

636.294
F2fegf
1999

DRAFT

ENVIRONMENTAL

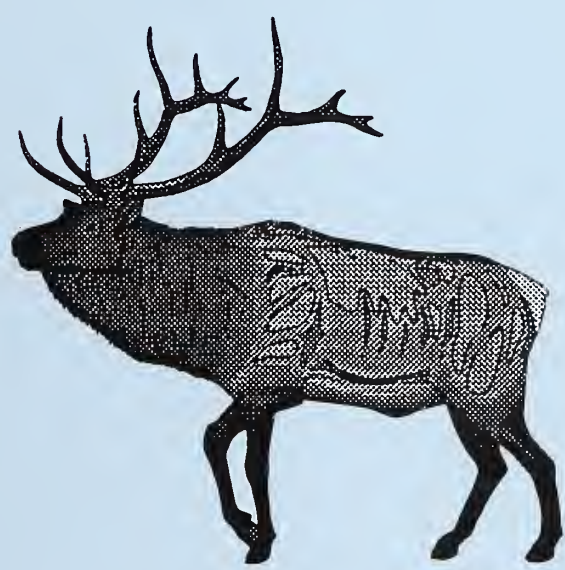
ASSESSMENT

**FRONTIER ELK GAME FARM
NEAR KALISPELL, MONTANA**

STATE DOCUMENTS COLLECTION

MAR 11 1999

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620



January 1999

**Montana Fish, Wildlife & Parks
Region 1
490 North Meridian Road
Kalispell, Montana 59901**

PLEASE RETURN

MONTANA STATE LIBRARY



3 0864 0014 3567 9

TABLE OF CONTENTS

Page

SUMMARY	1
INTRODUCTION	1
OBJECTIVES	1
PUBLIC PARTICIPATION	2
PROPOSED ACTION AND ALTERNATIVES	2
PURPOSE AND NEED OF THE PROPOSED ACTION	5
ROLE OF FWP AND DOL	5
AFFECTED ENVIRONMENT	5
ENVIRONMENTAL CONSEQUENCES	8
EA CONCLUSION	9
MITIGATION MEASURES	9
PART I. GAME FARM LICENSE APPLICATION INFORMATION	12
PART II. ENVIRONMENTAL REVIEW	15
EA DEFINITIONS	15
PHYSICAL ENVIRONMENT	16
Land	16
Air	18
Water	20
Vegetation	23
Fish and Wildlife	25
HUMAN ENVIRONMENT	29
Noise Effects	29
Land Use	30
Risk/Health Hazards	31
Community Impact	33
Public Services/Taxes	34
Aesthetics/Recreation	35
Cultural and Historical Resources	36
Summary	38
SUMMARY EVALUATION OF SIGNIFICANCE	40
PART III. NARRATIVE EVALUATION AND COMMENT	42
PART IV. EA CONCLUSION	44

FIGURES

FIGURE 1 Frontier Elk Game Farm Site Map showing Land Ownership	3
FIGURE 2 Frontier Elk Game Farm Site Map showing Land Use/Land Cover	4
FIGURE 3 Frontier Elk Game Farm Site Map showing Big Game Distribution	7

APPENDICES

APPENDIX A Private Property Assessment Checklist	
--	--



Digitized by the Internet Archive
in 2016

https://archive.org/details/draftenvironmen1999mont_1

PUBLIC PARTICIPATION

Public involvement in the EA process includes steps to identify and address public concerns. The Draft EA will be available for public review and comment from January 12, 1999 until 5 pm on February 2, 1999 at the Region 1 FWP office listed below. Submit all comments regarding this EA to the same address.

Game Warden Brian Sommers
Fish, Wildlife & Parks
490 N. Meridian Road
Kalispell, Montana 59901
(406) 751-4562

PROPOSED ACTION AND ALTERNATIVES

PROPOSED ACTION

FWP received a completed application from Mike Janicki on September 25, 1998 to construct the proposed Frontier Elk Game Farm at a site located approximately 4 miles east of Kalispell, Flathead County, Montana (Figures 1 and 2). As proposed, a maximum of 70 elk would be raised on the 35-acre site, which includes a 32 acre pasture and a 3 acre handling facility (Janicki, 1998a). The game farm would use existing quarantine facilities located at Grant Spoklie's game farm located nearby on White Basin Road, Kalispell, Montana. Elk initially released into the proposed game farm would come from a local licensed game farm. The game farm would also board elk owned by Grant Spoklie's game farm (Janicki, 1998b).

The applicant's residence adjoins the proposed game farm site, which is currently used for grain production. The purpose of the proposed game farm is to provide breeding stock, meat and antler production. There would be no fee shooting by the public at the game farm. The applicant would use the game farm to breed, sell, and dispose of domestic elk in accordance with Montana game farm and disease control requirements stipulated in Montana statutes and administrative rules.

Fence construction would be in accordance with requirements of FWP under ARM 12.6.1503A and proposed changes to these rules. Perimeter fencing of the 32 acre pasture would consist of 8-foot high, 6-inch mesh, high tensile big game fencing supported by 11-foot long, 2^{3/8}-inch steel pipe set 3 feet into the soil and spaced at 20 feet intervals. Corner posts would be 2^{7/8}-inch steel pipe set 3 feet into the soil and would be braced. Gates would be 8 feet high and consist of 2-inch metal tubing frame with 6-inch mesh fencing. The handling facility would be constructed with 8-foot high wood fencing and gates. All gates at the game farm would be double latching with a single lock, and would have a maximum 3-inches of ground clearance. The only exterior gate at the game farm would be located at the northeast corner of the handling facility (Figure 2).

ALTERNATIVES

One alternative (No Action Alternative) is evaluated in this EA. Under the No Action Alternative, FWP would not issue a license for the Frontier Elk Game Farm as proposed. Therefore, no game farm animals would be placed on the proposed game farm area. Implementation of the No Action Alternative would not preclude other activities allowed under local, state and federal laws to take place at the game farm site.

SUMMARY

DRAFT ENVIRONMENTAL ASSESSMENT PROPOSED FRONTIER ELK GAME FARM

INTRODUCTION

Montana Fish, Wildlife & Parks (FWP) is required to perform an environmental analysis in accordance with the Montana Environmental Policy Act (MEPA) for each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment (Administrative Rules of Montana [ARM] 12.2.430). FWP uses environmental assessments (EAs) in the game farm licensing process to identify and evaluate environmental impacts of a proposed game farm. EAs are also used to determine whether the impacts would be significant and whether, as a consequence, FWP would perform a more detailed environmental impact statement (EIS).

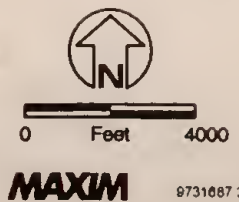
When preparing an EA, FWP reviews environmental impacts of the Proposed Action, impacts of the No Action Alternative, and impacts of other alternative actions which include recommended and/or mandatory measures to mitigate the project's impacts. A mitigated EA includes alternatives with enforceable requirements (stipulations) which reduce impacts of the Proposed Action. The EA may also recommend a preferred alternative for the FWP decision maker.




Based upon its review of the Frontier Elk Game Farm application, FWP has prepared a mitigated EA.

OBJECTIVES

This EA has been prepared to serve the following purposes in accordance with FWP MEPA rules (ARM 12.2.430):

- to ensure that FWP uses natural and social sciences in planning and decision making;
- to be used in conjunction with other agency planning and decision-making procedures to make a determination regarding the Proposed Action;
- to assist in the evaluation of reasonable alternatives and the development of conditions, stipulations, and modifications to the Proposed Action;
- to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with the Proposed Action;
- to ensure the fullest appropriate opportunity for public review and comment on the Proposed Action; and
- to examine and document the effects of the Proposed Action on the quality of the human environment.






-  National Forest
-  National Wildlife Refuge
-  State of Montana

Note: Ownership Data Derived From
 Montana Public Lands
 U.S. Bureau of Land Management
 1:100,000 Scale Maps.
 Topographic Base Derived From
 U.S.G.S. 1:24,000 Scale Maps.

Site Map
 Proposed Game Farm EA
 Frontier Elk Farm
 Flathead County, Montana
 FIGURE 1





-  Crop/Pasture
-  Mixed Forest
-  Wetland

Note: Land Use Data Derived From
 Montana Public Lands
 U.S. Bureau of Land Management
 1:250,000 Scale Maps.
 Topographic Base Derived From
 U.S.G.S. 1:24,000 Scale Maps.

Land Use / Land Cover
 Proposed Game Farm EA
 Frontier Elk Farm
 Flathead County, Montana
 FIGURE 2



PURPOSE AND NEED OF THE PROPOSED ACTION

The Frontier Elk Game Farm is a commercial enterprise to provide meat, antlers, and breeding stock for the game farm market. There would be no fee shooting by the public at the game farm.

ROLE OF FWP AND DEPARTMENT OF LIVESTOCK (DoL)

FWP is the lead agency in preparing this EA for the proposed project. This document is written in accordance with the Montana Environmental Quality Council (EQC) MEPA Handbook and FWP statutory requirements for preparing an EA under Title 75, Chapter 1, Part 2 Montana Code Annotated (MCA) and FWP rules under ARM 12.2.428 et seq.

FWP shares regulatory responsibilities for new and expanding game farms with the DoL. The DoL is responsible for regulating the health, transportation and identification of game farm animals. During the application process, all handling area plans and specifications are submitted to the DoL for approval and inspection of the proposed handling facility. No game farm licenses are issued without such approval.

AFFECTED ENVIRONMENT

The proposed Frontier Elk Game Farm consists of 35 acres of cropland located in Flathead County approximately 4 miles east of Kalispell, Montana (**Figure 1**). Under the Proposed Action, up to 70 elk would be stocked on 32 acres of pasture and a 3-acre handling facility. The site is situated in the Flathead River Valley and is currently used to grow grain. Adjoining properties are privately owned and are used for residences, crop production, and grazing (**Figure 2**).

The owner's residence adjoins the north side of the proposed game farm. Approximately 10 residences are located within a 1-mile radius of the site and the nearest neighbor is located approximately ¼-mile east of the site. This section summarizes the primary environmental resources in the project area.

LAND RESOURCES

The proposed Frontier Elk Game Farm is located on 35 acres approximately 4 miles east of Kalispell, Montana at an elevation of about 2,960 feet above mean sea level. The site consists of a terrace and bottomland about ½ mile north of Egan Slough on the Flathead River (**Figure 2**). Land on the bench and bottomland is nearly level to gently sloping and is cultivated. The land will be seeded to alfalfa and pasture grasses for grazing by the domestic elk. A moderately sloping, northwest facing slope that has not been cultivated separates the terrace from the bottomland.

The Soil Conservation Service identified four soil mapping units on the proposed site. Most of the area (about 75%) is mapped as Creston Soils. The slope between the terrace and the bottomland (about 10%) is mapped as Blanchard very fine sandy loam. A similar size area on the terrace is mapped as Somers silt loam. The remaining acreage is mapped as Kalispell loam.

The Creston series consist of deep, dark, silty soils on parent materials deposited by glacial streams. Creston soils are well drained and are highly calcareous in the subsurface horizon. Soils of the Blanchard series are shallow to moderately deep, sandy, and calcareous in the subsurface horizon. Blanchard soils formed on steep terrace edges. Somers silt loams are one of the most productive soils in the Upper Flathead Valley. These soils formed on terraces of glacial lakes and streams and are mildly alkaline. Kalispell series soils are deep, well drained soils, formed on outwash fans and glacial lake and

stream terraces. Abundant free carbonates are present in the subsurface horizons and subsoil. There is a high hazard of wind and water erosion of the Blanchard soils on the slope between the terrace and the bottomland. These soils will blow or wash easily unless protected.

WATER RESOURCES

The proposed Frontier Elk Game Farm is located approximately ½-mile north of Egan Slough and is approximately 2 miles from the Flathead River (**Figure 1**). Another small unnamed slough adjoins the north side of the proposed game farm site and flows west approximately 2 miles to a small pond. Surface water runoff from the site has potential to flow north to the unnamed slough and south toward Egan Slough. The site is not located within the floodplain boundary of the Flathead River.

An approximately 360-foot deep well located at the site would supply water for the game farm and adjoining residence. Approximately 17 water supply wells are located within a 1-mile radius of the site. Total depths of the wells range from 176 to 417 feet. Most of the wells appear to be artesian, with static water levels ranging from 10 to 70 feet below grade.

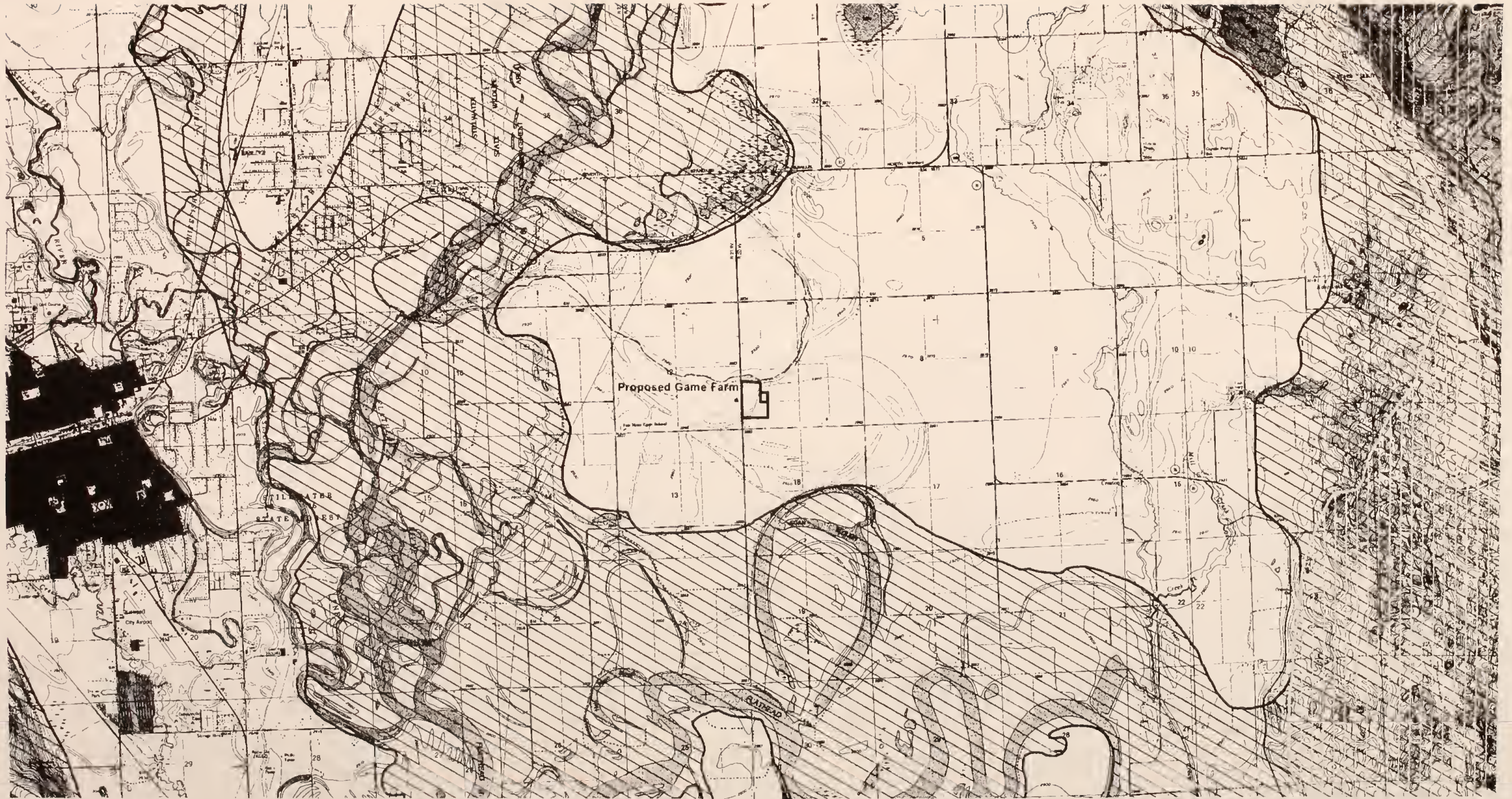
VEGETATION RESOURCES

The proposed elk game farm occupies a site that is primarily under cultivation of small grains. All but approximately 3 acres has been plowed. The unplowed acreage has little native vegetation, and is primarily Kentucky bluegrass, wild oats, annual forbs, and a small amount of noxious weeds (spotted knapweed and Canada thistle). Existing native species include needle-and-thread, Missouri goldenrod, and yarrow. Additionally, small conifers have been planted in the portion of the pasture closest to the house. There do not appear to be any sensitive vegetation species within the proposed game farm.

The proposed action would graze up to 70 elk on 32 acres of dryland alfalfa/pasture grass mix. The pasture would probably not be ready for grazing until the fall of the second year after planting. Estimated production would supply 70 elk with from 1 to 3 months forage, depending on species planted, and the amount and timing of precipitation. As a result, the elk would require supplemental feed.

WILDLIFE RESOURCES

The proposed game farm is near the Egan Slough and a smaller slough, but does not include any wetland site. Egan Slough provides habitat to a variety of wetland dependent wildlife species such as dabbling ducks, Canada geese, and muskrats. A few white-tailed deer inhabit this area but the lack of vegetative cover in this area reduces the habitat suitability the area for deer. However, one set of deer tracks was observed on the proposed game farm site. The proposed game farm site is approximately 2 miles from the Flathead River. Bottomlands along the river do provide significant wildlife habitat in this area. The river bottomlands also provide a travel corridor for transient wildlife that would typically remain in forested mountain habitats. Elk, moose, mountain lions, black bears, gray wolves, and grizzly bears could potentially be transient through this area. The latter two species are federally-listed as threatened. Bald eagles are common year long residents along the Flathead River, and there are an estimated four eagle nests along in this area. The peregrine falcon is potentially migratory through this area. Both the bald eagle and peregrine falcon are federally-listed as threatened and endangered, respectively.



Proposed Game Farm

STILLWATER STATE RESERVE

FLATHEAD STATE RESERVE




City Airport



0 Feet 4000

MAXIM

9731687 390

-  Mule Deer General and Winter Range
-  White-Tailed Deer Winter Range
-  Elk General and Winter Range

Note: Data Derived From
 Montana Fish, Wildlife and Parks
 1:100,000 and 1:250,000 Scale Maps.
 Topographic Base Derived From
 U.S.G.S. 1:24,000 Scale Maps.

Big Game Distribution
 Proposed Game Farm EA
 Frontier Elk Farm
 Flathead County, Montana
 FIGURE 3



ENVIRONMENTAL CONSEQUENCES

Only resources that have potential adverse effects from the Proposed Action are summarized in this section. A detailed discussion of environmental consequences is contained in *Part II* of this EA.

LAND RESOURCES

The proposed game farm is expected to have only minor impacts to land and soil resources. The primary impact would be associated with the potential wind and water erosion on the slope between the terrace and bottomland. This situation would occur if the stocking rate causes bare ground to be exposed for an extended period of time.

WATER RESOURCES

Raising elk at the 35 acre site is likely to have a minor affect on water resources. Slightly increased runoff and erosion could result from ground disturbances by the domestic elk, particularly if the stocking density reaches 70 elk. However, a vegetated buffer zone approximately 100 feet wide separates the pasture from a small slough north of the game farm site.

Domestic elk fecal matter and nutrient-enriched water could affect the quality of groundwater and surface water in the vicinity of the site, particularly during snowmelt or major precipitation events. Wells are located on adjoining properties, but are generally several hundred feet deep. Stocking the site with elk on a year-round basis would likely have a similar affect to using the site as horse or cattle pasture.

VEGETATION RESOURCES

Forage production under a grazing system would probably be less than if the land was used for hay production. Plant vigor would decrease more rapidly under continuous grazing, and may result in decreased forage production, reduced ground cover, increased soil erosion and invasion by noxious weeds.

The potential to introduce new and/or expand existing populations of noxious weeds is present. Forage requirements of the elk would have to be satisfied with hay. Importation of hay may result in the introduction of noxious weeds. Importation of elk from other producers may also result in a seed source for noxious weeds.

WILDLIFE RESOURCES

The proposed game farm site is not located within any critical big game winter range, nor is it located along a migration corridor. Activity at the proposed game farm site would not influence bald eagle nesting behavior in this area. The proposed game farm does not include any water body or wetland area and is not likely to impact aquatic resources.

There is a possibility that wild deer may enter the enclosure especially during periods of drifted snow or deep snow accumulation in the winter. Deer have also been documented to crawl under game proof fencing at sites dug by coyotes. Wild elk do pass through this area on occasion and may be attracted to the game farm, especially during the rut.

Potentially, mountain lions, black bears, grizzly bears, and wolves could pass through this area on rare occasions. The proposed game farm is situated more than a mile from the Flathead River bottomlands and the probability of large carnivores encountering the game farm is low. The enclosure of 35 acres with 8-foot high big game fencing may slightly alter the daily movement of the few white-tailed deer living in

this area. The proposed game farm is sufficiently small to allow deer easy access around the enclosure. The broad open nearly level topography in this area will also contribute to deer moving freely through this area.

There is significant potential of game farm elk carrying or becoming infected with a contagious wildlife disease or parasite such as tuberculosis or chronic wasting disease and then coming in contact (through-the-fence, nose-to-nose, nose-to-soil, or ingress/egress) with wild deer, elk or other wildlife. It is also possible diseases and parasites carried by wild elk could be introduced to game farm elk. Ingress of wild elk or deer would likely result in the destruction of the trespassing animal(s), if discovered.

CUMULATIVE EFFECTS

The Proposed Action would not result in potential impacts that are individually minor but cumulatively considerable. Cumulative effects from past, present, and reasonably foreseeable activities in all resource areas would be similar to those described for the Proposed Action.

EA CONCLUSION

MEPA and game farm statutes require FWP to conduct an environmental analysis for game farm licensing as described in the Introduction of this Summary. FWP prepares EAs to determine whether a project would have a significant effect on the environment. If FWP determines that a project would have a significant impact that could not be mitigated to less than significant, the FWP would prepare a more detailed EIS before making a decision.

Based on the criteria evaluated in this EA, an EIS would not be required for the Frontier Elk Game Farm. The appropriate level of analysis for the Proposed Action is a mitigated EA because all impacts of the Proposed Action have been accurately identified in the EA, and all identified significant impacts would be mitigated to minor or none.

MITIGATION MEASURES

The mitigation measures described in this section address both minor and significant impacts. FWP would require stipulations to mitigate all potentially significant impacts resulting from the Proposed Action. Potential minor impacts from the Proposed Action are addressed as mitigation measures that are strongly recommended to remain in compliance with state and federal environmental laws, but not required.

REQUIRED STIPULATIONS AND MITIGATIONS

The following stipulation is imposed by FWP and is designed to mitigate significant impacts identified in the EA to below the level of significance:

Report the ingress of any wild game animals or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress was achieved.

This stipulation is imposed to mitigate potentially significant risk to wildlife posed by the proposed game farm. Risk to wildlife from contact between game farm animals and wild game is potentially significant due to the site being located in an area currently utilized by wild game.

The information provided by this stipulation would help both the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to existing FWP fencing and wildlife protection requirements, would effectively reduce the risk to wildlife to below significant.

The following mitigation measure has been included by the game farm applicant as part of the Proposed Action, and is repeated here as a required mitigation because of its importance in reducing potentially significant impacts to below the level of significance:

There will be no fee shooting by the public at the Frontier Elk Game Farm.

This mitigation will preclude potential risks to neighbors and passers-by that would have been associated with fee shooting at the site.

RECOMMENDED MITIGATION MEASURES

The following mitigation measures address minor impacts identified in the EA that are likely to result from the Proposed Action.

Land Resources

- Maintain a reasonable stocking rate within the game farm enclosure to maximize vegetative cover and minimize runoff, erosion, and potential changes in soil structure. A "reasonable stocking rate" is defined under *EA Definitions*, in Part II of the Environmental Review (p. 15).

Air Resources

- Spread waste during cool weather or in the morning during warm, dry weather.
- Properly dispose of dead animals. Carcasses should not be disposed of in or adjacent to water bodies, roads, and ditches.

Water Resources

- Maintain a reasonable stocking rate in the proposed game farm area to mitigate potential impacts from erosion and fecal matter. Potential water quality impacts also could be minimized by disposing dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste).
- Control surface water discharges from the game farm site, if they occur, by employing Best Management Practices (BMPs) where runoff could exit the pasture and enter the nearby sloughs. The BMPs may include earthen berms, vegetative buffer zones, straw bale dikes, or silt fences.

Vegetation Resources

- Provide supplemental feed to the elk year-round to reduce the probability of overgrazing in the enclosure and to provide for the nutritional requirements of elk.
- Stock elk at a rate which will preserve the vegetative resource and soil integrity over time.
- Establish a rest/rotation grazing system within the proposed game farm.
- Feed only certified weed seed-free-hay and grain.
- Develop a weed control plan in conjunction with the Flathead County Weed Control District.

Wildlife Resources

- Store hay, feed, and salt away from exterior fences, or in buildings.
- Feed game farm animals at the interior of the enclosure and not along the perimeter fence.
- Properly dispose of dead animals and remove excess fecal material and waste feed to an approved site not likely to be used by humans, or domestic and wild animals.
- Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators and other game animals.
- Remove snow on either side the of the enclosure fence as required to prevent ingress and egress.
- Adjust fence requirements to include double fencing, electrification, or increased height, if fence integrity or ingress/egress becomes a problem.

Noise

- Stock a minimal number of bulls to minimize bugling during the mating season.
- Limit noisy construction activities to daylight hours and complete work as quickly as possible.

Cultural Resources

- Mitigate impacts to cultural resources by stopping work in the area of any observed archeological artifact. Report discovery of historical objects to the State Historic Preservation Office in Helena.

ENVIRONMENTAL ASSESSMENT CHECKLIST

PART I. GAME FARM LICENSE APPLICATION

Montana Fish, Wildlife & Park's authority to regulate game farms is contained in sections 87-4-406 through 87-4-424, MCA and ARM 12.6.1501 through 12.6.1519.

1. **Name of Project:** Frontier Elk Game Farm

Date of Acceptance of Completed Application: September 25, 1998

2. **Name, Address and Phone Number of Applicant(s):**

Mike Janicki
549 Montford Road
Kalispell, MT 59901
(406) 756-5803

3. **If Applicable:**

Estimated Construction/Commencement Date: May 1, 1998

Estimated Completion Date: May 1, 2000

Is this an application for expansion of existing facility or is a future expansion contemplated?

No future facility expansion is planned.

4. **Location Affected by Proposed Action (county, range and township):**

Flathead County W ½ of SW ¼, Section 7, Township 28 North, Range 20 West

5. **Project Size:** Estimate the number of acres that would be directly affected that are currently:

(a) Developed:
residential..... _____ acres
commercial..... _____ acres

(b) Open Space/Woodland Areas.... _____ acres

(c) Wetlands/Riparian Areas..... _____ acres

(d) Floodplain... _____ acres

(e) Productive:
irrigated cropland. _____ acres
dry cropland..... 35 acres
forestry..... _____ acres
rangeland..... _____ acres
other..... _____ acres

6. Map/site plan:

The following maps are included in the introductory summary of this EA:

- Figure 1:** Frontier Elk Game Farm Site Map showing Land Ownership
- Figure 2:** Frontier Elk Game Farm Site Map showing Land Use/Land Cover
- Figure 3:** Frontier Elk Game Farm Site Map showing Big Game Distribution

7. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action:

FWP received a completed application from Mike Janicki on September 25, 1998 to construct the proposed Frontier Elk Game Farm at a site located approximately 4 miles east of Kalispell, Flathead County, Montana (**Figures 1 and 2**). As proposed, a maximum of 70 elk would be raised on the 35-acre site, which includes a 32 acre pasture and a 3 acre handling facility (Janicki, 1998a). The game farm would use existing quarantine facilities located at Grant Spoklie's game farm located nearby on White Basin Road, Kalispell, Montana. Elk initially released into the proposed game farm would come from a local licensed game farm. The game farm would also board elk owned by Grant Spoklie's game farm (Janicki, 1998b).

The applicant's residence adjoins the proposed game farm site, which is currently used for grain production. The purpose of the proposed game farm is to provide breeding stock, meat and antler production. There would be no fee shooting by the public at the game farm. The applicant would use the game farm to breed, sell, and dispose of domestic elk in accordance with Montana game farm and disease control requirements stipulated in Montana statutes and administrative rules.

Fence construction would be in accordance with requirements of FWP under ARM 12.6.1503A and proposed changes to these rules. Perimeter fencing of the 32 acre pasture would consist of 8-feet high, 6-inch mesh, high tensile big game fencing supported by 11-feet long, 2^{3/8}-inch steel pipe set 3 feet into the soil and spaced at 20 feet intervals. Corner posts would be 2^{7/8}-inch steel pipe set 3 feet into the soil and would be braced. Gates would be 8 feet high and consist of 2-inch metal tubing frame with 6-inch mesh fencing. The handling facility would be constructed with 8-feet high wood fencing and gates. All gates at the game farm would be double latching with a single lock, and would have a maximum 3-inches of ground clearance. The only exterior gate at the game farm would be located at the northeast corner of the handling facility.

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction:

(a) Permits:

Agency Name	Permit	Approval Date and Number
Department of Livestock	Approval of quarantine and handling facility	Approved

(b) Funding:

Agency Name	Funding Amount
-------------	----------------

None

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
Montana Department of Livestock	disease control
Montana Department of Environmental Quality (MDEQ)	water quality, air quality waste management
Montana State Historical Preservation Office (SHPO)	cultural resources
Montana Department of Natural Resources and Conservation (DNRC)	water rights
Natural Resource Conservation Service (NRCS)	soil conservation
Flathead County Conservation District	stream crossings
U.S. Army Corps of Engineers (COE)	wetlands
Flathead County Weed Control District	weed control

9. List of Agencies Consulted During Preparation of the EA:

Montana Department of Livestock

Montana Department of Environmental Quality

Montana State Historical Preservation Office

Montana Department of Natural Resources and Conservation

U.S. Department of Agriculture, Natural Resource Conservation Service

Flathead County Conservation District

U.S. Forest Service

REFERENCES:

Mike Janicki, 1998a. Application To Construct the Frontier Elk Game Farm. Dated September 21, 1998.

Mike Janicki, 1998b. Proposed Game Farm Operator, personal communication with Doug Rogness, Maxim Technologies, November 11, 1998.

PART II. ENVIRONMENTAL REVIEW

This section of the EA presents results of an environmental review of the Proposed Action. The assessment contains an evaluation of direct and indirect impacts and cumulative effects of the Proposed Action on the following resources of the physical environment: land, air, water, vegetation, fish and wildlife; and the following concerns of the human environment: noise, land use, human health risk, community impacts, public services and taxes, aesthetics and recreation, and cultural and historical resources. Impacts were determined to fall in one of four categories: unknown, none, minor and significant. For the purposes of this EA, and in accordance with ARM 12.2.429-431, these terms are defined as follows:

EA DEFINITIONS

Cumulative Effects: 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 impacts statement evaluation, or permit processing procedures.

Unknown Impacts: Information is not available to facilitate a reasonable prediction of potential impacts.

Significant Impacts: A determination of significance of an impact in this EA is based on individual and cumulative impacts from the Proposed Action. If the Proposed Action results in significant impacts that can not be effectively mitigated, FWP must prepare an EIS. The following criteria are considered in determining the significance of each impact on the quality of the human environment:

- severity, duration, geographic extent and frequency of occurrence of the impact;
- probability that the impact would occur if the Proposed Action occurs;
- growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative effects;
- quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values;
- importance to the state and to society of each environmental resource or value that would be affected;
- any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions with significant impacts or a decision in principle about such future actions; and
- potential conflict with local, state, or federal laws, requirements, or formal plans.

Reasonable Stocking Rate: The density of animals appropriate to maintain vegetative cover in pasture condition that minimizes soil erosion from major precipitation events and snowmelt. Factors to consider in determining an overall stocking rate include vegetation type and density, ground slope, soil type, and precipitation.

PHYSICAL ENVIRONMENT

1. LAND RESOURCES Would the Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X		Yes	1(b)
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				

AFFECTED ENVIRONMENT:

The proposed Frontier Elk Game Farm is located on 35 acres approximately 4 miles east of Kalispell, Montana at an elevation of about 2,960 feet above mean sea level (**Figure 1**). The site consists of a terrace and bottomland about ½ mile north of Egan Slough on the Flathead River. Land on the bench and bottomland is nearly level to gently sloping and is cultivated. The land has been planted with small grain crops in the past but will be seeded to alfalfa and pasture grasses in the future. A moderately sloping, northwest facing slope that is not cultivated separates the terrace from the bottomland. The surrounding land use is mainly agricultural and rural residential.

Soil information is available from the Soil Survey of the Upper Flathead Valley Area (Soil Conservation Service (SCS), 1960). The SCS mapped four soil mapping units on the proposed site. Most of the area (about 75%) is mapped as Creston Soils, 3 to 7 percent slopes. The slope between the terrace and the bottomland is mapped as Blanchard very fine sandy loam and represents about 10% of the total acreage included in the proposed game farm. A similar size area is mapped as Somers silt loam, 0 to 3 percent slopes, which is located on the terrace. The remaining acreage is mapped as Kalispell loam, moderately deep over sand (SCS, 1960).

The Creston series consist of deep, dark, silty soils on parent materials deposited by glacial streams (SCS, 1960). Creston soils are well drained, are not salty, and are highly calcareous in the subsurface horizon. Soils of the Blanchard series are shallow to moderately deep, sandy, and calcareous in the subsurface horizon. Soils in this map unit form on steep terrace edges. Somers silt loams are one of the most productive soils in the Upper Flathead Valley Area. These soils are formed on the terraces of glacial lakes and streams. Soils in this mapping unit are mildly alkaline and contain no harmful salts. Kalispell series soils are deep, well drained soils, formed on outwash fans and glacial lake and stream terraces. Abundant free carbonates are present in the subsurface horizons and the subsoil.

Except for the Blanchard soils present on the slope between the terrace and the bottomland, the hazard of water and wind erosion is slight to moderate. The hazard of wind and water erosion on the slope between the terrace and the bottomland is high. These soils will blow or wash easily unless protected (SCS, 1960).

PROPOSED ACTION:

- 1(b) Approval of the game farm permit application is expected to have only minor impacts to land and soil resources. The primary impact would be associated with the potential wind and water erosion on the slope between the terrace and bottomland. This situation would occur if the stocking rate causes bare ground to be exposed for an extended period of time.

NO ACTION:

Under the No Action Alternative, the current condition of the property would not change.

CUMULATIVE EFFECTS:

As this area is used intensively for agricultural production, the cumulative effect of using the proposed area as a game farm is expected to be slight. The proposed permit area does not contain any unique or significant soil or land resources that would be lost due to the proposed land use change.

COMMENTS:

Due to the alkaline nature of the subsurface and subsoil horizons, bare steel posts used for fence construction could corrode. This fact should be taken into account during design and construction of the fence.

Required Stipulations: None

Recommended Mitigation Measures:

- Maintain a reasonable stocking rate within the game farm enclosures to minimize changes in soil structure and potential increases in runoff and erosion from disturbed ground. A "reasonable stocking rate" is defined in the EA definitions section at the beginning of Part II - Environmental Review.

REFERENCES:

U.S. Department of Agriculture, Soil Conservation Service. 1960. Soil Survey of the Upper Flathead Valley Area, Montana. Published in cooperation with the Montana Agricultural Experiment Station. September. 67 pages with maps and sheets.

PHYSICAL ENVIRONMENT

2. <u>AIR</u> Would the Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Emission of air pollutants or deterioration of ambient air quality?		X				
b. Creation of objectionable odors?			X		Yes	2(b)
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				

AFFECTED ENVIRONMENT:

The proposed game farm is situated in a predominantly agricultural area. The area is sparsely populated with no apparent air quality problems. The area is not classified for air quality attainment status (MDEQ, 1997).

PROPOSED ACTION:

2(b) Odor problems may result from animal waste in areas where elk congregate to feed. Odors resulting from elk are likely similar to those resulting from use of the site to pasture horses or cattle.

NO ACTION:

The No Action Alternative entails continued use of the site to grow grain.

CUMULATIVE EFFECTS:

As the site is already used for agricultural production, the cumulative effect of game farm operation is expected to be negligible.

COMMENTS:

Odors are not expected to be of significant concern at the proposed game farm site due to the sparse population in this area. If odor problems arise, mitigation measures can be implemented.

Required Stipulations: None

Recommended Mitigation Measures:

Employ the following BMPs to reduce odor problems if they occur:

- Quickly incorporate waste into soil by plowing or discing;
- Spread waste during cool weather or in the morning during warm, dry weather; and

- Properly dispose of dead animals. Carcasses should not be disposed of in or adjacent to water bodies, roads, and ditches.

These and other BMPs are described in "Guide to Animal Waste Management and Water Quality Protection in Montana" (MDEQ, 1996).

REFERENCES:

Montana Department of Environmental Quality (MDEQ). 1997. Montana Air Quality Non-Attainment Areas. Revised January, 1997.

Montana Department of Environmental Quality (MDEQ). 1996. Guide to Animal Waste Management and Water Quality Protection in Montana. Helena, MT.

PHYSICAL ENVIRONMENT

3. WATER Would the Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3(a)
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?			X		Yes	3(f)
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3(f)
i. Violation of the Montana non-degradation statute?		X				
j. Effects on any existing water right or reservation?		X				
k. Effects on other water users as a result of any alteration in surface or groundwater quality?			X		Yes	3(f)
l. Effects on other water users as a result of any alteration in surface or groundwater quantity?		X				

AFFECTED ENVIRONMENT:

The proposed Frontier Elk Game Farm is located approximately ½-mile north of Egan Slough and is approximately 2 miles from the Flathead River (**Figure 1**). Another small slough adjoins the north side of the proposed game farm site and flows west approximately 2 miles to a small pond. Surface water runoff from the site has potential to flow north to the small slough and south toward Egan Slough. The site is not located within the floodplain boundary of the Flathead River (FEMA, 1996).

An approximately 360-foot deep well located at the site would supply water for the game farm and adjoining residence. Approximately 17 water supply wells are located within a 1-mile radius of the site. Total depths of the wells range from 176 to 417 feet. Most of the wells appear to be artesian, with static water levels ranging from 10 to 70 feet below grade.

PROPOSED ACTION:

- 3(a) The Proposed Action is likely to have a minor affect on water resources. Slightly increased runoff and erosion could result from ground disturbances by the domestic elk, particularly if the stocking density reaches 70 elk. However, a vegetated buffer zone approximately 100 feet wide separates the pasture from the slough north of the game farm site.
- 3(f) Domestic elk fecal matter and nutrient-enriched water could affect the quality of groundwater and surface water in the vicinity of the site, particularly during snowmelt or major precipitation events. Wells are located on adjoining properties, but are generally several hundred feet deep. Stocking the site with elk on a year-round basis would likely have a similar affect to using the site as horse or cattle pasture.

NO ACTION:

Current hydrologic conditions are not expected to change under the No Action Alternative.

CUMULATIVE EFFECTS:

The general area is used for farming and ranching activities. These activities likely have minor affects on water quality due to increased sedimentation and nutrient loading. Use of the land to raise elk is not expected to significantly change hydrologic conditions at the site. Therefore, the cumulative effect of using the 35 acre site for a game farm would not likely cause any cumulative effects on water resources.

COMMENTS:

The DEQ administers and enforces water quality laws (e.g., Clean Water Act and Montana Water Quality Act) relating to pollution from point and nonpoint sources. If vegetative cover is reduced significantly, the game farm operation could meet the definition of a "concentrated animal feeding operation" (CAFO) (ARM 17.30.1304(3)). A CAFO permit is not expected to be required for the proposed Frontier Elk Game Farm.

Due to potential minor impacts identified above from increased runoff and elk fecal matter, several mitigation measures are recommended. Other water quality protection practices may be required by DEQ if it is determined that a CAFO permit is necessary. Refer to "Guide to Animal Waste Management and Water Quality Protection in Montana" (DEQ, 1996) and "Common Sense and Water Quality, A Handbook for Livestock Producers" (Montana Department of Health and Environmental Sciences, 1994) for further information on mitigation measures. The following management practices are recommended to minimize the risk of discharging pollutants to state:

Required Stipulations: None.

Recommended Mitigation Measures:

Due to potential minor impacts identified above from increased erosion, runoff, and fecal matter, several mitigation measures are recommended.

- Maintain a reasonable stocking rate (see definition under EA Definitions, *Part II - Environmental Review*) in the proposed game farm area to mitigate potential impacts from erosion and fecal matter. Potential water quality impacts also could be minimized by disposing dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste).

- Control surface water discharges from the game farm site, if they occur, by employing BMPs where runoff could exit the pasture and enter the nearby sloughs. The BMPs may include earthen berms, vegetative buffer zones, straw bale dikes, or silt fences.

REFERENCES:

Federal Emergency Management Agency (FEMA). 1996. Flood Boundary and Floodway Map, Panel 1830 of 3425, Community Panel No. 300023 1830E. Map revised October 16, 1996.

Montana Department of Natural Resources and Conservation (DNRC). 1998. Computer file search of well records. Search conducted November 25, 1998.

PHYSICAL ENVIRONMENT

4. VEGETATION Would the Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Changes in the diversity, productivity or abundance of plant species?			X		Yes	4(a)
b. Alteration of a plant community?			X		Yes	4(a)
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4(c)
d. Reduction in acreage or productivity of any agricultural land?		X				4(a)
e. Establishment or spread of noxious weeds?			X		Yes	4(e)

AFFECTED ENVIRONMENT:

The proposed elk game farm occupies a site that is primarily under cultivation of small grains. All but approximately 3 acres has been plowed. The unplowed acreage has little native vegetation, and is primarily Kentucky bluegrass, wild oats, annual forbs, and a small amount of spotted knapweed and Canada thistle. Existing native species include needle-and-thread, Missouri goldenrod, and yarrow. Additionally, small conifers have been planted in the portion of the pasture closest to the house.

PROPOSED ACTION:

4(a) The proposed action would graze up to 70 elk on 32 acres of dryland alfalfa/pasture grass mix. The pasture would probably not be ready for grazing until the fall of the second year after planting (L. Riggle, 1998). Estimated production would supply 70 elk with from 1 to 3 months forage, depending on species planted, and the amount and timing of precipitation. As a result, the elk would require supplemental feed.

Forage production under a grazing system would probably be less than if the land was used for hay production (NRCS, 1997). Plant vigor would decrease more rapidly under continuous grazing, and may result in decreased forage production, reduced ground cover, increased soil erosion and invasion by noxious weeds.

4(c) Based on existing vegetation, historic farming of the site, a search of the Montana Natural Heritage Program database, and a reconnaissance survey of the tract in November 1998, there do not appear to be any sensitive vegetation species within the proposed game farm (MNHP, 1998).

4(e) Two Montana State listed Category 1 noxious weeds, spotted knapweed (*Centaurea maculosa*), and Canada thistle (*Cirsium arvense*), are known to occur within the proposed game farm. Category 1 weeds are currently established and generally widespread in a geographic area. Management criteria include containment and suppression of existing infestations and prevention of new infestations (MDOA, 1995).

The potential to introduce new and/or expand existing populations of noxious weeds is present. Forage requirements of the elk will have to be satisfied with hay. Importation of hay may result in the introduction of noxious weeds. Importation of elk from other producers may also result in a seed source for noxious weeds.

NO ACTION:

The effects of the No Action alternative are unknown at this time. Two potential uses discussed by the landowner are subdivision of the land for homesites, or agricultural use (Mike Janicki, 1998).

CUMULATIVE EFFECTS:

No additional impacts from past, present, or reasonably foreseeable activities near the proposed game farm are anticipated.

COMMENTS:

Required Stipulations: None

Recommended Mitigation Measures

- Provide supplemental feed to the elk year-round to reduce the probability of overgrazing in the enclosure and to provide for the nutritional requirements of elk.
- Stock elk at a rate which will preserve the vegetative resource and soil integrity over time.
- Establish a rest/rotation grazing system within the proposed game farm.
- Feed only certified weed seed free hay and grain.
- Develop a weed control plan in conjunction with the Flathead County Weed Control District.

REFERENCES

Janicki, Mike, 1998. Property owner, Frontier Elk Game Farm, Kalispell, MT. Personal communication with Doug Rogness, November 11, 1998.

Montana Dept. of Agriculture (MDOA), 1995. County Noxious Weed Control Act, Title 7, Chapter 22, MCA 1995. Administrative Rules 4.5.202.

Montana Natural Heritage Program (MNHP), 1998. Letter dated October 28, 1998, Montana Natural Heritage Program, Helena, MT.

Natural Resource Conservation Service (NRCS), 1997. National range and pasture handbook. USDA Natural Resource Conservation Service, Washington D.C.

Riggle, L., 1998. District Conservationist, Natural Resource Conservation Service, Helena, MT. Personal communication, November 10, 1998.

PHYSICAL ENVIRONMENT

5. <u>FISH/WILDLIFE</u> Would the Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Deterioration of critical fish or wildlife habitat?		X				5(a)
b. Changes in the diversity or abundance of game species?			X		Yes	5(b)
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?			X		Yes	5(e)
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. Increased risk of contact and disease transmission between game farm animals and wild game?				X	Yes	5(h)

AFFECTED ENVIRONMENT:

The proposed game farm is located on a bench and bottomlands near the Egan Slough. The proposed game farm site is almost entirely cultivated land except for a small slope that separates the bench from the bottomlands along the length of the proposed game farm. This slope is vegetated primarily with introduced grasses and forbs. The cultivated land has been planted to small grain crops in the past but will be seeded to alfalfa and tame pasture grasses in the future. The surrounding land is heavily cultivated and also contains numerous rural residences.

The proposed game farm is near the Egan Slough and another small unnamed slough to the north, but does not include any wetland site. Egan Slough provides habitat to a variety of wetland dependent wildlife species such as dabbling ducks, Canada geese, and muskrats. A few white-tailed deer inhabit this area but the lack of vegetative cover in this area reduces the habitat suitability the area for deer. However, one set of deer tracks was observed on the proposed game farm site. The proposed game farm site is approximately 2 miles from the Flathead River. Bottomlands along the river do provide significant wildlife habitat in this area. The river bottomlands also provide a travel corridor for transient wildlife that would typically remain in forested mountain habitats. Elk, moose, mountain lions, black bears, gray wolves, and grizzly bears could potentially be transient through this area. The latter two species are federally-listed as threatened. Bald eagles are common year long residents along the Flathead River, and there are an estimated four eagle nests along in this area (Gael Bissel, 1998). The peregrine falcon is potentially migratory through this area. Both the bald eagle and peregrine falcon are federally-listed as threatened and endangered, respectively.

PROPOSED ACTION:

- 5(a) The proposed game farm site is not located within any critical big game winter range, nor is it located along a migration corridor. Activity at the proposed game farm site would not influence bald eagle nesting behavior in this area. The proposed game farm does not include any water body or wetland area and is not likely to impact aquatic resources.
- 5(b) There is a possibility that wild deer may enter the enclosure especially during periods of drifted snow or deep snow accumulation in the winter. Deer have also been documented to crawl under game proof fencing at sites dug by coyotes (Bill West, 1998; Brian Sommers, 1998). Wild elk do pass through this area on occasion and may be attracted to the game farm, especially during the rut. There is a possibility that wild elk could enter the game farm. Wild ungulates entering the game farm and exposed to domestic elk, would likely be destroyed rather than released back to the wild, if discovered. These impacts may affect individuals but not populations. The lack of quality adjacent deer and elk habitat significantly reduces the chance of ingress. At two locations, the game farm fence perpendicularly crosses a 10-15 degree slope. This slope will not give any significant topographic advantage to deer or elk trying to jump the enclosure fence.

Potentially, mountain lions, black bears, grizzly bears, and wolves could pass through this area on rare occasions. The proposed game farm is situated more than a mile from Flathead River bottomlands and the probability of large carnivores encountering the game farm is low. Should a predator enter the enclosure, live capture and removal of the trespassing animal is possible. However, this is not without risks to the animal, and the loss of a wolf or grizzly bear from the local populations in this area may be a cumulative impact to these species. In addition, bears that are chronic offenders may be purposely removed from the population either by lethal control, or by live capture and relocation to a zoo.

- 5(e) The enclosure of 35 acres with 8-foot high big game fencing may slightly alter the daily movement of the few white-tailed deer living in this area. The proposed game farm is sufficiently small to allow deer easy access around the enclosure. The broad open nearly level topography in this area will also contribute to deer moving freely through this area.
- 5(h) There is significant potential of game farm elk carrying or becoming infected with a contagious wildlife disease or parasite such as tuberculosis or chronic wasting disease and then coming in contact (through-the-fence, nose-to-nose, nose-to-soil, or ingress/egress) with wild deer, elk or other wildlife. It is also possible diseases and parasites carried by wild elk could be introduced to game farm elk. Ingress of wild elk or deer would likely result in the destruction of the trespassing animal(s), if discovered.

The low density of wild elk populations reduces the potential for contact between game farm elk and wild elk. The risk of disease being passed between game farm elk and wild animals would be further reduced by maintaining fence integrity and implementing the stipulations and mitigation measures listed below. Potential for disease transmission to wildlife from game farm elk is also mitigated through DoL disease testing requirements for most diseases (See Section 8 *Risk/Health Hazards*, item 8(b) and Section 13 - *Summary* for additional information about potential game farm diseases).

NO ACTION:

No wildlife related impacts are expected to occur under the No Action Alternative. The 35-acre site would probably would continue to be used to raise grain under the No Action Alternative.

CUMULATIVE EFFECTS:

There would be no cumulative effects for fish or wildlife associated with this project.

COMMENTS:

Required Stipulations:

The following stipulation is designed to mitigate significant impacts identified in the EA to below the level of significance:

Report the ingress of any wild game animals or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress was achieved.

This stipulation is imposed to mitigate potentially significant risk to wildlife posed by the proposed game farm. Risk to wildlife from contact between game farm animals and wild game is potentially significant due to the site being located in an area currently utilized by wild game.

The information provided by the stipulation would help both the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to existing FWP fencing and wildlife protection requirements, would effectively reduce the risk to wildlife to below significant.

Recommended Mitigation Measures:

The following standard game farm management practices would help to minimize impacts to free ranging fish and wildlife species. Implementation of these practices is highly recommended and should be considered a form of mitigation.

- Store hay, feed, and salt away from exterior fences, or in buildings.
- Feed game farm animals at the interior of the enclosure and not along the perimeter fence.
- Properly dispose of dead animals and remove excess fecal material and waste feed to an approved site not likely to be used by humans, or domestic and wild animals.
- Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators and other game animals.
- Remove snow on either side the of the enclosure fence as required to prevent ingress and egress.
- Adjust fence requirements to include double fencing, electrification, or increased height, if fence integrity or ingress/egress becomes a problem.

REFERENCES:

Bissell, Gael. 1998. FWP biologist, personal communications with Dr. Craig Knowles, FaunaWest Wildlife Consultants, during April 1998.

Sommers, Brian. 1998. FWP Game Warden, Kalispell, Montana, personal communication with Dr. Craig Knowles, FaunaWest Wildlife Consultants, during November 1998.

West, Bill. 1998. Biologist, National Bison Range, personal communication with Dr. Craig Knowles, FaunaWest Wildlife Consultants, during April 1998.

HUMAN ENVIRONMENT

6. NOISE EFFECTS Would Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Increases in existing noise levels?			X		Yes	6(a)
b. Exposure of people to severe or nuisance noise levels?		X				

AFFECTED ENVIRONMENT:

Operation of agricultural equipment, livestock, and the existing game farm animals generate noise in the vicinity of the proposed pasture. Due to the sparse population, these sources of noise are likely not considered a problem. Approximately 10 residences are located within a 1-mile radius of the site and the nearest neighboring residence is located approximately ¼-mile east of the proposed pasture.

PROPOSED ACTION:

6(a) The Proposed Action would result in a minor short-term increase in existing noise levels from fence construction activities conducted to develop the game farm. Elk bugling during mating season would be expected.

NO ACTION:

No impacts to existing noise levels are expected from the No Action Alternative.

CUMULATIVE EFFECTS:

No additional impacts from past, present, or reasonably foreseeable activities near the proposed game farm are anticipated.

COMMENTS:

Due to the sparse population and prevalence of agricultural operations, noise from the game farm operation should not cause a particular problem. Elk bugling can be minimized by stocking a minimal number of bulls. If concerns due to construction noise are raised, mitigation measures can be employed.

Required Stipulations: None

Recommended Mitigation Measures:

- Stock a minimal number of bulls to reduce bugling during the mating season.
- Limit noisy construction activities to daylight hours and complete work as quickly as possible.

HUMAN ENVIRONMENT

7. <u>LAND USE</u> Would Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the Proposed Action?		X				
d. Conflict with any existing land use that would be adversely affected by the Proposed Action?		X				
e. Adverse effects on or relocation of residences?		X				

AFFECTED ENVIRONMENT:

The principal land use at the proposed game farm and vicinity is cropland and livestock pasture (Figure 2). The area is not zoned for a specific use (Kountz, 1998).

PROPOSED ACTION:

The proposed game farm would be consistent with current agricultural land uses. The use of the game farm for elk pasture may increase the value of the land.

NO ACTION:

If the proposed game farm is not developed, grain production would likely continue.

CUMULATIVE EFFECTS:

Land use described in the Proposed Action is consistent with existing land use in the vicinity of the proposed game farm. Because no proposals or applications for future development in the vicinity of the proposed game farm are currently on file with Flathead County, and no past or present activities have adversely affected the game farm area, no potential cumulative effects on land use from the Proposed Action and past, present and reasonably foreseeable actions to land use are anticipated.

COMMENTS:

Because impacts to land use are none to potentially positive, no mitigation measures are recommended.

REFERENCES:

Kountz, Steve. 1998. Flathead Regional Development Office, personal communication with Chris Cronin, Maxim Technologies, December 9, 1998.

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u>	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	Would Proposed Action result in:	UNKNOWN	NONE	MINOR		
a. Risk of dispersal of hazardous substances (including, but not limited to chemicals, pathogens, or radiation) in the event of an accident or other forms of disruption?		X				
b. Creation of any hazard or potential hazard to domestic livestock?			X		Yes	8(b)
c. Creation of any hazard or potential hazard to human health?			X		Yes	8(c)

PROPOSED ACTION:

- 8(b) Brucellosis and tuberculosis are potentially transmittable from elk to cattle and cattle to elk. Chronic wasting disease also has been detected in game farm elk but the mode of transmission is unknown and there is no test for this disease in living animals. The risk of disease being passed from game farm elk to domestic livestock would be minimal if the fence integrity is maintained and appropriate mitigation measures (see Section 5 - *Fish/Wildlife*) are followed. Potential for disease transmission to domestic livestock and wildlife from game farm animals is also mitigated through DoL disease testing requirements for most diseases. All animals to be placed on this game farm are required to be tested for tuberculosis and brucellosis at the time of import, purchase and/or transportation to the game farm. Each game farm is required to have access to an isolation pen (quarantine facility) or have an approved quarantine plan to isolate any animals that are imported or become ill. The state veterinarian can require additional testing and place herds under strict quarantine should problems arise. Routine brucellosis and tuberculosis testing requirements for game farm animals offer a measure of surveillance that minimizes that risk. Failure to comply with these requirements is grounds for license revocation. (See Section 13 - *Summary* - for additional information about potential game farm diseases).
- 8(c) If tuberculosis or brucellosis were to be transmitted from game farm elk to wild elk and deer, hunters field dressing wild elk and deer would be subject to some risk of infection. Veterinarians and meat cutters working with diseased game farm animals are at risk of becoming infected with brucellosis or tuberculosis. Spread of a contagious wildlife disease may directly or indirectly (depending upon the nature of the disease) effect the human environment by reducing the number of wild deer and elk available for hunting or exposing hunters to diseases that are contagious to humans as well. The testing requirements for tuberculosis and brucellosis, however, protect the health of the public and wildlife in Montana.

The applicant has proposed that there will be no fee shooting by the public at the Frontier Elk Game Farm. This mitigation will preclude potential risks to neighbors and passers-by that would have been associated with fee shooting at the site.

NO ACTION:

The proposed game farm would be used to raise grain.

COMMENTS:

Required Stipulations:

The following mitigation measure has been included by the game farm applicant as part of the Proposed Action, and is repeated here as a required mitigation because of its importance in reducing potentially significant impacts to below the level of significance:

There will be no fee shooting by the public at the Frontier Elk Game Farm.

This mitigation will protect the public from potential risks that would be associated with fee shooting at the site.

Recommended Mitigations:

The standard game farm mitigations listed in Section 5 are applicable to this section too. In addition, risk of disease epidemic or heavy parasite infections among domestic elk can be minimized by maintaining a reasonable domestic elk stocking rate in relation to the enclosure size, periodic removal of domestic elk manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to domestic elk.

HUMAN ENVIRONMENT

9. <u>COMMUNITY IMPACT</u> Would Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Changes in historic or traditional recreational use of an area?		X				
f. Changes in existing public benefits provided by affected wildlife populations and wildlife habitats (educational, cultural or historic)?		X				
g. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

AFFECTED ENVIRONMENT:

The proposed game farm would be located in a rural area adjacent to farm land and associated residences. The nearest town to the proposed game farm is Kalispell, Montana, located approximately 4 miles west of the site. The proposed game farm site is surrounded by private property.

PROPOSED ACTION:

As a result of the distance to the nearest community, no adverse impacts to the community are expected from the proposed game farm. No employees would be hired as a result of the Proposed Action. While the Proposed Action may increase the income level for the applicant and increase taxes paid to the county, these increases would be relatively minor with respect to the community.

There would be no hunting allowed at the game farm site. It is expected that previous hunting on the area was light. The presence of the game farm would not restrict adjoining landowners from hunting and discharging firearms on their property as allowed by law.

NO ACTION:

No adverse impacts to the community would result from the No Action Alternative.

CUMULATIVE EFFECTS:

No adverse impacts to the community are expected to result from the Proposed Action and past, present and reasonably foreseeable activities in the vicinity of the proposed game farm.

COMMENTS:

No mitigation measures are recommended with respect to community impacts.

HUMAN ENVIRONMENT

10. <u>PUBLIC SERVICES & TAXES</u> Would Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. A need for new or altered government services (specifically an increased regulatory role for FWP and Dept. of Livestock)?			X		No	10(a)
b. A change in the local or state tax base and revenues?			X		No	10(b)
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				

PROPOSED ACTION:

- 10(a) FWP and DoL would be required to have an increased work load associated with the game farm for fence and animal inspections and monitoring. For this relatively small game farm, however, the increased work load is expected to be minor.
- 10(b) Placement of elk would increase the annual tax contribution of the proposed game farm, with collected taxes going toward the county general fund and local school district and a per capita tax that goes to the DoL. According to the Flathead County Assessor's Office, estimated annual value taxes due to Flathead County from the proposed game farm would be between approximately \$18.88 and \$25.75 per head, depending on the age and sex of the elk (Falkner, pers. commun.). In addition, according to DoL, the per capita tax is \$12 per head for game farm animals compared to \$1.20 per head for cattle (Schultz, 1997).

NO ACTION:

No additional taxes would be collected from the applicant under the No Action Alternative. The applicant would continue to grow hay and winter horses in the game farm area.

CUMULATIVE EFFECTS:

The increasing number of game farms in the Flathead Valley require greater expenditure of resources by both FWP and DoL.

COMMENTS:

No mitigation measures are recommended with respect to public services, taxes, and utilities.

REFERENCES:

Mollye Faulkner. 1998. Flathead County Assessor's Office, personal communication with Chris Cronin, Maxim Technologies, Inc. on May 27, 1998.

Schultz, Luella. 1997. Department of Livestock, Animal Health Division. Memorandum to Alice Stanley, Maxim Technologies. October 27, 1997.

HUMAN ENVIRONMENT

11. <u>AESTHETICS/RECREATION</u>	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	Would Proposed Action result in:	UNKNOWN	NONE	MINOR		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				

AFFECTED ENVIRONMENT:

The game farm site is located in a predominantly agricultural area. The property is surrounded by privately-owned land.

PROPOSED ACTION:

No adverse impacts to the public view, neighborhood character, or recreational opportunities in the area would result from the Proposed Action. The 8-foot high game farm fence may be noticeable to nearby residents and passers-by.

NO ACTION:

No adverse impacts to aesthetics or recreational opportunities in the area would result from the No Action Alternative.

CUMULATIVE EFFECTS:

No additional impacts from past, present, and reasonably foreseeable activities near the proposed game farm are anticipated.

COMMENTS:

No mitigation measures are recommended with respect to aesthetics and recreation.

HUMAN ENVIRONMENT

12. <u>CULTURAL & HISTORICAL RESOURCES</u> Would Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?	X				Yes	12(a)
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				

AFFECTED ENVIRONMENT:

A cultural resource file search by the State Historic Preservation Office (SHPO, 1998) indicates that no historic or archeological sites have been identified at the proposed game farm site.

PROPOSED ACTION:

12(a) According to SHPO (1998), based on the lack of a previous inventory and the low topography in the area, there is a possibility that unknown or unrecorded cultural properties may be present in the area.

NO ACTION:

No impacts to unknown cultural resources are expected from the No Action Alternative unless other disturbances occur within the property.

CUMULATIVE EFFECTS:

No additional impacts from past, present, and reasonably foreseeable activities near the proposed game farm are anticipated.

COMMENTS:

Required Stipulations: None.

Recommended Mitigation Measures:

If archeological artifacts are observed during construction of the game farm fence or from other activities, work should stop in the area and the discovery reported to:

Montana Historical Society
 Historic Preservation Office
 1410 8th Avenue; P.O. Box 201202
 Helena, Montana 59620
 (406) 444-7715

If work stoppage in the area containing observed artifacts is not possible, record the location and position of each object, take photographs, and preserve the artifact(s).

REFERENCES:

Montana State Historic Preservation Office (SHPO). 1998. Letter from Phillip Melton (SHPO, Helena, MT) to Daphne Digrindakis (Maxim Technologies, Inc.), dated November 16, 1998.

SUMMARY

13. SUMMARY Would the Proposed Action, considered as a whole:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?				X	Yes	13(b)
c. Potentially conflict with the substantive requirements or any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts would be proposed?	X					13(d)
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X		Yes	13(d)

PROPOSED ACTION:

13(b) There is an undetermined but possibly significant potential of game farm elk carrying or becoming infected with a contagious wildlife disease or parasite such as tuberculosis or chronic wasting disease (CWD) and then coming in contact (through-the-fence, nose-to-nose, nose-to-soil, or ingress/egress) with wild deer, elk or other wildlife. Release of a contagious disease in the wild could severely impact native wildlife populations. It is also possible that disease and parasites carried by wild elk could be introduced to game farm elk. Ingress of wild elk or deer would likely result in destruction of the trespassing animals.

All game farm animals are required to be tested for brucellosis and tuberculosis prior to movement, importation, and/or sale in Montana. These requirements protect the tuberculosis-free and brucellosis-free status of livestock in Montana, and also protect the health of the public and Montana wildlife. All game farm animals are required to be inspected prior to movement or sale in Montana and the DoL has trained veterinarians to perform inspections of the animals. At the time of inspection, an assessment of the health of the animal is made, in addition to the documentation of identification and ownership. Game farm animals that are imported into Montana must meet all DoL test requirements which include tuberculosis and brucellosis testing and must be accompanied by a health certificate which documents the health status of the animals being shipped. The health status includes an assessment for central nervous system symptoms typical of CWD. Within 30 days of arrival in Montana, each animal is inspected and tagged and marked by the Montana veterinarian who has been trained and acts in the capacity of a designated agent for DoL. There are currently no game farm animals on the proposed game farm, so each animal must meet DoL inspection and testing requirements prior to movement to the property.

Game farm elk are not more prone to infection than other domestic livestock. Implementation of BMPs that include routine anthelmintic treatment, waste disposal and pasture rotation will promote animal health within the herd. Cattle encountering the game farm enclosure should not result in a known risk to or from game farm animals because Montana is considered a brucellosis- and tuberculosis-free state.

CWD is classified as a transmissible spongiform encephalopathy. The infectious agent for CWD is suspected to be associated with a protein fragment called a prion. The route of disease transmission at this time is unknown. Wyoming wildlife researchers have initiated a practice of removing animals that show clinical signs of the disease. This practice has been successful in preventing new cases of CWD for a period of up to 3 years (study is ongoing).

On November 11, 1998, the Montana Board of Livestock issued an emergency rule that prevents wild or captive cervids from being imported or transported from a geographic area or game farm where CWD is endemic or has been diagnosed. Any imported animals must have resided in the exporting herd for a minimum of 12 months immediately prior to importation, or a satisfactory and complete documented animal movement history from (birth) farm or origin must be furnished. In addition, the rule requires the animals to have undergone CWD surveillance for a period of 12 months. Surveillance of Montana game farm animals for CWD will be addressed in upcoming rules drafted by DoL.

13(d) The nature of impacts to wildlife from elk game farms is currently under debate in Montana and other states. The following issues are of the greatest concern:

- Disease transmission from game farm elk to wildlife is possible if the game farm elk are diseased and have an opportunity to come into contact with wild elk or deer.
- Hybridization of Montana's game species resulting from the ingress/egress of animals on game farms.
- Potential for wild animals to ingress into the game farm. Ingressing elk and deer are generally killed, typically by FWP wardens, to prevent potential disease transmittal. Ingressing mountain lions and black bears may be immobilized and removed.
- Theft of wild animals for financial gain on game farms.

These issues are particularly controversial when game farms block migration routes or consume significant areas of land historically utilized by wild game. Inadequate perimeter fencing and fence monitoring by the game farm operator can also lead to ingress/egress events and nose-to-nose contact between wild game and game farm animals. Because the proposed Frontier Elk Game Farm area would not block big game migration routes or consume a significant portion of land utilized by wild game, the controversial nature of the Proposed Action is minor.

SUMMARY EVALUATION OF SIGNIFICANCE CRITERIA

- a. **Does the Proposed Action have impacts that are individually minor, but cumulatively considerable? (A project may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)**

No, however, there is a remote chance that a gray wolf or grizzly bear could enter the enclosure. This would necessitate that the trespassing animal be removed and there is a risk that the animal might be killed or injured during removal. This could potentially represent a cumulative impact to the local populations should other unavoidable man-caused mortality be high.

- b. **Does the proposed action involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?**

Yes. An unlikely, but extremely hazardous event, should it occur, would be the spread of a disease or parasite from game farm elk to wild elk or deer. The risk of this event occurring can be reduced by following the mitigation measures listed in Sections 5 and 8. See Section 13 - *Summary* (pp. 38-39) for more information about potential disease issues.

- c. **Description and analysis of reasonable alternatives (including the No Action Alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:**

No Action Alternative: The No Action Alternative would avoid all potential impacts listed above. This site would likely be used for agricultural and/or new residential housing should the No Action Alternative be selected. The No Action Alternative would probably not result in exclusion of wildlife from this site.

- d. **Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A. Mitigation measures described in this section address both minor and significant impacts. FWP would require stipulations to mitigate all potentially significant impacts from the Proposed Action. Most potential minor impacts from the Proposed Action are addressed as mitigation measures that are strongly recommended, but not required.

Required Stipulations

Report the ingress of any wild game animals or egress of domestic game farm animals to FWP immediately. The report must contain the probable reason why or how ingress/egress occurred.

Restriction on Private Property Use

This stipulation restricts the use of private property by effectively requiring that the proposed game farm be monitored regularly for ingress or egress events. The stipulation is consonant with the current FWP requirement to report egress events immediately (ARM 12.6.1517(2)).

Alternatives

Do not report ingress and egress events to FWP immediately.

This stipulation would not adequately address the increased risk to wildlife. Ingressing wild animals must be detected immediately to prevent contact with wild game after contact with game farm animals.

Benefits from Imposing the Stipulation

This stipulation is imposed to mitigate predicted risk to wildlife posed by the proposed game farm. Information provided by the stipulation would help the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to existing FWP fencing and wildlife protection requirements, would effectively reduce the risk to wildlife health.

Types of Expenditures the Stipulation Would Require

The stipulation to require immediate notice of ingress and egress events would not impose any additional expenditures beyond those necessary to report egress events in accordance with ARM 12.6.1517(2).

Stipulation's Effect on Property Values

None.

PART III. NARRATIVE EVALUATION AND COMMENT

Wildlife use of the area and potential for through-the-fence contact with game farm animals (consider year-around use, traditional seasonal habitat use, and location of travel routes and migration corridors).

Through the fence contact: The proposed game farm is located in low density white-tailed deer habitat. Deer are not likely to be attracted to domestic elk held within the enclosure. An occasional wild elk may pass through this area and would likely be attracted to the game farm, especially during the rut.

Transmission of disease or parasites may occur during nose-to-nose contact, nose-to-body contact, and by contacting vegetation and feces along the fence line. Nose-to-nose contact between domestic elk and wild deer is not likely to occur because of the interspecies differences. There is potential for a transient wild elk to come in contact with a domestic elk through the fence. Disease transmission may occur from wild ungulates to domestic elk and from domestic elk to wild ungulates. Diseases such as tuberculosis are highly contagious and can be easily transmitted between domestic elk and wild and domestic ungulates. Tuberculosis can also be transmitted to humans and is a serious health risk. Brucellosis is another disease that can be transmitted between domestic and wild ungulates and humans.

Risk of disease transmission can be reduced by maintaining the integrity of the enclosure fence, by maintaining a healthy domestic elk population, and by following the above listed mitigation recommendations. Maintaining a healthy elk herd requires regular testing and surveillance for diseases. If the game farm is managed properly, the risk of disease transmission from domestic elk to wild ungulates would likely be minimal. See Section 13 - *Summary* (pp. 38-39) for more information about potential disease issues.

Potential for escape of game farm animals or ingress of wildlife (consider site-specific factors that could reduce the effectiveness of perimeter fences built to standards outlined in Rule 12.6.1503A, including steepness of terrain, winter snow depths/drifts, susceptibility of fences to flood damage, etc.).

Fence integrity: Fence construction would be in accordance with requirements of FWP under ARM 12.6.1503A and proposed changes to these rules. The only exterior gate at the game farm would be located at the northeast corner of the handling facility.

The game farm is located on level to gently sloped terrain. At two locations, the fence perpendicularly crosses a 10-15 degree slope. The remainder of the game farm site is nearly level. There are no trees in the vicinity of the proposed game farm fence. Overall, the site potential for fencing this pasture is good to excellent.

The expected snow levels during winter will vary greatly in relation to the amount of snowfall, and wind velocity and direction associated with storms passing through this area. This area has the potential to receive considerable snowfall in single storm events and cumulatively during the winter. One to 2 feet of compacted snow on the ground can be expected in at least some winters. The proposed game farm is located on flat open ground and the potential for drifting snow is high should wind accompany a snow storm.

Proportion (%) of the total habitat area currently used by wildlife that will be enclosed or otherwise impacted.

The enclosure would exclude a couple of resident wild white-tailed deer from 35 acres of year-long range they presently have access to. Agricultural land similar to that at the proposed game farm site is widely available to deer in other nearby areas. The game farm represents less than 1% of this habitat.

PART IV. EA CONCLUSION

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

No. The appropriate level of analysis for the Proposed Action is a mitigated EA because:

- all impacts of the Proposed Action have been accurately identified in the EA; and
- all identified significant impacts would be mitigated to minor or none.

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

Upon completion of the Draft EA, a notice is sent to adjoining landowners, local newspapers, and other potentially affected interests, explaining the project and asking for input during a 21-day comment period which extends from January 12, 1999 until 5 pm on February 2, 1999. The Draft EA is also available to the public from the FWP office in Kalispell at the address and phone listed below and in the *Introduction* section of this EA, and through the State Bulletin Board System during the public comment period.

3. Duration of comment period if any: 21 days

4. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Montana Fish, Wildlife & Parks

Brian Sommers, Region 1 Game Warden
490 N. Meridian Road
Kalispell, Montana 59901
(406) 751-4562

Gael Bissel, FWP Region 1 Wildlife Biologist
490 North Meridian Road
Kalispell, Montana 59901
(406) 752-5501

Karen Zackheim, FWP Game Farm Coordinator
Enforcement Division
1420 E. Sixth Avenue
Helena, MT 59620
(406) 444-2535

Maxim Technologies, Inc.

Daphne Digrindakis, Project Manager
Chris Cronin, Environmental Scientist
Mike Cormier, Soil Scientist
James Colegrove, GIS and Graphics
Doug Rogness, Hydrologist

FaunaWest Wildlife Consultant

Craig Knowles, Wildlife Biologist

Other

Candace Durran, Vegetation Specialist

APPENDIX A

PRIVATE PROPERTY ASSESSMENT CHECKLIST



PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions 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 actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without 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 agency to assess the impact of a proposed agency action 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 action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

Report the ingress of any wild game animals or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress was achieved.



PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Does the action result in either a permanent or indefinite physical occupation of private property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Does the action deprive the owner of all economically viable uses of the property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Does the action deny a fundamental attribute of ownership?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO , skip questions 5a and 5b and continue with question 6.]
<input type="checkbox"/>	<input type="checkbox"/>	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
<input type="checkbox"/>	<input type="checkbox"/>	5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Does the action have a severe impact on the value of the property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is NO , do not answer questions 7a-7c.]
<input type="checkbox"/>	<input type="checkbox"/>	7a. Is the impact of government action direct, peculiar, and significant?
<input type="checkbox"/>	<input type="checkbox"/>	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
<input type="checkbox"/>	<input type="checkbox"/>	7c. Has 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?

Taking or damaging implications exist if **YES** is checked for question 1 and also for any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked for questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, 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.



