

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Ledwell/Porter Easement Amendment ROW-12464
Proposed Implementation Date:	Fall 2025
Proponent:	Kimberly G. Ledwell and Jacob M. Porter
Location:	Section 33, T33N, R26W
County:	Lincoln

I. TYPE AND PURPOSE OF ACTION

The proposal would amend the existing easement ROW-12464 for resource management only to a residential-drive access. This easement would allow for one residential structure for two parcels. The existing road starts at the West Fortine Creek Road (3531 Forest Service Road) and winds its way across the Department of Natural Resources and Conservation trust land to the Ledwell Porter Property. This low-standard forest road is open to the public for motorized use (see attached map).

Section 33 of Township 33 North Range 26 West trust beneficiary is Public Buildings and is classified as forest management. The total surveyed encumbrance would be 1.0 acre.

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.

DATES SCOPED: August 15th, 2025 – September 2nd, 2025. Internal and external issues and concerns were incorporated into project planning and design.

Internal DNRC Staff: Tony Nelson *Hydrologist*, Victoria Forristal *Wildlife Biologist*, Patrick Rennie *Archeologist* were consulted for this project, Deidra Klobberdanz *Real Estate Management Bureau Chief*, Trevor Taylor, *Minerals Management Bureau Chief*, Kelly Motichka *Ag and Grazing Management Bureau Chief*, and Dan Rogers *Forest Management Bureau Chief*.

Public:

- A Scoping Notice was posted on the DNRC Website: <http://dnrc.mt.gov/public-interest/public-notices>
- Landowners within 1.25-mile radius of the project were scoped.

One comment was received after the scoping period ended. An adjacent neighbor (John Fetterolf) wanted additional information about the easement being overburdened with more than two residences. He was informed that if the easement serves more than two residences, an easement amendment and additional environmental analysis would be completed. Should the landowners desire their additional residential rights, consideration would be given to the request pursuant to guidance in the Land Board's *Access Road Easement Policy* adopted in 2006.

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.

DNRC has a cost share agreement with Forest Service on 3531Road.

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:

No-Action Alternative would recommend Land Board denial of the easement amendment.

Action Alternative

Action Alternative would recommend Land Board approval of the easement amendment to the proponents. The amendment would add year-round residential access to each parcel (two). When and if the residences are constructed, the proponent would bear the full cost of the improvement of the road to bring it to BMP standards. Should the landowners desire their additional residential rights, consideration would be given to the request pursuant to guidance in the Land Board's *Access Road Easement Policy* adopted in 2006. Currently, the road is managed as open to the general public for motorized use. Both motorized and foot traffic would continue to be allowed on these roads within the DNRC property boundaries under this alternative.

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.

Existing Conditions

The proposed easement is located on soil map units 102 and 322 as classified in Soil Survey of Kootenai National Forest Area, Montana and Idaho (USDA, 1995). Map Unit 102 is comprised of lacustrine terraces. These soils are well suited to road activities with no concerns for slope stability or excessive erosion risk. Unsurfaced roads on this map unit may rut easily during wet periods. Map Unit 322 is comprised of glacial moraines. These soils are well suited to road activities with no concerns for slope stability or excessive erosion risk. Unsurfaced roads on this map unit may rut easily during wet periods.

The proposed easement area contains an existing road that serves as access to private ownership for the purpose of hauling timber. This road is low standard, narrow and needs minor improvements to surface drainage features. The existing road surface contains ruts and minor erosion, but none of this erosion is delivering sediment directly to Fortine Creek or any other stream.

No Action Alternative

No changes to the existing road system would occur and no new road construction would occur. Current impacts to soil resources would continue to improve or degrade based on natural or pre-existing conditions.

Action Alternative

Risks of direct, secondary and cumulative impacts to soil disturbance, soil erosion and subsequent sediment delivery to Fortine Creek or any other stream would be elevated from existing conditions, but would likely not be measurable with the proposed road use change from timber hauling to year-round residential access. Use of this road in its current condition during periods of snowmelt and rain would increase the risk of rutting and erosion. Increased rutting and erosion could degrade the integrity of the road, and lead to deposition of eroded materials to undisturbed areas near the road.

- **Recommended mitigation measure:** It is highly recommended that the portion of the road located on DNRC-managed land be surfaced with 1.5"-minus crushed gravel to lower the risk of rutting and erosion on the proposed easement. This measure would increase the season of use of the road and lower the risk of damage to the running-surface of the road.

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.

Existing Conditions

The road included in the proposed easement is located in a parcel that contains Fortine Creek and an unnamed tributary to Fortine Creek. No portion of the existing road is located within 600 feet of Fortine Creek and is located approximately 300 feet from the unnamed tributary to Fortine Creek.

The proposed easement contains an existing low-standard road that serves as access to private ownership for the purpose of hauling timber. This road is low standard, narrow and needs minor improvements to surface drainage features. The existing road surface contains ruts and minor erosion, but none of this erosion is delivering sediment directly to Fortine Creek or any other stream.

No Action Alternative

No changes to the existing road system would occur and no new road construction would occur. Current impacts to erosion and sediment delivery would continue to improve or degrade based on natural or pre-existing conditions.

Action Alternative

Risks of direct, secondary or cumulative impacts to water quality from the proposed project would be elevated from those under existing conditions. Proposed use of the road for year-round residential access would increase the risk of rutting and erosion, and subsequent sediment delivery over the existing conditions. The risk would remain low overall since no portion of the proposed easement is located within 300 feet of a stream. Use of this road in its current condition during periods of snowmelt and rain would increase the risk of rutting and erosion. Increased rutting and erosion could degrade the integrity of the road, and lead to sediment delivery to areas adjacent to the road. This would increase the risk of this sediment being delivered to a stream during extreme runoff events. While this may increase the risk of erosion and subsequent sediment delivery, these risks would be reduced by implementing all applicable BMPs and mitigations described below on the road. Overall, risks of direct, secondary and cumulative impacts to water quality from the proposed activity would be low due to mitigation measures and the fact that none of the proposed construction or reconstruction is located within 300 feet of any lake or stream.

- **Recommended mitigation measure:** It is highly recommended that the portion of the road located on DNRC-managed land be surfaced with 1.5"-minus crushed gravel to lower the risk of rutting and erosion on the proposed easement. This measure would increase the season of use of the road and lower the risk of erosion and sediment delivery.

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.

Minimal effects on air quality are anticipated. In dry conditions, dust may increase in the short term.

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.

The proposed amended easement would alter minimal vegetation through brushing the easement corridor. Therefore, minimal impacts associated to vegetation cover, quantity, and quality are expected.

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.

Existing Conditions

The following fish species are known to inhabit Fortine Creek, according to FishMT

Brook Trout	Trout	Coldwater	Introduced
Largescale Sucker	Sucker	Warmwater	Native
Longnose Dace	Minnow	Warmwater	Native
Longnose Sucker	Sucker	Warmwater	Native
Mountain Whitefish	Trout	Coldwater	Native
Rainbow Trout	Trout	Coldwater	Introduced
Torrent Sculpin	Sculpin		Native
Westslope Cutthroat Trout	Trout	Coldwater	Native

Westslope cutthroat trout are listed as S2 Montana Animal Species of Concern. Species classified as S2 are considered to be at risk due to very limited and/or potentially declining population numbers, range, and/or habitat, making the species vulnerable to global extinction or extirpation in the state (Montana Fish, Wildlife and Parks, Montana Natural Heritage Program, and Montana Chapter American Fisheries Society Rankings). DNRC has also identified westslope cutthroat trout as sensitive species (ARM 36.11.436). DNRC is a cooperator and signatory to the Memorandum of Understanding and Conservation Agreement for Westslope Cutthroat Trout and Yellowstone Cutthroat Trout in Montana (2007). White-tailed deer, moose, and elk winter range (DFWP 2008) is present in the project area.

No existing sources of sediment delivery to Fortine Creek or any other fish habitat near the proposed easement area have been identified. Existing roads in the proposed project area are low standard, and rutting and active erosion have been identified in isolated areas. None of this erosion was identified as a sediment source to any fish habitat in or near the proposed easement area.

No Action Alternative

No changes to the existing road system would occur. Current impacts to fish populations and habitat would continue to improve or degrade based on natural or pre-existing conditions.

Action Alternative

Risks of direct, secondary or cumulative impacts to fish populations and habitat from the proposed project would be elevated from those under existing conditions. Proposed use of the road for year-round residential access would increase the risk of rutting and erosion, and subsequent sediment delivery over the existing conditions. The risk would remain low overall since no portion of the proposed easement is located within 600 feet of Fortine Creek, or within 300 feet of any other stream. Use of this road in its current condition during periods of snowmelt and rain would increase the risk of rutting and erosion, which could increase the risk of sediment delivery to fish habitat. Increased rutting and erosion could degrade the integrity of the road, and lead to sediment delivery to areas adjacent to the road. This would increase the risk of this sediment being delivered to a stream during extreme runoff events. While this may increase the risk of erosion and subsequent sediment delivery, these risks would be reduced by implementing all applicable BMPs on the road. All anticipated direct, secondary and cumulative impacts to fish populations and habitat would be related to potential water quality impacts. These impacts are discussed in section 5. **WATER QUALITY, QUANTITY AND DISTRIBUTION** of this document.

The proposed amended easement would not alter mature forest cover, abundance of snags and coarse wood debris, or habitat connectivity. Therefore, no adverse direct, indirect, and cumulative impacts associated with mature forest, snags and coarse wood debris, and mature forest are expected.

Big game habitat would not be altered as a result of the proposed amended easement. Motorized use associated with the amended easement would increase and could displace or disturb big game, but this impact

may be diminished if big game habituate to motorized use over time. Therefore, direct, indirect, and cumulative impacts on big game is expected to be negligible.

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.

The proposed easement amendment is within grizzly bear non-recovery occupied habitat associated with the Northern Continental Divide Ecosystem (USFWS 1993, Wittinger 2002). Grizzly bears may occasionally use this area; however, existing habitat near the easement is not preferred habitat (e.g. avalanche chutes, riparian areas) and receives regular disturbance from the adjacent railroad corridor. Amending the existing easement to provide access to two residences would increase daily motorized use on approximately 0.3 miles of existing open road. The increase in motorized use could disturb or displace bears, should they be present in the area. Additional, temporary increases in disturbance would occur during roadwork associated with road improvements within the easement area. Because it is an existing open road, timing restrictions for roadwork in grizzly bear spring habitat are not required within the easement area. Contractors would be prohibited from carrying firearms [ARM 36.11.432(1)(c); 36.11.443(2)], and would adhere to food storage and sanitation requirements [ARM 36.11.432(1)(d)(i & ii)] while operating on DNRC managed land. Human-related attractants and risks associated with the railroad corridor would continue to be the greatest risk factor to grizzly bears in the area. Therefore, direct, indirect, and cumulative impacts on grizzly bears would be negligible.

Preferred lynx cover types occur in the easement area. The proposed amended easement is for an existing open road; therefore, no lynx habitat would be altered. Should lynx be present in the parcel, the increase in motorized activities associated with the amended easement could disturb or displace lynx. Due to the large home range size of lynx, the relatively small amount of disturbance, and because there would not be any changes to lynx habitat, the direct, indirect, and cumulative effects of the proposed action would be negligible.

No potentially suitable wolverine denning habitat exists within or near the easement area, but it is possible that wolverines may pass through the area during the non-denning season. However, the proposed amendment to the easement, and associated increase in disturbance due to daily residential traffic, is not expected to measurably affect use of the area by wolverines. Thus, no direct, indirect or cumulative effects to wolverines would be expected to occur under the proposed action.

Habitats for sensitive species are either not present (MNHP 2025) and or would not be appreciably affected by the proposed activities.

Wildlife Mitigations

- If a threatened or endangered species is encountered, consult a DNRC biologist and develop additional mitigations that are consistent with the Forest Management Rules for managing threatened and endangered species (ARM 36.11.428 through 36.11.436).
- Prohibit contractors conducting operations from carrying firearms while on duty [ARM 36.11.432(1)(c); 36.11.443(2)].
- Contractors will adhere to food storage and sanitation requirements [ARM 36.11.432(1)(d)(i & ii)].

Wildlife References

DFWP. 2008. Maps of moose, elk, mule deer, and white-tailed deer distribution in Montana. In Individual GIS data layers. Available online at: <https://gis-mtfdwp.hub.arcgis.com/>

MNHP. 2025. Natural Heritage Map Viewer. Montana Natural Heritage Program. Retrieved on August 25, 2025, from <http://mntnhp.org/MapView>

USFWS. 1993. Grizzly bear recovery plan. Missoula, Montana. 181 pp.

USFWS and DNRC. 2010. Montana Department of Natural Resources and Conservation Forested Trust Lands Habitat Conservation Plan, Final Environmental Impact Statement, Volumes I and II., U.S. Department of

Interior, Fish and Wildlife Service, Region 6, Denver, Colorado and Montana Department of Natural Resources and Conservation, Missoula, MT.

Wittinger, W. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum. Report on file at USDA Forest Service, Region 1, Missoula, MT.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

None. If previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made. .

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.

Since the road already exists, no effects on aesthetics are anticipated.

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.

No effects to demands on environmental resources of land, water, air, or energy are anticipated.

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

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Currently, motorized access to the subject parcels is for timber management purposes. Granting an easement to the landowners would increase the motorized use of this road if year around residences were to be constructed. The additional use would be limited to typical vehicle use associated with two single-family residences.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

No effects on industrial, commercial and agriculture activities are anticipated.

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.

No effects to quantity and distribution of employment are anticipated.

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.

Minimal effects on local and state tax base and tax revenues are anticipated through the potential for additional taxable residences.

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

The project is located within the Trego-Fortine-Stryker Fire Service Area. Two additional residences is expected to have minimal effects on government services.

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.

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 Habitat Conservation Plan (HCP) 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. The HCP can be found at <https://dnrc.mt.gov/TrustLand/About/planning-and-reports>.

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.

No effects are anticipated on access to and quality of recreational and wilderness activities. Public would still have access to the road and the adjacent State Trust Land.

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.

The easement will access two residences, therefore minimal effects to density and distribution of population and housing are anticipated.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

No effects to disruption of native or traditional lifestyles or communities are anticipated.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

No effects to any unique quality of the area are anticipated.

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.

Should an easement be approved by the Land Board, revenue generated from this parcel would benefit the Public Buildings Trust. An internal appraisal was completed. The estimated return to the trust for the easement is \$5,501. The value is based on an estimated land value of \$43,000.00 per acre. As outlined in the Land Board's Access Road Policy, additional fees would be assessed per additional residential unit (\$1,610) accessed per property ownership. The total economic benefit to the trust would be \$7,111.

EA Checklist Prepared By:	Name: Kari Nielsen	Date: 9/10/2025
	Title: Area Land Use Planner	

V. FINDING

25. ALTERNATIVE SELECTED:

Upon Review of the Checklist EA and attachments, I find the Action Alternative, as proposed, meets the intent of the project objectives as stated in Section I – Type and Purpose of Action. The lands involved in this project are held by the State of Montana in trust for the support of specific beneficiary institutions and DNRC is required by law to administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run (Enabling Act of February 22, 1889; 1972 Montana Constitution, Article X Section 11; and, 77-1-212 MCA).

The Action Alternative complies with all pertinent environmental laws, the DNRC SFLMP and HCP, and is based upon a consensus of professional opinion on limits of acceptable environmental impact. This Action Alternative also addresses the 40 public comments received during the public scoping process. For these reasons and on behalf of DNRC I have selected the Action Alternative to be implemented on this project.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

After a review of the scoping documents and comments, project file, Forest Management Rules, SFLMP and Department policies, standards, and guidelines, I find that all the identified resource management concerns have been fully addressed in this Checklist EA and its attachments.

Specific project design features and various recommendations by the resource management specialists will be implemented to ensure that this project will fall within the limits of environmental change. Taken individually and cumulatively, the proposed activities are common practices, and no project activities are being conducted on important unique or fragile sites. I find there will be no significant impacts to the human environments as a result of implementing the Action Alternative. In summary, I find that the identified adverse impacts will be controlled, mitigated, or avoided by the design of the project to the extent that the impacts are not significant.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

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No Further Analysis

EA Checklist Approved By:	Name: Dave Ring
	Title: Stillwater Unit Manager
Signature: 	Date: 9/12/2025

