce adverse impacts to vegetation.
- Store feed away from exterior fences or enclose in containers or buildings.

- Feed alternative livestock at interior portions of the enclosure and not along the perimeter fence.
- Adjust fence requirements in consultation with FWP personnel to include double fencing, internal fencing, electrification, or increased height if fence integrity or ingress/egress becomes a problem.
- Minimize risk of disease, epidemic, or heavy parasite infections among alternative livestock by maintaining a reasonable stocking rate in relation to the enclosure size, periodic removal of manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to alternative livestock.

Mike Aderhold

Mike Aderhold
Regional Supervisor

9/7/2000
Date

Please sign and return the original to FWP to indicate your concurrence with the license stipulations listed above. A copy of the signed decision will be provided to you for your records.

Mail to: Mike Aderhold, FWP, 4600 Giant Springs Road, Great Falls, MT 59405

Bruce Barta

Date

Kathy Barta

Date

FINAL ENVIRONMENTAL ASSESSMENT BRUCE & KAREN BARTA ALTERNATIVE LIVESTOCK OPERATION

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PROCESS

Montana Fish, Wildlife & Parks (FWP) is required to perform an environmental analysis in accordance with the Montana Environmental Policy Act (MEPA) for "each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment" (Administrative Rules of Montana [ARM] 12.2.430). FWP prepares an environmental assessment (EA) to determine whether a project would have a significant effect on the environment.

The people of Montana, through our legislature, have determined that the alternative livestock industry is appropriate in Montana. It is understood that this carries with it some risk that cannot be reduced to zero. The level of risk that a particular project may introduce must be evaluated by FWP (through the MEPA process) using legislative intent, the negotiated rules and standards therein, as well as established practices that have been demonstrated to be sufficiently effective measures for similar conditions elsewhere.

If, using the above parameters, FWP determines that a project would have a significant impact that cannot be mitigated to a minor impact, the agency will prepare a more detailed environmental impact statement (EIS) before making a decision. If the agency determines that a proposed project will not have a significant impact, or that the impact can be mitigated to minor or none, the agency may make its licensing decision based upon results of the EA and criteria established under Montana alternative livestock statute, Montana Code Annotated (MCA) Title 87, Chapter 4, Part 4.

Mitigation measures may be considered in FWP's analysis as a means to reduce impact(s) of an alternative livestock facility to a level below significance. FWP may also recommend mitigation measures to reduce impacts that are considered minor. FWP prepared a Supplemental Draft EA for the proposed Barta Alternative Livestock Operation, which identified no significant impacts from the Proposed Action that could not be mitigated. The Draft EA was released for public review and comment July 31, 2000. Public comments were accepted through August 21, 2000.

The Supplemental Draft EA also provided an analysis of impacts to private property by proposed stipulations in the EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in the Draft EA was conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC 1996).

The Supplemental Draft EA, as modified herein, and this Final EA are hereby approved as the Final EA. This Final EA for the proposed Barta Alternative Livestock Operation contains summaries of the Proposed Action, affected environment, and potential consequences of the Proposed Action, all of which are described in additional detail in the Draft EA, which is adopted in this Final EA. This document also describes stipulations and mitigation measures, includes a summary of substantive public comments and agency responses to those comments, and

provides the conclusion of the EA. The preferred alternative is the Proposed Action with one stipulation and several recommended mitigation measures.

BACKGROUND

An application was submitted to FWP by Karen Barta on April 26, 1996 for development of a 100-acre alternative livestock facility (previously referred to as "game farm") to be located approximately 4 miles north of the town of Fort Shaw, and 30 miles west of Great Falls. On December 12, 1996, FWP signed a Decision Document that issued a license to construct and operate the proposed alternative livestock facility. The license was contingent upon approval of fence construction (to be completed within 2 years), Department of Livestock (DoL) approval of quarantine and handling facilities, and adherence to four stipulations. An EA was prepared in 1996 by FWP for the proposed alternative livestock operation prior to the Decision Document. The EA describes the Proposed Action and potential impacts that would occur from operating the alternative livestock facility. Four stipulations included in the December 1996 Decision Document are as follows:

1. Best management practices for livestock confinement operations must be incorporated to minimize water quality impacts, erosion, and impacts to vegetation. This will include removal of accumulated waste to prevent infiltration of contaminants to groundwater and prevention of runoff to surface water, as well as limiting animal numbers if necessary.
2. A contingency plan to recapture escaped animals must be prepared by the applicant in cooperation with FWP within 30 days of licensing. This plan shall include time frames, actions, options, and financial responsibility.
3. The licensee must report to FWP the ingress of any game animal or any predators of ungulates immediately upon the discovery, and the reason for such ingress.
4. FWP reserves the right to require fence/gate modifications to those portions of fence that compromise fence integrity, or if the fence proves to be inadequate to prevent ingress/egress of game animals or game farm animals.

A Supplemental Draft EA was prepared for the revised application (i.e., Proposed Action) because the previously approved alternative livestock facility was not completed within the required 2-year time period. The following are requested changes to the 1996 application that would apply to the current revised application submitted by Bruce and Karen Barta to FWP in May 2000:

1. License would be in the name Bruce and Karen Barta, rather than only Karen Barta.
2. General location of enclosure would be the same, except size would be reduced from 100 to 35 acres.
3. Landscape of property has not changed (e.g., no trees or naturally flowing water in the area).

4. Applicant still intends to reside adjacent to the proposed enclosure.
5. Only one phase of fence construction is planned, instead of the 2 to 3 phases previously proposed.
6. No plans for future expansion of the facility.

PROPOSED ACTION

FWP received a revised application for an alternative livestock operation license from Bruce and Karen Barta on May 9, 2000. The application, dated May 8, 2000, was accepted as complete by FWP on May 11, 2000, initiating a 120-day review process. The current application specifies an enclosure of 35 acres that would contain a maximum of 60 alternative livestock, including 50 elk (5 bulls, 20 cows, and 25 calves), five mountain sheep and five mountain goats indigenous to the state of Montana. According to the applicants, their intent is to initially have only elk in the enclosure.

The proposed alternative livestock facility is located in Cascade County approximately 4 miles north of the town of Fort Shaw, and 30 miles west of Great Falls, Montana. Legal location is the NW $\frac{1}{4}$ Section 23, Township 21 North (T21N), Range 2 West (R2W). The applicants would reside adjacent to the proposed enclosure year-round. The proposed alternative livestock site is located on a relatively flat southwest-draining portion of the Ashuelot Bench, approximately 4 miles north of the Sun River. Water would be provided to the alternative livestock from storage tanks supplied by a well.

The alternative livestock would be held for purposes of breeding stock, meat production, and antler production. Commercial shooting of alternative livestock would not occur. Fence construction would be completed in accordance with requirements of FWP under ARM 12.6.1531. The exterior fence for the enclosure would consist of 8-foot high, steel mesh fencing. Because the entire enclosure area is relatively flat, the need for higher fencing is not anticipated. Five exterior gates are planned for the enclosure. A handling and quarantine facility would be constructed in the southwestern corner of the proposed enclosure for purposes of handling and testing the alternative livestock. Construction of this facility would meet requirements of DoL under ARM 32.4.801.

ALTERNATIVES

One alternative (No Action Alternative) is evaluated in this EA. Under this alternative, FWP would not grant the Bartas a license to construct and operate the proposed alternative livestock facility. Therefore, no alternative livestock would be placed on the proposed site. Implementing the No Action Alternative would not preclude other activities allowed under local, state, and federal laws from taking place in the proposed enclosure area.

AFFECTED ENVIRONMENT

The proposed Barta alternative livestock facility is located approximately 4 miles north of the town of Fort Shaw, and 30 miles west of Great Falls, Montana. The proposed alternative livestock site is located on 35 acres of relatively level ground on the Ashuelot Bench,

approximately 4 miles north of the Sun River. The predominant land use in the area of the proposed site is irrigated and dry cropland. The Barta property is currently used to grow grass/alfalfa. The site lies at an elevation of about 3,800 feet above mean sea level.

Geologic materials in the vicinity of the proposed alternative livestock facility are moderately hard sandstones and soft gray shales of the Cretaceous-age Colorado Shale. The area was covered during glacial times by Glacial Lake Great Falls, contributing finer-grained sediments to area soils. Four soil map units have been mapped by the Soil Conservation Service in roughly equal proportions in the area of the proposed alternative livestock facility. These map units include the Binna cobbly loam, the Rothiemay loam, Ethridge silty clay loam, and the Rothiemay-Binna loams. All four soil map units present a high risk of corrosion to uncoated steel. Surface water runoff from these soil types is slow to medium. Erosion hazard is slight to moderate from wind and water.

The proposed alternative livestock site is located on a relatively flat southwest-draining portion of the Ashuelot Bench, approximately 4 miles north of the Sun River. Numerous irrigation canals and drainage ditches are located in this general area. The drainage ditches are used to evaporate excess surface water or shallow groundwater to reduce saline seep problems. Within the proposed enclosure area, a concrete-lined irrigation canal would be crossed by the fence near the southwest corner, and two drainage ditches are located in the eastern portion of the enclosure. Other than the canal and ditches, no surface water typically flows over the proposed enclosure area.

Water would be provided to the alternative livestock from storage tanks supplied by a well. Groundwater in the project area moves in sandstone and shale bedrock. Depth to water reported for wells in this area is in the range of about 15 to 40 feet below ground surface. Total depth of wells generally is less than about 50 feet.

Based on water rights information, seven wells are located within a mile of the proposed enclosure. In addition, there are several surface water rights within a mile of the proposed alternative livestock site. The applicants have a right to use water from the concrete-lined canal, operated by the Greenfield Irrigation District that extends through a portion of the proposed enclosure.

The Sun River is listed on Montana's 303(d) list of impaired and threatened waters. An 80.3-mile section of the river from Gibson Dam to Muddy Creek is listed as a B-1 type stream with non-support of aquatic life and cold-water fisheries. Probable sources of impairment include irrigated crop production, grazing, channelization, and flow modification.

Vegetation in the proposed alternative livestock site consists of 22 acres irrigated and 8 acres dry grass/alfalfa. The remaining 5 acres consists of ditch banks. Native vegetation is not present at the site. A concrete-lined ditch supplies irrigation water. No weeds were identified within the proposed enclosure.

There is little use by wildlife of the proposed alternative livestock facility. There is some bird use and an occasional deer that may pass through the area. The site does not lie within any wildlife migratory routes (nearest is the Sun River approximately 4 miles to the south).

The general area surrounding the proposed alternative livestock facility is used for agricultural purposes, primarily irrigated grass/alfalfa. Numerous irrigation canals and drainage ditches cross the area. Sparsely distributed residences occur throughout the area. With the exception of the applicants, the nearest residences to the proposed enclosure are located approximately ½- to 1-mile in several directions. A county road borders the northern side of the enclosure. There is some state and federal public land located within a 2-mile radius of the proposed alternative livestock facility. These areas generally are leased for agricultural purposes and are not used for public recreation.

There is a potential for alternative livestock to carry or become infected with contagious diseases or parasites that are transmissible to other animals. Domestic livestock currently do not graze in the vicinity of the proposed facility. In order for disease transmission to occur, the organism causing the disease needs to be present. Any alternative livestock introduced to this proposed facility would be tested disease-free for tuberculosis and brucellosis, and would be in compliance with DoL regulations (monitoring for chronic wasting disease, etc.) prior to movement to the facility.

CONSEQUENCES OF THE PROPOSED ACTION

Only primary resources with the potential to be adversely impacted by the Proposed Action are summarized in this section. A more detailed review of environmental consequences is contained in *Part II* of the Draft EA.

Impacts to Land, Water, and Vegetation Resources

The proposed alternative livestock facility would have minor impacts to land and soil resources, the extent to which would depend on the actual stocking rate. Soil erosion is expected to be slight due to the flat slopes. While soil permeability in the area of the proposed alternative livestock facility is slow to moderate, an adequate vegetative cover would reduce potential impacts to soil structure. If vegetative cover is considerably reduced from overstocking, hoof activity could result in excess compaction and loss of soil structure, especially in the irrigated areas. If bare ground were exposed, wind erosion hazard would be considered moderate, resulting in loss of some topsoil.

If excessive stocking rates result in major reduction in vegetative cover, increased erosion and sedimentation could result. Increased nutrient loading also could result from the alternative livestock fecal matter. The general lack of surface water drainage in the enclosure area and the relatively flat terrain would result in little movement of sediment and nutrients off-site in surface water. Some sediment and nutrients may enter the irrigation canal and/or drainage ditches. No impacts to existing water users are expected as a result of the proposed alternative livestock operation.

Fecal matter may also have an effect on the quality of groundwater in the vicinity of the proposed alternative livestock facility, primarily during periods of snow-melt and major precipitation events. The relatively small size of the enclosure, however, should limit any excess nutrient loading that may enter the subsurface.

The Proposed Action would place up to 60 alternative livestock, including 50 elk (20 cows, 25 calves, and 5 bulls), five mountain sheep and five mountain goats indigenous to the State of Montana on 35 acres for a year-long basis. The proposed alternative livestock site could supply all of the forage needs of the elk when fully stocked; however, supplemental feed may be required as stocking rate rises and vegetative cover decreases. The maximum stocking rate of nearly two alternative livestock per acre is considered high and could contribute to the long-term decline of vegetation resources, both in terms of plant species composition and productivity of the site. Development of the proposed facility would result in a change in agricultural use of 30 acres of cropland to be used for grazing by alternative livestock.

There are no known threatened or endangered plant species in this area. Noxious weeds were not apparent at this site; however, under an intensive grazing regime, weeds might move into the enclosure. Weed seeds could potentially be imported into the area with animal feed.

Impacts to Wildlife Resources

Little impact to wildlife would occur from the proposed alternative livestock operation because there is little wildlife use in the area. Only 35 acres would be excluded from potential wildlife habitat as a result of the enclosure. The proposed fence enclosure would cross low-gradient slopes; however, short sections of steeper slopes would be crossed at the drainage ditches. The irrigation canal is covered at the fence crossing, but would have to be approved by FWP as game-proof. The potential loss of vegetative cover due to intensive grazing by alternative livestock on 35 acres may reduce some nesting success for birds in this area to a minor degree.

A secondary concern regards the escape of captive alternative livestock and involves the potential for interbreeding with wildlife whose genetic make-up has been altered through several generations of selective breeding (e.g., red deer hybridization of wildlife). Fence integrity must be maintained to minimize the potential for ingress and egress. Ditch crossings and snow drift-prone areas along the perimeter fence have the potential to significantly affect fence integrity. Standard fencing requirements and the required stipulation specified in this EA should be sufficient to preclude ingress and egress.

Impacts to Land Use, Recreation, and Community

The proposed alternative livestock facility would be compatible with existing agricultural land uses. The proposed enclosure would result in a change in agricultural use of 35 acres of cropland to be used for pasturing alternative livestock. With respect to land use, no significant conflicts should result between operation of the alternative livestock facility and the agricultural or residential uses in the area. Additional homes could be constructed in the vicinity of the enclosure on private land. Potential effects of the alternative livestock operation on adjacent property values is difficult to evaluate because some nearby property owners may like the idea of alternative livestock, whereas others would find it undesirable. No impacts to the local infrastructure would occur under the Proposed Action. Publicly-owned land in the project area is used primarily by local residents.

Risk/Health Hazards

Risk of disease (e.g., brucellosis and tuberculosis) being passed from alternative livestock to wildlife and domestic livestock is minimal at this site because of the general lack of cattle grazing and wildlife in the surrounding area. The DoL currently conducts disease monitoring and testing for brucellosis and tuberculosis. Brucellosis has not occurred on any alternative livestock ranch in Montana. At this time, Montana is classified as a Brucellosis Class Free State; this disease does not exist in alternative livestock or traditional livestock in Montana.

All animals to be placed on this facility are required to be tested negative for tuberculosis, brucellosis, and free of red-deer genes at the time of import, purchase and/or transportation to the facility. Each alternative livestock facility is required to have access to an isolation pen (quarantine facility) on the facility or approved quarantine plan to isolate any animals that are imported or become ill. The state veterinarian can require additional testing and place herds under strict quarantine should problems arise. In addition to the standard requirements for alternative livestock facilities, and the additional stipulation(s) and/or mitigation measures proposed in this EA, it should be noted that there are significant economic incentives for the applicant to follow best management practices. The inadvertent acquisition of diseased animals would risk a substantial investment in breeding stock and the facilities required to maintain those animals.

Chronic wasting disease (CWD) has been detected in alternative livestock and free-ranging deer and elk in several states or provinces. Risk of disease transmission can be mitigated through the existing CWD surveillance of Montana alternative livestock. The DoL's CWD regulations provide requirements for mandatory surveillance and enhancement of trace-back and observation capabilities. All Montana alternative livestock 16 months of age or older that die are subject to mandatory testing for CWD. The mandatory 5 years of CWD surveillance prior to importation into Montana minimizes the risk of introduction of additional cases into the state. The route of CWD transmission at this time is unknown; therefore, the potential for transmission by soil, water or other media into receptor animals cannot be determined.

Cumulative Effects

The Proposed Action would result in potential impacts that are individually minor, and not cumulatively significant. Due to the sparsely populated area in the vicinity of the proposed alternative livestock facility, no significant cumulative impacts to local residents, wildlife, or habitat are expected.

REQUIRED STIPULATIONS

The following stipulation is imposed by FWP for the Barta Alternative Livestock Operation and is designed to ensure that the fence enclosure is maintained in game-proof condition:

- (1) Licensee shall inspect the perimeter fence on a regular basis to insure fence integrity with respect to ditch crossings, burrowing animals, predators, and other game animals. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if the

measures discussed above do not adequately prevent ingress or egress. The licensee shall submit a written fence monitoring plan to FWP for approval prior to issuance of the license, including how the fence would be maintained in a game-proof condition at ditch crossing sites.

This stipulation is imposed to mitigate a potential risk to fence integrity and the resulting potential for ingress/egress of alternative livestock and wildlife. Regular fence monitoring and a written fence monitoring plan is required so that FWP has a level of confidence that fence integrity problems can be detected promptly before egress problems occur. The four stipulations previously listed in the 1996 Decision Document for the proposed 100-acre enclosure (see "Background" section above) no longer would apply to the alternative livestock facility. These previous stipulations are primarily covered in the current regulations for alternative livestock operations.

RECOMMENDED MITIGATION MEASURES

The following recommended mitigation measures address impacts identified in the 1996 EA and this supplemental EA for resources that have the potential to be affected by the Proposed Action:

- Maintain a reasonable stocking rate within the enclosure to minimize changes in soil structure and potential increases in compaction and subsequent erosion from disturbed ground.
- Employ the following Best Management Practices (BMPs) to reduce odor problems if they occur: (1) incorporate waste into soil quickly by plowing or disking; (2) spread waste during cool weather or in the morning during warm, dry weather; and (3) properly dispose of animal carcasses.
- Maintain a reasonable stocking rate in the area to mitigate potential impacts from runoff and fecal matter. Potential water quality impacts also could be minimized by disposing of dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste if applicable).
- For any areas that may have erosion and sedimentation problems, use BMPs where surface water could enter the irrigation canal or drainage ditches. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences to be used on a seasonal basis.
- Monitor enclosure area for invasion of noxious weeds and treat affected areas in a timely manner. Should noxious weeds continue to be detected, a weed control program should be implemented, if not already in place, to control weeds.
- Provide supplemental feed and minerals to the alternative livestock on a seasonal basis to reduce excessive grazing on preferred pasture plants.
- Utilize interior pastures such that rotational grazing strategies can be implemented to reduce adverse impacts to vegetation.
- Store feed away from exterior fences or enclose in containers or buildings.

- Feed alternative livestock at interior portions of the enclosure and not along the perimeter fence.
- Adjust fence requirements in consultation with FWP personnel to include double fencing, internal fencing, electrification, or increased height if fence integrity or ingress/egress becomes a problem.
- Minimize risk of disease, epidemic, or heavy parasite infections among alternative livestock by maintaining a reasonable stocking rate in relation to the enclosure size, periodic removal of manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to alternative livestock.

SUMMARY OF PUBLIC COMMENTS AND FWP RESPONSES

Public comments for the Barta alternative livestock operation Supplemental Draft EA were accepted from July 31 through August 21, 2000. FWP received one public comment during the comment period. This was a general comment that indicated an opposition to alternative livestock operations. This comment is noted and no specific response is needed.

CONCLUSION OF THE EA

The Draft Supplemental EA, as modified herein, and this Final EA are approved as the Final EA for the Barta alternative livestock operation. The preferred alternative is the Proposed Action, modified with the requirements listed in this Final EA. Based on this review, it is determined that the Proposed Action with the required stipulation and recommended mitigation measures would not have a significant impact on the environment and that an EIS will not be required.

ANALYSIS OF IMPACT ON PRIVATE PROPERTY

Montana alternative livestock statutes (87-4-476, MCA) require that licenses may be denied or issued with stipulations to prevent unacceptable threat of escape of alternative livestock, and to prevent a significant threat to the safety of the general public and surrounding landowners by the shooting of alternative livestock animals. MEPA requires FWP to identify and analyze environmental impacts of the Proposed Action and potential mitigation measures. MEPA, as revised by Senate Bill 231 of 1995, also requires agencies to evaluate the impact on private property of regulatory actions, such as denial of a permit or establishment of permit conditions (75-1-201, MCA). The Environmental Quality Council (EQC) has established procedural guidelines to implement these requirements. The analysis provided in the Draft EA was prepared in accordance with implementation guidance issued by the EQC.

In addition, the Private Property Assessment Act (2-10-101, MCA, et seq.) requires agencies to determine whether proposed actions by the State of Montana have "taking or damaging implications", such as to constitute a deprivation of private property in violation of the United States or Montana constitutions and, if so, to perform an impact assessment to determine the likelihood that a state or federal court would hold that the action is a taking or damaging, to review alternatives, and to determine the estimated cost of compensation. In accordance with the Act, the attorney general has prepared guidelines, including a checklist, to assist agencies in identifying and evaluating actions with taking or damaging implications.

The Supplemental Draft EA contains FWP's completed checklist with respect to the stipulation recommended in the preferred alternative and has found that the preferred alternative does not have taking or damaging implications and that an impact assessment is not required.

PERSONS RESPONSIBLE FOR PREPARING THE EA AND RESPONSES TO PUBLIC COMMENTS

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