

Environmental Assessment



HARLOWTON FISHING ACCESS SITE Development Project

December 2007



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

Harlowton Fishing Access Site Development Project

Draft Environmental Assessment

MEPA, NEPA, MCA 23-1-110 CHECKLIST

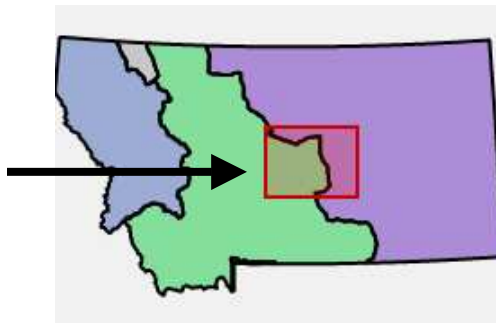
PART I. PROPOSED ACTION DESCRIPTION

- 1. Type of proposed state action:** Montana Fish, Wildlife & Parks (FWP) proposes entering into a cooperative agreement with the City of Harlowton to develop a new Fishing Access Site (FAS) on the Musselshell River on property owned by the City. Development for the new FAS would include a 300-yard entrance road, gravel parking area with eight vehicle stalls, latrine, footpath to the river, barrier rock, fencing, and signs.
- 2. Agency authority for the proposed action:** The 1977 Montana Legislature enacted Montana Section 87-1-605 (MCA), which directs Fish, Wildlife & Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature established an earmarked funding account to ensure that this fishing access site function would be established.

In addition, Montana Section 2-15-107(2) states that “Except as otherwise provided by law, each department head may: d) enter into agreements with federal, state, and local agencies necessary to carry out the department's functions”.

- 3. Name of project:** Harlowton Fishing Access Site Development Project.
- 4. Name, address and phone number of project sponsor (if other than the agency):** Montana Fish, Wildlife, and Parks is the project sponsor.
- 5. If applicable:**
Estimated start of construction: Spring 2008
Estimated completion of construction: Summer 2008
Current Status of Project Design (% complete): 50
- 6. Location affected by proposed action (county, range and township):** A tract of land in the SW ¼ of SW ¼ Township 8 North, Range 15 West, Section 22, Wheatland County. The new FAS would be located within FWP Region 5 and the Central Fishing District.

Figure 1. General location of the proposed FAS within the State is shown by box.



7. Project size -- estimate the number of acres that would be directly affected that are currently:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>0</u>
(b) Open Space/Woodlands/Recreation	<u>0</u>	Dry cropland	<u>0</u>
		Forestry	<u>0</u>
(c) Wetlands/Riparian Areas	<u>1</u>	Rangeland	<u>10</u>
		Other	<u>0</u>

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

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

<u>Agency Name</u>	<u>Permit</u>
Montana Dept of Transportation	Sign

(b) Funding:

<u>Agency Name</u>	<u>Amount</u>
Montana Fish, Wildlife & Parks	\$51,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
City of Harlowton	Cooperative Management and Maintenance
State Historic Preservation Office	Cultural Resource Protection

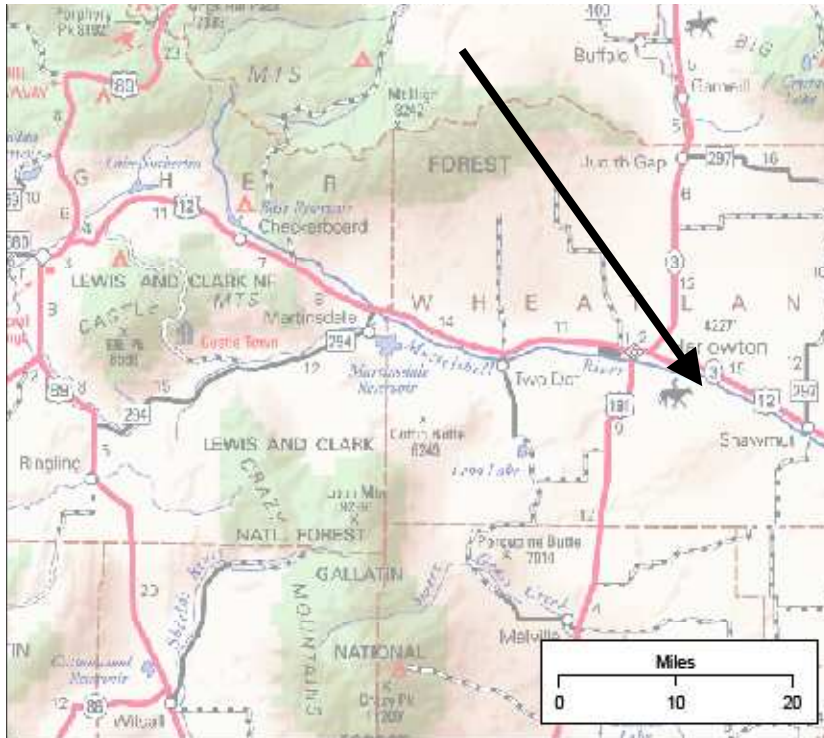
9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

The Musselshell River begins with the headwaters of the North and South forks in the Little Belt, Castle, and Crazy Mountains in central Montana. Converging near Martinsdale, Montana, they form the main stem, which flows east and north through a landscape varying from mountains to rolling plains and badlands. The upper, coldwater region of the Musselshell has abundant brush cover, good gravel bars, and undercut banks which supports five species of game fish, including brown, rainbow, and brook trout. After the river leaves the mountains, the water becomes wider and warmer and a number of irrigation diversions reduce streamflows, but a good number of browns and rainbows are still found in the river as it flows past Harlowton. Riparian vegetation on this stretch is commonly honeysuckle, wild rose, willow, and isolated groves of cottonwood trees.

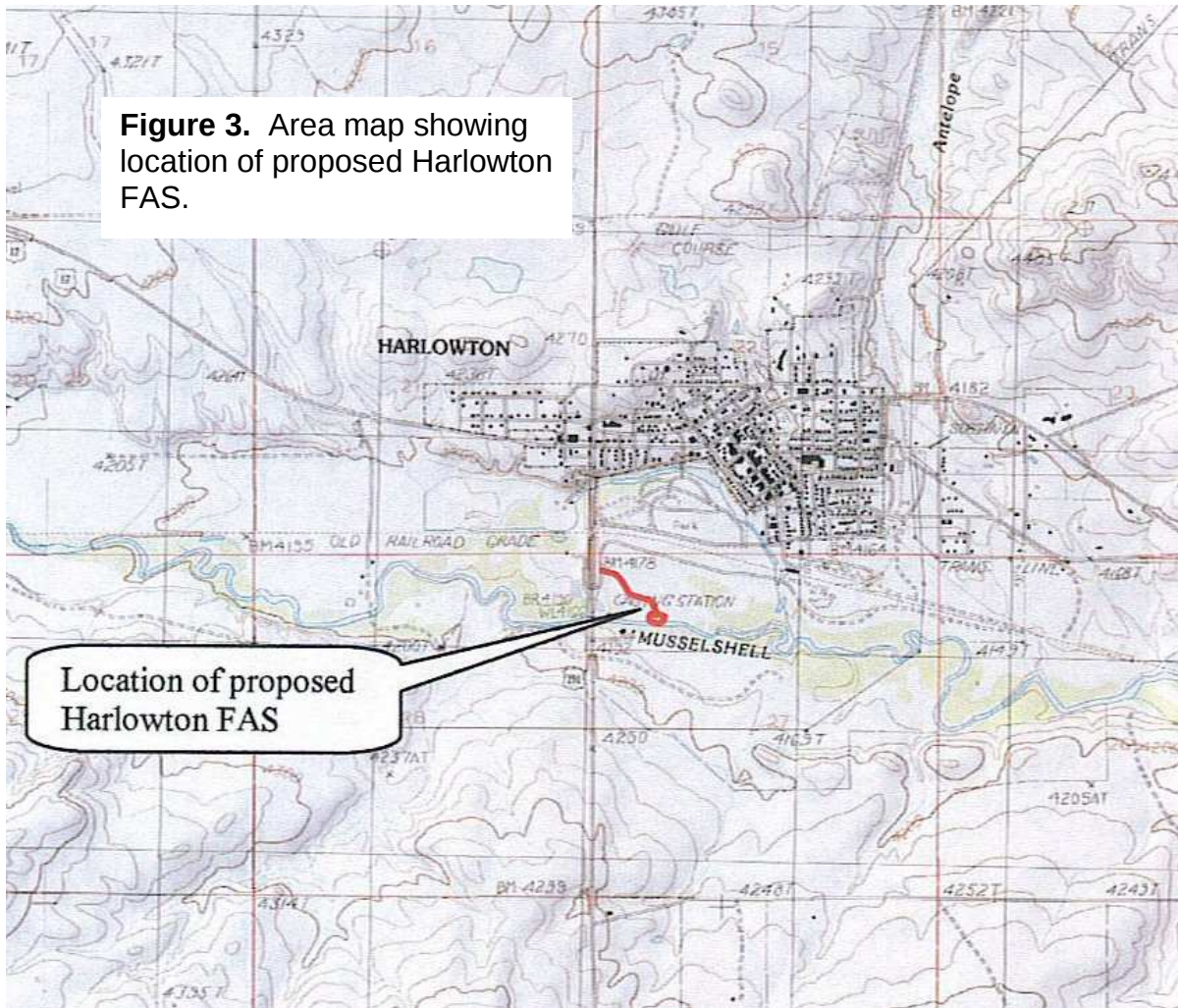
Public access to the Musselshell River is very limited. FWP operates Selkirk FAS 42 river miles upstream (20 highway miles), other access is restricted to a handful of pullouts along state and county bridges and by permission of private landowners. Fishing pressure on the Musselshell is relatively low due to its distance from population centers and the lack of public access. In 2005 there were 1,570 angler days on the stretch of river between Lavina and the headwaters, placing it 27th in use in the Region and 213th in the state.



Figure 2. Approximate location of proposed Harlowton FAS.



In 2004, the City of Harlowton and FWP began discussing the possibility of cooperatively constructing and managing a fishing access site on the Musselshell River on City property. The department was interested in the idea, as most of the land along the Musselshell River is privately owned and opportunities to increase public access to the river are rare. The proposed FAS would be located on the north side of the river in a level, grassy field south of Chief Joseph Park (see Figs. 2 and 3).



Development of the FAS would include a gravel road from the terminus of the approach road to the FAS, graveled surface parking for 8 vehicles, a latrine, a footpath to the river, cattle guards, fencing, barrier rock, and signs (see Figs. 4 and 5). The Musselshell is not consistently floatable in this stretch except during brief periods in the spring, so a boat ramp would not be included. However, the parcel has gently-sloped banks for streamside angling and the river is generally shallow enough to wade in (see Figure 6). A paved approach off of Hwy 191 already exists (see Figure 7), and leads to the western edge of the field described above. The proposed gravel entrance road would connect to the paved road and cross the field generally following the highest ground until it terminated at the gravel parking area (see Figures 3, 4, and 8). Cattle guards would be placed at the entrance to the parking lot and at the juncture of the paved approach road and gravel entrance road.

Local plans for the future include linking the FAS with the new “Smoking Boomer” Rail Trail. This trail originates at the old train depot and future sections will eventually connect with several features in the southern part of the city. The first 1.25 mile leg was recently completed and has proven to be very popular. The combination of the Rail Trail and FAS would significantly improve recreational opportunities for youth and other residents in Harlowton who do not have access to private land.

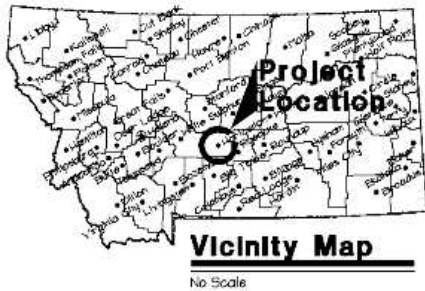
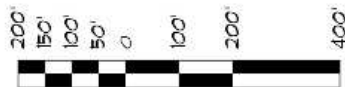


Figure 4. Proposed site design for Harlowton FAS. The road alignment shown is preliminary and may change somewhat during final design.



Overall Master Site Plan (Preliminary)

SCALE : 1" = 200'

DESIGNED BY: DATE:	REVISED BY: DATE:	APPROVED BY: DATE:
CHECKED BY: DATE:	APPROVED BY: DATE:	APPROVED BY: DATE:



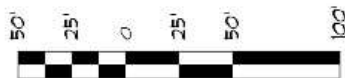
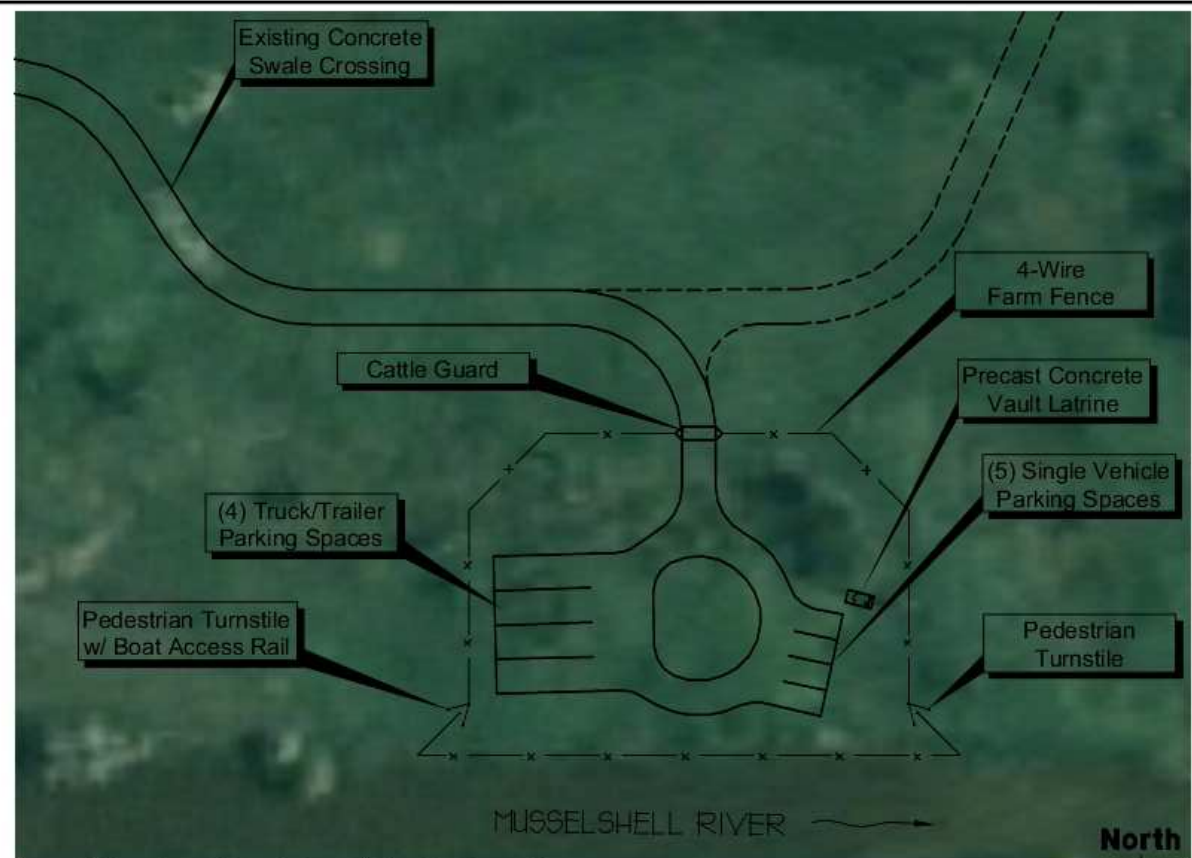
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Harlowton FAS
Wheatland County, Montana



SHEET:
1
of
2

Figure 5. Proposed site design for Harlowton FAS, detail.



Enlarged Master Site Plan (Preliminary)

SCALE : 1" = 50'

J. Meigs		11/23/2017	
DRAWN BY:	DATE:	REVISED BY:	DATE:
CHECKED BY:	DATE:	APPROVED BY:	DATE:



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Harlowton FAS
Wheatland County, Montana



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Figure 6. Photo of Musselshell River from proposed FAS site looking upstream.

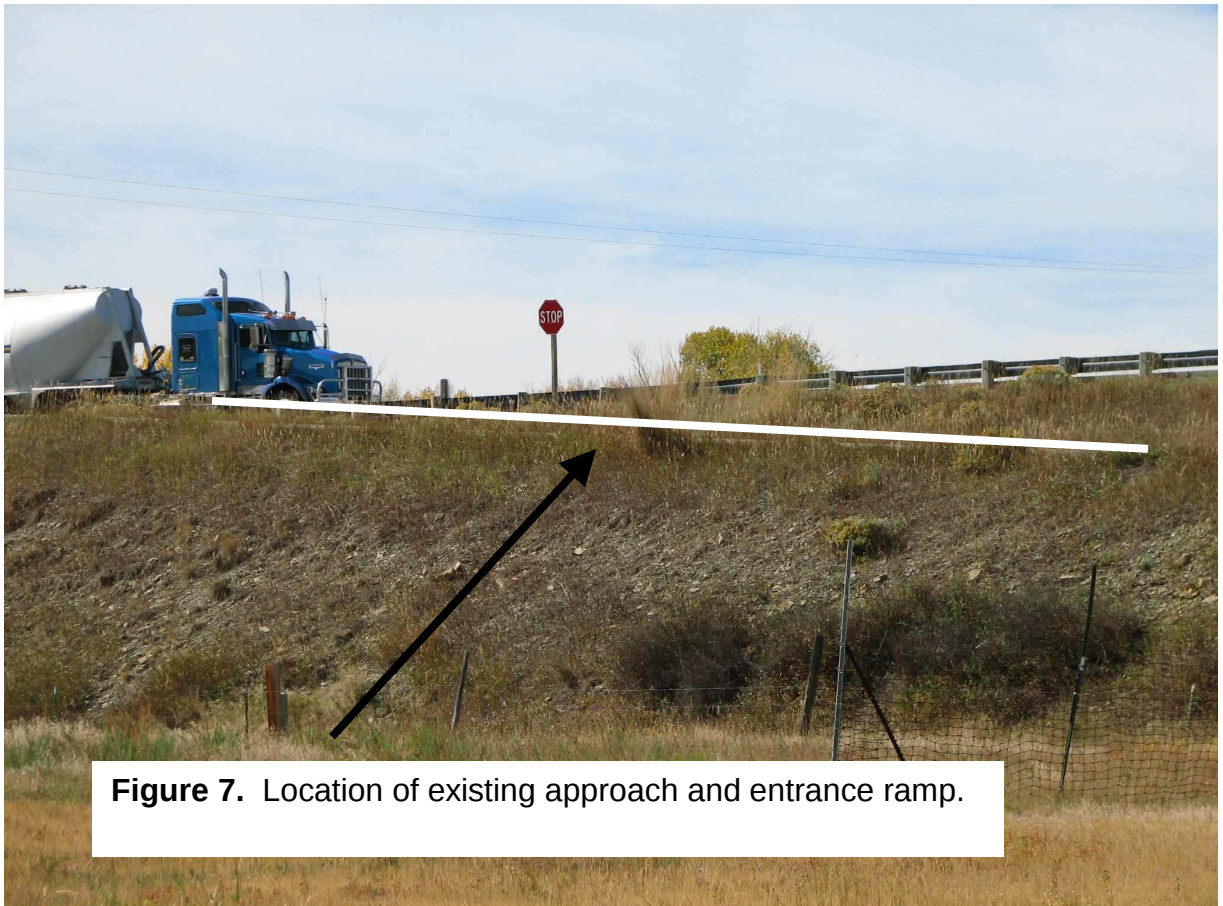


Figure 7. Location of existing approach and entrance ramp.

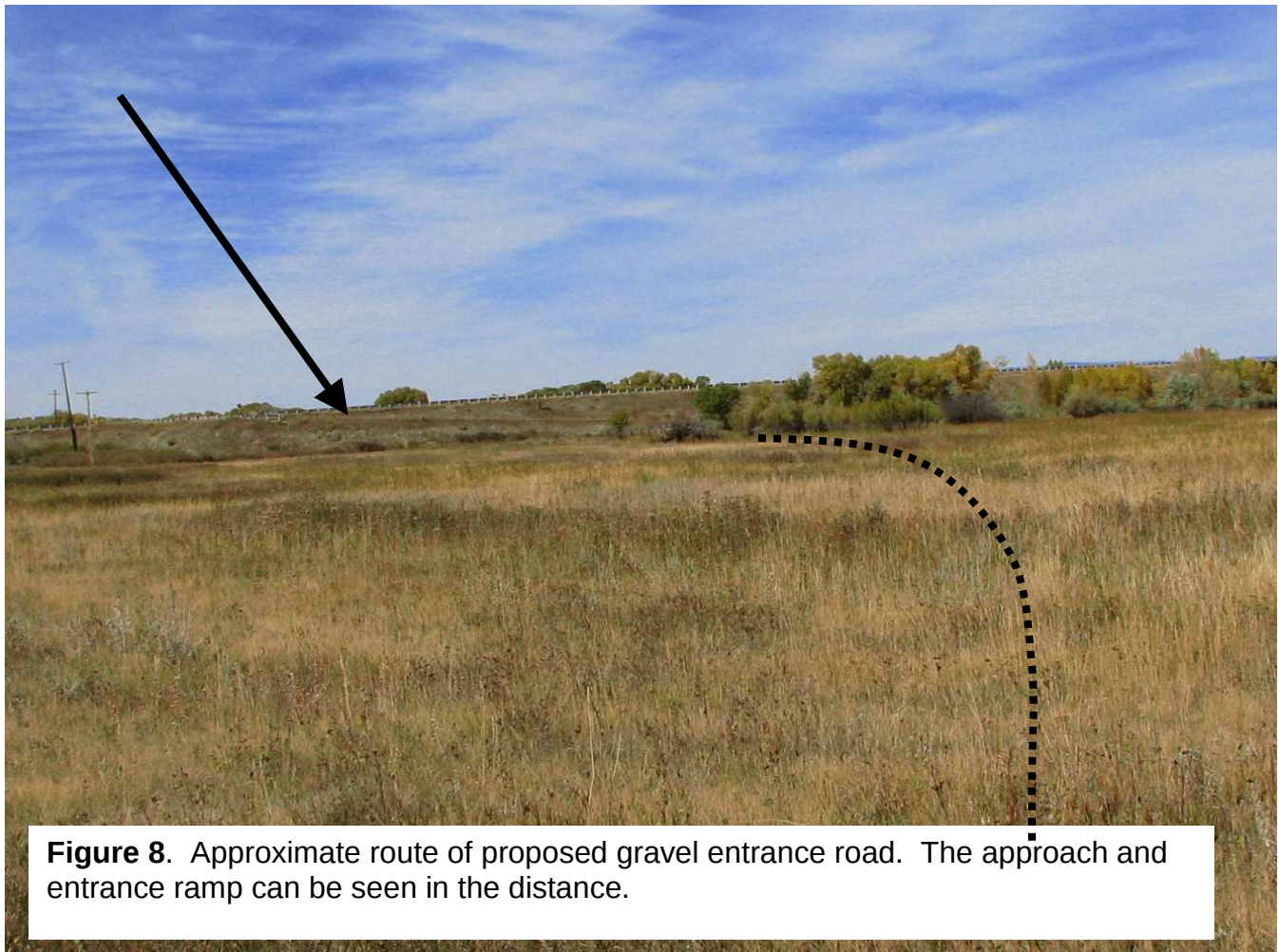


Figure 8. Approximate route of proposed gravel entrance road. The approach and entrance ramp can be seen in the distance.

Following initial Commission approval, FWP and the City negotiated an 25 year agreement stipulating the responsibilities of each party. The agreement is for 25 years, is no cost and covers the approximately 1 acre of land covered by the FAS. FWP is responsible for the design and construction of the FAS, as well as completing all analyses required by MEPA and other applicable state laws. The City is responsible for maintaining the road to the FAS and the parking lot, with the exception of snow plowing. The Department would pay to have the latrine pumped periodically, and would maintain any fences and signs installed around the FAS. The City and the Department would cooperate in paying maintenance costs associated with the FAS, including but not limited to latrine cleaning, weed control, and trash collection and removal. The City would provide assistance in construction of the FAS as funding and resources allow, including materials, equipment, manpower and/or funding. The cost of the project is estimated to be approximately \$51,000.

The benefits of the proposed action include the opportunity to establish a FAS in an area with little public river access at a reasonable cost; and the prospect of cooperating with the City on several aspects of the project. The development of this FAS would significantly add to public recreational opportunities in the Region.

PART II. ENVIRONMENTAL REVIEW

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

Alternative A: No Action

If no action is taken, the Department would cancel the cooperative agreement with the City of Harlowton and not develop a new FAS on the Musselshell River in that local. The proposed project site would likely remain undeveloped, and FWP would not immediately seek to develop a FAS elsewhere on the Musselshell. Opportunities to acquire land along the Musselshell that would be appropriate for a FAS are rare, and would likely be prohibitively costly if they did occur. If no action is taken, FWP would lose an opportunity to develop a FAS without incurring the high cost of purchasing land. In addition, public access to the Musselshell would remain limited, and use would continue to be concentrated at the single existing FAS (Selkirk), along a handful of pullouts along state and county bridges, or by permission of private landowners.

Preferred Alternative B: Proposed Action

In the preferred alternative, FWP would proceed with the cooperative agreement with the City of Harlowton to develop a new FAS on the Musselshell River on City property. Development features would include a gravel entrance road, 8-stall gravel parking lot, footpath to the river, latrine, barrier rock, fencing, and signs. FWP would like to provide better public access to this good-quality fishery and improve recreational opportunities for the residents of Harlowton and adjacent areas.

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

There are no mitigation, stipulations, or other controls associated with the actions. Therefore, no evaluation is necessary.

- 3. Private Property Regulatory Restrictions:**

Actions described in this environmental analysis do not regulate the use of private, tangible personal property, and therefore do not require an evaluation of regulatory restrictions on private property.

PART III. ENVIRONMENTAL REVIEW CHECKLIST

3. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?		X				
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				
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				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):

- 1b. Soil would be disturbed and over-covered during the construction of the entrance road and parking area. Negative impacts can be mitigated by the adherence to Best Management Practices (BMP's) during all phases of construction.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X			2a.
b. Creation of objectionable odors?			X		yes	2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)						
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):

- 2a. Minor and temporary dust and vehicle emissions will be created by heavy equipment during construction of the entrance road and parking lot.
- 2b. Latrines can sometimes emit offensive odors. This impact can be mitigated by regular maintenance of the latrine.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

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3. <u>WATER</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				3a.
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.)						
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.)						
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):

- 3a. It is unlikely that the proposed project would result in any discharge into adjacent surface water. FWP would ensure that Best Management Practices were employed during construction to minimize that risk.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

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4. VEGETATION Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a.
b. Alteration of a plant community?			X			4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X			4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):

- 4a. The proposed project would require the removal of approximately 1/8 acre of vegetation for the parking lot, and ½ acre of vegetation for the entrance road. Vegetation in the project area is comprised of grasses and forbs, with some small shrubs (willow and wild rose). These plant species are common and well represented locally and regionally, and the overall effect would not be significant.
- 4b. Please see comment 4a.
- 4c. A search of the Montana Natural Heritage Database revealed one plant species of concern (small dropseed) that may occur within the larger project area, but has not been observed within the project site. It is unlikely that this species would be affected by the proposed project.
- 4e. Disturbed soils at the edges of the proposed parking lot and entrance road could become colonized by noxious weeds. FWP would re-seed disturbed areas and actively manage the entire site for noxious weeds under the FWP Region Five Weed Management Plan.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X		yes	5b.
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		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.)						
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.)						
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):

- 5b. The proposed action would increase public access to the Musselshell River, which would likely result in more fishing pressure and more game fish mortality. Department fisheries biologists feel that fish populations in the Musselshell can support the expected increase in pressure. Game wardens regularly patrol FAS' to ensure that anglers are complying with state regulations. The removal of vegetation for the parking lot and entrance road would likely result in the displacement of several small non-game animal species in the immediate area.
- 5f. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that the project area is within possible gray wolf (an endangered species) habitat. No observations of wolves have been recorded at this location, but it is possible that they have moved through the area. The type of light development proposed in this project is unlikely to have an impact on wolves, should they occur, because of the project's small footprint and the existing human presence in the area. The records of three other animal species of concern were found in the database search. One, the short-horned lizard, has been observed in an area approximately three miles from the project site, and would be unlikely to be affected by the proposed FAS. The two others, the lark bunting and the long-billed curlew, have been observed in the general vicinity of the project area and may be affected by the construction and increased human presence.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

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- 5g. The increased presence of recreationists on the property could cause stress to wildlife populations. However, visitation would not be expected to ever be high, and most wildlife species present on the parcel are probably already accustomed to human presence, given the site's proximity to Hwy 191, Chief Joseph Park, and the City of Harlowton.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Increases in existing noise levels?			x			6a.
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):

- 6a. There would be a temporary increase in noise level during construction of the parking area and associated projects, but would end after completion of the project. Adjacent landowners could potentially be affected. No overnight would be allowed to reduce night time disturbances and the site is easily viewable from adjacent roads, discouraging inappropriate behavior.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. LAND USE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				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.
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):

- 7a. The proposed action would not alter or interfere with the productivity or profitability of the existing land use, not does it conflict with a designated natural area or area of unusual scientific or educational importance.
- 7d. The proposed development is within existing public land and adjacent to county fairgrounds/rodeo grounds, community trail system and a public campground. The site was moved to address concerns expressed by an adjacent landowner. No camping will be allowed at the site. Parking will be limited and the site is easily viewed from public roads including Montana 191, discouraging inappropriate behavior.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)						
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):

- 8a. The FWP Region 5 Weed Management Plan calls for an integrated method of managing weeds, including the use of herbicides. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
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			9e.
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):

- 9e. There would be a slight increase in traffic hazards from users entering and leaving the FAS. The existing approach is well-sighted, however, and problems are not expected.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):

- 10e. The cost of the proposed improvements is estimated to be \$51,000. The revenue source would be the Capitol Improvement Fund.
- 10f. Yearly maintenance costs for the site are estimated to be \$1200, including latrine pumping.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):

11. The proposed acquisition would increase public access to the Musselshell River, thereby improving recreational opportunities in the area and Region.

11c. Please see Attachment B for Tourism Report.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)						
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (attach additional pages of narrative if needed):

- 12a. The proposed action would not destroy or alter any site, structure or object of historic importance. The State Historic Preservation Office (SHPO) requested a cultural resource inventory, due to the fact that a few previously recorded sites in the general area, including this specific area, had not been surveyed. A professional archaeological consultant is under contract to prepare a cultural resource inventory of the site. The findings and recommendations of the consultant will be used to consult with the SHPO prior to any construction activity.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a.
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)						
g. ****For P-R/D-J, list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

13a. This EA found no significant impacts to the human or physical environment from the proposed action.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART IV. NARRATIVE EVALUATION AND COMMENT

The Musselshell River is a good-quality if lesser-known and visited fishery. Rainbow trout and brown trout exist in sufficient numbers to support greater fishing pressure than the present. The City of Harlowton is willing to enter into a cooperative agreement with FWP in order to develop an FAS on City property, which would provide additional recreational opportunities for the residents of Harlowton and a small increase in revenue generated from tourist use. The development of an FAS at this site would be in line with FWP's Six-Year Operation Plan for the Fisheries Program, which has as a stated goal to "identify waters in need of additional access and develop strategies to meet these needs", and to "pursue access opportunities to high-quality, non-floatable (small/medium) streams."

The proposed development would increase public recreational opportunities with no significant negative impacts. Montana FWP would like to provide better public access to area anglers through an improved FAS on the Musselshell.

PART V. PUBLIC PARTICIPATION

- 1. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

The public has had several opportunities over the last three years to be involved in the development of this project during regular City Council meetings, where the topic has been on the regular agenda. The public will be further notified by way of one statewide press release in the *Helena Independent Record* and the *Harlowton Times-Clarion* and by public notice on the Fish, Wildlife & Parks web page: <http://fwp.state.mt.us/publicnotices>. Individual notices will be sent to those that have requested one. Public comment may also be taken at City Council meetings during the comment period.

- 2. Duration of comment period, if any.**

A 30-day comment period is proposed. This level of public involvement is appropriate for this scale of project.

The comment period would run from 12/12/07 until 1/15/08.
Comments should be sent to:

Doug Habermann
Regional Parks Manager
2300 Lake Elmo Drive
Billings, MT 59105
dhabermann@mt.gov

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/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 the primary, secondary, and cumulative impacts to the physical and human environment, this environmental review found no significant impacts from the proposed action. In determining the significance of the impacts, Fish, Wildlife and Parks 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. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Doug Habermann
Region 5 Park Supervisor
2300 Lake Elmo Dr.
Billings, MT 59105
(406)247-2954

Allan Kuser
Fishing Access Site Coordinator
1420 East 6th Ave
Helena, MT 59620
(406) 444-7885

Linnaea Schroeer-Smith
Independent Contractor
1027 9th Ave
Helena, MT 59601
(406)495-9620

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

Montana Fish, Wildlife & Parks
Parks Division
Wildlife Division
Fisheries Division
Design & Construction Bureau
Lands Division

Montana State Historic Preservation Office (SHPO)

Montana Department of Commerce – Tourism

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

City of Harlowton

APPENDIX 1
HB495
PROJECT QUALIFICATION CHECKLIST

Date October 4, 2007

Person Reviewing Linnaea Schroeer-Smith

Project Location: A tract of land in the SW ¼ of SW ¼ Township 8 North, Range 15 West, Section 22, Wheatland County.

Description of Proposed Work: Fish, Wildlife & Parks (FWP) proposes entering into a cooperative agreement with the City of Harlowton to develop a new Fishing Access Site (FAS) on the Musselshell River on property owned by the City. Development for the new FAS would include a 300-yard entrance road, gravel parking area with eight vehicle stalls, a latrine, a footpath to the river, barrier rock, fencing, and signs.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check ☐ all that apply and comment as necessary.)

- ☒ **A. New roadway or trail built over undisturbed land?**
Comments: Approximately 900 ft of gravel-surface road would be constructed over undisturbed land for the entrance road.
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: None
- ☐ **C. Any excavation of 20 c.y. or greater?**
Comments: None
- ☒ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: None. The proposed parking area would be constructed over undisturbed land.
- ☐ **E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?**
Comments: None.
- ☐ **F. Any new construction into lakes, reservoirs, or streams?**
Comments: None
- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: SHPO clearance would be obtained prior to project start.
- ☐ **H. Any new above ground utility lines?**
Comments: None

- ☐ I. **Any increase or decrease in campsites of 25% or more of an existing number of campsites?**

Comments: None.

- ☐ J. **Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**

Comments: None

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

Appendix 2

Sensitive Plants and Animals in the proposed Harlowton FAS Area

Species of Concern Terms and Definitions

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**) (NatureServe 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).

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.

1. *Canis lupus* (Gray Wolf).

Natural Heritage Ranks:

State: **S3**

Global: **G4**

Federal Agency Status:

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

U.S. Forest Service: **Endangered**

U.S. Bureau of Land Management: **Special Status**

No observational data exists for this specific site, but the project area is inside of possible wolf habitat.

2. *Phrynosoma hernandesi* (Greater Short-horned Lizard).

Natural Heritage Ranks:

State: **S3**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

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

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

The proposed project site is over three miles away from the element occurrence of this species, so the proposed project would be unlikely to affect this sensitive species.

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

Natural Heritage Ranks:

State: **S2B**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

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

This species has been observed approximately 0.5 miles from the proposed project site. It is possible that this species occasionally uses the project area.

4. *Sporobolus neglectus* (Small Dropseed).

Natural Heritage Ranks:

State: **S1**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

A specimen record for this species exists from 1942 that was found in an area approximately 2 miles south of the proposed project site. No current information on this species is available.

5. *Calamospiza melanocorys* (Lark Bunting)

Natural Heritage Ranks:

State: **S3B**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

This species has been observed in the vicinity of the proposed project site.

Information courtesy of Montana Natural Heritage Program

ATTACHMENT A
TOURISM REPORT
MONTANA ENVIRONMENTAL POLICY ACT (MEPA)/HB495

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by HB495 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
Tourism Development Specialist, Travel Montana
Montana Commerce Department
301 South Park Avenue
Helena, MT 59601
406-841-2796, FAX 406-841-2871
ccrockett@mt.gov

Project Name: Harlowton FAS Development Project

Project Location: A tract of land in the SW ¼ of SW ¼ Township 8 North, Range 15 West, Wheatland County.

Project Description: Montana Fish, Wildlife & Parks (FWP) proposes entering into a cooperative agreement with the City of Harlowton to develop a new Fishing Access Site (FAS) on the Musselshell River on property owned by the City. Development for the new FAS would include a 300-yard entrance road, gravel parking area with eight vehicle stalls, a latrine, a footpath to the river, barrier rock, fencing, and signs.

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

As described, the project has the potential to have a positive impact on the tourism economy.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO YES If YES, briefly describe:

As described, the project has the potential to positively impact the quality and quantity of tourism/recreation opportunities and settings.

Signature: Carol Crockett Date: Nov. 14, 2007

Attachment B
Harlowton FAS Cooperative Agreement

This agreement is made and entered into this _____ day of _____, 2005, between the Montana Department of Fish, Wildlife, and Parks, an agency of the State of Montana, whose main address is 1420 East Sixth Avenue, P O Box 200701, Helena, MT 59620- 0701 (Department) and the City of Harlowton, a municipal corporation, whose address is P O Box 292, Harlowton, MT 59036-0292 (City).

RECITALS

The City owns and controls certain real property known as the Railroad Land, located in Wheatland County, Montana and more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

The City is desirous of continuing to operate and maintain the Railroad Land and to enhance the area adjacent to the Musselshell River within the Railroad Land as a public fishing and recreational access site to the river for the use and benefit of the public.

In furtherance of the Department's objectives of providing water-based recreational opportunities to the public, the Department wishes to assist the City by providing expertise for the development and management of the site. The City wishes to provide long-term maintenance and management of the site as part of its public park facilities.

Both the City and Department are desirous of designating a portion of the Railroad Land as the Harlowton Fishing Access Site (hereinto referred to as the Fishing Access Site or FAS).

AGREEMENT

In consideration of the mutual promises, terms and provisions of this agreement, the Department and City agree to the terms and provisions set forth below:

1. **Purpose:** The purpose of this Agreement is to establish responsibilities for initial construction of the FAS improvements, and long-term operation and maintenance responsibilities according to the terms and conditions outlined in this Agreement.
2. **Term:** The term of this Agreement shall be for a term of twenty-five (25) years, with a renewal option for an additional twenty-five (25) years upon mutual written consent by both the Department and the City.
3. **Design and Construction:** The Department agrees to design the public recreational facilities at the Railroad Land to include a vehicular parking area, access road to and within the fishing access site, latrine toilet, and directional signs. The Department will complete the analyses required by MEPA and other applicable state laws. The City will be afforded the opportunity to review and comment on the design plans and agrees to assist in the environmental review analyses and permitting.

Actual construction will not begin until the above analyses are completed and funding is available for the project. Construction funded by FWP can include any items incorporated into the design plan and may be accomplished through private contractors, public agency personnel and equipment, volunteers, or a combination of these and as further described under section 5.

4. Operations and Maintenance: The City and the Department agree to operate the fishing access site area located within the Railroad Land under the following terms and conditions:
 - a. The Harlowton Fishing Access Site will be operated and maintained as a public recreation area and fishing access site, providing for general public use of the premises and facilities and to remain open during the entire year. The remaining portion of the Railroad Land that is not used as a part of the fishing access site may continue to be operated in any manner that does not interfere with the purposes of this Agreement.
 - b. The City and the Department will cooperate in paying maintenance costs to keep the Harlowton Fishing Access Site in good repair and in clean and safe condition including, but not limited to, weed control, garbage collection and removal, mowing, cleaning, and sanitary provisions. Any garbage will be removed to the nearest Montana Department of Public Health and Human Services approved disposal area.
 - c. The City will maintain the road to the access site and the parking area in a passable condition for normal vehicular use. Neither the City nor the Department is obligated to maintain the access road to the site for any purpose other than to provide access to the Harlowton Fishing Access Site. Even though the site is to remain open all year, neither the City nor the Department is obligated to plow or remove snow from the site or the road at any time. The City may gate and lock the area after dark if necessary to control unauthorized use of the area.
 - d. If a toilet is installed at the fishing access site, the Department will have the toilet pumped periodically as needed, but not less than once per year. The City and Department will cooperate in maintaining the toilet by keeping it clean inside and out. The agreed standard is for the toilet to be cleaned a minimum of twice per week during each summer recreation season. During the fall, the toilet is to be cleaned a minimum of twice per month.
 - e. The Department will maintain any fences and signs installed around the fishing access site, in good repair.

- f. Weed control will be performed at the FAS in accordance with Wheatland County's weed control policies and the Department Weed Management Plan.
5. Costs: The Department will provide funding for development of the fishing access site as designed and as provided for by the Montana Legislature. The City will provide assistance in construction of the Fishing Access Site as funding and resources allow, including materials, equipment, manpower and/or funding. The City may solicit, accept, and utilize in-kind or actual donations of resources, including materials, equipment, manpower and/or funding for construction of the fishing access site. All legal requirements of contracting and/or utilizing volunteer or in-kind resources are the responsibility of the City.
6. Nondiscrimination: The City will not discriminate against any individual or group because of race, color, religious creed, political ideas, sex, age, marital status, physical or mental handicap, national origin or ancestry in its operation or administration of the Harlowton Fishing Access Site. The City will comply with all laws pertaining to the Equal Opportunity Act and the Fair Labor Standards Act.
7. Assignment: The City shall not assign its interest in this Agreement, in whole or in part, to any person or entity without the written approval of the Department.
8. Remedies: If the City defaults in the performance of any term or condition of this Agreement, or otherwise violates any provision hereof, the Department may give the City written notice of such default or violation, after which the City will have 30 days to cure the default or violation. To constitute a notice under this paragraph, the notice must indicate that it is given pursuant to this paragraph. If the City fails to cure the default or violation within this 30-day period, the Department may, at its discretion, terminate this Agreement, commence suit for breach of this Agreement, or seek any other remedy available to it under the law, including without limitation, specific performance or other equitable relief. This may include FWP assuming operations and maintenance of the site for the remainder of the term of this agreement with or without compensation from the City for the costs of that operations and maintenance. All notices pertaining to this agreement shall be in writing, and shall be effective when mailed. In the event the site improvements are severely damaged as a result of a natural disaster such as flooding, the Department may pay for replacement of improvements as funding allows.
9. Liaison: The Department designates its Region 5 Supervisor, 2300 Lake Elmo Drive, Billings, Montana 59105 to act as liaison between the Department and City for the operation of this Agreement. The City designates the Mayor of Harlowton, P O Box 292, Harlowton, Montana, 59036-

0292 to act as liaison between the City and the Department for the operation of this Agreement. The Department and City agree to meet as needed once this agreement is in place to review operation and maintenance of the access site.

10. Hold Harmless and Indemnification: The Department shall hold harmless, indemnify and defend the City and its employees, agents, and contractors from and against all liabilities, penalties, costs losses, damages, expenses, causes of action, claims, demands or judgments, including without limitation reasonable attorneys' fees arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any negligent or willful act or omission of the Department, except to the extent the injury, death, or physical damage is caused in part by the negligence or willful act or omission of the City or its agents, employees, or contractors.

The City similarly agrees to hold harmless, indemnify and defend the Department and its employees, agents and contractors from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including without limitation, reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any negligent or willful act or omission of the Department, except to the extent the injury, death, or physical damage is caused in part by the negligence or willful act or omission of the Department or its agents, employees, or contractors.

11. Modifications: This document constitutes the sole and entire agreement between the Department and City. No statements, promises or inducements made by either party which are not contained in this Agreement are valid or binding unless evidenced in writing and signed by both parties. The City will not alter, amend or modify any of the terms and conditions of this agreement that would eliminate public use of the site as a fishing access site.

IN WITNESS WHEREOF, the Department and City have executed this Agreement.

Montana Department of Fish, Wildlife and Parks

City of Harlowton

By: (S) Larry Peterman 9/20/07
Director Date

By: (S) John Peccia 8/29/07
Mayor Date

FWP Legal Review

By: _____

EXHIBIT A

Legal Description for the Railroad Land to be used for the Harlowton Fishing Access Site as recorded in records of Wheatland County, Montana

A tract of land in the SW1/4 of SW1/4 Township 8 North, Range 15West, Montana Principal Meridian, being part of Wheatland County, Montana.