

## Attachment A: Decision Rationale

### Project: Crane Mtn Easement Grant

#### Decisionmaker: Greg Poncin

Although this particular project does not fit any of the listed activities that qualify as categorical exclusions under ARM 36.11.447 (3)(a-w), it has been determined that it qualifies as a categorical exclusion for the reasons listed below under the *Finding* statements following the listed statute and Administrative Rules.

**MCA 75.1.201** (1)(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) [*i.e. environmental review*] if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

**Finding:** *This project is considered a transfer of ownership interest where no material change in terms or conditions is occurring — thereby adhering to cat-ex requirements as outlined in statute.*

**ARM 36.2.523(5)** The agency is not required to prepare an EA or an EIS for the following categories of action:

- (a) actions that qualify for a categorical exclusion as defined by rule or justified by a programmatic review. In the rule or programmatic review, the agency shall identify any extraordinary circumstances in which a normally excluded action requires an EA or EIS;
- (b) administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;
- (c) minor repairs, operations, or maintenance of existing equipment or facilities;
- (d) investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards;
- (e) ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner; and
- (f) actions that are primarily social or economic in nature and that do not otherwise affect the human environment.

**Finding:** *This project is considered an administrative action and one that is primarily economic in nature with no affect to the human environment — thereby adhering to cat-ex requirements as outlined in DNRC ARMs for MEPA.*

**ARM 36.11.447(2)** Categorical exclusions shall not apply where extraordinary circumstances may occur. This includes, but is not limited to, activities affecting one or more of the following:

- (a) sites with high erosion risk;
- (b) federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS;
- (c) within municipal watersheds;
- (d) the SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures;
- (e) state natural area;
- (f) Native American religious and cultural sites;
- (g) archaeological sites;
- (h) historic properties and areas;
- (i) several related projects that individually may be subject to categorical exclusion but that may occur at the same time or in the same geographic area. Such related actions may be subject to environmental review even if they are not individually subject to review; or
- (j) violations of any applicable state or federal laws or regulations.

**Finding:** *Even though this activity is not specifically listed as a categorical exclusion in ARM 36.11.447(3) (a-w), this project does not trigger any of the extraordinary circumstances listed above — thereby adhering to cat-ex requirements as outlined in Forest Management ARMs.*

# CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC FOREST MANAGEMENT ACTIVITY

Project Name: Crane Mtn Easement Grant

Proposed Implementation Date: May 2011

Proponent: Lake County

Type and Purpose of Action: Grant of Easement

Location: Section 10, T26N R19W

County: Lake

## Category (refer to ARM 36.11.447 (3)(a) through (w) for additional detail):

- a)  Temporary Uses of Land with Negligible Effects
- b)  Plans and Policies
- c)  Leases and Licenses
- d)  Acquisition of Land or Interest in Land
- e)  Road Maintenance and Repair
- f)  Bridges and Culverts
- g)  Crossing Class 3 Streams
- h)  Temporary Road Use Permits
- i)  Road Closure
- j)  Material Stockpiles
- k)  Backfilling
- l)  Gathering Forest Products for Personal Use
- m)  Regeneration
- n)  Nursery Operations
- o)  Water Wells
- p)  Herbicides and Pesticides
- q)  Other Hazardous Materials
- r)  Fences
- s)  Waterlines
- t)  Removal of Small Trees
- u)  Removal of Hazardous Trees
- v)  Cone Collection
- w)  Timber Harvest (<100 MBF green or 500 MBF salvage)

By process of the adoption of the Forest Management Rules on February 27, 2003, pursuant to ARM 36.2.523(5)(a), the Department of Natural Resources and Conservation, Trust Land Management Division, has adopted the above categorical exclusions for activities conducted on state forested trust lands. "Categorical Exclusion" refers to a type of action that does not individually, collectively, or cumulatively require an EA or EIS unless extraordinary circumstances occur (ARM 36.2.522(5)).

### Extraordinary Circumstances:

Will the proposed action affect one or more of the following resources, species or situations in the project area? If the resource, species, or situation is present, but project design avoids potential

adverse effects on the resource, the answer is "No". One "Yes" answer indicates that Categorical Exclusion is not appropriate for the project, and an EA or EIS must be conducted.

- | YES                      | NO                                  |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a) Sites with high erosion risk.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b) Federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c) Municipal watersheds.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d) The SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | e) State natural area.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f) Native American religious and cultural sites.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | g) Archaeological sites.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | h) Historic properties and areas.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | i) Several related projects that individually may be subject to categorical exclusion but that may occur at the same time or in the same geographic area. Such related actions may be subject to environmental review even if they are not individually subject to review. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | j) Violations of any applicable state or federal laws or regulations.  |

The project listed above meets the definition of the indicated categorical exclusion, including specified conditions and extraordinary circumstances, as provided in the Forest Management Rules (ARM 36.11.447).

Prepared by: Norm Kuennen 4/28/2011  
(Name) (Date)

Decision by: Greg Poncin Kalispell Unit Manager  
(Name) (Title)  
/s/Greg Poncin 4/21/2011  
(Signature) (Date)

# Memorandum

**To:** Norm Kuennen, Right-of-Way Specialist  
**From:** Chris Forristal, Wildlife Biologist  
**Date:** 4/28/2011  
**Re:** Crane Mountain Road transfer - wildlife comments

I reviewed the proposal to transfer right-of-way along a portion of the Crane Mountain Road from the State of Montana to the USDA Forest Service. This portion of road is located along the western section line of T26N, R19W, section 10. Crane Mountain Road is a paved, year-round accessible road that receives daily vehicle traffic. The proposed transfer does not include any actions which would alter wildlife habitat features.

The following table shows how each Threatened species, Endangered species, sensitive species, or big game was either reviewed with anticipated effects of the proposal or dismissed because suitable habitat does not occur within the project area or proposed activities would not affect their required habitat components.

STATUS	SPECIES	DETERMINATION — BASIS
Threatened & Endangered Species	Canada lynx Habitat: SF hab. types, dense sapling, old forest, deep snow zone	The proposed project area does not contain potential lynx habitat as defined under Forest Management ARM 36.11.435. Additionally, the project area is generally outside of the elevations where lynx are located in Montana. Thus, no direct, indirect, or cumulative effects to Canada lynx would be
	Grizzly bear Habitat: recovery areas, security from human activity	The project area is located within a grizzly bear recovery zone (Crane Mountain subunit). Given the nearby high-traffic roads and occupied home sites, and high degree of human influences, little or no grizzly bear use would be expected. There would be no change in available visual screening along roads open to vehicles. Thus, no direct, indirect or cumulative effects to grizzly bears would be expected with the proposed project.
	Gray wolf Habitat: ample big game pops., security from human activity	No known wolf packs currently occur in the vicinity of the proposed project area. No wolf den or rendezvous sites are known to occur in the vicinity and current levels of visual screening along Crane Mountain Road would be maintained. Important big game habitat attributes occurring in the vicinity of the road would not be altered. Due to the negligible changes in big game use, lack of known habitat attributes, and close proximity to areas of heightened human activity (e.g. highway, houses), no direct, indirect, or cumulative effects to wolves would be anticipated.
Sensitive species	Bald eagle Habitat: late-successional forest <1 mile from open water	The proposed project area falls inside the home range associated with the Loon Lake bald eagle territory. No habitat features used by bald eagles would be altered with the proposed transfer. Thus, no direct, indirect, or cumulative effects to bald eagles would be anticipated.
	Black-backed woodpecker Habitat: mature to old burned or beetle-infested forest	No recently (less than 5 years) burned areas are in the project area. Thus, no direct, indirect or cumulative effects to black-backed woodpeckers would be expected.
	Coeur d'Alene salamander Habitat: waterfall spray zones, talus near cascading streams	No moist talus or streamside talus habitat occurs in the project area. Thus, no direct, indirect, or cumulative effects to Coeur d'Alene salamanders would be expected.
	Columbian sharp-tailed grouse	No suitable grassland communities occur in the project area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed

	Habitat: grassland, shrubland, riparian, agriculture	would be expected.
	Common loon Habitat: cold mountain lakes, nest in emergent vegetation	No suitable lakes occur in the project area. Thus no direct, indirect, or cumulative effects to common loons would be expected.
	Fisher Habitat: dense mature to old forest <6,000 II elev. and riparian	Habitats preferred by fishers currently exist adjacent to Crane Mountain Road, however the proposed transfer would not change any of these habitat features. Public access and current levels of trapping pressure would remain the same. Thus, no direct, indirect, or cumulative effects would be expected.
	Flammulated owl Habitat: late-successional ponderosa pine and Doug.-fir forest	No suitable acres of mature dry ponderosa pine and Douglas-fir habitats occur within the project area. Thus, no adverse direct, indirect, or cumulative effects would be expected.
	Harlequin duck Habitat: white-water streams, boulder and cobble substrates	No suitable high gradient streams occur in the project area. Thus, no direct, indirect, or cumulative effects to harlequin ducks would be expected.
	Northern bog lemming Habitat: sphagnum meadows, bogs, fens with thick moss mats	No suitable sphagnum bogs or fens occur in the project area. Thus, no direct, indirect, or cumulative effects to northern bog lemmings would be expected.
	Peregrine Falcon Habitat: cliff features near open foraging areas and/or wetlands	No potential habitat occurs in the project area. Thus, no direct, indirect, or cumulative effects to peregrine falcons would be expected.
	Pileated woodpecker Habitat: late-successional ponderosa pine and larch-fir forest	No suitable forest stands occur in the project area. Thus, no direct, indirect, or cumulative effects to pileated woodpeckers would be expected.
	Townsend's big-eared bat Habitat: caves, caverns, old mines	DNRC is unaware of any mines or caves in the project area or close vicinity that would be suitable for use by Townsend's big-eared bats. Thus, no direct, indirect, or cumulative effects to Townsend's big-eared bats would be anticipated.
Big Game Species	Elk	Year-round use by deer, elk, and moose is possible. DNRC lands adjacent to the proposed road transfer have been identified as white-tailed deer winter range. Big game habitat, particularly thermal cover and snow intercept, would not be affected by the proposed transfer. Connectivity with the larger winter range area would be maintained. No changes in human access or elk security would be expected. Thus, no direct, indirect, or cumulative effect to big game species would be anticipated.
	Moose	
	Mule Deer	
	White-tailed Deer	

Conclusion:

In general, with the identified mitigations, the potential for effects to threatened and endangered species is extremely low and overall negligible effects to wildlife would be anticipated. None of the extraordinary circumstances listed under ARM 36.11.447 (2) (b) and (i) affecting the wildlife resources would preclude the use of a categorical exclusion for this proposal.

To: Norm Kuennen, Project Leader

CC: Garrett Schairer, file

From: Marc Vessar

Date: April 21, 2011

Subject: Crane Mountain Road Right of Way

As part of this project, right of way would be conveyed by the State of Montana for the Crane Mountain Road located on the western section line of T26N, R19W section 10. This may involve a crossing on Carney Creek.

Issue	Assessment	Meet Criteria for CatEx?
High erosion risk soils? ARM 36.11.447 (2)(a)	The inventoried soils in the project area are included in Soil Map—Lake County Area, Montana (MT629 from the WebSoil Survey on April 21, 2011). Two soil types are found on the road location—Soil type 68 and 69. These soils have a low to moderate erosion rate.	Yes
Federally listed threatened and endangered <i>aquatic</i> species or critical habitat for threatened and endangered <i>aquatic</i> species as designated by the USFWS? Adapted from ARM 36.11.447 (2)(b)	Carney Creek is crossed by the Crane Mountain road in the northwest corner of the section. A search of the Montana Fisheries Information System resulted in no data for the stream except that the stream is not considered to be Bull Trout Core area.	Yes
Within a municipal watershed? ARM 36.11.447 (2)(c)	Carney Creek is not considered to be a municipal water supply per Tim Eichner of the DNRC Water Resources Division.	Yes
SMZ of fish bearing streams or lakes...? ARM 36.11.447 (2)(d)	The proposal does not propose any harvest in or near SMZs of any surface water.	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(f)	Because the project would only convey existing roads for existing uses, no additional cumulative effects would be expected.	Yes

**Conclusion:**

This project meets watershed, soils and fisheries criteria for a categorical exclusion because the potential for impacts to these resources would be very low