

ENVIRONMENTAL ASSESSMENT

BLM EA# 050-07-058

Madison River Special Recreation Permit Program
*Authorizations for Use of the Madison River by Commercial,
Competitive or Organized Groups*

BUREAU OF LAND MANAGEMENT, DILLON FIELD OFFICE
MONTANA FISH, WILDLIFE AND PARKS, REGION 3

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1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The Bureau of Land Management, Dillon Field Office (BLM) and Region 3 Montana Fish, Wildlife & Parks (FWP) propose to implement a cooperative Special Recreation Permit Program (SRP Program) for managing commercial, competitive, and organized group activities on BLM and FWP lands and related waters within the Madison River corridor. The agencies have prepared this environmental assessment to analyze the effects of implementing a cooperative SRP program, and alternatively, the effects of each agency separately implementing a permit system.

Special Recreation Permits (SRPs) are authorizations, which allow for commercial, competitive, and organized group recreational activities of public lands and related waters. They are issued as a means to manage visitor use, protect natural and cultural resources, and provide for the health and safety of visitors. SRPs are also issued as a mechanism to provide a fair return for the commercial recreational use of public lands.

BLM and FWP have developed a successful cooperative SRP pilot project on the Blackfoot River in Western Montana, which serves as a template for the proposed SRP Program on the Madison River.

1.2 PURPOSE AND NEED FOR ACTION

The primary purpose of the proposed action is to regulate via a permit system commercial use, competitive events, and organized group activities that occur on BLM and FWP lands adjacent to the Madison River. The BLM requires permits for these activities when conducted on BLM administered public lands and related waters (CFR 43 Part 2930). FWP requires permits for commercial use (ARM 12.14.101 – 12.14.170), competitive event, and organized groups (FWP Parks Biennial Fee Rule) and currently enforces their authority to do so. Currently, BLM has chosen not to enforce their authority to issue permits for commercial, competitive, and organized group recreational uses of public lands and related waters along the Madison River. (See section 1.5 Relationship to Statutes, Regulations, Policies, or Plans)

BLM and FWP administer nearly all of the 25 recreation access sites along the Madison River, the majority of which include necessary amenities such as toilets, boat ramps, and parking. There are approximately 14,500 acres of BLM administered public lands and 4,314 acres of FWP owned lands within the Program area. See *Appendix A* for map that illustrates the ownership of all land on either side of the river within the Project area. Due to the mixture of BLM and FWP ownership along the Madison River, the majority of commercial users, competitive events, and organized groups use both BLM and FWP sites for their activities. In some cases, people are not aware that there are two different agencies that manage the public sites along the Madison. Thusly, there is a need for the two agencies to collaborate when implementing a permit system that would affect a public that is served by both agencies.

BLM and FWP are required under the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA), respectively, to conduct an analysis on actions that have an impact on the human environment. Some, if not most, of the different types of commercial use, competitive events, and organized group activities are already occurring on or along the Madison River and therefore are known to the agencies. This “programmatically” environmental assessment (EA) on the impacts of authorizing these known types of activities is intended to eliminate the need to conduct additional environmental analysis in the future each time the agencies receive a request to conduct commercial use,

a competitive event, or organized activity, provided that the newly proposed activities are consistent with the activities and stipulations analyzed in this EA. Activities that fall outside the scope of this analysis will be considered and analyzed on a case-by-case basis.

1.3 CONFORMANCE WITH RESOURCE MANAGEMENT PLAN

In accordance with 43 CFR 1610.5, the Proposed Action is subject to, and conforms to the BLM Record of Decision and Approved Dillon Resource Management Plan (RMP) dated February 2006. Recreation Goal 3 of the RMP states: “Issue special recreation permits in an equitable manner for specific recreational uses of the public lands and related waters as a means to minimize user conflicts, control visitor use, to protect recreational resources, and to provide for private and commercial recreation use.”

1.4 RELATIONSHIP TO STATUTES, REGULATIONS, POLICIES, OR PLANS

The proposed Action is in accordance with the following Federal statutes, regulations, policies, and plans.

Federal Lands Recreation Enhancement Act (REA)

Sections 3(h), 6(a) and (b) of REA provide authority for Federal agencies to issue and collect fees for permitted uses of Federal recreational lands and waters and to enter into fee management agreements/contracts to collect, process, and share revenue with other governmental entities.

Federal Land Policy and Management Act (FLPMA)

Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use.

The Land and Water Conservation Fund (LWCF) Act

LWCF as amended authorizes BLM to collect fees for recreational use, and to issue special recreation permits for group activities and recreation events.

Code of Federal Regulations 43 Part 2930

43 CFR 2930 and the associated handbook provide direction for authorizing commercial operations, competitive events and activities, and organized group activities and events. It outlines the direction for determining fees to ensure a fair return to the public for special uses of public lands.

Lower Madison Recreation Area Management Plan and EA (BLM 2003)

The proposed action is consistent with the management direction imposed by the Lower Madison River Recreation Area Management Plan (LMRAMP) and EA signed in January 2003. The plan called for initiating a permit process beginning in 2004 for lands and related waters within the lower Madison River corridor. However, due to FWP and BLM’s desire to collaborate on river management issues, the BLM agreed to await the outcome of the River Recreation Advisory Council Recommendations for Managing Recreation on Rivers and Streams in Montana (FWP 2003) and subsequently the FWP Commercial Use Permit Fee Rule (FWP 2006).

Bear Trap Canyon Wilderness Management Plan (BLM 1983)

Management direction for the Bear Trap Canyon will not be affected by the proposed action. The wilderness plan provides for two commercial river outfitters who service two different types of the outfitted public; float fishing and recreational floating.

The proposed Action is in accordance with the following State statutes, regulations, policies, and plans.

Commercial Use Permit Fee Rule (FWP 2006)

FWP has approved administrative rules that require a permit to conduct commercial activities that occurs on lands under the control, administration, and jurisdiction of the department (i.e. fishing access sites, state parks, wildlife management areas, and administrative sites.) The proposed action will enact these administrative rules along the Madison River corridor.

Biennial Fee Rule (FWP 2007)

In January 2007, FWP's Commission approved the new fee schedule for the sites managed by the Parks Division, which included state parks and fishing access sites. The Rule defined special use permits that may be issued to groups or individuals for such activities as group camping, educational visits, special events or weddings and the fees enforced at the Park Division's sites. The proposed action will implement this fee rule along the Madison River corridor.

Other Related Statutes, Regulations, Policies, and Plans

Missouri-Madison Comprehensive Recreation Management Plan (PPL Montana, 2005)

The proposed action is consistent with the vision of the CRMP including goals that provide for safe and well-managed recreation sites, improve our ability to mitigate conflicts between user groups and landowners, and protect and promote responsible use of public lands and waters.

Proposed Madison Valley Growth Management Action Plan (Madison County 2006)

The proposed growth action plan identified a definable set of principles and values that were used to update and reaffirm the vision of the future for the Madison Valley from the 1999 update of the Madison County Comprehensive Plan. The proposed action will not directly impact the Proposed Madison Valley Growth Management Action Plan but will be in concert with the shared values defined (i.e. outdoor recreation and public land access, healthy economy, etc.) in the document.

2. PROPOSED ACTION AND ALTERNATIVES

2.1 Decision To Be Made

The Field Manager for the BLM Dillon Field Office and the Supervisor for FWP Region 3 must decide whether to implement and administer a collaborative SRP Program that applies to both BLM and FWP lands and related waters or implement and administer two separate permit systems. If a collaborative permit system was agreed upon, they must also determine if the types and criteria for commercial, competitive, and group activities analyzed in this EA should be authorized by the SRP Program as proposed. As stated earlier, any activities that fall outside the scope of this analysis will be considered and analyzed on a case-by-case basis.

2.2 Alternative A: No Action, Individual Agency Permit Programs

Under the No Action Alternative, the BLM and FWP will separately issue permits authorizing commercial, competitive, and organized group activities under the existing authority and rules of each agency (two separate permit systems). Activities may still be analyzed programmatically by either agency. When an activity occurs on both FWP and BLM lands and related waters the applicant will be required to obtain two permits (one from each agency) and pay two separate fees. For example:

- Persons wanting to conduct any commercial activity, competitive event, or group activity on BLM lands and related waters would be required to seek a Special Recreation Permit from BLM. Fees would be based on the fee schedule on page 9.
- Persons interested in using FWP lands for water-based outfitting (angling or non-angling) would be required to obtain a Fishing Access Site Permit until such time that FWP initiated a management plan for the Madison River and required a Restricted Use Permit. Guided tours, special events, filming or photography, or vending would be required to obtain a Restricted Use Permit from FWP. Organized groups of 30 or more people would be required to obtain a Special Recreation Permit. Fees for the permits are based upon the activity proposed and can range from an annual fee, participant charge, client day charge, or percentage of gross income (see fee schedule on page 18).

2.3 Alternative B: Proposed Action, Collaborative Permit Program (SRP Program)

The BLM and FWP will implement a cooperative SRP Program for administering commercial, competitive and organized group activities on public lands and related waters within the Madison River corridor. The program would result in a unified policy for issuance of permits. Criteria analyzed in this EA will be used to evaluate an application for commercial, competitive or organized group activities and determine whether to issue an SRP without further environmental analysis. Activities that fall outside the scope of this analysis will be considered and analyzed on a case-by-case basis. Such a request would be subject to all cost recovery guidelines.

The objectives of the proposed action include:

1. Develop a joint process that merges State and Federal regulations to manage, regulate and charge fees for commercial, competitive, and organized group activities.
2. Develop a joint process with a single point of contact for permittees and the public.

3. Ensure balanced, equitable, and efficient management of permits.
4. Improve public service and reduce administrative costs for each agency and permittees.
5. Ensure resource protection remains a priority in managing authorized activities regardless of land ownership.
6. Ensure that the public receives fair return for commercial use of public lands and related waters (State and Federal).

This SRP program will not limit access to public land nor will it restrict use on the Madison River. However if it is deemed necessary, BLM and FWP will initiate an independent planning process to evaluate the possibility of a more restrictive program to balance the needs of the public with appropriate resource management.

Below is a list of some commonly occurring commercial, competitive or organized group activities that would require a permit for use of public lands and adjacent waters within the Madison River corridor:

- Wade-walk fishing
- River-based or river dependent activities (whitewater floating, float fishing, group floats, etc.)
- Overnight camping at primitive areas – Currently the number of commercial overnight permits on BLM is limited and will remain so until further analysis is conducted. All other camping opportunities except camping related to a competitive event or group activity are allowed in designated areas without a permit.
- All competitive events (land and/or water-based)
- Instructional/educational classes: either water-based (i.e. canoeing) or shore-based (i.e. art or casting)
- Shuttle service (on BLM properties only)

The Missouri-Madison River Fund, as well as BLM and FWP, have committed support to fund a full time SRP Program Manager for the first two years. The SRP Manager would be dedicated to administering the proposed SRP program on behalf of both agencies providing a single point of contact for the public. After that period, the agencies expect program fees will cover the cost of administering the program.

2.3.1 Criteria for Activities and Fee Structure

Commercial Use Permit Criteria

Commercial use is defined as recreational use of public lands and related waters for business or financial gain. Financial gain includes gratuities, donations, gifts, bartering, etc. When any person, group, or organization makes or attempts to make a profit, vend a service or product, receive money, amortize equipment, or obtain goods or services, as compensation for recreational activities occurring on public lands, the use is considered commercial. Compensation for recreation services may come from participants and/or other sources.

Other indicators of commercial use are when:

- a. Anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service or use; or,
- b. There is paid public advertising to seek participants; or,
- c. Participants pay for a duty of care or an expectation of safety.

Additionally:

- d. Profit-making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is non profit-making or the business as a whole is non profitable; and,
- e. The use of the Madison River and associated sites by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement if it meets any of the criteria described above. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

Examples of commercial activities that would require a permit include any fund-raising activity, outfitters and guides, college back-packing course for credit, jeep tours, horse trail and wagon train rides, and cattle drives.

Vending Permit Criteria

Vendor permits are authorizations to sell goods or services on public lands in conjunction with a recreation activity that directly supports or enhances the recreation experience. Examples might be equipment rentals and repairs, shuttle services, and firewood sales.

Shuttle services are the only Vendor Permit specifically addressed in this EA and would apply only to BLM administered public lands and recreation sites. The FWP commission specifically exempted the transferring of vehicles or people to or from an FWP site. BLM sites that would require a permit for shuttle services include Windy Point, Palisades, Ruby Creek, Storey Ditch, Clute's Landing, Kobayashi Beach, Fall Creek, Bear Trap Canyon Wilderness Launch, Warm Springs, and Canaday.

Most vendor activities with the exception of shuttle operations will be administered independent of the cooperative SRP Program. Applicants are encouraged to contact the BLM and FWP offices directly.

1. Vending in association with permitted event. In most cases, vending is associated with a commercial event. Examples of vendor permits include T-shirt sales in conjunction with a raft race, a food or souvenir stand at an event, etc. The vending may be included in the permit for the event. If not, the vendors must acquire their own permit.

2. Vending not associated with permitted events. Vendors not in conjunction with an event should directly support or enhance the recreation experience and be appropriate for the area. Examples might be equipment rentals and repairs, shuttle services, and firewood sales. Sales of food, souvenirs, clothing, and convenience items are usually not appropriate since they are not necessary for most outdoor recreation experience.

Competitive Events Permit Criteria

Competitive Use means any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete and either of the following elements applies:

- a. Participants register, enter, or complete an application for the event; or,
- b. A predetermined course or area is designated; or,
- c. One or more individuals are contesting an established record such as speed or endurance; or,
- d. The event is publicly advertised; or,
- e. The event awards cash prizes; or,
- f. The activity poses an appreciable risk for damage to public lands or water resource values; or,
- g. The activity requires specific management or monitoring.

Examples of competitive events include off-highway vehicle races, horse endurance rides, mountain bike races, rodeos, poker runs, orienteering, land speed records, and Eco-Challenge events. **Note:** Competitive events may also be commercial. See the section on commercial use above.

Organized Group Permit Criteria

An organized group is any group that is a structured, ordered, consolidated, or scheduled event on, or occupation of, public lands and related waters and associated sites for the purpose of recreational use that is not commercial or competitive.

A permit may be required if the organized group activity contains 15 or more people and/or meets one of the following criteria:

- a. The activity is publicly advertised; or,
- b. The activity poses an appreciable risk for damage to public lands or water resource values; or,
- c. The activity requires specific management or monitoring; or
- d. A reservation is required at a specific site or campground.

Examples of groups or events that may require a permit include a large scout campout, a fraternity activity, a large family reunion, reenactments, or a dual sport event held at a public recreation site or participating in recreation activities on public lands.

Permit Fees

Based upon existing permit fee structures established by BLM and FWP, the following permit fees are proposed. These fees will support the purposes of administrating the SRP program and management and maintenance activities related to recreation and resource protection on BLM and FWP owned public lands along the Madison River.

Minimum Fees:

Commercial Activities including Vendors (i.e. Shuttle Operations)	\$90 per year or 3% of gross income, whichever is greater
Competitive Activities	\$90 per group or 3% of gross income or \$4/day/person, whichever is greater
Organized Group Activities	\$90 per group or 3% of gross income or \$4/day/person, whichever is greater

Vendor (shuttle) fees are the same as commercial use fees, including the minimum fee (currently \$90 per year), and are calculated using gross receipts of onsite sales associated with the permitted activity. BLM recognizes that FWP will waive the commercial use fee for shuttle operators, therefore as a part of the Proposed Action the BLM will allow shuttle operators to reduce their reported trip revenue by 50% whenever a trip includes a BLM administered land and begins or ends on a FWP Fishing Access Site or private.

These fees are periodically evaluated against the Gross National Product (GNP) Index, which may lead to adjustments in the fee structure.

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 OVERVIEW

The primary differences between the Proposed Action and the No Action Alternative are: 1) the steps a person would have to take to obtain a permit; 2) the permit fee structures; and 3) the administrative functions or duties of each agency. Either action would result in some permitting of commercial, competitive, and organized group use of public lands and related waters. Because most activities requiring a permit are currently occurring, the level or intensity of use along the river is not expected to change as a result of either action. In addition, both the Proposed and No Action Alternatives would result in the issuance of permits containing stipulations specific to an authorized activity. Stipulations are intended to mitigate the impacts of permitted recreation activities to natural, cultural, and recreational resources. See *Appendix B* for an example of permit terms, conditions, and stipulations.

3.2 CRITICAL ELEMENTS CHECKLIST

Concerns generated from public input, as well as from BLM and FWP internal procedures, were evaluated to determine relevant issues for impact analysis and program implementation (See *Appendix C* for additional information about program implementation). In addition, BLM procedures require analysis of the following *Critical Elements of the Human Environment* to screen for potential impacts.

Some of the resources described below will not be affected by the proposed action however it is possible that other activities not analyzed in this EA may be eligible for permit and may affect these resources. Any activities not analyzed in this EA that may have an affect on the following resources or any other resources not listed will require additional analysis.

Critical Element	Review Screen	Affected?	Discussion
Air Quality	No impacts anticipated.	No	
Areas of Critical Environmental Concern	None present	No	
Cultural Resources	No impact anticipated.	No	X
Environmental Justice	No anticipated effects to low-income or minority communities.	No	
Farm Lands (Prime or Unique)	Some BLM and FWP public lands within the Madison River corridor do contain areas that would be considered prime farmland if irrigated. Some areas designated local farmlands of local or state importance exist within BLM and FWP owned properties.	No	X
Floodplain	No impact anticipated.	No	
Invasive Species	No impact anticipated.	No	X
Native American Religious Concerns	No impact anticipated.	No	

Recreational Resource Management	The potential for some impact is anticipated.	Yes	X
Threatened or Endangered Species	Canadian Lynx, Gray Wolf, Westslope Cutthroat Trout	No	X
Vegetation	The potential for some impact is anticipated.	Yes	X
Wastes, Hazardous or Solid	None identified or known present.	No	
Water Quality, Drinking or Ground	No impact anticipated.	No	
Wetlands, Riparian Zones	No impact anticipated.	No	X
Wild and Scenic Rivers	None present	No	
Wilderness Area	Lee Metcalf Wilderness – Bear Trap Canyon Unit	No	X

3.2.1 Aquatic Species

Affected Environment

The Madison River corridor provides habitats that support amphibian species such as the northern leopard frog and western toad (both BLM Sensitive Species), and fish species that include westslope and Yellowstone cutthroat trout (BLM Sensitive Species), Arctic grayling (Montana Species of Concern) yellow perch, and stonecat. Nonnative game fishes include the rainbow trout and brown trout. Various species of minnow, sucker, and sculpin are also present.

In 2006, a draft conservation plan for amphibians and reptiles was completed through a FWP grant. This plan was based upon statewide random survey and inventory of 6th Code (12 digit) hydrologic unit code watersheds dominated by public lands. Some of those lands were along the Madison River and the channel margins of low-gradient sections, temporary ponds, and wetlands in the corridor provide rearing habitat for frog and toad tadpoles.

Consequences – Aquatic Species

Proposed Action and No Action

As described above, there are no substantive differences between the Proposed and No Action Alternatives, which could result in measurable direct and indirect impacts to aquatic species. As a result, there are no effects that could combine in any meaningful way to produce cumulative effects. The cooperative nature of the Propose Action is expected to benefits aquatic species. Activities that could pose a threat to aquatic species would be considered based on impacts to the entire river system as opposed to FWP or BLM recreation sites or segments of river. Applicants seeking authorization to conduct an activity within the river corridor would be required to comply with the interagency permit stipulations (see example stipulations in *Appendix B*) designed to mitigate impacts to aquatic species and other natural resources.

3.2.2 Cultural Resources

Affected Environment

The BLM and FWP are responsible for identifying, protecting, managing, and enhancing cultural resources located on public lands. Cultural resources include archaeological, historic, and architectural properties, as well as traditional life-way values important to Native American groups.

Historically, the lower Madison River served as an important east/west travel corridor during the Fur Trade era and later, primarily following well-established Indian trails. Tribes such as the Blackfeet, Flathead, Nez Perce, and Shoshone-Bannack are known to have visited the Madison Valley. Early homesteading was limited to an historic homestead near what is now the Warm Springs Day Use Area. Historic gold mining in the immediate area was limited to primarily exploratory work and placer operations. The area continues to hold some interest for gold mining, but on a very limited scale.

Over the past 20 years there has been a considerable amount of cultural resource inventory and testing conducted at site locations along the entire Madison River. Several Class III level cultural resource inventories has been conducted within the proposed program area as a result of past recreational management actions. In addition, subsurface testing has been conducted at many of the site locations, which have allowed formal determinations of eligibility to be made in consultation with the Montana State Historic Preservation Office. Currently, there are 47 recorded cultural resource properties occurring on public lands along the river corridor, representative of both prehistoric and historic origin. The prehistoric properties range in age from 10,000 to 500 years old and include stone circle (tipi ring) habitation sites, lithic scatters, and locations for the procurement of food and raw materials for tool manufacture. No known paleontological resources are present within the program area.

Of the eleven FWP-owned sites affected by the proposed action, four sites (Burnt Hole Tree, Eight Mile Ford, Greycliff, and McAtee Bridge) are known to contain cultural sites. At other FWP sites, cultural surveys would be completed, in consultation with Montana State Historic Preservation Office, if groundbreaking activities were proposed for maintenance or other site improvements.

Consequences - Cultural

Proposed Action

The increase in unregulated recreational activity in the past has resulted in significant adverse impacts to cultural resources, including the illegal collection of artifacts, the removal of tipi ring rocks for camp use, off-road vehicle damage to tipi ring sites, and the development of a network of unauthorized two-track roads through significant sites along the river corridor. Indirect adverse impacts to significant cultural resources have also resulted from recreational activity through soil compaction, the denuding of vegetation cover, and accelerated erosion at certain site locations.

All proposed activities would be limited to developed recreation sites and/or established areas to eliminate potential impacts to existing cultural sites. Any activities dependent upon the use of undeveloped sites would be considered on a case-by-case basis and potential impacts would be analyzed at that time. Thus only the activities that propose no risk to cultural resources would be automatically authorized based on this environmental analysis. Positive affects will likely result from consistency between the two agencies when authorizing certain types of activities that may pose a threat to archeologically rich areas. The overhead cost of cooperatively administering the SRP Program is expected to be much less an separate permit systems, resulting in more funds available to restore and protect cultural resources affected by permitted activities.

No Action

The number and type of commercial, competitive and organized group activities within the river corridor are expected to increase over time. Thusly, impacts to culturally sensitive areas would remain at risk of vandalism and looting. Each agency would continue to monitor known culturally sensitive sites and work with the Montana State Historical Preservation Office when necessary. A negative affect may result from inconsistency between the two agencies when authorizing certain types of activities that may pose a threat to these resources. It may also result in a reduction of potential funds available for restoration and protection of at-risk resources.

3.2.3 Farm Lands (Prime or Unique)

Affected Environment

The Madison River Corridor starting at the National Forest boundary west of Quake Lake and north to the river's confluence with the Jefferson River is primarily surrounded by sandy and stony loam complexes with a zero to 45 percent slopes, rock outcrops with up to a 70 percent slope, and silt or clay loams with a maximum slope of 2 percent. Landcover is comprised of shrubland, deciduous and evergreen forests (Bear Trap Canyon), grasslands, and wetlands.

The vast majority of properties owned by BLM and FWP adjacent to the Madison River are not considered Prime or Unique Farmlands by the U.S. Department of Agriculture. However, there are three sites that are categorized as prime farmland if irrigated and sixteen that have the designation of being farmland of local importance, which often is only for a portion of the site's acreage.

Consequences – Farm Land

Proposed Action

The proposed action will not affect the current use of terrestrial resources at BLM and FWP public lands. Currently, none of the recreation sites have areas that are being irrigated, thus there are no acres considered prime farmland. Additionally, for those sites that do have areas designated of local importance, this is a description meaning that those acres are considered to have the capacity for crop production, which would be the case if they were irrigated.

A collaborative effort and defined approved activities would not change the current land ratings and resource values at BLM or FWP recreation areas along the Madison River. Therefore no cumulative effects are expected to unique or prime farmland if the proposed action alternative is chosen.

No Action

This alternative would have no effect on the farmland of local importance designations at the BLM and FWP properties adjacent the Madison River. BLM and FWP would manage their respective sites in a manner consistent with the public's needs for river access and recreation and evaluate commercial, competitive, and group activities based upon individual events and occurrences. No cumulative effects are anticipated if the no action alternative is chosen.

3.2.4 Invasive Species

Affected Environment - Noxious Weeds

Noxious weeds are present throughout the Madison River corridor. They are considered the single most serious threat to natural habitats and are impacting Montana's economy and environment. Most common in the area are Spotted Knapweed, Russian Knapweed, Field Bindweed, Dalmatian Toadflax, Canada Thistle, and Yellow Toadflax.

In general, road corridors are the main areas of infestation however weed infestations can occur or spread throughout disturbed areas. Seeds can spread by human activities such as recreation, or when carried by livestock or wildlife or dispersed by water or wind.

The BLM uses the integrated management principles (*Partners Against Weeds: An Action Plan for the Bureau of Land Management and Montana's Weed Management Plan*) to address noxious weeds on public ground. This strategy is used in cooperation with Madison County through a Cooperative Weed Management Agreement to control new and existing infestations throughout the Field Office including the Madison River Corridor. The BLM has developed two different documents that define priorities,

goals and objectives for weed management along the Madison River. These documents define appropriate available methods or a combination of methods of weed control that are economical, effective, and socially acceptable. The South Madison Integrated Weed Management Project has been in affect along the upper Madison River since 2004 and involves carefully timed and controlled sheep grazing, selective herbicide treatment and reseeding of native cool season bunchgrasses. The Bear Trap Canyon Weed Management Project has been in affect since 2001 and involves a variety of treatments ranging from herbicide applications to biological controls. The Bear Trap Canyon Weed Management Plan and the South Madison Integrated Weed Management Plan are on file in the Dillon Field Office.

For FWP recreation sites along the corridor, the agency uses the State's Weed Management Plan in conjunction with the FWP's Regional Weed Management Plan for weed management guidance, which describes a variety of potential methods of noxious weed eradication and infestation controls such as the use of herbicides, mechanical actions (mowing), and the biological controls (insects).

The BLM's and FWP's weed management programs continually change as a result of new weed introduction, additional inventory, and the ongoing implementation of weed management projects. Both agencies will continue use a full range of integrated weed management actions including chemical, mechanical (hand pulling, and mowing), biological (insects, diseases and grazing), and cultural (revegetation) to control current infested areas and to limit the spread of seeds into new areas.

Consequences – Noxious Weeds

Proposed Action & No Action

Neither alternative would change the noxious weed management activities carried out by BLM and FWP on their respective public lands, nor will either alternative have an affect on the overall number of recreational users with potential to spread noxious weeds. However, by permitting activities already occurring within the corridor the agencies have the ability to cooperatively educate and impose stipulations on permitted users to help manage the spread and distribution of invasive species.

Implementation of either alternative will result in authorization of permits containing stipulations that limit ground disturbing activities and thus reduce the proliferation of noxious weeds caused by recreational uses. Although permit stipulations are intended to mitigate the spread of noxious weeds resulting from authorized activities, it is anticipated that noxious weeds will continue to spread at a modest rate due to general recreational use. BLM and FWP will continue to monitor treatment areas in order to assess their effectiveness on noxious weed infestations and will continue to do so with or without the SRP Program.

As noted previously, the cooperative SRP Program defined in the Proposed Action is expected to financially support itself after the initial two-year start-up period. It is anticipated that some revenue generated by fees will be available for corridor enhancement projects that could include additional noxious weed management activities. Such activities would be an added positive effect of the program that would benefit recreationalists and the natural environment.

Affected Environment – Invasive Aquatic Species

To date, the Madison River corridor has been affected by two aquatic invasive species. First is the New Zealand Mudsail, which has been discovered in limited areas from the Madison's headwaters in Yellowstone Park north to the Cobblestone Fishing Access Site. Although the Mudsail's territory is spreading, in the proposed project area its distribution is sparse and at most sites where it has been detected (2005 surveys) its density is low. The second is whirling disease, which was first detected in the Madison River in the mid-1990's. In recent surveys (September 2006 data), whirling disease has been detected throughout the corridor and has had a devastating affect on rainbow trout populations.

Similar to the situation with invasive terrestrial species, both agencies are committed to reduce the spread of New Zealand Mudsnaails and whirling disease in the Madison River and its tributaries.

In 2002, FWP established its Aquatic Nuisance Species Management Plan which defines the proactive measures the agency would take to deter the spread of mudsnaails and whirling disease, monitoring actions of known infected areas, public outreach to educate the public of the threats to native species and habitats, and the evaluation process to assess the effectiveness of the plan. To assist in the effort a mobile boat washing station was purchased and will be visiting numerous recreation areas in Montana, like the fishing access sites along the Madison River, to assist outfitters and boating recreationists to remove any contaminants before transporting their boat to another site.

Presently, BLM does not have a specific management plan for invasive aquatic species, however they are committed to reducing the spread of existing invasive species within the Madison River corridor.

Consequences – Invasive Aquatic Species

Proposed Action & No Action

All water-based activities have the potential to increase the spread and impact of invasive aquatic species. The New Zealand Mudsnaail can live for several days out of water and may be attached to waders or other river gear making it available for transport to other water bodies and/or other uncontaminated sections of the Madison River. As with noxious weeds, the Proposed Action will not affect the overall number of recreational users with potential to spread these invasive species however by permitting activities already occurring within the infested waters the agencies have the ability to cooperatively educate and impose stipulations on users to help manage the spread and distribution of invasive species.

Permitted river users will be required to follow stipulations that mitigate the spread of New Zealand Mudsnaail. Below is a list of actions permittees may be requested to do as a condition of their permit.

- Disembowel fish on site. Dispose of other fish remains in landfills or locations away from water.
- Before leaving the site, inspect and clean gear used in the water, including boats and trailers (wheels, axles, frame, etc.) – remove vegetation, mud, grit, and aquatic plants and animals, drain water from boats and other gear.
- Before entering another water body, clean your gear by spraying with 409 or a similar soap solution and let waders or boots dry in the hot sun for several hours, or use hot tap water that drains onto the ground, not down a drain or into another water source.

Additionally, to reduce the spread of whirling disease in to uninfected areas of the Madison River and other bodies of water, permittees are likely to be asked to:

- Remove all mud and aquatic plants from your vehicle, boat, anchor, trailer and axles, waders, boots, and fishing gear before departing a fishing access site or boat dock;
- Drain all water from your boat and equipment -- including coolers, buckets, and live wells -- before departing a fishing access site or boat dock;
- Dry your boat and equipment between river trips.

3.2.5 Recreation Resource Management

Affected Environment

The Madison River between Quake Lake and the town of Ennis was the most heavily fished body of water in Montana in recent years with an estimated 116,345 angler days in the 2005/2006 fishing license year. The world-class trout fishery and outstanding scenery both contribute to the area's growing popularity. There are approximately 20,000 acres of public land within ½ mile either side of the Madison

River from Hebgen Lake to Three Forks, including 132 miles of river. Nearly all public access to and from the river is on public land.

In 2006, 159 outfitters reported nearly 13,500 client days on the Madison River. Relatively little information is known about the number, composition, and usage characteristics of organized groups and competitive events occurring on the river annually, however, based on the number of estimated annual users (300,000) and field observations by BLM and FWP employees, group use is expected to be fairly high.

Consequences – Recreation Resource Management

Proposed Action

The proposed action would directly affect all commercial, competitive and organized groups using the Madison River, since these groups will be required to obtain a permit, report use, adhere to permit terms, conditions, and stipulations, and be charged a permit fee (See page 10 for proposed fee schedule).

Cooperation between the agencies to administer the SRP Program would enable a person to obtain a permit that is valid for both BLM and FWP sites, as opposed to obtaining two separate permits. They would only have to go through one permit application process, maintain one set of records, and pay one annual fee. A coordinated permit system would lower the administrative cost for the agencies and the administrative burden (i.e. reporting and record keeping) for both the agencies and permittees, by centralizing the program to a “one-stop shop” approach.

Fees collected from the program are expected to fund operations of the program and provide additional funding to enhance facilities and services that benefit the recreating public and commercial businesses that earn their income from the use of public land along the Madison River. The information collected from permittees would greatly improve understanding of recreational site use patterns, natural resource impacts, and recreation conflicts, and would allow for targeted management actions to directly address those specific problems.

The permit process will be simplified for the public’s benefit through this programmatic review of common activities that are likely to require a SRP, thusly eliminating the need for the preparation of individual environmental assessments for each activity (see Criteria for Activities on page 7). Groups wishing to obtain a permit for a group size that is larger than recommended in this EA (set at 15 participants) may be subject to further environmental analysis. In some cases those groups may be referred to other rivers or requested to reduce the size of their group. Although large groups can be a great source of recreation conflicts, the SRP Program would not ration (limit) the number of groups eligible to receive a permit. Thus, potential would remain for conflicts due the number of groups eligible for a permit.

Ultimately, the SRP Program is expected to eliminating duplicative administration of individual permit programs, decrease the possibility of conflicting policies, processes, and stipulations regarding certain types of activities, improve the agencies’ ability to monitor and gather user information, reduce and mitigate conflicts between user groups, improve relationships with landowners along the river, manage impacts to resources caused by some recreational uses, promote responsible use of public land, and raise additional funds for maintaining and improving recreation facilities and opportunities throughout the corridor.

Commercial activities at some river corridors in Montana (Smith River, Alberton Gorge, Rock Creek, Missouri River, Beaverhead, Blackfoot, etc.) as well as most BLM administered rivers in the country are already regulated or proposed for regulation. Cooperative management of rivers improves the agencies’ ability to balance commercial and public use of rivers to reduce recreation conflicts and sustain natural

resources. Permit requirements may result in some displacement of users to other nearby rivers, such as the Jefferson, Gallatin, or Missouri Rivers. Consequently, the proposed action could have some impact on other area river resources.

BLM does have the discretion to grant fee reductions for time spent off public lands or related waters but FWP does not. Fee reductions are used as means to compensate permittees for time spent off public lands or related waters. When determining if reductions should be allowed, the BLM must consider the public interest in protecting and managing the lands and resources of the river. In the case of the Madison River, the demand and dependency on public access results in greater impacts to recreational and other resources. It is anticipated that the cost of reporting and monitoring use associated with reductions would likely be excessive. In order to protect public interest, reduce administrative costs and efforts, and coordinate with FWP, the BLM will not allow fee reductions as a part of the Proposed Action. This may result in higher overall fees than the No Action Alternative, however if the No Action Alternative were chosen the BLM would still need to weigh the benefits/impacts of fee reductions for services on BLM lands and related waters.

As stated before, the Proposed Action would not restrict general public use. It is expected that the Proposed Action will have little effect on public users of the river corridor because existing commercial, competitive, and organized groups use would continue at their current levels. On some river reaches, general public use constitutes the vast majority of all recreationists. Conflicts generated by these users would not be affected.

No Action

Under this action, each agency would implement separate permit programs. Like the proposed action, this alternative would directly affect all commercial, competitive and organized groups using the Madison River, since these groups would be required to obtain a permit, follow permit terms, conditions, and stipulations, and be charged a permit fee.

The absence of a coordinated permit system would result in more administrative impacts on the permittee. They would have to apply for two different permits, maintain two sets of records, and pay two annual fees (two different fee systems).

Under the no action alternative, the permit fee for water-based outfitters would initially be less compared to the permit fee under the proposed action. Water-based outfitters would have to obtain the \$100 annual FWP Fishing Access Site Permit and pay 3% of gross revenue for use of BLM sites and related waters. At such time that FWP initiated a management planning process for the Madison River, a Restricted Use Permit would be required and the permit fees would be 3% of gross revenue for use of FWP sites, or \$4 per day of allocated use or \$5 per day of actual use.

The No Action alternative would likely result in higher administrative costs for each agency with an outcome of less economic benefits for on-the-ground projects within the Madison River corridor, duplicative application and reporting requirements for applicants, and increased field monitoring by program staff and agency enforcement officers. It is expected that existing programs for the Madison River corridor at each agency would remain at their current funding and staff levels resulting in increased workloads and less funding for on-the-ground projects.

Commercial, competitive, and organized group activities may require individual environmental analysis of permit applications. Issuance of permits may be delayed due to the workload associated with analyzing individual permit requests by each agency.

It is expected that the cost and administrative burden to applicants and the agencies of implementing the No Action Alternative would be greater than the Proposed Action. This is in part due to duplicated efforts. Additionally, it is anticipated that the No Action alternative is likely to result in some general confusion created by differing permit processes, policies, and enforcement. Inconsistent policies, processes, and stipulations regarding certain types of activities may also impact natural and cultural resources.

Expected fee programs if BLM and FWP implemented separate permit systems are as follows. As an example, if an outfitter accessed both BLM and FWP sites during a float trip, they would be required to obtain a BLM Special Recreation Permit, as well as an FWP Fishing Access Permit or a FWP Restricted Use Permit.

BLM:

	Examples of Activities	SRP Fees
Commercial Use:	any fund-raising activity, outfitters and guides, college back-packing, course for credit, jeep tours, horse trail and wagon train rides, and cattle drives	\$90 minimum or 3% of gross income, whichever is greater * some fee reductions and/or discounts may apply
Competitive Event:	off-highway vehicle races, horse endurance rides, mountain bike races, rodeos, poker runs, orienteering, land speed records, and Eco-Challenge events	\$90 per group or 3% of gross income or \$4/day/person, whichever is greater
Organized Group:	a large scout campout, a fraternity activity, a large family reunion, reenactments	\$90 per group or 3% of gross income or \$4/day/person, whichever is greater

FWP:

Activity	Fishing Access Site Permit Fee	Or Restricted Use Permit Fee
Water-based Outfitter (Angling):	\$ 100/year	A) 3% of gross income; or B) \$5 per client day conducted; or C) \$4 per client day of allocated use.
Water-based Outfitter (Non-angling):	\$ 100/year	A) 3% of gross income; or B) \$5 per client day conducted.
Water-based Guide:	\$ 100/year	
Guided Tour or Trip:		A) 3% of gross income; or B) \$2-\$10 per client day conducted.
Special Events:		A) 3% of gross income; or B) \$2-\$10 per participant.

Still Photography & Filming	1 person crew: \$25/day or \$50/year 2-5 person crew: \$50/day 6-20 person crew: \$100/day 21-35 person crew: \$200/day 36-50 person crew: \$300/day 51 or more crew: \$400/day
Non-Service Use & Consumptive Commercial Use:	\$10 - \$300 /day
Vending	A) 3% of gross income; or B) \$10-\$50 per day.

If separate permit programs were established, BLM does have the discretion to grant fee reductions for time spent off public lands or related waters but FWP does not. If a BLM fee reduction were granted, the permittee would be subjected to detailed reporting and regular audits to verify time spent off public lands.

3.2.6 Vegetation

Affected Environment

No Threatened or Endangered Plants exist within the Madison corridor on BLM or FWP lands.

Only one sensitive plant species, Railhead milkvetch (*Astragalus terminalis*) is known to occur on BLM lands in the Madison Valley, with a relatively large population occurring along the Madison River. Railhead milkvetch is a regional endemic known from southwest Montana, east-central Idaho and northwest Wyoming. In Montana it is documented from a modest number of locations in Beaverhead County and the Upper Madison River Valley. The Upper Madison populations were last mapped in 1995.

Montana Natural Heritage Program plant species of concern identified the Spiny skeletonweed (*Stephanomeria spinosa*,) and Mealy primrose (*Primula incana*,) within the proposed project area. Spiny skeletonweed is currently ranked as S1* and Mealy primrose is currently ranked as S2* in Montana. Both species are on BLM's "Watch" list. Any "Watch" plant species located during the pre-project botanical survey should be documented and efforts should be made to avoid them during the grazing and herbicide treatments.

* S1: At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to extirpation in Montana.

* S2: At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to extirpation in Montana.

At developed recreation sites owned by BLM and FWP, parking areas, camping spots, and established trails attempt to limit damage to undisturbed areas by establishing defined useable areas. Regional staff for both agencies monitor their respective access sites for newly distressed vegetation that may need to be restricted from the public's access in order to ensure the vegetations' survival and to retain the natural setting of the site.

Consequences – Vegetation

Proposed Action

All proposed activities would be limited to developed recreation sites, boat launches, and/or hardened areas to eliminate potential impacts to undisturbed areas. Any activities dependent upon the use of undeveloped sites would be considered on a case-by-case basis and potential impacts would be analyzed

at that time. Thus, only the activities that pose no risk to these resources would be automatically authorized for a permit based on this environmental analysis. Joint permitting and unified policies will reduce inconsistency when authorizing certain types of activities that pose a threat to vegetative resources. This will also enable the agencies to better maintain currently undisturbed areas and retain the natural aesthetic quality of the river corridor, benefiting all recreationists.

No Action

Each agency would continue to manage the size of groups and types of activities at their individual sites to lessen the potential for negative impacts to sensitive plant species and local vegetation. A negative consequence of a non-cooperative management effort could result from inconsistencies between the two agencies when authorizing certain types of activities that may pose a threat to individual areas or an entire ecosystem if a sensitive area is managed in pieces versus as a whole area. Additionally, remediation or restoration activities implemented by each agency could be less effective when done on a small, localized scale versus a larger habitat area when there is no cooperative endeavor.

3.2.7 Wetlands, Riparian Zones

Affected Environment

The Madison River corridor is one of many areas in Montana that has yet to have a comprehensive wetland inventory completed. Photo interpretation and draft paper maps have been completed for the area but the final wetland documents have yet to be finalized by U.S. Geological Service.

At BLM sites, riparian vegetation along the Madison River has limited diversity and is dominated by disturbance-induced species such as Kentucky bluegrass and Nebraska sedge. Spotted knapweed and wild licorice are widely distributed. Riparian/wetland plants do not exhibit high vigor and indicate heavy hedging and utilization levels. Resource concerns noted in the McAtee Bridge Allotment Evaluation and Authorized Officer's Determination dated March 18, 2002 were:

1. Vigor and recruitment of woody riparian vegetation
2. Habitat availability for riparian dependent species
3. Spotted knapweed infestations

Furthermore, in a 2004 report prepared for the Montana Wetlands Legacy (a FWP program), available documentation identified five priority wetland areas along the Madison River for the areas below Cameron. Those priority areas included the Granger Ranch, South Lake Ennis, Cobblestone, Conner (near Three Forks), and Lower Madison (near Headwaters State Park). All of these areas are considered Palustrine wetlands, which are dominated by trees, shrubs, and herbaceous plants.

Currently, BLM implements the recommendations of the *Western Montana Standards for Rangeland Health* to achieve proper functioning conditions in wetland and wetland habitats on their properties. FWP presently does not have a formal plan to address riparian habitat management.

Consequences – Wetlands & Riparian Zones

Proposed Action

All proposed activities would be limited to developed recreation sites, boat launches and/or hardened areas to eliminate potential impacts to sensitive plant species and wet lands/riparian zones. Any activities dependent upon the use of undeveloped sites would be considered on a case-by-case basis and potential impacts would be analyzed at that time. Thus only the activities that pose no risk to these resources would be automatically authorized based on this environmental analysis.

The collaborative program will decrease inconsistency between the two agencies when authorizing certain types of activities that may pose a threat to wetland and riparian areas, heightened awareness of the importance of wetland and riparian zones by permittees through the permit stipulations, and a decrease in the degradation of sensitive areas on public lands.

No Action

The number and type of commercial, competitive and organized group activities within the river corridor is expected to increase in future years. Impacts to wet lands/riparian zones is not expected to be any different under this alternative than the proposed action alternative since each agency will continue to implement their individual wetland/riparian plans.

A negative affect may result from inconsistency between the two agencies when authorizing certain types of activities that may pose a threat to these resources. It may also result in a reduction of potential funds through each agency available for restoration of at-risk resources.

3.2.8 Wilderness Area

Affected Environment

Although the Bear Trap Canyon corridor is exempt from this proposed joint permitting process, it is subject to commercial, competitive, and group uses and thus recognized in this EA. All activities permitted as a result of the Madison SRP Program will consider and avoid potential conflicts with wilderness management objectives.

The Madison River cuts through the Bear Trap Unit of the Lee Metcalf Wilderness north of Ennis. The Bear Trap Canyon Wilderness was the first BLM land to enter into the National Wilderness Preservation System. It is one of four units of the Lee Metcalf Wilderness the President signed into law October 31, 1983. The United States Forest Service manages the remaining three units.

The Bear Trap Canyon Wilderness Plan (Plan) was completed and signed in 1984. It provides broad management direction for the wilderness. The BLM also prepared two supplemental documents, the Limits of Acceptable Change Management Direction and the Outfitter Policy for the Bear Trap Canyon Wilderness (Outfitter Policy). The Outfitter Policy was prepared to guide management of commercial activities within the wilderness. It, in conjunction with the Wilderness Plan, specifies standards for outfitter and guide conduct and service and provides guidance for permitting, monitoring and evaluating commercial operations.

Commercial river use within the wilderness is limited to 2 outfitters who are allowed 40 trips each per year, competitive events are prohibited from nationally designated wilderness areas, and organized group use is limited to activities that are compatible with managing wilderness character. All recreational activities that occur within the boundaries of the wilderness are subject to these special management restrictions.

Consequences – Wilderness

Proposed Action

It is assumed that some illegal commercial use is most likely occurring within the wilderness particularly walk/wade fishing and instructional boating. It is anticipated that the implementation of a permit system on other reaches of the river will heighten outfitter and guide awareness of permit requirements and thus improve compliance with the restricted commercial use of the wilderness.

No Action

If the No Action Alternative were chosen, the potential for illegal commercial use would continue within the Bear Trap Canyon and the means to identify and enforce the restricted use within the special management area would continue to be limited. BLM staff would continue to be challenged to apprehend those taking advantage of the use of public lands for commercial profit and affecting the businesses of existing authorized commercial operators.

3.2.9 Wildlife

Affected Environment - Threatened and Endangered Species

The Canada lynx and gray wolf are known to inhabit the Madison River corridor. The Canada lynx's known habitat is within the forested areas of the Taylor-Hilgard Units of the Lee Metcalf Wilderness and is outside of the river corridor area. There are three known wolf packs whose ranges coincide with the southern third of the Madison River corridor. Even though their ranges intersect the corridor, there has been only one confirmed wolf sighting near the river.

Affected Environment - BLM Sensitive Species

The Montana/Dakota BLM State Director recognizes thirty-seven birds and sixteen mammals as sensitive species. The black tern, common loon, ferruginous hawk, Franklin's gull, great grey owl, long-billed curlew, northern goshawk, peregrine falcon, Sprague's pipit, Swainson's hawk, trumpeter swan, and white-faced ibis, have been seen along the river corridor in limited numbers. The common loon is migratory and may be present during spring and fall migration; nesting is not known to occur.

The recently delisted species, grizzly bear and bald eagle, are known to inhabit the corridor. Isolated grizzly bear populations are known to exist within the Taylor-Hilgard Units of the Lee Metcalf Wilderness, but most of the river corridor is located south and east of the unit's area and their sightings in the corridor are very limited. Bald eagles are residents throughout the entire river corridor and nests and forages along the river and adjacent tributaries.

Consequences – Wildlife

Proposed Action

As described above, there are no substantive differences between the Proposed and No Action Alternatives, which could result in measurable direct and indirect impacts to wildlife. As a result, there are no effects that could combine in any meaningful way to produce cumulative effects. Direct and indirect effects to Canada lynx, gray wolf, and sensitive species would not occur. Temporary displacement may continue to take place at BLM recreation sites and FWP fishing access sites, but is inconsequential to threatened species populations. The cooperative nature of the Proposed Action is expected to benefit wildlife. Activities that could pose a threat to wildlife would be considered based on impacts to the entire river system habitat as opposed to FWP or BLM recreation sites or segments of river. Applicants seeking authorization to conduct an activity within the river corridor would be required to comply with the interagency permit stipulations (see example stipulations in *Appendix B*).

Commercial, competitive, and group activities at BLM and FWP properties have a temporary effect on the environment. The Canada lynx, gray wolf, and sensitive species may move away from an area as recreationists and visitors use designated sites. Bald eagles frequently use the corridor, especially during the winter months for as a migration route and as a source of food. Indirect effects to Canada lynx, gray wolf, and sensitive species would not differ from the current situation. Habitat alterations potentially impacting threatened and endangered species are not proposed. It has been determined that the proposed Federal action would have "no effect" on threatened and endangered species or sensitive species.

The cumulative effects for wildlife boundary is the river corridor from the National Forest boundary near the headwaters to the confluence of the Jefferson River. Bureau of Land Management, Forest Service, State, and Private land owners have property along the corridor. Activities taking place in the past such as livestock grazing, road construction, home building, etc. are currently occurring and are likely to continue into the future. There is a greater local appreciation for the Madison River and the wildlife it supports now than in the distant past with the completion of the Proposed Madison Valley Growth Management Plan and more retirees building along the corridor. Although various activities may continue to occur, best management practices will be followed to reduce or eliminate adverse affects to the river corridor.

No Action

There are no substantive differences between the Proposed and No Action Alternative that could result in measurable direct and indirect impacts. Commercial, competitive events, and organized group activities have increased and may continue to increase on the Madison River. The No Action alternative would allow this increase to continue unchecked and unquantified. This trend may or may not potentially impact threatened and endangered species, but the potential would be higher than under the proposed action since no usage data would systematically be gathered for resource impact analysis.

3.3 MONITORING

Recreation

The permit system itself will improve the monitoring of commercial use, and will establish the practice of monitoring competitive and organized activities on public lands and related waters of the Madison River. Informal observations, antidotal information, and formal user and compliance data gathered by field and enforcement staff will be shared between the agencies to assist in the evaluation of the program's objectives and its' permit stipulations including impacts to natural, cultural and recreational resources, and identification possible future administrative needs and potential corridor enhancement projects that are funded by the SRP fees.

3.4 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Based upon the evaluation of the consequences to the physical and human environment under MEPA, this environmental review found limited influences to the critical elements listed on page 10. The environmental assessment is an appropriate level of analysis for the proposed action of a collaborative Special Recreation Permit Program between BLM and FWP within the Madison River corridor because: 1) there are no long-term or irretrievable impacts to the physical environment (i.e. wildlife and vegetation), and 2) the impacts to the human environment (i.e. cultural resources and recreation resource management) are limited to the financial impact the proposed program would have on commercial, competitive, and group activities, of which these activities are already affected by existing FWP permit fees and would be again, when the BLM enforces their mandated SRP program alone or through this collaborative effort. Considering severity of the impact, the benefits to the resources of the corridor, and benefits to permittees with a unified permit system administered jointly by the BLM and FWP, a determination has been made that an EIS is not required.

4. CONSULTATION AND COORDINATION

4.1 CONTRIBUTING AGENCIES

The agencies did consult and/or coordinate with the following agencies:

- Montana Department of Environmental Quality, Wetlands Bureau
- Montana Department of Labor & Industry, Board of Outfitters
- Montana Department of Natural Resources and Conservation
- Montana Fish, Wildlife & Parks
- Montana Natural Heritage Program
- Montana State Historic Preservation Office
- United States Bureau of Land Management
- United States Forest Service

4.2 PUBLIC INVOLVEMENT & RELEVANT CONCERNS OR COMMENTS

Two informational meetings were held in Ennis (May 1, 2007) and Bozeman (May 8, 2007) to inform the public as to the Special Recreational Permits Program as they related to the BLM and FWP properties along the Madison River and as to the scope of the programmatic environmental assessment. At each meeting, the public was invited to ask questions to clarify the anticipated cooperative program's authorities, responsibilities, and possible impacts to commercial, competitive, and organized group activities on public lands.

In addition to the meetings, BLM and FWP published 2 public notices soliciting public comments on the program's draft environmental assessment and plans to host meetings in Ennis and Bozeman for public feedback.

Relevant Concerns/Comments from the public meetings related to the implementation of the program are reflected in *Appendix C*. Those not directly associated with the execution of the program are noted below.

1. Begin the preparation of a river management plan for the Madison River.

BLM & FWP response – The alternative was considered by the agencies and was found not to be a viable option at this time because of the lack of staff time or financial resources to support such an effort. Additionally, due to the lack of current Madison River user information through traditional resources, the agencies believed it was best to embark on a cooperative management agreement for the SRP program that would provide a conduit for gathering user information and resource impacts which could, at a future point, become useful in the event of a river management planning process.

2. Consideration of a different fee structure for out-of-state outfitters.

BLM & FWP response – Historically, Montana has chosen not to limit the number of out-of-state outfitters and because this precedent has been set, it would be difficult for the Legislature to change that practice without serious repercussions. Currently, the Board of Outfitters sets the outfitting fee structure not FWP or BLM.

3. Consideration of alternative sources of revenue to support use of the Madison River.

BLM & FWP response –Both agencies are committed to investigate other funding opportunities that could support the proposed SRP program and the Madison River corridor programs.

4. Interest in charging the general public a fee for use of the river.

BLM & FWP response –This avenue would require the agencies investment into preparing a river management plan. FWP’s Commission does have the authority to establish fees for the general public as it does on the Smith River. Because of the high numbers of general users of the river corridor, there would be significant challenges related to the enforcement of such a fee system and system would likely generate considerable controversy.

4.3 LIST OF PREPARERS

Bureau of Land Management

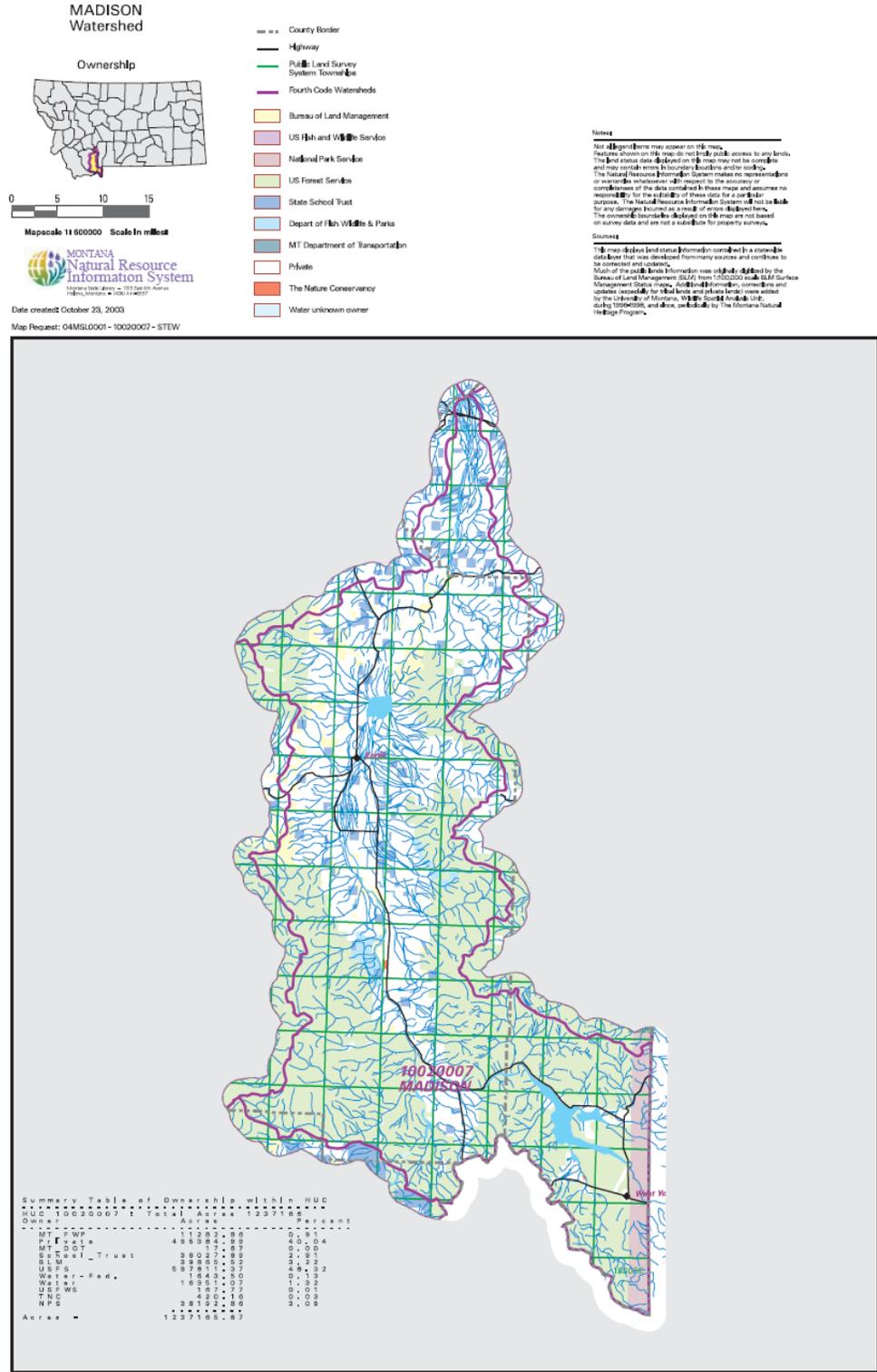
Susan James, Outdoor Recreation Planner	Ennis
Rick Waldrup, Outdoor Recreation Planner	Dillon

Montana Fish, Wildlife and Parks

Rebecca Cooper, MEPA Coordinator	Helena
Charlie Sperry, River Recreation Management Specialist	Helena
Jerry Walker, R-3 Regional Parks Manager	Bozeman

APPENDIX A

Ownership of Madison River Adjacent Lands



APPENDIX B

Sample Special Recreation Permit Stipulations

All general terms will be applicable to and made a part of all special recreation permits. In addition to the general terms, the authorized officer may require the permittee to comply with special stipulations or conditions necessary to protect the lands or resources involved (e.g., compliance with applicable Leave No Trace, Tread Lightly! and other practices), reduce user conflicts, or minimize health and safety hazards.

The permit terms and conditions are developed by the authorized officer in consultation with the permittee(s), and others as appropriate, including other land managing agencies, state outfitter licensing boards, outfitter/guide associations, and advisory councils. Any such stipulations will also be made part of the permit and used in the permit evaluation process.

1. The permittee shall comply with all federal, state, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the SRP. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
2. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM and FWP at any time, including modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM and/or FWP to suspend or terminate an SRP are appealable.
3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal or State lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM or FWP.
4. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal or state land by other users. The United States and FWP reserves the right to use any part of the area for any purpose.
5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM and FWP may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM or FWP. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

7. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
9. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
10. The authorized officer, or other duly authorized representative of the BLM or FWP, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
11. The permittee must submit a post-use report to the authorized officer for every year the permit is in effect. If the post-use report is not received by the established deadline, the permit will be suspended and/or fines assessed.
12. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by these permits which result in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage. (Note: The authorized officer shall report accidents to the Bureau safety officer.)
13. The permittee must immediately discontinue operations upon written notice from the Authorized Officer that threatened or endangered species protected under the Endangered Species Act of 1973, as amended, may be affected by their operation and a determination is made that consultation is required prior to continuing operations.
14. Late payment of fees, including pre-season, partial, and end-of-season payments will subject the permittee to remedial action; probation, suspension, and/or revocation. Interest and administrative handling charges will be assessed for late payments.
15. The BLM and FWP reserve the right to put a permittee on probation, suspend or revoke a permit, or refuse to issue a permit for subsequent years for reasons such as, but not limited to the following: failure to meet permit terms, conditions, or stipulations; failure to provide services specified in the operating plan; or untimely permit reporting or use fee payments.
16. The BLM and FWP reserve the right to alter the terms, conditions, or stipulations of a permit at any time for reasons such as significant policy changes, administrative procedure changes, stipulation changes, impacts to resource values, user conflicts, etc.
17. The permittee will provide for the safety and well being of the public participating in the activity. This includes having adequate first aid and safety equipment on hand while performing the permitted activities.
18. No flowers or other plants will be picked or otherwise disturbed by group members.
19. No fires are permitted outside of the metal fire rings located in established campgrounds.
20. All garbage shall be packed out by the permittee.
21. No historic artifacts will be disturbed or removed on Public Lands.

22. Operation and maintenance of all sanitation, food services and water supplies, systems, and facilities shall comply with the standards of the local department of health.
23. It is the responsibility of the permittee to insure that an adequate number of restrooms are available for all participants. The permittee shall be responsible for providing at least one toilet for every 75 participants or complying with local Health Department requirements for the number of toilets, which ever is greater.
24. The permittee is at all times responsible for the actions of himself, employees, clients, participants and guests on both public and private lands. They are also responsible for the actions of any concessionaires that may be operating under their permit authorization.
25. The Madison River is the host of exceptional natural resources of national significance. The permittee will ensure that special natural features, such as bald eagle nests, and other wildlife habitat, are observed from an appropriate distance and left undisturbed.
26. Permitted river users will be required to follow stipulations that mitigate the spread of New Zealand Mudsail. Below is a list of actions permittees may be requested to do as a condition of their permit.
 - Disembowel fish on site. Dispose of other fish remains in landfills or locations away from water.
 - Before leaving the site, inspect and clean gear used in the water, including boats and trailers (wheels, axles, frame, etc.) – remove vegetation, mud, grit, and aquatic plants and animals, drain water from boats and other gear.
 - Before entering another water body, clean your gear by spraying with 409 or a similar soap solution and let waders or boots dry in the hot sun for several hours, or use hot tap water that drains onto the ground, not down a drain or into another water source.

APPENDIX C

Anticipated Implementation Strategies

Many of the following points were discussed at the pre-EA scoping meetings held in Ennis (May 1st) and Bozeman (May 8th). The meetings provided an avenue in which the public could voice their thoughts about the proposed SRP program and possible strategies for its initiation. The public's comments/suggestions are italicized.

Insurance Requirements

1. A property damage, personal injury, and comprehensive public liability insurance policy is required of all commercial and competitive permittees and may be required for vending or organized group activities and events (depending upon the kind of activity and risk to the Government). The policy will provide restitution for damage or injury to participants, spectators or both, or to privately owned resources, and protect the United States from litigation resulting from actions taken or caused by the permittee or participants in a permitted use.

With regard to shuttle services, the vehicle automobile liability insurance for a personal and/or business vehicle is the primary coverage even if that driver is contracted. As a result the shuttle operators will be required to obtain and ensure that all vehicles used in conjunction with their business (including all private vehicles) meet the minimum auto insurance requirement of the State of Montana.

2. Self-insured, Federal, and State Government agencies are not required to list the US Government as an additional insured. In lieu of insurance, require a written statement from the comptroller or risk manager that the SRP activity is in fact State sponsored and the State accepts liability. If a state or state subdivision, or quasi-governmental agency is not self-insured, all insurance requirements apply.
3. The BLM and FWP require that all commercial and competitive use authorization holders indemnify the United States and State of Montana for all liability for third-party property damage (damage to property other than that owned by the holder or the United States) and for all personal injury, loss of life, or property damage that arises in any way from activities connected with the authorized use and occupancy. To meet this obligation, the permittee must secure liability insurance in an amount adequate to protect the interests of the United States, unless the insurance requirement is waived. Furthermore, the BLM may require liability insurance for other types of uses based on a risk assessment.
4. At a minimum, the permittee shall have in force public liability insurance covering:
 - a. Damage to property in the amount of \$30,000 (may be included in an annual aggregate);
 - b. Damage per occurrence (persons, bodily injury, or death) in the amount of (minimum) \$300,000; (Note: a certificate of insurance that shows only an "annual aggregate" and not "per occurrence" is fine as long as it meets the minimum annual aggregate requirement) and
 - c. A minimum annual aggregate limit of \$600,000. The coverage shall extend to property damage, bodily injury, or death arising out of the permittee's operations under the permit,

including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by the permit.

- d. The insurance shall name the United States and the State of Montana as additional insured (not co-insured) and provide for specific coverage for the permittee’s contractually assumed obligation to indemnify the United States. BLM shall not require any third party to be covered as additionally insured.
- e. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty-days (30) written notice by the insurance company to the BLM and FWP.

Table 2 provides guidelines and minimums for Per Occurrence and Per Annual Aggregates only. Additional coverage maybe be required if it is determined that the activity or event is an unusually high risk or for other compelling reason.

TABLE 2 – GENERAL GUIDELINES FOR MINIMUM INSURANCE REQUIREMENTS		
SRP Event or Activity	Per Occurrence	Per Annual Aggregate
Low Risk: general non-competitive and non-commercial activities such as group camping, group activities, mounted orienteering, backpacking, or dog trials.	\$300,000	\$600,000
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos	\$500,000	\$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, heli-skiing, or aviation assisted activities	\$1,000,000	\$2,000,000 - \$10,000,000

Comments:

Some meeting participants requested clarification of the insurance requirements.

Permittee Identification

Permittees are likely to be identified by a brightly colored decal or oar tag, which can be seen by enforcement personnel on shore.

Comments:

Some prefer decals to tags. Some tags to decals.

Would appreciate identification that could be used on multiple rivers versus individualized tags that make the boat look like a NASCAR vehicle.

Enforcement/Penalties

BLM officers and FWP wardens, as well as the SRP Program Manager and seasonal staff, will have the authority to issue citations to those not complying with the requirements of the SRP Program, with the exception of shuttle permits, which only BLM officers on BLM properties will enforce.

There will be a formal system established where violators could be reported, investigated, and fines assessed. Penalties could range from a warning, monetary penalty or loss of their Special Recreation Permit. In the most severe instances, non-compliance could result in court or Board of Outfitters actions. It is likely; that any SRP citations will be processed through the State of Montana court system.

Since vendor permits for shuttle operations will only be implemented on BLM lands, those in violation will be processed through the federal court system.

Comments:

There was strong support voiced at both scoping meetings for the enforcement of the program and the establishment of meaningful penalties for non-compliance.

Accountability/Transparency

As cooperators, BLM and FWP are committed to informing the public and permittees of income earned from the program and how fees are used to enhance the program and public recreation sites within the corridor.

Comments:

It was suggested that the program produce an annual report to show the revenue earned by the fees and how they were used.

Numerous meeting attendees suggested the program establish a small advisory council, which would have representation of key Madison River stakeholder groups, to provide guidance for the allocation of revenue between the administration of the program and corridor enhancement projects.

Verification of Outfitter Gross Revenue

As noted on page 10, the permit fee for commercial activities on the Madison River is 3% of gross revenue generated from those activities. It was determined that the percent of gross revenue as opposed to a flat fee best accounted for the variation in fees assessed for services – including trips offered at a discounted rate or offered as donation.

BLM and FWP expects the 150 outfitters on the Madison River will report accurate data in order for their permit fee to be calculated properly. If the any permittee is found guilty of inaccurate reporting of use and/or fees, program penalties will be enforced (see Enforcement/Penalties section on the previous page.) and it is likely they will loose their privilege to do business on public land and related waters.

Comments:

There was discussion at both scoping meetings about the challenges of verifying outfitter gross revenue. Questions were raised as to how the SRP Manager would go about it. Most present at the meeting were not in favor of providing IRS tax returns as a method for revenue verification.

It was suggested at the Ennis public meeting that the outfitters be given the opportunity to pay the \$4/day/person fee for the permit. It was noted that this would be a simpler way for outfitters to calculate the permit fee and easily verified since the information is already reported to the Board of Outfitters.

Anticipated Uses of Permit Fees

BLM and FWP expect the fees generated from the SRP program will be enough to support the costs associated with the SRP Manager's position, river ranger position, and operational costs of administrating the program. All revenue not allocated to those expenses will be used to enhance existing Madison River corridor programs, which include but are not limited to: facility improvements and development (boat

ramps, toilets, picnic areas, etc.), routine maintenance (trash removal, noxious weed management, etc.), and habitat improvements (riparian and fishery).

Comments:

At each meeting, there were those participants interested in what the permit fees would support. Some were supportive of expanded noxious weed management, while others hoped for expanded efforts for trash reductions.

Outfitter Recognition

Since commercial services, competitive events, and organized groups have the responsibility of obtaining an SRP and paying fees for the use of the Madison River, both BLM and FWP agree to publicly recognize their role in funding recreation enhancements throughout the river corridor.

Comments:

At the Bozeman public meeting, some outfitters voiced their support for program recognition that may sway the public's perception that negative impacts to the river are caused by outfitters.