Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

February 9, 2015

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

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

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Jack Jones, 3014 Irene St., Butte, MT 59701
Jack Atcheson, 2309 Hancock Avenue, Butte MT 59701
Beaverhead Conservation District, 420 Barrett Street, Dillon, MT 59725
U.S. Army Corp of Engineers, 1520 E 6th Avenue, Helena, MT 59601
U.S. Fish and Wildlife Service, 585 Shepard Way, Suite 1, Helena, MT 59601
U.S. Fish and Wildlife Service, 420 Barrett Street, Dillon, MT 59725
Big Hole Watershed Committee, Box 21, Divide, MT 59727
Montana Trout Unlimited, P.O. Box 7186, Missoula, MT 59807
Dan Vermillion, FWP Commissioner, 13 Kindsfather Dr., Livingston MT 59047
Earnest and Colleen Bacon, 2215 Fishtrap Creek Road, Wisdom, MT 59761
Dept. of Natural Resources and Conservation, 730 N. Montana Street, Dillon, MT 59725-9424
George Grant Chapter of Trout Unlimited, P.O. Box 563, Butte, MT 59703
Skyline Sportsmen, P.O. Box 173, Butte, MT 59703
Anaconda Sportsmen, 2 Cherry, Anaconda, MT 59711
James Patrick Warfield, 3323 Twin Oaks Dr., Napa, CA 94558-5321
PGP Revocable Trust, Pam Durcell Trustee, Denver, CO 80220-6332
Paradise Valley Community Church, 1755 E. River Rd., Livingston, MT 59047-8715
Richard M. & Marianne K. Morgan, 1374 Clubview Blvd. S., Columbus, OH 43235-1643

Ladies and Gentlemen:

The enclosed draft Environmental Assessment (EA) has been prepared for improvements to the 2.69-acre Emigrant Fishing Access Site (FAS), which has been a popular recreational site since its acquisition by Montana Fish Wildlife & Parks (FWP) in 1962. The FAS is located along the Yellowstone River 27 miles south of Livingston, Montana. The site provides quality recreational opportunities for fishing, boating, and floating.

Affected by years of heavy use, FWP proposes to renovate the Emigrant FAS by redesigning the parking area and reconditioning the access by redesigning the interior roads.

The comment period for this EA runs from February 16, 2015 through March 17, 2015. Written comments can be mailed, emailed or delivered in person to the address below, and must be received no later than 5:00 p.m. on March 17, 2015. Please include your name and address with any comment.

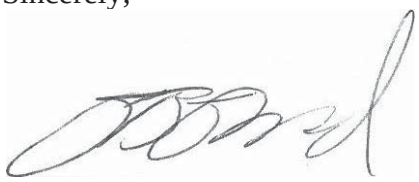
Montana Fish, Wildlife & Parks – Region 3
Attn: Paradise Fishing Access Site Proposed Improvement
1400 S. 19th Avenue
Bozeman, MT 59718

Email: rheagney@mt.gov

If you have any questions about the proposal, please call Ray Heagney at (406) 994-4042.

Thank you for your interest.

Sincerely,



Sam B. Sheppard
Region Three Supervisor

Attachment

Draft Environmental Assessment

EMIGRANT FISHING ACCESS SITE PROPOSED IMPROVEMENT

FEBRUARY 2015

Montana Fish, Wildlife & Parks

Emigrant Fishing Access Site
Proposed Improvement Project
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:**
   In 1962, Montana Fish, Wildlife & Parks (FWP) acquired 2.69 acres of land in Park County, Montana, along the Yellowstone River for the purpose of establishing a fishing access site (FAS). FWP proposes to renovate and improve Emigrant FAS by constructing a loop road to improve traffic flow through the parking area, redesigning and improving the parking area, reconditioning the boat ramps, constructing an ADA concrete parking pad, and installing barrier rock.

2. **Agency authority for the Proposed Action:**
   The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which authorizes the collection fees and charges for the use of fishing access sites, directs Montana Fish Wildlife and Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

   ARM 12.8.602 requires the Department to consider the wishes of 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 action in relation to this rule. See Appendix A for HB 495 qualification.

3. **Name of project:**
   Emigrant Fishing Access Site Proposed Improvement Project

4. **Project sponsor:**
   Montana Fish, Wildlife and Parks, Region 3
   1400 South 19th Avenue
   Bozeman, MT 59718

5. **Anticipated Schedule:**
   Estimated Public Comment Period: February 2015
   Estimated Decision Notice: March 2015
   Estimated Commencement Date: Spring 2015
   Estimated Completion Date: Summer 2015
   Current Status of Project Design (% complete): 35%

6. Location:

Emigrant FAS is located along the Yellowstone River in the town of Emigrant, 22 miles south of Livingston, Montana, on Highway 571 in Park County. The land is located in Section 27, Township 5 South, Range 8 East (Figures 1 and 2).

Figure 1. General Location of Emigrant FAS.

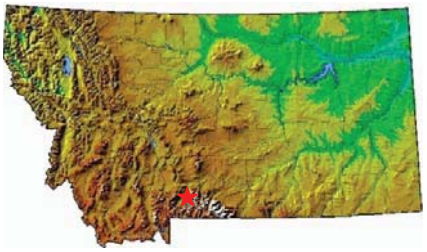
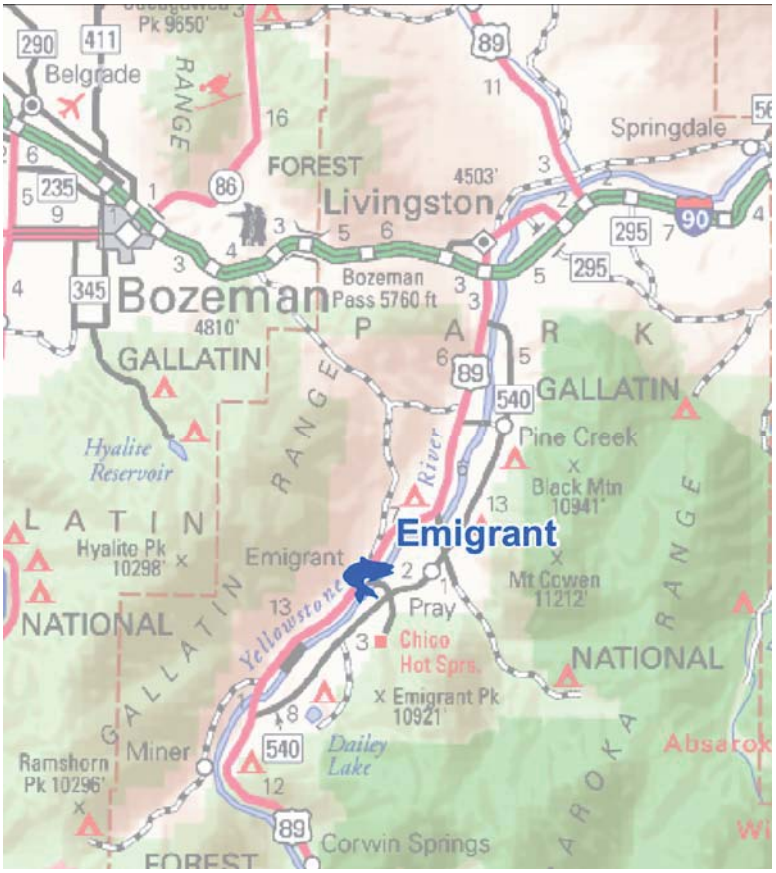


Figure 2. Highway Location and Parcel Map of Emigrant FAS.



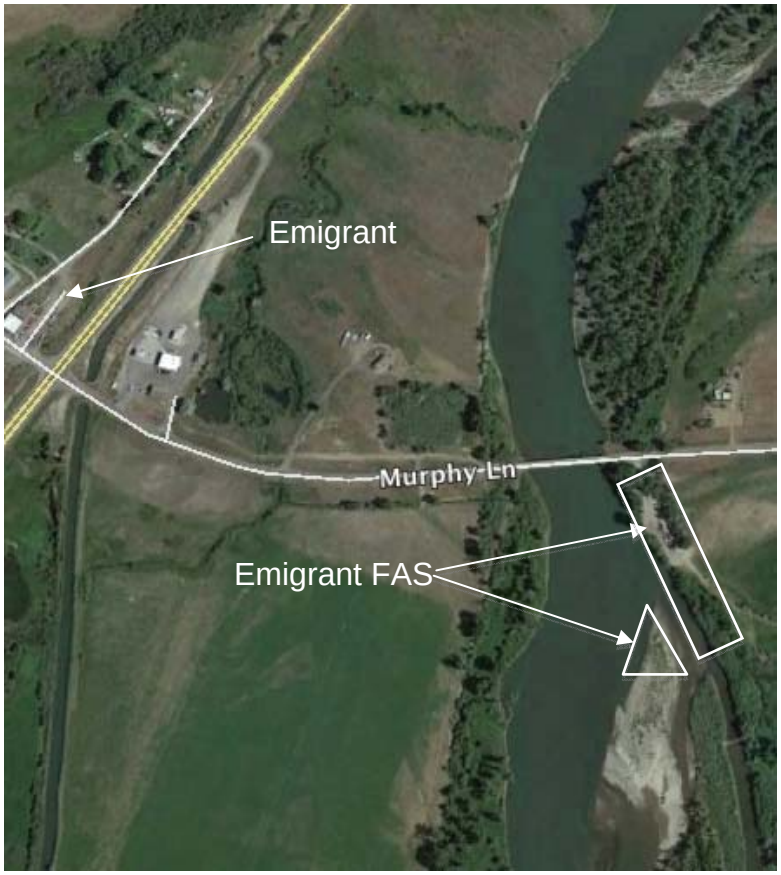


Figure 3. Emigrant FAS Proposed Improvement Preliminary Concept Site Plan.

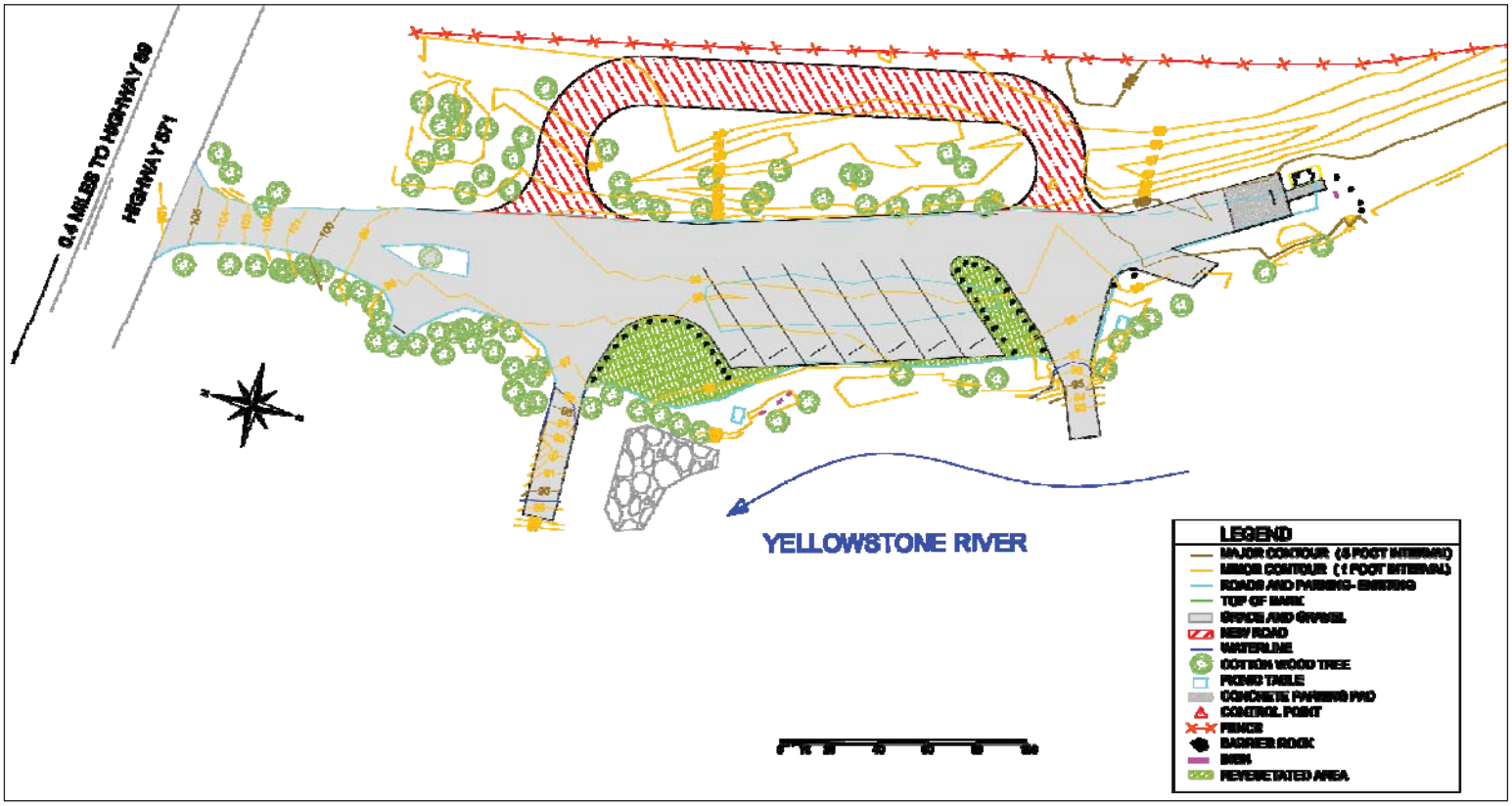


Figure 4. Aerial View of Emigrant FAS Proposed Improvement Preliminary Concept Site Plan.

7. Project size -- estimate the number of acres that would be directly affected by the proposed project:

	Acres		Acres
(a) Developed:		(d) Floodplain	1
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/ Woodlands/Recreation	0	Dry cropland	0
		Forestry	0
(c) Wetlands/Riparian Areas	0	Rangeland	0
		Other	0

8. Permits, Funding & Overlapping Jurisdiction.

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

Agency Name	Permits
Park County	Floodplain and Sanitation Permits
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks (FWP)	124 Montana Stream Protection Act
US Army Corps of Engineers	404 Federal Clean Water Act

(b) Funding:

Agency Name	Funding Amount
Montana Fish, Wildlife & Parks Site Protection Fund	$12,500
Federal Wallop-Breaux Fund	$37,500
Total	$50,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Montana Natural Heritage Program	Species of Concern (Appendix B)
Park County Weed District	Weed Management Coordination
State Historic Preservation Office	Cultural Clearance (Appendix E)

9. Narrative summary of the Proposed Action:

The Yellowstone River originates in the Absaroka Range in the southeastern area of Yellowstone National Park, Wyoming, and flows through the park before entering Montana at Gardiner. From the park boundary the river flows north through Paradise Valley to Livingston where it continues in a northeasterly direction through southeastern Montana and meets up with the Missouri River just across the North Dakota border. The Yellowstone River has a total length of 692 miles, of which 555 miles are in Montana. The Yellowstone River has survived as one of the last, large, free-flowing rivers in the continental United States. Lack of main-stem impoundments allows spring peak flows and fall and winter low flows to influence a unique ecosystem and aesthetic resource. From the clear, coldwater cutthroat trout fishery in Yellowstone National Park to the warm water habitat at its mouth, the river supports a large variety of aquatic environments that remain relatively undisturbed. The adjacent terrestrial, riparian

environment through most of the 555 Montana miles of river is a cottonwood-willow bottomland supporting diverse habitats for many plant and animal species, including many Species of Concern. The river has also been a major factor in the settlement of southeastern Montana, and retains much cultural and historical significance. Today the river is also important for recreational use along its entire length through Montana and is heavily used for boating, floating, fishing, hunting, wildlife viewing, hiking, and picnicking.

Emigrant FAS is located on the Yellowstone River over 150 miles downstream of its headwaters in Yellowstone National Park, Wyoming. The Yellowstone River, one of the most popular trout streams in the United States, is open to angling year-round from Yellowstone National Park to Billings, and use by anglers upstream of Livingston is heavy. According to recent surveys by FWP, the average angler days per year from 2005 to 2011 on the 34-mile stretch from Pine Creek (river mile 508) to Tom Miner Creek (river mile 542) was 22,695, with a low of 17,405 in 2011 and a high of 34,887 in 2005. The regional ranking for this stretch of river averaged the 11th most fished body of water, and ranged from 6 to 13 for the same period. The state ranking for this stretch of river averaged the 31st most fished body of water in Montana and ranged from 17th to 39th during this same period out of more than 1,400 stream reaches, lakes, or reservoirs that were surveyed within the state. Emigrant FAS is located across the river from Emigrant West FAS (river mile 525). The nearest FAS upstream is Point of Rocks FAS (river mile 537) and the nearest downstream FAS is Grey Owl FAS (river mile 522). Both outfitters and the general public frequently use Emigrant FAS as a put-in and take-out site for boats and rafts.

Vegetation found on Emigrant FAS is classified as Rocky Mountain Lower Montane-Foothill Riparian Woodland and Shrubland by the Montana Natural Heritage Program (MNHP). Common plants found on Emigrant FAS include Rocky Mountain juniper, narrowleaf cottonwood, quaking aspen, chokecherry, and Woods' rose. Common understory plants include colonizing native forbs such as western yarrow and American licorice and exotics such as Canada thistle, common dandelion, spotted knapweed, smooth brome, and Kentucky bluegrass. The search by the MNHP found that wedge-leaf saltbush is the only plant Species of Concern that has been observed within the vicinity of the proposed project.

Common wildlife species found in the vicinity of Emigrant FAS include white-tailed and mule deer, elk, moose, black bear, mountain lion, red fox, coyote, badger, beaver, northern river otter, American mink, and a variety of small mammals. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese, golden eagle, bald eagle, osprey, great horned owl, trumpeter swan, and a variety of other raptors, waterfowl, and songbirds. Common game fish found in this reach of Yellowstone River include rainbow trout, brown trout, Yellowstone cutthroat trout, and mountain whitefish.

A search by the MNHP found that no animal or plant species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) have been observed within the vicinity of the FAS. The search found that bald eagle, delisted and being monitored by the USFWS, was observed within the vicinity of the FAS as recently as 2009. The search indicated that other Montana Species of Concern have been observed in the vicinity of the proposed project, including great blue heron, trumpeter swan, Yellowstone cutthroat trout, and Merriam's shrew.

Only primitive parking facilities have been provided at the 2.69-acre Emigrant FAS since its acquisition in1962. Conditions at this site reflect decades of continuous heavy and

uncontrolled use and can be characterized by: random vehicle parking often blocking other vehicles; pioneered, eroded roads; erosion in and around the undefined parking area; degraded riparian habitat; and exposed mineral soil. The interior roadway along with the undefined parking area pose traffic flow problems, insufficient room to maneuver trailers, and, in some instances, hazardous conditions for vehicular movement within the site.

FWP proposes to renovate and improve the facilities at Emigrant FAS, including: 1) developing a designated day-use gravel parking area to accommodate approximately seven truck/trailer vehicles; 2) constructing a loop road to improve traffic flow and vehicle maneuvering through the FAS; 3) maintaining and improving the two boat ramps by re-gravelling the ramp surfaces; 4) reconditioning and improving the access road surface to control surface erosion; 5) installing one concrete ADA handicap accessible parking pad: 6) re-vegetating areas along the river with native riparian plants to reduce surface and streambank erosion and reduce river sedimentation; and 7) installing barrier rocks to control vehicle access.

The property would be managed under existing FWP public use regulations, including routine maintenance, control of vehicles and firearms, and other accepted FWP recreation area management policies. The use of ATV's, hunting, and the discharge of weapons are not allowed on Emigrant FAS. The proposed project would: improve recreational opportunities for fishing, boating, floating, picnicking, and wildlife viewing, preserve this stretch of riparian and open-space habitat, and fill a need for recreation opportunities on a very popular stretch of the Yellowstone River in the scenic Paradise Valley.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action.

If no action was taken and the proposed modifications were not made, with a new loop road, a designated, gravel parking area, and reconditioned access road and boat ramps, resource degradation would continue to be an issue at the FAS. Erosion of the pioneered roads, sedimentation of the river, and degradation of native riparian vegetation would continue. Vehicle movement would continue to be difficult and, at times, unsafe and vehicle parking would continue to be inconvenient and insufficient, with vehicles often blocking other vehicles. Parking on unimproved areas would cause continued erosion of those surfaces and contribute to river sedimentation. FWP would continue to provide general maintenance to the site and would continue to implement the FWP Statewide Integrated Noxious Weed Management Plan to control noxious weeds on the property.

Alternative B: Proposed Action.

FWP proposes to renovate and improve Emigrant FAS by constructing a loop road to improve traffic flow through the parking area, redesigning and improving the parking area, reconditioning the boat ramps, constructing an ADA concrete parking pad, and installing barrier rock. The Proposed Action would help accommodate the increasing demands on the site from diverse recreational uses, reduce resource degradation, reduce sediment runoff, and provide stream protection. FWP would continue implementing the FWP Statewide Integrated Noxious Weed Management Plan to control noxious weeds on the property.

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

FWP would employ Best Management Practices (BMP), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the Proposed Action. All county, state and federal permits listed in Part I 8(a) above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

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. LAND RESOURCES 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		Yes Positive	1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
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 Action would not affect existing soil patterns, structures, productivity, or fertility. Soil stability would be improved because vehicles would be limited to designated areas, disturbed areas would be re-vegetated, and the riverbank soils would be stabilized by re-vegetating with riparian vegetation. Soil and geologic substructure would remain stable during and after the proposed work.

1b. During construction, some minor modifications to the existing soil features would be required for the construction of the parking area and loop road and improvement of the access road. Disturbed areas would be seeded with a native seed mix to minimize erosion, sediment delivery to the Yellowstone River, and the spread of noxious weeds. The FAS is managed for recreation and wildlife habitat and is not under commercial agricultural production. The Proposed Action would not affect agricultural production, soil productivity, or soil fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion.

1c. No unique geologic or physical features would be altered by the Proposed Action.

1d. Erosion of the unimproved parking area and pioneered roads are causing sedimentation of the Yellowstone River in the vicinity of the FAS and degradation of native riparian vegetation on the FAS. The construction of a loop road and improvements to the parking area, access road, and boat ramps would reduce erosion of those surfaces and reduce sedimentation of the river. Minor amounts of sediment may enter the river during improvements of the parking area, access road, and boat ramps. However, upon completion, current erosion and sedimentation to the river would be reduced.

2. AIR **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		Yes	2a.
b. Creation of objectionable odors?		X				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 regulations? (Also see 2a.)		X				2e.

2a. Dust may be temporarily generated during construction of the loop road, improvement of the parking area, boat ramps, and access road. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See Appendix D for the BMP's. There would be a temporary increase in diesel exhaust from equipment used during construction. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. These impacts would be short term and minor.

2b. The latrine would continue to be regularly maintained to minimize objectionable odors.

2e. The proposed project would have no impact on air quality in the vicinity of Emigrant FAS and would not result in any discharge which could conflict with federal or state are quality regulations.

3. WATER 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		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes Positive	3b.
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		Yes	3d.
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		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.)			X		Yes	3l.
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		Yes Positive	3m.

3a. Construction of the loop road and Improvement of the parking area, boat ramps, and access road may cause a temporary, localized increase in turbidity in the Yellowstone River. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. FWP BMP's would be followed during all phases of construction and rehabilitation of the pioneered roads (Appendix D).

3b. Improvement of the parking area, boat ramps, and access road would reduce erosion from those surfaces and reduce sedimentation of the river. The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP would be followed (Appendix D) during construction.

3d. There may be a minor, temporary increase of runoff during construction. FWP BMP's would be followed (Appendix D).

3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and a temporary increase in sediment delivery to the Yellowstone River. FWP BMP's would be followed during all phases of construction to minimize these risks (Appendix D).

3l. According to the Park County Floodplain Administrator, the majority of the proposed project site on Emigrant FAS is located within the floodway, with a small portion in the 100 year floodplain, as shown on the Federal Emergency Management Agency (FEMA) Map Panel #30067C1105C, Effective Date October, 2011. Because the FAS is located in the floodway, the elevation of the site cannot be changed with fill. Permits from FWP, Montana Department of Environmental Quality (DEQ), the US Army Corps of Engineers, and Park County would be obtained to ensure that the proposed project would be in compliance with federal, state, and county floodplain and water quality regulations.

3m. All impacts to water quality resulting from construction would be temporary. Water quality of the river could improve as a result of the proposed project by reducing sedimentation into the river from surface and riverbank erosion.

4. VEGETATION **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		Yes	4a.
b. Alteration of a plant community?			X		Yes Positive	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		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?			X		Yes	4f.
g. Other:		NA				

4a. The Proposed Action would have no impact on the plant diversity or productivity of Emigrant FAS and would have a minor impact on plant abundance. A minimal number of trees and shrubs would be removed during construction. Because the construction area is small, impacts from construction would be minor. Any area disturbed during construction would be reseeded with a native seed mix. Construction of a loop road and improvement of the parking area and access road would have minor impacts on plant communities or diversity. Even though the loop road would be built on undeveloped land, that site has been highly disturbed with pioneered roads and parking for years.

4b. The Proposed Action would improve the plant community by planting riparian vegetation along the riverbank (Figures 3 and 4). The proposed project would have a minor impact on

other plant communities found on the FAS. Vegetation found on Emigrant FAS is classified as Rocky Mountain Lower Montane-Foothill Riparian Woodland and Shrubland by the MNHP. Common plants found on Emigrant FAS include Rocky Mountain juniper, narrowleaf cottonwood, quaking aspen, chokecherry, and Woods' rose. Common understory plants include colonizing native forbs such as western yarrow and American licorice and exotics such as Canada thistle, common dandelion, spotted knapweed, smooth brome, and Kentucky bluegrass.

The most common noxious weeds found on the FAS, as classified by the Montana Department of Agriculture, include Canada thistle and spotted knapweed.

4c. A search of the MNHP Montana Species of Concern database found that wedge-leaf saltbush was the only plant Species of Concern that has been observed in the vicinity of Emigrant FAS. However, the last recorded observation date of wedge-leaf saltbush in the area is 1887 so it unlikely that the proposed project would have any impact on wedge-leaf saltbush.

4e. Canada thistle and spotted knapweed are the most common noxious weeds found on Emigrant FAS. Soils disturbed during construction could colonize with weeds. Disturbed areas would be reseeded with a native reclamation seed mix where necessary to reduce the establishment of weeds. In conjunction with the Park County Weed Department, FWP would continue implementing the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property. Weed management would include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking areas and access roads, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas of the site to minimize the spread of noxious weeds. Weed control costs for Emigrant FAS in 2014 was approximately $500. FWP estimates that weed control will continue to cost approximately $500 during fiscal year 2015.

4f. According to a search of the Natural Resource Conservation Service Web Soil Survey on January 15, 2015, the 1-acre proposed project site is classified as Prime Farmland if Irrigated. However, the site has not been under agricultural production since the property was acquired by FWP in 1962. A search of the MNHP wetland-mapping program on January 15, 2015 found that a portion of the proposed project site is classified as a Lotic Riparian Forest. Approximately 1.5 acres of Emigrant FAS is classified as a Freshwater Scrub-Shrub Wetland. However, the proposed project has been designed to avoid this wetland and would have no impact on this area.

5. FISH/WILDLIFE 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				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				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				5h.
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				5i.

5a. The proposed action would have no impact on any critical fish or wildlife habitat. This stretch of the Yellowstone River and the vicinity around the FAS is not considered critical habitat for any fish or wildlife species. The proposed improvements are designed to minimize impacts to wildlife habitat. Few trees or shrubs would be removed for construction of the loop road and improvement of the parking area and access road.

5b/5c. Common wildlife species found in the vicinity of Emigrant FAS include white-tailed and mule deer, elk, moose, black bear, mountain lion, red fox, coyote, badger, beaver, northern river otter, American mink, and a variety of small mammals. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese, golden eagle, osprey, great horned owl, great blue heron, trumpeter swan, and a variety of other raptors, waterfowl, and songbirds. According to Claire Gower, FWP Region 3 Non-Game Wildlife Biologist, although trumpeter swans nest in ponds located near Emigrant FAS, the proposed project would have no impact on wildlife or wildlife habitat.

Common game fish found in this reach of Yellowstone River include rainbow trout, brown trout, Yellowstone cutthroat trout, and mountain whitefish. Other fish species commonly found in this reach include longnose sucker, longnose dace, and white sucker. The proposed project is not expected to have any impact on the aquatic habitat or fish species of the Yellowstone River.

5f. A search by the MNHP found that no animal or plant species listed as Threatened or Endangered by the USFWS have been observed within the vicinity of the FAS. The search found that bald eagle, delisted and being monitored by the USFWS, was observed within the vicinity of the FAS as recently as 2009. The search indicated other Montana Species of Concern have been observed in the vicinity of the proposed project, including great blue heron, trumpeter swan, Merriam's shrew, and Yellowstone cutthroat trout (Appendix B).

According to Gower and Karen Loveless, FWP Region 3 Wildlife Biologist, there is an active bald eagle nest approximately 0.8 mile downstream and 1.4 miles upstream of Emigrant FAS. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The *Management Guidelines* of the Montana Bald Eagle Management Plan recommend seasonal restrictions from February 1 through August 15 for construction and maintenance of roads and trails, among other activities, within direct line of sight of an active nest. In addition, in the absence of a visual buffer, there should be a distance buffer of at least ¼-mile from any construction of infrastructure, such as roads and trails. There should also be a ¼-mile distance buffer for recreation during the breeding season. Because the nest is over ¼-mile from the construction site, the Proposed Action would not impact bald eagle nesting. In addition, any increased public use of the FAS would have no or minor impact on bald eagles as they have been accustomed to human activity, such as agriculture, recreation, and residential development in the area for years. FWP would minimize the impacts from increased public use by implementing the recommendations outlined in the *Management Guidelines* of the Montana Bald Eagle Management Plan, including public education, signage, boating restrictions, and monitoring by FWP biologists.

According to Loveless, the only great blue heron rookery in the area is over 13 miles downstream of Emigrant FAS so the Proposed Action would not affect great blue heron nesting. It is unlikely that the proposed project would have any impact on trumpeter swan since they have likely become accustomed to heavy recreational and agricultural use in the area for years. It is unlikely that the proposed project would have any impact on Merriam's shrew since the FAS does not provide preferred habitat for Merriam's shrew. According to Scott Opitz, FWP Region 3 Fisheries Biologist, Yellowstone cutthroat trout exist in low numbers in the stretch of the Yellowstone River near Emigrant FAS. As long as the stream banks on this stretch of the Yellowstone River are not significantly disturbed, it is unlikely that the proposed project would have any affect on Yellowstone cutthroat trout or the nearby aquatic community. The Proposed Action does not involve direct disturbance of the stream bank. FWP BMP's would be followed to minimize runoff and sedimentation to the river during construction (Appendix D). Therefore, it is unlikely that the Proposed Action would impact Yellowstone cutthroat trout.

According to Abigail Nelson, FWP Wolf Management Specialist, Emigrant FAS is within the habitat of the gray wolf and is close to established wolf packs. However, wolves typically do not use the area near Emigrant FAS and, due to the close proximity of the FAS to a busy highway and county road, it is unlikely there would be any issues involving wolves. While it is possible for wolves to travel through the project area, none have been recently sighted in the immediate area of Emigrant FAS. The wolf population in Montana is strong and wolves may pass through just about any area including this site. Nelson said FWP has no concerns with this project impacting gray wolves and no adverse impacts are anticipated from the proposed project on the wolf population.

5g. The proposed project is unlikely to change existing stress levels or impact fish or wildlife populations in the future since the area is located in an area disturbed by residences, a busy county road and state highway, nearby agricultural activity, and heavy recreational use of the FAS and the Yellowstone River.

5h. A search by the MNHP found that no animal or plant species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) have been observed within the vicinity of the FAS. The search found that bald eagle, delisted and being monitored by the USFWS, was observed within the vicinity of the FAS as recently as 2009. The search indicated other Montana Species of Concern have been observed in the vicinity of the proposed project, including great blue heron, trumpeter swan, Merriam's shrew, and Yellowstone cutthroat trout (Appendix B).

5i. No wildlife species would be imported or exported to the area as a result of the proposed development. This project only involves the improvement of the FAS and will not promote the introduction or spread of invasive species.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS **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		Yes	6a.
b. Exposure of people to serve 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. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.

6b. Emigrant FAS is located within ¼-mile of approximately five residences. The minor and temporary increase of noise levels during construction may disturb nearby neighbors and visitors. FWP would follow the guidelines of the good neighbor policy, which would mitigate increased noise levels and would attempt to limit construction to periods of low visitation to minimize disturbance to others.

It is possible that there could be a minor increase in visitor use as a result of the improved parking facilities, which could increase noise levels and disturb nearby neighbors. The FAS would be managed and regulated to minimize noise disturbance to neighbors.

7. LAND USE 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				7a.
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				7d.

7a. Because Emigrant FAS is not under agricultural production, the proposed project would have no impact on the productivity or profitability of the FAS.

7d. The proposed project would have no affect on the land uses of nearby private properties.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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		Yes Positive	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Yes	8d.

8a. Physical disturbance of the soil during construction would encourage the establishment of additional noxious weeds on the site. In conjunction with the Park 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 would be applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidently releasing into the river during construction. Contractors would have absorbent materials on site to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow Best Management Practices during all phases of construction to minimize risks (Appendix D).

8c. The proposed project would improve public safety by providing improved boat launch facilities, adequate parking, and improving traffic flow, thereby minimizing vehicle conflicts and overflow parking onto neighboring private land.

8d. The use of herbicides to control noxious weeds could result in temporary water contamination from an inadvertent spill. The use of herbicides would be in compliance with application guidelines, outlined in the FWP Statewide Integrated Noxious Weed Management Plan, to minimize this risk and would be applied by people trained in safe handling techniques.

9. COMMUNITY IMPACT **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
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				9c.
d. Changes in industrial or commercial activity?		X				9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				9e.

9c. The Proposed Action may improve recreational use of the area by providing designated parking and improving traffic flow. This would benefit local retail and service businesses (Appendix C - Tourism Report).

9d. There would be no change in commercial use of the site.

9e. The Proposed Action would have little or no impact on traffic on Highway 571-Murphy Lane, which is the primary access route to the FAS.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				10a.
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.		X				10f.

10a. The Proposed Action would have no impact on public services or utilities. The proposed improvements would require periodic maintenance by FWP and the site would continue to be patrolled by FWP.

10b. The Proposed Action would have no effect on the local and state tax base and revenue.

10e. Under the Proposed Action, Emigrant FAS would be operated for day use only. Therefore, no revenue would be generated from camping fees.

10f. Projected annual operating, maintenance, and personnel expense for fiscal year 2015 is estimated to total approximately $2,500.

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes Positive	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
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.)		X				11d.

11a/b. The Proposed Action would not affect the aesthetic values of the FAS. The boat ramp and parking area are visible from the Yellowstone River, but not from nearby residences. Re-vegetating the riverbank with native vegetation would improve the aesthetic value of the area.

11b. The site is already developed and the proposed improvements would have no effect on the aesthetic character of the neighborhood or community.

11c. The Proposed Action may improve recreational use of the area by improving the public safety of the FAS, increasing and improving parking, and improving traffic flow through the site. This could benefit local retail and service businesses (Appendix C - Tourism Report).

11d. No designated or proposed wild or scenic rivers, trails, or wilderness areas would be impacted by the proposed improvements.

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				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
		X				12d.

d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)						

12a/d. A cultural resource inventory was completed and FWP concluded that there is a low likelihood of adverse impacts to cultural resources should the project proceed as proposed. The State Historic Preservation Office (SHPO) has been consulted and has concurred with FWP recommendations for the project (Appendix E). If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

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				
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				13f.
g. For P-R/D-J, list any federal or state permits required.		X				13g.

During construction of the proposed project, 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 Action positively impacts the public's recreational use of Yellowstone River, an important, popular, and heavily used recreational river.

13f. Emigrant FAS is a very popular and heavily used FAS. The proposed project is designed to improve recreational facilities on the site and is not expected to generate organized opposition or substantial public controversy.

13g. The U.S. Army Corps of Engineer 404 Federal Clean Water Act is the only federal permit required for the proposed development. The Montana DEQ 318 Short Term Water Quality Standard for Turbidity and the FWP 124 Montana Stream Protection Act are the only state permits required for the proposed development. In addition, a Park County Floodplain and Sanitation Permit would also be required.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, 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 Action positively impacts the public's recreational use of the important, popular, and heavily used Yellowstone River.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for stream access.

The Proposed Action would not impact the local wildlife species that frequent the property and the project would be designed to avoid conditions that stress wildlife populations. Though bald eagle, great blue heron, trumpeter swan, Merriam's shrew, Yellowstone cutthroat trout, and wedge-leaf saltbush, Montana Species of Concern, have been observed in the vicinity of the proposed project site, the proposed project is unlikely to impact these species. None of these species are known to nest in the vicinity of the proposed project so spring construction is unlikely to impact these species. In addition, these species are likely accustomed to disturbances from recreation, agriculture, and residential development that have occurred in the area for years. While it is possible for wolves to travel through the project area, none have been sighted and there is no pack located in the area, so it is unlikely that the Proposed Action would impact gray wolves.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be reseeded with a native reclamation seed mix where necessary to reduce the establishment of weeds. In conjunction with Park County Weed Control District, FWP would continue implementing the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.

The proposed improvements of Emigrant FAS would improve recreational opportunities by improving traffic flow and parking and reducing erosion and resource degradation from pioneered roads and parking areas. In addition, the proposed improvements would improve recreational opportunities for fishing, picnicking, and wildlife viewing on the very popular and scenic Yellowstone River.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on the Emigrant FAS Proposed Improvement Project, the proposed action and alternatives:

- Two public notices in *the Livingston Enterprise, the Bozeman Daily Chronicle, and the Helena Independent Record.*
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov.*
- Draft EA's will be available at the FWP Region 3 Headquarters in Bozeman and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 3 issues.
- Copies of this environmental assessment will be distributed to neighboring landowners and interested parties to ensure their knowledge of the proposed action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this proposed action.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., date , 2014 and can be emailed to Ray Heagney at rheagney@mt.gov or mailed to the address below:

Emigrant Fishing Access Site Proposed Improvement Project
Montana Fish, Wildlife & Parks, Region 3
1400 South 19th Avenue
Bozeman, MT 59718

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.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, 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 growth-inducing or growth-inhibiting aspects of the impact, 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. Person(s) responsible for preparing the EA:

Ray Heagney
Region 3 Fishing Access Site Manager
1400 South 19th Avenue
Bozeman, MT 59718
rheagney@mt.gov
(406) 994-6987

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

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

Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
- Design and Construction
  - Lands Unit
  - Legal Unit
- Fisheries Division
- Wildlife Division

Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana State Historic Preservation Office (SHPO)

APPENDICES

A. MCA 23-1-110 Qualification Checklist
B. Native Species Report - Montana Natural Heritage Program
C. Tourism Report – Department of Commerce
D. Montana Fish, Wildlife and Parks- Best Management Practices
E. State Historic Preservation Office Concurrence

APPENDIX A

23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

Date: January 20, 2015 **Person Reviewing:** Andrea Darling

Project Location: Emigrant FAS is located along the Yellowstone River in Emigrant, 22 miles south of Livingston, Montana on Highway 571 in Park County. The land is located in Section 27 Township 5 South, Range 8 East (Figures 1 and 2).

Description of Proposed Work: In 1962, Montana Fish, Wildlife & Parks (FWP) acquired 2.69 acres of land in Park County, Montana along the Yellowstone River for the purpose of establishing a fishing access site (FAS). FWP proposes to improve and renovate the Emigrant FAS by constructing a loop road to improve traffic flow through the parking area, redesigning and improving the parking area, reconditioning the boat ramps, constructing an ADA concrete parking pad, and install barrier rock.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

[X] A. New roadway or trail built over undisturbed land?
Comments: The new loop road would be built over undeveloped, though disturbed, land.

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments: No new construction.

[X] C. Any excavation of 20 c.y. or greater?
Comments: Yes, for the parking area, loop road, and improvements to the access road.

[X] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments: The expanded parking area would increase day use parking capacity and would be constructed over undeveloped, though highly disturbed, land.

[ ] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?
Comments: No.

[ ] F. Any new construction into lakes, reservoirs, or streams?
Comments: No

[ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments: No.

[ ] H. Any new above ground utility lines?
Comments: No.

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments: No campsites would be constructed.

[ ] J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?

Comments: The proposed action would improve parking facilities and vehicle use through the FAS.

APPENDIX B

NATIVE SPECIES REPORT
MONTANA NATURAL HERITAGE PROGRAM
Sensitive Plants and Animals in the Vicinity of Emigrant Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (http://nris.mt.gov) indicates no occurrences of any animal or plant species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) within the vicinity of the proposed project. The search found that bald eagle, delisted and being monitored by the USFWS, and classified as Sensitive by the U.S. Forest Service and U.S. Bureau of Land Management, was observed within one mile of the proposed project area as recently as 2009. The search by MNHP also indicated that other Montana Species of Concern have been observed in the vicinity of the proposed project, including great blue heron, trumpeter swan, Yellowstone cutthroat trout, and wedge-leaf saltbush.

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

Status Ranks (Global and State)

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

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden

eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species are a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	**Definition**
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
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 as follows:

Tier I. Greatest conservation need. Montana FWP 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. Montana FWP 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. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF EMIGRANT FISHING ACCESS SITE

1. **Ardea herodias (Great Blue Heron)**

Vertebrate animal- Bird	*Habitat: Riparian forest*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service**:**
	U.S. Bureau of Land Management:

FWP CFWCS Tier: **3**

Element Occurrence data was reported of great blue heron within the project area. Last recorded observation date was 2006.

2. **Cygnus buccinator (Trumpeter Swan)**

Vertebrate animal- Bird	*Habitat: Lakes, ponds, reservoirs*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G4**	U.S. Forest Service**: Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of trumpeter swan within one mile of the project area. Last recorded observation date was 2006

3. **Haliaeetus leucocephalus (Bald Eagle)**

Vertebrate animal- Bird	*Habitat: Riparian forest*
Natural Heritage Ranks	Federal Agency Status:
State: **S4**	U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC**
Global: **G5**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **2**

Element Occurrence data was reported of bald eagle within one mile of the project area. Last recorded observation date was 2009.

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

Vertebrate animal- Fish	*Habitat: Mountain streams, rivers, lakes*
Natural Heritage Ranks	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service:
Global: **G4T2**	U.S. Forest Service**: Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of Yellowstone cutthroat trout within the project area. No observation date was recorded.

5. **Sorex merriami (Merriam's shrew)**

Vertebrate animal- Mammal	*Habitat: Sagebrush grassland*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:

Global: **G5**

U.S. Forest Service**:**
U.S. Bureau of Land Management:

FWP CFWCS Tier: **2**

Element Occurrence data was reported of Merriam's shrew within one mile of the project area. Last recorded observation date was 2010.

6. Atriplex truncata (Wedge-leaf Saltbush)

Vertebrate animal- Vascular Plant

Habitat: Wetland/Riparian

Natural Heritage Ranks

State: **S3**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:
U.S. Forest Service**:**
U.S. Bureau of Land Management:

FWP CFWCS Tier:

Element Occurrence data was reported of wedge-leaf saltbush within one mile of the project area. Last recorded observation date was 1887.

APPENDIX C

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, Grant Manager
Montana Office of Tourism -Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Emigrant Fishing Access Site Proposed Improvement Project

Project Description: In 1962, Montana Fish, Wildlife & Parks (FWP) acquired 2.69 acres of land in Park County, Montana along the Yellowstone River for the purpose of establishing a fishing access site (FAS). FWP proposes to improve and renovate the Emigrant FAS by constructing a loop road to improve traffic flow through the parking area, redesigning and improving the parking area, reconditioning the boat ramps, constructing an ADA concrete parking pad, and installing barrier rock.

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

Yes, as described, this project has the potential to positively impact the tourism and recreation industry economy if properly maintained. 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 if properly maintained. 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, Grant Manager Date January 12, 2015

APPENDIX D
MONTANA FISH, WILDLIFE AND PARKS

BEST MANAGEMENT PRACTICES
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. <u>Road Design</u>

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. <u>Drainage from Road Surface</u>

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. <u>Road Maintenance</u>

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 streambank 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.

APPENDIX E
STATE HISTORIC PRESERVATION OFFICE CONCURRENCE

Montana Fish, Wildlife & Parks

-FWP/Fish
-Emigrant Fishing access site improvements
PA CO

1522 9th Avenue
P.O. Box 200701
Helena, Montana 59620-0701

Dr. Mark Baumler, SHPO
State Historical Preservation Office
P.O. Box 201202
1410 8th Avenue
Helena, Montana 59620-1202

CONCUR
MONTANA SHPO
DATE 7/7/14 SIGNED Kathryn Oe

RE: Emigrant Fishing Access Site Improvements

July 2, 2014

Dear Dr. Baumler:

The Department of Fish, Wildlife and Parks (FWP) is proposing road, parking and boat ramp improvements at the Emigrant Fishing Access Site in Park County. The proposed undertaking is located on lands administered by FWP at approximately Township 5 South, Range 8 East, Section 27. In preparation for the proposed improvements FWP hired Ethnoscience, Inc. to perform a cultural resource inventory. Enclosed please find a copy of the report entitled *A Class III Cultural Resource Inventory for the Emigrant Fishing Access Site Improvement Project in Park County, Montana (FWP Project No. 7133401)* We request SHPO review of the enclosed inventory and the eligibility determinations stated below.

FWP believes that the APE, as defined in the enclosed report, adequately considers all reasonable potential effects to historic properties from this proposed undertaking. We also believe that the report prepared by Nicholas Bryant of Ethnoscience, Inc. for FWP is adequate and we agree with his methods. We agree with the consultant's recommendations of eligibility and that, due to the low likelihood of adverse impacts to cultural resources, the project should be allowed to proceed as proposed.

We request your concurrence on the adequacy of the enclosed report and the low likelihood of adverse impacts to cultural resources. Please feel free to contact Bardell Mangum at (406) 841-4012 or by e-mail at bmangum@mt.gov if you have any questions or concerns regarding the proposed project.

Sincerely,

Bardell Mangum, PLA
Landscape Architect
Design & Construction

Encl.: report; CRABS form, CD

cc: File 307.2