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CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Fitzsimmons Cost Share – Mt. Marston Road 900 – Lower Section (EONA Mt. Marston Cost Share) (H)
Proposed Implementation Date:	Fall/winter, 2004
Proponent:	United States Forest Service (USFS)
Location:	NE ¼ Section 36, Township 34 north, Range 25 west
County:	Lincoln

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I. TYPE AND PURPOSE OF ACTION

LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

USFS has applied under the Cost Share Agreement for an easement on the existing Mt. Marston Road #900 that would cross approximately 0.16 mile of State ownership in Section 36, Township 34 north, Range 25 west, 66 feet in width, encumbering approximately 1.28 acres of State trust land on. Appendix A shows the project area, hereafter referred to as the subject property.

The subject property is within the Stillwater State Forest's jurisdiction.

The easement is to provide access to USFS property for continued access and management of National Forest Land. In the context of the Cost Share Agreement, the USFS can grant rights to a third party without State approval.

II. PROJECT DEVELOPMENT

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

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

The USFS issued a Decision Notice exercising a categorical exclusion concerning this project (and others) to all interested parties on October 9, 2001. Appendix B contains a copy of the Decision Notice. The State discovered during completion of this project that it had not completed an analysis required by the Montana Environmental Policy act (MEPA). Given the normal level of scrutiny to USFS projects, the public involvement accomplished by the USFS sufficiently covered the State's obligations. Therefore, no additional scoping of the public was determined to be necessary in order to complete this analysis.

The subject property contains no leases or licenses; therefore, no releases are needed.

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

None

3. ALTERNATIVES CONSIDERED:

The following alternatives were considered for this project:

No-Action Alternative A - No Cost Share Agreement easement to the USFS would be granted. No legal access would be secured to National Forest land.

Action Alternative B - The proposed action would grant the USFS an existing road easement to provide legal access for continued access and management of National Forest Land.

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.

The soils in Section 36 are well suited for road construction. No special reclamation measures would be necessary; the road is constructed and maintained to meet Best Management Practices (BMPs).

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.

Effects on streamflow and water quality would not be measurable because the proposed action has no stream crossings.

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 project area is not within a Class I Airshed.

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.

None – existing road.

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.

The subject property is near State Highway 93. As such, the subject property is not providing substantial habitat values for wildlife.

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.

See #8 above.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

No impacts to historical, archaeological, or paleontological resources are expected because of the proposed project.

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 project is not located near prominent topographic features or where the visual impacts of the existing road would affect aesthetic values.

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.

None

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.

None

<p style="text-align: center;">IV. IMPACTS ON THE HUMAN POPULATION</p>

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| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> |
|--|
-

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

None

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

None

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

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

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

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

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

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

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

None

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

No affect.

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.

The estimated Trust revenue to the State is \$3,330.00

EA Checklist Prepared By:	Name: Robert L. Sandman	Date: 10/25/04
	Title: Stillwater Unit Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

Action Alternative B to grant an existing road easement under the Cost Share Agreement on 0.16 mile of the Mt. Marston Road #900 to the USFS.

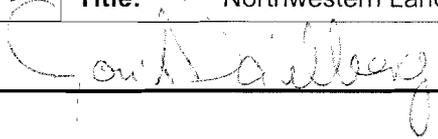
26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I find that Action Alternative B will not have significant impacts on the human environment for the following reasons:

- Taken individually and cumulatively, the identified impacts are within Department policies, standards, and rules.
- The proposed activities are similar to past projects on State lands using common practices in the industry and are not being conducted on unique or fragile sites.
- Action Alternative B will not preclude analysis of future actions on State land.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS
 More Detailed EA
 No Further Analysis

EA Checklist Approved By:	Name: Jon Dahlberg
	Title: Northwestern Land Office Area Manager
Signature: 	Date: 10-29-04

APPENDIX B



United States
Department of
Agriculture

Forest
Service

Fortine Ranger
District
Kootenai N.F.

Box 116
Fortine, MT 59918
(406) 882-4451

File Code: 1909.15

Date: October 9, 2001

Route To:

Subject: Edna-Fitzsimmons FRTA Easement Exchange

To: Files

I. INTRODUCTION

An exchange of Forest Roads and Trails Act (FRTA) easements over existing roads which cross both federal and state lands has been requested by the US Forest Service and the State of Montana Department of Natural Resources and Conservation.

The State of Montana is requesting the following road sections for Right-of-Way easements which are located within the boundaries of the Kootenai National Forest to manage State Lands in the Edna Creek and Stillwater River drainages of the Fortine Ranger District.

<u>Road Name</u>	<u>Road No.</u>	<u>Milepost</u>	<u>Legal Description</u>
Posten Camp	3637	0-1.55	Sections 21, 28, and 33; T34N, R26W
Posten Camp C	3637-C	0-0.82	Section 21; T34N, R26W
Mt. Marston	900	0.16-1.14	Section 25; T34N, R25W
Mt. Marston A	900-A	0-0.12	Section 25; T34N, R25W
<u>FRTA Private Road:</u>			
State A Main Road	7836	0-0.09	Section 21; T34N, R26W

The Forest Service is requesting exclusive easement across Mt. Marston Road 900 totaling approximately 0.16 miles located in T34N, R25W, Section 36. Approval of this easement will provide the Forest Service continued access for management of National Forest Land.

II. ALTERNATIVES

Approve the exchange of road easements between the Forest Service and the State of Montana. Roads in this FRTA agreement are existing system road prisms. The Forest Service would grant FRTA Forest Road Easements for Road No's 3637, 3637-C, 900 and 900-A. They would also grant a FRTA Private Road Easement for Road No. 7836. In reciprocity, the State of Montana would grant an exclusive easement to the Forest Service for Road No. 900 over approximately 0.16 miles of State Land. All of these existing roads would be shared by both agencies.

III. DECISION

It is my decision to approve the exchange of easements requested by the State of Montana for use of existing road sections listed above and the Forest Service request for use for Road 900 across State Land. The rationale for my decision is based on the information contained in this Decision Letter, supporting



documentation contained in the District Files, and the requirements of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Reasonable road access across National Forest System Lands is necessary to enable the State of Montana to manage their property. The State of Montana is qualified to receive FRTA Forest Road and FRTA Private Road easements per direction in FSM 2730, and FSH 2709.12, 35.1(1).

Approval of these easements will provide the State of Montana access to their properties with minimal impact to resources and will allow continued management of the State Trust Lands to their highest potential. Approval of the exclusive easement of Road 900 across approximately 0.16 miles of State Land will provide the Forest Service continued access for management of National Forest Land.

IV. REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

It is my determination that this action may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within category 31.1b Item 7 of the USDA Policies and Procedures Handbook (FSH 1909.15) which includes, "Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same." This category of action is established by the Chief of the Forest Service and does not require preparation of a case file or decision memo.

As summarized below no extraordinary circumstances related to the proposed action exist.

- A. **Steep Slopes or Highly Erosive Soils** – The topography of the areas exchanged are flat to gently sloping and no steep slopes are affected.
- B. **Threatened and Endangered Species or their critical habitat** – The proposed action will have no effect on threatened and endangered species.
- C. **Floodplains, wetlands, or municipal watersheds** – Only Road 900 is located within a floodplain of the Stillwater River. Exchange of easements will have no effect on this floodplain.
- D. **Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas** – The proposed exchanges are not in a congressionally designated area such as wilderness, wilderness study area, or National Recreation Area or in any area under consideration by Congress for wilderness designation.
- E. **Inventoried Roadless Areas** – The proposed exchanges are located in roaded areas and not part of an inventoried roadless area. (Refer to Appendix C of the Forest Plan Final Environmental Impact Statement for details regarding the Forest's Inventoried Roadless Areas).
- F. **Research Natural Areas** – The proposed action is not part of a Research Natural Area.
- G. **Native American religious or cultural sites, archaeological sites, or historic properties or areas.** No modifications are proposed to the present road widths or locations. The proposed action will have no effect on cultural resources.

V. COMPLIANCE WITH FOREST PLAN AND FINDINGS REQUIRED BY OTHER LAWS

ANILCA -- The provisions of ANILCA (P.L. 96-487, 16 USC 3210) require Federal agencies to provide reasonable ingress and egress to landowners within ownership intermingled with National Forest System Lands, when no other reasonable means of access is possible. This decision complies with ANILCA.

Consistency with Forest Plan - The proposed activity is consistent with the standards, goals, and objectives of the specific management areas as determined in the Kootenai Forest Plan (USDA, 1987) and with the intent of TNFISH.

Endangered Species Act -- The District Wildlife/Fisheries Biologist evaluated the proposed action for compliance with the Endangered Species Act and determined that the proposed action will have no effect on threatened and endangered species.

The Natural Historic Preservation Act -- The proposed action would not adversely affect any cultural or historical resource.

Clean Water Act -- All Road segments proposed for exchange are existing roads. No change in use or effects to water quality are expected.

Environmental Justice -- No impacts to minority or low income populations were identified during the effects assessment.



EDWARD C. MONNIG

District Ranger