

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Cellar-Ogilvie Road Easement Exchange
Proposed Implementation Date:	January 2017
Proponent:	United States Department of Agriculture, Forest Service, Helena-Lewis and Clark National Forest, Helena Ranger District; Montana Department of Natural Resources and Conservation, Central Land Office, Helena Unit
Location:	Township 12 North Range 7 West Sections 1, 11, 12, 14, 24. P.M.M.
County:	Lewis and Clark

I. TYPE AND PURPOSE OF ACTION

The United States Department of Agriculture, Forest Service, Helena-Lewis and Clark National Forest (Forest Service) and Montana Department of Natural Resource and Conservation, Central Land Office, Helena Unit (DNRC) both desire to acquire legal access to their respective lands by securing a reciprocal road easement. The DNRC and Forest Service propose to enter into a Reciprocal Road Access Agreement on the existing and yet to be constructed DNRC managed roads, and existing Forest Service managed roads. Activities proposed would be beneficial to the Forest Service and the DNRC as it would provide access for management activities. Forest Service roads under consideration include Cellar Gulch Road No. 4039, Ogilvie Gulch Road No. 4039-A1, Ogilvie Gulch Road No. 4039 Spur.

See Exhibit 1 (page 7) for a map of roads being considered for the easement exchange.

Lands involved in this proposed project that are held by the State of Montana 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 Department of Natural Resources and Conservation 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). In March 2003, the Montana Department of Natural Resources and Conservation adopted Administrative rules for Forest Management (ARM 36.11.401 through 450). The DNRC would manage lands involved in this project in accordance with the Rules.

II. PROJECT DEVELOPMENT

Checklist Environmental Assessment Development:

This checklist environmental assessment tiers to, and adopts the original effects assessments contained in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment and relies on findings contained in that document.

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

A scoping notice was posted to the DNRC Website: <http://dnrc.mt.gov/public-interest/public-notice>
Date: September 14, 2016 - October 15, 2016
There were no comments received.

History of Planning Process:

This checklist environmental assessment tiers to the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. A scoping letter was sent out for the Ogilvie Gulch II Timber Sale on March 23, 2012 to interested parties on the DNRC, Helena Unit "Timber Sale Scoping List". Adjacent landowners also received the scoping letter. In addition, current land-use information on State Trust property was obtained from the DNRC Trust Lands Management System. A legal notice was published in the *Helena Independent Record* in March, 2012.

Comments were to be directed to the DNRC Helena Unit office. Two comments were received and considered during project development.

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

United States Fish & Wildlife Service- DNRC is managing the habitats of threatened and endangered species on this project by implementing the Montana DNRC Forested Trust Lands HCP and the associated Incidental Take Permit that was issued by the United States Fish & Wildlife Service (USFWS) in February of 2012 under Section 10 of the Endangered Species Act. The HCP identifies specific conservation strategies for managing the habitats of grizzly bear, Canada lynx, and three fish species: bull trout, westslope cutthroat trout, and Columbia redband trout. This project complies with the HCP. The HCP can be found at <http://dnrc.mt.gov/divisions/trust/forest-management/hcp>

3. ALTERNATIVES CONSIDERED:

No Action- Under the No Action Alternative, a Reciprocal Road Access Agreement would not be agreed to at this time. Access may or may not be granted on a case by case basis. State Trust Land would be held to the Forest Service temporary access rules, potentially reducing the ability of the DNRC to access and manage these lands in the future. This would maintain management at the current level, but not increase the ability to manage to the largest measure of reasonable and legitimate return over the long run for these beneficiary institutions.

Action- Under the Action Alternative, the DNRC proposes to enter into a Reciprocal Road Access Agreement with the Forest Service on the existing and yet to be constructed DNRC managed roads, and existing Forest Service managed roads. The agreement would be beneficial to both parties as it provides reliable access for management activities. This would allow DNRC to manage State Trust Land for the largest measure of reasonable and legitimate return over the long run for these beneficiary institutions.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management activities fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

Action: Under the Action Alternative, a short segment of road might be constructed to connect the existing road segment on Trust Lands to a Forest Service road. The impacts associated with this forest management activity falls within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. A DNRC soil scientist has reviewed the project area and transportation system. Any new road construction would be built to meet Montana Best Management Practices (BMP) standards. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale

Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

Action: Under the Action Alternative, the impacts associated with entering into a Reciprocal Road Access Agreement fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. A DNRC hydrologist reviewed the project area and transportation system. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

6. AIR QUALITY:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

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7. VEGETATION COVER, QUANTITY AND QUALITY:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

Action: Under the Action Alternative, a small amount of trees, less than 100 MBF on State Trust Land, may need to be removed should the short segment of road be constructed in the future. The impacts associated with entering into a Reciprocal Road Access Agreement fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

Action: Under the Action Alternative, the impacts associated with entering into a Reciprocal Road Access Agreement fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. A DNRC wildlife biologist reviewed the project area and transportation system. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these

levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

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10. HISTORICAL AND ARCHAEOLOGICAL SITES:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

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11. AESTHETICS:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

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12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

Ogilvie Gulch II Timber Sale Checklist Environmental Assessment
Cellar Gulch Timber Sale
Ogilvie Gulch Timber Sale

IV. IMPACTS ON THE HUMAN POPULATION

14. HUMAN HEALTH AND SAFETY:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

18. DEMAND FOR GOVERNMENT SERVICES:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

There are currently no locally adopted environmental plans or goals in this area.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

Action: Under the Action Alternative, the Forest Service agrees to accept, an all lawful purpose road easement with rights for the public on Ogilvie Gulch Road 4039 A-1 from M.P. 203-M.P. 3.64 from the State. The impacts associated with entering into a Reciprocal Road Access Agreement fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

22. SOCIAL STRUCTURES AND MORES:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

No measurable direct, indirect, or cumulative impacts would be expected under either alternative.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

No Action: Under the No Action Alternative, State Trust Land would be held to the Forest Service temporary access rules and management would be maintained at the current level. The impacts associated with these levels of forest management fall within the range identified and disclosed in the Ogilvie Gulch II Timber Sale

Checklist Environmental Assessment. No significant direct, indirect, or cumulative impacts differing from those disclosed in the Ogilvie Gulch II Timber Sale Checklist Environmental Assessment would be anticipated.

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EA Checklist Prepared By:	Name: Devin Healy	Date: 10/15/2016
	Title: Helena Unit Forester	

V. FINDING

25. ALTERNATIVE SELECTED:

The Montana Department of Natural Resources and Conservation has completed the checklist environmental assessment for the proposed Reciprocal Road Access Agreement with the Forest Service on the existing and yet to be constructed DNRC managed roads, and existing Forest Service managed roads. After a thorough review of the checklist environmental assessment, comments, the project file, Department policies, standards, and guidelines, I have made the following decisions concerning this project:

The alternatives proposed for consideration in this EA were the No Action and Action Alternative. Under the Action Alternative, DNRC would enter into a Reciprocal Road Access Agreement with the Forest Service on the existing and yet to be constructed DNRC managed roads, and existing Forest Service managed roads.

The Action Alternative has been selected for the following reasons:

- The Action Alternative meets the project Purpose and Need listed under Section I. of the EA:
- Acquire legal access to State Trust Lands by securing a reciprocal road easement.
 - Provide access for management activities.
 - The Action Alternative is consistent with State and local policies, laws, and regulations.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

Upon review of the project and analysis herein, I find that none of the impacts are severe, enduring, geographically widespread, or frequent. Further, I find that the quantity and quality of the natural resources, including any that may be considered unique or fragile, will not be adversely affected to a significant degree. I find no precedent for the future actions that would cause significant impacts, and I find no conflict with local, State, or federal laws, requirements, or formal plans.

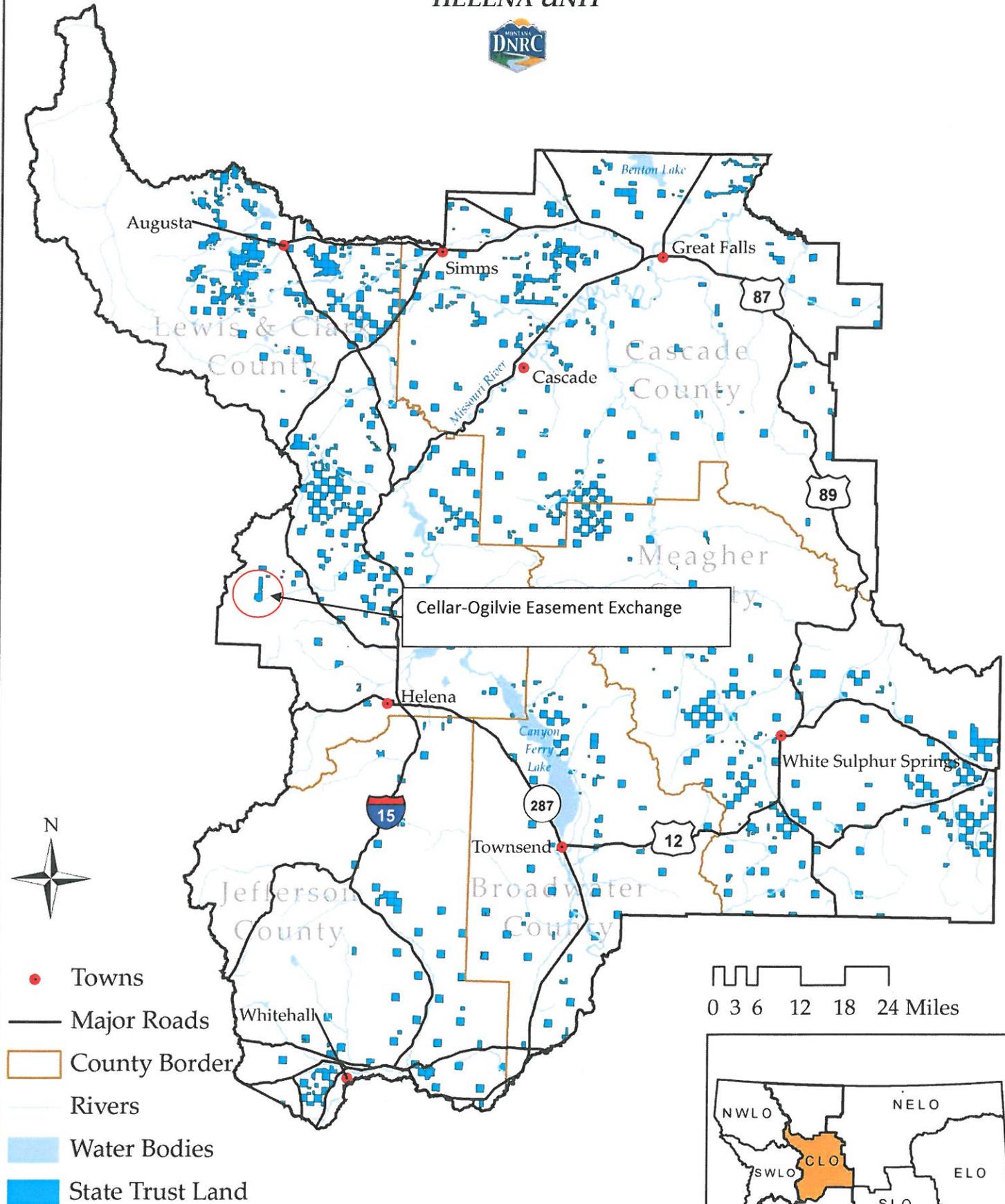
27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

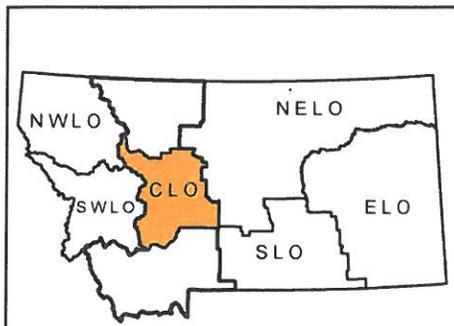
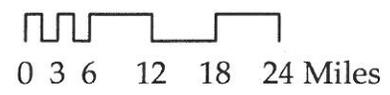
EA Checklist Approved By:	Name: Andy Burgoyne
	Title: Helena Unit Manager
Signature:	Date: 10/15/2016

Exhibit 1

CELLAR-OGILVIE EASEMENT EXCHANGE VICINITY MAP HELENA UNIT



- Towns
- Major Roads
- ▭ County Border
- Rivers
- ▭ Water Bodies
- ▭ State Trust Land



CELLAR-OGILVIE GULCH

RECIPROCAL ACCESS AGREEMENT

Forest Service, State of Montana Department of Natural Resources and Conservation

U.S.D.A. - Forest Service - Region One
 HELENA-LEWIS AND CLARK NATIONAL FOREST
 Helena Ranger District
 Lewis and Clark County, Montana
 Principal Meridian, Montana

LEGEND

- 4039 Road Number
 - Easements to be Exchanged
 - NFSL National Forest System Lands
 - STATE State of Montana
 - SP Small Private
 - BLM Bureau of Land Management
- R/W Width: 30 ft each side of centerline (NFSL)
 30 ft each side of centerline (STATE)
 100 ft (SP)
- R/W Area: 21.24 acres (NFSL)
 11.71 acres (STATE)
 0.6 acres (SP)

Prepared by GeoControl LLC Date 9-19-2016

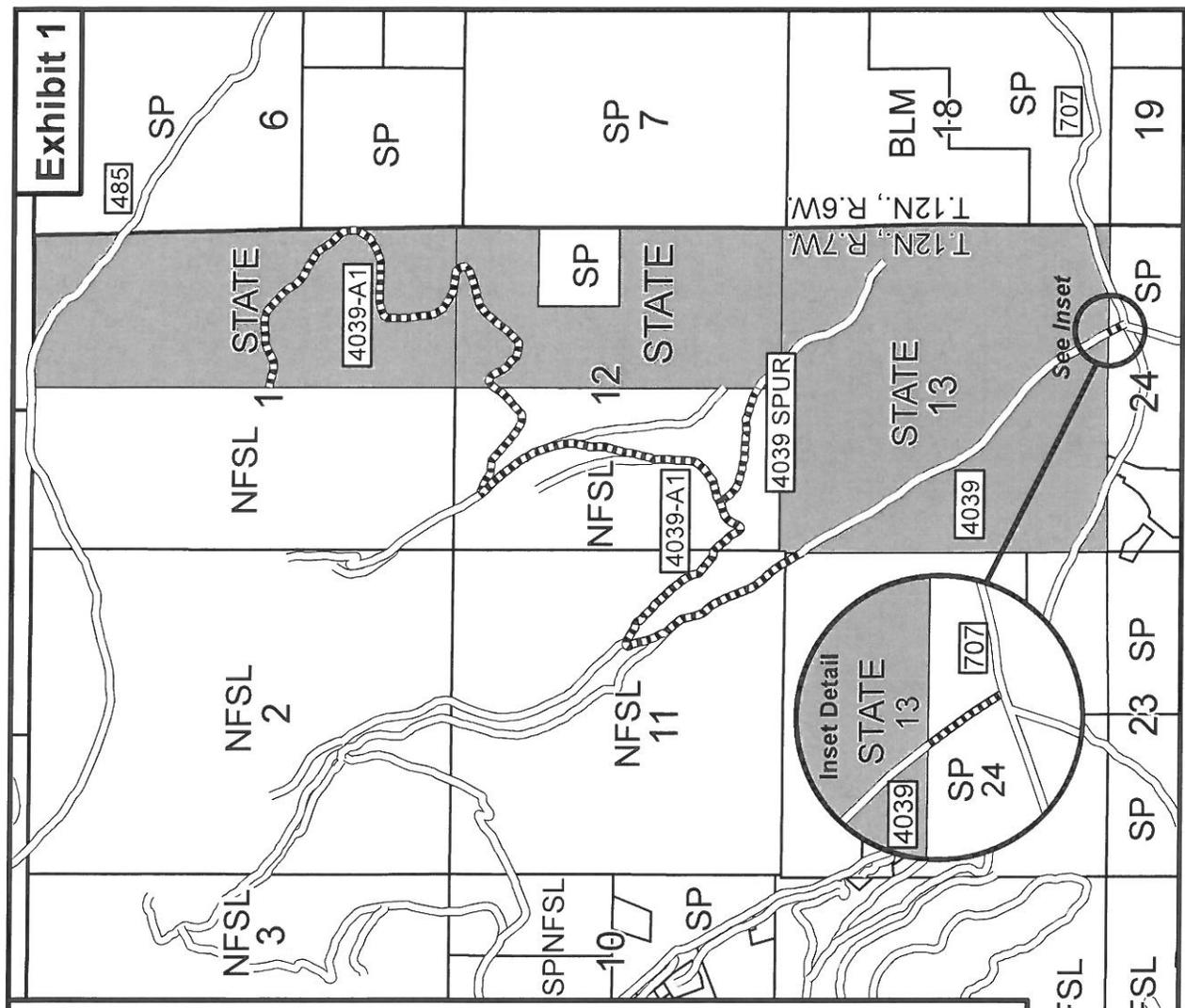


Exhibit 1