

Draft Environmental Assessment Sweathouse Creek Conservation Easement

October 2022



Region 2
3201 Spurgin Road, Missoula, MT 59804

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action

Montana Fish, Wildlife and Parks (FWP) proposes purchasing and managing a conservation easement (CE) on approximately 549 acres of land owned by the Hackett Family in Ravalli County. The proposed Sweathouse Creek Conservation Easement is located approximately 3.5 miles west of Victor in deer/elk hunting district (HD) 240. The land consists of ponderosa pine and Douglas-fir forests, tame and native rangelands, and riparian areas in the foothills of the Bitterroot Mountains. The CE would protect the land from subdivision and maintain a working ranch in a valley experiencing rapid growth and subsequent loss of agricultural lands and associated fragmentation of wildlife habitat. The CE would assure public access for hunting on the land and would expand other forms of public use including fishing, trapping, hiking, and wildlife watching. The landowners are passionate about protecting the land and maintaining public use of the property and have been patiently working with FWP for many years to make this project a reality.

2. Agency authority for the proposed action

- § (Section) 87-1-201 of the Montana Code Annotated (MCA) states that “The department has the exclusive power to spend for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise.”
- § 87-1-209, MCA, authorizes FWP to acquire land or interests in land that are suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation.
- § 76-6-201 through 76-6-204, MCA, authorizes the use of CEs in Montana and describes the duration and types of CEs that are permissible.
- § 76-6-206, MCA, provides for the review of proposed CEs by local planning authorities to determine compliance with local growth policies. The proposed Deed of Conservation Easement would be submitted to Ravalli County for its review in accordance with this requirement.
- The Habitat Montana program, authorized by MCA § 87-1-241 through MCA § 87-1-242 (accompanying regulations found at Administrative Rules of Montana 12.9.509) seeks to conserve Montana’s wildlife populations and natural ecological systems by earmarking hunting license revenues for lease, CE, or fee-title acquisition. Habitat Montana projects are intended to: 1) conserve land, water, and wildlife; 2) contribute to hunting and fishing opportunities; 3) contribute to non-hunting recreation; 4) protect open space and scenic areas; 5) promote habitat-friendly agriculture; and 6) maintain the local tax base through continued payments of property taxes.
- ARM 12.2.428 through 12.2.433 establish procedures for implementing the Montana Environmental Policy Act (MEPA) in conjunction with EAs and public involvement for proposed FWP actions.

3. Name, address and phone number of project sponsor, if other than the agency: Not Applicable.

4. Anticipated Schedule

Public Comment Period: October 5th, 2022 through November 4th, 2022

Decision Notice Published: November 2022

Reviewed by Fish & Wildlife Commission (project approval): tentatively scheduled for the February 2022 Commission meeting.

5. Locations affected by proposed action

The proposed Sweathouse Creek CE is located in the foothills of the Bitterroot Mountains between Gash Creek and Sweathouse Creek and is accessed via Sweathouse Creek Road. The proposed CE is approximately 3.5 miles west of Victor, Montana in Ravalli County, and includes portions of Township 8 North, Range 21 West; Sections 28, 33, and 34 (Figures 2-5).



Figure 1. The proposed Sweathouse Creek Conservation Easement property as seen from the grassland hillsides on the north side of the ranch looking down the Sweathouse Creek valley.

Sweathouse Creek Conservation Easement

MONTANA FWP

Proposed conservation easement and public access project in the Bitterroot Valley of western Montana

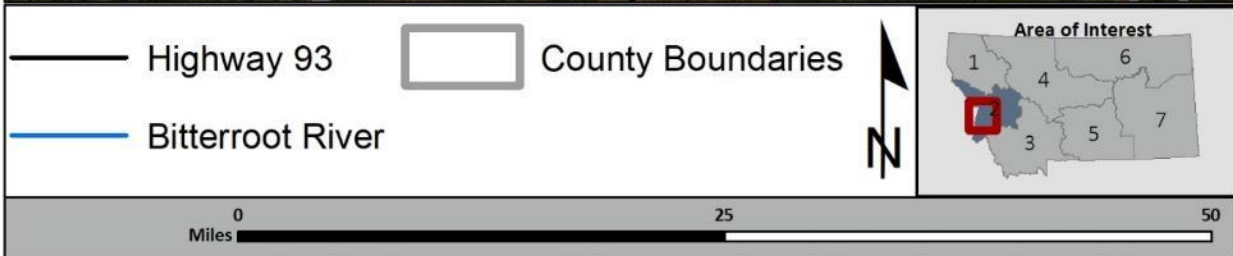


Figure 2. Location of the proposed Sweathouse Creek Conservation Easement in Ravalli County.

Sweathouse Creek Conservation Easement

MONTANA FWP

Proposed conservation easement and public access project in the Bitterroot Valley of western Montana

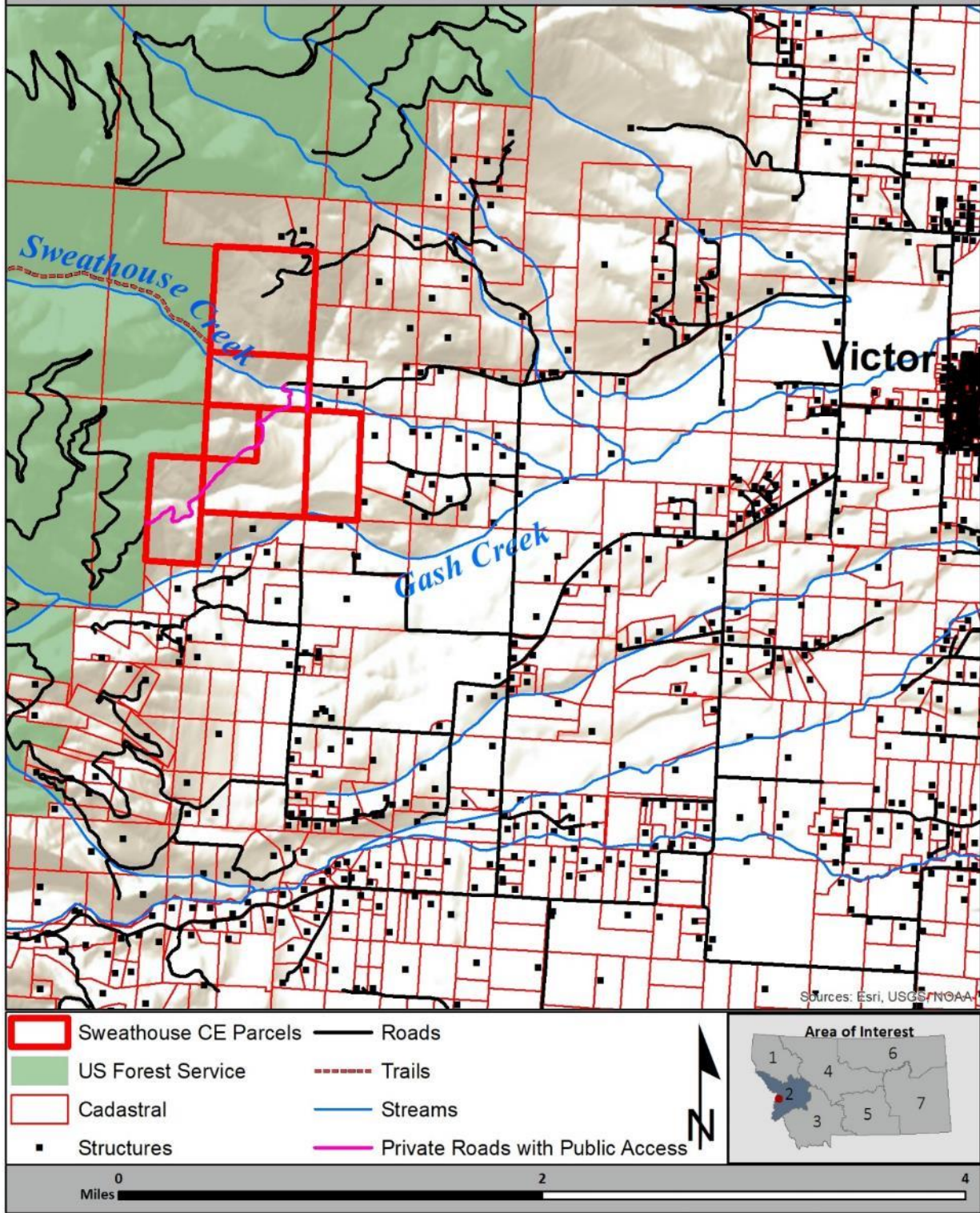


Figure 3. Landscape context map of the proposed Sweathouse Creek Conservation Easement in FWP Region 2. All lands not indicated as Bitterroot National Forest are privately owned.

Sweathouse Creek Conservation Easement

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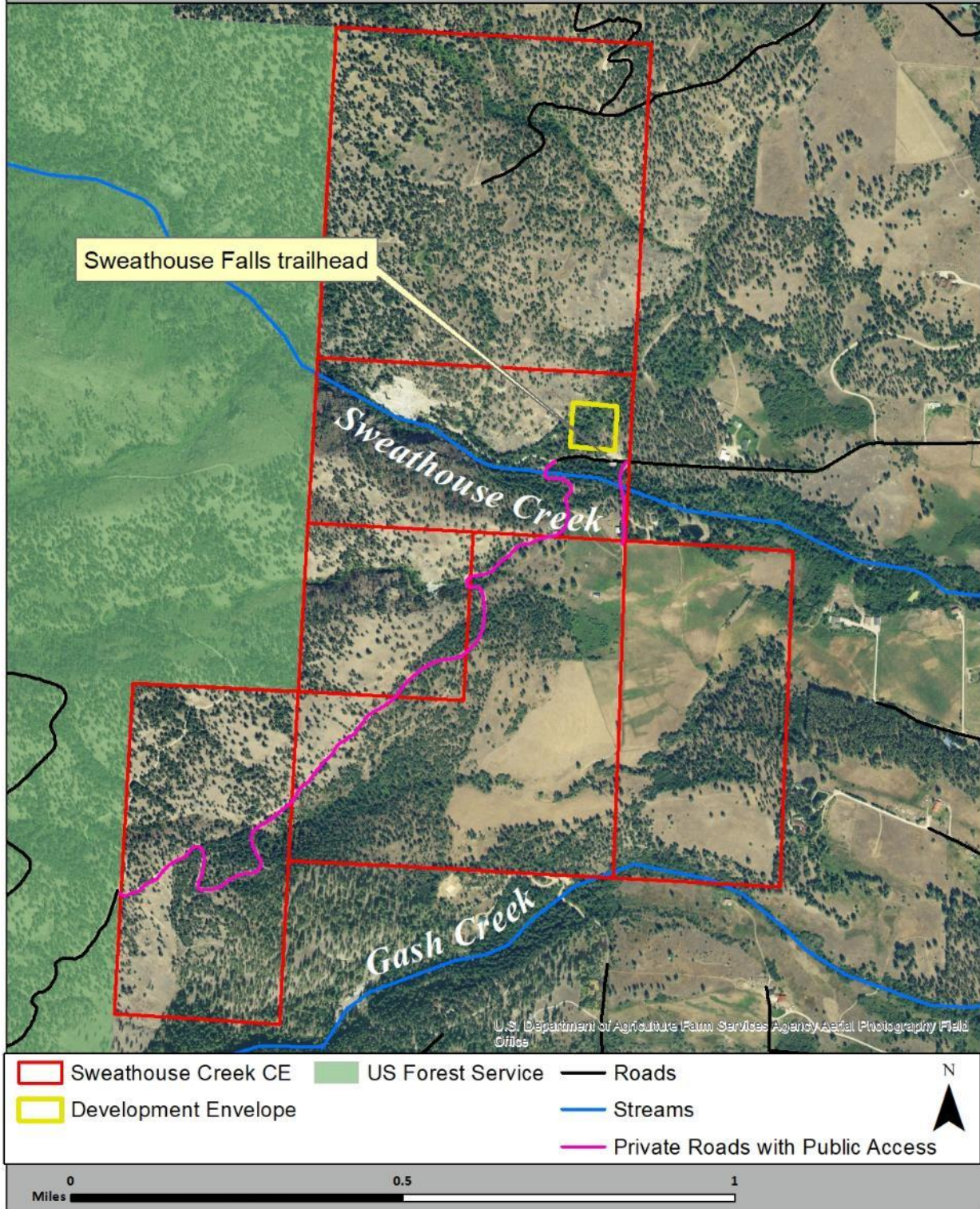


Figure 4. Site map of the proposed Sweathouse Creek Conservation Easement.

Hackett Ranch Block Management Area #7

MONTANA FWP

BMA Rules- See Reverse Page

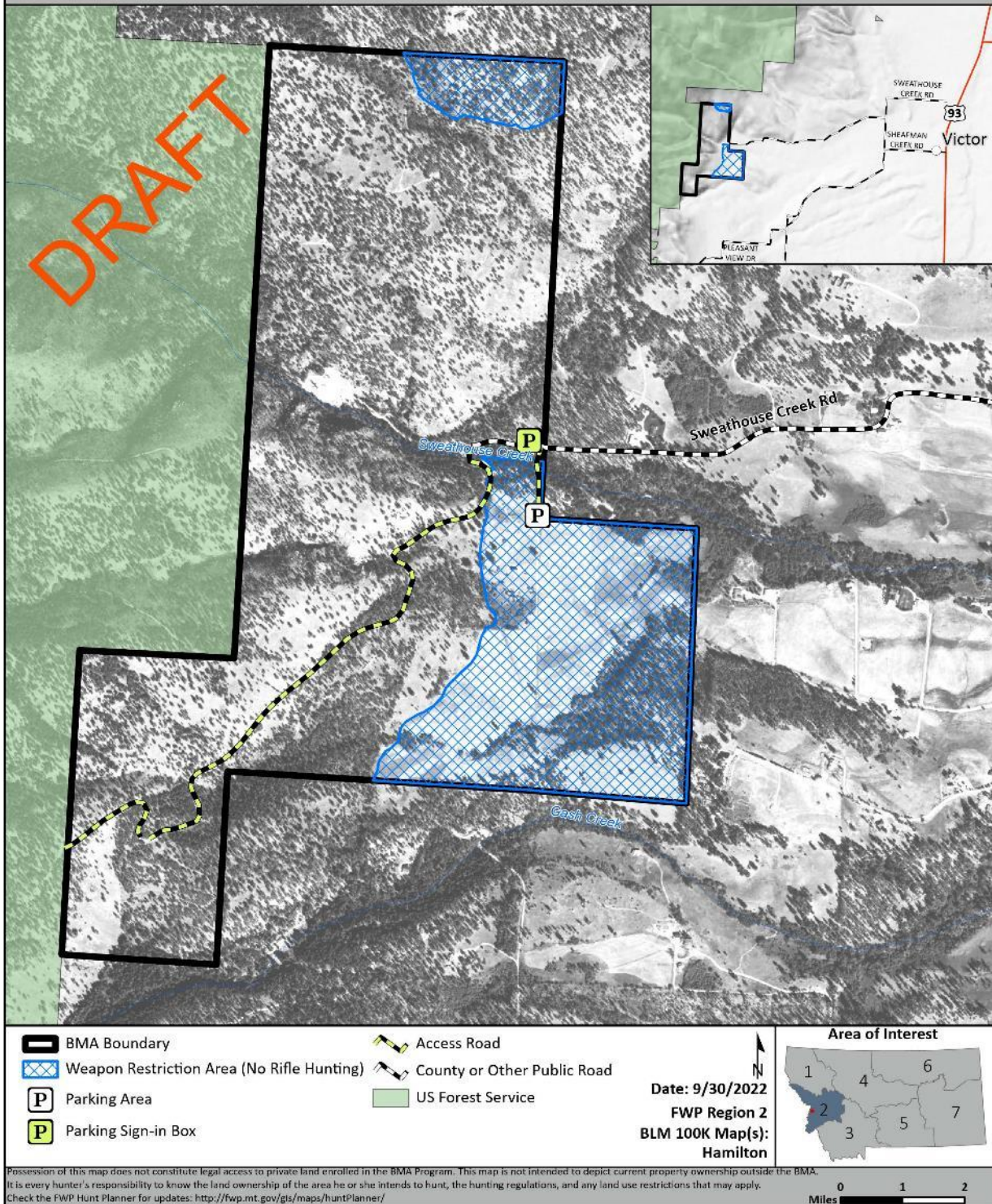


Figure 5. Draft rules and regulations map for the Hackett Ranch Block Management Area. This map is identical to the existing Block Management Area map except for the inclusion of the interior access road, which would be included as an access route under the proposed conservation easement.

6. Project Size, estimated 549 acres

Land Type	Affected Area (estimated in acres)	Land-type Total (acres)
a. Developed:		
Residential	5	
Industrial	0	
Recreation	0	5
b. Open Space/ Woodlands/ Recreation	0	0
c. Wetlands/ Riparian Areas	34	34
d. Floodplain	0	0
e. Productive:		
Irrigated Cropland	50	
Dry Cropland	0	
Forestry	167	
Rangeland	293	
Other	0	510
Total		549

7. Permits, Funding, and Overlapping Jurisdiction

a. Permits: NA

Agency Name	Permits
NA	NA

b. Funding:

Entity	Funding Amount (status)
Pittman-Robertson Act Funds (administered by FWP)	\$ 2,106,000 (committed)
FWP Habitat Montana Program	702,000 (committed)
Montana Fish and Wildlife Conservation Trust	67,000 (committed)
Ravalli County Fish and Wildlife Association	5,000 (committed)
Hackett Family	300,000 (donated value)
Ravalli County Open Lands Bond	200,000 (requested)
Total acquisition cost	\$3,380,000*
Bitter Root Land Trust	\$ 3,862 (in-kind donation)
Total Project Cost	\$3,383,862

**The current project budget may change depending on updated appraisal numbers expected September 2022.*

c. Other Overlapping Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
FWP Fish & Wildlife Commission	Project Approval
United States Forest Service	Road Access Easements

8. Narrative summary of the proposed action

The Montana Department of Fish, Wildlife and Parks (FWP), with support from the Bitter Root Land Trust (BRLT), is pursuing the purchase of a conservation easement on the Hackett Ranch near Victor. This project, known as the Sweathouse Creek Conservation Easement (hereafter Sweathouse Creek CE), would maintain approximately 549 acres of land in agricultural production in perpetuity while conserving valuable fish and wildlife habitat in the foothills of the Bitterroot Mountains. This project would also facilitate continued and new public recreational access to the Hackett Ranch itself as well as the Bitterroot National Forest (BNF) beyond the ranch's boundaries.

The Hackett Ranch is primarily managed by Scott and Diane Hackett, who are also partial owners of the property. Scott's parents, Molly and Prescott Hackett, are the majority owners of the property. The Hackett Family has a long history of sound land management and providing public access, and they have been enrolled in FWP's Block Management Program for the past 25 years. The family has also never shied away from allowing access to the land for other forms of recreation whenever someone asks for permission. The family recognizes that the rapid growth of the Bitterroot Valley has resulted in crowded trailheads, fragmented habitats, and diminished opportunities for hunting, and they are dedicated to making sure their lands remain as open space and available to the public for outdoor recreation.

The proposed Sweathouse Creek CE is located west of Victor in the forested and grassland benches that span the foothills of the Bitterroot Mountains between Gash and Sweathouse Creeks. Over the past few decades, the human population in the Bitterroot Valley has increased dramatically, and subsequently large blocks of agricultural lands and intact wildlife habitat in the foothills of the valley have been increasingly subdivided and fragmented by development. The Sweathouse Creek CE would protect the Hackett Ranch from subdivision and development and assure that the sound land management practices the Hackett Family has implemented on the land are maintained in perpetuity. These protections are especially important in this area due to the extraordinarily high demand for development in areas with exceptional views and easy access to public lands.

The connectedness of the property to the BNF essentially extends an open space and fish and wildlife conservation footprint into the foothills. This maintains connectivity between high and low elevation habitats for migratory species and is a rare opportunity in a threatened landscape. The Sweathouse CE would be part of a significant effort by landowners, BRLT, and other partners to protect agricultural lands and open space in this area of the Bitterroot Valley. This includes no less than five upcoming CE opportunities in the area over the next 2-5 years (Figure 8).

The uplands of the property have been and would continue to be managed under a conservative, rest-rotation grazing system that has resulted in healthy rangelands with productive forage for livestock and relatively low amounts of noxious weeds. These same rangelands support a mosaic of habitat types including open pasture/agricultural land, cottonwood and aspen stands, grasslands, and well-managed ponderosa pine and Douglas-fir forests. The property also encompasses portions of Sweathouse Creek and Gash Creek and their associated floodplains which include cottonwoods, dense willow thickets, and a variety of other riparian shrubs.



Figure 6. The proposed Sweathouse Creek Conservation Easement as viewed from the grassland and forested benches on the north side of the property looking south. The open croplands, apple orchard, and buildings visible in the photo represent the lower portions of the ranch and the property extends along and up into the hillsides on the right side of the photo, eventually transitioning into U.S. Forest Service Lands in the Bitterroot National Forest.

The Sweathouse Creek CE would contribute significantly to public access in this area. One of the most popular trails in the Bitterroot Mountains passes through the Sweathouse Creek CE property, and this access has remained open due to the values and generosity of the landowners. As a part of this CE project, we are working with the BNF to secure an additional (but ultimately separate) right-of-way easement to permanently protect the public access to the Sweathouse Falls trail. The Sweathouse Creek CE itself would perpetually secure a right of public access to the property for highly sought-after hunting opportunities for a wide range of game species as well as access to Sweathouse Creek for fishing. The landowners are also dedicated to allowing other forms of public use on the property such as wildlife watching and hiking. Though the Hackett family is passionate about allowing the public to access their property year-round, the CE deed would contain a provision whereby FWP would retain the right to negotiate seasonal (most likely winter) restrictions to minimize disturbance to wildlife during sensitive periods (e.g., winter range, calving season).

The primary management goals of the Sweathouse Creek CE would be to:

- 1) Maintain the land as a working landscape, allowing current and future landowners to graze cattle, grow and harvest hay, conduct timber harvest, and maintain roads and fences as needed to facilitate agricultural production, given these activities are compatible with fish and wildlife habitat values on the property.
- 2) Manage cattle grazing to maintain and enhance to the health of grasslands and croplands for the benefit of cattle and wildlife. This would primarily be accomplished through ongoing noxious weed control as well as implementation of a rotational grazing schedule laid out in a grazing

management plan, negotiated between, and agreed to by, the landowners and the FWP Range Ecologist.

- 3) Manage timber harvest on the ranch to improve tree vigor, reduce susceptibility to tree pests and diseases, reduce the risk of high-intensity wildfire and associated risks to the land and neighboring properties, and improve range conditions for cattle and wildlife. Timber management would be directed towards returning the area to historical stand conditions, primarily open ponderosa pine and grassland hillsides with widely spaced trees.
- 4) Provide public walk-in access to the ranch for the purposes of hunting, fishing, trapping, hiking, and wildlife watching as well as to the Sweathouse Falls Trail in the Bitterroot National Forest. In addition, provide motorized access to the Gash Creek Road which connects to the National Forest road system.
- 5) Manage public access, wildlife habitat, and agricultural production in a balanced way in partnership with the landowners and local FWP staff so that the conservation values of the property area maintained or enhanced.



Figure 7. The southern end of the proposed Sweathouse Creek Conservation Easement showing open agriculture fields and the riparian area along an intermittent creek running through the property.

Victor Neighborhood Conservation

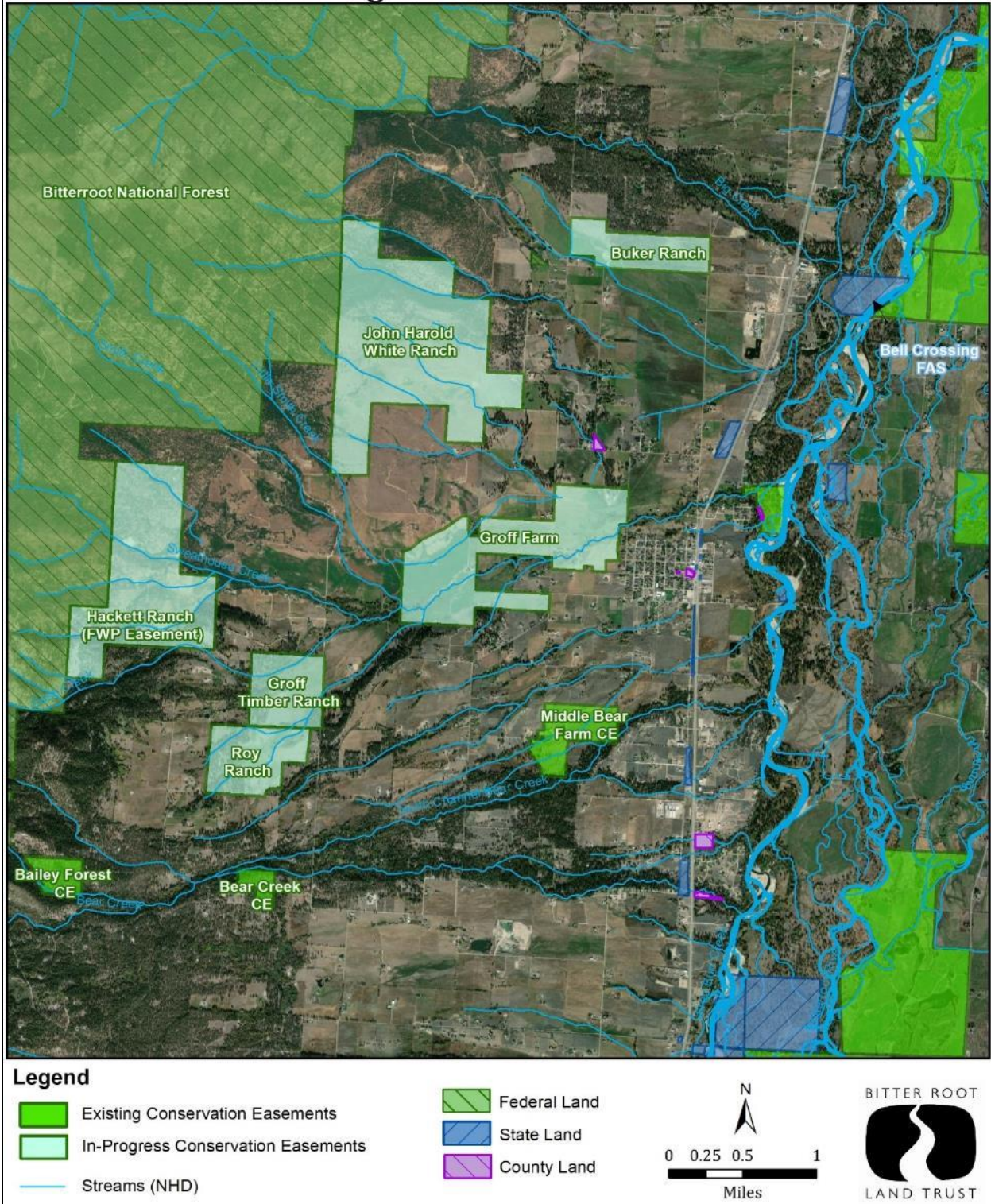


Figure 8. Neighborhood map showing how the proposed Sweathouse Creek CE fits into a larger land conservation effort in this area of the Bitterroot Valley to maintain agricultural operations, open space, and associated wildlife habitat in the rapidly expanding Bitterroot Valley.

Working Agricultural Lands

The Hackett Ranch property is primarily used for livestock production, and although only 28 acres are classified as Farmland of Local Importance by the NRCS, the entire property supports native grasslands and hayfields that are valuable for livestock forage. The Hackett Ranch possesses significant water rights for irrigation and stock purposes from surface sources (Gash Creek and Sweathouse Creek) as well as a Ground Water Certificate filed on a well. Irrigation water is diverted from Sweathouse or Gash Creek where it is distributed by flooding ditches. There are approximately 50 acres of actively irrigated land with some additional areas benefitting from sub-irrigation. There are no developed areas of the Hackett Ranch other than a barn and some small outbuildings, so almost the entire 549 acres are currently in active agricultural production. The single reserved home site on the land would be located well away from the most productive agriculture lands and wildlife habitat.



Figure 9. Ranch road running through croplands and a historical apple orchard that are found in the lower elevations of the property. This road starts at the Sweathouse Falls trailhead which is in the trees at the end of the road in this photo. Recreationists would be able to walk into the ranch via this road for hunting, fishing, hiking, and wildlife watching.

Fish and Wildlife Habitat

The land proposed for the Sweathouse Creek CE encompasses exceptional fish and wildlife habitats in the Bitterroot Valley. The property is located entirely within the Bitterroot-Clark Fork Riparian Corridor, identified in the 2015 State Wildlife Action Plan (SWAP) as a Tier I Terrestrial Focal Area due to its importance to migratory birds and as a breeding area for many state-identified Species of Concern including great blue herons and Lewis's woodpeckers. According to the SWAP, *“though there is opportunity for restoration, it may be difficult and come at a high cost due to the large number of*

landowners in this Focal Area. The diverse recreational use is high, but likely is below what resources could support because of private land ownership.” While no Bitterroot River floodplain habitat exists on the proposed conservation easement, the critical ecological connection between the large, protected landscape of the Bitterroot Mountains and the broad Bitterroot River floodplain is dependent on maintaining open space and wildlife habitat in the Bitterroot Valley foothills represented by the Hackett Ranch property. Furthermore, the health and vitality of the Bitterroot River and the associated floodplain is intimately connected to the health and vitality of tributary streams, and the riparian corridors these streams support form connective “tentacles” that connect the main stem of the Bitterroot River to the surrounding watershed. Development along these tentacles severs that connection, potentially diminishing the functionality of the watershed upon which humans and fish and wildlife are dependent.

The Hackett Ranch is also encompassed by the Bear Creek – Bitterroot Tier II Aquatic Focal Area identified by the State Wildlife Action Plan due to it being a stronghold for native fish and a source of cold, clean water for the Bitterroot River basin. Approximately 0.75 miles of Sweathouse Creek and 0.25 miles of Gash Creek run through the property. Electrofishing data from Sweathouse Creek over the past 10 years indicate the presence of the federally threatened bull trout and Westslope cutthroat trout (a state Species of Concern). Sweathouse Creek also contains rainbow trout, brook trout, brown trout, sculpins, and longnose dace. Over the same time period, data from Gash Creek shows the presence of Westslope cutthroat trout and brook trout. The riparian area around Gash Creek is exceptional, with a jungle-like tangle of riparian shrubs and trees that provides critical habitat for migratory songbirds as well as a key source of shading and woody debris for instream fish habitat. The riparian area along Sweathouse Creek is also healthy and productive, but due to a steeper gradient is different from that of Gash Creek, creating habitat heterogeneity on this landscape that provides nesting and foraging areas for many different species. In other areas of the Bitterroot Valley, home sites are frequently placed right next to tributary creeks like Gash and Sweathouse Creek, diminishing their value as fish and wildlife habitat and as movement corridors for wildlife. A CE on the Hackett Ranch would permanently protect these riparian areas from development and associated fragmentation. In addition to the larger perennial streams on the property, a variety of seeps, springs, and a seasonal stream create riparian strips and pocket wetlands dominated by cottonwood, aspen, alder, willow, and other deciduous shrubs.

Beyond this property’s contribution to the health of the Bitterroot River watershed, the land offers a rich mosaic of ponderosa pine and Douglas-fir forests, deciduous shrubby draws, riparian areas, and grassland/shrubland foothills, offering habitat for a variety of nongame species as well as winter range for elk. Aspen stands are common and provide critical resources for both game and nongame species. Appendix A shows the long list of Species of Concern and Potential Species of Concern present or likely present on the property based on the presence of high value habitats as identified by the SWAP.

The Sweathouse Creek CE is included in the “Anaconda Range to Big Hole, Bitterroot, and Upper Clark Fork Watersheds” Big-Game Habitat Priority Area identified by Secretarial Order (SO) 3362. SO 3362 seeks to identify and protect critical migration corridors for ungulates and other wildlife in increasingly fragmented landscapes. The Bitterroot Valley has experienced explosive growth in recent decades that has severely limited connectivity between large blocks of wildlife habitat in the Priority Area, and this fragmentation is expected to continue. Though the proposed CE protects a relatively small area compared to CEs in other parts of Montana, the key word there is “relatively”. In the context of the Bitterroot Valley, this CE would be a substantial contribution to fish and wildlife conservation, and the property’s connection to U. S. Forest Service (USFS) lands, as well as upcoming CE projects in the immediate area, bolsters the importance of that contribution.



Figure 10. Approximately 0.75 miles of Sweathouse Creek bisect the property. Sweathouse Creek contains native westslope cutthroat trout and occasional bull trout and is an important source of cold, clean water for the Bitterroot River system. The Creek also supports a shrubby, deciduous plant community which is valuable for songbirds and other nongame wildlife that are found on the property.

Public Access and Outdoor Recreation Opportunities

Completion of the Sweathouse Creek CE project would secure a guaranteed right of public access in perpetuity for hunting, fishing, and wildlife watching on the Hackett Ranch. The Hackett family has a long history of providing public access to their lands and to adjacent National Forest lands. The Hacketts have been enrolled in FWP's Block Management Program for 25 years and their land remains a highly popular hunting location. The Hackett Ranch Block Management Area hosts an average of 417 hunter-days during the fall and spring hunting seasons over the last three years. It is also one of only a few Block Management Areas (BMA) in the Bitterroot Valley providing opportunities for spring turkey hunting. Access to foothill habitats for hunting in the Bitterroot Valley is limited, as most trailheads and public lands start at, or well into, the steep and rugged terrain of the Bitterroot Mountains. This property would therefore protect a unique and diminishing outdoor recreation opportunity in this area.

Fishing is a common activity on Sweathouse Creek, both on and above the Hackett Ranch. With increasing pressure on the very popular Bitterroot River, many anglers seeking solitude and eager trout head to the tributary streams, especially in mid-summer when water temperatures on the Bitterroot River reach dangerous levels for fish.

The property provides the primary access point to the Sweathouse Falls hiking trail, which is highly popular with the public and is featured in "Hikes in the Bitterroot National Forest", a pamphlet published

by the USFS and provided to visitors. The trail is an easy, 4-mile round-trip hike to a stunning mountain waterfall. The Hackett family has generously allowed parking and public access on their property without any official easement with the USFS for decades. As mentioned previously, the USFS is pursuing securing official access separate from, but proceeding concurrently with, FWP's conservation easement process. In "selling" this project to the public, the combination of protecting the property at the gateway of two Bitterroot Mountain canyons and securing permanent public access to Sweathouse Falls is attractive and shows collaboration between state and federal agencies to secure and develop diverse outdoor recreation opportunities in the Bitterroot Valley.

The proposed CE would also include an open, public road leading through the ranch and connecting to the USFS road system in the BNF (Figures 3-5). This access road, known as Gash Creek Road, would provide a new access point to the USFS road system for the public, spreading out public use of the BNF and facilitating enhanced access to public lands in the area. The Gash Creek Road would be available for the public to travel through the ranch, but parking would not be allowed along the road and would only be allowed in designated sites (Figure 5). FWP would retain the right to implement seasonal closures on this road, in partnership with the landowners, if use of the road was deemed to be having a negative effect on one or several of the conservation values of the proposed CE (e.g., use of the winter range by elk).

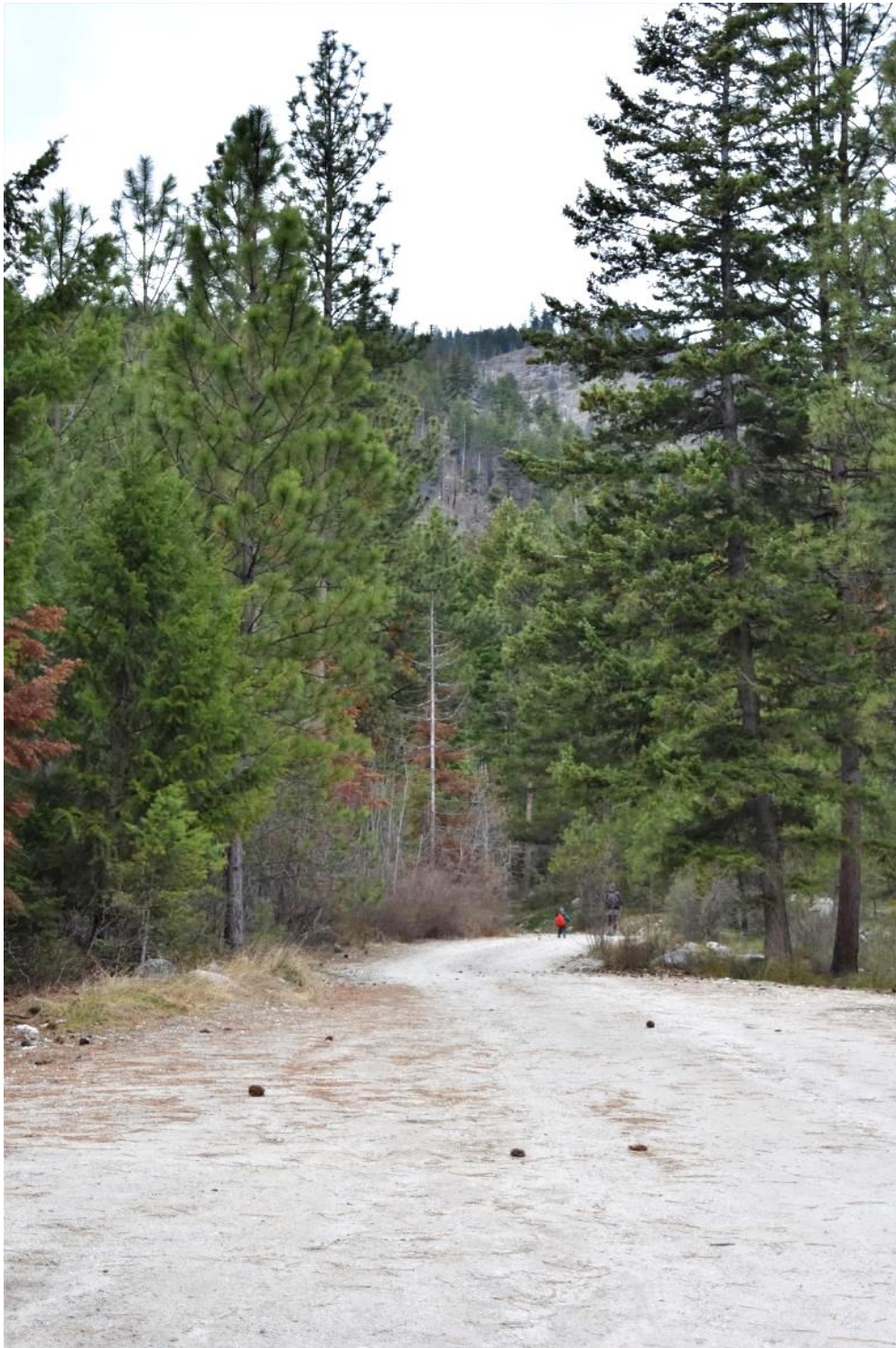


Figure 11. Hikers head up the road from the Sweathouse Falls Trailhead to join up with the Sweathouse Falls trail in the Bitterroot National Forest. The Sweathouse Falls Trailhead is located within the proposed Sweathouse Creek Conservation Easement and will be permanently protected via an access easement with the U.S. Forest Service. Besides this access opportunity, the proposed project would guarantee a right of public access to the property itself for hunting, fishing, hiking, and wildlife watching, a rare opportunity for the public to experience the interplay between agriculture and wildlife habitat in the Bitterroot Valley

Scenic Open Space

The Hackett Ranch maintains a swath of open space at the base of the towering Bitterroot Mountains, and the open agricultural fields, grasslands, riparian corridors, and forested slopes are visible across large parts of the Bitterroot Valley bottom. The single building envelope proposed to be included as part of the CE would maintain this open space, as any development would occur in the trees near the Sweathouse Creek trailhead where it would be relatively obscured from view (Figure 4). Therefore, the open space provided by the Hackett Ranch would be preserved in perpetuity.



Figure 12. An elk herd grazes on agricultural lands in the Sweathouse Creek valley bottom. These are private lands near the proposed Sweathouse Creek Conservation Easement but are not owned by the Hackett Family. The more open forested hillsides in the foothills of the Bitterroot Mountains visible in the background of the photo are important winter range for this elk herd. These hillsides, and portions of the valley bottom below them, would be protected from development and other major land use changes in perpetuity by the proposed Sweathouse Creek Conservation Easement.

9. Description and analysis of reasonable alternatives

Alternative A: No Action

Under the No Action Alternative, FWP would not purchase and manage a CE on the Hackett Ranch. Though the Hackett Family would likely maintain public access and wildlife-friendly land management practices for the duration of their ownership, the property would be vulnerable to being sold in the future to a landowner who may not share the same values as the Hackett Family. Sale of the property could result in subdivision and development, and public access would be unlikely to continue.

Alternative B: Proposed Action

FWP would purchase a CE on 549 acres of the Hackett Ranch for approximately \$3,380,000. Funding for the CE would come from Pittman-Robertson Act funds, FWP's Habitat Montana Program, the Montana Fish and Wildlife Conservation Trust, and landowner donated value, as well as local contributions from the Ravalli County Fish and Wildlife Association. Additional funding may come from the Ravalli County Open Lands Bond program, pending approval by the Ravalli County Board of County Commissioners. Under the terms of the CE, the property could not be subdivided and only one building envelope consisting of up to 5 acres would be reserved for a future owner. An FWP CE would assure sound land management practices continue on the land in perpetuity, including a rest-rotation grazing system, wildlife-friendly fencing, timber management plan, and no expansion of tilled/cultivated lands. The landowners would retain the right to raise and pasture livestock or lease the land to another livestock producer, conduct habitat restoration, use and develop water sources, develop a single home site, repair and replace roads and fences, and regulate public use on the land in partnership with FWP.

10. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency

As part of the Conservation Easement, the current landowner and all future landowners would be required to implement a grazing system that conform to FWP's "Minimum Standards for Livestock Grazing", provided in Exhibit C of the CE Deed. The "Minimum Standards for Livestock Grazing" document states that, "Conserving wildlife habitat while continuing livestock grazing typically requires management strategies that differ from those employed for the sole purpose of maintaining a sustainable livestock forage base that maximizes livestock production. One reason for the difference in management

strategies is because vegetation is much more than a forage base for wildlife. Vegetation species composition, structure, and diversity are important aspects of cover essential to the survival and production of wildlife.”

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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 (list)		X				

The Sweathouse Creek CE would maintain or enhance current land use practices on the property that are implemented to continue agricultural production and protect the vegetation, water, and soils on the property to benefit livestock production and wildlife. Therefore, the only anticipated impacts to land resources would be neutral or positive.

2. <u>AIR</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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. <u>For P-R/D-J projects</u> , will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other		X				

The land would be maintained as working agriculture land focused on livestock production and wildlife habitat. The management plan and CE deed would assure that management of the property would not result in adverse impacts to air quality.

3. <u>WATER</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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 flood water 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				
l. 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. <u>For P-R/D-J</u> , will the project affect a designated floodplain? (Also see 3c)		X				
m. <u>For P-R/D-J</u> , will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		X				
n. Other:		X				

The land would be maintained as working agriculture land focused on livestock production and wildlife habitat. The management plan and CE deed would assure that management of the property would not result in adverse impacts to water quality.

4. VEGETATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a
b. Alteration of a plant community?			X			4b
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?			X			4f
g. Other:		X				

4a and 4b. Implementation of a rest-rotation grazing system, ongoing weed control, and guided timber management may result in changes to vegetation communities on the Hackett Ranch. However, current practices have maintained these vegetation communities in good condition, and they would only be expected to improve with implementation of land management practices laid out in the CE deed and management plan.

4f. According to a search of the Natural Resource Conservation Service (NRCS) Web Soil Survey on July 5, 2022, approximately 28 acres of the property are classified as Farmlands of Local Importance. Land management practices on the property, as guided by the CE deed and management plan, would only be expected to improve these acres due to ongoing weed control, implementation of a rest-rotation grazing system, and prevention of land conversion to croplands. There are approximately 13 acres of wetlands on the property, most of which are not directly affected by livestock production. Those that are affected would be protected by fencing, rest-rotation grazing that keeps livestock from congregating in wetlands for long periods of time, and habitat restoration in partnership with the landowners.

5. FISH / WILDLIFE	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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		Yes	5e
f. Adverse effects on any unique, rare, threatened, or endangered species?			X		Yes	5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		Yes	5g
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		Yes	5h
i. <input type="checkbox"/> 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:		X				

5e and 5g. Inclusion of public access opportunities beyond historical use on the property (i.e., beyond hunting access, which has been provided through the Block Management Program for 25 years) may result in greater use of the property by the recreating public. Public use may result in some animals leaving the property or changing their movement patterns to avoid intentional and unintentional harassment by people. For example, hiking and wildlife-watching during the winter could have adverse impacts on elk using the property as winter range. To mitigate these potential issues, FWP would retain the right, as a term in the CE deed, to close the property or portions of the property to public use if such use was found to be having adverse impacts to the conservation values for which the CE was purchased. All potential closures or restrictions would be negotiated with the landowner.

5f. Portions of Gash Creek and Sweathouse Creek contain unique habitat types that support several Montana Species of Concern. Increased recreational use of the property has the potential to adversely affect these species. As part of the CE, FWP retains the right to close certain portions of the property to public use if that use is determined to be having negative impacts to the conservation values of the property. All potential closures or restrictions would be negotiated with the landowner.

5h. Bull trout, listed as Threatened under the Endangered Species Act, are present in Sweathouse Creek. Increased presence of anglers in Sweathouse Creek due to opening of public access may increase incidental mortality of bull trout accidentally caught by anglers targeting other species. However, angling pressure on Sweathouse Creek is relatively low and would not be expected to increase dramatically from the purchase of a CE on the property. If a closure were ever needed to protect bull trout in Sweathouse Creek, that could be addressed through the management plan by working with the landowner. Protecting the property from future subdivision or development would provide perpetual protection of Sweathouse Creek and the associated riparian area, maintaining and enhancing bull trout habitat in the long-term. These benefits likely offset any potential negative impacts the project may have. See Appendix B for details on potential impacts to bull trout.

B. HUMAN ENVIRONMENT

6. <u>NOISE & ELECTRICAL EFFECTS</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
a. Increases in existing noise levels?			X			6a
b. Exposure of people to severe 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:		X				

6a. The proposed CE would not result in any changes to noise and electrical effects beyond what currently occurs on the property as part of normal agricultural operations and public hunting access. It is possible that increased public attention to the project through the EA public comment period and the Ravalli County Open Lands Bond process may temporarily increase use of the area by the public, which could increase traffic on Sweathouse Creek Road. However, hunting and hiking access has already been allowed at the property for decades and any increase due to FWP's purchase of a CE is expected to be minor and temporary.

7. <u>LAND USE</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X		No	7a
b. Conflict 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		Yes	7d
e. Other:		X				

7a. Some of the rights purchased by FWP through the Sweathouse Creek CE would include input on grazing systems, timber management, and vegetation management as well as a prohibition on subdivision development. These rights would be purchased so that FWP could have reasonable assurances that the investment in wildlife habitat and hunting access made by the people of Montana (via FWP's purchase of the CE) is protected in perpetuity. These purchased rights would prevent future owners of the Hackett Ranch property from overgrazing the rangelands, converting parts of the rangelands to croplands, tilling any new ground, conducting timber harvest that could be detrimental to wildlife habitat, or otherwise developing the land in a manner that negatively impacts the conservation values. As a result of these constraints, it is reasonable to say that the purchase of this CE is causing limited "alteration or interference with the productivity or profitability of the existing land use". However, the purpose of the proposed CE is to retain wildlife habitat values while also supporting traditional agricultural activities in perpetuity, all of which could be lost if the property were sold without a CE in place.

7d. Prior to writing and releasing this EA, several area landowners contacted FWP and/or Ravalli County Planning Department with concerns about public use on the Hackett Ranch. These landowners have residences that are

close to the boundary of the proposed CE and are concerned about recreationists trespassing on their lands and/or hunters shooting too close to buildings, livestock, etc. FWP's Hunting Access Coordinator would work with the landowner to address some concerns through the Block Management Program. But as a general rule, FWP encourages surrounding landowners to work directly with the owner of the property where the hunting and public access is occurring. This is in recognition that properties with a CE are still private lands, and the landowner has the right to regulate hunting and public access any way they see fit within the sideboards of the terms of the CE. The Hackett Ranch Block Management Area already has a large weapons restriction zone (See Figure 5), and another weapons restriction zone is proposed as part of the Block Management rules on this property moving forward. Additional signage could be posted to mitigate potential conflicts should they develop. The Hackett Ranch Block Management Area has been in place for 25 years with very few conflicts developing between hunters and surrounding landowners. While hunter use may increase temporarily with the publicizing of the proposed CE, hunter numbers on the property tend to be self-regulating as there is only so much room on the property for hunters to spread out. FWP provides hunters with maps of the Block Management Areas and can provide signage if trespass issues reoccur at the same locations. The boundaries of the Hackett Ranch are generally well-defined so we expect the number of trespass issues would not increase with the purchase of the CE.

8. RISK / HEALTH HAZARDS	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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		Yes	8c
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				
e. Other:			X		Yes	8e

8c. Please see response to 7d in the section above for potential hazards related to neighboring landowners and hunting on the property.

8e. There is a small quarry on the property that hikers pass as they head up the Sweathouse Falls trail. It is possible that people using the property may want to explore around in this quarry and could be injured from falling or shifting rocks or from falling if they try to climb the rocks and cliffs. FWP visited the site with an experienced rock climber and their assessment of the site was that it was not conducive to rock climbing and there would therefore be little interest from the rock-climbing community. Furthermore, these same hazards exist along cliff faces all along the Sweathouse Falls trail, so anyone seeking to climb around on the quarry would be just as likely to do it anywhere along the trail. Regardless, FWP would work with the landowner to place signs around the quarry area if we receive reports of people being unsafe in the area. Again, this quarry has been there for decades with dozens of people walking by each day and no signs or fences to keep them out, and there have been no injuries or other incidents reported.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			X		No	9a.
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		Yes	9c
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		Yes	9e
f. Other:		X				

9a and 9c. As part of the Sweathouse Creek CE, FWP would purchase subdivision and development rights to keep the property in its current open condition. Building of a residence would be limited to a 5-acre footprint on the northeast side of the property (See Figure 4). By purchasing these rights, FWP would necessarily limit potential future development of multiple homesites on 544 acres. This is one of the primary reasons FWP is proposing purchasing a CE on the property, to prevent habitat fragmentation and wildlife conflict issues that come with subdivision and development of properties in key areas. FWP regularly comments on subdivision proposals and those comments include support, opposition, and adjustments to subdivision proposals depending on potential impacts to fish and wildlife habitat. The purchase of a CE on this property is a step beyond those subdivision comments, where FWP has identified a property that is so valuable for wildlife habitat and outdoor recreation that we are seeking to purchase those rights to keep the property available for agricultural activities and wildlife habitat in perpetuity. Were a proposal to subdivide a property in the same area come to us for review and the area was more conducive to development without major negative fish and wildlife impacts, we would comment as such or potentially even recommend greater density to accommodate housing needs while protecting other areas that support habitat, recreation, and aesthetic values that make the Bitterroot Valley a desirable place to live and visit.

Purchase of the Sweathouse Creek CE would not result in any alteration to the tax base for Ravalli County but may bring in more visitors to the area looking to hunt, fish, trap, or hike on or around the Hackett Ranch property. These visitors would likely support local private businesses through the purchase of food, fuel, and other amenities.

9e. Traffic to the Sweathouse Falls trailhead may increase as a result of publicizing of the proposed CE, though any increase is expected to level out after a while as publicizing of the project would be short term. Traffic has been steadily increasing at the trailhead over the past 10 years and that increase is likely to continue as more people move to the Bitterroot Valley. However, the purchase of a CE on this property should not increase traffic to the area enough to cause a noticeable difference in traffic-related hazards or crowding.

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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				10a
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X		No	10b
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				
d. Will the proposed action result in increased used of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.			X		NA	10f
g. Other:		X				

10a. The proposed CE would not have any impact on or result in a needed change to local public services and would not affect local schools.

10b. The purchase of a CE would not reduce the tax revenues that Ravalli County collects on this property. However, by purchasing the rights to subdivide the property FWP is removing a potential source of greater property tax revenue in the future that would come about through multiple residences on the land were it subdivided and developed.

10f. General maintenance of the property would remain the responsibility of the landowner under an FWP conservation easement. FWP has funding and expertise available to help any owners of the property with habitat improvement projects, wildlife-friendly fencing, or other projects that may benefit fish and wildlife habitat or facilitate balanced and low-impact recreational use of the property. These programs are voluntary and FWP biologists would work with landowners of the property to implement these programs if there is interest. Management of the Block Management Area would be through FWP's Hunting Access Program and would include signage and patrolling of the area during the hunting season. Repairs to fences, parking lots, and roads from hunter use would be the responsibility of landowner with support from financial compensation associated with the Block Management Program.

11. AESTHETICS / RECREATION	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
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		Yes	11c
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		Yes	11d
e. Other:		X				

11c. The proposed action would increase recreational opportunities in the area as the Sweathouse Creek CE would secure a guaranteed right of public access in perpetuity for hunting, fishing, and wildlife watching on the Hackett Ranch. These opportunities would likely benefit local retail and service businesses and would promote dispersed use of the site by various user types (Appendix E, Tourism Report).

11d. The Sweathouse Falls trail may see increased use temporarily as a result the publicizing of the proposed CE through the EA and Ravalli County Open Lands Bond processes. However, this impact is expected to be temporary and minor. Use of the Sweathouse Falls trail has been increasing for the last 10 years with a marked increase during the Covid-19 pandemic, so much larger and more impactful events are driving use of the trailhead more than the potential CE.

12. CULTURAL / HISTORICAL RESOURCES	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action result in:						
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a
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				12d
e. Other:		X				

12a and 12d. No landscape modification, construction, rehabilitation, or demolition would occur as part of this proposal and no transfer of federal property would be involved. There would be no potential negative impacts to historic or cultural resources at the site and a SHPO letter of clearance is therefore not required.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				13a
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. <u>For P-R/D-J</u> , is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		X				13f
g. <u>For P-R/D-J</u> , list any federal or state permits required.		X				

13a. Purchase and management of the Sweathouse Creek CE may bring about some minor and temporary negative impacts associated with greater public use of the site. However, the effects on the physical, biological, and social environment are expected to be largely positive and should benefit the community and recreational opportunities in the area. When considered over the long-term, the proposed action would have a positive effect on public outdoor recreation opportunities and would protect important and threatened habitat types in the Bitterroot Valley in perpetuity.

13f. The proposed project is meant to protect important fish and wildlife habitat while expanding public recreational opportunities in the Sweathouse Creek area. The proposed action is therefore not expected to generate organized opposition or substantial public controversy. Local conservation and sportsperson's groups have been enthusiastically supportive of the proposed project.

There has been some hesitancy around, and review of, the role of perpetual conservation easements in Montana, especially those using public funds. As a result, FWP has been tasked with only bringing forward conservation easement projects that have significant agricultural, access, and fish and wildlife habitat values which are threatened by some form of land use change. There must also be demonstrated support by local governments in the county where the proposed CE would be located. FWP and its partners have applied for additional funding for this project through the Ravalli County Open Lands Bond program. If approved, these funds would represent a substantial contribution from the citizens of Ravalli County, demonstrating significant local support for the project. At the time of this EA being released, the project was recommended for approval by the Ravalli County Open Lands Board, who provide recommendations to the Board of County Commissioners on whether to approve or disapprove Open Lands Bond projects. While the Open Lands Bond process is still underway, we are encouraged by comments and general reception of the project so far by the Open Lands Board, Ravalli County Fish and Wildlife Association, and Ravalli County residents.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed purchase and management of the Sweathouse Creek CE would maintain working agricultural lands while protecting critical aquatic and terrestrial habitats and facilitating new and continuing outdoor recreational opportunities. Overall, few negative impacts are expected from this project and those that have been identified are either temporary or can be mitigated. Long-term, the site would increase public access to the outdoors while protecting fish and wildlife habitats from possible deterioration or fragmentation, which could occur were the property sold in the future without a CE in place.



Figure 13. Aspens, cottonwoods, alders, willows, and large ponderosa pine trees make up a riparian area running through the croplands in the lower elevations on the proposed conservation easement. Riparian areas like this provide shade and cover for deer, elk, turkeys, and mountain grouse while also supporting a large number of nongame species including woodpeckers, raptors, small mammals, and amphibians.

PART IV. PUBLIC PARTICIPATION

1. Public involvement

The public will be notified in the following manners about the opportunity to comment on this current EA, the proposed action, and alternative:

- Legal notices will be published twice each in each of these newspapers: *Bitterroot Star* (Stevensville), *Independent Record* (Helena), *Missoulian* (Missoula), *Ravalli Republic* (Hamilton).
- Public notice will be posted on FWP's webpage: <http://fwp.mt.gov> ("News," then "News and Public Notices," then "Public Notices"). The Draft EA would also be available on this webpage, along with the opportunity to submit comments online.
- Copies would be available at the FWP Region 2 Headquarters in Missoula and the FWP State Headquarters in Helena.
- A news release would be prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues; this news release would also be posted on FWP's website <http://fwp.mt.gov> ("News," then "News and Public Notices," then "News Releases"). This news release would also be posted on FWP Region 2's website <https://fwp.mt.gov/aboutfwp/regions/region2>.
- Direct mailing or email notification would be made to adjacent landowners and other interested parties (individuals, groups, agencies) to ensure their knowledge of the proposed project.

Copies of this draft EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5551; by emailing torrey.ritter@mt.gov; or by viewing FWP's Internet website <http://fwp.mt.gov> ("Public Notices," beginning October 5th, 2022).

This level of public notice and participation is appropriate for a project of this scope with no significant physical or human impacts and only minor impacts that can be mitigated.

2. Duration of comment period

The public comment period will extend for thirty (30) days following the October 5th publication of the second legal notice in the *Missoulian*. Comments must be received by FWP no later than November 4th, 2022.

Comments may be made online on the EA's webpage, emailed to Torrey Ritter at torrey.ritter@mt.gov, or mailed to the FWP address below:

Region 2 FWP
Attn: Torrey Ritter
3201 Spurgin Rd
Missoula, MT 59804

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, no significant impacts from the proposed acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur, or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. Persons responsible for preparing the EA

Torrey Ritter, FWP Region 2 Wildlife Biologist, Missoula, MT
Rebecca Mowry, FWP Region 2 Wildlife Biologist, Hamilton, MT
Jason Lindstrom, FWP Region 2 Fisheries Biologist, Hamilton, MT
Randy Arnold, FWP Region 2 Regional Supervisor, Missoula MT
Dori Schiele, FWP Region 2 Comment Coordinator, Missoula, MT

3. List of agencies or offices consulted during preparation of the EA

United States Forest Service:

Bitterroot National Forest - Stevensville Ranger District

Montana Fish, Wildlife & Parks:

Lands, Helena, MT

Wildlife, Helena, MT

Fisheries, Helena, MT

Access, Missoula, MT

Ravalli County:

Planning Department



Figure 14. Historical barns and outbuildings on the proposed Sweathouse Creek Conservation Easement property.

APPENDICES

- A. List of Threatened and Endangered Species and state Species of Concern (Montana Natural Heritage Program)
- B. Biological Assessment
- C. Tourism Report (Montana Department of Commerce)

APPENDIX A. Species of Concern and Threatened and Endangered Species Associated with the Sweathouse Creek Conservation Easement

Table. Species confirmed present or thought to be present within the proposed Sweathouse Creek Conservation Easement. Data were gathered on-site and from the Montana Natural Heritage Program's species observations database. Delisted = delisted under the federal Endangered Species Act [ESA]; S2, S3 = Montana Species of Concern (S2 is considered of greater concern than S3); Threatened = Threatened under the ESA.

Species	Type	Status	Confirmed	Suspected	Possible
Bull Trout	Fish	Threatened, S2	X		
Westslope Cutthroat Trout	Fish	S2	X		
Lewis's Woodpecker	Bird	S2	X		
Western Toad	Amphibia n	S2	X		
Black Rosy Finch	Bird	S2		X	
Gray-crowned Rosy Finch	Bird	S2		X	
Coeur d' Alene Salamander	Amphibia n	S2			X
Dwarf Shrew	Mammal	S2			X
Clark's Nutcracker	Bird	S3	X		
Evening Grosbeak	Bird	S3	X		
Cassin's Finch	Bird	S3	X		
Brown Creeper	Bird	S3	X		
Pileated Woodpecker	Bird	S3	X		
Pacific Wren	Bird	S3	X		
Veery	Bird	S3	X		
Varied Thrush	Bird	S3	X		
Bobolink	Bird	S3	X		
Great Blue Heron	Bird	S3	X		
Northern Goshawk	Bird	S3	X		
Golden Eagle	Bird	S3	X		
Bald Eagle	Bird	Delisted, S3	X		
Peregrine Falcon	Bird	Delisted, S3		X	
Loggerhead Shrike	Bird	S3		X	
Western Skink	Reptile	S3		X	
Northern Alligator Lizard	Reptile	S3		X	
Wolverine	Mammal	S3		X	
Fisher	Mammal	S3		X	
Little Brown Myotis	Mammal	S3		X	
Townsend's Big-eared Bat	Mammal	S3		X	
Hoary Bat	Mammal	S3		X	
Flammulated Owl	Bird	S3			X
Boreal Owl	Bird	S3			X
Western Screech-owl	Bird	S3			X
Northern Hawk Owl	Bird	S3			X

Great Gray Owl	Bird	S3			X
Pygmy Shrew	Mammal	S3			X
Preble's Shrew	Mammal	S3			X
Hoary Marmot	Mammal	S3			X
Yuma Myotis	Mammal	S3			X

APPENDIX B. Biological Assessment for the Sweathouse Creek Conservation Easement

Evaluation

An evaluation should be conducted addressing project impacts to wildlife and plants but specifically listed species. The lead federal agency (Corps of Engineers) or their designated representative will make the effects determination of project impact to listed species and their critical habitat based, in part, upon information that you provide. If a determination is “may affect” for listed species, the federal agency must provide all relevant information used in making impact determinations to the US Fish and Wildlife Service. Your project evaluation should include the following:

General information required for consultation requests

I. Project Description

- a. Provide the location of the proposed action including state, county, and township, range and section.
See attached FWP Environmental Assessment (EA)
- b. Provide a map of the project vicinity with the boundary of the proposed activity depicted.
See EA
- c. Provide a detailed description of the proposed activity, including secondary project features such as access roads, power lines, etc.
See EA

II. Site Specific Information

- a. Identify listed, proposed and candidate species that may occur on site or within the influence of the proposed project.
Sweathouse Creek supports a small, resident population of bull trout. Bull trout are listed as threatened under the Endangered Species Act and is the primary listed species that could be affected by the proposed conservation easement (CE). Canada lynx may occur in the nearby Bitterroot National Forest but are unlikely to occur in the area encompassed by the proposed CE. Grizzly bears may occur in and around the property especially as populations expand into and move through the Bitterroot National Forest and associated Wilderness Areas.
- b. Provide a description of the habitat on site or within the influence of the project, including constituent elements.
Approximately 0.75 miles of Sweathouse Creek runs through the project area. The stream is relatively high gradient, with substrate dominated by boulders and large cobble. Woody riparian vegetation is dense along the stream providing abundant shade and cover to the channel. Water temperatures are generally below 20° C in the segment of stream running through the project area. Temperature data collected in 2021 showed a maximum daily temp of 19.8° C degrees, and a 7 day mean maximum temperature of 18.17° C. The segment of Sweathouse Creek within the proposed CE is capable of supporting all habitat elements for a resident bull trout population.
- c. Provide any known survey information.
A number of snorkel surveys have been completed in Sweathouse Creek within and in close proximity to the CE. The first sample in this area of the stream dates back to 1984, while the most recent sample is from 2022. Bull trout were observed in all but the most recent sample, but numbers were low ranging from one to three. No bull trout were observed in 2022 snorkel

surveys completed at three sites near and upstream of the project area. All fish observed in previous surveys were less than 12 inches in length.

A graduate study was conducted on Sweathouse Creek in 1996 and 1997 to determine if resident bull trout still produce a downstream dispersing component capable of reestablishing a migratory life-form. This research failed to document any significant migration of juvenile bull trout out of Sweathouse Creek, nor the migration of fluvial, adult fish into the stream in the years studied.

III. Effects of the Action

- a. Describe the effects of the action that would directly affect the species and designated critical habitat.

It is possible bull trout could be caught incidentally by anglers targeting other species at this location. However, these impacts are likely negligible as angling pressure is rather low. It is illegal to intentionally target bull trout in FWP Region 2, and densities are low in the creek where the proposed CE would be located.

- b. Describe effects of the action that would indirectly affect the species and designated critical habitat.

The purchase of a CE at the Hackett Ranch could cause increased angler activity at the site, though fishing has already been allowed at this location for many years. Increased angling pressure could lead to accidental take of bull trout mistaken for other species, or increased mortality of bull trout due to handling of the fish by anglers. However, the purchase of a CE is unlikely to increase these potential impacts to bull trout. It is illegal to target or take bull trout under FWP's fishing regulations for tributaries to the Bitterroot River, so any harvest would be done illegally. Most studies on the impact of catch-and-release indicate that there is minimal mortality to salmonids, despite occasionally causing hook scars or other deformities.

Overall, we do not expect that angling pressure would increase considerably due to the purchase of the Sweathouse Creek CE. There are currently abundant opportunities for wade access to Sweathouse Creek, including at this location. The proposed action would simply make it easier for users to access the creek. On the positive side, if the Sweathouse Creek CE does cause increased angler use it may lead to additional fishing licenses being sold by FWP. Fishing License dollars are partially put towards management of bull trout fisheries and to support restoration projects to improve bull trout habitat (e.g., Future Fisheries Program). Impacts of increased angler use could therefore be offset by increased angler dollars put towards fishery management. Additionally, potential increased angler use may increase overall angler participation, potentially providing more political support for bull trout management and protection in the future.

IV. Independent and Interrelated

- a. Describe effects of interrelated actions (actions that are part of the primary action and depend on that action for their justification).

See above - no other independent or interrelated actions expected.

V. Cumulative effects

- a. Describe the effects of actions that are cumulative to the primary action. This includes past, present or future state or private activities that are reasonably certain to occur.

Cumulative impacts are unlikely to occur through the purchase of a CE on the Hackett Ranch property.

VI. Determination of Effect on the species and designated critical habitat

- a. One of the following determinations should be recommended, the Corps will make final effects determination:

Beneficial effect: must be submitted to the FWS for written concurrence.

No effect: written concurrence is not required.

Not likely to adversely affect: impacts are insignificant, discountable or completely beneficial.

Written concurrence is required.

Likely to adversely affect: a written request for formal consultation is required.

Determination: Likely to not adversely affect. The only possible impact to bull trout from the proposed CE would be due to increased angler use of Sweathouse Creek. However, a major increase in angler pressure is unlikely to occur as the creek is steep and vegetation around the creek is dense at this location. Additional angling pressure could lead to incidental mortality of bull trout, but access to this portion of the creek is already available, so additional impact would likely be negligible. If additional angling pressure does occur, it may provide additional fishing license sales. Funds from these license dollars would put additional management and restoration work on the ground, providing benefits to bull trout in Montana. The potential of increasing angler participation can also provide more political support for bull trout management and protection in the future. These benefits likely offset any impacts the project may have.

APPENDIX C. Tourism Report (Montana Department of Commerce)

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Bureau Chief
Office of Tourism, Brand MT
301 S. Park Ave.
Helena, MT 59601

Project Name: Sweathouse Creek Conservation Easement

Project Description: Montana Fish, Wildlife and Parks (FWP) proposes purchasing and managing a conservation easement on approximately 549 acres of land owned by the Hackett Family in Ravalli County. The proposed Sweathouse Creek Conservation Easement is located 3.5 miles west of Victor in deer/elk hunting district (HD) 240. The land consists of ponderosa pine and Douglas-fir forests, tame and native rangelands, and riparian areas in the foothills of the Bitterroot Mountains. The CE would protect the land from subdivision and maintain a working ranch in a valley experiencing rapid growth and subsequent loss of agricultural lands and associated fragmentation of wildlife habitat. The CE would assure public access for hunting on the land and would expand other forms of public use including fishing, trapping, hiking, and wildlife watching. The land would be open year-round to public access for the aforementioned outdoor recreation opportunities.

1. Would this site development project have an impact on the tourism economy?

NO

YES

If YES, briefly describe:

Providing public recreational access, preserving important fish and wildlife habitat, and ensuring public hunting and angling use are vital components to positively impacting the tourism and recreation industry economy. In 2021, Montana's 12.5 million non-resident visitors spent over \$5 billion in the state according to a 2022 report from the University of Montana's Institute for Tourism and Recreation Research (ITRR). Additionally, the demand for outdoor recreation opportunities has dramatically increased due to the pandemic. Public access, which is vital to resident and non-resident visitors, could be limited or completely excluded if this project does not move forward.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?

NO

YES

If YES, briefly describe:

As described, the project has the potential to improve quality and quantity of tourism and recreational opportunities. The purchase and maintenance of this conservation easement is critical to the safety, usability, and long-term sustainability of assets for outdoor recreation, including hunting and angling for residents and non-resident visitors. With the acquisition of this property, we are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once the property belongs to the agency.

Signature Jan Stoddard

Date: 9/7/22