Environmental Assessment Checklist

Project Name: Sage Driveway Easement
Proposed Implementation Date: 1/2023
Proponent: Missoula Unit, Southwest Land Office, Montana DNRC
County: Mineral

Type and Purpose of Action

Description of Proposed Action:
Russell and Carol Sage are proposing the Sage Driveway easement. The project is located north of Haugan, MT (refer to Attachments vicinity map A-**1** and project map A-**2**) and includes the following sections:

Beneficiary	Legal Description	Total Acres	Easement Acres
Common Schools	**NE1/4SE1/4 Sec 16 T19N R30W**	**480**	**.82**
Public Buildings			
MSU 2nd Grant			
MSU Morrill			
Eastern College-MSU/Western College-U of M			
Montana Tech			
University of Montana			
School for the Deaf and Blind			
Pine Hills School			
Veterans Home			
Public Land Trust			
Acquired Land			

The Sage family would like a 30 foot easement across approximately 1,182 feet of existing road in the above mentioned parcel to access their residence. The request is access for a single family residence. Use of the existing road that traverses the State Trust Land has historically been used in trespass to access the Sage property. Prior to the State obtaining title to this 40-acre parcel, it was held in fee title by the US Forest Service.

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

- The Access Road Easement Policy-Montana Board Land Commissioners, September 18, (DNRC 2006)
- The State Forest Land Management Plan (DNRC 1996),
- Administrative Rules for Forest Management (ARM 36.11.401 through 471),
- and all other applicable state and federal laws.

Project Development

SCOPING:

- Internal scoping took place in the fall of 2022.
- DNRC specialists were consulted, including: Andrea Stanley, Hydrologist/soil scientist and Garrett Schairer, Wildlife Biologist.

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED: *(Conservation Easements, Army Corps of Engineers, road use permits, etc.)*

- **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: Deny the application for an easement. No change to existing use.

Action Alternative Issue a new easement for a single family residence on 1,182 feet of existing road currently being illegally used for the proposed purpose. The easement would be 30 feet wide and contain approximately .82 acres. The Sage family have legal access across an adjacent landowner that has never been constructed because they have always used the proposed easement route.

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: NONE-This proposal would take place on an existing road where no vegetation is currently being managed and would have no impacts to vegetation.

SOIL DISTURBANCE AND PRODUCTIVITY:

Soil Disturbance and Productivity Existing Conditions:

Soils along the proposed easement are Savenac silt loams and Drexel shaly silt loams. Savenac soils have a reddish brown, volcanic ash silt loam surface, over deep silty clay subsoils from mixed glacial Lake Missoula and alluvial sediments. Savenac soils in this area have a slightly higher content of gravels and cobbles than typical. These soils have poor bearing strength and are susceptible to compaction and rutting if operated on when wet. Unsurfaced roads are prone to rutting if operated on when wet.

Drexel soils are well drained, deep shaly silt loam subsoils which occur on drier sites and have little or no ash surface. These soils will be less vulnerable to compaction and rutting and have the longest season of use.

Soil disturbance history:

- The parcel was acquired by State Trust Lands in 2004. Before 2004 the land was held by the US Forest Service. Based on historic aerial images, this road existed prior to Trust Lands taking ownership.
- No grazing license or other easements exist in the state-owned area of the project.
- Between 2013 and 2015, DNRC Trust lands completed a timber harvest in the area under the West Fork Timber Sale.

No-Action: Continued use of the road by the easement applicant and public at existing rates. This will continue wear on the road surface. But based on a recent field assessment, the road is holding up well to this level of use.

Action Alternative: Continued use of the road by the easement applicant and public at existing rates. This will continue wear on the road surface. But based on a recent field assessment, the road is holding up well to this level of use.

Comments: Unauthorized motorized access (i.e., trespass) on State Trust Lands presents a risk to soil resources by physical disturbance associated with motorized equipment. Disturbed areas present risks of increased erosion and associated soil loss, and reduced soil productivity. Use of roads beyond their designed standard presents risk of road failure, especially if maintenance or improvement of those roads are not implemented.

WATER QUALITY AND QUANTITY:

The nearest surface water feature to the proposed easement is Timber Creek. Timber Creek is located approximately 1,000 feet southwest of the existing road.

No risk of change to water quality or quantity is expected with the action and no-action alternatives due to the distance (1,000 feet or more) to surface water, and the limited scope (single-residence road use of existing road) of the proposed project.

FISHERIES:

Fisheries Existing Conditions:
The nearest surface water feature to the proposed easement is Timber Creek. Timber Creek is located approximately 1,000 feet southwest of the existing road. Brook Trout occur in Timber Creek according to fish distribution data maintained by Montana Department of Fish, Wildlife, and Parks (MFISH, 2022).

No risk of change to fisheries or fish habitat are expected with the action and no-action alternatives due to the distance (1,000 feet or more) to surface water, and the limited scope (single-residence road use of existing road) of the proposed project.

WILDLIFE:

Evaluation of the impacts of the No-Action and Action Alternatives including **direct, indirect, and cumulative** effects on Wildlife.

Wildlife Existing Conditions: The project area is a part section dominated by young mixed conifer stands with a smaller component of mature, mixed conifer stands. Existing disturbance to wildlife is likely given the proximity to open roads, Highway 90, industrial sites, human residences, agricultural operations, timber management, and various forms of summer and winter recreation. The project area includes roughly 41 acres of Canada lynx habitats, including 36 acres of other suitable habitats and 5 acres of winter foraging habitats. Roughly 41 acres of upland fisher habitats exist in the project area. Elk winter range exists in the project area; summer range for big game exists in the project area, but extensive use is unlikely given the proximity to open roads and size of the project area. No big game security habitat exists in the project area.

No-Action: Continued use at existing levels by wildlife species presently found in the project area would be anticipated. No further disturbance to wildlife would be anticipated. Generally, negligible direct, indirect, or cumulative effects would occur from not granting the easement.

Action Alternative (see Wildlife table below):
No changes to existing habits would occur. No further disturbance to wildlife in the project area would be anticipated. In general, no appreciable changes to wildlife use of the project area would occur with the granting of the easement.

Wildlife	Effects								Can Impact be Mitigated?	Comment Number
	Direct and Indirect				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High		
Threatened and Endangered Species										
Grizzly bear *(Ursus arctos)* Habitat: Recovery areas, security from human activity	**X**				**X**					**1**
Canada lynx (*Felix lynx)* Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	**X**				**X**					**2**
Yellow-Billed Cuckoo (*Coccyzus americanus*) Habitat: Deciduous forest stands of 25 acres or more with dense understories and in Montana these areas are generally found in large river bottoms	**X**				**X**					**3**
Sensitive Species										
Bald eagle *(Haliaeetus leucocephalus)* Habitat: Late-successional forest less than 1 mile from open water	**X**				**X**					**3**
Black-backed woodpecker *(Picoides arcticus)* Habitat: Mature to old burned or beetle-infested forest	**X**				**X**					**3**
Common loon *(Gavia immer)* Habitat: Cold mountain lakes, nest in emergent vegetation	**X**				**X**					**3**
Fisher *(Martes pennanti)*	**X**				**X**					**4**

Wildlife	Effects								Can Impact be Mitigated?	Comment Number
	Direct and Indirect				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High		
Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian										
Flammulated owl *(Otus flammeolus)* Habitat: Late-successional ponderosa pine and Douglas-fir forest	**X**				**X**					**3**
Fringed myotis (*Myotis thysanodes*) Habitat: low elevation ponderosa pine, Douglas-fir and riparian forest with diverse roost sites including outcrops, caves, mines	**X**				**X**					**5**
Hoary bat (*Lasiurus cinereus*) Habitat: coniferous and deciduous forests and roost on foliage in trees, under bark, in snags, bridges	**X**				**X**					**6**
Peregrine falcon *(Falco peregrinus)* Habitat: Cliff features near open foraging areas and/or wetlands	**X**				**X**					**3**
Pileated woodpecker *(Dryocopus pileatus)* Habitat: Late-successional ponderosa pine and larch-fir forest	**X**				**X**					**3**
Townsend's big-eared bat *(Plecotus townsendii)* Habitat: Caves, caverns, old mines	**X**				**X**					**3**

Wildlife	Effects								Can Impact be Mitigated?	Comment Number
	Direct and Indirect				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High		
Wolverine *(Gulo gulo)* Habitat: Alpine tundra and high-elevation boreal forests that maintain deep persistent snow into late spring	**X**				**X**					**3**
Big Game Species										
Elk	**X**				**X**					**7**
Whitetail	**X**				**X**					**7**
Mule Deer	**X**				**X**					**7**
Moose	**X**				**X**					**7**
Other	**X**				**X**					

Comments:

1. The project area is 15 miles south of the Cabinet-Yaak grizzly bear recovery area and is 16 miles southwest of `occupied' grizzly bear habitat as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger et al. 2002). Use by grizzly bears is unlikely given the proximity to open roads, human residences, and other forms of human disturbance. No changes to existing habitats would occur, no changes in use or potential disturbance levels would occur; given their large home range sizes, habitats present, the small size of the project area, and manner in which they use a broad range of forested and non-forested habitats, the proposed easement would have no direct, indirect, or cumulative effects to grizzly bears.

2. There are roughly 41 acres of suitable Canada lynx habitats in the project area, including 5 acres of winter foraging and 36 acres of 'other suitable' habitats. No changes to existing habitats would occur. No changes in potential disturbance levels would occur. Thus, no direct, indirect, or cumulative effects to Canada lynx would be anticipated from granting an easement.

3. The project area is either out of the range of the normal distribution for this species or suitable habitat is not present. Thus, no direct, indirect, or cumulative effects would be anticipated from granting an easement.

4. Roughly 41 acres of potential upland fisher habitats exist in the project area. No changes to existing habitats would occur. No changes in potential disturbance levels would occur. Thus, no direct, indirect, or cumulative effects to fisher would be anticipated from granting an easement.

5. Fringed myotis are year-round residents of Montana that use a variety of habitats, including deserts, shrublands, sagebrush-grasslands, and forested habitats. They overwinter in caves, mines, crevices, or human structures. Fringed myotis forage near the ground or near vegetation. No known caves, mines, crevices, or other structures used for roosting occur in the project area or immediate vicinity. No changes to existing habitats would occur. No changes in potential disturbance levels would occur. Thus, no direct, indirect, or cumulative effects to fringed myotis would be anticipated from granting an easement.

6. Hoary bats are summer residents (June-September) across a variety of forested habitats in Montana. Hoary bats frequently forage over water sources near forested habitats. No changes to existing habitats would occur. No changes in potential disturbance levels would occur. Thus, no direct, indirect, or cumulative effects to hoary bats would be anticipated from granting an easement.

7. Elk winter range exists in the project area. Summer range for white-tailed deer, mule deer, elk, and moose exists in the project area. No big game security habitat exists in the project area. Extensive use of the project area is unlikely given the small size of the project area, habitats present, and the proximity to open roads, human residences, and other forms of human disturbance. No changes in potential disturbance levels would occur. Thus, no direct, indirect, or cumulative effects to big game would be anticipated from granting an easement.

Wildlife References:

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

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**													
Dust	**X**													
Action														
Smoke	**X**													
Dust	**X**													

Comments: Given the fact that this road is currently being used as access to the Sage residence, no changes in the existing condition would occur in regards to dust.

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: This segment of road is currently being used as a driveway, so no effects to the resources listed above would be anticipated by granting a single family easement to legitimize existing use.

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

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**					

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		
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					
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 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					
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: The segment of road is currently being used as a driveway. Issuing an easement would not change existing uses and would have no effect on the above mentioned resources.

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

Other Appropriate Social and Economic Circumstances:
The Trust Land Management Division mission is to manage the State of Montana's Trust Land resources to produce revenues for the trust beneficiaries while considering environmental factors and protecting the future income-generating capacity of the land.

No Action: The No Action alternative would not generate any return to the trust at this time.

Action: The proposed project would grant the Sage family right-of-way across Trust Lands. Compensation to the trust beneficiary would total $2,050.

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. Access Road Easement Policy. Montana Board of Land Commissioners, September 18, 2006.

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: Amy Helena
Title: Missoula Unit Manager
Date: 11/30/2022

Finding

Alternative Selected

The Southwestern Land Office recommends the selection of the **No Action Alternative**. The Action Alternative does not comply with the intent of ROW statute 77-2-102 and the Access Road Easement Policy (DNRC 2006). The proponent has existing legal access and has not demonstrated necessity which warrants a permanent encumbrance on State Trust Land. The

proposed ROW could set a precedent which may result in numerous, similar requests on State Trust Land.

Significance of Potential Impacts

No substantial or unacceptable, detrimental impacts to water, soil, fisheries, Threatened and Endangered or Sensitive Species are anticipated resulting from the selection of the no action alternative.

Need for Further Environmental Analysis

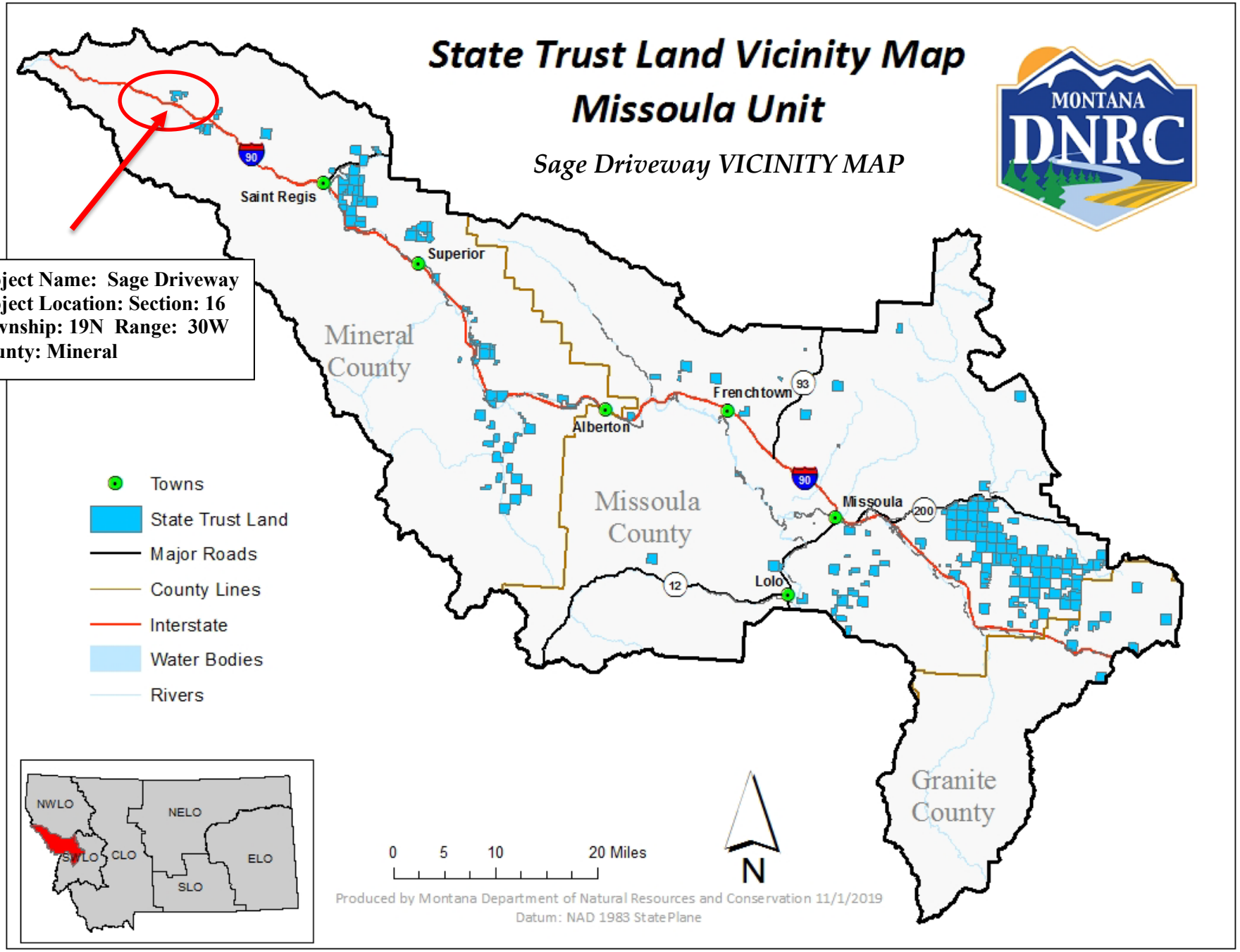
[ ]	EIS	[ ]	More Detailed EA	[X]	No Further Analysis

Environmental Assessment Checklist Approved By:

Name: Sierra Farmer
Title: Trustlands Program Manager
Date: December 20, 2022
Signature: /s/ Name

Attachment A - Maps

A-1: Timber Sale Vicinity Map



A-2: Sage Driveway Easement Proposal