

# Environmental Assessment

## NINEPIPE WILDLIFE MANAGEMENT AREA PROPOSED WILDLIFE VIEWING STATIONS



April 2016



*Montana Fish,  
Wildlife & Parks*

**Ninepipe Wildlife Management Area  
Proposed Wildlife Viewing Stations  
Draft Environmental Assessment  
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

**PART I. PROPOSED ACTION DESCRIPTION**

**1. Type of proposed state action:**

Ninepipe Wildlife Management Area (WMA) offers free and easy accessibility, relative safety, and a reasonable opportunity for a satisfactory experience for all recreating publics. The WMA also provides additional year-round wildlife-related recreational opportunities such as bird watching and wildlife photography. Parking areas are well-distributed around the WMA and walk-through fence gaps along all public roads make the land very accessible. However, during the public comment period on the Ninepipe WMA Management Plan the public expressed concern that parking areas were not ideal for wildlife watching, and that there were no elevated viewing areas that presented unobstructed wildlife viewing opportunities of wetlands. Montana Fish, Wildlife & Parks (FWP) proposes to create two elevated wildlife viewing sites that meet the grade and dimensional standards of the Americans with Disabilities Act, as well as improve the parking at an additional location.

**2. Agency authority for the proposed action:**

Montana Code Annotated 23-2-101. Legislative findings - purpose. Montana is uniquely endowed with scenic landscapes and areas rich in recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is of major significance to the expanding tourist industry. It is the purpose of this part to give authority to the department of fish, wildlife, and parks to plan and develop outdoor recreational resources in the state, which authority shall permit receiving and expending funds including federal grants for this purpose.

**3. Name of project:**

Ninepipe Wildlife Management Area Proposed Wildlife Viewing Stations

**4. Project sponsor:**

Montana Fish, Wildlife & Parks, Region 1  
490 North Meridian Road  
Kalispell, MT 59901

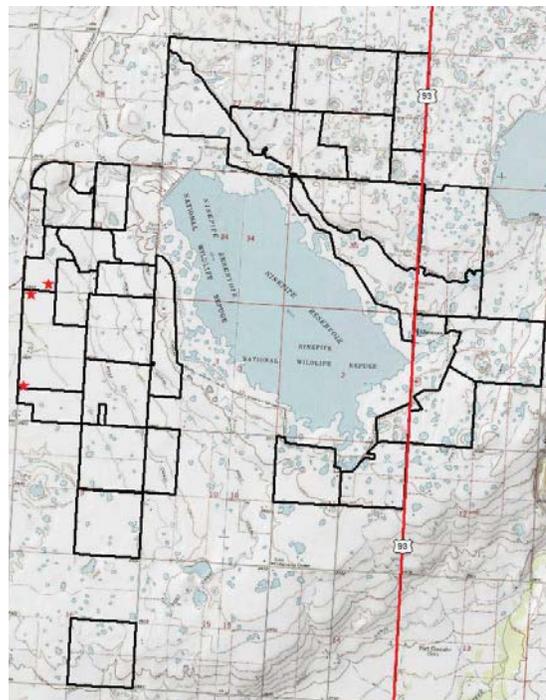
**5. Anticipated Schedule:**

Estimated public comment period: May 2016  
Estimated decision notice: June 2016  
Estimated commencement date: spring 2016  
Estimated completion date: spring 2016  
Current status of project design: (% complete): 95%

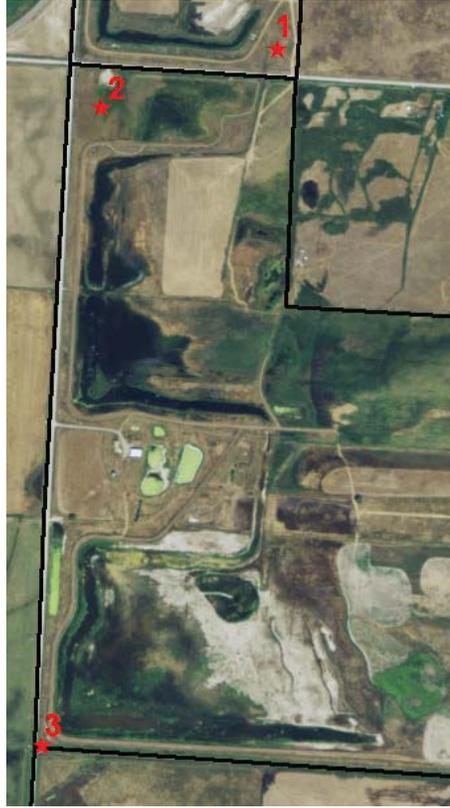
6. **Location:**  
Ninepipe WMA is located on the Flathead Indian Reservation just south of Ronan on Highway 93 in Lake County. The land is located in Section 33, Township 20 North, Range 20 West, and in Section 4, Township 19 North, Range 20 West (Figures 1 through 6).



**Figure 1. General location of Ninepipe WMA.**



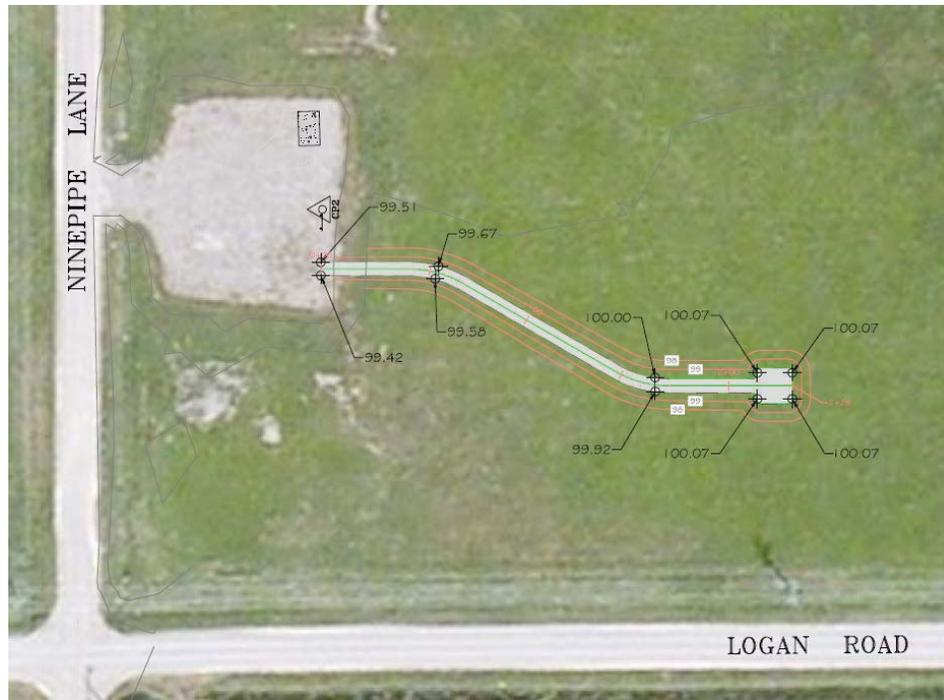
**Figure 2. Ninepipe WMA parcels (indicated by black outline) and proposed viewing station locations (indicated by red stars).**



**Figure 3. Aerial view indicating locations of proposed viewing areas (numbers correspond to the proposed site plans below).**



**Figure 4. Proposed elevated viewing area (Site 1).**



**Figure 5. Proposed elevated viewing area (Site 2).**



**Figure 6. Proposed parking area improvement (Site 3).**

**7. 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:	
(b) Open Space/	<u>0.8</u>	Irrigated cropland	<u>0</u>
Woodlands/Recreation		Dry cropland	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Forestry	<u>0</u>
Areas		Rangeland	<u>0</u>
		Other	<u>0</u>

**8. Permits, funding & overlapping jurisdiction:**

(a) **Permits:** No permits required.

<u>Agency Name</u>	<u>Permits</u>
None	

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
FWP Nongame Check-off	\$10,000
FWP WMA Capital Projects	<u>\$ 6,600</u>
Total	\$16,600

(c) **Other overlapping or additional jurisdictional responsibilities:**

<u>Agency Name</u>	<u>Type of</u>
<u>Responsibility</u>	
Montana Natural Heritage Program	Species of Concern (Appendix B)
Lake County Weed District	Weed Management Coordination
State Historic Preservation Office	Cultural Clearance (Appendix D)
CSKT Tribal Preservation Office	Cultural Clearance

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

Ninepipe WMA was acquired and developed by FWP to protect and enhance wildlife habitat and to address a prior lack of public access for waterfowl and pheasant hunting. The unique geologic landscape, favorable climate, and fertile soils have allowed for a mix of grassland, cropland, and wetlands that are ideal habitat for waterfowl, pheasants, and other wildlife. Supplemental irrigation ensures annual wetland habitat availability and productive herbaceous vegetation. The WMA's size and proximity to the Ninepipe National Wildlife Refuge, several Waterfowl Production Areas, and Tribal Wildlife Mitigation Sites bolster its value for wildlife and create substantial opportunities for hunters to pursue pheasants, ducks, and geese. The WMA supports possibly the highest level of hunter use for game birds of any WMA in western Montana. It is hunted essentially every day of the waterfowl and pheasant seasons, sometimes very heavily. A 1990 agreement between the state of Montana and the Confederated Salish and Kootenai Tribes limits hunting by nontribal members to only waterfowl, pheasants, and Hungarian partridge within the Flathead Indian Reservation. Although bird hunters are primary recreational users, the open space, spectacular views, and high wildlife diversity of the WMA are also enjoyed year-round by bird watchers and many others.

At approximately 3,000 feet above sea level, the WMA consists of rolling, open grasslands and numerous prairie potholes or kettle ponds. Remnants of native rough

fescue grasslands exist, but today the area vegetation is mostly introduced grasses, croplands, and exotic woody plants. Many of the upland plants now growing here are naturalized species that were accidentally or intentionally introduced. Many state-listed noxious weeds and other exotic invasive plants occur on the WMA and surrounding lands.

Common wildlife species found in the vicinity of Ninepipe WMA include white-tailed deer, black bear, grizzly bear, coyote, fox, skunk, muskrat, American mink, and a variety of small mammals. A wide variety of bird species use the area for nesting and migratory stopover habitat, including pheasant, Canada geese, bald eagle, osprey, great horned owl, short-eared owl, long-eared owl, and a variety of other raptors, waterfowl, songbirds, and shorebirds.

A search by the Montana Natural Heritage Program (MNHP) found that no plant species and no animal species listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) have been observed within the vicinity of the Ninepipe WMA. The search indicated that other Montana animal Species of Concern have been observed in the vicinity of the proposed project, including American bittern, great blue heron, bobolink, long-billed curlew, little brown myotis, and bat roost. A search by the MNHP found that one plant Species of Concern has been observed within the vicinity of the proposed project - slender bulrush.

Parking areas are well-distributed around the WMA and walk-through fence gaps along all public roads make the land very accessible. However, during the public comment period on the Ninepipe WMA Management Plan the public expressed concern that parking areas were not ideal for wildlife watching and that there were no elevated viewing areas that presented unobstructed wildlife viewing opportunities of wetlands. In addition, current viewing conditions were unsafe for many individuals as vehicles clutter the roadways.

FWP proposes to create new, and improve existing, viewing areas at Ninepipe WMA including: (1) constructing a new elevated wildlife pullout with parking areas (Figure 4), (2) constructing a new elevated wildlife viewing platform extending from an existing parking lot (Figure 5), and (3) improving parking at an existing pull-off (Figure 6).

The property would be managed under existing FWP WMA and public use regulations, including routine maintenance, control of vehicles and firearms, and other accepted recreation area management policies. The proposed project would improve recreational opportunities for wildlife viewing while addressing accessibility and safety concerns raised by the public.

## **10. Description and analysis of reasonable alternatives:**

### **Alternative A: No Action**

If no action were taken with the proposed project, wildlife viewing opportunities at Ninepipe WMA would remain physically challenging for some members of the public. Also, without the proposed project, parking would continue to be inadequate in high-volume areas, causing visitors to park along Ninepipe and Logan Roads, creating potentially dangerous conditions for the public. 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 create two elevated wildlife viewing sites that meet the grade and dimensional standards of the Americans with Disabilities Act, as well as improve the parking at an additional location. The proposed action would help accommodate the increasing demands at Ninepipe WMA for safe and easily accessible wildlife viewing opportunities. 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 develop the final design and specifications for the proposed action. A private contractor selected through the state's contracting processes would complete the construction. The Tribal Preservation Officer will be consulted prior to any ground disturbance.

## **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**

<b>1. <u>LAND RESOURCES</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		No	1a.
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				

- 1a. The proposed action at Sites 1 and 2 would remove and replace soil with gravel material for completion of viewing platforms. Impacts to existing soil patterns, structures, productivity, fertility, and instability beyond the footprint of platforms are not anticipated. Soil and geologic substructure would remain stable during and after the proposed work.

<b>2. <u>AIR</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)		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. <u>For P-R/D-J projects</u> , will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

The proposed action will have no impact on air quality.

3. <b>WATER</b>  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				

The proposed action would have no effect on water resources at the sites.

4. <b>VEGETATION</b> 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		No	4a.
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		Yes	4b.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

- 4a. Minimal vegetation will be removed in areas that will be replaced with gravel during the proposed project.
- 4b. There is the possibility for some new weed growth on disturbed and open soil areas of proposed sites. WMA weed management will assist with the control of new weeds at proposed sites.

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				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?			X		Yes	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				

5g. Proposed sites have been placed at a distance to minimize any disturbance to nesting waterfowl and shorebirds.

## 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		Yes	6a.
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

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.

7. <b>LAND USE</b> 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, the presence of which would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

7a. Because Ninepipe WMA is not under commercial production, the proposed project would have no impact on the productivity or profitability of the WMA.

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

8. <b>RISK/HEALTH HAZARDS</b> 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				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		X				

8a. Physical disturbance of the soil during construction could encourage the establishment of additional noxious weeds on the site. 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.

<b>9. <u>COMMUNITY IMPACT</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
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 proposed action will have no effect on the community.

<b>10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u></b> <b>Will the proposed action result in:</b>	<b>IMPACT</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
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.

10e. No revenue sources are projected.

10f. Maintenance costs for the site are expected to remain the same whether or not proposed project is completed.

11. <u>AESTHETICS/RECREATION</u> 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				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a & 11c.)		X				

11c. The proposed action may improve recreational use of the area by providing designated parking and viewing areas (Tourism Report attached - Appendix C).

12. <u>CULTURAL/HISTORICAL RESOURCES</u> 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 12a.)		X				

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 (Appendix D). The Tribal Preservation Officer will be consulted prior to any ground disturbance. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

### SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  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				
g. For P-R/D-J, list any federal or state permits required.		X				

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 provide better recreational opportunities over the long term. The proposed action would have no negative cumulative effects on the biological, physical, and human environments.

### **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 Ninepipe WMA, an important and popular wildlife viewing area in northwest Montana.

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.

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. The proposed project is unlikely to impact the 7 animal and 1 plant Species of Concern that have been observed in the vicinity of the WMA (Appendix B).

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 Lake 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 on Ninepipe WMA would improve recreational opportunities by providing safe and easily accessible wildlife viewing opportunities for the public.

## **PART IV. PUBLIC PARTICIPATION**

### **1. Public involvement:**

The public will be notified in the following manners to comment on this draft EA, the proposed action, and the alternatives:

- Two public notices in the *Lake County Leader and Char-Koosta*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EAs will be available at the FWP Region 1 Headquarters in Kalispell 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 1 issues.
- Notice of this EA 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 days. Written comments will be accepted until 5:00 p.m., June 1, 2016, and can be e-mailed to Chris Hammond at [chammond@mt.gov](mailto:chammond@mt.gov) or mailed to the address below:

Chris Hammond  
Ninepipe Wildlife Management Area Proposed Viewing Stations Project  
Montana Fish, Wildlife & Parks  
490 North Meridian Road  
Kalispell, MT 59901

## **PART V. EA PREPARATION**

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? No.** 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 EA 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:**  
Chris Hammond  
Wildlife Biologist, Region 1  
490 North Meridian Road  
Kalispell, MT 59901  
[chammond@mt.gov](mailto:chammond@mt.gov)  
(406) 751-4582
  
- 3. List of agencies or offices consulted during preparation of the EA:**  
CSKT Tribal Resources  
Montana Department of Commerce – Tourism  
Montana Fish, Wildlife & Parks  
    Design and Construction  
    Wildlife Division  
    Enforcement Division  
Montana Natural Heritage Program  
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. State Historic Preservation Office Concurrence

## APPENDIX A

### 23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

**Date:** April 26, 2016

**Person Reviewing:** Chris Hammond

**Project Location:** Ninepipe WMA is located on the Flathead Indian Reservation just south of Ronan on Highway 93 in Lake County. The land is located in Section 33, Township 20 North, Range 20 West and in Section 4, Township 19 North, Range 20 West (Figures 1 through 6).

**Description of Proposed Work:** In addition to hunting for waterfowl and upland game birds, Ninepipe WMA also provides additional year-round wildlife-related recreational opportunities such as bird watching and wildlife photography. Montana Fish, Wildlife & Parks (FWP) proposes to create 2 elevated wildlife viewing sites that meet the grade and dimensional standards of the Americans with Disabilities Act as well as improve the parking at a separate site.

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.)

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

**APPENDIX B**

**NATIVE SPECIES REPORT**

**MONTANA NATURAL HERITAGE PROGRAM**

**Sensitive Plants and Animals in the Vicinity of**

**Ninepipe WMA**

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicated that Montana animal Species of Concern have been observed in the vicinity of the proposed project, including: American bittern, bald eagle, bobolink, great blue heron, little brown myotis, long-billed curlew, and bat roost. The search by MNHP also indicated that one plant Species of Concern has been observed in the vicinity of the proposed project, slender bulrush.

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

**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.

**1. Botaurus lentiginosus (American Bittern)**

*Vertebrate animal- Bird*  
Natural Heritage Ranks

*Habitat: Wetlands*  
Federal Agency Status:

State: **S3B**  
Global: **G4**

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

FWP SWAP Status: **SGCN3**

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

*Vertebrate animal- Bird*  
Natural Heritage Ranks

State: **S3**  
Global: **G5**

*Habitat: Riparian forest*  
Federal Agency Status:

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

FWP CFWCS Tier: **SGCN3**

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

*Vertebrate animal- Bird*  
Natural Heritage Ranks

State: **S4**  
Global: **G5**

*Habitat: Riparian Forest*  
Federal Agency Status:

U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC**  
U.S. Forest Service: **Sensitive**  
U.S. Bureau of Land Management: **Sensitive**

FWP SWAP Status:

**4. Numenius americanus (Long-billed Curlew)**

*Vertebrate animal- Bird*  
Natural Heritage Ranks

State: **S3B**  
Global: **G5**

*Habitat: Grasslands*  
Federal Agency Status:

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

FWP SWAP Status: **SGCN3**

**5. Dolichonyx oryzivorus (Bobolink)**

*Vertebrate animal- Bird*  
Natural Heritage Ranks

State: **S3B**  
Global: **G5**

*Habitat: Moist Grasslands*  
Federal Agency Status:

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

FWP SWAP Status: **SGCN3**

**6. Myotis lucifungus (Little Brown Myotis)**

*Vertebrate animal- Mammal*  
Natural Heritage Ranks

State: **S3**  
Global: **G3**

*Habitat: Generalist*  
Federal Agency Status:

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

FWP SWAP Status: **SGCN3**

**7. Bat Roost (Bat Roost)**

*Other*

*Habitat:*

Natural Heritage Ranks

State: **SNR**

Global: **GNR**

FWP SWAP Status:

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

**8. Schoenoplectus heterochaetus (Slender bulrush)**

*Vascular Plants*

Natural Heritage Ranks

State: **S1S2**

Global: **G5**

FWP SWAP Status: **1**

*Habitat: Wetland Riparian*

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

# 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:

Jeri Bucy, Bureau Chief, Sales and Constituent Services  
Montana Office of Tourism & Business Development  
301 S. Park Ave.  
Helena, MT 59601

**Project Name:** Ninepipe Wildlife Management Area Wildlife Viewing Stations

**Project Description:** Ninepipe Wildlife Management Area (WMA) offers free and easy accessibility, relative safety, and a reasonable opportunity for a satisfactory experience for all recreating publics. The WMA also provides additional year-round wildlife-related recreational opportunities such as bird watching and wildlife photography. Parking areas are well-distributed around the WMA and walk-through fence gaps along all public roads make the land very accessible. However, during the public comment period on the Ninepipe WMA Management Plan the public expressed concern that parking areas were not ideal for wildlife watching and that there were no elevated viewing areas that presented unobstructed wildlife viewing opportunities of wetlands. Montana Fish, Wildlife & Parks (FWP) proposes to create 2 elevated wildlife viewing sites that meet Americans with Disabilities Act specifications on Ninepipe WMA for the public as well as improve the parking at 1 site.

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 Jeri Bucy, SCS Date April 27, 2016

# APPENDIX D STATE HISTORIC PRESERVATION OFFICE CONCURRENCE

<p>Big Sky. Big Land. Big History.</p> <p><b>Montana</b> Historical Society</p> <p>Montana State Historic Preservation Office                  1410 8th Avenue, PO Box 201202                  Helena, MT 59620-1202                  (406)444-7715                  montanahistoricalsociety.org</p>		<p><b>FILE SEARCH INVOICE</b></p> <p>DATE: 11-Apr-16</p> <p>SHPO Invoice #: 2016040807</p>	
<p><b>Bill To:</b>                  Contact Name: Bardell Mangum                  Organization: MT FWP                  Address: PO Box 200701                  City/State/Zip: Helena MT 59620-0701</p>		<p style="text-align: center;"><b>File Search Fee Structure</b></p> <p style="text-align: center;">1-3 Sections (\$25)                  4-300 Sections (\$8/Section)                  &gt; 300 Sections (\$10/Section)</p> <p style="text-align: center;">For questions contact:                  Damon Murdo dmurdo@mt.gov (406) 444-7767</p>	
<p>Project Name: NINEPIPE WMA VIEWING PLATFORMS</p>	<p><b>Total Cost: \$25</b></p>		
<p><b>Total sections searched for SHPO Project #: 2016040807</b></p>		<p><b>1</b></p>	
<p>Please make all checks payable to:                  Montana Historical Society                  PO Box 201201                  Helena, MT 59620</p>		<p style="text-align: center;">Or  <b>Pay Online</b> by clicking  <a href="https://app.mt.gov/cgi-bin/cashier/cashier.cgi?REG_ID=356">https://app.mt.gov/cgi-bin/cashier/cashier.cgi?REG_ID=356</a></p>	
<p>Due upon receipt. Please pay within 30 days.</p>			