

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Stimson #3 Reciprocal Access Agreement
Proposed Implementation Date:	Prior to January 1, 2011
Proponent:	Montana Department of Natural Resources and Conservation (DNRC)
Location:	See locations listed in Appendix Table 1
County:	Flathead, Mineral, Sanders, Granite, and Powell

I. TYPE AND PURPOSE OF ACTION

Montana DNRC, Northwestern Land Office and Southwestern Land Office, is proposing a reciprocal access agreement (RAA) between the State of Montana and Stimson Lumber Company. Under the proposed action, the State of Montana would grant easements for all lawful purposes, including utilities, along 5.61 miles of existing road and 0.18 miles of road to be constructed to Stimson Lumber Company within the following counties: Flathead, Granite, Mineral, and Powell [*Appendix Table 1, Figure 1 and Exhibit 1-A (1-9)*]. In exchange Stimson would grant easements for all lawful purposes, including utilities, along 24.05 miles of road to the State of Montana within Flathead, Granite, Powell, and Sanders counties [*Appendix Table 1, Figure 1 and Exhibit 1-A (1-9)*].

Project objectives include:

- securing legal access to several parcels of State trust land throughout Flathead, Granite, Powell, and Sanders counties,
- reducing easement acquisition costs over the long term,
- sharing financial obligations for road maintenance, resurfacing, weed management, and road reconstruction, and
- reducing the amount of road on the landscape that parties need to access their lands thereby minimizing impacts to water quality, fisheries, and wildlife.

State lands involved in this proposed project are held in trust for the support of specific beneficiary institutions such as the public buildings trust, public schools, state colleges, universities, and other state institutions (*Enabling Act of February 22, 1889:1972 Montana Constitution, Article 1 Section 11*). The Board of Land Commissioners and the DNRC are required, by law, to administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run for these beneficiary institutions (*Section 77-1-202, MCA*).

II. PROJECT DEVELOPMENT

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

Provide a brief chronology of the scoping and ongoing involvement for this project. List number of individuals contacted, number of responses received, and newspapers in which notices were placed and for how long. Briefly summarize issues received from the public.

Public scoping letters were distributed for a 10-day scoping period to State trust land licensees that currently hold grazing licenses on the affected State parcels, landowners adjacent to the affected parcels, Montana Department of Fish, Wildlife and Parks (FWP), and the county commissioners of each affected county. Legal

notices were placed in the Missoulian, Helena Independent Record, and Daily Interlake on Sunday June 6, 2010.

One scoping comment letter was received from FWP. *Table 2* encompasses the concerns expressed by FWP provides responses to those concerns and indicates where each concern is considered in this environmental analysis.

Table 2. DNRC Responses to FWP concerns stated in the scoping letter.

Comment	DNRC Response	Where Addressed in EA Checklist
When negotiating RAAs, DNRC should seek to preserve historic and ensure future public access across adjacent owners' lands to DNRC lands.	As a common practice, DNRC approaches RAAs with the intent to seek legal public access to State lands. In this particular case, Stimson Lumber Company would not agree to such provisions; thus, they were not incorporated into the proposed RAA. However, terms within the proposed RAA would not preclude that possibility in the future.	Section 20
DNRC should consider those who purchase State Land Recreational Use Licenses (SLRULs) as clients or customers who have a right to access isolated State lands.	DNRC understands the important role State lands play in recreational access for Montana citizens who purchase SLRULs and seeks to obtain and ensure legal public access when possible. In negotiating provisions in RAAs, sometimes it is only possible to obtain legal management access. In this particular case, Stimson Lumber Company would not agree to legal public access across its lands; thus, such provisions were not incorporated into the proposed RAA.	Section 20
Not seeking legal public access to State lands may jeopardize future access to existing Block Management Areas in the Hoover Creek area.	Terms within the RAA would not impact Stimson's participation in Block Management in the Hoover Creek area. Hunters would be allowed to hunt via legal means on Stimson lands. Should Stimson sell those lands in the future, nothing in the proposed RAA would preclude the future landowner from also participating in Block Management.	Section 20
The RAA should not permanently restrict mode of access on these roads.	Currently, the public has legal motorized access to the following State lands: Sec. 12, T21N, R26W [<i>Appendix, Exhibit 1-A (4)</i>], Sec. 10, T18N, R27W [<i>Appendix, Exhibit 1-A (8)</i>], and Sec. 16, T10N, R11W [<i>Appendix, Exhibit 1-A (9)</i>]. Most other State lands are accessible via non-motorized means across Stimson lands. Nothing within the proposed RAA would change current access to those lands. Likewise, nothing within the proposed RAA would permanently restrict the mode (motorized or non-motorized) of access on these roads. Should Stimson sell its lands in the future, nothing in the proposed RAA would preclude future landowners from	Section 20

	granting any type of legal public access (walk-in, non-motorized, or motorized) across their land.	
It is important that the choice be preserved for landowners to grant public access on these roads now or in the future if they so desire. No language in the reciprocal access agreement should be included that could be construed to prohibit public access in perpetuity.	No language within the proposed RAA would preclude Stimson or any other possible future landowners from adding terms to allow legal public access across their lands.	Section 20
The scoping period was too short to conduct a thoughtful review of the proposed action.	DNRC recognizes that the scoping period for this project was short. DNRC typically conducts a 30-day scoping for projects that require a MEPA analysis. However, in this case, time constraints forced DNRC to shorten that period.	

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

Examples: cost-share agreement with U.S. Forest Service, 124 Permit, 3A Authorization, Air Quality Major Open Burning Permit.

None

3. ALTERNATIVE DEVELOPMENT:

Describe alternatives considered and, if applicable, provide brief description of how the alternatives were developed. List alternatives that were considered but eliminated from further analysis and why.

No-Action Alternative – Under this alternative, DNRC would not enter into a RAA with Stimson Lumber Company.

Action Alternative – Under this alternative, DNRC would enter into a RAA with Stimson Lumber Company as described in *I. Type and Purpose of Action*.

Alternatives considered but eliminated from further analysis

The initial proposed action described in the scoping letter included State easement acquisition across three Stimson Lumber Company sections in Lewis and Clark County (Section 1, Township 14 North, Range 7 West, and Sections 35 and 36, Township 15 North, Range 7 West). During the scoping process, DNRC and Stimson were made aware of additional information that would delay Stimson’s ability to grant legal access across its ownership in those sections. More time is needed to work through certain provisions affecting such access. Thus, the sections were dropped from the proposed action.

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 direct, indirect, and cumulative effects to soils.

The proposed action would not result in any disturbance to soils beyond current conditions except for 0.18 miles of new road construction in Section 16, Township 10 North, Range 14 West in Granite County [*Appendix Exhibit 1-A (9)*]. This new segment of road would comply with Best Management Practices for Forestry in Montana (BMPs) and road standards set forth in Administrative Rules for Forest Management (ARMs: ARM 36.11.401 through 456). Likewise, existing roads on State trust lands associated with the proposed action would also continue to comply with BMPs and road standards set forth in the ARMs. Thus, direct, indirect, and cumulative impacts to soil quality, stability, and moisture are expected to be minimal and similar to existing conditions.

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 direct, indirect, and cumulative effects to water resources.

Sections associated with the proposed action occur near (~1.0 mile) seven 303(d) listed bodies of water (*Table 3*). According to the federal Clean Water Act, the 303(d) List focuses on those waters in the State which have been assessed as having one or more of their beneficial uses impaired by human-caused pollution (http://cwaic.mt.gov/wqrep/2002/305b_Overview.pdf). A number of activities have been found to impair these water bodies including grazing, mining, silviculture, and sedimentation. As stated above, the only new disturbance to the ground would include construction of 0.18 mile of road. Existing roads on State trust lands associated with the proposed action and the 0.18 mile of road to be constructed would comply with BMPs and road standards set forth in the ARMs. Thus, direct, indirect, and cumulative impacts to water quality, quantity and distribution are expected to be minimal and similar to existing conditions.

Table 3. 303(d) listed water bodies occurring in or near the project area.

County	Water Body
Granite	Antelope Creek
Granite	Clark Fork River
Granite	Cramer Creek
Granite	Harvey Creek
Granite	Union Creek
Mineral	Clark Fork River
Mineral	Tamarack Creek
Powell	Clark Fork River
Powell	Hoover Creek

6. AIR QUALITY:

What pollutants or particulate would be produced (i.e. particulate matter from road use or harvesting, slash pile burning, prescribed burning, etc)? Identify the Airshed and Impact Zone (if any) according to the Montana/Idaho Airshed Group. Identify direct, indirect, and cumulative effects to air quality.

Impacts to air quality throughout the sections in the proposed action currently include dust generated by traffic on the roads and burning activities associated with homes and forest management practices. Future road use may increase beyond management purposes should Stimson lands be sold into private ownership. Increases in use of the road would depend on the density of housing built on the land. Without knowing for certain 1- whether or not Stimson intends on selling all lands included in the proposed RAA or 2 – who those potential future landowners might be and at what densities they might develop, such determinations remain speculative. Thus, direct, indirect, and cumulative impacts to air quality resulting from road use are expected to be similar to existing conditions given the current information available.

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 direct, indirect, and cumulative effects to vegetation.

State lands associated with the proposed action are primarily forested. According to the Montana Natural Heritage Program (MNHP) Tracker, (<http://mtnhp.org/tracker/NHTMap.aspx>; accessed June 10, 2010)] no plant species of concern (endangered, threatened, and sensitive) occur on the State lands. Other than construction of 0.18 miles of new road, no vegetation modification would occur. Under the proposed action, both parties would share the cost in weed management along the roads allowing for a more comprehensive approach to controlling noxious weeds along road right-of-ways.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

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

State sections included in the proposed action contain gray wolf, fisher, Canada lynx, flammulated owl, northern goshawk, westlope cutthroat trout, bull trout, and pileated woodpecker habitats [*DNRC Stand Level Inventory database (201001.gdb) and MNHP Tracker* (<http://mtnhp.org/tracker/NHTMap.aspx>; accessed June 10, 2010)]. Lynx critical habitat is also present on the State sections in Powell and Granite counties. Big game species are also known to use the sections during the year.

The construction of 0.18 mile of road would occur more than 0.25 miles away from a known westslope cutthroat trout stream (Harvey Creek). The potential for slight increases in use of the road may disturb wildlife species in proximity to the road. Since the scope of the project is exchanging access and includes very little habitat modification and since increases in the use of the road are uncertain, direct, indirect, and cumulative impacts to wildlife habitat as a result of the proposed action is expected to be very minimal.

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 direct, indirect, and cumulative effects to these species and their habitat.

See Section 8.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

No direct, indirect, or cumulative impacts are expected to occur.

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 direct, indirect, and cumulative effects to aesthetics.

Under the proposed action, the only modification to the existing aesthetic environment would be the construction of 0.18 miles of new road. Due to the small size of this construction, direct, indirect, and cumulative impacts to the aesthetic environment are expected to be minimal.

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 direct, indirect, and cumulative effects to environmental resources.

No direct, indirect, or cumulative impacts are expected to occur.

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.

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• 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.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No direct, indirect, or cumulative impacts are expected to occur.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

No direct, indirect, or cumulative impacts are expected to occur.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

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

No direct, indirect, or cumulative impacts are expected to occur.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

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

No direct, indirect, or cumulative impacts are expected to occur.

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 direct, indirect, and cumulative effects of this and other projects on government services

No direct, indirect, or cumulative impacts are expected to occur.

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.

STATE FOREST LAND MANAGEMENT PLAN

DNRC developed the SFLMP to “provide field personnel with consistent policy, direction, and guidance for the management of state forested lands” (*DNRC 1996: Executive Summary*). The SFLMP provides the philosophical basis, technical rationale, and direction for DNRC’s forest management program. The SFLMP is premised on the philosophy that the best way to produce long-term income for the trust is to manage intensively for healthy and biologically diverse forests. In the foreseeable future, timber management will continue to be the primary source of revenue and primary tool for achieving biodiversity objectives on the SRSF and other DNRC forested trust lands.

DNRC FOREST MANAGEMENT RULES

DNRC Forest Management Rules (*ARM 36.11.401 through 456*) are the specific legal resource management standards and measures under which DNRC implements the SFLMP and subsequently its forest management program. The Forest Management Rules were adopted in March 2003 and provide the legal framework for DNRC project-level decisions and provide field personnel with consistent policy and direction for managing the SRSF and other state forested lands. Project design considerations and mitigations developed for this project must comply with easement and right-of-way provisions within the Forest Management Rules.

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 direct, indirect, and cumulative effects to recreational and wilderness activities.

Within the State lands included in the proposed action, the public currently has legal access to Sec. 12, T21N, R26W [*Appendix, Exhibit 1-A (4)*], Sec. 10, T18N, R27W [*Appendix, Exhibit 1-A (8)*], and Sec. 16, T10N, R11W [*Appendix, Exhibit 1-A (9)*]. These sections are currently accessible via motorized and non-motorized means. Sec. 10, T18N, R27W has legal motorized use provided by highway 135. The dirt RAA road in this section is not gated and currently receives motorized use by neighbors and the public. Under DNRC recreational use rules this road is neither a public road, nor has it been declared open by DNRC for motorized use. It is open for walk-in recreational use and it could be declared open for motorized use by DNRC at some future date. Nothing in the RAA would restrict DNRC from making this a “legal” open road for recreational use in the future.

As a commonly held practice, Stimson allows non-motorized access across its lands. Thus, most other State sections within the proposed action are accessible via walk-in or non-motorized means across Stimson lands. Stimson also participates in the Block Management Program in the Hoover Creek Area. In doing so, it allows hunters to access its land in exchange for assistance in managing hunting activities (i.e. increased patrolling, etc.). Terms within the proposed action would not change current legal access, Stimson’s common public access practice, or Stimson’s participation in the Block Management Program. Thus direct, indirect, and cumulative impacts to recreational access as a result of the proposed action would be similar to existing conditions. Should Stimson sell its lands, the public may lose the ability to reach State lands via non-motorized means. Likewise, future landowners may not choose to participate in the Block Management Program. However, nothing within the proposed action would preclude the future landowner from adding terms to allow for legal public access across the lands or to participate in Block Management. Without knowing for

certain 1- whether or not Stimson intends on selling all lands included in the proposed RAA or 2 – who those potential future landowners might be, such determinations remain speculative.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify direct, indirect, and cumulative effects to population and housing.

No direct, indirect, or cumulative impacts are expected to occur.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

No direct, indirect, or cumulative impacts are expected to occur.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

No direct, indirect, or cumulative impacts are expected to occur.

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 direct, indirect, and cumulative economic and social effects likely to occur as a result of the proposed action.

The proposed action would provide full/staged permanent access for all lawful purposes, including utilities, to State Trust Lands in:

Sec. 16, T25N, R26W (C.S.) –	58 acres
Sec. 12, T21N, R26W (P.B.) –	390 acres
Sec. 30, T26N, R26W (C.S.) –	198 acres
Sec. 26 and 36, T26N, R27W (C.S.) –	285 acres
Sec. 2, T11N, R15W (C.S.) –	151 acres
Sec. 16, T10N, R11W (C.S.) –	626 acres
Sec. 14, 16, 22, and 36, T11N, R11W (C.S.) –	2,331 acres
TOTAL:	4,039 acres

Permanent access to these lands would provide for long-term management activities that would ultimately generate revenue for the trust beneficiaries.

EA Checklist Prepared By:	Name: Sonya Germann	Date: 6/15/10
	Title: DNRC Forest Management Planner	

V. FINDING

25. ALTERNATIVE SELECTED:

After review of the scoping document, EA checklist, Department policies, administrative rules and other applicable rules and regulations, we have jointly decided to select the Action Alternative.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

We find all the identified issues have been adequately addressed in this EA checklist. The Action Alternative meets the project objectives by: securing legal access to several State trust lands throughout Flathead, Granite, Powell, and Sanders counties; reducing easement acquisition costs over the long term; sharing financial obligations for road maintenance, resurfacing, weed management, and road reconstruction; and reducing the number of roads on the landscape. We find that no impacts are regarded as severe, enduring, geographically widespread, or frequent. Further, we find that the quantity and quality of various resources, including any that may be considered unique or fragile, will not be adversely affected to a significant degree. We find no precedent for future actions that will cause significant impacts, and we find no conflict with local, State, or Federal laws, requirements, or formal plans. In summary, we find that the identified adverse impacts will be avoided, controlled, or mitigated by the design of the project to the extent that the impacts are not significant.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

EA Checklist Approved By:	Name &Title:	Tony Liane, Southwest Land Office Area Manager
		Bob Sandman, Northwest Land Office Area Manager
Signature:	/s/ Tony Liane	Date: 06/17/2010
	/s/ Bob Sandman	

Appendix

Table 1. Reciprocal easements between State of Montana and Stimson Lumber Co.

County	Section, Township, Range	Grantor	Easement Granted	
			Right-of-way (feet)	Road Length (miles)
Flathead	S29 T25N R26W	State of Montana	66	0.93
Flathead	S20 T25N R26W	Stimson Lumber Co.	60	2.06
Granite	S2 T11N R15W	State of Montana	60	0.16
Granite	S16 T12N R14W	State of Montana	60	2.36
Granite	S16 T10N R14W	State of Montana	40	0.82*
Granite	S35 T12N R15W	Stimson Lumber Co.	60	0.21
Mineral	S10 T18N R27W	State of Montana	60	1.04
Powell	S16 T10N R11W	State of Montana	60	0.25
Powell	S36 T11N R11W	State of Montana	60	0.24
Powell	S3, S4, and S9 T10N R11W	Stimson Lumber Co.	60	2.66
Powell	S13, S21, S23, S25, S26, S27, S28, S34, and S35 T11N R11W	Stimson Lumber Co.	60	15.73
Sanders	S30 T26N R26W	Stimson Lumber Co.	60	1.56
Sanders	S26 T26N R27W	Stimson Lumber Co.	60	1.48
Sanders	S12 T21N R26W	Stimson Lumber Co.	60	0.35
Total miles State of Montana to Stimson Lumber Co.				5.80
Total miles Stimson Lumber Co. to State of Montana				24.05

* 0.18 miles of this total are *to be constructed*

Appendix
 Figure 1. Stimson #3 Reciprocal Access Agreement Vicinity Map



















