

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Case Ranch Company Regional Access Project

FWP-CEA-POR-R2-25-004

November 10, 2025



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Checklist Environmental Assessment

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

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

I. Compliance with the Montana Environmental Policy Act

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

FWP must prepare an EA when:

- *It is considering a "state-proposed project," which is defined in § 75-1-220(8)(a) as:*
 - (i) *a project, program, or activity initiated and directly undertaken by a state agency;*
 - (ii) *... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or*
 - (iii) *... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.*
- *It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a);*
- *FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));*
- *Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));*
- *The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or*
- *As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).*

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

II. Background and Description of Proposed Project

Name of Project: Case Ranch Company Regional Access Project

Montana Fish, Wildlife and Parks (FWP) proposes to accept assignment (delegation) of the “right of public hunting access” component of a conservation easement (CE) to be held by Five Valleys Land Trust (FVLT) on approximately 1,710 acres of the Case Ranch in Missoula County. If selected and implemented, this proposed action would bind FWP to implement, review, and update a *Public Hunting Access Plan* (Appendix A) for the subject properties annually, or up to every five years, in cooperation with the landowner(s). Following guidance in the conservation easement and the *Public Hunting Access Plan*, FWP would be responsible for verifying that the landowner offers the opportunity for at least 200 hunter days of fair and equitable, free public-hunting access between September 1 and December 31 each year into the future, excluding the landowner’s family and employees. FWP would provide an enforcement presence consistent with its presence on other conservation easements, Block Management Areas, Fishing Access Sites and similar points of public access on or surrounded by private lands. See Appendix B for the terms and conditions of the public hunting access easement assigned FWP by FVLT.

The Case Ranch’s montane mixed-conifer forestlands, aspen stands, and forested wetlands are connected to larger reaches of wildlife habitat connecting the Garnet Range, Swan Range, and the Bob Marshall Wilderness in the Lewis and Clark Range. This property enhances access to 8,441 acres of adjacent Montana Department of Natural Resources lands and 9,230 acres of Lubrecht Experimental State Forest lands; the Case Ranch’s northern boundary also provides access to over 45,000 acres of Bureau of Land Management land. The conservation easement project boundary neighbors 2,700 contiguous acres from eight conservation easements to the south. The Case Ranch conservation easement project potentially connects public and private lands from I-90 near Missoula, Montana north to the United States - Canadian border (Appendix C). The property available for public hunting access would remain undeveloped to provide forestland, rangeland, and diverse habitat for wildlife.

This conservation easement project is in the Upper Clark Fork – Garnets Tier II Terrestrial Focus Areas for Montana Fish, Wildlife & Parks’ State Wildlife Action Plan (2015), recognizing the importance of maintaining or improving wildlife species diversity, natural ecological functions, and habitat connectivity in grassland, forest, and ecological systems. One perennial stream, Union Creek, runs through two miles of the properties’ collective footprint and provides riparian habitat that supports diverse populations of non-game and big game wildlife. Numerous other species have been documented on, or near, the property in the Montana Natural Heritage Program database.

The public has historically had access to wildlife resources for hunting on the Case Ranch property. The Case Ranch continues to participate in a well utilized Block Management Area within Missoula County. This property also provides public hunting opportunity through the ranch to access over 65,000 acres of state and federal lands. The proposed conservation easement would provide perpetual public hunting access on the Case Ranch and for public access to adjacent public lands.

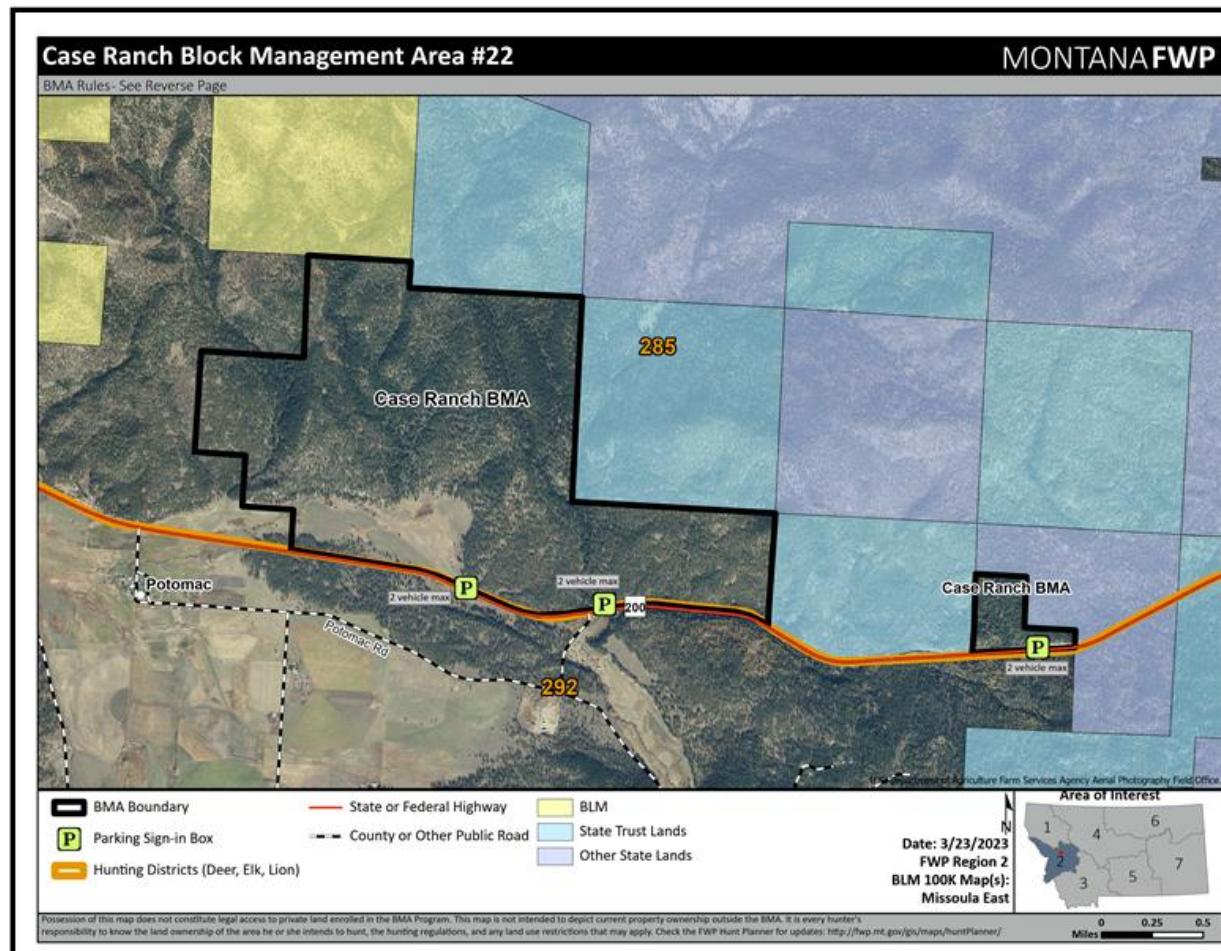
The Case Ranch and Five Valleys plan to work jointly with FWP to secure and develop a public access plan for public hunting access after the property is encumbered with a conservation easement held by Five Valleys. The intent of this joint conservation easement project is to protect both property’s fish and wildlife habitat and public recreational values while keeping the property in private ownership and management. The Case Ranch will remain a working ranch and will retain agricultural and cultural values in the Potomac Valley. Protecting this property will conserve native habitat, retain, and enhance native forestlands, grasslands, and riparian habitat condition and integrity, and will provide public access to wildlife resources.

Affected Area / Location of Proposed Project:

The project occurs in all or part of the following sections north of Hwy 200:

- Section, Township, and Range:
 - Township 13 North, Range 15 West; Sections 7,15,17, and 18
 - Township 13 North, Range 16 West; Sections 12 and 13
- Town/City, County, Montana:
 - Potomac, Missoula County, Montana

- Location Map



III. Purpose and Need

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

The purpose of the project is for FWP to secure and manage public hunting access on 1,710 acres of the Case Ranch Company conservation easement, to be held by Five Valleys Land Trust. The intent of this joint conservation easement project is to protect both property's fish and wildlife habitat and public recreational values while keeping the property in private ownership and management. The Case Ranch will remain a working ranch and will retain agricultural and cultural values in the Potomac Valley. Protecting this property will conserve native habitat, retain, and enhance native forestlands, grasslands, and riparian habitat condition and integrity, and will provide public access to wildlife resources.

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

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

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

IV. Other Agency Regulatory Responsibilities

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

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.*

Table 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose

V. List of Mitigations, Stipulations

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

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			Yes <input type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
Terms of the Conservation Easement	Five Valleys Land Trust	Conservation Easement	FVLT would oversee and enforce the terms of the CE except for the assigned right of public hunting access, which would be the responsibility of FWP. FVLT would retain a right of revocation of this right to FWP.	

VI. Alternatives Considered

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

Under the No Action Alternative, FWP would not accept assignment of the rights for public hunting access on the Case Ranch from FVLT's conservation easement. This could result in a failed CE project (i.e., the CEs would not be purchased and finalized, due to lack of a public hunting access component in the CEs as required by the Montana Fish & Wildlife Conservation Trust, a project funder), in which case the opportunity to secure perpetual public hunting access could be lost.

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

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

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

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

VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

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

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

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

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

The severity of an impact is measured using the following:

- **No:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

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

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

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

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

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

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

Under the No Action Alternative, FWP would not accept assignment of the rights for public hunting access on the Case Ranch from FVLT’s conservation easement. This could result in a failed CE project (i.e., the CEs would not be purchased and finalized, due to lack of a public hunting access component in the CEs as required by the Montana Fish & Wildlife Conservation Trust, a project funder), in which case the opportunity to secure perpetual public hunting access could be lost.

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

FWP would accept assignment of the rights of public hunting access on the Case Ranch from FVLT (under its conservation easement on the property). FWP would be obligated to implement, review, and update a *Public Hunting Access Plan* (Appendix) for the subject property annually, or up to every five years, in cooperation with the landowner(s). Following guidance in the conservation easement and *Public Hunting Access Plan*, FWP would be responsible for verifying that the landowner offers the opportunity for at least 200 hunter days of fair and equitable, free public-hunting access (excluding the landowner’s family and employees) each year into the

future. FWP would provide an enforcement presence consistent with its presence on other conservation easements, Block Management Areas, Fishing Access Sites and similar points of public hunting access on or surrounded by private lands.

See Table 3 (Impacts on Physical Environment) and Table 4 (Impacts on Human Population) below.

VIII. Cumulative Impacts Analysis

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

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

Under the "No Action" alternative, the proposed project would not occur. Therefore, no cumulative impacts to the affected human environment would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed project are measured. Past and present actions are accounted for as part of the existing, or "baseline," environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s).

FWP is unaware of any future related actions that would cumulatively impact the affected human environment with consideration for the proposed project and/or any past and present actions. For the purposes of the proposed project, the cumulative impacts analysis applies to all resources analyzed under Alternative 2, Proposed Project. See Tables 3 and 4 of this Draft EA.

Table 3 - Potential Impacts of Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The terms of access would be managed through a Public Access Management Plan with mutual agreement by the Landowner, FVLT, and FWP. The landowner is currently enrolled in Block Management and allowing access at the agreed upon level. No changes in hunting pressure are expected with this agreement, and therefore no impacts to terrestrial, avian, and aquatic life and habitats are expected.
Water quality, quantity, and distribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. Because no water resources would be required for the proposed project, no impacts to water quality, quantity, and distribution would be expected.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to geology would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not affect any geologic features in the project area; therefore,

Physical Environment	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not affect any soil features in the project area; therefore, no impacts to soil quality, stability, and moisture would be expected because of the proposed project.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. Public access can exacerbate the spread of noxious weeds. The landowner is currently enrolled in Block Management and allowing access at the agreed upon level. Spread of noxious weeds is currently mitigated through 1) a Block Management agreement that restricts numbers of parking areas and vehicles, and 2) impact payments from the Block Management Program to the landowner, which are meant to compensate landowners for impacts such as spread of noxious weeds. Therefore, any impacts from the proposed project would be consistent with historical use, could be short or long-term, minor, and mitigated by access management.
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to aesthetics would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public

Physical Environment	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The land parcel would not be physically changed by the proposed action. Therefore, no impacts to aesthetics of the property would be expected because of the proposed project.
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQQS). The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. No physical changes to the area affected by the proposed project would occur; therefore, no air quality impacts would be expected because of the proposed project.
Unique, endangered, fragile, or limited environmental resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The terms of access would be managed through a Public Access Management Plan with mutual agreement by the Landowner, FVLT, and FWP. The landowner is currently enrolled in Block Management and allowing access at the agreed upon level. No changes in hunting pressure are expected with this agreement, and therefore no impacts to unique, endangered, fragile, or limited environmental resources is expected.

Physical Environment	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to historical and archaeological sites would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not result in any physical changes to the affected area. Because no ground disturbance or impacts to existing structures would occur, no impacts to historical and archaeological sites would be expected because of the proposed project.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not affect land, water, air, and energy in the project area; therefore, no impacts to environmental resources would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not affect land, water, air, and energy in the project area; therefore, no impacts to environmental resources would be expected because of the proposed project.

Table 4 - Potential Impacts of Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to social structures and mores in the affected area would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. Montanan's, and those that visit Montana for travel, leisure, and other recreational purposes, generally hold high regard for outdoor recreational activities and public access for those activities. By ensuring public access on the affected property in perpetuity, overall impacts to social structures and mores in the affected area would be long-term, beneficial, and negligible.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to cultural uniqueness and diversity would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not affect cultural uniqueness and diversity in the project area; therefore, no impacts to cultural uniqueness and diversity would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed project. No wilderness areas currently exist directly adjacent to the affected property, however the Bob Marshall, Mission Mountain, Scapegoat, and Rattlesnake wilderness areas provide habitat connectivity for wildlife in the larger area (Appendix C). The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									Ranch Company property near Potomac. This hunting opportunity enhances access to over 65,000 acres of adjacent state and federal lands. Therefore, any impacts to access to and quality of recreational and wilderness activities would be consistent with historic use, long-term, beneficial, and negligible.
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to local and state tax base and tax revenues would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The proposed project would not affect local and state tax base and tax revenues in the project area; therefore, no impacts to local and state tax base and tax revenues would be expected because of the proposed project.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to agricultural or industrial production would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. Because the affected area is not currently used for industrial production the proposed project would not impact such practices. A portion of the affected property is used for agricultural production, however livestock may or may not be on the affected property during the hunting period. In the event livestock are on the affected property during the hunting period the Public Access Management Plan may address establishment of "safety zones" or "no hunting zones" around livestock areas to mitigate any potential impacts. Therefore, any potential impacts to

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									agricultural production would be short-term, negligible, and could be mitigated.
Human health and safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to human health and safety would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. The Case Ranch has historically allowed public hunting access on their property therefore no increased risk of hunting-related injuries is expected from the proposed project. Therefore no impacts to human health and safety would be expected because of the proposed project.
Quantity and distribution of employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to quantity and distribution of employment would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. No human field-activity would be required or occur because of the proposed project and no land would be physically changed by the proposed action. Therefore, no influx or efflux of employment to the affected area would be expected because of the proposed project.
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to distribution and density of population and housing would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. No housing would be impacted by the proposed project. Therefore, no impacts to distribution and density of

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									population and housing would be expected because of the proposed project.
Demands for government services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to distribution and density of demands for government services in the affected area would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. FWP already manages the affected property as part of the Block Management Program. Owners are not required to participate in the Block Management Program as a condition of the proposed project, however FWP would be obligated to implement, review, and update a <i>Public Hunting Access Plan</i> for the subject property annually, or up to every five years, in cooperation with the landowner. Following guidance in the conservation easement and <i>Public Hunting Access Plan</i> , FWP would be responsible for verifying that the landowner offers the opportunity for at least 200 hunter days of fair and equitable, free public-hunting access each year into the future. Therefore any demands for government services are expected to stay status quo. Therefore, no impacts to demands for government services would be expected because of the proposed project.
Industrial, agricultural, and commercial activity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to industrial, agricultural and commercial activity would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. Because the affected area is not currently used for industrial and commercial activity the proposed project would not

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									impact such practices. A portion of the affected property is used for agricultural activity, however livestock may or may not be on the affected property during the hunting period. In the event livestock are on the affected property during the hunting period the Public Access Management Plan may address establishment of “safety zones” or “no hunting zones” around livestock areas to mitigate any potential impacts. Therefore, any potential impacts to agricultural activity would be short-term, negligible, and could be mitigated.
Locally adopted environmental plans and goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. FWP is unaware of any locally adopted environmental plans or goals that may be impacted by the proposed project. Therefore, no impacts to locally adopted environmental plans and goals would be expected because of the proposed project.
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project. The proposed project would allow FWP to secure and manage public hunting access in perpetuity for at least 200 hunter days annually on 1,710 acres of the Case Ranch Company property near Potomac. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

Table 6: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.

According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.

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

IX. Private Property Impact Analysis (Takings)

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

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

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

Table 7: Private Property Assessment (Takings)

PRIVATE PROPERTY ASSESSMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

X. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- *An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).*
- *Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/news/public-notices>. Public notice will announce the availability of the Draft EA, summarize its content, and solicit public comment.*
- *Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.*
- *FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the Draft EA to those persons for review and comment (ARM 12.2.433(3)).*
- *FWP issues a biweekly press release containing all FWP public commenting opportunities.*
 - **Duration of Public Comment Period:** The public comment period begins on the date the Draft EA is published on FWP's website. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment period, as listed below:

Length of Public Comment Period: 15 days

Public Comment Period Begins: 11/10/2025

Public Comment Period Ends: 11/25/2025

Comments must be addressed to the FWP contact, as listed below.

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

Name: TRENTON HEISEL

Email: fwprg22@mt.gov

Mailing Address:

3201 Spurgin Rd

Missoula, MT 59804

XI. Recommendation for Further Environmental Analysis

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

XII. EA Preparation and Review

	Name	Title
EA prepared by:	Liz Bradley	FWP R2 Wildlife Program Manager
EA reviewed by:	Trenton Heisel	R2 Regional Access Manager

APPENDIX A: Case Ranch Company Public Access Plan

CASE RANCH COMPANY | PUBLIC ACCESS PLAN

Deer/Elk Hunting District: 285

Hunting Access Dates: September 1, 2024 - January 1, 2025

GENERAL INFORMATION

The Case Ranch Company is currently enrolled in the *Case Ranch Block Management Area (BMA)*, located in Missoula County near Potomac. Hunting on 2,330 acres is provided by the Case Ranch Company family and provides public access through the property to adjacent state and federal lands.

PRIMARY HUNTING OPPORTUNITIES:

White-tailed deer, mule deer, elk, black bear.

The following species may be hunted on this BMA with valid licenses: elk, white-tailed deer, mule deer, black bear, wolf, upland birds.

PERMISSION REQUIREMENTS

1. Every hunter is required to register daily at one of the sign-in boxes before beginning to hunt on this BMA. Registration details are posted on-site at the sign-in boxes.
2. Every hunter is required to carry the daily permission coupon at all times while hunting on this BMA.
3. Hunters are required to park at the designated parking areas. A maximum of 2 vehicles is allowed at each designated parking area.
4. If the maximum number of vehicles is reached at all designated parking areas, further hunting access to this BMA is denied until at least one vehicle has left.

HOW TO GET THERE

From Missoula:

» East on I-90 to Bonner Exit #109	4mi
» Take Exit #109 and travel east on Hwy 200 to the parking areas located along the highway	16mi

RANCH ACCESS

Hunting access is walk-in only from three designated parking areas located along Highway 200.

ADDITIONAL RULES

1. Hunters are required to access this BMA from designated parking areas.
2. No overnight parking. Designated parking areas are closed 10PM-5AM.
3. Motorized vehicle use is restricted to designated access routes, public roads and parking areas on BMA map or otherwise posted. All other motorized vehicle use is prohibited.
4. Non-motorized use is open to walk-in by foot, horseback, and non-motorized bicycle only.
5. Do not park vehicles in such a manner as to obstruct traffic. Do not block gates.
6. Motorized game retrieval may be allowed by first calling the landowner for permission at 406-244-5521.
7. Do not enter ranch buildings, corrals, or other structures.
8. Camping and fires are prohibited.
9. Recreational shooting including target practice and sighting-in of weapons is prohibited.
10. Commercial outfitting is prohibited.
11. Fish & Wildlife Commission-approved hunting regulations apply. Hunters are required to possess the necessary hunting licenses for the species and hunting districts they are hunting.

Revised 3.27.2023



REGION 2 OFFICE

3201 Spurgin Rd, Missoula, MT 59804
Phone: (406) 542-5500
M - F, 8AM - 5PM (excluding holidays)

FAILURE TO ABIDE BY THESE RULES MAY RESULT IN EVICTION FROM THIS PROPERTY AND/OR A CITATION FOR FAILURE TO OBTAIN LANDOWNER PERMISSION FOR HUNTING.

REPORT VIOLATIONS: 1-800-TIP-MONT

APPENDIX B

TERMS AND CONDITIONS OF PUBLIC HUNTING ACCESS EASEMENT

As part of and in consideration of that certain Deed of Conservation Easement (the “Conservation Easement”) to which this instrument is attached, **Case Ranch Company**, a Montana corporation with an address of 33277 Potomac Road, Bonner, Montana 59823 (referred to as the “Landowner”) hereby grant to **Five Valleys Land Trust, Inc.**, a Montana non-profit corporation with an address of 120 Hickory Street, Suite B, Missoula, Montana 59801, together with its successors and assigns (“Five Valleys”) this Public Hunting Access Easement (the “Access Easement”) for the express purposes of protecting open-space land in perpetuity and for public recreational use. The grant of this Access Easement is made pursuant to Section 76-6-104(3)(a), M.C.A., and pursuant to 26 U.S.C. Section 170(h)(4)(A)(i). Landowner further grants this Access Easement pursuant to Section 70-17-102(7), M.C.A, and hereby creates a servitude running with the land for the purpose of conserving open space to preserve recreational values on or related to the land. This Access Easement is subject to the following terms and conditions set forth below:

1. Property Encumbered. This Access Easement encumbers that portion of the Protected Property legally described as “Permitted Parcel 2” in Exhibit A to the Conservation Easement, except for the area designated as “Building Envelope 2,” which is excluded from the area that this Access Easement encumbers (referred to in this Access Easement as the “Hunting Access Property”).
2. Purpose and Scope of Easement. The purposes of this Access Easement are (i) to provide public access to the Hunting Access Property for hunting between September 1 and December 31 each year and (ii) to conserve open space to preserve recreational and cultural values of the land. This right of public access to the Hunting Access Property is limited to pedestrian and equestrian access and day use only, and expressly excludes overnight uses of any sort, including camping.
3. Public Hunting Provisions. Between September 1 and December 31 each year, Landowner shall provide members of the general public with the opportunity to hunt for at least two hundred (200) hunter-days on the Hunting Access Property. For purposes of this Access Easement, a “hunter-day” is defined as a single licensed hunter hunting on the Hunting Access Property for any portion of one day. Use of the Hunting Access Property for hunting by Landowner, Landowner’s shareholders, immediate family members or employees of Landowner’s shareholders, Landowner’s employees, or Landowner’s guests accompanying Landowner’s shareholders, shall not count towards satisfying the minimum annual number of hunter-days that this Access Easement obligates Landowner to provide to the general public. Five Valleys shall manage public access to the Hunting Access Property pursuant to its rights set forth in this Access Easement in a non-preferential and nondiscriminatory manner. Landowner and Five Valleys shall provide to the public the access right granted herein free of charge; however, Landowner may accept reimbursement from governmental programs intended to compensate landowners for the reasonable costs of hunter impacts to their land.
4. Temporary Suspension of Public Access. Five Valleys may temporarily limit or suspend the public access right granted herein for reasons of public safety; to protect and preserve the other Conservation Values set forth in Recital 4 of the Conservation Easement; or upon Landowner’s request to allow Landowner to carry out activities permitted under Section III if public hunting access interferes with such permitted

activities, for example construction of a structure, road construction or maintenance, or utility installation. If Five Valleys temporarily limits or suspends public access to the Hunting Access Property as provided in this Paragraph 4, Landowner shall not be responsible for any decrease in the number of hunter-days provided resulting from such limitation or suspension.

5. Administrative Access. Five Valleys shall have the right to enter the Hunting Access Property to verify Landowner's compliance with, or to enforce, the terms of this Access Easement and any Management Plan created pursuant to Paragraph 6, below. If Five Valleys assigns this Access Easement pursuant to Paragraph 9, below, Five Valleys' assignee and its successors shall have the right to access the Hunting Access Property for the purposes set forth in this Paragraph 5.
6. Public Access Management Plan. In addition to the terms and conditions of this Access Easement and the Conservation Easement, the public hunting access rights granted in this Access Easement may be managed pursuant to a Public Access Management Plan ("Management Plan"), which Management Plan must be in writing and approved in writing by Landowner and Five Valleys. The subjects that the Management Plan may address include, but shall not be limited to, management of wildlife resources; consistency of hunting and wildlife resources on the Hunting Access Property with State wildlife agency regulations and goals; the quality of the public's hunting experience on the Hunting Access Property; any limitations or suspensions of public access consistent with Paragraph 4, above; establishment of "safety zones" or "no hunting zones" around Building Envelope 2, structures, or livestock areas on the Hunting Access Property; and ensuring the public's compliance with the terms of this Access Easement. The Management Plan may be revised, amended, or replaced by mutual written agreement of Landowner and Five Valleys. If Landowner and Five Valleys fail to reach agreement on changes to the Management Plan, the existing Management Plan will remain in effect and binding.
7. Term of Easement and Termination of Access Easement. This Access Easement is granted as an integral and component part of the Conservation Easement. Accordingly, the term of this Access Easement is perpetual, as provided in Section II, Paragraph C of the Conservation Easement. This Access Easement may only be terminated, extinguished, or condemned, whether in whole or in part, pursuant to the provisions set forth in Section XI of the Conservation Easement. If Five Valleys assigns this Access Easement, as provided in Paragraph 9, below, and this Access Easement is subsequently terminated or extinguished, such termination of the Access Easement shall not affect the remainder of the Conservation Easement.
8. Amendment of Access Easement. This Access Easement is granted as an integral and component part of the Conservation Easement. Accordingly, this Access Easement may only be amended as provided in Section XVI, Paragraph H of the Conservation Easement.
9. Assignment. Pursuant to Section 76-6-205, M.C.A., and Section IX of the Conservation Easement, this Access Easement shall be separately assignable by Five Valleys from the other sections and provisions of this Conservation Easement. Five Valleys shall only assign this Access Easement to an organization, agency, or entity that is qualified at the time of assignment as an eligible donee under Internal Revenue Code Section 170(h)(3), and any applicable regulations issued thereunder, and qualified to hold conservation easements under Section 76-6-104, M.C.A. If Five Valleys assigns this Access Easement, Five Valleys shall (i) require as a condition of such assignment that the term of this Access Easement remain perpetual; (ii) reserve the right to temporarily limit or suspend public access if, in Five Valleys' reasonable judgment, such access impairs, or threatens to impair, the other Conservation Values that this

Conservation Easement protects; and (iii) retain a right of reversion, pursuant to Section 70-15-210, M.C.A., if the assignee fails to maintain and administer the Access Easement for the benefit of the public, in Five Valleys' reasonable judgment. As of the date of the grant of this Conservation Easement, Five Valleys represents to Landowner that its present intention is to assign this Access Easement to the State of Montana, Department of Fish, Wildlife & Parks.

10. Landowner Liability. Provided that Landowner does not receive from individual members of the public valuable consideration, including but not limited to access or use fees or charges, in exchange for recreational use of and access to the Hunting Access Property pursuant to this Access Easement, public use of this Access Easement shall be subject to Section 70-16-302, M.C.A. or successor statutes and shall be without any assurance from Landowner that such property is safe for any purpose.

Appendix C: Case Ranch Proposed Conservation Easement and Landscape Connectivity

