

COTTONWOOD FISHING ACCESS SITE ACQUISITION YELLOWSTONE RIVER



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Executive Summary

Montana Fish Wildlife and Parks (FWP) has an opportunity to acquire an island complex in the Yellowstone River downstream of Reed Point, MT. The complex could be acquired with mitigation funds administered by the Department of Justice (DOJ) Natural Resource Damage Program (NRDP) as a result of the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill. This site is six river miles (rm) below Indian Fort Fishing Access Site (FAS), one rm above the proposed Two Bridges FAS site, and seven rm above Holmgren FAS. The islands are in a high priority reach of the Yellowstone River for additional public access. The NRDP has provisions to allow for natural function of river processes and recruitment of large woody debris--typically cottonwoods--to the river during floods by securing cottonwood riparian areas that are exposed to natural riverine forces. The natural riverine function builds islands and provides habitat for terrestrial and aquatic organisms. Montana Department of Transportation (MDT) purchased the islands and adjacent ranch land as a part of a project to decommission a bridge that served the ranch. The NRDP proposes to fund FWP to purchase the islands from MDT. FWP would hold title and administer the property on behalf of the State of Montana. The islands would remain as an undeveloped area for wildlife stewardship and provide recreational resources for the public such as angling, hunting, birdwatching, and camping.

The project is part of the implementation of the *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the Exxon Mobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* (restoration plan) prepared by the U.S. Department of the Interior, through the Bureau of Land Management, U.S. Fish and Wildlife Service, and the State of Montana through the NRDP. The restoration plan identified five categories of injury along the Yellowstone River and identified project types for each injury category to address the injuries, compensate for the service losses due to the oil spill, and meet restoration plan goals. This acquisition addresses the terrestrial/riparian habitat and large woody debris project categories.

NRDP held public meetings during the development of the final restoration plan, during which the public indicated strong support for these projects. FWP receives regular public support to secure additional Yellowstone River access. MDT rarely hold tracts of land unnecessary for roadways and protection of roadways and is actively supporting this transaction. This opportunity would allow each agency to meet objectives of their respective programs with a direct benefit to the public and natural resources of the Yellowstone River.

Alternatives for this proposal include no action in which FWP doesn't act to acquire the land from MDT, and the proposed preferred alternative in which FWP accepts title from a sale completed with MDT and establishes Cottonwood Fishing Access Site.

Table of Contents

Executive Summary	2
List of Tables	4
List of Figures	4
Purpose and Need	5
A. Background and Proposed Actions	5
Type of Proposed Action	5
Agency Authority for the Proposed Action	5
Project Name.....	5
Project Sponsor	5
Anticipated Schedule	6
Location of Project.....	6
Project Size	8
Consultation	8
Permits	8
Budget.....	8
Project Brief History	9
B. Alternatives	11
C. Description of Alternatives	11
D. ENVIRONMENTAL REVIEW	11
D.1 LAND RESOURCES.....	11
D.2 AIR.....	12
D.3 WATER.....	12
D.4 VEGETATION	13
D.5 FISH/WILDLIFE	14
D.6 HUMAN ENVIRONMENT NOISE/ELECTRICAL EFFECTS	15
D.7 LAND USE	15
D.8 RISK/HEALTH HAZARDS.....	16
D.9 COMMUNITY IMPACT.....	16
D.10 PUBLIC SERVICES/TAXES/UTILITIES	17
D.11 AESTHETICS/RECREATION.....	17
D.12 CULTURAL/HISTORICAL RESOURCES.....	18
E. SIGNIFICANCE CRITERIA	19
SUMMARY EVALUATION OF SIGNIFICANCE.....	19

F. EVALUATION AND LISTING OF MITIGATION, STIPULATION OR OTHER CONTROL MEASURES ENFORCEABLE BY THE AGENCY OR OTHER GOVERNMENT AGENCY	20
G. NARRATIVE EVALUATION AND COMMENT	20
H. EA CONCLUSION SECTION.....	20
Literature Cited and Website Links	22
Appendix.....	23

List of Tables

Table 1. Timeline of proposed actions.....	6
Table 2. Acres of land affected by the proposed project.	8
Table 3. Physical Environment Land Resources.	11
Table 4. Physical Environment Air.....	12
Table 5. Physical Environment Water.	12
Table 6. Physical Environment Vegetation.	13
Table 7. Physical Resource Fish and Wildlife.	14
Table 8. Human Environment Noise and Electrical Effects.	15
Table 9. Human Environment Land Use	15
Table 10. Human Environment Risk and Health Hazards.	16
Table 11. Human Environment Community Impact.....	16
Table 12. Human Environment Public Services, Taxes, Utilities.....	17
Table 13. Human Environment Aesthetics and Recreation.	17
Table 14. Human Environment Cultural and Historical Resources.....	18
Table 15. Summary Evaluation of Significance.	19
Table 17. Animal Species of Concern Report for Township.....	23

List of Figures

Figure 1. Map of location statewide reference.....	6
Figure 2. Map of location county reference.....	7
Figure 3. Satellite image of site.	7
Figure 4. William Clark Yellowstone River, Stillwater County, Montana, July 18, 1806.....	10
Figure 5. 1902 Government Land Survey.....	10
Figure 6. FWP Map outlining Wetland Areas within the Project.....	24
Figure 7. USFWS National Wetlands Survey Map.	25
Figure 8. Copy of SHPO Letter.	26

Purpose and Need

The purpose of this project is to acquire an island complex of the Yellowstone River for human recreational use, habitat for riverine function, and fish and wildlife. The proposed area is a high FWP priority reach for additional Fishing Access Sites. MDT anticipated selling the acquired lands. It is within the DOJ natural resource's recovery area for the 2011 Silvertip spill as defined in the NRDP restoration plan. This acquisition addresses the terrestrial/riparian habitat and large woody debris project categories discussed in the NRDP restoration plan. The goal of these types of NRDP projects is to recruit large woody debris to the river and restore natural river function to re-establish large woody debris piles in areas where they were dismantled or disturbed by response actions. This action fulfills program plans for each of the state agencies.

A. Background and Proposed Actions

Type of Proposed Action

The action for FWP would be to accept title to the lands acquired from MDT with funds provided by DOJ NRDP program. No development of the site would be considered for this proposed water-only access FAS.

Agency Authority for the Proposed Action

- 87-1-209 MCA, FWP authority to acquire land by purchase, lease, agreement, gift or easement.
- 23-1-127 MCA Maintenance at FAS sites
- 12.8.602 ARM specifies development elements considered significant within sites
- 23-1-110 MCA defines public involvement for FAS
- 23-1-126 MCA, Good Neighbor Policy

Project Name

Yellowstone River Cottonwood Fishing Access Site Acquisition

Project Sponsor

Montana Fish, Wildlife, and Parks
2300 Lake Elmo Drive
Billings, MT 59105

Anticipated Schedule

Table 1. Timeline of proposed actions.

Event	Date
Public Comment Period	December 11, 2020–January 13, 2021
Public Meeting	Not anticipated
Decision Notice (estimated)	January 22, 2021
Project begins	February 22, 2021
Project completed	August 30, 2021

Location of Project

The project area, known as Cottonwood Island, currently exists as two islands. Cottonwood Island consists of about 45 acres and includes Lots 3 and 7 in Section 2, Township 2 South, Range 18 East, and Lot 5 in Section 1, Township 2 South, Range 18 East. The island is owned MDT. Figure 1 indicates the location with a reference within the state, Figure 2 provides a reference at a Stillwater County level, Figure 3 displays the current image of the island complex with the cadastral boundaries generally overlaid.



Figure 1. Map of location statewide reference.

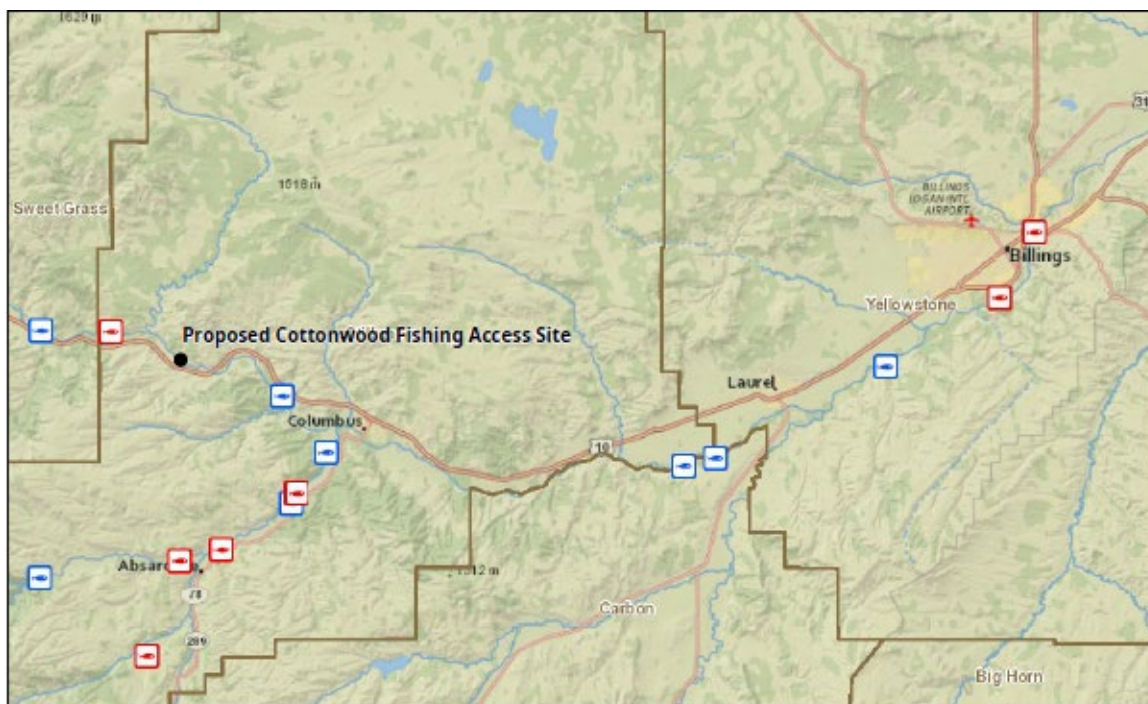


Figure 2. Map of location county reference.



Figure 3. Satellite image of site.

Project Size

The area considered for purchase is approximately 45 acres. Island areas outside of the cadastral lines are considered accreted lands and hold an additional 40 to 45 acres of habitat primarily comprised of riparian forest, freshwater emergent wetlands, riparian shrub, and open gravel bars. Accreted lands are increases in land by a river or stream depositing soil. The parcels under consideration and accreted lands would be considered part of this potential FAS. Table 2 below indicates the approximate acreage for the Fishing Access Site lands based on the 45 acres in the defined parcels. All the islands are in the 100-year floodplain. The entire area is defined in the USFWS Wetlands Inventory with the associated map in the Appendix and in the FWP wetlands map showing the area measured within the parcels for Table 2.

Table 2. Acres of land affected by the proposed project.

Description	Acres	Description	Acres
Developed	0	Floodplain	45
Residential	0	Productive land-----	0
Industrial	0	Irrigated Cropland	0
Open Space	0	Dry Cropland	0
Wetlands-----	45	Forestry	0
Riverine	11	Rangeland	0
Riparian Forest	19		
Riparian Shrub	9		
Freshwater Emergent	3.5		
Freshwater Forested Shrub	2.5		

Consultation

- Montana Department of Justice, Natural Resource Damage Program
- Montana Department of Transportation
- Montana Natural Heritage Species of Concern Reports
- USFWS Service Wetland Mapping
- Montana Department of Natural Resources

Permits

No Permits are required for the proposed action

Budget

The costs to FWP are limited to project planning, due diligence, and public outreach efforts in conjunction with NRDP. NRDP paid for the completed cultural resources and contaminant studies and will pay potential closing costs and associated fees. MDT paid for an appraisal and has been providing staff for project planning. FWP under the preferred proposed alternative would accept DOJ funds to purchase the land from MDT. The land appraisal resulted in a value of \$54,050 which will be used to complete the transaction if the preferred proposed alternative is accepted after considering public comment.

Project Brief History

This area was used by Paleo-Indian and native Americans for 8,500 years or more. In the 1700s into the 1800s this area was predominately occupied by Blackfeet and Crow tribes. One of the earliest written records of this area by non-Indian accounts is the Lewis and Clark Expedition. William Clark and several others passed through this area July 18th, 1806. Two of the men were injured near this site. Charbonneau was thrown from a horse while chasing bison bruising his hip, shoulder, and face. Later that day, Gibson fell on a snag when attempting to mount a horse, falling on a burned stick which went deep into his thigh. They passed this island complex area while searching for cottonwood trees large enough to make dugouts, nursing the injuries, and finding an Indian encampment on an island potentially a few miles downstream of this site near Berry Creek. Clark noted seeing smoke from what he assumed was a Crow camp. Figure 4 is a map created by Clark for the 17th and 18th of July 1806; the island in discussion may be the island to the lower left of the image (Univ. of Nebraska). It is possible this island or one of the islands downstream had a temporary Indian building on it as noted in Clark's journal. Clark's journal entries near and on the 18th while passing through current Sweet Grass and Stillwater counties indicated abundant bison, elk, deer, and grizzly bear and may contain the first written documentation of mountain suckers.

The area was explored by traders and trappers for the next several decades. From 1851 to 1882 the area was part of the Crow Tribe Reservation. From 1882 to 1883 the Northern Pacific Railroad was developed across Montana. The railroad crosses the Yellowstone River just downstream of this site. Figure 5 shows the 1902 General Land Office Map, the original map of the parcels being considered. The map also shows the completed railroad in place with a water tank to the south east and a house to the north of the islands. The Homestead Act of 1862 set lands aside for settlement. The Newlands Reclamation Act in 1902 combined with railway access spurred settlers to Montana. The islands in this proposal were present at least in 1902 if not in 1806 and do not appear to have had any significant settlement, or other cultural uses aside from potential grazing based on a survey conducted in July 2020 by Patrick Kuntz (Kuntz 2020). Recently MDT purchased this land and the associated ranch lands as part of retirement of the highway bridge downstream of the site.

The NRDP investigated the opportunity to purchase the islands as part of the implementation of the restoration plan. NRDP contacted FWP to determine its ability to take title of the property which is currently being investigated.



Figure 4. William Clark Yellowstone River, Stillwater County, Montana, July 18, 1806.



Figure 5. 1902 Government Land Survey.

B. Alternatives

1. No Action
2. FWP accepts title

C. Description of Alternatives

1. No Action

Under this alternative FWP would not accept or continue to invest time to acquire the island complex as a FAS.

2. FWP Acquisition

Under this alternative, FWP will work with NRDP and MDT to acquire lands and create Cottonwood FAS, thereby meeting objectives in the NRDP program and FWP statewide management plan.

D. ENVIRONMENTAL REVIEW

The following tables summarize potential effects to the physical and human environments if the preferred alternative is selected and implemented.

D.1 LAND RESOURCES

Table 3. Physical Environment Land Resources.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?		x				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		x				
c. **Destruction, covering or modification of any unique geologic or physical features?		x				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		x				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		x				
f. Other:						

D.2 AIR

Table 4. Physical Environment Air.

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

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

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

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

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

D.3 WATER

Table 5. Physical Environment Water.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		x				
b. Changes in drainage patterns or the rate and amount of surface runoff?		x				
c. Alteration of the course or magnitude of floodwater or other flows?		x				
d. Changes in the amount of surface water in any water body or creation of a new water body?		x				
e. Exposure of people or property to water related hazards such as flooding?		x				

f. Changes in the quality of groundwater?		x				
g. Changes in the quantity of groundwater?		x				
h. Increase in risk of contamination of surface or groundwater?		x				
i. Effects on any existing water right or reservation?		x				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		x				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		x				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		x				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		x				
n. Other:						

D.4 VEGETATION

Table 6. Physical Environment Vegetation.

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

- A. Although no disturbance of land will be generated through the purchase, dispersed recreational use would likely occur on the island. As such, a review of the Montana Natural Heritage Program Plant Species of Concern database was conducted. There are no documented species of concern on this site or within the township in this area.
- B. No disturbance of land would occur with this proposal.

D.5 FISH/WILDLIFE

Table 7. Physical Resource Fish and Wildlife.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		x				
b. Changes in the diversity or abundance of game animals or bird species?		x				
c. Changes in the diversity or abundance of nongame species?		x				
d. Introduction of new species into an area?		x				
e. Creation of a barrier to the migration or movement of animals?		x				
f. Adverse effects on any unique, rare, threatened, or endangered species?		x				A
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		x				B
h. ***For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		x				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		x				
j. Other:						

A. No adverse effects on any rare, threatened or endangered species are likely to occur as part of this proposal. However, a review of animal species of concern using the Montana Natural Heritage database was completed. The following species of concern have been documented in this township. The full report is attached in the appendix.

- a. Sprague's Pipet G3G4 S3B. No effect. This bird is likely found in the upland areas in this township and may not use the island for breeding as they prefer grasslands. There is a portion of the island that has native grasses in the interior which may provide some foraging habitat.
- b. Golden Eagle G5 S3 no effect.
- c. Long-billed Curlew G5 S3B. No effect. This bird also prefers grasslands with limited or no trees and shrubs. This bird is likely found in the upland areas around this site.
- d. Sage Grouse are not listed as present in Township 2 Range 18 with the nearest EO General Habit Area approximately 3 miles to the east of this site. No effect to sage Grouse would be anticipated as a result of this action as it is outside of the defined areas

D.6 HUMAN ENVIRONMENT NOISE/ELECTRICAL EFFECTS

Table 8. Human Environment Noise and Electrical Effects.

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

D.7 LAND USE

Table 9. Human Environment Land Use

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		x				A
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		x				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		x				
d. Adverse effects on or relocation of residences?		x				
e. Other:						

- A. The land doesn't have or appear to have had fencing or other development. It is likely some limited grazing has occurred and was recently noted having cattle on the island. The 1902 map indicated a low water crossing from the north to the island was established. Development as a FAS would restrict grazing of this land.

D.8 RISK/HEALTH HAZARDS

Table 10. Human Environment Risk and Health Hazards.

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

D.9 COMMUNITY IMPACT

Table 11. Human Environment Community Impact.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		x				A
b. Alteration of the social structure of a community?		x				
c. Alteration of the level or distribution of employment or community or personal income?		x				B
d. Changes in industrial or commercial activity?		x				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		x				
f. Other:						

- A. No effect. The area is in a 100-year floodplain so no development of significance would be permitted with or without a change in title.
- B. No negative effect. The additional recreational use may modestly increase the demand for services in surrounding communities including gas, food, shuttle service, and other services associated with floaters and angler needs.

D.10 PUBLIC SERVICES/TAXES/UTILITIES

Table 12. Human Environment Public Services, Taxes, Utilities.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		x				A
b. Will the proposed action have an effect upon the local or state tax base and revenues?		x				B
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		x				C
d. Will the proposed action result in increased use of any energy source?		X				D
e. **Define projected revenue sources						E
f. **Define projected maintenance costs.						F
g. Other:						

- A. No change is anticipated. Boaters, floaters, and anglers already utilize the Yellowstone River in this area. This allows for expanded use of the islands outside of the ordinary high-water mark.
- B. Payment in Lieu of Taxes is anticipated under title by the state of Montana via FWP.
- C. No facilities or utilities are part of this project
- D. No effect
- E. Funds from NRDP Program administered by DOJ.
- F. Future costs of maintenance would be limited as this would be a natural setting without motorized access.

D.11 AESTHETICS/RECREATION

Table 13. Human Environment Aesthetics and Recreation.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		x				
b. Alteration of the aesthetic character of a community or neighborhood?		x				

c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			x			A
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		x				
e. Other:						

- A. This will expand available public lands inaccessible by road. This will give the public an opportunity to camp or fish on the Yellowstone River without presence of vehicles aside from boats.

D.12 CULTURAL/HISTORICAL RESOURCES

Table 14. Human Environment Cultural and Historical Resources.

Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		x				
b. Physical change that would affect unique cultural values?		x				
c. Effects on existing religious or sacred uses of a site or area?		x				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		x				A
e. Other:						

- A. See appendix for SHPO letter. Kuntz 2020 recommended no further cultural resource work and found No Effect to historic properties.

E. SIGNIFICANCE CRITERIA

SUMMARY EVALUATION OF SIGNIFICANCE

Table 15. Summary Evaluation of Significance.

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

- A. This project isn't expected to generate opposition. The land is currently held by MDT the sale and transfer would maintain public access.
- B. No permits are required for this action.

F. EVALUATION AND LISTING OF MITIGATION, STIPULATION OR OTHER CONTROL MEASURES ENFORCEABLE BY THE AGENCY OR OTHER GOVERNMENT AGENCY

As part of the NRDP program goals this island FAS would be allowed to degrade and aggrade naturally while allowing for public use.

G. NARRATIVE EVALUATION AND COMMENT

No negative impacts are anticipated as part of this title acquisition project. Net positive effects are anticipated as natural river process would be allowed to act on this island without human intervention. The island would provide protected habitat for plant and animal species associated in this reach of the Yellowstone River.

H. EA CONCLUSION SECTION

1. Based on the significance criteria evaluated in this EA, is an environmental impact statement (EIS) required (YES/NO)?

NO.

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

The NRDP program completed a programmatic EA which identified acquisition of potentially erodible lands with riparian forests and shrubs to address loss of large woody debris due to the ExxonMobil Pipeline Company July 1, 2011 Oil Spill. The Montana Fish Wildlife and Parks 2019-2027 Statewide Fisheries Management Program and Guide indicates increased use of the lower portions of the Upper Yellowstone area with a need for additional access and opportunity. This document was publicly reviewed and approved by the FWP Commission.

FWP frequently receives inquiries about access and legal use of islands in the Yellowstone River. This site would provide island access to the public with the ability to picnic, camp, fish, and hunt this island complex. This EA and associated FWP Commission review will provide for additional public involvement.

If substantial comments are received a public meeting may be held.

- Legal notices will be published in the Billings Gazette, Independent Record (Helena), and Stillwater County News.
 - Public notice will be posted on FWP's website and the draft EA will be available electronically.
 - Copies of this draft EA may be obtained by mail from FWP, 2300 Lake Elmo Drive, Billings, MT 59230 or by phoning 406-247-2940
3. Duration of the comment period will be 34 days. Comments are due by 12:00 PM of the closing day.
 4. Comment period will be December 11, 2020 to January 13, 2021. Written comments can be mailed to:

Mike Ruggles
Montana Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

Emailed comments can be sent to fwpreigion5pc@mt.gov please use **Subject: Cottonwood Island FAS**

Phone comments can be directed to 406-247-2961 or other project leads shown below:

5. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Mike Ruggles, FWP, Regional Fisheries Manager, 2300 Lake Elmo Drive Billings, MT 59105. 406-247-2961.

Dustin Ramoie, FWP, Fishing Access Site Coordinator 1420 East Sixth Avenue, PO Box 200701 Helena, MT 59620. 406-444-7885

Alicia Stickney, DOJ NRDP, Project Manager, 1720 9th Avenue PO Box 201425 Helena, MT 59620-1425. 406-444-1346

Literature Cited and Website Links

Journals of the Lewis and Clark Expedition University of Nebraska Press. 1111 Lincoln Mall, Lincoln, NE 68588-0630. Website <https://lewisandclarkjournals.unl.edu/>

Kuntz, Patrick, 2020. Cottonwood Island Class III Cultural Resource Inventory in Stillwater County Montana. KFRA Project Number NRDP-CI-20 FWP Project:FWP2016-009V-E, NRDP Task Order 1 Final Report. FWP. 2019. 2019-20-27 Statewide Fisheries Management Program and Guide. <http://fwp.mt.gov/fishAndWildlife/management/fisheries/statewidePlan/>

MTNHP. 2020. Montana Natural Heritage Program.
<http://mtnhp.org/SpeciesOfConcern/?AorP=a> animal report, and
<http://mtnhp.org/SpeciesOfConcern/?AorP=p> plant report. Using Township 2 Range 18.

Montana Sage Grouse Habitat Conservation Program. 2020.
<https://sagegrouse.mt.gov/ProgramMap>

State and Federal Trustees 2017. Final Programmatic Damage Assessment and Restoration Plan And Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill. DOJ. 2017. <https://media.dojmt.gov/wp-content/uploads/nrdp-yellowstone-restoration.pdf>

US Fish and Wildlife Service National Wetlands Inventory. 2020.
<https://www.fws.gov/wetlands/data/mapper.html>

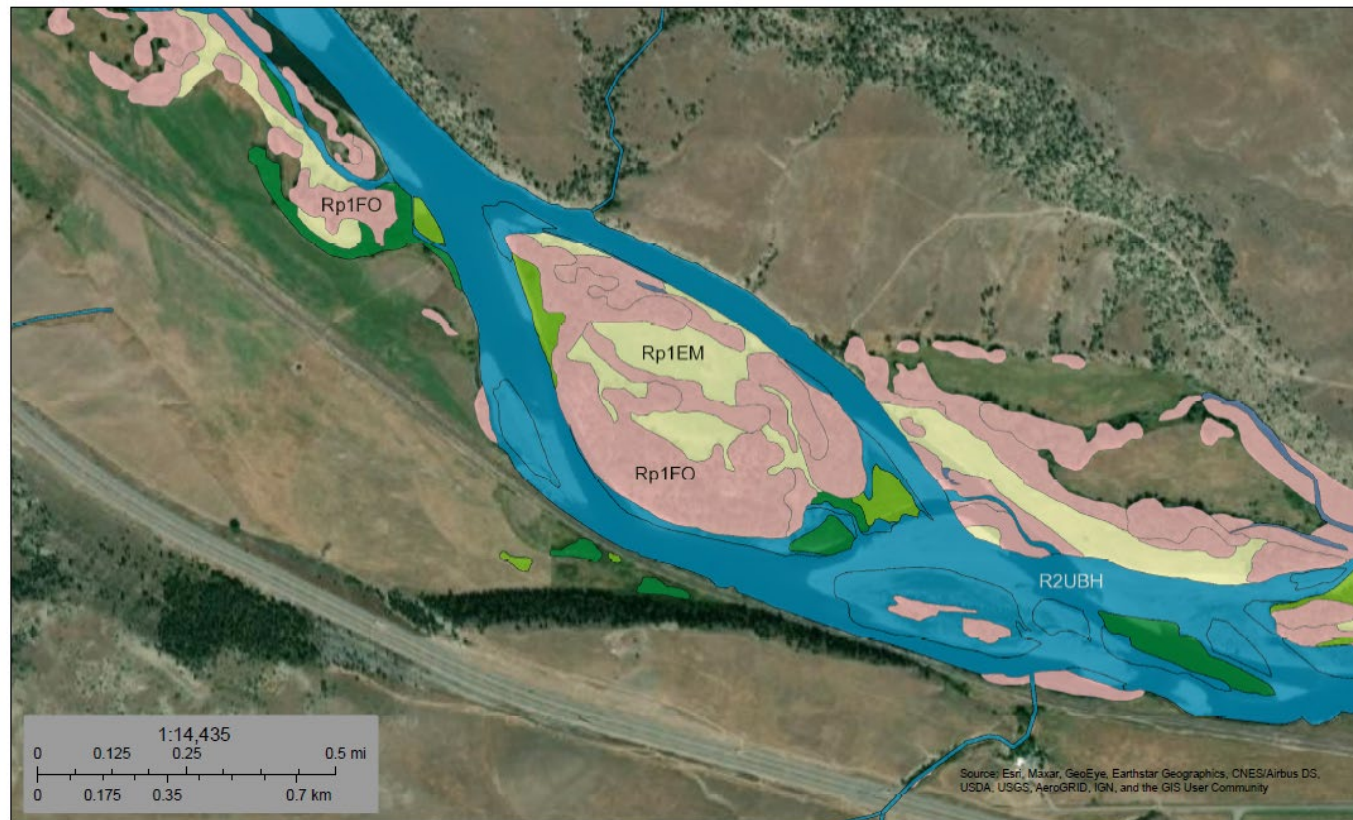
Appendix

Table 16. Animal Species of Concern Report for Township.

Species of Concern										
Species of Concern 3 Species Filtered by the following criteria: Township = 002N018E (based on mapped Species Occurrences)										
BIRDS (AVES) 3 SPECIES TOWNSHIP = 002N018E (based on mapped Species Occurrences)										
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS USFWS	USFS	BLM	FWP SWAP	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
<i>Anthus spragueii</i> Sprague's Pipit	<i>Motacillidae</i> Pipits	G3G4	S3B	MBTA; BCC11; BCC17		SENSITIVE	SGCN3	18%	67%	Grasslands
Species Occurrences verified in these Counties: Blaine, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Madison, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Valley, Wheatland, Wibaux State Rank Reason: Although population trends in Montana appear to be relatively stable in recent years, populations have been in decline over the long run and the species faces threats from coextinction, overgrazing, exotic plant invasions, altered fire regimes, and mowing prior to fledging of young.										
<i>Aquila chrysaetos</i> Golden Eagle	<i>Accipitridae</i> Hawks / Kites / Eagles	G5	S3	BGEPA; MBTA; BCC17		SENSITIVE	SGCN3	3%	100%	Grasslands
Species Occurrences verified in these Counties: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone										
<i>Numenius americanus</i> Long-billed Curlew	<i>Scolopacidae</i> Sandpipers	G5	S3B	MBTA; BCC10; BCC11; BCC17		SENSITIVE	SGCN3	19%	100%	Grasslands
Species Occurrences verified in these Counties: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Madison, McCone, Meagher, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone										









Citation for data on this website:
 Montana Animal Species of Concern Report. Montana Natural Heritage Program and Montana Fish, Wildlife and Parks. Retrieved on 10/5/2020, from <http://mtnhp.org/SpeciesOfConcern/?AorP=a>

Cottonwood Island FAS USFWS Wetlands



October 5, 2020

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Figure 7. USFWS National Wetlands Survey Map.

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

October 1, 2020

Alicia Stickney
Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

Re: Cottonwood Island – Yellowstone River
Cultural Resource Inventory and Evaluation

Dear Ms. Stickney:

Thank you for your letter (received September 24, 2020) regarding the Cottonwood Island Project. We concur on your determination of No Effect to Historic Properties.

If you have any questions or concerns, do not hesitate to contact me at (406) 444-7719 or Laura.Evilsizer@MT.gov. Thank you for consulting with us.

Sincerely,



Laura Evilsizer, M.A.
Review and Compliance Officer
Montana State Historic Preservation Office

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OCT 05 2020
NATURAL RESOURCE
DAMAGE PROGRAM

*Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center*

225 North Roberts Street
P.O. Box 101201
Helena, MT 59610-1201
(406) 444-2594
(406) 444-2595 fax
montanahistoricalsociety.org

FILE: MT/Other (DOJ/Natural Resource Damage Program) – 2020 - 2020092404

Figure 8. Copy of SHPO Letter.