

DRAFT

ENVIRONMENTAL ASSESSMENT

Judith Landing State Park – Acquisition and Development (FWP-SEA-POR-R4-24-001)

November 15th, 2024



Table of Contents

I. Compliance with the Montana Environmental Policy Act	3
II. Background and Description of Proposed Project	4
III. General Setting of the Affected Environment	13
IV. Purpose and Need, Benefits of Proposed Project	14
V. Other Agency Regulatory Responsibilities	15
VI. List of Mitigations, Stipulations	16
VII. Alternatives Considered	16
VIII. Terms Used to Describe Potential Impacts on the Physical Environment and Human Population	17
IX. Determining the Significance of Impacts	19
X. Cumulative Impacts Analysis	19
XI. Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population	21
XII. Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population	21
XIII. Alternative 3: Day Use Only Development (no campground). Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population	41
XV. Private Property Impact Analysis (Takings)	51
XVI. Public Participation	61
XVII. Recommendation for Further Environmental Analysis	62
XVIII. EA Preparation and Review	62

Environmental Assessment

The Montana Department of Fish, Wildlife and Parks (FWP) has prepared this Draft Environmental Assessment (EA) in accordance with the requirements of the Montana Environmental Policy Act (MEPA). Title 75, Parts 1-3, Montana Code Annotated (MCA). The purpose of an EA is to identify, analyze, and disclose the impacts of a proposed state action. This document may disclose impacts that have no required mitigation measures, or over which FWP, more broadly, has no regulatory authority.

Local governments, the federal government, and other state agencies may have authority over different resources and activities under separate regulations. FWP actions will only be approved if the proposed action complies with applicable regulations. FWP has a separate obligation to comply with any federal, state, or local laws and to obtain any other permits, licenses, or approvals required for any part of the proposed action.

This Draft EA was prepared for the following action:

PROJECT NAME: Judith Landing State Park – Acquisition and Development	
LOCATION: Sec 25 (NW) & 26 (NE) T 23N and R 16 E	COUNTY: Fergus
PROPERTY OWNERSHIP: <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> PRIVATE	
EA PREPARER: Alex Sholes	DATE ISSUED: 11/15/2024

I. Compliance with the Montana Environmental Policy Act

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

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
 - (i) a project, program, or activity initiated and directly undertaken by a state agency;
 - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
 - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency

or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

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

II. Background and Description of Proposed Project

This section includes a short description of the proposed project including applicable background, the responsible party, the type of proposed action and the anticipated schedule of the proposed project.

Name of Project: Judith Landing State Park – Acquisition and Development

Montana Fish, Wildlife & Parks (FWP) proposes the acquisition of approximately 109 acres of land northwest of Winifred, MT near the confluence of the Judith River and Missouri River for the purpose of establishing a new Montana State Park (figures 3-6). If the property were to be acquired, development would need to follow to provide for public safety, operational efficiency, and site stewardship.

Background and Property History:

The incredible history of the Judith Landing area is the impetus behind the proposed acquisition and subsequent development of the property. The following text has been pulled from the Montana National Register Sign Program for the Judith Landing Historic District. “Few Montana places encompass as much varied history as (the) Judith Landing. For millennia, Native peoples used this wide landing spot as a seasonal campground and burial site. Captains Meriwether Lewis and William Clark camped nearby in May 1805, naming the Judith River after Clark’s future wife. Fur traders and naturalists also used the landing. Nearby, in 1855, paleontologist Ferdinand Hayden collected the first skeletal dinosaur remains officially documented in North America. Important tribal peace councils brought numerous Indigenous people to Council Island in September 1846 and October 1855. The first council forged peace between the Blackfeet and several western tribes. The second, called Lame Bull’s treaty, established boundaries for a communal hunting ground and paved the way for non-Indian settlement. In 1866, the U.S. Army built Camp Cooke west of the Judith River to protect steamboats. Soon, merchant Thomas C. Power set up a commissary and trading post nearby to supply the camp. After Camp Cooke closed in 1870, Power and his partner, James Wells, bought the camp and renamed it Fort Clagett. Circa 1880, Wells moved Fort Clagett here, just east of the Judith, drove the ranch’s founding cattle up from Texas, established a post office, and built a stone warehouse and store. As ranching flourished in the area, Gilman R. Norris took charge in 1883 and with Power started the Judith Mercantile and Cattle Co., also known as the PN Ranch. Norris’s elegant 1901 ranch house still reflects the high status of the PN and brings attention to this multi-faceted historic landscape.”¹

This is a small snippet of the history of the area. In all, the historic district contains over 30 contributing resources, many of which no longer physically exist. Many of these contributing resources were not located on the subject property however a state park in this area would allow for the story of the entire historic district to be told. The proposed acquisition consists of a portion of the above-mentioned Power Norris (PN) Ranch. The

¹ Montana National Register Sign Program, “Judith Landing Historic District,” *Historic Montana*, accessed September 6, 2024, <https://historicmt.org/items/show/3310>.

property contains numerous significant historic structures in varying states of decline. The most prominent building on the property, and in the best condition, is the craftsman style Norris ranch house which was built in 1901. The Judith Landing store/warehouse lies just east of the Norris house. The store/warehouse is a granite and sandstone structure built in 1882. This building has experienced numerous collapses since the 1970s. The Judith Landing Post Office is a log building that was moved to its present location sometime after 1890 from its previous location at the mouth of Dog Creek. Other structures on the property include a root cellar, schoolhouse, and blacksmith shop.



Figure 1 (above): Norris ranch house.



Figure 2 (above): Store/warehouse, blacksmith building and post office.

The subject property is in a remote portion of Montana, with nearly 30 miles of dirt road driving required, regardless of accessing the site from Big Sandy or Winifred. The scenery is breathtaking, but the roads can be treacherous and even impassible when wet. The Judith Landing Campground, managed by the Bureau of Land Management (BLM), is located across the Missouri River from the proposed acquisition site. This campground is open from May 15th to October 15th and offers eight non-reservable campsites that can accommodate

recreational vehicles up to 40 feet in length, with no hook-ups available. The site also contains a boat ramp and is a popular location for launching watercraft.

Acquisition:

Recently, the Montana State Parks Foundation (MSPF) has secured the 109-acre property through a donation. The MSPF is offering to donate the property to FWP to become Montana’s 56th state park. FWP’s mission and core values align with the acquisition of this property and would allow the department the latitude to develop infrastructure as needed, manage the site as a state park, and stabilize some of the historic structures. While the site is a natural fit for a state park, FWP must follow its internal processes and vet the acquisition with the Montana State Parks and Recreation Board policy on Acquisition and/or Transfer of Interests in Lands. “The three primary criteria considered for future acquisitions are:

- Significance – the proposed acquisition must meet the criteria/attributes established and shall represent the natural, scenic, historic, cultural, scientific, or recreational legacy of Montana’s heritage.
- Relevance – the proposed acquisition must meet the criteria/attributes established and shall provide (or have the potential to provide) relevant programs and experiences which create lasting memories for Montana families and visitors to the state, and support Montana’s tourism industry.
- Accessibility – the proposed acquisition must meet the criteria/attributes established and shall be accessible to all potential visitors, regardless of wealth, physical ability, or location in the state.”²

FWP believes that the property proposed in this acquisition meets the three primary criteria outlined above. The acquisition policy also states that if the site meets the above-mentioned criteria, site development funding and operational and staffing costs must also be met. Site development will be discussed later in this document, and should this acquisition move forward, FWP would likely seek funding for site development and operations at the 2025 legislative session and through private donations.

The next consideration is site classification. To guide this process, FWP utilized the Montana State Parks and Recreation Board policy on Classification and Investment. The classification component of this policy provides a framework for the department to establish service level designations and experience categories for sites. Service level designations are divided into three different categories:

- “RUSTIC: Parks with rustic services attract visitors who expect a self-directed experience with limited developed amenities. Visitors may expect:
 - Limited amenities, such as vault toilets or no toilets
 - Gravel or paved road surfaces
 - Campsites without paving or electrical service
 - Trail systems that may be unpaved
 - Sites without potable water
 - Pack in/pack out trash
 - Limited on-site staffing or active programming
- CORE: Parks with core services provide a moderate amenity and service level. In addition to the amenities at the rustic service level, they offer some or all of the following:
 - A combination of vault latrines and flush toilet comfort stations
 - Campsites or overnight facilities
 - Paved and unpaved trail systems
 - Potable drinking water

² Montana State Parks and Recreation Board Policy – Acquisition and/or Transfer of Interest in Lands (2022-2024)

- Developed day use facilities - boat ramps, group shelters, picnic areas, and other services such as small concessions
- Interpretive signage or programs
- Limited, but regular on-site staffing that may not be available year-round
- ENHANCED: Parks with enhanced services have a high amenity level and offer several options for an enhanced visitor experience. In addition to the amenities at the core service level, they offer some or all of the following:
 - Full-service comfort stations and in many cases showers
 - A variety of overnight camping options
 - Visitor centers with interpretive exhibits
 - Regularly scheduled interpretive and educational programming and special events
 - Full-service concessions
 - On-site staffing, typically full-time and year-round”

The experience categories group parks in a way that reflect the primary visitor experience offered and/or is strongly connect with the reason the area was originally designated a state park. Experience categories are also divided into three different categories:

- “NATURAL: Parks that connect visitors with nature in ways that cause them to learn, reflect, and appreciate. These experiences may provide the opportunity for solitary reflection in the presence of Montana’s scenic beauty, or they may engage the visitor with others as they explore natural processes related to exceptional geologic, wildlife, botanical, paleontological, riparian, and riverine environments.
- HERITAGE: Parks that invite reflection on the past by revealing the stories of Montana’s cultures and histories, often in the very places where they occurred. Heritage parks provide opportunities to view, explore, or learn about the cultural and historic features unique to the site.
- RECREATIONAL: Parks that encourage play in adults and children alike through a variety of outdoor activities. A recreational park solely may provide a specific type of outdoor recreation (e.g., fishing, camping, hiking, boating) or a mix of diverse outdoor opportunities, ranging from active to passive and from solitary to social in nature.”³

FWP believes that the rustic service level designation would best fit the proposed acquisition. The attributes associated with a rustic park, such as limited amenities, pack in/pack out trash and limited on-site staffing align with the site’s remote location and a rustic service level designation would keep the focus of the site on the history of the area. In terms of experience category, the property would have natural and recreational ties but the category that best reflects what makes this site special is its history. FWP’s preferred classification of the site would be a rustic, heritage park.

Lastly, FWP utilized the Montana Statewide Comprehensive Outdoor Recreation Plan (SCORP) to ensure the acquisition and subsequent development would align with what the constituents of Montana view as important. “These plans (SCORP) are produced by all 50 states and are recognized by local, state, and federal agencies as being the primary guiding documents for outdoor recreation. This means this SCORP document can be used as justification in grant applications, future planning efforts, and can assist organizations in justifying resources.” The acquisition and developments proposed by FWP aligns with the following goals and recommendations of the 2020-2024 SCORP:

- Goal 1: Promote Outdoor Recreation Opportunities for All Montanans

³ Montana State Parks and Recreation Board Policy - Classification and Investment Strategy Policy (2024-2028)

- Recommendation: Support outdoor recreation participation for underserved, disadvantaged, and persons with disabilities.
- Goal 2: Enhance Public Access to Outdoor Recreation Resources and Facilities
 - Collaborate across boundaries on public, tribal, and private lands and water access issues.
- Goal 3: Support Economic Vitality of Communities and State
 - Continued investment in the outdoor recreation industry and economy.
- Goal 6: Honor Montana’s Outdoor Legacy
 - Protect and preserve historic sites and heritage resources.⁴

Development:

Should the subject property be acquired, and following the preferred alternative, development of the site for public use would occur. The service level designation and experience category, mentioned previously, help to determine the type and level of development that would be most appropriate for the proposed state park. As previously noted, a rustic heritage park would have limited amenities and be focused on opportunities to view, explore, or learn about the cultural and historic features unique to the area.

Base Features:

Alternatives 2 and 3 include common basic conceptual design features (base features) that would provide for public safety, operational efficiency, site stewardship, and are features of most state parks in the system.

Signage (regulation, wayfinding and interpretive) – External and internal wayfinding signage would be installed to identify the site and direct visitors. The signage would consist of a fee station with a fee sign and iron ranger, regulation signs, property boundary signs, and interpretive signage to convey the history of the area. FWP would hire a consultant to assist with the development of an interpretive plan that would include the interpretive signs at the site.

Access road – A graveled access road would need to be developed to provide public access into the site. A gate would be installed at the site entrance to afford FWP the ability to restrict access to the site, should there be a need to do so (for public safety).

Fencing – A fence would be erected around most of the property, except where the property borders the Judith River and Missouri River. This fence would mitigate trespass onto the neighboring property and reduce livestock impacts within the state park. Additionally, fences would need to be built around the historic structures for public safety and to prevent damage of the structures.

Parking lot – A gravel parking lot with space for approximately 20 vehicles would be developed. This parking lot would have multiple accessible stalls, multiple stalls for vehicles with trailers and ample single vehicle stalls.

Vault toilet – A single, accessible vault toilet would be installed near the parking lot for visitors.

Picnic shelter and picnic tables – The day use area would offer a picnic shelter and multiple picnic tables. This infrastructure would be located west of the parking area and would offer the public an additional recreational amenity at the site. The picnic shelter could also be used for future interpretive presentations.

Trails – Approximately 1 mile of universally accessible trails would lead from the parking lot to the picnic shelter/tables, the historic buildings and to all the interpretive panels. In addition to the accessible trail, a native surface single track trail would also be developed that would meander through the PN Island area to provide additional recreational opportunities at the site. This trail would also be approximately a 1 mile in length.

⁴ Montana Statewide Comprehensive Outdoor Recreation Plan 2020-2024

Landscaping and vegetative planting – A portion of the property that would be acquired was part of a working ranch. Under FWP ownership, this portion of the land would no longer be irrigated and FWP would transition it to native vegetation. During an appropriate time of year (likely the spring), the portions of the property that are cultivated fields would be mowed low and drill seeded with a native seed mix. FWP would rely on natural precipitation to facilitate the establishment of the seeding. Native shrubs and trees would be planted around the picnic shelter and tables as well as the administrative area to provide shade, screening, and habitat. The trees and shrubs would require supplemental watering, during the heat of the summer, until establish. The mature trees located around the historic structures, while appealing, pose a threat to the buildings. Any trees within striking distance of a building would be removed or trimmed to ensure the site’s structures would not be damaged by falling trees/limbs. Any trees that are removed from around the structures would be replaced with similar varieties but be planted in locations that would prevent future issues.

Administrative area – The administrative area would be located to the east of the proposed parking lot, on a spur off the main access road. The site would be signed as an administrative area and would include a lockable gate to prevent public access. The administrative area would include parking space for multiple vehicles, a campsite, a vault toilet, and the potential for 1-2 storage sheds. The administrative site would be important to FWP because of the remote nature of the site. This area would allow FWP to store needed supplies and equipment and it would provide a camping site for staff that need to manage/maintain the site, or work in the area. This campsite would eliminate competition between the public and department staff in the campground, should a campground be developed as part of alternative 2.

Utilities – As part of the site development, power would be run to the administrative area and the picnic shelter. Additionally, FWP would investigate developing a well on the property for future administrative purposes.



Figure 3 (above): Alternative 3 Conceptual Plan (base features).

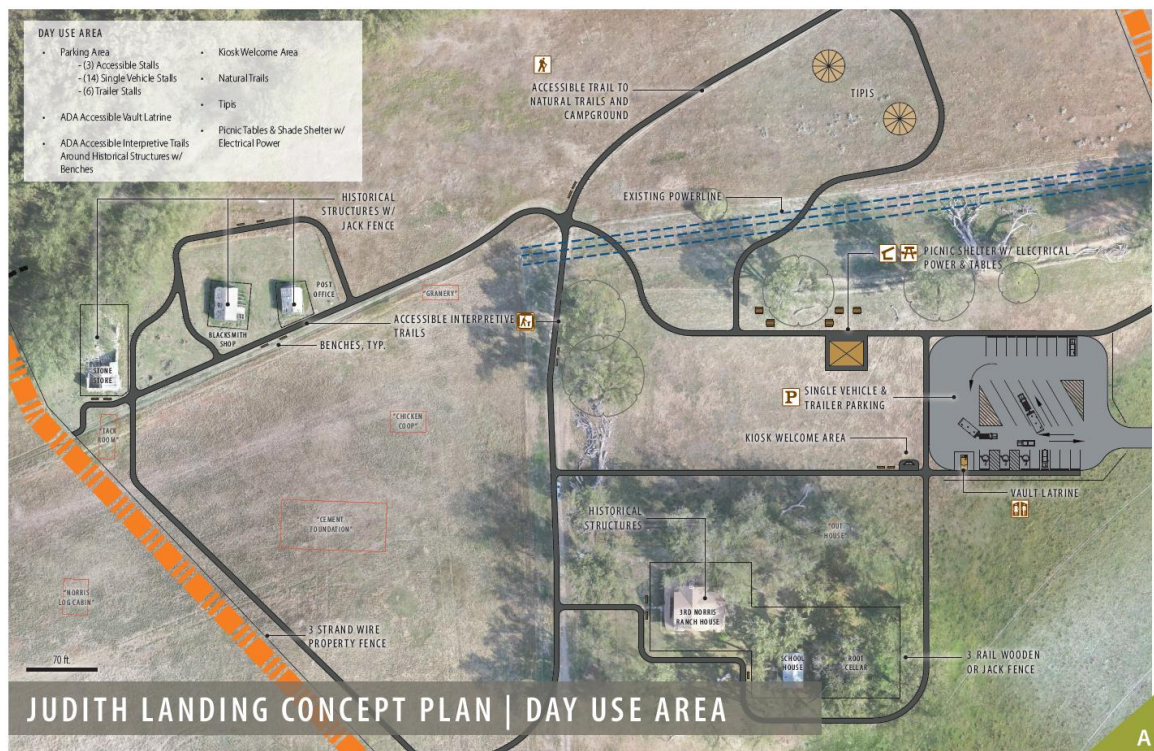


Figure 4 (above): Day use area (base features).

Alternative 2 Specific Features (preferred alternative):

Alternative 2 would consist of the amenities listed above with the addition of a small campground that would enhance visitor’s recreational opportunities while at the site. Alternative 2 is FWP’s preferred alternative.

Campground – The campground would be located along the northeastern boundary of the property, adjacent to the administrative site. The campground would consist of a one-way traffic loop, a kiosk/fee station, a single accessible vault toilet, and 5-10 campsites with a mix of pull through and back-in sites. Each campsite would consist of a pad for a recreational vehicle, a picnic table and campfire ring. One campsite would be developed with the intent of being used by a campground host to help FWP have a presence at the site. To enable the department to recruit and retain a host, the power and water mentioned above would be run to this site. FWP would also investigate the development of a septic system to enable the host to dump their wastewater. If feasible, water may be made available to the public at a single location in the campground. It is unlikely that power and sewer would be provided to the other campsites as rustic sites typically do not have these amenities and it would likely not be feasible for the department to operate and maintain a campground with full hookups. Additionally, it is unlikely that the campground would offer reservable campsites so the sites would be first come, first serve. Trees and shrubs would be planted around the campground to screen the area, provide shade, and habitat. FWP is proposing the development of a campground associated with this acquisition even though there is currently a BLM campground located near the site. The justification for this decision is multifaceted:

- The BLM campground is currently open May 15th to October 15th which limits opportunity. FWP sees value in offering extended camping opportunity, including during hunting seasons.
- The BLM campground has a relatively small capacity and FWP does not want to overwhelm the BLM site or limit opportunities for users of that site.
- Ultimately, FWP believes that developing a campground on the subject property would benefit the users of the site by adding a recreational opportunity that would complement the anticipated use of the site.



Figure 5 (above): Alternative 2 overview (preferred alternative) with camping. Area A would be the same in alternative 2 and 3. See image of area A in figure 4.

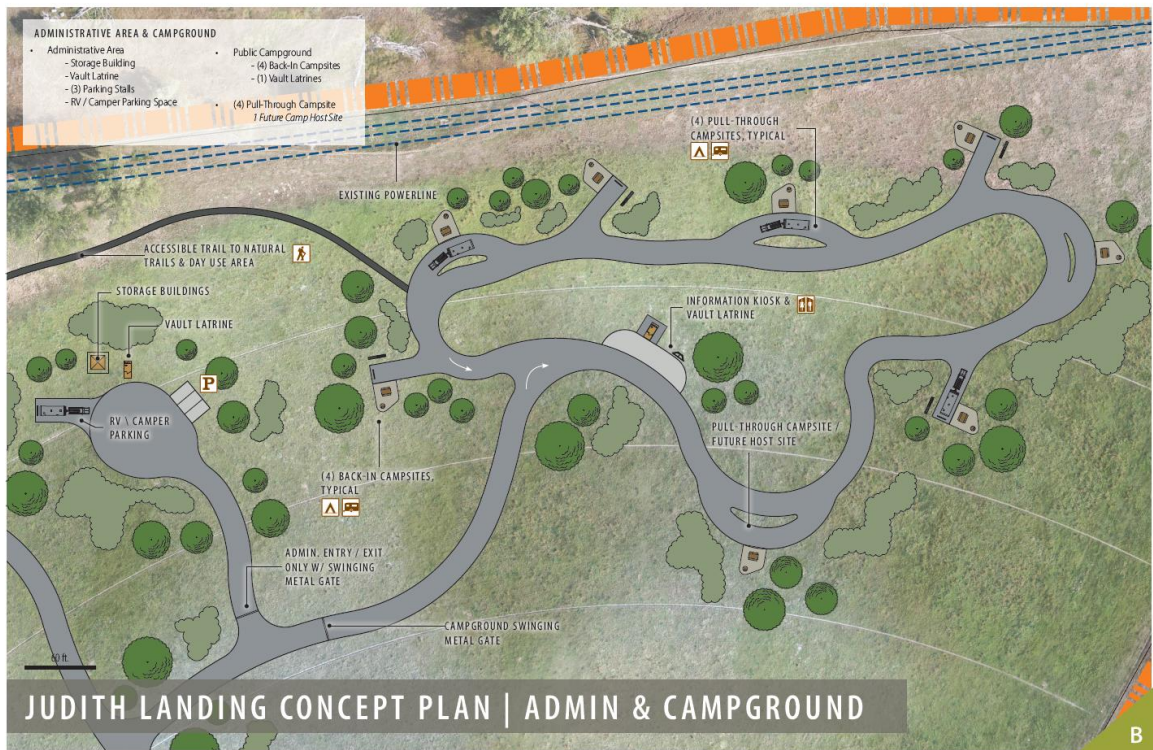


Figure 6 (above): Alternative 2 (preferred alternative) campground overview.

If the property were to be acquired, a cultural compliance survey and condition assessment would be completed, regardless of alternative 2 or 3 being selected. A cultural compliance survey would need to be

completed for the areas where developments would be located to ensure that cultural features would not be impacted. Additionally, a condition assessment would need to be completed for each of the historic structures by an architect. These assessments would yield as-built drawings that would aid in monitoring the buildings over time and would provide information that would be vital to future stabilization of some of the historic structures. At this time FWP does not anticipate utilizing any of the historic structures for office space, housing or storage.

Affected Area / Location of Proposed Project

- Legal Description
 - Latitude/Longitude: 47.735388215494936, -109.63473556611723
 - Section, Township, and Range: Parcel A, Certificate of Survey 1212, on file in the office of the Clerk and Recorder of Fergus County under Document No. 149617 being in Government Lot 1 and portions of Government Lots 2 and 3 and the S½ NE¼ of Section 26 and being in Government Lot 1 and portions of Government Lots 2 & 3 and the SW¼ of Section 25, Township 23 North, Range 16 East, P.M.M., Fergus County, Montana.
 - Town/City, County, Montana: Fergus County Montana
- Location Map

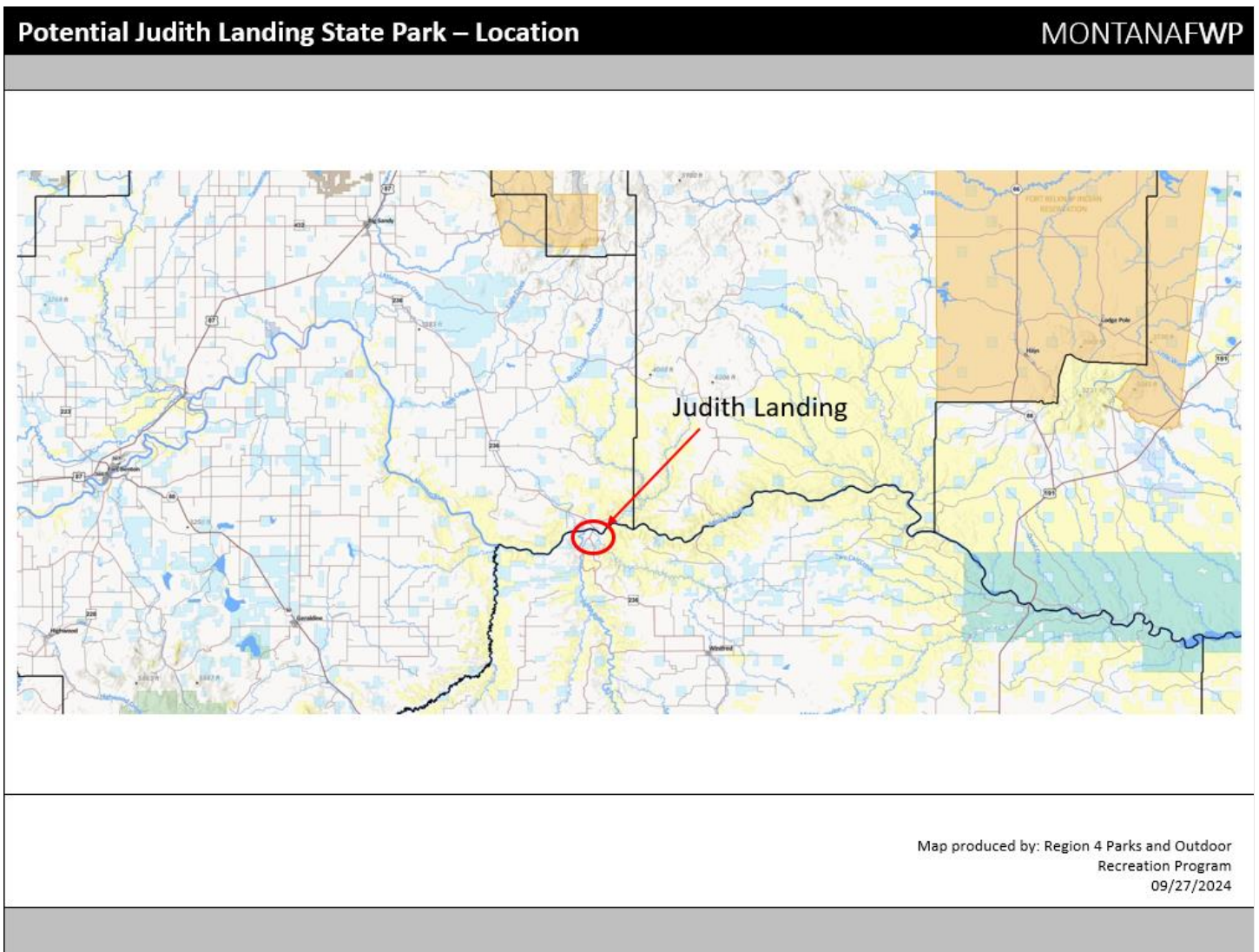


Figure 7 (above): Location Map

III. General Setting of the Affected Environment

The analysis area for direct, secondary, and cumulative impacts on the physical environment and human population resources analyzed by this Draft EA includes a portion of the old PN Ranch and more broadly Fergus County. Fergus County covers 4,253 square miles and 2,765,685 acres in central Montana.⁵

Physical Environment:

Island mountain ranges fill the (Fergus) county and include the Snowies, Judith, and Moccasin Mountains. The area is known for its spectacular recreation opportunities including fishing, hiking, upland game bird and big game hunting, camping, wildlife watching and boating. The northern part of the county, near Winifred, has access to the Upper Missouri Breaks National Monument and the Wild & Scenic Missouri River. The eastern edge of the county includes the C. M. Russell Wildlife Refuge.⁶

Human Population:

As of 2023, the U.S. Census Bureau estimated that 1,132,812 people lived in Montana of which 11,772 people resided in Fergus County. The subject property itself is in the remote, north central portion of Fergus County where the population is sparse.⁷

Table 1 below summarizes population demographics for the area affected by the proposed project.

Race	Percent of Total Population (%)
White	94.9%
Native American	1.82%
Hispanic	2.56%
Other	0.72%

Table 1 – Race demographic of the area affected by the proposed project.

Economics:

In 2022, the median household income in the United States was \$74,755. In Montana, median household income was somewhat lower, at \$67,631. For comparison, in 2022, the median household income for Fergus County was \$58,321.⁸

Land Ownership:

Fergus County contains a total of 2,783,891.93 acres or approximately 4,350 square miles and is situated in the central region of Montana. Nearly a quarter of land ownership in Fergus County is maintained by Federal and State agencies, with the rest of the land being privately owned. The Bureau of Land Management is the largest public land institution in the County, managing the Upper Missouri River Breaks National Monument. Lewistown is the County Seat of Fergus County and there are four other incorporated towns including Denton, Grass Range, Moore, and Winifred. Land Ownership in Fergus County is 76.27% private while 23.65% of land is publicly owned. Montana’s Department of Revenue property type classification was used to determine the most prevalent property type in the County. Nearly 75% of land is either Vacant Land-Rural or Farmstead-Rural.⁹

⁵ Fergus County - <https://co.fergus.mt.us/>

⁶ Central Montana - https://centralmontana.com/montana_counties/fergus_county/

⁷ Montana Commerce - <https://commerce.mt.gov/Data-Research/Research/People-Housing/Population>

⁸ US Census 2022, ACS 5-Year Survey

⁹ Fergus County Growth Policy 2022 - https://co.fergus.mt.us/images/Planning/Fergus_County_Growth_Policy_2022.pdf

Agriculture:

Montana supports a large agricultural economy. In 2022, there were an estimated 24,266 farms and ranches across Montana and Fergus County had an estimated 779 farms and ranches. The most common agricultural activities of these farms and ranches include raising beef cattle, growing forage (hay) for cattle, and growing grain crops (wheat, oats, barley). Sheep, hogs, and dairy cattle were also raised in smaller numbers.¹⁰

Timber/Wood Products:

Most of Montana's forested lands (23 million acres) are located within the western part of the state. The eastern region, which includes Fergus County, produced 10 million board feet of lumber in 2018 compared to 217 million board feet in the northwest region, 66 million board feet in the western region, 25 million board feet in the southwest region, and 59 million board feet in the west-central region. Fergus County's highest producing year was 1993 with 24 million board feet of lumber compared to 2 million board feet of production in 2018.¹¹

Mining:

Fergus County has 4,120 records of mining claims on public lands managed by the Bureau of Land Management (BLM) and 126 records listed by the United State Geological Service (USGS). There are 65 active mining claims and 4,055 closed mining claims. The types of minerals minded in Fergus County include gold, silver, lead, zinc, and copper.¹²

Recreation:

Outdoor Recreation and tourism are major components of Montana's economy, and this applies to Fergus County as well, however, the County's economy is primarily supported by farming and ranching. Fergus County contains multiple mountain ranges (the Snowies, Judith, and Moccasin) with nearly a ¼ of the county's land being publicly owned. This provides ample opportunity for recreation such as fishing, hiking, upland game bird and big game hunting, camping, boating, and wildlife watching. Fergus County contains or provides access to the Upper Missouri River Breaks National Monument and the C.M Russell Wildlife Refuge.

IV. Purpose and Need, Benefits of Proposed Project

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

The purpose of the proposed acquisition and development would be to provide permanent access, through the Montana FWP State Park system, to a property that offers substantial heritage values. FWP believes that there is long term value to the residents of Montana in the preservation of the historically significant buildings and sharing the rich history of the area through a rustic, heritage state park. There is the real possibility that if FWP does not acquire the property and preserve the buildings, they would continue to degrade (as most have for the last 100+ years) and be forever lost.

The Benefits of the proposed acquisition and development would include the following:

- Ensure perpetual public access to the property.
- Provide interpretive opportunities to the public related to the surrounding historic district.
- Expand the Montana State Park system into a portion of the state with limited access to state parks.

¹⁰ 2022 Census of Agriculture -

https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Montana/cp30027.pdf

¹¹ Montana's Forest Products Industry and Timber Harvest, 2018 - <https://www.bber.umt.edu/pubs/forest/fidacs/MT2018.pdf>

¹² Mining In Fergus County, Montana - <https://thediggings.com/usa/montana/fergus-mt027>

- Provide additional public outdoor recreation opportunities including, but not limited to, camping, wildlife watching, hiking, and access to the Judith River and Missouri River for angling and water-based recreation.
- Develop a state park in north central Montana which would have the potential to economically benefit the surrounding small communities due to increased tourism.
- Preserve and protect the historic structures and cultural resources.

If the property were to be acquired, funds for the initial development of the site, an operating budget, associated survey work, and stabilization of some of the historic structures would likely be requested at the 2025 legislative session and through private donations to the Montana State Park Foundation. If funds are approved for the project, the cultural assessment and condition assessment could occur in 2025/2026 and the initial development would likely occur in 2026/2027.

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

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

V. Other Agency Regulatory Responsibilities

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

A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 2** below. This information is also provided in *Section X, Cumulative Impacts Analysis*, as applicable, for any related past, present, and known future actions as they relate to the proposed action.

Table 2 provides a summary of state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. Rather, **Table 2** lists the primary state agencies with regulatory responsibilities, the applicable regulation(s) and the purpose of the regulation(s). Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.

Table 2: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP Heritage Program; Montana State Historic Preservation Office	Cultural Assessment/survey	By Montana law (22-3-433 MCA), all state agencies are required to consult with the State Historic Preservation Office to identify heritage properties on land owned by the state that may be adversely impacted by a proposed action or development project.
Montana State Parks and Recreation Board	Acquisition Approval	The Montana State Parks and Recreation Board sets policies and provides direction for the management, protection, conservation, and

		preservation of Montana’s parks and recreational resources.
Montana Department of Labor and Industry (DOLI)	Electrical Permit	Electrical improvements including but not limited to running power to different portions of the property and installing risers will be reviewed and approved by DOLI.
Fergus County	Floodplain Permit	A floodplain permit is required for projects within the floodplain. Portions of the development associated with the proposed park may be in the floodplain.
Montana Department of Environmental Quality	Public Drinking Water Regulations	To ensure public safety when constructing or altering existing public drinking water systems.
Montana Department of Environmental Quality	Public Drinking Water Regulations	To ensure groundwater quality and public safety when constructing or otherwise affecting public wastewater systems.

VI. List of Mitigations, Stipulations

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

Table 3: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
Cultural Resource Protection	Montana State Historic Preservation Office/FWP Heritage Program	Cultural Assessment and Inventory	A cultural resource inventory will be completed prior to any construction of the project. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation.	
Noxious Weeds	FWP	FWP Integrated Noxious Weed Management Plan	Limit the potential for noxious weed infestation	

VII. Alternatives Considered

In addition to the proposed project (Alternative 2), and as required by MEPA, FWP analyzes the "No-Action" alternative (Alternative 1) in this EA. Under the "No Action" alternative, the proposed acquisition and development would not occur. Therefore, no additional impacts to the physical environment or human population (human environment) in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed project can be measured.

	Yes*	No
Were any additional and reasonable alternatives considered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

In addition to the proposed project and the No Action alternative, FWP analyzed the following alternatives:

Alternative 3: Day use only development (no campground)

Alternative 3 would provide visitor amenities that are consistent with rustic levels of development within the FWP state parks classification system. Alternative 3 would consist of all the base features present in alternative 2 (details on pages 8 and 9) except the campground would not be developed (the administrative area would still be present). The site would be entirely day use only and provide no opportunities for public camping at the site. The campground located across the Missouri River at the BLM managed Judith Landing site would remain a viable option for visitors however there would not be the opportunity for camping between October 16th and May 14th, due to stipulations of the BLM lease. Additionally, there is the possibility that the 8 sites at the BLM campground would not be enough capacity for the use the area would receive with the addition of a state park. This could present challenges because of the distance visitors must travel to reach the site, without knowing if camping would be available upon their arrival.

	Yes*	No
Were any additional alternatives considered and dismissed for cause?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

VIII. Terms Used to Describe Potential Impacts on the Physical Environment and Human Population

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

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

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

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

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.

- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

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

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

FWP may, as an alternative to preparing an EIS, prepare an EA whenever the action is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations, or both, imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance. ARM 12.2.430(4).

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

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

- Alternative 1: No Action

Under the “No Action” alternative, the proposed acquisition and development would not occur. Therefore, no additional impacts to the physical environment or human population (human environment) in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project can be measured.

- Alternative 2: Proposed Project

Reference Section II, Background and Description of Proposed Project and Section III, Purpose and Need, Benefits of the Proposed Project.

- Alternative 3: Day use only alternative (no campground)

Alternative 3 would provide visitor amenities that are consistent with rustic levels of development within the FWP state parks classification system. Alternative 3 would consist of all the base features present in alternative 2

(details on pages 8 and 9) except the campground would not be developed (the administrative area would still be present). The site would be entirely day use only and provide no opportunities for public camping at the site.

IX. Determining the Significance of Impacts

If the EA identifies impacts associated with the proposed action FWP must determine the significance of the impacts. This determination forms the basis for FWP’s decision as to whether it is necessary to prepare an environmental impact statement. FWP considered the criteria identified in **Table 4** below to determine the significance of each impact on the quality of the physical and human environment. ARM 12.2.431.

The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.

Table 4: Determining the Significance of Impacts

Criteria Used to Determine Significance	
1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>“Severity” describes the density of the potential impact, while “extent” describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>“Duration” describes the time period during which an impact may occur, while “frequency” describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

X. Cumulative Impacts Analysis

For the purposes of MEPA, "cumulative impact" means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when such actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures. ARM 12.2.429(7).

"Action" means a project, program or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan or other form of funding assistance from the agency, either singly or in combination with one or more other state agencies; or a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission to act by the agency, either singly or in combination with other state agencies. ARM 12.2.429(1).

Under the "No Action" alternative, the proposed project would not occur. Therefore, no cumulative impacts to the affected human environment would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed project are measured. For the purposes of the proposed project, the cumulative impacts analysis applies to all resources analyzed under Alternative 2, Proposed Project. See section XII.A and XII.B of this Draft EA.

The purpose of the proposed acquisition and development would be to facilitate an FWP acquisition of 109 acres of land, in fee title, for permanent inclusion into the Montana State Park system. FWP believes that there is long term value to the residents on Montana in the preservation of the historically significant buildings and sharing the rich history of the area through a rustic, heritage state park. There is the real possibility that if FWP does not acquire the property and preserve the buildings, they would continue to degrade (as most have for the last 100+ years) and be forever lost.

The Benefits of the proposed acquisition and development would include the following:

- Ensure perpetual public access to the property.
- Provide interpretive opportunities to the public related to the surrounding historic district.
- Expand the Montana State Park system into a portion of the state with limited access to state parks.
- Provide additional public outdoor recreation opportunities including, but not limited to, camping, wildlife watching, hiking, and access to the Missouri River and Judith River for angling and water-based recreation.
- Develop a state park in north central Montana which would have the potential to economically benefit the surrounding small communities due to increased tourism.
- Preserve and protect the historic structures and cultural resources.

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development; however, cumulative impacts would occur.

The information below identifies past, present, and future actions (i.e., activities to be considered by the cumulative impacts analysis) related to the proposed action by location or generic type. Actions considered in these analyses were identified by FWP and other subject matter experts. Past and present actions are accounted for as part of the existing, or "baseline," environmental conditions. MEPA is forward-looking, with analyses focused on the potential impacts of the proposed action with consideration for any past, present, or future related actions.

Related Past, Present, and Future State Actions:

Past, Present, and Future Related MEPA Review

The following list identifies environmental review conducted to assess potential impacts to the affected human environment from past, present, and known future related projects or actions. Past and present actions are accounted for as part of the existing, or "baseline," environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s).

- As noted above, FWP would request funds in the 2025 legislative session to hire an architect to conduct a condition assessment of each of the significant historic buildings. These surveys would include as-built drawings that would aid in monitoring the buildings over time and assist in providing important information for future stabilization work.

As noted, none of the project-specific environmental review documents cited above identified the potential for significant adverse impacts, including cumulative impacts, to the affected human environment. Therefore, preparation of an Environmental Impact Statement or EIS-level MEPA review was not required, and each project was approved through EA-level MEPA review. With consideration for potential impacts from the proposed project, FWP determined that no significant adverse cumulative impacts would be expected because of the proposed project. For additional information see the resource-specific impacts analyses contained in the section of the Draft EA titled “Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population,” for the proposed action and any alternatives to the proposed action.

Guiding Documents

Further, several guiding documents inform, have informed, and will continue to inform actions such as the proposed action. These guiding documents outline strategies and considerations for taking management action and addressing any potential impacts from such management actions. These guiding documents, and affected regulatory entities, include the following:

- FWP – Enhancing Montana’s Outdoor Recreation Legacy – 2020-2024 Statewide Comprehensive Outdoor Recreation Plan
- FWP – Montana State Parks Strategic Plan 2018
- FWP – Parks in Focus Commission Final Recommendations 2018
- FWP – Montana State Parks Heritage Resources Strategic Plan 2017-2024
- FWP – Montana FWP Noxious Weed Management Plan.
- FWP – Montana State Parks and Recreation Board Policy – Acquisition and/or Transfer of Interests in Lands 2022-2024
- FWP – Montana State Parks and Recreation Board Policy – Classification and Investment Strategy 2024-2025

Again, the guiding documents identified above outline strategies and considerations for taking management action to address potential adverse impacts from such management actions and thereby ensure the proposed project is conducted in a manner consistent with limiting the potential for adverse cumulative impacts. Therefore, no significant adverse cumulative impacts would be expected because of the proposed project. For additional information see the resource-specific impacts analyses contained in section XII.A and XII.B of this Draft EA.

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

Under the “No Action” alternative, the proposed FWP State Park acquisition and subsequent development project would not occur. Therefore, no additional impacts to the physical or human environment in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured. Under this alternative the property would not be acquired by FWP, and future management direction would be unknown. It is probable that the historic structures on the property would not be stabilized and would continue to deteriorate until they collapse. Under the no action alternative, the public would not realize the benefits of the potential state park nor the improved access, new recreational opportunities, the ability to learn about the Judith Landing historic district, and surrounding communities would not benefit from the potential increased tourism.

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

A. Evaluation and Summary of Potential Impacts on the Physical Environment

1. Terrestrial, Avian, and Aquatic Life and Habitats

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property is predominantly a mix of cultivated cropland, great plains floodplain and great plains mixed grass prairie. An array of terrestrial and avian animals utilize the area or surrounding habitats either sporadically or continuously. Eleven species of mammals, 3 species of reptiles, 2 species of amphibians, and 21 species of birds have been documented in or have the potential to be in the area. Several species of native fish have been documented adjacent to the property in the Judith and Missouri Rivers. Of the species documented in or having the potential to be in the vicinity, 12 are species of concern and 2 are special status species. See list of documented species in appendix A.¹³ The property is currently part of a working ranch and has been since the 1800s.

Direct Impacts:

No significant adverse direct impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not lead to any direct impacts to terrestrial, avian, and aquatic life and habitats.

Development

No significant adverse direct impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed development. Construction activities, specifically heavy equipment operation, may adversely impact some wildlife species. These activities may result in the temporary displacement of terrestrial and avian species as this work would be well outside what typically occurs at the property. The footprint of the development would largely be limited to roughly 40 of the 109 acres. Most of the property that would be disturbed through the development would be cultivated fields or previously disturbed areas. The developments would be limited to rustic amenities and would consist of dirt/gravel roads, a campground, an administrative area, parking lot, and trails. The riparian areas along the Judith and Missouri Rivers would remain intact, except for the development of about a mile of native surface single track trail that would require minimal trimming of the existing vegetation. Therefore, any direct impacts to terrestrial and avian life and habitats associated with the development of the property would be short-term, minor, and adverse, lasting only as long as the construction.

Secondary Impacts:

No significant adverse secondary impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed acquisition and development. If the property were to be acquired and subsequently developed, FWP would anticipate some secondary impacts to terrestrial and avian life and habitats. As part of the development process, FWP would propose transitioning most of the existing cropland to native vegetation. This would include drill seeding the cultivated field with native seed and planting native trees and shrubs around some of the developments including the campground, administrative area, and picnic area. FWP anticipates that the transition to more native vegetation at the site would result in long-term, minor, and beneficial impacts to terrestrial and avian life and habitats associated with the proposed action.

¹³ Montana Natural Heritage Program – Montana Field Guide.

The most significant change the property would experience from the acquisition and development would be increased visitation and public use. Under past owners, the public was allowed to access the property, however the site was not signed as such, nor was it widely advertised, so it is likely that the public was largely unaware of the opportunity. This resulted in the property receiving little human traffic outside of ranching activities. If the property were to be acquired by FWP and become the state's 56th state park, the visitation to the site is anticipated to increase. Visitation is difficult to estimate however referencing other rustic, heritage state parks in the Montana State Park system provides a baseline. Other rustic, heritage state parks in Montana (with their average visitation over the last 4 years) include:

- Anaconda Smoke Stack – 15,472
- Beaverhead Rock – 1,023
- Granite Ghost Town – 5,239
- Clark's lookout – 4,652
- Tower Rock – 19,449¹⁴

It is probable that visitation to the subject property would be somewhere within the ranges listed above. It's also assumed that the potential visitation associated with a state park would be higher than what the property currently experiences. The development of a campground on the property would lead to overnight occupation of the site, which does not currently occur. This increase in visitation and change in hours of occupation would likely result in long-term, minor to moderate, and adverse impacts to the terrestrial, avian, and aquatic life habitats on the property.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

2. Water Quality, Quantity, and Distribution

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property is situated at the confluence of the Judith River and Missouri River. Through the acquisition process, FWP would acquire land adjacent to both rivers. Based on satellite imagery, the land around the confluence of the Judith and Missouri Rivers has changed significantly over the years, largely because of high-water events and the natural migration of the river channels.

Direct Impacts:

No significant adverse direct impacts to water quality, quantity, and distribution would be expected because of the proposed acquisition and development.

Property Acquisition

Under the previous ownership, a portion of the property that FWP would acquire, was an irrigated field. Under FWP ownership, a large portion of that irrigated field would be transitioned to native vegetation and would no longer be regularly irrigated. This reduction in irrigation would result in long-term, negligible to minor, and beneficial impacts to water quantity.

Development

If FWP were to acquire the property, subsequent development would occur to provide for public safety, operational efficiency, and site stewardship. During the development phase FWP would require

¹⁴ Montana State Parks 2023 Visitation - https://fwp.mt.gov/binaries/content/assets/fwp/stateparks/documents/final_2023-montana-state-parks-annual-visitation-estimates-report.pdf

standard measures to control and filter stormwater runoff. These mitigation measures may include the use of straw wattles, siltation fences, or other approved erosion control techniques, as deemed appropriate and effective for the proposed development. Heavy precipitation coinciding with the construction phase could result in short-term, minor, and adverse direct impacts from stormwater runoff.

Secondary Impacts:

No significant adverse secondary impacts to water quality, quantity, and distribution would be expected because of the proposed project.

Stormwater runoff associated with graveled roads, trails and the parking lot may adversely impact nearby water resources and associated aquatic life and habitats. Such potential impacts would be mitigated by the project engineer to keep pollutants associated with stormwater runoff from entering the nearby Judith and Missouri Rivers. As part of the development phase, FWP may investigate developing a well on the property. The well may, at a minimum, be used to provide water to a campground host, possibly to the public via a single hydrant in the campground and to water the trees and shrubs, planted as part of the vegetation plan, during the hot summer months until they are established. Therefore, any secondary impacts to water quality, quantity, and distribution would be long-term, minor, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

3. Geology

Existing Environment/Baseline Conditions (No Action Alternative):

Geology in the affected area is mapped by the Montana Bureau of Mines and Geology. According to the Montana Bureau of Mines and Geology and the United States Geological Survey, the geology of the area is largely made up of the Claggett Formation. "Named for old Fort Claggett at mouth of the Judith River, Fergus Co, MT on the Central Montana uplift, where the formation is well developed. No type locality designated. Consists of 400 ft of fossiliferous shale. Has several sandstone beds in the upper 200 ft which have a Fox Hills fauna. This upper part was called Fox Hills in earlier reports. Overlies Eagle formation. Underlies Judith Riverbeds. Of Late Cretaceous age."¹⁵

Direct Impacts:

No significant adverse direct impacts to geology would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not lead to any direct impacts to geology. There are no important or unique geologic structures or formations located within the proposed acquisition.

Development

No important or unique geologic features exist within the proposed acquisition. Development of the property might cause short- and long term, minor, and adverse impacts to local geology. It is currently unknown if subsurface limiting layers (rock) would be encountered during development.

¹⁵ Claggett Formation - USGS, https://ngmdb.usgs.gov/Geolex/UnitRefs/ClaggettRefs_7521.html

Secondary Impacts:

No significant adverse secondary impacts to geology would be expected because of the proposed acquisition and development. No important or unique geologic features exist within the proposed acquisition. Beyond the potential for adverse direct impacts, as identified above, no additional impacts to geology would be expected.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. No important or unique geologic features exist within the footprint of the proposed acquisition. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

4. Soil Quality, Stability, and Moisture

Existing Environment/Baseline Conditions (No Action Alternative):

Existing soils on the property are described by the USDA Natural Resources Conservation Service as Haver loam (21%), Haver silty loam (56.8%), and Haver and Harlem soils, occasionally flooded (22.2%). These soils are moderately well drained and have moderate infiltration rates when thoroughly wet. Soils at 0-5" are typically loam or silty clay loam and soils at 5-62" are typically stratified fine sand loam to clay loam. Average temperatures range from well below freezing during mid-winter, to moderately hot during the mid-summer. Weather records indicate average annual temperatures ranging from 37 to 45 degrees F. Weather records also indicate an average between 10-14 inches of annual precipitation.¹⁶

Direct Impacts:

No significant adverse direct impacts to soil quality, stability, and moisture would be expected because of the proposed acquisition and development.

Property Acquisition

Under the previous ownership, a portion of the property that FWP would acquire, was an irrigated field. Under FWP ownership, a large portion of that irrigated field would be transitioned to native vegetation and would no longer be regularly irrigated. This reduction in irrigation would result in long-term, negligible to minor, adverse, and beneficial impacts to soil moisture.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. Most of the development would occur in the already impacted cultivated fields on the property. Construction activities such as development of roads, campground, administrative area, parking lot, trails, a well, septic system, and the installation of vault toilets would result in impacts to soils. As part of alternative 2, the campground development would result in more soil disturbance than would alternative 3. After the construction is completed, the disturbed soils would likely be hydroseeded which should lead to quicker germination of vegetation and would help soil stability. As part of the site development, FWP would implement an overall site vegetation plan that would consist of drill seeding the cultivated field with native seed and the strategic planting of native shrubs and trees for screening, shade, and habitat. Therefore, any direct impacts associated with the development would be short-term, minor, and adverse as well as long-term, minor, and beneficial.

¹⁶ USDA NRCS Web Soil Survey - <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

Secondary Impacts:

After the initial site development, the seeding would largely rely on natural precipitation for establishment. Once established this vegetation should provide for adequate soil stability at the site. The trees and shrubs would receive supplemental watering, during the hottest months, until established. This supplemental watering may lead to increased soil moisture over the short-term and should lead to increased soil stability over the long-term. Therefore, any secondary impacts associated with the development on soil quality, stability, and moisture would be short- and long-term, minor, and beneficial.

Cumulative Impacts: No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

5. Vegetation Cover, Quantity, and Quality

Existing Environment/Baseline Conditions (No Action Alternative):

Vegetation at the subject property is predominantly cultivated cropland, native great plains floodplain (riparian woody species) and great plains mixed grass prairie.

Direct Impacts:

No significant adverse direct impacts to vegetation cover, quantity, and quality would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in impacts to the vegetation cover, quantity, and quality.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. The development of the property to become a state park would impact the vegetation cover, quantity, and quality. The development would largely be limited to the already impacted cultivated fields, except for the native surface single track trail that would be in the PN Island area. The native surface single track trail would require trimming of vegetation and the potential use of hand tools or small equipment to establish the trail. The layout of the day use amenities and the campground would be designed around the established trees and shrubs and would mostly impact only the existing grass type vegetation. Portions of this grassy vegetation would be removed and or damaged during construction activities, however the disturbed areas that would require re-vegetation would likely be hydroseeded post construction. Under this preferred alternative, portions of the existing cultivated field, that would not be impacted by the day use or overnight amenities, would be restored to native vegetation by prepping and drill seeding with native seed. Additionally, native trees and shrubs would be planted around the campground, administrative area, and the picnic area to act as screening, provide shade, and habitat. Trees that are considered hazardous to the historic structures would be removed or trimmed. These trees would be replaced with similar varieties but moved away from the structures. Therefore, any impacts from the proposed development on vegetation cover, quantity, and quality would be short- to long-term, minor, beneficial, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to vegetation cover, quantity, and quality would be expected because of the proposed acquisition and development. Existing vegetation that is removed or damaged

as part of the development phase would be replaced with native varieties. As part of the vegetation plan, native trees and shrubs would be planted around the infrastructure for shade, screening and habitat and a partial renovation of the cropland would occur. The transition of the property's vegetation from irrigated cropland to native varieties would take time, however it should positively benefit the site and the native species that frequent the area. Therefore, any secondary impacts to vegetation cover, quantity and quality would be long-term, minor, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

6. Aesthetics

Existing Environment/Baseline Conditions (No Action Alternative):

The aesthetics or viewshed of state parks are critical elements, and the subject property would be no different. At the confluence of the Judith and Missouri Rivers, the Missouri River Canyon opens into a valley three to five miles wide. The confluence area is thickly wooded with cottonwood, ash, and willows, and is one of the largest concentrations of trees in this stretch of the Missouri River. Much of the rest of the valley is grassland, or irrigated pasture. There are also large areas of sagebrush, conifers, salt brush, and greasewood. The rim of the valley consist largely of what is known as the Judith River formation, consisting of sandstone which forms impressive cliffs and rock pillars.¹⁷

Direct Impacts:

No significant adverse direct impacts to aesthetics would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in direct impacts to area aesthetics.

Development

Construction activities associated with the development of the property would result in adverse direct impacts due to increased levels of noise, odors, fugitive dust, the presence of equipment, construction materials, and workers. Any such impacts would be short-term and minor, lasting only as long as the construction phase. The development of the day use and overnight amenities would adversely impact the natural landscape; however, the area has already been altered and has some, limited, development. Therefore, any direct impacts on the site's aesthetics would be short-term, moderate, and adverse as well as long-term, minor, and adverse.

Secondary Impacts:

No significant, adverse secondary impacts would be expected because of the proposed acquisition and development. Once the vegetation planted as part of the site development matures, the site's vegetation would be restored to largely native species and the trees/shrubs should screen the campground, administrative area, and the picnic area adequately. This would result in the site's aesthetics being very pleasing. The level of development would be consistent with similar development in the area such as the BLM's Judith landing site across the river with their campground and boat ramp. Therefore, any secondary impacts on the site's aesthetics would be short-term and long-term, minor to moderate, adverse, and beneficial.

¹⁷ National Register of Historic Places Inventory – Nomination Form – Judith Landing Historic District NATIONAL REGISTER OF

Cumulative Impacts:

No significant adverse cumulative impacts to aesthetics would be expected because of the proposed acquisition and development. If acquired the Judith Landing State Park would be developed with aesthetics and viewshed in mind. These elements are very important to FWP as we develop and manage parks around the state and this site would be no different. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

7. Air Quality

Existing Environment/Baseline Conditions (No Action Alternative):

According to the Department of Environmental Quality (DEQ), air quality in the area affected by the proposed acquisition is currently unclassifiable or in compliance with applicable national ambient air quality standards. Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads and vehicle exhaust emissions. No significant point-sources of air pollution exist in the area affected by the proposed project. No air quality restrictions exist for the affected area.¹⁸

Direct Impacts:

No significant adverse direct impacts to air quality would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in impacts to air quality.

Development

No significant adverse direct impacts to air quality would be expected because of the proposed development. The movement of heavy machinery and materials over exposed ground during the construction phase would generate fugitive dust emissions, which may directly and adversely impact air quality. Further, vehicle exhaust emissions resulting from the operation of heavy equipment may directly and adversely impact air quality. However, because the construction phase of the proposed project would be short-term and no significant point-sources of air pollution currently exist within or in the vicinity of the property, any direct adverse impacts to air quality would be short-term, negligible to minor, mitigated by dust control practices, as necessary, and consistent with existing impacts from vehicle travel over existing gravel roads as well as local agricultural practices.

Secondary Impacts:

No significant adverse secondary impacts to air quality would be expected because of the proposed acquisition and development. During the construction phase, removal of existing vegetation would be necessary to accommodate the proposed development. The removal of existing vegetation would expose bare ground, which may result in adverse impacts to air quality until vegetation is re-established. FWP anticipates that the area would receive increased visitation with the development of a state park. The roads leading to the site are currently dirt which would lead to increased fugitive dust emissions and vehicle exhaust emissions. Additionally, the development of the campground would likely lead to increased campfires, which would adversely impact air quality. Therefore, any secondary impacts to air quality would be long-term, negligible to minor, and adverse.

¹⁸ DEQ-Montana Air Quality Non-Attainment Areas –

<https://gis.mtdeq.us/portal/home/webmap/viewer.html?useExisting=1&layers=f27a7686d0544bf58d327202aeb19787>

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

8. Unique, Endangered, Fragile, or Limited Environmental Resources

Existing Environment/Baseline Conditions (No Action Alternative):

According to the Montana Natural Heritage Program database, 12 species of concern have been identified within or within the vicinity of the property. This list includes 2 mammals (little brown myotis and long-eared myotis), 4 birds (black-billed cuckoo, bobolink, burrowing owl, and loggerhead shrike), and 1 reptile (spiny softshell). Five species of fish that are species of concern and 1 endangered species have been identified in the vicinity, however the proposed acquisition and development should not impact the adjacent Judith and Missouri Rivers. Bald eagles and mayflies have also been identified in the vicinity and are listed as a special status species.

Direct Impacts:

No significant adverse direct impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in impacts to the unique, endangered, fragile or limited environmental resources associated with the property.

Development

No significant adverse direct impacts to unique, endangered, fragile, or limited environmental resources quality would be expected because of the proposed development. During the construction phase, removal of existing vegetation and the use of heavy machinery would adversely impact the species of concern and the special status species. The area around the subject property is sparsely populated which may allow for impacted species to temporarily leave the subject property during the construction phase. The construction phase of the proposed development would be short-term therefore, any direct impacts would be short-term, minor to moderate, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed acquisition and development. FWP anticipates that the acquisition and the subsequent development of the property would lead to increased visitation to the site. The increased amount of visitation is difficult to predict however any increase in visitation in this area is likely to lead to impacts to unique, endangered, fragile or limited environmental resources. The development of the campground would potentially compound these impacts as the public would occupy the site at night. The vegetation plan associated with the development of the site would restore native grassland thereby creating more habitat for some listed species. The acquisition and development of the property would be consistent with current land use in the area. The BLM managed Judith Landing site offers camping, day use and a boat ramp across the river from the subject property. Therefore, any secondary impacts to unique, endangered, fragile, or limited environmental resources would be short and long-term, negligible to minor, adverse, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

9. Historical and Archaeological Sites

Existing Environment/Baseline Conditions (No Action Alternative):

As discussed above in the background and description of the proposed project (page 4) this area is rich with history that that rich history is the impetus to acquire the property and develop a state park. In keeping with the Montana Antiquities Act and related regulations, all undertakings within State Parks are assessed for their potential to affect cultural resources. Any temporary or permanent developments would require prior cultural resource assessment. Where indicated, cultural resource inventories including pedestrian survey and/or subsurface testing will occur through consultation with the State Historic Preservation Office. The process for cultural resource inventory and consultation is outlined in Administrative Rules 12.8.501-12.8.510. FWP also consults with all Tribal Historic Preservation Offices affiliated with each park in accordance with FWP's tribal consultation guidelines.

The cultural resource inventory and consultation with the SHPO and relevant Tribal Historic Preservation Offices will determine whether cultural resource monitoring is required during implementation.

Direct Impacts:

No significant adverse direct impacts to historical and archaeological sites would be expected because of the proposed acquisition and development. In keeping with the Montana Antiquities Act and related regulations (12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office (SHPO). FWP also consults with all Tribal Historic Preservation Offices (THPO) affiliated with each affected property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they will be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program and/or SHPO and affected THPOs for further evaluation.

Property Acquisition

The acquisition of the property itself would not result in adverse impacts to historical and archaeological sites associated with the property. FWP ownership would likely lead to more protection of historical and archaeological sites as FWP's mission and core values allows for such.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. Before any development work would begin, a cultural survey of the areas where developments have been proposed would be completed to ensure that the developments would not disturb historical or archaeological artifacts. The developments associated with the state park have been proposed in the already impacted cultivated fields to not effect undisturbed areas of the property.

Secondary Impacts:

No significant adverse secondary impacts to historic and archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (12.8.501-

12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the SHPO. FWP also consults with all THPOs affiliated with each affected property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they will be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program and/or SHPO and affected THPOs for further evaluation. Therefore, no adverse secondary impacts would be expected because of the proposed project.

As referenced above, in the direct impacts section, FWP ownership of the property would benefit any historical or archaeological sites that are present on the property. Another component of the acquisition and development would be hiring an architect to complete condition assessment surveys of the historic structures on the property. This architect would provide as-built drawings of the structures that would help monitor them over time and assist FWP in understanding if the buildings could be stabilized to prevent further degradation. Additionally, if the site is acquired, FWP would be able to tell the story of the historic district at the park through static interpretation and occasional, staff led education and interpretation programs.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

10. Demands on Environmental Resources of Land, Water, Air, and Energy

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property was part of a working ranch prior to its donation to the Montana State Parks Foundation. The buildings located on the property are not currently inhabited and have not been since the 1980s. This limits the current demands of the property on environmental resources of land, water, air, and energy to the use of water to irrigate the fields and the energy required to operate the pivots.

Direct Impacts:

No significant adverse direct impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in direct adverse impacts to demands on the environmental resources of land, water, air, and energy.

Development

Fuel would be required to operate equipment and vehicles used to develop the proposed state park. However, any adverse direct impacts to energy resources would be short-term and negligible, as the proposed project and associated construction activities are relatively small and the construction phase would be relatively short; therefore, the amount of fuel necessary to complete the proposed project would be minimal. As identified previously through the analyses of potential direct impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse impacts to the environmental resources of water, land, and air

may occur because of the proposed development. However, as noted previously, any such impacts would be short-term, negligible to minor, and adequately mitigated (see cited impacts analyses above). Conversion of the irrigated cropland to non-irrigated native prairie will result in less water withdrawn for irrigation and long-term negligible benefit to water demands. No other demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. As identified previously through the analyses of potential secondary impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse and some beneficial secondary impacts to the environmental resources of water, land, and air may occur because of the proposed project. However, as noted previously, any such secondary impacts would be short- and long-term, negligible to minor, and adequately mitigated (see cited impacts analyses above). FWP would connect to the adjacent powerlines to provide power to the camp host pad, administrative area, and picnic shelter. The amount of power used at these locations would be minimal but would adversely impact the demand for energy, therefore secondary impacts to the demands on the environmental resources of land, water, air, and energy would be long-term, minor, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

B. Evaluation and Summary of Potential Impacts of the Proposed Project on the Human Environment

1. Social Structures and Mores

Existing Environment/Baseline Conditions (No Action Alternative):

Agriculture, and in particular cattle ranching, is a primary driver of the economy in Fergus County and constitutes a culturally accepted way of life. While the history of this site is not limited to agriculture, it has played a significant role. As FWP has worked through the potential acquisition and development of the property, the department has heard numerous times that it is important for people in the area that the historic structures are at a bare minimum cared for but ideally stabilized and that the history of the area is shared. This also seems to be the case on a larger scale as indicated in the 2020-2024 Statewide Comprehensive Outdoor Recreation Plan where an entire goal was dedicated to honoring Montana's outdoor legacy and more specifically protecting and preserving historic sites and heritage resources. See Section III, General Setting of the Affected Environment, for more detailed information related to the affected existing environment.

Direct Impacts:

No significant adverse direct impacts to pre-project social structures and mores would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would potentially impact social structures and mores due to how FWP would manage the property versus how it was previously managed. While some of the previous owners allowed the public to access the site, the site was not well posted nor was the access widely advertised, so the public was likely largely unaware of the opportunity. Under FWP ownership, the property would be open to the public and it would be advertised as such. This would provide the public with a better opportunity to visit the site and learn about the history of the area. This FWP acquisition might not be looked upon favorably by all, therefore any direct impacts from the proposed acquisition on social structures and mores would be short- and long-term, negligible to moderate, beneficial, and adverse.

Development

The development of the property would also potentially impact the social structures and mores as the development would be a change from the property's current state. The development of the site would provide for public safety, operational efficiency, and site stewardship and would consist of day use amenities as well as overnight amenities. The development would also include interpretation elements that would share the area's rich history. Therefore, any direct impacts from the proposed developments on social structures and mores would be short- and long-term, negligible to moderate, and beneficial, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to pre-project social structures and mores would be expected because of the proposed acquisition and development. Public perceptions of the secondary impacts of the proposed actions would likely be mixed as well. Over the long-term, visitation to the area would likely increase as word spreads about the state park. Depending on the results of the condition assessment of the historic structures and available funding, the historic structures could eventually be stabilized which would allow for continued enjoyment of the site for future generations. Additionally, increased visitation and the highlighted history of the area might lead to an increased respect for the history of the area. Therefore, any secondary impacts from the proposed acquisition and development on social structures and mores would be long-term, negligible to moderate, beneficial, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

2. Cultural Uniqueness and Diversity

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment, for more detailed information related to the affected existing environment.

Direct Impacts:

No significant adverse direct impacts to cultural uniqueness and diversity would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself could potentially impact cultural uniqueness and diversity. Acquiring the property would lead the way for ensuring perpetual public access to a new state park that would be focused on the history of the area. This history is rich and includes numerous cultures that all

played an important role in the history of the area, the state, and the western United States. Acquisition of the property would allow FWP to preserve and share this unique history with the public therefore, any direct impacts from the acquisition of the property on cultural uniqueness and diversity would be short- to long-term, negligible to moderate, and beneficial.

Development

Should the property be acquired, it would be developed as a rustic heritage state park which would put the emphasis on the area's history. The development of the site would consist of components such as various static interpretation elements that would describe the area's history and accessible elements to allow all people to experience the site. Contrast this with the site's current condition where public access is unclear, the site is not accessible and there is limited history outside of the plaques related to the historic structures themselves. Therefore, any direct impacts from the development of the property on cultural uniqueness and diversity would be short- to long-term, negligible to moderate, and beneficial.

Secondary Impacts:

No significant adverse secondary impacts to cultural uniqueness and diversity would be expected because of the proposed acquisition and development. The proposed acquisition and development would establish a new state park however it would not be expected to appreciably result in the immigration or emigration of people to or from the affected area or otherwise change the social make-up of the affected area. Therefore, no secondary impacts to the pre-project cultural uniqueness and diversity of the affected area would be expected because of the proposed acquisition and development.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

3. Access to and Quality of Recreational and Wilderness Activities

Existing Environment (No Action Alternative):

Fergus County is largely rural with ample access to public lands (nearly ¼ of the land in the county is public) and recreational opportunities such as fishing, hiking, upland game bird and big game hunting, camping, floating, and wildlife watching. The proposed acquisition and development of a state park would expand Montana State Parks into a portion of the state that does not currently have a state park and would complement the other high profile public lands in the area, the Upper Missouri River Breaks National Monument, and the C.M Russell Wildlife Refuge. No congressionally designated Wilderness Areas would be affected by the proposed action. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

Direct Impacts:

No significant adverse direct impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed acquisition and development.

Property Acquisition

Some of the previous owners allowed public access to the property, however it was not well posted or published, and it is likely that the public largely did not realize that access was readily available. If FWP were to acquire the property it would be open to the public in perpetuity and that access component would be clearly stated. Therefore, any direct impacts to access to and quality of recreational activities associated with the acquisition of the property would be long-term, minor to moderate and beneficial.

Development

If FWP were to acquire the property, subsequent development would follow to provide for public safety, operational efficiency, and site stewardship. During the construction phase, the public may not be allowed to access the site which would limit access to recreational opportunities. Therefore, any direct impacts to access to and quality of recreational activities associated with the development of the property would be short-term, minor, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed acquisition and development. Should the property be acquired, the public would realize a general improvement in the availability of recreational amenities with clearly posted public access. These amenities would improve the visitor experience in numerous ways including recreationally. As part of the site development, a campground would be constructed that would provide overnight amenities for visitors. Other camping opportunities are available close by, but the number of sites is limited (8 available) and camping at this site is only allowed between May 15th and October 15th. Additionally, trails (both accessible and native surface single track) would be developed to allow visitors the opportunity to hike within the site and provide access to the interpretive elements that would showcase the areas incredible history. One challenge that the public might face is road access to the site. The subject property requires roughly 30 miles of dirt road travel to reach the site, regardless of accessing the site from Big Sandy or Winifred. When conditions are wet, these access roads can be difficult to traverse due to the clay soils. Also, with the remote location, travel can be impacted and roads impassable during winter conditions. Should the property be acquired and developed, FWP would work to inform the public of the difficulties of road access during certain weather conditions. Therefore, any secondary impacts associated with the acquisition and development of the property would be short- and long-term, minor to moderate, beneficial, and adverse (mitigated through the dissemination of information related to unfavorable to impassable road conditions when roads are wet, or winter conditions exist).

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. A general improvement of perpetual recreational amenities and access in the area would be realized by the public. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

4. Local and State Tax Base and Tax Revenue

Existing Environment/Baseline Conditions (No Action Alternative):

Tourism is a significant part of Montana's economy. According to the Institute for Tourism and Recreation Research, 12.4 million visitors came to Montana in 2023 and spent \$5.45 billion. Outdoor recreation makes up 4.3% of the state GDP, making Montana number 3 in the U.S for outdoor recreation GDP. Montana's outdoor recreation economy grew 14% from 2021-2022 and Montana State Parks had 3.1 million visitors in 2023.¹⁹ Fergus County's largest economic drivers are farming and ranching and while tourism is not at the top of this list, people do travel to Fergus County to enjoy the landscape and the recreational offerings. FWP is required to pay accommodation taxes based on annual camping revenue generation. Estimates for fiscal year 2023 accommodation tax due is \$520.00. FWP does not pay property tax on state park specific property.

¹⁹ Institute for Tourism and Recreation - https://scholarworks.umt.edu/itrr_pubs/458/

Direct Impacts:

No significant adverse direct impacts to local and state tax base and tax revenues would be expected because of the proposed acquisition and development.

Property Acquisition

As mentioned above, FWP does not pay property tax on state park property and the previous owners of the subject property would have paid property tax. If FWP were to acquire the property, any accommodation tax paid on annual camping revenue would not compensate for the loss in property tax revenue therefore, any direct impacts from the acquisition of the property on local and state tax base and tax revenue would be long-term, minor, and adverse.

Development

The development of the property itself would not result in direct adverse impacts to local and state tax base and tax revenue. Should the property be acquired, FWP would hire contractors to complete the work associated with the development of the property. This could result in money being spent with local contractors and suppliers. Therefore, any direct impacts to the local and state tax base and tax revenue associated with the development of the property would be short-term, negligible, and beneficial.

Secondary Impacts:

No significant adverse secondary impacts to local and state tax base and tax revenues would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property would not result in significant secondary adverse impacts to local and state tax base and tax revenue. Therefore, any secondary impacts associated with the acquisition of the property on the local and state tax base and tax revenue would be long-term, minor, and beneficial.

Development

The development of the property would not result in significant secondary adverse impacts to local and state tax base and tax revenue. The property acquisition combined with the state park development would likely result in increased public visitation thereby increasing local revenue from fuel, food and lodging purchases which would benefit the local and state tax base. With the development of a campground on the property, FWP would pay increased accommodation taxes based on annual camping revenue generation. The cumulative secondary impacts of the acquisition and development would have the potential to impact the local and state tax base and tax revenue. FWP anticipates increased visitation to the area associated with the acquisition and development of the property as a state park. The smaller communities located along the routes to the subject property, such as Big Sandy and Winifred, could see increased tourist traffic as people purchase fuel and supplies for a visit to the remote park. Therefore, any secondary impacts to the local and state tax base and tax revenue associated with the acquisition of the property would likely be long-term, minor-moderate, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

5. Industrial, Commercial, and Agricultural Activities and Production

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment, for more detailed information related to the affected existing environment.

Direct Impacts:

The acquisition of the property and the subsequent development would not result in significant direct adverse impacts to industrial, commercial, and agricultural activities and production. A portion of the 109 acres that would be acquired is currently used for agricultural purposes and it is proposed that agricultural use would not continue under FWP ownership. FWP estimates that roughly 40 of the 109-acre property was used for agricultural purposes. If the property were to be acquired, FWP would develop a portion of the 40 acres, formally used for agricultural purposes, for day use and overnight amenities as part of a state park and converted the remainder of the agriculture land back to native vegetation. Therefore, any direct impacts on to industrial, commercial, and agricultural activities and production associated with the acquisition and development of the property would be long-term, negligible, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to access to industrial, commercial, and agricultural activities and production would be expected because of the proposed acquisition and development.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

6. Human Health and Safety

Existing Environment/Baseline Conditions (No Action Alternative):

The property itself is not currently developed for public access or to ensure human health and safety. The subject property has been part of a working ranch since the 1800s and does not contain sanitary facilities, signage indicating rules or regulations, parking, and the dilapidated buildings are very much open to the public, which is a public safety issue.

Direct Impacts:

No significant adverse direct impacts to human health and safety would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in significant direct adverse impacts to human health and safety. The acquisition of the property would pave the way for FWP to develop the property which would benefit human health and safety.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. During the construction phase the property may be closed to public access and the contractors would be required to follow outlined safety guidelines. Therefore, any direct impacts to human health and safety associated with the development

of the site would be short-term, minor, and adverse, lasting only as long as the construction phase of the project.

Secondary Impacts:

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. The development of the site would impact human health and safety by addressing the items mentioned under the existing environmental/baseline conditions. Vault toilets would be provided, signage would be installed, roads and a parking area would be developed, accessible and native surface single track trails would be built, and the buildings would be secured to prevent the public from entering the unsafe buildings. Therefore, any direct impacts on human health and safety associated with the acquisition and development of the property would be long-term, moderate, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

7. Quantity and Distribution of Employment

Existing Environment/Baseline Conditions (No Action Alternative):

Currently, most of the employment associated with the property is related to agriculture. The proposed acquisition is for 109 acres. FWP owns, manages, or has access agreements with property throughout the state, including in this portion of Fergus County. FWP staff currently work in the vicinity of the subject property in various capacities.

Direct Impacts:

No significant adverse direct impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in significant direct adverse impacts to the quantity and distribution of employment.

Development

The acquisition of the property would require subsequent development to provide for public safety, operational efficiency, and site stewardship. The construction associated with the development would lead to impacts to the quantity and distribution of employment. Most of the necessary construction work would be completed by private sector contractors. Therefore, any direct impacts to the quantity and distribution of employment associated with the development of the property would be short-term, negligible, and beneficial.

Secondary Impacts:

No significant adverse secondary impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed acquisition and development. The acquisition of 109 acres is unlikely to impact the current operations of existing ranches in the area. Development of the site would require short term employment of staff to complete the work. After the initial development, existing FWP staff would manage and maintain the site. Depending on the visitation the site receives, FWP may, in the future, be required to increase the staffing of the park. Additionally, the department may consider recruiting a campground host to aid in monitoring the site and assist users of the

campground. Therefore, any secondary impacts to the quantity and distribution of employment associated with the acquisition and development of the property would be short and long-term, minor, beneficial, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

8. Density and Distribution of Human Population and Housing

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property is in a remote and sparsely populated portion of north central Fergus County. The property contains multiple buildings but none of them are currently suitable for human habitation.

Direct Impacts:

No significant adverse direct impacts to the density and distribution of human population and housing in the affected area would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in significant direct adverse impacts to the density and distribution of human population and housing in the affected area.

Development

The development of the property itself would not result in significant direct adverse impacts to the density and distribution of human population and housing in the affected area. The property is not currently inhabited, and the development would not immediately change that. There is the potential that during the construction phase, workers would stay on the property until the construction is completed. Therefore, any direct impacts to the density and distribution of human population and housing in the affected area would be short-term, negligible, and adverse, lasting only as long as the construction phase.

Secondary Impacts:

No significant adverse secondary impacts to the density and distribution of human population and housing in the affected area would be expected because of the proposed acquisition and development. FWP does not believe that the acquisition and development of the property would result in the immigration or emigration of long-term residents to or from the affected area. Existing FWP staff would manage and maintain the property. FWP anticipates that having a state park on the property would increase visitation to the site. FWP would limit camping to 7 nights during a 30-day period however, the department could ask for an exemption through the State Parks and Recreation Board to allow for a stay limit of 14 nights during a 30-day period. Other exceptions to this rule would be if the department utilizes a campground host at the site or if FWP staff needed to utilize the administrative area for work in the area. Therefore, any impacts to the density and distribution of human population and housing would be short-term, minor, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

9. Demands for Government Services

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment (statewide), for more detailed information related to the affected existing environment.

Direct Impacts:

No significant adverse direct impacts to the demands for government services would be expected because of the proposed acquisition and development.

Property Acquisition

FWP staff have devoted time to the potential acquisition of the property. FWP staff have developed concept plans, and estimates associated with the development of the site as well as this environmental assessment. Therefore, any direct impacts on the demands for government services associated with the acquisition of the property would be short-term, minor, and adverse.

Development

If the site were to be acquired, subsequent development would follow. Depending on the level of development, FWP staff and or Department of Administration staff would oversee the contracts and the work. Regional FWP staff would also assist in monitoring the construction and portions of the development would be handled directly by FWP staff, such as drill seeding of the property. Therefore, any secondary impacts on the demands for government services associated with the development of the property would be short-term, minor, and adverse, lasting only as long as the construction phase.

Secondary Impacts:

No significant adverse secondary impacts on demands for government services would be expected because of the proposed acquisition and development. Long-term, following completion of the park development, existing FWP staff would manage and maintain the property to state park standards. This means that the addition of this new state park might result in FWP staff spending less time at the Region's current sites and there is the potential that FWP would need to request FTE in the future, should the site's visitation require such. FWP believes that the benefit to the public of developing the property as a state park outweighs the disadvantages. Therefore, any secondary impacts to demands for government services associated with the acquisition and development of the property would be long-term, moderate, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

10. Locally Adopted Environmental Plans and Goals

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment (statewide), for more detailed information related to the affected existing environment.

Direct Impacts:

No direct impacts to locally adopted environmental plans and goals would be expected to occur. Therefore, no significant, adverse direct impacts would be expected because of the proposed acquisition and development.

Secondary Impacts:

No significant, adverse secondary impacts would be expected because of the proposed acquisition and development. At this time, FWP is unaware of any other locally adopted environmental plans or goals that may be impacted by the proposed acquisition and development. Therefore, no additional secondary impacts to locally adopted environmental plans and goals would be expected because of the proposed acquisition and development.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

XIII. Alternative 3: Day use only development (no campground). Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population

A. Evaluation and Summary of Potential Impacts on the Physical Environment

1. Terrestrial, Avian, and Aquatic Life and Habitats

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property is predominantly a mix of cultivated cropland, great plains floodplain and great plains mixed grass prairie. An array of terrestrial and avian animals utilize the area or surrounding habitats either sporadically or continuously. Eleven species of mammals, 3 species of reptiles, 2 species of amphibians, and 21 species of birds have been documented or have the potential to be in the area. Several species of native fish have been documented adjacent to the property in the Judith and Missouri Rivers. Of the species documented in or having the potential to be in the vicinity, 12 are species of concern and 2 are special status species. See list of documented species in appendix A.²⁰ The property is currently part of a working ranch and has been since the 1800s.

Direct Impacts:

No significant adverse direct impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not lead to any direct impacts to terrestrial, avian, and aquatic life and habitats.

Development

No significant adverse direct impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed development. Construction activities, specifically heavy equipment operation, may adversely impact some wildlife species. These activities may result in the temporary displacement of terrestrial and avian species as this work would be well outside of the activities that

²⁰ Montana Natural Heritage Program – Montana Field Guide.

typically occur on the property. The footprint of the development would be limited to roughly 25 of the 109 acres. Most of the property that would be disturbed through the development would be cultivated fields or previously disturbed areas. The development would be limited to rustic amenities and would consist of dirt/gravel roads, a parking lot, and trails. The riparian areas along the Judith and Missouri Rivers would remain intact, except for the development of about a mile of native surface single track trail that would require minimal trimming of the existing vegetation. Therefore, any direct adverse impacts to terrestrial and avian life and habitats associated with the development of the property would be short-term and minor, lasting only as long as the construction.

Secondary Impacts:

No significant adverse secondary impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed acquisition and development. If the property were to be acquired and subsequently developed, FWP would anticipate some secondary impacts to terrestrial and avian life and habitats. As part of the development process, FWP would propose transitioning most of the existing cropland to native vegetation. This would include drill seeding the cultivated field with native seed and planting native trees and shrubs around some of the developments including the administrative area and the picnic area. FWP anticipates that the transition to native vegetation at the site would result in long-term, minor, and beneficial impacts to terrestrial and avian life and habitats.

The most significant change the property would experience from the acquisition and development would be increased visitation and public use. Under past owners, the public was allowed to access the property, however the site was not signed as such, nor was it widely advertised, so it is likely that the public was largely unaware of the opportunity. This resulted in the property receiving minimal human traffic outside of ranching activities. If the property were to be acquired by FWP and become a state park, it is anticipated that the visitation to the property would increase. Visitation is difficult to estimate however referencing other rustic heritage state parks in the Montana state park system provides a baseline. Other rustic heritage state parks in Montana (with their average visitation over the last 4 years) include:

- Anaconda Smoke Stack – 15,472
- Beaverhead Rock – 1,023
- Granite Ghost Town – 5,239
- Clark’s lookout – 4,652
- Tower Rock – 19,449²¹

It is probable that visitation to the subject property would be somewhere within the ranges listed above and it’s also assumed that visitation associated with a state park would be higher than what the property currently experiences. This increase in visitation would likely result in long-term, minor to moderate, and adverse impacts to the terrestrial, avian, and aquatic life habitats on the property.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

2. Water Quality, Quantity, and Distribution

²¹ Montana State Parks 2023 Visitation - https://fwp.mt.gov/binaries/content/assets/fwp/stateparks/documents/final_2023-montana-state-parks-annual-visitation-estimates-report.pdf

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property is situated at the confluence of the Judith River and Missouri River. Through the acquisition process, FWP would acquire land adjacent to both rivers. Based on satellite imagery, the land around the confluence of the Judith and Missouri Rivers has changed significantly over the years, largely because of high-water events and the natural migration of the river channels.

Direct Impacts:

No significant adverse direct impacts to water quality, quantity, and distribution would be expected because of the proposed acquisition and development.

Property Acquisition

Under the previous ownership, a portion of the property that FWP would acquire, was an irrigated field. Under FWP ownership, a large portion of that irrigated field would be transitioned to native vegetation and would no longer be regularly irrigated. This reduction in irrigation would result in long-term, negligible to minor, and beneficial impacts to water quantity.

Development

If FWP were to acquire the property, subsequent development would occur to provide for public safety, operational efficiency, and site stewardship. During the development phase, FWP would require standard measures to control and filter stormwater runoff. These mitigation measures may include the use of straw wattles, siltation fences, or other approved erosion control techniques, as deemed appropriate and effective for the proposed development. Heavy precipitation coinciding with the construction phase could result in short-term, minor and adverse direct impacts from stormwater runoff.

Secondary Impacts:

No significant adverse secondary impacts to water quality, quantity, and distribution would be expected because of the proposed project.

Stormwater runoff associated with graveled roads may adversely impact nearby water resources and associated aquatic life and habitats. However, such potential impacts would be mitigated by the project engineer to keep pollutants associated with stormwater runoff from entering the nearby Judith and Missouri Rivers. As part of the development phase, FWP may investigate developing a well on the property. The well may at a minimum be used to water the trees and shrubs, planted as part of the vegetation plan during the hot summer months, until they are established. The water may not be made available to the public as rustic sites typically don't provide water and the operation and maintenance of a public water system might be outside the scope of what FWP could manage at this site. Therefore, any secondary impacts to water quality, quantity, and distribution would be long-term, negligible to minor, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

3. Geology

Existing Environment/Baseline Conditions (No Action Alternative):

Geology in the affected area is mapped by the Montana Bureau of Mines and Geology. According to the Montana Bureau of Mines and Geology and the United States Geological Survey, the geology of the area

is largely made up of the Claggett Formation. "Named for old Fort Claggett at mouth of the Judith River, Fergus Co, MT on the Central Montana uplift, where formation is well developed. No type locality designated. Consists of 400 ft of fossiliferous shale. Has several sandstone beds in the upper 200 ft which have a Fox Hills fauna. This upper part was called Fox Hills in earlier reports. Overlies Eagle formation. Underlies Judith Riverbeds. Of Late Cretaceous age."²²

Direct Impacts:

No significant adverse direct impacts to geology would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not lead to any direct impacts to geology. There are no important or unique geologic structures or formations located within the proposed acquisition.

Development

No important or unique geologic features exist within the proposed acquisition. Development of the property might cause short- and long term, minor, and adverse impacts to local geology. It is currently unknown if subsurface limiting layers (rock) would be encountered during development.

Secondary Impacts:

No significant adverse secondary impacts to geology would be expected because of the proposed acquisition and development. No important or unique geologic features exist within the proposed acquisition. Beyond the potential for adverse direct impacts, as identified above, no additional impacts to geology would be expected.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. No important or unique geologic features exist within the footprint of the proposed acquisition. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

4. Soil Quality, Stability, and Moisture

Existing Environment/Baseline Conditions (No Action Alternative):

Existing soils on the property are described by the USDA Natural Resources Conservation Service as Haver loam (21%), Haver silty loam (56.8%), and Haver and Harlem soils, occasionally flooded (22.2%). These soils are moderately well drained and have moderate infiltration rates when thoroughly wet. Soils at 0-5" are typically loam or silty clay loam and soils at 5-62" are typically stratified fine sand loam to clay loam. Average temperatures range from well below freezing during mid-winter, to moderately hot during the mid-summer. Weather records indicate average annual temperatures ranging from 37 to 45 degrees F. Weather records also indicate an average between 10-14 inches of annual precipitation.²³

Direct Impacts:

No significant adverse direct impacts to soil quality, stability, and moisture would be expected because of the proposed acquisition and development.

²² Claggett Formation - USGS, https://ngmdb.usgs.gov/Geolex/UnitRefs/ClaggettRefs_7521.html

²³ USDA NRCS Web Soil Survey - <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

Property Acquisition

Under the previous ownership, a portion of the property that FWP would acquire, was an irrigated field. Under FWP ownership, a large portion of that irrigated field would be transitioned to native vegetation and would no longer be regularly irrigated. This reduction in irrigation would result in long-term, negligible to minor, beneficial, adverse impacts to soil moisture.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. Most of the development would occur in the already impacted cultivated fields on the property. Construction activities such as development of roads, a parking lot, an administrative area, trails, the installation of vault toilets, and the potential development of a well would result in impacts to soils. After the construction is completed, the disturbed soils would likely be hydroseeded which should lead to quicker germination of vegetation and would help soil stability. As part of the site development, FWP would implement an overall site vegetation plan that would consist of drill seeding the cultivated field with native seed and the strategic planting of native shrubs and trees for screening, shade, and habitat. Therefore, any direct impacts associated with the development would be short-term, minor, and adverse as well as long-term, minor, and, beneficial.

Secondary Impacts:

After the initial site development, the seeding would largely rely on natural precipitation for establishment. Once established this vegetation should provide for adequate soil stability at the site. The trees and shrubs would receive supplemental watering, during the hottest months, until established. This supplemental watering may lead to increased soil moistures over the short-term and should lead to increased soil stability over the long-term. Therefore, any secondary impacts associated with the development on soil quality, stability, and moisture would be short- and long-term, minor, and beneficial.

Cumulative Impacts: No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

5. Vegetation Cover, Quantity, and Quality

Existing Environment/Baseline Conditions (No Action Alternative):

Vegetation at the subject property is predominantly cultivated cropland, native great plains floodplain (riparian woody species) and great plains mixed grass prairie.

Direct Impacts:

No significant adverse direct impacts to vegetation cover, quantity, and quality would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in direct impacts to the vegetation cover, quantity, and quality.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. The development of the property to become a state park would impact the vegetation cover, quantity, and quality. The development would largely

be limited to the already impacted cultivated fields, except for the native surface single track trail that would be in the PN Island area. The native surface single track trail would require trimming of vegetation and the potential use of hand tools or small equipment to establish the trail. The layout of the day use amenities would be designed around the established trees and shrubs and would mostly impact only the existing grass type vegetation. Portions of this grassy vegetation would be removed and or damaged during construction activities however, the disturbed areas that require re-vegetation would likely be hydroseeded post construction. The portions of the existing cultivated field, that are not impacted by the day use amenities, would be restored to native vegetation by prepping and drill seeding with native seed. Additionally, native trees and shrubs would be planted around the administrative area and the picnic area to act as screening, provide shade, and habitat. Trees that are considered hazardous to the historic structures would be removed or trimmed. These trees would be replaced with similar varieties but moved away from the structures. Therefore, any impacts from the proposed development on vegetation cover, quantity, and quality would be short- to long-term, minor, beneficial, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to vegetation cover, quantity, and quality would be expected because of the proposed acquisition and development. Existing vegetation that is removed or damaged as part of the development phase would be replaced with native varieties. As part of the vegetation plan, native trees and shrubs would be planted around the infrastructure for shade, screening, and habitat. A partial renovation of the cropland would occur. The transition of the property's vegetation from irrigated cropland to native varieties would take time however, it should positively benefit the site and the native species that frequent the area. Therefore, any secondary impacts to vegetation cover, quantity and quality would be long-term, minor, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

6. Aesthetics

Existing Environment/Baseline Conditions (No Action Alternative):

The aesthetics or viewshed of state parks are critical elements, and the subject property would be no different. At the confluence of the Judith River and Missouri River, the Missouri River Canyon opens into a valley three to five miles wide. The confluence area is thickly wooded with cottonwood, ash, and willows, and is one of the largest concentrations of trees in this stretch of the Missouri River. Much of the rest of the valley is grassland, or irrigated pasture. There are also large areas of sagebrush, conifers, salt brush and greasewood. The rim of the valley consist largely of what is known as the Judith River formation, consisting of sandstone which forms impressive cliffs and rock pillars.²⁴

Direct Impacts:

No significant adverse direct impacts to aesthetics would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in direct impacts to area aesthetics.

²⁴ National Register of Historic Places Inventory – Nomination Form – Judith Landing Historic District NATIONAL REGISTER OF

Development

Construction activities associated with the development would result in adverse direct impacts due to increased levels of noise, odors, fugitive dust, and the presence of equipment, construction materials and workers. Any such impacts would be short-term and minor, lasting only as long as the construction phase. The development of the day use amenities would adversely impact the natural landscape; however, the area has already been altered and has some, limited, development. Therefore, any direct impacts on the site's aesthetics would be short-term, moderate, and adverse as well as long-term, minor, and adverse.

Secondary Impacts:

No significant, adverse secondary impacts would be expected because of the proposed acquisition and development. Once the vegetation planted as part of the site development matures, the site's vegetation would be restored to being largely native species and the trees/shrubs should screen the administrative and the picnic areas adequately. This would result in the site's aesthetics being pleasing. The level of development would be consistent with similar development in the area such as the BLM's Judith Landing site across the river with their campground and boat ramp. Therefore, any secondary impacts on the site's aesthetics would be short-term and long-term, minor to moderate, adverse, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts to aesthetics would be expected because of the proposed acquisition and development. If acquired, the Judith Landing State Park would be developed with aesthetics and viewshed in mind. These elements are very important to FWP as we develop and manage parks around the state and this site would be no different. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

7. Air Quality

Existing Environment/Baseline Conditions (No Action Alternative):

According to the Department of Environmental Quality (DEQ), air quality in the area affected by the proposed acquisition is currently unclassifiable or in compliance with applicable national ambient air quality standards. Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads and vehicle exhaust emissions. No significant point-sources of air pollution exist in the area affected by the proposed acquisition and development. No air quality restrictions exist for the affected area.²⁵

Direct Impacts:

No significant adverse direct impacts to air quality would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in impacts to air quality.

Development

No significant adverse direct impacts to air quality would be expected because of the proposed development. The movement of heavy machinery and materials over exposed ground during the

²⁵ DEQ-Montana Air Quality Non-Attainment Areas –

<https://gis.mtdeq.us/portal/home/webmap/viewer.html?useExisting=1&layers=f27a7686d0544bf58d327202aeb19787>

construction phase would generate fugitive dust emissions, which may directly and adversely impact air quality. Further, vehicle exhaust emissions resulting from the operation of heavy equipment may directly and adversely impact air quality. However, because the construction phase of the proposed project would be short-term and no significant point-sources of air pollution currently exist within or in the vicinity of the property, any direct adverse impacts to air quality would be short-term, negligible to minor, mitigated by dust control practices, as necessary, and consistent with existing impacts from vehicle travel over existing gravel roads as well as local agricultural practices.

Secondary Impacts:

No significant adverse secondary impacts to air quality would be expected because of the proposed acquisition and development. During the construction phase, removal of existing vegetation would be necessary to accommodate the proposed development. The removal of existing vegetation would expose bare ground, which may result in adverse impacts to air quality until vegetation is re-established. FWP anticipates that the area would receive increased visitation with the development of a state park. The roads leading to the site are currently dirt which would lead to increased fugitive dust emissions and vehicle exhaust emissions. Therefore, any secondary impacts to air quality would be long-term, negligible to minor, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

8. Unique, Endangered, Fragile, or Limited Environmental Resources

Existing Environment/Baseline Conditions (No Action Alternative):

According to the Montana Natural Heritage Program database, 12 species of concern have been identified within the property or within the vicinity of the property. This list includes 2 mammals (little brown myotis and long-eared myotis), 4 birds (black-billed cuckoo, bobolink, burrowing owl, and loggerhead shrike), and 1 reptile (spiny softshell). Five species of fish that are species of concern and 1 endangered species have been identified in the vicinity, however the proposed acquisition and development should not impact the adjacent Judith and Missouri Rivers. Bald eagles and mayflies have also been identified in the vicinity and are listed as a special status species.

Direct Impacts:

No significant adverse direct impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in impacts to the unique, endangered, fragile or limited environmental resources associated with the property.

Development

No significant adverse direct impacts to unique, endangered, fragile, or limited environmental resources quality would be expected because of the proposed development. During the construction phase, removal of existing vegetation and the use of heavy machinery would adversely impact the species of concern and the special status species. The area around the subject property is sparsely populated which may allow for impacted species to temporarily leave the subject property during the construction phase. The construction phase of the proposed development would be short-term therefore, any direct impacts would be short-term, minor to moderate, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed acquisition and development. FWP anticipates that the acquisition and the subsequent development of the property would lead to increased visitation to the site. The potential increase in visitation is difficult to predict however any increase in visitation is likely to lead to impacts to unique, endangered, fragile or limited environmental resources. The vegetation plan associated with the development of the site would restore native vegetation thereby creating more habitat for some listed species. The acquisition and development of the property would be consistent with current land use in the area. The BLM managed Judith Landing site offers camping, day use and a boat ramp across the river from the subject property. Therefore, any secondary impacts to unique, endangered, fragile, or limited environmental resources would be short and long-term, negligible to minor, adverse, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

9. Historical and Archaeological Sites

Existing Environment/Baseline Conditions (No Action Alternative):

As discussed above in the background and description of the proposed project (page 4), this area is rich with history that that rich history has been the impetus to acquire the property and develop a state park. In keeping with the Montana Antiquities Act and related regulations, all undertakings within State Parks are assessed for their potential to affect cultural resources. Any temporary or permanent developments would require prior cultural resource assessment. Where indicated, cultural resource inventories including pedestrian survey and/or subsurface testing would occur through consultation with the State Historic Preservation Office. The process for cultural resource inventory and consultation is outlined in Administrative Rules 12.8.501-12.8.510. FWP also consults with all Tribal Historic Preservation Offices affiliated with each park in accordance with FWP's tribal consultation guidelines. The cultural resource inventory and consultation with the SHPO and relevant Tribal Historic Preservation Offices will determine whether cultural resource monitoring is required during implementation.

Direct Impacts:

No significant adverse direct impacts to historical and archaeological sites would be expected because of the proposed acquisition and development. In keeping with the Montana Antiquities Act and related regulations (12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office (SHPO). FWP also consults with all Tribal Historic Preservation Offices (THPO) affiliated with each affected property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they would be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP would cease implementation, and contact FWP's Heritage Program and/or SHPO and affected THPOs for further evaluation.

Property Acquisition

The acquisition of the property itself would not result in adverse impacts to historical and archaeological sites associated with the property. FWP ownership would likely lead to more protection of the historical and archaeological sites as FWP's mission and core values allows for such.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. Before any development work would begin, a cultural survey of the areas where developments have been proposed would be completed to ensure that the development would not disturb historical or archaeological artifacts. The developments associated with the state park have been proposed in the already impacted cultivated fields to not effect undisturbed areas of the property.

Secondary Impacts:

No significant adverse secondary impacts to historic and archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the SHPO. FWP also consults with all THPOs affiliated with each affected property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they would be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP would cease implementation, and contact FWP's Heritage Program and/or SHPO and affected THPOs for further evaluation. Therefore, no adverse secondary impacts would be expected because of the proposed project.

As referenced above, in the direct impacts section, FWP ownership of the property would benefit the historical or archaeological sites that are present on the property. Another component of the acquisition and development would be hiring an architect to complete condition assessment surveys of the historic structures on the property. This architect would provide as-built drawings of the structures that would help monitor them over time and assist FWP in understanding if the buildings could be stabilized to prevent further degradation. Additionally, if the site is acquired, FWP would be able to tell the story of the historic district at the park through static interpretation and occasional, staff led education and interpretation programs.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

10. Demands on Environmental Resources of Land, Water, Air, and Energy

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property was part of a working ranch prior to its donation to the Montana State Parks Foundation. The buildings located on the property are not currently inhabited and have not been since the 1980s. This limits the current demands of the property on environmental resources of land, water, air, and energy to the use of water to irrigate the fields and the energy required to operate the pivots.

Direct Impacts:

No significant adverse direct impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in direct adverse impacts to demands on the environmental resources of land, water, air, and energy.

Development

Fuel would be required to operate the equipment and vehicles used to develop the proposed state park. Any adverse direct impacts to energy resources would be short-term and negligible, as the proposed project and associated construction activities are relatively small and the construction phase would be relatively short; therefore, the amount of fuel necessary to complete the proposed project would be minimal. As identified previously through the analyses of potential direct impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse impacts to the environmental resources of water, land, and air may occur because of the proposed development. As previously noted, any such impacts would be short-term, negligible to minor, and adequately mitigated (see cited impacts analyses above). Conversion of the irrigated cropland to non-irrigated native prairie would result in less water withdrawn for irrigation and long-term negligible benefit to demands on water. No other demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. As part of the development, FWP would propose connecting to the power lines adjacent to the site to provide power to the administrative area and the picnic shelter. The demand on this electrical connection would be expected to be low therefore, impacts to the resource of energy would be long-term, minor, and adverse. As identified previously through the analyses of potential secondary impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse and some beneficial secondary impacts to the environmental resources of water, land, and air may occur because of the proposed project. However, as noted previously, any such secondary impacts would be short- and long-term, negligible to minor, beneficial, and adverse. No other demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

B. Evaluation and Summary of Potential Impacts of the Proposed Project on the Human Environment

1. Social Structures and Mores

Existing Environment/Baseline Conditions (No Action Alternative):

Agriculture, and in particular cattle ranching, is a primary driver of the economy in Fergus County and constitutes a culturally accepted way of life. While the history of this site is not limited to agriculture, it has played a significant role. As FWP has worked through the potential acquisition and development of the property, the department has heard numerous times that it is important for people in the area that the historic structures are at a bare minimum cared for but ideally stabilized and that the history of the area is shared. This also seems to be the case on a larger scale as indicated in the 2020-2024 Statewide Comprehensive Outdoor Recreation Plan where an entire goal was dedicated to honoring Montana's outdoor legacy and more specifically protecting and preserving historic sites and heritage resources. See Section III, General Setting of the Affected Environment, for more detailed information related to the affected existing environment.

Direct Impacts:

No significant adverse direct impacts to pre-project social structures and mores would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would potentially impact social structures and mores due to how FWP would manage the property versus how it was previously managed. While some of the previous owners allowed the public to access the site, the site was not well posted nor was the access widely advertised, so the public was likely largely unaware of the opportunity. Under FWP ownership, the property would be open to the public and it would be advertised as such. This would provide the public with a better opportunity to visit the site and learn about the history of the area. This FWP acquisition might not be looked upon favorably by all, therefore any direct impacts from the proposed acquisition on social structures and mores would be short- and long-term, negligible to moderate, beneficial, and adverse.

Development

The development of the property would also potentially impact the social structures and mores as the development would be a change from the property's current state. The development of the site would provide for public safety, operational efficiency, and site stewardship and would consist of day use amenities. The development would also include interpretation elements that would share the area's rich history. Therefore, any direct impacts from the proposed developments on social structures and mores would be short- and long-term, negligible to moderate, and beneficial, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to pre-project social structures and mores would be expected because of the proposed acquisition and development. Public perceptions of the secondary impacts of the proposed actions would likely be mixed as well. Over the long-term, visitation to the area would likely increase as word spreads about the state park. Depending on the results of the condition assessment of the historic structures and available funding, the historic structures could eventually be stabilized which would allow for continued enjoyment of the site for future generations. Additionally, increased visitation and the highlighted history of the area might lead to an increased respect for the history of the area. Therefore, any secondary impacts from the proposed acquisition and development on social structures and mores would be long-term, negligible to moderate, beneficial, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

2. Cultural Uniqueness and Diversity

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment, for more detailed information related to the affected existing environment.

Direct Impacts:

No significant adverse direct impacts to cultural uniqueness and diversity would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself could potentially impact cultural uniqueness and diversity. Acquiring the property would lead the way for ensuring perpetual public access to a new state park that would be focused on the history of the area. This history is rich and includes numerous cultures that all played an important role in the history of the area, the state, and the western United States. Acquisition of the property would allow FWP to preserve and share this unique history with the public therefore, any direct impacts from the acquisition of the property on cultural uniqueness and diversity would be short- to long-term, negligible to moderate, and beneficial.

Development

Should the property be acquired, it would be developed as a rustic heritage state park which would put the emphasis on the area's history. The development of the site would consist of components such as various static interpretation elements that would describe the area's history and accessible elements to allow all people to experience the site. Contrast this with the site's current condition where public access is unclear, the site is not accessible and there is limited history outside of the plaques related to the historic structures themselves. Therefore, any direct impacts from the development of the property on cultural uniqueness and diversity would be short- to long-term, negligible to moderate, and beneficial.

Secondary Impacts:

No significant adverse secondary impacts to cultural uniqueness and diversity would be expected because of the proposed acquisition and development. The proposed acquisition and development would develop a new state park however it would not be expected to appreciably result in the immigration or emigration of people to or from the affected area or otherwise change the social make-up of the affected area. Therefore, no secondary impacts to the pre-project cultural uniqueness and diversity of the affected area would be expected because of the proposed acquisition and development.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

3. Access to and Quality of Recreational and Wilderness Activities

Existing Environment (No Action Alternative):

Fergus County is largely rural with ample access to public lands (nearly ¼ of the land in the county is public) and recreational opportunities such as fishing, hiking, upland game/big game hunting, camping, floating, and wildlife watching. The proposed acquisition and development of a state park would expand Montana State Parks into a portion of the state that does not currently have a state park and would

complement the other high profile public lands in the area, the Upper Missouri River Breaks National Monument, and the C.M Russell Wildlife Refuge. No congressionally designated Wilderness Areas would be affected by the proposed action. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

Direct Impacts:

No significant adverse direct impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed acquisition and development.

Property Acquisition

Some of the previous owners allowed public access to the property, however it was not well posted or published, and it is likely that the public largely did not realize that access was readily available. If FWP were to acquire the property it would be open to the public in perpetuity and that access component would be clearly stated. Therefore, any direct impacts to access to and quality of recreational activities associated with the acquisition of the property would be long-term, minor to moderate, and beneficial.

Development

If FWP were to acquire the property, subsequent development would follow to provide for public safety, operational efficiency, and site stewardship. During the construction phase, the public access to the site may be restricted which would limit access to recreational opportunities. Therefore, any direct impacts to access to and quality of recreational activities associated with the development of the property would be short-term, minor, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed acquisition and development. Should the property be acquired, the public would realize a general improvement in the availability of recreational amenities with clearly posted public access. These amenities would improve the visitor experience in numerous ways including recreationally. Additionally, trails (both accessible and native surface single track) would be developed to allow visitors the opportunity to hike within the site and provide access to the interpretive elements that would showcase the area's incredible history. One challenge that the public might face is road access to the site. The subject property requires roughly 30 miles of dirt road travel to reach the site, regardless of accessing the site from Big Sandy or Winifred. When conditions are wet, these access roads can be difficult to traverse due to the clay soils. Also, with the remote location, travel can be impacted and roads impassable during winter conditions. Should the property be acquired and developed, FWP would work to inform the public of the difficulties of road access during certain weather conditions. Therefore, any secondary impacts associated with the acquisition and development of the property would be short- and long-term, minor to moderate, beneficial, and adverse (mitigated through the dissemination of information related to unfavorable to impassable road conditions when roads are wet, or winter conditions exist).

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. A general improvement of perpetual recreational amenities and access in the area would be realized by the public. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

4. Local and State Tax Base and Tax Revenue

Existing Environment/Baseline Conditions (No Action Alternative):

Tourism is a significant part of Montana's economy. According to the Institute for Tourism and Recreation Research, 12.4 million visitors came to Montana in 2023 and spent \$5.45 billion. Outdoor recreation makes up 4.3% of the state GDP, making Montana number 3 in the U.S for outdoor recreation GDP. Montana's outdoor recreation economy grew 14% from 2021-2022 and Montana State Parks had 3.1 million visitors in 2023.²⁶ Fergus County's largest economic drivers are farming and ranch and while tourism is not at the top of this list, people do travel to Fergus County to enjoy the landscape and the recreational offerings. FWP does not pay property tax on state park specific property.

Direct Impacts:

No significant adverse direct impacts to local and state tax base and tax revenues would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would result in direct adverse impacts to local and state tax base and tax revenue. As mentioned above, FWP does not pay property tax on state park property and the previous owners of the subject property would have paid property tax therefore, any direct impacts from the acquisition of the property on local and state tax base and tax revenue would be long-term, minor, and adverse.

Development

The development of the property itself would not result in direct adverse impacts to local and state tax base and tax revenue. Should the property be acquired, FWP would hire contractors to complete the work associated with the development of the property. This could result in money being spent with local contractors and suppliers. Therefore, any direct impacts to the local and state tax base and tax revenue associated with the development of the property would be short-term, negligible, and beneficial.

Secondary Impacts:

No significant adverse secondary impacts to local and state tax base and tax revenues would be expected because of the proposed acquisition and development. The direct, adverse impact of no property tax revenue would continue over the long-term. The property acquisition combined with the state park development would result in increased public visitation thereby increase local revenue from fuel, food and lodging purchases which would benefit the local and state tax base. The combined secondary impacts of the acquisition and development would have the potential to impact the local and state tax base and tax revenue. FWP anticipates increased visitation to the area associated with the acquisition and development of the property as a state park. The smaller communities located along the routes to the subject property, such as Big Sandy and Winifred, could see increased tourist traffic as people purchase fuel and supplies for a visit to the remote park. Therefore, any secondary impacts to the local and state tax base and tax revenue associated with the acquisition of the property would likely be long-term, minor-moderate, beneficial, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

5. Industrial, Commercial, and Agricultural Activities and Production

²⁶ Institute for Tourism and Recreation - https://scholarworks.umt.edu/itrr_pubs/458/

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment, for more detailed information related to the affected existing environment.

Direct Impacts:

The acquisition of the property and the subsequent development would not result in significant direct adverse impacts to industrial, commercial, and agricultural activities and production. A portion of the 109 acres that would be acquired is currently used for agricultural purposes and it is proposed that this agricultural use would not continue under FWP ownership. FWP estimates that roughly 40 of the 109-acre property was used for agricultural purposes. If the property were to be acquired, FWP would develop a portion of the 40 acres, formally used for agricultural purposes, for day use amenities as part of a state park and converted the other portions of the agriculture land back to native species. Therefore, any direct impacts on to industrial, commercial, and agricultural activities and production associated with the acquisition and development of the property would be long-term, negligible, and adverse.

Secondary Impacts:

No significant adverse secondary impacts to access to industrial, commercial, and agricultural activities and production would be expected because of the proposed acquisition and development.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

6. Human Health and Safety

Existing Environment/Baseline Conditions (No Action Alternative):

The property itself is not currently developed for public access or to ensure human health and safety. The subject property has been part of a working ranch since the 1800s and does not contain sanitary facilities, signage indicating rules or regulations, parking, and the dilapidated buildings are very much open to the public, which is a public safety issue.

Direct Impacts:

No significant adverse direct impacts to human health and safety would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in significant direct adverse impacts to human health and safety. The acquisition of the property would pave the way for FWP to develop the property which would benefit human health and safety.

Development

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. During the construction phase the property may be closed to public access and the contractors would be required to follow outlined safety guidelines. Therefore, any direct impacts to human health and safety associated with the development

of the site would be short-term, minor, and adverse, lasting only as long as the construction phase of the project.

Secondary Impacts:

Should the property be acquired by FWP, subsequent development would need to occur to provide for public safety, operational efficiency, and site stewardship. The development of the site would impact human health and safety by addressing the items mentioned under the existing environmental/baseline conditions. Vault toilets would be provided, signage would be installed, roads and a parking area would be developed, accessible and native surface single track trails would be built, and the buildings would be secured to prevent the public from entering the unsafe buildings. Therefore, any direct impacts on human health and safety associated with the acquisition and development of the property would be long-term, moderate, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

7. Quantity and Distribution of Employment

Existing Environment/Baseline Conditions (No Action Alternative):

Currently, most of the employment associated with the property is related to agriculture. The proposed acquisition is for 109 acres. FWP owns, manages, or has access agreements with property throughout the state, including in this portion of Fergus County. FWP staff currently work in the vicinity of the subject property in various capacities.

Direct Impacts:

No significant adverse direct impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in significant direct adverse impacts to the quantity and distribution of employment. Individuals that currently work the property as a ranch would no longer do so therefore, impacts of the acquisition on the quantity and distribution of employment would be long-term, minor, and adverse.

Development

The acquisition of the property would require subsequent development to provide for public safety, operational efficiency, and site stewardship. The construction associated with the development of the property would lead to impacts to the quantity and distribution of employment. Most of the necessary construction work would be completed by private sector contractors. Therefore, any direct impacts to the quantity and distribution of employment associated with the development of the property would be short-term, negligible, and beneficial.

Secondary Impacts:

No significant adverse secondary impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed acquisition and development. The acquisition of 109 acres is unlikely to impact the current operations of existing ranches in the area. After the initial development, existing FWP staff would manage and maintain the site. Depending on the visitation the site receives, FWP may, in the future, be required to increase the staffing of the park. Therefore, any

secondary impacts to the quantity and distribution of employment associated with the acquisition and development of the property would be short and long-term, minor, beneficial, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

8. Density and Distribution of Human Population and Housing

Existing Environment/Baseline Conditions (No Action Alternative):

The subject property is in a remote and sparsely populated portion of north central Fergus County. The property contains multiple buildings but none of them are currently suitable for human habitation.

Direct Impacts:

No significant adverse direct impacts to the density and distribution of human population and housing in the affected area would be expected because of the proposed acquisition and development.

Property Acquisition

The acquisition of the property itself would not result in significant direct adverse impacts to the density and distribution of human population and housing in the affected area.

Development

The development of the property itself would not result in significant direct adverse impacts to the density and distribution of human population and housing in the affected area. The property is not currently inhabited, and the development would not immediately change that. There is the potential that during the construction phase, workers would stay on the property until the construction is completed. Therefore, any direct impacts to the density and distribution of human population and housing in the affected area would be short-term, negligible, and adverse, lasting only as long as the construction phase.

Secondary Impacts:

No significant adverse secondary impacts to the density and distribution of human population and housing in the affected area would be expected because of the proposed acquisition and development. FWP does not believe that the acquisition and development of the property would result in the immigration or emigration of long-term residents to or from the affected area. Existing FWP staff would manage and maintain the property. FWP anticipates that having a state park on the property would increase visitation to the site. Therefore, any impacts to the density and distribution of human population and housing would be short-term, minor, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

9. Demands for Government Services

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment (statewide), for more detailed information related to the affected existing environment.

Direct Impacts:

No significant adverse direct impacts to the demands for government services would be expected because of the proposed acquisition and development.

Property Acquisition

FWP staff have devoted time to the potential acquisition of the property. FWP staff have devoted time to developing concept plans, and estimates associated with the development of the site as well as this environmental assessment. Therefore, any direct impacts on the demands for government services associated with the acquisition of the property would be short-term, minor, and adverse.

Development

If the site were to be acquired, subsequent development would follow. Depending on the level of development, FWP staff and or Department of Administration staff would oversee the contracts and the work. Regional FWP staff would also assist in monitoring the construction and portions of the development would be handled directly by FWP staff, such as drill seeding of the irrigated field. Therefore, any secondary impacts on the demands for government services associated with the development of the property would be short-term, minor, and adverse, lasting only as long as the construction phase.

Secondary Impacts:

No significant adverse secondary impacts on demands for government services would be expected because of the proposed acquisition and development. Long-term, following completion of the park development, existing FWP staff would manage and maintain the property to state park standards. This means that the addition of this new state park might result in FWP staff spending less time at the Region's current sites and there is the potential that FWP would need to request FTE in the future, should the site's visitation require such. FWP believes that the benefit to the public of developing the property as a state park outweighs the disadvantages. Therefore, any secondary impacts to demands for government services associated with the acquisition and development of the property would be long-term, moderate, and adverse.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

10. Locally Adopted Environmental Plans and Goals

Existing Environment/Baseline Conditions (No Action Alternative):

See Section III, General Setting of the Affected Environment (statewide), for more detailed information related to the affected existing environment.

Direct Impacts:

No direct impacts to locally adopted environmental plans and goals would be expected to occur. Therefore, no significant, adverse direct impacts would be expected because of the proposed acquisition and development.

Secondary Impacts:

No significant, adverse secondary impacts would be expected because of the proposed acquisition and development. At this time, FWP is unaware of any other locally adopted environmental plans or goals

that may be impacted by the proposed acquisition and development. Therefore, no additional secondary impacts to locally adopted environmental plans and goals would be expected because of the proposed acquisition and development.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed acquisition and development. For a more detailed discussion of potential cumulative impacts see Section X, Cumulative Impacts Analysis.

XIV. Private Property Impact Analysis (Takings)

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

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

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

Table 4: Private Property Assessment Act (Taking and Damaging Assessment)

PRIVATE PROPERTY ASSESSMENT CHECKLIST			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 6.)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Taking or damaging implications exist if YES is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to question 4a or 4b.			
If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
Alternatives:			
The analysis under the Private Property Assessment Act, §§ 2-10-101-112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

XV. Public Participation

Scoping

Scope is the full range of issues that may be affected if an agency implements a proposed action or alternatives to the proposed action. The scope of the environmental review is described through a definition of those issues, a reasonable range of alternatives considered, a description of the impacts to the physical and human environments, and a description of reasonable mitigation measures that would ameliorate the impacts. Scoping is the process used to identify all issues that are relevant to the proposed action.

Depending on the level of impact associated with a proposed action, the scoping process may include a request for public participation in the identification of issues.

Because FWP determined the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determined the proposed project did not meet the criteria for a public scoping meeting. Therefore, a public scoping meeting was not held for the proposed action.

Public Review of Environmental Assessments

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). For the proposed project, FWP determined the following public notice strategy will provide an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP.
- Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/public-notices>.
- Public notice will be served on the Montana Environmental Quality Council's or EQC MEPA website at: <https://leg.mt.gov/mepa/search/>.

- As applicable, copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.
- FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).

Public notice announces availability of the Draft EA for public review, summarizes the proposed project, identifies the time-period available for public comment, and provides direction for submitting comments.

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

Length of Public Comment Period: 30 days

Public Comment Period Begins: 11/15/2024

Public Comment Period Ends: 12/14/2024 at 5:00pm

Comments must be addressed to the FWP contact listed below.

- **Where to Mail or Email Comments on the Draft EA:**

Name: ALEX SHOLES

Email: alex.sholes@mt.gov

Mailing Address:

Montana Fish, Wildlife and Parks

Attn: Judith Landing State Park EA

4600 Giant Springs Rd

Great Falls, MT 59405

XVI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

XVII. EA Preparation and Review

	Name	Title
EA prepared by:	Alex Sholes	FWP Region 4 Regional Recreation Manager
EA reviewed by:	Cannon Colegrove	FWP Region 4 Recreation Manager
	Cory Loecker	FWP Region 4 Wildlife Manager
	Deb O'Neill	FWP POR Division Administrator (Acting)

	Bill Schenk	FWP Land and Water Program Manager
	Jason Rhoten	FWP Region 4 Supervisor

XVIII. Resources

Montana National Register Sign Program, “Judith Landing Historic District,” *Historic Montana*, accessed September 6, 2024, <https://historicmt.org/items/show/3310>.

Montana State Parks and Recreation Board Policy – Acquisition and/or Transfer of Interest in Lands (2022-2024)

Montana State Parks and Recreation Board Policy - Classification and Investment Strategy Policy (2024-2028)

Montana Statewide Comprehensive Outdoor Recreation Plan 2020-2024

Fergus County - <https://co.fergus.mt.us/>

Central Montana - https://centralmontana.com/montana_counties/fergus_county/

Montana Commerce - <https://commerce.mt.gov/Data-Research/Research/People-Housing/Population>

US Census 2022, ACS 5-Year Survey

Fergus County Growth Policy 2022 - https://co.fergus.mt.us/images/Planning/Fergus_County_Growth_Policy_2022.pdf

2022 Census of Agriculture -

https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Montana/cp30027.pdf

Montana’s Forest Products Industry and Timber Harvest, 2018 -

<https://www.bber.umt.edu/pubs/forest/fidacs/MT2018.pdf>

Mining In Fergus County, Montana - <https://thediggings.com/usa/montana/fergus-mt027>

Montana Natural Heritage Program – Montana Field Guide.

Montana State Parks 2023 Visitation -

https://fwp.mt.gov/binaries/content/assets/fwp/stateparks/documents/final_2023-montana-state-parks-annual-visitation-estimates-report.pdf

Claggett Formation - USGS, https://ngmdb.usgs.gov/Geolex/UnitRefs/ClaggettRefs_7521.html

USDA NRCS Web Soil Survey - <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

National Register of Historic Places Inventory – Nomination Form – Judith Landing Historic District NATIONAL REGISTER

DEQ-Montana Air Quality Non-Attainment Areas –

<https://gis.mtdeq.us/portal/home/webmap/viewer.html?useExisting=1&layers=f27a7686d0544bf58d327202aeb19787>

Institute for Tourism and Recreation - https://scholarworks.umt.edu/itrr_pubs/458/

Appendix A – Affected Wildlife Species

Vertebrate species observed on or nearby the Judith Landing property, or likely to occur there based on species distribution and habitat suitability.

Common Name	Species Group	Scientific Name
Black-tailed Prairie Dog	Mammals	<i>Cynomys ludovicianus</i>
Little Brown Myotis	Mammals	<i>Myotis lucifugus</i>
Long-eared Myotis	Mammals	<i>Myotis evotis</i>
Townsend's Big-eared Bat	Mammals	<i>Corynorhinus townsendii</i>
North American Porcupine	Mammals	<i>Erethizon dorsatum</i>
Silver-haired Bat	Mammals	<i>Lasionycteris noctivagans</i>
Eastern Red Bat	Mammals	<i>Lasiurus borealis</i>
Hoary Bat	Mammals	<i>Lasiurus cinereus</i>
Fringed Myotis	Mammals	<i>Myotis thysanodes</i>
Grizzly Bear	Mammals	<i>Ursus arctos</i>
Merriam's Shrew	Mammals	<i>Sorex merriami</i>
American White Pelican	Birds	<i>Pelecanus erythrorhynchos</i>
Bald Eagle	Birds	<i>Haliaeetus leucocephalus</i>
Black-billed Cuckoo	Birds	<i>Coccyzus erythrophthalmus</i>
Bobolink	Birds	<i>Dolichonyx oryzivorus</i>
Burrowing Owl	Birds	<i>Athene cunicularia</i>
Eastern Screech-Owl	Birds	<i>Megascops asio</i>
Forster's Tern	Birds	<i>Sterna forsteri</i>
Franklin's Gull	Birds	<i>Leucophaeus pipixcan</i>
Golden Eagle	Birds	<i>Aquila chrysaetos</i>
Great Blue Heron	Birds	<i>Ardea herodias</i>
Greater Sage-Grouse	Birds	<i>Centrocercus urophasianus</i>
Loggerhead Shrike	Birds	<i>Lanius ludovicianus</i>
Sharp-tailed Grouse	Birds	<i>Tympanuchus phasianellus</i>
Ovenbird	Birds	<i>Seiurus aurocapilla</i>
Veery	Birds	<i>Catharus fuscescens</i>
White-faced Ibis	Birds	<i>Plegadis chihi</i>
Red-headed Woodpecker	Birds	<i>Melanerpes erythrocephalus</i>
Common Tern	Birds	<i>Sterna hirundo</i>
Brewer's Sparrow	Birds	<i>Spizella breweri</i>
Long-billed Curlew	Birds	<i>Numenius americanus</i>
Veery	Birds	<i>Catharus fuscescens</i>
Greater Short-horned Lizard	Reptiles	<i>Phrynosoma hernandesi</i>

Plains Hog-nosed Snake	<i>Reptiles</i>	<i>Heterodon nasicus</i>
Spiny Softshell	<i>Reptiles</i>	<i>Apalone spinifera</i>
Great Plains Toad	<i>Amphibians</i>	<i>Anaxyrus cognatus</i>
Northern Leopard Frog	<i>Amphibians</i>	<i>Lithobates pipiens</i>
Blue Sucker	<i>Fish</i>	<i>Cycleptus elongatus</i>
Paddlefish	<i>Fish</i>	<i>Polyodon spathula</i>
Pallid Sturgeon	<i>Fish</i>	<i>Scaphirhynchus albus</i>
Sauger	<i>Fish</i>	<i>Sander canadensis</i>
Sturgeon Chub	<i>Fish</i>	<i>Macrhybopsis gelida</i>