

**Draft
Environmental Assessment
DAMSEFLY FISHING ACCESS SITE
PROPOSED DEVELOPMENT**



April 2011



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

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

PART I. PROPOSED ACTION DESCRIPTION

- 1. Proposed state action:** Montana Fish, Wildlife & Parks (FWP) acquired a perpetual easement from the Montana Department of Natural Resources and Conservation (DNRC) in December 2010 on a 2.25-acre parcel of State School Trust Land on the Madison River adjacent to the mouth of Cherry Creek. The purpose of the easement was to ensure management of this undeveloped parcel already used by the public for recreation and access to the Madison River. FWP proposes to install regulation and informational signs to inform the public of the Damselfly Fishing Access Site (FAS). FWP proposes improvements to the approach from Highway 84 and the access road with new fencing or other type of barrier along the entrance to the site. FWP proposes to develop approximately 24 parking spaces, a precast-concrete vault latrine with an ADA accessible concrete parking pad, a single-wide concrete boat launch, and boat launch staging area.

The site would be managed as a public recreation site to facilitate angling and other recreational activities. FWP would provide regular maintenance at the site. FWP has discussed coordination with the Bureau of Land Management (BLM), potentially entering into a management agreement for joint administration, management, and maintenance of the Damselfly FAS in the future.

- 2. 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.”* The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Sections 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.

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 Development

4. **Project sponsors:**
 Montana Fish, Wildlife & Parks
 1400 S. 19th Avenue
 Bozeman MT 59718
 406-994-4042

5. **Anticipated Timeline:**
 Estimated Public Comment Period: April 2011
 Estimated Decision Notice Published: May 2011
 Estimated Construction/Commencement: Spring 2011 if conditions allow
 Estimated Completion Date: Fall 2011
 Current Status of Project Design (% complete): 20%

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. See Figures 1 and 2 for Highway and aerial maps. See Figure 3 for relation of Damselfly FAS to other FWP FAS's along the Madison River.

Figure 1: Damselfly FAS Highway Map Location

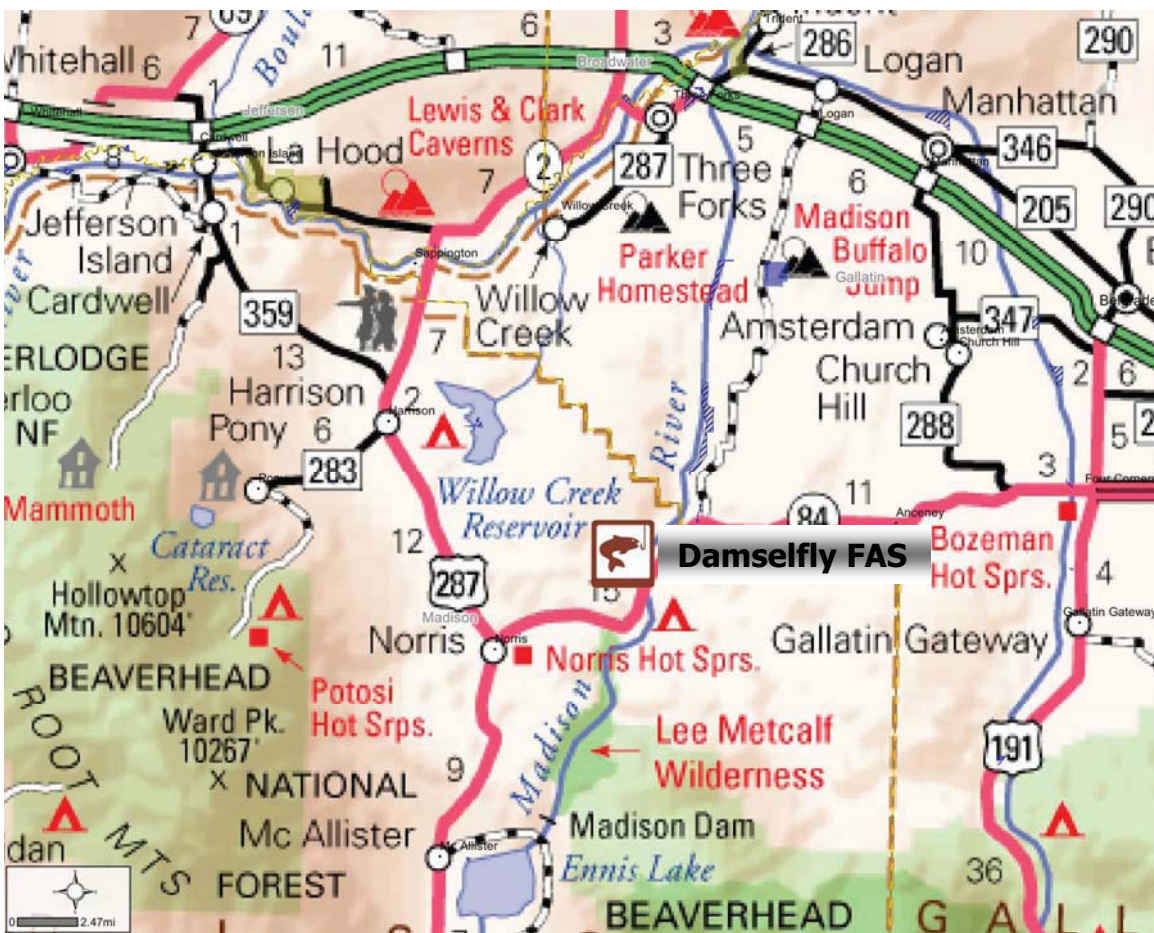


Figure 2: Damselfly FAS Close-up Aerial View Map



Figure 3: Madison River FAS Location Map

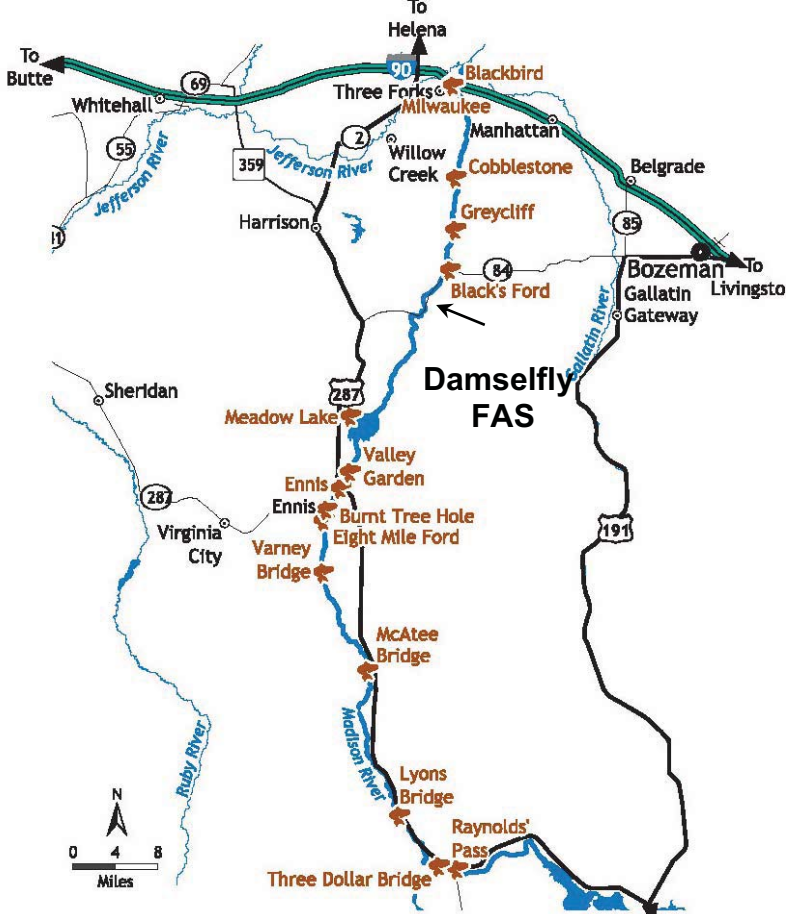
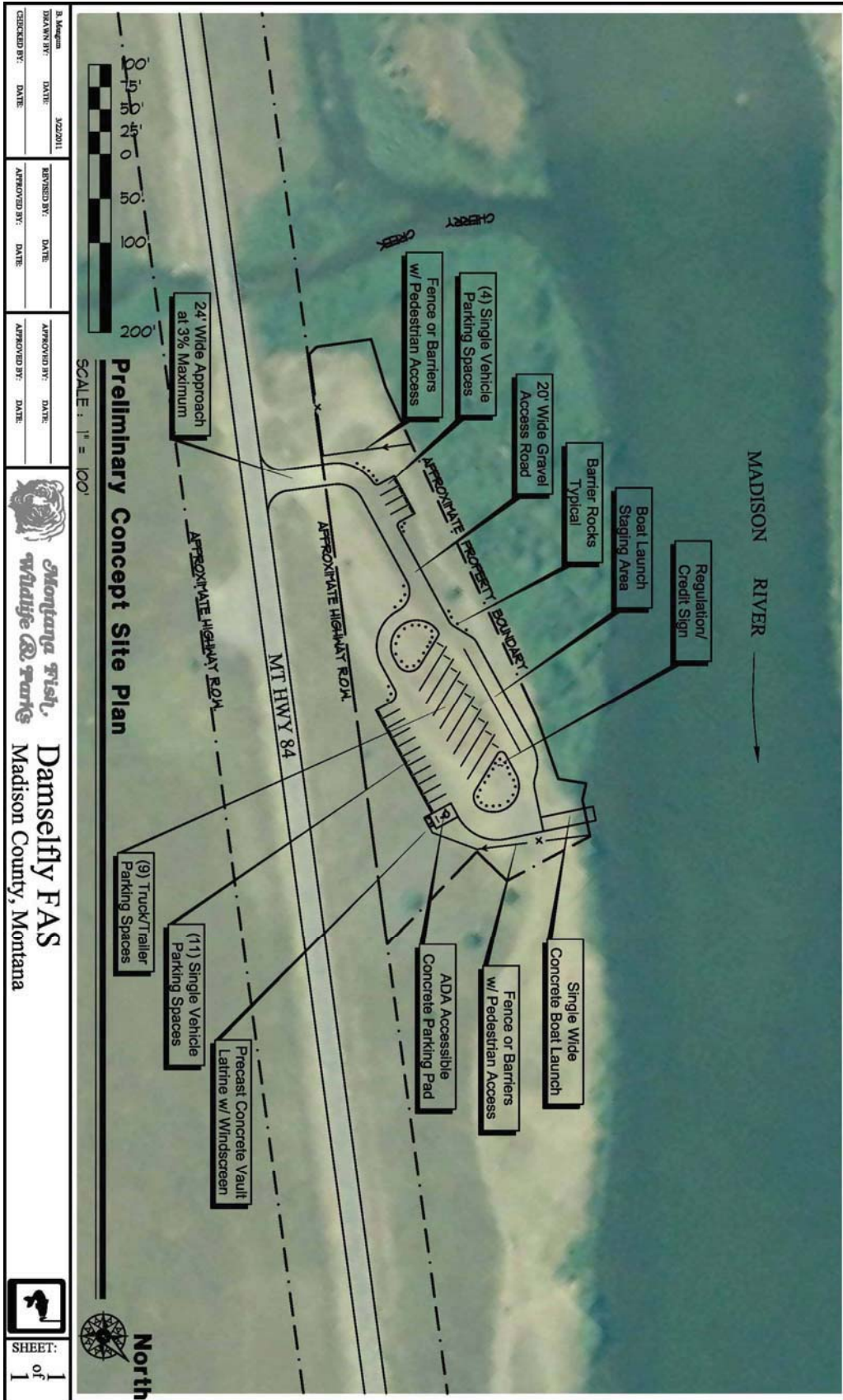


Figure 4: Madison River BLM Recreation Area Sites



Figure 5: Draft Preliminary Concept Site Plan for Damselfly FAS



7. Project size:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain/Riparian	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/Woodlands/Recreation	<u>.55</u>	Irrigated cropland	<u>0</u>
		Dry cropland	<u>0</u>
		Forestry	<u>0</u>
(c) Riparian Wetlands Areas	<u>0</u>	Rangeland	<u>0</u>
		Other	<u>0</u>

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

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

<u>Agency Name</u>	<u>Permit</u>
Madison County	Sanitation Permit
MDT	Approach and Encroachment Permits
MT FWP	124 MT Stream Protection Act
MT DEQ	318 Short Term Water Quality Standard for Turbidity and Storm Water Discharge Permit
US Corps of Engineers	404 Federal Clean Water Act

(b) **Funding:**

MT FWP FAS Account:	\$ 50,000.00
<u>PPL Grant Matching Funds:</u>	<u>\$ 36,800.00</u>
Total Funding Available:	\$ 86,800.00

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:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
MT Natural Heritage Program	Species of Concern (See Appendix 2)
MT State Historic Preservation Office	Cultural Clearance (Appendix 3)
MT Dept of Commerce	Tourism Report (Appendix 4)
Madison County Weed District	Weed Management Coordination and Approval of Weed Management Plan
US Fish & Wildlife Service	Bald & Golden Eagle Protection Act
US Fish & Wildlife Service	Migratory Bird Treaty Act
Montana Bald Eagle Working Group	Montana Bald Eagle Management Plan

9. Narrative summary of the proposed action:

The Damsel fly FAS 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 (Figure 1). The public has traditionally used this undeveloped parcel for recreation purposes and to gain access to the Madison River (Figure 2). The proposed development includes regulation and informational signs to inform the public, the approach from Highway 84 would be improved, and an

access road graveled with fencing or other type of barrier along the entrance to the site. FWP proposes developing 15 single-vehicle parking spaces and 9 truck/trailer spaces, a precast-concrete vault latrine with an ADA accessible concrete parking pad, a single-wide concrete boat launch, and boat launch staging area. See Figure 5 for the draft preliminary concept site plan.

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. Since the parcel was acquired in December 2010, FWP plans to implement noxious weed management strategies after the snow melt during Spring 2011. The parcel currently has a dirt parking area, pioneered trails to undeveloped and unmanaged camping sites and the river's edge, and a primitive pioneered boat launch.

Damsel fly FAS is an important site for staggering floating groups (both commercial and non-commercial) within the Madison River corridor. See Figure 3 for the FWP FAS location map for the Madison River. This site would help 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 Damsel fly FAS. Due to cultural resource issues at that site the planned improvements have been scaled back. The management and development of the Damsel fly FAS becomes more critical because of these circumstances. See Figure 4 on page 4 for map of BLM boat launches and campsites along the Madison River.

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. This section of the Madison River is ranked by FWP as eleventh in the state and second in the region for fishing use in 2009. Total pressure in 2009 was over 53,000 fishing days, up from 2007 with over 41,000 fishing days and slightly up from 2005 with nearly 52,000 fishing days. Along with fishing pressure, this reach also receives very heavy recreational floating use.

Without active management, this 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 public has used this access for unauthorized camping instead of using the adjacent BLM-managed fee-based camp site and boat launches sites nearby.

The surrounding Madison River corridor is under intensive management, mainly by the BLM, with many fee-based campgrounds and boat launches within this corridor. FWP is working with the BLM for the cooperative management of the Madison River Corridor for the benefit of the public and for the preservation and protection of the corridor's natural resources and specifically to ensure continued

public access to the Madison River in this location. Other resource values will continue to be protected by FWP as required by statute.

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 Madison River Special Recreation Permit (SRP) for commercial, competitive, and organized groups would apply. Proposed development includes parking, sanitation, and boat launching as well as site rehabilitation.

10. **Alternatives:**

Alternative A: No Action

If no action were taken, Damselfly FAS would continue to be open to the public. Resource values would likely continue to be degraded by continued use/ expansion of the pioneered boat ramp, and indiscriminate vehicle use would continue to degrade the soil and vegetation in the area and would likely promote the spread of weeds. Without a latrine, sanitation concerns would not be addressed. Without routine maintenance, litter and garbage would continue to accumulate.

Alternative B: No Action/Close the Site

If no action were taken to develop Damselfly FAS and if site degradation continues, FWP might close the site to motor vehicles to eliminate additional damage to vegetation and soils by vehicle movements. If the site were closed to vehicles, parking would not be permitted on the property or along the highway. FWP would still allow access from the water, so there may be less damage to the vegetation but may still have sanitary issues. Areas closed would then be restored by FWP.

Preferred Alternative C: Proposed Action

In the preferred alternative, FWP would develop Damselfly FAS. FWP proposes to install regulation and informational signs to inform the public. The approach from Highway 84 would be improved and an access road graveled with fencing installed along the entrance to the site. FWP proposes developing approximately 15 single-vehicle parking spaces and 9 truck/trailer spaces, a precast-concrete vault latrine with an ADA accessible concrete parking pad, a single-wide concrete boat launch, and boat launch staging area. The proposed developments would enhance public access and use and prevent further site degradation by fencing areas and other types of barriers to prevent indiscriminate vehicle use and camping. See Figure 5 for draft preliminary concept site plan.

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

All county, state, and federal permits listed in Part I 8(a) above would be obtained by FWP as required. Adherence to the FWP Statewide Integrated Noxious Weed Management Plan and required application records would be submitted to the Montana Department of Agriculture. FWP has discussed coordination of Damselfly FAS with the Bureau of Land Management (BLM) and may potentially coordinate a management agreement for joint administration, management, and maintenance of Damselfly FAS.

FWP employs Best Management Practices which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the proposed project. A private contractor selected through the State's contracting processes would complete the construction. Control measures include timing the earthwork to coincide with the period of lowest flow (August and September) to minimize bed-load transport of redistributed bank materials. Construction during low flow means that any materials mobilized into the stream channel would have minimum energy for transport. While sediment will be mobilized, only the silt, clay, and fine sand-sized particles will move any distance downstream, and it is unlikely these particles will travel more than 200-300 yards before dropping out.

A bald eagle nest is located more than a mile from the Damselfly FAS and is of sufficient distance from the FAS that the eagles in the area should not be disturbed during the proposed development or use of the site. The area is already used by the public, so wildlife in the area are used to people, vehicles, boats, etc. While bald eagles were officially delisted in 2007, the US Fish and Wildlife Service have jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). At the state level, the Montana Bald Eagle Working Group was formed in 1982 and is composed of representatives from federal and state agencies, tribes, universities, conservation groups, and private industry. In 1994, the group developed a "Montana Bald Eagle Management Plan" to provide information and guide landowners and resource managers in conserving eagle habitat. If eagle nesting occurs in the future at the Damselfly FAS, the nests would be protected following the standard protocol established in the management plan.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

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		Positive	1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		YES Positive	1b.
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			YES Positive	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

- 1a. The proposed development would improve site stability and reduce deterioration occurring under the existing use levels and patterns. Soil and geologic substructure would remain stable during and after the proposed work.
- 1b. There is a pioneered boat launch at Damsel Fly FAS. Replacing the pioneered launch with the proposed concrete boat launch would provide safe and convenient access to this stretch of the Madison River while reducing bank erosion. The proposed work would temporarily disrupt the soil during the approach, road, and parking area improvements, but would stabilize naturally over time. The proposed work would reverse the degradation of the site by controlling the erosion and soil compaction that presently occurs from the indiscriminate parking and driving at the site. There would be a short term and minor impact during the development of the site, but the overall benefits would have a greater and long-term impact from improved surfaces thus improving the environmental conditions at the site. The ramp and road improvements are designed to reduce erosion, and any erosion would be minor and temporary. FWP would follow the Best Management Practices (BMP's) during all phases of construction to minimize risks and reduce erosion. See Appendix 5 for the BMP's.
- 1d. The proposed concrete boat launch would have no long-term effects on the river channel or on flows. This design was selected due to the configuration of the river channel and seasonal low flows of the Madison River. The approach and road enhancements should improve existing erosion at the site.

* 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		YES	2a.
b. Creation of objectionable odors?			X		YES	2b.
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				

- 2a. During construction, temporary amounts of dust may be generated during soil excavation and placement in the flood plain. If additional materials are needed off-site, loading at the source site would generate minor amounts of dust. There would be a temporary increase of diesel exhaust from the construction equipment during the construction and road improvements, but this would be short-term and minor. FWP would follow the Best Management Practices (BMP's) during all phases of construction to minimize risks and reduce dust. See Appendix 5 for the BMP's.
- 2b. Without a latrine, health and safety issues would likely continue and become worse as visitors continue to use the site without proper sanitation facilities. A concrete vault latrine is proposed and would be installed and maintained regularly to avoid offensive odors. A county sanitation permit would be obtained prior to installation. Placement of a vault latrine at the Damselfly FAS would decrease public health concerns.

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3. WATER Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		YES	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		YES	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				3c.
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				3e.
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		YES	3h.
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				

3a. The construction of the single wide concrete boat launch would cause temporary and minor amounts of turbidity during construction. Construction is planned during low flow to

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ensure minimal impact of a temporary, localized increase in turbidity in the Madison River. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity and would follow the permit requirements. FWP Best Management Practices would be followed (Appendix 5). Parking lot and road approaches would be sloped appropriately so that runoff is not routed to the river.

- 3b. The construction of a new parking area and concrete boat launch and modification of the access road may alter surface runoff. The proposed work would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. The historic drainage pattern would be preserved as much as possible, and no nearby area would be negatively impacted. Parking lot and road approaches would be sloped appropriately so that runoff is not routed to the river. FWP would follow the permit requirements for the DEQ permit for Stormwater Discharge. Riparian buffers would be protected and enhanced to reduce impacts to water quality from developments at the site. FWP Best Management Practices would be followed (Appendix 5).
- 3c./3e. This area of the Madison River is not mapped within flood plain by FEMA database. The limited improvements proposed with this project would not affect flood risks of neighboring properties. There are no close neighboring residences affected by the proposed development.
- 3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and an increase in sediment delivery to the river. FWP Best Management Practices would be followed during all phases of construction to minimize these risks (Appendix 5). Development of the site would encourage increased use by the public and potential dumping and spillage of contaminants in the parking lot, roads, and launch adjacent to the Madison River. These potential impacts would be mitigated through proper sloping of roads on the site, riparian buffers, and appropriate signage. The noxious weeds are managed within the guidelines of the FWP Statewide Integrated Noxious Weed Management Plan. The use of herbicides would be in compliance with application guidelines and applied by personnel trained in safe handling techniques in accordance with product labels and as provided for under state law. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

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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				
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, curlycup gumweed, mullein, salsify, and dandelions. Because the public already uses the property, proposed development should not significantly impact the plant community. With the additional use the site would likely receive as a Fishing Access Site, there would be additional impacts to the plant community, but they would be minor. 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. FWP complies with 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.

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** 5. FISH/WILDLIFE	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
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 development will have no bearing on the game and nongame 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 seven species occurrence reports for four species of concern for the vicinity around Damselfly FAS along the Madison River near the mouth of Cherry Creek. The property is potential habitat for bald eagle and gray wolf. Both Westslope Cutthroat Trout and Western Pearlshell were identified in the MNHP listing but were only found in Cherry Creek and not in the Madison River. Neither the FWP wildlife biologist nor the native species biologist for the area have any concerns with the proposed development 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, Sensitive by BLM, is in the Tier 1 of the FWP Comprehensive Fish and

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Wildlife Conservation Strategy (CFWCS), and S3/G5 by MNHP. According to the FWP wildlife biologists, there was an eagle nest in the area but it appears the nest blew down during a storm. This pair may try to re-nest in the vicinity, possibly along the main river corridor or close to its current location in the creek. Their choice of nest site will be heavily dependent upon the availability of suitable nest trees in the area. Bald eagles are seen around the area, but no bald eagle nests have been sighted on the property and known eagle nests are over a mile away. Bald eagles from this territory use the river and the creek for foraging.

Gray wolves are listed as Endangered by USFWS, Sensitive by USFS, and Sensitive by BLM, in Tier 1 of the FWP Comprehensive Fish and Wildlife Conservation Strategy (CFWCS), and S4/G4 by MNHP. The ranking by MNHP indicates the species is uncommon but not rare and usually widespread both in Montana and globally. Even though wolves met the recovery criteria set by the USFWS and were considered biologically recovered in 2002, the gray wolf was officially delisted from the federal Endangered Species Act as of May 4, 2009. With the August 5, 2010, federal court decision that reinstated Endangered Species Act protection for wolves in the Northern Rocky Mountains, federal law now guides Montana's management of the state's wolf population. Wolves are now federally listed, but day-to-day management is conducted by the state.

FWP Wolf Management Specialist Mike Ross indicated there is a wolf pack in this area called the Bear Trap pack and have approximately 18 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. Two of these wolves have radio collars, and there is a map showing their territory on the FWP website under 2009 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 western pearlshell mussel has no listing by the USFWS or by BLM but is listed as Sensitive by USFS and is identified in Tier 1 of the FWP Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) and S2/G4G5 by MNHP. The ranking by MNHP indicates the species is at risk because of very limited and declining numbers, extent and/or habitat, making it vulnerable to extirpation in the state but globally is considered uncommon but not rare and usually widespread. The western pearlshell has only been found in Cherry Creek, and no live mussels have been found in the Madison River.

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.

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*** 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.

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 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, the northern leopard frog, and trumpeter swans.

FWP may inventory the area for wildlife species as well as vegetation and identify location of rare plants and other habitats to see if exotics and/or other sensitive wildlife species not known at this time are present.

- 5g. The land is currently used by the public for wildlife viewing and waterfowl hunting, and the water is used by anglers, boaters, and floaters. The proposed development 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. See Figure 6 below.

Figure 6: Damselfly Access Road to the Madison River and Pioneered Boat Ramp:



* 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		YES	6a.
b. Exposure of people to severe or nuisance noise levels?			X		YES	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				

6a/6b. Construction equipment would cause a temporary increase in noise levels at the site. Proximity to the highway with much higher sustained noise levels may help mask any increase in noise level at the construction site. 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 and the access road to the boat ramp. Since previously used by the public, noise levels are not considered to significantly increase noise levels.

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. Anglers and waterfowl hunters currently use the land and river. The property has been used some by the general public for 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 and bird species.

* 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				

8a. Since the parcel was just acquired in December 2010, FWP plans to implement noxious weed management strategies after the snow melt during the spring of 2011. Physical disturbance of the soil during construction would encourage the establishment of additional noxious weeds to the site. In conjunction with Madison County Weed District, FWP would continue implementing an integrated approach to control noxious weeds as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied 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		YES Positive	9c.
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			YES	9e.

9c. The site is already used by the public. However, the proposed development is likely to improve tourism in the area by increasing the number of visitors which will benefit local retail and service businesses (Appendix 3 - Tourism Report). The proposed development is designed to protect the property while providing continued recreation access. 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.

9e. The public access at Damsely FAS may increase vehicle trips per day, slightly increasing traffic hazards along Highway 84. However, the site is already used by the public so there is not expected to be a significant increase. Highway signs and other directional and informational signs would be posted to direct additional traffic safely in and out of the FAS. Visibility is good, and there are no line-of-sight concerns.

* 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		X				10e.
f. **Define projected maintenance costs						10f.

10b. The proposed action would have no impact on property taxes.

10e. Damselfly FAS would be operated for day-use only. No camping facilities are provided so there would be no revenue from camping fees. FWP commercial use rules for activities at fishing access sites would be enforced at this site and could change the level of outfitter use at the site. Outfitters that use other FWP FAS's for boating and floating would already have paid the commercial use fee, so any new revenue generated is negligible.

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.

** 11. AESTHETICS/RECREATION	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		YES	11a.
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		YES 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				

11a. Damsel self FAS would be operated for day-use only with no camping allowed, and development would include a new highway approach and access road to a gravel-parking area, concrete boat launch, concrete vault latrine, boundary fencing, and signs. The boat launch and parking area and latrine would be visible from the river, and the entrance road would be visible from the highway.

11c. The public access to the area will continue if the proposed development 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 4 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 this is not enforced. Closure of the camping sites may increase interest and revenue in nearby BLM camping areas. FWP commercial use rules for activities at fishing access sites 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.

* 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.

12. CULTURAL/HISTORICAL RESOURCES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
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				

A clearance from the State Historic Preservation Office (SHPO) has been obtained. If cultural materials are discovered during the project, work would cease and SHPO will be contacted for a more in depth investigation. See Appendix 3 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				

During construction of the proposed improvements, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The proposed action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the proposed development poses positive effects towards the public's access of the Madison River. The proposed action will have no negative cumulative effects on the physical and human environments. When considered over the long-term, the improvements pose significant positive effects towards the public's continued access of a scenic recreation area. The positive effects associated with the proposed action 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

During construction of the proposed improvements, there may be minor and temporary impacts to the physical environment. The impacts would be short term, and the improvements would benefit the community and recreational opportunities over the long term. The proposed development would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long term, the proposed development poses positive effects towards the public's access of the scenic recreation area of the Madison River near the mouth of Cherry Creek. 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 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 proposed development include improved site protection of resources by not allowing indiscriminate vehicle use or camping, regular maintenance, and enforcement.

The proposed development would have no negative impact on the local wildlife species that frequent the property and would not increase negative conditions that stress wildlife populations. The property is not considered critical habitat for any species. Even though the area is within the habitat of bald eagles, the proposed development is unlikely to have any impact on this species since there is already so much activity and disturbance in the area from the historical public use of the site and Highway 84. While it is possible for wolves to travel through the project area, none have been sighted in the area so it is unlikely that the proposed development would impact gray wolves.

The environmental analysis focuses solely on the preferred alternative to develop this parcel, and the public will have the opportunity to comment on the proposed improvements.

The proposed development of Damsfly FAS 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. The proposed development would allow FWP to provide public access for fishing, waterfowl hunting, boating, floating, and wildlife viewing to the Madison River, and provide safe and developed access to a stretch of river that has been a high priority for FWP.

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. 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 5 pm April 30, 2011. Comments should be sent to Region 3 River Recreation Manager Chris McGrath:

Mailed to: Chris McGrath
Damsely FAS Proposed Development
Montana Fish, Wildlife & Parks
1400 South 19th
Bozeman MT 59718

Emailed to: cmcgrath@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

Chris McGrath
R3 River Recreation Manager
1400 South 19th Ave
Bozeman MT 59718
406-994-6359
cmcgrath@mt.gov

Jerry Walker
Regional Parks Manager
1400 South 19th Ave
Bozeman MT 59718
(406) 994-3552
gwalker@mt.gov

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

Montana Department of Commerce – Tourism

Montana Fish, Wildlife & Parks

Director's Office

Lands Unit

Legal Unit

Fish & Wildlife Division

Fisheries Bureau

Wildlife Bureau

Parks Division

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

MT State Historic Preservation Office

Appendices

- 1 HB 495 Project Qualification Checklist
- 2 Montana Natural Heritage Program (MNHP) Native Species Report
- 3 State Historic Preservation Office Clearance
- 4 Tourism Report – Department of Commerce
- 5 FWP Best Management Practices (BMP's)

APPENDIX 1
HB495 PROJECT QUALIFICATION CHECKLIST

Date January 31, 2011

Person Reviewing Pam Boggs

Project Location: Damselfly FAS Parcel T2S, R1E, section 36 in Madison County

Description of Proposed Work: FWP proposes to improve the approach from Highway 84 and gravel an existing access road, adding fencing along the entrance to the site. FWP proposes to develop 15 single-vehicle parking spaces and 9 truck/trailer spaces, a precast-concrete vault latrine with an ADA accessible concrete parking pad, a single-wide concrete boat launch and boat launch staging area.

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: Improvements to the highway approach and existing entrance road.
- 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: Excavation for the vault latrine, parking area and staging area may exceed 20 c.y.
- D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: Parking has been haphazard and will formalize approximately 20 parking spaces.
- E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: A single wide concrete boat ramp will be installed where the pioneered ramp is.
- F. Any new construction into lakes, reservoirs, or streams?**
Comments: A new concrete boat ramp will be installed where the pioneered ramp is.
- G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: SPHO has been consulted and no work will begin prior to approval.
- 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

Sensitive Plants and Animals in the area of Madison River near 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, Western Pearlshell and Yellowstone Cutthroat Trout. 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.

Status Ranks

Code	Definition
G1 S1	At high risk because of extremely limited &/or rapidly declining numbers, range, &/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	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.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	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.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need: **Tier I.**

Greatest conservation need. MFWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas. **Tier II. Moderate conservation need.** MFWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas. **Tier III. Lower conservation need.** Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place. **Tier IV. Non-native, peripheral.** These are Incidental species or on the periphery of their range and are either expanding or very common in adjacent states.

Appendix 2 (continued)

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: **Sensitive**

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: **S4**

Global: **G4**

Federal Agency Status:

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

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

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 18 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. Two of the wolves are collared and monitored.

3. *Margaritifera falcata* (Western Pearlshell)

Natural Heritage Ranks:

State: **S2**

Global: **G4G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management:

FWP CFWCS Tier: 1

One Element Occurrence of this mussel near the mouth of Cherry Creek in 2008, but no live mussels found in the Madison River.

4. *Oncorhynchus clarkii bouvieri* (Yellowstone Cutthroat Trout)

Natural Heritage Ranks:

State: **S2**

Global: **G4T2**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

One Element Occurrence of this the Yellowstone Cutthroat Trout in the mouth of Cherry Creek, but none found in the Madison River.

Information courtesy of Montana Natural Heritage Program.

Appendix 3

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>>. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: FWP/PARKS/2009

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: DAMSELFLY FAS DEVELOPMENT

Project Description: Montana Fish, Wildlife & Parks (FWP) purchased 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 at the mouth of Cherry Creek in 2010. Damselfly FAS is approximately 26 miles west of Bozeman and 9 miles east of Norris along Highway 84. The Bureau of Land Management has agreed to enter into a management agreement for joint administration, management and maintenance of the site. FWP manages 15 sites on the Madison River and will add Damselfly in the routine maintenance of these sites. FWP proposes to install regulation and informational signs to inform the public. The approach from Highway 84 would be improved and an access road graveled with fencing along the entrance to the site. FWP proposes developing 11 single-vehicle parking spaces and 9 truck/trailer spaces, a precast-concrete vault latrine with an ADA accessible concrete parking pad, a single-wide concrete boat launch and boat launch staging area as well as an administrative gate. The site is already 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. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

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 quality and quantity of tourism and recreational opportunities. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Carol Crockett, Visitor Services Manager Date: January 25, 2011

APPENDIX 5
MONTANA FISH, WILDLIFE AND PARKS
BEST MANAGEMENT PRACTICES FOR FISHING ACCESS SITES
10-02-02
Updated May 1, 2008

I. **ROADS**

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
 - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
 - a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. Road Design

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. Drainage from Road Surface

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
 - a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
 - b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.

- c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.
 - 2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
 - 3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
 - 4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.
- D. Construction/Reconstruction
- 1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
 - 2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these “slash filter windrows” so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
 - 3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
 - 4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
 - 5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
 - 6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.
- E. Road Maintenance
- 1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
 - 2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.

3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.
4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload without difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.

2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.
3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected stream bank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.