

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Sheehy Easement Request
Proposed
Implementation Date: July 1, 2014
Proponent: Hugh Sheehy
Location: Sections 28, 29, 33 and 34 T13N R16W.
County: Missoula

I. TYPE AND PURPOSE OF ACTION

The granting of permanent easement on 4.9 miles of existing road across DNRC lands in sections 28, 29, 33 and 34 to Hugh Sheehy to allow access to his 120 acres of ownership in E2NE4NE4, E2SE4NE4, NE4SE4SE4 Section 28 & SW4NW4, N2NW4SW4 Section 29 T13N R16W. The use of the easement would be limited to the purpose of farm, ranch, timber and land management and would specifically prohibit access for the construction and occupancy of a residence on any private parcels accessed through DNRC ownership.

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 public comment period for this project occurred from February 24, 2015 through March 28, 2015 and was accomplished by-

1. Sending 14 copies of the Scoping Notice to adjacent landowners and interested parties by mail.
2. Sending 32 electronic copies of the Scoping Notice to parties that had expressed an interest in DNRC projects.
3. Posting the Scoping Notice on the DNRC website for 30 days.

The DNRC received four comments in response to the Scoping Notice-

1. A comment from the Missoula County Planner expressing support for the project.
2. A comment from a neighboring landowner supporting the project.
3. Comments from Montana DFWP regarding the impacts of the proposed project on hunting within the project area.
4. Comments from a Potomac resident impugning Mr. Sheehy's character.

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.

Two alternatives were considered for this project-

The No Action Alternative-the DNRC would deny Mr. Sheehy's request for permanent easement.

The Action Alternative-the DNRC would grant Mr. Sheehy's request for permanent easement with provisions which would protect the DNRC's property rights and mitigate any potential impacts to resources within the easement.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

If the Action Alternative is selected, the easement would be granted on existing roads so there would be limited minor impacts to these resources. Should Mr. Sheehy choose to use the easement for any purpose other than access with light vehicles, the condition of the roads would be assessed prior to use to determine compliance with BMPs and the SMZ law and any impacts to these values would be remediated both prior to and following use.

Mitigation-prior to use by the Grantee for purposes other than simple access by light vehicles (i.e. road construction on the Grantee's land, log hauling and/or dam repair) the Grantee will contact the DNRC and an assessment of the road system's compliance with BMPs will be conducted. The Grantee and the DNRC would then develop a plan to ensure that road conditions comply with BMPs and the SMZ law prior to, during and upon completion of the activities.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

If the Action Alternative is selected, the easement would be granted on existing roads so there would be limited minor impacts to these resources. Should Mr. Sheehy choose to use the easement for any purpose other than access with light vehicles, the condition of the roads would be assessed prior to use to determine compliance with BMPs and the SMZ law and any impacts to these values would be remediated both prior to and following use.

Mitigation-prior to use by the Grantee for purposes other than simple access by light vehicles (i.e. road construction on the Grantee's land, log hauling and/or dam repair) the Grantee will contact the DNRC and an assessment of the road system's compliance with BMPs will be conducted. The Grantee and the DNRC would then develop a plan to ensure that road conditions comply with BMPs and the SMZ law prior to, during and upon completion of the activities.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

If the Action Alternative is selected, the easement would be granted on existing roads so there would be limited minor impacts to these resources. It is not anticipated that any action that Mr. Sheehy would undertake on his ownership would create significant amounts of particulate matter through the use of existing roads on DNRC ownership.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

If the Action Alternative is selected, the easement would be granted on existing roads so there would be limited minor impacts to these resources. Should the easement be granted, the use of existing roads might require minor roadside brushing which would have minor impacts on these resources.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Should the Action Alternative be selected, the Montana DFWP has expressed concerns regarding the impacts of Mr. Sheehy's use of these roads during the hunting season. The four parcels of DNRC land proposed to be crossed via motorized vehicle by the Grantee (and/or family, friends, clients, workers, etc.--hereafter, others) are in deer/elk Hunting District (HD) 292, a popular hunting area for spring black bear and fall deer, elk, black bear, and mountain grouse hunters. These sections are currently included in the Block Management Program which contracts with private landowners and the DNRC to keep their lands open for free public hunting during the fall hunting seasons. Currently, hunters who wish to hunt the southern unit of this BMA must park along Morrison Lane and cross about one-half mile of DNRC land--via non-motorized travel¹--to access the BMA. And these non-motorized hunters would be starting out from the same place that the Grantee would be allowed to begin motorized access across DNRC land. A requirement of "no hunting or dropping off hunters allowed during motorized access to/from private land" would address a sensitive issue for the general hunting public (as well as BMA hunters), who expend much time and effort hiking into a walk-in area only to see others in vehicles--whom they suspect of illegally driving and hunting into the same area.

Mitigations-

1. Including a clause in the easement language indicating that the Grantee and others are not allowed to hunt or drop off hunter/s or retrieve downed game animals in conjunction with their motorized access across DNRC land on the way to/from the Grantee's two private land parcels--regardless of whether their access to the private land is work or non-work related.*
2. Any hunting the Grantee or others do on DNRC (or BMA land accessed via DNRC land) must be under the same rules as those that apply to the general public when hunting this DNRC land and/or any

nearby BMAs. Therefore, any hunting that the Grantee or others do must be non-motorized and would begin at the same access points as are used by the general public.*

3. A clause in the easement which would prevent the Grantee from developing an ATV trail which would connect his property at 690 Two Hawks Lane with the parcels accessed using DNRC roads.

[†] On foot, horseback or non-motorized bicycle.

* Failure to abide by this regulation could result in a trespass violation under 45-6-203, Montana Code Annotated (MCA) and/or violation of FWP Department or Commission orders or rules under 87-6-201, MCA.

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.

None of these resources are present within the project area.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

The DNRC Archaeologist confirmed an absence of these sites within the proposed easement.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged.

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

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Selection of the Action Alternative would not create any additional health and safety risks within the project area.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged. Granting of an easement would allow the private lands to be managed for farm, ranch, timber, and land management purposes thus enhancing agricultural activities.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because the roads currently exist, the condition of these resources would remain unchanged.

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

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged with the integration of the recommended mitigations in Item #8 into the easement documents.

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.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources, with the inclusion of the following mitigations would remain unchanged.

Mitigations-

1. The use of the easement would be limited to the purpose of farm, ranch, timber and land management and would specifically prohibit access for the construction and occupancy of a residence on any private parcels accessed through DNRC ownership.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Under the No Action Alternative, the condition of these resources would remain unchanged.

Under the Action Alternative, because all of the roads currently exist, the condition of these resources would remain unchanged.

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.

Under the No Action Alternative, there would not be any return to the Acquired Lands Trust.

Using an estimated land value of \$800/acre and an area of 17.8 acres for the proposed easement, selection of the Action Alternative would return approximately \$14,240 to the Acquired Lands Trust.

EA Checklist Prepared By:	Name: Jonathan Hansen	Date: May 5, 2015
	Title: Missoula Unit Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

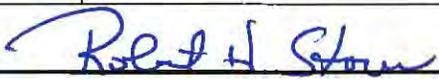
I select the Action Alternative with the mitigations noted above. This alternative provides the access desired by Mr. Sheehy while providing compensation (revenue) to the school trust and contains mitigations to address concerns noted in the Environmental Assessment.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I find the impacts associated with implementation are not significant.

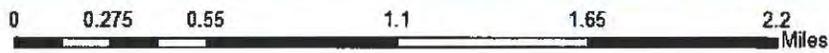
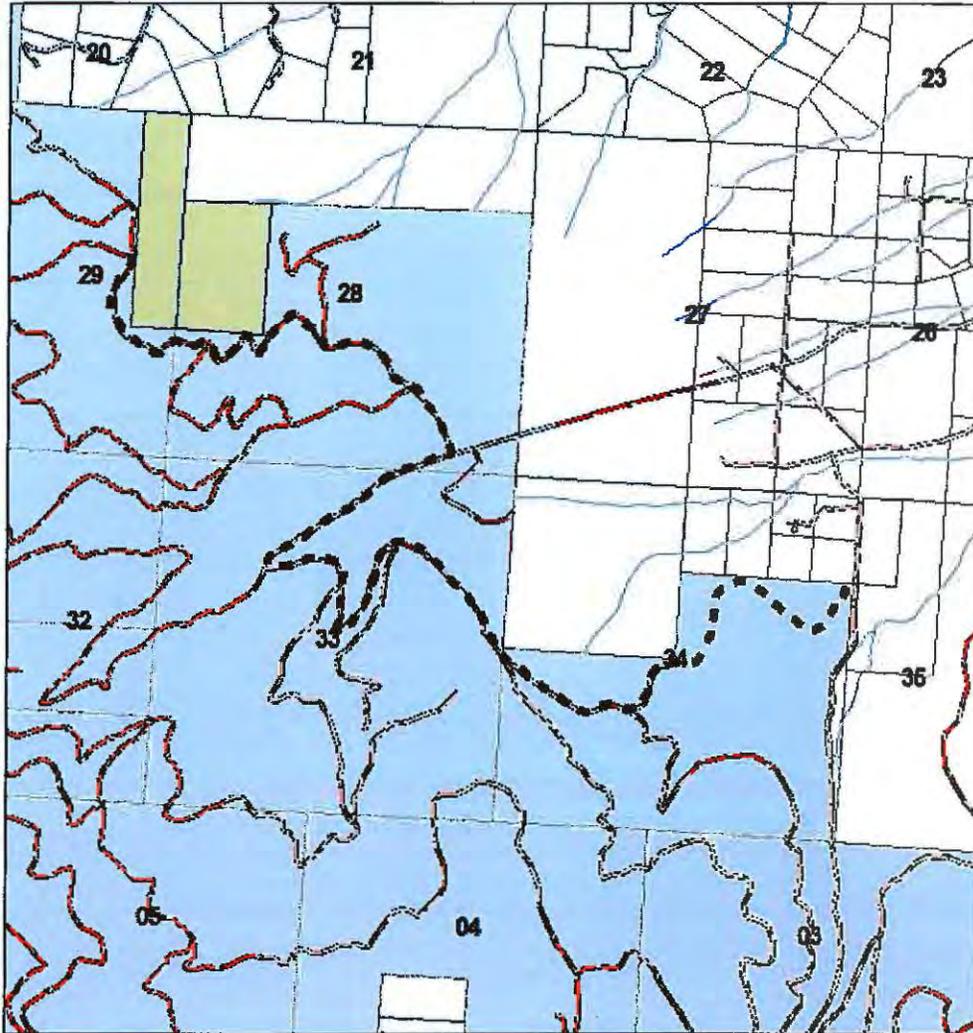
27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS
 More Detailed EA
 No Further Analysis

EA Checklist Approved By:	Name: Robert H Storer	
	Title: SWLO Trust Lands Program Manager	
Signature:		Date: June 8, 2015



Proposed Easement To Sheehy Property
Section 29 T13N R16W
DNRC-Missoula Unit



■ Sheehy Access	□ OTHER
— ROADS	OwnerName
	■ SHEEHY
	■ DNRC



AMH
12/11/14

**Sheehy Easement Proposal VICINITY MAP
MISSOULA UNIT**

