

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION

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FEB 24 2004

D.N.R.C.



JUDY MARTZ, GOVERNOR

STATE OF MONTANA

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ANACONDA UNIT OFFICE  
7916 Highway 1 West  
Anaconda, MT 59711

February 20, 2004

Highland Lumber Corporation  
Attn: Art Dick  
4918 Harrison Avenue  
Butte, MT 59701

RECEIVED

MAR 16 2004

Ref: Herman Gulch SMZ AP HRA # 47B 34106

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

Dear Mr. Dick,:

This letter is in reference to your request to the Department of Natural Resources and Conservation for an Alternative Practice to the Streamside Management Zone Law in Section 31, T2N, R7W. After review of the Checklist Environmental Assessment prepared for this request, the Alternative Practice to allow the crossing of a class II watercourse is approved, subject to the following conditions:

The proposed temporary crossing will be constructed with logs placed in the streambed parallel with the channel. All skidding operations will be conducted prior to spring thaw. Upon completion of skidding operations, the crossing will be removed. The crossing removal will be conducted immediately following completion of skidding operations and prior to spring thaw. The southern skid trail approach will be filled with logging slash for at least 25 feet to prevent soil erosion from reaching the stream. The northern approach will be grass seeded and mulched for at least 25 feet to hasten the re-establishment of grasses in the pasture.

The amount of trees to be removed during the proposed practice of felling across the stream channel do not warrant additional equipment crossings and the associated ground disturbance. Only two felling locations will be authorized. The trees will be directionally felled across the 3 foot wide, 3 foot incised channel only during conditions of frozen ground and snow pack. The skidding equipment will stay out of the SMZ. Any errant limbs will be removed from the stream channel immediately upon completion of skidding of these trees. If the ground is disturbed on the north side of the stream as a result of felling and skidding, the area will be grass seeded along with the crossing downstream. Chris Town will be notified prior to felling operation to allow oversight. Chris Town will perform a post harvest inspection of the crossing and felling sites.

Approved alternative practices, including any additional conditions required by DNRC, shall have the same force and authority as the standards contained in 77-5-303, MCA, and shall be enforceable by DNRC under 77-5-305, MCA, to the same extent as such standards.

It is your responsibility to ensure that your operator(s) understand that an alternative practice has been issued for their operations in this area, and that these conditions must be fully met to achieve compliance with the SMZ Law.

This approval is contingent upon your execution and return of the attached statement to the DNRC Anaconda Unit Office. No actions related to this alternative practice are to be taken until the signed statement is returned to the DNRC.

Thank you for your cooperation in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Town".

Chris Town  
Service Forester

cc: HRA file, Applicant,  
Unit Office, Land Office  
Service Forestry Bureau

R:10/01

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DNRC - Trust Land Management Division

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Highland Lumber/Uzlic HRA 47B34106 Herman Gulch crossing

Proposed Implementation Date: Upon approval

Proponent: Art Dick of Highland Lumber

Type and Purpose of Action: The installation of a temporary log crossing within the SMZ of Herman Gulch, a class I stream, to allow skidding of approximately 4 loads of logs over crossing. This crossing is associated with a 15 acre salvage harvest of insect damaged lodgepole pine. The healthy Douglas-fir is not proposed for harvest. Salvage retention tree standards for the SMZ shall be maintained. The felling and skidding of approximately 8 trees across Herman Gulch at two locations.

Location: N ½, NW ¼, Sec 31, T2N, R7W County: Silver Bow

I. PROJECT DEVELOPMENT	
1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED: Provide a brief chronology the scoping and ongoing involvement for this Project.	<p>Frank Volvo, logging contractor for Art Dick contacted Chris Town on 02/11/04 to request a site visit for a proposed AP to the SMZ. Chris Town met with Frank on 02/13/04 to discuss Frank and Art's proposal.</p> <p>Brian Robbins, DNRC trust lands forester was consulted as the DNRC currently has a salvage sale adjacent to the harvest associated with this proposed crossing. Robbins consulted with DNRC hydrologists, wildlife biologists, and archeologists as well as specialists from the Forest Service and MTFW&amp;P during the scoping process for the DNRC salvage which includes the 15 acres of harvest under private ownership associated with this proposed crossing.</p>
2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:	<p>A Natural Streambed and Land Preservation Act 310 permit is probably required from the Silverbow Conservation District.</p>
3. ALTERNATIVES CONSIDERED:	<p>Alternative yarding methods are not considered economically practical by the logger. An adverse skid and additional road construction would be necessary to access the timber from upslope.</p> <p>There is also a "no-action" alternative. Unless specifically discussed, the no-action alternative would result in no cumulative impact.</p>

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES N = Not present or No Impact will occur. Y = Impacts may occur (explain below)
<p>4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactable or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] Some impacts may occur as a result of the proposed action, but are expected to be minimal with implementation of mitigation measures.</p> <p>The sale area is located on moderate to steep slopes with shallow to deep soils weathering from granitic bedrock of the Boulder Batholith. There are no unusual or unique geological features in the proposed harvest area. These soils are droughty and subject to high erosion risk where disturbed. There are some old skid trails present in the proposed harvest area, but are stable and well vegetated. Impacts as a result of past management activities are low.</p> <p>Leaving a portion of slash would provide shade to enhance survival of seedlings and provide woody debris for nutrient cycling.</p> <p>Implementation of the recommended mitigation measures would result in low risk of direct, indirect and cumulative impacts.</p>
<p>5. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] There are two stream channels located in the proposed harvest area, Herman Gulch and an unnamed tributary to Herman Gulch. Herman Gulch is a tributary to Basin Creek. Herman Gulch and the unnamed tributary to Herman Gulch are perennial stream channels. The reach of Herman Gulch in Section 31, T2N, R8W is stable and well vegetated. The alluvium bottom soils in Herman Gulch are deep coarse sandy loams with about 6 inches of peat rich surface soil. Groundwater was noted at 18 inches deep. Sedges and wetland plant species were present along the banks of Herman Gulch. Signs of impacts from past management activities in the proposed harvest area is low.</p> <p>The class I is channelized through the pasture that is used for livestock grazing. The proposed mitigation measures are detailed in item 25 and would ensure ambient water quality standards are maintained. Drinking water is not at risk, and water quality would not be degraded. No cumulative impacts are expected.</p>

<p>6. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] N/A</p>
<p>7. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] As a result of previous use, there is not much willow established at the proposed crossing and felling locations. Both up and down stream of the crossing, there is well established willows along both sides of the stream. Vegetative communities would not be permanently altered. There are no known rare plants or cover types present. No cumulative impacts are expected.</p>
<p>8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] There has been no fish species found in the Herman gulch Drainage. The proposed temporary crossing would be installed, used, and removed prior to spring thaw and will not reduce the use of the area by surrounding wildlife. No cumulative impacts are expected.</p>
<p>9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Sensitive Species or Species of Special Concern? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] The area has potential habitat for both the Lynx and the Black-backed woodpecker. The crossing and felling proposal will not reduce the habitat for either species. The section is bordered to the south by thousands of acres of essentially roadless Forest Service ground. Little activity is planned which would create a great deal of habitat for Both Lynx and Black-backed woodpecker.</p>
<p>10. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>[ N ] DNRC Archaeologist Patrick Rennie visited the state lands sale located adjacent to this property on August 21<sup>st</sup>, 2003. He did not note any historical or archaeological sites in the area.</p>
<p>11. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] There is no public access to the proposed class I crossing or felling locations. Traffic along Roosevelt Drive can see the harvest area. It is expected that once the crossing is removed, the approach will be grass seeded, making the crossing undistinguishable within a year or two.</p>
<p>12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ]</p>

<p>13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: Are there other studies, plans or projects on this tract? Are cumulative impacts likely to occur as a result of other private, state or federal current actions w/n the analysis area, or from future proposed state actions that are under MEPA review (scoping) or permitting review by any state agency w/n the analysis area?</p>	<p>[ N ]</p>
<p>III. IMPACTS ON THE HUMAN POPULATION</p>	
<p>RESOURCE</p>	<p>[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES</p>
<p>14. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p>[ N ]</p>
<p>15. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?</p>	<p>[ N ] If the no-action alternative is chosen, then no commercial activities will take place.</p>
<p>16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number. Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ] In the no-action alternative is chosen, then the work associated with this harvest will not exist.</p>
<p>17. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ]</p>
<p>18. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ]</p>
<p>19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>[ N ]</p>
<p>20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ]</p>
<p>21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[ N ]</p>
<p>22. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>[ N ]</p>
<p>23. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>[ N ]</p>

<p>24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES: Is there a potential for other future uses for easement area other than for management? Is future use hypothetical? What estimated return to the trust. Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>{ N }</p>
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EA Checklist Prepared By: Chris Town Service Forester 12/03/03  
Name Title Date

IV. FINDING

<p>25. ALTERNATIVE SELECTED:</p>	<p>Action Alternative with the following mitigation measures:</p> <p>The proposed temporary crossing would be constructed with logs placed in the streambed parallel with the channel. All skidding operations would be conducted prior to spring thaw. Upon completion of skidding operations, the crossing would be removed. The crossing removal would be conducted immediately following completion of skidding operations and prior to spring thaw. The southern skid trail approach would be filled with logging slash for at least 25 feet to prevent soil erosion from reaching the stream. The northern approach would be grass seeded and mulched for at least 25 feet to hasten the re-establishment of grasses in the pasture.</p> <p>The amount of trees to be removed during the proposed practice of felling across the stream channel do not warrant additional equipment crossings and the associated ground disturbance. Only two felling locations would be authorized. The trees would be directionally felled across the 3 foot wide, 3 foot incised channel only during conditions of frozen ground and snow pack. The skidding equipment would stay out of the SMZ. Any errant limbs would be removed from the stream channel immediately upon completion of skidding of these trees. If the ground is disturbed on the north side of the stream as a result of felling and skidding, the area would be grass seeded along with the crossing downstream. Chris Town would be notified prior to felling operation to allow oversight. Chris Town will perform a post harvest inspection of the crossing and felling sites.</p>
<p>26. SIGNIFICANCE OF POTENTIAL IMPACTS:</p>	<p>The potential impacts of the construction and use of the proposed temporary crossing and felling proposal are not significant given proper implementation of the mitigation measures.</p>
<p>27. Need for Further Environmental Analysis:</p> <p><input type="checkbox"/> EIS      <input type="checkbox"/> More Detailed EA      <input checked="" type="checkbox"/> No Further Analysis</p>	

EA Checklist Approved By: Fred Staedler Anaconda Unit Manager  
Name Title

 2-20-04  
Signature Date

cc: Applicant  
 Unit Office  
 Land Office  
 Service Forestry Bureau

