



Montana Fish, Wildlife & Parks

Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804
Phone 406-542-5500

January 8, 2015

Dear Interested Citizen:

Enclosed you will find for your review the Draft Environmental Assessment (EA) for a Montana Fish, Wildlife & Parks (FWP) proposal to acquire a public hunting access-right component of a conservation easement (CE) to be held by the Bitter Root Land Trust (BRLT) on the Lazy J Cross Ranch (Ranch), east of Sula in Ravalli County. The purpose of the proposed project is to protect in perpetuity public hunting access on the Ranch and through the Ranch property to adjacent Forest Service and Montana Department of Natural Resources and Conservation School Trust public lands, which encompass over 40,000 acres.

These EA documents may be viewed on FWP's Internet website <http://fwp.mt.gov> ("Submit Public Comments," beginning January 8). The EA also may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; or by emailing shrose@mt.gov. Comments may be made online (submit public comments, above) or directed to Sharon Rose by mail or email at the contacts above. Comments must be received by FWP no later than 5:00 p.m. on February 6, 2015.

FWP will hold a public hearing to discuss the proposal, answer questions and take public comment. The hearing will be held in Sula on Tuesday, January 20, 2015 at 7:00 p.m. at the Sula Club House (on US Highway 93 at Sula, turn north onto the East Fork Road and drive about 1.4 miles to the building, right-hand side of road).

As part of the decision making process under the Montana Environmental Policy Act (MEPA), I expect to issue the Decision Notice for this EA soon after the end of the comment period. The Montana Fish and Wildlife Commission has the final decision-making authority for FWP acquisition of interests in land, and the Commission will be asked to render its decision on this proposal at its March 12th meeting in Helena. Approval will also be necessary from the Montana Board of Land Commissioners (at their March meeting).

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Arnold", is written over a faint, larger version of the same signature.

Randy Arnold
Regional Supervisor

RA/sr

Draft
Environmental Assessment

Lazy J Cross Ranch
Public Hunting Access

January 2015



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

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action

Montana Fish, Wildlife and Parks (FWP) proposes to accept assignment (delegation) of the “public hunting access right” component of a conservation easement (CE) to be held by the Bitter Root Land Trust (BRLT) on the Lazy J Cross Ranch (the Ranch) in Ravalli County. BRLT would purchase a CE on the Ranch to protect the water resources, wildlife habitat, working agricultural ground, and public recreation opportunities currently present on the historic 1,080-acre Ranch. BRLT would then assign to FWP, the rights portion of the CE that provides for public hunting access. FWP would pay \$105,000 from its Access Public Lands (Access Montana) Program as partial funding towards the CE’s purchase price (which also depends on additional funding from other sources).

The Ranch possesses a diverse mix of habitat, including riparian areas, forested acres, south-facing ungulate winter range, and irrigated meadows and pastures, all of which support elk, mule deer, and Rocky Mountain bighorn sheep.

2. Agency authority for the proposed action

FWP has the authority under state law (§ 87-1-201, Montana Code Annotated (MCA)) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1-209, MCA).

3. Name, address and phone number of project sponsor, if other than the agency None

4. Anticipated Schedule

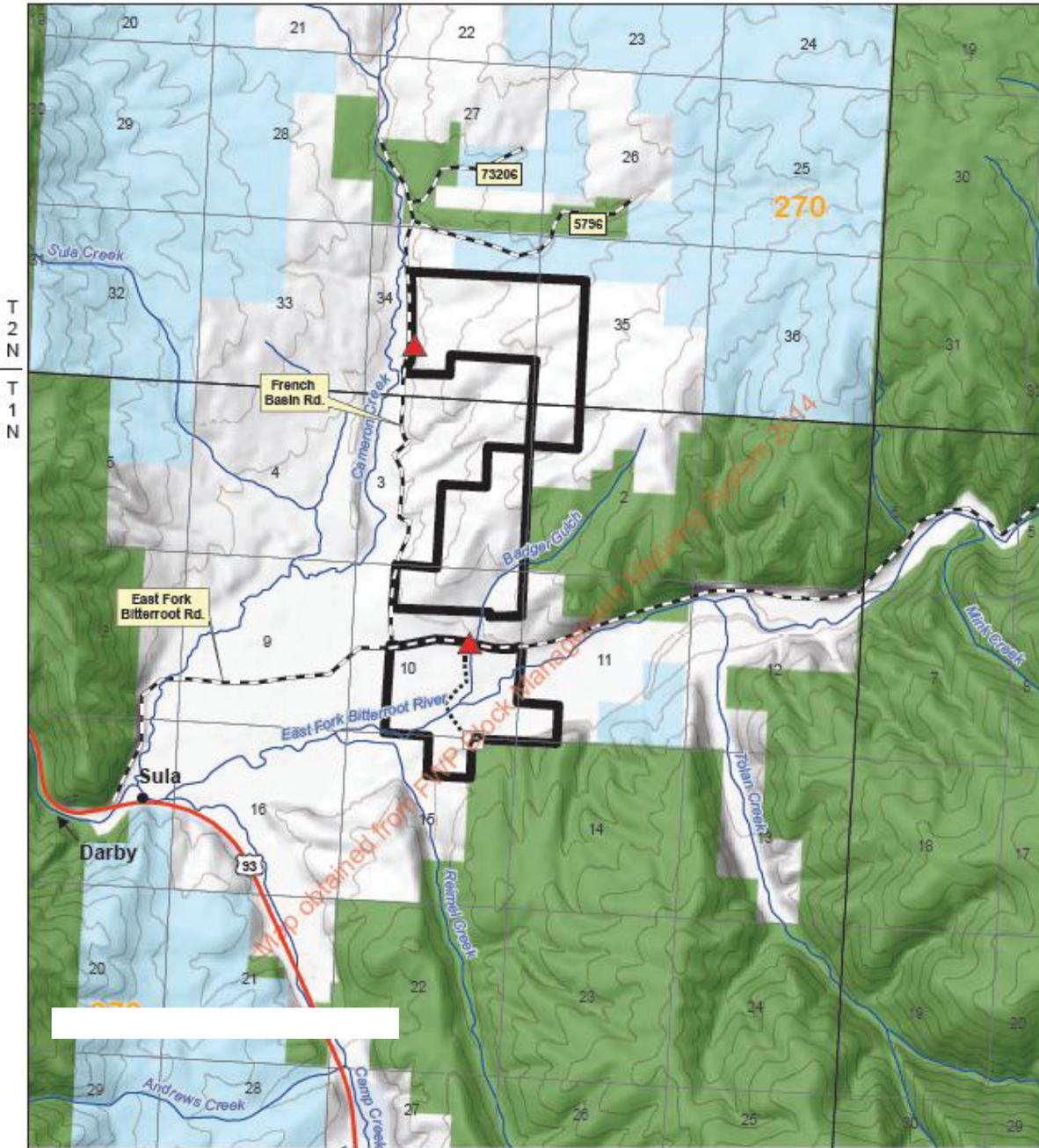
Public Comment Period: January 8-February 6, 2015
Decision Notice Published: February 18
Reviewed by FWP Fish and Wildlife Commission: March 12
Reviewed by Montana Board of Land Commissioners: March

5. Locations affected by proposed action

The Lazy J Cross Ranch is located within FWP Administrative Region 2 and is approximately 2 miles northeast of Sula in Ravalli County, Montana (Figures 1 and 2).

The property’s legal description is:

T1N R19W portions of sections 2, 3, 10, 11, and 15; and
T2N R19W portions of sections 34 and 35.



Lazy J Cross Ranch BMA #2
BMA Rules -- See Reverse Page

Disclaimer - This map is not intended to depict property ownership outside of the Block Management Area. Contact the appropriate land management agency for information on public land ownership and travel guidelines.

- Block Management Area Boundary
- US Forest Service
- State School Trust (DNRC)
- Private
- Sign-in box
- Parking Area
- State Highway
- County or Other Public Road
- Designated BMA Travel Route



Figure 1. Location map for the Lazy J Cross Ranch (outlined in black) and surrounding private (white) and public (green = Bitterroot National Forest, blue = DNRC school trust) lands.

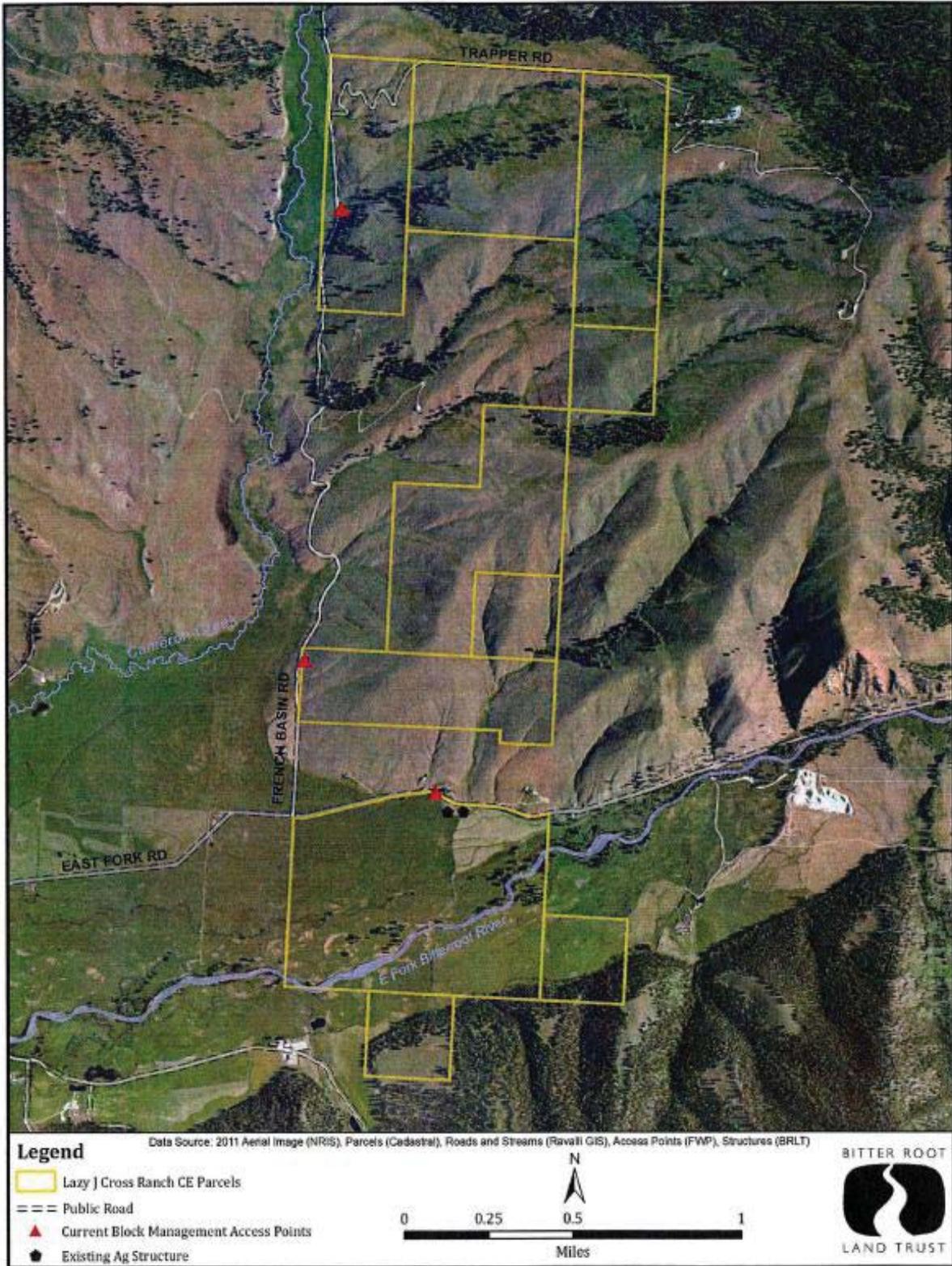


Figure 2. Aerial photo/map of the Lazy J Cross Ranch (yellow outlines are the 10 parcels that make up the Ranch for the conservation easement).

6. Estimated project size

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>330</u>
(b) Open Space/ Woodlands/Recreation	<u>750</u>	Dry cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Forestry	<u>0</u>
		Rangeland	<u>0</u>
		Other	<u>0</u>

7. Permits, Funding and Overlapping Jurisdiction

(a) **Permits:** none required

(b) **Funding:**
FWP Access Public Lands (Access Montana) Program \$105,000

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

<u>Agency Name:</u>	<u>Type of Responsibility</u>
FWP Fish & Wildlife Commission	purchase approval
Montana State Land Board	purchase approval

8. Narrative summary of the proposed action

The purpose of the proposed project is to protect in perpetuity, public hunting access on the Ranch and through the Ranch property to adjacent Forest Service and Montana Department of Natural Resources and Conservation (DNRC) School Trust public lands, which encompass over 40,000 acres.

The proposed assignment of public hunting access rights (hereafter, public hunting access) to FWP by BRLT would provide a management arrangement whereby BRLT would hold the Conservation Easement on the Ranch, and would monitor and enforce the public’s right to use the property, while FWP would manage the specific access parameters (e.g., parking areas, game retrieval methods, etc.).

FWP’s Access Public Lands program¹ would provide \$105,000 towards the purchase price of the CE. The total purchase price of the CE is a collaborative effort among several agencies, and completion of the CE project is dependent on all the partners providing their portions of the funding. Additional funding for the CE would come from the US Department of Agriculture through the Natural Resources Conservation Service and pursuant to the Federal Farm and Ranch Lands Protection Program (\$400,000), and from the Ravalli County Open Lands Bond (\$350,000). Lazy J Cross Ranch is also generously agreeing to voluntarily gift part of the value of the CE.

¹ Also known as Access Montana, the Access Public Lands program was created to improve access to state and federal lands and to help reduce the conflicts that arise when sportsmen utilize public lands.

In recent decades, most of the private land in the Sula basin transferred from long-standing ranch families to owners without prior ties to the local community, thus impacting historic land uses and public access for hunting both on private and adjacent public lands. BRLT's purchase of the CE on the Ranch represents an opportunity to secure perpetual public hunting access to thousands of acres and to protect wildlife habitat, water resources, and working agricultural ground.

The Ranch is comprised of ten distinct parcels divided into two units; one unit is north, and one unit is south, of the East Fork Road. Both the northern and southern units of the Ranch provide access to public land.

- The northern (upper) 750-acre unit is predominantly south-facing slopes covered in a mix of grasses, shrubs, aspen and pockets of pine forest. The upper unit offers access to both DNRC and Bitterroot National Forest (BNF) lands. Access to this portion of the ranch is available off French Basin Road.
- The southern (lower) 330-acre unit of the ranch is primarily comprised of irrigated pasture and hay ground adjacent to the East Fork of the Bitterroot River. A small area of steep timber exists where the south end of the Ranch meets the BNF. Access to the lower unit of the ranch is off East Fork Road.

There would be one or more designated "no hunting, no shooting zones" (safety zones) around structures being utilized for human habitation, and there would be temporary "no hunting, no shooting zones" around pastures in the southern 335-unit area when cattle are currently confined.

The Ranch has participated in FWP's Block Management Program for two decades. Current Block Management Area (BMA) rules for the property include: 1) required daily hunter registration at one of the sign-in boxes; 2) motorized vehicle travel only permitted on designated travel routes or County roads; 3) hunting by walk-in only; and 4) camping and commercial outfitting is prohibited.

On average, the property supports 200 hunter days annually. Based on that average, the terms of public hunting access identified by BRLT include that the Ranch must provide the opportunity for hunting access equal to or exceeding 250 hunter-days annually during Fall hunting seasons.

The Ranch property provides year-round habitat for game species such as elk, mule deer, white-tailed deer, bighorn sheep, limited moose, black bear, mountain lion, wolf, and upland game birds such as wild turkey, blue spruce grouse and Hungarian partridge. The south-facing slopes provide winter range for elk, bighorn sheep, mule deer, and white-tailed deer.

The Ranch is within: Hunting district (HD) 270 for elk, deer, bighorn sheep, moose, and mountain lion; black bear management unit (BMU) 216; and wolf management unit (WMU) 250. In 2013, 371 elk were harvested from HD 270.

Currently, the property is managed as a working agricultural operation, with cattle grazing and recreation the primary activities on the property.

9. Description and analysis of reasonable alternatives

Alternative A: No Action

Under the No Action Alternative, FWP would not accept assignment of the rights for public hunting access on the Lazy J Cross Ranch property from Bitter Root Land Trust's Conservation Easement, and FWP would not provide \$105,000 partial funding towards the CE's acquisition.

The negotiated total purchase price of the Conservation Easement would not be met if FWP decided not to provide the partial funding. This would be expected to result in a failed CE project (i.e., the CE would not be purchased and finalized, due to lack to funding), in which case the opportunity to secure perpetual public access could be lost.

Alternative B: Acquisition of the Public Hunting Access Rights of the Lazy J Cross Ranch Conservation Easement

FWP would accept assignment of the rights of public hunting access on the Lazy J Cross Ranch from the BRLT (under its Conservation Easement on the Ranch). FWP would provide \$105,000 from its Public Land Access (Montana Access) program as partial funding towards the BRLT's purchase of the CE on the Ranch. (See Appendix A for a draft description of the scope of the public hunting access right and agency responsibility.)

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

BRLT would oversee and enforce the terms of the Lazy J Cross CE with the exception of the assigned right of public hunting access, which would be the responsibility of FWP. BRLT would retain a right of revocation of this right to FWP.

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					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				

FWP’s proposed acquisition of the public hunting access right from the conservation easement held by BRLT would have no impact on land resources.

2. <u>AIR</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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 regulations? (Also see 2a.)		X				

The ambient air quality would not change if FWP acquired the public hunting access right, because motorized access would continue to be limited to only the established roads, with walk-in access on the ranch for hunting.

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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.)		X				
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.)		X				

FWP's proposal to acquire assignment of the public hunting access rights for the Ranch would have no affect on existing quality, quantity or flooding of natural surface waters or groundwater. The designated access points to the ranch used by hunters would remain the same and are not near any bodies of water.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				

The proposed acquisition of the public hunting access right would have no impact on existing vegetation diversity or density.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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.)		X				
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.)		X				

5f/g. Of the species identified by the US Fish & Wildlife Service (March 2014) under the Endangered Species Act, the wolverine (candidate species) is the only terrestrial species in the Townships and Range of the ranch property. The acquisition of the public hunting access right by FWP is not expected to impact wolverines that may be on or travel through the ranch property.

5g. The proposed public hunting access is not expected to increase conditions that stress wildlife populations, since seasonal hunting is currently allowed by the Ranch.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve 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 acquisition would not increase noise above levels currently experienced in the area. Access to the Lazy J Cross Ranch would remain walk-in for hunting activities and motorized access on county roads to designated access points.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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 acquisition of the public hunting access rights by FWP from BRLT would not change current land uses. The property would continue to be accessible by the public for hunting in perpetuity and current land uses by the landowner would continue.

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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				
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)		X				

The proposed right acquisition would not change or increase human health hazards. Public hunting has occurred on the Ranch and on adjacent public lands for many years.

9. <u>COMMUNITY IMPACT</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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 acquisition of the public hunting access right would have no effect on local communities, increase traffic hazards, or alter the distribution of population in the area.

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

The proposed right acquisition would have no impact on public services or utilities.

11. <u>AESTHETICS/RECREATION</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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?			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.)		X				

11c. The proposed acquisition of the public hunting access right may slightly increase the use of the Ranch and adjacent public lands by hunters, as changing ownerships of area private lands has decreased the number of private acres available to hunters over recent years. The permanent protection of hunting access on the Ranch and through the Ranch to adjacent public lands may become a focal point of hunting activity for the area in the future.

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

FWP anticipates there would be no impact to cultural or historic resources if the acquisition were approved and hunting access is maintained to the property and adjacent public lands. FWP's jurisdiction does not include groundbreaking or ground-disturbing activities.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				13a
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.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

No public controversy is expected to be generated by the proposed acquisition.

No secondary or cumulative impacts are anticipated if FWP acquired the public hunting access rights for the Ranch from BRLT.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed acquisition would allow FWP to protect in perpetuity public access to the ranch property and through the ranch to adjacent public lands for hunting activities.

PART IV. PUBLIC PARTICIPATION

1. Public involvement

The public will be notified in the following manners about the opportunity to comment on this current EA, the proposed action and alternative:

- Legal notices will be published in each of these newspapers: *Bitterroot Star* (Stevensville), *Independent Record* (Helena), *Missoulian*, and *Ravalli Republic* (Hamilton)
- Public notice will be posted on FWP's webpage: <http://fwp.mt.gov> ("News," then "Public Notices"). The Draft EA will also be available on this webpage, along with the opportunity to submit comments online.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues; this news release will also be posted on FWP's website <http://fwp.mt.gov> ("News," then "News Releases").
- Direct mailing or email notification will be made to adjacent landowners and other interested parties (individuals, groups, agencies) to ensure their knowledge of the proposed project.
- A public hearing to explain the project, answer questions and take public comment will be held in Sula on Tuesday, January 20, 2015 at 7:00 p.m. at the Sula Club House (on US Highway 93 at Sula, turn north onto the East Fork Road and drive about 1.4 miles to the building, right-hand side of road).

Copies of this draft EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing shrose@mt.gov; or by viewing FWP's Internet website <http://fwp.mt.gov> ("Public Notices," beginning January 8, 2015).

This level of public notice and participation is appropriate for a project of this scope with no significant physical or human impacts and only minor impacts that can be mitigated.

2. Duration of comment period

The public comment period will extend for thirty (30) days following the publication of the legal notice in the *Missoulian*. Comments must be received by FWP no later than 5:00 p.m. on February 6, 2015.

Comments may be made online on the EA's webpage, mailed to the FWP address below, or emailed to Sharon Rose at shrose@mt.gov :

Region 2 FWP
Attn: Sharon
3201 Spurgin Rd.
Missoula, MT 59804

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 for
this proposed action.**

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, no significant impacts from the proposed acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

- 2. Persons responsible for preparing the EA**
Rebecca Cooper, FWP MEPA Coordinator, Helena, MT
Mike Thompson, FWP Regional Wildlife Manager, Missoula, MT
- 3. List of agencies or offices consulted during preparation of the EA**
Bitter Root Land Trust, Hamilton, MT
Montana Fish, Wildlife & Parks:
Lands, Helena, MT
Wildlife, Missoula, MT
Montana Natural Heritage Program, Helena, MT

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Appendix A
Public Hunting Access Rights--Draft Terms

In addition to the rights conveyed in Section 1, Grantor conveys to BRLT the right to provide access for public hunting on the Protected Property and public access for hunters through the Protected Property to adjacent public and private lands (hereinafter called "Public Hunting Access"), subject to the following limits and provisions:

2.1 Scope of Public Hunting Access. This right of Public Hunting Access is limited to walk-in and horse access by the public to hunt elk, deer, upland game birds, black bear and big horn sheep on the Protected Property during the open Fall hunting seasons adopted by the State of Montana, and to cross the Protected Property to gain access to public lands adjacent to the Protected Property and to any adjacent private land that is open to public hunting, for the purpose of hunting. Grantor must annually provide the opportunity for hunting access equal to or exceeding Two Hundred and Fifty (250) hunter-days. For the purposes of this Easement, one "hunter-day" means a single licensed hunter hunting on the Protected Property or accessing other open land through the Protected Property, for any portion of one day. For the purposes of this Easement, the opportunity for hunting access shall mean the Grantor shall make the Protected Property available to hunting for at least the required number of hunter days. Grantor and Grantor's family members, shareholders, partners, employees, and their family members, and invited guests of Grantor do not count towards satisfying the minimum number of hunter-days that must be provided on the Protected Property. Public access for hunting must be managed on a non-preferential and nondiscriminatory basis; provided, however that Grantor may deny access to persons who are not conducting themselves or in the past have not conducted themselves in a prudent, responsible and safe manner or have trespassed or violated hunting laws. Grantor may require the public to obtain written permission to hunt. Public Hunting Access must be provided free of charge, but Grantor may accept reimbursement from a governmental program intended to compensate landowners in order to offset the reasonable cost of hunter impacts on their land.

2.2 Public Access Management Plan. The right of Public Hunting Access set forth in this Section 2 may be administered and further defined pursuant to a Public Access Management Plan (the "Access Plan") developed and approved in writing by the Grantor, and BRLT, or their duly designated representatives. The Access Plan may be revised, amended and replaced, from time to time by mutual agreement of the Grantor, and BRLT, and their permitted successors and assigns, to promote management of wildlife resources in a manner consistent with State wildlife agency goals and to maintain quality hunting experiences for the public. BRLT shall designate "no hunting and no shooting" zones, also called "safety zones" around any structures being utilized for human habitation and temporary no hunting and shooting zones around pastures in the southern 335 acre parcel in which livestock are currently confined. If Grantor, and BRLT fail to reach agreement on changes to the Access Plan, the existing Access Plan will remain in effect and binding on BRLT, and its successors and assigns, and on Grantor and Grantor's successors and assigns.

2.3 Delegation of Management of Hunting Access. Subject to the provisions of Paragraph 2.5, Grantor agrees that BRLT may delegate its rights and obligations under any Access Plan to the Montana Department of Fish, Wildlife and Parks (MTFWP) at closing, with a right of revocation reserved to BRLT, in recognition of MTFWP's experience and expertise in managing public hunting access. If MTFWP refuses such delegation, BRLT may delegate its right to manage the Access Plan to another public agency or qualified nonprofit organization. In the event of such delegation, BRLT will consult with Grantor about potential delegates other than MTFWP, but BRLT retains the sole authority to choose any such delegate in order to assure that the public hunting benefits provided by this Easement are fully realized. In the event of such delegation, BRLT (or its successor or assign) agrees to continue to be

available to participate in decisions regarding hunting access as it relates to other provisions of this Easement.

2.4 Suspension of Public Hunting Access. In its reasonable discretion, BRLT and MTFWP may mutually agree to suspend public access to the Protected Property to protect and preserve wildlife species and critical habitat or for reasons of public safety and general welfare. Grantor shall not be responsible for the decrease in opportunity for hunting that results from such a suspension.

2.5 Assignment of Public Hunting Access Rights. BRLT may assign the right of Public Hunting Access including its rights and obligations under any Access Plan, as set forth in this Easement and specifically as set forth in this Section 2, to MTFWP or to another qualified organization determined by BRLT to have the commitment and resources necessary to hold and manage hunting rights in perpetuity for the benefit of the public. In the event of assignment, the assignee accedes to all of the rights and responsibilities provided to BRLT in this Section 2, provided, however, BRLT shall continue to be available to participate in decisions regarding the Access Management Plan. . BRLT may assign the Public Hunting Access right pursuant to this Subparagraph 2.5 without the prior approval of the United States and Ravalli County.

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