U.S. DEPARTMENT OF AGRICULTURE

Farm Service Agency

DRAFT ENVIRONMENTAL ASSESSMENT

Upper Clark Fork River Basin Conservation Reserve Enhancement Program

Prepared By

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COVER SHEET

Proposed Action: *The Farm Service Agency of the United States Department of Agriculture proposes to approve for implementation the Upper Clark Fork River Basin (UCFRB) Conservation Reserve Enhancement Program (CREP) agreement. The CREP area encompasses approximately 3,710 square-miles.*

Under the proposed agreement, landowners would receive annual rental payments and would be eligible for one time incentive payments for installing conservation practices, such as filter strips, riparian buffers, wetland restoration, and pollinator habitat.

The UCFRB CREP is a proposed partnership with the USDA Farm Service Agency, the State of Montana's Natural Resource Damage Program, other state and federal agencies, nonprofit organizations, and private landowners to rebuild healthy aquatic and terrestrial ecosystems within the Clark Fork River watershed with the installation of the above mentioned practices.

Type of Statement: This is a Programmatic Environmental Assessment (EA)

Lead Agency: Unites States Department of Agriculture, Farm Service Agency

Partner Agencies: Montana Department of Justice Natural Resource Damage Program; Watershed Restoration Coalition for the Upper Clark Fork; Deer Lodge Valley Conservation District; Granite County Conservation District; Mile High Conservation District

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Comments: This EA was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementing procedures found in 7 CFR 799, as well as the NEPA of 1969 (40 CFR 1500-1508/42 US Code 4321-4347), as amended.

A copy of the Draft EA can be found at: http://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-enhancement/index .

Written comments regarding this EA can be submitted to the CREP Program Manager at 6501 Beacon Drive, STOP 8108, Kansas City, MO 64133 or by email at

FSA.EAComments@wdc.usda.gov. Comments must be received on or before January 16, 2017.

Acronyms and Abbreviations

UCFRB	Upper Clark Fork River Basin
CREP	Conservation Reserve Enhancement Program
FSA	Farm Service Agency
NRDP	Natural Resource Damage Program
NEPA	National Environmental Policy Act
EA	Environmental Assessment
EQ	Environmental Quality
APE	Area of Potential Effect
CEQ	Council on Environmental Quality
USFWS	US Fish and Wildlife Service
IPaC	Information, Planning and Conservation System
SHPO	State Historic Preservation Officer
USACE	US Army Corp of Engineers
NRCS	Natural Resources Conservation Service
NRI	National Rivers Inventory
FEMA	Federal Emergency Management Agency
USGS	US Geological Survey
STATSGO	State Soil Geographic Dataset
SSURGO	Soil Survey Geographic Dataset
USLE	Universal Soil Loss Equation
EPA	Environmental Protection Agency
MBMG	Montana Bureau of Mines and Geology
GWIC	Ground Water Information Center
CPs	Conservation Practices
CP	Conservation Practice

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1.0 INTRODUCTION

1.1 Background

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to implement the Upper Clark Fork River Basin (UCFRB) Conservation Reserve Enhancement Program (CREP) agreement. The CREP area encompasses approximately 3,710 square-miles. Under the agreement, landowners and tenants would receive annual rental payments and would be eligible for one time incentive payments for installing conservation practices (CPs), such as filter strips, riparian buffers, wetland restoration, and pollinator habitat.

The UCFRB CREP is a partnership with the USDA Farm Service Agency, the State of Montana's Natural Resource Damage Program (NRDP), other state agencies, nonprofit organizations, and private landowners and tenants to rebuild healthy aquatic and terrestrial ecosystems *within the Clark Fork River watershed with the installation of the above mentioned* CPs.

1.2 Purpose and Need for the Proposed Action

The purpose of the proposed CREP is to establish an area where eligible producers remove cropland from production, restore grasslands, enhance marginal pastureland and establish CPs to meet conservation goals identified by FSA and NRDP, in consultation with the Montana State Technical Committee. The need for the Proposed Action is FSA's responsibility under the 1985 Farm Bill, as amended, and Section 1231 of the Food Security Act, which require FSA to respond to Montana's requested proposal in an effort to enter into contracts to take cropland out of production, restore grasslands and enhance marginal pastureland through the Conservation Reserve Program (CRP).

The USDA FSA, in cooperation with NRDP and the Watershed Restoration Coalition (WRC), is proposing to implement the UCFRB CREP in 4 counties and a small portion of two counties in western Montana. The primary objective of the UCFRB CREP is to address watershed impairments within the project area by reducing sediment loads and increasing infiltration in the adjacent uplands. The secondary objective is to enhance or maintain wildlife habitat within the watershed, focusing on riparian areas and adjacent uplands. The UCFRB CREP proposes to meet these objectives by establishing 10,300 acres of buffers along riparian areas; restoring and protecting 3,000 acres of degraded wetlands within the project area to support water quality and fish and wildlife habitat restoration; and restoring and enhancing 49,500 acres of grasslands, Sagebrush Steppe rare and declining habitat. Twelve (12) practices, with additional incentives are proposed for enrollment in the UCFRB CREP.

Resource concerns identified by USDA and NRDP that are proposed to be addressed by the UCFRB CREP include:

- Degraded riparian/wetland habitat
- Decreased hydrologic function
- Invasive species and noxious weeds
- Increasing conifer encroachment into sagebrush and grasslands
- Reduced grassland health
- Reduced water quality

Twelve CPs are being proposed to assist producers with addressing these resource concerns.

The project is important to Montana as the project area encompasses 3,710 square-miles or approximately a 2.3 million acre watershed. The implementation of the UCFRB CREP would address the degradation of resources due, in part, to agricultural practices reducing aquatic and terrestrial wildlife habitat and decreased hydrologic functions of the Upper Clark Fork River and its tributaries, as well as impacts to grassland, and rare and declining habitats such as the Sagebrush steppe.

This project would be located in an area where agriculture is an important part of the economy, and agriculture continues to be threatened by conifer encroachment degrading the health of the grasslands. A unique aspect to the UCFRB CREP is the allocation of 45,000 acres devoted to CRP grasslands practices CP87 (Introduced grasses) and CP88 (Native grasses). UCFRB CREP would be a viable means for producers to enroll into beneficial conservation programs, while sustaining agricultural operations on the remaining acres of their operation. Landowners and tenants would enroll eligible land by entering into 14 to 15 year contracts. CPs would be established and maintained on eligible lands for the contract duration. Landowners would receive annual rental payments for the duration of the contracts as well as financial and technical support for implementing and maintaining the practices. For land enrolled, annual rental payments would be the sum of the base soil rental rate and an incentive payment and maintenance payment, if applicable.

1.3 Regulatory Compliance

This EA is prepared to satisfy the requirements of NEPA (Public Law 91-190, 42 United States Code 4321 et seq.); its implementing regulations (40 CFR 1500 -1508;) and FSA implementing regulations, *Environmental Policies and Procedures: Compliance with the National Environmental Policy Act and Related Authorities (7 CFR 7 parts 799, 2016)*. The intent of NEPA is to ensure the human environment is considered through well-informed Federal decisions. A variety of laws, regulations, and Executive Orders (EO) apply to actions undertaken by Federal Agencies and form the basis of the analysis.

1.3.1 Right to Farm

All fifty states have enacted right-to-farm laws that seek to protect qualifying farmers and ranchers from nuisance lawsuits filed by individuals who move into a rural area where normal farming operations exist, and who later use nuisance actions to attempt to stop those ongoing operations. The Right to Farm Law for Montana includes the following protections: See Appendix K-1

- An agricultural or farming operation does not become a public or private nuisance because of its normal operation as a result of changed residential or commercial conditions around its locality if the agricultural or farming operation has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation.
- A person convicted of maintaining a public nuisance shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. Each day of the conduct constitutes a separate offense.

1.4 Public Involvement and Consultation

1.4.1 Public Involvement

This Draft EA is available for public review and comment from at: http://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-enhancement/index . A notice of the availability of the Draft EA was published in the Helena Independent Record, December 17, 2016. Written comments may be submitted to the CREP Program Manager at 6501 Beacon Drive, STOP 8108, Kansas City, MO 64133 or by email at FSA.EAComments@wdc.usda.gov. Comments must be received on or before January 16, 2017.

USDA will make the draft of this document available for agency, tribal, and public review and comment for 30 days. After 30 days, comments will be reviewed and incorporated, as appropriate, into the Final EA. A Scoping Summary will be provided in the Final EA. Individuals and entities who provided comments or otherwise request will be notified of the final USDA decision in writing.

1.4.2 *Agency Consultation*

USDA undertook the following efforts and research to aid in determining the potential impacts of the proposed action alternative:

- Researched the U.S. Fish and Wildlife Service (USFWS) – Information, Planning, and Conservation System (IPaC) about the project's potential to affect federally listed species, and has completed a biological field review relative to the potential species presence as required by the Endangered Species Act of 1973. As detailed in Section 3.3.3, FSA determined that, at the programmatic level of this Draft EA, no impact to these species/habitats would result from approval of the proposed UCFRB CREP. But each individual contract would still require a site-specific environmental review (CPA-52/FSA-850) that would evaluate the potential impacts to these species/habitats. If any impacts are anticipated, consultation with the USFWS would occur and all recommended mitigation measures incorporated into the applicant's conservation plan and associated environmental review (CPA-52/FSA-850).
- Sent correspondence to the State Historic Preservation Officer (SHPO) to ensure the requirements of 54 U.S.C 306108 (Commonly known as Section 106 of the National Historic Preservation Act) were properly addressed. As detailed in Section 3.4.3, FSA determined that, at the programmatic level of the Draft EA, no impact to these resources would result from approval of the proposed UCFRB CREP. But each individual contract would still require a site-specific environmental review (CPA-52/FSA-850) that would evaluate the potential impacts to these resources. If any impacts are anticipated, consultation with the SHPO and appropriate Tribal Historic Preservation Officers (THPOs)/Tribes would occur and all recommended mitigation measures incorporated into the applicant's conservation plan and associated environmental review (CPA-52/FSA-850).
- Four Recognized Native American Tribes are represented within the proposed UCFRB CREP project area. For the environmental review (CPA-52/FSA-850) required for each site-specific contract, the

potential for impacts to resources of tribal importance would be evaluated. If any were anticipated, the appropriate THPO/Tribes would be consulted.

- NRCS completed a review and performed determinations and delineations of areas meeting the three (3) mandatory criteria of wetlands in accordance with the procedures of the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual (Y-87-1) and supplements to determine the absence, presence, and extent of wetlands and waters of the United States relative to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. As detailed in Section 3.6.3, FSA determined that, at the programmatic level of the Draft EA, no impact to this resource would result from approval of the proposed UCFRB CREP. But each individual contract would still require a site-specific environmental review (CPA-52/FSA-850) that would evaluate the potential impacts to the wetlands. If any impacts are anticipated, consultation with NRCS and/or USACE would be required.
- The proposed project area does not include or overlap the Milltown Reservoir Sediments/Clark Fork River Superfund site.

2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

2.1 Alternative 1 – No Action Alternative

The No Action Alternative would involve FSA not approving for implementation the UCFRB CREP. No land would be enrolled under the UCFRB CREP and the goals for the UCFRB CREP would not be met. This alternative would result in a continuation of the current agricultural practices that contribute to the decline in wildlife habitat, aquatic habitat, stream flows, a continued degradation of wetlands, riparian areas, water quality and soil conditions, and grasslands within the proposed UCFRB CREP project area.

2.2 Alternative 2 – Proposed Action Alternative

Under the Proposed Action Alternative, USDA would approve for implementation the Proposed UCFRB CREP. This proposed action alternative would address watershed impairments within 6 (Deer Lodge, Granite, Powell and Silver Bow and a small portion of Lewis & Clark and Missoula) counties in western Montana. The project area encompasses approximately 3,710 square miles, or approximately a 2.3 million acre watershed. The primary objective of the UCFRB CREP is, to the extent possible, reduce sediment loads and increase infiltration in the adjacent uplands (i.e., improve water quality). The secondary objective is to enhance or maintain wildlife habitat with the watershed, focusing on riparian areas and adjacent uplands. The UCFRB CREP proposes to meet these objectives by establishing 10,300 acres of buffers along riparian areas; restoring and protecting 3,000 acres of degraded wetlands within the project area to support water quality and fish and wildlife habitat restoration; and restoring and enhancing 49,500 acres of grasslands, Sagebrush Steppe rare and declining habitat. Twelve (12) practices, with additional incentives are proposed for enrollment in the UCFRB CREP.

Multiple Water Restoration Plans have been approved by the Montana Environmental Protection Agency (EPA) within the UCFRB CREP project area. This proposed action would augment these efforts within the

project area.
FSA would ensure all practices installed within the project area meet FSA CRP standards and specifications. FSA would ensure the CPA-52/FSA-850 process is conducted on each site-specific practice, and, if needed, would consult with the appropriate administrative agency.

This proposed action would enroll lands in CRP by establishing contracts with owners of eligible lands in 6 counties in western Montana. The UCFRB CREP would coordinate federal, state, and local efforts to address issues identified in section 1.2 throughout the project area by seeking to enroll 10,300 acres of riparian habitat, 3,000 acres of wetlands, and 49,500 acres of grassland adjacent to key riparian areas and associated upland habitats. It would do this by providing economic incentives to restore or enhance these acres or remove wetlands and riparian areas from agricultural production to established conservation cover through the twelve CPs.

The concept of the UCFRB CREP is to restore and enhance wetlands and establish or maintain woody and herbaceous cover adjacent to key riparian areas and associated uplands. These areas are valuable for water quality, aquatic habitat, and traditionally provide winter cover and are important areas for many wildlife species. Depending upon the landowners desires, adjacent non-CREP acres would be further enhanced through NRDP program funds and other State of Montana conservation and watershed restoration funds, or they may remain in the current use.

2.2.1 Goals and Objectives of the Proposed UCFRB CREP

Goals of the proposed UCFRB CREP include:

1) Restore and enhance riparian, fishery/avian habitat and water quality in the UCFRB CREP project area through a partnership between USDA, NRDP, and other state and local agencies and nonprofit organizations.

2) Restore and enhance terrestrial wildlife resources by protecting and enhancing grassland, shrub-steppe, riparian, and wetland habitats in the UCFRB CREP project area through a partnership between USDA, NRDP, and other state and local agencies and nonprofit organizations.

Objectives of the proposed UCFRB CREP:

The primary objective of the UCFRB CREP is, to the extent possible, reduce sediment loads and increase infiltration in the adjacent uplands (i.e., improve water quality). The secondary objective is to enhance or maintain wildlife habitat with the watershed, focusing on riparian areas and adjacent uplands. The UCFRB CREP proposes to meet these objectives by establishing 10,300 acres of buffers along riparian areas; restoring and protecting 3,000 acres of degraded wetlands within the project area to support water quality and fish and wildlife habitat restoration; and restoring and enhancing 49,500 acres of grasslands, Sagebrush Steppe rare and declining habitat.

Objectives would be accomplished by; establishing introduced grasses and legumes, permanent native grasses, installing filters strips, and riparian buffers, restoring or improving wetlands, protecting or establishing

rare and declining habitat and protecting grassland within the project area, especially in those areas in close association with riparian corridors.

2.2.2 Eligible Land for Proposed UCFRB CREP

The proposed UCFRB CREP would enroll up to 66,400 acres in CRP, on a voluntary basis in coordination with individual landowners. As such, the exact location of parcels that might be enrolled is not known. If approved, the availability of UCFRB CREP would be advertised locally, and regionally, to increase awareness of the project, the environmental benefits it seeks to obtain, and the benefits available to participants, including but not limited to the incentives available if approved. Interested producers would be encouraged to contact their local FSA office to determine if their lands are located within the UCFRB CREP project area. USDA would determine producer, land and practice eligibility. Technical assistance would be provided from NRDP staff, its subcontractors, and Montana Fish & Wildlife biologists. NRDP and its subcontractors would coordinate with FSA during the application process to identify CREP/non-CREP acres. Offers would be accepted on a continuous basis. If the land offered is located within the UCFRB CREP project area and the producer(s) meet all eligibility requirements, such as ownership, land, and practice eligibility, the offer would be considered eligible for enrollment into CRP under the UCFRB CREP.

2.2.3 Proposed Conservation Practices (CPs)

The CPs proposed for implementation under the UCFRB CREP and enrollment goals include the following:

- *CP1, Introduced Grasses – 800 acres*
- *CP2, Native Grasses – 1,800 acres*
- *CP25, Rare and Declining Habitat – 4,000 acres*
- *CP21, Filter Strips – 1,300 acres*
- *CP22, Riparian Buffers – 4,000 acres*
- *CP23, Wetland Restoration – 500 acres*
- *CP23A, Wetland Restoration, Non floodplain – 500 acres*
- *CP29, Marginal Pastureland Wildlife Habitat Buffer – 5,000 acres*
- *CP30, Marginal Pastureland Wetland Buffer – 2,000 acres*
- *CP42, Pollinator Habitat – 1,500 acres*
- *CP87 (Grassland Introduced Grasses) – 1,000 acres*
- *CP88 (Grassland Native Grasses) – 44,000 acres*

Establishment of Introduced Grasses (CP1) and Native Grasses (CP2)

The CP1 and CP2 practices would be available to establish new or maintain existing vegetative cover only on eligible cropland to enhance environmental benefits**.** Irrigation would be allowed to be continued in the UCFRB CREP. Managed harvesting and grazing would be authorized according to FSA CRP National directives. Eligibility and practice criteria for these practices would follow requirements outlined in FSA CRP National directives.

USDA would pay up to 50 percent cost-share of eligible reimbursable costs to install the practices. USDA would pay a per-acre rental rate that includes a 20% incentive of the normal base rate.

Riparian Buffers (CP22)
The CP22 practice would be available on eligible marginal pastureland and cropland to enhance environmental benefits. Eligibility and practice criteria for this practice would follow requirements outlined in FSA CRP National directives. Marginal pastureland buffers would be devoted to planted trees or natural regeneration. No harvesting or grazing is allowed on CP22 acres.

USDA would pay up to 50 percent cost-share of eligible reimbursable costs to install the practice. USDA would pay a per-acre rental rate that includes a 20% incentive of the normal base rate. USDA would pay a signing incentive payment according to FSA CRP National directives (one-time up-front payment equal to $100 per acre enrolled). USDA would pay a practice incentive payment according to FSA CRP National directives (paid at time of practice completion).
Matching funds provided by NRDP would 1) Restore the mainstem aquatic habitat by improving recruitment of fish from tributaries; and 2) Improve trout populations in tributaries. The projects NRDP would implement are viewed as a part of a larger whole and planning for each issue is coordinated and carried out in a sequential manner on both a watershed and a specific landowner scale. The projects performed by NRDP do not include fish augmentation/stocking.

Filter Strips (CP21)
The CP21 practice would be available only on eligible cropland. This practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, plant uptake, denitrification, and other processes, and, thereby, locally reduce pollution and protect surface water and subsurface water quality, while enhancing the overall ecosystem of the water body. Eligibility and criteria for this practice would follow requirements outlined in FSA CRP National directives. No harvesting or grazing is allowed on CP21 acres.

USDA would pay up to 50 percent cost-share of eligible reimbursable costs to install the practice. USDA would pay a per-acre rental rate that includes a 20% incentive of the normal base rate. USDA would pay a signing incentive payment according to FSA CRP National directives (one-time up-front payment equal to $100 per acre enrolled). USDA would pay a practice incentive payment according to FSA CRP National directives (paid at time of practice completion).

Marginal Pastureland Wildlife Habitat Buffer (CP29) and Marginal Pastureland Wetland Buffer (CP30)
The CP29 and CP30 practices would be available only on marginal pastureland. This practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, plant uptake, denitrification, and other processes, and, thereby, locally reduce pollution and protect surface water and subsurface water quality, while enhancing the overall ecosystem of the water body. Eligibility and practice criteria for this practice would follow requirements outlined in FSA CRP National directives. No harvesting, or grazing is allowed on CP29 or CP30 acres..

USDA would pay up to 50% cost-share of eligible reimbursable costs to install the practices. USDA would pay a per-acre rental rate that includes a 20% incentive of the normal base rate. USDA would pay a signing incentive payment according to FSA CRP National directives (one-time up-front payment equal to $100 per acre enrolled). USDA would pay a practice incentive payment according to FSA CRP National directives (paid at time of practice completion).

Wetland Restoration (CP23) and Wetland Restoration, Non-floodplain (CP23A)
The CP23 and CP23A practices would be available only on cropland. Eligible wetlands would be restored. The level of restoration of the wetland ecosystem would be determined by the producer in consultation with NRCS

or TSP. Eligibility and practice criteria for this practice would follow requirements outlined in FSA CRP National directives. No harvesting or grazing is allowed on CP23 or CP23A acres.

USDA would pay up to 50% cost-share of eligible reimbursable costs to install the practices. USDA would pay a per-acre rental rate that includes a 20% incentive of the normal base rate. USDA would pay a signing incentive payment according to FSA CRP National directives (one-time up-front payment equal to $100 per acre enrolled). USDA would pay a practice incentive payment according to FSA CRP National directives (paid at time of practice completion).

Grasslands Introduced Grasses (CP87) and Grasslands Native Grasses (CP88)
The CP87 and CP88 practices would be available only on grasslands, as determined by FSA. To entice landowners to restore and enhance the wetland and riparian areas, the working lands practices CP87 and CP88 are available to enhance the hydrologic function of the associated uplands and, in turn, provide enhanced environmental benefits, such as enhanced water quality, in the riparian areas. Uplands are the cornerstone for healthy watersheds and, if properly functioning, provide locally decreased sediment loads, decreased erosion, and increased run-off times. In the UCFRB CREP project area, uplands are especially important in gathering and draining winter precipitation. Eligibility and practice criteria for this practice would follow requirements outlined in FSA CRP National directives. Provisional offers are not authorized in the UCFRB CREP. Harvesting and grazing of the acres may be authorized. Forage would be harvested in a manner and frequency that would maintain or enhance an existing stand throughout the life of the CRP contract. Acres enrolled in CP87 and CP88 would NOT be harvested during the primary nesting season which is May 15 - July 15. Producers with a wildlife-focused conservation plan would ensure forage would be harvested in a wildlife friendly manner, which includes: haying during daylight hours only; installing a flushing bar on a swather or mower; and adjusting the harvest pattern from the inside of the field to the outside of the field or up and down from one end of the field to the other. No perimeter harvest rounds would be allowed for this practice. Harvesting requirements would follow the Forage Harvest Management Plan outlined in the NRCS Conservation Specification 511 and Conservation Planning Sheet, NRCS-LTP-14-E for haying and height restrictions.
Mid-Contract Management Activities are NOT required, however, applicants without livestock would be required to conduct a maintenance activity to ensure plant diversity.

For the purpose of the UCFRB CREP, grasslands must lie immediately adjacent to practices enrolled in CP21, CP22, CP23, CP23A, CP29, or CP30. The amount of adjacent upland grasslands shall not exceed a 4 to 1 ratio of the adjacent non-grassland acres enrolled. Grassland acreage offered would be evaluated and ranked according to the National Grasslands Ranking Criteria and process. Otherwise eligible offers would be evaluated and ranked not less than once every 6 months. The State Office would announce each ranking deadline date.

Enhancement activities would include implementation of grazing systems, conifer encroachment reduction through mastication or prescribed burns, resting pastures for longer periods of time, restoring vegetation on heavily degraded sites, installation of fences and water developments, and conducting necessary weed management associated with these actions.

USDA would pay 50% cost-share of eligible reimburseable costs to install fencing and water development practices as outlined in the conservation plan, not to exceed the practice maximum in FSA CRP National directives. Prescribed burning may be allowed on CP87 or CP88 acreage. Cost-share for prescribed burning practices may be provided by NRDP.

Rare and Declining Habitat (CP25)
The CP25 practice would be available only on cropland for Sagebrush Steppe habitat. This habitat has become endangered due to the large conifer encroachment due to fire suppression, overgrazing by livestock, and an influx of non-native/invasive species within the UCFRB CREP project area. The purpose of the practice is to restore and conserve the rare and declining native vegetated communities and wildlife species it supports. Planting success depends on removal of the competition species seed placement, and protection of seedlings. Eligibility and practice criteria for this practice would follow requirements outlined in FSA CRP National directives. Only high quality and ecologically adapted native seed and plant material would be used according to NRCS specifications. No harvesting or grazing is allowed on CP25 acres.

Enhancement activities would include conifer encroachment reduction through mastication, brush management or prescribed burns, and conducting weed management activities.

USDA would pay up to 50% cost-share of eligible reimbursable costs to install the practices. Cost-share for prescribed burning practices and brush management may be provided by NRDP.

Pollinator Habitat (CP42)
The CP42 practice would be available as a standalone practice only (i.e. not included within acres devoted to CP87 or CP88) and only available on cropland. The practice establishes or enhances habitat to support a diversity of pollinator species. Eligibility and practice criteria for this practice would follow requirements outlined in FSA CRP National directives. No harvesting or grazing is allowed on CP42 acres.

USDA would pay up to 50% cost-share of eligible reimbursable costs to install the practice. USDA would pay a signing incentive payment according to FSA CRP National directives (one-time up-front payment equal to $150 per acre enrolled).

2.2.4 Financial Assistance to Landowners under the Proposed UCFRB CREP

(figures in the following table represent the one-year cost of the program if all 66,400 acres were enrolled. It does not represent the overall program cost.)

Program Components	USDA Expenditure	Natural Resources Damage Program	Other Non Federal Expenditures	Total Program Expenditures
CREP Land Rental Payment	$2,284,980	-0-	-0-	$2,284,980
Habitat Restoration & Improvements, Including Non-USDA Technical Assistance	$6,072,780	2,200,000	$200,000	$8,472,780
Monitoring/Reporting		$ 200,000		$200,000
Total	$8,357,760	2,400,000	$200,000	$10,957,760
% of Total	76%	22%	2%	100%

3.0 AFFECTED ENVIRONMENT AND IMPACTS

3.1 Resources Eliminated from Detailed Analysis

3.1.1 Coastal Barrier

Effects to coastal barriers were eliminated from detailed analysis because Deer Lodge, Granite, Powell, Silver Bow and a small portion of Missoula and Lewis & Clark Counties do not have designated coastal barrier areas.

3.1.2 Coastal Zone

Effects to coastal zone were eliminated from detailed analysis because Deer Lodge, Granite, Powell and Silver Bow and a small portion of Missoula and Lewis & Clark Counties do not have coastal zone management areas.

3.1.3 Wilderness Areas

Effects to wilderness areas were eliminated from detailed analysis. The nearest wilderness area is Anaconda Pintler Wilderness Area which is located 50 miles from the project area and would not be impacted. Due to this distance, there would be no visual, audible or peripheral impacts from the CREP project area to the Anaconda Pintler Wilderness Area. See Appendix F.

3.1.4 Wild and Scenic Rivers/Nationwide Rivers Inventory (NRI)

Effects to Wild and Scenic Rivers/National Rivers Inventory (proposed or designated under the Wild and Scenic Rivers Act and the presidential directive on National Rivers Inventory dated August 2, 1979 Rivers Act) were eliminated from detailed analysis because the project area is located 7 miles from the Flathead River confluence with the Clark Fork River and, as such, does not fall within the Area of Potential Effect. This is the nearest river found on the National Rivers Inventory or Wild and Scenic Rivers System and would not be impacted by this project. See Appendix G.

3.1.5 National Natural Landmarks

Effects to National Natural Landmarks were eliminated from detailed analysis because the nearest national landmark is Glacial Lake Missoula. The project area is not within ¼ mile of this landmark and, as such, it is not anticipated that the landmark would be impacted by this project. See Appendix H.

3.1.6 Sole Source Aquifers

Effects to sole source aquifers were eliminated from detailed analysis because the project does not involve activities with potential to contaminate the nearest sole source aquifer, the Missoula Valley Aquifer. This aquifer is located 50 miles outside of the proposed UCFRB CREP project area. See Appendix I.

3.1.7 Soils

Highly Erodible Land (HEL) is present within the project area. Effects to soils were eliminated from detailed analysis because an approved conservation plan with NRCS and a corresponding site-specific environmental review (CPA-52/FSA-850) would be completed prior to contract approval. Additionally, each participant would certify they will maintain compliance with the HEL provisions of their conservation plan.

3.1.8 Air Quality

Effects to air quality were eliminated from detailed analysis because emissions or degradation to air quality would not be permanent in nature and would be limited to the duration of the construction activity and practice maintenance. Any potential impacts during construction would be minimized by the implementation of standard construction control measures. For those few CPs that utilize prescribed fire, all federal, state, and local requirements regarding fire and smoke abatement would be followed. As such, no impacts from the limited use of prescribed fire would be expected.

3.1.9 Noise

Effects from noise were eliminated from detailed analysis because the project would not create noise that would interfere with communication, would be intense enough to damage hearing, or would otherwise be annoying. All noise expected to result from the implementation of the proposed action would be dispersed throughout the 2.3 million acre watershed and would be consistent with, albeit less than, routine noise from agricultural operations.

3.1.10 Important Land Resources

Effects on farmland, forest land and rangeland resources were eliminated from detailed analysis because the proposed action would not result in prime and/or important land being converted to a nonagricultural use.

3.1.11 Socioeconomic Impacts and Environmental Justice

The proposed action would not cause any adverse human health or environmental effects as defined in Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". An estimated 53,841 persons lived within the proposed UCFRB CREP project area in 2012. The densest populations are located in the urban areas of Butte, Deer Lodge and Anaconda. The most recent statistics available from the Bureau of Labor Statistics were for Missoula, Montana, show the average (mean) hourly wage of $19.06 in May, 2014, about 16 percent below the nationwide average of $22.71. Increased land values are expected to result from the implementation of the proposed action. The project area is not considered an area of concentrated minority population and the incentives offered through the proposed UCFRB CREP would offset any minor, local decline in potential agricultural commodity revenue.

Recreational resources are those activities or settings either natural or anthropogenic that are designated or available for recreational use by the public. In this analysis, resources include lands and waters used by the public for hunting, fishing, wildlife watching, hiking, canoeing, and other water-related activities. Land that could be enrolled in the UCFRB CREP is privately held. Access to this land for recreational activities is presently controlled by landowners. Effects to recreational resources was eliminated from detailed analysis.

3.2 Resources Considered with Detailed Analysis

This chapter describes relevant existing conditions for the resources potentially affected by the Proposed Action and the No Action Alternatives. In compliance with guidelines contained in NEPA and Council on Environmental Quality (CEQ) regulations, the description of the affected environment focuses only on those aspects potentially subject to impacts. In compliance with guidelines contained in NEPA, CEQ, and FSA regulations, each CRP contract would require a site-specific environmental evaluation to be completed by FSA and/or NRCS.

3.2.1 Water Quality

3.2.1.1 Surface Water Quality Existing Conditions

Stream morphology throughout the Upper Clark Fork River Basin is variable and has been historically altered in many cases to accommodate a variety of land uses and/or transportation networks. The Clark Fork River has been a hard-working river system, and has served as an engine of development for major industries in the region, including large-scale mining and smelting, agriculture, timber, and hydroelectricity. Some of these enterprises left an enormous impact on the river and its tributaries.

3.2.1.2 Surface Water Quality Impacts of No Action

Under the No Action Alternative, the CPs described in Section 2.2.3 would not likely be implemented without the added incentives provided by the UCFRB CREP. The use of land for agriculture or conversion of lands to other types of agricultural production could result in the continued degradation of water quality from runoff or agricultural chemicals, animal waste, and sediment.

The partnering watershed organization, WRC, has completed a watershed restoration plan for the Upper Clark Fork River. If no action is taken, continued degradation of surface and ground water would be expected within the project area if the proposed action is not implemented.

3.2.1.3 Surface Water Quality Impacts of Proposed Action

As described, there would be no long-term adverse impacts anticipated to surface water quality from implementation of the proposed action. Long-term positive impacts to surface water quality are expected within the proposed project area, which lies within a 2.3 million acre watershed. Installation of riparian buffers and filter strips adjacent to watercourses, as described in Section 2.2.3, are designed to improve water quality by reducing the amount of sediment and other pollutants entering the watercourse. Temporary minor adverse impacts to existing wetlands and localized surface water quality may result from runoff during activities associated with the installation of the proposed CPs.

Multiple Water Restoration Plans have been approved within the proposed project area by the Montana Department of Environmental Quality (DEQ). In order for the plans to be approved, a minimum of nine elements must be included in the plan. The nine elements are: 1) identify causes and sources of pollution; 2) estimate pollutant loading into the watershed and expected load reductions; 3) describe the management measures to achieve load reductions in targeted areas; 4) estimate the amounts of technical and financial assistance needed; 5) develop an information/education component; 6) create a schedule for implementing the NPS management measures; 7) describe interim, measurable milestones; 8) identify indicators to measure progress over time; and 9) describe a monitoring component.

3.2.1.2 Ground Water Quality Existing Conditions

The Montana Bureau of Mines and Geology (MBMG) Ground Water Information Center (GWIC) program monitors and samples a statewide network of wells (MBMG, 2009). Additionally, the GWIC program is engaged in a statewide characterization of aquifers and ground water resources, by region. The proposed UCFRB CREP project area is in Region 5. The water quality data include general physical parameters: temperature, pH and specific conductance, in addition to inorganic chemistry (common ions, metals and trace elements). MBMG does not analyze ground water samples for organic compounds.

As of September, 2009, the GWIC database reports 5,755 wells within the UCFRB (NRIS, 2009). Water quality data are available for 4,245 of those wells. This is an unusually high percentage, related to the extensive ground water investigations associated to environmental restoration efforts in the basin. The status of ground water quality within the project area is well monitored to ensure any identified adverse impacts can be managed.

3.2.1.3 Ground Water Quality Impacts of No Action

Under the No Action alternative, the CPs described in Section 2.2.3 would likely not be implemented without the added incentives provided by the UCFRB CREP and the functionality of wetland acreage would continue to degrade. No reduction in the decline of groundwater level in the surficial aquifers would occur.

3.2.1.4 Ground Water Quality Impacts of Proposed Action

As described, there would be no long-term adverse impacts anticipated to ground water quality from implementation of the proposed action and, in fact, the intent of the effort is to improve water quality. Because there would not be any infiltration concerns (where contaminated surface water leached into ground water) from the proposed UCFRB CREP, there would be localized improvements, and there are active monitoring efforts to identify potential sources of contamination for active management and control, it is not expected that the proposed action would have significant impacts.

Harvesting and Grazing within water related CPs, such as CP21, CP22, CP23, CP23A, CP29 and CP30 is not authorized according to FSA National directives and would not be allowed under the proposed UCFRB CREP.

All CPs described in Section 2.2.3 require at least one management activity to be performed during the CRP contract period to ensure plant diversity and wildlife benefits are maintained and soil and water resources are protected. The management activities authorized for CPs designed to protect surface and ground water quality include residue management; interseeding of native grass species and legumes; fabric management to serve as a weed barrier for trees that are planted; installation of protective tubes to prevent degradation by wildlife and thinning and pruning of tree stands to improve growth and quality of remaining trees.

In conclusion, while the driver for the proposed UCFRB CREP is water quality benefits, given the limited acreage involved relative to the size of the 2.3 million acre watershed, the benefits from the proposed action would be diluted throughout this area. So while localized benefits would occur where the proposed UCFRB CREP is implemented, it is not expected that these benefits would be significant given this context and the anticipated intensity of impacts.

3.2.2 Wildlife and Habitat

3.2.2.1 Existing Conditions

Within the proposed UCFRB CREP project area, there are currently 7 species included in the USFWS' official species list. Critical Habitat is designated within the project area for Bull Trout, Canada Lynx and yellow-billed cuckoo. Critical habitat for Canada Lynx lies in elevation above 4,000 feet. The yellow-billed cuckoo is defined by USFWS as a candidate species. As discussed in Section 3.2.2.3, FSA utilized the Biological Assessment conducted by NRCS for Bull Trout (May, 2010).

3.2.2.2 Ground Water Impacts of No Action

Under the No Action Alternative, the proposed CPs would likely not be implemented without the added incentives provided by the UCFRB CREP. The continued use of land for agriculture, conversion of lands to other agricultural production, or further conifer encroachment could result in the continued degradation of water quality, riparian areas, and grasslands. Because this acreage would not be under a CRP contract, it is

also possible the land could be converted to non-agricultural uses. The benefits detailed below anticipated from implementation of the Proposed Action would not be achieved.

3.2.2.3 Ground Water Impacts of Proposed Action

The USFWS IPaC system was utilized to obtain an official species list for the Area of Potential Effect, (APE). The site was reviewed for the presence of endangered/threatened species listed and their potential habitat within the APE. The IPaC Report indicates the following ESA-listed species within the proposed UCFRB CREP project area: Red Knot, Yellow-billed cuckoo, Whitebark pine, Bull trout, Canada lynx, Grizzly bear, and North American wolverine. The IPaC Report also indicates that critical habitat is designated within the project area for Bull Trout and Canada Lynx. As stated below regarding critical habitat, to comply with the requirements of Section 7 of the ESA, FSA and NRCS would ensure that all conservation plans consider whether ESA-listed species or critical habitat are present within each specific CRP contract site through the CPA-52 process (and/or FSA-850 process, as appropriate) and, if needed, would consult with the USFWS and incorporate recommended avoidance or mitigation measures to ensure no adverse impacts to these resources.

Designated Critical Habitats
Canada Lynx are found in elevations higher than 4,000 feet. The majority of the acres for the proposed UCFRB CREP project area are designated for the grasslands in the uplands, but would still lie below 4,000 feet in elevation. Therefore, the proposed UCFRB CREP project area would have no effect on the critical habitat of the Canada Lynx.

In 1998, the US Fish and Wildlife Service received a petition to list the western yellow-billed cuckoo as an endangered species. The US Fish and Wildlife Service concluded that the western yellow-billed cuckoo is a distinct population segment of the yellow-billed cuckoo in North America. The US Fish and Wildlife Service was warranted for listing, but was precluded by other higher priority listing actions and was placed as a candidate species on the candidate list. Actions which alter or destroy riparian habitat are of particular concern to the habitat of the yellow-billed cuckoo. Riparian practices in the proposed UCFRB CREP are designed to restore and enhance riparian habitat and would benefit the yellow-cuckoo billed habitat.

Warm Springs Creek and its tributaries are home to the largest upstream population of bull trout in the Clark Fork River basin and are designated as critical habitat by the US Fish and Wildlife Service for this federal Endangered Species Act threatened species. Restoring bull trout in these two areas, especially connecting the Warm Springs Creek population with the relatively strong Rock Creek metapopulation, is key to providing genetic linkage for overall bull trout recovery.

Warm Springs Creek and its tributaries are home to the largest upstream population of bull trout in the Clark Fork River basin. In May, 2010, NRCS developed a *Programmatic Biological Assessment for Conservation Practices that are Not Likely to Adversely Affect Listed Species in Montana, Chapter 3 – Bull Trout.* The assessment included a habitat determination screen for bull trout in Montana. The assessment determined 60 conservation practices have the potential to have a “May Affect, Likely to Adversely Affect” on bull trout and/or designated bull trout critical habitat. Consultation with USFWS determined FSA may tier off the *Programmatic Biological Assessment for Conservation Practices that are Not Likely to Adversely Affect Listed Species in Montana, Chapter 3 – Bull Trout (BA)* (May, 2010) for implementing practices within the UCFRB CREP project area. The result of the BA determined implementation of the proposed action could result in short and long-term adverse impacts that MAY AFFECT, and could LIKELY ADVERSELY AFFECT, the threatened bull trout *Salvelinus confluentus.*

To comply with the requirements of Section 7 of the ESA (16 USC 35 parts 1531 et seq., 1988), FSA and NRCS would ensure that all conservation plans consider whether ESA-listed species or critical habitat are present within each specific site through the CPA-52 process and, if needed, would consult with the FWS and incorporate any recommended measures to ensure no adverse impacts to these resources.

The long-term effects to habitat from implementing these CPs would be expected to be beneficial over time by resulting in the following localized improvements where the proposed UCFRB CREP is implemented: reduced sheet-and-rill or wind erosion; reduced soil erosion from wind and associated airborne particulate matter; improved soil quality; improved stream temperatures; improved fish passage; additional biological nitrogen fixation; water filtration and conservation; reductions in CO2 losses from the soil; reductions in energy inputs' management of plant pests (weeds, insects, and diseases); and providing food and cover for wildlife, including pollinator forage, cover, and nesting on enrolled lands.
The adherence of CP standards, specifications, job sheets, and technical notes, including the conservation and/or mitigation measures described within the BA would result in limited/neutral long-term adverse impacts, and in most cases should prove beneficial to the recovery of bull trout and its habitat.
See Appendix D-1.

3.2.3 Cultural Resources

3.2.3.1 Existing Conditions

The proposed UCFRB CREP project area is of interest to four (4) Native American Tribes. Historic buildings more than 50 years old lie within the towns of Anaconda, Butte, Deer Lodge, and Phillipsburg and will not be affected by implementation of practices within the project area.

3.2.3.2 Impacts of No Action

Under the No Action Alternative, the current farming and grazing practices in the 6 counties within the proposed UCFRB CREP project area would continue. Though the continuation of farming and grazing in previously disturbed areas is not expected to impact cultural resources, a change in farming and grazing practices that would disturb previously undisturbed areas could result in impacts to known or unknown archaeological, architectural, or traditional cultural resources. As the proposed UCFRB CREP would not be in place, cultural resources could be impacted if the current land uses change.

3.2.3.3 Impacts of Proposed Action

Archaeological resources and traditional cultural properties could be affected by the implementation of the proposed CPs if ground disturbance associated with these activities is beyond what is normally disturbed by agricultural practices currently in use.

As this EA does not address specific locales and settings at this time, detailed cultural resource information is not offered in this EA and, where needed according to paragraph 43 of 1-EQ (rev 3), actions proposed under the UCFRB CREP would be reviewed with the Montana State Historic Preservation Office (MTSHPO) during the planning and implementation phases. MTSHPO recommends that when the proposed UCFRB CREP implementation areas are identified by legal description and actions are proposed, a Class I literature search be conducted to determine whether or not any previous cultural resource inventories have been conducted on these properties and if further investigations or mitigation are warranted. FSA and MTSHPO offices would communicate with participating tribes during planning phases to integrate cultural resource protection and mitigation of any anticipated adverse impacts, as well as soliciting input on the identification and protection of any TCPs. Individual CRP contracts would require a site-specific environmental evaluation to be completed by

FSA through the completion of a NRCS-CPA-52.

The following assumptions were considered during the cultural resources analysis for the UCFRB CREP EA:

- Actions in this EA may have potential direct, indirect, and cumulative effects on cultural resources. To the extent possible, these would be avoided, as appropriate consultations would be performed and, if needed, mitigation measures required.
- All project planning and work initiated under this EA would meet required Federal and State historic preservation statutes, regulations, and guidelines. Any permitting or ground-disturbing actions below the existing levels of disturbance would be preceded by consultation with MTSHPO and tribal representatives, and followed by archival and field investigations, as warranted.
- The potential for expected and cumulative adverse effects on identified cultural resources, including physical and visual impacts, would be determined and mitigation plans, if needed, developed by lead agencies for heritage resource protection and unanticipated discoveries.
- Enhancement projects would be conducted on a mosaic of Federal, State, and private lands and different ecologies. Some environmental settings would carry the potential for more cultural and paleontological resources. If, during the environmental review process (CPA-52/FSA-850), it is determined that any of the actions from any CRP contract are actions that require Section 106 consultation per paragraph 43 of 1-EQ (rev 3), the MT SHPO and all appropriate THPO/Tribal staff would be consulted. See Appendix C and E

3.2.4 Floodplains

3.2.4.1 Existing Conditions

In general, a floodplain can be defined as a flat area, located adjacent to a stream channel, which provides natural storage for water overflow during or after a storm event. Floodplains within the proposed UCFRB CREP project area are defined as 100-year floodplains, designated by the Federal Emergency Management Agency (FEMA) as those low lying areas that are subject to inundation by a 100-year flood, a flood that have a 1 percent chance of being equaled or exceeded in any given year. Flood events are typically associated with the spring snow melt. The flood season generally begins in April, peaks in May/June and ends in July.

Floodplains are identified within the UCFRB CREP project area along the Clarks Fork River. Federal agencies are required to take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. FEMA maintains maps of 100-year floodplains within the UCFRB CREP project area.

3.2.4.2 Impacts of No Action

Under the No Action Alternative, if the conservation practices described in Section 2.2.3 were not implemented, degradation to the floodplains within the Project Area would likely continue, as the current uses that are inconsistent with proper floodplain functioning would continue without the added incentives provided by the UCFRB CREP.

3.2.4.3 Impacts of Proposed Action

Efforts have been made by State, Federal, and private organizations to restore natural stream flow and riparian vegetation in floodplains throughout the Clark Fork River Basin. The practices included in the proposed UCFRB CREP, as described in Section 2.2.3, would continue to enhance the stream flows and riparian areas throughout the Clark Fork River Basin. As such, where the proposed UCFRB CREP would be implemented within the floodplain areas of the project area, there would be localized benefits that would augment the ongoing restoration efforts.

3.2.5 Wetlands

3.2.5.1 Existing Conditions

For regulatory purposes under the Clean Water Act, wetlands are defined as:
"*Wetlands* means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds" (40 CFR §112.3).
The majority of the wetlands mapped in the project area are classified as Palustrine emergent wetlands consisting of temporarily and seasonally flooded wet meadows dominated by native sedge, including Nebraska sedge and nonnative pasture grasses such as Kentucky bluegrass and smooth brome. Saturated emergent wetlands are dominated by Northwest Territory sedge and inflated sedge. Semipermanently flooded sites are dominated sedge species, but cattail and invasive reed canary grass are common on disturbed sites.

3.2.5.2 Impacts of No Action

If no action were taken and current agricultural practices were continued, wetlands within the proposed UCFRB CREP project area would not have adequate water quantities to be fully functioning (i.e., not saturated by surface or groundwater) and would, therefore, not support vegetation typically adapted for life in saturated soil conditions. If no action were taken the hydrological effects of the watershed would likely continue to degrade without the added incentives provided by the UCFRB CREP.

3.2.5.3 Impacts of Proposed Action

Effects to wetlands in this EA were analyzed on a watershed basis. For each individual CRP contract under the proposed UCFRB CREP, the potential impacts to wetlands would be assessed via the CPA-52/FSA-850 environmental review process. Practices in the proposed UCFRB CREP project area to restore and enhance wetlands within the 2.3 million acre watershed would minimize the current level of destruction, loss, and degradation of wetlands, and preserve and enhance the natural and beneficial values of wetlands on the 2,500 acres of wetland acres proposed to be targeted for enrollment. If a wetland determination has not been previously completed for the project area and is not available from NRCS, the authorized official would

perform their due diligence in completing the Wetland Screening Tool to screen the project site for wetland indicators and document the related findings on the FSA-858. This would be completed prior to CRP contract approval. See Appendix J.

4.0 Cumulative Impacts

Defined by CEQ regulations:

> "Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR § 1508.7)

Whereas, the individual impact of one project in a particular area or region may not be considered significant, the result of numerous projects in the same area or region may cumulatively result in significant impacts. Cumulative impact analysis is subject to interpretation in analyzing the magnitude of impacts to a particular area or region. For the purposes of this analysis, the proposed project area in the 4 counties, with a small portion of two additional counties proposed for enrollment in the proposed UCFRB CREP and listed in Section 2.1. This proposed project area encompasses approximately 3,710 square miles and a 2.3 million acre watershed. The primary sources of information used to identify reasonably foreseeable future actions are documents prepared by Federal, State, and local government agencies.

4.1 Past, Present, and Reasonably Foreseeable Future Actions

Federal, State, local, and private activities that area currently taking place, have occurred in the past, or may reasonably be assumed to take place in the future in the cumulative effects area include the following:

Regional Conservation Partnership Program (RCPP)

The Regional Conservation Partnership Program (RCPP) promotes coordination between NRCS and its partners to deliver conservation assistance to producers and landowners. NRCS provides assistance to producers through partnership agreements and through program contracts or easement agreements. RCPP combines the authorities of four former conservation programs – the Agricultural Water Enhancement Program, the Chesapeake Bay Watershed Program, the Cooperative Conservation Partnership Initiative and the Great Lakes Basin Program. Assistance is delivered in accordance with the rules of EQIP, CSP, ACEP and HFRP; and in certain areas the Watershed Operations and Flood Prevention Program.

Under RCPP, NRCS approved $1,700,000 in funding for the Upper Clark Fork Drought Resiliency Project proposed by project sponsor Watershed Restoration Coalition of the Upper Clark Fork, Inc. (WRC). NRCS funding matched 4 to 1 with secured State financial and technical assistance to benefit producers, natural resources, and communities across four counties within the Upper Cark Fork (UCF). The Upper Clark Fork Drought Resiliency Project is unique in its opportunity to restore water resources and aquatic habitat on a basin-wide scale while benefitting agricultural operations with diverse water-saving practices to address increasing drought, over-appropriated water supplies, and stressed aquatic ecosystems in the basin.

Environmental Quality Incentives Program (EQIP)

EQIP is a NRCS voluntary program that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement CPs that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. In addition, a purpose of EQIP is to help producers meet Federal, State, Tribal and local environmental regulations.

Natural Resource Damage Protection Program (NRDP)

In December 2011, the Governor of Montana approved a Long Range Guidance Plan allocating approximately $110 million in natural resource damage restoration funds for the restoration of groundwater, aquatic, and terrestrial resources in the UCFRB. That approval triggered the development of an interim Restoration Process Plan that described the process the State of Montana used to develop restoration plans to fund restoration projects.

The "Final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans" allocates approximately 60 million dollars to restoration actions for aquatic and terrestrial resources of the UCFRB. It is based on the natural resource damage provisions in state and federal superfund law and on the plan development process set forth in the Final Upper Clark Fork River Basin Interim Restoration Process Plan. The Montana Department of Justice, Montana Natural Resource Damage Program (NRDP) developed these plans in consultation with fish and wildlife biologists from the Montana Department of Fish, Wildlife and Parks (FWP). This process was established for the Milltown Reservoir Sediments/Clark Fork River site, which includes about 120 miles of the Clark Fork River upstream of the Milltown Dam and Reservoir. The Milltown Dam and Reservoir are located at the confluence of the Clark Fork and Blackfoot Rivers, a few miles upstream of Missoula. From the 1860s until well into the twentieth century, mineral- and arsenic-laden waste from mining activities in the region flowed into the headwaters of the Clark Fork River. As contaminated sediments and mine-mill wastes moved downstream, about 6.6 million cubic yards of these sediments accumulated behind the Milltown Dam over time. These mining activities and the downstream transport of mining-related wastes contaminated sediment, surface water and groundwater with heavy metals. Much of the site has been cleaned up, and remedy construction is underway to address remaining contamination.

A standing partnership between WRC, NRDP, Deer Lodge Valley Conservation District, Montana Fish Wildlife & Parks, Mile High Conservation District and four local non-profits (Clark Fork Coalition, Trout Unlimited, WRP and the National Center for Appropriate Technology) is in place to assure a successful project outcome. The non-profits provide technical assistance through NRDP to agricultural producers so NRDP and NRCS financial assistance can be combined for practical, cost-effective solutions to water supply and aquatic habitat issues. Specific benefits include piping three leaky canals, six new diversions, doubling the flow in a critical reach of the Clark Fork River, and preventing entrainment of native fish, including threatened bull trout, while addressing the impacts of drought on forest and grazing lands in the upper watershed.

Future Fisheries Improvement Program and Montana Department of Fish Wildlife and Parks (FWP)

The Future Fisheries Improvement Program, funded by the sale of Montana fishing licenses, provides funding for restoration of essential habitats for the growth and propagation of wild fish populations in lakes, rivers and streams. Funds from this program may be used to restore or protect naturally functioning steam channels, banks or riparian areas. Approximately $800,000 is spent annually statewide under this program and a citizen

review panel evaluates applications. The FWP administers the program. The agency is active in the UCFRB on a number of stream and fishery restoration projects in tributaries to the Clark Fork River. The FWP would be an ad hoc participant in the proposed UCFRB CREP through their involvement with the NRDP and the local nonprofit organizations.

Watershed Restoration Coalition for the Upper Clark Fork (WRC)

The WRC is a nonprofit organization with membership from conservation districts, local governments and landowners. The board members of the WRC include six agricultural landowners, one county commissioner and one weed district employee, all of whom have a lifetime of experience working in the agriculture and forestry industries. For over 15 years, the WRC has worked cooperatively with producers on agricultural land, as determined by NRCS, to address local conservation priorities related to agricultural production, fish and wildlife habitat conservation, and nonindustrial private forest land management, as well as: watershed-scale water quality, sediment reduction, soil erosion and other natural resource issues. WRC is a primary contractor to the NRDP for oversight of restoration of the priority tributaries in the UCFRB, and the lead partner for the USDA/NRCS RCPP. The WRC would continue its partnerships and relations with UCFRB landowners to ensure the UCFRB CREP is also successful.

Clark Fork Coalition (CFC)

The Clark Fork Coalition is a non-profit organization dedicated to protecting and restoring the Clark Fork River. The CFC has 30 years of experience working with communities and landowners in the river basin. Currently the organization has five (5) full-time technical staff working on water resource conservation on agricultural lands, two of whom live in the proposed UCFRB CREP project area. The CFC has specific expertise in irrigation water savings projects and in-stream flow protection, and manages a cattle ranch in the valley. The CFC provides technical assistance to the WRC for restoration projects and is also a contractor to the NRDP for instream flow projects.

Trout Unlimited (TU)

As a collaborative member of Montana's Comprehensive Fish and Wildlife Conservation Strategy, TU has joined forces with agencies and organizations in Montana to identify conservation concerns and strategies for wildlife across the state. Proposed strategies to be implemented by TU in the watershed to address habitat loss, degradation, and fragmentation are: 1) support conservation easements by conservation organizations or public agencies; 2) support state/federal tax incentives that discourage habitat fragmentation; and 3) promote further development of county ordinances that help plan for and manage development. Also, addressed in the strategies are to participate in partnerships to develop and implement weed control strategies; support government and private conservation activities that encourage and support sustainable land management practices, and develop statewide riparian best management principles.

TU received a Future Fisheries Grant from USFWS to improve upstream fish passage and reduce transportation of fish down the ditch for all fish species including migratory bull trout. Through these grant funds, TU is committed to working with irrigators to ensure proper function of fish screens and diversion for both fish passage and water delivery.

TU has ongoing relationships with landowners in the UCRFB based on multiple seasons of fish passage assessment work, participation in landowner meetings engagement with individual landowners on potential projects and collaboration with the partners and agencies in prioritization and planning of project work in the watershed. TU is a contractor to the NRDP for fish passage, riparian habitat improvements, and fish entrainment work in the UCFRB.

TU has had a full-time restoration project staff on the ground in the UCFRB for the past 10 years. TU currently has two full-time project managers working directly with landowners and other partners on cooperative conservation projects, one of whom is focused on the proposed UCFRB CREP project area.

4.2 Cumulative Analysis

When considered in combination with other past, present, and reasonably foreseeable future actions, such as those examples specified, the incremental impact of the Proposed Action is expected to result in marginal and localized, but positive, impacts to water quality, wildlife and habitat, cultural resources, floodplains, and wetlands in the 6 counties within the UCFRB CREP project area. Due to the dispersed nature of the 25,000 – 66,400 acres within the 6 county UCFRB CREP project area, these benefits are not expected to be significant. No negative cumulative impacts to any resource are expected from the implementation of the Proposed Action.

4.2.1 Water Quality

The primary resource concern within the UCFRB CREP project area is the degradation of riparian and wetland habitat in the floodplain causing increased sediment loads and infiltration in the adjacent uplands. The cumulative effects of implementing the CPs are beneficial to the overall aquatic habitat restoration success in the Clark Fork Basin. Successful floodplain cleanup and associated flow and habitat improvements in the headwaters of the basin would provide cleaner water and new fish migration corridors to benefit the entire Clark Fork river system.

4.2.2 Wildlife and Habitat

The cumulative effects of implementing the CPs as described in Section 2.2.3 are beneficial over time by providing food and cover for wildlife, including pollinator forage, cover, and nesting on the proposed UCFRB CREP project area. Enrollment in the proposed UCFRB CREP is voluntary and the number of acres to be enrolled and their exact location cannot be predicted. It is expected enrollment in the proposed UCFRB CREP would have a slight improvement on wildlife habitat.

4.2.3 Cultural Resources

Individual CRP contracts would require a site-specific environmental evaluation to be completed by FSA through the completion of a NRCS-CPA-52 prior to contract approval. The detailed site-specific evaluation would ensure no archaeological, architectural, or traditional cultural resources would be effected, individually or cumulatively.

4.2.4 Floodplains

As described in Section 4.1, efforts have been made by State, Federal, and private organizations to restore natural stream flow and riparian vegetation in floodplains throughout the Clark Fork River Basin. The practices included in the proposed UCFRB CREP, as described in Section 2.2.3, would provide further, local

enhancements to stream flows and riparian areas throughout the Upper Clark Fork River Basin. Due to the extent of these ongoing efforts, while the proposed UCFRB CREP would provide additional localized benefits, it is not expected that they would provide a cumulatively significant benefit overall, due to their limited acreage and dispersion within the proposed project area.

4.2.5 Wetlands

Practices in the proposed 2.3 million acre UCRFB CREP watershed/project area that would restore and enhance 2,500 acres of wetlands would locally minimize the destruction, loss, and degradation of enrolled wetlands, and preserve and enhance the natural and beneficial values of these wetlands. If a wetland determination has not been previously completed for the offer site and is not available from NRCS, the authorized official would perform their due diligence in completing the Wetland Screening Tool to screen the offer site for wetland indicators and document the related findings on the FSA-858. This would be completed prior to CRP contract approval and would ensure no adverse impacts to wetland resources. As such, no significant individual or cumulative adverse impacts to wetlands would be anticipated. Because of the scope of ongoing efforts to restore wetlands in the area, as well as the limited and dispersed nature of the acreage involved in the proposed UCFRB CREP, it is also not expected that the benefits would be significant, given this context. So while benefits are anticipated and valuable, they would not rise to the threshold of significance.

5.0 List of Preparers and Persons and Agencies Contacted

List of Preparers	
Name and Title	**Education and Experience**
Heidi Brewer, Chief Program Specialist, USDA Farm Service Agency	MS, Agricultural Education; 25 years USDA employee
Ted Dodge, Watershed Restoration Coalition Coordinator	BS Agricultural Production (Range Management),40 years, USDA & Self employed
Greg Mullen, Natural Resources Damage Protection	BS, Natural Resource Management; MS Forest Hydrology
Ben Horter, National Cultural Resources, Historic Preservation and Environmental Justice Program Manager	
Nell Fuller, National Environmental Compliance Manager	

Persons and Agencies Contacted	
Name and Title	**Affiliation**
Mark Novak, Threatened and Endangered Species Specialist	US Fish and Wildlife Service
Jeff Combs, Environmental Coordinator	Natural Resources Conservation Service
Kale Gullett, State Resource Conservationist	Natural Resources Conservation Service
Mark Baumler, Ph.D, State Preservation Officer	Montana State Historic Preservation Office

6.0 References

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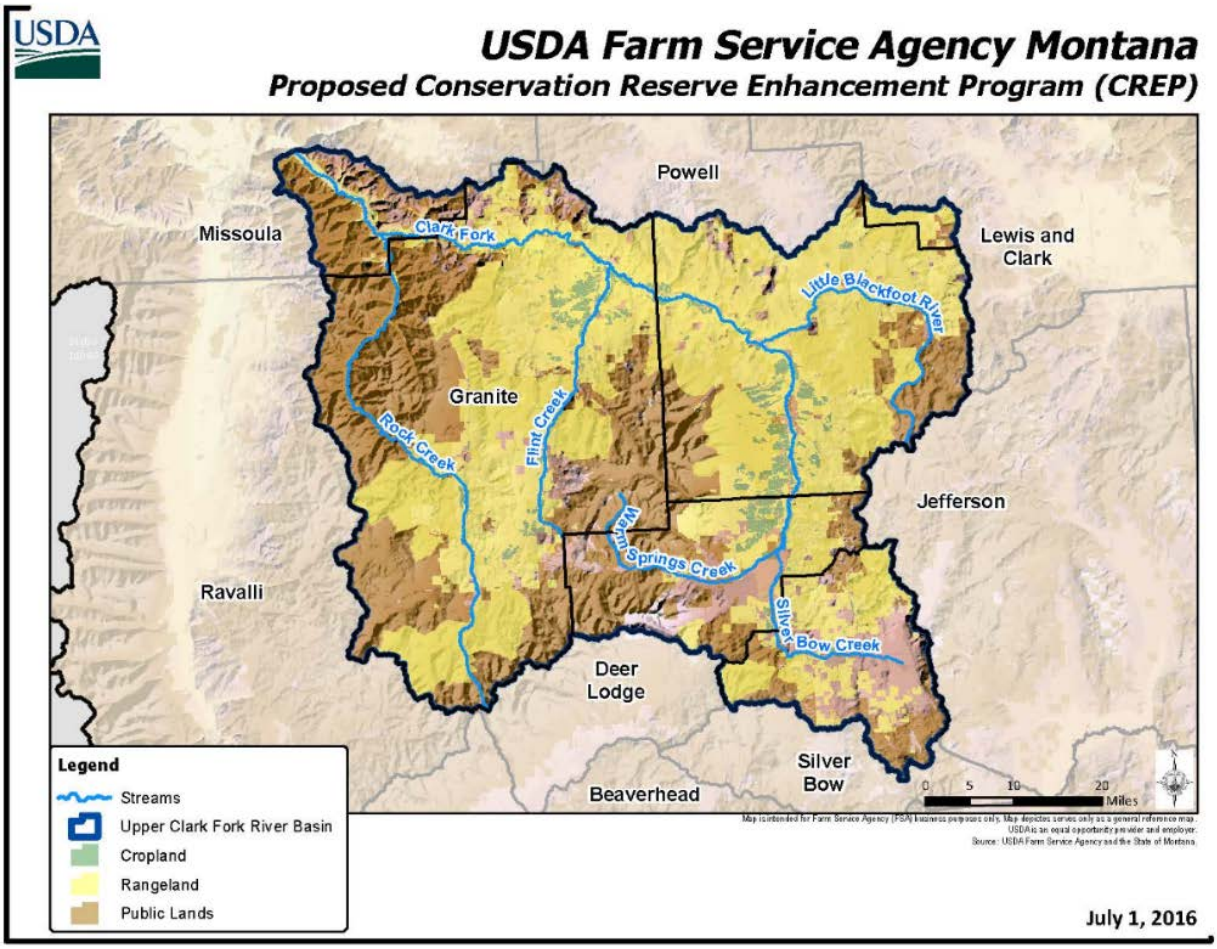
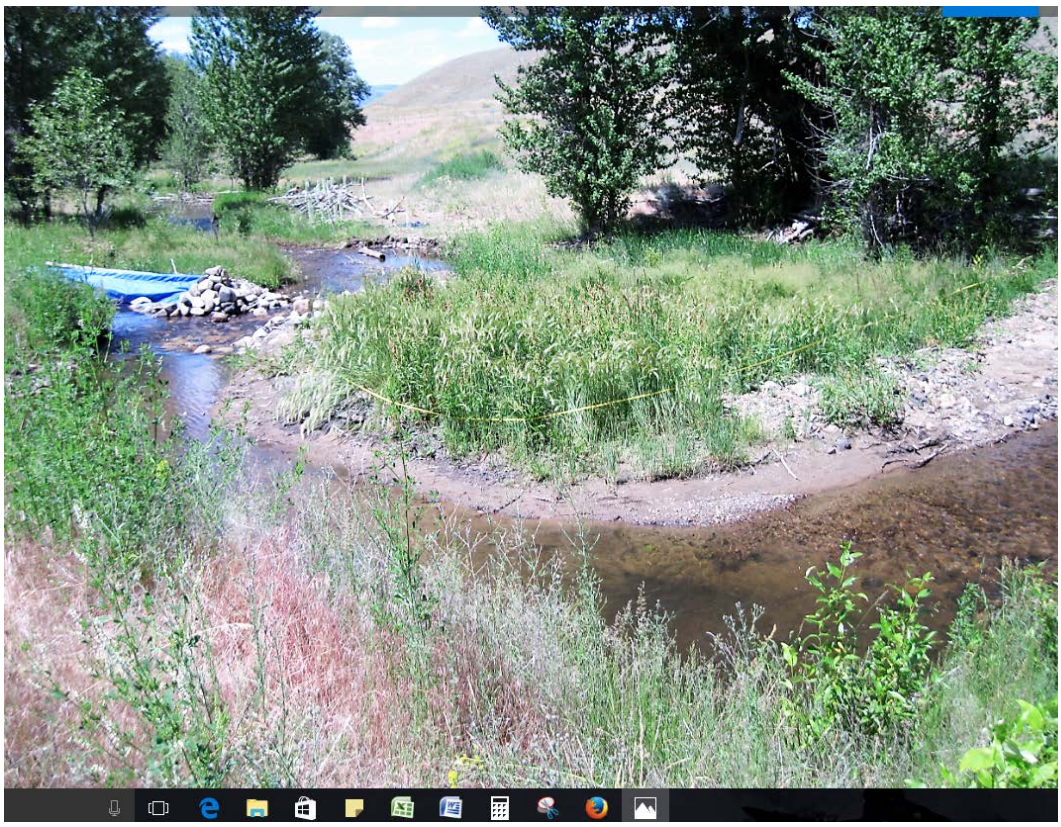
EPA Superfund Program: Milltown Reservoir Sediments, Milltown, MT: https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0800445

Appendice A-1 Project Location Aerial Map



Appendice – B – Site Photos



USDA United States Department of Agriculture

Farm and Foreign Agricultural Services

Farm Service Agency

Montana State FSA Office
PO Box 670
Bozeman, MT 59771
Phone: 406.587.6875
Fax: 855.546.0264

September 20, 2016

Montana State Historic Preservation Office
Attn: Mark Baumler, Ph. D
1410 8th Avenue
Helena, MT 59601

Subject: Upper Clark Fork River Basin Conservation Reserve Enhancement Project Proposal

Dear Mr. Baumler,

This letter is to inform you of a United States Department of Agriculture (USDA) project and to coordinate cultural resources with your office for the Upper Clark River Basin (UCFRB) Conservation Reserve Enhancement Program (CREP) project. The area is a 3,710 square-mile or approximately 2.3 million acres encompassing Deer Lodge, Granite, Powell, Silver Bow, and a small portion of Lewis & Clark and Missoula counties.

The Commodity Credit Corporation (CCC) has the authority under provisions of the Food Security Act of 1985, as amended sections 1230, 1234, and 1242 (16 U.S.C. et seq.) and 7 C.F.R. par 1410.50 to perform all its activities contemplated by the CREP proposal. In accordance with the Agricultural Act of 2014, CCC is authorized to enroll land in the Conservation Reserve Program (CRP) through December 31, 2018. All applications are submitted voluntarily by private landowners for restoration purposes.
In accordance with the National Environmental Policy Act (NEPA), before implementing activities that have the potential to significantly impact the human environment, the Natural Resources Conservation Service (NRCS), under a financial technical assistance agreement with the Farm Service Agency (FSA), is required to perform an environmental site evaluation to consider all potential environmental impacts of the proposed actions. In accordance with NEPA, the environmental site evaluation must be performed before a commitment of resources or approval of servicing action.

Pursuant to Section 106 of the national Historic Preservation Act (NHPA) and its implementing regulations in, 36, CFR Part 800, "Protection of Historic Properties (Section 106), " this letter and attachments are being transmitted to initiate consultation, identify historic properties, and to assess potential adverse impacts pursuant to the undertaking.

Proposed Undertaking

The proposed undertaking would establish, restore, and improve a minimum of 10,300 acres of riparian buffers within the river corridor; restore and protect 3,000 acres of degraded wetlands within the river corridor; and restore and enhance 53,100 acres of grassland, Sagebrush steppe and conifer forest within the Upper Clark Fork River Basin. Restoration of the grasslands and Sagebrush Steep habitats will include off stream water, invasive weed control, fencing, and riparian habitat protection and enhancement.

Identification and Evaluation of Historic Properties

The identification and evaluation of historic properties pursuant to 36 CFR 800.4 was conducted. The Area of Potential Effect (APE) is the Upper Clark Fork River corridor and the rangeland associated with the upland areas. The National Register of Historic Places (NRHP) databases were searched for historic properties. None were identified within 1 mile of the site. All 78 Historic Places listed in the database were located in towns within the project area. The project is not expected to have any visual impact on the above ground cultural resources.

Determination and Documentation of the Area of Potential Effects

Per NHPA Sections 800.4(a) (1) and 800.16(d), The APE for the undertaking was determined for both above-ground and archaeological (below-ground) historic properties. The APE for this project is along the river corridor and rangelands located in the uplands.

Above-Ground Resources
Due to the nature of the project, it was determined visual effects of the property will not affect any historic properties, if any were located within the view shed.

Archaeological Resources
The APE for the archaeological resources consists of the entire river corridor where the prescribed ground disturbance might directly affect archaeological resources, should any be located within the project area. No indirect impacts are anticipated. As stated earlier, In accordance with the National Environmental Policy Act (NEPA), before implementing activities that have the potential to significantly impact the human environment, the Natural Resources Conservation Service (NRCS), under a financial technical assistance agreement with the Farm Service Agency (FSA), are required to perform an environmental site evaluation to consider all potential environmental impacts of their proposed action. In accordance with NEPA, the environmental site evaluation must be performed before a commitment of resources or approval of servicing action.

Determination of Effects on Historic Properties

Pursuant to Section 800.5(b) USDA-Farm Service Agency has reviewed the project description and determined that there will be no adverse effects to historic properties.

If you have any questions or concerns about this project or program, please contact Heidi Brewer at (406) 587.6875 or via e-mail at heidi.brewer@mt.usda.gov .

Sincerely,

/S/ Heidi Brewer
State Environmental Coordinator
USDA Farm Service Agency

Enclosure:

- Project Location Maps with county and cross roads
- Detail of Project

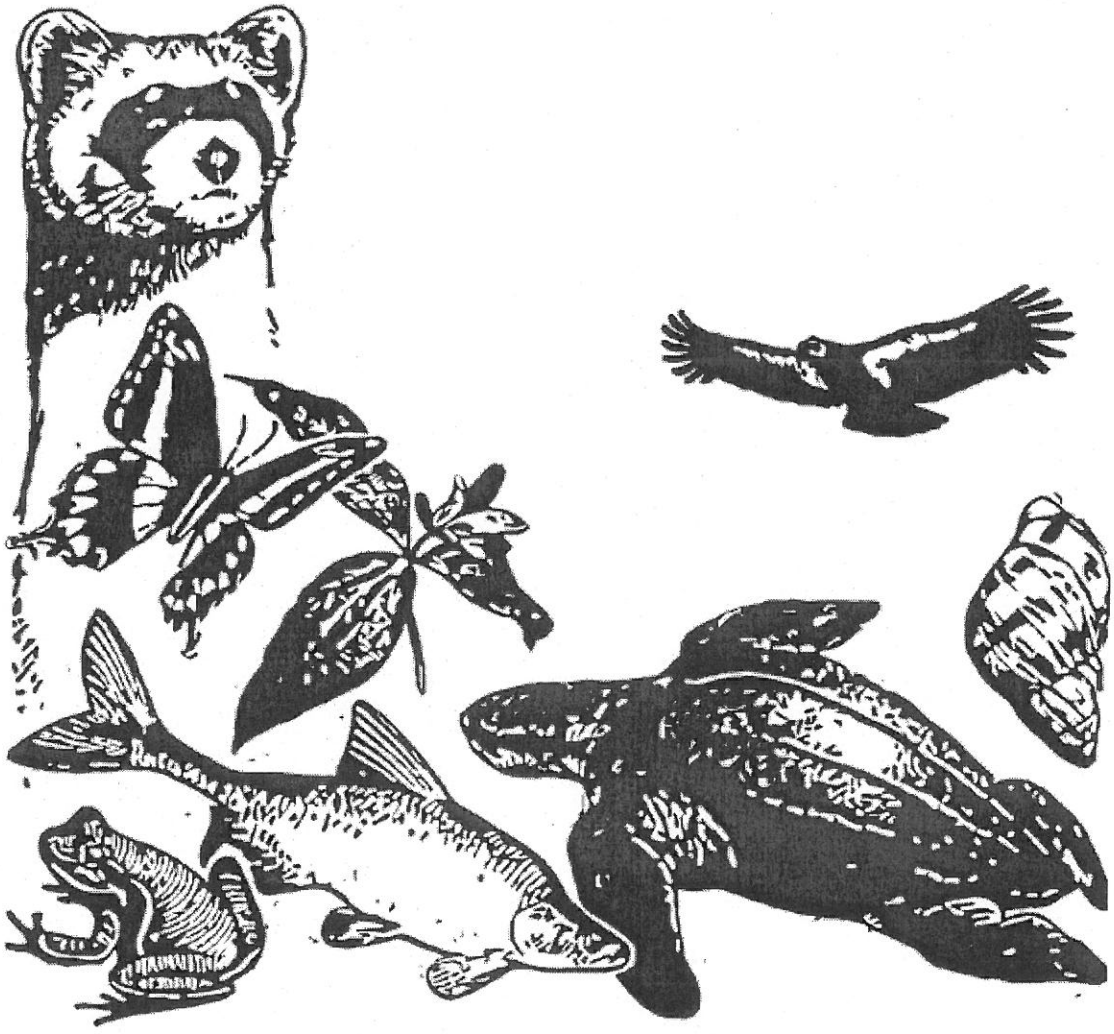
U.S. Fish & Wildlife Service

UCFRB CREP

IPaC Trust Resources Report

Generated September 16, 2016 09:19 AM MDT, IPaC v3.0.9

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



IPaC - Information for Planning and Conservation (https://ecos.fws.gov/ipac/): A project planning tool to help streamline the U.S. Fish & Wildlife Service environmental review process.

Table of Contents

U.S. Fish & Wildlife Service

IPaC Trust Resources Report

NAME

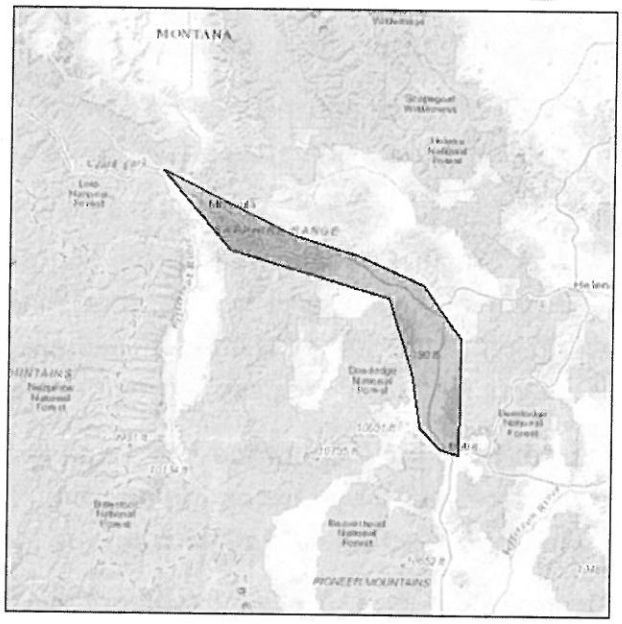
UCFRB CREP

LOCATION

Montana

IPAC LINK

https://ecos.fws.gov/ipac/project/FPHZ6-SFHBJ-F3VAA-NN675-GF2JFU



U.S. Fish & Wildlife Service Contact Information

Trust resources in this location are managed by:

Montana Ecological Services Field Office
585 Shepard Way, Suite 1
Helena, MT 59601-6287
(406) 449-5225

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Birds

Red Knot Calidris canutus rufa — Threatened

CRITICAL HABITAT
No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0DM

Yellow-billed Cuckoo Coccyzus americanus — Threatened

CRITICAL HABITAT
There is **proposed** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06R

Conifers and Cycads

Whitebark Pine Pinus albicaulis — Candidate

CRITICAL HABITAT
No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=R00E

Fishes

Bull Trout Salvelinus confluentus — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=E065

Mammals

Canada Lynx Lynx canadensis — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A073

Grizzly Bear Ursus arctos horribilis — Threatened

CRITICAL HABITAT
No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A001

North American Wolverine Gulo gulo luscus — Proposed Threatened

CRITICAL HABITAT
No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0FA

Critical Habitats

This location overlaps all or part of the critical habitat for the following species:

Canada Lynx Lynx canadensis
Final designated critical habitat
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A073#crithab

Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.[1] There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

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1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern
  http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds
  http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data
  http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The following species of migratory birds could potentially be affected by activities in this location:

American Bittern Botaurus lentiginosus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3

Bald Eagle Haliaeetus leucocephalus — Bird of conservation concern
Season: Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008

Black Rosy-finch Leucosticte atrata — Bird of conservation concern
Season: Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0J4

Black Swift Cypseloides niger — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FW

Brewer's Sparrow Spizella breweri — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HA

Calliope Hummingbird Stellula calliope — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0K3

Cassin's Finch Carpodacus cassinii — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0J6

Common Tern Sterna hirundo — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09G

Flammulated Owl Otus flammeolus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0DK

Fox Sparrow Passerella iliaca — Bird of conservation concern
Season: Breeding

Golden Eagle Aquila chrysaetos — Bird of conservation concern
Season: Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0DV

Grasshopper Sparrow Ammodramus savannarum — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G0

Greater Sage-grouse Centrocercus urophasianus — Bird of conservation concern
Season: Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06W

Lewis's Woodpecker Melanerpes lewis — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HQ

Loggerhead Shrike Lanius ludovicianus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FY

Long-billed Curlew Numenius americanus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06S

Mountain Plover Charadrius montanus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B078

Olive-sided Flycatcher Contopus cooperi — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN

Peregrine Falcon Falco peregrinus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU

Rufous Hummingbird selasphorus rufus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0E1

Sage Thrasher Oreoscoptes montanus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0ID

Short-eared Owl Asio flammeus — Bird of conservation concern
Season: Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD

Sprague's Pipit Anthus spragueii — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0GD

Swainson's Hawk Buteo swainsoni — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B070

Upland Sandpiper Bartramia longicauda — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC

Western Grebe aechmophorus occidentalis — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EA

Williamson's Sapsucker Sphyrapicus thyroideus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FX

Willow Flycatcher Empidonax traillii — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6

Wildlife refuges and fish hatcheries

There are no refuges or fish hatcheries in this location

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Wetland data is unavailable at this time.

Appendice -D, D-1 Wildlife and habitat/Supporting Documentation

U.S. Fish & Wildlife Service

search

Endangered Species | Fish

Mountain-Prairie Region

HOME | SCIENCE | REFUGES | ECOLOGICAL SERVICES | MIGRATORY BIRDS | FISH & AQUATIC | LAW ENFORCEMENT | EXTERNAL AFFAIRS

ES HOME | FIELD OFFICES » | ENDANGERED SPECIES » | ENERGY | CONTAMINANTS | NRDAR | WETLANDS

BULL TROUT

SPECIES HOME | AMPHIBIANS/REPTILES | BIRDS | FISH | INVERTEBRATES | MAMMALS | PLANTS | RECOVERY | SPECIES PROTOCOLS | STAFF

Resources: Candidate Conservation Agreements | Consultation | Habitat Conservation Plans | Permits | Safe Harbor Agreements | Species List

Jump to a section: Recent actions & links | Archives | « Back to fish | Open / close all

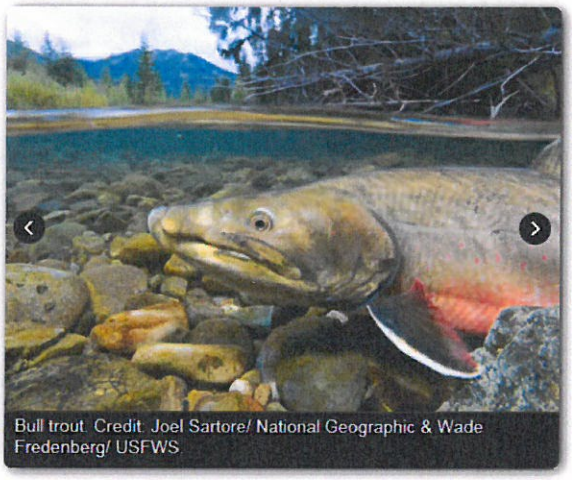
Bull trout (Salvelinus confluentus)

NCTC Makes Scarce Bull Trout Photos Available – No Bull!

The Fish and Wildlife Service has revised the 2005 critical habitat designation for bull trout, a threatened species protected under the Endangered Species Act. The range of the bull trout includes Montana, Idaho, Oregon, Washington, and Nevada.

In Montana, the Service designated as critical habitat approximately 3,056 stream miles and approximately 221,471 acres of lakes or reservoirs in Deer Lodge, Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Powell, Ravalli, and Sanders Counties.

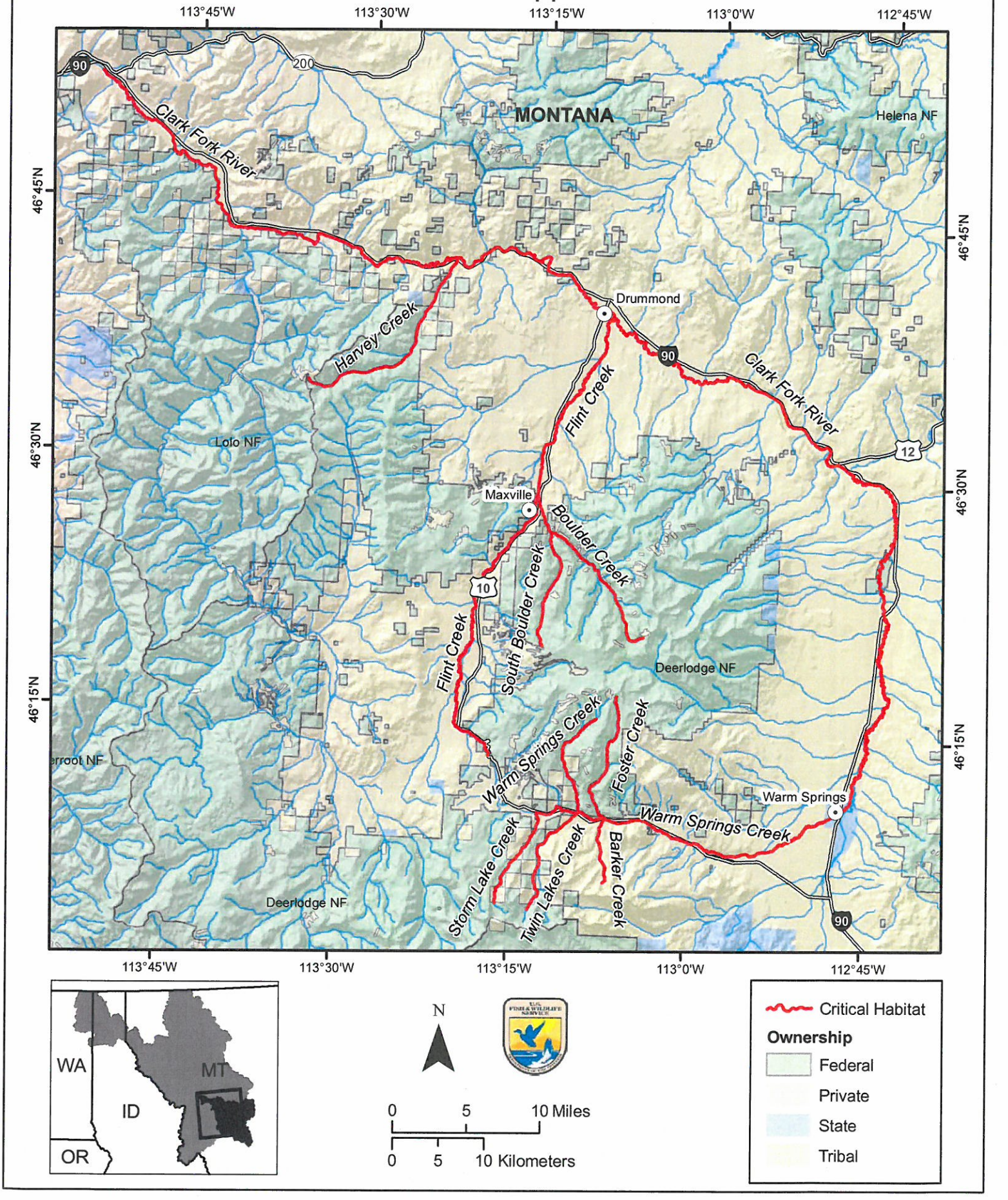
Under the Endangered Species Act, critical habitat is defined as a specific geographic area that is essential for the conservation of a threatened or endangered species and that may require special management considerations or protection. A critical habitat designation does not affect land ownership or set up a preserve or refuge and only applies to situations where federal funding, permitting, or land is involved.



Bull trout. Credit: Joel Sartore/ National Geographic & Wade Fredenberg/ USFWS

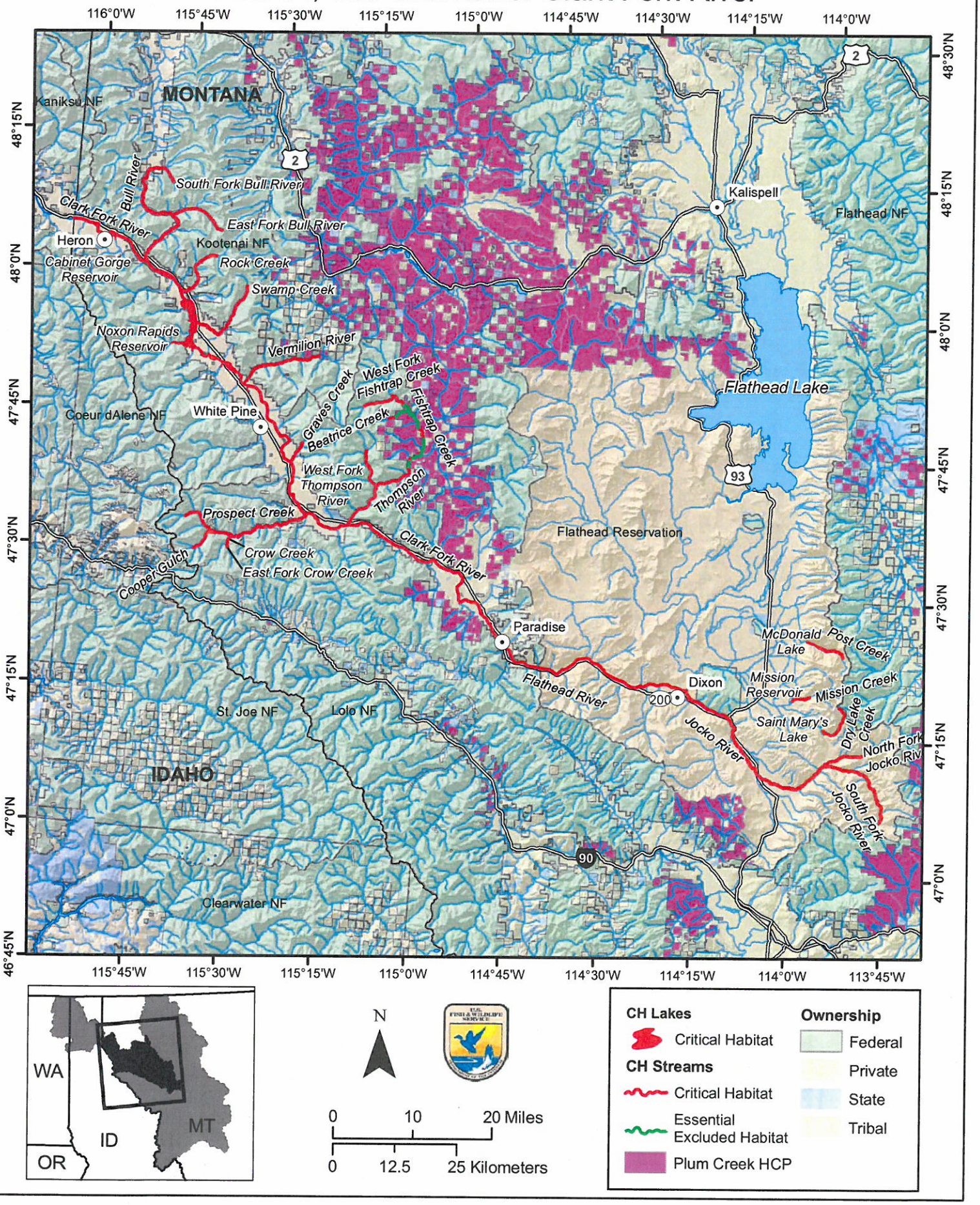
Critical Habitat for Bull Trout *(Salvelinus confluentus)*

Unit: 31, Sub-Unit Upper Clark Fork



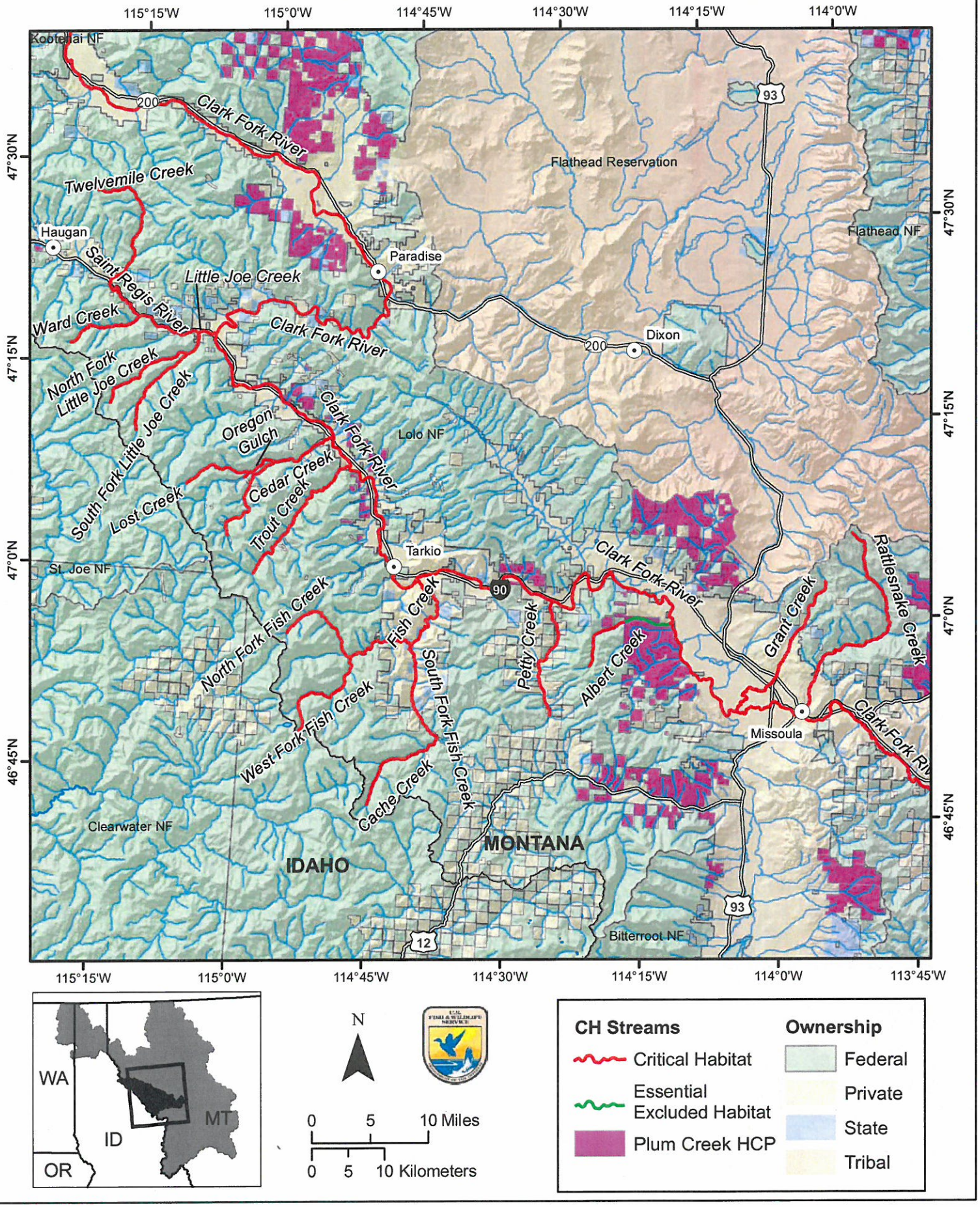
Critical Habitat for Bull Trout *(Salvelinus confluentus)*

Unit: 31, Sub-Unit Lower Clark Fork River



Critical Habitat for Bull Trout *(Salvelinus confluentus)*

Unit: 31, Sub-Unit Middle Clark Fork River



Appendice E - Cultural Resources Supporting Documentation

TRIBAL_NAME	FIRST_NAME	LAST_NAME	TITLE	STREET_ADDRESS	CITY	STATE
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Vernon	Finley	Chairperson	PO Box 278	Pablo	MT
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Ira	Matt	Tribal Preservation Officer	PO Box 278	Pablo	MT
Apache Tribe of Oklahoma	Bob	Komardley	Chairman	PO Box 1330	Anadarko	OK
Shoshone-Bannock Tribes of the Fort Hall Reservation	Blaine	Edmo	Tribal Chairman	PO Box 306	Fort Hall	ID
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Mark	Azure	President	656 Agency Main Street	Harlem	MT
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Michael	Blackwolf	THPO	656 Agency Main Street	Harlem	MT

Appendice E – Cultural Resources Supporting Documentation

Wiki Loves Monuments: The world's largest photography competition is now open! Photograph a historic site, learn more about our history, and win prizes.

National Register of Historic Places listings in Deer Lodge County, Montana

From Wikipedia, the free encyclopedia

This is a list of the **National Register of Historic Places listings in Deer Lodge County, Montana**. It is intended to be a complete list of the properties and districts on the National Register of Historic Places in Deer Lodge County, Montana, United States. All sites are located in the city of Anaconda, which is consolidated with Deer Lodge County. The locations of National Register properties and districts for which the latitude and longitude coordinates are included below, may be seen in a map.[1]

There are 33 properties and districts listed on the National Register in the county, including 1 National Historic Landmark.

This National Park Service list is complete through NPS recent listings posted September 9, 2016.[2]

National Register of Historic Places listings in Granite County, Montana

From Wikipedia, the free encyclopedia

This is a list of the **National Register of Historic Places listings in Granite County, Montana**. It is intended to be a complete list of the properties and districts on the National Register of Historic Places in Granite County, Montana, United States. The locations of National Register properties and districts for which the latitude and longitude coordinates are included below, may be seen in a map.[1]

There are 11 properties and districts listed on the National Register in the county.

National Register of Historic Places listings in Powell County, Montana

From Wikipedia, the free encyclopedia

This is a list of the **National Register of Historic Places listings in Powell County, Montana**.

This is intended to be a complete list of the properties and districts on the National Register of Historic Places in Powell County, Montana, United States. The locations of National Register properties and districts for which the latitude and longitude coordinates are included below, may be seen in a map.[1]

There are 17 properties and districts listed on the National Register in the county, including 1 National Historic Landmark.

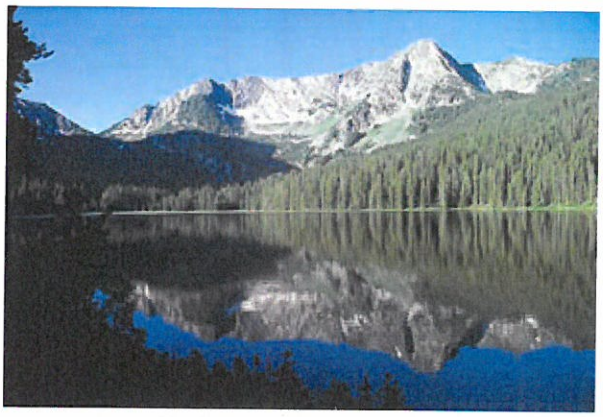
National Register of Historic Places listings in Silver Bow County, Montana

From Wikipedia, the free encyclopedia

This is a list of the **National Register of Historic Places listings in Silver Bow County, Montana**. It is intended to be a complete list of the properties and districts on the National Register of Historic Places in Silver Bow County, Montana, United States. The locations of National Register properties and districts for which the latitude and longitude coordinates are included below, may be seen in a map.[1]

There are 17 properties and districts listed on the National Register in the county, including 2 National Historic Landmarks.

Wilderness.net's Anaconda Pintler Wilderness Fact Sheet



Introduction

The United States Congress designated the Anaconda Pintler Wilderness in 1964 and it now has a total of 158,712 acres. All of the wilderness is in Montana and is managed by the Forest Service.

Description

One of the jewels of the Northern Rockies, the Anaconda Pintler Wilderness, managed by the Forest Service, encompasses 158,615 acres in the Beaverhead-Deerlodge and Bitterroot national forests. It was designated in 1964, the year the Wilderness Act was certified.

Terrain The Anaconda Pintler Wilderness straddles the Continental Divide along the crest of the Anaconda Range in southwestern Montana, positioned between the Bitterroot Valley to the northwest and the Big Hole Valley to the south. Streams and rivers drain to the Bitterroot and Big Hole rivers as well as Rock Creek. While the Anaconda Range's permanent snowfields today are modest, the Wilderness protects a spectacular array of glacially carved landforms. These include tarn-pocked cirques, huge U-shaped valleys, knife-edged ridges (arêtes), and moraines. Elevations stretch from 5,100 feet along the canyon bottoms to 10,893 feet at West Goat Peak (one of several 10,000-plus-footers in the Wilderness).

Geologically, the Anacondas include Precambrian and Paleozoic limestones, sandstones, and other sedimentary layers struck with igneous intrusions.

Ecology Canyon bottoms support riparian forests and willow thickets, while vegetation on the mountain slopes ranges from sagebrush in the foothills through spruce-fir and pine forests to subalpine communities of quaking aspen, whitebark pine, and alpine larch. Along the high Divide, bare rock, tundra, and snowfields reign.

Native wildlife includes many of the large mammals indigenous to the Rockies at the time of Euro-American settlement, among them mule deer, elk, moose, mountain goat, bighorn sheep, wolverine, gray wolf, puma, black bear, and the odd grizzly bear. The Anaconda Pintler Wilderness offers endless opportunities for outdoor recreation. U.S. Highway 93 and Montana Highways 38, 1, and 43 provide access to numerous trails. A 45-mile-long portion of the Continental Divide Trail cleaves the heart of the Wilderness. Backpackers should practice leave-no-trace ethics among the alpine lakes, which are sensitive to overuse. Mountaineering opportunities abound on the high peaks.

Leave No Trace

How to follow the seven standard Leave No Trace principles differs in different parts of the

country (desert vs. Rocky Mountains). Click on any of the principles listed below to learn more about how they apply in the Anaconda Pintler Wilderness.

1. Plan Ahead and Prepare
2. Travel and Camp on Durable Surfaces
3. Dispose of Waste Properly
4. Leave What You Find
5. Minimize Campfire Impacts
6. Respect Wildlife
7. Be Considerate of Other Visitors

For more information on Leave No Trace, Visit the Leave No Trace, Inc. website.

Area Management

The Anaconda Pintler Wilderness is part of the 109 million acre National Wilderness Preservation System. This System of lands provides clean air, water, and habitat critical for rare and endangered plants and animals. In wilderness, you can enjoy challenging recreational activities like hiking, backpacking, climbing, kayaking, canoeing, rafting, horse packing, bird watching, stargazing, and extraordinary opportunities for solitude. You play an important role in helping to *"secure for the American people of present and future generations the benefits of an enduring resource of wilderness"* as called for by the Congress of the United States through the Wilderness Act of 1964. Please follow the requirements outlined below and use Leave No Trace techniques when visiting the Anaconda Pintler Wilderness to ensure protection of this unique area.

General Wilderness Prohibitions

Motorized equipment and equipment used for mechanical transport is generally prohibited on all federal lands designated as wilderness. This includes the use of motor vehicles, motorboats, motorized equipment, bicycles, hang gliders, wagons, carts, portage wheels, and the landing of aircraft including helicopters, unless provided for in specific legislation.

In a few areas some exceptions allowing the use of motorized equipment or mechanical transport are described in the special regulations in effect for a specific area. Contact the Forest Service office or visit the websites listed below for more specific information.

These general prohibitions have been implemented for all national forest wildernesses in order to implement the provisions of the Wilderness Act of 1964. The Wilderness Act requires management of human-caused impacts and protection of the area's wilderness character to insure that it is "unimpaired for the future use and enjoyment as wilderness." Use of the equipment listed as prohibited in wilderness is inconsistent with the provision in the Wilderness Act which mandates opportunities for solitude or primitive recreation and that wilderness is a place that is in contrast with areas where people and their works are dominant.

Wilderness-Specific Regulations

Wilderness managers often need to take action to limit the impacts caused by visitor activities in order to protect the natural conditions of wilderness as required by the Wilderness Act of 1964. Managers typically implement 'indirect' types of actions such as information and education measures before selecting more restrictive measures. When regulations are necessary, they are

implemented with the specific intent of balancing the need to preserve the character of the wilderness while providing for the use and enjoyment of wilderness.

The following wilderness regulations are in effect for this area. Not all regulations are in effect for every wilderness. Contact the Forest Service office or visit the websites listed on the 'Links' tab for more specific information about the regulations listed.

ALL VISITORS

Party leads and/or individuals must register.

Groups may not exceed 12 people and 12 head of stock.

Campfires are NOT allowed within 1/4 mile of the following lakes: Oreamnos, Sawed Cabin, Upper Phyllis, Upper Carpp, Surprise, Bear, Buck, Emerald, Lost Lakes, Lower Phylis, Park Lakes, Sauer, Continental, the unnamed lake below Queener Mtn., the unnamed lake west of Warren Lake.

Camping is prohibited between Trails #96 and #111 and Johnson Lake.

Maximum length of campsite occupancy is 16 consecutive days in one place. A person or group cannot relocate within a five-mile radius of the original site for the next 14 days. Camping equipment must be removed by the end of the 16 day limit or the equipment may be impounded.

Possessing or using a bicycle, motor vehicle, wagon, cart (including game carts), aircraft or other motorized equipment is prohibited.

STOCK USERS

Grazing and tethering of stock within 200 feet of any lake is prohibited.

Camping with stock is prohibited within 1/4 mile of: Sawed Cabin, Oreamnos, and Ripple Lakes.

Hope Lake Trail #424 is closed to stock.

Weed Seed Free Feed is required for stock.

Stock is prohibited within 200 feet of Big Johnson Lake except on designated trails.

Use of stock on the Pintler District is prohibited from April 1 to July 1.

Wilderness Permit System

A wilderness permit system has been implemented for this wilderness. This involves a mandatory permit, which does not limit use. Wilderness permit systems are implemented to collect information on use levels and patterns and as an education and information tool. People interested in visiting the Anaconda Pintler Wilderness should contact the national forest office or visit the websites listed below for more information about this permit system, which may vary by location or time of the year.

Contacts

Wisdom Ranger District Phone: 406-689-3243
PO BOX 238
WISDOM, MT 59761
Remarks: Office Hours: Mon-Fri: 8:00-4:30; call 406.689.3243

Phone: 406-859-3211

Pintler Ranger District
88 10-A BUSINESS LOOP
PHILIPSBURG, MT 59858
Remarks: Office Hours: Mon-Fri: 8:00-4:30; call 406.859.3211

Links to Other Websites

Air Resource Management Data for the Anaconda Pintler Wilderness

Links on Wilderness.net

National, Regional and Local Wilderness Organizations (NGOs)
A listing of societies, organizations, coalitions and other wilderness-related advocacy and stewardship groups.

Career and Volunteer Opportunities
A listing of sites providing information about wilderness- and environmentally-related career and volunteer opportunities.

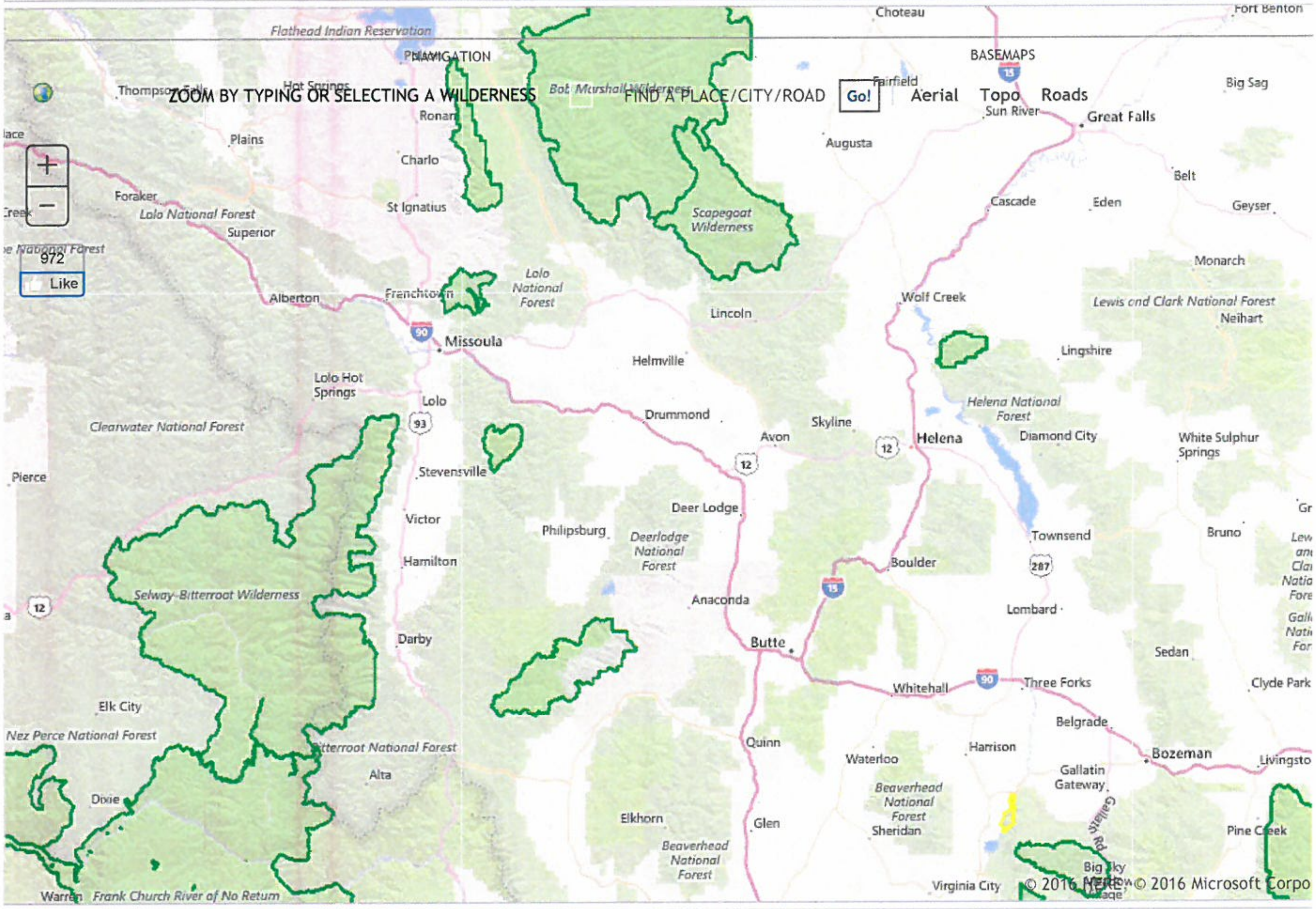
Applicable Wilderness Law(s)

Law	Date	Acreage Change (in acres)
Public Law 88-577	**September 3, 1964**	**157,803**

The Wilderness Act - Public law 88-577 (9/3/1964) To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes

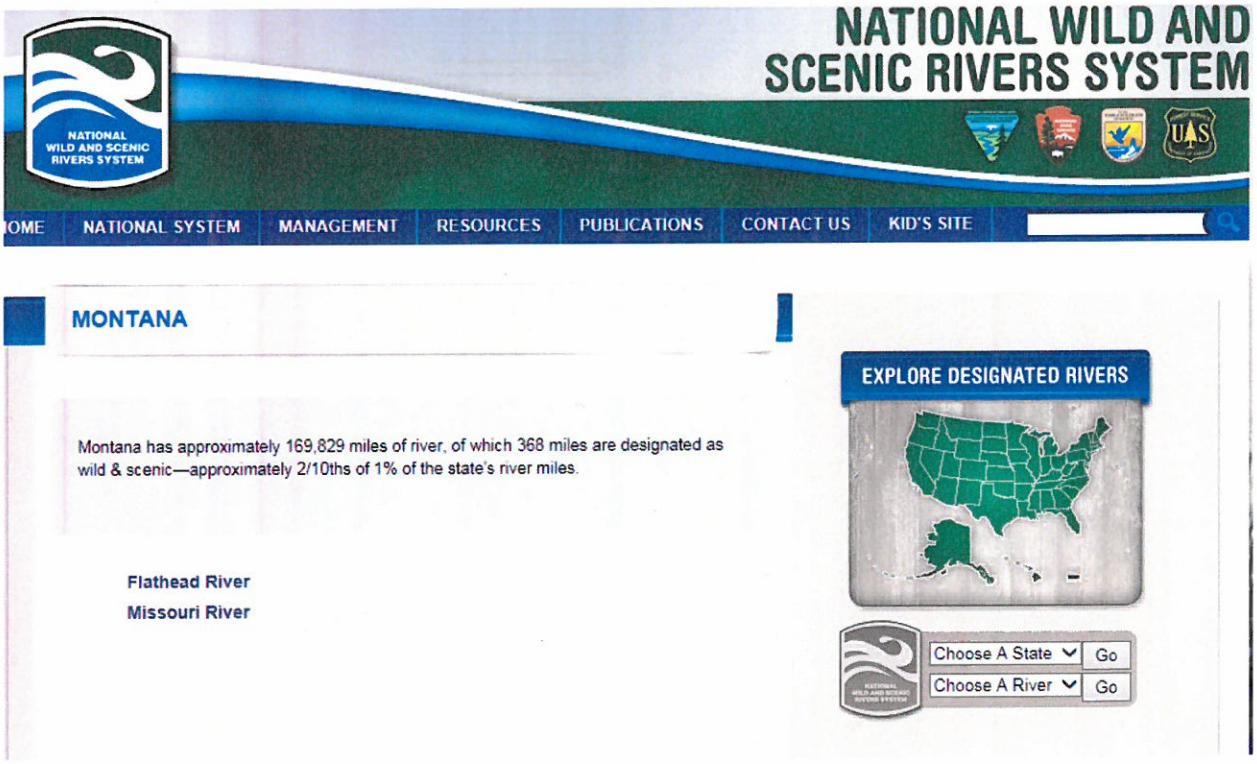
download 88-577

Wilderness.net



Latitude/Longitude: 46.291054, -109.756481

Wildernesses Managed By: Bureau of Land Management, Fish and Wildlife Service, Forest Service, National Park Service


NATIONAL WILD AND SCENIC RIVERS SYSTEM
NATIONAL WILD AND SCENIC RIVERS SYSTEM
OME
NATIONAL SYSTEM
MANAGEMENT
RESOURCES
PUBLICATIONS
CONTACT US
KID'S SITE
MONTANA
Montana has approximately 169,829 miles of river, of which 368 miles are designated as wild & scenic—approximately 2/10ths of 1% of the state's river miles.
Flathead River
Missouri River
EXPLORE DESIGNATED RIVERS
Choose A State
Go
Choose A River
Go

Appendice H – National Natural Landmark Supporting Documentation

National Park Service

National Park Service
U.S. Department of the Interior

Find a Park | Discover History | Explore Nature | Working with Communities | Get Involved | Teachers | Kids | About Us

NATIONAL NATURAL LANDMARKS PROGRAM

- NNL Directory
- Frequently Asked Questions
- Photo Contest
- Recent Designations
- Contact Information

- Explore Nature Home
- About Natural Resources
- Contact Natural Resources
- Search
- RSS
- Facebook
- Twitter
- YouTube
- Flickr

NPS » Explore Nature » National Natural Landmarks Program

Glacial Lake Missoula

Glacial Lake Missoula was the largest of several lakes impounded by the Cordilleran Ice Sheet during the Quaternary Period. The site contains the best examples of giant flood ripples in the North American continent. Ripples appear as ridges 15 to 20 feet high, 100 to 250 feet wide, and from 300 feet to one-half mile long.

Glacial Lake Missoula. Photo by S. Corrick.

Location: Sanders County, MT

Year designated: 1966

Acres: 635

Ownership: Private

← Back to NNL listing for MT.

← Back to listing of all states and territories.

FIND YOUR PARK
SHARE YOUR STORY

Read about the Newest NNL

50 Years Conserving America's Natural Heritage

To learn more about National Natural Landmarks in Montana, select a site from the list or the map below:

Glacial Lake Missoula | Go!

Please remember, National Natural Landmarks (NNLs) are not national parks. NNL status does not indicate public ownership, and many sites are not open for visitation.

Menu

Appendice I - Sole Source Aquifer

United States Environmental Protection Agency

Region 8

Sole Source Aquifer Program

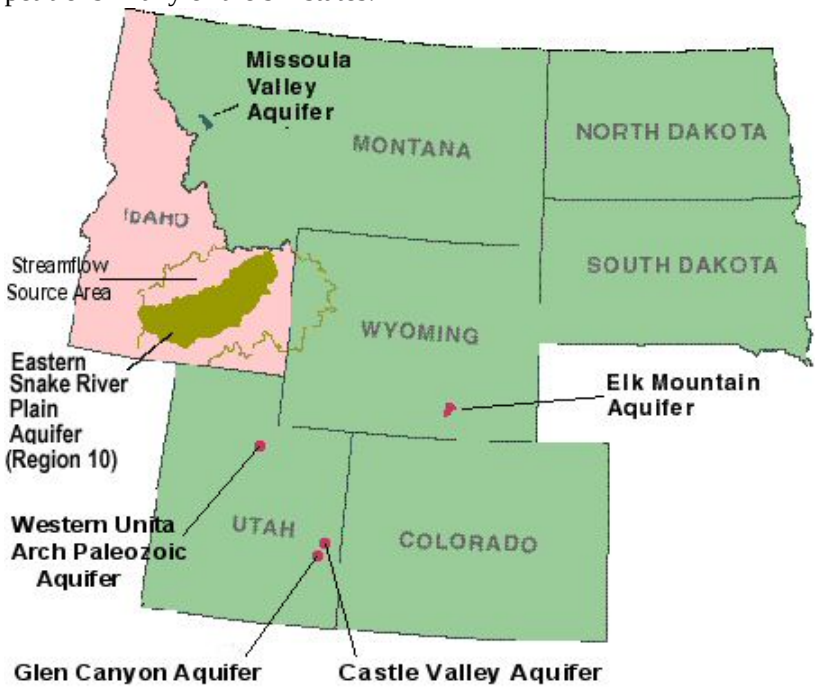
Sole Source Aquifer Program Resources

- Overview of the SSA program
- Commonly Asked Questions and Answers
- Project Review - Areas of Concern
- Petitioners' Guidance
- Region 8 SSA contacts
- Region 8 SSA Maps

As of March 2009, EPA has designated 77 Sole Source Aquifers nationwide. Five of these are in Region 8 (which includes Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming).

Pending Petitions

There are currently NO sole source aquifers designated in Colorado, North Dakota or South Dakota and no pending petitions in any of the six states.



State	Sole Source Aquifer Name	Federal Reg. Cit.	Publ. Date
MT	Missoula Valley Aquifer	53 FR 20895	06/07/1988
UT	Castle Valley Aquifer System	66 FR 41027	08/06/2001

UT	Western Uinta Arch Paleozoic Aquifer System at Oakley, UT	65 FR 232	12/01/2000
UT	Glen Canyon Aquifer System	67 FR 736	01/07/2002
WY*	Eastern Snake River Plain Aquifer Stream Flow Source Area	56 FR 50638	10/07/1991
WY	Elk Mountain Aquifer	63 FR 38167	07/15/1998

*The Eastern Snake River Plain Aquifer is jointly managed with Region 10. While listed in both regions, it is counted only once in the national total of 77.

Overview of the SSA program

The Sole Source Aquifer (SSA) Protection Program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. seq).

EPA defines a Sole Source Aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. EPA guidelines also stipulate that these areas can have no alternative drinking water source(s) which could physically, legally, and economically supply all those who depend upon the aquifer for drinking water.

Petition for Designation
Although the agency has statutory authority to initiate SSA designations, EPA has a longstanding policy of only responding to petitions. Any person may apply for SSA designation. A "person" is any individual, corporation, company, association, partnership, state, municipality, or federal agency. A petitioner is responsible for providing EPA with hydrogeologic and drinking water usage data, and other technical and administrative information required for assessing designation criteria.

In 1987, EPA published the Sole Source Aquifer Designation Petitioner Guidance to assist those interested in preparing and submitting petitions to EPA regional offices. The document provides procedures and criteria for proposing aquifer boundaries, determining whether an aquifer is the sole or principal source of drinking water, and for evaluating alternative sources of drinking water.

In general, the designation decision process takes a minimum of six months from the time that the petitioner submits a complete petition to EPA. The process may take considerably longer, depending on the technical complexity of the petition, and on the number of petitions that may be undergoing review within the EPA regional office at a particular time.

Project Review Authority and Coordination
If an SSA designation is approved, proposed federal financially-assisted projects which have the potential to contaminate the aquifer are subject to EPA review. Proposed projects that are funded entirely by state, local, or private concerns are not subject to EPA review. Examples of federally funded projects which have been reviewed by EPA under the SSA protection program include:

- highway improvements and new road construction
- public water supply wells and transmission lines
- wastewater treatment facilities
- construction projects that involve disposal of storm water
- agricultural projects that involve management of animal waste
- projects funded through Community Development Block Grants

Most projects referred to EPA for review meet all federal, state, and local ground water protection standards and are approved without any additional conditions being imposed. Occasionally, site or project-specific concerns for ground water quality protection lead to specific recommendations or additional pollution prevention requirements as a condition of funding. In rare cases, federal funding has been denied when the applicant has been either unwilling or unable to modify the project.

Limitations of the Program
Sole source aquifer designation provides only limited federal protection of ground water resources which serve as drinking water supplies. It is not a comprehensive ground water protection program. Protection of ground water resources can best be achieved through an integrated and coordinated combination of federal, state, and local efforts.

Although designated aquifers have been determined to be the "sole or principal" source of drinking water for an area, this does not imply that they are more or less valuable or vulnerable to contamination than other aquifers which have not been designated by EPA. Many valuable and sensitive aquifers have not been designated simply because nobody has petitioned EPA for such status or because they did not qualify for designation due to drinking water consumption patterns over the entire aquifer area. Furthermore, ground water value and vulnerability can vary considerably both between and within designated aquifers. As a result, EPA does not endorse using SSA status as the sole or determining factor in making land use decisions that may impact ground water quality. Rather, site-specific hydrogeological assessments should be considered along with other factors such as project design, construction practices, and long-term management of the site.

Region 8 SSA Contacts

Colorado
Greg Oberley
303-312-7043
oberley.gregory@epa.gov

Montana
Carol Russell
303-312-6310
russell.carol@epa.gov

North Dakota
Eric Steinhaus
303-312-6837
steinhaus.eric@epa.gov

South Dakota
Greg Oberley
303-312-7043
oberley.gregory@epa.gov

Utah
Carol Russell
303-312-6310
russell.carol@epa.gov

Wyoming
Carol Russell
303-312-6310
russell.carol@epa.gov

Supplemental Map Information (User Report)
Outline

Project ID: R06Y07P08

Project Title or Area: Upper Clark Fork Watershed

Source Imagery (type, scale and date):

False color infrared, orthorectified photography
1 meter ground sample, rectified to National Mapping Standards scale of 1:12,000
Imagery for the all of the quads was acquired during the Summer of 2005.

Collateral Data (include any digital data used as collateral):

NAIP natural color, orthorectified photography
1 meter ground sample, source scale 1:40,000
Acquired in the summer of 2005

Black & white Digital Ortho Quarter Quads (DOQQs)
1 meter ground sample, rectified to National Mapping Standards scale of 1:12,000
Acquired between 1990 and 2003

24k NRCS SSURGO Soils Data
24k National Hydrography Data (NHD)
24k USGS Topographic Maps
10m Digital Elevation Model (DEM - based on the National Elevation Dataset)

Inventory Method (original mapping, map update, techniques used):

Twenty-six of the forty-three quads were originally mapped with imagery acquired between 1984 and 1988 as part of the Western Montana mapping effort.

Seventeen of the quads were not mapped previously.

Original wetlands and riparian mapping based on ground conditions in 2005; this is not an update of earlier mapping efforts.

Wetlands are mapped at a scale of 1:5,000 using on-screen digitizing in ArcMap.

Classification (Cowardin wetlands, riparian, uplands, hydrogeomorphic, etc.):

Cowardin wetland classification (Cowardin et al. 1979)
USFWS Riparian classification (USFWS 1997)
No uplands classification
HGM Modified from Tiner (2003)

Data Limitations:

Regional convention limits attribution of wetlands polygons to the class level and restricts the use of modifiers to one water regime and one special modifier. Mono-interpretation of imagery may have resulted in the misinterpretation of land cover types.

General description of the Project Area:

- Geography: The project area lies within the Middle Rockies Ecoregion (Omernik 1987). The western portion of the project area includes portions of the Clark Fork and Blackfoot River valleys and the Flint Creek and Garnet mountain ranges. The central and southern portion of the project area includes the Clark Fork river from south of Warm Springs to the confluence with the Blackfoot River and the Anaconda Mountains. The extreme eastern edge of the project area includes portions of the Continental Divide.

- Climate: From McNab and Avers 1994. In the western portion of the project area, precipitation ranges from 14 inches in the valleys to over 80 inches in the higher mountains. Fall, winter, and spring precipitation falls mostly as snow. Average annual temperature ranges from 36-46ºF (2-8ºC). Precipitation in the central and southern portion of the project area ranges from 10 inches in the valleys to 50 inches in the mountains. Fall, winter, and spring precipitation falls mostly as snow. Average annual temperature ranges from 36-46ºF (2-8ºC). In the eastern portion of the project area, precipitation ranges from 10 inches in the valleys to 40 inches in the higher elevations. Most precipitation occurs in the spring and early fall. Average annual temperature ranges from 36-45ºF (2-7ºC).

- Vegetation, soils, land use: In the western portion of the project area, valleys and foothills are largely covered by grassland and comprised of bunchgrasses including rough fescue (*Festuca campestris*), Idaho fescue (*F. idahoensis*), and bluebunch wheatgrass (*Pseudoroegneria spicata*). In the remainder of the project area, sagebrush steppe occurs in the valleys and foothills. Typical species include sagebrush (*Artemisia* spp.) and bunchgrasses including Idaho fescue, bluebunch wheatgrass, and needle-and-thread (*Hesperostipa comata*). Higher elevation forests are dominated by Douglas-fir (*Pseudotsuga*

menziesii), lodgepole pine (*Pinus contorta*), and limber pine (*P. flexilis*). In the western portion of the project area, ponderosa pine (*Pinus ponderosa*) is also common. Soils are typically ochrepts, boralfs, and borolls in the mountains and are shallow to moderately deep. Soil textures are loamy to sandy. Fluvents and aquepts occur in alluvial valleys. Land uses include livestock grazing, timber harvesting, and mining.

- Natural history or important cultural features: The Clark Fork Valley was inhabited by the Salish Tribe into the 19th century. Since the late 19th century, much of the Clark Fork watershed was extensively mined. Copper mines in Butte and the Anaconda smelter have contributed to most of the pollution of the river, its tributaries, and surrounding lands.

Description of wetland habitats:

- Wetland classification codes and corresponding community type(s):

  PEM: Palustrine emergent wetlands consist of temporarily and seasonally flooded wet meadows dominated by native sedge, including Nebraska sedge (*Carex nebrascensis*) and nonnative pasture grasses such as Kentucky bluegrass (*Poa pratensis*) and smooth brome (*Bromus inermis*). Saturated emergent wetlands are dominated by Northwest Territory sedge (*Carex utriculata*) and inflated sedge (*C. vesicaria*). Slender sedge (*C. lasiocarpa*) is also common on peatlands. Semipermanently flooded sites are dominated sedge species, but cattail (*Typha* spp.) and reed canary grass (*Phalaris arundinacea*) are common on disturbed sites.

  PSS: Palustrine scrub-shrub wetlands consist of temporarily and seasonally flooded shrublands dominated by several willow species including Bebb willow (*Salix bebbiana*) and sandbar willow (*S. exigua*). Other shrubs include gray alder (*Alnus incana*) and redosier dogwood (*Cornus sericea*).

  PFO: Palustrine forested wetlands are rare. Dominant tree species include quaking aspen (*Populus tremuloides*) and Engelmann spruce (*Picea engelmannii*).

  PAB, PUB: Palustrine aquatic bed and palustrine unconsolidated bottom wetlands are associated with ponds. Pond vegetation is variable and often strongly zoned. In shallow areas, vegetation is similar to the species occurring in flooded emergent wetlands. Deeper water areas have submerged or floating species such as water knotweed (*Polygonum amphibium*) and broadleaf arrowhead (*Sagittaria latifolia*).

  L1, L2: The largest lacustrine types occur mainly as tailings ponds associated with mining activities around Butte. Many alpine lakes occur throughout the Flint Creek range.

  R2, R3, R4: Lower perennial riverine (R2) wetlands occur within the active channel of the Clark Fork River. Upper perennial riverine (R3) wetlands occur within the active channel of higher order streams such as Rock Creek, Silver Bow Creek, and Racetrack Creek. Intermittent streams (R4) are typically excavated ditches and canals used for irrigation.

Description of other habitats:

- Riparian: Riparian forests are comprised largely of black cottonwood. Riparian scrub-shrub areas on high gradient streams are dominated by redosier dogwood, common chokecherry, western snowberry (*Symphoricarpos occidentalis*), and Wood's rose (*Rosa woodsii*). On low gradient streams, willows and gray alder are common. The herbaceous layer is largely dominated by non-native pasture grasses, particularly Kentucky bluegrass (*Poa pratensis*), smooth brome (*Bromus inermis*), and common timothy (*Phleum pretense*).

- Uplands: In the western portion of the project area, valleys and foothills are largely covered by grassland and comprised of bunchgrasses including rough fescue, Idaho fescue, and bluebunch wheatgrass. In the remainder of the project area, sagebrush steppe occurs in the valleys and foothills. Typical species include sagebrush and bunchgrasses including Idaho fescue, bluebunch wheatgrass, and needle-and-thread. Higher elevation forests are dominated by Douglas-fir, lodgepole pine, and limber pine. In the western portion of the project area, ponderosa pine is also common.

List of wetland plant species with indicator status:
The following list is an example of wetland plant species occurring in the project area:

Carex spp. (sedge species) (OBL)
Cornus sericea (red osier dogwood) (FACW)
Picea spp. (spruce species) (FAC)
Salix spp. (willow species) (FACW or OBL)
Alnus incana (gray alder) (FACW)
Prunus virginiana (common chokecherry) (FACU)
Rosa woodsii (Wood's rose) (FACU)
Alopecurus pratensis (meadow foxtail) (FACW)
Calamagrostis canadensis (bluejoint reedgrass) (FACW+)
Polygonum amphibium (water knotweed) (OBL)

Regional specialized conventions:

Other discussion of mapping issues (image quality, water conditions, etc.):

References:

Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service, Washington, D.C. FWS/OBS-79/31.

McNab, H., and P. E. Avers, compilers. 1994. Ecological subregions of the United States: section descriptions. Administrative publication WO-WSA-5. Washington, D.C.: U.S. Department of Agriculture, Forest Service.

Tiner, R. W. 2003. Dichotomous keys and mapping codes for wetland landscape position, landform, water flow path, and waterbody type descriptions. U.S. Fish and Wildlife Service, National Wetlands Inventory Program, Northeast Region, Hadley, Massachusetts.

U.S. Fish and Wildlife Services. 1997. A system for mapping riparian areas in the western United States. National Wetlands Inventory, Lakewood, Colorado.

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  R2, R3, R4: Lower perennial riverine (R2) wetlands occur within the active channel of the Clark Fork River. Upper perennial riverine (R3) wetlands occur within the active channel of higher order streams such as Rock Creek, Silver Bow Creek, and Racetrack Creek. Intermittent streams (R4) are typically excavated ditches and canals used for irrigation.

Description of other habitats:

- Riparian: Riparian forests are comprised largely of black cottonwood. Riparian scrub-shrub areas on high gradient streams are dominated by redosier dogwood, common chokecherry, western snowberry (*Symphoricarpos occidentalis*), and Wood's rose (*Rosa woodsii*). On low gradient streams, willows and gray alder are common. The herbaceous layer is largely dominated by non-native pasture grasses, particularly Kentucky bluegrass (*Poa pratensis*), smooth brome (*Bromus inermis*), and common timothy (*Phleum pretense*).

- Uplands: In the western portion of the project area, valleys and foothills are largely covered by grassland and comprised of bunchgrasses including rough fescue, Idaho fescue, and bluebunch wheatgrass. In the remainder of the project area, sagebrush steppe occurs in the valleys and foothills. Typical species include sagebrush and bunchgrasses including Idaho fescue, bluebunch wheatgrass, and needle-and-thread. Higher elevation forests are dominated by Douglas-fir, lodgepole pine, and limber pine. In the western portion of the project area, ponderosa pine is also common.

List of wetland plant species with indicator status:
The following list is an example of wetland plant species occurring in the project area:

Carex spp. (sedge species) (OBL)
Cornus sericea (red osier dogwood) (FACW)
Picea spp. (spruce species) (FAC)
Salix spp. (willow species) (FACW or OBL)
Alnus incana (gray alder) (FACW)
Prunus virginiana (common chokecherry) (FACU)
Rosa woodsii (Wood's rose) (FACU)
Alopecurus pratensis (meadow foxtail) (FACW)
Calamagrostis canadensis (bluejoint reedgrass) (FACW+)
Polygonum amphibium (water knotweed) (OBL)

Regional specialized conventions:

Other discussion of mapping issues (image quality, water conditions, etc.):

References:

Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service, Washington, D.C. FWS/OBS-79/31.

McNab, H., and P. E. Avers, compilers. 1994. Ecological subregions of the United States: section descriptions. Administrative publication WO-WSA-5. Washington, D.C.: U.S. Department of Agriculture, Forest Service.

Tiner, R. W. 2003. Dichotomous keys and mapping codes for wetland landscape position, landform, water flow path, and waterbody type descriptions. U.S. Fish and Wildlife Service, National Wetlands Inventory Program, Northeast Region, Hadley, Massachusetts.

U.S. Fish and Wildlife Services. 1997. A system for mapping riparian areas in the western United States. National Wetlands Inventory, Lakewood, Colorado.

Appendice K, K-1 - Montana Right to Farm Law

University of Arkansas Division of Agriculture

An Agricultural Law Research Project

States' Right-To-Farm Statutes

State of Montana

www.NationalAgLawCenter.org

States' Right-to-Farm Statutes

STATE OF MONTANA

Mont. Code Ann. § 27-30-101
Mont. Code Ann. § 45-8-111

Current through the 2015 session.

27-30-101. Definition of nuisance

(1) Anything that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin or any public park, square, street, or highway is a nuisance.

(2) Nothing that is done or maintained under the express authority of a statute may be deemed a public or private nuisance.

(3) An agricultural or farming operation, a place, an establishment, or a facility or any of its appurtenances or the operation of those things is not or does not become a public or private nuisance because of its normal operation as a result of changed residential or commercial conditions in or around its locality if the agricultural or farming operation, place, establishment, or facility has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation.

(4) Noises resulting from the shooting activities at a shooting range during established hours of operation are not considered a public nuisance.

45-8-111. Public nuisance

(1) "Public nuisance" means:

(a) a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons;

(b) any premises where persons gather for the purpose of engaging in unlawful conduct; or

(c) a condition that renders dangerous for passage any public highway or right-of-way or waters used by the public.

(2) A person commits the offense of maintaining a public nuisance if the person knowingly creates, conducts, or maintains a public nuisance.

(3) Any act that affects an entire community or neighborhood or any considerable number of persons, as specified in subsection (1)(a), is no less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

(4) An agricultural or farming operation, a place, an establishment, or a facility or any of its appurtenances or the operation of those things is not or does not become a public nuisance because of its normal operation as a result of changed residential or commercial conditions in or around its locality if the agricultural or farming operation, place, establishment, or facility has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation.

(5) Noises resulting from the shooting activities at a shooting range during established hours of operation are not considered a public nuisance.

(6) A person convicted of maintaining a public nuisance shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. Each day of the conduct constitutes a separate offense.

Appendice L – Summary of Conservation Practices Proposed

Summary of Conservation Practices Proposed in Montana's Upper Clark Fork River Basin CREP Agreement

NRCS Conservation Practice: Conservation Cover
FSA CRP Conservation Practices for Proposed Montana CREP

- CP1 – Establishment of Permanent Introduced Grasses and Legumes
- CP2 – Establishment of Permanent Native Grasses
- CP42 – Pollinator Habitat
- CP87 – Permanent Introduced Grasses and Legumes for Grasslands
- CP88 – Permanent Native Grasses and Legumes for Grasslands

Purposes:

- Reduce soil erosion and sedimentation; to improve water quality
- Enhance wildlife habitat
- Support a diversity of pollinator species
- Maintain existing vegetative cover of Introduced and Native grasses while retaining the right to conduct common grazing practices
- Provide or improve forages for livestock

Maintenance Standards:

- Maintenance activities, including prescribed burning and mowing, should not disturb cover during primary nesting period for grassland species
- Mow or periodically graze vegetation to maintain capacity and reduce sediment deposition
- Control noxious weeds

NRCS Conservation Practice: Restoration and Management of Declining Habitat
FSA CRP Conservation Practice for Proposed Montana CREP

- CP22 – Riparian Buffer
- CP23 – Wetland Restoration on Floodplains
- CP23A – Wetland Restoration, non-Floodplain
- CP25 – Rare and Declining Habitat
- CP29 – Marginal Pastureland Wildlife Buffers
- CP30 – Marginal Pastureland Wetland Buffers

Purposes:

- Restore land or aquatic habitats degraded by human activity

- Provide habitat for rare and declining wildlife species by restoring and conserving native plant communities
- Increase native plan community diversity
- Manage unique or declining native habitats

Maintenance Standards:

- Management activities used will be best suited for the practice
- Maintenance activities must be provided to control invasive species and noxious weeds
- Species used in restoration should be suitable for the planned purpose
- Only certified, high quality, and ecologically adapted native seed and plant material should be used
- Proper planting dates, and care in handling and planting of the seed or plant material will ensure established vegetation will have an acceptable rate of survival
- Site preparation should be sufficient for establishment and growth of selected species

NRCS Conservation Practice: Wildlife Upland Habitat Management
FSA CRP Conservation Practices for Proposed Montana CREP

- CP21 – Filter Strips
- CP22 – Riparian Buffers
- CP29 – Marginal Pastureland Wildlife Buffers

Purposes:

- Provide a variety of food for the desired wildlife species
- Provide a variety of cover types for the desired wildlife species
- Arrange habitat elements in proper amounts and locations to benefit desired species
- Manage the wildlife habitat to achieve a viable wildlife population within the species' home range

Maintenance Standards:

- Use of native plant materials is encouraged
- Spraying or other means of controlling noxious weeds should be conducted on a "spot" basis

NRCS Conservation Practice: Wetland Restoration
FSA CRP Conservation Practices for Proposed Montana CREP:

- CP23 – Wetland Restoration, Floodplain
- CP23A – Wetland Restoration, non-Floodplain

Purpose:

- To restore hydric soil conditions, hydrologic conditions, hydrophytic plant communities and wetland functions that occurred on the disturbed wetland site prior to modification to the extent practicable

Maintenance Standards:

- A permanent water supply should be available approximating the needs of the wetlands
- An assessment should be performed on the site prior to restoration
- Wetlands should only be located where the soils, hydrology, and vegetation can be modified to meet the current NRCS criteria for a wetland
- Establish vegetative buffers on surrounding uplands to reduce sediment and soluble sediment-attached substances carried by runoff and/or wind

NRCS Conservation Practice: Stream Habitat Improvement and Management
FSA CRP Conservation Practices for Proposed Montana CREP:

- CP22 – Riparian Buffer
- CP23 – Wetland Restoration, Floodplain
- CP23A – Wetland Restoration, non-Floodplain
- CP30 – Marginal Pastureland Wetland Buffers

Purposes:

- Provide suitable habitat for desired aquatic species and diverse aquatic communities
- Provide channel morphology and associated riparian characteristics important to desired aquatic species

Maintenance Standards:

- Establish soil conservation, nutrient management, pesticide management practices, and other management techniques for non-point sources of pollution
- Restore or protect riparian and floodplain vegetation and associated wetlands
- Maintain suitable flows for aquatic species and channel maintenance
- If needed, improve floodplain to channel connectivity including off channel habitats

NRCS Conservation Practice: Field Strips
FSA CRP Conservation Practices for Proposed Montana CREP

- CP21 – Filter Strips

Purposes:

- Reduce sediment, particulate organics, sediment absorbed contaminant loadings, and dissolved contaminant loadings in runoff

- Restore, create, or enhance herbaceous habitat for wildlife and beneficial insects
- Maintain or enhance watershed functions and values
- Provide wildlife food and cover

Maintenance Standards:

- Permanent filter strip vegetative plantings should be harvested as appropriate to encourage dense growth, maintain an upright growth habit, and remove nutrients and other contaminants that are contained in the plant tissue
- Undesired weed species, especially state-listed noxious weeds, should be controlled with spot spraying of herbicide
- Residue management or prescribed burning (with an approved burn plan) may be used to manage and maintain the filter strip
- If wildlife habitat is the purpose, destruction of vegetation within the portion of the strip devoted to removing sediment is authorized only to the extent needed

Appendice M - Public Comment Advertisement

USDA-Farm Service Agency
Notice of Availability
Upper Clark Fork River Basin Conservation Reserve Enhancement Program
Draft Environmental Assessment

U. S. Department of Agriculture, Farm Service Agency (FSA) announces they have prepared a draft Environmental Assessment to evaluate the Upper Clark Fork River Basin Conservation Reserve Enhancement Program (CREP), located in portions of Lewis and Clark and Missoula Counties and located in all of Deer Lodge, Granite, Powell and Silver Bow Counties. The primary objective of the UCFRB CREP is, to the extent possible, reduce sediment loads and increase infiltration in the adjacent uplands (i.e., improve water quality). The secondary objective is to enhance or maintain wildlife habitat with the watershed, focusing on riparian areas and adjacent uplands. The UCFRB CREP proposes to meet these objectives by establishing 10,300 acres of buffers along riparian areas; restoring and protecting 3,000 acres of degraded wetlands within the project area to support water quality and fish and wildlife habitat restoration; and restoring and enhancing 49,500 acres of grasslands, Sagebrush Steppe rare and declining habitat.

FSA is accepting comments on the potential effects of the proposed project on protected resources and the human environment through January 15, 2017. Information regarding this project can be reviewed either online at http://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-enhancement/index or in person at the FSA office located in Powell County or the NRCS office located in Granite County. Written comments can be submitted to the CREP Program Manager at 6501 Beacon Drive, STOP 8108, Kansas City, MO 64133 or by email at FSA.EAComments@wdc.usda.gov. Comments must be received on or before January 16, 2017.

ENVIRONMENTAL DETERMINATION

The following shall be completed:

a) Based on an examination and review of the foregoing information and supplemental documentation attached hereto, I find that this proposed action would have (☐) a significant effect on the quality of the human environment and an Environmental Impact Statement must be prepared. Would not have (☐) a significant effect on the quality of the human environment.

b) I recommend the project approval official for this action make the following compliance determinations for the below-listed environmental requirements.

Not in Compliance	In Compliance	N/A	
☐	☐	☐	Clean Air Act
☐	☐	☐	Federal Water Pollution Control Act
☐	☐	☐	Safe Drinking Water Act – Section 1424(e)
☐	☐	☐	Endangered Species Act
☐	☐	☐	Coastal Barrier Resources Act
☐	☐	☐	Coastal Zone Management Act – Section 307(c)(1) and (2)
☐	☐	☐	Wild and Scenic Rivers Act/National Rivers Inventory
☐	☐	☐	National Historic Preservation Act
☐	☐	☐	Archaeological and Historic Preservation Act
☐	☐	☐	Subtitle B, Highly Erodible Land Conservation, and Subtitle C, Wetland Conservation, of the Food Security Act
☐	☐	☐	Executive Order 11988 and 13690, Floodplain Management
☐	☐	☐	Executive Order 11990, Protection of Wetlands
☐	☐	☐	Farmland Protection Policy Act
☐	☐	☐	Department Regulation 9500-3, Land Use Policy
☐	☐	☐	E.O. 12898, Environmental Justice
☐	☐	☐	State environmental laws

c) I have reviewed and considered the types and degrees of adverse environmental impacts identified by this assessment. I have also analyzed the proposal for its consistency with FSA environmental policies,

particularly those related to important farmland protection, and have considered the potential benefits of the proposal. Based upon a consideration and balancing of these factors, from an environmental standpoint this project may:

☐ Be approved without further environmental analysis

☐ Not be approved because of the reasons outlined in Appendix E

Signature of Preparer

Date *(MM-DD-YYYY)*

Name & Title of Preparer

Based on my review of the foregoing environmental assessment and related supporting documentation I have determined:

☐ The appropriate level of environmental review and assessment has been completed, and substantiates a Finding of No Significant Impact; therefore an environmental impact statement would not prepared and processing of the requested action may continue without further environmental analysis.

☐ The environmental assessment if not adequate and further analysis or action is necessary for the following reason(s):

☐ The environmental assessment has established the proposed project cannot be approved for the following reason(s):

SEC Comments:

Signature of State Environmental Coordinator

Date *(MM-DD-YYYY)*