

*Final Environmental Assessment*

**Disposal of Property  
In the Blackfoot Clearwater Game Range  
Acquired in Part with  
Pittman-Robertson Wildlife Restoration Act Funds**

**March 13, 2008**

Prepared by

**Montana Fish, Wildlife and Parks**

and the

**U.S. Fish and Wildlife Service  
Division of Wildlife and Sport Fish Restoration  
Region 6  
Denver, Colorado**

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## **PURPOSE AND NEED FOR ACTION**

The purpose of this proposed action is to dispose of a property purchased in the 1940's by Montana Fish, Wildlife and Parks (FWP). This property was purchased in part with Pittman-Robertson Wildlife Restoration Act program funds and became part of the Blackfoot Clearwater Game Range (Blackfoot Clearwater GR.) Federal funds provided 75% of the cost of the land. Later in the 1960's much of the surrounding property was traded for other properties north of State Highway 200 that offered greater wildlife values by providing increased connectivity within Blackfoot Clearwater GR.

Due to an administrative oversight, a 7-acre parcel was excluded from these earlier land exchanges and is now geographically separate from the Blackfoot Clearwater GR. FWP has determined that the land no longer serves the purpose for which it was acquired and has requested approval from the U.S. Fish and Wildlife Service (Service), Division of Wildlife and Sport Fish Restoration (WSFR), to purchase the Federal interest in the land with non-license FWP funds. MFWP then proposes to exchange the parcel for another nearby property in private ownership.

The proposed removal of the Federal interest in the 7-acre parcel constitutes a federal action subject to the provisions of the National Environmental Policy Act of 1969, as amended. The Service is therefore required to prepare a Draft Environmental Assessment (DEA) to analyze the effects on the human environment and document the findings. The Service used the DEA to determine if the proposed action was likely to result in significant impacts to the human environment. It was determined the proposed action is not a major federal action which would significantly affect the quality of the human environment within the meaning of Section 102 (2) (c) of the National Environmental Policy Act of 1969. Consequently, the Service has determined that an environment impact statement is not required. This Final EA and a Finding of No Significant Impact (FONSI) are effective on March 11, 2008.

## **ALTERNATIVES**

### **PROPOSED ACTION**

The Proposed Action consists of FWP purchasing the Federal interest in the 7-acre parcel of the Blackfoot Clearwater GR. The current value of the parcel will be determined through the preparation of a complete, self-contained appraisal report conducted by a State-certified appraiser in accordance with the Uniform Standards for Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions. Once completed, an independent State-certified review appraiser will then review the appraisal. The Federal share of the appraised value (75%) will be credited to FWP Wildlife Restoration account to compensate that program using non-license FWP funds.

After the FWP Wildlife Restoration Program account has been repaid, the 7-acre parcel will be exchanged for a nearby 1-acre parcel adjacent to the Scotty Brown Bridge currently held in private ownership. The 1-acre parcel would be used by FWP for development of a Fishing Access Site (FAS) for public use on the Blackfoot River.

Although not a requirement of the subsequent land exchange, the private landowners who will receive the 7-acre parcel are expected to incorporate it into an existing Conservation Easement (CE) held by the Nature Conservancy (TNC) that covers their surrounding lands. Therefore, FWP anticipates the parcel will continue to be maintained as open woodlands in perpetuity, and will not undergo subdivision or commercial development.

The CE recognizes that the parcel “has significant scenic, open space and natural habitat values as recognized in the Montana Open Space Land and Voluntary Conservation Easement Act, MCA Section 76-6-101”. The CE further recites that the parcel “constitutes a valuable element of the Blackfoot River Valley and its scenic and open space lands” and that the existing conservation values that exist on the site “are of great importance to the Grantor and to the people of the State of Montana, and are worthy or preserving”.

The primary restrictions in the CE do not allow subdivision of the property, no mineral exploration and extraction activities, no dumping, and no commercial development. The property owner(s) would be allowed to conduct normal agricultural and forestry activities, provided the conservation values of the property continue to be maintained at all times.

**NO ACTION**

FWP would continue to own the 7-acre parcel as a WSFR acquired property. No active management or significant public use of the property is expected due to the lack of access. FWP would continue to pursue disposal of the site due to its location (surrounded by private property), irregular shape, limited access, and the fact that it is geographically remote from the Blackfoot Clearwater GR.

## AFFECTED ENVIRONMENT

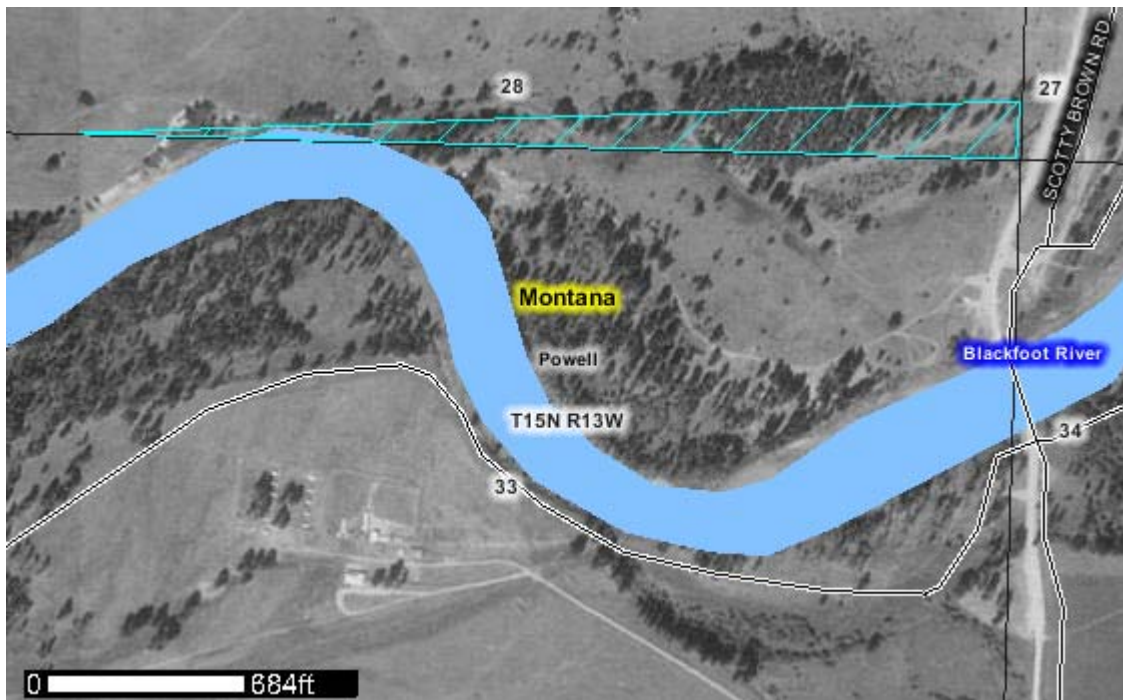
### PHYSICAL RESOURCES

#### Land Use and Location

The seven-acre parcel is located at Tract 1 of the Rainbow Valley Lots in the S1/2 of Section 28, T15N, R13W, Powell County, within FWP Region 2. The property is currently undeveloped; however, there is a rough, dirt road to access its interior.



An aerial view of the 7-acre parcel is shown below with the approximate boundaries outlined in blue (courtesy of the NRCS Web Soil Survey database).



### Soils and Prime/Unique Farmland

A search of the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Soil Survey database found none of the property is identified as prime farmland. A portion of the property is designated as Farmland of Statewide Importance (designated #371C on the map below.)

Map courtesy of the NRCS Web Soil Survey database.



### Air Quality

The 7-acre parcel currently exists in open, semi-forested woodlands. No activities occur on the property that would currently affect air quality.

### Water Resources, Wetlands, and Floodplains

Approximately 0.25 acres on the western tip of the parcel lies within the 100-year floodplain of the Blackfoot River. No wetlands or other water bodies occur on the property

### Historical and Cultural Resources

A historical and cultural resources report was prepared by GCM Services for FWP entitled *A Class III Cultural Resource Inventory of the Proposed Scotty Brown Access and Disposal Property*. The Montana State Historical Preservation Office (SHPO) was notified of the proposed action in writing on September 12, 2004 (**Appendix 1.**)

## **BIOLOGICAL RESOURCES**

### Vegetation

The vegetation on the property is predominately Douglas fir and ponderosa pine (~60-70%). The remaining ground cover is native grasses and forbs (~30-40%). This property has never been inventoried for vegetation types by FWP, and these estimates are based upon observation of the NRCS aerial view of the property. Since acquiring the property, FWP has taken no active management actions or activities on the property.

### Wildlife

Forested and open lands in the areas adjacent to the Blackfoot River are rich in both game and non-game wildlife species. Frequently viewed wildlife species include: elk (*Cervus canadensis*), mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), black bear (*Ursus americanus*) and bald eagle (*Haliaeetus leucocephalus*). A complete list of all wildlife species in Montana determined to be 'species in greatest conservation need' can be found in the Montana's Comprehensive Fish and Wildlife Conservation Strategy (<http://www.fwp.mt.gov>) and click on WildThings and then StateWildlifeGrants). No active management activities have been implemented on the property. As such, while there may be species of greatest conservation need occupying habitats on the property, FWP has no technical or professional knowledge of occupation by these species.

### Fish

The Blackfoot River is home to numerous fish species and is considered a blue-ribbon trout fishery. It supports healthy populations of rainbow (*Oncorhynchus mykiss*), brown (*Salmo trutta*) and westslope cutthroat trout (*Oncorhynchus clarkia lewisi*).

### Endangered, Threatened, or Candidate and State Sensitive Species

The Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), grizzly bear (*Ursus arctos horribilis*), and bull trout (*Salvelinus confluentus*) are federally-listed species known to occur in Powell County. The Blackfoot River, which traverses a small portion of the 7-acre parcel, is designated critical habitat for bull trout.



The Federally Listed Endangered, Threatened, Proposed and Candidate Species in Powell County as determined by the U.S. Fish and Wildlife Service Montana Ecological Services Field Office as of February 2008 are as follows:

<b>Powell County</b>		
Common Name	Scientific Name	Status
Grizzly Bear	<i>Ursus arctos horribilis</i>	LT
Gray Wolf	<i>Canis lupus</i>	LE, XN
Canada Lynx	<i>Lynx canadensis</i>	LT
Bull Trout	<i>Salvelinus confluentus</i>	LT, CH

LT = Listed Threatened; LE = Listed Endangered; XN = Experimental non-essential population;  
CH = Designated Critical Habitat.

State Sensitive Species known to occur in Powell County as of January 2008 are as follows:

<b>T15N, R13W, Montana</b>		
Common Name	Scientific Name	SOC Status
Bald Eagle	<i>Haliaeetus leucocephalus</i>	S3
Black Tern	<i>Caledonians Niger</i>	S3B
Black-backed Woodpecker	<i>Picoides arcticus</i>	S2
Bobolink	<i>Dolichonyx oryzivorus</i>	S2B
Bull Trout	<i>Salvelinus confluentus</i>	S2
Common Loon	<i>Gavia immer</i>	S2B
Great Gray Owl	<i>Strix nebulosa</i>	S3
Lewis's Woodpecker	<i>Melanerpes lewis</i>	S2B
Long-billed Curlew	<i>Numenius americanus</i>	S2B
Olive-sided Flycatcher	<i>Contopus cooperi</i>	S3B
Preble's Shrew	<i>Sorex preblei</i>	S3
Westslope Cutthroat Trout	<i>Oncorhynchus clarkia lewisi</i>	S2

SOC = Species of Concern (refer to **Appendix II** for definitions of S2, S2B and S3) from the Montana Natural Heritage Program (<http://nhp.nris.state.mt.us/SpeciesOfConcern/Default.aspx>).

No observations of species listed above have been specifically recorded for the subject site; however, it is likely that any or all of these species may occur in the area.

## **ENVIRONMENTAL CONSEQUENCES**

### **PROPOSED ACTION**

#### **PHYSICAL RESOURCES**

##### Land Use

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then continue to be maintained in its current state. The private landowners who would receive the site currently own hundreds of acres surrounding the subject parcel. As they have maintained their adjacent property holdings as natural, scenic open lands, no change is anticipated in the way the 7-acre parcel currently exists.

##### Soils and Prime/Unique Farmland

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then continue to be maintained in its current state as open, natural woodlands and meadows. A portion of the property falls within an area described as Farmland of Statewide Importance (map on Page 4); however, as this designation only applies to lands currently under agricultural use, that designation does not apply to the subject property. No conversion of lands, agricultural or otherwise, is expected to occur as a result of the proposed action.

##### Air Quality

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then it will continue to be maintained in its current state. As the land is anticipated to be maintained in its current state, no activities are anticipated that would result in any changes to land use or that would impact air quality.

##### Water Resources, Wetlands, and Floodplains

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then will continue to be maintained in its current state. The CE that is anticipated to subsequently cover the site allows for traditional agricultural and forestry practices and limited use of water resources on the property, including access to the Blackfoot River. However, because the landowners are not engaged in farming or forestry

practices on their other land holdings in the valley, and no groundbreaking, construction activities, or change in land use are anticipated following the disposal, the proposed action is not anticipated to result in negative impacts to water quality or to the 100-year floodplain of the Blackfoot River. No wetlands occur on the parcel and thus no impacts to wetlands will occur on the 7-acre parcel.

### Noise

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then will continue to be maintained in its current state. The CE that is anticipated to subsequently cover the site allows for traditional agricultural and forestry practices; however, as the landowners who would receive the site are not engaged in farming or forestry practices on their other substantial land holdings in the valley, no activities are anticipated that would result in any increased noise levels.

### Historical and Cultural Resources

In September 2004, the SHPO concurred that the proposed action would not have any negative effects to cultural or historical resources on the property (**Appendix 1**). The report, *A Class III Cultural Resource Inventory of the Proposed Scotty Brown Access and Disposal Property*, prepared by GCM Services, Inc., concluded that the proposed action would have a low likelihood of negatively impacting cultural resources, and should proceed as proposed. SHPO concurred with their findings and conclusion.

## **BIOLOGICAL RESOURCES**

### Vegetation

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then will continue to be maintained in its current state. The CE that would subsequently cover the site allows for traditional agricultural and forestry practices; however, as the landowners who would receive the site are not engaged in farming or forestry practices on their other substantial land holdings in the valley, no activities are anticipated that would result in any impacts to native vegetation.

### Wildlife

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then will continue to be maintained in its current state. The CE that is anticipated to subsequently cover the site allows for hunting and trapping activities; however, these activities are allowed currently under FWP ownership and so no impacts are anticipated.

### Fish

FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then will continue to be maintained in its current state. The CE that is anticipated to subsequently cover the site allows for fishing at the point where the site is adjacent to the Blackfoot River; however, as fishing is currently allowed currently under FWP ownership, no impacts are expected.

### Endangered, Threatened, or Candidate and State Sensitive Species

Bull trout do occur in the area; however, FWP anticipates that the 7-acre parcel will be placed under a CE as soon as the property is transferred into private ownership, and then will continue to be maintained in its current state. The CE expressly forbids any construction activities within 100 yards of the high-water mark of the river, and further directs that “the conservation values of the property be preserved and maintained by a continuation of land uses that will not substantially impair those values”. No other listed species occur in the area and no activities are anticipated that would result in any impact to endangered, threatened, or candidate species or critical habitat in the area.

### **NO ACTION**

Environmental consequences under the No Action alternative could involve some type of future development, as it will continue to be the goal of FWP to dispose of the site. Until the land is disposed, there would be no change to current management practices which are similar to how the land would be managed under the CE described for the proposed action. Other potential land recipients may not elect to place the property under a CE, and because home sites are highly sought after in this area, it is possible that the site would eventually be developed for that purpose.

## **CUMULATIVE IMPACTS**

FWP purchased the property in the 1940's with the expectation of providing undisturbed free range and habitat for game species. When they exchanged the land in the 1960's, FWP thought all the property acquired previously was exchanged. Due to an administrative oversight, seven (7) acres of the original acquisition was not exchanged and remained in FWP authority. This DEA and the proposed removal of federal interest on the property are intended to correct this oversight. Consequently, FWP has never engaged in any management activities in the past or present which impacted the property. There are no future impacts expected to occur on the property, since it will be traded to a private individual and FWP anticipates a CE with restrictions on use will be placed on the property by the private landowner through The Nature Conservancy. Once the federal interest is satisfied and the land exchanged, no change in the way the parcel is currently being maintained or managed is anticipated for the foreseeable future. Therefore, the disposal and exchange of the 7-acre parcel is not expected to result in cumulative effects on the physical or biological resources in the area. Further, the proposed action is not expected to lead to increased development, or changes in the use, of State or privately-owned property, or generate any additional disposal or exchange of property owned by FWP in the region.

## **PUBLIC PARTICIPATION**

The FWP previously provided notices regarding this proposed action to more than 100 individuals and organizations entitled: Scotty Brown Bridge FAS Acquisition and Improvements. FWP also has published the notice and supporting documentation on their website: [http://fwp.mt.gov/publicnotices/notice\\_1319.aspx](http://fwp.mt.gov/publicnotices/notice_1319.aspx).

The public comment period was extended for fifteen (15) days from the date when the assessment was published on the USFWS website. Written comments were accepted until 5:00 p.m. on March 10, 2008. and were received at the address below:

U.S. Fish & Wildlife Service  
Division of Wildlife and Sport Fish Restoration  
134 Union Blvd.  
Denver Federal Center  
Lakewood, CO 80228

The Service received one comment (February 28, 2008) applauding the actions of the FWP and in favor of the proposed action for the benefit of hunters and anglers in Montana.

## Exhibit A

### List of Preparers

Adam Brooks  
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Montana Fish, Wildlife and Parks  
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**Appendix 1**

**Montana State Historical Preservation Office  
Letter dated September 3, 2004**



2001090802  
**Montana Fish,  
Wildlife & Parks**

1420 East Sixth Avenue  
P.O. Box 200701  
Helena, Montana 59620-0701

RECEIVED  
SEP 07 2004

BY:.....

Mark Baumler  
State Historical Preservation Officer  
State Historical Preservation Office  
1410 8th Avenue  
Helena, Montana 59620

**CONCUR  
MONTANA SHPO**

DATE 23 Sep 04 SIGNED

JEBK  
FWP - PARKS  
Scotty Brown  
Bridge Fishing  
Access Expansion

**RE: Scotty Brown Bridge Fishing Access Site**

September 3, 2004

Dear Mr. Baumler:

The Department of Fish, Wildlife and Parks is proposing improvements at the Scotty Brown Bridge Fishing Access Site in Powell County. Proposed improvements will also include disposal of a parcel of approximately seven acres in exchange for no more than three acres in the same vicinity. The sites to be exchanged are located at approximately T15N R13W Sections 28 and 33. Enclosed is a copy of the report entitled *A Class III Cultural Resource Inventory of the Proposed Scotty Brown Fishing Access and Disposal Property*, prepared by GCM Services, Inc. along with a CRABS form. Both are for your review and files. The report indicates a low likelihood of negative impact to cultural resources and we feel that the project should proceed as proposed. Please review and provide any comments or concerns regarding the project.

Sincerely,

Bardell Mangum, RLA  
Assistant Cultural Resources Coordinator  
Design & Construction Bureau  
Montana Fish, Wildlife & Parks

RECEIVED

SEP 27 2004

DESIGN & CONSTRUCTION  
DEPT. OF FISH, WILDLIFE & PARKS

Encl.: report; CRABS form.

cc: File 803A.2



## Appendix 2

### Montana Natural Heritage Program: Species of Concern

#### 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).

For example, Clustered lady's slipper (*Cypripedium fasciculatum*) is ranked G4 S2. Globally the species is apparently secure, while in Montana it is imperiled because of rarity, or because of other factors making it demonstrably vulnerable to extirpation.

#### 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.