



# Montana Fish, Wildlife & Parks

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June 27, 2014

FWP Region 3 EA Standard Distribution List  
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Ladies and Gentlemen:

Montana Fish, Wildlife, and Parks (FWP) proposes to exchange approximately 36 acres of the Mount Haggin Wildlife Management Area (MHWMA) along Secondary Route 569 (S-569) to Montana Department of Transportation (MDT) for approximately 20 acres of the existing right-of-way of the S-569, that will be abandoned by MDT, and payment of \$12,500 for the remaining value of the exchanged FWP property.

MDT's project would reconstruct approximately 3.7 miles of roadway. The roadway would be offset approximately 30 feet from the present traveled way for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. The proposed design relocates the roadway southeasterly and slightly upslope, out of the French Creek floodplain and wetland/riparian area. The road width would be increased to 26 feet to accommodate future overlays. There would be one new bridge crossing of French Creek and three new large culvert crossings at Lincoln Gulch, Moose Creek and an upper reach of French Creek, as well as nine additional smaller culvert crossings.

This exchange is necessary for MDT's project to correct substandard elements of the roadway, such as poor vertical alignment, unstable and saturated subgrades, and deteriorating pavement, in order to create a safer travel surface. S-569 was constructed in 1941 and, with the exception of routine maintenance and a seal and cover project, has not been reconstructed since. The current roadway within the project area is in rolling terrain, and much of it bisects a 200-acre wetland complex associated with French Creek.

This Draft EA is available for review in Helena at FWP's Headquarters, the State Library, and the Environmental Quality Council. It also may be obtained from the Bozeman or Butte FWP offices, or viewed on FWP's website: <http://www.fwp.mt.gov>.

Montana Fish, Wildlife & Parks invites you to comment on the attached proposal. Public comment will be accepted until 5:00 p.m. on July 11, 2014. Comments should be sent to the following address: Montana Fish, Wildlife & Parks, MDT Land Exchange, 1820 Meadowlark Lane, Butte, MT 59701 or emailed to [vboccadori@mt.gov](mailto:vboccadori@mt.gov).

Sincerely,

Sam Sheppard  
Acting Region Three Supervisor  
Attachment

**DRAFT Environmental Assessment**

**Secondary Route 569 Realignment Property Exchange  
Between  
Montana Fish Wildlife & Parks and  
Montana Department of Transportation**

June 2014



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## 1.0 Purpose of and Need for Action

### 1.1 Proposed Action & Need for Action

Montana Fish, Wildlife, and Parks (FWP) proposes to exchange approximately 36 acres of the Mount Haggin Wildlife Management Area (MHWMA) along Secondary Route 569 (S-569) to Montana Department of Transportation (MDT) for approximately 20 acres of the existing right-of-way of the S-569, that will be abandoned by MDT, and payment of \$12,500 for the remaining value of the exchanged FWP property.

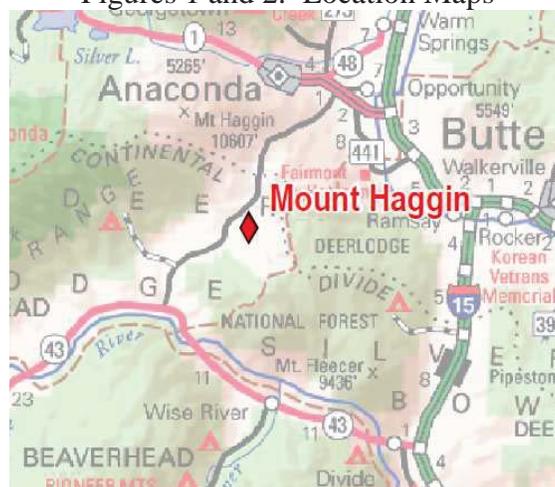
MDT's project would reconstruct approximately 3.7 miles of roadway. The roadway would be offset approximately 30 feet from the present traveled way for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. The proposed design relocates the roadway southeasterly and slightly upslope, out of the French Creek floodplain and wetland/riparian area (see Figure 3). The road width would be increased to 26 feet to accommodate future overlays. There would be one new bridge crossing of French Creek and three new large culvert crossings at Lincoln Gulch, Moose Creek, and an upper reach of French Creek as well as nine additional smaller culvert crossings.

This exchange is necessary for MDT's project to correct substandard elements of the roadway, such as poor vertical alignment, unstable and saturated subgrades, and deteriorating pavement, in order to create a safer travel surface. S-569 was constructed in 1941 and, with the exception of routine maintenance and a seal and cover project, has not been reconstructed since. The road within the project area is in rolling terrain, and much of it bisects a 200-acre wetland complex associated with French Creek.

### 1.2 Location

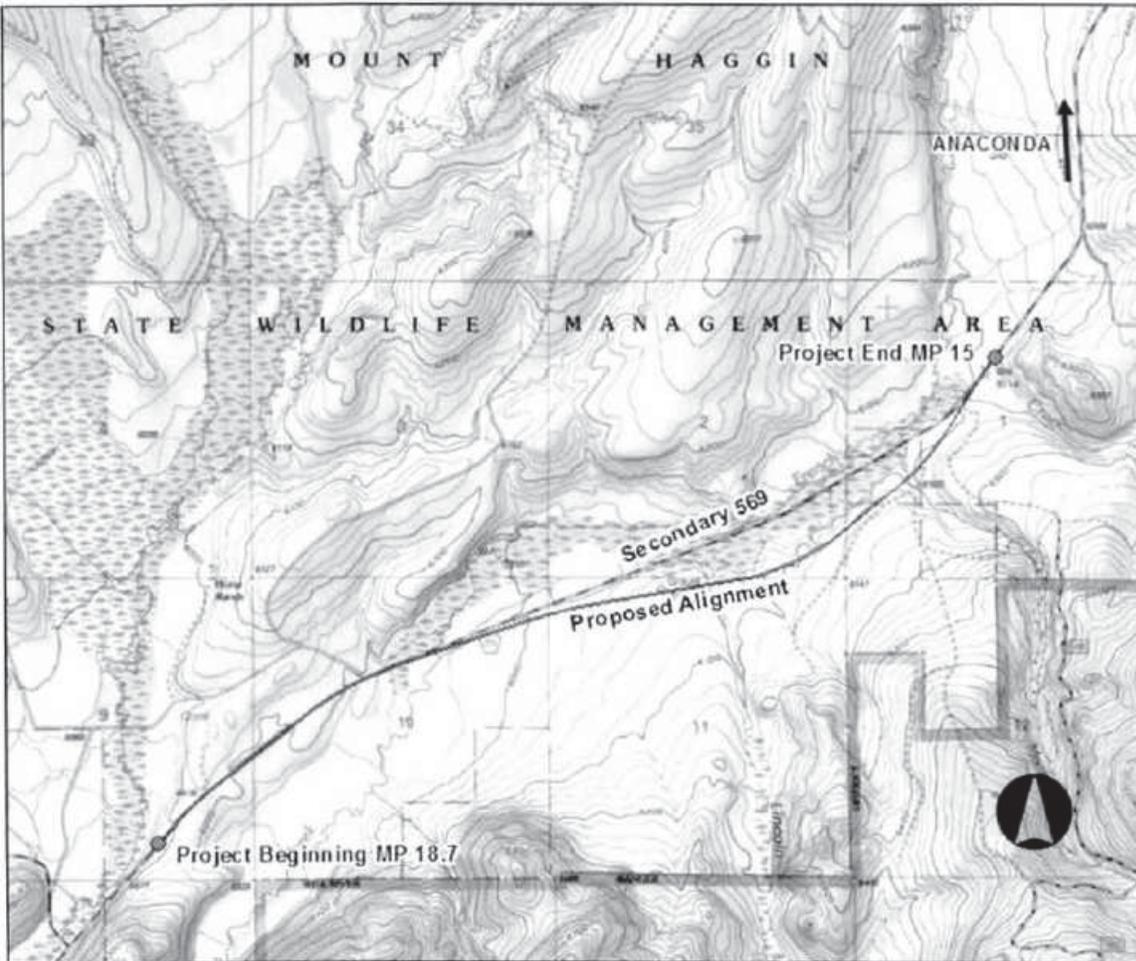
This project is in Deer Lodge County on Secondary Route 569 (S-569) approximately 18 miles south of its junction with Montana Highway 1 and 3.5 miles north of Montana Highway 43 (see Figures 1 and 2). The project begins at reference point 18.7 in Section 9, T2N R12W, and extends approximately 3.7 miles northeast to reference point 15 in Section 36, T3N R12W. It lies entirely within the MHWMA.

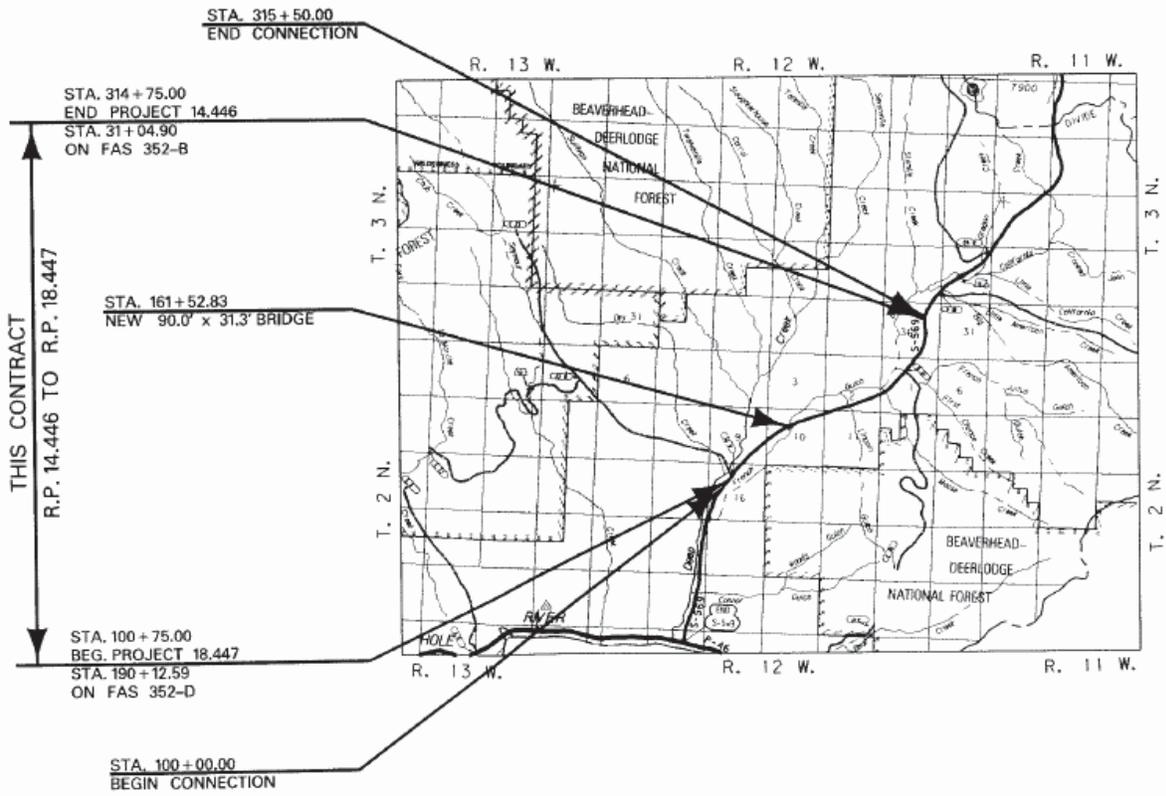
Figures 1 and 2. Location Maps





Figures 3 and 4. Maps of Proposed Road Realignment





Legal descriptions of properties

**MHWMA** - FWP Owned Property and Originally Purchased with Land and Water Conservation Funds, Deer Lodge County, Montana

Existing Right-of-way Easement in the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 10, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 11, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 2, and NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 1, Township 2 North, Range 12 West, P.M.,M.

**MDT Owned Property proposed for acquisition by FWP  
Deer Lodge County, Montana**

From Station	To Station	Subdivision	Section	Township	Range
100+75± LT	243+50± LT	SW1/4SE1/4	9	2N	12W
100+75± RT	245+65± RT	SE1/4SE1/4	9		
		NE1/4SE1/4	9		
		NW1/4SW1/4	10		
		SW1/4NW1/4	10		
		SE1/4NW1/4	10		
		SW1/4NE1/4	10		
		NW1/4NE1/4	10		
		NE1/4NE1/4	10		
		NW1/4NW1/4	11		
		NE1/4NW1/4	11		
		NW1/4NE1/4	11		
		SW1/4SE1/4	2		
		SE1/4SE1/4	2		
		SW1/4SW1/4	1		
258+20± LT	294+40± LT	NE1/4SW1/4	1		
256+20± RT	295+20± RT	SE1/4NW1/4	1		
		Gov't Lot 3	1		
		Gov't Lot 2	1		

**1.3 Authority**

FWP may convey an interest in lands it has acquired if consent is given by the Montana Fish, Wildlife & Parks Commission (87-1-209 MCA). FWP, with the consent of the Commission, may convey lands in its ownership to “other governmental entities” without public notice “if the land is less than 10 acres or the full market value of the interest to be conveyed is less than \$20,000” (87-1-209 MCA).

**1.4 Overlapping Jurisdictions**

Land and Water Conservation Fund

FWP purchased the MHWMA in 1976 with funds from the National Park Service’s (NPS) Land and Water Conservation Fund (LWCF). Properties purchased by LWCF dollars are required to remain as public outdoor recreation uses in perpetuity unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value. For this project, recreational access would be maintained during construction to the extent possible. The proposed mitigation for 4(f)/6(f) Section of the Department of Transportation Act use of the WMA is an exchange of 20 acres reclaimed from the present travel way for 36 acres needed on the WMA for the proposed roadway reconstruction. The remaining 16 acres would be applied toward FWP’s purchase of additional recreational property elsewhere or taken from available 6(f) banking credits if other opportunities are not available.

Montana Department of Transportation

General powers of MDT are described as (60-2-201 MCA), “The department may plan, lay out, alter, construct, reconstruct, improve, repair, and maintain highways on the federal-aid systems and state highways according to priorities established by and on projects selected and designated

by the commission.” MDT may exchange an interest in real property if it determines that the property is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway (60-4-201 MCA).

The proposed highway improvement by MDT is classified as categorical excluded action under MEPA (18.2.261 ARM). Additionally, the action is also classified as a Categorical Exclusion under the provisions of 23 CFR 771.117(d) for the National Environmental Policy Act. MDT determination was completed in July 2013 and concluded the action would not cause any significant individual, indirect, or cumulative environmental impacts. A copy of the determination is available at [http://leg.mt.gov/content/Publications/MEPA/2013/mdt0731\\_2013001.pdf](http://leg.mt.gov/content/Publications/MEPA/2013/mdt0731_2013001.pdf).

## **2.0 Alternatives**

### **2.1 Alternative A : No Action**

If the No Action alternative were approved, no property exchange would occur between FWP and MDT. However, the realignment of the highway still might occur. MDT could use their power of condemnation for matters of ensuring public safety. If the right of condemnation were implemented, FWP would only have the option of receiving monetary compensation for the needed right-of-way on the MHWMA instead of replacement land that serves a similar function or value. The amount of compensation would be negotiated based on the appraised value of the 36 acres to be used for the realignment. MDT would retain ownership of the abandoned roadway.

### **2.2 Alternative B: Proposed Action**

FWP proposed to exchange approximately 36 acres of the MHWMA along Secondary Route 569 (S-569) corridor west of Anaconda to MDT for approximately 20 acres of the existing right-of-way of the highway that will be abandoned by MDT and payment of \$12,500 for the remaining value of the exchanged FWP property. This payment would be applied to the purchase of other recreational properties by FWP.

## **3.0 Affected Environment & Predicted Environmental Consequences**

### **3.1 Land Use**

The entire project lies within the MHWMA which is managed for the benefit of wildlife and public recreation. The existing highway right-of-way crossed through a large willow-dominated wetland complex of approximately 200 acres (USFWS Wetlands database 5/21/14) extending along both sides of the highway. The location of the realigned highway would cross open, undisturbed grasslands. Both the wetlands and grasslands are used by wildlife for habitat, forage, and cover. Some limited recreational use occurs in the open grasslands and angling occurs along French Creek using the current roadway for easy access to the creek. The project occurs within the area of a managed grazing program on MHWMA.

### **Alternative A:**

MDT's proposed realignment project of Highway S-569 would likely occur without a formal exchange of properties. Under this alternative, it is assumed that MDT has used their authority of condemnation to proceed with the highway project. If no property exchange occurred, MDT would retain ownership of the abandoned right-of-way and could manage it in a way that is inconsistent with the rest of the WMA and could limit recreational opportunity. No change would occur with the managed grazing program since the location of the current roadway lies outside any pasture.

### **Alternative B:**

With the proposed land exchange, FWP would own and manage the land along French Creek for recreation and wildlife habitat. Management of this parcel would be consistent with how the entire WMA is managed. Some of the recreational opportunities that this parcel provides includes fishing, wildlife viewing, hornhunting, and photography.

Existing mineral or water rights ownerships would not be affected by the property exchange.

The compensation that FWP would receive from the remaining acres after the exchange would be applied to future purchase of additional recreational property by FWP.

## **3.2 Soils**

The types of soils present in the project area predominately cobbly loam with small areas of gravelly loam, stony loam, and Mooseflat-Foxgulch complex all present. The project area has slopes ranging from zero percent to 35 percent (National Resource Conservation Service Soil Survey Database 5/29/14).

### **Alternative A:**

MDT's proposed realignment project of Highway S-569 would likely occur without a formal exchange of properties. Under this alternative, it is assumed that MDT has used their authority of condemnation to proceed with the highway project. Soil disturbing activities would occur through the grassland habitat as the new road prism is constructed, thus affecting the acres within the highway's new right-of-way, as well as in the locations for the new culverts and new bridge. MDT may or may not reclaim the abandoned roadbed.

### **Alternative B:**

Identical to the No Action alternative, the path of the proposed highway realignment would disturb the soils in the grassland area and at creek crossings. The abandoned highway route through the wetlands would be reclaimed, involving the removal of the old roadbed materials and compacted soils and replacing them with wetland soils and vegetation.

## **3.3 Vegetation**

The project area is in a high elevation valley. Common vegetation communities consists of open foothill grasslands, lodgepole pine forests, wetland and riparian areas primarily associated with the numerous drainages, including Moose Creek, French Creek, and Panama Creek. Currently, the roadside is vegetated to within 1-2 inches of pavement edge.

Over two miles of S-569 in the project area crosses through wetlands that are primarily associated with French Creek and its tributaries. The French Creek wetlands encompass a total of approximately 200 acres (USFWS Wetland Database 5/28/14). These Category II wetlands, considered unique in the region, provide high functioning habitat for big game wildlife, such as moose, deer, and elk, wetland-associated species such as beaver, otter, muskrat, mink, and a variety of songbird species and sensitive aquatic species such as westslope cutthroat trout and Arctic grayling. Vegetation in the wetlands is dominated by willow (*Salix* spp.).

The vegetation of the foothill grasslands is dominated by rough fescue (*Festuca scabrella*), Idaho fescue (*Festuca idahoensis*), ballhead sandwort (*Arenaria sororia*), and buckwheat (*Eriogonum* spp.). A population of Hooker's balsamroot (*Balsamorhiza hookeri*), a Montana plant species of concern, has been found in three locations just outside the project area.

FWP currently controls noxious weeds on the WMA through mechanical and chemical means per the guidelines of FWP's 2008 Integrated Noxious Weed Management Plan.

#### **Alternative A:**

Under this alternative, MDT moves ahead with their highway project which would require the removal of vegetation from 36 acres of the new highway right-of-way and the restoration of wetlands to 20 acres of the abandoned roadway. Disturbance caused by construction would put the area at risk for localized weed infestations. MDT describes methods of limiting the spread of weeds by requiring the contractor to wash all equipment prior to transport into the project area. MDT would reseed/replant areas disturbed by the construction with appropriate vegetation and monitor the site for stabilization. Once the project is completed, MDT would be responsible for weed control along the new right-of-way as well as the abandoned roadway since no land exchange occurred.

The 20-acre MDT abandoned right-of-way would be reclaimed with appropriate vegetation from the surrounding wetland area thus adding to the entire wetland community and re-establishing continuity of the currently fragmented site. Some temporary impacts to the wetland area are predicted where areas are compacted or trampled due to movement and operation of construction equipment. Functionally, a minor loss of local wetland habitat would occur for a couple years until the wetland recovers from the temporary disturbance (MDT's prediction).

#### **Alternative B:**

Similar to Alternative A except that FWP would be responsible for weed control in the abandoned roadway acreage since this parcel would be exchanged with MDT.

#### **Potential Cumulative Impacts:**

Not Significant. Although some loss of trees and vegetation is expected, the loss is considered minor when compared to the amount of trees and vegetation present in the project area and the proposed area of reclamation/restoration along the abandoned highway corridor. All wetland impacts are expected to be mitigated through design and restoration. Restoration of the abandoned highway route will eventually result in a net gain of wetlands in the watershed once the wetland restoration area is established.

### **3.4 Wildlife Species**

The project area lies within important year-round and seasonal habitat for numerous wildlife species. Elk and mule deer commonly cross S-569 as they seasonally migrate between winter and summer ranges. Moose use habitat in the project area year-round, concentrating in the riparian areas on MHWMA during the winter. A small number of antelope use the grass and shrubland areas. Numerous other species, such as weasel, muskrat, sandhill cranes, great blue herons, a variety of songbirds and waterfowl, and snakes and amphibians, use the wetland and riparian areas. Fish present in the general project area include westslope cutthroat trout Arctic grayling, brown trout, rainbow trout, mottled sculpin, mountain whitefish, longnose dace, longnose sucker, whitesucker, and burbot. No Arctic grayling, westslope cutthroat or burbot were found in recent surveys in the immediate project area. Pearlshell mussels are present at low density through the project reach.

Ten Montana species of concern occur or potentially occur in the project area. These are: westslope cutthroat trout, Arctic grayling, western pearlshell mussel, northern goshawk, great gray owl, golden eagle, great blue heron, fringed myotis, western toad, and Gillett's checkerspot butterfly.

#### **Alternative A:**

MDT has the authority to condemn these properties and proceed with the highway realignment project should the proposed action not be adopted. Impacts to the area's wildlife resources would be similar to those under the Proposed Action.

#### **Alternative B:**

The proposed land exchange is predicted to positively impact wildlife in the long-term by removing the current roadway out of the riparian area and relocating it on less productive habitat. This, combined with obliteration of the old roadbed, will provide for an intact riparian zone that is currently fragmented by the highway. This land exchange would reduce wildlife-vehicle collisions by placing the road in an open grassland area where vegetation won't impact motorists' visibility. Moose will especially benefit from this as it is not uncommon for at least one moose a winter to be struck and killed by a vehicle on this stretch of S-569.

Temporary impacts to wildlife would occur during construction that would include disruption or displacement of foraging, calving, or nesting activity. Construction activities could disrupt movements of elk, antelope, and mule deer and their use of adjacent habitat through their temporary avoidance of the area. Because of the low volume of traffic that this road receives, it is expected that wildlife will adjust to the new location and will continue to use the surrounding area.

Sediment generated from construction activities, especially bridge and culvert activities, could have short-term impacts on water quality and fish. Arctic grayling and westslope cutthroat would be most affected by spring/early summer sediment producing construction activities while brook trout would be by late summer or fall activities. An increase in sediment could occur during the second phase of this project: the removal and restoration of the abandoned portion of S-569 immediately adjacent to French Creek. This activity could produce sediment until the area stabilizes and vegetation becomes established. These effects could be local and/or downstream and are anticipated to be short-term.

No long term impacts are expected to occur that could affect the species of concern noted previously.

Some permanent impacts are anticipated from the realignment of the roadway's path including some wildlife, fisheries, and aquatic habitat loss or changes to existing habitat conditions. This likely occurs through a channel change at Panama Creek, installation of new culverts and new bridge, and alterations to streambanks. Negative impacts to fisheries resources are being mitigated through the design of the new structures to ensure fish passage, construction during periods of low water, and the restoration of disturbed areas afterwards. The removal of the highway grade from the floodplain of French Creek will allow the stream to re-establish meander bends and create higher quality habitats.

Through this project, MDT will make a financial contribution to the FWP specific to and contingent upon the construction of a fish barrier in French Creek. The French Creek fish barrier will be designed and constructed by MFWP in an effort to manage the French Creek drainage for the restoration and promotion of native Arctic grayling and genetically pure strains of the westslope cutthroat trout.

Wildlife-friendly fencing will be constructed along the east side of the new highway realignment while the west side will be left unfenced since fencing is not needed here.

#### Potential Cumulative Impacts:

No cumulative impacts are anticipated to wildlife species once the construction and restoration process of the realignment project is completed. As described previously, secondary impacts are expected to be short-term and would be mitigated through design, permitting requirements, and coordination of MDT staff. The removal of existing roadway from the wetland/riparian habitat and floodplain along French Creek and the subsequent restoration to wetland and riparian habitat should have long term benefits to fisheries, water quality, moose and general wildlife that use the area.

### **3.5 Water Resources**

The project area includes portions of Lincoln, Moose, French, and Panama Creeks. Currently there are culverts under S-569 for the passage of Moose, Panama, and French Creeks under the roadway, as well as a bridge crossing French Creek.

The project is within a FEMA designated Zone A" (approximate 100-year) floodplain and a Zone C (minimal flooding) designation.

#### **Alternative A:**

Impacts to water resources would be the same as the predicted impacts described for Alternative B, the proposed action.

#### **Alternative B:**

The proposed property exchange would not impact existing water resources. No water rights are part of the property exchange.

The proposed new bridge crossing at French Creek and new large open bottom arch culverts for crossings at upper French Creek, Moose Creek, and Panama Creek would allow for water flow. No impact to the floodplain is anticipated. Relocating the existing S-569 out of the French Creek floodplain and removal of associated culverts would help restore the floodplain and be beneficial.

Potential Cumulative Impacts:

No cumulative impacts were identified. All anticipated impacts are beneficial.

### **3.6 Aesthetics and Recreation Opportunities**

The WMA is open to a variety of recreational opportunities that include hiking, wildlife viewing, horseback riding, photography, mountain biking, picnicking, and hunting from May 15 through December 1. During the winter, cross-country skiing and snowmobiling are permitted in limited areas. The majority of the WMA is closed during the winter to protect elk, moose, and deer during the critical winter season.

Hunting opportunities include black bear, antelope, elk, moose, mountain lion, wolves, upland game birds, and mule deer.

S-569 is open year-round. It serves as the main travel way through MHWMA. The portions of the WMA that are identified in this EA to be exchanged are in close proximity to Highway S-569 and are not considered prime recreational or hunting areas.

#### **Alternative A:**

MDT has the authority to condemn these parcels and proceed with the realignment project. Impacts to the current BCWMA parcels would be similar to those under the Proposed Action.

#### **Alternative B:**

No impacts are anticipated to recreational opportunities at the WMA from the property exchange since public recreational users do not heavily use target areas because of their close proximity to the highway.

Short-term impacts, due to the construction process, are expected as access to recreational areas could be temporarily impeded. Recreational access would be maintained during construction to the extent practicable. No permanent impacts to recreational opportunities are expected. Additional recreational opportunities may be created by MDT construction of a scenic turn out and informal fishing access.

Although the construction and restoration efforts would affect the aesthetic values of the immediate area, they would not impact the overall landscape values of the WMA.

Potential Cumulative Impacts:

No cumulative impacts are expected from the exchange or the highway's realignment.

### **3.7 Community**

S-569 is the primary transportation route through and access to the MHWMA. The road provides access between Anaconda, MT, to the north and Wisdom, MT, and Wise River, MT, to the south.

Commercial and residential growth is low in the project area. Anticipated use of the WMA is not expected to change measurably.

#### **Alternative A:**

If the No Action alternative was chosen and MDT did proceed with the realignment through condemnation, minor impacts to the movements of traffic and commerce along S-569 would be expected from traffic delays and inconveniences for the duration of the improvements.

#### **Alternative B:**

The property exchange is anticipated to have short-term construction related impacts. Access to these recreational areas may be temporarily impeded. Minor impacts to the movements of traffic and commerce along S-569 are expected if the exchange were approved. With the approval, MDT will likely begin implementation of their realignment plans which could cause traffic delays and inconveniences for the duration of the improvements. Once construction is completed, traffic movement is expected to return to normal.

Short-term beneficial impacts to the economy are anticipated from construction of the proposed project. Local contractors would have an opportunity to bid on the project and/or other services as subcontractors.

The proposed project involves realigning and reconstruction of this segment of S-569 resulting in a safer highway section and reduced maintenance issues.

Potential Cumulative Impacts:

No cumulative impacts are identified.

### **3.8 Cultural and Historic Resources**

Within the location of the realignment, there are four recorded historic sites. The French Creek placers site (24DL757) is considered eligible for the National Register of Historic Places (NHRP) under Criteria A and D. The Lincoln Creek (24DL151) and the Moose Creek sites (24DLI54) are considered eligible for the NHRP under Criterion D for its archaeological data potential. The Upper French Creek Bridge Site, 24DL268, is a timber bridge on the existing highway.

#### **Alternative A:**

Under this alternative, the predicted impact and the aforementioned historical resources would be the same as those described for Alternative B if MDT's highway plans were initiated.

### **Alternative B:**

The portion of Site 24DL757, the French Creek Placers within the project's Area of Potential Effect will likely result in no adverse effect to the site. MDT anticipates having an adverse effect on sites 24DL151, the Lincoln Creek site, and 24DL154, the Moose Creek site. The timber bridge, which would be removed following construction of shifted alignment, is covered under MDT's Programmatic 4(f) evaluation.

MDT anticipates mitigating the adverse effects of sites 24DL151 and 24DL154 by developing a Memorandum of Agreement that stipulates mitigation in the form of a phased data recovery (archaeological excavation, preparation of a report, and curation of artifacts). Additional coordination with Montana State Historic Preservation Office, Native American Tribes, and the Advisory Council on Historic Preservation are being completed by MDT.

#### **Potential Cumulative Impacts:**

No cumulative effects are expected. Potential impacts are either minimal enough to fall under the programmatic agreement or would be mitigated via MDT's data recovery and preservation processes that are in place.

### **3.9 Cumulative Effects**

As described through the discussion of potential environmental consequences, no cumulative impacts are anticipated for the proposed land exchange or for the implementation of MDT's plans for the realignment of S-569 through the exchanged property.

S-569 runs through a rural high elevation valley with very little development. Historic mining, ranching, and logging occurred in the area. S-569 was constructed in 1940-41. Recent past and current actions in the area primarily are associated with the management of the MHWMA and focus on managing for wildlife and their habitat. Overall wildlife population diversity and densities on the WMA are not expected to dramatically fluctuate following the completion of the highway improvements because habitat (forage, nesting cover, migration corridors, etc.) values would be preserved in nearby areas and through the restoration of the wetlands associated with the present roadway.

### **4.0 Resources Issues Considered but Eliminated from Detailed Analysis**

The Montana Environmental Policy Act (MEPA) provides for the identification and elimination from detailed study of issues which are not significant or which have been covered by a prior environmental review narrowing the discussion of these issues to a brief presentation of why they would not have a significant effect on the physical or human environment or providing a reference to their coverage elsewhere (ARM 12.2.434(d)). While these resources are important, FWP anticipates they would be unaffected by the proposed action or if there are any effects, those influences could be adequately mitigated as a result these resources were eliminated from further detailed analysis.

#### **4.1 Air Quality**

Construction activities may result in minor and temporary deterioration to air quality in the immediate area.

#### **4.2 Noise and Electrical Effects**

Construction activities will likely result in temporary negative impacts to the ambient noise level in the immediate area of the highway realignment and construction. Nearby wildlife species are expected to move away from the construction area for quieter areas, but most resident wildlife are already accustomed to the normal highway noises.

#### **4.3 Taxes**

If the exchange were approved per state statute 87-1-603, FWP would continue to pay Deer Lodge County a sum equal to the amount of taxes which would be payable on county assessment if exchanged property were taxable to a private citizen. The change of ownership of these parcels would not affect the property tax revenue submitted to the county.

Under FWP ownership, the proposed additions to the WMA would be subject to the management strategies implemented on the rest of the WMA, which prohibits the construction of buildings on the WMA in order to preserve the viewshed, wetlands, and wildlife habitat.

#### **4.4 Risks and Health Hazards**

No changes to the existing risks or health hazards to the public at the WMA are anticipated by the completion of the land exchange and highway realignment.

### **5.0 Need for an Environmental Impact Statement**

Based on the above assessment that has not identified any significant negative impacts from the proposed action, an EIS is not required and an EA is the appropriate level of review.

## **6.0 Public Participation**

### **6.1 Public Involvement**

Public notification of the EA release and opportunities to comment will be by:

- Two legal notices in each of these papers: *Helena's Independent Record and Butte Standard*;
- Direct mailing to interested parties;
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>

Copies of this EA will be available for public review at FWP Region 3 Headquarters in Bozeman, the FWP Butte Area Resource Office, and on the FWP web site.

## **6.2 Comment Period**

The public comment period will extend for (14) fourteen days beginning June 27, 2014. Written comments will be accepted until 5:00 p.m., July 11, 2014 and can be mailed to the address below:

MDT Land Exchange  
MFWP  
1820 Meadowlark Dr.  
Butte, MT 59701

or email: [vbocadori@mt.gov](mailto:vbocadori@mt.gov)

## **6.3 Timeline of Events**

Decision Notice Published:

FWP Fish and Wildlife Commission review: July 2014

If approved, completion of property exchange: Fall 2014

## **6.4 Offices & Programs Contributing to the Document**

Montana Department of Transportation, Helena MT

Montana Fish, Wildlife & Parks:

Vanna Bocadori, Wildlife Biologist, Butte MT

Jim Olsen, Fisheries Biologist, Butte, MT

Darlene Edge, Lands Agent, Helena MT

US Fish and Wildlife Service, National Wetlands Database

US Dept. of Agriculture, Web Soil Survey Database

## **7.0 EA Preparer**

Rebecca Cooper, MEPA Coordinator, Helena MT