

Environmental Assessment Checklist

Project Name: Stillwater Lazy Swift Road Easement Exchange

Proposed Implementation Date: September, 2017

Proponent: Montana DNRC-Stillwater Unit, Trust for Public Lands, Inc., and Weyerhaeuser Company

County: Flathead

Type and Purpose of Action

Description of Proposed Action:

The Stillwater Unit of the Montana Department of Natural Resources and Conservation (DNRC) in conjunction with Trust for Public Lands (TPL) and Weyerhaeuser (WEY) are proposing the Stillwater Lazy Swift Road Easement Exchange. The project is located east of Olney, Montana and west of Lower Whitefish Road (refer to Attachments A1-Vicinity Map and A2-Project Map) and includes the following sections:

Beneficiary	Legal Description	Total Acres	Treated Acres
Common Schools	T33N R22W 30 T33N R23W 13, 14, 23, 24	28	NA
Public Buildings	T32N R23W 27	15	NA
MSU 2 nd Grant	T33N R22W 30,31,32 T32N R22W 7, 19, 29, 32	27	NA
MSU Morrill	T32N R23W 28	14	NA
Eastern College-MSU/Western College-U of M	T32N R23W 21 T32N R22W 18	7	NA
Montana Tech	T32N R23W 5, 34 T33N R22W 6, 29	25	NA
University of Montana	NA	NA	NA
School for the Deaf and Blind	T32N R23W 7 T33N R22W 29	5	NA
Pine Hills School	T32N R23W 6	2	NA
Veterans Home	NA	NA	NA
Public Land Trust	NA	NA	NA
Acquired Land	NA	NA	NA

Objectives of the project include:

The primary objective of this easement exchange is to upgrade road easements where necessary to provide suitable all lawful access to WEY/TPL and the state of Montana. TPL is a nonprofit conservation corporation who holds an option agreement for a 13,400 acre block of lands in the Stillwater area. WEY/TPL requires full legal access grants from the state to facilitate acquisition and placement of perpetual conservation easements on this 13,400 acre block of

lands. This easement exchange also facilitates full legal access for the state of Montana to isolated state trust lands with no current legal access.

Furthermore, this easement exchange package is designed to ensure existing public access remains available while maintaining current habitat protection measures. The state would receive “All Lawful Purpose with Public” easements thus enabling the state full and unencumbered access to manage state trust lands. With such an easement, public access to state lands is available with appropriate conservation or recreational use licenses. WEY/TPL would receive suitable access across state trust lands necessary to facilitate land and forest management and the conservation purchase of the 13,400 acre parcel.

Proposed activities include:

Action	Quantity
Proposed Road Activities	
	# Miles
New permanent road construction	0
New temporary road construction	0
Road maintenance	0
Road reconstruction	0
Road abandoned	0
Road reclaimed	0
	0
Other Activities	
Easement granted	23.1
Easement acquired	8.7

The State Lands involved in this proposed project are held in trust by the State of Montana. (Enabling Act of February 22, 1889; 1972 Montana Constitution, Article X, 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 the beneficiary institutions (Section 77-1-202, MCA). The state is receiving equal or greater full legal access to Trust Lands consistent with Land Board policy relative to easement exchanges (2006).

The DNRC would manage lands involved in this project in accordance with:

- The State Forest Land Management Plan (DNRC 1996),
- Administrative Rules for Forest Management (ARM 36.11.401 through 471),
- The Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) (DNRC 2010),
- DNRC 2006. Reciprocal Access and Easement Exchange Policy
- All other applicable state and federal laws.

Project Development

SCOPING:

- DATE:
 - March 13, 2017 through April 7, 2017

- Public Hearing, March 23, 2017 1:00 PM, NWLO, Kalispell, MT
- PUBLIC SCOPED:
 - The scoping notice was posted on the DNRC Website at:
<http://dnrc.mt.gov/public-interest/public-notice>
 - Statewide scoping list
 - Local newspapers legal ad (*Daily Inter Lake* and *Whitefish Pilot*)
 - Posted at Olney US Post Office
 - Adjacent landowners
 - Recreation license holders
 - Local industry professionals (timber companies)
- AGENCIES SCOPED:
 - All Montana Tribal organizations
 - US Fish & Wildlife Service
 - Montana Dept. of Fish, Wildlife & Parks
 - City of Whitefish
- COMMENTS RECEIVED:
 - How many: 12
 - Issues / Comments:

	Commenter	Affiliation	Issues / Comments
1	Heidi Van Everen	Whitefish Legacy Partners	How will agreements impact adjacent roads specifically East Lakeshore & DelRey Road?
2	Steve Thompson	Whitefish Resident	Is the State going to sell Public lands since resource mgmt. restrictions are removed from current easements?
			Will this easement violate the intentions of the Whitefish Neighborhood plan?
			Will this project be analyzed with cumulative effects with the Forest Service's Taylor Hellroaring Project?
			Will this easement exchange open the door for increased residential development in the lower Lazy Creek area?
3	Mike Jopek	Whitefish Resident	Please expand the analysis of the proposed project to include public access and to examine the very tangible connected actions resulting from any road exchange.
			It's reasonable to know how many motor vehicles will be potentially traversing in the near future through public lands and likely onto East Lakeshore Drive. Is there a set amount of motorized access units?
			Will roadway agreements include or preclude the right of the public access like previous agency agreements in the region?
4	Scott Wurster	unknown	Agreed with all Mr. Jopek's comments.
5	Jim Vashro	Flathead Wildlife, Inc.	Supports project to protect conservation values.
6	Kenneth Breidinger	MT Fish, Wildlife & Parks	Thank you for notice; no comment.
7	Tim Their	MT Fish, Wildlife & Parks	Thank you for notice; no comment.

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8	Butch & Sara Parr	Winterwoods Dogsled Tours/ Lupfer Loop Road Resident	Will the TPL agreement have any effect on commercial use permits on Lupfer Loop Rd and the Upper Whitefish Road?
			Will we have to include TPL in showing permit and insurance information when using for a commercial use?
			Will we be notified when there is planning or construction on the Lupfer Road that may affect residential access?
			Could the TPL agreement limit public use of the 13,400 acres?
			Will there be public access on the Lazy Lupfer Road and Middle Jellison Road?
			Is the TPL aware there are private land owners on the Lupfer Loop Road who use the road for day-to-day access and special uses in the winter?
			Can their easement affect any other party's easement agreements?
9	David Covill	Flathead Snowmobile Association	If the land is going to be owned by TPL, are they going to be requiring a permit with fee? If so how much will that fee be?
			Does TPL have a department for road maintenance? Are they going to hire somebody to do the road maintenance? Are they going to have a fund if a road washes out or a landslide covers the road? Are they going to repair and maintain access for all users?
			Would TPL allow snowmobiles to use land, specifically Meadow Lake area?
			Would other areas within the 13,400 acres be available or will they be off limits to snowmobile use?
			Is forest management, such as thinning, fuel reduction and logging, in the 13,400 acres going to continue?
			How will this affect companies like Winter Wonderland Sports, Whitefish Marine on using those trails for rental sleds?
			How will land transaction affect companies like Great Northern Powder Guides and the dog sledding outfitter rights to use or access the land?
Is TPL going to require permittees to show insurance coverage that we provide to DNRC?			
10	Ben Conard	US Fish & Wildlife	Thank you for notice; no comment.
11	Kristina Quampts	Northern Cheyenne Tribal Historic Preservation	Deferred to nearest Tribal Historic Preservation Officer at Salish Kootenai Tribes.
12	Kevin Guercio	Pure West Real Estate	My client owns 1,114 acres in Lupfer County Road area and borders both State and Weyerhaeuser lands. Can you help us better understand if this scoping will affect him at all?

○ Results

1	<p>How will agreements impact adjacent roads specifically East Lakeshore & DelRey Road? The easement exchange would not impact these roads.</p>
2	<p>Is the State going to sell Public lands since resource management restrictions are removed from current easements? No. This exchange of easements proposed by DNRC/WEY/TPL is necessary to facilitate a large conservation acquisition between TPL and WEY. The state is receiving equal or greater full legal access to Trust Lands consistent with Land Board policy relative to easement exchanges (2006).</p> <p>Will this easement violate the intentions of the Whitefish Neighborhood plan? No, this project is related to the exchanging of easements and not the selling or developing of state land. Future management activities on state lands in the project area are also guided by the State Forest Land Management Plan and Habitat Conservation Plan.</p> <p>Will this project be analyzed with cumulative effects with the Forest Service’s Taylor Hellroaring Project? No, this exchange of easement rights on existing roads does not have cumulative effects related to the Taylor Hellroaring project. Future access to Forest Service land would be addressed through a different proposal and review.</p> <p>Will this easement exchange open the door for increased residential development in the lower Lazy Creek area? No, the road systems associated with these roads have road restrictions from the State’s HCP associated with grizzly bears. Furthermore, future management activities on state lands in the project area are also guided by the State Forest Land Management Plan and Habitat Conservation Plan.</p>
3	<p>Please expand the analysis of the proposed project to include public access and to examine the very tangible connected actions resulting from any road exchange. The proposal is to grant an easement exchange between the state, TPL, and WEY. Some of the road easements would be granted for “all lawful purposes”. This easement exchange package is designed to ensure existing public access on existing roads remains available. The connected action with this proposal is if the easement exchange is not completed, then TPL will not purchase the conservation easement with Weyerhaeuser.</p> <p>It’s reasonable to know how many motor vehicles will be potentially traversing in the near future through public lands and likely onto East Lakeshore Drive. Is there a set amount of motorized access units? The easement exchange would not impact these roads as traffic will not increase or decrease from this exchange of easements. The question of “set amount of motorized access units” is outside of the scope of the project and will not be further analyzed.</p> <p>Will roadway agreements include or preclude the right of the public access like previous agency agreements in the region? The rights for the general public will remain the same. More specifics are addressed under Impacts on Human Population discussed below.</p>
4	See response in 3 above
5	No further action required
6	No further action required
7	No further action required

8	<p>Will the TPL agreement have any effect on commercial use permits on Lupfer Loop Rd and the Upper Whitefish Road? The state will continue to issue Land Use License and Special Land Use Licenses as we have in the past. Permittees will be responsible for contacting the land owner for commercial permits on their ownership.</p>
	<p>Will we have to include TPL in showing permit and insurance information when using for a commercial use? The question is outside of the scope of the project and will not be further analyzed.</p>
	<p>Will we be notified when there is planning or construction on the Lupfer Road that may affect residential access? Road use and forest management would continue as it has for the past 30 years. DNRC projects would be scoped prior to implementation. The state would recommend to TPL/WEY they contact you when they have proposed activities on the Lupfer Loop Road.</p>
	<p>Could the TPL agreement limit public use of the 13,400 acres? The question is outside of the scope of the easement exchange and will not be further analyzed.</p>
	<p>Will there be public access on the Lazy Lupfer Road and Middle Jellison Road? For the public, access would remain the same on all roads. Non-motorized use public access is allowed on Lazy Lupfer system, but the public may be limited, at the landowner's discretion, to 30-feet either side of the road centerline within sections 22 to through 25, T32N R23W.</p>
	<p>Is the TPL aware there are private land owners on the Lupfer Loop Road who use the road for day-to-day access and special uses in the winter? Yes, they are now.</p>
	<p>Can their easement affect any other party's easement agreements? It is the state's understanding TPL/WEY would need to abide by the language in your easement with Weyerhaeuser.</p>
9	<p>If the land is going to be owned by TPL, are they going to be requiring a permit with fee? If so how much will that fee be? It is the state's understanding TPL is purchasing the 13,400-acre block and placing a conservation easement on the property. Questions related to permitting and fees with TPL are outside of the scope of the easement exchange project and will not be further analyzed.</p>
	<p>Does TPL have a department for road maintenance? Are they going to hire somebody to do the road maintenance? Are they going to have a fund if a road washes out or a landslide covers the road? Are they going to repair and maintain access for all users? These roads would be under a cost share agreement and are then covered by a maintenance agreement. If an extraordinary event such as a landslide or wash out occurred on one of these roads, then the road would be repaired as time and budgets allow.</p>
	<p>Would TPL allow snowmobiles to use land, specifically Meadow Lake area? The question is outside of the scope of the easement exchange and will not be further analyzed.</p>
	<p>Would other areas within the 13,400 acres be available or will they be off limits to snowmobile use? The question is outside of the scope of the easement exchange and will not be further analyzed.</p>
	<p>Is forest management, such as thinning, fuel reduction and logging, in the 13,400 acres going to continue? The state anticipates WEY will continue to manage these lands as a working forest; however, this question is outside of the scope of an easement exchange and will not be further analyzed.</p>

	<p>How will this affect companies like Winter Wonderland Sports, Whitefish Marine on using those trails for rental sleds? The question is outside of the scope of the easement exchange and will not be further analyzed.</p> <p>How is the land transaction going to affect companies like Great Northern Powder Guides and the dog sledding outfitter their rights to use or access the land? The question is outside of the scope of the easement exchange and will not be further analyzed.</p> <p>Is TPL going to require permittees to show insurance coverage that we provide to DNRC? The question is outside of the scope of the easement exchange and will not be further analyzed.</p> <p>If the land is going to be owned by TPL, are they going to be requiring a permit with fee? If so how much will that fee be? The question is outside of the scope of the easement exchange and will not be further analyzed.</p>
10	No further action required
11	No further action required
12	Spoke with Mr. Guerico on the phone and informed this proposal does not affect his client's ownership.

DNRC specialists were consulted, including:

- Leah Breidinger, Wildlife Biologist, DNRC-NWLO
- Marc Vessar, Hydrologist, DNRC-NWLO
- Patrick Rennie, Archeologist, DNRC

Internal and external issues and concerns were incorporated into project planning and design and would be implemented in associated contracts.

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>

ALTERNATIVES CONSIDERED:

No-Action Alternative: No easement exchange would take place, and access status would remain as is currently.

Action Alternative: DNRC would agree and approve the easement exchange, granting:

Access Recipient	Type of Access	Miles	Road/s Affected
Weyerhaeuser	Resource Management Only	4.12	Upper/Middle Jellison
Weyerhaeuser	All Lawful Purpose w/Public	1.94	Upper Whitefish
Weyerhaeuser	Resource Management Only	13.1	Upper/Lower Whitefish

Weyerhaeuser	All Lawful Purpose	3.94	Lazy Lupfer/Lupfer Loop
State of Montana	All Lawful Purpose w/Public	5.03	Upper/Lower Whitefish
State of Montana	All Lawful Purpose	3.45	Lazy Lupfer
State of Montana	All Lawful Purpose w/Public	0.22	Lupfer Connector

Impacts on the Physical Environment

Evaluation of the impacts on the No-Action and Action Alternatives including **direct, secondary, and cumulative** impacts on the Physical Environment.

VEGETATION:

Vegetation Existing Conditions: Knapweed, oxeye daisy, tansy and several other noxious weeds exist along the roadways in the easement area.

Vegetation	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Noxious Weeds		x				x				x			Yes	V1
Rare Plants	x				x				x					
Vegetative community	x				x				x					
Old Growth	x				x				x					
Action														
Noxious Weeds		x				x				x			Yes	V1
Rare Plants	x				x				x					
Vegetative community	x				x				x					
Old Growth	x				x				x					

Comments:

V1- Traffic can spread weed seeds, however, no increase in traffic is anticipated under the proposed action and an integrated weed management approach would continue to be utilized to keep weed infestations from increasing substantially. Exchanging easements on existing roads would not directly or indirectly result in an increase in noxious weeds since no change from the current road use is proposed.

Vegetation Mitigations: As a part of the maintenance agreement, the state and cooperator will continue to perform an integrated weed management plan which consists of spraying, pulling, grass seeding, and other bio control methods.

SOIL DISTURBANCE AND PRODUCTIVITY:

Soil Disturbance and Productivity Existing Conditions: The existing roads are shown to sit on five landtypes identified in the *Soil Survey of Flathead National Forest Area, Montana* (Martinson and Basko 1998). Four of the landtypes (23-7, 26C-7, 27-7 and 28-7) have a slight or moderate sediment hazard for roads; one landtype (10-2) is listed as a severe sediment

hazard for roads indicating that roads near streams may have a higher risk of erosion. After reviewing the location of this section of road, it is more likely located in landtype 26C-7. All the landtypes are listed as having moderate erosion risk.

Because the roads proposed for easement exchange are existing, the impacts from compaction are currently high and these areas have already been removed from timber production. No unstable slopes are generally found in these landtypes which have gradients ranging from 0 to 20 percent.

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Physical Disturbance (Compaction and Displacement)	X				X							X	No	S1
Erosion	X				X					X			No	S2
Slope Stability	X				X				x				No	
Action														
Physical Disturbance (Compaction and Displacement)	X				X							X	No	S1
Erosion	X				X					X			No	S2
Slope Stability	X				X				X					

Comments:

S1: Neither the Action nor the No Action alternative would alter the current compaction on the existing roads. All existing road prisms have been compacted to provide a durable, desirable driving surface. While exchanging easements would not alter the impact, the cumulative impact from compaction is and would remain high, which is the desirable condition for a road.

S2: Neither the Action nor the No Action alternative would alter the erosion on the existing roads. All roads have been designed to minimize erosion by rolling the grade, surfacing with gravel and providing surface drainage. Although the maintenance is periodically performed on these roads, some erosion of the driving surface is evident.

WATER QUALITY AND QUANTITY:

The rationale used to determine the level of a cumulative effects analysis is directly related to the proposal's change from the current level of activity. Because this proposal only exchanges easement rights and does not specifically change management or current levels of use, impacts to beneficial uses would be limited. Therefore, due to the low risk for additional adverse cumulative impacts, a level one cumulative effects analysis is appropriate.

Water Quality and Quantity Existing Conditions: The proposal would exchange easements on approximately 18.43 miles of road in the Stillwater River, Swift Creek and Lazy Creek drainages. A complete description of water resources in these drainages can be found in the Final Checklist Environmental Assessment for the Lazy Swift 2 Timber Sale (DNRC, 2013); Environmental Assessment Checklist for the Good Martin West Forest Management Project

(DNRC 2016); Antice Stryker Timber Sale Project Environmental Assessment (DNRC 2016a) and the Stryker Basin Timber Sale Project Environmental Assessment (DNRC 2016b). These analyses conclude that cumulative impacts for water quantity and water quality in the watersheds on all ownerships are low.

Water Quality & Quantity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Water Quality	X				X					X			No	WQ1
Water Quantity	X				X					X			No	WQ1
Action														
Water Quality	X				X					X			No	WQ1
Water Quantity	X				X					X			No	WQ1

Comments:

WQ1: Exchanging easements on existing roads would not directly or indirectly result in an impact to water quality or quantity. However, the existing cumulative impacts to water quality and quantity from all past, present and future planned state actions would remain low.

Water Quality & Quantity Mitigations: none

FISHERIES:

Fisheries Existing Conditions: A description of fisheries resources in these drainages can be found in the Final Checklist Environmental Assessment for the Lazy Swift 2 Timber Sale (DNRC, 2013); Environmental Assessment Checklist for the Good Martin West Forest Management Project (DNRC 2016); Antice Stryker Timber Sale Project Environmental Assessment (DNRC 2016a) and the Stryker Basin Timber Sale Project Environmental Assessment (DNRC 2016b).

No-Action: No direct or indirect impacts would occur to affected fish species or affected fisheries resources beyond those described in Fisheries Existing Conditions. Cumulative effects (other related past and present factors; other future, related actions; and any impacts described in Fisheries Existing Conditions) would continue to occur.

Action Alternative (see Fisheries table below):

Fisheries	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Sediment	X				X					X				F1
Flow Regimes	X				X					X				F1
Woody Debris	X				X					X				F1
Stream Shading	X				X					X				F1
Stream Temperature	X				X					X				F1
Connectivity	X				X					X				F1

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Fisheries	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Populations	X				X						X				F1
Action															
Sediment	X				X					X					F1
Flow Regimes	X				X					X					F1
Woody Debris	X				X					X					F1
Stream Shading	X				X					X					F1
Stream Temperature	X				X					X					F1
Connectivity	X				X					X					F1
Populations	X				X						X				F1

Comments:

F1: Exchanging easements on existing roads would not directly or indirectly result in an impact to fisheries since no changes from the current use is proposed. However, the existing cumulative impacts to fisheries from all past, present and future planned state actions would remain low within the affected watersheds.

Fisheries Mitigations: none

WILDLIFE:

No-Action: The proposed easement exchange would not be granted and existing levels of road use would occur thus no direct, indirect or cumulative effects to wildlife would be anticipated.

Action Alternative (see Wildlife table below): DNRC would receive 8.7 miles of access from Weyerhaeuser and Weyerhaeuser would receive 23.1 miles of access from DNRC as outlined in the Type and Purpose of Action statement at the beginning of the document.

Wildlife	Impact												Can Impact be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Threatened and Endangered Species															
Grizzly bear <i>(Ursus arctos)</i> Habitat: Recovery areas, security from human activity	X				X					X					
Canada lynx <i>(Felix lynx)</i> Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	X				X					X					

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Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Sensitive Species														
Bald eagle <i>(Haliaeetus leucocephalus)</i> Habitat: Late-successional forest within 1 mile of open water	X				X				X					
Black-backed woodpecker <i>(Picoides arcticus)</i> Habitat: Mature to old burned or beetle-infested forest	X				X				X					
Coeur d'Alene salamander <i>(Plethodon idahoensis)</i> Habitat: Waterfall spray zones, talus near cascading streams	X				X				X					
Columbian sharp-tailed grouse <i>(Tympanuchus phasianellus columbianus)</i> Habitat: Grassland, shrubland, riparian, agriculture	X				X				X					
Common loon <i>(Gavia immer)</i> Habitat: Cold mountain lakes, nest in emergent vegetation	X				X				X					
Fisher <i>(Martes pennanti)</i> Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	X				X				X					

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Wildlife	Impact												Can Impact be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Flammulated owl (<i>Otus flammeolus</i>) Habitat: Late-successional ponderosa pine and Douglas-fir forest	X				X					X					
Gray Wolf (<i>Canis lupus</i>) Habitat: Ample big game populations, security from human activities	X				X					X					
Harlequin duck (<i>Histrionicus histrionicus</i>) Habitat: White-water streams, boulder and cobble substrates	X				X					X					
Northern bog lemming (<i>Synaptomys borealis</i>) Habitat: Sphagnum meadows, bogs, fens with thick moss mats	X				X					X					
Peregrine falcon (<i>Falco peregrinus</i>) Habitat: Cliff features near open foraging areas and/or wetlands	X				X					X					
Pileated woodpecker (<i>Dryocopus pileatus</i>) Habitat: Late-successional ponderosa pine and larch-fir forest	X				X					X					
Townsend's big-eared bat (<i>Plecotus townsendii</i>) Habitat: Caves, caverns, old mines	X				X					X					

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Wildlife	Impact												Can Impact be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Wolverine (<i>Gulo gulo</i>) Habitat: Alpine tundra and high-elevation boreal forests that maintain deep persistent snow into late spring	X				X					X					
Big Game Species															
Elk	X				X					X					
Whitetail	X				X					X					
Mule Deer	X				X					X					

Comments:

Considering that existing use would be legalized and no change to public access, development, or traffic levels would occur as a result of the proposed actions, no adverse effects to wildlife would be anticipated. Additionally, considering that the agreement is a reciprocal access agreement, terms meet the requirements of GB-NR2 and GB-RZ6 as described in DNRC's Habitat Conservation Plan (*USFWS and DNRC 2010*). Furthermore, this easement exchange will occur simultaneously with the purchase of the 13,400 acre block by TPL which places a conservation easement on these lands. Thus, the proposed action may benefit wildlife since it will enable the placement of a conservation easement which prevents future residential development.

References:

USFWS, and DNRC. 2010. Montana Department of Natural Resources and Conservation Forested Trust Lands Habitat Conservation Plan, Final Environmental Impact Statement, Volumes I and II., U.S. Department of Interior, Fish and Wildlife Service, Region 6, Denver, Colorado and Montana Department of Natural Resources and Conservation, Missoula, MT.

AIR QUALITY:

Air Quality	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
No-Action															
Smoke	x				x					x					
Dust	x				x					x					
Action															
Smoke	x				x					x					
Dust	x				x					x					

Comments: Air quality would not be affected by the proposed action.

Air Quality Mitigations: N/A

ARCHAEOLOGICAL SITES / AESTHETICS / DEMANDS ON ENVIRONMENTAL RESOURCES:

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Historical or Archaeological Sites	x				x				x					
Aesthetics	x				x				x					
Demands on Environmental Resources of Land, Water, or Energy	x				x				x					
Action														
Historical or Archaeological Sites	x				x				x					
Aesthetics	x				x				x					
Demands on Environmental Resources of Land, Water, or Energy	x				x				x					

Comments

The area of potential effect (APE) for the proposed reciprocal access consists of four distinct, existing roadway segments within sinuous corridors that measure 40-60 foot wide (the width of the easements: variable depending on segment). A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the APE. This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, control cards, and the public version of the Montana Cultural Resource Database at the State Historic Preservation Office. The Class I search revealed some of the overall APE has been inspected to Class III inventory standards, but no cultural or paleontological resources have been identified in the APE. Tribal Historic Preservation Offices were also contacted and no comments were received regarding the proposed reciprocal access exchange.

Because the APE consists entirely of existing roadway, and because no modification is proposed as part of the reciprocal access exchange, the proposed project will have No Effect to Antiquities as defined in the Montana State Antiquities Act. No additional archaeological investigative work will be conducted in response to this proposed development.

Mitigations: N/A

OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

- Environmental Assessment Checklist, Good Long Boyle 2 Timber Sale, August 2013
- Environmental Assessment Checklist, Lazy Swift 2 Timber Sale, February 2013
- Environmental Assessment Checklist, Good Martin West Forest Management Project, Summer 2016
- Environmental Assessment, Antice Stryker Timber Sale Project , November 2016
- Environmental Assessment, Stryker Basin Timber Sale Project, April 2016

Impacts on the Human Population

Evaluation of the impacts on the proposed action including direct, secondary, and cumulative impacts on the Human Population.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Health and Human Safety	x				x				x					
Industrial, Commercial and Agricultural Activities and Production	x				x				x					
Quantity and Distribution of Employment	x				x				x					
Local Tax Base and Tax Revenues	x				x				x					
Demand for Government Services	x				x				x					
Access To and Quality of Recreational and Wilderness Activities	x				x					x				HP1
Density and Distribution of population and housing	x				x				x					
Social Structures and Mores	x				x				x					
Cultural Uniqueness and Diversity	x				x				x					
Action														
Health and Human Safety	x				x				x					
Industrial, Commercial and	x				x				x					

Stillwater Lazy Swift Road Easement Exchange
Montana Department of Natural Resources and Conservation

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Agricultural Activities and Production														
Quantity and Distribution of Employment	x				x				x					
Local Tax Base and Tax Revenues	x				x				x					
Demand for Government Services	x				x				x					
Access To and Quality of Recreational and Wilderness Activities	x				x					x				HP1
Density and Distribution of population and housing	x				x				x					
Social Structures and Mores	x				x				x					
Cultural Uniqueness and Diversity	x				x				x					

Comments:

HP1- Access at current levels would remain the same on all roads except on the Lazy Lupfer system. Access for non-motorized use of the Lazy Lupfer system (which would connect from the open Lupfer Loop Road over to currently landlocked DNRC ownership in sections 19, 30 and 31 T32N, R22W) would be available for the long-term. Commercial ventures would still be required to secure appropriate permits from the respective landowner. Non-commercial use would still need to abide by landowner rules, i.e. carrying current recreational use license.

Mitigations: The HCP and, specifically, the Stillwater Transportation Plan restricts when motorized use may be conducted on all these roads within this easement exchange.

Locally Adopted Environmental Plans and Goals:

Existing Documents:

Whitefish Neighborhood Plan (WNP). The WNP was implemented to define future land uses for State Trust lands in the Whitefish area.

Through this proposed easement exchange sections 18, 19, 30 and 31, T32N R22W are to be accessed by the Lazy Loop Road and these sections are located within the Swift Creek Subarea boundary of the WNP. The Swift Creek Subarea was identified as having exceptionally high recreational, community, old growth and wildlife values; therefore the WNP for the subarea was designed to generate revenue with minimal development.

Sections 33, 34 and 35 of T32N R23W are accessed by the Lupfer Loop road are located within the Stillwater Subarea boundary of the WNP. This Subarea is undeveloped and managed for timber production.

Other Appropriate Social and Economic Circumstances:

No-Action Alternative: The No-Action Alternative would not generate any return to the Trusts at this time.

Action Alternative: The Action Alternative would generate \$71,000 in revenue based upon proposed easement exchanges and the money would be distributed to the trust beneficiaries as listed in the first table under Type and Purpose of Action. The state, by receiving access on the Lazy Lupfer and Lupfer Connector Roads, would benefit the trust beneficiaries from not having to purchase Temporary Road Use Permits and having a shorter haul distance to county roads and State Highways for their wood products.

References

DNRC 1996. State Forest Land Management Plan: final environmental impact statement (and appendixes). Montana Department of Natural Resources and Conservation, Forest Management Bureau, Missoula, Montana.

DNRC 2006. Reciprocal Access and Easement Exchange Policy: Real Estate Management Bureau, Helena, Montana.

DNRC. 2010. Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan: Final EIS, Volume II, Forest Management Bureau, Missoula, Montana.

Does the proposed action involve potential risks or adverse effects that are uncertain but extremely harmful if they were to occur?

No.

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

No.

Environmental Assessment Checklist Prepared By:

Name: Terry Groesbeck / Mike McMahon
Title: Office Manager / Forest Management Supervisor
Date: May 3, 2017

Finding

Alternative Selected

Upon review of the Checklist EA and attachments, I find the Action Alternative, as proposed, meets the intent of the project objectives as stated in Section 1- Type and Purpose of Action. The lands involved in this project are held by the State of Montana in trust for the support of specific beneficiary institutions and DNRC is required by law to administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run. (Enabling act of February 22, 1889 1972 Montana Constitution, Article X Section 11; 77-1-212 MCA)

The Action Alternative complies with all pertinent environmental laws, the DNRC SFLMP, HCP, DNRC's Reciprocal Access and Easement Exchange Policy (2006), and is based upon a consensus of professional opinion on limits of acceptable environmental impact. For these reasons, I have selected the Action Alternative to be implemented on this project.

Significance of Potential Impacts

I find that the Action Alternative will not have significant impacts on the human environment for the following reasons:

- Individually and cumulatively, the identified impacts are within Department policies, standards, and applicable State laws.
- The proposed activities will not be conducted on unique or fragile sites. This alternative will not preclude analysis of future actions on State land, and local planning has been completed.

In summary, I find the identified adverse impacts will be controlled, mitigated, or avoided by the design of the project to the extent the impacts are not significant.

Need for Further Environmental Analysis

EIS

More Detailed EA

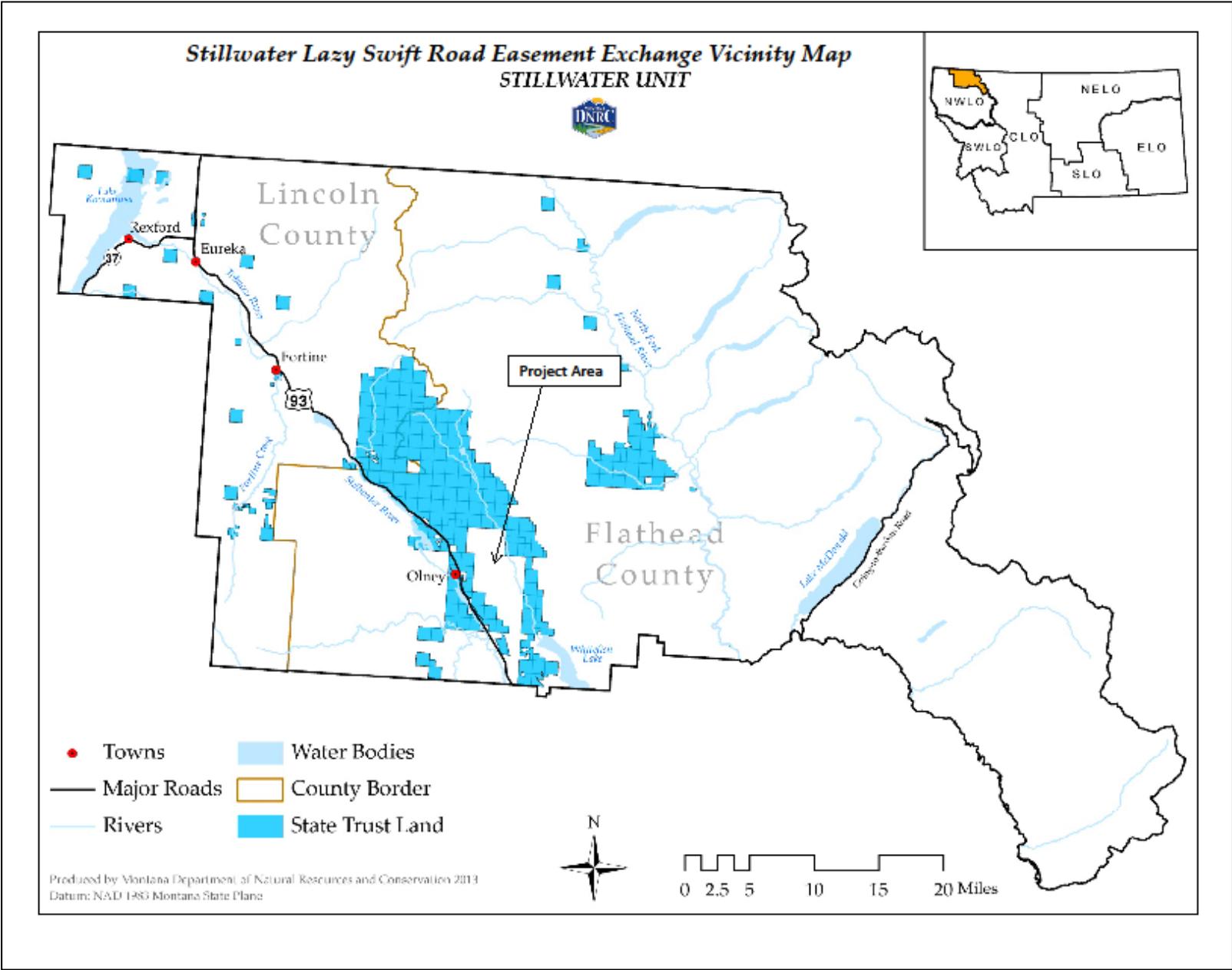
No Further Analysis

Environmental Assessment Checklist Approved By:

Name: Dave Ring
Title: Unit Manager
Date: May 3, 2017
Signature: /s/ Dave Ring

Attachment A- Maps

A-1: Vicinity Map



A-2: Project Map

