

DRAFT ENVIRONMENTAL ASSESSMENT

Blackfoot-Clearwater Hwy 83 Land Exchange

November 5, 2010

Prepared by:

**U.S. Fish and Wildlife Service
Division of Wildlife and Sportfish Restoration
Denver, Colorado**

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PURPOSE AND NEED FOR ACTION

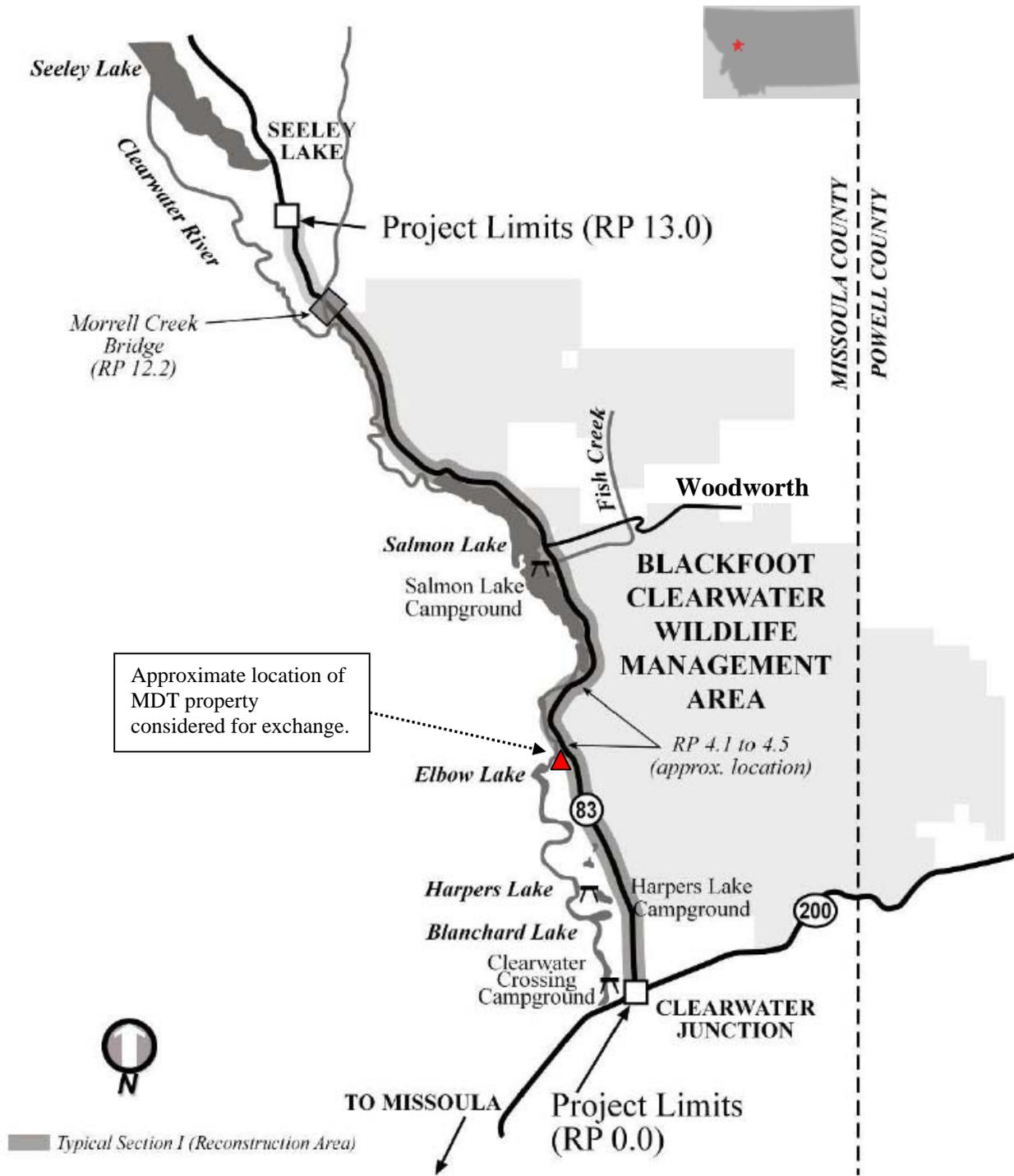
Montana Fish, Wildlife and Parks (FWP) is requesting approval of the U.S. Fish and Wildlife Service (Service) Division of Wildlife and Sport Fish Restoration (WSFR) for an exchange of property originally acquired with WSFR grant funds. FWP proposes to relinquish approximately 19 acres on land in the Blackfoot-Clearwater Wildlife Management Area (BCWMA) along the corridor of Highway 83 to Montana Department of Transportation (MDT) in return for a 53-acre parcel that is adjacent to BCWMA's western boundary.

The BCWMA was originally purchased with revenues from the sale of Montana hunting licenses, and with Federal Aid in Wildlife Restoration fund under WSFR Grant W-30-L. The WSFR approval of the proposed exchange of the BCWMA property constitutes a federal action subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as amended. The Service is therefore required to prepare an Environmental Assessment (EA) to analyze the effects on the human environment and document the findings. The Service will use this Draft EA to determine if the proposed action is likely to result in significant impacts to the human environment. If it is determined that there are no significant adverse impacts, the Service will issue a Finding of No Significant Impact (FONSI). If it is determined, conversely, that significant impacts might occur, the Service will be required to prepare an Environmental Impact Statement (EIS).

The purpose of the exchange is to provide MDT the property necessary for the Clearwater Junction-North project which consists of widening and realigning the right-of-way for Highway 83 between Clearwater Junction and Seeley Lake to improve public safety. If implemented, the exchange of property would be in lieu of monetary payment from MDT to FWP for right-of-way acquisition. MDT and FWP both recognize that the impact of the proposed exchange extends beyond the 19 acres to be relinquished to MDT for the footprint of the realignment.

In 2008, a 53-acre parcel directly southwest of the stretch between mile markers 4.1 and 4.5 and contiguous with BCWMA was placed on the market by a private party. The parcel consists of native fescue prairie and ponderosa pine parkland — high quality ungulate winter range — and 1,800 feet of Clearwater River frontage at the point used by most migrating elk and deer to travel between western summer ranges and the main unit of BCWMA. If the parcel had sold on the private market, residential development would have been likely. This would have resulted in significant long-term impacts to the BCWMA.

MDT proposed to purchase the tract and transfer it to FWP to replace the BCWMA property needed for the Clearwater Junction-North realignment project and to mitigate for impacts from the project on the area's wildlife and habitat. A property exchange would also eliminate the possibility that MDT would invoke their right of condemnation to acquire the needed 19 acres of BCWMA property.



ALTERNATIVES

Proposed Action

The WSFR proposes to approve the disposition of approximately 19 acres of the BCWMA owned by FWP and to approve the exchange of the BCWMA property for 53 acres owned by the MDT. The purpose of MDT's Clearwater Junction-North project is to expand Highway 83 to provide a wider shoulder for accommodating bicycle traffic and safety, and to improve line-of-sight distances for a number of highway sections. This would consist of realigning the centerline of Highway 83 up to 25' in places, and would require new cut and fill slopes along critical sections that would infringe on BCWMA.

The proposed action provides a method to mitigate the impacts from the realignment of Hwy 83 that is adjacent to the BCWMA, which is an important winter range for elk, white-tailed deer, and mule deer. In addition to being locally critical wintering area for those species, BCWMA provides a secure habitat and migration corridor for numerous other mammals and avian species, including grey wolves, grizzly bear, and lynx. The exchange of properties between FWP and MDT would balance the loss of BCWMA's impacted areas with a gain to BCWMA of habitat between the highway and Clearwater River with even more beneficial resource values.

No Action

If the WSFR does not approve the disposition and exchange of properties described previously, then no property exchange would occur between FWP and MDT under the No Action alternative. For the near future there would be no disturbances to the BCWMA. MDT may redesign their plans for the highway corridor's improvement or they may invoke their power of condemnation for matters of ensuring public safety. If the right of condemnation were implemented, FWP would only have the option of receiving monetary compensation for the needed right-of-way on BCWMA instead of receiving replacement property that serves a similar function or value. The amount of compensation would be negotiated based on an appraised market value of the 19 acres of BCWMA property. These funds would be returned to FWP's Wildlife Restoration Grant Program fund per the terms of the Wildlife Restoration Act for future obligation toward eligible wildlife resource activities. The 53-acre MDT property would likely sell on the open market and be developed for residential use.

Alternatives Considered but Eliminated from Further Analysis

During 2002, FWP and MDT considered the construction of a wildlife overpass as a way to mitigate the impacts to BCWMA for the highway corridor improvements. As with the current proposal by MDT, the improvements were necessary to decrease the wildlife-vehicle collisions between mile markers 4.1 and 4.5 and to improve public safety in this section of Highway 83. At that time, the cost of the overpass was estimated at \$1.6 million and the proposed mitigation plan was agreeable to both parties. Since that initial agreement, overpass construction costs have increased to a projected \$6-8 million, which has now made the overpass mitigation option too expensive and unfeasible.

Without the overpass, wildlife is expected to continue to cross the highway corridor at mile marker 4.3 and wildlife-vehicle collisions would continue at the present rate. Over time, wildlife-vehicle collisions are expected to increase due to increased average traffic speeds, after the corner is straightened and, because of a predicted 93% increase in traffic volume over the next 20 years.

AFFECTED ENVIRONMENT

Blackfoot-Clearwater Wildlife Management Area (BCWMA)

Location

BCWMA comprises about 65,015 acres in Missoula and Powell counties, with 16,785 acres (26%) in fee-title ownership and the remaining 48,230 acres (74%) included under leases with other state and private landowners or managed under conservation easements held by FWP. It is located within seven miles of the junction of State Highways 200 and 83 (Clearwater Junction) approximately 45 miles east of Missoula, Montana. Highway 83 is one of the main north-south arteries west of the Rocky Mountain front from its start at the junction with Highway 200. It passes numerous lakes, a state park, and the small hamlets of Swan Lake, Condon, and Ferndale. Seeley Lake is the nearest community on Highway 83 (located about 6 miles north of BCWMA). Ovando is the nearest community on Highway 200 (located about 6 miles east of BCWMA).

The BCWMA property subject to the proposed action lies between mile-markers 4 and 5 on the eastern side of Highway 83. Lands on the west side of Highway 83 are part of River Watch Subdivision, a 15-lot subdivision on 50 acres (including a 21-acre “common area”). The wood products, ranching, and recreation/tourism industries support the local economy.

Topography

BCWMA is situated at the convergence of the Clearwater River and Blackfoot River watersheds within two miles of the rivers’ confluence. Topography is steeply sloping and generally west facing, with closely interspersed natural benches and small rock-outcroppings. Benches are broader and slopes gradually moderate on the west side of Highway 83, leading 40-160 feet in elevation from the highway to the Clearwater River. The principal topographic feature of BCWMA is Boyd Mountain which, at a peak elevation of 5,625 feet, provides a low-lying landform connection with the Swan Range and Bob Marshall Wilderness Area (seven miles north of BCWMA), Mission Range and Mission Mountain Wilderness (15 miles northwest of BCWMA), and Garnet Range (2 miles south of BCWMA).

Soil and Prime/ Unique Farmland

None of the BCWMA property subject to the proposed action includes Prime or Unique Farmlands based on information from the U.S. Department of Agriculture’s Soil Survey Database. Soil types include: gravelly silt loams, rock outcrop complex, gravelly loams, and rubble land complexes. The BCWMA parcels are categorized as follows:

All Farmland of Statewide Importance – Area #1 and #3
Predominately Farmland of Statewide Importance, small area of Not Prime Farmland – Area #2
Not Prime Farmland – Area #4, #5, #6, #7
Predominately Not Prime Farmland, small acre of Farmland of Statewide Importance – Area #8

Water Resources

There are no water resources associated with the BCWMA property identified for exchange.

Vegetation

The area east and west of Highway 83 is forested primarily with Douglas fir and ponderosa pine. Understory vegetation is grass/shrub, primarily rough fescue, elk sedge, and serviceberry. Currently, FWP controls noxious weeds on BCWMA through mechanical and chemical means per the guidelines of FWP's 2008 Integrated Noxious Weed Management Plan.

Fisheries

There are no fisheries associated with the BCWMA property identified for the exchange.

Wildlife

Due to this unique position on the landscape, numerous migratory wildlife species are naturally attracted to BCWMA in seasonally high abundance. Thirty-three mammalian species have been documented on or adjacent to BCWMA. The Montana Bird Distribution Committee (MBDC, 1996) has compiled observations of 163 different bird species within the project lands from 1991 to 1995.

Annually, between 1,000 and 1,400 elk winter and as many as 800 mule deer use the area all or part of the year. Data collected from radio-collared animals in the late 1980s and early 1990s indicate that most elk and mule deer in the Clearwater watershed migrate annually to the 35mi² WMA winter range near Clearwater Junction from an expansive summer-fall range of 750mi² that includes the southwest corner of the Bob Marshall Wilderness and southeast corner of the Mission Mountain Wilderness. Elk and mule deer routinely occupy or cross the highway between the 4 and 5 mile markers.

The BCWMA property subject to the proposed action lies within the principal winter concentration area for white-tailed deer. It is important in mid-late winter as snow depths increase. FWP estimates as many as 600 white-tailed deer use the area all or part of the year. About half of the radio-collared white-tailed deer migrated up to 25 miles from summer ranges in the upper Clearwater River and middle Monture Creek drainages, the other half generally reside on and near the BCWMA.

Predators and scavengers associated with wintering white-tailed deer concentrate in this area including coyote, bald eagle, raven, mountain lion, and gray wolf. Lands within BCWMA,

especially those lands located generally east of Highway 83 and south of Woodworth Road (owned by FWP and the Montana Department of Natural Resources and Conservation) are closed to public entry from November 11th through May 14th annually to provide elk and deer with undisturbed winter habitat.

The Blackfoot-Clearwater area is winter habitat for 20-40 bald eagles. Likewise, it is nesting habitat for several bald eagle pairs that winter in the lower Columbia basin. Grizzly bears are commonly observed on BCWMA; the area is especially heavily used by grizzlies immediately post-emergence and during fall. Wolves are also routinely seen on the property and established packs occur both immediately east and west of the property. Canada lynx, wolverine, and marten occur on BCWMA, as do black bears, moose, mountain lions, and 200 other documented wildlife species.

Federally-Listed Endangered, Threatened, or Candidate and State Sensitive Species

Listed Endangered, Threatened, Proposed and Candidate Species in Missoula County as determined by the Montana Ecological Services Field Office are as follows:

MISSOULA COUNTY		
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Salvelinus confluentus</i>	Bull Trout	LT, CH, PCH
<i>Coccyzus americanus</i>	Yellow-billed cuckoo	C
<i>Howellia aquatilis</i>	Water Howellia	LT
<i>Canis lupus</i>	Gray Wolf	LE, XN

C = Candidate	PCH = Proposed Critical Habitat
LT = Listed Threatened	CH = Designated Critical Habitat
LE = Listed Endangered	XN = Experimental non-essential population
P = Proposed	

Grizzly Bear

Grizzlies routinely use the project area and have been observed crossing Hwy 83 on or near lands included in the proposed action and in adjacent residential subdivisions.

Canada Lynx

Recent research data suggest the area immediately north of Seeley Lake and this project may support the highest density of lynx in Montana. Telemetry data from that research project and FWP track surveys have both confirmed limited lynx use of the north and east portions of BCWMA.

Bull Trout

Bull trout are known to occur as common residents and spawners throughout streams and lakes in the Clearwater and Blackfoot watersheds. Migrant adults occur in Salmon Lake and the Clearwater River and bull trout are routinely found in Cottonwood Creek on BCWMA. The Clearwater River above Rainy Lake and Morrell Creek are both considered core areas for bull trout in the Blackfoot drainage, while the Clearwater River in the project area and Salmon Lake are both listed as nodal habitats.

Water Howellia

The current Montana distribution of this species is thought to be restricted to the Swan River Valley, north of the project area. Though extensive surveys have been conducted in the Clearwater drainage over the years by various agencies, water howellia has never been documented south of the Swan/Clearwater divide. Additionally, no primary potential habitat for this species would be affected by the proposed project.

Montana Species of Concern

Ten wildlife species of concern and four plant species of concern (from a search of the Montana Natural Heritage Program database) occur on or near the BCWMA property subject to the proposed action.

Species	
<i>Bidens beckii</i>	Beck Water-marigold
<i>Castilleja cervina</i>	Deer Indian Paintbrush
<i>Grindelia howellii</i>	Howell's Gumweed
<i>Nymphaea tetragona</i>	Pygmy Waterlily
<i>Gulo gulo</i>	Wolverine
<i>Lynx canadensis</i>	Canada Lynx
<i>Martes pennanti</i>	Fisher
<i>Gavia immer</i>	Common loon
<i>Haliaeetus leucocephalus</i>	Bald eagle
<i>Otus flammeolus</i>	Flammulated owl
<i>Picoides arcticus</i>	Black-backed woodpecker
<i>Oncorhynchus clarki lewisi</i>	Westslope cutthroat trout
<i>Salvelinus confluentus</i>	Bull Trout

Historical, Cultural, and Archaeological Resources

In 1989, a cultural resource inventory of the BCWMA property subject to the proposed action was completed at the request of MDT in preparation of this realignment project. The survey identified only one site, a rock cairn, within BCWMA's boundary but outside the MDT's project area. MDT plans to complete another survey prior to any groundbreaking activities to ensure sensitive sites are not disturbed by their project, the results of that survey will be submitted to the Montana's State Historic Preservation Office.

Aesthetics and Recreation

The BCWMA property identified for the proposed exchange is in close proximity to Highway 83 and is not considered prime recreational or hunting areas. Portions of the BCWMA within Montana hunting district 282 are open to the public from May 15th through November 10th for a variety of recreational opportunities that include hiking, wildlife viewing, horseback riding, photography, mountain biking, picnicking, and hunting. Hunting opportunities include black

bear, waterfowl, elk, and white-tailed and mule deer. BCWMA is closed during the winter to protect elk and deer during the critical winter season.

Montana Department of Transportation (MDT) Property

Location

The 53 acres of MDT property subject to the proposed action is situated adjacent to the BCWMA on the west side of Highway 83 approximately four miles north of Clearwater junction (the junction of Highway 83 and 200.) No improvements exist on the property.

Soil and Prime/ Unique Farmland

The MDT property does not include any Prime or Unique Farmlands. The majority of the acres are designed as either Farmland of Statewide Importance or Farmland of Local Importance. The soil type for the entire property is gravel loam with slopes of 0-30%.

Water Resources

This property includes water rights for a 165' well suitable for domestic use and access to 1,800 feet of river frontage to the Clearwater River, Elbow Lake, and a ½-acre pond. It is not located on a floodplain nor does it include any designated wetlands per the U.S. Fish and Wildlife Service Wetlands database.

Vegetation

The habitat of the MDT property is comparable to that found within BCWMA -- ponderosa pine parks and native grasslands. Existing vegetation on the property is a mix of conifers, open grasslands, and riparian shrubs along the Clearwater River

Fisheries

The MDT property provides access to the Clearwater River and Elbow Lake, both of which both provide habitats for native and non-native species. The Clearwater River supports bluegill, brook trout, brown trout, bull trout, kokanee salmon, largemouth bass, largescale sucker, longnose dace, longnose sucker, mottled sculpin, mountain whitefish, northern pike, northern pike minnow, peamouth, pumpkinseed, pygmy whitefish, rainbow trout, redbelt shiner, sculpin, westslope cutthroat trout, and yellow perch. Species present in Elbow Lake include brook trout, cutthroat trout, kokanee salmon, largescale sucker, longnose sucker, northern pike, northern pike minnow, pumpkinseed, rainbow trout, and yellow perch.

Angling pressure along the Clearwater River and at Elbow Lake is considered fairly light. State rankings for each location reported in the 2007 Montana Statewide Angling Pressure Report are 192 and 720 respectively. FWP does not anticipate the angling pressure on the bodies of water to measurably increase because no shoreline improvements to increase access at the 53-acre property are planned if the proposed exchange is approved.

Wildlife

The MDT property contains important ungulate winter range and provides critical connectivity between the main unit of BCWMA and important seasonal wildlife habitats to the west. It lies within the principal winter concentration area for white-tailed deer on the WMA; it is important for white-tailed deer in mid-late winter as snow depths increase. Elk and mule deer routinely occupy or cross the highway between the 4 and 5 mile markers. Predators and scavengers associated with wintering white-tailed deer concentrate in this area including coyote, bald eagle, raven, mountain lion, and gray wolf. Lands within the WMA, especially those lands located generally east of Highway 83 and south of Woodworth Road (owned by FWP and the Montana Department of Natural Resources and Conservation) are closed to all public entry from November 11th through May 14th annually to provide elk and deer with undisturbed winter habitat.

Federally-Listed Endangered, Threatened, or Candidate and State Sensitive Species

Federally Listed Endangered, Threatened, Proposed and Candidate Species in Missoula County as determined by the Montana Ecological Services Field Office are as follows:

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Bull Trout

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Clearwater River above Rainy Lake and Morrell Creek are both considered core areas for bull trout in the Blackfoot drainage, while the Clearwater River in the project area and Salmon Lake are both listed as nodal habitats.

Water Howellia

The current Montana distribution of this species is thought to be restricted to the Swan River Valley, north of the project area. Though extensive surveys have been conducted in the Clearwater drainage over the years by various agencies, water howellia has never been documented south of the Swan/Clearwater divide. Additionally, no primary potential habitat for this species would be affected by the proposed project.

Montana Species of Concern

Ten wildlife species of concern and four plant species of concern (from a search of the Montana Natural Heritage Program database) occur on or near the MDT property subject to the proposed action.

Species	
<i>Bidens beckii</i>	Beck Water-marigold
<i>Castilleja cervina</i>	Deer Indian Paintbrush
<i>Grindelia howellii</i>	Howell’s Gumweed
<i>Nymphaea tetragona</i>	Pygmy Waterlily
<i>Gulo gulo</i>	Wolverine
<i>Lynx canadensis</i>	Canada Lynx
<i>Martes pennanti</i>	Fisher
<i>Gavia immer</i>	Common loon
<i>Haliaeetus leucocephalus</i>	Bald eagle
<i>Otus flammeolus</i>	Flammulated owl
<i>Picoides arcticus</i>	Black-backed woodpecker
<i>Oncorhynchus clarki lewisi</i>	Westslope cutthroat trout
<i>Salvelinus confluentus</i>	Bull Trout

Historical, Cultural, and Archaeological Resources

There are no known cultural or historic resources associated with this parcel based on a file search completed by Montana’s State Historic Preservation Office.

Aesthetics and Recreation

As previously noted, this parcel does have access to the Clearwater River, Elbow Lake, and a small pond, and is part of hunting district 285, but public recreational access to the property has been restricted in the past. There is an established gravel road to the interior of property from Highway 83. If acquired through the proposed action, the property would be managed as part of BCWMA and open year-round to public recreational access.

ENVIRONMENTAL CONSEQUENCES

Proposed Action

Soils and Prime/ Unique Farmland

BCWMA

Realignment of portions of Highway 83 would result in the permanent removal and manipulation of soils in small sections along the highway, and the cut-away of a portion of one hillside. This area would be permanently lost for future agricultural use.

MDT Property

FWP does not anticipate any soil disturbing activities following the exchange.

Water Resources

BCWMA

Since no water resources exist on the BCWMA property for the proposed exchange, no effects would occur.

MDT Property

The public would gain walking access to the Clearwater River, Elbow Lake and the ½-acre pond on the MDT property, areas currently under private ownership and inaccessible to the public. There are no plans to use the well at this time.

Vegetation

BCWMA

Vegetation, including mature conifers, on approximately 19 acres of BCWMA property along the highway would be permanently altered or removed and covered by gravel and other construction materials.

MDT Property

Rough fescue native grasslands and ponderosa pine parks present on the property would be protected and enhanced. Noxious weed control measures would be implemented through mechanical and chemical means per the guidelines of FWP's Integrated Noxious Weed Management Plan to maintain and improve the forage for wildlife species.

Wildlife

BCWMA

During highway realignment and construction, resident wildlife would be anticipated to temporarily avoid the area due to increased noise and human disturbance. Up to 19 acres of

white-tailed deer and elk winter range would be permanently lost to the realignment of Hwy 83. Additional impacts to wildlife habitat and movements beyond the footprint of the project are also anticipated. If MDT's prediction of a 93% increase of traffic along Hwy 83 over the next 20 years is correct, an increase in vehicle-wildlife collisions even with line-of-sight improvements would be anticipated.

MDT Property

The property would be managed to provide winter range primarily for elk, white-tailed deer, and mule deer.

Federally-Listed Endangered, Threatened, or Candidate and State Sensitive Species

BCWMA and MDT Property

An Intra-service consultation was completed between the Montana Ecological Services Field Office (ESFO) and the Wildlife and Sport Fish Restoration program (WSFR) on October 14, 2010. The consultation resulted in a letter of concurrence from R. Mark Wilson, Field Supervisor, MT ESFO, which stated, "This project is wholly beneficial for grizzly bear (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), bull trout (*Salvelinus confluentus*), Gray wolf (*Canis lupus*) and yellow-billed cuckoo (*Coccyzus americanus*). The project will have no effect on water howellia (*Howellia aquatilis*). The Service feels this property exchange will go far in aiding the protection and recovery of threatened and endangered species, as well as many other fish and wildlife species". Thus, the Endangered Species Act (ESA) Section 7 evaluation is determined to be a "May Affect, but is not likely to adversely affect" the grizzly bear, Canada lynx, bull trout, gray wolf, and yellow-billed cuckoo for beneficial reasons; and, "No Effect" on water howellia.

Historical, Cultural, and Archaeological Resources

BCWMA and MDT Property

No effects to historical, cultural, or archaeological resources would occur because none exist on the BCWMA within the path of the highway realignment or on the MDT property.

Aesthetics, Recreation and Socio-Economic Resources

BCWMA

Construction activities may result in minor temporary deterioration of air quality in the immediate area and temporary negative impacts to the ambient noise level in the immediate area of the highway realignment and construction.

Temporary minor impacts to the movements of traffic, such as delays during construction, and commerce along Highway 83 are expected. No affect to public use of the area would be expected because, due to the close proximity of the property to Highway 83, recreational users do not heavily use the area. The highway realignment project is not expected to significantly affect the view shed of the overall area or other aesthetic values.

MDT Property

The property would be managed under the guidance of BCWMA Management Plan and other FWP policies and open to the public via Highway 83 for hiking, hunting, wildlife viewing, and angling. To preserve the habitat resources, no new roads would be constructed and the open space view shed would be maintained. Residential subdivision would be prohibited and public recreational access would be secured.

Cumulative Impacts

BCWMA

The improvements to Highway 83 would occur at some point in the future in order to improve public safety along a popular north-south route for tourists, local residents, and commerce. Migration of wildlife across the highway would continue with or without the highway improvements and vehicle-wildlife incidents would persist. Overall wildlife population diversity and densities on BCWMA are not expected to dramatically fluctuate following the completion of the highway improvements because habitat (forage, nesting cover, etc.) values would be preserved.

MDT Property

Direct and cumulative impacts to the MDT property are expected to be minimal because FWP would preserve the existing wildlife and habitat values and the property would be managed as part of BCWMA for the benefit of game and non-game species. Hunting would be allowed on the property, as well as other non-motorized recreation activities, but no public facilities would be developed within its boundaries.

No Action

Soils and Prime/ Unique Farmland

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated impacts would be the same as those described under the Proposed Action.

MDT Property

The 53-acre MDT parcel would likely be developed for residential use. Disturbance of soil and the placement of impenetrable surfaces would be anticipated.

Water Resources

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated impacts would be the same as those described under the Proposed Action.

MDT Property

The 53-acre MDT parcel would likely be developed for residential use. Use of the water rights for a 165' well for domestic purposes, and recreational use of Clearwater River, Elbow Lake, and the ½-acre pond would be anticipated. The development of associated septic systems and bank alterations could affect water quality along the Clearwater River or Elbow Lake.

Vegetation

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated impacts would be the same as those described under the Proposed Action.

MDT Property

The 53-acre MDT parcel would likely be developed for residential use. Native vegetation would be permanently lost or altered on the property.

Wildlife

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated impacts would be the same as those described under the Proposed Action.

MDT Property

This parcel would likely be sold and developed for residential use. Residential development of the property would permanently alter the area for valuable wildlife forage and winter range, and greatly diminish the parcel's value as a wildlife movement corridor. In addition, residential development would increase the presence of anthropogenic food attractants and thus increase the future risk of human-bear conflicts in the area.

Historical and Cultural

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated impacts would be the same as those described under the Proposed Action.

MDT Property

This parcel would likely be sold and developed for residential use. However, no effects to cultural, historic, or archaeological resources would occur because none exist on the property.

Aesthetics, Recreation and Socio-Economic Resources

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated impacts would be the same as those described under the Proposed Action.

MDT Property

The parcel would likely be sold and developed for residential use. Recreational access to the property would be permanently prohibited and the open space view shed along this scenic stretch of Hwy 83 would be lost.

Cumulative Impacts

BCWMA

MDT would likely use their authority of condemnation to proceed with the proposed realignment project of Highway 83; therefore, anticipated cumulative impacts would be the same as those described under the Proposed Action.

MDT Property

The parcel would likely be sold and developed for residential use and the resulting increase in human presence and disturbance would be expected to cause impacts in the immediate and surrounding area. Some long-term effects would include the alteration of wildlife use, a greater incidence of wildlife kills from increased residential traffic, an increase in human-wildlife conflicts, and additional noise, pollution, and trash. The overall character of the property would change from a largely undisturbed natural area to one of human development.

PUBLIC PARTICIPATION

MDT and FWP actively solicited public comment on the original highway realignment project and mitigation proposal in the Seeley Lake area during an informal scoping period that was initiated with a newsletter that appeared in the *Seeley-Swan Pathfinder* newspaper on March 7, 2002. MDT also mailed individual newsletters to potentially affected individuals and organizations in the project area. This initial scoping effort attracted 28 written replies. A second opportunity for public input in advance of this draft EA was offered in the form of a public meeting and open house on July 31, 2002 at the Seeley Lake Elementary School. Roughly 70 people attended, and an additional 22 written replies were generated. In addition, FWP contributed 2 informational articles on the subject in its weekly column in the *Seeley-Swan Pathfinder*. Copies of the newsletter, newspaper articles, written responses from the public, and a transcript of the public meeting are available upon request.

Numerous thoughtful and helpful issues and concerns were raised. Both MDT and FWP have reviewed all comments that were received. FWP's decision authority in this matter is much narrower than the scope of the comments received. MDT will consider how to incorporate issues that were raised about aesthetics, safety, and engineering into the design of the entire Clearwater Junction-North project.

The current proposed action is different than that originally scoped in 2002. At that time, mitigation for impacts to existing BCWMA lands was to take the form of a wildlife overpass structure to be constructed at the time the highway project was implemented. Construction of the overpass structure is no longer feasible. Therefore, FWP and MDT are proposing to replace impacted FWP properties and mitigate expected impacts wildlife through the acquisition and protection of a 53-acre parcel directly adjacent to BCWMA. That proposal is described and analyzed in this document.

Public comments on the proposed action were taken for 16 days (through 5 p.m. on November 19, 2009) by FWP. Legal notices were printed twice each in the *Helena Independent Record*, *Missoulian*, and *Seeley-Swan Pathfinder* newspapers. The EA was also posted on the FWP webpage <http://fwp.mt.gov//publicnotices/> beginning October 4, 2009.

A public meeting was held on November 9, 2009 at the Seeley Lake Ranger Station as an opportunity for interested parties to learn about and ask questions about the project. Copies of the EA or postcard notification of its availability were mailed to interested parties and adjacent landowners.

FWP received four written comment letters. Missoula County Rural Initiatives submitted a letter fully supporting the proposal, as did Mr. B. Otis of Emigrant, MT. Craig and Lynette Ronzone submitted a letter supporting the proposed land exchange, but raised concerns about MDT's engineering plans and highway access points north of the project area. Stephan and Martha Wolfinger, landowners very near the project area, submitted a letter that did not address the proposed project but rather expressed concerns about MDT's plans for considering highway access north of the project area and the effect that may have on a proposed private bridge across the Clearwater.

Based on the EA and the applicable laws, regulations and policies, Mack Long, Region 2 Supervisor, Montana Fish, Wildlife and Parks signed a “Decision Notice for Mitigation Plan for MT Highway 83 Right-of-Way Conveyance on the Blackfoot-Clearwater Wildlife Management Area on November 23, 2009”. This Decision Notice recommended that the Fish, Wildlife and Parks Commission approve the proposed exchange of lands between FWP and MDT.

Pursuant to NEPA, the Service has developed a document similar to the FWP EA. The Service will accept all public comments related to this proposed action for (15) fifteen days from the date when the assessment is published on the Service website. The Draft EA can be found at: <http://www.fws.gov/mountain-prairie/federalassistance/>. Written comments will be accepted until 5:00 p.m., November 16, 2010, and can be mailed to the address below:

Draft Environmental Assessment Blackfoot-Clearwater Hwy 83 Land Exchange
U.S. Fish & Wildlife Service
Wildlife and Sport Fish Restoration Program
134 Union Blvd., Denver Federal Center
Lakewood, CO 80228

EA PREPARATION

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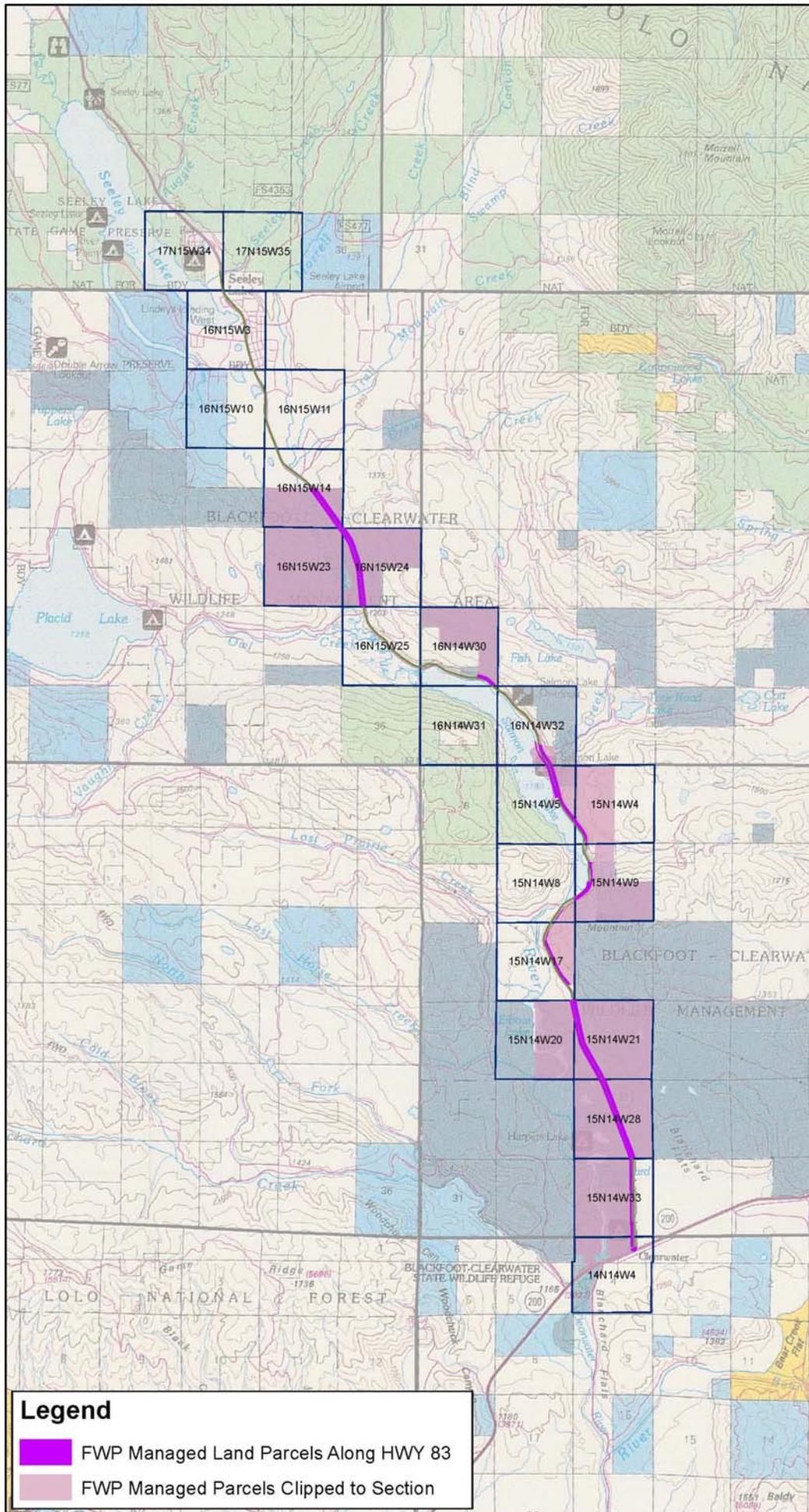
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APPENDIX A

Blackfoot-Clearwater Wildlife Management Area Property to be Affected by the Proposed Action

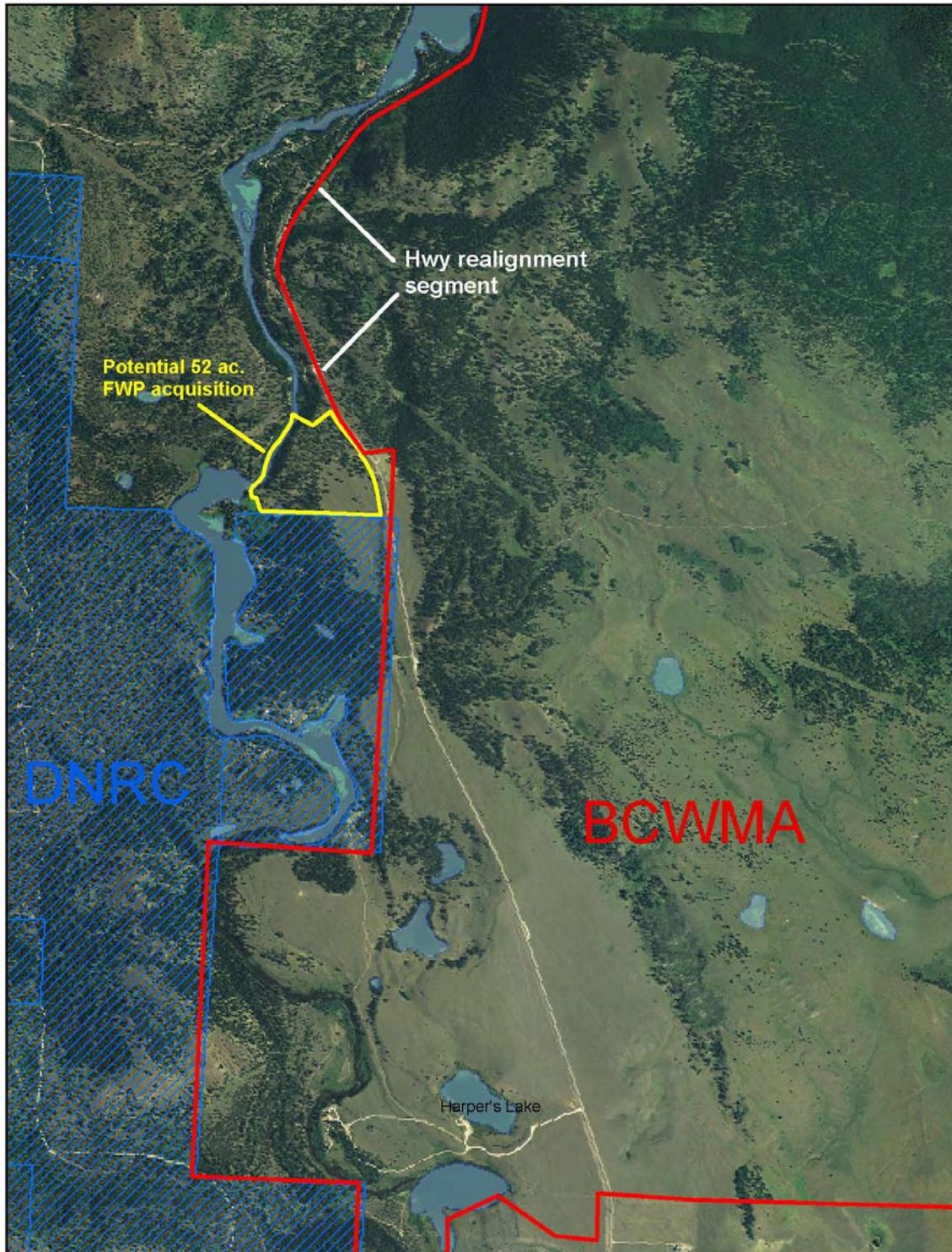


Scale 1 : 80,000



APPENDIX B

Montana Department of Transportation Property (highlighted in yellow)



APPENDIX C

Legal Descriptions and Location of Properties

Blackfoot-Clearwater Wildlife Management Area (FWP-owned Property)

First portion of MDT Plans:

Area #1

T14N, R14W, Section 4, Lot 2;
T15N, R14W, Section 33, SW1/4, SE1/4
0.78 acres

Area #2

T15N, R14W, Section 21, SW1/4, SW1/4,
T15N, R14W, Section 28, NE1/4, NW1/4
1.35 acres

Area #3

T15N, R14W, Section 21, SW1/4, NW1/4 & NW1/4, NW1/4
4.95 acres

Total: 7.08 acres currently specified on MDT design plans.

Second portion of MDT Plans (estimated):

Area #4

T15N, R14W, Section 17, NW1/4, NE1/4 & NE1/4, NE1/4
0.75 acres

Area #5

T15N, R14W, Section 9, Lot 3
0.675 acres

Area #6

T15N, R14W, Section 9, Lot 2
0.895 acres

Area #7

T15N, R14W, Section 4, Lot 5
T15N, R14W, Section 5, Lots 1, 5 and 6
T16N, R14W, Section 32, Lot 4
8.14 acres

Area #8 - T15N, R14W

T15N, R14W, Section 5, Lot 2
T16N, R14W, Section 32, Lot 4
1.12 acres

Total: 11.58 acres

Grand total estimated acres to be affected by proposed action: 18.66

Montana Department of Transportation Property

T15N, R14W
Section 17, SE1/4 (Tract B COS 05922)
Total: 52.73 acres