

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Spotted Dog Wildlife Management Area Floodplain and Slope Wetland Restoration Project on DNRC Trust Lands
Proposed Implementation Date:	Fall 2024 through 2040
Location:	<ul style="list-style-type: none">• Sections 2, 4, 6, 8, 10, 12, 16, 20 of Township 8N Range 8W• W½ of Section 6 of Township 9N Range 7W• Sections 12, 18, 20, 26, 30, 34 of Township 9N Range 8W• Sections 24, N½ of 26, 36 of Township 9N Range 9W
County:	Powell

I. TYPE AND PURPOSE OF ACTION

The Montana Department of Fish, Wildlife and Parks (FWP) decided to implement the Spotted Dog Wildlife Management Area (SDWMA) Floodplain and Slope Wetland Restoration Project (Project) in partnership with the Natural Resource Damage Program (NRDP) and Montana Department of Natural Resources and Conservation Trust Lands (Trust Lands) with a May 2024 Decision Notice and supporting Environmental Assessment (EA). The EA and Decision notice that describe the project are attached.

DNRC Trust Lands owns approximately 1/3 of the project area (see Map below) and must decide to either allow the entire Project, allow a portion of the Project, or not allow the Project to proceed on State Trust Lands. Here we review the environmental risk associated with these alternatives with an EA that is tiered to the FWP EA. The FWP EA reviews and addresses a broad scope of issues. DNRC Trust Lands staff reviewed the FWP EA and found the analysis adequate. Therefore, this analysis tiers to the FWP EA and focuses instead on a more narrow scope of issues to be considered by DNRC Trust Lands as the landowner who will decide to approve all, a portion, or the entire project.

DNRC Trust Land staff involved in the review and consideration of alternatives are listed in the following section.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

FWP's Draft EA was available for public review and comment from May 9th, 2024, to May 23rd, 2024. FWP shared it on the agency's Public Notice webpage and the Environmental Quality Council or EQC website, by individual request, and through notice to identified interested parties. FWP did not receive comments during the public comment period.

DNRC Trust Lands has opted to not complete a separate public comment period because no comments were received by FWP during their MEPA comment period for the Project and because the scope of the decision is simply to allow the Project to proceed on Trust Lands.

DNRC Trust Lands consulted staff including:

- Mike Anderson, Trust Lands Fisheries Biologist
- Andrea Stanley, Land Office Hydrologist and Soil Scientist
- Garrett Schairer, Land Office Wildlife Biologist
- Jordan Rice, Land Office Land Use Specialist
- Sierra Farmer, Land Office Program Manager

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.

Section IV of the FWP EA lists other agencies with jurisdiction and permits needed for the Project. As the project proponent, FWP would be responsible for obtaining and complying with agency authorizations for the Project including from the Montana Department of Environmental Quality and the US Army Corps of Engineers.

With any action alternative DNRC Trust Lands would be required to sign permit applications indicating landowner authorization for the project. Landowner signatures are anticipated for the following permits that would likely apply to this project (per Section IV of the FWP EA – page 17-18):

- FWP and DEQ permit(s)
- U.S. Army Corps of Engineers permit(s)

3. ALTERNATIVE DEVELOPMENT:

Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.

No-Action Alternative A: DNRC Trust Lands would not participate in the FWP Project and no associated restoration activities would occur on the DNRC Trust Lands listed in the FWP EA. Existing conditions would persist including degraded streams and wetlands as described in the FWP EA.

No Immediate Action Alternative B: DNRC Trust Lands would anticipate participating in the FWP Project but would review each Project activity when FWP submits specific Improvement Request Forms. With each request received, DNRC Trust Lands would complete environmental review before contemplating approval of FWP actions on DNRC Trust Lands within the project area.

Action Alternative C: DNRC Trust Lands participates in the FWP Project (as described in the FWP Project EA and Decision Notice) and this EA serves as a single environmental review of anticipated activities and environmental risk to support FWP Project activities on DNRC Trust Lands through to project completion or 2040, whichever comes first. As is stated in the FWP EA, the extent and duration of restoration work would be dependent on need and funding availability. Work would begin in the Fall of 2024 and would continue until treated areas reach a self-sustaining state as defined in the FWP EA. The DNRC Anaconda Unit Manager would review planned activities with water resource specialists on State Trust Lands through Improvement Requests that specify planned actions on Trust Lands.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

A summary of the potential impacts of the FWP Project on the physical environment are described in Section VII of the FWP EA (pages 19-25). No significant adverse impacts are anticipated. Impacts would be short- and long-term, minor to moderate, and beneficial to terrestrial, avian, and aquatic life and habitats; water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; aesthetics; and environmental resources. No impacts to geology are anticipated. Adverse air quality impacts would be mitigated, short-term, and negligible.

No significant, adverse impacts are expected for historical and archeological resources in the project area. Per the FWP EA, NRDP completed a cultural resource inventory for the area and found no historic properties. Per the FWP EA, FWP would cease activities and consult the State Historic Preservation office if cultural resources warranted for protection are discovered during project implementation.

DNRC Trust Lands have several commitments specified in our Habitat Conservation Plan that apply to several of the Trust Lands parcels that would be affected by the Project. The FWPs planned actions align well with these commitments and they include:

- Sediment delivery reduction from our roads including shared ownership roads.

- Fish connectivity conservation strategy for adult and juvenile westslope cutthroat trout (WCT). WCT occur within DNRC Trust Lands parcels in the FWP Project Area.

In its current degraded state, achieving fish connectivity and sediment reduction strategies would be less effective if conducted by DNRC Trust Lands on our sole ownership. FWP’s cross-boundary project will allow for greater probability of lasting success for our agency’s land management objectives and commitments.

Although not mentioned in the FWP EA, the Montana Department of Environmental Quality has published Total Daily Maximum Loads (TMDLs) and a framework for water quality improvement for the Little Blackfoot Watershed (which includes the project area) (2011, and 2014). The TMDLs include for sediment and nutrients associated with the degradation of the streams that would be beneficially affected by the FWP Project. Subsequently, Trout Unlimited completed a Watershed Restoration Plan for the Little Blackfoot (2016) that identify strategies planned by Montana FWP.

Removing and/or rehabilitating unused road stream crossings is mentioned as one of the methods for achieving restoration objectives in the FWP EA. Locations are not specified. Road maintenance or removal are expected to have a negligible adverse effect and specific locations are not needed to evaluate risk for this EA.

Fish passage barriers occur on an unnamed tributary to South Fork Spotted Dog Creek in Section 34 of 9N 8W. And on Middle Fork Spotted Dog Creek in Section 12 of 8N 8W. It assumed that these barriers would be removed by DNRC Trust Lands, but through regulatory permitting administered by FWP (SPA 124). Also through coordination with FWP staff implementing the FWP Project.

Additional Mitigation with implementation of Alternative B or C:

- 1) DNRC Trust Lands would request that FWP also notify the DNRC State archeologist if cultural resources are encountered during project activities.
- 2) DNRC Trust Lands would require Improvement Request forms be completed and submitted to the DNRC Anaconda Unit Manger for review a minimum of 30 days prior to anticipated implementation of specific actions of the FWP Project on DNRC Trust Lands.

IV. IMPACTS ON THE HUMAN POPULATION

A summary of the potential impacts of the FWP Project on the human population are described in Section VII of the FWP EA (pages 26-33). No significant adverse impacts to human health and safety, agricultural production, employment, tax base and revenues, demand for government resources, density and distribution of population and housing, social structures and mores, and cultural uniqueness and diversity. The FWP EA notes short-term and minor effects to hunting opportunities in the area may occur during the initial implementation of the FWP Project due to the overlap of suitable construction windows and hunting seasons.

REFERENCES

DEQ. 2011. Little Blackfoot River Watershed TMDLs and Framework Water Quality Improvement Plan. <https://deq.mt.gov/files/water/wqpb/CWAIC/TMDL/C01-TMDL-03a.pdf>

DEQ. 2014. Little Blackfoot River Watershed TMDLs and Framework Water Quality Improvement Pan – Metals Addendum. <https://deq.mt.gov/files/water/wqpb/CWAIC/TMDL/C01-TMDL-03a-a.pdf>

DNRC. 2010. Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan: Final EIS, Volume II, Forest Management Bureau, Missoula, Montana.

EQC. 2019. A Guide to the Montana Environmental Policy Act. Montana Legislative Environmental Quality Council

Trout Unlimited. 2016. Little Blackfoot River Watershed Restoration Plan. Prepared by Molly Barth, Larissa Lee, Rob Roberts, and Casey Hackathorn. https://deq.mt.gov/files/Water/WPB/Nonpoint/Publications/WRPs/LittleBlackfoot%20WRP_FINAL.pdf

EA Checklist Prepared By:	Name: Andrea Stanley	Date: 6/24/2024
	Title: Land Office Hydrologist	

V. FINDING

26. ALTERNATIVE SELECTED:

Upon Review of this Checklist EA, and attachments, I find Action Alternative C, as proposed, is in the best interest of DNRC Trust Lands.

Action Alternative C complies with all pertinent environmental laws and is based upon a consensus of professional opinion on limits of acceptable environmental impact. For these reasons and on behalf of DNRC I have selected Action Alternative C to be implemented on this project.

27. SIGNIFICANCE OF POTENTIAL IMPACTS:

After a review of this Checklist EA, the project area, the FWP EA and Decision Notice, and Department policies, standards, and guidelines, I find that all the identified resource management concerns have been fully addressed in this Checklist EA.

I find there will be no significant impacts to the human environments as a result of implementing Action Alternative C.

In summary, I find that the identified impacts will be controlled, mitigated, or avoided by the design of the project to the extent that the impacts are not significant.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS
 More Detailed EA
 No Further Analysis

EA Checklist Approved By:	Name: Craig Hansen	
	Title: Anaconda Unit Manager	
Signature: <i>Craig Hansen</i>		Date: 7-8-2024

Attachment – FWP EA and Decision Notice

https://fwp.mt.gov/binaries/content/assets/fwps/news/public-notices/2024/region-2/sf_spotted_dog_restoration_checklistea_05082024_draft-002.pdf

https://fwp.mt.gov/binaries/content/assets/fwps/news/public-notices/2024/region-2/spotteddogrestoration_ea_decisionnotice.pdf