Montana Fish, Wildlife & Parks

4600 Giant Springs Road
Great Falls, MT 59405
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March 30, 2010

To Whom It May Concern:

The Montana Fish, Wildlife and Parks Department (FWP) proposes to trade a 120-acre parcel of land to the Clark Brothers of Shelby, Montana, in return for public access through their property to the Marias River State Park/Wildlife Management Area (MRSP/WMA). This Property lies immediately adjacent to the MRSP/WMA, approximately 9 miles southwest of Shelby, Montana, in Toole County.

The proposed action consists of trading 120 acres of FWP property for a public access easement through the Clark property plus public hunting opportunity on approximately 1,800 acres owned by the Clarks. The access route is 3.8 miles in length. The purpose of the proposed action is to improve public and FWP administrative access to the MRSP/WMA.

Enclosed is the draft Marias River State Park/Wildlife Management Area Access Agreement and Land Transfer Environmental Assessment for your review. Public comment is welcome and will be received through April 29, 2010. If you have questions, need additional copies of the draft EA or choose to provide written comments, please contact us at the following address:

Montana Fish Wildlife and Parks
% MRSP/WMA EA
4600 Giant Springs Road
Great Falls, MT 59405

Electronic comment may also be received at: fwprg42@mt.gov

Thank you for your interest,

Graham Taylor
Regional Wildlife Manager
Great Falls, Montana

Draft Environmental Assessment

Marias River State Park/Wildlife Management Area: Access Agreement and Land Transfer

March, 2010

Prepared by

Gary Olson
Montana Fish, Wildlife and Parks

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PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to improve public and administrative access to the Marias River State Park and Wildlife Management Area (SP/WMA). This would occur by trading 120 acres of Montana Fish, Wildlife and Parks (FWP) property to Richard and David Clark in exchange for a public access easement through the 1,800-acre Clark property and public walk-in hunting access to their property.

FWP purchased the 7,500-acre Marias River SP/WMA in October 2008. Public access at present is limited to one road leading to the northwest corner of the property (the McCormick Road). Additional public and administrative access is needed to better manage anticipated public use as well as FWP management and maintenance activities. Public uses of the property include river floating, hiking, horseback riding, bicycling, hunting, fishing and camping. Weed control, fence construction and maintenance, wildlife, vegetation and archeological surveys, habitat enhancement practices, and livestock grazing are just a few of the administrative activities that require adequate points of ingress and egress from the property.

The Clark access (see attached maps in Appendices) allows for an additional route into the SP/WMA that will enhance management capabilities as well as provide for better public access to the northern boundary. Charlie Lincoln, previous owner of the SP/WMA had an agreement with Clarks to allow them use of the 120-acre tract by fencing it into their pasture. This proposal allows the Clarks access to their property that otherwise would be extremely difficult if FWP fenced the perimeter of the 120 acres.

The 120-acre tract consists mainly of flat benchland adjacent to steep breaks. Vegetation consists of primarily native wheatgrasses, needlegrasses, blue grama and fringed sagewort. Some silver sagebrush and chokecherry can be found in coulees and breaks.

Legal Descriptions and Locations of Properties

The access route begins (see maps in Appendices) in Section 32 (T32N, R3W) at the Hjartarson Road (county access), then proceeds southerly into Section 6 (31N, 3W) and FWP property, thence southwesterly into Bureau of Land Management (BLM) land to the FWP boundary. The trail continues through the Clark property around the perimeter of the SP/WMA in a southwesterly direction through Section 1 (31 N, 4W), again entering the SP/WMA in Section 12. This two-track access continues through a corner of the McPhillips property in Section 12 to the FWP parking area in Section 11. FWP does not have an access agreement with McPhillips at this time.

The 120-acre FWP tract lies in Toole County, Township 31 North, Range 3 West, E1/2 SE1/4, and SE1/4NE1/4 Section 6. The access route, actually a two-track trail, passes through the north central portion of the FWP property, then trends westerly into Clarks and BLM property.

AUTHORITY AND REGULATIONS

FWP has the authority to acquire lands by purchase, prepare lease agreements, or gift lands, acquire easements and trade lands and easements that are suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation. See Montana Code ANN. 87-1-209.

The proposed action constitutes a state action subject to the Montana Environmental Policy Act and other applicable state statutes. FWP is required to analyze the potential impacts of the proposed action before the FWP Commission and the State Board of land Commissioners may adopt the proposed action.

ALTERNATIVES

1. PROPOSED ACTION

The Proposed Action consists of trading 120 acres of FWP property for a public access easement through the Clark property plus public hunting opportunity on approximately 1,800 acres currently owned by the Clarks. The access route is approximately 3.8 miles in length. The purpose of the proposed action is to improve public and FWP administrative access to the Marias River SP/WMA.

2. NO ACTION

FWP would construct a fence around the current boundary of the 120-acre parcel, which would create a hardship for the Clarks when they need to maintain fence, move cattle, or inspect their property. The public and FWP would not have additional access to the SP/WMA, as well as public access opportunities on Clarks entire 1,800 acre parcel.

3. OTHER ALTERNATIVES CONSIDERED BUT ELIMINATED FROM CONSIDERATION

None

AFFECTED ENVIRONMENT

The 1,800-acre Clark property consists of rugged, deep breaks and grassy benches adjacent to the Marias SP/WMA which supports year-round mule deer populations. Public use of the area has historically been primarily for deer hunting by permission. Vehicles are allowed off-road, which has created numerous trails along edges of breaks and coulees. Erosion damage is common where vehicles traverse steep hills.

1. PHYSICAL RESOURCES

A. Land Use

The area is utilized for livestock grazing since it is already fenced into the Clark's pasture. A recent Natural Resources Conservation Service (NRCS) range survey for the SP/WMA rated the 120 acres at approximately 34 AUMS, or 0.28 AUMS per acre.

B. Soil and Prime/Unique Farmland

A search of the NRCS Soil Survey database found that the area is primarily thin loamy and shallow clay soils.

No mineral rights are attached to the 120-acre FWP parcel.

C. Air Quality

All of the effected areas are currently open grasslands. Other than livestock use on the tract, no activities occur on the property that currently affect air quality.

D. Water Resources

The property is dry with no recorded wells or water rights. No wetlands or other water bodies occur on the property.

E. Noise

All of the properties are currently open grasslands. Other than livestock use, no activities occur on the property that currently affect ambient noise levels.

2. BIOLOGICAL RESOURCES

A. Vegetation

The 120-acre FWP tract lies atop flat, gently rolling bench land, with a few acres of steep coulees and breaks on its western edge. Elevations vary from 3,200 feet to 3,400 feet above sea level.

Vegetation consists of prairie grasses - blue grama, prairie junegrass, western wheatgrass, needle and thread grass, and Sandberg bluegrass. Forbs include fringed sagewort, winterfat, phlox and vetch. Chokecherry and silver sage are prominent shrubs in coulees and breaks.

The area to be deeded to Clarks is intensely grazed by their cattle and horses on an annual basis. The property would most likely be rated in fair range condition (on a scale of poor-fair-good-excellent range condition).

B. Wildlife

Endangered, Threatened, or Candidate and State Sensitive Species

The Listed Endangered, Threatened, Proposed (for threatened/endangered status), Candidate Species, and State Sensitive Species known to occur in the immediate area are listed as follows:

Common Name	Scientific Name	Predicted	CFWCS Tier	Observed	SOC	State Rank	Global Rank
Tiger Salamander	Ambystoma tigrinum	1	2			S4	G5
Great Plains Toad	Bufo cognatus	1	2		y	S2	G5
Boreal Chorus Frog	Pseudacris maculata	1	3			S4	G5
Plains Spadefoot	Spea bombifrons	1	2		y	S3	G5
Northern Leopard Frog	Rana pipiens	1	1		y	S1	G5
Pied-billed Grebe	Podilymbus podiceps	1	3			S5B	G5
Horned Grebe	Podiceps auritus	1	2		y	S3B	G5
Red-necked Grebe	Podiceps grisegena	1	2			S4B	G5
Double-crested Cormorant	Phalacrocorax auritus	1	3			S5B	G5
Great Blue Heron	Ardea herodias	1	3		y	S3	G5
Black-crowned Night-Heron	Nycticorax nycticorax	1	2		y	S3B	G5
Tundra Swan	Cygnus columbianus	1	3			SNA	G5
Greater White-fronted Goose	Anser albifrons	1	4			SNA	G5
Snow Goose	Chen caerulescens	1	3			S4N	G5
Ross's Goose	Chen rossii	1	3			S4N	G4
Canada Goose	Branta canadensis	1	3			S5B	G5
Wood Duck	Aix sponsa	1	3			S5B	G5
Green-winged Teal	Anas crecca	1	3			S5B	G5
Mallard	Anas platyrhynchos	1	3			S5	G5
Northern Pintail	Anas acuta	1	3			S5B	G5
Blue-winged Teal	Anas discors	1	3			S5B	G5
Cinnamon Teal	Anas cyanoptera	1	3			S5B	G5
Northern Shoveler	Anas clypeata	1	3			S5B	G5
Gadwall	Anas strepera	1	3			S5B	G5

Common Name	Scientific Name	Predicted	CFWCS Tier	Observed	SOC	State Rank	Global Rank
American Wigeon	Anas americana	1	3			S5B	G5
Canvasback	Aythya valisineria	1	2			S5B	G5
Redhead	Aythya americana	1	2			S5B	G5
Ring-necked Duck	Aythya collaris	1	3			S5B	G5
Lesser Scaup	Aythya affinis	1	3			S5B	G5
Harlequin Duck	Histrionicus histrionicus	1	1		y	**S2B**	**G4**
Common Goldeneye	Bucephala clangula	1	3			S5	G5
Barrow's Goldeneye	Bucephala islandica	1	3			S4	G5
Bufflehead	Bucephala albeola	1	3			S5B	G5
Common Merganser	Mergus merganser	1	3			S5B	G5
Red-breasted Merganser	Mergus serrator	1	3			SNA	G5
Ruddy Duck	Oxyura jamaicensis	1	3			S5B	G5
Osprey	Pandion haliaetus	1	3			S5B	G5
Bald Eagle	Haliaeetus leucocephalus	1	1		y	**S3**	**G5**
Northern Harrier	Circus cyaneus	1	2			S4B	G5
Sharp-shinned Hawk	Accipiter striatus	1	2			S4B	G5
Cooper's Hawk	Accipiter cooperii	1	2			S4B	G5
Northern Goshawk	Accipiter gentilis	1	2		y	**S3**	**G5**
Broad-winged Hawk	Buteo platypterus	1	4			SNA	G5
Swainson's Hawk	Buteo swainsoni	1	2			S4B	G5
Red-tailed Hawk	Buteo jamaicensis	1	3	y		S5B	G5
Ferruginous Hawk	Buteo regalis	1	2		y	**S3B**	**G4**
Rough-legged Hawk	Buteo lagopus	1	3			S5N	G5
Golden Eagle	Aquila chrysaetos	1	2		y	**S3**	**G5**
American Kestrel	Falco sparverius	1	3			S5B	G5
Merlin	Falco columbarius	1	2			S4	G5
Gyrfalcon	Falco rusticolus	1	3			SNA	G5
Prairie Falcon	Falco mexicanus	1	2			S4	G5
Gray Partridge	Perdix perdix	1	4			SNA	G5
Ring-necked Pheasant	Phasianus colchicus	1	4	y		SNA	G5
Ruffed Grouse	Bonasa umbellus	1	3			S4	G5
Sharp-tailed Grouse (Plains)	Tympanuchus phasianellus jamesi	1	3			S4	G4T4
Sora	Porzana carolina	1	3			S5B	G5
American Coot	Fulica americana	1	3			S5B	G5
Black-bellied Plover	Pluvialis squatarola	1	4			SNA	G5
Semipalmated Plover	Charadrius semipalmatus	1	4			SNA	G5
Killdeer	Charadrius vociferus	1	3			S5B	G5
Mountain Plover	Charadrius montanus	1	1		y	**S2B**	**G3**

Black-necked Stilt	Himantopus mexicanus	1	3		y	S3S4B	G5
Common Name	**Scientific Name**	**Predicted**	**CFWCS Tier**	**Observed**	**SOC**	**State Rank**	**Global Rank**
American Avocet	Recurvirostra americana	1	3			S4B	G5
Greater Yellowlegs	Tringa melanoleuca	1	3			SNA	G5
Lesser Yellowlegs	Tringa flavipes	1	3			SNA	G5
Solitary Sandpiper	Tringa solitaria	1	3			SNA	G5
Willet	Tringa semipalmata	1	3			S4B	G5
Spotted Sandpiper	Actitis macularius	1	3			S5B	G5
Upland Sandpiper	Bartramia longicauda	1	2			S4B	G5
Long-billed Curlew	Numenius americanus	1	1	Y	y	**S3B**	**G5**
Marbled Godwit	Limosa fedoa	1	2			S4B	G5
Semipalmated Sandpiper	Calidris pusilla	1	3			SNA	G5
Western Sandpiper	Calidris mauri	1	3			SNA	G5
Least Sandpiper	Calidris minutilla	1	3			SNA	G5
Baird's Sandpiper	Calidris bairdii	1	3			SNA	G5
Pectoral Sandpiper	Calidris melanotos	1	3			SNA	G5
Stilt Sandpiper	Calidris himantopus	1	4			SNA	G5
Long-billed Dowitcher	Limnodromus scolopaceus	1	3			SNA	G5
Wilson's Snipe	Gallinago delicata	1	3			S5	G5
Wilson's Phalarope	Phalaropus tricolor	1	3			S4B	G5
Red-necked Phalarope	Phalaropus lobatus	1	3			SNA	G4G5
Franklin's Gull	Leucophaeus pipixcan	1	2		y	**S3B**	**G4G5**
Black Tern	Chlidonias niger	1	1		y	**S3B**	**G4**
Rock Pigeon	Columba livia	1	4			SNA	G5
Mourning Dove	Zenaida macroura	1	3			S5B	G5
Black-billed Cuckoo	Coccyzus erythropthalmus	1	2		y	**S3B**	**G5**
Flammulated Owl	Otus flammeolus	1	1		y	**S3B**	**G4**
Eastern Screech-Owl	Megascops asio	1	3			S3S4	G5
Western Screech-Owl	Megascops kennicottii	1	3			S3S4	G5
Great Horned Owl	Bubo virginianus	1	3			S5	G5
Snowy Owl	Bubo scandiacus	1	3			SNA	G5
Northern Pygmy-Owl	Glaucidium gnoma	1	2			S4	G5
Burrowing Owl	Athene cunicularia	1	1		y	**S3B**	**G4**
Great Gray Owl	Strix nebulosa	1	2		y	**S3**	**G5**
Long-eared Owl	Asio otus	1	3			S5	G5
Short-eared Owl	Asio flammeus	1	3			S4	G5
Northern Saw-whet Owl	Aegolius acadicus	1	2			S4	G5
Common Nighthawk	Chordeiles minor	1	3			S5B	G5
Common Poorwill	Phalaenoptilus nuttallii	1	3			S4B	G5

Common Name	Scientific Name	Predicted	CFWCS Tier	Observed	SOC	State Rank	Global Rank
Calliope Hummingbird	Stellula calliope	1	3			S5B	G5
Belted Kingfisher	Megaceryle alcyon	1	3			S5B	G5
Red-naped Sapsucker	Sphyrapicus nuchalis	1	3			S4B	G5
Downy Woodpecker	Picoides pubescens	1	3			S5	G5
Hairy Woodpecker	Picoides villosus	1	3			S5	G5
Northern Flicker	Colaptes auratus	1	3			S5	G5
Western Wood-Pewee	Contopus sordidulus	1	3			S5B	G5
Willow Flycatcher	Empidonax traillii	1	3			S4B	G5
Least Flycatcher	Empidonax minimus	1	3			S5B	G5
Dusky Flycatcher	Empidonax oberholseri	1	3			S5B	G5
Cordilleran Flycatcher	Empidonax occidentalis	1	3			S4B	G5
Say's Phoebe	Sayornis saya	1	3			S5B	G5
Western Kingbird	Tyrannus verticalis	1	3	y		S5B	G5
Eastern Kingbird	Tyrannus tyrannus	1	3			S5B	G5
Horned Lark	Eremophila alpestris	1	3	y		S5	G5
Tree Swallow	Tachycineta bicolor	1	3			S5B	G5
Violet-green Swallow	Tachycineta thalassina	1	3			S5B	G5
Northern Rough-winged Swallow	Stelgidopteryx serripennis	1	3			S5B	G5
Bank Swallow	Riparia riparia	1	3			S5B	G5
Cliff Swallow	Petrochelidon pyrrhonota	1	3			S5B	G5
Barn Swallow	Hirundo rustica	1	3			S5B	G5
Clark's Nutcracker	Nucifraga columbiana	1	3		y	S3	G5
Black-billed Magpie	Pica hudsonia	1	3	y		S5	G5
American Crow	Corvus brachyrhynchos	1	3			S5B	G5
Common Raven	Corvus corax	1	3			S5	G5
Black-capped Chickadee	Poecile atricapillus	1	3			S5	G5
Mountain Chickadee	Poecile gambeli	1	3			S5	G5
Red-breasted Nuthatch	Sitta canadensis	1	3			S5	G5
White-breasted Nuthatch	Sitta carolinensis	1	2			S4	G5
Brown Creeper	Certhia americana	1	2		y	S3	G5
Rock Wren	Salpinctes obsoletus	1	3			S5B	G5
Canyon Wren	Catherpes mexicanus	1	2			S4	G5
House Wren	Troglodytes aedon	1	3	y		S5B	G5
American Dipper	Cinclus mexicanus	1	3			S5	G5
Golden-crowned Kinglet	Regulus satrapa	1	3			S5	G5
Ruby-crowned Kinglet	Regulus calendula	1	3			S5B	G5
Mountain Bluebird	Sialia currucoides	1	3			S5B	G5
Townsend's Solitaire	Myadestes townsendi	1	3			S5	G5

Common Name	Scientific Name	Predicted	CFWCS Tier	Observed	SOC	State Rank	Global Rank
Veery	Catharus fuscescens	1	2		y	S3B	G5
Swainson's Thrush	Catharus ustulatus	1	3			S5B	G5
Hermit Thrush	Catharus guttatus	1	3			S5B	G5
American Robin	Turdus migratorius	1	3			S5B	G5
Gray Catbird	Dumetella carolinensis	1	3			S5B	G5
Brown Thrasher	Toxostoma rufum	1	3			S5B	G5
Sprague's Pipit	Anthus spragueii	1	2	y	y	**S3B**	**G4**
Bohemian Waxwing	Bombycilla garrulus	1	3			S5N	G5
Cedar Waxwing	Bombycilla cedrorum	1	3			S5B	G5
Northern Shrike	Lanius excubitor	1	3			S5N	G5
Loggerhead Shrike	Lanius ludovicianus	1	2	y	y	**S3B**	**G4**
European Starling	Sturnus vulgaris	1	4	y		SNA	G5
Warbling Vireo	Vireo gilvus	1	3			S5B	G5
Red-eyed Vireo	Vireo olivaceus	1	3			S4B	G5
Solitary Vireo	Vireo solitarius	1	3			SNR	G5
Orange-crowned Warbler	Vermivora celata	1	3			S5B	G5
Yellow Warbler	Dendroica petechia	1	3			S5B	G5
Yellow-rumped Warbler	Dendroica coronata	1	3			S5B	G5
Blackpoll Warbler	Dendroica striata	1	4			SNA	G5
American Redstart	Setophaga ruticilla	1	2			S5B	G5
Ovenbird	Seiurus aurocapilla	1	3			S4B	G5
Northern Waterthrush	Seiurus noveboracensis	1	3			S5B	G5
MacGillivray's Warbler	Oporornis tolmiei	1	3			S5B	G5
Common Yellowthroat	Geothlypis trichas	1	3			S5B	G5
Yellow-breasted Chat	Icteria virens	1	2			S5B	G5
Western Tanager	Piranga ludoviciana	1	3			S5B	G5
Black-headed Grosbeak	Pheucticus melanocephalus	1	3			S5B	G5
Lazuli Bunting	Passerina amoena	1	3			S4B	G5
Spotted Towhee	Pipilo maculatus	1	3			S5B	G5
American Tree Sparrow	Spizella arborea	1	3			SNA	G5
Chipping Sparrow	Spizella passerina	1	3			S5B	G5
Clay-colored Sparrow	Spizella pallida	1	2			S4B	G5
Brewer's Sparrow	Spizella breweri	1	2		y	**S3B**	**G5**
Vesper Sparrow	Pooecetes gramineus	1	3	y		S5B	G5
Lark Sparrow	Chondestes grammacus	1	3			S5B	G5
Lark Bunting	Calamospiza melanocorys	1	2			S4B	G5
Savannah Sparrow	Passerculus sandwichensis	1	3	y		S5B	G5

Common Name	Scientific Name	Predicted	CFWCS Tier	Observed	SOC	State Rank	Global Rank
Baird's Sparrow	Ammodramus bairdii	1	2		y	S3B	G4
Grasshopper Sparrow	Ammodramus savannarum	1	2		y	S3B	G5
Song Sparrow	Melospiza melodia	1	3			S5B	G5
White-throated Sparrow	Zonotrichia albicollis	1	3			SNA	G5
Harris's Sparrow	Zonotrichia querula	1	3			SNA	G5
Dark-eyed Junco	Junco hyemalis	1	3			S5B	G5
McCown's Longspur	Calcarius mccownii	1	2		y	S3B	G4
Lapland Longspur	Calcarius lapponicus	1	3			SNA	G5
Chestnut-collared Longspur	Calcarius ornatus	1	3		y	S2B	G5
Snow Bunting	Plectrophenax nivalis	1	3			S5N	G5
Bobolink	Dolichonyx oryzivorus	1	3		y	S3B	G5
Red-winged Blackbird	Agelaius phoeniceus	1	3	y		S5B	G5
Western Meadowlark	Sturnella neglecta	1	3	y		S5B	G5
Yellow-headed Blackbird	Xanthocephalus xanthocephalus	1	3			S5B	G5
Rusty Blackbird	Euphagus carolinus	1	3			SNA	G4
Brewer's Blackbird	Euphagus cyanocephalus	1	3			S5B	G5
Common Grackle	Quiscalus quiscula	1	3			S5B	G5
Brown-headed Cowbird	Molothrus ater	1	3			S5B	G5
Bullock's Oriole	Icterus bullockii	1	2			S5B	G5
Pine Grosbeak	Pinicola enucleator	1	3			S5	G5
House Finch	Carpodacus mexicanus	1	3			S5	G5
Red Crossbill	Loxia curvirostra	1	3			S5	G5
Common Redpoll	Acanthis flammea	1	3			S5N	G5
Pine Siskin	Spinus pinus	1	3			S5	G5
American Goldfinch	Spinus tristis	1	3			S5B	G5
House Sparrow	Passer domesticus	1	4			SNA	G5
Vagrant Shrew	Sorex vagrans	1	2			S4	G5
Dusky or Montane Shrew	Sorex monticolus	1	3			S5	G5
Hayden's Shrew	Sorex haydeni	1	2			S3S4	G4
Little Brown Myotis	Myotis lucifugus	1	3			S4	G5
Long-eared Myotis	Myotis evotis	1	2			S4	G5
Long-legged Myotis	Myotis volans	1	2			S4	G5
Western Small-footed Myotis	Myotis ciliolabrum	1	2			S4	G5
Silver-haired Bat	Lasionycteris noctivagans	1	2			S4	G5
Big Brown Bat	Eptesicus fuscus	1	2			S4	G5
Hoary Bat	Lasiurus cinereus	1	2		y	S3	G5
Townsend's Big-eared Bat	Corynorhinus townsendii	1	1		y	S2	G4

Common Name	Scientific Name	Predicted	CFWCS Tier	Observed	SOC	State Rank	Global Rank
Mountain Cottontail	Sylvilagus **nuttallii**	1	2			**S4**	G5
Desert Cottontail	Sylvilagus audubonii	1	3			S4	G5
White-tailed Jack Rabbit	Lepus townsendii	1	2			S4	G5
Yellow-bellied Marmot	Marmota flaviventris	1	3			S4	G5
Richardson's Ground Squirrel	Spermophilus richardsonii	1	3			S5	G5
Thirteen-lined Ground Squirrel	Spermophilus tridecemlineatus	1	3			S4	G5
Black-tailed Prairie Dog	Cynomys ludovicianus	1	1		y	**S3**	**G4**
Northern Pocket Gopher	Thomomys talpoides	1	3			S5	G5
Beaver	Castor canadensis	1	3			S5	G5
Western Harvest Mouse	Reithrodontomys megalotis	1	3			S4	G5
Deer Mouse	Peromyscus maniculatus	1	3			S5	G5
Northern Grasshopper Mouse	Onychomys leucogaster	1	3			S4	G5
Bushy-tailed Woodrat	Neotoma cinerea	1	3			S5	G5
Meadow Vole	Microtus pennsylvanicus	1	3	y		S5	G5
Long-tailed Vole	Microtus longicaudus	1	3			S4	G5
Prairie Vole	Microtus ochrogaster	1	3			S4	G5
Sagebrush Vole	Lemmiscus curtatus	1	2			S4	G5
Muskrat	Ondatra zibethicus	1	3			S5	G5
Western Jumping Mouse	Zapus princeps	1	3			S4	G5
Porcupine	Erethizon dorsatum	1	3			S4	G5
Coyote	Canis latrans	1	3			S5	G5
Red Fox	Vulpes vulpes	1	3			S5	G5
Swift Fox	Vulpes velox	1	2		y	**S3**	**G3**
Raccoon	Procyon lotor	1	4			S5	G5
Least Weasel	Mustela nivalis	1	2			S4	G5
Long-tailed Weasel	Mustela frenata	1	3			S5	G5
Mink	Mustela vison	1	3			S5	G5
Badger	Taxidea taxus	1	2			S4	G5
Striped Skunk	Mephitis mephitis	1	3			S5	G5
Northern River Otter	Lontra canadensis	1	2			S4	G5
Bobcat	Lynx rufus	1	3	y		S5	G5
Mountain Lion	Puma concolor	1	3			S4	G5
Elk or Wapiti	Cervus canadensis	1	3			S5	G5
Mule Deer	Odocoileus hemionus	1	3			S5	G5
White-tailed Deer	Odocoileus virginianus	1	3			S5	G5
Pronghorn	Antilocapra americana	1	3			S5	G5
Painted Turtle	Chrysemys picta	1	3			S4	G5

Greater Short-horned Lizard	Phrynosoma hernandesi	1	2		y	S3	G5
Common Name	**Scientific Name**	**Predicted**	**CFWCS Tier**	**Observed**	**SOC**	**State Rank**	**Global Rank**
Eastern Racer	Coluber constrictor	1	3			S5	G5
Western Hog-nosed Snake	Heterodon nasicus	1	1		y	**S2**	**G5**
Gophersnake	Pituophis catenifer	1	3			S5	G5
Terrestrial Gartersnake	Thamnophis elegans	1	3			S5	G5
Plains Gartersnake	Thamnophis radix	1	3			S4	G5
Common Gartersnake	Thamnophis sirtalis	1	2			S4	G5
Prairie Rattlesnake	Crotalus viridis	1	2			S4	G5

C. Fisheries

There are no fish species directly associated with the FWP property or the access route since the property does not have any water resources.

3. SOCIO-ECONOMIC RESOURCES

A. Community

The road easement and tract to be traded are located within and adjacent to the boundaries of the Marias River SP/WMA, approximately 9 miles southwest of Shelby and 18 miles northwest of Conrad, Montana.

The newly constructed Glacier View Wind Farm lies 2 miles northwest of the described property and is the only known commercial enterprise in the area. Dry land agriculture, Conservation Reserve Program (CRP), and grazing land surround the Clark property and the Marias SP/WMA.

B. Taxes and Public Services

There are no structures or agricultural improvements on any of the subject parcels nor are electrical services present at the sites. The Marias SP/ WMA (located in both Toole and Pondera Counties) encompasses approximately 7,500 acres of which only 120 acres are identified in this assessment for disposal. In 2009, FWP property taxes for the Toole County portion of the SP/WMA were $4,499.00. Estimated taxes for the 120-acre parcel for 2009 are $89.00.

C. Historical and Cultural

The Marias River forms immediately below the confluence of Dupuyer Creek, Birch Creek, Badger Creek, Two Medicine and Cut Bank Creek and has been documented as an historic wintering area for Plains Indian tribes. Meriwether Lewis traveled along the Marias River corridor and breaks in July 1806. White influence in the area began in the 1840s with trading posts established by fur companies, followed by settlers and temporary military forts. Ranchers established large land holdings on the open range to run cattle, horses and sheep. The Homestead Act opened up the unreserved Indian lands to settlement in the early 1900s.

While most of the small homesteads are gone, agricultural practices are much the same today – grain farming and livestock ranching.

D. Aesthetics and Recreation

This SP/WMA is open to the public from April 1 through January 15 for a variety of recreational opportunities that include hiking, horseback riding, bicycling, wildlife viewing, photography, picnicking, fishing and hunting. Hunting opportunities include deer, antelope, upland birds and waterfowl. The Clarks have historically allowed hunting and other access with permission to their 1,800-acre tract.

PREDICTED ENVIRONMENTAL CONSEQUENCES

1. LAND USE

A. Proposed Action Alternative

Clarks will continue to graze cattle on the property. A public access easement will continue to allow primarily hunting-related uses on Clark lands while providing access to the SP/WMA boundary. Hunting access to the Clark property, including the traded tract will be allowed by foot or horseback from the access road.

B. No Action Alternative

Management of the land and access would not change from current practices with this alternative. The SP/WMA would continue to protect wildlife habitat and be available for public recreation activities, but no public access would exist through the Clark property. FWP would likely fence the boundary of the 120 acre parcel from future grazing by the Clark's cattle, which would limit access to their property.

2. SOILS AND PRIME/UNIQUE FARMLAND

A. Proposed Action Alternative

Under this alternative, no changes in agricultural operations are expected. Grazing by Clark livestock will continue as it has in the past. Increased public use of the access road may require periodic maintenance such as culvert installation, blading, etc. However, this will not be an "improved" road; it will continue to be a "two-track" trail passable only under favorable weather conditions and will be signed accordingly to advise visitors.

B. No Action Alternative

The no-action alternative would result in FWP fencing the 120 acres back into the SP/WMA, making access difficult for the Clark brothers to portions of their property. The public would not have guaranteed access to the SP/WMA or the Clark land.

3. AIR QUALITY

A. Proposed Action Alternative

No air quality changes are anticipated with this alternative. No activities are anticipated that would result in any changes in land use that would impact air quality in any way.

B. No Action Alternative

If this alternative were approved, FWP expects there would be no changes to the ambient air quality at either location.

4. WATER RESOURCES

A. Proposed Action Alternative

The proposed action is not anticipated to result in negative impacts to water quality, floodplains, or wetlands as there are no water resources present on the proposed lands. FWP does not anticipate any impacts to water resources as a result of the proposed action unless future development occurs that requires groundwater development.

There are no wetlands or floodplains associated with this property.

B. No Action Alternative

Since there are no water resources associated with the identified parcels the implementation of the No Action Alternative would have no effect on this resource.

5. NOISE

A. Proposed Action Alternative

FWP anticipates that noise levels would not change. No activities are anticipated that would result in any increased noise levels.

B. No Action Alternative

Current noise levels would not be expected to change if the No Action Alternative were implemented because no new activities would be anticipated.

6. VEGETATION

A. Proposed Action Alternative

No changes in plant communities or individual native species are anticipated. Livestock grazing will likely continue on the Clark property at current levels. Weed management on the access easement would change since FWP's weed management methodologies would be implemented as described in the 2008 Integrated Weed Management Plan. As vehicular access to the 120-acre tract and the remainder of the Clark property is managed, less off-road ATV and 4-wheel drive is expected, which will enable existing tracks and ruts to return to native vegetation and help to reduce erosion. Signs will be posted to discourage public off-road vehicle activity.

B. No Action Alternative

FWP would carry on with current operations to control noxious weeds on the 120-acre parcel. Livestock grazing would be reduced or eliminated, since Clarks would not have the

tract within their fence. Public access would continue as the Clark brothers see fit, with uncontrolled vehicle use along edges of coulees and breaks.

7. WILDLIFE

A. Proposed Action Alternative

This proposal allows for controlled public access to the SP/WMA and adds 1,800 acres of guaranteed public hunting. Controlling vehicular abuse of the Clark property will help to provide a quality hunting experience and assist with the hunting management program within the SP/WMA.

B. No Action Alternative

No changes to existing management policies would occur. Periodic, unmanaged public hunting on the Clark property forces deer and other wildlife species to adjacent, less secure (less desirable) habitats. The public will not have an access route to the boundary of the SP/WMA, which impedes harvest of deer.

8. FISHERIES

No impacts are expected since there are no fish species or water resources associated with the proposal whether the Proposed Alternative or No Action Alternative were implemented.

9. COMMUNITY

A. Proposed Action Alternative

The proposal allows for additional public and administrative access to the SP/WMA and additional, managed hunting access to the Clark property. Clarks will continue current grazing practices.

B. No Action Alternative

There would be no changes to community resources or local businesses if this alternative were approved.

10. TAXES AND PUBLIC SERVICES

A. Proposed Action Alternative

The taxes paid to Toole County would remain at the current classification rate since the land use would stay the same. The change of ownership of the parcel would not affect the property tax revenue submitted to the county.

B. No Action Alternative

This alternative would not change the tax liability of FWP and the private landowner to pay their taxes for their properties to Toole County. There would be no adverse effect to the county tax base if this alternative were chosen.

11. HISTORICAL AND CULTURAL RESOURCES

A. Proposed Action Alternative

The Montana State Historical Preservation Office (SHPO) was notified of the proposed land exchange and responded in writing in March 2010 (copy of letter is attached as *Appendix D*). SHPO felt that "...there is a low likelihood cultural properties would be impacted .... feel that a recommendation for a cultural resource inventory is unwarranted at this time."

B. No Action Alternative

No historic or cultural resources would be disturbed if the No Action Alternative were implemented.

12. AESTHETICS AND RECREATION

A. Proposed Action Alternative

The proposed exchange of ownership will improve hunting access by the general public to both the SP/WMA and the Clark brother's property. Walk-in access will be encouraged on non-roaded portions of the Clark property, while vehicular access will be guaranteed to the SP/WMA boundary

B. No Action Alternative

Management of the above lands and trails would not change from current practices with this alternative. The SP/WMA would continue to protect wildlife habitat and be available for public recreation activities. The open space and viewshed would remain intact. The landowner would have discretion over what recreational activities are allowed on his land. FWP does not know if these would change from the current opportunities in the future.

CUMULATIVE IMPACTS

The action alternative provides a method to secure additional public access to the Marias River SP/WMA, and public hunting access to the 1,800 acre Clark tract.
Immediate direct and indirect impacts to the identified parcels, as far as FWP is aware, are very minimal. The Clark Brothers will continue to graze cattle on the 120-acre tract that is fenced into their pasture. No resource disturbances are anticipated. Since these acres would be under private ownership, cumulative impacts are very difficult to assess because FWP is unaware of the exact nature of the landowner's future plans. Future residential, commercial, or industrial uses are possible, but not probable.

PUBLIC PARTICIPATION

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

- A public notice in each of these papers: Great Falls Tribune, Conrad Independent Observer, Shelby Promoter, Cut Bank Pioneer Press and the Valerian
- Public notice on the Fish, Wildlife & Parks web page: http://fwp.mt.gov; and
- Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure they know about the proposed project.

A public meeting will be held in Shelby Monday, April 19 at 7PM to coincide with the public comment period for the EA.

The public comment period for state purposes will extend for (30) thirty days from the date when the assessment is published by the FWP website. Written comments to this Draft Environmental Assessment will be accepted until April 29, 2010 and can be sent to the following:

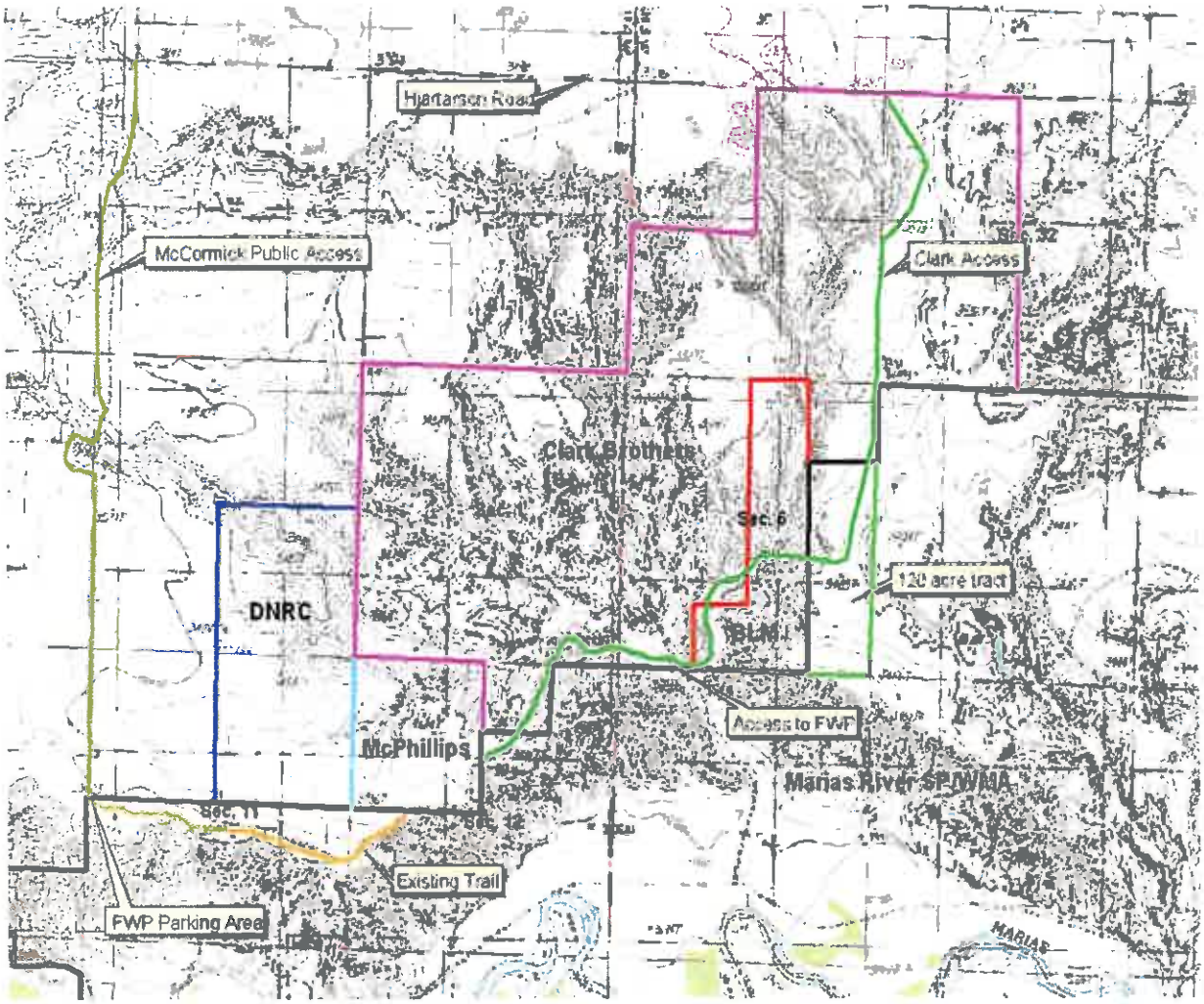
Marias River SP/WMA Land Exchange and Easement Agreement
Montana Fish, Wildlife & Parks
4600 Giant Springs Road
Great Falls, MT 59405
Or email to: fwprg42@mt.gov

EA PREPARATION

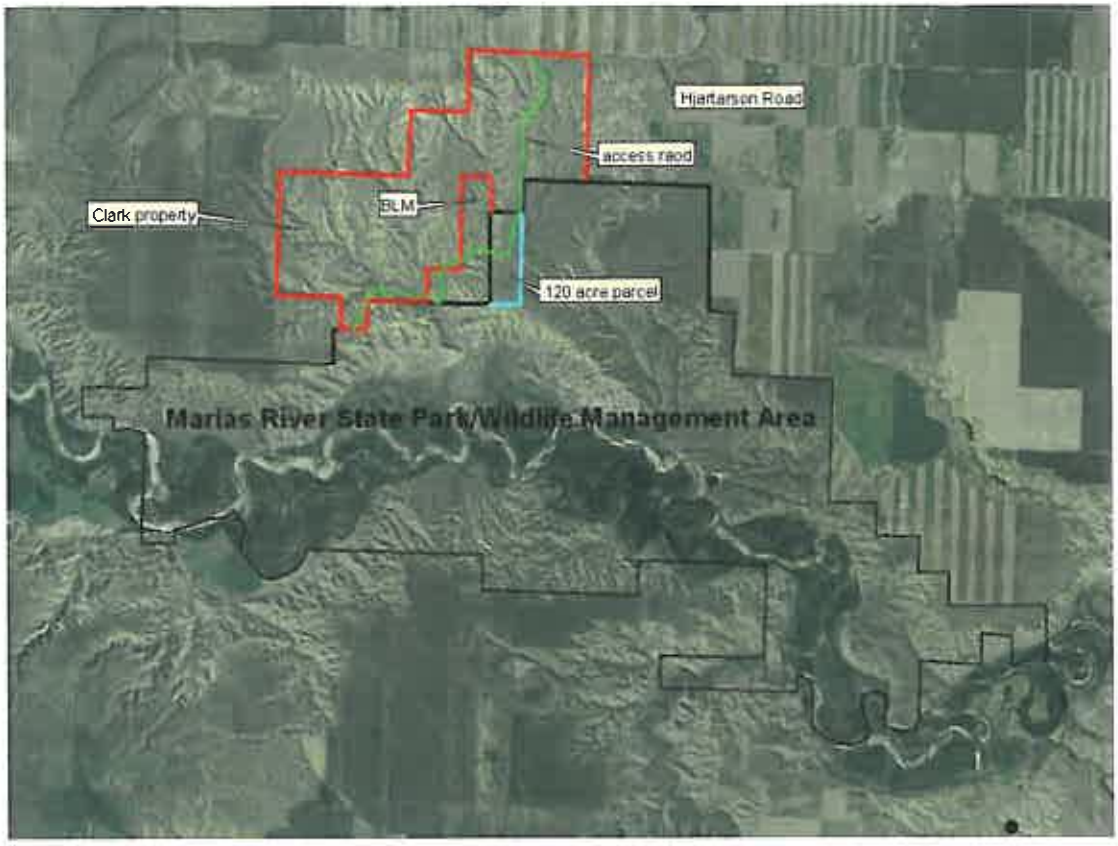
Gary Olson
Area Wildlife Biologist
Montana Fish, Wildlife and Parks
514 East Front St., Suite Conrad, MT 59425
golson@mt.gov 406-271-7033

Appendices:

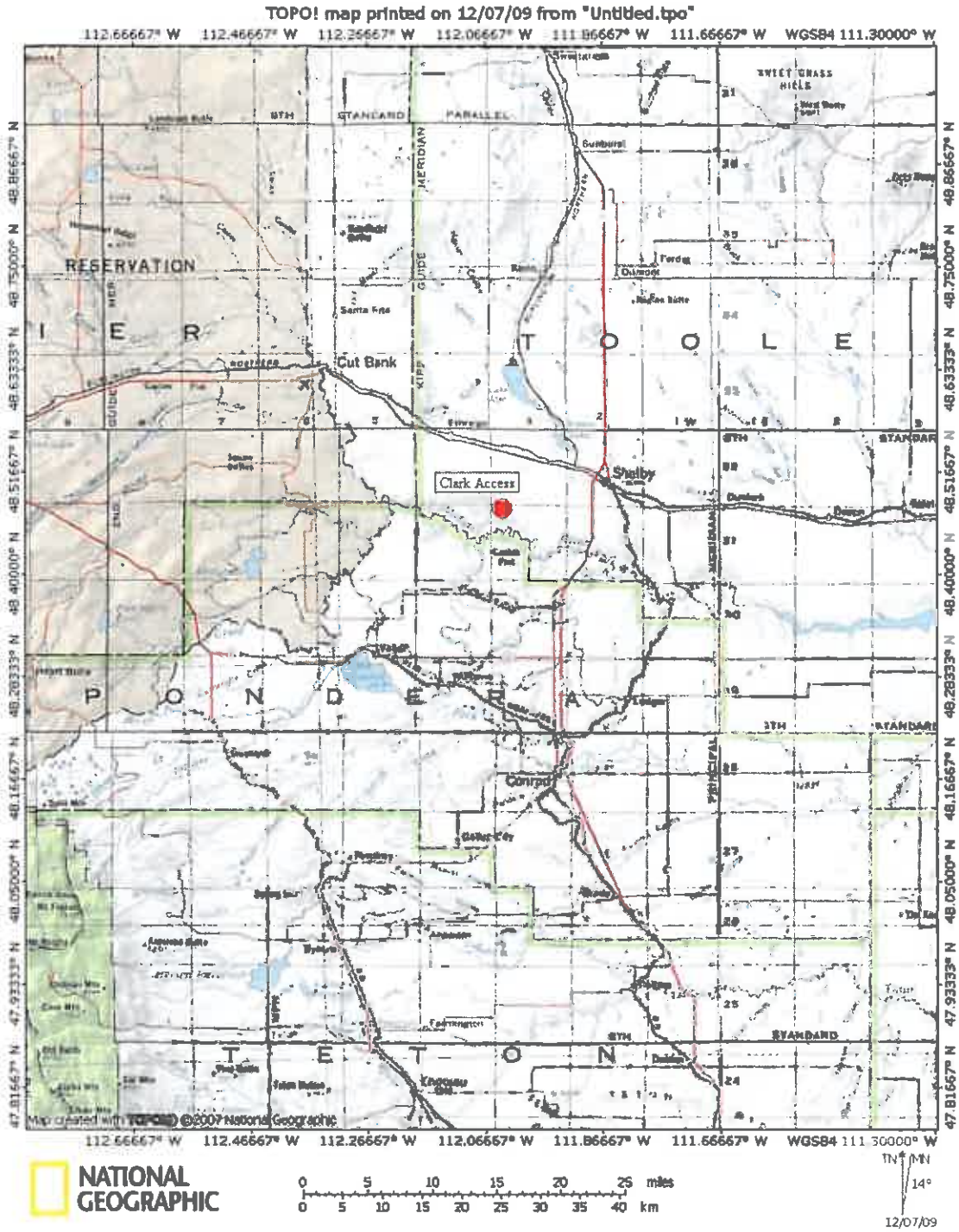
A – Location Photo map
B - Location Photo Map (large scale)
C – Topographic Site Map
D – Montana State Historic Preservation Office Letter



Appendix A: Location Map



Appendix B: Location Photo Map (large scale)



Appendix C: Topographic Site Map

Big Sky. Big Land. Big History.
Montana
Historical Society

Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center

March 2, 2010

Paul Valle
FWP
600 North Park Ave
PO Box 200701
Helena MT 59620-0701

RE: MARIAS RIVER WMA LAND EXCHANGE, TOOLE CO. SHPO Project #. 2010022310

Dear Mr. Valle:

I have conducted a cultural resource file search for the above-cited project located in Section 6, T31N R3W. According to our records there have been no previously recorded sites within the designated search locales. The absence of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

As long as there will be no new ground disturbance associated with this project we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: FWP/WILDLIFE/2010

225 North Roberts Street
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Appendix D. SHPO Letter