8/00

Montana Fish, Wildlife and Parks
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ENVIRONMENTAL ASSESSMENT CHECKLIST

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Northern pike and yellow perch stocking in Homestead Reservoir.
Application Date: 1/9/12
Name, Address and Phone Number: Caleb Bollman
P.O. Box 1630
Miles City, MT 59301

Project Location: Homestead reservoir is located on an unnamed tributary of Cedar Creek a tributary of Cherry Creek and drains to the Yellowstone River. The Reservoir and surrounding property is owned by the Bureau of Land Management and is located 0.3 miles west of highway 253 north of Terry, MT.

Description of Project:

Complete a wild fish transfer of up to 1500 yellow perch, 4-10 inches long from Johnson reservoir in Dawson County. Complete a wild fish transfer of up to 100 northern pike, 7-30 inches long from South Sandstone reservoir in Fallon County, or stock 100,000 fry and 1500 fingerling northern pike into Homestead reservoir from the Miles City fish hatchery when available.

Northern pike propagated by the Miles City fish hatchery are the product of wild parents opportunistically captured during the walleye spawning efforts on Ft. Peck reservoir.

Other groups or agencies contacted or which may have overlapping jurisdiction:

BLM – Miles City Field Office – Jake Chaffin, Fisheries Biologist

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X			X
3. Introduction of new species into an area			X			X
4. Vegetation cover, quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Northern pike and yellow perch will impact the food web and aquatic ecosystem in Homestead reservoir. There is a possibility that fish may run upstream or flush out of the reservoir system during significant water events like the spring of 2011. Minimal levels of escape upstream or downstream out of the reservoir system are unlikely to have a measurable or negative effect on the fish assemblages or aquatic ecosystems of Cedar Creek or the Yellowstone River. Northern pike exist in the main stem of the Yellowstone River, and yellow perch have not established in either the Yellowstone River or prairie stream habitats in spite of being stocked in numerous reservoirs throughout the region.

It is the goal of the proposed stocking effort to introduce two new species to Homestead reservoir, yellow perch and northern pike. The introduction of northern pike and yellow perch to Cedar Creek and the Yellowstone River is not considered a potential impact to the proposed stocking.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat		X				X
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities		X				X
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

Homestead reservoir has been stocked with largemouth or smallmouth bass since 1966. This bass fishery provided a seasonal fishing opportunity from spring to fall in most years. Drought and winterkill eliminated the existing public benefit provided by this wildlife population. The reservoir is again full and ready to be stocked for public fishing benefit. The proposed conversion of Homestead reservoir to a northern pike and yellow perch fishery will provide year round fishing opportunity as both species can be caught through the ice and in open water. The proposed management action has the potential to create more public benefit as a quality recreational fishery than the previous management action. Homestead reservoir is located 0.3 miles off highway 253 and could provide an ice fishing opportunity during years with significant snow accumulations that limit access to more remote public fishing opportunities.

Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?

No significant risks are currently known.

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

Risks as described in this question are not anticipated.

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

No action – Do not restock Homestead reservoir with any fish and provide no public fishing opportunity

Restock bass, and transfer perch – This option would restore the bass fishery, but add a yellow perch component that would provide a year round fishing opportunity

Restock bass only – Restore bass fishery, provide seasonal fishing opportunity but provide no ice fishing opportunity by restocking with largemouth or smallmouth bass

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

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC, 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A.

Individuals or groups contributing to, or commenting on, this EA:
Bureau of Land Management
Miles City, MT

EA prepared by and comment to:

Caleb Bollman
Fisheries Biologist – Region 7
P.O. Box 1630
Miles City, MT 59301

Date Completed:
January 23, 2012

Comment by:
February 10, 2012

APPENDIX A

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO		
_____	x	1.	Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
_____	x_____	2.	Does the action result in either a permanent or indefinite physical occupation of private property?
_____	x_____	3.	Does the action deprive the owner of all economically viable uses of the property?
_____	x_____	4.	Does the action deny a fundamental attribute of ownership?
_____	x_____	5.	Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is **NO**, skip questions 5a and 5b and continue with question 6.]
_____	_____	5a.	Is there a reasonable, specific connection between the government requirement and legitimate state interests?
_____	_____	5b.	Is the government requirement roughly proportional to the impact

of the proposed use of the property?

_____	x_____	6. Does the action have a severe impact on the value of the property?
_____	x_____	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
_____	x _____	7a. Is the impact of government action direct, peculiar, and significant?
_____	x _____	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
_____	x _____	7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.