

Environmental Assessment

ROAD EASEMENT FOR PUBLIC ACCESS

Rooney Ranch Access to Custer National Forest

October 17, 2006

PART I. PROPOSED ACTION

1. Description of Proposed Action:

Montana Fish, Wildlife and Parks (FWP) proposes to purchase a permanent road easement across private land for the purpose of providing public access to land owned and administered by the Ashland Ranger District of the Custer National Forest (U.S. Forest Service) in Powder River County. The proposed easement is located on an existing two-track road that exits from the Beaver Creek County Road about 23 miles east and north of Ashland. The easement crosses one-half mile of private land before connecting to an existing developed road network on the national forest. FWP has received an \$18,000 grant from the Montana Fish and Conservation Wildlife Trust to purchase the easement. The Rooney family has agreed to accept \$18,000 for the easement for this amount. The road easement will provide year-round access to the national forest for public recreation and for all other legal uses of the national forest land. FWP further proposes to purchase the easement and to transfer the road easement, or administrative authority for the road easement, to the U. S. Forest Service.

2. Agency Authority: **Section 87-1-209, Montana Code Annotated**, which provides for FWP acquisition of wildlife habitat, access easements, and other interests in land.

3. Name of Project: **Road Easement for Public Access, Rooney Ranch Access to Custer National Forest**

4. Project Sponsors: **This project is a cooperative effort between Montana Fish, Wildlife and Parks, the Ashland Ranger District of the Custer National Forest, and the Montana Fish and Wildlife Conservation Trust.**

5 Location of Proposed Action:

Powder River County, Section 21, Township 1 South, Range 46 East

6 Project Size, Topography and Land Type:

The road easement crosses open rangeland, beginning at an elevation of approximately 3,160 feet at its southern terminus on the Beaver Creek county road and rising to an elevation of 3,260 where it reaches the boundary of the Custer National Forest one-half mile to the north. With a width of 66 feet and a length of approximately 2,500 feet, the easement encompasses an area of about 3.8 acres. The easement does not cross any wetlands, croplands or forest.

7. Site Development:

The access road is already in place as a two-track road, and is used seasonally by the public as permitted by the landowner. The proposed acquisition of a permanent, 66-foot-wide road easement will allow the Forest Service (once administration of the road easement is transferred to the Forest

Service) to maintain and improve the road as necessary. The road plat is attached hereto as Exhibit A. No road or site development is proposed at this time.

8. Summary of Purpose and Benefits of the Proposed Action:

The purpose of the proposed action is to secure an easement in perpetuity for public access from Beaver Creek county road across private land owned by the Rooney family into several contiguous sections of the Custer National Forest.

Benefits are public access to several sections of national forest in perpetuity. FWP's primary consideration is the desirability of providing hunter access to this area, which in turn will allow more effective management of the resident elk and deer herds. Year-round access for the public also provides opportunities for hiking, camping, wildlife viewing and other outdoor activities.

9. Agency Responsibilities

Montana Fish, Wildlife and Parks: Conduct negotiations with landowner; review land title; make payment to landowner; draft road easement; coordinate with the Forest Service on the transfer of the administration of the road easement to the Forest Service

Custer National Forest, Ashland Ranger District: Prepare road plat survey; upon assignment of road easement responsibilities from FWP, (1) assume administrative authority for the road easement, and (2) undertake necessary road maintenance and improvement activities

10. Funding:

Agency Name _____ Funding Amount

Montana Fish and Wildlife Conservation Trust: \$18,000

11. List of Agencies Consulted During Preparation of the EA:

**Ashland Ranger District, Custer National Forest: Scott Studiner, Range & Realty Program
U.S. Forest Service, Region 1: Ron Erickson, Lands & Minerals Division
Montana Fish, Wildlife and Parks: FWP Regional and Helena Staff**

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the Impacts of the Proposed Action Including Secondary and Cumulative Impacts on the Physical and Human Environment:

IMPACTS

PHYSICAL ENVIRONMENT

	UNKNOWN*	NO IMPACTS	MINOR IMPACTS:*	POTENTIALLY SIGNIFICANT IMPACTS:*	CAN IMPACTS BE MITIGATED*	COMMENT INDEX
<p>1. <u>LAND RESOURCES</u></p> <p>Will the proposed action result in:</p> <p>a. Soil instability or changes in geologic substructure?</p> <p>b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?</p> <p>c. Destruction, covering or modification of any unique geologic or physical features?</p> <p>d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?</p> <p>e. Exposure of people or landslides, ground failure, or other natural hazard?</p>		X				

PHYSICAL ENVIRONMENT

(Continued)

2. AIR

Will the proposed action result in:

a. Emission of air pollutants or deterioration of ambient air quality?

X

b. Creation of objectionable odors?

X

c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?

X

d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?

X

e. Other: _____

f. Other: _____

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Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land and Air Resources:

There will be no cumulative or secondary impacts on Land Resources from this project. The easement is on an existing roadway, and no site development activities are proposed. Minor potential for soil surface erosion exists but will be mitigated by water bars and road maintenance as necessary.

There will be no additional impact to the Air Resources by implementing this proposed project.

IMPACTS

PHYSICAL ENVIRONMENT
(Continued)

UNKNOWN ⁺	NO IMPACTS	MINOR IMPACTS: ⁺	POTENTIALLY SIGNIFICANT IMPACTS: ⁺	CAN IMPACTS BE MITIGATED ⁺	COMMENT INDEX
<p>5. <u>FISH/WILDLIFE</u></p> <p>Will the proposed action result in:</p> <p>a. Deterioration of critical fish or wildlife habitat?</p> <p>b. Changes in the diversity or abundance of game animals or bird species?</p> <p>c. Changes in the diversity or abundance of nongame species?</p> <p>d. Introduction of new species into an area?</p> <p>e. Creation of a barrier to the migration or movement of animals?</p> <p>f. Adverse effects on any unique, rare, threatened, or endangered species?</p> <p>g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?</p> <p>h. Other: _____</p>	<p align="center">X</p>				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish/Wildlife Resources (Attach additional pages of narrative if needed):

The proposed project includes an access road that has been used by the public for many years at the generosity of the private landowner. The proposed action will not alter or change the way the area is used by recreationists so no impact is predicted to the wildlife populations.

IMPACTS

HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS

Will the proposed action result in:

- a. Increases in existing noise levels?
- b. Exposure of people to severe or nuisance noise levels?
- c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?
- d. Interference with radio or television reception and operation?
- e. Other: _____

UNKNOWN*	NO IMPACTS	MINOR IMPACTS:*	POTENTIALLY SIGNIFICANT IMPACTS:*	CAN IMPACTS BE MITIGATED*	COMMENT INDEX
	X				
	X				
	X				
	X				

*Include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (Attach additional pages of narrative if needed):

Proposed action will not result in any audible impacts beyond what occurs presently.

IMPACTS

HUMAN ENVIRONMENT
(Continued)

8. RISK/HEALTH HAZARDS

Will the proposed action result in:

a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?

b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?

c. Creation of any human health hazard or potential hazard?

d. Other: _____

UNKNOWN [*]	NO IMPACTS	MINOR IMPACTS: [*]	POTENTIALLY SIGNIFICANT IMPACTS: [*]	CAN IMPACTS BE MITIGATED [*]	COMMENT INDEX
	X				
	X				
	x				

^{*}Include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (Attach additional pages of narrative if needed):

The proposed action does not create a human health risk or hazard. No evacuation or emergency response plans will be required if the proposed project is implemented.

IMPACTS

HUMAN ENVIRONMENT
(Continued)

UNKNOWN [*]	NO IMPACTS	MINOR IMPACTS: [*]	POTENTIALLY SIGNIFICANT IMPACTS: [*]	CAN IMPACTS BE MITIGATED [*]	COMMENT INDEX
<p><u>9. COMMUNITY IMPACTS</u></p> <p>Will the proposed action result in:</p> <p>a. Alteration of the location, distribution, density, or growth rate of the human population of an area?</p> <p>b. Alteration of the social structure of a community?</p> <p>c. Alteration of the level or distribution of employment or community or personal income?</p> <p>d. Changes in industrial or commercial activity?</p> <p>e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?</p> <p>f. Other: _____</p>	<p align="center">X</p> <p align="center">X</p> <p align="center">X</p> <p align="center">X</p> <p align="center">X</p>				

^{*}Include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impacts (Attach additional pages of narrative if needed):

Proposed action does not alter the way the human environment is used and no increase of traffic is anticipated.

IMPACTS

HUMAN ENVIRONMENT
(Continued)

**10. PUBLIC SERVICES/
TAXES/UTILITIES**

Will the proposed action:

a. Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify.

b. Have an effect upon the local or state tax base and revenues?

c. Result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

d. Result in increased used of any energy source?

e. Other: _____

UNKNOWN*	NO IMPACTS	MINOR IMPACTS:*	POTENTIALLY SIGNIFICANT IMPACTS:*	CAN IMPACTS BE MITIGATED*	COMMENT INDEX
		X			
	X				
	X				
	X				
				YES: Access road will need periodic mechanical surface maintenance and that may be an extra expense to the Ashland Ranger District.	

Include attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (Attach additional pages of narrative if needed):

No resources will be required from the county if the proposed action is implemented. The Forest Service will be required to perform routine mechanical maintenance for the road surface and that may be an additional expense. Monitoring the road surface for erosion and noxious weeds will be an added expense to the Ashland Ranger District's road base budget. No other public services are required in support of the proposed project.

IMPACTS

HUMAN ENVIRONMENT
(Continued)

**11. AESTHETICS/
RECREATION**

Will the proposed action result in:

- a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?
- b. Alteration of the aesthetic character of a community or neighborhood?
- c. Alteration of the quality or quantity of recreational opportunities and settings?
- d. Other: _____

UNKNOWN*	NO IMPACTS	MINOR IMPACTS:*	POTENTIALLY SIGNIFICANT IMPACTS:*	CAN IMPACTS BE MITIGATED*	COMMENT INDEX
	X				
	X				
	X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (Attach additional pages of narrative if needed):

The proposed action will not alter recreational opportunity, but will enhance current public access from a temporary, permissive basis to a permanent, year-round basis.

IMPACTS

HUMAN ENVIRONMENT
(Continued)

**12. CULTURAL/
HISTORICAL
RESOURCES**

Will the proposed action result in:

- a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?
- b. Physical change that would affect unique cultural values?
- c. Effects on existing religious or sacred uses of a site or area?
- d. Other: _____

UNKNOWN [*]	NO IMPACTS	MINOR IMPACTS: [*]	POTENTIALLY SIGNIFICANT IMPACTS: [*]	CAN IMPACTS BE MITIGATED [*]	COMMENT INDEX
	X			Prior to any mechanical impact to the road surface clearance will be requested and received from State Historic Preservation Office.	
	X				
	X				

^{*}Include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

The proposed project requires use of an existing two-track trail for vehicular access to the National Forest. No new impacts are predicted from this project proposal.

IMPACTS

<u>SIGNIFICANCE CRITERIA</u>	UNKNOWN [*]	NO IMPACTS	MINOR IMPACTS: [*]	POTENTIALLY SIGNIFICANT IMPACTS: [*]	CAN IMPACTS BE MITIGATED [*]	COMMENT INDEX
<p>13. SUMMARY EVALUATION OF SIGNIFICANCE</p> <p>Will the proposed action, considered as a whole:</p> <p>a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)</p> <p>b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?</p> <p>c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?</p> <p>d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?</p> <p>e. Generate substantial debate or controversy about the nature of the impacts that would be created?</p> <p>F. Other: _____</p>		<p align="center">X</p>				

^{*}Include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

The proposed action will result in the continuation of what is already occurring on the ground. The difference is the use will be open to the public in perpetuity.

PART II. ENVIRONMENTAL REVIEW (Continued)

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

- Under the “no action’ alternative, public access would depend on the private landowner continuing to give open and unrestricted permission to cross private land to access the National Forest. This is not the preferred alternative, as the access road can be closed to the public at any time at the landowner’s discretion. Such road closures have become a pattern as Montana ranches change ownership, and ‘recreational buyers’ seek to secure private access to neighboring public lands. The result would be a significant loss of recreational opportunity for Montanans seeking to access public lands for hunting and other recreation. There would be no implementation cost to the no-action alternative.

- Proposed alternative: Purchase of a public easement in perpetuity from the private landowner to provide vehicle access to several sections of National Forest. The \$18,000 in funding will be provided as a grant from the Montana Fish and Wildlife Conservation Trust to Montana Fish, Wildlife and Parks, which will in turn make the payment to the Rooney family. A road easement will be issued to FWP, and the easement (or rights to administer the easement) will be transferred to the U.S. Forest Service for administration by the Custer National Forest, Ashland Ranger District.

- No other alternatives were available to secure a public easement in perpetuity at this important access location for the selling price as negotiated with the landowner.

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

- The potential impacts of road surface erosion and establishment of noxious weeds may require additional time and budget from the easement holder, which is planned to be the U.S. Forest Service (Ashland Ranger District, Custer National Forest).

PART III. NARRATIVE SUMMARY AND COMMENT

The proposed project involves the purchase of a permanent (perpetuity) easement across private land owned by the Rooney family of Miles City.

The access roads leaves the Beaver Creek County Road (Powder River County) traverses the private land for about 2,500 feet and enters into land owned by the United States Government and administered by the U.S. Forest Service.

The easement will encompass approximately 3.8 acres of land. The access road is already in existence and under use by the public to access the adjacent national forest lands.

The landowner has agreed to a purchase price of \$18,000. Montana Fish, Wildlife and Parks (FWP) has secured those funds through a grant process managed by the Montana Fish and Wildlife Conservation Trust.

The intent of the project proposal is for FWP to purchase the road easement from the landowner and transfer the easement to the US Forest Service. The Forest Service has agreed to accept the easement and administer the operations and maintenance of the public access.

There are no significant environmental impacts associated with this project.

PART IV. EA CONCLUSION SECTION

1. Based on the significance criteria evaluated in this environmental assessment, is an environmental impact statement required?

The environmental assessment is the appropriate level of analysis because the proposed action will have no significant impacts on the natural or human environment.

2. Public Involvement

Several agencies provided comments in the formulation of the proposed action, including the Montana Department of Natural Resources and Conservation, Ashland Ranger District of the Custer National Forest, the Bureau of Land Management. Several groups have offered informal comments on the need for access to this portion of the Custer National Forest and, specifically, the importance of the Rooney access road. These groups include the Public Lands & Water Access Association, the Private Land/Public Wildlife Committee, the Region 5 FWP Citizens Advisory Council, and the Region 7 FWP Citizens Advisory Council

Members of the public are encouraged to comment on the proposed action and this environmental assessment. Comments will be accepted for 30 days, with a comment deadline of November 17, 2006. Please provide your comments by mail or email addressed to:

Rooney Access Easement EA
c/o Dwayne Andrews
Montana Fish, Wildlife and Parks
P.O. Box 1630
Miles City, MT 59301

Phone: (406) 234-0919
Email: dandrews@mt.gov

3. Name, title, address and phone number of the Person Responsible for Preparing the EA:

Dwayne Andrews, Information Officer
Montana Fish, Wildlife and Parks
P. O. Box 1630
Miles City, MT 59301