

**Decision Notice
and
Finding of No Significant Impact
for
Lone Pine State Park Communication Tower Easement
Draft Environmental Assessment**

**Fish, Wildlife & Parks
Region 1
490 N. Meridian Road
Kalispell, MT 59901**

May 18, 2006

Description of Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes an access easement for NEXTEL Corporation across the service road located on the west side of Lone Pine State Park for the purpose of access to telecommunications equipment on private land.

Background

This project was initiated to address three issues on the Lone Pine service road:

1. The road was acquired by FWP in 1993 with three existing easements for other telecommunication companies. These perpetual easements do not require maintenance contributions for road upkeep and noxious weed control. This proposal would require NEXTEL to pay \$1,000 annually for weed control along the service road.
2. As telecommunication activities grow, so too does the level of traffic on the service road. Under this proposal, NEXTEL would be required to maintain the road in its current condition as a two-track gravel road.
3. Unauthorized access on this road due to multiple padlocks and loose adherence to existing easement restriction has increased traffic levels on the service road. This proposal would simplify the gate operations by installing a new gate that would provide greater access control by FWP staff. Rock barriers would be installed to prevent authorized vehicles from straying off of the 20-foot easement.

Alternatives

The following is brief description of the two alternatives that were developed in the EA:

Alternative A

No-Action Alternative: the easement permit to Nextel would be denied, resulting in

- 1) the continued deterioration of the access road,
- 2) the continued illegal access by motorized vehicles, and
- 3) the continued spread of noxious weeds onto the Lone Pine grasslands.

Alternative B

Montana Department of Fish, Wildlife & Parks (FWP) proposes to grant an easement through a portion of Lone Pine State Park to Nextel Corporation for the purpose of accessing a communications tower located on private land adjacent to the state park.

In light of these concerns, FWP has outlined a series of requirements that Nextel would have to agree to that would help rectify the problems caused by the current permit holders. In essence, in exchange for granting the easement to Nextel, FWP has required that:

- Nextel pay FWP \$1,000 every year of the duration of the contract to be spent on weed control on the parcel that the easement road passes through.
- Nextel pay for the cost of a new, more secure steel entrance gate and key system.
- Nextel pay for the cost of purchase and installation of barrier rock to prevent unauthorized motor vehicle travel off the permitted access route at the western end of the two-track. Nextel would also be responsible for any damage they cause to vegetation, fish, wildlife, fences, roads, or recreation facilities while on state property.
- Nextel make such necessary repairs to the road and then maintain the road in a satisfactory condition as a two-track, gravel-surfaced road.

Public Comment

Public comment was solicited between April 19, 2006, and May 10, 2006. One comment in opposition was received. The respondent felt that FWP should pay for weed control and maintenance on the service road, not NEXTEL Corporation. FWP feels that this proposal provides funding for noxious weed treatment and maintenance from the telecommunications industry, allowing FWP to spend operations dollars on projects that benefit park users. The respondent also voiced concerns that the road should not be improved. Under this proposal, the road would be maintained in its current condition.

Finding of No Significant Impact (FONSI)

Based on analysis in the EA, I find Alternative B to be the preferred alternative. I have evaluated the EA and applicable laws, regulations, and policies, and have determined that this action will not have a significant impact on the human or physical environment. Therefore, an environmental impact statement will not be prepared.

The final EA may be viewed at or obtained from Montana, Fish, Wildlife & Parks, 490 North Meridian Road, Kalispell, MT 59901.

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620.

James R. Satterfield, Jr., Ph.D.
Regional Supervisor

Date