

DNRC-Trust Land Management Division
CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Timothy Kepford LUL right of way
Proposed Implementation Date:	June, 2004
Proponent:	Timothy J. Kepford
Location:	SE1/4 Section 36 T1N R11W (Wise River)
County:	Silver Bow County

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

I. TYPE AND PURPOSE OF ACTION

Mr. Kepford is requesting a LUL from the DNRC to use an existing road for access to his residence and personal property. The applicant currently has access to his property on the Jerry Creek Road. He does not have access to his residence.

II. PROJECT DEVELOPMENT

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

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

- Wise River Stock Association (grazing Lessee)
- Renee Meyer (DNRC Hydrologist)
- Mike McGrath (DNRC Wildlife Biologist)
- Patrick Rennee (DNRC Archeologist)

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

None

3. ALTERNATIVES CONSIDERED:

No Action-The land use license would not be issued
Action Temporary Right of Way-A land use license would be issued for 10 years. This authorization could be renewed if the State felt it continued to be in their best interest.
Action permanent-This would grant a permanent authorization to the Kepfords under the private driveway policy. This alternative was rejected early on in this process because the property did not meet the private driveway criteria. The applicant already has a USFS road that bisects his property, which provides him with access via a public road. In addition there is no benefit to the trust from issuing a permanent easement other than a very small economic income. The trust would also have its control over the road reduced if a permanent easement were issued as opposed to a 10-year LUL

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.

Since this is an existing road with little or no reconstruction work there is no anticipated impact to the geology or soils within this tract under either alternative.

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.

This road is located approximately ½ mile from the Big Hole river and 483 feet from Jerry Creek an important fishery in the Big Hole Drainage. Neither of the alternatives is anticipated to have any impacts on the water resource.

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.

No impact anticipated under either alternative

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.

No action alternative-No change from existing conditions

Action temporary right of way-Road use authorization to provide access to a private residence would increase the traffic which is using this road and increases the potential for introduction of noxious weeds along the licensed road. To mitigate for this potential damage, the lessee, along with other authorized road users, would be responsible for control and eradication of all state listed noxious weeds along the roadway.

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 SWLO wildlife biologist was contacted for input on the proposed project. No impacts were identified with either alternative.

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.

None identified for this area.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

The DNRC archeologist was contacted for input on both alternatives. The roadbed has been identified as a historical railroad location that has been used as an access road. Neither alternative is anticipated to have impacts on any historical or archaeological sites.

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.

No Action-No change to existing conditions

Action temporary right of way-There would not be any physical changes to the roadbed. There would be an increase in traffic associated with this road and issuance of a 10 year LUL.

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 Anticipated

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

- *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.

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

No Action-Little or no change to existing use patterns and quantity of use.

Action Temporary Right of Way-There would be an increase in vehicle use of the existing road that provides temporary access to Mr. Kepfords residence. This increase is not anticipated to be substantial since the applicant has been using this road since he constructed his residence adjacent to the state tract.

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.

Butte-Silver Bow County operates under a countywide master plan. Neither alternative violates the master plan. No impacts are anticipated under either option.

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.

Access to recreational opportunities are neither improved nor decreased under either alternative.

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.

No impact anticipated under either alternative

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

No Impacts

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

No Impacts

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.

No action-There would not be any increase in the trusts revenue stream. This would not preclude the issuance of an LUL in the future.

Action Temporary Right of Way-The applicant would be charged \$300 per year for the duration of the license generating approximately \$3,000 in trust revenue over the license life.

EA Checklist Prepared By:	Name: Fred E. Staedler Jr.	Date: 5-19-04
	Title: Anaconda Unit Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

~~Type Response here~~ Action Temporary Right of Way (10 years) with the stipulations noted below.

26. SIGNIFICANCE OF POTENTIAL IMPACTS: No potential for significant impacts.

EA Checklist Approved By:	Name: <i>B. Stoll</i> Title: <i>Management Forester</i>
Signature:	Date:

BOONE KARLBERG P.C.

LAW OFFICES

201 WEST MAIN • SUITE 300
P.O. BOX 9199 • MISSOULA, MONTANA 59807-9199

TELEPHONE: (406) 543-6646

FAX: (406) 549-6804

E-MAIL: boonekarlberg@boonekarlberg.com

W.T. BOONE (1910-1984)
KARL R. KARLBERG (1923-1988)
JAMES J. BENN (1944-1992)
THOMAS H. BOONE
WILLIAM L. CROWLEY
RANDY J. COX
ROBERT J. SULLIVAN
DEAN A. STENSLAND

CYNTHIA K. THIEL
ROSS D. TILLMAN
JAMES A. BOWDITCH
NATASHA PRINZING JONES
CORY R. LAIRD
MATTHEW B. HAYHURST
SCOTT M. STEARNS

March 4, 2004

SWLO - Anaconda Unit

Attn: Fred Staedler
7916 Hwy. 1 West
Anaconda, MT 59711

Re: *R. Leonard Garrison*
Our File 1787-5001

Dear Mr. Staedler:

Enclosed please find a Land Use License Application submitted on behalf of Timothy Kepford as the Trustee of the Timothy J. Kepford Living Trust. Also enclosed related to that Application are maps and a legal description of the subject property.

If you have any questions regarding the enclosed or need additional information, please contact me.

Sincerely,


James A. Bowditch

JAB:dac

Encs.

cc: R. Leonard Garrison
Timothy J. Kepford
Alex Maher, Live Water Properties, LLC
James Esperti, Fay Ranches, Inc.