

## CHECKLIST ENVIRONMENTAL ASSESSMENT

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| <b>Project Name:</b>                 | Mineral County Rails to Trails Land Use License   |
| <b>Proposed Implementation Date:</b> | January 2023                                      |
| <b>Proponent:</b>                    | Mineral County Rails-To-Trails                    |
| <b>Location:</b>                     | Sections 35 & 36 T15N R25W<br>Section 2 T14N R25W |
| <b>County:</b>                       | Mineral   |

### I. TYPE AND PURPOSE OF ACTION

The Mineral County Rails to Trails organization is proposing to use an existing road and to construct a segment of trail in the Tarkio area in sections 35 & 36 T15N R25W and Section 2 T14N R25W (See Attachment A-1, A-2 and A-3 for maps).

The lands involved in this proposed project are held by the State of Montana in trust for the Common Schools and State Normal School (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).

Specific objectives of the project are to grant a Land Use License to utilize an existing road to complete a designated route through Mineral County that minimizes bicycle use on the interstate. A scenic loop would also be licensed that would use a combination of existing road, adjacent private land and a segment of bike path that would have to be constructed to allow bicycles to access the Old Milwaukee railroad grade and be able to see the river.

### II. PROJECT DEVELOPMENT

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

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

DNRC specialists were consulted including Garrett Schairer: Wildlife Biologist and Andrea Stanley: Soil Scientist/Hydrologist.

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

None

#### 3. ALTERNATIVES CONSIDERED:

**No Action Alternative:** The Land Use License (LUL) would not be issued. Revenue from the LUL would not be generated. Bicyclists would continue to use the interstate when traveling through this segment of Mineral County.

**Action Alternative:** The LUL would be issued and an annual fee would be collected. In addition to existing uses, the Mineral County Rails-to-Trails organization would use existing road to complete the Rails-to-Trails route across Mineral County. This would allow riders to avoid using I-90. This segment of trail would eliminate 5 interstate bridge crossings for the bicyclists. In addition, a scenic route trail would be authorized, including 1,388' feet of new trail that would have to be constructed. Porta Potties would be allowed to be brought in to limit problems with human waste. The road may be bladed to eliminate potholes and other hazards.

### 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 any cumulative impacts to soils.*

The project area is located on a broad gently sloping terrace north of the Clark Fork River. There are no observed unique or unstable terrain in the project area. Mixed deposits of ancient Lake Missoula lakebed silts and old river alluvium of gravels and cobbles in the proposed project area.

The existing condition of the project area are mainly a native surface road constructed for forest management activities. Recent review of the roads by DNRC Trust Land staff indicate they currently meet Montana Forestry Best Management Practices (BMPs) including providing erosion control and drainage to limit the risk of erosion.

Approximately 1,400 feet of new trail would be constructed with the proposed project. Soils within the proposed alignment are mostly well suited for native road surface construction, except for the Half Moon silt loam soils that occur on the south-west facing slope near the southern extent of the new construction (the southern-most 700 feet). A bare slope or escarpment with little vegetative cover occurs in the area as well. The Half Moon soils series consists of very deep soils formed in lacustrine deposits. These soils have a moderately high runoff potential, a greater rutting risk, and a much higher erosion risk relative to other soils in the area.

Due to the nature of the soils and the proposed grade of the portion of trail existing in between the two segments of trail that will reside on private property mitigation measures are as follows:

- Install drainage features at an interval that will adequately capture and shed water from the trail
- Armor drainage outlets

The proposed project presents low risk of direct, indirect, or cumulative impacts to soil resources based on the limited scope of the project, use of existing disturbed areas, and the construction of drainage features on the DNRC ownership on the first 700 feet of trail construction coming from the south.

#### 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 cumulative effects to water resources.*

The Clark Fork River is south of the project area. The proposed easement and trail construction does not cross any streams, and at its nearest is 250 north of the river.

The Clark Fork River is on the 303d list for sediment impacts and water quality. The project is not located in a municipal watershed.

The project does not have a risk of direct impact to the river. By implementing appropriate drainage and erosion control, the project would not have a risk of sedimentation to the river.

The proposed project presents very low risk of direct, indirect, or cumulative impacts to water resources or beneficial uses based on the limited scope of the project, use of existing disturbed areas, and constructing erosion features on new trail construction.

## 6. AIR QUALITY:

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

The project area is behind locked gates and all current use by the public is non-motorized, resulting in very little dust generated by users.

**No Action Alternative:** There would be no change from what currently exists.

**Action Alternative:** Issuing the LUL would most likely cause an increase in use in the project area. However, only non-motorized use is authorized. Therefore no changes in air quality beyond what currently occur within the existing condition are expected.

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## 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 cumulative effects to vegetation.*

**No Action Alternative:** No change from the existing condition.

**Action Alternative:** If the LUL were issued the Rails-To-Trails club would mow the grass on the existing roads so the bicyclists could see rocks or other hazards in the road.

Grass seed would be applied following new construction to limit weed spread. Equipment would be washed prior to entering the area.

The proposed new construction (1,904' on DNRC) primarily takes place on existing skid trails, but there are approximately 200-400 stems of sub-merchantable trees that would be removed. Based on the location of the removal (old skid trails that would most likely be utilized again in the next harvest), this would have minimal impacts to the existing forest structure and stand dynamics.

The Natural Heritage Program identified Small-Flowered Pennycress as a species of concern that may be present in the area. Small-flowered Pennycress has been found primarily in Montana from mid-elevation grasslands to alpine turf (6,500 to 10,000 feet). It most often inhabits sagebrush steppe dominated by Bitterbrush and Idaho Fescue. The elevation range identified on the Montana Heritage program website is higher than the project area elevation. Sagebrush in the project area is sparse. No Small-flowered Pennycress was identified on site, however if any is discovered efforts will be made to minimize disturbance.

Anticipated direct, indirect, and cumulative effects for the Action Alternative are low based on the following items:

- Grass growing on existing roads will be mowed, not removed.
- Grass seed will be applied following new trail construction
- Equipment will be washed prior to trail construction
- No Small-flowered Pennycress were found and if they are efforts will be made to minimize disturbance

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## 8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

**Fisheries:** The Clark Fork River is the nearest fish-bearing waterbody and aquatic habitat to the project. As is described in the water quality assessment earlier in this document, the risk of direct, indirect, or cumulative impacts to water resources and beneficial uses including aquatic life and habitat is very low.

### **Big Game:**

The proposed project area serves as deer and elk winter range. Year-round use by deer, elk, and moose is likely. No changes in hiding cover, thermal cover, and snow intercept would be anticipated. Some disturbance to wintering big game could occur with any use that may occur during the winter period, but this would be expected to be rather minor. Any potential use that would occur outside of the winter period could introduce some additional potential disturbance to big game, but would occur when considerable other suitable habitats exist in

the vicinity, which would minimize the effects to big game species. Overall negligible direct, indirect, or cumulative effects to big game would be anticipated.

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#### **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 cumulative effects to these species and their habitat.*

#### **Refer to Fisheries Analysis in section 8**

**Canada Lynx and Yellow-Billed Cuckoos:** Potential habitats for Canada lynx and Yellow-Billed Cuckoos do not exist in the vicinity of the proposed activity, thus no direct, indirect, or cumulative effects to Canada lynx or Yellow-Billed Cuckoos would be anticipated.

**Grizzly Bear** The proposed project area is outside of any grizzly bear recovery zone or “occupied habitat” area as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger 2002). Proximity to human residences, Highway 90, and other human developments likely limits habitat quality in the project area; extensive use of the project area by grizzly bears is not likely. Thus, negligible direct, indirect, or cumulative effect to grizzly bears would be anticipated.

**Flammulated Owls** Potential flammulated owl habitats are present in the project area. Proposed activities would not appreciably alter flammulated owl habitats, but could introduce some limited potential disturb to nesting flammulated owls. Thus, a low risk of adverse direct, indirect, or cumulative effects to flammulated owls would be anticipated with the proposed activities.

**Bald Eagle** The project area is in the nest area, primary use area, and home range area associated with the Fish Creek bald eagle territory. Little or no disturbance to nesting bald eagles would be anticipated with the proposed trail construction or use of the main pass-through trail given the distance from the nest, nest location, presence of Highway 90, and other forms of human disturbance in the vicinity. However, the connector loop passes reasonably close (<1/4 mile) to the nest and within the nest area. The Montana Bald Eagle Management Guidelines recommends ¼ mile buffer for non-motorized recreational activities during the breeding season (Montana Bald Eagle Working Group 2010). Per ARM 36.11.436 (7)(d)(v), a seasonal closure on the trail from February 15 –August 15 (unless the nest is documented to have failed, the young have fledged, or eagles have left the nesting area) would be required, which should minimize the potential disturbance to the nesting bald eagles. No changes to available bald eagle habitats would be anticipated; existing snags, snags recruits, and large emergent trees would not be altered. Thus, a low risk of adverse direct, indirect, or cumulative effects to bald eagles would be anticipated with the proposed activities.

**Other Sensitive Species** Other potential sensitive species in the vicinity include fringed myotis, hoary bat, pileated woodpecker, fisher, and northern goshawk. Negligible changes to existing vegetation would occur, thus no appreciable changes in available habitats would occur. Some limited, short-duration disturbance to individuals of any of these species could occur if they are in the vicinity, but given the proximity to Highway 90 and several other forms of human disturbance, the potential for affecting these species would be limited. Habitats for other sensitive species are either not present or would not be affected by the proposed activities. Overall, negligible direct, indirect, or cumulative effects to any of the other potential sensitive species would be anticipated.

#### **Literature Cited:**

Montana Bald Eagle Working Group. 2010. Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan, 1994, Montana Fish, Wildlife and Parks, Helena, Montana

Wittinger, W.T. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum on file at USDA Forest Service, Region 1. Missoula, Montana. 2pp.

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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

*Identify and determine effects to historical, archaeological or paleontological resources.*

The project area was analyzed by the DNRC archeologist in September, 2005 and June, 2010 under two separate forest management related environmental analysis. The historic Mullan Trail has been identified on the north side of Interstate 90 in sections 35 and 36. Mitigation measures were in place to avoid impacts to the site during salvage harvest of burned timber in 2005. The harvest in 2010 only occurred south of the interstate. Similar to the 2010 harvest, this proposal would south of the interstate. No other resources were identified in the project area.

Sites of historical significance discovered during the course of the project would be protected from disturbance by trail construction. As a result, there would be low risk of direct, indirect or cumulative effects to historical, archaeological or paleontological resources.

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**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 cumulative effects to aesthetics.*

The project area has been actively managed for timber production resulting in roads, landings, skid trails and an uneven age class forest. Past grazing in the area has resulted in relic barb wire fencing scattered throughout the section. Interstate 90 runs through sections 35 & 36. The Clark Fork river runs through the southern portion of section 2.

**No Action Alternative** No change from the existing condition.

**Action Alternative** The LUL primarily uses existing road. There would be no change from the existing condition in these areas. Based on the topography, portions of the new trail may be visible from the south side of the Clark Fork river, with the most visibility being from the railroad tracks. The mature trees in the area and the steep terrain would limit visibility from travelers in the river.

Impacts to aesthetics would be low based on the following:

- The LUL primarily utilizes existing road
- The vegetation and topography limit the visibility of the new trail from the River

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**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 cumulative effects to environmental resources.*

No impacts are likely to occur under either alternative.

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**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.*

***The following timber sales have been completed in this area:***

Tarkio Salvage Permit 2005

Tarkio Harvest 2010

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**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.*

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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

**No Action Alternative**-There would be no change from existing uses.

**Action Alternative**- Bicyclists traveling across Mineral County would no longer have to ride on interstate bridges in the route area. This would decrease the likelihood of an accident between a vehicle and a bicycle on the interstate.

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

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

The proposed action would lead to a small, temporary increase in industrial activity during trail construction.

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

A few short time jobs would be created for the duration of the proposed action.

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

The proposed action has only minor indirect, limited implications for tax collections.

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**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 cumulative effects of this and other projects on government services*

Aside from administration, the impact on government services should be minimal due to the temporary nature of the proposed action.

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**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.*

None

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**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 cumulative effects to recreational and wilderness activities.*

The project area receives use by walk-in recreationists, horse riders, bicycles, hunters and snowmobilers. Recreation opportunities would continue under the proposed action. The nearest wilderness area is over 50 miles to the east (The Rattlesnake Wilderness) or southeast (Selway Bitterroot) of the project area. None of the planned work would interfere with this wilderness or its use.

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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

The project has no direct implications for density and distribution of population and housing

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

No measurable impacts related to social structures and mores would be expected.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

No measurable impacts related to cultural uniqueness and diversity would be expected under either alternative.

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**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 cumulative economic and social effects likely to occur as a result of the proposed action.*

**No Action Alternative**-No revenue would be generated at this time

**Action Alternative**-The Land Use License would collect a \$25.00 application fee and an annual fee of \$800 (fee set based on Land Use License fee schedule for hiking trails) for the first three years. At that time the DNRC would decide if the current fee was adequate, if the LUL is still the best mechanism for use and if the use observed was consistent with the anticipated use.

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|--------------------------------------|---|-------------------------|
| <b>EA Checklist<br/>Prepared By:</b> | <b>Name:</b> Amy Helena<br><b>Title:</b> Unit Manager | <b>Date:</b> 12/27/2022 |
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**V. FINDING**

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**25. ALTERNATIVE SELECTED:**

Following a review of the document as well as the corresponding Department policies and rules, the **Action Alternative** has been selected. Issuing this Land Use License would generate revenue for the Common Schools and State Normal Schools trusts and would not have significant impacts to the Trust Lands parcels.

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**26. SIGNIFICANCE OF POTENTIAL IMPACTS**

NONE

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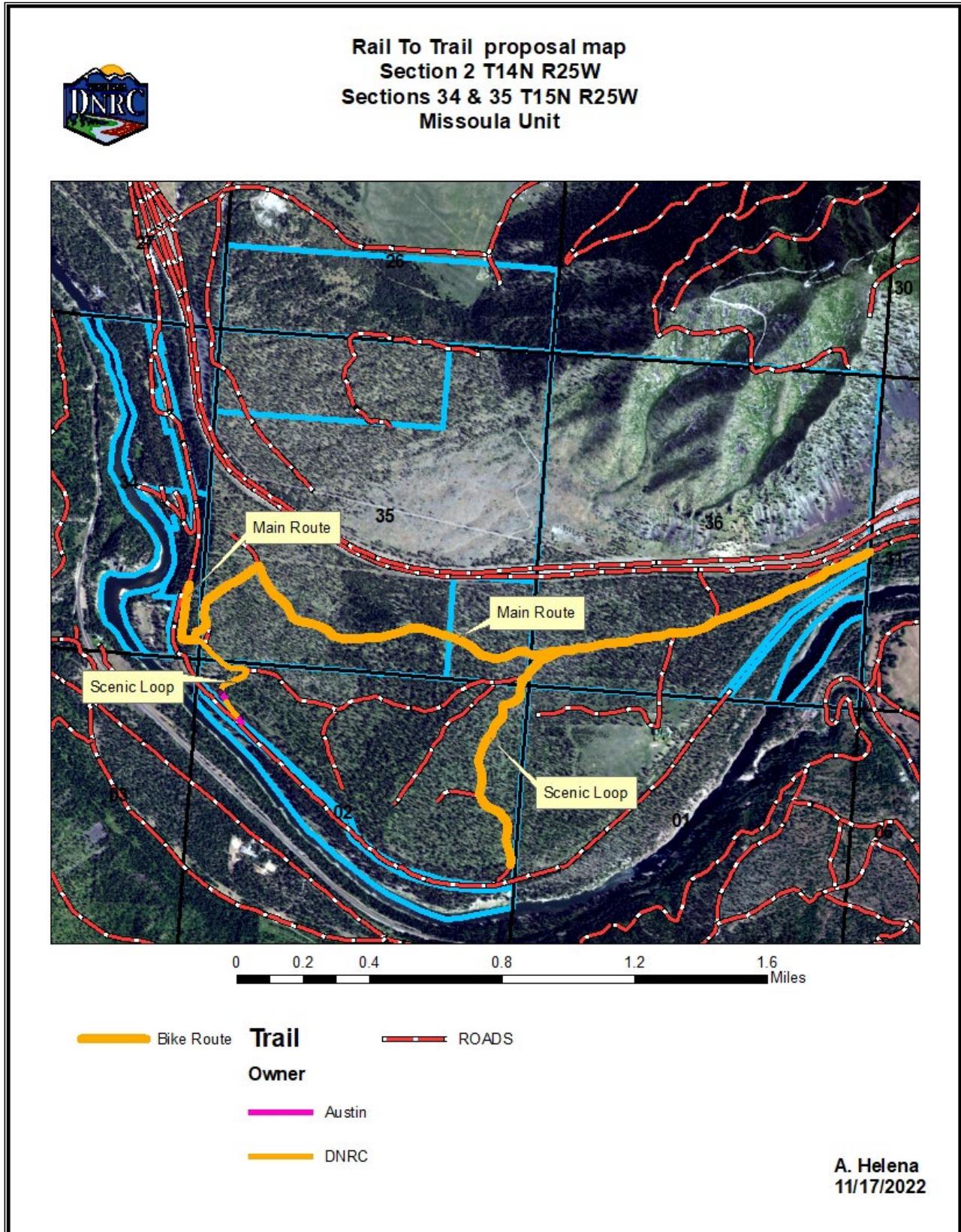
**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

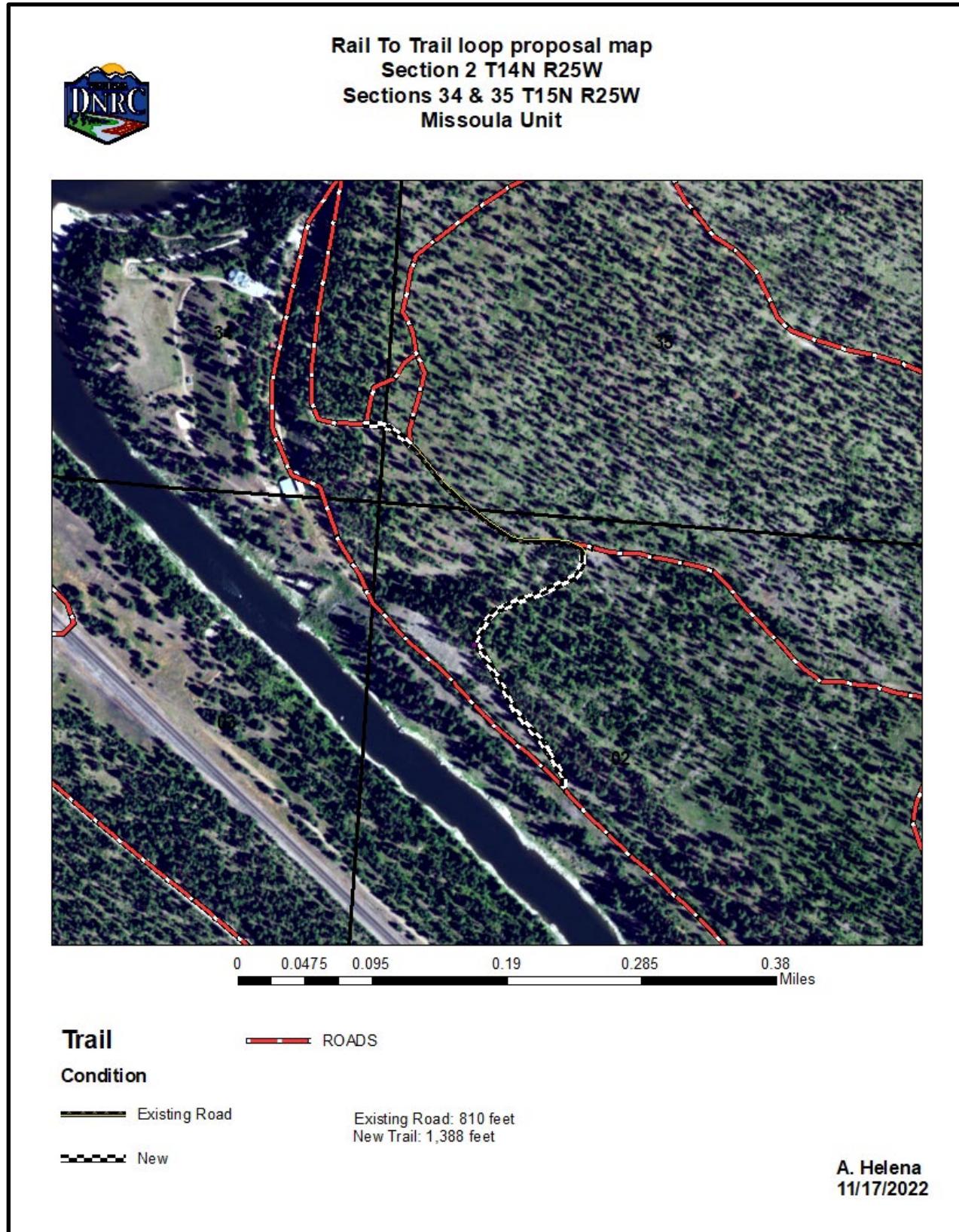
EIS

More Detailed EA

No Further Analysis

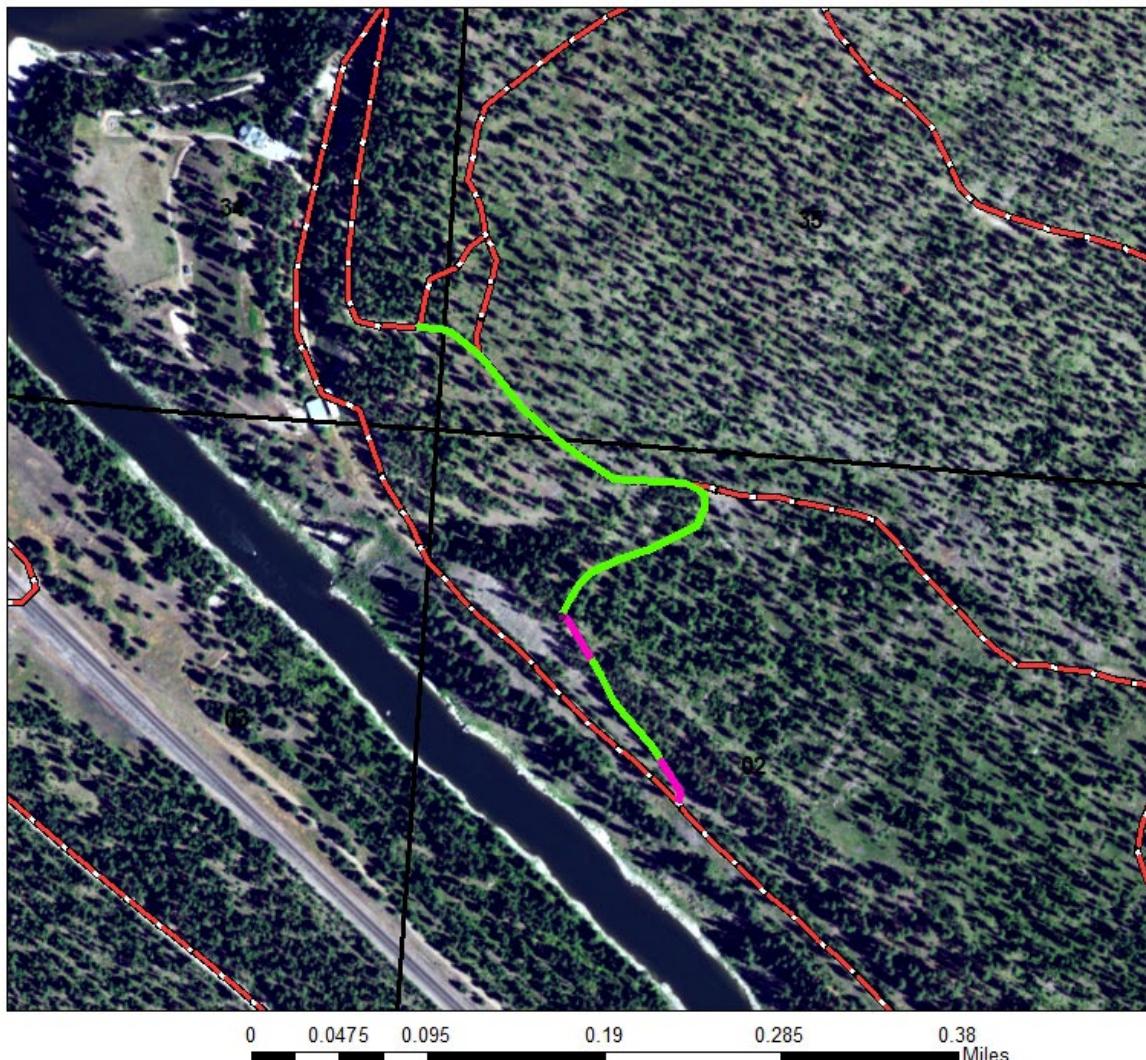
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| <b>EA Checklist<br/>Approved By:</b> | <b>Name:</b> Sierra Farmer<br><b>Title:</b> Trust Lands Program Manager |
| <b>Signature:</b>                    | /s/ Sierra Farmer   |







**Rail To Trail loop proposal map**  
**Section 2 T14N R25W**  
**Sections 34 & 35 T15N R25W**  
**Missoula Unit**



**Trail** ROADS

**Owner**

Austin

Austin: 294 feet  
DNRC 1,904 feet

DNRC

A. Helena  
11/17/2022