

CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC FOREST MANAGEMENT ACTIVITY

Project Name: Placid Lake Cost-Share Easement Supplement #29

Proposed Implementation Date: August 2015

Proponent: DNRC and USDA Lolo National Forest

Type and Purpose of Action: Grant and acquisition of Cost-Share Road Easements with the Lolo National Forest. DNRC will secure perpetual access rights to school trust land in Section 6, 32 and 34 T16N- R15W, as well as the southern portion of section 36, T16N-R16W. DNRC will also secure easements to road segments accessing Section 16 T15N-R16W and Section 16 T16N-R16W.

This cost share project will secure perpetual access rights for the Lolo National Forest on existing roads crossing trust land in Sections 4, 8, 9, 10 and 26 T16N-R15W. This cost-share supplement involves the granting and acquisition of road access easements entirely on existing roads with one minor exception (a USFS bare land easement grant to DNRC that is 65' in length and located in the SESW of Section 32, T17N-R15W).

On March 24, 2015 Tim Garcia, the Lolo National Forest Supervisor, signed a decision notice on this same project. He determined " ...this decision is categorically excluded from documentation in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) ...".

Location: Cost-Share Supplement involves two tributary areas: one immediately west of the town of Seeley Lk; and one primarily in the Placid Creek drainage southwest of the town of Seeley Lk. A map of the road easements involved in this cost share supplement #29 is attached.

County: Missoula

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: Robert H. Storer _____ June 23, 2015
(Name) (Date)

Decision by: Mike O'Herron _____ Area Manager, SW Land Office
(Name) (Title)
Michael O'Herron _____ 6-29-15
(Signature) (Date)

Attachment A: Decision Rationale

Project: Placid Lake Cost Share Supplement #29

Date: June 23, 2015

Decision-maker: Mike O'Herron

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.

This cost-share easement area is within NCD Grizzly Bear Occupied Habitat but is outside of the NCD Grizzly Bear Recovery area. The easement area is within the Clearwater Unit Lynx Management Area and could be considered an extraordinary circumstance per ARM 36.11.447 (b). I have determined this is not the case due to the following mitigating factors: The cost-share easement exchange is on existing roads (except for 65' of new construction) that have historically been used by both parties as well as the general public; The Lolo National Forest is legally obligated to promote recovery of endangered species; Future forest management activities on DNRC lands are limited by a Habitat Conservation Plan (HCP) with the US Fish and Wildlife Service. This plan includes protection measures for Lynx (a covered species in the HCP).

R 16 W

R 15 W

Placid Lake Cost Share Supplement 29

T 17 N



T 16 N

T 16 N

T 15 N

T 15 N

Legend

Cost Share Roads

- Forest Service to DNRC, New Construction
- DNRC to Forest Service
- Forest Service to DNRC

Easement

- Forest Service System Roads
- Other State or Other Federal Roads
- Plum Creek Roads
- County Roads

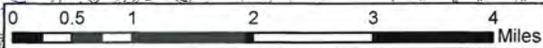
Ownership

- Lolo National Forest
- State of Montana
- Private / Other
- water



T 14 N

T 14 N



NJ 03/24/2015



R 16 W

R 15 W