# DRAFT

# ENVIRONMENTAL ASSESSMENT

# CHECKLIST

# Smith River State Park Forestry Projects - Trout Creek and Ridgetop Boat Camps

**05/03/2023**

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# I. Compliance with the Montana Environmental Policy Act

Before a proposed *project* may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated ("MCA"), and the Administrative Rules of Montana ("ARM") 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a "state-proposed project," which is defined in § 75-1-220(8)(a) as:
  (i) a project, program, or activity initiated and directly undertaken by a state agency;
  (ii) … a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
  (iii) … a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

# II. Background and Description of Proposed Project

**Name of Project:** Smith River State Park - Trout Creek and Ridgetop Boat Camps Forestry Projects

Montana Fish, Wildlife & Parks (FWP) proposes the implementation of forestry projects at two Smith River State Park boat camps where the presence of dead and dying trees pose a threat to public safety. These projects would remove dead and dying trees at the Ridgetop and Trout Creek camps and include reforestation efforts. The trees within these boat camps have been compromised by biotic, abiotic and anthropogenic stressors and therefore are at risk of falling over, which is a concern due to potential for a tree to fall on someone in the boat camp.

The Ridgetop boat camps are very popular with floaters and crucial for accommodating overnight use on the lower river. Approximately 220 float parties (5-year average) and over 1700 floaters (estimated) utilize the three camps at Ridgetop each season. This high level of use and limited alternative camp locations make this project a very high priority for FWP and the recreating public. Closing this camp, especially during peak season, would create a hardship for many floaters by adding an extra five miles to their last day float for a total distance of at least twenty miles.

Armillaria root disease is a primary stressor in the Ridgetop boat camps along with Douglas-fir beetle attacking mature, injured, and otherwise compromised trees. Herbicide injury may also be a stressor. Armillaria will gradually kill much of the Douglas-fir and will persist on site, further infecting future Douglas-fir as it regenerates in the stand. Maintaining healthy trees on site requires entirely shifting composition to species that are less susceptible to Armillaria.

The Ridgetop boat camp consists of an Upper, Middle, and Lower camp. The proposed treatment area would occur on approximately 4.5 acres of mostly level terraces extending from the river up the hill behind the camp on the east. Roughly 40 Douglas-fir trees in the Middle and Lower camps would be removed. The Upper Camp would be surveyed for Armillaria and if detected, all Douglas-fir would be removed from infected area. All tree removal would be performed with chainsaws. Trees that are dry enough to be used as firewood would be bucked and split for floater use on-site. Green trees would be limbed and left whole until they are dry enough to be burned as firewood. In anticipation of Douglas-fir beetle attacking and reproducing in green logs, the biological pesticide methyl-cyclo-hexanone (MCH) would be applied on all remaining Douglas-fir trees within the camps and within one chain or 66 feet of recreational use areas.

This project would be performed in cooperation with the Montana Department of Natural Resources and Conservation (forestry, forest health identification and management, and restoration planning) and the USDA Forest Service (forest health identification, management and sawyers). The Montana Veterans Project has volunteered to help buck and split wood and swamp limbs from the project area for burning. The project is located on private land leased to FWP.

Figure 1. Failed Tree at Middle Ridgetop

Figure 2. Failed tree at Lower Ridgetop

Figure 3. Mycelial fans of Armillaria root disease with associated resinosis in standing dead and standing live trees (Steed, 2022)

The Trout Creek boat camp includes three camp sites and averages approximately 89 parties (5-year average) and 700 floaters (estimated) per season. The Trout Creek sites were closed for the 2022 float season due to the concern over dead trees potentially falling on campers. The closure of Trout Creek had minimal impact on floaters because of the abundance of other boat camps in the area.

The Trout Creek proposed treatment area is approximately 3 acres in size and contains approximately 100 dead trees (figure 4). Multiple stressors are suspected of causing this mortality including Douglas Fir Beetles (present) and the one tree in the camp that was tested for pesticides came back positive for three herbicide active ingredients (Aminocyclopyrachlor, Picloram and Aminopyralid). In anticipation of Douglas-fir beetle attacking and reproducing in green logs, the biological pesticide methyl-cyclo-hexanone (MCH) would be applied on all

remaining Douglas-fir trees within the camps and within one chain or 66 feet of recreational use areas. These dead trees are a high priority safety issue and neighbors have expressed concern about fire danger with this high-density group of dead trees.

Figure 4. Dead trees in Trout Creek boat camp

The trees at Trout Creek camps have no commercial value and would not be chipped or composted as they contain group 4 synthetic auxin herbicide residues that may adversely affect other plants that come in contact this material (Patton, 2013). All wood from Trout Creek and Ridgetop camps would be burned in the corridor and floaters would be advised not to transport wood outside of the corridor due to the potential for spreading Douglas Fir Beatle.

Native trees, shrubs, forbs and grasses would be planted to aid plant community succession following the dead tree removal. Species would be selected that are less susceptible to Armillaria.

The Ridgetop project would be implemented early in the 2023 season. The Trout Creek project would likely be implemented after the float season.

**Affected Area / Location of Proposed Project:**

- Legal Description
    - Latitude/Longitude: 47.14789, -111.29411 and 47.04546, -111.28451
    - Section, Township, and Range: 16N3E12
    - Town/City, County, Montana: Cascade County, MT
- Location Map

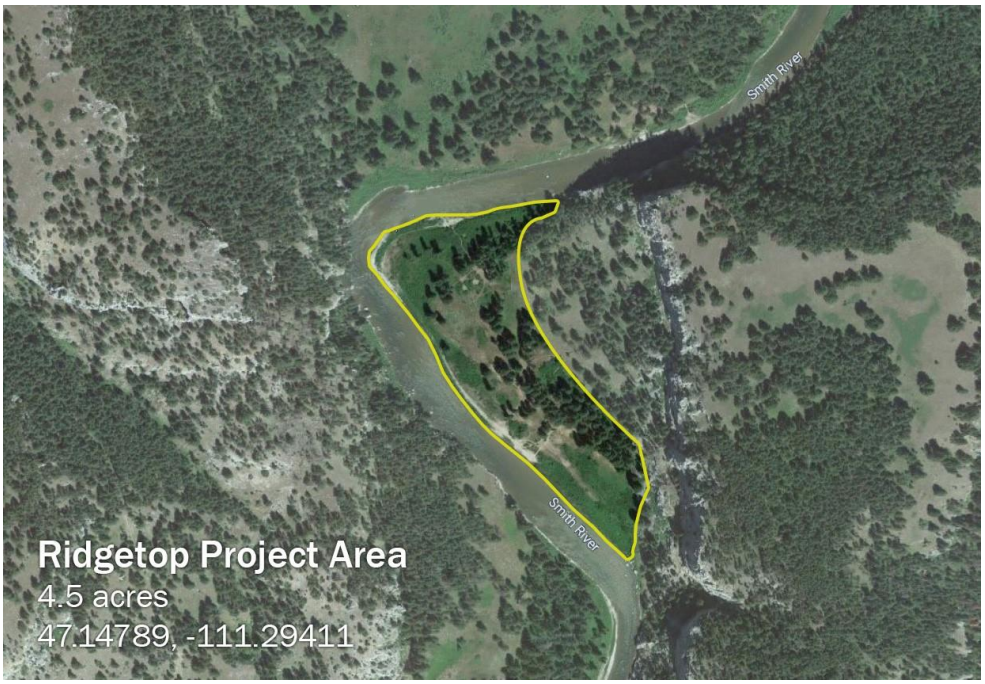


Figure 5. Ridgetop Project Area


Figure 6. Trout Creek Project Area

# III. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

The proposed project would mitigate the safety concerns of dead trees in Trout Creek and Ridgetop boat camps in the Smith River State Park and prevent the spread of disease/insects to adjacent healthy trees. To accomplish these objectives the following strategies will be employed:

- Trees would be cut down with chainsaws and burnable wood would be bucked and split for floater use.
- Wet and green logs would be limbed and left on the ground until dry enough to buck and split.
- In anticipation of Douglas-fir beetle attacking and reproducing in green logs, the biological pesticide methyl-cyclo-hexanone (MCH) would be applied on all remaining Douglas-fir trees within the camps and within one chain or 66 feet of recreational use areas.
- Site-appropriate native vegetation including trees, shrubs, forbs, and grasses would be introduced to help direct and accelerate plant community succession to desired conditions.

The benefits of the proposed project would include the following:

- Removal of dead trees from boat camps that pose safety concerns to floaters.
- Prevention of the spread of biotic, abiotic and anthropogenic stressors to healthy trees in these boat camps.
- Revegetation of habitat and vegetation traditionally valued by floaters in these camps.
- Reduction of fuels, mitigation of the fire surplus fuel source

The Ridgetop project would be implemented early in the 2023 season. The Trout Creek project would likely be implemented after the float season.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

| | Yes* | No |
|---|---|---|
| Was a cost/benefit analysis prepared for the proposed project? | ☐ | ☒ |

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

# IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.

**Table 1: Federal, State, and/or Local Regulatory Responsibilities**

| Agency | Type of Authorization (permit, license, stipulation, other) | Purpose |
|---|---|---|
| FWP Heritage Program; Montana State Historic Preservation Office | Cultural Assessment/Survey | Identification of historic and/or archaeological sites located within or near the proposed project area. |
| FWP | Noxious Weed Management Plan | Limit the spread of noxious weeds on state-owned lands |

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| FWP | Smith River State Park and River Corridor Recreation Management Plan (2021) | Guidance to staff when managing recreation on lands and waters within the Smith River State Park and River Corridor under the jurisdiction of FWP. The plan will also provide guidance to the FWP Commission, the entity that establishes the rules and fees for the Smith River via the Smith River Special Use Area Rule |

# V. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

**Table 3: Listing and Evaluation of Enforceable Mitigations Limiting Impacts**

| *Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.* | | | **Yes ☒** | **No ☐** |
|---|---|---|---|---|
| *If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below* | | | **Yes ☒** | **No ☐** |
| **Enforceable Control** | **Responsible Agency** | **Authority (Rule, Permit, Stipulation, Other)** | **Effect of Enforceable Control on Proposed Project** | |
| Identification and protection of cultural resources | State Historic Preservation Office (SHPO) | Cultural assessment inventory | In keeping with the Montana Antiquities Act and related regulations, all undertakings on state lands are assessed for their potential to affect cultural resources. This project would be evaluated according to the process for cultural resource inventory outlined in Administrative Rules 12.8.501-12.8.510, and in consultation with the State Historic Preservation Office. FWP also consults with all tribal historic preservation offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. | |
| Noxious Weed Monitoring and Mitigation | FWP | Noxious Weed Management Plan | Limit the spread of noxious weeds on state lands | |

# VI. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed projects would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

Alternative 1: No Action

Under the no action alternative, the Trout Creek and Ridgetop boat camps would be closed due to the danger to users from hazard trees in the area. Closing the camps, particularly Ridgetop, might create a hardship for some floaters as they would need to float at least twenty miles to reach the take-out at Eden Bridge. Further, FWP would not proactively

prevent the spread of disease/insects to adjacent healthy trees within the affected campsites thereby potentially exacerbating existing safety and forest health concerns in the affected area.

| | Yes* | No |
|---|---|---|
| Were any additional alternatives considered and dismissed? | ☐ | ☒ |

* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

# VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** "are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency,** and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term**: impacts that would not last longer than the proposed project.
- **Long-Term**: impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact**: there would be no change from current conditions.
- **Negligible**: an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor**: the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate**: the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major**: the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or

- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

**Table 3 - Potential Impacts of Alternative 2: Proposed Project on the Physical Environment**

| PHYSICAL ENVIRONMENT | Duration of Impact | | | Severity of Impact | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Resource | None | Short-Term | Long-Term | None | Negligible | Minor | Moderate | Major | Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures |
| Terrestrial, avian, and aquatic life and habitats | ☐ | ☐ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | There would be no significant adverse impacts to the terrestrial, avian, aquatic life, and habitats from the proposed action. Although proposed actions would remove dead, dying, and decaying trees from a riparian corridor, significant adverse impacts to terrestrial, avian, and aquatic species and habitats are unlikely. Removal of trees might have long-term, minor impacts on avian and bat species that utilize dead trees as habitat because the proposed action areas represent a small portion of the total amount of similar habitat in the immediate surrounding area. Several bird species might benefit from an earlier succession plant community post-treatment. Planting site-appropriate trees and shrubs would mitigate tree loss over time. Golden eagle nests were observed within 1.6 miles of Ridgetop and Trout Creek over 21 years ago. However, this is well beyond the recommended 0.5-mile buffer around active nests to protect birds from human disturbance (Montana Bald Eagle Working Group 2010), and these nesting sites have since been colonized by Canada geese (FWP staff observations). |
| Water quality, quantity, and distribution | ☐ | ☐ | ☒ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to water quality, quantity, or distribution from the proposed action. No impact to water quality, quantity and distribution is expected from cutting the trees because the trees that would be cut are already dead. Revegetation would reclaim the site to a more natural state and have long-term negligible impact to water quality as it would decrease the potential erosion/sedimentation and because the replacement vegetation would consume a similar amount of water as the previous vegetation. Restoration of the vegetation would more closely |

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| | | | | | | | | | resemble natural conditions; thus, any impacts would be negligible. |
| Geology | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to the geology of the area from the proposed action. No important or unique geologic features exist within the areas proposed for the project and the project would not impact the geology in the area. The revegetation work would reclaim the site to a more natural condition but not impact the geology. |
| Soil quality, stability, and moisture | ☐ | ☐ | ☒ | ☐ | ☒ | ☒ | ☐ | ☐ | There would be no significant adverse impacts to the soil quality, stability and moisture from the proposed action. There would be negligible long-term impacts to soil stability due to the loss of tree roots. The treatment area is mostly level and the impact of the loss of roots would be negligible. There would be a long-term minor impact to soil moisture with the loss of tree canopy and shade. The impacts to soil stability and moisture would be mitigated over time by natural succession and planting of native trees and shrubs. The dominant soil components, 165-Rivra (Ridgetop) and 1117C-Dutchollow (Trout Creek), are rated as having high soil restoration potential and ability to restore functional and structural integrity after a disturbance. |
| Vegetation cover, quantity, and quality | ☐ | ☐ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | There would be no significant adverse impacts to vegetation cover, quantity, or quality from the proposed action. There would be a long-term, minor impacts to both vegetation cover and quantity from the removal of dead and dying trees and the subsequent reforestation efforts. These impacts would decrease over time as natural succession and planted trees and shrubs establish. |
| Aesthetics | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☒ | ☐ | There would be no significant adverse impacts to aesthetics from the proposed action. The planned removal of affected trees in the affected areas would have a moderate long-term impact on the aesthetic nature of the area. Most users value trees and the ample shade provided by existing trees at Ridgetop and Trout Creek |

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| | | | | | | | | | camps has made the camps popular with floaters. The absence of trees is a fundamental component of the changing landscape along the Smith River corridor, which is evident following numerous types of disturbance events such as fire and disease (as is happening at Ridgetop and Trout Creek camps due to armillaria). Active restoration planting of site appropriate trees and shrubs would aim to accelerate the recovery of valued aesthetic attributes. |
| Air quality | ☐ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to air quality from the proposed action. There would be negligible short-term impacts to air quality due to chainsaw exhaust resulting from the combustion of fossil fuels. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQS). No significant point-sources of air pollution exist in the area affected by the proposed project. |
| Unique, endangered, fragile, or limited environmental resources | ☐ | ☒ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | There would be no significant adverse impacts to the unique, endangered, fragile, or limited environmental resources from the proposed project. A review of available Montana Natural Heritage Program data indicates that the following animal species of concern are present within the immediate area of the Ridgetop and Trout Creek boat camps:<br>• Little Brown Myotis (Myotis lucifugus) – Global Rank: G3G4, State Rank : S3<br>• Fringed Myotis (Myotis thysanodes) – Global Rank: G4, State Rank: S3<br>• Long-eared Myotis (Myotis evotis) – Global Rank: G5, State Rank: S3<br>• Wolverine (Gulo gulo) – Global Rank: G4, State Rank: S3<br>• Bald Eagle (Haliaeetus leucocephalus) – Global Rank: G5, State Rank: S4 |

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| | | | | | | | | | • Golden Eagle (Aquila chrysaetos) – Global Rank: G5, State Rank: S3<br>• Veery (Catharus fuscescens) – Global Rank: G5, State Rank: S3B<br>• Equisetum pratense (Meadow Horsetail) – Global Rank: G5, State Rank: S2<br>Short-term and minor wildlife and vegetation displacement might occur during project implementation, but the work would be limited in duration. When completed, no further displacement of wildlife would be expected, and long-term minor habitat improvements would be expected from the revegetation aspect of the proposed action. The proposed action areas have a small footprint compared to similar habitat in the immediate surrounding area. Definitions of the Global Rank and State Rank can be found here. |
| Historical and archaeological sites | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ | No significant adverse impacts to historic and archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP would also consult with all Tribal Historic Preservation Offices affiliated with the proposed project area in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they would be protected from adverse impacts through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, |

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| | | | | | | | | | FWP would cease implementation and contact FWP's Heritage Program for further evaluation. |
| Demands on environmental resources of land, water, air, and energy | ☐ | ☒ | ☒ | ☐ | ☒ | ☒ | ☐ | ☐ | No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. A negligible amount of fuel would be required to operate equipment used for the proposed project (i.e., chainsaws, other). No other demands on the environmental resource of energy would be expected because of the proposed project. As identified through the analyses of potential impacts to water quality, quantity, and distribution; vegetation cover, quantity, and quality; geology; soil quality, stability, and moisture; and air quality, some short- and long-term, negligible, minor, beneficial, and adverse impacts to demands on the environmental resources of land, water, and air may occur because of the proposed project. No other demands for such environmental resources would be expected because public use is regulated, and demand isn't influenced by improved conditions resulting from the proposed project. |

**Table 4 - Potential Impacts of Alternative 2: Proposed Project on the Human Population**

| **HUMAN POPULATION** | **Duration of Impact** | | | **Severity of Impact** | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Resource** | **None** | **Short-Term** | **Long-Term** | **None** | **Negligible** | **Minor** | **Moderate** | **Major** | **Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures** |
| Social structures and mores | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☒ | ☐ | There would be no significant adverse impacts to social structures and mores from the proposed action. The proposed project would remove dead trees and revegetate forest conditions in both Ridgetop and Trout Creek camp sites in the Smith River corridor. A primary |

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| | | | | | | | | | FWP objective is to establish and manage state park campsites with desired characteristics for safe and enjoyable recreational opportunities. Many Montanans and those visiting the state for outdoor recreational purposes hold high regard for floating and camping in the Smith River State Park. Both affected campsites represent important elements of achieving and maintaining FWP's objective. The proposed project would re-establish safe recreational opportunities at the affected campsites and would not change long-term land use or desired human activity in the affected area. Therefore, the proposed action would have long-term, moderate, and beneficial impacts to pre-project social structures, customs, values, and conventions in the affected area. |
| Cultural uniqueness and diversity | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to cultural uniqueness and diversity from the proposed action. The proposed project constitutes the removal of dead trees and revegetation in camp sites on the Smith River corridor and it is not expected this action would result in any relocation of people into or out of the affected area. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project. |
| Access to and quality of recreational and wilderness activities | ☐ | ☒ | ☒ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to access to and quality of recreational and wilderness activities from the proposed action. The project location is not designated as wilderness and provides no access to any designated wilderness areas; therefore, no impacts to access or the quality of wilderness recreational activities would occur because of the proposed action. There would be short-term, negligible impacts to campsite access due to the camps being closed during the project. Following project completion, there would be long-term, moderate, and beneficial impacts resulting from the affected camps remaining open to safe recreational use and camping into the future. Hazard-tree removal operations and revegetation of the campsites would |

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| | | | | | | | | | further FWP's objective to establish and manage appropriate campsites with desired characteristics for safe and enjoyable recreational opportunities in the Smith River State Park. |
| Local and state tax base and tax revenues | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☒ | ☐ | There would be no significant adverse impacts to local and state tax base and tax revenues from the proposed action. The proposed project constitutes the removal of dead trees from, and subsequent revegetation of, the affected camp sites to ensure long-term safe and enjoyable recreational opportunities in the Smith River State Park. Many Montanans and those visiting the state for outdoor recreational purposes hold high regard for floating and camping in Smith River State Park and both affected campsites represent important elements of achieving and maintaining FWP's objective to provide the recreating public with this opportunity. A permit and associated fee are required to float and camp within the Smith River corridor. Therefore, maintaining the affected campsites would promote ongoing sales of required Smith River permits, which would result in long-term, moderate and beneficial impacts to the local and state tax base and tax revenue. |
| Agricultural or Industrial production | ☐ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to agricultural or industrial production from the proposed action. The proposed project constitutes the removal of dead trees and revegetation of camp sites in the Smith River corridor. Cattle grazing is allowed within the Smith River corridor, including within the affected campsites. If grazing activity within the affected campsites must be deferred to help with the establishment of planted restoration species, short-term negligible impacts to agricultural production may be realized because of the proposed project. Because the affected area is not currently used for industrial production the proposed project would not impact such practices. |
| Human health and safety | ☐ | ☒ | ☒ | ☐ | ☐ | ☐ | ☒ | ☐ | There would be no significant adverse impacts to human health and safety from the proposed action. Short-term, |

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| | | | | | | | | | there would be increased safety risk to workers related to cutting trees and moving wood. Work would be done by certified sawyers with the United States Forest Service and crews would follow generally accepted safety practices for the work being done. The existence of standing dead-trees within the affected campsites represents a significant human safety hazard. Therefore, removal of the hazard-trees would have long-term, moderate, and beneficial impacts to human health and safety. |
| Quantity and distribution of employment | ☐ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to quantity and distribution of employment from the proposed action. The proposed project constitutes the removal of dead trees and revegetation in camp sites on the Smith River corridor and, when completed, would not impact the quantity and distribution of employment in the affected area. Short -term and negligible impacts to the local quantity and distribution of employment might be realized because existing government staff or contracted services would be required to complete the project activities. Any impacts to the quantity and distribution of employment in the affected area would be short-term and negligible, lasting only as long as the proposed project. |
| Distribution and density of population and housing | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to distribution and density of population and housing from the proposed action. The proposed project constitutes the removal of dead trees and revegetation in camp sites on the Smith River corridor and would use existing government staff or contractors to accomplish the proposed project and would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing in the affected area would be expected because of the proposed project |
| Demands for government services | ☐ | ☒ | ☐ | ☐ | ☐ | ☒ | ☐ | ☐ | There would be no significant adverse impacts to demands for government services from the proposed |

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| | | | | | | | | | action. The proposed project constitutes the removal of dead trees and revegetation of existing camp sites within the Smith River corridor. There would be a short-term minor impact to government services due to the above average amount of state and federal employees and resources needed to complete the project. The infrastructure and equipment needed to implement the Smith River State Park boat camping system is already in place. Normal and routine maintenance costs, including monitoring and control of noxious weeds, would continue because of the proposed project. No additional demands for government services would be required for project implementation. |
| Industrial, agricultural, and commercial activity | ☐ | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to industrial, agricultural, and commercial activity. Cattle grazing is allowed within the Smith River corridor, including within the affected campsites. If grazing activity within the affected campsites must be deferred to help with the establishment of planted restoration species, short-term negligible impacts to agricultural activity may be realized because of the proposed project. Because the affected area is not currently used for industrial or commercial activities the proposed project would not impact such practices. |
| Locally adopted environmental plans and goals | ☐ | ☐ | ☒ | ☐ | ☒ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to locally adopted environmental plans and goals from the proposed action. Smith River State Park was established to provide Montanans and those visiting the state with varied recreational opportunities in a remote setting, unspoiled by human impacts to the environment. The state park continues to be managed to support this objective. The primary objective of the proposed project would be to facilitate safe use of the existing and affected campsites now and into the future. The proposed project would not change the purpose and intent of the area. FWP is unaware of any other locally adopted environmental plans or goals that would be impacted by |

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| | | | | | | | | | the proposed project. Any impacts would be long-term, beneficial, and negligible |
| Other appropriate social and economic circumstances | ☒ | ☐ | ☐ | ☒ | ☐ | ☐ | ☐ | ☐ | There would be no significant adverse impacts to other social and economic circumstances from the proposed action. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project. |

**Table 6: Determining the Significance of Impacts on the Quality of the Human Environment**

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| If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement.<br><br>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile. | |
| **Criteria Used to Determine Significance** | |
| 1 | The **severity, duration, geographic extent,** and **frequency** of the occurrence of the impact<br><br>**"Severity"** describes the density of the potential impact, while **"extent"** describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.<br><br>**"Duration"** describes the time period during which an impact may occur, while **"frequency"** describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration). |
| 2 | The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur |
| 3 | Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts |
| 4 | The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values |

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| 5 | The importance to the state and to society of each environmental resource or value that would be affected |
| 6 | Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions |
| 7 | Potential conflict with local, state, or federal laws, requirements, or formal plans |

# VIII. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

**Table 7: Private Property Assessment (Takings)**

| PRIVATE PROPERTY ASSESMENT ACT (PPAA) | | | |
|---|---|---|---|
| **Does the Proposed Action Have Takings Implications under the PPAA?** | **Question #** | **Yes** | **No** |
| Does the project pertain to land or water management or environmental regulations affecting private property or water rights? | 1 | ☒ | ☐ |
| Does the action result in either a permanent or an indefinite physical occupation of private property? | 2 | ☐ | ☒ |
| Does the action deprive the owner of all economically viable uses of the property? | 3 | ☐ | ☒ |
| Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5) | 4 | ☐ | ☒ |
| Is there a reasonable, specific connection between the government requirement and legitimate state interest? | 4a | ☐ | ☐ |
| Is the government requirement roughly proportional to the impact of the proposed use of the property? | 4b | ☐ | ☐ |
| Does the action deny a fundamental attribute of ownership? | 5 | ☐ | ☒ |
| Does the action have a severe impact of the value of the property? | 6 | ☐ | ☒ |
| Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.) | 7 | ☐ | ☒ |
| Is the impact of government action direct, peculiar, and significant? | 7a | ☐ | ☐ |
| Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded? | 7b | ☐ | ☐ |
| Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question? | 7c | ☐ | ☐ |
| **Does the proposed action result in taking or damaging implications?** | | ☐ | ☒ |

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| Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b. |
| If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff. |
| **Alternatives:**<br>The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking. |

# IX. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP anticipates the proposed action would result in limited environmental impact, and that the amount of public interest would likely be minor, FWP determined the following public notice strategy provides an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).
- Public notice will be served on the Montana Fish, Wildlife and Parks website at: https://fwp.mt.gov/news/public-notices
- Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.
- FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).
- FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.

| Newspaper / Periodical | Date(s) Public Notice Issued |
|---|---|
| Helena Independent Record | 05/03/2023 |
| | |

- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.

    - **Duration of Public Comment Period:** The public comment period begins on the date of publication of legal notice in area newspapers (see above). Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment, as listed below:

      **Length of Public Comment Period:** 15 days
      **Public Comment Period Begins**: 05/03/2023
      **Public Comment Period Ends**: 05/17/2023

      Comments must be addressed to the FWP contact, as listed below.

    - **Where to Mail or Email Comments on the Draft EA:**
      Name: COLIN MAAS
      Email: cmaas@mt.gov

Mailing Address:
Montana FWP Region 4
Attn: Smith River State Park Forestry Projects
4600 Giant Springs Rd
Great Falls, MT 59405

# X. Recommendation for Further Environmental Analysis

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|---|---|
| **NO** further analysis is needed for the proposed action | ☒ |
| FWP must conduct **EIS** level review for the proposed action | ☐ |

# XI. EA Preparation and Review

| | **Name** | **Title** |
|---|---|---|
| **EA prepared by:** | Nate Kluz | Recreation Ranger, Region 4 FWP |
| **EA reviewed by:** | Colin Maas | Recreation Manager, Region 4 FWP |
| | Shannon Hilty | Non-game biologist, Region 4 FWP |
| | Rachel Reckin | Heritage Specialist, FWP |
| | Amy Gannon | Forest Pest Management Program Manager, MT DNRC |
| | Alex Sholes | Regional Recreation Manager, Region 4 FWP |
| | Eric Merchant | MEPA Coordinator |

# Appendix A: References

Feucht, James R. "Herbicide injuries to trees: symptoms and solutions." *Journal of arboriculture (USA)* (1988).

Hagle, Sue. (2004) “Management Guide for Root Disease.” US Dept. of Agriculture, Forest Service, Forest Health Protection. 4 p.

Hansen, Paul L. *Classification and management of Montana's riparian and wetland sites*. No. 54. Montana Forest and Conservation Experiment Station, School of Forestry, The University of Montana, 1995.

Orloff, N., Pokorny,M., Mangold, J., Marks, J., Christiaens, B., and Rogge, S.. “Revegetation Guidelines: Considering Invasive and Noxious Weeds.” Montana State University Extension, 2022, 48 p.

Patton, Aaron J., et al. "Potential damage to sensitive landscape plants from wood chips of aminocyclopyrachlor damaged trees." *Weed Technology* 27.4 (2013): 803-809.

Steed, B.; & Randall, C. (2021). “Discussion of mortality of Douglas-fir along the Smith River, Helena-Lewis and Clark NF.” (MFO-TR-21-05). Missoula, MT: U.S. Dept. of Agriculture, Forest Service, Northern Region, Forest Health Protection. 14 p.

Steed, B., Randall, C., McKeever, K., & Cleaver, C. (2022). “Assessment of Insects and Diseases in Smith River Corridor Boat Camps, 2022.” (MFO-TR-22-01). Missoula, MT: U.S. Dept. of Agriculture, Forest Service, Northern Region, Forest Health Protection. 34 p.