

Draft Environmental Assessment



CINNABAR TRACT ADDITION, GREY OWL FISHING ACCESS SITE

January 2005



***Montana Fish,
Wildlife & Parks***

**Cinnabar Tract Addition, Grey Owl Fishing Access Site
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:** Montana Fish, Wildlife & Parks (FWP) proposes to acquire the 5-acre Cinnabar Tract along the Yellowstone River to add to the existing Grey Owl Fishing Access Site (FAS).

2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605 MCA, which directs Fish, Wildlife & Parks to acquire, develop and operate a system of fishing accesses. The legislature established a funding account to ensure that this function would be accomplished. Sections 12-8-213, 23-1-105, 23-1-106, 15-1-122, 61-3-321, and 87-1-303, MCA, authorize the collection fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy and protection.

Section 23-1-110 MCA, or House Bill 495, and the guidelines established in 12.8.604 (ARM) (1) relate to changes in state park and fishing access site features or use patterns. The proposed acquisition will not change site features or historical use; therefore, Section 23-1-110 MCA is not initiated by the proposed fishing access site acquisition. See Attachment A.

3. **Name of project:** Cinnabar Tract Addition, Grey Owl FAS

4. **Name, address and phone number of project sponsor (if other than the agency):** Montana Fish, Wildlife and Parks is the project sponsor.

5. **If applicable:**
Estimated Construction/Commencement Date: Not Applicable
Estimated Date of Donation: Spring 2005
Current Status of Project Design (% complete): Not Applicable

6. **Location affected by proposed action (county, range and township):** The Cinnabar Tract is located within Park County in Sections 11 and 12, Township 5S, Range 8E. Legal description: Paradise Ranch Tracts TR 28 COS 901.

7. Project size -- estimate the number of acres that would be directly affected that are currently:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>5</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/Woodlands/Recreation	<u>0</u>	Irrigated cropland	<u>0</u>
		Dry cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Forestry	<u>0</u>
		Rangeland	<u>0</u>

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

(a) **Permits:** permits will be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permit</u>
None	

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
The Cinnabar Foundation	Donation of Land

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

<u>Agency Name</u>	<u>Type of Responsibility</u>
None	

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

Site Description

The Grey Owl FAS is located approximately 20 miles south of Livingston in the Paradise Valley. The Cinnabar Tract, proposed to be acquired for addition to the Grey Owl FAS, is an undeveloped tract of floodplain bordered by Highway 89 to the west, the Yellowstone Edge RV Park to the north, Grey Owl FAS to the south, and the Yellowstone River to the east. It is vegetated with a mix of grasses, cottonwoods, shrubs, and a moderate (approx. 20%) infestation of noxious weeds, primarily spotted knapweed. Currently, there is unsigned access to the property from Highway 89. There is a steep, rough gravel road leading down from the highway, which quickly becomes a dirt two-track and continues along the length of the property, with a slightly widened area at the southern boundary that drivers use to turn around.

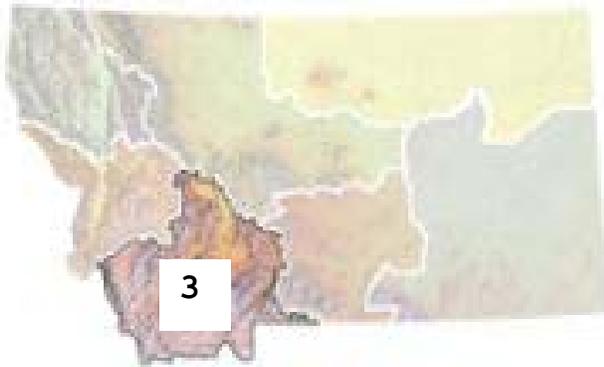


Figure 1. The Cinnabar Foundation Property is located in Region 3, within Park County.

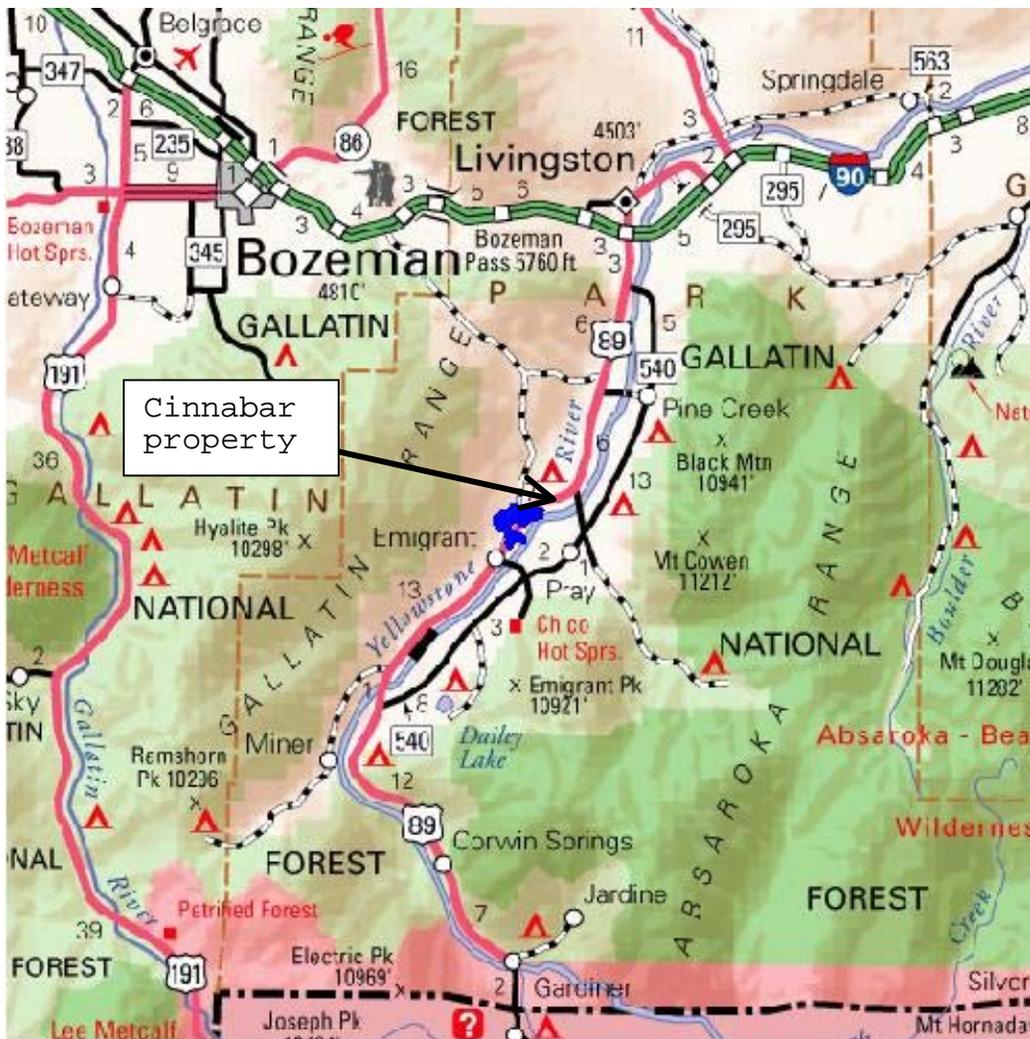


Figure 2. The Cinnabar Foundation Property is located directly to the north of Grey Owl FAS, indicated by the fish.

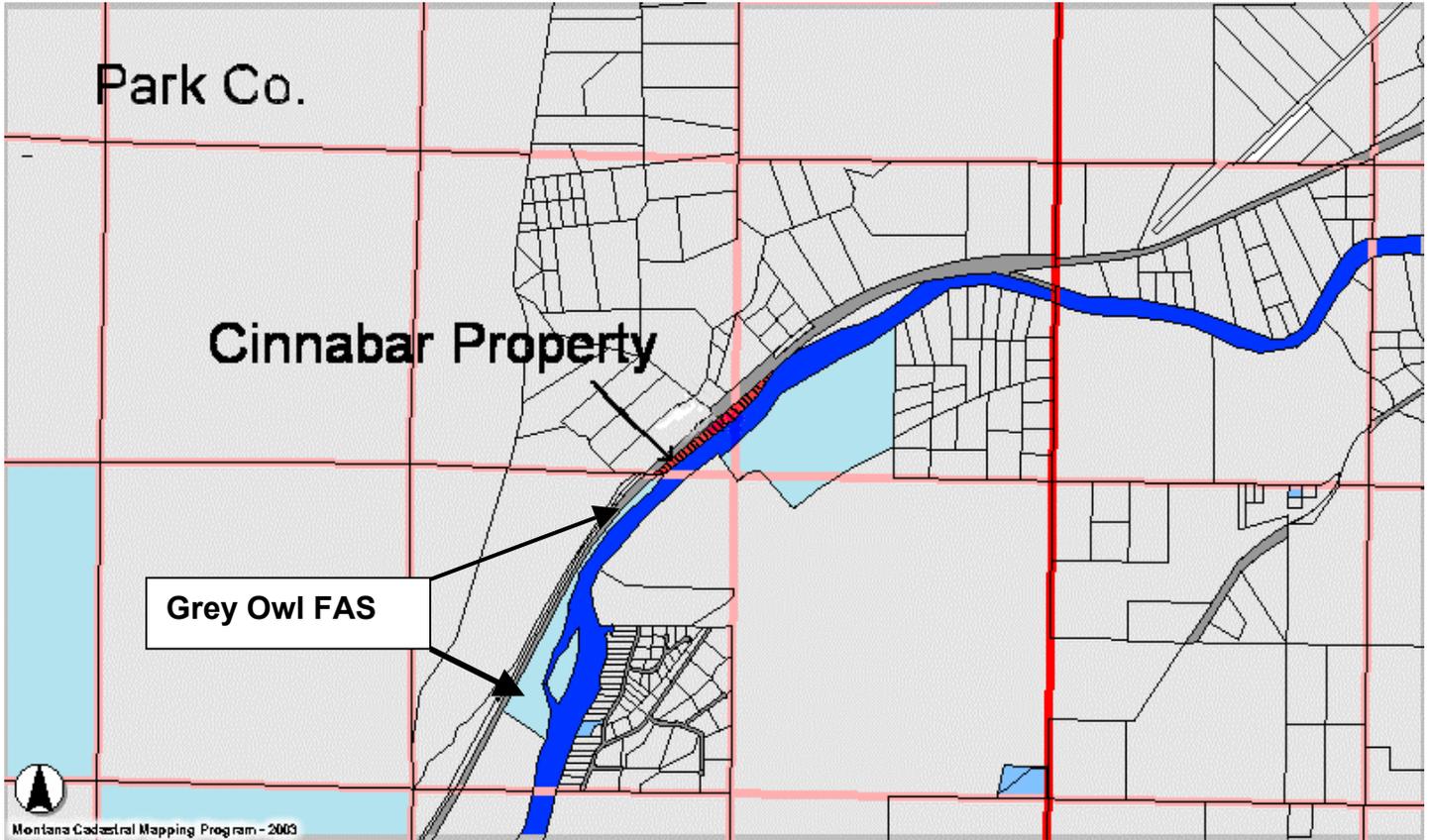


Figure 3. The Cinnabar Foundation Property is shown by the arrow, filled in and cross-hatched.



Photo 1. Standing at the north end of the Cinnabar property looking south.
Photo by Linnaea Schroerer-Smith



Photo 2. Standing at the south end of the property looking north. Photo by Linnaea Schroeer-Smith

Proposed Action, Purpose and Benefits of the Action

It is proposed that FWP acquire this property by donation of a quit claim deed from the Cinnabar Foundation. The property borders Grey Owl FAS and would add an additional ½ mile of river frontage to that access site. The Yellowstone River is an extremely popular river with anglers and other recreationists, and the additional river frontage would add recreational value, as well as preclude residential development, which often leads to restricted public access. The site would be used for additional walk-in angling from Grey Owl FAS and as a potential landing, resting, and fishing spot for boaters.



Photo 3. Standing midway into the property, looking south towards Grey Owl FAS. Photo by Linnaea Schroeer-Smith

Recent History of the Cinnabar Tract

The Cinnabar Foundation (CF) acquired the property in 1989 when a partnership of the Rocky Mountain Elk Foundation, Montana Land Reliance and CF bought out the Crystal Cross subdivision to preserve important elk winter range on the west side of the Paradise Valley. Over time the conservation groups resold the upland properties to the Forest Service and private conservation buyers, but the Cinnabar tract remained under CF's ownership. The Cinnabar Foundation has several reasons for proposing to transfer the Cinnabar tract to FWP. First, CF is a small private charitable foundation and is not staffed to manage property. Second, having the tract in FWP ownership would be consistent with CF's objectives for land conservation and public recreational use.

At the time CF acquired the tract in December 1989, the sellers (Paradise Ranch Company Partners, or PRCP) reserved a right of access, described in the warranty deed as follows:

Grantor reserves an easement for access and parking on Tract 28 of COS 901. Said parking lot is to be located on the north end of said Tract and shall cover the first 200 feet of the north end of the lot. The intent of this reservation is to create a parking lot and access point on this lot approximately ½ acres in size. This reservation shall inure to the benefit of Grantor, its heirs and assigns, as well as its successors in interest. It is also reserved for the immediate benefit of the Tracts located in COS 901, COS 909 and COS 943, all of record in the office of the Park County Clerk and Recorder.

This reservation apparently related to PRCP's obligations to provide access to the Yellowstone River to buyers of their other subdivided tracts. Additionally PRCP is alleged to have continued to grant additional legal interest in the tract to third parties for years after its December 1989 sale of the tract.

In 2001, the Cinnabar Foundation initiated legal action to "quiet" title to the property (i.e., to legally extinguish all other interests claimed in the property), and to obtain damages from PRCP for their actions in clouding the property title by illegal conveyance of rights. However, in October 2002 CF had its lawsuit dismissed without prejudice after learning that the cost of researching potential third-party title claims would exceed \$10,000. The Cinnabar Foundation concluded that the cost was too much since the foundation already had a solid claim to title through its 1989 purchase and was not going to make any economic use of the property.

The primary risk to FWP of accepting the Cinnabar tract is the potential that third parties would seek to exercise any presumed rights to the property. However, there are several reasons why this risk seems minimal. First, the property is within the Yellowstone River floodplain and thus cannot be developed without extraordinary site work to meet permitting standards. Also, third-party grants of ownership in the property by PRCP came after the land had been acquired by the Cinnabar Foundation, and thus do not appear to be valid. Finally, once the property is in FWP ownership, it will be open to the public so those parties interested in using the land to access the Yellowstone River will still have that opportunity.

The only access issue that might cause concern among potential rights holders is whether FWP ownership might lead to the closure of vehicular access to the site. The turnoff from Highway 89 onto the Cinnabar Tract raises potential safety concerns, and the Department will be evaluating whether to maintain this drive-in access or fence the highway boundary (see

later section of this EA on Future Development of the Site). The right to park on the northern 200 feet of the tract was retained by PRCP on behalf of other lot owners prior to conveyance of the tract to the Cinnabar Foundation. In the event that FWP decides to restrict access to the Cinnabar tract to walk-in only (from the parking area located on the adjacent Grey Owl FAS), FWP might hear from these parties. In such an event, FWP could decide to provide parking in the northern 200 feet of the tract, or otherwise make arrangements acceptable to those parties. This northern 200 feet is characterized as ½ acre in size in the deeded grant of access, and thus represents about 10% of the Cinnabar tract.

During the 15 years since the tract was transferred, CF has never heard from any parties claiming to have a right of access to the property. There are occasionally cars on the property for day-use recreation.

The Land Acquisition Transaction

Should the acquisition go forward, the Cinnabar Foundation would grant FWP a quit claim deed, providing FWP with all the rights and interests now held by CF. In the event of any challenge over title issues, the Department would be in a position to succeed to CF's legal position, as documented in the 2001 quiet title action that details the invalidity of the post-1989 title conveyance.

Future Development of the Site

This EA addresses only the acquisition of the Cinnabar tract and does not evaluate any development on the property. A separate EA would be prepared and made available for public comment in advance of any site development plans. However, it is proper to discuss long-term plans for the property within this document.

There are basically two main options FWP is considering at this time. In the first, FWP would continue to allow vehicle access to the site via the existing road. However, vehicles would be restricted to the northern segment in order to protect the site from off-road damage and further weed dispersal. This option would likely necessitate some road work on the turn-off of Highway 89, as there is little level, paved ground for vehicles to pause on prior to entering traffic on Highway 89, and no shoulder or merging lane on the highway itself (see photos 4 and 5).

In the second option, all vehicle access would be blocked to the tract. Users would walk in from Grey Owl or float to it. These (and any other) options would be discussed more completely during the initial planning stages in a separate EA.

FWP would also manage noxious weeds on the tract. The vast majority of the noxious weeds are concentrated along the two-track and turn-around area. Tom Greason, MFWP Region 3 Maintenance Supervisor, estimates that it will take approximately \$500 a year for three years to get the spotted knapweed infestation under control, and about \$200 a year thereafter in maintaining control.



Photo 4. The approach to Highway 89 from the Cinnabar property. Photo by Linnaea Schroeer-Smith



Photo 5. Standing above the approach at the north end looking south into the property. Photo by Linnaea Schroeer-Smith

PART II. ENVIRONMENTAL REVIEW

- 1. 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:**

Alternative A: No Action

If no action is taken, it is unclear what would happen to the Cinnabar tract. It is probable that the Cinnabar Foundation would find some other entity to donate or sell the tract to, and this might lead to closure to public use. If privatized, the site could eventually be used to accommodate some kind of commercial or residential development engineered within the floodplain constraints of the property. Development within the Paradise Valley is burgeoning, and saving riparian and floodplain habitat is essential to the long-term viability of many plant and animal species in the area. If FWP does not move forward with the proposed action, it will lose a rare opportunity to safeguard a valuable piece of riverine habitat from development and extend public recreational access along the Yellowstone River.

Preferred Alternative B: Proposed Action

Note: a detailed evaluation of the Proposed Action is included in Part VI. Environmental Review Checklist beginning on page 11.

In the preferred alternative, FWP will move ahead with the process to accept the property by donation from the Cinnabar Foundation. In doing so, FWP will add 5 acres and ½ mile of river frontage to Grey Owl FAS. The inclusion of this tract in the Fishing Access Site Program would accomplish three goals: to provide wade anglers a greater opportunity for dispersal and solitude; to afford the land site protection that it is currently not receiving; and to add to perpetual open space within the Paradise Valley. Increasing fishing and recreating opportunities on FWP land will reduce trespassing on private land, and thus decrease conflicts between recreationists and landowners in the area. No development or alteration of this tract is proposed at this time.

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

Not applicable.

PART III. NARRATIVE EVALUATION AND COMMENT

This analysis did not reveal any significant impacts to the human or physical environment.

The proposed project consists only of transfer of ownership from a non-profit Foundation to the State of Montana. No additional construction or improvements of any kind are included in this proposal.

PART IV. PUBLIC PARTICIPATION

- 1. 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?**

The public will be notified by way of two legal notices in local newspapers, the Bozeman Chronicle and the Livingston Enterprise, and by public notice on the Fish, Wildlife & Parks webpage:

<http://www.fwp.mt.gov/publicnotices>

This level of public involvement is appropriate for a project of this small scale.

- 2. Duration of comment period, if any.**

The 30-day public comment period will be from January 28, 2005 to 5:00pm, February 28, 2005. Comments may be e-mailed to cinnabarEA@montana.edu or mailed to the following address:

Montana Fish, Wildlife & Parks
Attn: Cinnabar EA
1400 S 19th Avenue
Bozeman, MT 59718

PART V. EA PREPARATION

- 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.**

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis.

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

Allan Kuser
FWP FAS Coordinator
1420 East Sixth Ave
Helena, MT 59601
(406) 444-7885

Tom Greason
FWP Reg. 3 Maint. Supervisor
1400 South 19th
Bozeman, MT 59718
(406) 994-6987

Linnaea Schroeer-Smith
Independent Contractor
1027 9th Ave
Helena, MT 59601
(406) 495-9620

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

Montana Fish, Wildlife & Parks

Parks Division

Wildlife Division

Fisheries Division

Design & Construction Bureau

Lands Section

Montana State Historic Preservation Office (SHPO)

Montana Department of Commerce – Tourism

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

PART VI. ENVIRONMENTAL REVIEW CHECKLIST

3. 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> 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				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

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

1a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind.

* 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 cannot 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.

2. <u>AIR</u> 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				2a.
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, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)						NA
f. Other:		X				

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

2a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind.

* 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 cannot 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. <u>WATER</u> 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				3a.
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.)						NA
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.)						NA
n. Other:		X				

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

3a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind.

* 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 cannot 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. VEGETATION Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X positive			4a.
b. Alteration of a plant community?			X positive			4b.
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 positive			4c.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						NA
g. Other:		X				

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

- 4a. The Cinnabar property has a moderate (approx. 20%) infestation of noxious weeds, primarily spotted knapweed, and the current owners have not had an active weed management program. If FWP gains ownership of this property, weed control would be initiated as part of the management of the property, and the diversity of the plant community would likely increase as a result.
- 4b. Please see comment 4a.
- 4c. If FWP gains ownership of the property, the current infestation of noxious weeds would be dealt with aggressively for the next three years, at which time it is estimated that the weeds would be almost eradicated and could be controlled with standard site maintenance.

* 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 cannot 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.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?			X positive			5a.
b. Changes in the diversity or abundance of game animals or bird species?			X positive			5b.
c. Changes in the diversity or abundance of nongame species?			X positive			5c.
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 positive			5g.
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.)						NA
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.)						NA
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):

5a. The current owners (the Cinnabar Foundation) of the property do not actively manage it. Therefore, people are using the property without any guidelines, rules, or threat of enforcement. At present, this use is light and there seems to be limited damage done. The most visible problem seems to be the weed infestation caused by vehicle traffic and off-road use. Ownership and management by FWP would ensure that human use of the property would be managed in accordance with regulations that protect habitat and wildlife populations while providing public access. Therefore, it is reasonable to expect that habitat and the diversity of game and non-game animals would improve to a minor degree as a result of this action.

5b. Please see comment 5a.

5c. Please see comment 5a.

5g. Please see comment 5a.

* 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 cannot 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.

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				6a,
b. Exposure of people to serve or nuisance noise levels?		X				6b.
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:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):

6a. The proposed action involves only a transfer of ownership of property and does not involve construction or development of any kind. Noise levels caused by recreational use will not increase by any appreciable amount.

6b. Noise caused by recreational use will be very little and will not be a nuisance to any neighbor.

* 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 cannot 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.

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			7c.
d. Adverse effects on or relocation of residences?		X				
e. Other:		X				

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

7c. As public use of the Cinnabar property has been uncontrolled for the past decade, it is possible that some members of the public will react negatively to FWP presence and management of the property.

* 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 cannot 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 Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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		yes	8a.
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, will any chemical toxicants be used? (Also see 8a)						NA
e. Other:		X				

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

8a. The FWP Region 3 Weed Management Plan calls for an integrated method of managing weeds, including the use of herbicides. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

* 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 cannot 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.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X positive			9e.
f. Other:		X				

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

9e. The current turn-out for the two-track that leads into the Cinnabar property is unengineered and potentially unsafe, owing to the lack of shoulder on Hwy 89 and an insufficient amount of level, paved road on the approach itself (see photos 4 and 5). If FWP takes ownership of the property, traffic safety issues will be evaluated. This could result in the existing approach either being improved or eliminated.

* 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 cannot 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 Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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			10b.
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 use of any energy source?		X				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.
g. Other:		X				

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

10b. Fish, Wildlife and Parks pays taxes “in a sum equal to the amount of taxes which would be payable on county assessment were it taxable to a private citizen” (MCA 87-1-603). Therefore, the effect of this action on the local tax base will be negligible.

10e. The Cinnabar Foundation proposes to donate the property in question through a quit claim deed to FWP.

10f. Tom Greason, FWP Region 3 Maintenance Supervisor, estimates that it will cost approximately \$500 for three years to address the spotted knapweed infestation of the property, and \$100-\$200 a year thereafter to maintain control of noxious weeds. Other maintenance costs will be determined by how FWP ultimately determines to develop or reclaim the Cinnabar tract, but as this property will become part of Grey Owl FAS, those maintenance costs are not expected to be significantly higher than maintenance for Grey Owl at the present time.

* 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 cannot 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.

** 11. <u>AESTHETICS/RECREATION</u>	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
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 positive			11c.
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.)						NA
e. Other:		X				

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

11c. If the proposed action is taken, the acquisition of this piece of property would add 5 acres and ½ mile of river frontage to Grey Owl FAS. Such an addition would improve the recreational experience for users of Grey Owl FAS by adding additional opportunities for streamside angling.

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.)						NA
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical 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 cannot 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.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will 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 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				
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				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)						NA
g. ****For P-R/D-J, list any federal or state permits required.						NA

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (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 cannot 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.

ATTACHMENTS

A. HB495 Qualification Checklist Exemption Form

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