

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project name</b>	Adoption of DNRC Rules Proposed under MAR Notice No. 36-22-147
<b>Implementation Date</b>	3/11/2011
<b>Proponent</b>	Montana DNRC
<b>Location</b>	State trust lands administered by DNRC where forest management activities occur

### I. TYPE AND PURPOSE OF ACTION

DNRC is preparing to recommend to the Montana Board of Land Commissioners that it adopt administrative rules to acknowledge that the forest management rules (ARM 36.11.401 through 36.11.450) may be superseded by either conservation easements appurtenant to state land or an Endangered Species Act (ESA) Section 10 habitat conservation plan by which the department is contractually bound. The Montana Administrative Procedure Act (hereinafter "MAPA") Adoption Notice is attached to this EA.

### 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.*

The MAPA process included publishing the proposal notice in the Montana Administrative Register on 11/26/10 and a public hearing held in Missoula on 12/16/10. No public comments were received, and only one person attended the hearing, who submitted comments unrelated to the proposal notice.

#### 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.*

N/A

#### 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.*

Only one action alternative is being considered: the adoption of the new rules as reflected in the MAPA Adoption Notice (attached).

### 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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

#### **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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

#### **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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

#### **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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

#### **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.*

No environmental impacts are anticipated as a result of adopting these rule changes.

Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

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

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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 environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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.*

N/A

---

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

---

**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

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

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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 environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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 environmental impacts are anticipated as a result of adopting these rule changes.

Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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 environmental impacts are anticipated as a result of adopting these rule changes.

Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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.*

N/A

---

**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.*

No environmental impacts are anticipated as a result of adopting these rule changes.

Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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 environmental impacts are anticipated as a result of adopting these rule changes.

Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

No environmental impacts are anticipated as a result of adopting these rule changes.

Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**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.*

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> /s/ Mike O'Herron	<b>Date:</b> 2/14/11
	<b>Title:</b> Planner	

**V. FINDING**

---

**25. ALTERNATIVE SELECTED:**

The Action Alternative

---

**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

No environmental impacts are anticipated as a result of adopting these rule changes. Endangered Species Act (ESA) Section 10 habitat conservation plans (HCPs) that the State would adopt are subject to the environmental analysis requirements of NEPA and MEPA. Environmental impacts of implementing an HCP would be identified in the accompanying NEPA and MEPA analyses. Environmental impacts of forest management activities implemented under the terms of a conservation easement would be identified in project level analyses in accordance with MEPA.

---

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

EIS

More Detailed EA

No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> /s/ Shawn Thomas
	<b>Title:</b> Forest Management Bureau Chief
<b>Signature:</b> /s/ Shawn Thomas	
<b>Date:</b> 2/14/11	

BEFORE THE BOARD OF LAND COMMISSIONERS AND  
THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 36.11.402 and adoption of New ) ADOPTION  
Rules I and II regarding forest )  
management rules for implementing )  
conservation easements and habitat )  
conservation plans )

To: All Concerned Persons

1. On November 26, 2010, the Department of Natural Resources and Conservation published MAR Notice No. 36-22-147 regarding a notice of public hearing on the proposed amendment and adoption of the above-stated rules at page 2687 of the 2010 Montana Administrative Register, Issue No. 22.

2. The department has amended ARM 36.11.402 as proposed.

3. The department has amended New Rule I (36.11.4XX) and New Rule II (36.11.4XX) as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (36.11.470) LANDS SUBJECT TO A HABITAT CONSERVATION PLAN (1) For trust land parcels subject to a habitat conservation plan contractually entered by the department and the United States Fish and Wildlife Service (USFWS) pursuant to Section 10 of the Endangered Species Act (ESA), the department ~~must~~ shall implement the ~~conservation strategies identified in terms of~~ the habitat conservation plan.

(2) If there are conflicts between the conservation strategies in the habitat conservation plan and the administrative rules for forest management in this subchapter, the department ~~must~~ shall implement the terms of ~~follow the conservation strategies in the habitat conservation plan incidental take permit.~~

NEW RULE II (36.11.471) CONSERVATION EASEMENTS (1) For trust land parcels that have an appurtenant conservation easement that ~~addresses conservation strategies or~~ includes stipulations for forest management, the department ~~must~~ shall implement the terms ~~follow the conservation strategies or stipulations~~ of the conservation easement.

(2) If there are conflicts between the ~~conservation strategies or~~ stipulations of the conservation easement and the administrative rules for forest management in this subchapter, the department ~~must~~ shall implement the terms of ~~follow the conservation strategies or stipulations of~~ the conservation easement.

4. No written comments or oral testimony pertaining to the rulemaking were received.

/s/  
MARY SEXTON  
Director

/s/  
Mark Phares  
Rule Reviewer

Certified to the Secretary of State March 10, 2011.

DRAFT