



# Montana Fish, Wildlife & Parks

1400 South 19<sup>th</sup> Ave  
Bozeman, MT 59718

July 29, 2009

To: Governor's Office, Mike Volesky, State Capitol, Room 204, PO Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, State Capitol, Room 106, PO Box 201704, Helena, MT 59620-1704  
Dept. of Environmental Quality, Metcalf Building, PO Box 200901, Helena, MT 59620-0901  
Dept. of Natural Resources & Conservation, PO Box 201601, Helena, MT 59620-1601  
Montana Fish, Wildlife & Parks:

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

MT Historical Society, State Historic Preservation Office, PO Box 201202, Helena, MT 59620-1202

MT State Parks Association, PO Box 699, Billings, MT 59103

MT State Library, 1515 E. Sixth Ave., PO Box 201800, Helena, MT 59620

James Jensen, Montana Environmental Information Center, PO Box 1184, Helena, MT 59624

Janet Ellis, Montana Audubon Council, PO Box 595, Helena, MT 59624

George Ochenski, PO Box 689, Helena, MT 59624

Turner Enterprises Inc, 5048 Gateway South Rd, Gallatin Gateway MT 59730-8560

Ladies and Gentlemen:

The enclosed Environmental Assessment (EA) has been prepared for a proposed perpetual easement on the Madison River. Montana Fish, Wildlife & Parks (FWP) proposes to obtain a perpetual easement from DNRC for a 2.25-acre tract of land in order to establish a formal fishing access site that would provide continued public access at this location on the Madison River.

Montana Fish, Wildlife & Parks invites you to comment on the attached proposal. If requested, FWP will schedule and conduct a public meeting on this proposed project. Public comment will be accepted until 5:00 p.m. on August 28, 2009. Comments should be sent to the following:

Damsel fly FAS EA  
Montana Fish, Wildlife & Parks  
1400 South 19<sup>th</sup> Avenue  
Bozeman MT 59718-5496

Or emailed to: [tgarrett@mt.gov](mailto:tgarrett@mt.gov).

Sincerely,

Gerald Walker  
Region Three Parks Manager

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# Draft Environmental Assessment

## DAMSEFLY FISHING ACCESS SITE PROPOSED PERPETUAL EASEMENT



July 2009



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

In Coordination with

***Montana Department of  
Natural Resources & Conservation***



**Damselfly Fishing Access Site Proposed Perpetual Easement  
Draft Environmental Assessment  
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

**PART I. PROPOSED ACTION DESCRIPTION**

- Proposed state action:** Montana Fish, Wildlife & Parks (FWP) is coordinating with the Montana Department of Natural Resources and Conservation (DNRC) negotiating a perpetual easement for a fishing access site (FAS) on a 2.25-acre parcel of State School Trust Land on the Madison River adjacent to the mouth of Cherry Creek.

The site would be managed as a public recreation site to facilitate angling and other recreational activities. The proposed perpetual easement acquisition cost is estimated at \$39,375. The parcel is approximately 26 miles west of Bozeman and 9 miles east of Norris along Highway 84 (Figure 1). This parcel is located on the Madison River 26 miles from the mouth on the right-hand side as you face downstream. Warm Springs (managed by the Bureau of Land Management) is the next access site upstream. Valley Garden is the next FWP access site up stream from DNRC parcel on river mile 49, and Black's Ford is the next site down stream on river mile 24. FWP manages 15 Fishing Access Sites on the Madison River. If acquired, FWP will provide regular maintenance at the site and put up regulation signs to inform the public. The public uses the site for fishing, boating, floating, camping, waterfowl hunting, and wildlife viewing.

The Bureau of Land Management (BLM) has agreed to enter into a management agreement for joint administration, management, and maintenance of the site once the property is acquired.

- Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605 which directs FWP to acquire, develop and operate a system of fishing accesses. FWP has the authority to develop outdoor recreational resources in the state per 23-2-101 MCA: *“for the purpose of conserving the scenic, historic, archaeological, scientific, and recreational resources of the state and providing their use and enjoyment, thereby contributing to the cultural, recreational, and economic life of the people and their health.”*

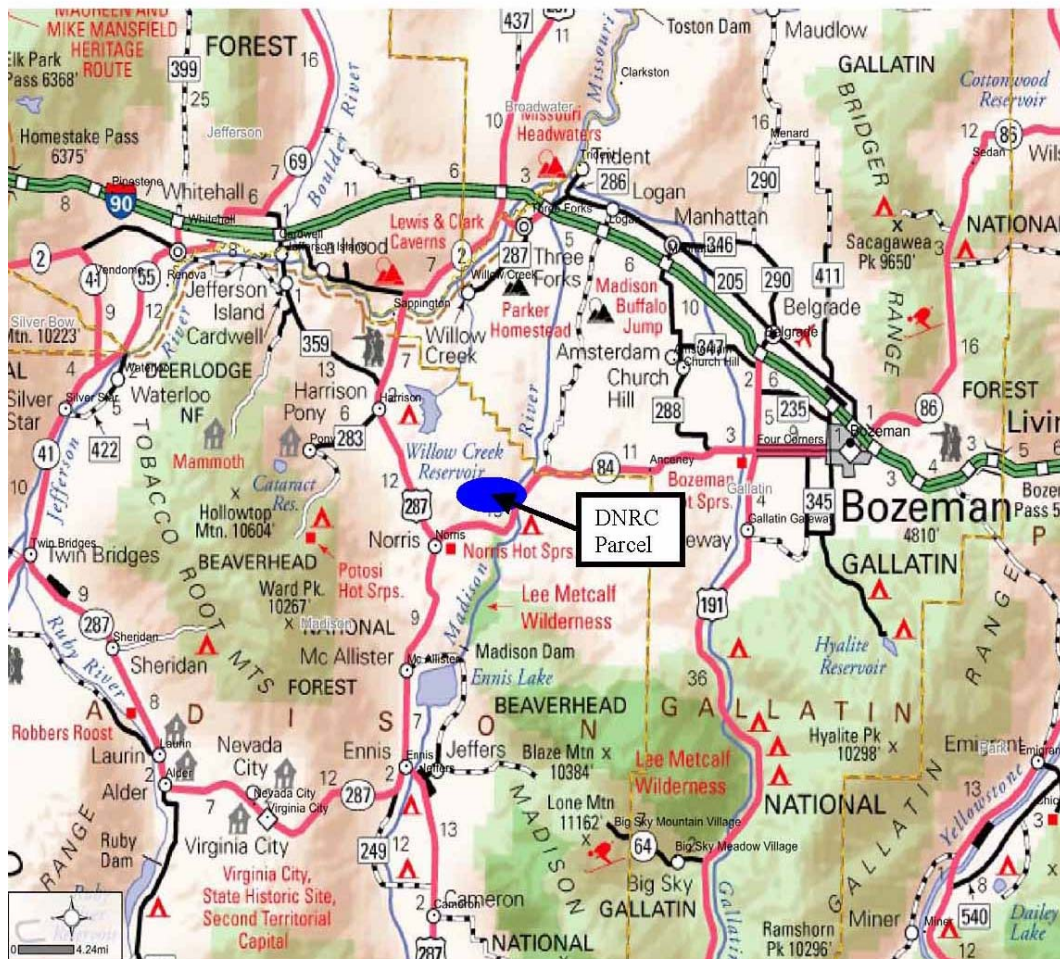
Furthermore, state statute 23-1-110 MCA and ARM 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides. ARM 21.8.602 requires FWP to consider the wishes of users and the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features, and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed project in relation to this rule. See Appendix 1 for HB 495 qualification.

3. **Name of project:** Damselfly Fishing Access Site Proposed Perpetual Easement
  
4. **Project sponsors:**

Montana Fish, Wildlife & Parks 1400 S. 19 <sup>th</sup> Avenue Bozeman MT 59718 406-994-4042	MT Dept of Natural Resources & Conservation Trust Land Management 2273 Boothill Court, Suite 110 Bozeman MT 59715 406-586-5243
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5. **Anticipated Timeline:**

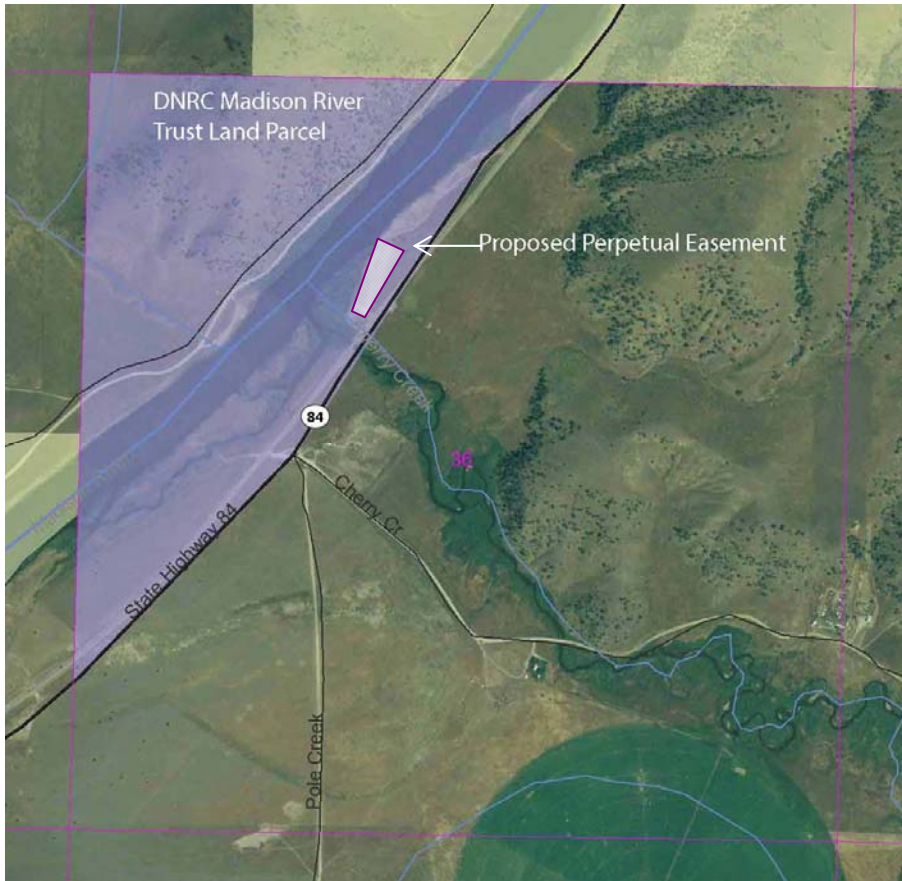
Public Comment Period: July/August 2009  
 Decision Notice Published: August 2009  
 FWP Commission and Land Board Approval: September 2009
  
6. **Location:**  
 Madison County, Cherry Creek, Pt. NW ¼ Section 36, Township 2 South, Range 1 East.  
 The site is 26 miles west of Bozeman on Highway 84 and 9 miles east of Norris.

**Figure 1: Damselfly FAS Perpetual Easement Location**





**Figure 2: DNRC Madison River Parcel Aerial View Map**



**Figure 3: Damselfly FAS Close-up Aerial View Map**



**7. Project size:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain/Riparian	___0
Residential	___0		
Industrial	___0	(e) Productive:	
(b) Open Space/Woodlands/Recreation	<u>2.25</u>	Irrigated cropland	___0
		Dry cropland	___0
		Forestry	___0
(c) Riparian Wetlands Areas	___0	Rangeland	___0
		Other	___0

**8. Local, State or Federal agencies with overlapping or additional jurisdiction:**

(a) **Permits:** All appropriate permits will be acquired prior to development.

(b) **Funding:**

MT FWP FAS Acquisition Account:	\$ 19,687.50
Missouri-Madison River Fund Match:	\$ 9,843.75
<u>PPL Grant Matching Funds:</u>	<u>\$ 9,843.75</u>
Total Acquisition Funding:	\$ 39,375.00

Region 3 Parks FAS Operations and Maintenance Funds Estimated:

Weeds:	\$ 500
Maintenance:	\$ 750
Signage + staff time and mileage:	\$ 2,000

(c) **Other Overlapping or Additional Jurisdictional Responsibilities:** Section 7-22-2154 (2), MCA requires a weed inspection by the county weed district before acquiring new land, which has been completed by the Madison County Weed District. See Appendix 2 for the Madison County Weed Inventory.

**9. Narrative summary of the proposed action:**

The DNRC Madison River School Trust parcel is adjacent to the mouth of Cherry Creek and is approximately 26 miles west of Bozeman on Highway 84 and less than 10 miles east of Norris. The parcel north of the river is 106.288 acres, and the parcel between the river and the highway is 10 acres. The public has traditionally used the DNRC parcel for recreation purposes and to gain access to the Madison River. The proposed perpetual easement is for a portion of the DNRC parcel totaling 2.25 acres (see Figures 2 and 3).

Vegetation on the property is primarily upland grass with scattered juniper and rubber rabbitbrush and a riparian corridor along the river dominated by grasses, sedges, and willows. Noxious weeds including knapweed and hounds tongue occupy less than 5% of the parcel. If acquired, FWP would begin weed management. The parcel currently has a dirt parking area, pioneered trails to unauthorized camping sites and the river's edge, and a primitive boat launch.

This site is an important site for staggering floating groups (both commercial and non-commercial) within the Madison River Canyon. This site functions to spread out drift boats and rafts along the Madison River and diminish crowding. The BLM recently received funding to improve a boat ramp facility upriver from the

DNRC parcel, but due to cultural resource issues the planned improvements have been scaled back. The management and development of the DNRC parcel becomes more critical because of these circumstances.

This stretch of the Madison River supports populations of brown trout, rainbow trout, and mountain whitefish as well as stonecat, longnose dace, longnose sucker, mottled sculpin, and white sucker. The river is used for boating, floating, fishing, waterfowl hunting, and wildlife viewing. The public has used this access for unauthorized camping instead of using the fee-based adjacent BLM-managed camping and boating sites nearby. This section of the Madison River is ranked by FWP as 11<sup>th</sup> in the state and 3<sup>rd</sup> in the region for fishing use in 2007. Total pressure in 2007 was over 41,000 fishing days, slightly down from 2005 with nearly 52,000 fishing days. Along with fishing pressure, this reach also receives extremely heavy recreational floating use.

Without active management, this DNRC School Trust parcel has accommodated public use for years. Resource values have been degraded by indiscriminate vehicle use and camping, widespread rock fire-ring placement, and a pioneered boat ramp that has damaged the riverbank. The surrounding Madison River corridor is under intensive management, mainly by the BLM, with many fee-based camping and boating sites within this corridor.

Since DNRC is not able to manage concentrated use, the agency may limit use at this site through placement of barriers and fencing jeopardizing future public use of this property. The perpetual easement of this parcel will assure continued public access to the Madison River in this location. Other resource values will continue to be protected by FWP as required by statute. If this easement is approved, immediate FWP management activities would include installation of site usage signage, establishment and enforcement of site rules and regulations and regular law enforcement presence, implementation of FWP's Integrated Noxious Weed Management Plan to control the existing weeds on the parcel, and application of FWP Commercial Use Rules for commercial outfitters who use the site for river access. The Special Recreation Permit (SRP) permitting commercial, competitive, and organized groupings would also apply. Future activities would likely include facility development for parking, sanitation, and boat launching as well as site rehabilitation.

If the proposed easement was approved, FWP would work with the BLM for the cooperative management of the Madison River Corridor for the benefit of public and for the preservation and protection of the corridor's natural resources. The existing Montana Department of Transportation Right of Way easement north and east of the proposed parcel would be transferred to FWP if acquired.

**10. Alternatives:**

**Alternative A: No Action**

If no action were taken, this DNRC School Trust parcel will continue to be open to the public and resource values will likely continue to be degraded by continued use/expansion of the pioneered boat ramp.

**Alternative B: No Action/Close the Site**

If no action were taken to grant the easement, DNRC might close the site to motor vehicles to eliminate additional damage to vegetation and soils by vehicle movements and boat launch activities.

**Preferred Alternative C: Proposed Action**

In the preferred alternative, FWP would obtain the perpetual easement from DNRC for the 2.25-acre tract of land to establish a formal fishing access site that would provide continued public access to this stretch of the Madison River. The proposed easement cost is estimated at \$39,375. In the future, FWP will also develop improvements to enhance public access and use.

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

The Bureau of Land Management (BLM) has agreed to enter into a management agreement with FWP for joint administration, management, and maintenance of the site once the property is acquired.



## **PART II. ENVIRONMENTAL REVIEW CHECKLIST**

**Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.** See Appendix 6 for the DNRC Checklist Environmental Assessment included to meet their MEPA requirements. Both of these checklists are included to demonstrate that both agencies are in agreement and compliance.

### **A. PHYSICAL ENVIRONMENT**

<b>1. <u>LAND RESOURCES</u></b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Will the proposed action result in:</b>	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>		
a. **Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

The proposed perpetual easement acquisition will have no effect on existing soil patterns or structures.

<b>2. <u>AIR</u></b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Will the proposed action result in:</b>	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		NA				

The proposed perpetual easement acquisition will have no effect on ambient air quality.

\* 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				
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				

The proposed perpetual easement acquisition will have no effect on surface water, drainage patterns, or floodwater routes.

\* 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).

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

4. <b>VEGETATION</b>  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				
b. Alteration of a plant community?			X		YES	4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				

- 4b. Vegetation on the property is primarily upland grass with scattered juniper and rubber rabbitbrush, and a riparian corridor along the river dominated by grasses, sedges, and willows. Throughout the site, shrubs identified include various willow species, junipers, red osier dogwood, chokecherry, currant, snowberry, and wild rose bushes. Other vegetation noted included prickly pear cactus and mammillaria cactus, sage, fringed sagewort, curly cup gum weed, mullein, salsify, and dandelions. Because the public already uses the property, the acquisition should not significantly impact the plant community. With additional use the site would likely receive as a Fishing Access Site, there would be additional impacts to the plant community. The impacts would be mitigated through site protection measures including signage and potentially fencing in the future so impacts to the plant community would be minimized and may have a positive impact by not allowing indiscriminate vehicle use or camping.
- 4c. A search of the Montana Natural Heritage Program's (MNHP) species of concern database found no vascular or non-vascular plants of significance within the boundaries of the property to be acquired.
- 4e. This property currently has infestations of hounds tongue, diffuse and spotted knapweed on between 3 to 4% of the parcel, and probable Canada thistle on about 1% of the parcel. If the acquisition were approved, FWP would initiate the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods. Weed management will facilitate the restoration of native vegetation and should prevent the spread of weeds. Vehicles will be restricted to the parking area which will be maintained as weed-free, and vehicles will not be allowed on undisturbed areas of the site where the weed infestation exists. See Appendix 2 for the Madison County Weed District Weed Inventory.

\* 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>** 5. FISH/WILDLIFE</b>  <b>Will the proposed action result in:</b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>	<b>Potentially Significant</b>		
a. 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				
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				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				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				

The proposed acquisition will have no bearing on the game and non-game species that frequent the property and is not considered critical habitat for any species, according to FWP Region 3 wildlife biologist Julie Cunningham, native species wildlife biologist Claire Gower, and fisheries biologist Mike Vaughn.

5f. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that no endangered species are in the vicinity of the property. The property is potential habitat for bald eagle, gray wolf, and last best place damselfly. Neither the FWP wildlife biologist nor the native species biologist for the area has any concerns with the proposed acquisition impacting wildlife in the area.

The bald eagle was delisted as Threatened by the USFWS August 2007 and now falls under the Bald Eagle Protection Act. Currently designated as Delisted Taxon-Recovered, they continue to be systematically monitored. The bald eagle is still listed as Threatened by USFS, Special Status by BLM, and is in the Tier 1 of the FWP Comprehensive Fish and Wildlife Conservation Strategy (CFWCS). According to the FWP wildlife biologists, there was an eagle nest in the area but it appears the nest blew down during a storm earlier this year. This pair may try to re-nest in the vicinity, possibly along the main river corridor or close to it's current location in the creek, next year. Their choice of nest site

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

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will be heavily dependent upon the availability of suitable nest trees in the area. Bald eagles are seen around area, but no bald eagle nests have been sighted on the property. Bald eagles from this territory may use the river and the creek for foraging.

Gray wolves are listed as Endangered in the Northwest Montana recovery area by USFWS, Endangered by USFS, and Special Status by BLM, in Tier 1 of the FWP Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) and S3/G4 by MNHP. The ranking by MNHP indicates the species is potentially at risk of extirpation in the state and uncommon globally. In 2002, wolves met the recovery criteria set by the USFWS and are therefore biologically recovered. The gray wolf was officially delisted from the federal Endangered Species Act as of May 4, 2009. Montana's state laws, regulations, and management plan replace federal regulations. Gray wolves are protected and managed as a Montana species in need of management. FWP Wolf Management Specialist Mike Ross indicated there is a wolf pack in this area called the Bear Trap pack and have approximately 15 members before new pups. They typically frequent the higher elevations on the Turner Ranch east of this parcel and range from Anceny to Ennis Lake. One of these wolves has a radio collar, and there is a map showing their territory on the FWP website under 2008 annual report. This parcel will have no impact on this group or any group of wolves. The wolf population in southwestern Montana is strong and increasing, and some wolves may pass through just about any area including this parcel.

The last best place damselfly has no listing by the USFWS, USFS, or by BLM, and in not identified in the FWP Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) and S1S3/G1G3Q by MNHP. The ranking by MNHP indicates the species is at high risk because of extremely limited and potentially declining numbers, extent and/or habitat, making it highly vulnerable to extirpation in the state but also coded as potentially at risk as it may be abundant in some areas. The taxonomy is considered questionable, and that may reduce conservation priority.

Please see Appendix 2 Montana Natural History Program (MNHP) Native Species Report for more information on these species.

This area is great habitat for ducks and geese, as well as swans, great blue heron, sandhill cranes and other birds. FWP staff identified this is a very popular place for other raptors, specifically osprey, eagles, hawks, and owls. FWP staff noted pelicans frequent along that stretch of river, but it is unlikely the FAS will have any impact as these birds are not known to be nesting along this stretch of the river.

In addition, the Natural Heritage Program tracker identified near the vicinity of the property as good habitat for black bear, bobcat, coyote, both mule and white-tailed deer, mountain lions, moose, beaver, and the northern river otter. These species may not be common within this parcel but may use the parcel seasonally. Beaver and deer sign were abundant during the site visit. The Natural Heritage Program tracker identifies over 3 dozen migratory birds known to use the area. Reptiles include gopher snake, rattlesnake, and garter snake. Amphibians include western toad and the northern leopard frog. Invertebrates

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

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



include caddis fly, mayfly, riffle beetle, and the last best place damselfly as well as the western pearlshell mussels.

Tier I of the FWP CFWCS is the greatest conservation need. Montana Fish, Wildlife & Parks has an obligation to use its resources to implement conservation actions that provide direct benefit to these species. Species identified in this section have included the tier level to help identify those in greatest need of conservation. Other species listed previously but not specifically identified within Tier 1 include the western toad and the northern leopard frog, trumpeter swans and the western pearlshell mussel.

Once acquired, FWP would be able to and may inventory the area for wildlife species as well as vegetation and identify location of rare plants and other habitats to see if has exotics and/or other sensitive wildlife species not known at this time. See Appendix 2 for the Madison County Weed District weed inventory.

- 5g. The land is currently used by the public for picnicking, wildlife viewing, and waterfowl hunting, and the water is used by anglers, boaters, and floaters. The perpetual easement of the property should not negatively impact or stress wildlife populations if usage levels increase. Furthermore since the public currently uses the parcel for unauthorized camping, restricting the land to day use only may positively impact the wildlife populations.

\* 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				
b. Exposure of people to severe 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				

The proposed perpetual easement will have no change in noise level or electrical levels and will not interfere with radio or television reception or operation. Adjacent landowners will be notified and should not be affected. Visitor use is not expected to increase noise levels as vehicles will be restricted to the parking area with continued access to the pioneered boat ramp.

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				

The proposed action would not alter or interfere with the productivity or profitability of the existing land use. The perpetual easement funding will go to the DNRC trust fund. Anglers and waterfowl hunters currently use the land and river. The property has been used some by the general public for picnicking and wildlife viewing. FWP would continue to allow these activities. The property would be designated for day use only. Though it is not currently authorized for camping, the public has used this site even with BLM-managed camping sites nearby. The land is dry shrub grassland that serves as important habitat for a variety of mammals, bird species, and fish.

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\*\* 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. <b>RISK/HEALTH HAZARDS</b>	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
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				

8a. If acquired, FWP will address the noxious weeds on the property. The Statewide Integrated Weed Management Plan calls for an integrated method of managing weeds. 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.

9. <b>COMMUNITY IMPACT</b>	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
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				

The perpetual easement is designed to protect the property while providing for continued recreation access. The public uses the property, and that access will likely continue. The parcel will be day use only, and camping will not be allowed. Camping is not currently authorized but is used by some of the public rather than using BLM-managed camping sites nearby. Adjacent landowners will be notified of the proposed acquisition. No development is planned at this time other than to manage the weeds and install signage.

\* 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>10. PUBLIC SERVICES/TAXES/UTILITIES</b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>	<b>Potentially Significant</b>		
<b>Will the proposed action result in:</b>						
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		X				
f. **Define projected maintenance costs.						10f.

10b. DNRC is exempt from property taxes and under the perpetual easement, FWP would also be exempt.

10f. Annual maintenance costs are expected to average \$1250 per year including litter removal, caretaker work, weed control, and Parks and Enforcement staff time. Maintenance costs are part of the Parks Operations and Maintenance budget.

Initial costs to add FWP signage for the highway approach, regulation, and information signs are estimated to cost approximately \$2000 including staff time and mileage.

\* 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>** 11. AESTHETICS/RECREATION</b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>	<b>Potentially Significant</b>		
<b>Will the proposed action result in:</b>						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			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				

11c. The public access to the area will continue if the proposed perpetual easement is approved and will continue to be a destination for wildlife viewing, fishing, boating, and floating. Waterfowl hunters will also continue to use the property. See Appendix 3 for the Department of Commerce Tourism Report. The property would be designated for day use only, eliminating all camping activities at the site. Camping is not currently authorized at the site but is not enforced. Closure of the camping sites may increase interest in nearby BLM camping areas. If the easement were approved, FWP would implement its commercial use rules for activities at fishing access sites which could change the level of outfitter use at the site, but outfitters that use other FWP FAS's for boating and floating would already have paid the commercial use fee, so the impact is negligible.

<b>12. CULTURAL/HISTORICAL RESOURCES</b>	<b>IMPACT *</b>				<b>Can Impact Be Mitigated *</b>	<b>Comment Index</b>
	<b>Unknown *</b>	<b>None</b>	<b>Minor *</b>	<b>Potentially Significant</b>		
<b>Will the proposed action result in:</b>						
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		NA				

No groundbreaking activities that could disturb cultural resources are going to be initiated as part of the proposed perpetual easement acquisition. See Appendix 4 for the SHPO clearance for 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 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. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  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				

The proposed action will have no negative cumulative effects on the physical and human environments. When considered over the long-term, the proposed action poses significant positive effects towards the public's continued access of a scenic recreation area on the Madison River. The positive effects associated with the easement include improved site protection of resources by not allowing indiscriminate vehicle use and camping and providing regular maintenance and enforcement.

\* 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.

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

The proposed action will have no negative cumulative effects on the physical and human environments. When considered over the long-term, the proposed action poses significant positive effects towards the public's continued access of a scenic recreation area of the Madison River near the mouth of Cherry Creek.

The minor impacts that were identified in the previous section are small in scale and will not influence the overall environment of the immediate area. The natural environment will continue to exist to provide habitat to transient and permanent wildlife species and will continue to be open to the public for access for fishing, boating, floating, waterfowl hunting, and wildlife viewing. Camping is not currently authorized but is used by some of the public rather than using the fee-based BLM-managed camping sites nearby. The property would be designated for day use only under FWP management. The positive effects associated with the easement include improved site protection of resources by not allowing indiscriminate vehicle use or camping, regular maintenance, and enforcement.

The environmental analysis focuses solely on the perpetual easement of the property. A separate environmental assessment will be completed for future site development, and the public will have the opportunity to comment on the proposed improvements.

The proposed perpetual easement of the 2.25-acre DNRC Madison River School Trust parcel would allow FWP to preserve this stretch of habitat and provide better public access to area anglers in addition to increasing other general public recreational opportunities.

## **PART IV. PUBLIC PARTICIPATION**

### **1. Public Involvement:**

The public will be notified by way of legal notices in the *Bozeman Daily Chronicle*, the *Ennis Madisonian*, and the *Helena Independent Record* in addition to a statewide press release. A public notice will also be posted on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov/publicnotices> and the DNRC webpage [www.dnrc.mt.gov/About\\_Us/notices.asp](http://www.dnrc.mt.gov/About_Us/notices.asp). A direct mailing will be sent to adjacent landowners and interested parties. Additionally, copies will be available for public review at FWP Region 3 Headquarters and the DNRC Bozeman office. This level of public notice and participation is appropriate for a project of this scope having few minor impacts.

Public meetings to address questions for this EA can be arranged upon request within the comment period.

### **2. Duration of comment period.**

A 30-day comment period is proposed as appropriate for the scale of this project. The comment period will extend for 30 days following publication in area

newspapers. Comments will be accepted until 5pm August 28, 2009. Comments should be sent to Region 3 Fishing Access Site Coordinator Todd Garrett:

Mailed to: Damselfly FAS Proposed Perpetual Easement  
Montana Fish, Wildlife & Parks  
1400 South 19th  
Bozeman MT 59718

Emailed to: [tgarrett@mt.gov](mailto:tgarrett@mt.gov)

## **PART V. EA PREPARATION**

**1. Based on the significance criteria evaluated in this EA, is an EIS required? NO  
If an EIS is not required, explain why the EA is the appropriate level of analysis.**

Based upon the above assessment, which has identified a very limited number of minor impacts from the proposed action, an EIS is not required and an environmental assessment is the appropriate level of review.

**2. Person(s) responsible for preparing the EA:**

Pam Boggs  
EA Coordinator  
PO Box 200701  
Helena, MT 59620-0701  
[pboggs@mt.gov](mailto:pboggs@mt.gov)

Katie Svoboda  
DNRC Bozeman Office Manager  
2273 Boothill Court. Suite 110  
Bozeman, MT 59715  
(406) 586-5243  
[ksvoboda@mt.gov](mailto:ksvoboda@mt.gov)

Todd Garrett  
R3 Fishing Access Site Coordinator  
1400 South 19<sup>th</sup> Ave  
Bozeman MT 59718  
406-994-6987  
[tgarrett@mt.gov](mailto:tgarrett@mt.gov)

Jerry Walker  
Regional Parks Manager  
1400 South 19<sup>th</sup> Ave  
Bozeman MT 59718  
(406) 994-3552  
[walker@mt.gov](mailto:walker@mt.gov)

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

Madison County Weed District

Montana Department of Commerce – Tourism

Montana Department of Natural Resources and Conservation  
State Trust Lands Management

Montana Department of Transportation  
Right of Way Bureau

Montana Fish, Wildlife & Parks  
Enforcement Division  
Fisheries Division  
Lands Bureau  
Legal Bureau  
Parks Division  
Wildlife Division

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

State Historic Preservation Office

### **Appendices**

- 1 HB 495 Project Qualification Checklist
- 2 Madison County Weed Inventory
- 3 Montana Natural Heritage Program (MNHP) Native Species Report
- 4 Tourism Report – Department of Commerce
- 5 State Historic Preservation Office Clearance
- 6 DNRC EA Checklist

**APPENDIX 1**  
**HB495 PROJECT QUALIFICATION CHECKLIST**

Date April 15, 2009

Person Reviewing Pam Boggs

**Project Location:** Cherry Creek School Trust Parcel T2S, R1E, section 36 in Madison County

**Description of Proposed Work:** Montana Fish, Wildlife & Parks is considering a perpetual easement acquisition of 2.25 acres next to the mouth of Cherry Creek 26 miles west of Bozeman and 9 miles east of Norris on Highway 84.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Check all that apply and comment as necessary.)

- [ ] **A. New roadway or trail built over undisturbed land?**  
Comments: No roadways or trails.
- [ ] **B. New building construction (buildings <100 sf and vault latrines exempt)?**  
Comments: No new construction.
- [ ] **C. Any excavation of 20 c.y. or greater?**  
Comments: No excavation.
- [ ] **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**  
Comments: No new parking lots.
- [ ] **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**  
Comments: No shoreline alteration.
- [ ] **F. Any new construction into lakes, reservoirs, or streams?**  
Comments: No new construction.
- [ ] **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**  
Comments: No construction.
- [ ] **H. Any new above ground utility lines?**  
Comments: No new utility lines; will not interfere with existing utility lines in the area.
- [ ] **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**  
Comments: The property would be designated for day use only. The number of people that have used the property for camping is unknown and the property has no developed campsites nor is it currently authorized for camping.
- [ ] **J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**  
Comments: No.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.



## Appendix 2

# **Madison County Weed Board**

PO Box 278\*Virginia City, MT 59755\*Physical Address: 2296 Hwy 287, Alder, MT 59710

Ph# Margie (406) 842-5595 \* Janie (406) 842-5596 \* Fax (406) 842-5589

E-mail – Margie – [madweed@3rivers.net](mailto:madweed@3rivers.net)

Janie – [amadweed@3rivers.net](mailto:amadweed@3rivers.net)

May 22, 2009

Montana Fish, Wildlife & Parks  
Pam Boggs  
P.O. Box 200701  
Helena, MT. 59620-0701

Re: **State land at confluence of Cherry Creek & Madison River along  
Montana Hwy 84**

Dear Pam,

The Madison County Weed Board thanks you for filing a Noxious Weed Management Plan for **State land at confluence of Cherry Creek & Madison River along Montana Hwy 84** which is located in the **SW 1/4 Section 36 , Township 2S , Range 1E**

The Management Plan has been approved and we request that any future owners must be made aware of this plan pertaining to weed management and meet the requirements of the Montana County Noxious Weed Control **Act. 7-22-2116**, Unlawful to Permit Noxious Weeds to Propagate (go to seed).

Thank you for your concerns about noxious weeds and if you have any other questions feel free to call our office at (406) 842-5595.

Sincerely,

  
Margie N. Edsall, Coordinator  
Madison County Weed Board

cc. Board of Madison County Commissioner  
cc. Clerk & Records Office  
cc. Madison County Planning Board  
cc. Todd Garrett, MT. FWP

**Appendix 2**  
(continued)

Madison County Weed Board  
Noxious Weed Control Plan

In accordance with 7-22-2121 MCA a person is considered in compliance if they submit and the Board accepts a plan to undertake specified control measures, and is in compliance for so long as they perform according to the terms of the proposal.

Location: State land at confluence of Cherry Creek and Madison River  
along Montana Hwy 84

Legal: Township 2S Range 1E Section 36

Noxious Weed Species found on site if any:

Spotted Knapweed (less than 1/35)  
Houndstongue (less than 1/25)

Diffuse Knapweed (less than 1/75)  
Canada Thistle (Probable)

Method of Weed Control:  Chemical  Biological  Cultural  
Specific control measures: Spot spray knapweeds, houndstongue, other noxious weeds  
in open area. Chop and dig noxious weeds throughout willows and next to river.

Monitor and treat area when applicable.

Weed Control to be completed by:  Self  Com. Appl  County

If a commercial applicator is to be used, please provide name, address, and date hired  
N/A

Dates weed management will be implemented Season long

Signature \_\_\_\_\_

Name & Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For Weed Board Use

Weed Management Approval:  Yes  No

Weed Board Representative: Betty Lykes

Date: 5/21/09

## Appendix 3

### Sensitive Plants and Animals in the area of Madison River mouth of Cherry Creek

#### Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates no known occurrences of federally listed threatened, endangered, or proposed threatened or endangered plant species in the proposed project site. The search did indicate the project area is within habitat for Bald Eagle, Gray Wolf, and the Last Best Place Damsel fly. Please see the next page for more information on these species.

**Montana Species of Concern.** The term "**Species of Concern**" includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

#### ▼ **Status Ranks (Global and State)**

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

#### **Status Ranks**

Code	Definition
<b>G1</b> <b>S1</b>	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
<b>G2</b> <b>S2</b>	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
<b>G3</b> <b>S3</b>	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
<b>G4</b> <b>S4</b>	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
<b>G5</b> <b>S5</b>	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

### Sensitive Plants and Animals in the vicinity of Madison River mouth of Cherry Creek

### 1. *Haliaeetus leucocephalus* (Bald Eagle)

Natural Heritage Ranks:

State: **S3**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service: **DM**

U.S. Forest Service: **Threatened**

U.S. Bureau of Land Management: **Special Status**

FWP CFWCS Tier: 1

Four Element Occurrence of bald eagle were reported but none were in the boundaries of this parcel. Last observation date was 2006 with confirmed sightings of a nesting area two miles to the east of the mouth of Cherry Creek. Another sighting is approximately 3 miles east of the mouth of Cherry Creek. Another nest sighting is ½ mile west of the mouth of Cherry Creek on the Madison River, on the opposite of the parcel, but is believed to be destroyed in a storm.

### 2. *Canis lupus* (Gray Wolf)

Natural Heritage Ranks:

State: **S3**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service: **LE**

U.S. Forest Service: **Endangered**

U.S. Bureau of Land Management: **Special Status**

FWP CFWCS Tier: 1

One Element Occurrence data reported of wolves in 2006 in the proximate area of this parcel. FWP Wolf Management Specialist Mike Ross indicated there is a wolf pack in this area called the Bear Trap pack and have approximately 15 members before new pups. They typically frequent the higher elevations on the Turner Ranch east of this parcel and range from Anceny to Ennis Lake.

### 3. *Enallagma optimolocus* (Last Best Place Damselfly)

Natural Heritage Ranks:

State: **S1S3**

Global: **G1G3Q**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP CFWCS Tier:

One Element Occurrence of this damselfly near the mouth of Cherry Creek in 1992.

Information courtesy of Montana Natural Heritage Program.

**Appendix 4**  
**TOURISM REPORT**

**MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110**

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager  
Travel Montana-Department of Commerce  
301 S. Park Ave.  
Helena, MT 59601

**Project Name: DAMSEFLY FAS PROPOSED PERPETUAL EASEMENT**

**Project Description:** Montana Fish, Wildlife & Parks (FWP) is considering purchasing a perpetual easement for a fishing access site from the Montana Department of Natural Resources and Conservation (DNRC) on a 2.25-acre parcel of State School Trust Land on the Madison River next to the mouth of Cherry Creek. The Bureau of Land Management has agreed to enter into a management agreement for joint administration, management, and maintenance of the site. The site would be managed as a public recreation site to facilitate angling and other recreational activities. The parcel is approximately 26 miles west of Bozeman and 9 miles east of Norris along Highway 84. FWP is in negotiation with DNRC for a perpetual easement to FWP. FWP manages 15 sites on the Madison River. If acquired, FWP will provide regular maintenance at the site and put up regulation signs to inform the public. The site is used by the public for fishing, floating, waterfowl hunting, hiking, wildlife viewing.

1. Would this site development project have an impact on the tourism economy?  
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?  
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to improve the quality and quantity of tourism and recreational opportunities.

Signature Carol Crockett, Visitor Services Manager Date 5/26/09

## Appendix 5 State Historic Preservation Office Clearance

-----Original Message-----

**From:** Murdo, Damon  
**Sent:** Wednesday, May 06, 2009 9:32 AM  
**To:** Mangum, Bardell  
**Subject:** RE: Cherry Creek-Madison River File Search Request

May 6, 2009

Bardell Mangum  
FWP  
PO Box 200701  
Helena MT 59620

RE: DNRC MADISON RIVER PERPETUAL EASEMENT ACQUISITION. SHPO Project #: 2009050503

Dear Mr. Mangum:

I have conducted a cultural resource file search for the above-cited project located in Section 36, T2S R1E. According to our records there have been a few previously recorded sites within the designated search locales. In addition to the sites there have been a few previously conducted cultural resource inventories done in the areas. I've attached a list of these sites and reports. If you would like any further information regarding these sites or reports you may contact me at the number listed below.

We feel that there is a low likelihood cultural properties will be impacted with this acquisition. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during any ground disturbance associated with the parking area improvements we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov) <<mailto:dmurdo@mt.gov>>. Thank you for consulting with us.

Sincerely,

Damon Murdo  
Cultural Records Manager  
State Historic Preservation Office

File: FWP/PARKS/2009

## Appendix 6 DNRC CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Madison River Damsel fly FAS Perpetual Easement
<b>Proposed Implementation Date:</b>	August 2009
<b>Proponent:</b>	Montana Fish, Wildlife & Parks (FWP)
<b>Location:</b>	Section 36, Township 2 South, Range 1 East.
<b>County:</b>	Madison County
<b>Trust:</b>	Common Schools

### I. TYPE AND PURPOSE OF ACTION

This easement would be for a fishing access and boat launch site located on 2.25 acres of School Trust Land on the Madison River near the mouth of Cherry Creek.

DNRC is tasked with the management of the Trust lands for the economic benefit of the trust beneficiaries, including management of dispersed recreational use as part of the recreational use permits, but is not well suited to managing concentrated recreational use. MTFWP is better suited to managing the concentrated recreational use associated with this site.

The land of this parcel has been degraded due to accommodating public use and abuse for years (e.g. careless vehicle use, widespread rock fire-ring placement, and a 'homemade' style boat ramp that's damaged the riverbank). A barrier was constructed on the parcel to allow for parking and access while eliminating the unwanted motorized use. This barrier also eliminated the improvised boat launch. At the time FWP and the Bureau of Land Management (BLM) did not feel the boat launch was necessary, however later found out it was an important launch used by outfitters to reduce crowding on the river. FWP requested the boat launch site be made available (which was done) while they procured a grant to purchase an easement.

This easement would grant Montana Fish, Wildlife & Parks management of the parcel for public recreational activities and boat loading and launching.

### II. PROJECT DEVELOPMENT

#### 1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

Montana Fish, Wildlife & Parks, proponent

FWP feels this site is important for staggering floating/fishing groups throughout the Madison River Canyon in order to reduce crowding along the river.

Bureau of Land Management (BLM) has agreed to joint administration, management and maintenance of the site. This agreement will be worked out between FWP and BLM personnel.

FWP will work with the Madison County Weed Board to develop and noxious weed management plan for the site.

Montana Department of Transportation has an Easement/Right of Way on the parcel.

Contact was made with Shane Mintz and Robert Bukvich regarding their easement in coordination with FWP.

#### 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

None required.

---

**3. ALTERNATIVES CONSIDERED:**

Grant Easement: Grant the easement to FWP for management of the fishing access and boat launch on the Madison River for public recreational activities.

No Action: Do not grant the easement to FWP for management of the fishing access and boat launch on the Madison River for public recreational activities. Leaving the site as is, continuing to be degraded unmanaged use.

No Action/Close the Site: Do not grant the easement and close the site to boat launching due to the degradation caused by unmanaged use.

---

<b>III. IMPACTS ON THE PHYSICAL ENVIRONMENT</b>
---

---

- |  |
|--|
| <ul style="list-style-type: none"><li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li><li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li><li>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i></li></ul> |
|--|
- 

**4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:**

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

Granting the easement should cause no further damage to geology and soil quality, stability, and moisture. The public will continue to use the site, but it will be under management and maintenance of FWP/BLM

---

**5. WATER QUALITY, QUANTITY AND DISTRIBUTION:**

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

Granting the easement should cause no damage to water quality, quantity and distribution. The public will continue to use the site, but it will be under management and maintenance of FWP/BLM

---

**6. AIR QUALITY:**

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

None

---

**7. VEGETATION COVER, QUANTITY AND QUALITY:**

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

Granting the easement should not have a negative effect on vegetation cover, quantity and quality. The public will continue to use the site, but it will be under management and maintenance of FWP/BLM. A noxious weed management plan will be implemented.

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**8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

Granting the easement should not have a negative effect on terrestrial, avian and aquatic life and habitats. The public will continue to use the site, but it will be under management and maintenance of FWP/BLM.

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**9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

With the current public use and the limited size of the site, the easement should have no effect on unique, endangered, fragile or limited environmental resources.



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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

*Identify and determine effects to historical, archaeological or paleontological resources.*

None

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**11. AESTHETICS:**

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

No major changes from the current status, it will continue to be used for public recreational activities.

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**12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

None

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**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

None

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<b>IV. IMPACTS ON THE HUMAN POPULATION</b>
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|--|
| <ul style="list-style-type: none"><li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li><li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li><li>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i></li></ul> |
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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

None

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

None

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

None

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

None

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services*

None

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

None

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

Public recreational activities including boat launching will continue on this site if the easement is granted.

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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

None

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

None

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

No affect

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**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

The easement would generate \$39,375 in revenue for the School State Trust Land

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<b>EA Checklist Prepared By:</b>	<b>Name:</b> Katie Svoboda /s/	<b>Date:</b> 6/24/2009
	<b>Title:</b> DNRC Bozeman Unit Office Manager	

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**V. FINDING**

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**25. ALTERNATIVE SELECTED:**

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**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

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**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

EIS

More Detailed EA

No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b>
	<b>Title:</b>
<b>Signature:</b>	<b>Date:</b>