

ADOPTION OF STATE FOREST LAND MANAGEMENT PLAN (SFLMP)

ADMINISTRATIVE RULES

ENVIRONMENTAL ASSESSMENT

March 2003

*Finding*

ALTERNATIVE SELECTED

I have carefully reviewed this environmental assessment and have selected Action Alternative C to adopt formal rules with minor deviations from RMS wording contained in the SFLMP Record of Decision (May 30, 1996). These are programmatic rules that provide policies and direction for managing state-owned forestlands. The rules contain general philosophies, management standards and more detailed procedures that direct the manner in which project-level decisions will be reached. The rules deviate little from the original SFLMP RMSs. They remain consistent with the SFLMP premise and philosophy, but they remove the department's numeric criteria for retention of old growth. The old growth commitment was removed due to conflicts with recent state law, in particular 77-5-116, MCA. The rules do not address site-specific issues, make specific land use allocations or identify precise future output targets for individual resources. The Action Alternative provides the best currently available approach for meeting department needs for consistent direction. While continuing management under the No Action approach is possible, the adoption of forest management rules will provide forest managers with more detailed procedures that help improve clarity and reduce ambiguity when making project-level decisions. They will also provide the public with detailed information on implementing the department's management philosophy. The rules as adopted, will not substitute for public involvement, proper analysis, and documentation in future project-specific decisions.

SIGNIFICANCE OF ENVIRONMENTAL IMPACTS

I have reviewed the analysis contained in this EA and have compared it with the seven Significance Criteria (ARM 36.2.524). Due to the low potential for identifiable and measurable impacts of any form, I find that the alternative chosen will not have a significant effect on the human environment.

NEED FOR FURTHER ENVIRONMENTAL ANALYSIS

The selected level of review under MEPA is appropriate for this proposal and no significant effects to the human environment are anticipated. An Environmental Impact Statement is not necessary and shall not be prepared.

*Approved By:*

Signature Peter S. Van Sickle

Date: 3/7/03

Peter S. Van Sickle

Chief, Forest Management Bureau

Trust Lands Management Division

Department of Natural Resources and Conservation

**ADOPTION OF STATE FOREST LAND MANAGEMENT PLAN (SFLMP)  
ADMINISTRATIVE RULES**

**ENVIRONMENTAL ASSESSMENT**

**March 2003**

***Proposed Action***

The Trust Land Management Division of the Montana Department of Natural Resources and Conservation (DNRC) proposes to adopt forest management rules under the Montana Administrative Procedures Act (MAPA) consistent with the Resource Management Standards (RMS) earlier adopted under the Montana Environmental Policy Act (MEPA) as stated in the State Forest Land Management Plan (SFLMP) Record of Decision (ROD) May 30, 1996). The rules are needed to provide field personnel with consistent policy and direction for managing state forested lands. The rules will apply to the forested lands portion of the total 5.2 million acres of school trust lands administered by DNRC.

***Alternatives Considered***

**No Action** -- Under the No Action Alternative, forest management rules would not be adopted at this time. Forest management activities would continue under the direction provided by the RMSs contained in the SFLMP ROD.

**Action Alternatives** -- Under either of the Action Alternatives, forest management rules would be formally adopted under MAPA procedures. Forest management rules would provide the guiding direction for the Forest Management Program. More detailed and consistent direction would be provided to forest managers under this alternative. Implementation of the forest management rules would begin upon adoption and completion of required procedures under MAPA. With the exception of rule differences pertaining to management of old growth forest, the action alternatives are identical.

Action Alternative B consists of a forest management rule set that would retain the wording of Biodiversity RMS 6 (SFLMP, p. ROD-13), which would provide for maintaining or restoring old-growth forest in amounts of at least half the average proportion that would be expected to occur with natural processes on similar sites (rule XVII Biodiversity - Old Growth Management). References contained in RMS 6 and 7 related to the "Biological diversity strategies for forest type groups" report have been removed. The rules serve as the technical procedures guiding the department.

Action Alternative C consists of a forest management rule set that removes the commitment to maintaining or restoring old-growth forest in amounts of at least half the average proportion that would be expected to occur with natural processes on similar sites contained in RMS 6 (SFLMP, p. ROD-13) as a component of rule XVII. Old growth would be managed as outlined in the rules, but no firm numeric commitment to old growth retention would be made. References contained in RMS 6 and 7 related to

"Biological diversity strategies for forest type groups" report have been removed. The rules serve as the technical procedures guiding the department.

### ***Scope and Relationship to the SFLMP***

The proposed rule set to be adopted is programmatic and follows the language, philosophy and RMSs contained in the SFLMP ROD (ROD May 30, 1996), with revisions as explained in this document. The Action Alternatives would provide policy and direction for managing forested state trust lands. The rules would not address site-specific issues nor make specific land use allocations. They would provide the legal framework for department project-level decisions. Projections, products or services are expected to remain consistent with predicted environmental effects addressed and evaluated in the SFLMP EIS (May 15, 1996).

In their existing form, the rules are based on a foundation provided by the RMSs contained in the SFLMP ROD (May 30, 1996). Minor wording changes were made in order to fit RMSs into administrative rule format. The order that RMSs are used in the rules varies some from the order presented in the ROD to improve clarity and utility of the rules. SFLMP considerations of consistency and changes made to RMSs are noted in the analysis.

The RMSs stated in the rules are complemented by more detailed policy that is needed to adequately provide field personnel with consistent direction for managing state forested lands. The majority of the additional detailed policy was derived directly from SFLMP Guidance that was adopted by the department to aid implementation of the SFLMP. Some additions and revisions to the original SFLMP Guidance were made to address trust mandate considerations, species status changes, improvements in local knowledge, improvements in clarity for successful implementation, and improve fit with administrative rule format.

If selected, either of the Action Alternatives would provide the guiding framework for proposing and analyzing site-specific projects. The resulting rules would make site-specific decisions more efficient by helping the department remain consistent with its overall management philosophy, and by saving needless repetition of the reasoning behind policy decisions that have already been made. The rules would not substitute for public involvement or proper analysis and documentation in future project-specific decisions.

### ***Project Need***

On February 21, 2001, the Montana First Judicial District Court in and for Lewis and Clark County, in Cause No. BDV 2000-369, *Friends of the Wild Swan v. Montana Department of Natural Resources and Conservation*, issued a judicial order ("February 21, 2001 Order") directing DNRC to undergo formal rulemaking under MAPA on the SFLMP Biodiversity Guidance that was implemented by the department in May 1998. Following this order, the department initiated the process of incorporating the SFLMP into rules. The purpose of this EA is to address potential effects of changes associated

with revision of RMSs and guidance, and ensure compliance with MAPA and MEPA procedural requirements.

### ***Environmental Assessment Development***

This environmental assessment was developed concurrently with final revision of the draft forest management rules. This EA tiers to, and adopts the original effects assessments contained in the SFLMP EIS (May 15, 1996) and relies on the findings contained in the SFLMP EIS ROD. The EA was prepared through an interdisciplinary approach in compliance with MEPA.

### ***Public Involvement***

During the development of the SFLMP, a mailing list was compiled of those interested in participating in the public involvement process. On January 19, 1995, a request form was mailed to over 600 people on the list, asking if the interested party wanted to receive SFLMP EIS documents. The SFLMP DEIS was released to the public to review on June 19, 1995. EIS documents were mailed to all interested parties that requested them. A press release was issued announcing the availability of the document, and a request for comments was made. The comment period for the DEIS lasted 45 days and closed on August 4, 1995. On June 30, 1995, at the request of the Wood Products Association, a letter announcing the availability of the DEIS was sent to each state institution that is a designated beneficiary of forested trust lands.

During this process, 174 comment correspondences were received. Comments came from 98 individuals, 51 organizations, 12 agencies, 8 schools and 3 legislators. Responses to each comment were developed by the department as a part of the SFLMP EIS programmatic planning process. A detailed record of this process and the comments are contained in the SFLMP FEIS Appendix document (pp. RSP-1 to RSP-127).

On September 26, 2002, the department initiated the formal rulemaking process under MAPA to develop forest management rules as a result of the February 21, 2001 court order. A public comment period for the proposed rules was open for 60 days (September 26, 2002 to November 25, 2002). As a part of this process, three public hearings were held across the state: Helena (November 4, 2002), Missoula (November 6, 2002) and Kalispell (November 7, 2002). A total of 17 individuals testified at these three hearings. Testimony was recorded and written comments were accepted. During that time, the department received approximately 236 additional written comments from interested parties. Responses to the comments received were then developed by the department. Under MAPA the responses are a part of the public record and formal rule adoption process. The department must fully consider written and oral submissions respecting the proposed rule. Under either of the action alternatives, rules would be officially adopted with the publication of the Adoption Notice in the Montana Administrative Register (MAR).

As this EA closely follows and adopts the analysis contained in the SFLMP, any resulting effects associated with the proposed actions were, by their nature, generally expected to be minor. As this process was initiated to address the existing issues in the signed

SFLMP, no new issues were to be analyzed, and necessary additional analysis under this proposal is minor. Adjustments to the SFLMP RMSs, such as those addressed in this EA, are consistent with management considerations stated on page ROD-10 of the SFLMP Record of Decision. Under subsection A. Managing the Plan --... "The Forest Management Bureau Chief could change management direction without changing the Plan if the proposed change did not violate the fundamental intent as reflected in the Plan and EIS." None of the proposed revisions are outside the range of effects analyzed in the SFLMP. Due to the size, type, and complexity of this proposal, the department determined that formal project scoping was not necessary.

#### ***Legal and Administrative Framework***

The legal framework within which the SFLMP is implemented is described in the SFLMP Appendix (pp. LGL-1 to LGL-11). Topics covered in the SFLMP Appendix include general legal framework, planning and environmental assessment, land administration, and resource management. Minor reference updates include the following: 1) rules are found in Title 36 of the ARMs, and 2) rules specific to MEPA are contained in Title 36, Chapter 2, sub-chapter 5 of the ARMs.

#### ***Proposed Schedule of Activities***

The Chief of the Forest Management Bureau (Trust Lands Management Division) will select an alternative prior to final, formal adoption of rules. Should an Action Alternative be selected and forest management rules be adopted, an adoption notice would be published in the MAR (anticipated March 2003). Rules would be available to all interested parties. The rules would include all of the elements necessary for implementation at the project level. As such, the rules would formally codify the SFLMP. The rules would be approved by the Board of Land Commissioners prior to final adoption.

#### ***Other Governmental Agencies with Jurisdiction***

The actions and policies of other large forest landowners and of state and federal regulatory agencies and county governments affect the management of DNRC forested lands. A complete discussion that is relevant to this proposal is contained in the SFLMP FEIS (pp. III-6 to III-8).

#### ***Affected Environment and Environmental Effects***

A complete discussion of the affected environment and environmental effects is contained in the SFLMP FEIS and ROD (May 30, 1996). This EA tiers to the complete evaluations contained in these earlier documents. However, as minor changes were made to the RMSs stated in the ROD, an additional assessment was necessary to ensure that changes were within the range of effects analyzed in the FEIS. This analysis consists of a review of each resource category that could be affected, and disclosure of any expected changes in effects from what was originally stated in the SFLMP FEIS for the proposed alternatives.

GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives – Under both Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### **WATER QUALITY, QUANTITY AND DISTRIBUTION**

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives- Under both Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### ***Rule XXII Watershed (General)***

Watershed RMSs 14, 15, 16 and 17 were dropped from the forest management rule set because they pertain to activities that are administered under separate DNRC programs. The intent of the forest management rules is to address DNRC forest management activities as defined by rule. As such, the rules do not address fire management, fire suppression, fire rehabilitation or rehabilitation of other development activities as described in these RMSs. No measurable effects to water quality or beneficial uses are expected to result from this change.

#### ***Rule XXIII Watershed (Cumulative Effects)***

The language contained in the forest management rule is different than that contained in Watershed RMS 7. SFLMP Watershed RMS 7 specified that threshold values for cumulative watershed effects would be established for the Stillwater, Coal Creek and Swan River State Forest at a level to ensure protection of beneficial uses with a low degree of risk. The language was changed in the rules to reflect changes that have occurred within Montana Law regarding assessment of impaired bodies of water and development of Total Maximum Load Development (TMDL), since the adoption of the SFLMP. The rules recognize the sensitivity and special management considerations needed statewide for all bodies of water that have been identified on Montana's 303(d) list as impaired and that are subsequently in need of TMDL development. The primary watersheds draining the Stillwater, Coal Creek and Swan River State Forest are included on the 303(d) list, and therefore would still be managed to ensure low levels of risk due to cumulative watershed effects under the proposed rule. The rules provide for the same levels of protection for water quality and beneficial as provided by the SFLMP. No measurable effects to water quality or beneficial uses are expected to result from this change.

#### ***Rule XXIV Watershed (Monitoring)***

The language contained in the forest management rule is different than that contained in Watershed RMSs 21 and 23. The language in WS RMS 21 was changed to incorporate

only those activities administered under the Forest Management Program. Activities such as mining, cabin sites and recreation were not included in the rules because they pertain to activities that are administered under separate DNRC programs. The intent of the forest management rules is to address DNRC forest management activities as defined by rule. Problems identified during monitoring that are attributable to other administrative programs will still be documented and shared with other DNRC program staff. Cooperative remedies and mitigation efforts will be considered when appropriate. Therefore, no measurable effects to water quality or beneficial uses are expected to result from this change.

The language contained in the Watershed RMS 23 was also changed in the rules. Specific references to the Flathead Basin Forest Practices and Fisheries Program Final Report Recommendations were dropped from rules. This is because the monitoring strategy outlined in this document has been superseded by the development and adoption of a Bull Trout Restoration Plan, and a Conservation Agreement for Westslope Cutthroat Trout by the State of Montana. The forest management rules have integrated the monitoring strategies contained in these more recent cooperative conservation efforts. The monitoring objectives contained in these agreements and documents are consistent with the SFLMP. Therefore, no measurable effects to water quality or beneficial uses are expected to result from this change.

#### AIR QUALITY

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### VEGETATION COVER, QUANTITY AND QUALITY

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives B and C - Under the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent, and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### ***Rule IV Biodiversity***

The rules drop a portion of Biodiversity RMS 1: "A coarse filter approach "assumes that if landscape patterns and process (similar to those species evolved with) are maintained, then the full complement of species will persist and biodiversity will be maintained" (Jensen and Everett, 1993)." This portion was removed since it provided no direction

being instead a simple statement of management philosophy. However, the concept is captured in the definitions section of the rules.

#### ***Rule VI Biodiversity***

A portion of RMS 2) is removed from the rules. Deleted: "The coarse filter approach supports diverse wildlife habitat by managing for a variety of forest structures and compositions, instead of focusing on habitat needs for individual, selected species." The portion was deleted because it provides no direction being instead a simple statement of philosophy. However, the concept is captured in the definitions section of the rules.

This clarified the department's fine filter commitment to comport with existing laws and mandates resulting in no change to intent of the SFLMP.

#### ***Rule VII***

This rule replaced the typical analysis area of a "third order drainage" mentioned in the RMS with the "administrative unit" as the typical analysis area; also added the words "a range of" to RMS 3 as follows: VII (2) Our typical analysis unit would be a third order drainage wherein we would focus on maintaining or restoring "a range of" the forest conditions that would have naturally been present given topographic, edaphic and climatic characteristics of the area. The additional language results in no change in effects from the SFLMP.

In rule VII (3) the department changed the word "structures" to "conditions" as follows: Timber harvests would be designed to promote long-term diversity and an appropriate representation of forest conditions across the landscape. Where our ownership contained forest "structures" (in rule changed to "conditions") made rare on adjacent lands due to others management activities, we would (in rule changed to "may") not necessarily maintain those structures in amounts sufficient to compensate for their loss when assessed over the broader landscape. These two minor wording changes result in no change to the intent of the SFLMP or in the effects anticipated.

Rule VII (3.a) shows minor wording changes by adding the following: However, if state ownership contains rare or unique habitat elements, as previously defined in [NEW RULE III] occurring naturally, the department shall manage so as to retain those elements, to the extent it is consistent with fiduciary duties owed to the beneficiary. The original sentence from RMS 3 follows: However, if our ownership contained rare or unique habitat elements occurring naturally (e.g, bog, patches of a rare plant), we would manage so as to retain those elements. The changes result in no change of intent or effects compared to the SFLMP since they simply clarify the relationship between retention of the landscape elements described and our trust obligations.

RMS 4 (Rule XVI) reflects identical changes as RMS 3 as described in the previous paragraph.

RMS 6 was revised by omitting the following from rule: -- Procedures such as those described in "Biological Diversity Strategies for Forest Type Groups" or other technical

references would be used for designating and managing old-growth blocks and replacement areas. This phrase was deleted because the rules now provide the technical reference to be used by the department. The rules result in implementation of the intent of the SFLMP with no change in effects.

RMS 6 is also expanded on by inclusion of procedures initially described in the department's 1998 Biodiversity Implementation Guidelines. Inclusion in the rules clarifies and implements the intent of the SFLMP and results in no change in effects.

RMS 7 is deleted. The rules now provide necessary program direction in place of the references contained in RMS 7. The implementation of the SFLMP through inclusion of Guidelines as rules results in no change in effects from the SFLMP and clarifies the intent of the SFLMP.

RMS 9 Landscape evaluations would be checked to compare actual effects of management activities and natural processes against desired or predicted effects (added: to the extent practicable) in rule XIX. This minor addition results in no change from the intent of the SFLMP nor in anticipated effects.

RMS 10 Cooperative plans would be evaluated as needed, to monitor how successfully they are being implemented (added: and to determine if continued participation is warranted) in Rule XVII (a). The phrase " in its sole discretion" was also added to Rule XVII. The department considers it appropriate to retain discretion as consistent with department mandates, ownership and other objectives. These additions result in no change from the intent of the SFLMP nor in anticipated effects.

Minor wording changes were made in Silviculture RMSs and these were reviewed. None of the minor wording changes in the Silviculture RMSs result in a change of SFLMP intent or effects.

Action Alternative B – The content of RMS 6 (ROD) ...“DNRC would seek to maintain or restore old-growth forest in the amounts of at least half the average proportion that would be expected to occur with natural processes on similar sites”...would be retained in rule XVII. No change in effects from the SFLMP would be anticipated. No change in effects on forest fragmentation, patch size and patch configuration would be expected under this alternative.

Action Alternative C – The commitment to retain old growth made in RMS 6 (ROD) would be removed from rule XVIII. Old growth would be managed as outlined in the rules, but no firm numeric commitment to old growth retention would be made. The anticipated effects are within the scope of analysis contained in the SFLMP (FEIS: SUM-10; SUM-44; SUM-57; IV-62 to IV-73). No change in effects on forest fragmentation, patch size and patch configuration would be expected under this alternative.

### ***Rule XLVII Categorical Exclusions***

An additional categorical exclusion for timber harvest was included in both Action Alternative rule sets. This categorical exclusion would allow timber harvest of up to 100,000 board feet, or salvage harvest of 500,000 board feet. Such harvest or salvage would not be allowed in situations where Extraordinary Circumstances (see Rule XLVII Categorical Exclusions) would be likely to occur, and all projects implemented under this categorical exclusion would be required to conform to these rules.

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action - Both Action Alternatives -- Past department experience has shown that harvests of these volumes are normally of short duration and limited area. Disturbance to the land and other resources would be minimal. The exclusion would not apply unless it was obvious that the cumulative effects would not be significant when considered together with other harvesting in the area.

Small volume harvests could help maintain a supply of timber for small logging operations and mills, helping to provide jobs and sustain local economies. Small harvests and salvages could also be part of sustained-yield management, whether to optimize total harvest and trust income or as an element of sustained multiple resource management.

Salvaging dead or dying trees would help to control insect and disease, and reduce wildfire danger. Removing dead and dying trees could reduce the number of snags, snag replacements, and large fallen logs that are important habitat features for some wildlife species and components of some ecosystems.

#### TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives B and C - Under the Action Alternatives, detailed forest management rules pertaining to wildlife would be adopted under MAPA that are consistent with the intent, and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

Action Alternative B - The content of RMS 6 (ROD) ...“DNRC would seek to maintain or restore old-growth forest in the amounts of at least half the average proportion that would be expected to occur with natural processes on similar sites”...would be retained in rule XVIII. No change in effects from the SFLMP would be anticipated.

Action Alternative C - The commitment to retain old growth made in RMS 6 (ROD) would be removed from rule XVIII. Old growth would be managed as outlined in the rules, but no firm numeric commitment to old growth retention would be made. The anticipated effects are within the scope of analysis contained in the SFLMP for Forest Vegetation and Wildlife respectively (FEIS: SUM-10, SUM-44, SUM-57, IV-62 to IV-73; SUM-61, SUM-62, IV-116 to IV-167).

Under both Action Alternatives some minor changes to SFLMP RMS language were made in rules pertaining to terrestrial, avian and aquatic life and habitats. The rules are listed below with an explanation of potential for associated effects.

***Rule XLII Big Game (general)***

Big Game RMS 3 was dropped from the forest management rule set because it pertains to the replacement of outdated November 1989 department policy that has been not been in use for approximately 7 years. Forest management rules would provide needed direction, thus, this RMS is unnecessary. This change is consistent with the original SFLMP RMSs and would result in no measurable effects to wildlife or their habitats. Big Game RMSs 5 and 6 were retained in rule in new and separate locations (rule XIX Biodiversity - Field Reviews and rule XLVIII Management of the State Forest Land Management Plan).

***Rule XXVII Fisheries (general)***

The language contained in the forest management rule set is different than that contained in Fisheries RMSs 2, 8 and 9. Specific references to the Flathead Basin Forest Practices and Fisheries Program Final Report Recommendation 17 and the Immediate Actions for Bull Trout recommended by Governor's Bull Trout Restoration Team were dropped from rules. This is because the documents referenced in the original RMSs have been superseded by the development and adoption of a Bull Trout Restoration Plan and a Conservation Agreement for Westslope Cutthroat Trout by the State of Montana. The forest management rules have integrated the strategies contained in these more recent cooperative conservation efforts. The objectives contained in these agreements are consistent with the SFLMP and would result in no measurable effects to fisheries or fish habitat.

Fisheries RMS 7 was dropped from the forest management rules because these conservation measures have also been integrated into the State's Bull Trout Restoration Plan, and conservation strategies contained in the Westslope and Yellowstone Cutthroat Trout Conservation Agreements. The objectives contained in these agreements are consistent with the SFLMP and would result in no measure effects to fisheries or fish habitat.

**UNIQUE, ENDANGERED, SENSITIVE, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives B and C - Under the Action Alternatives, detailed forest management rules pertaining to wildlife would be adopted under MAPA that are consistent with the intent, and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

Action Alternative B – The content of RMS 6 (ROD) ...“DNRC would seek to maintain or restore old-growth forest in the amounts of at least half the average proportion that would be expected to occur with natural processes on similar sites”...would be retained in rule XVII. No change in effects from the SFLMP would be anticipated.

Action Alternative C – The commitment to retain old growth made in RMS 6 (ROD) would be removed from rule XVIII. Old growth would be managed as outlined in the rules, but no firm numeric commitment to old growth retention would be made. The anticipated effects are within the scope of analysis contained in the SFLMP for Forest Vegetation and Wildlife respectively (FEIS: SUM-10, SUM-44, SUM-57, IV-62 to IV-73; SUM-61, SUM-62, IV-116 to IV-167).

Action Alternatives - Some minor changes to SFLMP RMS language were made in rules pertaining to threatened and endangered species. The rules are listed with an explanation of potential for associated effects below.

***Rule XXVIII Threatened and Endangered Species (2), (2)(a) and (2)(b).***

The rules will carry the force of law when adopted. Thus, the department considers it appropriate to retain discretion for working group and recovery effort participation, as consistent with department mandates, ownership and other objectives. Consequently, the phrase " in its sole discretion" was added to reflect this need (T&E RMS 2). The department has no intention of reducing participation in working groups applicable to management of habitat on state lands, however, discretionary language was deemed necessary. This change is consistent with the original SFLMP RMSs and would result in no measurable effects to unique, endangered, fragile or limited environmental resources.

T&E RMS 3 was removed from rules for threatened and endangered species, but is contained in rule XLVIII Management of the State Forest Land Management Plan.

T&E RMS 4 was clarified in rule XXVIII Threatened and Endangered Species (3) to acknowledge that other appropriate data repositories for monitoring information may be present other than those specified in the RMS. This change is consistent with the original SFLMP RMSs and would result in no measurable effects to unique, endangered, fragile or limited environmental resources.

***Rule XXXVI Sensitive Species (2)(a)***

As worded in Sensitive Species RMS 8, the language originally stated that *all* (italics added) observations of sensitive plant or animal species would be reported to the Montana Natural Heritage Program (MNHP). The proposed rule change would state that only *notable* (italics added) observations would be reported to the MNHP or other appropriate data repository. These changes were needed to reduce the volume of low-value observations, and acknowledge that in the future, other data repositories may be more appropriate to receive information. This change is consistent with the original SFLMP RMSs and would result in no measurable effects to unique, endangered, sensitive, fragile or limited environmental resources.

***Rule XXXVI Sensitive Species (3)***

Pertains to SS RMS 6. The rules will carry the force of law when adopted. Thus, the department considers it appropriate to retain discretion for obtaining and referencing the most appropriate information sources, which can change over time. Thus, the phrase " in its sole discretion" was added to reflect this need. The department intends to continue use of the best information available to address habitat concerns on state lands, however, discretionary language was deemed necessary. This change is consistent with the original SFLMP RMSs and would result in no measurable effects to unique, endangered, sensitive, fragile or limited environmental resources.

***Rule XXXVI Sensitive Species (general)***

Sensitive Species RMS 5 was dropped from the forest management rule set because it directs the Forest Management Bureau to provide guidance for managing to support populations of sensitive species. Forest management rules would provide this direction, thus, this RMS is unnecessary. This change is consistent with the original SFLMP RMSs and would result in no measurable effects to unique, endangered, sensitive, fragile or limited environmental resources.

**HISTORICAL AND ARCHAEOLOGICAL SITES**

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

**AESTHETICS**

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY**

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of

the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### **OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA**

**No Action** - Numerous other federal and state management plans exist for Montana (such as, federal USFS Forest Plans, federal threatened and endangered species recovery plans, state Management Plans for Wildlife Management Areas, Plum Creek Timber Company Habitat Conservation Plan etc.) and these would apply regardless of DNRC selection of this alternative. Under the No Action Alternative, no changes in the existing management direction would occur and no other federal or state management plans would be affected. No direct, indirect, or cumulative effects would be anticipated.

**Action Alternatives** - Numerous other federal and state management plans exist for Montana and would apply regardless of DNRC selection of this alternative. Under either of the Action Alternatives, no other federal or state management plans would be affected. Detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### **HUMAN HEALTH AND SAFETY**

**No Action** - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

**Action Alternatives** - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### **INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION**

**No Action** - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

**Action Alternatives** - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### ***Weed Management Rule XLV***

RMS 1 (pertains to rule XLV (2)) was revised and language was removed that specified compliance with weed management law, inventory of occurrence, development of management plans, and allocation of funding for control projects. These activities would be addressed through ongoing projects and through existing cooperative plans and laws.

The language was not considered necessary in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 5 (pertains to rule XLV (2)(iv)) was revised. Language was removed that specified a specific number of years that continued control efforts would be applied following activities creating soil disturbance. These efforts would continue as needed on ongoing projects and license renewals. The language was not considered necessary in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 6 (pertains to rule XLV (1)(b)) was revised. Language was removed that specified that weed management for large areas may be limited to containment. The language was not considered necessary in rule as it identifies an obvious management strategy where such circumstances exist. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 7 (pertains to rule XLV) this RMS was removed. It is an obligation that is understood by the department. The language was not considered necessary in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 8 (pertains to rule XLV (3)(b)) this RMS was revised. The unnecessary reference to the Montana County Weed Management Act was removed. The language was not considered necessary in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 9 (pertains to rule XLV (5)) this RMS was revised. The reference to special uses was removed as the rules apply to forest management activities. The language was not considered necessary in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMSs 11, 12, and 13 (pertains to rule XLV) were omitted from rule as these requirements would be met as a part of ongoing project activities, licensing renewals and cooperative agreements with other entities and counties. The language was not considered necessary in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### ***Grazing on Classified Forest Lands Rule XLIV***

RMS 1 (pertains to rule XLIV (3)) was revised to acknowledge that changes to grazing stipulations could occur on licenses at any time during the term of the license. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 3 (pertains to rule XLIV (5)) was revised and references and range site determination criteria were removed. Accepted methods are currently in place, which may change over time with improved information and methodologies. As such, these were not considered necessary to include in formal rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 6 (pertains to rule XLIV (8)) reference to numerical requirement was removed for determination of healthy riparian function. This requirement was considered to be an unrealistic criterion that is difficult to quantify and define. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS 7 a. and b. (pertains to rule XLIV (11)) were combined in rule. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS c. (pertains to rule XLIV (11)) was removed, which included unnecessary references and unrealistic browse utilization criteria. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

RMS d. (pertains to rule XLIV (12)) this RMS was revised to clarify applicability and roles of licensee and the department. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### **QUANTITY AND DISTRIBUTION OF EMPLOYMENT**

**No Action -** Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

**Action Alternatives -** Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### **LOCAL AND STATE TAX BASE AND TAX REVENUES**

**No Action -** Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

**Action Alternatives -** Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### DEMAND FOR GOVERNMENT SERVICES

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### ACCESS TO, AND QUALITY OF, RECREATIONAL AND WILDERNESS ACTIVITIES

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### SOCIAL STRUCTURES AND MORES

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### CULTURAL UNIQUENESS AND DIVERSITY

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated.

#### OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES (i.e., alteration of future land uses)

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No direct, indirect, or cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the intent and philosophy of the SFLMP ROD. No associated direct, indirect or cumulative effects differing from those disclosed in the SFLMP FEIS would be anticipated. No change in annual harvest level would be anticipated.

#### *Cumulative Effects*

No Action - Under the No Action Alternative, no changes in the existing management direction would occur. No cumulative effects would be anticipated.

Action Alternatives - Under either of the Action Alternatives, detailed forest management rules would be adopted under MAPA that are consistent with the analysis contained in the SFLMP FEIS. Some minor deviations in wording of original SFLMP RMSs would be present in adopted forest management rules, however, no associated cumulative effects differing from those disclosed in the SFLMP FEIS analysis would be anticipated. Overall, adoption of the forest management rules could improve the efficiency and consistency of project-level decision making at the statewide level, which would be beneficial to trust beneficiaries.

Action Alternative B – The content of RMS 6 (ROD) would be retained in rule XVII. No change in cumulative effects from the SFLMP would be anticipated.

Action Alternative C – The commitment to retain old growth made in RMS 6 (ROD) would be removed from rule XVII. Old growth would be managed as outlined in the rules, but no firm numeric commitment to old growth retention would be made.

Anticipated cumulative effects would be within the scope of analysis contained in the SFLMP for Forest Vegetation and Wildlife respectively (FEIS: SUM-10, SUM-44, SUM-57, IV-62 to IV-73; SUM-61, SUM-62, IV-116 to IV-167).

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***References***

SFLMP 1996. State Forest Land Management Plan Final EIS. Montana Dept. Nat. Res. and Conserv. May 16, 1996.

SFLMP 1996a. State Forest Land Management Plan Final EIS Appendixes. Montana Dept. Nat. Res. and Conserv. May 16, 1996.

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