

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION



JUDY MARTZ, GOVERNOR

STATE OF MONTANA

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ANACONDA UNIT OFFICE  
7916 Highway 1 West  
Anaconda, MT 59711

February 20, 2004

**RECEIVED**

MAR 16 2004

Dave Krueger  
5100 Highway One West  
Anaconda, MT 59711

Ref: Skalkaho Grazing SMZ AP HRA # 20B 32070

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

Dear Mr. Krueger:

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 28, T6N, R16W. 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 selected alternative is the installation of a temporary crossing installed, used, and removed during the period of frozen ground conditions. The crossing will consist of small logs and tree tops placed parallel with the channel. Immediately at the end of skidding operations, the tops and logs will be removed from the channel. The southern approach will be packed with slash for at least 25 feet and that slash would remain in place. The northern approach is flat and no treatment would be necessary. Contact Chris Town when mitigation measures have been completed for inspection.

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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**CHECKLIST ENVIRONMENTAL ASSESSMENT**

<b>Project Name:</b>	RY/Skalkaho
<b>Proposed Implementation Date:</b>	Upon Approval
<b>Proponent:</b>	Dave Kruger of RY Timber
<b>Location:</b>	NW ¼ NE ¼ S28, T6N R16W West Fork of Rock Creek, proximal to hwy 38
<b>County:</b>	Granite

**I. TYPE AND PURPOSE OF ACTION**

Proposed crossing of a class II stream to access timber. The class II is an un-named tributary to the West Fork of Rock Creek. All harvest activities are proposed to be conducted under conditions of frozen ground.

**II. PROJECT DEVELOPMENT**

**1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:**

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

- On site field visit conducted on 01/30/04 with Chris Town and Dave Krueger present. We met with Bob Lorengo (the logger) to discuss our proposal.
- 2/4/04 request for information was made to the Montana Natural Heritage Program
- 2/4/04 request for information was made to Patrick Rennie, DNRC Archaeologist
- 2/5/05 Patrick Rennie response received.
- 2/6/05 MTNHP response received.
- 2/13/04 request for soils data received from Forest Service.

**2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:**

A 310 permit from the Granite county Conservation District may be required.

**3. ALTERNATIVES CONSIDERED:**

There are two possible alternatives: one is to not harvest any of the timber beyond the class II, the second is actual location of the crossing. The first "do nothing" alternative would not result any significant detrimental impacts until a stand replacing fire enters the now mature lodgepole pine forest but is not considered an economically feasible alternative for the landowner.

The second alternative was evaluated during the site visit resulting in a change to the originally proposed crossing. The agreed upon new proposed crossing eliminates the need for a class III crossing.

**III. IMPACTS ON THE PHYSICAL ENVIRONMENT**

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

**4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:**

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

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The soil type is within the Bata-Lowder-Elve Family (21UF2) with the Lowder and Elve portion being present at the site. These soils are a gravelly to cobbly loam, with a parent material of glacialfluvial deposits derived from sandstone and shale. This soil type is considered poorly drained with a high water table and subject to frequent floods. There are no unusual geologic features and no special reclamation considerations. The proposed crossing and associated skidding operation would be conducted under frozen ground conditions to mitigate potential compaction and ground disturbance.

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### 5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

The important surface water resource is the West Fork of Rock Creek, a class I stream. The DEQ has classified the water use for West Fork of Rock Creek as "B1" under Administrative Rules of Montana 17.30.623. The primary potential risk to water quality from any logging operation is sediment. By conducting all skidding operations during periods of frozen ground and snow pack, no significant cumulative adverse effects are expected to water quality.

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### 6. AIR QUALITY:

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

The proposed project is a stream crossing. No significant air pollutants or particulates would be produced as a result. The harvest area is covered under a Hazard Reduction Agreement in which the resultant slash will be burned but this EA does not cover anything but the crossing.

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### 7. VEGETATION COVER, QUANTITY AND QUALITY:

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

The lodgepole pine overstory is being removed as a result of the harvest which is taking place regardless of the proposed crossing. The Douglas-fir and spruce is being retained on-site. The proposed crossing will not change the vegetative community.

The Montana Natural Heritage Program identified a population of *Lesquerella paysonii* (Payson Bladderpod) one and a half miles east of the proposed crossing site. The Payson Bladderpod has a state ranking of S1 (critically imperiled because of extreme rarity, or because of some factor of its biology making it especially vulnerable to extirpation). The USFS and BLM ranking is "SENSITIVE". According to the MTNHP, the required habitat is "gravelly calcareous slopes and ridgetops in the montane zone". The proposed class II crossing is on the valley floor and does not harbor the required habitat. No adverse impact to the Payson Bladderpod shall occur.

The stream bed is vegetated with grasses and limited common riparian shrub species. The proposed crossing would occur during the winter period with frozen ground conditions and snow pack; no adverse cumulative effects to vegetation is expected.

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### 8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

In considering the substantial habitat values and use of the area by wildlife as it relates to the proposed crossing, the potential risk is to the fisheries. The proposed crossing is on a class II tributary to the West Fork of Rock Creek. The crossing would consist of small logs and tree tops placed parallel with the channel during the winter period with frozen ground conditions and the associated snow pack. Skidding operations would take place during this same period of frozen ground. Immediately at the end of skidding operations, the tops and

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logs would be removed from the channel. The southern approach would be packed with slash for at least 25 feet and that slash would remain in place. The northern approach is flat and no treatment would be necessary. With these mitigation measures, no adverse cumulative effects to the fishery is expected.

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### 9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

Listed plant species have been addressed in item Seven above. The MTNHP identified the area as potential lynx habitat. The proposed crossing itself will have no negative cumulative effect to lynx habitat. The West Fork of Rock Creek is known to include Bull Trout a species listed as "Threatened" by the USF&WS. Potential risk and proposed mitigation measures for the fisheries is addressed in item Eight above.

With the exception of this proposed alternative practice, the SMZ law will be strictly enforced, limiting the effects to the riparian zone. Sensitive Species and Species of Special Concern are included in the MTNHP request for information. Only those species that have been previously discussed were identified.

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### 10. HISTORICAL AND ARCHAEOLOGICAL SITES:

*Identify and determine effects to historical, archaeological or paleontological resources.*

Patrick Renee, the DNRC Archeologist reports no known historical, archaeological, or paleontological resources known in the area.

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### 11. AESTHETICS:

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

The associated harvest that is currently taking place is visible from highway 38 (the Skalkaho Highway) as well as from recreationalists along the West Fork of Rock Creek. The proposed crossing is not visible from either the highway or the creek. The crossing itself will not lead to a cumulative negative effect to aesthetics.

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### 12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

NA

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### 13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

NA

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## IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

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### 14. HUMAN HEALTH AND SAFETY:

*Identify any health and safety risks posed by the project.*

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The operation of heavy equipment does pose a safety risk to the operator and anyone in the immediate area. As the proposed activity is on private ground, public human health and safety are not at risk.

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

The proposed alternative practice allows access to additional timber with less ground disturbance and fewer crossings. The commercial production of timber is enhanced with the issuance of this alternative practice.

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

None

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

None

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services*

None

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

None

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

None

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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

None

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

None

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

None

**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

None

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Chris Town	<b>Date:</b> 2/17/04
	<b>Title:</b> Service Forester	

**V. FINDING**

**25. ALTERNATIVE SELECTED:**

The selected alternative is the installation of a temporary crossing installed, used, and removed during the period of frozen ground conditions. The crossing would consist of small logs and tree tops placed parallel with the channel. Immediately at the end of skidding operations, the tops and logs would be removed from the channel. The southern approach would be packed with slash for at least 25 feet and that slash would remain in place. The northern approach is flat and no treatment would be necessary.

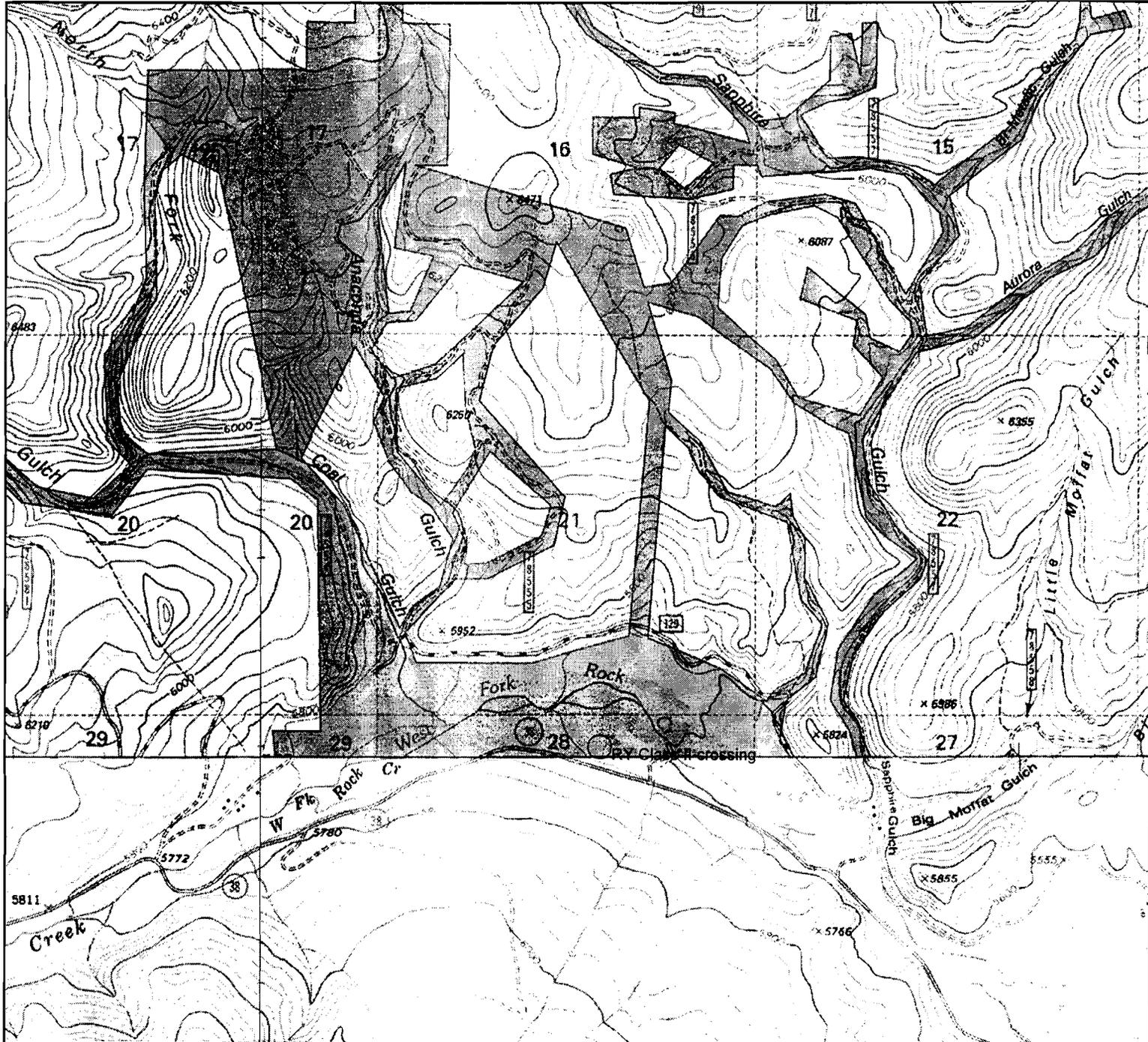
**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

No significant adverse impacts are expected.

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

EIS       More Detailed EA       No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Fred Staedler	
	<b>Title:</b> Unit Manager	
<b>Signature:</b> 	<b>Date:</b> 2-19-04	



**RY Skalkaho Grazing 20B 32070 class II alternative practice map**

Cornish Gulch 7.5 minute quadrangle  
 NW ¼ NE ¼ Sec 28, T6N, R16W  
 Scale: 1 inch = 2000 feet

Class II Skid Trail location: "RY Class II crossing"

