

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Adoption of Recreational Use Rule Amendments.
<b>Proposed Implementation Date:</b>	November 7, 2025
<b>Proponent:</b>	Department of Natural Resources and Conservation
<b>Location:</b>	Statewide
<b>County:</b>	All

### I. TYPE AND PURPOSE OF ACTION

The Forestry and Trust Land Division of the Montana Department of Natural Resources and Conservation (DNRC) is proposing to repeal surface management rules and adopt new rules addressing recreational use of trust land under the Montana Administrative Procedures Act (MAPA).

The proposed changes include adopting New Rules 1-10, and repealing ARM 36.25.143, 36.25.144, 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.153, 36.25.154, 36.25.155, 36.25.156, 36.25.157, 36.25.161, 36.25.162, 36.25.163, 36.25.164, 36.25.165, 36.25.166, and 36.25.167

The proposed amendments are necessary to renumber recreational use rules for trust land into their own subsection to make rules easier to find and to simplify language throughout to make the rules easier to understand. New Rules 1-10 replace the repealed rules with simplified language and standardized terminology and organize rule content to address redundancies. This rulemaking broadly simplifies and organizes content for all rules pertaining to recreational use of trust land while retaining the intent of the original rules.

### 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 Land Board approved the draft proposal notice on June 16, 2025 enabling DNRC to proceed with rulemaking. The proposal notice was filed with the Montana Secretary of State on July 8, 2025 and published in the Montana Administrative Register (MAR) on July 11, 2025. The comment period ran from July 11, 2025 through August 8, 2025, and one public hearing was held on August 8, 2025 in person in Helena, MT and on video call via Zoom.

On July 11, 2025, DNRC scoped interested parties through email for a 28-day public comment period ending August 8, 2025. The scoping notice was published on the DNRC webpage for [scoping notices](#), as well as the DNRC webpage dedicated to the rulemaking effort: <https://dnrc.mt.gov/TrustLand/public-use/RecreationalUseRules>.

Three public comments were received. Two comments were in support of the rulemaking, and one comment from the Department of Fish, Wildlife and Parks regarding the process for trust land management within Wildlife Management Areas. The comments resulted in no substantive changes. No environmental issues were identified by the public.

#### 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.*

NA

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**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.*

**No Action Alternative** – DNRC would not proceed with the proposed rulemaking. Under the no action alternative, rules pertaining to recreational use of trust land would remain intermingled within the current surface leasing section of administrative rules and will retain disorganized content, overly complicated language, inconsistent terminology, and outdated regulations.

**Action Alternative** – DNRC would proceed with rulemaking and file the adoption notice to renumber rules pertaining to recreational use of trust land to make them easier to find and simplify and organize content to make them easier to understand.

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III. IMPACTS ON THE PHYSICAL ENVIRONMENT
<ul style="list-style-type: none"><li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li><li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li><li>• <i>Enter "NONE" If no impacts are identified or the resource is not present.</i></li></ul>

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**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.*

None

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**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.*

None

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**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.*

None

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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 direct, indirect, and cumulative effects to vegetation.*

None

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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 direct, indirect, and cumulative effects to fish and wildlife.*

None

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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 direct, indirect, and cumulative effects to these species and their habitat.*

None

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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

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

None

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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 direct, indirect, and cumulative effects to aesthetics.*

None

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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 direct, indirect, and cumulative effects to environmental resources.*

None

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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.*

None

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none"><li>• RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</li><li>• Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</li><li>• Enter "NONE" if no impacts are identified or the resource is not present.</li></ul>



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**14. HUMAN HEALTH AND SAFETY:**

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

None

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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 rule changes significantly simplify the process for how an agriculture or grazing lessee may request notice from a recreationist and how a recreationist provides the notice. This may result in increased lessee participation and subsequent compliance by recreational users, which may impact lessees by increasing awareness of, and reducing impacts to, agricultural and grazing leases.

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**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.*

None

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**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.*

None

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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 direct, indirect, and cumulative effects of this and other projects on government services*

None

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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 direct, indirect, and cumulative effects to recreational and wilderness activities.*

The proposed rule changes would make rules pertaining to recreational use of trust land easier to find and understand. This may improve the quality of recreational and wilderness activities by making the rules easy for all users to find and follow, and consequently, making the rules easier to enforce.

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**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.*

None

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**22. SOCIAL STRUCTURES AND MORES:**

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

None

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

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

None

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

None

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Jessica Hoag	<b>Date:</b> 8/18/2025
	<b>Title:</b> Recreational Use and Public Access Coordinator	

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<b>V. FINDING</b>
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**25. ALTERNATIVE SELECTED:**

The department has selected the Action Alternative.

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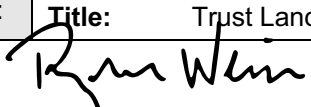
**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

There are no significant impacts.

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

☐ EIS      ☐ More Detailed EA      ☒ No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Ryan Weiss
	<b>Title:</b> Trust Lands Deputy Administrator
<b>Signature:</b> 	<b>Date:</b> August 19, 2025